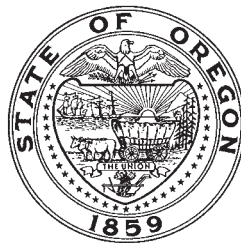


OREGON BULLETIN

Supplements the 2013 *Oregon Administrative Rules Compilation*

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KATE BROWN
Secretary of State
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INFORMATION AND PUBLICATION SCHEDULE

General Information

The Administrative Rules Unit, Archives Division, Secretary of State publishes the *Oregon Administrative Rules Compilation* and the online *Oregon Bulletin*. The *Oregon Administrative Rules Compilation* is an annual print publication containing complete text of Oregon Administrative Rules (OARs) filed through November 15 of the previous year. The *Oregon Bulletin* is a monthly online supplement that contains rule text adopted or amended after publication of the print *Compilation*, as well as proposed rulemaking and rulemaking hearing notices. The *Bulletin* also publishes certain non-OAR items when they are submitted, 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 online *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. The annual printed *OAR Compilation* contains the full text of all rules filed through November 15 of the previous year. Subsequent creation

of or changes to individual administrative rules are listed by rule number in the OAR Revision Cumulative Index, which is published monthly in the online *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 adopted or amended rule. The *Bulletin* includes text for both Permanent and Temporary rules.

Locating Administrative Rules Unit Publications

The *Oregon Administrative Rules Compilation* and the *Oregon Bulletin* are available on-line at <<http://arcweb.sos.state.or.us/pages/rules/index.html>>. 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

Filing Administrative Rules and Notices

All hearing and rulemaking notices, and permanent and temporary rules, are filed through through the OAR online filing system at <<http://arcweb.sos.state.or.us/pages/rules/index.html>>. To expedite the rulemaking process, agencies are encouraged to file a Notice of Proposed Rulemaking Hearing specifying hearing date, time and location, and to submit their filings early in the submission period. All notices and rules must be filed by the 15th of the month to be included in the next month’s *Oregon Bulletin* and *OAR Compilation* postings. Filings must contain the date stamp from the deadline day or earlier to be published the following month.

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 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. 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 at <<http://arcweb.sos.state.or.us/pages/rules/index.html>> or from the Administrative Rules Unit, Archives Division, 800 Summer Street NE, Salem, Oregon 97301, (503) 373-0701.

Publication Authority

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

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

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EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 13 - 06

DETERMINATION OF A STATE OF DROUGHT EMERGENCY IN BAKER, GILLIAM, AND MALHEUR COUNTIES DUE TO DROUGHT AND LOW WATER CONDITIONS

Pursuant to ORS 401.165, I find that ongoing drought and low water conditions and weather patterns have caused local adverse natural and economic disaster conditions in the affected area of the above mentioned counties. Projected climatic patterns are not expected to significantly alleviate these conditions and drought conditions will continue. These conditions are expected to have significant economic impact on the affected counties' agricultural, livestock, and natural resources.

Current conditions are being addressed by state agencies including the Department of Agriculture, the Department of Water Resources, and Oregon Office of Emergency Management.

A timely response to this situation being vital to the well being and economic security of the citizens and businesses of the affected counties, I am therefore declaring a "state of drought emergency" in Baker, Gilliam, and Malheur Counties and directing the following activities;

IT IS HEREBY ORDERED AND DIRECTED:

I. The Oregon Department of Agriculture is directed to coordinate and provide assistance in seeking federal resources available to mitigate conditions and effect agricultural recovery in the affected counties.

II. The Department of Water Resources is directed to coordinate and provide assistance and regulation for the affected counties as it determines is necessary in accordance with ORS 536.700 to 536.780.

III. The Office of Emergency Management is directed to coordinate and assist as needed with assessment and mitigation activities to address current and projected conditions in the affected counties.

IV. All other departments are directed to coordinate with the above agencies and to provide appropriate state resources as determined essential to assist affected political subdivisions in the affected counties.

V. This Executive Order expires on December 31, 2013.

Done at Salem, Oregon this 23rd day of June, 2013.

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

ATTEST

/s/ Kate Brown
Kate Brown
SECRETARY OF STATE

OTHER NOTICES

REQUEST FOR COMMENTS ANALYSIS OF BROWNFIELD CLEANUP ALTERNATIVES FOR OSTWALD MACHINE SHOP

COMMENTS DUE: 5 p.m., July 31, 2013

PROJECT LOCATION: Ostwald Machine Shop, 2430 Balm St., Baker City

PROPOSAL: The Department of Environmental Quality is providing notice for a public opportunity to review and comment on the Analysis of Brownfield Cleanup Alternatives (ABCA) for the Ostwald Machine Shop located at 2430 Balm St. in Baker City. The ABCA details the analysis and selection of protective cleanup options designed to address contamination at the site. The selected cleanup option will be approved through the issuance of a Record of Decision by DEQ.

HIGHLIGHTS: The site was a machine shop from at least 1927 to approximately 2005. The property consists of a machine shop building and other out buildings. A site investigation was completed at the site in October 2010 to evaluate soil and groundwater conditions. The sampling identified high concentrations of arsenic and lead in soil as well as polynuclear aromatic hydrocarbons and the need for cleanup actions.

The ABCA selected the excavation and removal of contaminated soils above the residential risk-based cleanup standard and the abandonment of an on-site water well as the preferred remedial alternative.

HOW TO COMMENT: Send comments by 5 p.m., July 31, 2013, to DEQ Project Manager Katie Robertson by phone at 541-278-4620, by mail at 700 SE Emigrant, Suite 330, Pendleton, OR 97801, by e-mail at robertson.katie@deq.state.or.us or by fax at 541-278-0168.

To access site summary information and other documents, including the ABCA, 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 5387 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 5387 in the Site ID/Info column. To review the project file, contact the project manager above for a file review appointment.

THE NEXT STEP: DEQ will consider all public comments received before making a final decision on the proposed consent order. DEQ will provide written responses to all public comments received.

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

REQUEST FOR COMMENTS PROPOSED CONSENT ORDER FOR CLEANUP AT PGE HAWTHORNE BUILDING SITE

COMMENTS DUE: 5 p.m., Tuesday, July 30, 2013

PROJECT LOCATION: 1510 SE Water Avenue, Portland Oregon

PROPOSAL: DEQ is proposing to enter into a prospective purchaser agreement in the form of a consent order with Killian Pacific, LLC regarding the Portland General Electric (PGE) Hawthorne Building site. Killian Pacific intends to purchase the property for the purpose of renovating the existing PGE Hawthorne Building into office space. Under the proposed consent order, Killian Pacific would receive protection from potential liability for pre-acquisition releases of hazardous substances at or from the property, as well as protection from contribution claims by third parties after the site is cleaned up.

DEQ's prospective purchaser agreement program was created in 1995 through amendments to the state's Environmental Cleanup Law. The prospective purchase agreement is a tool that expedites the cleanup of contaminated property and encourages property transactions that would otherwise not likely occur because of the liabilities associated with purchasing a contaminated site.

HIGHLIGHTS: The property is located on approximately 0.9 acres of urban industrial land about 600 feet east of the Willamette River.

The existing 19,400 square foot, two-story office/warehouse building was built in 1911 by PGE predecessor companies as a railway depot and parking garage. Since 1935, PGE used the building for storage and maintenance uses including automotive repair, painting, and electrical equipment maintenance. Site investigations identified contaminated concrete, soil, sump sludge, and stormwater sediment; contaminants include polychlorinated biphenyls, metals, petroleum products, dioxin/furans, and asbestos. The proposed action would include removal and off-site disposal of contaminated material, including the entire basement floor and associated sumps and piping, resulting in contaminant concentrations that are protective of human health and the environment. Subsequently, the building would be renovated for office use.

HOW TO COMMENT: The project file, including environmental investigation reports, the draft prospective purchaser agreement, and the draft restoration plan may be reviewed by appointment at DEQ's Northwest Region office, 2020 SW 4th Avenue, Suite 400, Portland, OR 97201. To schedule an appointment, contact Dawn Weinberger at 503-229-6729. For more information, please contact project manager Tom Gainer at 503-229-5326 or by email (gainer.tom@deq.state.or.us). To access site summary information in DEQ's Environmental Cleanup Site Information (ECSI) database on the Internet, go to <http://www.deq.state.or.us/lq/ECSI/ecsiquery.asp>, then enter ECSI #5779 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled ECSI #5779 in the Site ID/Info column. Send comments by 5 p.m. Tuesday, July 30 to gainer.tom@deq.state.or.us, or by mail to Tom Gainer, Oregon DEQ Northwest Region, 2020 SW Fourth Avenue, Suite 400, Portland, Oregon 97201.

THE NEXT STEP: DEQ will review and consider all comments received during the comment period. A final decision concerning the proposed consent order will be made after consideration of public comments.

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

REQUEST FOR COMMENTS PROPOSED NO FURTHER ACTION FOR BROKEN HORN RANCH

COMMENTS DUE: 5 p.m., July 31, 2012

PROJECT LOCATION: 60983 Hwy 203, Union

PROPOSAL: The Oregon Department of Environmental Quality proposes to issue a no further action determination for the Broken Horn Ranch site located at 60983 Hwy 203, Union. DEQ issues a no further action determination when a cleanup has met regulatory standards.

HIGHLIGHTS: A diesel above ground storage tank was found to be leaking in March 2006. Approximately 300 cubic yards of petroleum contaminated soil was excavated and treated on-site. Residual soil and groundwater contamination are less than applicable screening levels. DEQ has reviewed remedial actions performed at the site and has determined no further action is required. The site is also proposed for de-listing from the Confirmed Release List.

HOW TO COMMENT: Send comments by 5 p.m., July 31, 2013, to DEQ Project Manager Katie Robertson by phone at 541-278-4620, by mail at 700 SE Emigrant, Suite 330, Pendleton, OR 97801, by e-mail at robertson.katie@deq.state.or.us or by fax at 541-278-0168.

To access site summary information and other documents in DEQ's Environmental Cleanup Site Information database, go to www.deq.state.or.us/lq/ECSI/ecsi.htm, select "Search complete ECSI database" link, enter 4623 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 4623 in the Site ID/Info column. To review the project file, contact the project manager above for a file review appointment.

OTHER NOTICES

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

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

REQUEST FOR COMMENTS PROPOSED CONDITIONAL NO FURTHER ACTION FOR OVERALL PETROLEUM COMPANY, PRINEVILLE, OREGON

COMMENTS DUE: 5 p.m., July 31, 2013

PROJECT LOCATION: Overall Petroleum Company, 1155 Lamonta Road, Prineville, Oregon.

PROPOSAL: The Oregon Department of Environmental Quality proposes to issue a conditional no further action determination for the Overall Petroleum Company, located at 1155 Lamonta Road facility. DEQ issues a no further action determination when an environmental cleanup has met regulatory requirements under Oregon Administrative Rule (OAR) 340-122-0205 to 340-122-0360 and ORS 465.200 et seq., unless new or previously undisclosed information becomes available.

HIGHLIGHTS: Overall Petroleum Company owns and operates a bulk petroleum storage and distribution facility located at 1155 North Lamonta Road in Prineville, Oregon. A bulk plant has operated at the site since the early 1920s. Petroleum products are stored in above ground storage tanks (ASTs). A cardlock fueling station has operated at the site since the late 1970s. Gasoline for the cardlock station was stored in two underground storage tanks (ASTs) from the late 1970s until December 1998. Since use of the USTs was discontinued, gasoline for the cardlock station has been stored in bulk plant ASTs. Diesel for the cardlock station has always been stored in ASTs.

Between 1989 and 2008, several remedial investigation and ongoing periodic groundwater monitoring events were performed. Two removal actions and UST decommissioning occurred between 1990 and 2002. Overall Petroleum Company entered the Oregon Department of Environmental Quality (DEQ) Voluntary Cleanup Program's Independent Cleanup Pathway on date July 23, 2012.

HOW TO COMMENT: Send comments by 5 p.m., July 31, 2013 to DEQ Project Manager Cliff Walkey by mail at 475 NE Bellevue Drive, Suite 110, Bend, OR 97701, by email at walkey.cliff@deq.state.or.us or, or by fax at 541-388-8283.

To review the project file, call Cliff Walkey at 541-633-2003 for a file review appointment. Site information may be viewed and downloaded at the following website:

http://www.deq.state.or.us/lq/ecs/ecsolist.asp?SiteID=2511&Bus_Name=&Address=&County=ALL&City=&Zip_Code=&LatitudeMin=&LatitudeMax=&LongitudeMin=&LongitudeMax=&Township=All&TownshipZone=N&Range=1&RangeZone=E&Section=All&ActionCode=All&Substance=None&Alias=None&Submit=Submit&listtype=li

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

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

REQUEST FOR COMMENTS PROPOSED CERTIFICATION OF COMPLETION CASCADE WOOD PRODUCTS, INC. SITE WHITE CITY, JACKSON COUNTY

COMMENTS DUE: 5 p.m., July 31, 2013

PROJECT LOCATION: 8399 14th Street, White City, Oregon

PROPOSAL: DEQ is providing this public notice and an opportunity to comment on a proposed certification of completion for environmental cleanup activities conducted at the Cascade Wood Products, Inc. (Cascade Wood) site in White City, Oregon. Cascade Wood entered into a consent order with DEQ on February 25, 1999 to address final remedial actions at the site. A remedy for the site was required by the January 7, 2005 record of decision for the Cascade Wood site.

HIGHLIGHTS: The Cascade Wood site consists of the Cascade Wood property located at 8399 14th Street, White City, Oregon. The Cascade Wood property operated as a home construction wood products manufacturing facility from 1952 to the present. The property is still in use as a home construction wood products manufacturing facility.

Past remedial activities at the Cascade Wood property included removal of soil and groundwater that were contaminated by pentachlorophenol. Cleanup activities including excavation of pentachlorophenol-contaminated soils were effective in reducing contaminant concentrations to within acceptable levels for likely future commercial uses of the site. The final remedy in the record of decision called for land and groundwater use restrictions together with a soil management plan to be placed on the property deed for the Cascade Wood property by means of an easement and equitable servitudes.

The easement and equitable servitudes for the Cascade Wood property were recorded with the Jackson County Clerk on March 3, 2005. Monitoring of sentinel wells has been determined to be no longer necessary and DEQ is proposing that a certification of completion be issued for the site and that no further action is required. The certification of completion requires Cascade Wood to continue to comply with the land use restrictions and the terms of the Easement and Equitable Servitudes.

HOW TO COMMENT: The project file may be reviewed by appointment at DEQ's Eugene office at 165 East 7th Avenue, Eugene, Oregon by contacting DEQ at 541 686-7838 to make a file review appointment. Site summary information may be accessed electronically by request to read.norm@deq.state.or.us.

Comments on the proposed certification of completion must be received by **5 p.m. on Wednesday July 31, 2013**, to be considered in DEQ's decision. Written comments should be sent by mail to Norman Read, DEQ, 165 E. 7th Avenue, Eugene, Oregon 97401, or by e-mail to read.norm@deq.state.or.us, or fax at 541-687-7551.

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

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.*

.....
**Board of Chiropractic Examiners
Chapter 811**

Rule Caption: Amend the pre-paid treatment plan rule.

Date:	Time:	Location:
7-18-13	9 a.m.	Hampton Hall University of Western States 2900 NE 132nd Ave. Portland, OR

Hearing Officer: Dave McTeague, Executive Director

Stat. Auth.: ORS 684

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

Proposed Amendments: 811-015-0002

Last Date for Comment: 7-18-13, 5 p.m.

Summary: More explicit rule language is needed for refund provisions when a patient or doctor terminate pre-paid treatment plan care.

Rules Coordinator: Kelly J. Beringer

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

Telephone: (503) 373-1573

.....
Rule Caption: Ownership rule provides that chiropractic clinic owners share responsibility for employees/associates compliance with law.

Date:	Time:	Location:
7-18-13	9 a.m.	Hampton Hall, University of Western States 2900 NE 132nd Ave. Portland, OR

Hearing Officer: Dave McTeague, Executive Director

Stat. Auth.: ORS 684

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

Proposed Adoptions: 811-010-0125

Last Date for Comment: 7-18-13, 5 p.m.

Summary: New rule provides chiropractic clinic owners share responsibility for employees' and associates' compliance.

Rules Coordinator: Kelly J. Beringer

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

Telephone: (503) 373-1573

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Rule Caption: Proposed rule extends records retention requirements to written patient file reviews.

Date:	Time:	Location:
7-18-13	9 a.m.	Hampton Hall, University of Western States 2900 132nd, Ave. Portland, OR

Hearing Officer: Dave McTeague, Executive Director

Stat. Auth.: ORS 684

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

Proposed Amendments: 811-015-0005

Last Date for Comment: 7-18-13, 5 p.m.

Summary: An amendment to the records rule would require written reports of file reviews to be retained similar to other requirements for maintaining patient records.

Rules Coordinator: Kelly J. Beringer

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

Telephone: (503) 373-1573

.....
**Board of Geologist Examiners
Chapter 809**

Rule Caption: Adding Proctored Examination Reviews to Services Offered to Geology and Certified Engineering Geology Examination Candidates

Date:	Time:	Location:
7-18-13	9 a.m.	Association Center 707 13th St. SE Salem, OR 97301

Hearing Officer: Christine Valentine

Stat. Auth.: For 809-040-0021: ORS 672.555 & 672.575. For 809-010-0001: ORS 182.466, 670.310 & 672.705

Stats. Implemented: For 809-040-0021: ORS 672.555 & 672.575. For 809-010-0001: ORS 672.705

Proposed Amendments: 809-040-0021, 809-010-0001

Last Date for Comment: 7-18-13, 5 p.m.

Summary: The rule amendments are proposed to add proctored reviews for Association of State Boards of Geologists (ASBOG) and Certified Engineering Geology (CEG) examinations to the services offered to examination applicants. The Board has not historically offered these services. ASBOG, the national exam provider for the Geology Fundamentals and Geology Practice Examination Sections, requires that a state board have an adopted policy specifying that proctored review is offered before it will accommodate that exam-related service in the state. By amending the rule, the Board would make it clear that proctored reviews are allowed for Oregon candidates sitting for ASBOG exams. The Board would also be providing an equitable option to those taking the CEG examination. The rule title would be updated to more accurately describe the exam-related services. The Fee rule would be updated to specify the charges for these newly offered services plus to make other house-keeping changes.

Rules Coordinator: Christine Valentine

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

Telephone: (503) 566-2837

.....
**Board of Licensed Professional Counselors and Therapists
Chapter 833**

Rule Caption: Distance supervision of registered interns

Stat. Auth.: ORS 675.705-675.835

Stats. Implemented: ORS 675.705-675.835

Proposed Amendments: 833-050-0081

NOTICES OF PROPOSED RULEMAKING

Last Date for Comment: 7-31-13, Close of Business
Summary: Changes distance supervision requirements for registered interns; changes the requirements for supervision of registered interns.
Rules Coordinator: Becky Eklund
Address: Board of Licensed Professional Counselors and Therapists, 3218 Pringle Rd. SE, Suite 250, Salem, OR 97302
Telephone: (503) 378-5499, ext. 3

.....
**Department of Agriculture,
Oregon Sweet Cherry Commission
Chapter 669**

Rule Caption: Reduce assessments on Fresh Market, Brined, Canned and Frozen sweet cherries by \$2/ton each.

Date:	Time:	Location:
7-22-13	10 a.m.	Hood River Port Bldg. 1000 Port Marina Park Hood River, OR

Hearing Officer: Dana Branson
Stat. Auth.: ORS 576.304
Other Auth.: ORS 576.325
Stats. Implemented: ORS 576.325
Proposed Amendments: 669-010-0020

Last Date for Comment: 7-22-13, 5 p.m.

Summary: This rule change will lower the assessment rates on all uses of sweet cherries currently assessed and grown in Oregon. The rates for each use will be reduced \$2 per ton. Due to larger than expected crops in previous years and lower research costs the commission can operate with lower assessments at this time.

Rules Coordinator: Dana Branson
Address: Department of Agriculture, Sweet Cherry Commission, 2667 Reed Rd., Hood River, OR 97031-9609
Telephone: (541) 386-5761

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**Department of Community Colleges and
Workforce Development
Chapter 589**

Rule Caption: Amends General Educational Development (GED) Fees

Date:	Time:	Location:
7-23-13	1 p.m.	Public Service Bldg. 255 Capitol St. NE, 3rd Flr. Salem, OR 97310

Hearing Officer: Linda Hutchins
Stat. Auth.: ORS 326.051 & 326.550
Stats. Implemented: ORS 192.440 & 326.550
Proposed Amendments: 589-007-0500
Last Date for Comment: 7-23-13, Close of Business

Summary: In 2014, the General Educational Development (GED) test will transition from paper-based testing (PBT) to computer-based testing (CBT). In anticipation of this change, several Oregon GED testing centers have already transitioned to computer-based testing. The current rule addresses PBT testing information only. The Department is amending its current rule to coincide with the revised CBT testing process and new fee structure.

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

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**Department of Corrections
Chapter 291**

Rule Caption: Hygiene, Grooming and Sanitation of inmates in Department of Corrections institutions

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.040
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.040

Proposed Amendments: 291-123-0005, 291-123-0010, 291-123-0015

Last Date for Comment: 8-20-13, 5 p.m.

Summary: These rule modifications are necessary to clarify and update standards for proper hygiene and grooming of inmates.

Rules Coordinator: Janet R. Worley
Address: Department of Corrections, 2575 Center St. NE, Salem, OR 97301-4667
Telephone: (503) 945-0933

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Rule Caption: Prison Advisory Committees for Department of Corrections Facilities

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Proposed Amendments: 291-200-0010, 291-200-0020, 291-200-0030

Last Date for Comment: 8-20-13, 5 p.m.

Summary: These rule modifications will allow the department to determine if a prison advisory committee should be established for a department correctional facility, rather than requiring one be established.

Rules Coordinator: Janet R. Worley
Address: Department of Corrections, 2575 Center St. NE, Salem, OR 97301-4667
Telephone: (503) 945-0933

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**Department of Fish and Wildlife
Chapter 635**

Rule Caption: Amendments Regarding Harvest of Game Birds, Season Dates, Open Areas and Bag Limits

Date:	Time:	Location:
8-2-13	8 a.m.	Valley River Inn 1000 Valley River Way Eugene, OR 97401

Hearing Officer: Fish and Wildlife Commission
Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 498.002
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 498.002

Proposed Amendments: Rules in 635-008, 635-010, 635-044, 635-045, 635-051, 635-052, 635-053, 635-054, 635-056, 635-060, 635-200

Last Date for Comment: 8-2-13, Close of Hearing

Summary: Amend rules regarding the harvest of game birds including 2013–2014 season dates, open areas, regulations and bag limits.

Rules Coordinator: Therese Kucera
Address: Department of Fish and Wildlife, 3406 Cherry Ave. NE, Salem, OR 97303
Telephone: (503) 947-6033

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Rule Caption: Require Review of Black Bear and Cougar Management Plans at Least Once Every Five Years

Date:	Time:	Location:
8-2-13	8 a.m.	Valley River Inn 1000 Valley River Way Eugene, OR 97401

Hearing Officer: Fish and Wildlife Commission
Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.164
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.164

Proposed Amendments: 635-170-0001, 635-180-0001

Last Date for Comment: 8-2-13, Close of Hearing

Summary: Rule changes are being proposed to reinstate the language requiring the 5-year review of wildlife management plans for Black Bear and Cougar. The reviews should incorporate the best available science and should seek comments from other scientific experts in Oregon and other western states.

Rules Coordinator: Therese Kucera

NOTICES OF PROPOSED RULEMAKING

Address: Department of Fish and Wildlife, 3406 Cherry Ave. NE,
Salem, OR 97303
Telephone: (503) 947-6033

Rule Caption: Adopt Rule Amendments Related to 2014 Oregon Sport Fishing Regulations

Date:	Time:	Location:
8-2-13	8 a.m.	Valley River Inn 1000 Valley River Way Eugene, OR 97401

Hearing Officer: Fish and Wildlife Commission
Stat. Auth.: ORS 496.138, 496.146, 496.162, 497.121 & 506.119
Stats. Implemented: ORS 496.004, 496.009, 496.138, 496.146, 496.162, 506.109 & 506.129

Proposed Adoptions: Rules in 635-011, 635-013, 635-014, 635-016, 635-017, 635-018, 635-019, 635-021, 635-023, 635-039, 635-500

Proposed Amendments: Rules in 635-011, 635-013, 635-014, 635-016, 635-017, 635-018, 635-019, 635-021, 635-023, 635-039, 635-500

Proposed Repeals: Rules in 635-011, 635-013, 635-014, 635-016, 635-017, 635-018, 635-019, 635-021, 635-023, 635-039, 635-500

Last Date for Comment: 8-2-13, 8 a.m.

Summary: These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2014. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

Rules Coordinator: Therese Kucera
Address: Department of Fish and Wildlife, 3406 Cherry Ave. NE,
Salem, OR 97303
Telephone: (503) 947-6033

Department of Forestry Chapter 629

Rule Caption: Emergency Fire Cost Committee Rules Renumbering and Rewriting

Date:	Time:	Location:
7-18-13	9 a.m.	Oregon Department of Forestry 2600 State St., Bldg. C Salem, OR 97310

Hearing Officer: Robert Young
Stat. Auth.: ORS 477.770
Other Auth.: ORS 477 & 321
Stats. Implemented: ORS 183.335, 183.341, 477.440-460 & 477.750-775

Proposed Adoptions: 629-165-0005, 629-165-0010, 629-165-0200, 629-165-0210

Proposed Repeals: 629-061-0025, 629-061-0040, 629-061-0045, 629-061-0050, 629-061-0075

Proposed Ren. & Amends: 629-060-0000 to 629-160-0000, 629-060-0005 to 629-160-0005, 629-061-0000 to 629-165-0000, 629-061-0005 to 629-165-0100, 629-061-0015 to 629-165-0300, 629-061-0020 to 629-165-0305, 629-061-0035 to 629-165-0310, 629-061-0060 to 629-165-0315, 629-061-0065 to 629-165-0320

Last Date for Comment: 9-3-13, 10 a.m.

Summary: The proposed rules renumber the existing rules to add more flexibility in future rulemaking, eliminate rules that are no longer used by the committee, and reworks existing rules to mirror current operating and accounting procedures that have been instituted over time.

Written comments must be received by 10:00 a.m., September 3, 2013. Submissions should be addressed to Sabrina Perez, Rules Coordinator, Oregon Department of Forestry, 2600 State Street, Salem, OR 97310, sent via email to Sabrina.perez@state.or.us, or via fax to (503) 945-7212.

Rules Coordinator: Sabrina Perez
Address: Department of Forestry, 2600 State St., Salem, OR 97310
Telephone: (503) 945-7210

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

Rule Caption: Update of Criminal Records Checks and Abuse Checks Rules for Department of Human Services Providers

Date:	Time:	Location:
7-16-13	1 p.m.	State Library Bldg., 3rd Floor Mt. Bachelor Conference Rm. 250 Winter St. NE Salem, OR 97301

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

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

Proposed Amendments: 407-007-0200, 407-007-0210, 407-007-0220, 407-007-0230, 407-007-0240, 407-007-0250, 407-007-0275, 407-007-0277, 407-007-0280, 407-007-0290, 407-007-0320

Proposed Repeals: 407-007-0210(T), 407-007-0290(T)

Last Date for Comment: 7-22-13, 5 p.m.

Summary: The Background Check Unit (BCU) filed temporary rules in February 2013 to include certain child welfare programs under BCU processing for criminal records checks and abuse checks. These proposed rules make the temporary changes permanent.

The definitions for the Department of Human Services (Department) criminal records checks and abuse checks rules for providers (OAR 407-007-0200 to 407-007-0370) are being amended to allow background checks on students and interns providing care in certain licensed or certified facilities; to make clear the current practice of not running background checks on privately hired individuals for residents in Aging & People with Disabilities and Developmental Disabilities program-licensed facilities; and to align with changes made in other Department administrative rules.

These proposed rules also update the following areas to allow for better operation in the Criminal Records Information Management System used by BCU for background checks: the training requirements for qualified entity designees (QEDs) and qualified entity initiators (QEIs); the fingerprint requirements for background checks, and the issuance of notices regarding background check outcomes.

Proposed rules are available on the Background Check Unit website: <http://www.oregon.gov/dhs/chc/pages/index.aspx> and the Department of Human Services website: <http://www.oregon.gov/DHS/admin/Pages/dwssrules/index.aspx>. For hardcopy requests, call: (503) 947-5250.

Rules Coordinator: Jennifer Bittel
Address: Department of Human Services, Administrative Services Division and Director's Office, 250 Winter St. NE, Salem, OR 97301
Telephone: (503) 947-5250

Rule Caption: Repeal of Health Care Delivery Grant Program Rules

Stat. Auth.: ORS 409.050, 2008 HB 3626(21)
Stats. Implemented: 2008 HB 3626(21)
Proposed Repeals: 407-035-0000 – 407-035-0015

Last Date for Comment: 7-22-13, 5 p.m.

Summary: The Access and Effectiveness Health Care Delivery grant program was established in 2008 to improve access to and the effectiveness of health care delivery for families. The program was completed in 2012 and the rules can now be repealed.

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

Rules Coordinator: Jennifer Bittel
Address: Department of Human Services, Administrative Services Division and Director's Office, 250 Winter St. NE, Salem, OR 97301
Telephone: (503) 947-5250

NOTICES OF PROPOSED RULEMAKING

Department of Human Services, Child Welfare Programs Chapter 413

Rule Caption: Changing OARs affecting Child Welfare programs

Date: 7-24-13
Time: 8:30 a.m.
Location: 500 Summer St. NE, Rm. 251
Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005, 418.280 & 418.285

Proposed Amendments: 413-120-0246

Last Date for Comment: 7-26-13, 5 p.m.

Summary: OAR 413-120-0246 about standards for an adoptive home is being amended to permit the Department to approve a foster home study or relative study as an adoption home study in the case of an individual or individuals residing in a state that does not complete an adoption home study prior to a child being placed with the individual or individuals or prior to the child being legally free for adoption.

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

Written comments may be submitted until July 26, 2013 at 5:00 p.m. Written comments may be submitted via e-mail to Annette.Tesch@state.or.us, faxed to 503-373-7032, or mailed to Annette Tesch, Rules Coordinator, DHS–Child Welfare Programs, 500 Summer Street NE, E-48, Salem, Oregon, 97301. The Department provides the same consideration to written comment as it does to any oral or written testimony provided at the public hearing.

Rules Coordinator: Annette Tesch

Address: Department of Human Services, Child Welfare Programs, 500 Summer St. NE, E-48, Salem, OR 97301-1066

Telephone: (503) 945-6067

Rule Caption: Changing OARs affecting Child Welfare programs

Date: 7-24-13
Time: 8:30 a.m.
Location: 500 Summer St. NE, Rm. 251
Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005, 418.280 & 418.285

Proposed Amendments: 413-120-0810

Proposed Repeals: 413-120-0835, 413-120-0850

Last Date for Comment: 7-26-13, 5 p.m.

Summary: OAR 413-120-0810 about definitions used in rules concerning supervision and support of an adoptive placement is being amended to redefine the term “disruption” to be consistent with the disruption process outlined in OAR 413-120-0870. This rule is also being amended to remove the definition of a “legal risk adoptive placement” because OAR 413-120-0835 is being repealed and this topic is covered in OAR 413-110-0000 through 413-110-0060.

OAR 413-120-0835 about adoption transition is being repealed because this rule is unnecessary and the topic is covered in OAR 413-120-0830.

OAR 413-120-0850 about legal risk adoptive placement is being repealed because this topic is covered in OAR 413-110-0000 through 413-110-0060.

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

Written comments may be submitted until July 26, 2013 at 5:00 p.m. Written comments may be submitted via e-mail to Annette.Tesch@state.or.us, faxed to 503-373-7032, or mailed to Annette Tesch, Rules Coordinator, DHS–Child Welfare Programs, 500 Summer Street NE, E-48, Salem, Oregon, 97301. The Department provides the same consideration to written comment as it does to any oral or written testimony provided at the public hearing.

Rules Coordinator: Annette Tesch

Address: Department of Human Services, Child Welfare Programs, 500 Summer St. NE, E-48, Salem, OR 97301-1066

Telephone: (503) 945-6067

Department of Public Safety Standards and Training Chapter 259

Rule Caption: Rename reading/writing standard to academic proficiency standard.

Stat. Auth.: ORS 181.640, 181.644, 183.341 & 206.015

Stats. Implemented: ORS 181.640, 181.644, 183.341 & 206.015

Proposed Amendments: 259-008-0010, 259-008-0011, 259-008-0075

Last Date for Comment: 7-22-13, Close of Business

Summary: At the request of constituents, the Department adopted a 12th grade reading/writing standard in 2001. The standard, adopted to help curb the high rate of academic failure at the academy, required employing agencies to provide evidence that a DPSST-approved reading/writing test had been administered prior to entry into a basic police training, challenging basic police training or beginning the police career officer development course (COD). A telecommunications/emergency medical dispatcher reading standard was implemented in 2002.

This has been the practice for over 10 years until August 2012 when a question was raised regarding the applicability of the tests. As a result, the Department reevaluated the requirements of the standard and all of the approved tests. It was determined that, with one exception, the tests on the approved vendor list were not designed to measure reading or writing levels, rather they were measuring the probability of an applicant’s success in the field of law enforcement or telecommunications, in other words, they were job proficiency exams.

It’s clear that the implementation of the reading/writing standard achieved the desired result which was to lower the rate of academic failures. However, the Department is recommending renaming the standard from a reading/writing standard to an academic proficiency standard. This proposed rule update will still require that hiring agencies administer some form of proficiency test prior to officers being allowed entry into academy, but the Department will no longer be involved in approving testing vendors, which will allow agencies to choose whichever test best fits their budgetary needs and the unique needs of their agency.

Rules Coordinator: Linsay Hale

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

Telephone: (503) 378-2431

Rule Caption: Housekeeping; Clarifies length of instructor certification.

Stat. Auth.: ORS 181.640 & 181.650

Stats. Implemented: ORS 181.640 & 181.650

Proposed Amendments: 259-008-0080

Last Date for Comment: 7-22-13, Close of Business

Summary: Because the Department no longer certifies courses, this proposed rule update clarifies that instructor certification is valid for a maximum of two years as prescribed by DPSST policy. Additional housekeeping changes are made for clarity.

Rules Coordinator: Linsay Hale

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

Telephone: (503) 378-2431

Department of Transportation, Highway Division Chapter 734

Rule Caption: Fee for Issuance of Sno-Park Parking Permits

Stat. Auth.: ORS 184.616, 184.619, 811.595, 811.600

Stats. Implemented: ORS 811.600

NOTICES OF PROPOSED RULEMAKING

Proposed Amendments: 734-020-0070

Last Date for Comment: 7-22-13, Close of Business

Summary: This rule establishes the fee for parking permits issued for winter recreation parking (Sno-Park) areas in accordance with ORS 811.595 and 811.600. Revenue generated from the sale of Sno-Park permits is accounted for separately in the Highway Fund. Funds in the account are primarily used for enforcement of the permit requirement and snow removal in the designated Sno-Park areas. There are three types of permits available to users of Sno-Parks, these are: an annual permit required from November 1 through April 30, a three-day permit valid for three consecutive days, and a one-day permit valid for a specific day. In order to keep up with increasing costs and to provide service to the recreation community, an increase in the permit fees was recommended by the Winter Recreation Advisory Committee. The committee was established in ORS 802.350 to advise the Department on matters relating to the Sno-Park program.

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

Rule Caption: North American Standard Out-of-Service Criteria

Stat. Auth.: ORS 184.616, 184.619, 823.011 & 825.232

Stats. Implemented: ORS 811.175, 825.210, 825.250 & 825.252

Proposed Amendments: 740-100-0090

Last Date for Comment: 7-22-13, Close of Business

Summary: These rules describe the adoption of the North American Standard Out-of-Service Criteria, published by Commercial Vehicle Safety Alliance (CVSA). CVSA has maintained, updated and published the North American Standard Out-of-Service Criteria annually for more than twenty years. It is used by qualified, specially trained and certified state, provincial, territorial and federal law enforcement personnel in identifying Critical Vehicle Inspection Item violations during a roadside inspection. Being cited for these violations can prohibit a motor carrier or operator from driving or operating a commercial motor vehicle for a specified period of time or until the defective condition is corrected. A Memorandum of Understanding (MOU) is signed by the CVSA members to establish uniformity and reciprocity of on-highway enforcement and improve the safe operation of commercial vehicles. The MOU is a working agreement which outlines the various minimum inspections and out of service criteria which parties to the agreement will follow. By signing the MOU, a state agrees to adopt the Out-of-Service Criteria. In addition, the terms of Motor Carrier Safety Assistance Program (MCSAP) contracts signed by local agencies with MCTD, agree to enforce the North American Standard Out-of-Service Criteria. Failure to adopt the North American Standard Out-of-Service Criteria could result in a major negative economic impact to state agencies by jeopardizing Oregon's continued receipt of \$2.6 million in MCSAP funds per year.

The April 1, 2013 revision of the North American Standard Out-of-Service Criteria amended the Driver Out of Service Criteria by removing the entry Driver Disqualification. CVSA's new out-of-service criteria provides that a driver whose driving privilege has been suspended or revoked is only placed out-of-service if the state that issued the CDL is aware of the license privilege withdrawal. The new out-of-service criteria is in conflict with 49 CFR 391.15 which provides that a driver whose driving privileges are withdrawn in any jurisdiction is disqualified driving a Commercial Motor Vehicle until the withdrawal is lifted. Oregon's statute on point, ORS 811.175, mirrors the federal regulation cited above.

The proposed rule amendment creates an exception from the new CVSA Out-of-Service Criteria that corrects the conflict between new

CVSA Out-of-Service Criteria and ORS 811.175. The proposed rule amendment creates an exception from the new CVSA Out-of-Service Criteria that corrects the conflict between new CVSA Out-of-Service Criteria and ORS 811.175 and meets the MCSAP grant provisions that require Oregon to check CDL status. The exception allows for drivers found to be disqualified in Oregon or any other jurisdiction to be placed out-of-service until re-qualification is established as specified in 49 § CFR 391.15(a).

Rules Coordinator: Lauri Kunze

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

Telephone: (503) 986-3171

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**Oregon Department of Education
Chapter 581**

Rule Caption: Career and Technical Education (CTE) Revitalization Grant

Stat. Auth.: ORS 344.075

Stats. Implemented: ORS 344.075

Proposed Amendments: 581-044-0210, 581-044-0220, 581-044-0230, 581-044-0240, 581-044-0250, 581-044-0260

Last Date for Comment: 7-31-13, 5 p.m.

Summary: The proposed rule changes replace the existing Proposal Review Committee with a Grant Advisory Committee, allows additional appointees for proposal review, and adds sustainability of partnerships as an additional grant criteria for the CTE Revitalization Grant. Additional changes are proposed to reflect the current administrative structure of the Oregon Department of Education.

Rules Coordinator: Cindy Hunt

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

Telephone: (503) 947-5651

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Rule Caption: School District Improvement Plans

Stat. Auth.: ORS 326.051 & 329.075

Stats. Implemented: ORS 329.095

Proposed Amendments: 581-022-0606

Last Date for Comment: 7-31-13, 5 p.m.

Summary: The rule amendments change the frequency of the submission of district improvement plans and add library plans to the goals that must be included.

Rules Coordinator: Cindy Hunt

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

Telephone: (503) 947-5651

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

Rule Caption: Align with Department of Human Services OAR chapter 461, medical eligibility rules

Date: 7-17-13

Time: 10:30 a.m.

Location: 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: 7-19-2013, 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) 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-

NOTICES OF PROPOSED RULEMAKING

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

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Rule Caption: Process for Non-Traditional Health Worker Training, Certification, Registry Enrollment and Training Program Criteria

Date:	Time:	Location:
7-22-13	10 a.m.	800 NE Oregon St. Rm. 1-E Portland, OR 97232

Hearing Officer: Kym Gasper

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Other Auth.: 2011 OL Ch. 602 & 2012 OL Ch. 8

Stats. Implemented: ORS 414.635 & 414.665

Proposed Adoptions: 410-180-0300, 410-180-0305, 410-180-0310, 410-180-0312, 410-180-0315, 410-180-0320, 410-180-0325, 410-180-0327, 410-180-0340, 410-180-0345, 410-180-0350, 410-180-0355, 410-180-0370, 410-180-0375, 410-180-0380

Last Date for Comment: 7-24-13, 5 p.m.

Summary: House Bill 3650, passed during the 2011 legislative session, mandates that members enrolled in Oregon's Coordinated Care Organizations (CCOs) have access to Non-Traditional Health Workers (NTHWs) to facilitate culturally and linguistically appropriate care. NTHWs include community health workers, personal health navigators, peer wellness specialists, and other health care workers who are not regulated or certified by this state. These rules establish:

-The competency requirements for each NTHW type, including Community Health Workers, Peer Wellness Specialists, Personal Health Navigators, Peer Support Specialists, and Doulas;

-Eligibility requirements, curriculum guidelines and procedures for Authority approval of training programs, including a process for temporary waivers;

-Eligibility requirements and procedures for NTHW certification and provisional certification; and

-A NTHW registry maintained by the Authority.

These rules set forth the requirements for training programs in developing curricula that meet the Authority's requirements to certify NTHWs. Individuals who successfully complete the certification process set forth in these rules will be eligible for Medicaid reimbursement for their services. These rules also establish a registry of NTHWs whom CCOs may employ to meet the requirement of providing for their members, NTHW's including peer wellness specialists, personal health navigators, community health workers, peer support specialists, and doulas as part of the member's care team to provide assistance that is culturally and linguistically appropriate. These rules also set forth requirements for provisional NTHW certification.

Rules Coordinator: Cheryl Peters

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

Telephone: (503) 945-6527

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Rule Caption: Amending Preferred Drug List and Prior Authorization Guide January 31, 2013 DUR P&T Action

Date:	Time:	Location:
7-17-13	10:30 a.m.	500 Summer St. NE, Rm. 137C Salem, OR 97301

Hearing Officer: Cheryl Peters

Stat. Auth.: ORS 413.032, 413.042, 414.065, 414.325 & 414.330-414.414

Stats. Implemented: ORS 414.065, 414.325, 414.334, 414.361, 414.369 & 414.371

Proposed Amendments: 410-121-0030, 410-121-0040

Last Date for Comment: 7-19-13, 5 p.m.

Summary: The Pharmaceutical Services Program administrative rules (Division 121) govern Division payments for services provided to certain clients. The Division needs to amend rules as follows:

410-121-0030:

Hyoscyamine rapid tabs preferred

Oscimin® non-preferred

Hyoscyamine drops non-preferred

Mirabegron non-preferred

Gelnique® non-preferred

Tolterodine non-preferred with 90 day grandfather

Aclidinium bromide non-preferred

Combivent Respimat® and Combivent MDI® non-preferred with indefinite grandfather

All erythromycin products non-preferred

Noroxin® non-preferred

Omeprazole tablets non-preferred

All OTC H2A products non-preferred

Cimetidine non-preferred with indefinite grandfather

All OTC antihistamine products non-preferred

410-121-0040:

Proton Pump Inhibitors update criteria

Rules Coordinator: Cheryl Peters

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

Telephone: (503) 945-6527

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Rule Caption: Hospital Assessment Rate Increase

Stat. Auth.: ORS 413.042

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

Proposed Amendments: 410-050-0861

Proposed Repeals: 410-050-0861(T)

Last Date for Comment: 7-22-13, 5 p.m.

Summary: This proposed hospital assessment rule increases the hospital assessment rate from 4.32% to 5.30% effective April 1, 2013. Upon adoption of this rule, the temporary rule, effective April 1, 2013, will be repealed.

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

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Oregon Health Insurance Exchange Chapter 945

Rule Caption: Eligibility Standards and Application Process

Date:	Time:	Location:
7-23-13	10 a.m.	16760 SW Upper Boones Ferry Rd. Suite 200 Durham, OR 97224

Hearing Officer: Gregory Jolivet

Stat. Auth.: ORS 741.002

Stats. Implemented: ORS 741.500

Proposed Adoptions: 945-040-0010, 945-040-0020, 945-040-0030, 945-040-0040, 945-040-0050, 945-040-0060, 945-040-0070, 945-040-0080, 945-040-0090

Last Date for Comment: 7-30-13, Close of Business

Summary: Establishes eligibility standards and the application process for enrollment in a qualified health plan, and for insurance affordability programs available through the Exchange.

Rules Coordinator: Gregory Jolivet

Address: Oregon Health Insurance Exchange, 16760 SW Upper Boones Ferry Rd., Suite 200, Durham, OR 97224

Telephone: (503) 373-9406

NOTICES OF PROPOSED RULEMAKING

Rule Caption: Administrative Charges and Fees — Stand Alone Dental Plans

Date: 7-16-13 **Time:** 10 a.m. **Location:** 16760 SW Upper Boones Ferry Rd., Suite 200, Durham, OR 97224

Hearing Officer: Gregory Jolivet

Stat. Auth.: ORS 741.002

Stats. Implemented: ORS 741.105

Proposed Amendments: 945-030-0030, 945-030-0040

Last Date for Comment: 7-23-13, Close of Business

Summary: Establishes the 2014 administrative fee to be paid by insurers offering stand alone dental plans through the Exchange.

Rules Coordinator: Gregory Jolivet

Address: Oregon Health Insurance Exchange, 16760 SW Upper Boones Ferry Rd., Suite 200, Durham, OR 97224

Telephone: (503) 373-9406

Oregon Housing and Community Services Department Chapter 813

Rule Caption: Adopts statutory amendments regarding contested case hearings and education requirements.

Date: 7-23-13 **Time:** 10 a.m. **Location:** 725 Summer St. NE, Conference Rm. 124B, Salem, OR 97301

Hearing Officer: Ken Pryor

Stat. Auth.: 2005 OL Ch. 619, Sec. 2, 3, & 4, 2009 OL Ch. 816, Sec. 9 & 2011 OL Ch. 503, Sec. 21

Stats. Implemented: 2009 OL Ch. 816 & 2011 OL Ch. 503

Proposed Amendments: 813-007-0005, 813-007-0040

Proposed Repeals: 813-007-0005(T), 813-007-0040(T)

Last Date for Comment: 8-7-13, Close of Business

Summary: 813-007-0005 Amends the statutory references and removes language adopted within 2005 OL Ch 619, as amended by 2009 OL Ch 816 and repealed in OL Ch 503, sec 21.

813-007-0040 Reduces the education requirements for persons in manufactured dwelling parks who have authority to manage the premises of the park from six hours to four hours of continuing education every two years.

Rules Coordinator: Sandy McDonnell

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

Telephone: (503) 986-2012

Oregon Public Employees Retirement System Chapter 459

Rule Caption: Clarify provisions of Senate Bill 822 relating to cost-of-living increase and tax remedy.

Date: 8-27-13 **Time:** 3 p.m. **Location:** PERS Boardroom, 11410 SW 68th Pkwy, Tigard, OR 97223

Hearing Officer: Daniel Rivas

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

Stats. Implemented: 238.360, 238.362, 238.364, 238.366, 238.372 to 238.384, 238.465, 238.575, & 238A.210

Proposed Adoptions: 459-005-0520

Proposed Amendments: 459-013-0310, 459-013-0320

Last Date for Comment: 9-6-13, 5 p.m.

Summary: Revise existing rules and create new rules that will clarify the administration of the annual cost-of-living increase and eligibility for a benefit increase resulting from taxation of PERS benefits for PERS participants.

Rules Coordinator: Daniel Rivas

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

Telephone: (503) 603-7713

Rule Caption: Clarifies the administration of death benefits for OPSRP members who die before pension is issued.

Date: 8-27-13 **Time:** 3 p.m. **Location:** PERS Boardroom, 11410 SW 68th Pkwy, Tigard, OR 97223

Hearing Officer: Daniel Rivas

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

Stats. Implemented: ORS 238A.180

Proposed Adoptions: 459-075-0170

Last Date for Comment: 9-6-13, 5 p.m.

Summary: A new rule is needed to clarify the administration of death benefits for OPSRP Pension Program members who die before pension is issued.

Rules Coordinator: Daniel Rivas

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

Telephone: (503) 603-7713

Rule Caption: Clarifies the criteria and process for recovery of overpayments and erroneous payments made by PERS.

Date: 8-27-13 **Time:** 3 p.m. **Location:** PERS Boardroom, 11410 SW 68th Pkwy, Tigard, OR 97223

Hearing Officer: Daniel Rivas

Stat. Auth.: ORS 238.650 & 238.715

Stats. Implemented: ORS 238.715

Proposed Amendments: 459-005-0610

Last Date for Comment: 9-6-13, 5 p.m.

Summary: Clarifies criteria and process for the recovery of overpayments and erroneous payments made by PERS.

Rules Coordinator: Daniel Rivas

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

Telephone: (503) 603-7713

Oregon University System, Portland State University Chapter 577

Rule Caption: Amends rule to comply with recent Oregon Supreme Court ruling in PSU-AAUP v. PSU.

Stat. Auth.: ORS 351

Stats. Implemented:

Proposed Amendments: 577-042-0010

Last Date for Comment: 7-24-13, 5 p.m.

Summary: Portland State University hereby adopts the Faculty Grievance Procedure to be consistent with the Oregon Supreme Court decision in PSU-AAUP v. PSU, SC S059182. A copy of the text can be found at <http://www.pdx.edu/fadm/rulemaking-portland-state>.

Rules Coordinator: Lorraine D. Baker

Address: Oregon University System, Portland State University, PO Box 751, Portland, OR 97207-0751

Telephone: (503) 725-8050

Oregon University System, University of Oregon Chapter 571

Rule Caption: Amend Articles and Activities Prohibited at Athletic Facilities to include seat cushion restrictions.

Date: 7-17-13 **Time:** 9 a.m. **Location:** Erb Memorial Union, Walnut Rm. University of Oregon, Eugene, OR

Hearing Officer: Lisa Peterson

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351 & 352

NOTICES OF PROPOSED RULEMAKING

Proposed Amendments: 571-050-0011

Last Date for Comment: 7-18-13, 12 p.m.

Summary: The University of Oregon has determined that the amendment to the rule is necessary in order to provide for the public's unobstructed enjoyment of events and to maintain allocated stadium seating capacity at the University's athletic facilities.

Copies of the proposed amendment to the Articles and Activities Prohibited at Athletic Facilities may be obtained from Amanda Hatch, Rules Coordinator, at ahatch@uoregon.edu or (541) 346-3082.

Rules Coordinator: Amanda Hatch

Address: Oregon University System, University of Oregon, 1226 University of Oregon, Eugene, OR 97403-1226

Telephone: (541) 346-3082

Oregon University System, Western Oregon University Chapter 574

Rule Caption: Revisions to special course fees and general services fees.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Proposed Amendments: 574-050-0005

Last Date for Comment: 7-22-13, 5 p.m.

Summary: Amendments will allow for increases, additions, and revisions of special course fees and general services fees.

Rules Coordinator: Debra L. Charlton

Address: Oregon University System, Western Oregon University, 345 N Monmouth Ave., Monmouth, OR 97361

Telephone: (503) 838-8597

Parks and Recreation Department Chapter 736

Rule Caption: Adopt rules to govern the department's process for entering into agreements with nonprofit organizations.

Date:	Time:	Location:
7-30-13	6 p.m.	North Mall Office Bldg. 725 Summer St. NE, Conference Rm. 124A Salem OR 97301

Hearing Officer: Staff*

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.134, as amended by SB 196 of the 77th Legislative Assembly 2013 Regular Sessions

Proposed Adoptions: 736-002-0015

Last Date for Comment: 8-2-13, 5 p.m.

Summary: The rules govern the process the department and nonprofit organizations will use to enter into agreements under which the organizations will solicit gifts, grants and donations for the benefit of the department. The rules detail eligibility criteria for working with the department; means for initiating proposals; procedures for evaluating proposals, selecting organizations and working toward agreements; agreement requirements, including provision for renewing or dissolving agreements; required notices, public representation of relationship with the department, lobbying activities, use of state seal, and management of funds generated through agreements.

*Those who wish to make public comment must register in person with the hearing officer by 6:30 p.m. on the day of the hearing.

Rules Coordinator: Vanessa DeMoe

Address: Parks and Recreation Department, 725 Summer St. NE, Suite C, Salem, OR 97301

Telephone: (503) 986-0719

Real Estate Agency Chapter 863

Rule Caption: Adds form and content of initial agency disclosure pamphlet to rule

Date:	Time:	Location:
8-1-13	10 a.m.	Real Estate Agency 1177 Center St. NE Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.806, 696.810, 696.815 & 696.820

Proposed Amendments: 863-015-0215

Last Date for Comment: 8-1-13, Close of Business

Summary: The proposed amendments to OAR 863-014-0215 were filed as temporary rules that became effective on May 13, 2013. The amendments to the rule specify the contents of the initial agency disclosure pamphlet and state that the pamphlet must be provided by a real estate broker or principal real estate broker in a written format in person, by electronic mail or facsimile.

The rule is not the pamphlet itself, but specifies the contents of the pamphlet.

NOTE: The Agency welcomes comments from the public on this rule amendment. Comments must be in writing and may be addressed to Laurie Skillman, Real Estate Agency, 1177 Center St. NE, Salem, OR 97301. Comments may also be submitted via email to laurie.a.skillman@state.or.us. For email comments, please write Rule Comment OAR 863-014-0215 in the subject line. All comments must be submitted no later than 5:00 pm August 1, 2013.

Rules Coordinator: Laurie Skillman

Address: Real Estate Agency, 1177 Center St. NE, Salem, OR 97301-2505

Telephone: (503) 378-4630

Secretary of State, Corporation Division Chapter 160

Rule Caption: To adopt the new national standard for UCC filing.

Stat. Auth.: ORS 79.0526

Stats. Implemented: ORS 79.0526, 79.0523, 79.0515, 79.0521, 79.0525, 79.0516, 79.0519, 79.0520, 56.037, 79.0512, 79.0514, 79.0510, 79.0518, 79.0522 & 79.0506

Proposed Amendments: 160-040-0100 – 160-040-0507

Last Date for Comment: 7-22-13, Close of Business

Summary: The rules amend the filing requirement for UCC filings.

Rules Coordinator: Ginger Spotts

Address: Secretary of State, Corporation Division, 255 Capitol St. NE, Suite 151, Salem, OR 97310

Telephone: (503) 986-2333

ADMINISTRATIVE RULES

Appraiser Certification and Licensure Board Chapter 161

Rule Caption: Adopting temporary budget to allow for operation of agency pending hearing and permanent filing

Adm. Order No.: ACLB 2-2013(Temp)

Filed with Sec. of State: 6-12-2013

Certified to be Effective: 7-1-13 thru 12-26-13

Notice Publication Date:

Rules Amended: 161-006-0025

Subject: Temporarily amends Oregon Administrative Rule 161, Division 006, Rule 0025, regarding the Board's budget for the 2013–2015 biennium.

Rules Coordinator: Karen Turnbow—(503) 485-2555

161-006-0025

Budget

The Board hereby adopts by reference the Board's 2013–2015 Biennium Budget of \$1,725,041 covering the period from July 1, 2013 through June 30, 2015. The Board will amend budgeted accounts as necessary within the approved budget of \$1,725,041 for the effective operation of the Board. The Board will not exceed the approved 2013–2015 Biennium Budget without amending this rule, notifying holders of licenses, and holding a public hearing thereon as required by ORS Chapter 182.462(1)(2). Copies of the budget are available from the Board's office.

Stat. Auth.: ORS 674.305(8) & 674.310

Stats. Implemented: ORS 674

Hist.: ACLB 4-2001(Temp), f. & cert. ef. 9-12-01 thru 3-1-02; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 1-2003(Temp), f. & cert. ef. 1-14-03 thru 7-11-03; ACLB 3-2003, f. & cert. ef. 5-1-03; ACLB 4-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03; ACLB 5-2003, f. & cert. ef. 11-10-03; ACLB 2-2005(Temp), f. 6-16-05, cert. ef. 7-1-05 thru 12-28-05; ACLB 4-2005, f. & cert. ef. 11-2-05; ACLB 2-2007(Temp), f. 6-6-07, cert. ef. 7-1-07 thru 11-30-07; BOC 1-2007, f. 10-31-07, cert. ef. 11-1-07; ACLB 3-2009(Temp), f. 5-15-09, cert. ef. 7-1-09 thru 11-30-09; ACLB 4-2009, f. & cert. ef. 10-27-09; ACLB 1-2011(Temp), f. 5-2-11, cert. ef. 7-1-11 thru 11-30-11; ACLB 3-2011, f. & cert. ef. 11-17-11; ACLB 2-2012(Temp), f. & cert. ef. 8-3-12 thru 1-30-13; ACLB 1-2013, f. 1-30-13, cert. ef. 1-31-13; ACLB 2-2013(Temp), f. 6-12-13, cert. ef. 7-1-13 thru 12-26-13

Board of Chiropractic Examiners Chapter 811

Rule Caption: Board amended the rule reference to Policy and Practice Guide (with new policies added)

Adm. Order No.: BCE 1-2013

Filed with Sec. of State: 6-6-2013

Certified to be Effective: 6-6-13

Notice Publication Date: 5-1-2013

Rules Amended: 811-010-0093

Subject: The Board amended the Policy and Practice Guide with multiple policies and practices it adopted over the past couple years.

Rules Coordinator: Kelly J. Beringer—(503) 373-1573

811-010-0093

Guide to Policy and Practice Questions

The Board's Guide to Policy and Practice Questions, originally dated January 14, 1998, and last amended May 23, 2013, is hereby adopted.

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

Stat. Auth.: ORS 684

Stats. Implemented: ORS 684.010 & 684.155

Hist.: BCE 3-1998, f. & cert. ef. 8-4-98; BCE 3-2000, cert. ef. 8-23-00; BCE 1-2003, f. & cert. ef. 9-17-03; BCE 3-2006, f. & cert. ef. 3-27-06; BCE 1-2007, f. & cert. ef. 11-30-07; BCE 1-2013, f. & cert. ef. 6-6-13

Board of Examiners for Speech-Language Pathology and Audiology Chapter 335

Rule Caption: Minor amendments to clarify and facilitate implementation of permanent rule changes effective May 1, 2013.

Adm. Order No.: SPA 2-2013(Temp)

Filed with Sec. of State: 5-17-2013

Certified to be Effective: 5-17-13 thru 11-13-13

Notice Publication Date:

Rules Amended: 335-060-0006, 335-060-0010, 335-070-0020, 335-070-0050, 335-070-0080

Subject: Clarifies waiver of initial professional development for SLPs to include the 12 months following completion of the supervised clinical experience.

Clarifies that fees in 335-060-0010(1) may be charged to applicants and current licensees.

Removes rule requiring Board to charge a delinquent fee for late submission of requests for special approval of professional development.

Conforms treatment of speech-language pathology assistant supervision audit and professional development audit as it relates to delinquent fees.

Clarifies certain definitions of accepted professional development activities.

Reinstates pro-rating of professional development hours required for initial license renewal.

Rules Coordinator: Sandy Leybold—(971) 673-0220

335-060-0006

Licensure of Speech-Language Pathologists

(1) "Degree requirements" under ORS 681.260(2) for those speech-language pathologists completing their professional training after January 1, 2006 are those outlined in the 2005 Certification Standards for Speech-Language Pathologists as promulgated by the Council For Clinical Certification (CFCC) of the American Speech-Language-Hearing Association:

(a) A minimum of 75 semester hours pertinent to speech-language pathology, which include:

(b) At least 36 graduate credits in speech-language pathology;

(c) A clinical practicum of 400 clock hours, of which 25 must be observational hours and 375 must be direct clinical interaction. Supervision must be provided by a speech-language pathologist who holds a Certificate of Clinical competency from the American Speech-Language-Hearing Association. At least 325 of these clock hours must be completed while in an accredited graduate program.

(d) Credit earned for a thesis or capstone project, if part of the accredited graduate program.

(2) For those speech-language pathologists completing their professional training after January 1, 2006 "supervised clinical experience" under ORS 681.260(3) means a program of clinical work that is:

(a) Begun after completing all graduate degree requirements;

(b) Supervised by a speech-language pathologist who holds a Certificate of Clinical competency from the American Speech-Language-Hearing Association;

(c) A minimum of 35 hours per week for 36 weeks of practice, or its equivalent, for a total of not less than 1,260 hours;

(d) A minimum of 80% of the hours spent in direct client/patient contact (assessment/diagnosis/evaluation, screening, treatment, report writing, family/client consultation, and/or counseling), with the remainder in related record keeping and administrative duties.

(3) For those speech-language pathologists completing their professional training after January 1, 2006, "examinations" under ORS 681.260(4) means the Praxis Examination in Speech-Language Pathology as administered by the Educational Testing Service. Applicants must attain a passing score to qualify for licensure.

(4) Applicants whose graduate program was not conducted in English may be required to submit scores from the following standardized tests to demonstrate English language proficiency:

(a) The internet-based Test of English as a Foreign Language (TOEFL) with minimum scores of 100 overall, 26 in writing, and 26 in speaking; or

(b) The paper-based TOEFL and Test of Spoken English (TSE) with minimum scores of 600 overall; 5 on the essay; and 50 on the TSE; or

(c) The computer-based TOEFL and TSE with minimum scores of 250 overall; 5 on the essay; and 50 on the TSE.

(5) Applicants must demonstrate current professional competence as follows:

(a) Completion of graduate degree or supervised clinical experience within the 12 months prior to application; or

(b) Completion of 15 hours of professional development within the 12 months prior to application.

(c) Any hours completed in the current professional development period may also be counted towards meeting the professional development requirement for the next active license renewal.

ADMINISTRATIVE RULES

(6) For those speech-language pathologists completing their training before January 1, 2006, “degree requirements”, “supervised clinical experience” and “examinations” mean those in effect for ASHA certification at the time training was completed.

Stat. Authority: ORS 681
Stats. Implemented: ORS 681.250 & 681.260
Hist.: SPA 2-2011, f. & cert. ef. 10-10-11; SPA 1-2012, f. & cert. ef. 2-23-12; SPA 2-2012, f. & cert. ef. 12-14-12; SPA 1-2013, f. 4-1-13, cert. ef. 5-1-13; SPA 2-2013(Temp), f. & cert. ef. 5-17-13 thru 11-13-13

335-060-0010

Fees

In accordance with the provisions of ORS 681.340 and 681.360, the following fees, where applicable, are payable to the Board by check, money order, or electronic payment if available:

(1) All Applicants or Licensees:

(a) Application fee shall be \$40, non-refundable.

(b) Delinquent fee shall be \$50.

(c) A delinquent fee will be charged for each or all of the following, as applicable:

(A) Renewal applications postmarked or submitted electronically after December 31st of odd-numbered years;

(B) Renewal applications postmarked by December 31st of odd numbered years which are incomplete or otherwise unable to be processed;

(C) Conditional license renewals or conditional license upgrade applications postmarked less than 30 days prior to the expiration date of the conditional license;

(d) A delinquent fee may be charged for each or all of the following, as applicable:

(A) Failure to respond to audit by the prescribed deadline;

(B) Audit responses postmarked by the deadline which are incomplete or otherwise unable to be processed;

(C) Failure to complete all required hours of professional development prior to January 1st of even-numbered years;

(D) Failure to update contact information or provide supervisory changes within 30 days of the change.

(E) Failure to report all required hours of speech-language pathology assistant supervision upon audit.

(e) The Board may provide for waiver of the license or certificate fee where the license or certificate is issued less than 45 days before the date on which it will expire.

(2) Speech-Language Pathologists and Audiologists:

(a) Biennial license fee and renewal thereof shall be \$160.

(b) Biennial inactive license fee and renewal thereof shall be \$50.

(c) Conditional license fee and renewal thereof shall be \$50.

(3) Speech-Language Pathology Assistants:

(a) Biennial certificate fee and renewal thereof shall be \$50.

(b) Biennial inactive certificate fee and renewal thereof shall be \$20.

Stat. Auth.: ORS 681.340, 681.360, 681.420 & 681.460

Stats. Implemented: ORS 681.340(1), 681.360(2)(b) & 681.360(3)(b)

Hist.: SPA 2-1993(Temp), f. 12-8-93, cert. ef. 12-10-93; SPA 1-1994, f. & cert. ef. 6-10-94; SPA 1-2001, f. & cert. ef. 3-12-01; SPA 1-2002(Temp), f. 11-8-02, cert. ef. 12-1-02 thru 5-1-03; SPA 1-2003, f. & cert. ef. 5-7-03; SPA 1-2005, f. & cert. ef. 9-13-05; SPA 3-2008, f. & cert. ef. 4-10-08; SPA 1-2009, f. 6-9-09, cert. ef. 7-1-09; SPA 1-2010(Temp), f. & cert. ef. 8-11-10 thru 2-4-11; SPA 1-2011, f. 1-28-11, cert. ef. 2-1-11; SPA 3-2011(Temp), f. 10-10-11, cert. ef. 10-11-11 thru 4-4-12; SPA 1-2012, f. & cert. ef. 2-23-12; SPA 1-2013, f. 4-1-13, cert. ef. 5-1-13; SPA 2-2013(Temp), f. & cert. ef. 5-17-13 thru 11-13-13

335-070-0020

Professional Development Defined

(1) “Professional development” is defined as the successful completion of accepted types of activities, on accepted topics, provided and verified by accepted sponsors or providers, for the purpose of developing and updating professional skills.

(2) “Accepted types of activities” are organized programs of learning such as academic courses, classes, conferences, programs, and workshops, that are presented electronically, in-person, or in other formats. Self-study courses accompanied by examination and sponsored by a Board-recognized professional organization in audiology or speech-language pathology are also accepted types of activities. Publishing articles in peer-reviewed professional journals is an accepted type of activity only if special approval is obtained through procedures outlined in OAR 335-070-0020.

(3) Activities not accepted as professional development include but are not limited to:

(a) Supervision of practicum students or clinical fellows, making presentations, or teaching classes;

(b) Serving on professional boards or committees;

(c) Attending professional association business or committee meetings (whether paid or as a volunteer);

(d) Attending staff meetings;

(e) Performing other volunteer work; and

(f) Reading or studying professional journals, unless part of a self-study program that includes an examination to document satisfactory completion, and is sponsored by a Board-recognized professional association in audiology or speech-language pathology.

(4) The content of professional development activities must directly relate to the performance and practice of speech-language pathology or audiology and focus on accepted topics. “Accepted topics” are the following:

(a) Assessment and intervention for speech-language and hearing disorders;

(b) Speech, language and hearing science;

(c) Service delivery issues associated with speech-language and hearing services;

(d) Issues in pre-professional and professional training, professional ethics, professional regulation, and professional leadership and management;

(e) Planning, conducting and interpreting research activities, and developing and implementing evidence-based practices;

(f) Cultural and linguistic diversity in education, training, service delivery, and public policy associated with speech, language, and hearing, including the study of foreign language when needed for direct clinical practice;

(g) Business practices, regulatory policy, and marketing issues directly related to clinical service delivery;

(h) Psycho-social issues associated with speech/language/hearing assessment and intervention;

(i) Patient safety, clinical documentation and prevention of medical errors;

(j) Other topics included in the Continuing Education Board Registry subject code list published by ASHA in 2008 and as revised;

(k) Educational strategies and professional knowledge necessary to effectively provide speech-language pathology or audiology services to students within a pre-K to high school setting.

(5) “Accepted sponsors or providers” of professional development are:

(a) The American Speech-Language Hearing Association (ASHA), the American Academy of Audiology (AAA), or the American Board of Audiology (ABA) for programs that they provide or approve for audiologists, speech-language pathologists, or speech-language pathology assistants;

(b) The Oregon Speech-Language Hearing Association (OSHA), the Oregon Academy of Audiology (OAA), or any other state speech-language-hearing organizations recognized by ASHA, AAA, or ABA;

(c) Continuing education providers approved by ASHA, AAA, or ABA;

(d) The Oregon Health Licensing Agency for programs that it provides to hearing aid specialists, or approves for continuing education for its licensed hearing aid specialists, or the Oregon Board of Examiners for Speech-Language Pathology & Audiology for programs it provides to its licensees;

(e) Institutions of higher education accredited by an appropriate national, state or regional body or approved by the Board, for academic courses;

(f) The American Red Cross or American Heart Association for courses on cardio-pulmonary resuscitation or basic life support; and

(g) Public school districts, education service districts, home health care companies, skilled nursing facilities, hospitals, or universities, for programs provided for their employees. When these entities provide programs for non-employees, they are accepted sponsors only if special approval is obtained through procedures outlined in OAR 335-070-0020.

(h) Providers of professional development that are not specified in OAR 335-070-0010(5)(a-g) will be accepted sponsors only if special approval is obtained through procedures outlined in OAR 335-070-0020.

(6) Professional development credit will be granted by the Board as follows:

(a) Credit will be granted by the Board for professional development that meets the definitions for accepted types of activities, accepted topics, and accepted sponsors or providers in OAR 335-070-0010, including those that receive special approval from the Board per OAR 335-070-0020.

(b) Credit for professional development will be calculated on an hourly basis. One “professional development hour” is defined as sixty (60) minutes or one (1) clock hour of attendance/participation unless otherwise specified in rule or specially approved by the Board.

ADMINISTRATIVE RULES

(c) Academic course work must be taken for credit, and the licensee must receive a minimum grade of “C”, for professional development credit to be granted. One academic semester hour is equivalent to fifteen (15) professional development hours. One academic quarter hour is equivalent to ten (10) professional development hours.

(d) Licensees must complete the required professional development hours within the professional development period. The “professional development period” is the twenty-four months prior to and including December 31st of each odd-numbered year.

(e) Professional development hours completed in excess of the requirement may not be carried over to meet requirements in the subsequent period. Professional development hours completed late for one period may not be counted towards the requirements for the subsequent period.

(f) Credit will not be given for completing [in] a professional development activity more than once in a professional development period. A conference consisting of many separate workshops on different topics is counted as multiple activities.

(g) Credit will only be granted by the Board for professional development activities that are documented by official transcripts or certificates of attendance issued by the sponsor or provider. Documentation of activities specially approved by the Board must include proof of that approval, and may require other forms of evidence of completion. All professional development documentation must be retained by the licensee for four (4) years after its completion.

Stat. Auth.: ORS 681.420(5) & 681.460

Stats. Implemented: ORS 681.320(1)(a)

Hist.: SPA 2-1996, f. & cert. ef. 7-22-96; SPA 1-2001, f. & cert. ef. 3-12-01; SPA 1-2003, f. & cert. ef. 5-7-03; SPA 4-2006, f. & cert. ef. 11-3-06; SPA 1-2007, f. & cert. ef. 2-1-07; SPA 1-2011, f. 1-28-11, cert. ef. 2-1-11; SPA 1-2013, f. 4-1-13, cert. ef. 5-1-13; SPA 2-2013(Temp), f. & cert. ef. 5-17-13 thru 11-13-13

335-070-0050

Responsibilities and Professional Development Reporting Requirements of Licensees

(1) Licensees must maintain, for a period of four (4) years, all documentation verifying professional development hours.

(2) As a requirement for license renewal, active licensees must report professional development hours for the professional development period ending on the deadline for license renewal according to their license type:

(a) Speech-Language Pathology or Audiology: Thirty (30) professional development hours completed during the professional development period;

(b) Dual Speech-Language Pathology and Audiology: Thirty (30) professional development hours in speech-language pathology and thirty (30) professional development hours in audiology completed during the professional development period. A maximum of fifteen (15) professional development hours may be applied to both licenses if the topic is applicable to both types of licenses.

(c) Speech-Language Pathology Assistant: Fifteen (15) professional development hours completed during the professional development period;

(d) Conditional Licensees: No professional development hours will be required to renew a conditional license, however, individuals are encouraged to participate in professional development activities.

(e) As a requirement for license renewal, active licensees applying to renew a license initially issued during the current professional development will be required to report completion of professional development according to the following scale:

(A) Licensed prior to July of the last even-numbered year — 100% of the professional development hours required in OAR 335-070-0050(2) for an active license of their type.

(B) Licensed from August 1st of the last even-numbered year through July 31st of the current odd-numbered year — 50% of the professional development hours required in OAR 335-070-0050(2) for an active license of their type.

(C) Licensed after July 31st of the current odd-numbered year — no professional development hours are required.

(3) Licensees must comply with any Board request to audit or review their professional development documentation to determine compliance with professional development requirements.

Stat. Auth.: ORS 681.420(5) & 681.460

Stats. Implemented: ORS 681.320(1)(a)

Hist.: SPA 2-1996, f. & cert. ef. 7-22-96; SPA 1-2001, f. & cert. ef. 3-12-01; SPA 4-2006, f. & cert. ef. 11-3-06; SPA 1-2007, f. & cert. ef. 2-1-07; SPA 1-2013, f. 4-1-13, cert. ef. 5-1-13; SPA 2-2013(Temp), f. & cert. ef. 5-17-13 thru 11-13-13

335-070-0080

Requirements to Reactivate Inactive or Expired Licenses

An inactive licensee or an individual whose license has expired who applies to the Board to return to active status must submit documentation of professional development as follows:

(1) If the license has been inactive or expired for less than 23 months, the individual must provide documentation of the professional development hours required for renewal of their license type in OAR 335-070-0050(2). These professional development hours must have been completed during the preceding professional development period.

(2) If the license has been inactive for 23 months or more, or expired for 23 months to 47 months, the individual must provide documentation of the one-half of the professional development hours required for renewal of their license type in OAR 335-070-0050(2). These professional development hours must have been completed during the 12 months preceding their reactivation request. Any hours completed in the current professional development period may also be counted towards meeting the professional development requirement for the next active license renewal.

(3) If the license has been expired for 48 months or more, the individual must reapply for licensure and meet the professional development requirements for new applicants.

Stat. Auth.: ORS 681.420(5) & 681.460

Stats. Implemented: ORS 681.320(1)(a)

Hist.: SPA 2-1996, f. & cert. ef. 7-22-96; SPA 1-2001, f. & cert. ef. 3-12-01; SPA 1-2005, f. & cert. ef. 9-13-05; SPA 1-2009, f. 6-9-09, cert. ef. 7-1-09; SPA 1-2013, f. 4-1-13, cert. ef. 5-1-13; SPA 2-2013(Temp), f. & cert. ef. 5-17-13 thru 11-13-13

Board of Geologist Examiners

Chapter 809

Rule Caption: Adoption of 2013–2015 Operating Budget

Adm. Order No.: BGE 1-2013

Filed with Sec. of State: 6-3-2013

Certified to be Effective: 7-1-13

Notice Publication Date: 5-1-2013

Rules Amended: 809-010-0025

Subject: Adoption of the 2013–2015 biennial budget of the Board with a spending limit of \$557,159.

Rules Coordinator: Christine Valentine—(503) 566-2837

809-010-0025

Operating Budget

The Oregon State Board of Geologist Examiners hereby adopts by reference the 2013–2015 Biennial Budget of \$557,159 covering the period from July 1, 2013, and ending June 30, 2015. With Board approval, the Administrator of the Board may amend budgeted accounts as necessary within the approved budget of \$557,159 for the effective operation of the Board. The Board will not exceed the approved 2013–2015 Biennial Budget unless registrants are noticed, a public hearing is convened, and this rule is amended as required by ORS Chapter 182.462(1)(2). Copies of the budget are available from the Board's office.

Stat. Auth.: ORS 672.705, 182.462, & 670.310

Stats. Implemented: ORS 672.505 & 182.462

Hist.: BGE 1-1999, f. & cert. ef. 6-17-99; BGE 1-2001, f. & cert. ef. 3-23-01; BGE 2-2003, f. 6-13-03, cert. ef. 7-1-03; BGE 1-2005, f. & cert. ef. 8-15-05; BGE 2-2007, f. 6-25-07, cert. ef. 7-1-07; BGE 1-2009, f. 6-15-09, cert. ef. 7-1-09; BGE 1-2011, f. 6-21-11, cert. ef. 7-1-11; BGE 4-2012, f. 12-13-12, cert. ef. 12-21-12; BGE 1-2013, f. 6-3-13, cert. ef. 7-1-13

Board of Massage Therapists

Chapter 334

Rule Caption: Adopt Board budget; clarify internal cavity, discipline, exempt practices, initial license and applicant rules.

Adm. Order No.: BMT 1-2013

Filed with Sec. of State: 5-31-2013

Certified to be Effective: 7-1-13

Notice Publication Date: 4-1-2013

Rules Amended: 334-001-0012, 334-010-0005, 334-010-0015, 334-010-0027, 334-010-0029, 334-040-0010

Subject: The proposed rule amendments adopts the 2013–15 budget; adds Ortho-Bionomy to the exempt practices; clarifies the internet cavity rule based on comments from the LMT community; specifies rules addressing discipline, applicants, and initial license.

Rules Coordinator: Christine West—(503) 365-8657, ext. 302

ADMINISTRATIVE RULES

334-001-0012

Budget

The Oregon Board of Massage Therapists hereby adopts, and fully incorporates herein, the Oregon Board of Massage Therapists' 2013–2015 Biennium budget of \$1,746,000.

Stat. Auth.: SB 1127, ORS 183 & 687.121

Stats. Implemented: Section 6, (1) & (2)

Hist.: BMT 2-1999(Temp), f. & cert. ef. 9-17-99 thru 3-15-00; BMT 1-2000, f. & cert. ef. 1-12-00; BMT 2-2000, f. & cert. ef. 8-3-00; BMT 1-2001, f. & cert. ef. 5-29-01; BMT 2-2003, f. & cert. ef. 6-17-03; BMT 2-2005(Temp), f. & cert. ef. 6-24-05 thru 6-30-05; BMT 3-2005, f. 6-24-05, cert. ef. 7-1-05; BMT 1-2007, f. & cert. ef. 6-29-07; BMT 2-2007, f. & cert. ef. 7-3-07; BMT 3-2009, f. & cert. ef. 7-2-09; BMT 3-2010, f. 12-22-10, cert. ef. 1-1-11; BMT 1-2011, f. & cert. ef. 4-21-11; BMT 2-2011, f. 6-29-11, cert. ef. 7-1-11; BMT 1-2013, f. 5-31-13, cert. ef. 7-1-13

334-010-0005

Applications

(1) All applications for examinations, licensure, inactive status, renewal, or temporary permit must be made on forms provided by the Board. Only applications that are completed and on Board approved forms, without alterations, must be accepted for filing and review by the Board.

(2) All applications made to the Board must be accompanied by the required fee.

(3) Applicants for examination must submit the following with their application:

(a) A copy of a valid government issued photo identification. This identification could be a valid driver's license, a current U.S. passport, immigration/naturalization papers, or a valid state identification card;

(b) An official certificate or transcript from the administering institutions, instructors, or programs showing successful completion of study and practice in the required subject matter and hours required by the Board.

(A) Official copies of transcripts or certificates presented to the Board in an envelope sealed by the program or institution and verified as sealed may be accepted directly from the applicant.

(B) If a program or institution granting credit is no longer in business, the Board must accept for review a copy of a certificate of completion, transcript or diploma in the required subject matter and hours. The Board may require additional information to verify the authenticity of such documents.

(c) A current photograph of the applicant.

(4) Transcripts must include a minimum of 500 hours of certified classes. The 500 hours must include the knowledge and skills identified in OAR 334-010-0047 competencies and must be comprised of:

(a) A minimum of 200 hours of Anatomy & Physiology, Pathology, and Kinesiology; and

(b) A minimum of 300 hours of Massage Theory and Practical Application, Clinical Practice, Business Development, Communication and Ethics, and Sanitation. Hydrotherapy may be included as part of the 300 hours.

(c) Hours can be calculated in clock hours or equivalent credit hours from an institution that substantially complies with the definition of credit hours in 34 CFR 600.2.

(5) If for any reason an applicant does not appear to be qualified for admission to take the examination, the applicant must be so notified and invited to submit additional evidence that he/she is entitled to have his/her case considered or to be admitted to examination. Applicants who are or have legally practiced massage and/or bodywork outside of the State of Oregon may be eligible to apply for the Credentialing Review Process.

(6) All application documents for examination and licensure submitted in a language other than English must be accompanied by:

(a) An accurate translation of those documents into English;

(b) A notarized affidavit certifying that the translator is competent in both the language of the document and the English language; and

(c) A notarized affidavit certifying that the translation is a true and complete translation of the foreign language original.

(7) Any costs of translation of all documents required by the Board must be at the expense of the applicant.

(8) If the applicant discontinues the application process or fails to cooperate with the criminal history check process, then the application is considered incomplete.

Stat. Auth.: ORS 183, 687.121 & 182.456 - 182.472

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121
Hist.: HB 88, f. 3-16-56; Renumbered from 333-035-0002; MTB 1-1979, f. & ef. 5-22-79; MTB 2-1985, f. & ef. 1-23-85; MB 3-1985(Temp), f. & ef. 9-20-85; MTB 1-1986, f. & ef. 1-29-86; MTB 1-1990, f. & cert. ef. 4-20-90; MTB 1-1992, f. & cert. ef. 7-28-92, Section (7)(d) Renumbered from 334-010-0036; BMT 2-1998, f. & cert. ef. 7-22-98; BMT 2-2002, f. & cert. ef. 5-8-02; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2004, f. & cert. ef. 2-23-04; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09; BMT 3-2009, f. & cert. ef. 7-2-09; BMT 3-2011(Temp), f. & cert. ef. 8-10-11 thru 6-2-12; BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12; BMT 1-2013, f. 5-31-13, cert. ef. 7-1-13

334-010-0015

Licensure

(1) An applicant for an initial license or renewal of a license must complete, in its entirety, an original application furnished by the Board.

(2) An applicant for an initial license and all lapsed and inactive licensees applying for reactivation must submit a completed fingerprint card for a criminal background check.

(3) All applications for licensure must be accompanied by proof of current certification in cardiopulmonary resuscitation (CPR).

(4) An applicant must provide written explanation and copies of all related documentation as requested by the board if:

(a) Applicant has ever been investigated, disciplined or denied licensure by this agency or any other governmental agency in any state or jurisdiction of the United States or foreign country;

(b) Applicant has surrendered a massage license or other professional license in any state or jurisdiction of the United States or foreign country;

(c) Applicant has been arrested, charged or convicted of any type of violation of the law, including both misdemeanors or felonies, other than minor traffic infractions in any state or jurisdiction of the United States or foreign country;

(d) Applicant has abused or been treated for the abuse of alcohol, controlled or mind altering substances; or

(e) Applicant has suffered from and/or received treatment for a mental, physical or emotional condition, which could impede applicant's ability to safely practice massage.

(5) Applicants for initial licensure must apply within one year of the successful completion of the practical examination.

(a) If an applicant does not apply within one year, the applicant must retake the practical examination.

(b) At the time of re-examination, the applicant must meet all current licensing requirements and submit original documents as required by the Board.

(6) Licenses issued expire on the last day of the licensees' birth month of even numbered years for licensees with even numbered birth years and odd numbered years for licensees with odd numbered birth years. Thereafter, licenses may be renewed every other year upon completion of the application requirements. The application must be returned to the Board postmarked no later than the 1st day of the month of expiration. A delinquent fee must be paid if the completed application and all requirements are not received by the due date.

(7) Applicants for the renewal of an active license must sign a statement verifying completion of a minimum of 25 hours of continuing education. The Board may require proof of the continuing education hours.

(8) Applications for renewal of an active license must be accompanied by:

(a) Current licensing fee;

(b) Any applicable late fees;

(c) Proof of current certification in cardiopulmonary resuscitation (CPR);

(d) Proof of 25 hours of continuing education; and

(e) Any additional documentation required by the Board.

(9) All applicants for initial, renewal, or reinstated license must sign a statement verifying that they have read, understand, and must comply with all current Oregon Revised Statutes (ORS 687), Oregon Administrative Rules (OAR 334), and policy statements of the Board.

(10) Licenses issued by the Board must not be transferable.

(11) A person licensed by the Board may move to an inactive status by completing the form provided by the Board. Upon payment of the appropriate fee, the applicant will be issued an inactive license. During the period of inactive status, the licensee may not practice massage for compensation in the State of Oregon.

(12) An application to reactivate an inactive license:

(a) Must be accompanied by:

(A) Current licensing fee;

(B) Verification of current cardiopulmonary resuscitation (CPR);

(C) Verification of 25 hours of continuing education for each biennium or fraction of the biennium the license was inactive, up to 50 hours; and
(D) Completed fingerprint card for criminal background check.

(b) An individual who has been inactive or a combination of lapsed/inactive for 6 consecutive years or greater must, in addition, successfully pass the practical examination.

Stat. Auth.: ORS 687.121 & 687.051

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121
Hist.: HB 88, f. 3-16-56; Renumbered from 333-035-0006; MTB 1-1979, f. & ef. 5-22-79; MTB 1-1990, f. & cert. ef. 4-20-90; MTB 1-1992, f. & cert. ef. 7-28-92; BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2004, f. & cert. ef. 2-23-04; BMT 1-2006, f. & cert. ef. 1-5-06; BMT 2-2006(Temp), f. & cert. ef. 2-16-06 thru 8-7-06;

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Administrative correction 8-22-06; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09; BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12; BMT 1-2012, f. 6-19-12, cert. ef. 7-1-12; BMT 1-2013, f. 5-31-13, cert. ef. 7-1-13

334-010-0027

Exempt Practices

(1) Practitioners exempt from the Oregon Board of Massage Therapists licensing authority are defined as practitioners who:

(a) Do not claim expressly or implicitly to be massage therapists and who limit their work to the practice of:

(A) Using touch, words and directed movement to deepen awareness of existing patterns of movement and suggest new possibilities of movement, as defined per 687.031(1)(j)(i). Examples include the Feldenkrais Method of Somatic Education as defined on May 16, 2011, by the Feldenkrais Guild® of North America and The Trager® Approach as defined on May 16, 2011, by the United States Trager® Association; and Registered Practitioners of Ortho-Bionomy® as defined on December 28, 2012 by the Society of Ortho-Bionomy International; or

(B) Using minimal touch over specific points on the body to facilitate balance in the nervous system, as defined per 687.031(1)(j)(ii). An example includes Bowenwork® and/or the Bowen Technique as defined on May 16, 2011 by the Bowenwork Academy USA; or

(C) Using touch to affect the energy systems or channels of energy of the body, as defined per 687.031(1)(j)(iii). An example includes Polarity Therapy as defined on May 16, 2011 by the American Polarity Therapy Association; and

(b) Hold an active certification from a National or International professional organization or credentialing agency that:

(A) Requires a minimum level of training specific to their discipline, demonstration of competence and adherence to an approved scope of practice and ethical standards;

(B) Maintains disciplinary procedures to ensure adherence to the requirements of the organization or agency; and

(c) Provide contact information in the practitioner's place of business for any organization or agency that has certified the practitioner.

(2) It is the exempt practitioner's responsibility to insure they meet the criteria for being exempt and only practice within their exempt scope of practice. Practitioners may be subject to discipline by the Board if they:

(a) Refer to themselves or imply they are a massage therapist;

(b) Practice outside of the exempt scope of practice;

(c) Practice without an active certification from a National or International professional organization or credentialing agency; or

(d) Fail to provide contact information in the practitioner's place of business for any organization or agency that has certified the practitioner.

(3) The State Board of Massage Therapists has the authority to verify a practitioners claimed exemption from licensure of ORS 687 under subsection (1)(j) of section 687.031. Verification may include, but is not limited to, consultation with the practitioners certifying organization or agency.

(4) Disciplines and/or Organizations seeking to be named in the exemption shall contact the Board of Massage Therapists to request a review.

Stat. Auth.: ORS 687, SB 454

Stats. Implemented: ORS 687.031

Hist.: BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12; BMT 2-2012, f. 12-4-12, cert. ef. 1-1-13; BMT 1-2013, f. 5-31-13, cert. ef. 7-1-13

334-010-0029

Internal Cavity

(1) All Internal Cavities massage must be performed utilizing universal precautions for communicable disease control.

(2) Internal Cavities consist of nasal cavities, oral cavities, auricular cavities, anal cavities, and vaginal cavities.

(3) Internal cavity massage that must be performed using gloves:

(a) Anal cavities and

(b) Vaginal cavities.

(4) Internal cavity massage that must be performed using gloves or finger cots:

(a) Nasal cavities and

(b) Oral cavities.

(5) Prior to performing these special procedures, an LMT must:

(a) Be able to present evidence of the completion of specialized contact hours as training beyond the minimum competencies, which includes but is not limited to, indications, contraindications, therapeutic treatment techniques, expected outcomes, client safety, client consent, client communication, draping techniques, sanitation, and ethical responsibilities related to internal cavity massage;

(b) Be able to articulate a therapeutic rationale which is acknowledged by the client; rationale may include a medical prescription and/or permission to consult with the clients health care provider(s);

(6) Prior to performing internal cavity massage a LMT must obtain written and verbal consent before proceeding, written consent must include clients' option to accept or decline to provide a witness in addition to the client and LMT.

(7) While performing these procedures a LMT must use appropriate draping techniques at all times. Any temporary exposure of the genital area for the purposes of treatment is acceptable only in respect to appropriate procedures for that treatment. Immediately following treatment of the area, the genital area must be covered again.

(8) Under no circumstances will intravaginal or intra-anal techniques be performed on individuals under 18 years of age.

Stat. Auth.: ORS 687

Stats. Implemented: ORS 687.121

Hist.: BMT 1-2012, f. 6-19-12, cert. ef. 7-1-12; BMT 2-2012, f. 12-4-12, cert. ef. 1-1-13; BMT 1-2013, f. 5-31-13, cert. ef. 7-1-13

334-040-0010

Discipline

The Board may deny, conditionally grant, restrict, suspend or revoke a license, impose probation, reprimand, censure, impose remedial education or corrective actions, and/or impose a civil penalty for any of the following reasons:

(1) Practicing massage or representing one's self as a massage therapist without a current active license issued by the Board;

(2) Knowingly or recklessly making any false statement to the Board;

(3) Has been the subject of disciplinary action as a licensed healthcare professional by this or any other state or territory of the United States or by a foreign country and the Board determines that the cause of the disciplinary action would be a violation under ORS 687.011 to 687.250, 687.895 and 687.991 or OAR chapter 334;

(4) Suspension or revocation of a license to practice massage in another jurisdiction based upon acts by the licensee similar to acts described in this section;

(5) Knowingly or recklessly falsifying an application or continuing education statement or documentation;

(6) Conviction of a crime in any state or jurisdiction;

(7) The use of false, deceptive, or misleading advertising, which includes but is not limited to, advertising massage using the term "massage" or any other term that implies a massage technique or method in any private or public communication or publication by a person licensed or not licensed by the Board as a massage therapist;

(8) Allowing the use of a license by an unlicensed person;

(9) Presenting as one's own license, the license of another;

(10) Practicing massage under a false or assumed name without notification to the Board;

(11) Impersonating another massage therapist;

(12) Assisting, employing, or permitting an unlicensed person to practice massage;

(13) Practicing or purporting to practice massage when the license has been revoked or suspended, lapsed or inactive;

(14) Practicing or offering to practice massage beyond the scope permitted by law;

(15) The use of intoxicants, drugs, controlled substances, or mind altering substances to such an extent as to impair or potentially impair the licensee's abilities to perform professional duties in a safe manner;

(16) Practicing massage with a physical or mental impairment that renders the therapist unable or potentially unable to safely conduct the practice of massage;

(17) Failing to keep the equipment and premises of the massage establishment in a clean and sanitary condition as required by rules of the Board;

(18) Refusing to permit the Board or its representatives to inspect the business premises of the licensee during regular business hours;

(19) Failing to cooperate with the Board in any licensing action or disciplinary proceeding, including but not limited to:

(a) Failure to furnish any requested papers or documents,

(b) Failure to provide in writing a full and complete explanation covering the matter contained in the complaint filed with the Board,

(c) Failure to respond to subpoenas issued by the Board whether or not the recipient is accused in the proceeding;

(20) Failing to comply with an order issued by the Board;

(21) Unprofessional or dishonorable conduct which includes but is not limited to:

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(a) Any conduct involving inappropriate physical contact or sexual misconduct which includes:

(A) Sexual abuse which is conduct which constitutes a violation of any provision of ORS 163.305 through 163.465;

(B) Sexual violation which is sex between the LMT and the client, whether initiated by the client or not, engaging in any conduct with a client that is sexual, or may be reasonably interpreted as sexual, including, but not limited to:

- (i) Sexual intercourse;
- (ii) Genital to genital contact;
- (iii) Oral to genital contact; oral to anal contact;
- (iv) Oral to oral contact except cardiopulmonary resuscitation; touching breasts or genitals or any sexualized body part for any purpose other than appropriate examination or treatment or where the client has refused or withdrawn consent; or

(v) Encouraging the client to masturbate in the presence of the LMT or masturbation by the LMT while the client is present.

(C) Sexual impropriety which is any behavior, gestures, or expressions that are seductive or sexually demeaning to a client; inappropriate procedures, including, but not limited to,

(i) Disrobing or draping practices that reflect a lack of respect for the client's privacy, deliberately watching a client dress or undress instead of providing privacy for disrobing;

(ii) Subjecting a client to an examination in the presence of students, assistants, or other parties without the explicit consent of the client or when consent has been withdrawn;

(iii) An examination or touching of genitals;

(iv) Inappropriate comments about or to the client, including but not limited to, making sexual comments about a client's body or clothing, making sexualized or sexually-demeaning comments to a client, comments on the client's or LMT's sexual orientation and making a request to date;

(v) Initiation by the LMT of conversation regarding the sexual problems, preferences or fantasies of the LMT; or

(vi) Kissing.

(b) Violating the client's rights of privacy, and confidentiality.

(c) Failure to disclose or release information about a client if required by law or on written consent of client.

(d) Intentionally harassing, abusing, or intimidating a client either physically or verbally.

(e) Any conduct or practice which could endanger the health or safety of a client or the public.

(f) Any conduct or practice which impairs the massage therapist's ability to safely and skillfully practice massage.

(g) Exercising undue influence on a client, including promotion or sale of services, goods, or appliances in such a manner as to exploit the client for the financial gain or self-gratification of the massage therapist.

(h) Routinely practicing in an incompetent manner.

(i) Conduct which would also constitute a violation of the Oregon Unlawful Trade Practices Act.

(j) Practicing a modality or technique without adequate training or licensure.

Stat. Auth.: ORS 687.081 & 687.121

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121
Hist.: MTB 1-1990, f. & cert. ef. 4-20-90; MTB 1-1992, f. & cert. ef. 7-28-92; Sections (6) - (20)(h) Renumbered from 334-030-0020; BMT 2-1998, f. & cert. ef. 7-22-98; Renumbered from 334-030-0025 by BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09; BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12; BMT 2-2012, f. 12-4-12, cert. ef. 1-1-13; BMT 1-2013, f. 5-31-13, cert. ef. 7-1-13

Board of Parole and Post-Prison Supervision Chapter 255

Rule Caption: Reorganize Rules on Inmate Accompaniment to Board Hearings

Adm. Order No.: PAR 3-2013

Filed with Sec. of State: 6-10-2013

Certified to be Effective: 6-10-13

Notice Publication Date: 4-1-2013

Rules Amended: 255-030-0025, 255-030-0026

Subject: Reorganization of the rules that relate to inmate accompaniment to Board hearings is necessary to separate the rules that require joint rulemaking

with the Department of Corrections into a discrete section to promote efficiency and clarity.

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

255-030-0025

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

(1) Inmates are permitted to have a person accompany them in hearings before the Board of Parole and Post-Prison Supervision in accordance with ORS 144.123. This rule establishes jointly with the Department of Corrections policies and procedures governing who may accompany an inmate before the Board.

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

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

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

(c) The inmate's attorney.

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

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

(4) The Department of Corrections, if requested by the inmate or the Board, will assign an approved inmate legal assistant from the Department of Corrections facility where the inmate is confined to accompany an inmate at a Board hearing. The selection of the inmate legal assistant shall be governed by the policies and rules of the Department of Corrections.

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

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

Hist.: 2PB 1-1979, f. & ef. 2-1-79; 2PB 10-1981(Temp), f. & ef. 11-4-81; 2PB 1-1982, f. & ef. 5-19-82; 2PB 4-1986(Temp), f. & ef. 12-2-86; PAR 3-1987, f. & ef. 4-28-87; PAR 6-1988, f. & ef. 5-19-88; PAR 4-1989, f. & ef. 11-1-89; PAR 2-1990, f. & cert. ef. 4-5-90; PAR 8-1992, f. & cert. ef. 10-9-92; PAR 3-1997, f. 3-11-97, cert. ef. 3-14-97; PAR 6-2000, f. & cert. ef. 6-9-00; PAR 4-2004(Temp), f. & cert. ef. 5-14-04 thru 11-10-04; PAR 10-2004, f. & cert. ef. 11-2-04; PAR 3-2012(Temp), f. & cert. ef. 9-18-12 thru 3-1-13; PAR 2-2013, f. & cert. ef. 3-1-13; PAR 3-2013, f. & cert. ef. 6-10-13

255-030-0026

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

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

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

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

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

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

(e) Department of Corrections Employees, Volunteers, and Contractors: Department of Corrections employees, volunteers, and contractors may attend, but not participate in, Board of Parole and Post-Prison Supervision hearings, except as requested or approved by the Board in order to provide testimony in the hearing.

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

(2) Means and Manner of Appearance/Attendance:

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

(A) If the inmate will appear before the Board of Parole and Post-Prison Supervision in person within a Department of Corrections facility,

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

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

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

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

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

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

Stat. Auth.: ORS 144.123, 144.750, 144.120(7) & 192.690
Stats. Implemented: ORS 144.123, 144.750 & 144.120(7)
Hist.: PAR 10-2004, f. & cert. ef. 11-2-04; PAR 3-2012(Temp), f. & cert. ef. 9-18-12 thru 3-1-13; PAR 2-2013, f. & cert. ef. 3-1-13; PAR 3-2013, f. & cert. ef. 6-10-13

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**Department of Community Colleges and
Workforce Development
Chapter 589**

Rule Caption: Amends General Education Development (GED) Fees

Adm. Order No.: DCCWD 1-2013(Temp)

Filed with Sec. of State: 5-31-2013

Certified to be Effective: 5-31-13 thru 11-27-13

Notice Publication Date:

Rules Amended: 589-007-0500

Subject: In 2014, the General Educational Development (GED) test will transition from paper-based testing (PBT) to computer-based testing (CBT). In anticipation of this change, several Oregon GED testing centers have already transitioned to computer-based testing. The current administrative rule does not include CBT and corresponding fee information. The current rule addresses processes for paper-based tests only. The agency needs to amend its current rule to coincide with the revised CBT testing process and new fee structure.

Rules Coordinator: Linda Hutchins—(503) 947-2456

589-007-0500

GED Fees

The State Board of Education authorizes the Department of Community Colleges and Workforce Development (CCWD) to charge the following fees for the General Educational Development (GED) tests:

(1) For paper-based GED tests through December 31, 2013:

(a) All persons taking the GED tests shall be required to pay a \$35 state administration fee at the time they begin testing;

(b) Persons seeking a GED equivalency certificate shall be issued that certification upon verification that the state fee has been paid and the requirements of OAR 589-007-0400 have been met;

(c) The \$35 state fee shall cover the cost of state administration for each test-taker until the transition to a new GED test which will occur on January 1, 2014.

(d) Upon GED completion requirements, an initial GED certificate and transcript will be issued at no costs. Duplicate certificates may be secured for \$5.00 until September of 2013.

(2) For computer-based GED tests through December 31, 2013:

(a) All persons taking the GED tests shall be required to pay a \$7 state administration fee for each of five subtests that comprise the GED test and any retaken tests;

(b) State fees will be collected by GEDTS at the time a GED candidate registers online for the GED tests and will be distributed to CCWD on a monthly basis;

(c) A GED high school equivalency certificate will be issued upon successful completion of the five subtests.

(3) For computer-based GED tests beginning on January 1, 2014 through December 31, 2015:

(a) All persons taking the GED tests shall be required to pay a \$8 state administration fee for each of four subtests that comprise the GED tests and any retaken tests;

(b) State fees will be collected by GED Testing Service at the time a GED candidate registers online for GED tests and will be distributed to CCWD on a monthly basis;

(c) A GED high school equivalency certificate will be issued upon successful completion of the four subtests.

Stat. Auth.: ORS 326.051 & 326.550
Stats. Implemented: ORS 192.440 & 326.550
Hist.: IEB 130, f. 5-5-72, ef. 10-15-72; IEB 258, f. 1-31-77, ef. 2-1-77; IEB 6-1984(Temp), f. & ef. 3-7-84; IEB 10-1984, f. & ef. 4-13-84; EB 12-1991, f. & cert. ef. 7-19-91; Renumbered from 581-046-0005; ODE 1-2001, f. 1-25-01, cert. ef. 1-26-01; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0011; DCCWD 1-2009, f. & cert. ef. 7-6-09; DCCWD 1-2013(Temp), f. & cert. ef. 5-31-13 thru 11-27-13

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Rule Caption: Adult High School Diploma Program

Adm. Order No.: DCCWD 2-2013

Filed with Sec. of State: 5-31-2013

Certified to be Effective: 5-31-13

Notice Publication Date: 3-1-2013

Rules Amended: 589-007-0600

Subject: The agency amends the Adult High School Diploma (AHSD) rule to clarify the program's target population and accountability requirements and align AHSD requirements with state high school graduation requirements.

Rules Coordinator: Linda Hutchins—(503) 947-2456

589-007-0600

Adult High School Diploma Program

The purpose of the Adult High School Diploma program is to provide an opportunity for persons with an exemption from compulsory attendance to earn an Oregon diploma.

(1) Definitions. As used in this rule:

(a) "Adult High School Diploma" or "AHSD" means a diploma that fulfills all state requirements as provided in OAR 581-022-1130 and the community college program requirements as defined in the approved program plan, and is issued by a community college with an approved program plan on file at the Department of Community College and Workforce Development (CCWD).

(b) "Adult high school diploma credit" means credit earned by the student prior to enrolling in or earned outside of the AHSD program for academic coursework, as well as credit awarded by the community college for proficiency and life experience, but does not include credit awarded for challenge tests.

(c) "Adult high school diploma academic credit" means credit earned by the student at the community college for academic coursework, from either secondary level or community college courses.

(2) The State Board of Education (SBE) shall oversee the AHSD as provided in ORS 326.051 and ORS 339.505(1) and approve AHSD programs of the community colleges. The SBE delegates administrative responsibilities to the Commissioner of CCWD to review and make a recommendation to the SBE regarding program approval.

(3) CCWD shall administer the statewide AHSD program as provided in ORS 341.425 and establish policies and procedures for the approval and monitoring of AHSD programs.

(4) Community colleges are authorized to award the AHSD subject to SBE approval of the community college AHSD plan, consistent with these

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rules, and consistent with administrative policies and procedures of CCWD.

(5) To be eligible to receive an AHSD, a student shall:

(a) Have an exemption from compulsory attendance as provided in OAR 581-021-0076 and ORS 339.030(2), or otherwise not be required to attend as provided in ORS 339.010;

(b) Fulfill all state requirements as provided in OAR 581-022-1130 or other rules establishing minimum requirements for an Oregon diploma;

(c) Earn at least one adult high school diploma academic credit from a community college with an approved program; and

(d) Fulfill all program requirements as described in the approved community college AHSD program plan.

(6) A community college shall adopt policies and procedures for the approval of the AHSD program plan. These policies and procedures shall provide that:

(a) Before the community college may award an AHSD, the college shall have an approved program plan on file at CCWD. The plan shall be approved by the local community college board of education prior to being filed for review with CCWD and recommendation for approval by the Commissioner. The community college shall submit the plan to CCWD on a date and in a format described in guidance documents provided by CCWD.

(b) The filing process shall be complete when the SBE has approved the plan and the community college has received a letter of authorization from CCWD.

(c) The plan must include but is not limited to:

(A) The statement of assurances described in guidance documents provided by CCWD; and

(B) A description of the following:

- (i) Program mission and goals;
- (ii) Admission requirements;
- (iii) Student orientation and advising;
- (iv) Maintenance of student records;
- (v) Services for students with disabilities;
- (vi) Student assessment and completion criteria;
- (vii) Course offerings;
- (viii) Personalized learning;
- (ix) Awarding adult high school diploma credit;
- (x) Minimum credit requirement;
- (xi) Other community college or program requirements; and
- (xii) Recognition of student achievement.

(7) Once a plan is approved by the SBE, monitoring and evaluation of the approved plan is by CCWD through the Commissioner, pursuant to standards and rules of the SBE. Monitoring and evaluation shall include annual reporting by the community college with such information as CCWD may require.

(8) A community college shall adopt policies and procedures for the annual update of the AHSD program plan. These policies and procedures shall provide that:

(a) The program shall submit annually the signed statement of assurances as required by CCWD.

(b) The program shall submit annually a plan update and statistical reports as required by CCWD.

(c) The program shall participate in ongoing program monitoring and evaluation as required by CCWD.

(9) All community colleges are presumed to maintain an approved AHSD program unless the college has been found to be deficient by the Commissioner, pursuant to the AHSD plan requirements.

(10) If any deficiency is not corrected before the beginning of the program year following the date of the finding of deficiency and if an extension has not been granted under section (11), the Commissioner may recommend to the SBE that AHSD program approval be rescinded until any such deficiency is corrected unless the recommendation would create an undue hardship, as determined pursuant to rules of the SBE.

(11) The Commissioner must submit notification to a community college regarding a deficiency that will require the community college to submit a corrective action plan and a staff member of CCWD staff shall contact the community college and offer technical assistance.

(a) Within 90 days of the finding of deficiency, a community college shall submit a corrective action plan acceptable to the Commissioner for meeting AHSD plan requirements.

(b) When an acceptable plan for meeting AHSD plan requirements has been submitted, the Commissioner may allow an extension of time before recommending program approval be rescinded, not to exceed 12

months, if the Commissioner determines that any such deficiency cannot be corrected or removed before the beginning of the next program year.

(12) Pursuant to rules adopted by the SBE, the Commissioner may extend the time specified for submitting a corrective action plan if the Commissioner determines that a human-created disaster or a natural disaster affects the ability of the community college to comply with the date requirement.

(13) The SBE may suspend, revoke, or refuse to renew its approval of an AHSD program if:

(a) The community college fails to maintain the requirements in OAR 581-022-1130;

(b) The community college fails to maintain the requirements in OAR 589-007-0600; or

(c) The community college refuses to implement corrective actions before the beginning of the next program year or by the end of the granted extension period.

(14) A community college may request to terminate its AHSD program by submitting a letter of termination from the community college board of education.

(15) Program suspension or termination begins on the date that:

(a) The SBE suspends, revokes, or refuses to renew its approval of an AHSD program; or

(b) The college designates as the final operating date in its letter of termination.

(16) Suspended or terminated programs requesting re-approval are required to utilize the AHSD Program Approval Procedure identified by CCWD.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 341.425

Hist.: 1EB 132, f. 5-19-72, ef. 6-1-72; 1EB 166, f. 2-20-74, ef. 3-11-74; 1EB 263, f. & ef. 7-5-77; 1EB 9-1983, f. & ef. 10-13-83; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-042-0005(5)(a) - (d); ODE 2-2001, f. 1-25-01, cert. ef. 1-26-01; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0650; DCCWD 2-2013, f. & cert. ef. 5-31-13

Rule Caption: Resubmit Certificate of Permanent Rulemaking Regarding Community College Support Fund Distribution Formula

Adm. Order No.: DCCWD 3-2013

Filed with Sec. of State: 6-11-2013

Certified to be Effective: 6-11-13

Notice Publication Date: 10-1-2012

Rules Adopted: 589-002-0110, 589-002-0120, 589-002-0130

Rules Amended: 589-002-0100

Subject: After implementing the Growth Management Component of the Community College Support Fund, the Rule Advisory Committee has found the current rule does not always produce results that are consistent with the intentions of the committee or the policy adopted by the State Board. The purpose of the rule revision is to more closely align the rule with the intent and values of the policy.

The policy values are to maintain a floor value of FTE (Total Public Resources per FTE) and to increase predictability and stability. This is to be accomplished through the Growth Management Component that establishes the amount of FTE growth that will be included in the CCSF Distribution Formula.

Based on the current rule, the application of the Growth Management Component allows a higher number of Funded FTE and lower Total Public Resources per FTE than is targeted by the Growth Management Component policy. This occurs when the Growth Management Component is a negative percentage. The proposed methodology accounts for negative growth by consistently applying the Growth Management Component to FTE from prior years.

Rules Coordinator: Linda Hutchins—(503) 947-2456

589-002-0100

Community College Support Fund Distribution

Purpose Statement:

(1) It is in the state's interest to support a strong local community college system that meets local, regional and state economic and workforce development needs. Short and long-term interests include the consideration of such things as comparable District funding capability, maintaining small districts as a means of educational access and stable, predictable funding. Oregon's community college distribution formula is designed to provide a financial foundation to support undergraduate and lower-division education, career technical education, remedial education, local response to

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workforce training, and other educational services necessary at the local and state level.

(2) The State Board through the authority vested in it by ORS 341.626, uses this rule to state clearly and concisely what the statewide interests are for Oregon community colleges and students through the adoption of a policy-driven distribution formula. The overarching policy, chosen by the State Board, has been structured to support access, stability and quality, and to do so with equity for Oregon students. Principles which support these policies include:

(a) Access is supported by having the funding follow the student to the college which they are attending.

(b) Quality is supported when adequate funding per student is available.

(c) Growth management is a tool to prevent erosion of the level of funding per student.

(d) Equity is supported by the equalization of public resources distributed per student.

(e) Stability is supported by buffering fluctuations in student enrollment through growth management and by using a three-year weighted average of students by college to distribute state funds.

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

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

Stats. Implemented: ORS 341.015, 341.022, 341.317, 341.440, 341.525, 341.528, 341.626 & 341.665

Hist.: 1EB 9-1979, f. & ef. 6-11-79; EB 12-1991, f. & cert. ef. 7-19-91; Renumbered from 581-043-0260; ODE 27-2000, f. & cert. ef. 10-30-00; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-041-0200; DCCWD 2-2001, f. & cert. ef. 5-7-01; DCCWD 3-2002, f. & cert. ef. 6-5-02; DCCWD 7-2002(Temp), f. & cert. ef. 12-16-02 thru 6-5-03; DCCWD 3-2003, f. & cert. ef. 5-14-03; DCCWD 1-2004, f. & cert. ef. 7-1-04; DCCWD 1-2005, f. & cert. ef. 7-13-05; DCCWD 2-2006(Temp), f. & cert. ef. 6-15-06 thru 11-30-06; DCCWD 6-2006, f. 10-3-06, cert. ef. 10-4-06; DCCWD 8-2006, f. 12-13-06, cert. ef. 12-15-06; DCCWD 2-2007, f. & cert. ef. 7-6-07; DCCWD 4-2007, f. & cert. ef. 10-1-07; DCCWD 3-2009(Temp), f. & cert. ef. 8-5-09 thru 1-31-10; DCCWD 5-2009, f. & cert. ef. 10-28-09; DCCWD 1-2011, f. & cert. ef. 4-20-11; DCCWD 1-2012(Temp), f. & cert. ef. 7-17-12 thru 1-10-13; DCCWD 3-2012, f. & cert. ef. 12-26-12; DCCWD 3-2013, f. & cert. ef. 6-11-13

589-002-0110

Definitions

The following definitions apply to OAR 589-002-0100 through 589-002-0130.

(1) "Total Public Resources (TPR)" is what the Community College Support Fund formula considers 100% of the next year's imposed property tax revenue and the General Fund appropriation from the legislature. TPR does not include tuition and fees paid by students.

(2) "Base Payment" is an allocation made from the Community College Support Fund which provides funding for basic community college district operations that are essential and do not vary in direct proportion to the districts' Full-Time Equivalent (FTE) student enrollment. The base allocation increases stability and predictability of funding for individual colleges.

(3) "Equalization" means equal public resource support per funded FTE, regardless of community college district, and exclusive of the base. Equalization is measured by dividing Total Public Resources, exclusive of the base, by funded FTE.

(4) "Property tax revenues" means the amount determined by the Department of Revenue to be imposed on local property following the application of limits imposed by sections 11(b)(1) through 11(b)(3), Article XI, of the Oregon Constitution, and those limits imposed by legislation implementing Ballot Measure 50. This amount becomes the basis for operation of the funding formula without regard to uncollectible taxes, or taxes collected from previous years. Taxes levied or imposed by a community college district to provide a public library system shall be excluded from the definition of property taxes in this rule. Property tax revenues raised through voter approval of any local option or capital construction levy are not to be included as a resource to be distributed through the funding formula.

(5) "Community College Support Fund (CCSF)" is funding received through the state's General Fund appropriation and distributed to the community college districts for funding educational programs.

(6) "Full-Time Equivalent (FTE) student" for the purpose of receiving state reimbursement, means a student who carries 510 clock hours over three terms of instruction for all terms including a fall 12-week term. All colleges with an 11-week fall term will have their fall term clock hours increased to the equivalent 12-week hours for the purpose of calculating reimbursable FTE.

(7) "Total Reimbursable FTE" means full-time equivalent students that are eligible for state reimbursement. These students must receive instruction from community college districts through either a contracted

out-of district (COD) agreement described in OAR 589-002-0600, an agreement to provide services to state penitentiary or correctional institution inmates described in OAR 589-002-0700, or are CCSF reimbursable FTE, described in Section 8 of this rule and in OAR 589-002-0110 Sections (2) through (5).

(8) "CCSF Reimbursable FTE" means full-time equivalent students that are eligible, as described in OAR 589-002-0110 Sections (2) through (5) of this rule, for state funding through the CCSF Funding Distribution Formula, before the application of the Annual Growth Factor (AGF).

(9) "Contracted Out-of-District (COD) Reimbursable FTE" means full-time equivalent students that are not residents in the community college district that they are attending and for which the community college district has a contract to provide educational services with an entity in the geographic area from which the student resides. COD reimbursable FTE must meet all other requirements of a CCSF reimbursable FTE. The community college district must have a contract in place with the Department of Community Colleges and Workforce Development in order to receive reimbursement.

(10) "Fundable FTE" is the number of full-time equivalent students that are at or below each community college district's FTE Cap. Fundable FTE is the lesser of either the CCSF reimbursable FTE or the FTE cap. This number is used in the three-year weighted average calculation that determines a community college district's funded FTE as described in Section 11 of this rule.

(11) "Funded FTE" is the community college district's number of full-time equivalent students used in the formula to distribute the CCSF funding for each community college district. This number is buffered to prevent significant changes in a community college district's funding due to variability in student enrollment. It is calculated using a three-year weighted average of fundable FTE with the first year prior to current fundable FTE weighted at 40%, second year prior to current fundable FTE weighted at 30%, and third year prior to current fundable FTE weighted at 30%.

(12) "Total Funded FTE" is the sum of all community college districts' funded FTE for a fiscal year.

(13) "FTE Cap" is the maximum number of CCSF reimbursable FTE per community college district, which may be included in the funding formula calculation. The FTE cap is determined by applying the annual growth factor and may be adjusted by the preliminary FTE cap as described in Section 14.

(14) "Preliminary FTE Cap" is a tool that allows a community college district to recover fundable FTE within one year, if the district's CCSF reimbursable FTE is less than the FTE cap. There are two preliminary FTE caps. The first is based on the FTE cap from one year prior and the second is based on the prior year's fundable FTE. The annual growth factor (as defined in Section 19 below) is applied to each. The current year's FTE cap is the greater of these two numbers.

(15) "Growth Management" means the application of the Growth Management Component in combination with each community college district's FTE cap.

(16) "Biennial Growth Management Component" is the percent change, from one biennium to the next, of the total number of FTE for all community college districts that could be included in the funding formula without reducing resources available per FTE. The biennial growth management component is determined by the amount of total public resources available for the current biennium compared to the prior biennium and the estimated increased cost of FTE.

(17) "State Board of Education's Biennial Quality Growth Factor" is a policy lever that allows the number of FTE that will be counted for funding purposes to be above or below the Biennial Growth Management Component.

(18) "Total Biennial Growth Management Component" is the sum of the Biennial Growth Management Component and the State Board of Education's Biennial Quality Growth Factor.

(19) "Annual Growth Factor (AGF)" is one-half of the Biennial Growth Management Component.

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

Hist.: DCCWD 1-2012(Temp), f. & cert. ef. 7-17-12 thru 1-10-13; DCCWD 3-2012, f. & cert. ef. 12-26-12; DCCWD 3-2013, f. & cert. ef. 6-11-13

589-002-0120

Community College Support Fund Distribution Methodology

(1) The Community College Support Fund shall be distributed in equal payments as follows:

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(a) For the first year of the biennium, August 15, October 15, January 15, and April 15;

(b) For the second year of the biennium, August 15, October 15, and January 15;

(c) The final payment of each biennium is deferred until July 15 of the following biennium as directed by the 71st Oregon Legislative Assembly.

(d) Should any of the dates set forth above occur on a weekend, payment shall be made on the next business day.

(e) All payments, made before actual property taxes imposed by each district are certified by the Oregon Department of Revenue, shall be based on the department's best estimate of quarterly entitlement using property tax revenue projections. Payments shall be recalculated each year as actual property tax revenues become available from the Oregon Department of Revenue and any adjustments will be made in the final payment(s) of the fiscal year.

(2) Community college districts shall be required to submit enrollment reports in the format specified by the Commissioner, including numbers of clock hours realized for all coursework, in a term-end enrollment report by the Friday of the sixth week following the close of each term. If reports are outstanding at the time of the quarterly payments, payment to the district(s) not reporting may be delayed at the discretion of the Commissioner.

(a) All payments, made before actual Full-Time Equivalent student enrollment data are available shall be based on the department's best estimate of quarterly entitlement using student enrollment data from previous years.

(b) Payments shall be recalculated each year as Full-Time Equivalent student enrollment data become available and any adjustments will be made in the fiscal year.

(3) Reimbursement from the Community College Support Fund shall be made for career technical, lower-division collegiate, developmental education and other courses approved by the State Board in accordance with OAR 589-006-0100 through 589-006-0400. State reimbursement is not available for hobby and recreation courses as defined in 589-006-0400.

(4) Residents of the State of Oregon and the states of Idaho, Washington, Nevada, and California shall be counted as part of each community college district's CCSF reimbursable FTE, but only for those students who take part in coursework offered within Oregon's boundaries.

(5) State funding for community college district operations is appropriated by the legislature on a biennial basis to the Community College Support Fund. The amount of state funds available for each biennium and for distribution through the funding formula shall be calculated based on the following:

(a) Funds to support services provided to inmates of state penitentiary and correctional institutions by community college districts shall be subtracted from the amount allocated to the Community College Support Fund before the formula is calculated. The amount available for services provided to inmates shall be equal to the funding amount in the preceding biennium, except as adjusted to reflect the same percentage increase or decrease realized in the overall Community College Support Fund appropriation. The distribution method of CCSF funding for individual state penitentiary and correction institution programs provided by community college districts will be determined in consultation between the agency and the Department of Corrections.

(b) Funds to support contracted out-of-district (COD) programs described in OAR 589-002-0600 shall be subtracted from the amount allocated to the Community College Support Fund before the formula is calculated.

(A) Community college districts providing contracted out-of-district services will receive an allocation equal to the college's number of reimbursable COD FTE from the prior year multiplied by the prior year's statewide average of non-base Community College Support Funds per total funded FTE.

(B) To receive COD reimbursement for the current fiscal year, a community college district must have a contract with the Department of Community Colleges and Workforce Development in place by October 31st of the current fiscal year and must follow all requirements found in OAR 589-002-0600.

(c) Funds to support targeted investments such as distributed learning shall be subtracted from the amount allocated to the Community College Support Fund before the formula is calculated. The amount available for these investments shall be equal to the funding amount in the preceding biennium, except as adjusted to reflect the same percentage change to the current biennium's total Community College Support Fund appropriation.

(d) Funds remaining in the Community College Support Fund shall be distributed through the formula as described in Section 6.

(e) State general fund and local property taxes for territories annexed or formed effective June 1, 1996 or later shall not be included in the funding formula for the first three years of service. Additionally, the FTE generated in newly annexed territories shall not impact the funding formula during the first three years of service. Beginning in the fourth year, funding will be distributed through the formula as outlined in this rule.

(6) Distribution of funds to community college districts from the Community College Support Fund shall be accomplished through a formula, based on the following factors:

(a) Base Payment: Each community college district shall receive a base payment of \$720 for each Weighted Reimbursable FTE up to 1,100 and \$360 per FTE for unrealized enrollments between actual Weighted Reimbursable FTE and 1,100 FTE. The base payment for each community college district will be adjusted according to the size of the district. Community college district size for purposes of this adjustment will be determined each year by the FTE set forth in section (8)(b) of this rule. The base payment adjustments shall be:

(A) 0–750 FTE 1.3513;

(B) 751–1,250 FTE 1.2784;

(C) 1,251–1,750 FTE 1.2062;

(D) 1,751–2,250 FTE 1.1347;

(E) 2,251–2,750 FTE 1.0641;

(F) 2,751–3,250 FTE 1.0108;

(G) 3,251–3,750 FTE 1.0081;

(H) 3,751–4,250 FTE 1.0054;

(I) 4,251–4,999 FTE 1.0027;

(J) 5,000 or more FTE 1.000.

(b) Student-Centered Funding: The formula is designed to distribute the Community College Support Fund based on each community college district's FTE.

(A) The equalized amount per FTE is determined by dividing Total Public Resources — excluding base payments, contracted out-of-district payments, and any other payments directed by the State Board or the legislature — by funded FTE. The department shall make the calculation based on submission of FTE reports by community college districts and in accordance with established FTE principles.

(B) To determine the number of funded FTE for each community college district, a three-year weighted average of fundable FTE for each community college district will be used with the first year prior to current fundable FTE weighted at 40%, second year prior to current fundable FTE weighted at 30%, and third year prior to current fundable FTE weighted at 30%.

(c) Beginning with the 2011–13 biennium, a Biennial Growth Management Component is added to the calculation of each community college district's funded FTE. The purpose of the Biennial Growth Management Component is to manage the level of total public resource available per FTE within the total public resources available.

(A) The methodology for calculating the base year and subsequent biennial growth management component is displayed in Table 1 "Community College Support Fund Growth Management Calculation Tables" and is available through the following hyperlink. [Table not included. See ED. NOTE.]

(B) The calculations that will implement the Growth Management Component in the CCSF Distribution Formula Model are available in Table 2. Formula Calculation of Fundable FTE by Community College District." [Table not included. See ED. NOTE.]

(C) The State Board of Education (SBE) has authority, on a biennial basis to, set the "quality growth factor" that may increase or decrease the number of FTE that will be counted for funding purposes above or below the Biennial Growth Management Component. The SBE will consider the following principles as guidelines for setting the "quality growth factor":

(i) Balance the desire to support growth beyond that which is funded through the funding formula distribution model with the desire to enhance quality by increasing the level of funding provided on a per-student FTE basis.

(ii) The Total Public Resources (TPR) per FTE should not erode by more than 5% on an annual basis.

(iii) Where current TPR per FTE is determined to be insufficient to support the "quality of education" desired, a growth factor could be established that would increase the TPR per FTE.

(iv) If revenue is significantly reduced during a biennium, the Board may reduce the "quality growth factor."

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

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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
Hist.: DCCWD 1-2012(Temp), f. & cert. ef. 7-17-12 thru 1-10-13; DCCWD 3-2012, f. & cert. ef. 12-26-12; DCCWD 3-2013, f. & cert. ef. 6-11-13

589-002-0130

State Board Strategic Fund

The State Board may establish a strategic fund.

(1) There are two basic categories for these funds: incentivized statewide initiatives and activities, and requests from individual districts for assistance in meeting new requirements and expectations stemming from legislative change.

(2) The commissioner will use a committee of stakeholders and department staff to determine overall priorities for funding that considers the State Board work plan and initiatives.

(3) Strategic funds provided to incentivize statewide activities or assist community colleges in meeting legislative expectations are provided only for the biennium in which funding is approved. Strategic Funds allocated for either purpose will not be considered in the distribution of funds through the formula described in Section 6 of 589-002-0110 for the current biennium or future biennia.

(4) Any unused monies remaining in the current biennium's strategic fund will be allocated through the formula described in Section 6 of 589-002-0110 at the end of the biennium.

(5) The commissioner will review, rank and approve proposals to incentivize statewide activities. After each proposal is approved, the commissioner will provide the State Board with a report detailing the purpose of the activity, the amount of strategic fund monies approved, and the proposal's merit as assessed under the following parameters:

(a) Purpose of the proposal.

(b) How the activity supports the initiatives and work plans of the department and the State Board.

(c) How the activity relates to the department's Key Performance Measures or other program-specific measures.

(d) If the funding one time (for this biennium) or will additional funding be needed in the future.

(e) If future funding is needed, how resources will be obtained and how the activity will be sustainable?

(f) The activity's impact on the state three years from now and five years from now.

(g) Anticipated changes.

(h) How progress will be measured.

(f) The department will bring all requests for assistance in meeting new requirements or expectations stemming from legislative change to the State Board for discussion and consideration.

(g) The department will assess the requests for assistance in meeting new requirements or expectations of the legislature based on the following parameters:

(A) Purpose of the proposal.

(B) How funds will be used to sustain or increase enrollment (not supplanting existing funds).

(C) If the funding is one time (for this biennium) or if additional funding will be needed in the future.

(D) If future funding is needed, how those resources will be obtained and how the activity is sustainable.

(E) The impact on the community college three years from now and five years from now.

(F) How progress will be measured.

(h) The department will provide a recommendation and reasoning to the State Board on whether the request merits funding.

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

Stats. Implemented: ORS 341.015, 341.022, 341.317, 341.440, 341.525, 341.528, 341.626 & 341.665

Hist.: DCCWD 1-2012(Temp), f. & cert. ef. 7-17-12 thru 1-10-13; DCCWD 3-2012, f. & cert. ef. 12-26-12; DCCWD 3-2013, f. & cert. ef. 6-11-13

Department of Consumer and Business Services, Insurance Division Chapter 836

Rule Caption: Removes Adult Gender Identity Disorder Treatment Exclusion from Required Coverage of Mental or Nervous Conditions

Adm. Order No.: ID 3-2013

Filed with Sec. of State: 6-10-2013

Certified to be Effective: 6-17-13

Notice Publication Date: 5-1-2013

Rules Amended: 836-053-1404, 836-053-1405

Subject: This rulemaking amends rules adopted by the Department of Consumer and Business Services (DCBS) in 2006 related to mandatory coverage of mental and nervous conditions. Currently the rules allow carriers to exclude treatment of gender identity disorder in adults over the age of 18. With the passage of Senate Bill 2 in 2007, the stated public policy of the state prohibits discrimination on the basis of gender identity. This exclusion violates that prohibition and must be removed from the Department's rules. The rules also amend references in the rules to pertinent statutes renumbered in 2007.

Rules Coordinator: Shelley Greiner—(503) 947-7484

836-053-1404

Definitions; Noncontracting Providers; Co-morbidity Disorders

(1) As used in ORS 743A.168, this rule and OAR 836-053-1405:

(a) "Mental or nervous conditions" means:

(A) All disorders listed in the "Diagnostic and Statistical Manual of Mental Disorders, DSM-IV-TR, Fourth Edition" except for:

(i) Diagnostic codes 317, 318.0, 318.1, 318.2, 319; Mental Retardation;

(ii) Diagnostic codes 315.00, 315.1, 315.2, 315.9; Learning Disorders;

(iii) Diagnostic codes 302.4, 302.81, 302.89, 302.2, 302.83, 302.84, 302.82, 302.9; Paraphilias; and

(iv) Diagnostic codes V15.81 through V71.09; "V" codes. This exception does not extend to children 5 years of age or younger for diagnostic codes V61.20; Parent-Child Relational Problem through V61.21; Neglect, Physical Abuse, or Sexual Abuse of Child, and V62.82; Bereavement.

(b) "Chemical dependency" means an addictive relationship with any drug or alcohol characterized by a physical or psychological relationship, or both, that interferes on a recurring basis with an individual's social, psychological or physical adjustment to common problems.

(c) "Chemical dependency" does not mean an addiction to, or dependency on:

(A) Tobacco;

(B) Tobacco products; or

(C) Foods.

(2) A non-contracting provider must cooperate with a group health insurer's requirements for review of treatment in ORS 743A.168 (10) and (11) to the same extent as a contracting provider in order to be eligible for reimbursement.

(3) The exception of a disorder in the definition of "mental or nervous conditions" or "chemical dependency" in section (1) of this rule does not include or extend to a co-morbidity disorder accompanying the excepted disorder.

Stat. Auth.: ORS 731.244 & 743A.168

Stats. Implemented: ORS 743A.168

Hist.: ID 13-2006, f. 7-14-06 cert. ef. 1-1-07; ID 19-2012, f. & cert. ef. 12-20-12 thru 6-17-13; ID 3-2013, f. 6-10-13, cert. ef. 6-17-13

836-053-1405

General Requirements for Coverage of Mental or Nervous Conditions and Chemical Dependency

(1) A group health insurance policy issued or renewed in this state shall provide coverage or reimbursement for medically necessary treatment of mental or nervous conditions and chemical dependency, including alcoholism, at the same level as, and subject to limitations no more restrictive than those imposed on coverage or reimbursement for medically necessary treatment for other medical conditions.

(2) For the purposes of ORS 743A.168, the following standards apply in determining whether coverage for expenses arising from treatment for chemical dependency, including alcoholism, and for mental or nervous conditions is provided at the same level as, and subject to limitations no more restrictive than, those imposed on coverage or reimbursement of expenses arising from treatment for other medical conditions:

(a) The co-payment, coinsurance, reimbursement, or other cost sharing, including, but not limited to, deductibles for mental or nervous conditions and chemical dependency, including alcoholism, may be no more than the co-payment or coinsurance, or other cost sharing, including, but not limited to, deductibles for medical and surgical services otherwise provided under the health insurance policy.

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(b) The co-payment, coinsurance, reimbursement, or other cost sharing, including, but not limited to, deductibles for wellness and preventive services for mental or nervous conditions and chemical dependency, including alcoholism, may be no more than the co-payment or coinsurance, or other cost sharing, including, but not limited to, deductibles for wellness and preventive services otherwise provided under the health insurance policy.

(c) Annual or lifetime limits for treatment of mental or nervous conditions and chemical dependency, including alcoholism, may be no less than the annual or lifetime limits for medical and surgical services otherwise provided under the health insurance policy.

(d) The co-payment, coinsurance, reimbursement, or other cost sharing, including, but not limited to, deductibles expenses for prescription drugs intended to treat mental or nervous conditions and chemical dependency, including alcoholism, may be no more than the co-payment or coinsurance, or other cost sharing expenses for prescription drugs prescribed for other medical services provided under the health insurance policy.

(e) Classification of prescription drugs into open, closed, or tiered drug benefit formularies, for drugs intended to treat mental or nervous conditions and chemical dependency, including alcoholism, must be by the same process as drug selection for formulary status applied for drugs intended to treat other medical conditions, regardless of whether such drugs are intended to treat mental or nervous conditions, chemical dependency, including alcoholism, or other medical conditions.

(3) A group health insurance policy issued or renewed in this state must contain a single definition of medical necessity that applies uniformly to all medical, mental or nervous conditions, and chemical dependency, including alcoholism.

(4) A group health insurer that issues or renews a group health insurance policy in this state shall have policies and procedures in place to ensure uniform application of the policy's definition of medical necessity to all medical, mental or nervous conditions, and chemical dependency, including alcoholism.

(5) Coverage for expenses arising from treatment for mental or nervous conditions and chemical dependency, including alcoholism, may be managed through common methods designed to limit eligible expenses to treatment that is medically necessary only if similar limitations or requirements are imposed on coverage for expenses arising from other medical condition. Common methods include, but are not limited to, selectively contracted panels, health policy benefit differential designs, preadmission screening, prior authorization of services, case management, utilization review, or other mechanisms designed to limit eligible expenses to treatment that is medically necessary.

(6) Coverage of mental or nervous conditions and chemical dependency, including alcoholism, may be limited for in-home services.

(7) Nothing in this rule prevents a group health insurance policy from providing coverage for conditions or disorder excepted under the definition of "mental or nervous condition" in OAR 836-053-1400.

(8) The Director shall review OAR 836-053-1400 and this rule and any other materials within two years of the rules' effective date to determine whether the requirements set forth in the rules are uniformly applied to all medical, mental or nervous conditions, and chemical dependency, including alcoholism.

Stat. Auth.: ORS 731.244 & 743A.168

Stats. Implemented: ORS 743A.168

Hist.: ID 13-2006, f. 7-14-06 cert. ef. 1-1-07; ID 19-2012, f. & cert. ef. 12-20-12 thru 6-17-13; ID 3-2013, f. 6-10-13, cert. ef. 6-17-13

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

Rule Caption: Preferred Worker Program: Return-to-work pilot projects

Adm. Order No.: WCD 4-2013

Filed with Sec. of State: 6-5-2013

Certified to be Effective: 6-7-13

Notice Publication Date: 5-1-2013

Rules Adopted: 436-110-0150

Subject: The adopted rule provides that the director may develop one or more pilot projects to test alternatives to the current system of reemploying preferred workers.

Rules Coordinator: Fred Bruyns—(503) 947-7717

436-110-0150

Pilot Projects

(1) The director may develop one or more pilot projects to test alternatives to the current system of reemploying preferred workers.

(2) Notwithstanding any other provision of these rules, the director and others participating in pilot projects are bound by the terms of the pilot project.

Stat. Auth.: ORS 656.622, 656.726(4)

Stats. Implemented: ORS 656.622

Hist.: WCD 4-2013, f. 6-5-13, cert. ef. 6-7-13

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**Department of Corrections
Chapter 291**

Rule Caption: Earned Time Credit for Inmates

Adm. Order No.: DOC 5-2013

Filed with Sec. of State: 5-30-2013

Certified to be Effective: 6-1-13

Notice Publication Date: 2-1-2013

Rules Adopted: 291-097-0220, 291-097-0225, 291-097-0230, 291-097-0235, 291-097-0245

Rules Repealed: 291-097-0023, 291-097-0031, 291-097-0200(T), 291-097-0210(T), 291-097-0215(T), 291-097-0220(T), 291-097-0225(T), 291-097-0230(T), 291-097-0235(T), 291-097-0240(T), 291-097-0245(T), 291-097-0250(T), 291-097-0255(T), 291-097-0260(T), 291-097-0265(T), 291-097-0270(T), 291-097-0275(T), 291-097-0280(T), 291-097-0285(T), 291-097-0290(T), 291-097-0295(T), 291-097-0300(T), 291-097-0305(T)

Rules Ren. & Amend: 291-097-0005 to 291-097-0200, 291-097-0010 to 291-097-0210, 291-097-0015 to 291-097-0215, 291-097-0020 to 291-097-0240, 291-097-0025 to 291-097-0250, 291-097-0030 to 291-097-0255, 291-097-0040 to 291-097-0260, 291-097-0050 to 291-097-0265, 291-097-0060 to 291-097-0270, 291-097-0070 to 291-097-0275, 291-097-0080 to 291-097-0280, 291-097-0090 to 291-097-0285, 291-097-0100 to 291-097-0290, 291-097-0120 to 291-097-0295, 291-097-0130 to 291-097-0300, 291-097-0140 to 291-097-0305

Subject: These rule amendments are needed to further clarify changes made to ORS 421.121 with regard to 30% earned time. This statute was amended to further restrict inmates from 30% earned time based on the crime of conviction as well as prior criminal history. Furthermore, it provides a sunset to 30% earned time for crimes committed on or before 6/20/13.

Rules Coordinator: Janet R. Worley—(503) 945-0933

291-097-0200

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 137.635, 144.108, 144.110, 161.610, 179.040, 421.120, 421.121, 421.122, 423.020, 423.030 and 423.075.

(2) The purpose of this rule is to establish procedures for calculating, applying, retracting, and restoring earned time, statutory good time and extra good time credits, and for recommending modifications of parole release dates to the Board of Parole and Post-Prison Supervision, for inmates sentenced for crimes committed on or after November 1, 1989 (sentencing guidelines), and for inmates sentenced for crimes committed prior to November 1, 1989 (matrix sentences).

(3) Policy:

(a) It is the policy of the Department of Corrections that inmates serving sentences for crimes committed on or after November 1, 1989 (sentencing guidelines), may be considered for a reduction in their term of incarceration pursuant to ORS 421.121, as set forth in these rules.

(A) Inmates sentenced under sentencing guidelines may be eligible to earn sentence reduction credits (earned time credits) up to a maximum of 20 percent or 30 percent of each sentencing guidelines sentence, pursuant to ORS 421.121, as set forth in these rules.

(B) Earned time credits are designed to provide incentive for appropriate institutional behavior, program participation, and for certain inmates, obtaining a high school diploma, General Educational Development (GED) certificate, a certificate or degree from a post-secondary education institution as defined in ORS 337.511, or a journey level certification from a registered apprenticeship program as defined in ORS 660.010.

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(b) It is the policy of the Department of Corrections that inmates serving sentences for crimes committed prior to November 1, 1989 (pre-sentencing guidelines sentences), may be eligible for prison term reduction credits (statutory good time and extra good time credits) pursuant to ORS 421.120, as set forth in these rules.

(c) It is the policy of the Department of Corrections that inmates sentenced for crimes committed prior to November 1, 1989 (pre-sentencing guidelines sentences), may be eligible to receive a recommendation from the Department to the Board of Parole and Post-Prison Supervision that the inmate receive prison term reduction credits for an earlier date, as set forth in these rules.

(d) It is the policy of the Department of Corrections to develop case plans on all inmates assigned to a Department of Corrections facility.

(e) It is the policy of the Department of Corrections to not calculate earned time for boarders from another state or those inmates serving only pre-sentencing guidelines sentences or sentences of death, life without the possibility of parole or life with the possibility of parole.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075

Stats. Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075

Hist.: CD 14-1990, f. & cert. ef. 7-2-90; CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09; DOC 2-2009, f. & cert. ef. 3-10-09; DOC 15-2009(Temp), f. & cert. ef. 8-31-09 thru 2-23-10; DOC 23-2009, f. & cert. ef. 11-20-09; DOC 6-2010(Temp), f. & cert. ef. 4-14-10 thru 10-11-10; DOC 9-2010, f. & cert. ef. 7-14-10; Renumbered from 291-097-0005 by DOC 13-2012(Temp), f. & cert. ef. 12-28-12 thru 6-25-13; Renumbered from 291-097-0005 by DOC 5-2013, f. 5-30-13, cert. ef. 6-1-13

291-097-0210

Definitions

(1) **Case Plan:** A dynamic document created by Department of Corrections counselors collaboratively with an inmate that specifically identifies the inmate's evidence-based assessed risk and needs, accompanied by risk reduction strategies and plans of action, with timelines.

(2) **Certificate or Degree from a Post-Secondary Education Institution:** A certificate or degree awarded by a post-secondary education institution as defined in ORS 337.511 for satisfactory completion of a course of study, which has been approved by the State Board of Education.

(3) **Earned Time Credits:** Sentence reduction credits (days), up to 30 percent of the sentence imposed, that can be earned by an inmate sentenced under sentencing guidelines, pursuant to ORS 421.121, and these rules.

(4) **Earned Time Release Date:** The release date that has been achieved by an inmate calculated by subtracting the earned time credits accrued from the maximum date.

(5) **Extra Good Time Credits:** Sentence reduction credits (days) that can be earned by an inmate sentenced for crimes committed prior to November 1, 1989 (pre-sentencing guidelines), for satisfactory work assignment or participation in an educational program, pursuant to ORS 421.120(1)(c), (d) and (e) and 421.122, and these rules. Days earned reduce the statutory good time date. Methods of computation are delineated in OAR 291-097-0070.

(6) **Final Review Period:** An increment of at least four months prior to an inmate's projected release date.

(7) **Functional Unit:** Any organizational component within the Department of Corrections responsible for the delivery of services or coordination of programs.

(8) **Functional Unit Manager:** Any person within the Department of Corrections who reports to either the Director, Deputy Director, or an Assistant Director and has responsibility for the delivery of program services or coordination of program operations.

(9) **Inmate:** Any person under the supervision of the Department of Corrections who is not on parole, post-prison supervision or probation status.

(10) **Judgment:** Document issued by the court that commits an inmate to the legal and physical custody of the Department of Corrections, and reflects the inmate's term of incarceration, term of post-prison supervision, and court-ordered supervision conditions, if any.

(11) **Multi-disciplinary Team (MDT):** Stakeholders from different divisions within a functional unit who come together to provide comprehensive assessment, consultation and perspectives concerning an inmate's incarceration and successful reentry to the community.

(12) **Offender:** Any person under the supervision of the Department of Corrections, local supervisory authority or community corrections who is on probation, parole or post-prison supervision status.

(13) **Offender Information & Sentence Computation Unit (OISC):** The functional unit charged to administrate applicable statutes pertaining to sentencing; develop, implement and revise applicable processes for inmate

and offender sentence computation; respond to public information requests with regard to inmates and offenders; certify an inmate's release date; and provide supportive services to Department facilities with regard to inmate sentencing.

(14) **Parole Release Date:** The date on which an inmate is ordered to be released from an indeterminate prison sentence(s) to parole by the Board of Parole and Post-Prison Supervision. Parole release may be to the community, detainer or to another Department of Corrections sentence.

(15) **Post-Secondary Education Institution:** An education institution as defined in ORS 337.511.

(16) **Pre-Sentence:** That period of time a defendant spends in physical custody or incarceration from the point of arrest to the date of delivery to the Department to serve that sentence.

(17) **Prison Term:**

(a) **Sentencing Guidelines Sentences:** The length of incarceration time within a Department of Corrections facility as established by the court in the judgment for each crime of conviction.

(b) **Pre-Sentencing Guidelines Sentences:** The length of required incarceration time within a Department of Corrections facility as established by the order of the Board of Parole and Post-Prison Supervision setting of a parole release date.

(18) **Projected Release Date:** The date upon which an inmate is anticipated to complete service of the prison term.

(19) **Restoration of Earned Time, Statutory Good Time, Extra Good Time Credits:** Where previously retracted earned time, statutory good time, extra good time and previously forfeited statutory good time and extra good time for parole violators are granted and applied back to the inmate's sentence.

(20) **Retraction:** Where previously granted earned time, statutory good time or extra good time credits are forfeited by an inmate as a result of a significant negative action on the part of the inmate, in accordance with the rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105), or forfeiture of program earned time credits, advanced at the beginning of the final review period, for failure to comply with the case plan during the final review period.

(21) **Review Period:** A six-month increment, beginning with an inmate's admission date, used to determine an inmate's compliance with institution behavior and his/her case plan.

(22) **Short-Term Transitional/Non-Prison Leave:** A leave for a period not to exceed 90 days preceding an established release date that allows an inmate opportunity to secure appropriate transitional support when necessary for successful reintegration into the community. Short-term transitional leave/non-prison leave is granted in accordance with ORS 421.510 and the Department's rule on **Short-Term Transitional Leave, Emergency Leaves, and Supervised Trips** (OAR 291-063).

(23) **Statutory Good Time Credits:** Prison term reduction credits (days) applicable to sentences for crimes committed prior to November 1, 1989 (matrix sentences) consisting of a reduction of one day for every two days served, pursuant to ORS 421.120(1)(a) and (b), and these rules. The application of statutory good time days establishes the initial statutory good time date and is re-calculated upon parole revocation based on the length of the remaining sentence.

(24) **Supplemental Judgment:** The form of judgment prepared by and transmitted to a sentencing court pursuant to Oregon Laws 2009, Chapter 660, §18 (House Bill 3508) which authorizes the Department to consider the inmate for a reduction in the term of incarceration under ORS 421.121 that may not exceed 30 percent of the total term of incarceration in a DOC facility.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075

Stats. Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075

Hist.: CD 14-1990, f. & cert. ef. 7-2-90; CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2000, f. & cert. ef. 6-26-00; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09; DOC 2-2009, f. & cert. ef. 3-10-09; DOC 15-2009(Temp), f. & cert. ef. 8-31-09 thru 2-23-10; DOC 23-2009, f. & cert. ef. 11-20-09; DOC 6-2010(Temp), f. & cert. ef. 4-14-10 thru 10-11-10; DOC 9-2010, f. & cert. ef. 7-14-10; DOC 14-2010(Temp), f. & cert. ef. 10-19-10 thru 4-15-11; DOC 7-2011, f. & cert. ef. 4-8-11; Renumbered from 291-097-0010 by DOC 13-2012(Temp), f. & cert. ef. 12-28-12 thru 6-25-13; Renumbered from 291-097-0010 by DOC 5-2013, f. 5-30-13, cert. ef. 6-1-13

291-097-0215

Earned Time Credits for Crimes Committed on or after November 1, 1989 through June 30, 2009 and Sentenced Prior to July 1, 2009

(1) Pursuant to ORS 421.121, inmates with eligible crimes committed on or after November 1, 1989 through June 30, 2009 and sentenced prior to July 1, 2009, may earn sentence reduction credits up to 20 percent of the

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total sentencing guidelines prison term imposed for acceptable participation in case plan requirements and for maintaining appropriate institution conduct, except inmates:

- (a) Serving a sentence subject to ORS 137.635;
- (b) Serving presumptive sentences or required incarceration terms under ORS 161.737;
- (c) Serving statutory minimum sentences under ORS 137.700 or 137.707;
- (d) Serving a presumptive sentence under ORS 137.719;
- (e) Subject to ORS 137.750 and whose judgment does not state that the inmate may be considered for sentence reductions;
- (f) Serving time as a sanction for violation of conditions of post-prison supervision; or
- (g) Subject to any other Oregon statutes restricting earned time credits.

(2) Pursuant to ORS 421.121, inmates sentenced under the sentencing guidelines prior to July 1, 2009 and for whom the sentencing court has issued a supplemental judgment authorizing the Department of Corrections to consider the inmate eligible for additional earned time credits, may earn sentence reduction credits up to 30 percent of the total sentencing guidelines prison term imposed for acceptable participation in case plan requirements and for maintaining appropriate institution conduct, except inmates described in 291-097-0015(1)(a-g) or inmates:

- (a) Whose prison term reached its earned time release date prior to or on August 31, 2009;
- (b) Whose prison term reached its earned time release date prior to the date the sentencing court enters a supplemental judgment;
- (c) Whose supplemental judgment approving a reduction in the term of incarceration under ORS 421.121 that may not exceed 30 percent is:
 - (A) Dated after February 17, 2010 at 10 a.m.; or
 - (B) Dated on or after February 17, 2010, and the court made the order on the record in open court after February 17, 2010, at 10 a.m.; or
- (d) Serving a sentence for the following crimes:
 - (A) Rape in the Third Degree under ORS 163.355;
 - (B) Sodomy in the Third Degree under ORS 163.385;
 - (C) Sexual Abuse in the Second Degree under ORS 163.425;
 - (D) Criminally Negligent Homicide under ORS 163.145;
 - (E) Assault in the Third Degree under ORS 163.165;
 - (F) Assault in the Fourth Degree under ORS 163.160(3);
 - (G) A crime listed in ORS 137.700; or
 - (H) An attempt to commit a crime described in this subsection.

(3) Pursuant to ORS 475.930(2) and as outlined in OAR 291-097-0234, for eligible crimes committed on or after January 1, 2009, the maximum amount of earned time credits may not exceed 20 percent of the total term of incarceration if serving a sentence imposed under ORS 164.061, 475.907, 475.924 or 475.925.

(4) In determining whether an inmate will receive earned time credits for the review period under consideration, inmate performance will be evaluated in two areas: half credit for compliance with the Case Plan and half credit for maintaining appropriate institution conduct. The only possible determination for each area is noncompliance or compliance.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075
Stats. Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075
Hist.: CD 14-1990, f. & cert. ef. 7-2-90; CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 3-1998(Temp), f. & cert. ef. 2-20-98 thru 8-17-98; DOC 19-1998, f. & cert. ef. 8-14-98; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09; DOC 2-2009, f. & cert. ef. 3-10-09; DOC 15-2009(Temp), f. & cert. ef. 8-31-09 thru 2-23-10; DOC 23-2009, f. & cert. ef. 11-20-09; DOC 6-2010(Temp), f. & cert. ef. 4-14-10 thru 10-11-10; DOC 9-2010, f. & cert. ef. 7-14-10; Renumbered from 291-097-0015 by DOC 13-2012(Temp), f. & cert. ef. 12-28-12 thru 6-25-13; Renumbered from 291-097-0015 by DOC 5-2013, f. 5-30-13, cert. ef. 6-1-13

291-097-0220

Earned Time Credits for Crimes Committed on or after November 1, 1989 through February 16, 2010 and Sentenced on or after July 1, 2009

(1) Pursuant to ORS 421.121, inmates with eligible crimes committed on or after November 1, 1989 through February 16, 2010 and sentenced on or after July 1, 2009, may earn sentence reduction credits up to 30 percent of the total sentencing guidelines prison term imposed for acceptable participation in Case Plan requirements and for maintaining appropriate institution conduct, except for inmates:

- (a) Serving a sentence subject to ORS 137.635;
- (b) Serving presumptive sentences or required incarceration terms under ORS 161.737;

(c) Serving statutory minimum sentences under ORS 137.700 or 137.707;

- (d) Serving a presumptive sentence under ORS 137.719;
- (e) Subject to ORS 137.750 and whose judgment does not state that the inmate may be considered for sentence reductions;
- (f) Serving time as a sanction for violation of conditions of post-prison supervision; or
- (g) Subject to any other Oregon statutes restricting earned time credits.

(2) If otherwise eligible for earned time, the maximum amount of earned time credits may not exceed 20 percent of the total term of incarceration if serving a sentence for the following crimes:

- (a) Rape in the Third Degree under ORS 163.355;
- (b) Sodomy in the Third Degree under ORS 163.385;
- (c) Sexual Abuse in the Second Degree under ORS 163.425;
- (d) Criminally Negligent Homicide under ORS 163.145;
- (e) Assault in the Third Degree under ORS 163.165;
- (f) Assault in the Fourth Degree under ORS 163.160(3);
- (g) A crime listed in ORS 137.700; or
- (h) An attempt to commit a crime described in this subsection.

(3) Pursuant to ORS 475.930(2) and as outlined in OAR 291-097-0234, for eligible crimes committed on or after January 1, 2009, the maximum amount of earned time credits may not exceed 20 percent of the total term of incarceration if serving a sentence imposed under ORS 164.061, 475.907, 475.924 or 475.925.

(4) In determining whether an inmate will receive earned time credits for the review period under consideration, inmate performance will be evaluated in two areas: half credit for compliance with the case plan and half credit for maintaining appropriate institution conduct. The only possible determination for each area is noncompliance or compliance.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075
Stats. Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075
Hist.: DOC 13-2012(Temp), f. & cert. ef. 12-28-12 thru 6-25-13; DOC 5-2013, f. 5-30-13, cert. ef. 6-1-13

291-097-0225

Earned Time Credits for Crimes Committed on or after February 17, 2010 through June 30, 2011

(1) Pursuant to ORS 421.121, inmates with eligible crimes committed on or after February 17, 2010 through June 30, 2011, may earn sentence reduction credits up to 20 percent of the total sentencing guidelines prison term imposed for acceptable participation in case plan requirements and for maintaining appropriate institution conduct, except inmates:

- (a) Serving a sentence subject to ORS 137.635;
- (b) Serving presumptive sentences or required incarceration terms under ORS 161.737;
- (c) Serving statutory minimum sentences under ORS 137.700 or 137.707;
- (d) Serving a presumptive sentence under ORS 137.719;
- (e) Subject to ORS 137.750 and whose judgment does not state that the inmate may be considered for sentence reductions;
- (f) Serving time as a sanction for violation of conditions of post-prison supervision;

(g) Serving a mandatory minimum incarceration term of 90 days under ORS 813.011(3) for Felony Driving under the Influence of Intoxicants under 813.010(5)(a) and 813.011 committed on or after December 2, 2010; or

- (h) Subject to any other Oregon statutes restricting earned time credits.

(2) In determining whether an inmate will receive earned time credits for the review period under consideration, inmate performance will be evaluated in two areas: half credit for compliance with the Case Plan and half credit for maintaining appropriate institution conduct. The only possible determination for each area is noncompliance or compliance.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075
Stats. Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075
Hist.: DOC 13-2012(Temp), f. & cert. ef. 12-28-12 thru 6-25-13; DOC 5-2013, f. 5-30-13, cert. ef. 6-1-13

291-097-0230

Earned Time Credits for Crimes Committed on or after July 1, 2011 and through June 30, 2013

(1) Pursuant to ORS 421.121, inmates with eligible crimes committed on or after July 1, 2011 and through June 30, 2013, may earn sentence

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reduction credits up to 30 percent of the total sentencing guidelines prison term imposed for acceptable participation in case plan requirements and for maintaining appropriate institution conduct, except for inmates:

- (a) Serving a sentence subject to ORS 137.635;
 - (b) Serving presumptive sentences or required incarceration terms under ORS 161.737;
 - (c) Serving statutory minimum sentences under ORS 137.700 or 137.707;
 - (d) Serving a presumptive sentence under ORS 137.719;
 - (e) Subject to ORS 137.750 and whose judgment does not state that the inmate may be considered for sentence reductions;
 - (f) Serving time as a sanction for violation of conditions of post-prison supervision;
 - (g) Serving a mandatory minimum incarceration term of 90 days under ORS 813.011(3) for Felony Driving under the Influence of Intoxicants under 813.010(5)(a) and 813.011 committed on or after December 2, 2010; or
 - (h) Subject to any other Oregon statutes restricting earned time credits.
- (2) If otherwise eligible for earned time, the maximum amount of earned time credits may not exceed 20 percent of the total term of incarceration for crimes in which:
- (a) The judgment states earned time may not exceed 20 percent;
 - (b) The inmate is convicted of an offense that was committed less than five years after the inmate completed serving a sentence for:
 - (A) A person felony; or
 - (B) A crime described in paragraph (e) of this subsection;
 - (c) The inmate is convicted of a person felony;
 - (d) The inmate is convicted of an offense involving the use or threatened use of a firearm; or
 - (e) The inmate is convicted of any of the following crimes:
 - (A) Subjecting another person to involuntary servitude in the second degree under ORS 163.263;
 - (B) Subjecting another person to involuntary servitude in the first degree under ORS 163.264;
 - (C) Trafficking in persons under ORS 163.266;
 - (D) Coercion under ORS 163.275;
 - (E) Online sexual corruption of a child in the second degree under ORS 163.432;
 - (F) Online sexual corruption of a child in the first degree under ORS 163.433;
 - (G) Aggravated theft in the first degree under ORS 164.057, if:
 - (i) The victim of the theft was 65 years of age or older at the time of the commission of the offense; and
 - (ii) The value of the property stolen from the victim described in subparagraph (i) of this subparagraph, in a single or aggregate transaction, is \$10,000 or more;
 - (H) Treason under ORS 166.005;
 - (I) Abuse of a corpse in the second degree under ORS 166.085;
 - (J) Racketeering activities under ORS 166.720;
 - (K) Luring a minor under ORS 167.057;
 - (L) Assaulting a law enforcement animal under ORS 167.339;
 - (M) A sex crime as defined in ORS 181.594;
 - (N) Causing another person to ingest a controlled substance under ORS 475.908;
 - (O) Applying a controlled substance to the body of another person under ORS 475.910;
 - (P) Driving while under the influence of intoxicants under ORS 813.010 (5); or
 - (Q) An attempt, conspiracy or solicitation to commit an offense described in this paragraph or in paragraph (c) or (d) of this subsection.
 - (3) As used in this section:
 - (a) "Completed serving a sentence" includes the completion of any term of probation, parole or post-prison supervision.
 - (b) "Person felony" has the meaning given that term in the rules of the Oregon Criminal Justice Commission.
 - (4) Pursuant to ORS 475.930(2) and as outlined in OAR 291-097-0234, for eligible crimes committed on or after January 1, 2009, the maximum amount of earned time credits may not exceed 20 percent of the total term of incarceration if serving a sentence imposed under ORS 164.061, 475.907, 475.924 or 475.925.
 - (5) In determining whether an inmate will receive earned time credits for the review period under consideration, inmate performance will be evaluated in two areas: half credit for compliance with the case plan and half

credit for maintaining appropriate institution conduct. The only possible determination for each area is noncompliance or compliance.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075
Stats. Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075
Hist.: DOC 13-2012(Temp), f. & cert. ef. 12-28-12 thru 6-25-13; DOC 5-2013, f. 5-30-13, cert. ef. 6-1-13

291-097-0235

Earned Time Credits for Crimes Impacted by ORS 475.930(2)

(1) Pursuant to ORS 475.930(2), for eligible crimes committed on or after January 1, 2009, the maximum amount of earned time credits may not exceed 20 percent of the total term of incarceration if serving a sentence imposed under ORS 164.061, 475.907, 475.924 or 475.925 for any of the following crimes:

- (a) Aggravated Theft I under ORS 164.057 if the victim is at least 65 years of age (per ORS 164.0561);
- (b) Unlawful Delivery or Manufacture of a Schedule I Controlled Substance under ORS 475.840(1)(a) or 475.752(1)(a) if the controlled substance and quantities are as follows:
 - (A) Heroin of 50 grams or more; or
 - (B) 3,4-Methylenedioxymethamphetamine (MDMA/Ecstasy) of 50 grams or more or 250 or more pills, tablets, or capsules.
- (c) Unlawful Delivery or Manufacture of a Schedule II Controlled Substance under ORS 475.840(1)(b) or 475.752(1)(b) if the controlled substance and quantities are as follows:
 - (A) Cocaine of 100 grams or more; or
 - (B) Methamphetamine of 100 grams or more.
- (d) Unlawful Delivery or Manufacture of a Controlled Substance within 1000 Feet of a School under ORS 475.904 if the controlled substance and quantities are as follows:
 - (A) Heroin of 50 grams or more;
 - (B) 3,4-Methylenedioxymethamphetamine (MDMA/Ecstasy) of 50 grams or more or 250 or more pills, tablets, or capsules;
 - (C) Cocaine of 100 grams or more; or
 - (D) Methamphetamine of 100 grams or more;
 - (e) Unlawful Delivery of a Schedule I or II Controlled Substance to a Minor under ORS 475.906(1) if the controlled substance is Heroin, 3,4-Methylenedioxymethamphetamine (MDMA/Ecstasy), Cocaine or Methamphetamine;
 - (f) Unlawful Delivery of Cocaine to a Minor under ORS 475.880(3);
 - (g) Unlawful Delivery of Methamphetamine to a Minor under ORS 475.890(3);
 - (h) Unlawful Manufacture of Heroin under ORS 475.846 if 50 grams or more;
 - (i) Unlawful Manufacture of Heroin within 1000 Feet of a School under ORS 475.848 if 50 grams or more;
 - (j) Unlawful Delivery of Heroin under ORS 475.850 if 50 grams or more;
 - (k) Unlawful Delivery of Heroin within 1000 Feet of a School under ORS 475.852 if 50 grams or more;
 - (l) Unlawful Manufacture of 3,4-Methylenedioxymethamphetamine (MDMA/Ecstasy) under ORS 475.866 if 50 grams or more or 250 pills, tablets or capsules;
 - (m) Unlawful Manufacture of 3,4-Methylenedioxymethamphetamine (MDMA/Ecstasy) within 1000 Feet of a School under ORS 475.868 if 50 grams or more or 250 pills, tablets or capsules;
 - (n) Unlawful Delivery of 3,4-Methylenedioxymethamphetamine (MDMA/Ecstasy) under ORS 475.870 if 50 grams or more or 250 pills, tablets or capsules;
 - (o) Unlawful Delivery of 3,4-Methylenedioxymethamphetamine (MDMA/Ecstasy) within 1000 Feet of a School under ORS 475.872 if 50 grams or more or 250 pills, tablets or capsules;
 - (p) Unlawful Manufacture of Cocaine under ORS 475.876 if 100 grams or more;
 - (q) Unlawful Manufacture of Cocaine within 1000 Feet of a School under ORS 475.878 if 100 grams or more;
 - (r) Unlawful Delivery of Cocaine under ORS 475.880(2) if 100 grams or more;
 - (s) Unlawful Delivery of Cocaine within 1000 Feet of a School under ORS 475.882 if 100 grams or more;
 - (t) Unlawful Manufacture of Methamphetamine under ORS 475.886 if 100 grams or more;
 - (u) Unlawful Manufacture of Methamphetamine within 1000 Feet of a School under ORS 475.888 if 100 grams or more;

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(v) Unlawful Delivery of Methamphetamine under ORS 475.890(2) if 100 grams or more;

(w) Unlawful Delivery of Methamphetamine within 1000 Feet of a School under ORS 475.892 if 100 grams or more

(2) For crimes described in subsections (e)–(g) above, section (1) does not apply to a person who is less than three years older than the person under 18 years of age to whom the controlled substance was delivered, unless the person has a previous conviction for Delivery of Cocaine, Methamphetamine, Heroin or 3,4-Methylenedioxymethamphetamine (MDMA/Ecstasy) to a person under 18 years of age.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075

Stats. Impl.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075

Hist.: DOC 13-2012(Temp), f. & cert. ef. 12-28-12 thru 6-25-13; DOC 5-2013, f. 5-30-13, cert. ef. 6-1-13

291-097-0240

Calculation and Application of Earned Time Credits

(1) Case plan compliance is defined as acceptable participation in work and self-improvement programs required within the case plan. The required activities within the case plan are determined by ongoing assessment and evaluation, which begins at the inception of the inmate prison term.

(a) An inmate will be considered to be compliant if he/she was not failed from the required program activity(ies) during the review period under consideration, nor did the inmate refuse to participate in required programming during the review period under consideration.

(b) As needed, the counselor or multi-disciplinary team will evaluate an inmate's compliance with the required program activity(ies) as outlined in the department policy on Correctional Case Management (#90.1.3).

(c) If the inmate's counselor or multi disciplinary team determines the inmate is non-compliant with the case plan, he/she will approve a program failure for documentation in the inmate's computer record.

(2) Institution conduct compliance is defined as maintaining Level I or Level II major misconduct-free behavior during the review period. Major misconduct is documented in accordance with the Department's rule on **Prohibited Inmate Conduct and Processing Disciplinary Actions** (OAR 291-105). Any finding of a Level I or Level II major misconduct violation during the review period will be considered as noncompliance. The date of the adjudication, not of the incident, will be used for the date of the violation.

(3) At the end of each review period, the OISC staff will review the inmate's computer records for information reflecting the inmate's compliance with the current case plan and institution conduct. Based on the information contained in the inmate's computer records, the OISC staff will apply either:

(a) An effective 0, 10, or 20 percent reduction to the sentencing guidelines sentence proportional for the review period under consideration for sentences eligible for a maximum of 20% earned time, or

(b) An effective 0, 15, or 30 percent reduction to the sentencing guidelines sentence proportional for the review period under consideration for sentences eligible for a maximum of 30% earned time.

(4) For inmates housed in non-Oregon Department of Corrections facilities, the ODOC staff, as designated by the Offender Management and Rehabilitation Division will review the inmate's institution file including any reports received from the housing facility to determine compliance with the current case plan and institution conduct.

(a) Case plan compliance will be determined by the inmate's reported compliance with requirements as determined by Department staff or the housing facility staff.

(b) Due process comparable to the Department's rule on **Prohibited Inmate Conduct and Processing Disciplinary Actions** (OAR 291-105) shall be applied. Institution conduct non-compliance will be determined by substituting the rule(s) of prohibited conduct, for the rule(s) violated at the housing facility, with the most equivalent charges as defined in the Department's rule on **Prohibited Inmate Conduct and Processing Disciplinary Actions** (OAR 291-105). The functional unit manager or designee may impose sanctions, in addition to that imposed by the housing facility, related to sentence reductions.

(5) For each review period under consideration for inmates housed in Oregon Department of Corrections facilities, the OISC staff will list the reasons for applying or not applying earned time credits and record the corresponding percentage of earned time applied to the inmate's sentence on the Earned Time Computation Form (CD 1154D).

(6) For inmates housed in non-Oregon Department of Corrections facilities, the ODOC staff, as designated by the Offender Management and

Rehabilitation Division, will list the reasons for applying or not applying earned time credits and record the corresponding percentage of earned time applied on the Earned Time Computation Form (CD 1154D).

(7) Upon the application of earned time credits toward an inmate's sentence for the review period under consideration, the OISC Unit will recompute the inmate's new earned time release date, file the Earned Time Computation Form (CD 1154D) in the institution file, and provide a copy of the determination to the inmate.

(8) Determination of Earned Time Credits During Presentence Incarceration: For crimes committed on or after November 1, 1989, earned time credits will be computed for the period in which an inmate is in custody in a non-Department of Corrections facility prior to sentencing and admission to the Department of Corrections, based solely on the inmate's conduct in the facility.

(a) Conduct compliance will be assumed, unless the Department receives documentation of adjudicated misconduct from the facility.

(A) For sentences eligible for a maximum of 20% earned time credits, the inmate will be granted an effective 0 or 20 percent reduction toward the sentencing guidelines sentence proportional for the length of presentence incarceration.

(B) For sentences eligible for a maximum of 30% earned time credits, the inmate will be granted an effective 0 or 30 percent reduction toward the sentencing guidelines sentence proportional for the length of presentence incarceration.

(b) Any verified major misconduct equivalent to a Level I or Level II major misconduct violation as defined in the Department's rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105) during any of the presentence incarceration credits applied to the sentence will result in an effective 0 percent reduction toward the sentencing guidelines sentence proportional for the total length of presentence incarceration. The date of the adjudication, not of the incident, will be used for the date of the violation.

(9) If the inmate escapes, the OISC staff will close out the current earned time review period, changing the current review period to end the day after escape. An inmate that is returned from an escape to a Department of Corrections facility will have the starting date of the new earned time credit cycle begin with the date of return. The escape will constitute a program failure for the period up to the escape.

(10) Alternative Incarceration Program:

(a) If, during any review period, the inmate is assigned to an Alternative Incarceration Program and for sufficient justification as determined by the functional unit manager's committee to be unsuccessful, the inmate will be considered a program failure as provided by the Department's rule on Alternative Incarceration Programs (OAR 291-062).

(b) If the inmate fails to successfully complete the short-term transitional leave (non-prison leave) granted through the Alternative Incarceration Program, the inmate will be considered a program failure and non-compliant with institution conduct for the length of the inmate's short-term transitional leave. The failure to successfully complete the short-term transitional leave (non-prison leave) will not result in a retraction of the portion of earned time credits for program compliance advanced at the beginning of the final review period as outlined in OAR 291-097-0025(2).

(11) Determination of earned time credits for inmates on non-AIP transitional leave:

(a) Earned time credits will be computed for the period in which an inmate is serving the remainder of his/her sentencing guidelines term of incarceration on short-term transitional leave (OAR 291-063).

(A) Institution conduct and case plan compliance will be assumed while an inmate is released on short-term transitional leave.

(B) Earned time credits for the period on transitional leave will be applied at a rate of 20 percent or 30 percent, in accordance with the applicable rate for the sentence at the time of release onto short-term transitional leave.

(b) A revocation of an inmate's short-term transitional leave is deemed non-compliance with the inmate's case plan and non-compliance with institution conduct. Upon revocation of short-term transitional leave, an inmate will receive an effective 0 percent reduction for case plan compliance and 0 percent reduction toward the sentencing guidelines sentence for institutional conduct proportional for the length of the inmate's short-term transitional leave.

(c) The failure to successfully complete the short-term transitional leave will not result in a retraction of the portion of earned time credits for program compliance advanced at the beginning of the final review period as outlined in OAR 291-097-0025(2).

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(12) If all of an inmate's sentence(s) is vacated, reversed and remanded for new trial, or conviction affirmed and remanded for resentencing, the OISC staff will close out the current earned time review period to end the day after release to the sentencing court. An inmate that is returned on a resentencing will start a new review period, effective the date of return to a Department of Corrections facility. The new earned time credit cycle date will be reflected on the inmate's facesheet.

(13) Determination of earned time credits for inmates serving the remainder of a sentencing guidelines sentence on conditional release (Second Look):

(a) Earned time credits will be computed for the period in which an inmate is serving the remainder of his/her sentencing guidelines term of incarceration in the community on conditional release, based solely on the inmate's compliance with his/her conditional release plan.

(b) Earned time credits for the period on conditional release (Second Look) will be applied at a rate of 20 percent or 30 percent, in accordance with the applicable rate for the sentence at the time of release onto conditional release (Second Look).

(c) Conduct compliance will be assumed unless the inmate's conditional release is revoked by the sentencing court.

(d) Any revocation of an inmate's conditional release prior to the inmate reaching his/her projected earned time date will result in an effective 0 percent reduction in the sentencing guidelines prison term for the length of the inmate's sentence being served in the community on conditional release.

(14) If an inmate is incarcerated in an Oregon county jail prior to the inmate's return to a Department of Corrections facility following an escape, revocation of second look conditional release, or violation of non-AIP or AIP short-term transitional leave, earned time credits will be computed for the period in which the inmate is in custody based solely on the inmate's conduct in the county jail.

(a) Conduct compliance will be assumed, unless the Department receives documentation of adjudicated misconduct from the facility.

(A) For sentences eligible for a maximum of 20% earned time credits, the inmate will be granted an effective 0 or 20 percent reduction toward the sentencing guidelines sentence proportional for the length of incarceration.

(B) For sentences eligible for a maximum of 30% earned time credits, the inmate will be granted an effective 0 or 30 percent reduction toward the sentencing guidelines sentence proportional for the length of incarceration.

(b) Any verified major misconduct equivalent to a Level I or Level II major misconduct violation as defined in the Department's rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105) during the incarceration will result in an effective 0 percent reduction toward the sentencing guidelines sentence proportional for the length of incarceration. The date of the adjudication, not of the incident, will be used for the date of the violation.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075

Stats. Impl.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075

Hist.: CD 14-1990, f. & cert. ef. 7-2-90; CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2000, f. & cert. ef. 6-26-00; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09; DOC 2-2009, f. & cert. ef. 3-10-09; DOC 15-2009(Temp), f. & cert. ef. 8-31-09 thru 2-23-10; DOC 23-2009, f. & cert. ef. 11-20-09; DOC 6-2010(Temp), f. & cert. ef. 4-14-10 thru 10-11-10; DOC 9-2010, f. & cert. ef. 7-14-10; DOC 14-2010(Temp), f. & cert. ef. 10-19-10 thru 4-15-11; DOC 7-2011, f. & cert. ef. 4-8-11; Renumbered from 291-097-0020 by DOC 13-2012(Temp), f. & cert. ef. 12-28-12 thru 6-25-13; Renumbered from 291-097-0020 by DOC 5-2013, f. 5-30-13, cert. ef. 6-1-13

291-097-0245

Earned Time Credit for Education or Apprenticeship Certifications

(1) Pursuant to ORS 421.121 and this rule, consideration for earned time credit may also be given for an inmate who obtains a high school diploma, General Educational Development (GED) certificate, a certificate or degree from a post-secondary education institution as defined in ORS 337.511, or a journey level certification from a registered apprenticeship program as defined in ORS 660.010, on or after January 1, 2010.

(2) Determination of Earned Time Credits for Education or Apprenticeship Certifications:

(a) Inmates who obtain a high school diploma, General Educational Development (GED) certificate, a certificate or degree from a post-secondary education institution as defined in ORS 337.511, or a journey level certification from a registered apprenticeship program as defined in 660.010 prior to January 1, 2010 are not eligible to be considered for earned time credits for education or apprenticeship certifications.

(b) Subject to OAR 291-097-0025 (Retraction of Earned Time Credits), 291-097-0030 (Restoration of Earned Time Credits), and 291-097-0040 (Determination of Earned Time Credits During Final Review Period for Sentencing Guidelines Sentences), at the time an inmate obtains a high school diploma, General Educational Development (GED) certificate, a certificate or degree from a post-secondary education institution as defined in ORS 337.511, or a journey level certification from a registered apprenticeship program as defined in ORS 660.010 on or after January 1, 2010, the OISC Staff will apply the amount of earned time credits, not to exceed 60 days, to the amount of earned time credits actually received by the inmate for either maintaining appropriate institution conduct or compliance with his/her case plan, in order to bring the inmate's total earned time credits up to the amount of earned time credits the inmate would have received if the inmate maintained appropriate institution conduct and was in full compliance with his/her case plan as of the date the inmate obtained the education or apprenticeship certification.

(A) The Department may apply up to 60 days earned time credits for education or apprenticeship certifications toward prior earned time not credited to the sentence due to adjudicated misconduct during the presentence incarceration or while an inmate is incarcerated in an Oregon county jail prior to the inmate's return to a Department of Corrections facility following an escape, revocation of second look conditional release, or violation of non-AIP or AIP short-term transitional leave, or toward non-compliance with institutional conduct or the case plan, and toward earned time previously retracted during the service of the sentence.

(B) In no event will an inmate be credited with more earned time credits than the amount of earned time credits the inmate would have received toward the sentence if the inmate maintained appropriate institutional behavior and was in full compliance with his/her case plan as of the date the inmate obtained a high school diploma, General Educational Development (GED) certificate, a certificate or degree from a post-secondary education institution as defined in ORS 337.511, or a journey level certification from a registered apprenticeship program as defined in 660.010.

(C) The earned time credits for education or apprenticeship certifications may not be applied to a sentence whose prison term reached its earned time release date prior to the date the inmate obtained a high school diploma, General Educational Development (GED) certificate, a certificate or degree from a post-secondary education institution as defined in ORS 337.511, or a journey level certification from a registered apprenticeship program as defined in 660.010.

(D) An inmate may be credited with multiple education or apprenticeship certifications as long as no individual sentence receives more than 60 days total earned time credit for obtaining a high school diploma, General Educational Development (GED) certificate, a certificate or degree from a post-secondary education institution as defined in ORS 337.511, or a journey level certification from a registered apprenticeship program as defined in 660.010.

(E) The date the inmate successfully meets the total score requirements for the GED certificate is the date the inmate is deemed to have obtained his/her GED certificate.

(F) For inmates housed at OYA, the date the inmate receives the high school diploma or GED certificate is the date the inmate is deemed to have obtained his/her diploma unless DOC receives documentation that the inmate completed the requirements for the diploma or GED at an earlier date.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075

Stats. Impl.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075

Hist.: DOC 13-2012(Temp), f. & cert. ef. 12-28-12 thru 6-25-13; DOC 5-2013, f. 5-30-13, cert. ef. 6-1-13

291-097-0250

Retraction of Earned Time Credits

Time credits previously earned or applied will be retracted as follows:

(1) The inmate is found guilty of a major rule violation after a formal disciplinary hearing or upon waiver of the inmate's right to a hearing, and the disciplinary order directs that earned time credits earned or applied be forfeited in accordance with the Department's rule on **Prohibited Inmate Conduct and Processing Disciplinary Actions** (OAR 291 105).

(a) A recommendation for retraction of earned time shall be within the range corresponding to the violation level as set forth in Table 1.

(b) A recommendation for retraction of earned time credits may not exceed the amount previously applied, including any amount credited to the inmate for obtaining a high school diploma, General Educational Development (GED) certificate, a certificate or degree from a post-secondary institution as defined in ORS 337.511, or a journey level certification

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from a registered apprenticeship program as defined in 660.010 on or after January 1, 2010.

(2) Failure to comply with the case plan during the final review period will result in a retraction of the portion of the earned time credits for program compliance advanced at the beginning of the final review period. The OISC staff will document the retraction on the Earned Time Computation form (CD 1154D).

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075
Stats. Impl.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075
Hist.: CD 14-1990, f. & cert. ef. 7-2-90; CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09; DOC 2-2009, f. & cert. ef. 3-10-09; DOC 15-2009(Temp), f. & cert. ef. 8-31-09 thru 2-23-10; DOC 23-2009, f. & cert. ef. 11-20-09; DOC 6-2010(Temp), f. & cert. ef. 4-14-10 thru 10-11-10; DOC 9-2010, f. & cert. ef. 7-14-10; DOC 14-2010(Temp), f. & cert. ef. 10-19-10 thru 4-15-11; DOC 7-2011, f. & cert. ef. 4-8-11; Renumbered from 291-097-0025 by DOC 13-2012(Temp), f. & cert. ef. 12-28-12 thru 6-25-13; Renumbered from 291-097-0025 by DOC 5-2013, f. 5-30-13, cert. ef. 6-1-13

291-097-0255

Restoration of Earned Time Credits

(1) Time credits that have been retracted may be restored upon recommendation of staff and approval of the functional unit manager or designee only for an inmate who has been involved in saving a life or through the Adjustments to Final Order process outlined in the Department's rule on **Prohibited Inmate Conduct and Processing Disciplinary Actions** (OAR 291-105). Time credits restored may not exceed those previously retracted.

(2) Restoration of time credits must be approved in writing by the functional unit manager or designee.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075
Stats. Impl.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075
Hist.: CD 14-1990, f. & cert. ef. 7-2-90; CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 6-2010(Temp), f. & cert. ef. 4-14-10 thru 10-11-10; DOC 9-2010, f. & cert. ef. 7-14-10; Renumbered from 291-097-0030 by DOC 13-2012(Temp), f. & cert. ef. 12-28-12 thru 6-25-13; Renumbered from 291-097-0030 by DOC 5-2013, f. 5-30-13, cert. ef. 6-1-13

291-097-0260

Determination of Earned Time Credits During Final Review Period for Sentencing Guideline Sentences

(1) Four months prior to an inmate's projected release date, OISC staff (or the ODOC staff, as designated by the Offender Management and Rehabilitation Division, for inmates housed in non-Oregon Department of Corrections facilities) will conduct a final review of inmates' earned time compliance.

(a) Final reviews will be conducted only for inmates serving a sentencing guidelines sentence. OISC staff will advance and apply earned time credits for the final review period.

(b) An inmate's full compliance with the case plan and institutional behavior will be assumed during the final review period.

(A) For inmates sentenced on or after November 1, 1989, with sentences eligible for a maximum of 20 percent earned time credits, the OISC staff will apply an effective 20 percent reduction in sentence for the final review period and the OISC Unit will re-compute the inmate's new earned time release date.

(B) For inmates sentenced on or after November 1, 1989 with sentences eligible for a maximum of 30 percent earned time credits, the OISC staff will apply an effective 30 percent reduction in sentence for the final review period and the OISC Unit will re-compute the inmate's new earned time release date.

(2) If, after the completion of a final review and advancement of earned time credits for the final review period, the inmate's prison term is extended as a result of a new sentence or an adjustment in presentence time, the OISC staff will delete the final review and any earned time credits advanced for the final review period. The OISC staff will complete a new Earned Time Computation form (CD 1154D) to assure that the extended prison term is reviewed in accordance with these rules.

(3) If, after the completion of a final review and advancement of earned time credits for the final review period, the inmate's prison term is reduced, the OISC Unit will adjust the final review period and any earned time credits advanced for the final review period provided the inmate was in full compliance with his/her case plan and institutional behavior at the time of the final review.

(a) If the inmate was in partial compliance with his/her Case Plan or institutional behavior at the time of the final review, the OISC staff will

delete the final review and any earned time credits advanced for the final review period.

(b) The OISC Staff will complete a new Earned Time Computation form (CD 1154D) to assure that the reduced prison term is reviewed in accordance with these rules.

(4) If, after the completion of a final review and advancement of earned time credits for the final review period, the inmate obtains a high school diploma, General Educational Development (GED) certificate, a certificate or degree from a post-secondary education institution as defined in ORS 337.511, or a journey level certification from a registered apprenticeship program as defined in 660.010, the OISC Unit will adjust the final review period and any earned time credits advanced for the final review period in accordance with OAR 291-097.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075
Stats. Impl.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075
Hist.: CD 14-1990, f. & cert. ef. 7-2-90; CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09; DOC 2-2009, f. & cert. ef. 3-10-09; DOC 15-2009(Temp), f. & cert. ef. 8-31-09 thru 2-23-10; DOC 23-2009, f. & cert. ef. 11-20-09; DOC 6-2010(Temp), f. & cert. ef. 4-14-10 thru 10-11-10; DOC 9-2010, f. & cert. ef. 7-14-10; DOC 14-2010(Temp), f. & cert. ef. 10-19-10 thru 4-15-11; DOC 7-2011, f. & cert. ef. 4-8-11; Renumbered from 291-097-0040 by DOC 13-2012(Temp), f. & cert. ef. 12-28-12 thru 6-25-13; Renumbered from 291-097-0040 by DOC 5-2013, f. 5-30-13, cert. ef. 6-1-13

291-097-0265

Administrative Review

(1) An inmate may obtain an independent review of the determination of his/her case plan performance as documented by the OISC staff or the ODOC staff as designated by the Offender Management and Rehabilitation Division, (for inmates housed in non-Oregon Department of Corrections facilities) for each review period by writing to the office designated by the Offender Management and Rehabilitation Division and requesting an administrative review of the determination.

(a) The review request must be in writing on an Inmate Communication form (CD 214), and must state the reason(s) why the inmate believes the determination is not correct. A copy of the Earned Time Computation form (CD 1154D) under review must also be submitted.

(b) Requests for administrative review must be received by the office designated by the Offender Management and Rehabilitation Division no later than 30 days after final determination as indicated on the Earned Time Computation form (CD 1154D).

(2) If an inmate submits a proper and timely request for administrative review, the Office of Population Management shall review the determination and either approve or modify the determination, in writing, within 30 days after receipt of the request. A copy of the order shall be provided to the inmate, his/her assigned counselor, and OISC.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075
Stats. Impl.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075
Hist.: CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09; DOC 2-2009, f. & cert. ef. 3-10-09; DOC 14-2010(Temp), f. & cert. ef. 10-19-10 thru 4-15-11; DOC 7-2011, f. & cert. ef. 4-8-11; Renumbered from 291-097-0050 by DOC 13-2012(Temp), f. & cert. ef. 12-28-12 thru 6-25-13; Renumbered from 291-097-0050 by DOC 5-2013, f. 5-30-13, cert. ef. 6-1-13

291-097-0270

Statutory Good Time Credits

(1) Pursuant to ORS 421.120 (1) (a) and (b), and these rules, each inmate confined in execution of the judgment of sentence upon any conviction for a crime committed prior to November 1, 1989, for any term other than life, who has acceptably participated in the requirements of their case plan and has maintained appropriate conduct, shall be entitled to a deduction from the term of sentence.

(2) The deduction shall be computed as follows:

(a) From the term of a sentence of not less than six months nor more than one year, one day shall be deducted for every six days of such sentence actually served in the Department of Corrections facility.

(b) From the term of a sentence of more than one year, one day shall be deducted for every two days of such sentence actually served in the Department of Corrections facility.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030 & 423.075
Stat. Impl.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030 & 423.075
Hist.: CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09; DOC 2-2009, f. & cert. ef. 3-10-09; Renumbered from 291-097-0060 by DOC 13-2012(Temp), f. & cert. ef. 12-28-12 thru 6-25-13; Renumbered from 291-097-0060 by DOC 5-2013, f. 5-30-13, cert. ef. 6-1-13

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291-097-0275

Extra Good Time Credits

(1) Pursuant to ORS 421.120(1)(c), (d), (e), 421.122, and these rules, each inmate confined in execution of the judgment of sentence upon any conviction for a crime committed prior to November 1, 1989, for any term other than life, who has acceptably participated in his/her case plan and has maintained appropriate institutional conduct shall be entitled to a deduction from the term of sentence to be computed as follows:

(a) From the term of any sentence:

(A) One day shall be deducted for every 15 days of work actually performed in prison industry, or in meritorious work in connection with prison maintenance and operation, or of enrollment in an educational activity as certified by the educational director of the institution during the first year of prison employment or educational activity; and

(B) One day shall be deducted for every seven days of such work actually performed or educational activity certified after the first year to and including the fifth year of prison employment or educational activity certified; and

(C) One day for every six days of such work actually performed or educational activity certified after the fifth year of prison employment.

(b) From the term of any sentence, one day shall be deducted for every 10 days of work actually performed in agriculture during the first year of prison employment, and one day for every six days of such work actually performed thereafter.

(c) From the term of any sentence one day shall be deducted for every six days of work performed at work camp during the first year of prison employment and one day for every four days thereafter. Once the four-day rate is achieved, it may be applied to subsequent work or release programs while the inmate is serving the same term.

(2) Extra good time credits applied pursuant to ORS 421.120 (1)(c), (d), (e), 421.122, and these rules, shall be in addition to statutory good time credits granted pursuant to 421.120 (1)(a) and (b), and these rules. For purposes of this rule, "meritorious" is synonymous with satisfactory performance.

(3) For purposes of these rules, "prison employment" includes actual work in Oregon Correctional Enterprises, meritorious work in connection with prison maintenance and operation, actual work in agriculture and actual work at work camp. Performance shall be considered meritorious unless removed from the work assignment for unsatisfactory performance.

(4) No statutory good time or extra good time credits earned or applied prior to acceptance and release on parole shall be granted to an inmate upon return to a Department of Corrections facility for a service of a term of incarceration as a sanction for violation of any condition of parole, except when authorized by the Board of Parole and Post-Prison Supervision upon recommendation of the functional unit manager thereof.

(5) Rate attained for calculation of extra good time credits prior to release on parole shall be voided upon an inmate's return to a Department of Corrections facility for violation of any condition of parole, except when authorized by the Board of Parole and Post-Prison Supervision.

Stat Auth: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030 & 423.075

Stat Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030 & 423.075

Hist.: CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09; DOC 2-2009, f. & cert. ef. 3-10-09; DOC 2-2009, f. & cert. ef. 3-10-09; Renumbered from 291-097-0070 by DOC 13-2012(Temp), f. & cert. ef. 12-28-12 thru 6-25-13; Renumbered from 291-097-0070 by DOC 5-2013, f. 5-30-13, cert. ef. 6-1-13

291-097-0280

Retraction of Statutory Good Time and Extra Good Time Credits

Statutory good time and extra good time credits previously earned or applied may be retracted as a result of a disciplinary action as follows:

(1) The inmate is found guilty of a major rule violation after a formal disciplinary hearing or upon waiver of the inmate's right to a hearing, and the disciplinary order directs that time credits earned are forfeited in accordance with the Department's rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105) and Table 2 attached.

(2) A recommendation for retraction of statutory good time and extra good time credits may not exceed the amount previously earned or applied.

Stat Auth: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030 & 423.075

Stat Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030 & 423.075

Hist.: CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09; DOC 2-2009, f. & cert. ef. 3-10-09; DOC 15-2009(Temp), f. & cert. ef. 8-31-09 thru 2-23-10; DOC 23-2009, f. & cert. ef. 11-20-09; Renumbered from 291-097-0080 by DOC 13-2012(Temp), f. & cert. ef. 12-28-12 thru 6-25-13; Renumbered from 291-097-0080 by DOC 5-2013, f. 5-30-13, cert. ef. 6-1-13

291-097-0285

Restoration of Statutory Good Time and Extra Good Time Credits

(1) Statutory good time and extra good time credits that have been retracted may be restored upon recommendation of staff and approval of the functional unit manager or designee only for an inmate who has been involved in saving a life.

(2) Restoration of statutory good time and extra good time credits must be approved in writing by the functional unit manager or designee.

Stat Auth: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030 & 423.075

Stat Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 to 421.122, 423.020, 423.030 & 423.075

Hist.: CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2001, f. & cert. ef. 10-12-01; Renumbered from 291-097-0090 by DOC 13-2012(Temp), f. & cert. ef. 12-28-12 thru 6-25-13; Renumbered from 291-097-0090 by DOC 5-2013, f. 5-30-13, cert. ef. 6-1-13

291-097-0290

Inmates With Indeterminate Sentences of More Than Thirty-Six Months

(1) The functional unit manager may recommend to the Board of Parole and Post-Prison Supervision that an inmate receive prison term reduction credits in those cases where the inmate has received a parole release date set from the Board of Parole and Post-Prison Supervision of 36 months or more, if:

(a) The inmate has applied for a reduction and the period under review falls within the established prison term;

(b) The inmate has completed a three-year period of good conduct; and

(c) The inmate has complied with case plan efforts to address problems associated with the inmate's criminal conduct present at the time of incarceration.

(d) Notwithstanding (b) and (c) above, the functional unit manager may consider significant improvement in inmate behavior and case plan efforts during the last 12 months of the three-year period and recommend that the parole release date be reset.

(2) Three-Year Period of Good Conduct: For purposes of these rules, an inmate shall be considered to have maintained a three-year period of good conduct if:

(a) The inmate has not received any Level I — II rule violations as defined in the Department's rule on **Prohibited Inmate Conduct and Processing Disciplinary Actions** (OAR 291-105) during the three years under review.

(b) Notwithstanding (a) above, upon finding that an inmate has committed a Level III or IV rule violation as defined in the Department's rule on **Prohibited Inmate Conduct and Processing Disciplinary Actions** (OAR 291-105), after a formal disciplinary hearing or upon waiver of the inmate's right to hearing, the hearings officer may recommend to the functional unit manager that the inmate not be considered for a positive recommendation for prison term reduction within a three-year period from the date of the rule violation.

(3) Demonstrable Achievement in Addressing Problems Associated with the Inmate's Criminal Conduct Present at the Time of Incarceration: For purposes of these rules, an inmate shall be considered to have made demonstrable achievement in addressing problems associated with the inmate's criminal conduct present at the time of incarceration if the inmate has received favorable reports for his/her successful participation in one or more self-improvement programs appropriate to his/her need as determined by departmental assessment captured in the case plan (to the extent these specific programs are available to the inmate). An inmate will be considered to be successfully participating in a self-improvement program if he/she is documented to be registered on a waiting list for the program within 30 days of the development of the case plan.

(4) Inmates serving a term of incarceration in a Department of Corrections facility as a sanction for violation of parole or post-prison supervision are ineligible for consideration for a positive recommendation.

(a) Inmates sentenced for aggravated murder or as dangerous offenders, and those whose parole the Board of Parole and Post-Prison Supervision denied are not subject to personal reviews.

(b) Dangerous offenders may be eligible for personal reviews upon receipt of a positive recommendation from the Department of Corrections, if the Board of Parole and Post-Prison Supervision has found their condition absent or in remission and has set a parole release date.

(5) The functional unit manager or designee will review the recommendation of the counselor, approve/deny or otherwise modify the recommendation, and send the determination to the Board of Parole and Post-

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Prison Supervision on an action sheet and supplemental report for the Board's consideration.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075
Stats. Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075
Hist.: CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09; DOC 2-2009, f. & cert. ef. 3-10-09; DOC 15-2009(Temp), f. & cert. ef. 8-31-09 thru 2-23-10; DOC 23-2009, f. & cert. ef. 11-20-09; Renumbered from 291-097-0100 by DOC 13-2012(Temp), f. & cert. ef. 12-28-12 thru 6-25-13; Renumbered from 291-097-0100 by DOC 5-2013, f. 5-30-13, cert. ef. 6-1-13

291-097-0295

Inmates With Indeterminate Sentences of Thirty-Six Months or Less

(1) The functional unit manager may recommend to the Board of Parole and Post-Prison Supervision that an inmate's parole release date be reset to an earlier date in those cases where the inmate has received a parole release date set from the Board of Parole and Post-Prison Supervision of 36 months or less, if:

(a) The inmate has been incarcerated in a Department of Corrections facility for at least six months; and

(b) The inmate's performance in two areas, the case plan and institution conduct, as set forth in the criteria for calculation and application of earned time credits in OAR 291-097 0020 warrants a positive recommendation.

(2) Inmates serving a term of incarceration in a Department of Corrections facility as a sanction for violation of parole or post-prison supervision are ineligible for consideration for a positive recommendation.

(3) Inmates sentenced to a minimum term of incarceration pursuant to ORS 144.110 (judicial minimum) or 161.610 (gun minimum), are ineligible for consideration for a positive recommendation, until such minimum incarceration term has been served.

(4) Inmates serving an enhanced sentence pursuant to ORS 161.725 and 161.735 (dangerous offender), or pursuant to 426.725 (sexually dangerous offender), are ineligible for consideration for a positive recommendation.

(5) At the end of the review period, based upon six-months increments beginning with the inmate's admission date, a counselor will evaluate the inmate's eligibility, consistent with OAR 291-097-0020(3), for a positive recommendation based on the criteria set forth above. Based upon the inmate's performance, the counselor will recommend to the functional unit manager or designee that the inmate be considered by the Board of Parole and Post-Prison Supervision for a 0, 10 or 20 percent reduction in the prison term set by the Board, and a corresponding parole release date.

(6) The functional unit manager or designee will review the recommendation of the counselor, approve/deny or otherwise modify the recommendation, and send the determination to the Board of Parole and Post-Prison Supervision on an action sheet for the Board's consideration.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075
Stats. Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075
Hist.: CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09; DOC 2-2009, f. & cert. ef. 3-10-09; Renumbered from 291-097-0120 by DOC 13-2012(Temp), f. & cert. ef. 12-28-12 thru 6-25-13; Renumbered from 291-097-0120 by DOC 5-2013, f. 5-30-13, cert. ef. 6-1-13

291-097-0300

Extension of Parole Release Date (Recommendations)

The Department of Corrections may recommend to the Board of Parole and Post-Prison Supervision that an inmate's parole release date be reset to a later date as a result of a disciplinary action, as follows:

(1) The inmate is found guilty of a major rule violation after a formal disciplinary hearing or upon waiver of the inmate's right to a hearing, and the final disciplinary order directs that the Board of Parole and Post-Prison Supervision be notified that the department recommends that the inmate's parole release date be extended in accordance with the department's rule on **Prohibited Inmate Conduct and Processing Disciplinary Actions** (OAR 291-105).

(2) In order to qualify the inmate for a parole release date extension recommendation, the rule violation must involve misconduct that can be classified within one of four categories as follows:

(a) Hazard to human life/health;

(b) Hazard to security;

(c) Hazard to property;

(d) Third in series of rule violations within a three-month period while assigned to any Department of Corrections facility or program.

(3) A parole release date extension shall not be recommended without consideration of the following:

(a) Effectiveness of the sanction as a disciplinary measure, both to the inmate and to the general inmate population;

(b) Degree of hazard posed by the misconduct to human health and/or life, facility security, or to property;

(c) Seriousness of the misconduct had it been committed in the wider community;

(d) Circumstances of the misconduct; and

(e) The inmate's prior record of institution conduct.

(4) A recommendation for extension of an inmate's parole release date shall be within the range corresponding to the violation classification category, as set forth in Table 3.

(5) A parole release date extension recommendation will not be made that, if followed by the Board of Parole and Post-Prison Supervision, will result in a parole release date beyond the inmate's statutory good time date.

(6) If an inmate is found guilty of a major rule violation, before a parole release date has been set, that qualifies the inmate for a parole release date extension recommendation in accordance with these rules, the department will recommend to the Board of Parole and Post-Prison Supervision that the inmate's parole release date be adjusted when set to reflect the department's recommended extension, if any.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075

Stats. Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075

Hist.: CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2001, f. & cert. ef. 10-12-01; Renumbered from 291-097-0130 by DOC 13-2012(Temp), f. & cert. ef. 12-28-12 thru 6-25-13; Renumbered from 291-097-0130 by DOC 5-2013, f. 5-30-13, cert. ef. 6-1-13

291-097-0305

Administrative Review

(1) An inmate may obtain an independent review of the determination of his/her referral to the Board of Parole and Post-Prison Supervision for a modification of the parole release date set by writing to the Counselor Case Management Unit and requesting an administrative review of the determination.

(a) The review request must be in writing on an inmate communication form (CD 214) and must state the reason(s) why the inmate believes the functional unit manager's or designee's decision not to refer the request to the Board of Parole and Post-Prison Supervision is not correct.

(b) Requests for administrative review must be received by the Counselor Case Management Unit no later than 30 days after the date of the determination.

(2) If an inmate submits a proper and timely request for administrative review, the Counselor Case Management Unit shall review the determination and either approve or modify the determination in writing to the inmate and functional unit manager within 30 days after the receipt of the request for administrative review.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075

Stats. Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030 & 423.075

Hist.: CD 17-1993, f. 6-7-93, cert. ef. 6-9-93; CD 11-1996, f. 8-27-96, cert. ef. 9-1-96; DOC 18-2001, f. & cert. ef. 10-12-01; DOC 23-2008(Temp), f. & cert. ef. 9-12-08 thru 3-10-09; Renumbered from 291-097-0110, DOC 2-2009, f. & cert. ef. 3-10-09; Renumbered from 291-097-0140 by DOC 13-2012(Temp), f. & cert. ef. 12-28-12 thru 6-25-13; Renumbered from 291-097-0140 by DOC 5-2013, f. 5-30-13, cert. ef. 6-1-13

Department of Fish and Wildlife

Chapter 635

Rule Caption: Sales of Fish Caught in Yakama Nation Spring Commercial Tributary Fisheries Allowed

Adm. Order No.: DFW 35-2013(Temp)

Filed with Sec. of State: 5-21-2013

Certified to be Effective: 5-21-13 thru 6-30-13

Notice Publication Date:

Rules Amended: 635-041-0065

Rules Suspended: 635-041-0065(T)

Subject: Rule amendments allow sales in Oregon of fish caught in Yakama Nation Treaty Indian spring commercial fisheries in Washington Columbia River tributaries from 2:00 p.m. Tuesday, May 21, 2013 until further notice. Modifications are in response to a Yakama Nation request for authorized sales of fish caught in Yakama Nation tributary fisheries. Modifications are consistent with action

ADMINISTRATIVE RULES

taken May 20, 2013 by the Columbia River Compact agencies of Oregon and Washington in cooperation with the Yakama Nation.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0065

Spring Season

(1) Salmon, steelhead, shad, white sturgeon, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from the Columbia River Treaty Indian Fishery, from 6:00 a.m. February 1 to 6:00 p.m. March 21.

(2) Effective 6:00 p.m. Wednesday, February 27, 2013 the winter commercial gillnet fishery in the John Day Pool is closed to sale of all fish species. Fish caught in the platform hook-and-line fishery may not be sold, but may be kept for subsistence purposes.

(3) Effective 6:00 p.m. Wednesday, March 6, 2013 the winter commercial gillnet fishery in the Bonneville Pool is closed to sale of all fish species. Fish caught in the platform hook-and-line fishery may not be sold, but may be kept for subsistence purposes.

(4) Effective 6:00 p.m. Wednesday, March 6, 2013 the sale of Chinook salmon caught in any mainstem Treaty Indian fishery is prohibited.

(5) There are no mesh size restrictions.

(6) Closed areas as set forth in OAR 635-041-0045 remain in effect with the exception of Spring Creek Hatchery sanctuary.

(7) White sturgeon between 43-54 inches fork length in The Dalles Pool may be sold or kept for subsistence use. White sturgeon between 43-54 inches in fork length caught in the John Day Pool and between 38-54 inches in fork length caught in the Bonneville Pool may not be sold but may be retained for subsistence purposes.

(8) Sale of platform and hook-and-line caught fish, as described in section (1) above, is allowed during open commercial fishing seasons except as described in section (4) above.

(9) Effective 2:00 p.m. May 21, 2013, commercial sales of salmon, steelhead, walleye, shad, catfish, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Yakima River; Klickitat River; Wind River; and Drano Lake are allowed for Yakama Nation members during those days and hours when these tributaries are open under lawfully enacted Yakama Nation fishing periods.

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 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79; FWC 13-1979(Temp), f. & ef. 3-30-1979, Renumbered from 635-035-0065; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 2-1983, f. 1-21-83, ef. 2-1-83; FWC 4-1984, f. & ef. 1-31-84; FWC 2-1985, f. & ef. 1-30-85; FWC 4-1986(Temp), f. & ef. 1-28-86; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 3-1988(Temp), f. & ef. 1-29-88; FWC 10-1988, f. & ef. 3-4-88; FWC 5-1989, f. 2-6-89, cert. ef. 2-7-89; FWC 13-1989(Temp), f. & ef. 3-21-89; FWC 15-1990(Temp), f. 2-8-90, cert. ef. 2-9-90; FWC 20-1990, f. 3-6-90, cert. ef. 3-15-90; FWC 13-1992(Temp), f. & ef. 3-5-92; FWC 7-1993, f. & ef. 2-1-93; FWC 12-1993(Temp), f. & ef. 2-22-93; FWC 18-1993(Temp), f. & ef. 3-2-93; FWC 7-1994, f. & ef. 2-1-94; FWC 11-1994(Temp), f. & ef. 2-28-94; FWC 9-1995, f. & ef. 2-1-95; FWC 19-1995(Temp), f. & ef. 3-3-95; FWC 5-1996, f. & ef. 2-7-96; FWC 4-1997, f. & ef. 1-30-97; DFW 8-1998(Temp), f. & ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & ef. 3-3-98; DFW 20-1998(Temp), f. & ef. 3-13-98 thru 3-20-98; DFW 23-1998(Temp), f. & ef. 3-20-98 thru 6-30-98; DFW 2-1999(Temp), f. & ef. 2-1-99 through 2-19-99; DFW 9-1999, f. & ef. 2-26-99; DFW 14-1999(Temp), f. 3-5-99, cert. ef. 3-6-99 thru 3-20-99; Administrative correction 11-17-99; DFW 6-2000(Temp), f. & ef. 2-1-00 thru 2-29-00; DFW 9-2000, f. & ef. 2-25-00; DFW 19-2000, f. 3-18-00, cert. ef. 3-18-00 thru 3-21-00; DFW 26-2000(Temp), f. 5-4-00, cert. ef. 5-6-00 thru 5-28-00; Administrative correction 5-22-00; DFW 3-2001, f. & ef. 2-6-01; DFW 14-2001(Temp), f. 3-12-01, cert. ef. 3-14-01 thru 3-21-01; Administrative correction 6-20-01; DFW 9-2002, f. & ef. 2-1-02; DFW 11-2002(Temp), f. & ef. 2-8-02 thru 8-7-02; DFW 17-2002(Temp), f. 3-7-02, cert. ef. 3-8-02 thru 9-1-02; DFW 18-2002(Temp), f. 3-13-02, cert. ef. 3-15-02 thru 9-11-02; DFW 134-2002(Temp), f. & ef. 12-19-02 thru 4-1-03; DFW 20-2003(Temp), f. 3-12-03, cert. ef. 3-13-03 thru 4-1-03; DFW 131-2003(Temp), f. 12-26-03, cert. ef. 1-1-04 thru 4-1-04; DFW 5-2004(Temp), f. 1-26-04, cert. ef. 2-2-04 thru 4-1-04; DFW 15-2004(Temp), f. 3-8-04, cert. ef. 3-10-04 thru 4-1-04; DFW 130-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 4-1-05; DFW 4-2005(Temp), f. & ef. 1-31-05 thru 4-1-05; DFW 18-2005(Temp), f. & ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 3-2006(Temp), f. & ef. 1-27-06 thru 3-31-06; Administrative correction 4-19-06; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & ef. 2-14-07; DFW 14-2007(Temp), f. & ef. 3-9-07 thru 9-4-07; DFW 15-2007(Temp), f. & ef. 3-14-07 thru 9-9-07; Administrative correction 9-16-07; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 20-2008(Temp), f. 2-28-08, cert. ef. 2-29-08 thru 7-28-08; DFW 21-2008(Temp), f. & ef. 3-5-08 thru 7-28-08; DFW 22-2008(Temp), f. 3-7-08, cert. ef. 3-10-08 thru 7-28-08; Administrative correction 8-21-08; DFW 142-2008, f. & ef. 11-21-08; DFW 6-2009(Temp), f. 1-30-09, cert. ef. 2-2-09 thru 8-1-09; DFW 11-2009(Temp), f. 2-13-09, cert. ef. 2-16-09 thru 7-31-09; DFW 22-2009(Temp), f. 3-5-09, cert. ef. 3-6-09 thru 7-31-09; Administrative correction 8-21-09; DFW 9-2010(Temp), f. & ef. 2-3-10 thru 8-1-10; DFW 12-2010(Temp), f. 2-10-10, cert. ef. 2-11-10 thru 8-1-10; DFW 18-2010(Temp), f. 2-24-10, cert. ef. 2-26-10 thru 4-1-10; DFW 24-2010(Temp), f. 3-2-10, cert. ef. 3-3-10 thru 4-1-10; Administrative correction 4-21-10; DFW 8-2011(Temp), f. 1-31-11, cert. ef. 2-1-11 thru 4-1-11; DFW 9-2011(Temp), f. 2-9-11, cert. ef. 2-10-11 thru 4-1-11; DFW 23-2011, f. & ef. 3-21-11; DFW 5-2012(Temp), f. 1-30-12, cert. ef. 2-1-12 thru 3-31-12; DFW 18-2012(Temp), f. 2-28-12, cert. ef. 2-29-12 thru 6-15-12; DFW 19-2012(Temp), f. 3-2-12, cert.

ef. 3-5-12 thru 6-15-12; DFW 20-2012(Temp), f. & cert. ef. 3-5-12 thru 6-15-12; DFW 46-2012(Temp), f. 5-14-12, cert. ef. 5-15-12 thru 6-30-12; Administrative correction, 8-1-12; DFW 9-2013(Temp), f. 1-31-13, cert. ef. 2-1-13 thru 3-31-13; DFW 15-2013(Temp), f. 2-22-13, cert. ef. 2-27-13 thru 6-15-13; DFW 18-2013(Temp), f. 3-5-13, cert. ef. 3-6-13 thru 6-15-13; DFW 35-2013(Temp), f. & cert. ef. 5-21-13 thru 6-30-13

Rule Caption: Youngs Bay Commercial Select Area Spring Chinook Fishery Modified

Adm. Order No.: DFW 36-2013(Temp)

Filed with Sec. of State: 5-22-2013

Certified to be Effective: 5-22-13 thru 7-31-13

Notice Publication Date:

Rules Amended: 635-042-0145

Rules Suspended: 635-042-0145(T)

Subject: This amended rule prohibits retention and sale of non-adipose fin-clipped Chinook salmon caught in the Youngs Bay Select Area commercial spring fishery during the period from 7:00 p.m. Wednesday, May 22 through 12:00 noon Thursday, May 23, 2013. Modifications were made consistent with Oregon State Action taken May 20, 2013 at a meeting of the Columbia River Compact agencies of the states of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0145

Youngs Bay Salmon Season

(1) Salmon, white sturgeon, and shad may be taken for commercial purposes in waters of Youngs Bay as described below, except for non-adipose fin-clipped Chinook salmon may not be retained or sold between 7:00 p.m. Wednesday, May 22 and 12:00 noon Thursday, May 23, 2013.

(a) The 2013 open fishing periods are established in three segments categorized as the winter fishery, subsection (1)(a)(A); the spring fishery, subsection (1)(a)(B); and summer fishery, subsection (1)(a)(C), as follows:

(A) Winter Season: None scheduled.

(B) Spring Season: Entire Youngs Bay from April 18 through Friday, June 14, 2013 during the following periods:

Thursday, April 18 10:30 a.m. - 4:30 p.m. (6 hrs.);

Tuesday, April 23 6:00 a.m. - 6:00 p.m. (12 hrs.);

Thursday, April 25-26 7:00 p.m. - 7:00 a.m. (12 hours);

Monday, April 29 6:00 a.m. - midnight (18 hours);

Wednesday, May 1 6:00 a.m. - 6:00 p.m. (12 hours);

Thursday, May 2 6:00 a.m. - midnight (18 hours);

Monday, May 6 6:00 a.m. - midnight (18 hours);

Wednesday, May 8 6:00 a.m. - 6:00 p.m. (12 hrs.);

Thursday, May 9 6:00 a.m. - midnight (18 hours);

Monday, May 13 noon - Friday May 17 noon (4 days);

Monday, May 20 noon - Wednesday May 22 7:00 p.m. (55 hrs.);

Thursday, May 23 noon - Friday May 24 noon (24 hrs.);

Monday, May 27 noon - Friday May 31 noon (4 days);

Monday, June 3 noon - Friday June 7 noon (4 days);

Monday, June 10 noon - Friday June 14 noon (4 days).

(C) Summer Season: Entire Youngs Bay 6:00 a.m. Wednesdays to 6:00 a.m. Fridays (48 hours) beginning Wednesday June 19 through Friday June 26 (12 fishing days).

(b) For the winter, spring and summer fisheries the fishing area is identified as the waters of Youngs Bay from the Highway 101 Bridge upstream to the upper boundary markers at the confluence of the Klaskanine and Youngs rivers; except for those waters which are closed southerly of the alternate Highway 101 Bridge (Lewis and Clark River).

(2) Gill nets may not exceed 1,500 feet (250 fathoms) in length and weight may not exceed two pounds per any fathom except the use of additional weights and/or anchors attached directly to the headline is allowed upstream of markers located approximately 200 yards upstream of the mouth of the Walluski River during all Youngs Bay commercial fisheries. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25-fathom intervals must be in color contrast to the corks used in the remainder of the net.

(a) It is *unlawful* to use a gill net having a mesh size that is less than 7 inches during the winter season. It is *unlawful* to use a gill net having a mesh size that is more than 9.75 inches during the spring and summer seasons.

(b) Nets not specifically authorized for use in these areas may be onboard a vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(3) A maximum of four (4) white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) during the winter season described in section (1)(a)(A) above and

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a maximum of two (2) white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) during the spring and summer seasons described in sections (1)(a)(B) and (1)(a)(C) above. During the fishing periods identified in subsections (1)(a)(A), (1)(a)(B) and (1)(a)(C), the weekly white sturgeon limit applies to combined possessions and sales for all open Select Area fisheries.

Stat. Auth.: ORS 183.325, 506.109 & 506.119
Stats. Implemented: ORS 506.129 & 507.030
Hist.: FWC 32-1979, f. & ef. 8-22-79; FWC 28-1980, f. & ef. 6-23-80; FWC 42-1980(Temp), f. & ef. 8-22-80; FWC 30-1981, f. & ef. 8-14-81; FWC 42-1981(Temp), f. & ef. 11-5-81; FWC 54-1982, f. & ef. 8-17-82; FWC 37-1983, f. & ef. 8-18-83; FWC 61-1983(Temp), f. & ef. 10-19-83; FWC 42-1984, f. & ef. 8-20-84; FWC 39-1985, f. & ef. 8-15-85; FWC 37-1986, f. & ef. 8-11-86; FWC 72-1986(Temp), f. & ef. 10-31-86; FWC 64-1987, f. & ef. 8-7-87; FWC 73-1988, f. & cert. ef. 8-19-88; FWC 55-1989(Temp), f. 8-7-89, cert. ef. 8-20-89; FWC 82-1990(Temp), f. 8-14-90, cert. ef. 8-19-90; FWC 86-1991, f. 8-7-91, cert. ef. 8-18-91; FWC 123-1991(Temp), f. & cert. ef. 10-21-91; FWC 30-1992(Temp), f. & cert. ef. 4-27-92; FWC 35-1992(Temp), f. 5-22-92, cert. ef. 5-25-92; FWC 74-1992 (Temp), f. 8-10-92, cert. ef. 8-16-92; FWC 28-1993(Temp), f. & cert. ef. 4-26-93; FWC 48-1993, f. 8-6-93, cert. ef. 8-9-93; FWC 21-1994(Temp), f. 4-22-94, cert. ef. 4-25-94; FWC 51-1994, f. 8-19-94, cert. ef. 8-22-94; FWC 64-1994(Temp), f. 9-14-94, cert. ef. 9-15-94; FWC 66-1994(Temp), f. & cert. ef. 9-20-94; FWC 27-1995, f. 3-29-95, cert. ef. 4-1-95; FWC 48-1995(Temp), f. & cert. ef. 6-5-95; FWC 66-1995, f. 8-22-95, cert. ef. 8-27-95; FWC 69-1995, f. 8-25-95, cert. ef. 8-27-95; FWC 8-1995, f. 2-28-96, cert. ef. 3-1-96; FWC 37-1996(Temp), f. 6-11-96, cert. ef. 6-12-96; FWC 41-1996, f. & cert. ef. 8-12-96; FWC 45-1996(Temp), f. 8-16-96, cert. ef. 8-19-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 4-1997, f. & cert. ef. 1-30-97; FWC 47-1997, f. & cert. ef. 8-15-97; DFW 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-9-98; DFW 18-1998(Temp), f. 3-9-98, cert. ef. 3-11-98 thru 3-31-98; DFW 60-1998(Temp), f. & cert. ef. 8-7-98 thru 8-21-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 52-1999(Temp), f. & cert. ef. 8-2-99 thru 8-6-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 66-2001(Temp), f. 8-2-01, cert. ef. 8-6-01 thru 8-14-01; DFW 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; DFW 82-2002(Temp), f. 8-5-02, cert. ef. 8-7-02 thru 9-1-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 17-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 8-1-03; DFW 32-2003(Temp), f. & cert. ef. 4-23-03 thru 8-1-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 37-2003(Temp), f. & cert. ef. 5-7-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. 4-8-04 cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 15-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 46-2005(Temp), f. 5-17-05, cert. ef. 5-18-05 thru 10-16-05; DFW 73-2005(Temp), f. 7-8-05, cert. ef. 7-11-05 thru 7-31-05; DFW 77-2005(Temp), f. 7-14-05, cert. ef. 7-18-05 thru 7-31-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 14-2006(Temp), f. 3-15-06, cert. ef. 3-16-06 thru 7-27-06; DFW 15-2006(Temp), f. & cert. ef. 3-23-06 thru 7-27-06; DFW 17-2006(Temp), f. 3-29-06, cert. ef. 3-30-06 thru 7-27-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 52-2006(Temp), f. & cert. ef. 6-28-06 thru 7-27-06; DFW 73-2006(Temp), f. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 16-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; DFW 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 45-2007(Temp), f. 6-15-07, cert. ef. 6-25-07 thru 7-31-07; DFW 50-2007(Temp), f. 6-29-07, cert. ef. 7-4-07 thru 7-31-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 30-2008(Temp), f. 3-27-08, cert. ef. 3-30-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 24-2009(Temp), f. 3-10-09, cert. ef. 3-11-09 thru 7-31-09; DFW 49-2009(Temp), f. 5-14-09, cert. ef. 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; DFW 17-2010(Temp), f. & cert. ef. 2-22-10 thru 7-31-10; DFW 20-2010(Temp), f. & cert. ef. 2-26-10 thru 7-31-10; DFW 30-2010(Temp), f. 3-11-10, cert. ef. 3-14-10 thru 7-31-10; DFW 35-2010(Temp), f. 3-23-10, cert. ef. 3-24-10 thru 7-31-10; DFW 40-2010(Temp), f. & cert. ef. 4-1-10 thru 7-31-10; DFW 46-2010(Temp), f. & cert. ef. 4-21-10 thru 7-31-10; DFW 53-2010(Temp), f. & cert. ef. 5-4-10 thru 7-31-10; DFW 57-2010(Temp), f. & cert. ef. 5-11-10 thru 7-31-10; DFW 69-2010(Temp), f. & cert. ef. 5-18-10 thru 7-31-10; DFW 113-2010(Temp), f. 8-2-10, cert. ef. 8-4-10 thru 10-31-10; DFW 129-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; Administrative correction 11-23-10; DFW 12-2011(Temp), f. 2-10-11, cert. ef. 2-13-11 thru 7-29-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 32-2011(Temp), f. 4-20-11, cert. ef. 4-21-11 thru 7-29-11; DFW 35-2011(Temp), f. & cert. ef. 4-28-11 thru 7-29-11; DFW 46-2011(Temp), f. & cert. ef. 5-12-11 thru 7-29-11; DFW 52-2011(Temp), f. & cert. ef. 5-18-11 thru 7-29-11; DFW 76-2011(Temp), f. 6-24-11, cert. ef. 6-27-11 thru 7-29-11; DFW 106-2011(Temp), f. 8-2-11, cert. ef. 8-3-11 thru 10-31-11; DFW 121-2011(Temp), f. 8-29-11, cert. ef. 9-5-11 thru 10-31-11; Administrative correction 11-18-11; DFW 12-2012(Temp), f. 2-8-12, cert. ef. 2-12-12 thru 7-31-12; DFW 24-2012(Temp), f. 3-15-12, cert. ef. 3-18-12 thru 7-31-12; DFW 26-2012(Temp), f. 3-20-12, cert. ef. 3-21-12 thru 7-31-12; DFW 27-2012(Temp), f. 3-27-12, cert. ef. 3-29-12 thru 7-31-12; DFW 28-

2012(Temp), f. 3-30-12, cert. ef. 4-1-12 thru 7-31-12; DFW 30-2012(Temp), f. 4-4-12, cert. ef. 4-5-12 thru 7-31-12; DFW 36-2012(Temp), f. 4-16-12, cert. ef. 4-19-12 thru 7-31-12; DFW 82-2012(Temp), f. 6-29-12, cert. ef. 7-2-12 thru 7-31-12; DFW 96-2012(Temp), f. 7-30-12, cert. ef. 8-1-12 thru 10-31-12; Administrative correction 11-23-12; DFW 11-2013(Temp), f. 2-8-13, cert. ef. 2-11-13 thru 7-31-13; DFW 22-2013(Temp), f. 3-12-13, cert. ef. 3-13-13 thru 7-31-13; DFW 34-2013(Temp), f. 5-14-13, cert. ef. 5-15-13 thru 7-31-13; DFW 36-2013(Temp), f. & cert. ef. 5-22-13 thru 7-31-13

Rule Caption: Commercial Spring Chinook Fishery Set in the Mainstem Columbia River

Adm. Order No.: DFW 37-2013(Temp)

Filed with Sec. of State: 5-22-2013

Certified to be Effective: 5-22-13 thru 5-31-13

Notice Publication Date:

Rules Amended: 635-042-0022

Rules Suspended: 635-042-0022(T)

Subject: This amended rule allows a non-Indian commercial spring Chinook fishery in the mainstem Columbia River to commence on May 22, 2013 from the mouth of the Columbia River upstream to Beacon Rock (Zones 1 thru 5). The authorized fishing period is from 7:00 p.m. Wednesday, May 22 thru 7:00 a.m. Thursday, May 23, 2013 (12 hours). Modifications were made consistent with Joint State Action taken May 20, 2013 at a meeting of the Columbia River Compact agencies of the states of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0022

Spring Chinook Gillnet and Tangle Net Fisheries

(1) Adipose fin-clipped Chinook salmon, white sturgeon and shad may be taken by gillnet for commercial purposes from the mouth of the Columbia River upstream to Beacon Rock (Zones 1-5) during the period: Wednesday, May 22 from 7:00 p.m. to 7:00 a.m. Thursday, May 23, 2013 (12 hours).

(a) Individual fishing periods will not exceed sixteen hours in length during small mesh fisheries and twenty-four hours in length during large mesh fisheries.

(b) 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 weekly white sturgeon sales limit applies to the mainstem Columbia River only. Select Area fisheries remain under a two white sturgeon weekly retention limit.

(c) Retention of green sturgeon is prohibited.

(2) An adipose fin clip salmon is defined as a hatchery salmon with a clipped adipose fin and having a healed scar at the location of the fin. The adipose fin is the small fatty fin on salmonids located between the dorsal fin and tail.

(3) During the spring Chinook gillnet fishery:

(a) It is *unlawful* to use a gillnet having a mesh size less than 8 inches or more than 9-3/4 inches. Monofilament nets are allowed. Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. Other permanent gear regulations remain in effect.

(b) Mesh size for the fishery is determined as described in OAR 635-042-0010(4).

(4) During the spring Chinook tangle net fishery:

(a) It is *unlawful* to use other than a single-wall multi-filament net. Monofilament tangle nets are not allowed. Maximum mesh size is 1 1/4 inches stretched taut.

(b) Mesh size is determined by placing three consecutive meshes under hand tension and the measurement is taken from the inside of one vertical knot to the outside of the opposite vertical knot of the center mesh. Hand tension means sufficient linear tension to draw opposing knots of meshes into contact.

(5) Nets shall not exceed 900 feet (150 fathoms) in length. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25 fathom intervals must be in color contrast to the corks used in the remainder of the net.

(6) On tangle nets, an optional use of a steelhead excluder panel of mesh may be hung between the corkline and the 4-1/4 inch maximum mesh size tangle net. The excluder panel web must be a minimum mesh size of 12 inches when stretched taut under hand tension. Monofilament mesh is allowed for the excluder panel. The excluder panel (including any associated hangings) must be a minimum of 5 linear feet in depth and not exceed

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10 linear feet in depth, as measured from the corkline to the upper margin of the tangle net mesh as the net hangs naturally from a taut corkline. Weedlines or droppers (bobber-type) may be used in place of the steelhead excluder panel. A weedline-type excluder means the net is suspended below the corkline by lines of no less than five feet in length between the corkline and the upper margin of the tangle net. A dropper-type excluder means the entire net is suspended below the surface of the water by lines of no less than five feet in length extending from individual surface floats to a submerged corkline. The corkline cannot be capable of floating the net in its entirety (including the leadline) independent of the attached floats. Weedlines or droppers must extend a minimum of 5 feet above the 4 1/4 inch maximum mesh size tangle net.

(a) Tangle nets constructed with a steelhead excluder panel, weedlines, or droppers, may extend to a maximum length of 1,050 feet (175 fathoms).

(b) Tangle nets constructed with a steelhead excluder panel, weedlines, or droppers, along with a red cork every 25 fathoms as required in section (5) above, must have two red corks at each end of the net.

(7) There are no restrictions on the hang ratio. The hang ratio is used to horizontally add slack to the net. The hang ratio is determined by the length of the web per length of the corkline.

(8) There are no restrictions on the use of slackers or stringers to slacken the net vertically.

(9) Nets shall be fished for no longer than 45 minutes per set. The time of fishing is measured from when the first mesh of the net is deployed into the water until the last mesh of the net is fully retrieved from the water.

(10) It is *unlawful* for a net in whole or in part to be anchored, tied, staked, fixed, or attached to the bottom, shore, or a beached boat; left unattended at any time it is fished; or attended by more than one boat while being fished.

(11) It is *unlawful* to fish more than one net from a licensed commercial fishing boat at any one time.

(12) Nets fished from sunset to sunrise shall have lighted buoys on both ends of the net unless the net is attached to the boat then one lighted buoy on the opposite end of the net from the boat is required.

(13) Non-legal sturgeon, nonadipose fin-clipped Chinook salmon, and steelhead must be released immediately with care and the least possible injury to the fish to the river without violence or into an operating recovery box.

(a) One operating recovery box with two chambers or two operating recovery boxes with one chamber each to aid survival of released fish must be on board each fishing vessel participating in the fishery. Recovery boxes shall be operating during any time that a net is being retrieved or picked.

(b) All salmon and steelhead that are bleeding, in lethargic condition, or appearing dead must be placed in the recovery box for rehabilitation purposes prior to release to the river.

(c) Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39 1/2 to 48 inches, the inside width measurement must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches.

(d) Each chamber of the recovery box must include an operating water pumping system capable of delivering a minimum flow of 16 gallons per minute not to exceed 20 gallons per minute of fresh river water into each chamber. The fisher must demonstrate to the Department and Washington Department of Fish and Wildlife employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river water into each chamber.

(e) Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1-3/4 inches from the floor of the chamber.

(f) Each chamber of the recovery box must include a water outlet that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber, on either the same or opposite end as the inlet.

(g) All fish placed in recovery boxes must be released to the river prior to landing or docking.

(14) At least one fisher on each boat engaged in the fishery must have attended a one-day workshop hosted by the Department or Washington Department of Fish and Wildlife to educate fishers on regulations and best methods for conduct of the fishery.

(15) Nothing in this section sets any precedent for any future spring Chinook fishery. The fact that an individual has attended a live capture training workshop does not entitle the individual to participate in any other

fishery. If the Department authorizes a Live Capture fishery in the spring or at any other time, the Department may establish qualifications and requirements that are different from those already established. In particular, the Department may consider an individual's compliance with these rules in determining that individual's eligibility to participate in any future Live Capture fisheries.

(16) As authorized by OAR-635-006-0140 owners or operators of commercial fishing vessels must cooperate with Department fishery observers, or observers collecting data for the Department, when asked by the Department to carry and accommodate an observer on fishing trips for observation and sampling during an open fishery.

(17) Closed waters, as described in OAR 635-042-0005 for Grays River, Elokom-B, Abernathy Creek, Cowlitz River, Kalama-B, Lewis-B, Sandy and Washougal sanctuaries are in effect during the open fishing periods identified.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: DFW 11-2004, f. & cert. ef. 2-13-04; DFW 12-2004(Temp), f. & cert. ef. 3-1-04, thru 7-31-04; DFW 13-2004(Temp), f. & cert. ef. 3-3-04 thru 7-31-04; DFW 16-2004(Temp), f. & cert. ef. 3-8-04 thru 7-31-04; DFW 18-2004(Temp), f. & cert. ef. 3-10-04 thru 7-31-04; DFW 20-2004(Temp) f. & cert. ef. 3-15-04 thru 7-31-04; DFW 21-2004(Temp), f. & cert. ef. 3-18-04 thru 7-31-04; DFW 25-2004(Temp), f. 3-22-04, cert. ef. 3-23-04 thru 7-31-04; DFW 26-2004(Temp), f. & cert. ef. 3-25-04 thru 7-31-04; DFW 27-2004(Temp), f. & cert. ef. 3-29-04 thru 7-31-04; Administrative correction 8-19-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 9-2005(Temp), f. & cert. ef. 3-1-05 thru 7-31-05; DFW 11-2005(Temp), f. 3-2-05, cert. ef. 3-3-05 & 7-31-05; DFW 13-2005(Temp), f. & cert. ef. 3-7-05 thru 7-31-05; DFW 14-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; DFW 20-2005(Temp), f. & cert. ef. 3-29-05 thru 3-30-05; DFW 21-2005(Temp), f. & cert. ef. 3-31-05 thru 4-1-05; Administrative correction, 4-20-05; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 7-2006(Temp), f. & cert. ef. 2-23-06 thru 7-31-06; DFW 9-2006(Temp), f. 3-1-06, cert. ef. 3-2-06 thru 7-31-06; DFW 10-2006(Temp), f. 3-6-06, cert. ef. 3-7-06 thru 7-31-06; DFW 11-2006(Temp), f. & cert. ef. 3-9-06 thru 7-31-06; DFW 12-2006(Temp), f. 3-13-06, cert. ef. 3-14-06 thru 7-31-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 30-2006(Temp), f. & cert. ef. 5-18-06 thru 7-31-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; Administrative correction 8-22-06; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 17-2007(Temp), f. & cert. ef. 3-20-07 thru 9-15-07; DFW 19-2007(Temp), f. & cert. ef. 3-22-07 thru 9-17-07; DFW 44-2007(Temp), f. & cert. ef. 6-14-07 thru 9-17-07; Administrative correction 9-18-07; DFW 31-2008(Temp), f. 3-31-08, cert. ef. 4-1-08 thru 9-27-08; DFW 33-2008(Temp), f. 4-7-08, cert. ef. 4-8-08 thru 9-27-08; DFW 34-2008(Temp), f. 4-14-08, cert. ef. 4-15-08 thru 9-27-08; Suspended by DFW 71-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 8-31-08; Administrative correction 10-21-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 30-2009(Temp), f. 3-23-09, cert. ef. 3-27-09 thru 4-30-09; DFW 34-2009(Temp), f. 4-6-09, cert. ef. 4-7-09 thru 4-30-09; DFW 36-2009(Temp), f. 4-13-09, cert. ef. 4-14-09 thru 4-30-09; Administrative correction 5-20-09; DFW 38-2010(Temp), f. & cert. ef. 3-30-10 thru 4-30-10; DFW 41-2010(Temp), f. 4-6-10, cert. ef. 4-7-10 thru 4-30-10; Administrative correction 5-19-10; DFW 25-2011(Temp), f. & cert. ef. 3-29-11 thru 4-1-11; DFW 27-2011(Temp), f. 4-5-11, cert. ef. 4-6-11 thru 4-10-11; Administrative correction, 4-25-11; DFW 45-2011(Temp), f. & cert. ef. 5-12-11 thru 6-30-11; DFW 51-2011(Temp), f. & cert. ef. 5-18-11 thru 6-30-11; Administrative correction 7-22-11; DFW 29-2012(Temp), f. 4-2-12, cert. ef. 4-3-12 thru 4-30-12; DFW 32-2012(Temp), f. 4-9-12, cert. ef. 4-10-12 thru 4-30-12; Administrative correction, 5-25-12; DFW 27-2013(Temp), f. 4-8-13, cert. ef. 4-9-13 thru 4-30-13; DFW 34-2013(Temp), f. 5-14-13, cert. ef. 5-15-13 thru 7-31-13; DFW 37-2013(Temp), f. & cert. ef. 5-22-13 thru 5-31-13

Rule Caption: Columbia River Recreational Spring Chinook Season Set

Adm. Order No.: DFW 38-2013(Temp)

Filed with Sec. of State: 5-22-2013

Certified to be Effective: 5-25-13 thru 7-1-13

Notice Publication Date:

Rules Amended: 635-023-0125

Rules Suspended: 635-023-0125(T)

Subject: This amended rule sets a Columbia River recreational spring Chinook season that begins Saturday, May 25 and runs through Saturday, June 15, 2013. Fishing is authorized in an area from Tongue Point/Rocky Point line upstream to Beacon Rock (boat and bank) plus bank angling only from Beacon Rock upstream to the Bonneville Dam deadline. The daily bag limit is two (2) adult salmonids but only one may be a Chinook. Only adipose fin-clipped fish may be kept. All sockeye must be released. Revisions are consistent with action taken May 20, 2013 by Columbia River Compact agencies of the states of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-023-0125

Spring Sport Fishery

(1) The **2013 Oregon Sport Fishing Regulations** provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to

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time, and, to the extent of any inconsistency, they supersede the **2013 Oregon Sport Fishing Regulations**.

(2) The Columbia River is open from January 1 through February 28 from the mouth at Buoy 10 upstream to the I-5 Bridge with the following restrictions:

(a) Adipose fin-clipped Chinook salmon and adipose fin-clipped steelhead may be retained.

(b) All non-adipose fin-clipped Chinook salmon and non-adipose fin-clipped steelhead must be released immediately unharmed.

(c) Catch limits of two adult adipose fin-clipped salmon or two adult adipose fin-clipped steelhead or one of each may be retained per day. Catch limits for jacks remain in effect as per the **2013 Oregon Sport Fishing Regulations**.

(3) The area from Tongue Point/Rocky Point line upstream to Beacon Rock (boat and bank) plus bank angling only from Beacon Rock upstream to the Bonneville Dam deadline is open from Saturday, May 25 through Saturday, June 15, 2013. Legal upstream boat boundary defined as: "A deadline marker on the Oregon bank (approximately four miles downstream from Bonneville Dam Powerhouse 1) in a straight line through the western tip of Pierce Island to a deadline marker on the Washington bank at Beacon Rock." Daily bag limit is two (2) adult salmonids but only one may be a Chinook. Only adipose fin-clipped fish may be kept. All sockeye must be released. All other permanent regulations apply.

(4) Select Area recreational fisheries.

(a) Effective Friday, March 1 through Saturday, June 15, 2013, on days when the mainstem Columbia River recreational fishery below Bonneville Dam is open to retention of Chinook, the salmonid bag limit in the Select Areas will be the same as mainstem Columbia River bag limits.

(b) Effective Friday, March 1 through Saturday, June 15, 2013, on days when the mainstem Columbia River recreational fishery below Bonneville Dam is closed to retention of Chinook, permanent salmonid bag regulations for the Select Areas apply.

(c) Effective January 1, 2013 use of barbless hooks is required when fishing for salmon, steelhead, and trout in the following areas:

(A) Youngs Bay/River from Highway 101 bridge upstream to markers at the confluence with Klaskanine River;

(B) Lewis and Clark River from confluence with Youngs Bay upstream to Alternate Highway 101 bridge;

(C) Walluski River from the confluence with Youngs Bay upstream to Highway 202 bridge;

(D) Gnat Creek from railroad bridge upstream to Aldrich Point Road;

(E) Knappa/Blind Slough select areas; and

(F) In the mainstem Columbia River from the mouth at Buoy 10 upstream to the Oregon/Washington border.

(5) For the mainstem Columbia River salmon and steelhead fishery upstream of the Rocky Point-Tongue Point line to Oregon/Washington border from February 15 through June 15 it is unlawful when fishing from vessels which are less than 30 feet in length, substantiated by Coast Guard documentation or Marine Board registration, to totally remove from the water any salmon or steelhead required to be released.

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

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 11-2004, f. & cert. ef. 2-13-04; DFW 17-2004(Temp), f. & cert. ef. 3-10-04 thru 7-31-04; DFW 29-2004(Temp), f. 4-15-04, cert. ef. 4-22-04 thru 7-31-04; DFW 30-2004(Temp), f. 4-21-04, cert. ef. 4-22-04 thru 7-31-04; DFW 36-2004(Temp), f. 4-29-04, cert. ef. 5-1-04 thru 7-31-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 51-2004(Temp), f. 6-9-04, cert. ef. 6-16-04 thru 7-31-04; Administrative correction 8-19-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 35-2005(Temp), f. 5-4-05, cert. ef. 5-5-05 thru 10-16-05; DFW 38-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 44-2005(Temp), f. 5-17-05, cert. ef. 5-22-05 thru 10-16-05; DFW 51-2005(Temp), f. 6-3-05, cert. ef. 6-4-05 thru 7-31-05; Administrative correction 11-18-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 21-2006(Temp), f. 4-13-06, cert. ef. 4-14-06 thru 5-15-06; DFW 27-2006(Temp), f. 5-12-06, cert. ef. 5-13-06 thru 6-15-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 28-2007(Temp), f. & cert. ef. 4-26-07 thru 7-26-07; DFW 33-2007(Temp), f. 5-15-07, cert. ef. 5-16-07 thru 7-30-07; DFW 37-2007(Temp), f. & cert. ef. 5-31-07 thru 7-30-07; DFW 39-2007(Temp), f. 6-5-07, cert. ef. 6-6-07 thru 7-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 13-2008(Temp), f. 2-21-08, cert. ef. 2-25-08 thru 8-22-08; DFW 17-2008(Temp), f. & cert. ef. 2-27-08 thru 8-22-08; DFW 35-2008(Temp), f. 4-17-08, cert. ef. 4-21-08 thru 8-22-08; DFW 49-2008(Temp), f. & cert. ef. 5-13-08 thru 6-15-08; Administrative correction 7-22-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 10-2009(Temp), f. 2-13-09, cert. ef. 3-1-09 thru 6-15-09; DFW 18-2009, f. & cert. ef. 2-26-09; DFW 48-2009(Temp), f. 5-14-09, cert. ef. 5-15-09 thru 6-16-09; DFW 68-2009(Temp), f. 6-11-09, cert. ef. 6-12-09 thru 6-16-09; Administrative correction 7-21-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 19-2010(Temp), f. 2-26-10, cert. ef. 3-1-10 thru 8-27-10; DFW 23-2010(Temp), f. & cert. ef. 3-2-10 thru 8-27-10; DFW 45-2010(Temp), f. 4-21-10, cert. ef. 4-24-10 thru 7-31-10; DFW 49-2010(Temp), f. 4-27-10, cert. ef. 4-29-10 thru 7-31-10; DFW 55-2010(Temp), f. 5-7-10, cert. ef. 5-8-10 thru 7-31-10; Suspended by DFW 88-2010(Temp), f. 6-25-10, cert. ef. 6-26-10 thru 7-31-10; Administrative correction 8-18-10;

DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 13-2011(Temp), f. & cert. ef. 2-14-11 thru 6-15-11; DFW 28-2011(Temp), f. 4-7-11, cert. ef. 4-8-11 thru 6-15-11; DFW 30-2011(Temp), f. 4-15-11, cert. ef. 4-16-11 thru 6-15-11; DFW 33-2011(Temp), f. & cert. ef. 4-21-11 thru 6-15-11; DFW 39-2011(Temp), f. 5-5-11, cert. ef. 5-7-11 thru 6-15-11; DFW 48-2011(Temp), f. 5-13-11, cert. ef. 5-15-11 thru 6-15-11; DFW 55-2011(Temp), f. 5-25-11, cert. ef. 5-27-11 thru 6-15-11; DFW 59-2011(Temp), f. & cert. ef. 6-2-11 thru 6-15-11; Administrative correction 6-28-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 8-2012(Temp), f. 2-6-12, cert. ef. 2-15-12 thru 6-15-12; DFW 31-2012(Temp), f. 4-5-12, cert. ef. 4-6-12 thru 6-15-12; DFW 33-2012(Temp), f. 4-12-12, cert. ef. 4-14-12 thru 6-15-12; DFW 45-2012(Temp), f. 5-1-12, cert. ef. 5-2-12 thru 7-31-12; DFW 47-2012(Temp), f. 5-15-12, cert. ef. 5-16-12 thru 7-31-12; DFW 49-2012(Temp), f. 5-18-12, cert. ef. 5-19-12 thru 7-31-12; DFW 51-2012(Temp), f. 5-23-12, cert. ef. 5-26-12 thru 7-31-12; Suspended by DFW 85-2012(Temp), f. 7-6-12, cert. ef. 7-9-12 thru 8-31-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 12-2013(Temp), f. 2-12-13, cert. ef. 2-28-13 thru 7-31-13; DFW 26-2013(Temp), f. 4-4-13, cert. ef. 4-5-13 thru 7-1-13; DFW 38-2013(Temp), f. 5-22-13, cert. ef. 5-25-13 thru 7-1-13

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Rule Caption: Daily Bag Limits for Kokanee at Wallowa Lake Increased

Adm. Order No.: DFW 39-2013(Temp)

Filed with Sec. of State: 5-22-2013

Certified to be Effective: 5-24-13 thru 11-19-13

Notice Publication Date:

Rules Amended: 635-019-0090

Rules Suspended: 635-019-0090(T)

Subject: This amended rule increases harvest of Wallowa Lake kokanee from ten (10) fish to twenty (20) fish per day. Current regulations that stipulation no more than five (5) kokanee may be over twelve (12) inches in length will remain unchanged. These modifications will be proposed as part of the 2014 Oregon Sport Fishing Regulations modification process in August 2013.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-019-0090

Inclusions and Modifications

(1) The **2013 Oregon Sport Fishing Regulations** provide requirements for the Northeast 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 **2013 Oregon Sport Fishing Regulations**.

(2) The Umatilla River, from the Highway 730 bridge upstream to the Reservation boundary located upstream from the Highway 11 bridge at Pendleton is closed to spring Chinook angling effective 12:01 a.m. Thursday, May 16, 2013. All other sport fishing regulations as stated on page 74 of the 2013 Oregon Sport Fishing Regulations remain in effect.

(3) Special regulations for Wallowa Lake have been modified to allow for a daily bag limit of twenty (20) kokanee per day, no minimum length and no more than five (5) over 12 inches in length. All other General, Statewide and Northeast Zone Regulations, as provided in the **2012 Oregon Sport Fishing Regulations**, remain in effect.

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

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: 496.162 & 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 57-1994(Temp), f. 8-30-94, cert. ef. 10-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 70-1995, f. 8-29-95, cert. ef. 9-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 27-1996(Temp), f. 5-24-96, cert. ef. 5-25-96; FWC 57-1996(Temp), f. 9-27-96, cert. ef. 10-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 26-1997(Temp), f. 4-23-97, cert. ef. 5-17-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 13-1998(Temp), f. & cert. ef. 2-26-98 thru 4-15-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 5-1999(Temp), f. 2-5-99, cert. ef. 2-6-99 thru 2-19-99; DFW 8-1999(Temp), f. & cert. ef. 2-23-99 thru 4-15-99; DFW 37-1999(Temp), f. 5-24-99, cert. ef. 5-29-99 thru 6-5-99; DFW 43-1999(Temp), f. & cert. ef. 6-10-99 thru 6-13-99; DFW 45-1999(Temp), f. & cert. ef. 6-14-99 thru 6-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 17-2000(Temp), f. 4-10-00, cert. ef. 4-16-00 thru 6-30-00; DFW 64-2000(Temp), f. 9-21-00, cert. ef. 9-22-00 thru 3-20-01; 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 5-2001(Temp), f. 2-22-01, cert. ef. 2-24-01 thru 4-15-01; DFW 39-2001(Temp), f. 5-23-01, cert. ef. 5-26-01 thru 7-1-01; DFW 40-2001(Temp) f. & cert. ef. 5-24-01 thru 11-20-01; DFW 45-2001(Temp), f. 6-1-01, cert. ef. 6-2-01 thru 7-31-01; DFW 49-2001(Temp), f. 6-19-01, cert. ef. 6-22-01 thru 7-31-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 71-2001(Temp), f. 8-10-01, cert. ef. 9-1-01 thru 12-31-01; DFW 96-2001(Temp), f. 10-4-01, cert. ef. 12-1-01 thru 12-31-01; DFW 122-2001(Temp), f. & cert. ef. 12-31-01 thru 5-31-02; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 52-2002(Temp), f. 5-22-02, cert. ef. 5-26-02 thru 7-1-02; DFW 53-2002(Temp), f. 5-24-02, cert. ef. 5-26-02 thru 7-1-02; DFW 57-2002(Temp), f. & cert. ef. 5-30-02 thru 7-1-02; 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 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 44-2003(Temp), f. 6-22-03, cert. ef. 5-28-03 thru 7-1-03; DFW 48-2003(Temp), f. & cert. ef. 6-5-03 thru 7-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 40-2004(Temp), f. 5-7-04, cert. ef. 5-13-04 thru 7-1-04; DFW 46-2004(Temp), f. 5-21-04, cert. ef. 5-22-04 thru 7-1-04; DFW 55-2004(Temp), f. 6-16-04, cert. ef. 6-19-04 thru 7-5-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 42-2005(Temp), f. & cert. ef. 5-13-05 thru 9-1-05; DFW 61-2005(Temp), f. 6-22-05, cert. ef. 6-25-05 thru 7-4-05; Administrative correction 7-20-05; DFW 99-2005(Temp), f. 8-24-05, cert. ef. 8-26-05 thru 9-30-05; Administrative correction 10-19-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 28-2006(Temp), f. & cert. ef. 5-15-06 thru 6-30-06; DFW 33-2006(Temp), f. 5-24-06, cert. ef. 5-25-06 thru 6-30-06; Administrative correction 7-21-06;

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DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 12-2007(Temp), f. 2-28-07, cert. ef. 3-1-07 thru 8-27-07; DFW 30-2007(Temp), f. 5-9-07, cert. ef. 5-10-07 thru 9-30-07; DFW 34-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 9-30-07; Administrative correction 10-16-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 56-2008(Temp), f. 5-30-08, cert. ef. 5-31-08 thru 6-30-08; DFW 76-2008(Temp), f. & cert. ef. 7-9-08 thru 9-1-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 128-2009(Temp), f. 10-12-09, cert. ef. 10-18-09 thru 4-15-10; DFW 131-2009(Temp), f. 10-14-09, cert. ef. 10-18-09 thru 4-15-10; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 54-2010(Temp), f. 5-6-10, cert. ef. 5-22-10 thru 9-1-10; DFW 95-2010(Temp), f. 7-1-10, cert. ef. 7-11-10 thru 9-1-10; DFW 102-2010(Temp), f. 7-20-10, cert. ef. 7-25-10 thru 9-1-10; Administrative correction 9-22-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 49-2011(Temp), f. 5-16-11, cert. ef. 5-28-11 thru 9-1-11; DFW 64-2011(Temp), f. 6-10-11, cert. ef. 6-13-11 thru 9-1-11; DFW 90-2011(Temp), f. & cert. ef. 7-11-11 thru 9-1-11; DFW 92-2011(Temp), f. 7-12-11, cert. ef. 7-16-11 thru 10-31-11; DFW 99-2011(Temp), f. 7-21-11, cert. ef. 7-23-11 thru 9-1-11; DFW 104-2011(Temp), f. 8-1-11, cert. ef. 8-7-11 thru 9-1-11; Administrative correction 9-23-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 48-2012(Temp), f. 5-18-12, cert. ef. 5-23-12 thru 9-1-12; DFW 50-2012(Temp), f. 5-22-12, cert. ef. 5-24-12 thru 9-1-12; DFW 61-2012(Temp), f. & cert. ef. 6-11-12 thru 8-31-12; DFW 69-2012(Temp), f. 6-20-12, cert. ef. 6-22-12 thru 9-1-12; DFW 70-2012(Temp), f. 6-26-12, cert. ef. 6-27-12 thru 9-1-12; DFW 72-2012(Temp), f. 6-29-12, cert. ef. 7-1-12 thru 8-31-12; DFW 86-2012(Temp), f. 7-10-12, cert. ef. 7-15-12 thru 9-1-12; Administrative correction 9-20-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 153-2012(Temp), f. 12-28-12, cert. ef. 1-1-13 thru 4-30-13; DFW 31-2013(Temp), f. 5-14-13, cert. ef. 5-16-13 thru 6-30-13; DFW 39-2013(Temp), f. 5-22-13, cert. ef. 5-24-13 thru 11-19-13

Rule Caption: Treaty Sturgeon Setline Fishery
Adm. Order No.: DFW 40-2013(Temp)
Filed with Sec. of State: 5-23-2013
Certified to be Effective: 5-24-13 thru 6-15-13
Notice Publication Date:
Rules Amended: 635-041-0063

Subject: This amended rule sets a Treaty Sturgeon Setline Fishery season that begins 6AM Friday, may 24 and runs through 6PM Saturday, June 15, 2013. Fishing is authorized in the Dalles pool downstream of the Grain Elevator at Rufus, OR. White sturgeon taken in The Dalles Pool must be 43–54 inches in fork length. Revisions are consistent with action taken May 23, 2013 by Columbia River Compact agencies of the states of Oregon and Washington.
Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0063 Sturgeon Setline Fishery

(1) White sturgeon 43-54 inches in fork length may be taken by setline for subsistence or commercial purposes in The Dalles Pool downstream of the Grain Elevator at Rufus, Oregon from 6:00a.m. Friday May 24 through 6:00p.m. Saturday June 15, 2013.

(2) Closed areas are set forth under OAR 635-041-0045.

(3) During the white sturgeon setline season it shall be *unlawful* to:

(a) Operate any fishing gear other than setlines except as provided in OAR 635-041-0060;

(b) Use other than single hooks size 9/0 or larger;

(c) Operate any setline on which the buoy or marker does not have the tribal identification number of the individual operating the line clearly marked on it and which is attached in a manner that will not allow it to float visibly on the surface at all times.

(4) Notwithstanding OAR 635-041-0045(6)–(11), it is lawful during the open season to fish for white sturgeon by means of set lines in the Columbia River within areas at and adjacent to the mouths of rivers.

Stat. Auth.: ORS 183.325 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 89, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0063; FWC 6-1980, f. & ef. 1-28-80; FWC 12-1980, f. & ef. 2-29-80; FWC 64-1980(Temp), f. & ef. 11-7-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 2-1983, f. 1-21-83, ef. 2-1-83; FWC 9-1983(Temp), f. & ef. 3-1-83; FWC 4-1984, f. & ef. 1-31-84; FWC 2-1985, f. & ef. 1-30-85; FWC 4-1986(Temp), f. & ef. 1-28-86; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 48-1988, f. & cert. ef. 6-21-88; FWC 5-1989, f. 2-6-89, cert. ef. 2-7-89; FWC 12-1989(Temp), f. & cert. ef. 3-21-89; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 9-1991, f. & cert. ef. 1-31-91; FWC 37-1991(Temp), f. & cert. ef. 4-3-91; FWC 4-1992, f. 1-30-92, cert. ef. 2-1-92; FWC 13-1992(Temp), f. & cert. ef. 3-5-92; FWC 41-1992(Temp), f. 6-30-92, cert. ef. 7-1-92; FWC 107-1992(Temp), f. & cert. ef. 10-9-92; FWC 7-1993, f. & cert. ef. 2-1-93; FWC 15-1996(Temp), f. & cert. ef. 4-1-96; FWC 25-1996(Temp), f. 5-14-96, cert. ef. 5-15-96; FWC 23-1997(Temp), f. 4-4-97, cert. ef. 4-7-97; FWC 35-1997(Temp), f. & cert. ef. 6-13-97; FWC 40-1997(Temp), f. 6-20-97, cert. ef. 6-23-97; DFW 23-1998(Temp), f. & cert. ef. 3-20-98 thru 6-30-98; DFW 50-1998(Temp), f. 6-25-98, cert. ef. 6-26-98 thru 7-24-98; DFW 57-1998(Temp), f. & cert. ef. 7-24-98 thru 12-31-98; DFW 22-1999(Temp), f. & cert. ef. 4-1-99 thru 4-23-99; DFW 28-1999(Temp), f. & cert. ef. 4-23-99 thru 7-31-99; DFW 41-1999(Temp), f. & cert. ef. 6-7-99 thru 7-31-99; DFW 79-1999(Temp), f. 10-8-99, cert. ef. 10-11-99 thru 12-31-99; DFW 14-2000(Temp), f. 3-17-00, cert. ef. 3-20-00 thru 7-31-00; DFW 31-2000(Temp), f. 6-9-00, cert. ef. 6-10-00 thru 7-31-00; DMV 43-2000(Temp), f. 8-7-00, cert. ef. 8-8-00 thru 8-20-00; DFW 66-2000(Temp), f. 9-29-00, cert. ef. 10-2-00 thru 12-31-00; DFW 43-2001(Temp), f. 5-23-01, cert. ef. 5-24-01 thru 11-20-01; DFW 65-2001(Temp), f. & cert. ef. 7-24-01 thru 12-31-01; DFW 94-2001(Temp), f. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; DFW 114-2001(Temp), f. & cert. ef. 12-13-01 thru 12-31-01; DFW 51-

2002(Temp), f. & cert. ef. 5-22-02 thru 9-1-02; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 121-2002(Temp), f. 10-24-02, cert. ef. 10-27-02 thru 12-31-02; DFW 49-2003(Temp), f. & cert. ef. 6-5-03 thru 9-1-03; DFW 58-2003(Temp), f. & cert. ef. 7-9-03 thru 12-31-03; DFW 67-2003(Temp), f. 7-18-03, cert. ef. 7-21-03 thru 12-31-03; DFW 104-2003(Temp), f. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; DFW 69-2006(Temp), f. 7-28-06, cert. ef. 7-31-06 thru 12-31-06; DFW 131-2006(Temp), f. 12-20-06, cert. ef. 1-1-07 thru 6-29-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 60-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; Administrative Correction 1-24-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 19-2009, f. & cert. ef. 2-26-09; DFW 88-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; Administrative correction 1-25-10; DFW 103-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 10-31-11; DFW 142-2011(Temp), f. 10-6-11, cert. ef. 10-8-11 thru 10-31-11; DFW 150-2011(Temp), f. 10-25-11, cert. ef. 10-26-11 thru 11-30-11; DFW 152-2011(Temp), f. 11-1-11, cert. ef. 11-2-11 thru 12-31-11; DFW 95-2012(Temp), f. 7-27-12, cert. ef. 7-30-12 thru 8-11-12; Administrative correction, 8-27-12; DFW 40-2013(Temp), f. 5-23-13, cert. ef. 5-24-13 thru 6-15-13

Rule Caption: Lethal Take Authority Related to Wolf Depredations Confirmed Between January 28, 2013 and May 15, 2013.

Adm. Order No.: DFW 41-2013(Temp)

Filed with Sec. of State: 5-23-2013

Certified to be Effective: 5-23-13 thru 11-17-13

Notice Publication Date:

Rules Adopted: 635-110-0009

Subject: This rule addresses wolf depredation on livestock that occurred between January 28, 2013 and May 15, 2013. The rule identifies qualifying depredation and time periods for future qualifying depredations that would allow the department to initiate lethal take authority to address chronic livestock depredation.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-110-0009

Lethal Take Authority for Confirmed Wolf Depredation from January 28, 2013 Through May 15, 2013

Upon filing of this temporary rule, and regardless of any other provisions and future amendments to Oregon Administrative Rules chapter 635, division 0110-0010, ODFW confirmed depredations from January 28, 2013 through May 15, 2013 may be considered qualifying depredations for purposes of lethal take authority for a period of 6 months from the date of confirmation, up to a maximum of three qualifying depredations. For any pack of wolves responsible for three or more depredations between January 28, 2013 and May 15, 2013, any additional ODFW confirmed depredation(s) may qualify provided the following have been met:

(1) The owner or legal occupant of the land on which a depredation occurred has removed, treated or disposed of all intentionally placed or known and reasonably accessible unnatural attractants of potential wolf-livestock conflict, such as bone or carcass piles or disposals sites; and

(2) The owner or legal occupant of the land has been implementing at least one non-lethal measure that is specific to the location, type of livestock operation, time of year, and/or period of livestock production associated with the depredation. Upon determining that the above requirements have been met, ODFW may implement lethal take authority on or before November 15, 2013, provided that there have been 4 qualifying depredations within the previous 6 months by the same wolf or wolves.

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

Stats. Implemented: ORS 496.171 - 496.192, 497.298, 497.308, 498.002, 498.006, 498.012 & 498.026

Hist.: DFW 41-2013(Temp), f. & cert. ef. 5-23-13 thru 11-17-13

Rule Caption: Amend Rules Relating to Oregon Wolf Conservation and Management Plan.

Adm. Order No.: DFW 42-2013(Temp)

Filed with Sec. of State: 5-23-2013

Certified to be Effective: 5-23-13 thru 11-17-13

Notice Publication Date:

Rules Amended: 635-110-0010, 635-110-0020

Subject: Amend rules to change process and thresholds for use of lethal force to respond to chronic wolf depredation.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-110-0010

Harassment and Take of Wolves during Phase I (Conservation)

NOTE: As of October 1, 2010, these rules are pre-empted by the endangered status of the gray wolf under the federal Endangered Species Act. Once federal protections are reduced to a level below that of Oregon law, these rules will govern harassment and take of wolves in Oregon.

(1) This rule describes the types of harassment and take of wolves allowed by persons outside ODFW (or ODFW or Wildlife Services acting

ADMINISTRATIVE RULES

as their agent) during Phase I — (Conservation: 0–4 breeding pairs) as called for in chapter III of the Oregon Wolf Conservation and Management Plan. Other chapters of the Plan authorize ODFW to take wolves for other specified wildlife management purposes. For OAR 635-110-0010, 635-110-0020 and 635-110-0030, “livestock” means horses, jackasses, cattle, llamas, alpacas, sheep, goats, swine, domesticated fowl, any fur-bearing animal bred and maintained (commercially or otherwise) within pens, cages and hutches, bison and working dogs. “Working dogs” means guarding dogs and herding dogs.

(2) Non-injurious harassment.

(a) Subject to the conditions specified in paragraph (c), the following persons may use non-injurious harassment against wolves without a permit:

(A) Livestock producers (or their agents) on land they own or lawfully occupy; or

(B) Grazing permittees legally using public land under valid livestock grazing allotments.

(b) Non-injurious harassment means scaring off a wolf (or wolves) without doing bodily harm, and includes (but is not limited to) firing shots in the air, making loud noises or otherwise confronting the wolf (or wolves).

(c) Non-injurious harassment is allowed without a permit under this rule only if:

(A) The wolf (or wolves) is in the act of testing or chasing livestock, is attempting to test or chase livestock or is in close proximity of livestock;

(B) The person encounters the wolf (or wolves) unintentionally (i.e., the person is not stalking or searching for wolves);

(C) The harassment in fact does not result in injury to the wolf (or wolves); and

(D) The harassment is reported to ODFW within 48 hours.

(d) Any non-injurious harassment that does not meet each requirement of this rule requires a permit in advance from ODFW.

(3) Non-lethal injurious harassment.

(a) Subject to the conditions specified in paragraph (c), in addition to state or state authorized agents, the following persons may use non-lethal injurious harassment against wolves by permit:

(A) Livestock producers (or their agents) on land they own or lawfully occupy;

(B) Grazing permittees legally using public land under valid livestock grazing allotments.

(b) Non-lethal injurious harassment means scaring off a wolf (or wolves) without killing but with some injury to the wolf. Wolves may be pursued (unintentional encounters are not required).

(c) Non-lethal injurious harassment is allowed by permit from ODFW only if:

(A) ODFW confirms wolf depredation on livestock or other wolf-livestock conflict in the area. “Other wolf-livestock conflict” means loitering near, testing, chasing, or otherwise disrupting livestock;

(B) The applicant confers with ODFW to determine the most effective harassment method;

(C) ODFW considers the location of known den sites;

(D) The harassment in fact does not result in the death of a wolf;

(E) No identified circumstance exists that attracts wolf/livestock conflict; and

(F) The harassment is reported to ODFW within 48 hours.

(d) Permits for non-lethal injurious harassment remain valid for the livestock grazing season in which issued, provided the livestock operator complies with all applicable laws, including permit conditions. The agency shall inform harassment permit holders of non-lethal methods for minimizing wolf-livestock conflict and provide assistance upon request. Receiving future lethal control permits is contingent upon documentation of efforts to use non-lethal methods.

(4) Relocation. ODFW will authorize relocation by state personnel when a wolf (or wolves) becomes inadvertently involved in a situation, or is present in an area, that could result in conflict with humans or harm to the wolf, provided that ODFW has no reason to believe that the wolf actually attacked or killed livestock or pets. The relocation will be designed to prevent conflict with humans or reduce the possibility of harm to the wolf. The wolf (or wolves) would be relocated to suitable habitat at the direction of ODFW.

(5) Lethal take of wolves in the act of attacking livestock.

(a) Subject to the conditions specified in paragraph (c) and with a permit from ODFW, the following persons may use lethal force against wolves in the act of attacking livestock:

(A) Livestock producers (or their agents) on land they own or lawfully occupy; or

(B) Grazing permittees using public land.

(b) A wolf is “in the act of attacking livestock” if it is biting, wounding or killing livestock.

(c) Lethal force is allowed by permit from ODFW only if:

(A) ODFW confirms that wolves previously have wounded or killed livestock in the area and efforts to prevent or resolve the problem have been deemed ineffective;

(B) The wolf is seen in the act of attacking, not testing or scavenging;

(C) There is fresh evidence of the attack (e.g., visible wounds, tracks demonstrating a chase occurred);

(D) The wolf carcass is not removed or disturbed;

(E) The use of lethal force is reported to ODFW or Wildlife Services within 24 hours;

(F) No identified circumstance exists that attracts wolf/livestock conflict;

(G) ODFW confirms that the wound was caused by a wolf (or wolves); and

(H) Throughout the term of the permit, the permit holder implements non-lethal actions to minimize or avoid wolf-livestock conflict.

NOTE: The Oregon Wolf Conservation and Management Plan calls for allowing lethal take of wolves in this situation without a permit on private land. However, the Plan recognizes that because current statute requires a permit, implementing this portion of the Plan depends upon amendment of the statute by the legislature. Should the legislature make that statutory change, the Commission will amend this rule to allow for take without permit.

(6) Lethal take to address chronic livestock depredation. ODFW may authorize its personnel or authorized agents to use lethal force on a wolf or wolves it reasonably believes are responsible for chronic depredation upon livestock where each of the conditions in subsections (7) through (10) of this rule is satisfied. ODFW shall limit lethal force to the wolf or wolves it deems necessary to address the chronic depredation situation

(7) Conditions for Lethal Take by ODFW. ODFW’s discretionary authority for use of lethal force pursuant to this rule may be exercised if ODFW:

(a) Designates an Area of Known Wolf Activity, the boundary of which may be adjusted as new data or information become available;

(b) Upon the designation of an Area of Known Wolf Activity, coordinates in a timely manner with potentially affected livestock producers and other relevant interests to provide information on:

(A) The provisions of the Oregon Wolf Conservation & Management Plan and associated rules,

(B) The current state of knowledge of wolf behavior, management, and conservation,

(C) Procedures for documenting and reporting wolf activity to ODFW, including depredations upon livestock, and

(D) Non-lethal measures, incentives and available assistance aimed at minimizing conflicts between wolves and livestock or domestic animals in the area of known wolf activity;

(c) Confirms an incident of depredation of livestock by a wolf or wolves;

(d) Within 14 working days of ODFW’s confirmation of the first incident of depredation in an area:

(A) Designates an Area of Depredating Wolves, the boundary of which may be adjusted as new data or information become available;

(B) Concurrent with the designation of an Area of Depredating Wolves, prepares and publicly discloses an area-specific wolf-livestock conflict deterrence plan in coordination with potentially affected landowners, livestock producers and other relevant interests. The plan shall identify appropriate non-lethal measures according to which measures are likely to be most effective in a given circumstance, including the nature of the livestock operations, habitat, and landscape conditions specific to the area, as well as particular times of the year or period of livestock production. The plan shall be based on information compiled by ODFW before and/or during the planning effort on potentially successful conflict deterrence techniques, scientific research, and available financial resources and/or partnerships that may aid in the successful implementation of the plan. ODFW may update an area-specific conflict deterrence plan as new data become available.

(c) Confirms a total of at least 4 qualifying incidents of depredation of livestock within the previous 6 months by the same wolf or wolves.

(f) Issues and makes publicly available, prior to the exercise of lethal force, a written determination by the ODFW Director or director’s designee to use lethal force to address a specified situation of chronic depredation, along with supporting findings that:

(A) The conditions of Sections (7), (8), and (9) of this rule have been satisfied;

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(B) Livestock producers in the Area of Depredating Wolves have worked to reduce wolf-livestock conflict and are in compliance with wolf protection laws and the conditions of any harassment or take permits.

(C) The situation of wolf depredation upon livestock in the Area of Depredating Wolves is likely to remain chronic despite the use of additional non-lethal conflict deterrence measures; and

(D) The wolf or wolves identified for removal are those ODFW believes to be associated with the qualifying depredations, the removal of which ODFW believes will decrease the risk of chronic depredation in the Area of Depredating Wolves.

(8) Qualifying Contingencies and Counting Incidents:

(a) An incident of depredation is a single event resulting in the injury or death of one or more lawfully present livestock that is reported to ODFW for investigation, and upon investigation by ODFW or its agent(s), ODFW confirms to have been caused by a wolf or group of wolves.

(b) A qualifying incident of depredation is a confirmed incident of depredation for the purposes of this rule if:

(A) The depredation is outside of an Area of Known Wolf Activity or Area of Depredating Wolves. Only the first confirmed depredation by a wolf or wolves may count as a qualifying depredation,

(B) In an Area of Known Wolf Activity, the landowner or lawful occupant of the land where the depredation occurred had:

(i) At least seven days prior to the incident of depredation, removed, treated or disposed of all intentionally placed or known and reasonably accessible unnatural attractants of potential wolf-livestock conflict, such as bone or carcass piles or disposal sites, and

(ii) Prior to and on the day of the incident of depredation, been using at least one measure ODFW deems most appropriate from non-lethal deterrence measures identified pursuant to section (7)(b)(D) to protect calving operations, nursing cattle, sheep operations, or other reasonably protectable situations, not including open range situations. Once a confirmed depredation has occurred in an Area of Known Wolf Activity and while ODFW is in the process of designating an Area of Depredating Wolves and creating an area-specific conflict deterrence plan, only one additional confirmed depredation in an area may count as a qualifying depredation under this subsection.

(C) In an Area of Depredating Wolves, the landowner or lawful occupant of the land where the depredation occurred had:

(i) Complied with subsection (B) of this section, and

(ii) Prior to and on the day of the incident of depredation was implementing at least one non-lethal measure identified in the area-specific conflict deterrence plan developed under subsection (7)(d)(C) that is specific to the location, type of livestock operation, time of the year, and/or period of livestock production associated with the depredation. The conflict deterrence plan measure implemented by a landowner or lawful occupant must address wolf-livestock conflict in open range situations when that situation exists.

(c) Human presence, when used as a non-lethal measure under this rule, is presence which could reasonably be expected to deter wolf-livestock conflict under the circumstances and, regardless of the temporal requirements of sections (7)(b)(B) and (C) of this rule, may be considered an appropriate non-lethal measure if it:

(A) Occurs at a proximate time prior to and in an area proximate to a confirmed depredation as determined by ODFW; and

(B) Indicates a timely response to wolf location information in situations of potential wolf-livestock conflict.

(9) Transparency and Public Disclosure.

(a) Except as provided in section (c) below, prior to using lethal force to address chronic wolf depredation, and in a timely fashion, ODFW shall document and make publicly available on at least its website:

(A) The determinations and supporting findings referenced in section (7)(f) of this rule;

(B) Information including but not limited to summaries of confirmed incidents of depredation and associated depredation investigation reports, maps of areas of known wolf activity and areas of depredating wolves, including changes and amendments to those maps, and area specific conflict deterrence plans; and

(C) Documentation of measures implemented pursuant to Section 8 of this rule. In documenting the removal of unnatural attractants and implementation of conflict deterrence measures, the Department may rely upon documented personal observation and/or written statements by the owner or lawful occupant of the land where qualifying incidents of depredation have occurred that confirm the non-lethal deterrence measures being utilized prior to and at the time of the qualifying depredation.

(b) In any signed statements and other information publicly disclosed pursuant to this section, the Department shall redact from public disclosure the personal information of landowners, lawful occupants, or other relevant individuals consistent with the Oregon public records law, ORS Chapter 192.

(c) In the case where the conditions in section (7)(f) of this rule have been met but strict compliance with the public disclosure requirements of this section cannot be accomplished without a delay that impedes ODFW's ability to pursue an immediately available opportunity to remove the wolf or wolves it reasonably believes responsible for chronic depredation prior to another depredation event on livestock, this section is deemed satisfied if, prior to the use of lethal force, ODFW:

(A) Provides email or phone notification from the ODFW Director or designee to a list of interested stakeholders communicating the findings in section (7)(f) of this rule and the Department's intent to pursue immediate lethal action based on those findings,

(B) Has previously documented and disclosed, on at least the agency's website, the information referenced in subsections (a)(A)-(C) of this section with respect to all but the most recent qualifying depredation that resulted in ODFW's determination to pursue lethal action, and

(C) Provides the remaining information referenced in subsections (a)(A)-(C) of this rule in a timely manner with respect to the most recent qualifying incident that ODFW pursues with immediate lethal action.

(10) Duration of chronic depredation lethal take authority. Take authority issued pursuant to subsection (7) expires:

(a) When the wolf or wolves identified for lethal removal have been removed by ODFW or any other party.

(b) ODFW may reinstate its take authority if ODFW confirms one additional qualifying incident of depredation within two months after the last confirmed qualifying depredation by what it believes to be a member or members of the same wolf pack and non-lethal efforts specified in section (8) have continued to be implemented by the owner or lawful occupant of land where the additional depredation occurs;

(c) 45 days after issuance of the take authority and determination referenced in Section (7)(f), unless ODFW confirms, within that time period, another qualifying incident of depredation on livestock by what it believes to be the same wolf or wolves identified for lethal removal and non-lethal efforts specified in section (8) have continued to be implemented by the owner or lawful occupant of land where the additional depredation occurs; or

(d) If ODFW determines the wolf or wolves identified for lethal removal have left the Area of Depredating Wolves. To support this determination, data must show more than just a short-term or seasonal movement outside the area's boundary.

(e) Except as allowed under subsections (b) and (c) of this Section, any subsequent authorization or reinstatement of take authority by the Department must comply with sections (7) through (9) of this rule, and must be based upon at least one additional qualifying depredation.

(11) Lethal take in the case of extreme circumstances. Notwithstanding sections (7) and (8) of this rule, ODFW may authorize the use of lethal force in extreme circumstances.

(a) Extreme circumstances means:

(A) Four or more confirmed incidents of depredation of livestock by what ODFW reasonably believes to be the same wolf or wolves within seven days;

(B) ODFW determines, based on evidence it makes publicly available, that there were no intentionally placed or known and reasonably accessible unnatural attractants such as bone or carcass piles or disposal sites that contributed to the incidents of depredation, and that non-lethal measures are and will likely remain ineffective; and

(C) ODFW finds that depredation has rapidly escalated beyond the reasonable, available means of ODFW and affected livestock owners to stop additional livestock losses from occurring.

(b) A decision to utilize lethal force authority due to extreme circumstances shall be made by the ODFW director or director's designee, accompanied by the findings and determinations required in section (11)(a) made publicly available on ODFW's website, and exercised within 14 days of the determination to exercise lethal force authority under this section, or of the last confirmed depredation, whichever comes later.

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

Stats. Implemented: ORS 496.171 - 496.192, 497.298, 497.308, 498.002, 498.006, 498.012 & 498.026

Hist.: DFW 12-2005, f. & cert. ef. 3-9-05; DFW 92-2010(Temp), f. & cert. ef. 6-29-10 thru 12-25-10; DFW 144-2010, f. & cert. ef. 10-11-10; DFW 42-2013(Temp), f. & cert. ef. 5-23-13 thru 11-17-13

ADMINISTRATIVE RULES

635-110-0020

Harassment and Take of Wolves During Phase II (Management)

NOTE: as of October 1, 2010, these rules are pre-empted by the endangered status of the gray wolf under the federal Endangered Species Act. Once federal protections are reduced to a level below that of Oregon law, these rules will govern harassment and take of wolves in Oregon.

(1) This rule describes the types of harassment and take of wolves allowed by persons outside ODFW (or ODFW or Wildlife Services acting as their agent) during Phase II — (Management: 5-7 breeding pairs) as called for in chapter III of the Oregon Wolf Conservation and Management Plan. Other chapters of the Plan authorize ODFW to take wolves for other specified wildlife management purposes.

(2) Non-injurious harassment of wolves is allowed under the same conditions as in Phase I (OAR 635-110-0010(2)).

(3) Non-lethal injurious harassment.

(a) Non-lethal injurious harassment is allowed without a permit on private land by livestock producers or their agents on land they own or lawfully occupy. Livestock producers are encouraged to use non-injurious techniques first. There must be no identified circumstance that attracts wolf-livestock conflict, and the harassment must be reported to ODFW within 48 hours.

(b) Non-lethal injurious harassment is allowed by permit on public land by grazing permittees who are legally using public land under valid livestock grazing allotments and upon the following conditions:

(A) ODFW confirms wolf depredation on livestock or other wolf-livestock conflict in the area. "Other wolf-livestock conflict" means loitering near, testing, chasing, or otherwise disrupting livestock;

(B) ODFW considers the location of known wolf sites;

(C) There is no identified circumstance at the site which attracts wolf/livestock conflict; and

(D) The harassment is reported to ODFW within 48 hours.

(c) As to non-lethal injurious harassment on either private or public land, pursuing wolves is allowed.

(4) Relocation of wolves will be considered under the same circumstances as in Phase I (OAR 635-110-0010(4)).

(5) Lethal take of wolves in the act of attacking livestock is allowed under the same conditions as in Phase I (OAR 635-110-0010(5)).

NOTE: the Oregon Wolf Conservation and Management Plan calls for allowing lethal take of wolves in this situation without a permit on private or public land. However, the Plan recognizes that because current statute requires a permit, implementing this portion of the Plan depends upon amendment of the statute by the legislature. Should the legislature make that statutory change, the Commission will amend this rule to allow for take without permit.

(6) Lethal take to deal with chronic depredation.

(a) ODFW may authorize its personnel, authorized agents, or Wildlife Services, to use lethal force on wolves at a property owner or permittee's request if:

(A) ODFW confirms either:

(i) Two confirmed depredations by wolves on livestock in the area; or

(ii) One confirmed depredation followed by three attempted depredations (testing or stalking) in the area;

(B) The requester documents unsuccessful attempts to solve the situation through non-lethal means;

(C) No identified circumstance exists that attracts wolf-livestock conflict; and

(D) The requester has complied with applicable laws and the conditions of any harassment or take permit.

(b) Subject to the conditions specified in paragraph (c) and with a limited duration permit from ODFW, the following persons may use lethal force to deal with chronic depredation:

(A) Livestock producers (or their agents) on land they own or lawfully occupy; or

(B) Grazing permittees legally using public land.

(c) ODFW will issue a permit to use lethal force to deal with chronic depredation only if:

(A) ODFW confirms that the area has had at least two depredations by wolves on livestock;

(B) ODFW determines that wolves are routinely present on that property and present a significant risk to livestock;

(C) There is no identified circumstance at the site which attracts wolf/livestock conflict;

(D) The applicant is in compliance with applicable laws and the terms of any previous wolf permit;

(E) The applicant documents use of non-lethal methods; and

(F) Any wolf taken is considered property of the state and reported to ODFW within 48 hours.

(7) "Identified circumstance" means a condition which:

(a) ODFW determines, based upon its investigation of the situation, attracts wolves and fosters conflict between wolves and livestock; and

(b) ODFW advises the landowner, livestock producer or grazing permittee to remedy; but

(c) The landowner, livestock producer or grazing permittee fails to remedy.

(8) "In the area" means where ODFW has determined the presence of the depredating wolves.

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

Stats. Implemented: ORS 496.171 - 496.192, 497.298, 497.308, 498.002, 498.006, 498.012 & 498.026

Hist.: DFW 12-2005, f. & cert. ef. 3-9-05; DFW 144-2010, f. & cert. ef. 10-11-10; DFW 42-2013(Temp), f. & cert. ef. 5-23-13 thru 11-17-13

Rule Caption: Trask River Angling Regulations Modified Effective June 1, 2013

Adm. Order No.: DFW 43-2013(Temp)

Filed with Sec. of State: 5-29-2013

Certified to be Effective: 6-1-13 thru 10-31-13

Notice Publication Date:

Rules Amended: 635-014-0090

Rules Suspended: 635-014-0090(T)

Subject: The success of new fly-angling and bobber-angling only rules in the Trask River hatchery hole area has led the District to propose a permanent rule change for 2014 to extend the Trask River hatchery hole open period through July 15. We want anglers to have the same opportunity this spring. As such these rule modifications delay the spring Chinook fishery closure at the Trask River Hatchery Hole from June 1 until July 16, 2013 in the area between 200 feet upstream and 900 feet downstream of the hatchery.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-014-0090

Inclusions and Modifications

(1) The **2013 Oregon Sport Fishing Regulations** provide requirements for the Northwest Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2013 Oregon Sport Fishing Regulations** pamphlet.

(2) Notwithstanding all other requirements provided in the **2013 Oregon Sport Fishing Regulations** pamphlet, the following additional rules apply to adult salmon angling in waters of the Northwest Zone:

(a) All waters of the Necanicum River Basin, Nehalem River Basin (including North Fork), Tillamook Bay Basin, (including the Miami, Kilchis, Wilson, Trask, and Tillamook rivers), and the Nestucca River Basin (including the Little Nestucca and Three Rivers) and Salmon River that are open for Chinook salmon are limited to no more than 2 adult non fin-clipped Chinook salmon per day, and 10 adult non fin-clipped Chinook salmon in the seasonal aggregate when combined with all other waters in the Northwest Zone with a 10 adult non fin-clipped Chinook salmon seasonal aggregate limit. Seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between August 1 and December 31 except in the Nehalem Basin where the seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between July 1 and December 31.

(b) The Trask River will be closed from Gold Creek, at the hatchery, 200 feet upstream and 900 feet downstream July 16 through November 30, 2013.

(c) Within the Nehalem Basin (including the North Fork) the following additional rules apply:

(A) Mainstem closed to all salmon angling upstream of Foss Road (CC) Bridge (RM 15.5) July 1 through December 31.

(B) Nehalem tidewater from the jetty tips upstream to Miami-Foley Bridge on South Fork and North Fork Road Bridge on the North Fork is open for non adipose fin-clipped coho salmon from September 15 through the earlier of November 30 or attainment of an adult coho salmon quota of 1,200 non adipose fin-clipped coho salmon.

(C) The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon per day, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Siletz River, Yaquina River, Alsea River, Siuslaw River, Umpqua River).

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(d) Within the Tillamook Bay Basin the following additional rules apply:

(A) Tillamook Bay tidewater from the jetty tips upstream to Highway 101 Bridge on Miami, Kilchis, Wilson, and Trask rivers and Burton Bridge on Tillamook River is open on Fridays and Saturdays only for non adipose fin-clipped coho salmon from September 15 through the earlier of November 30 or attainment of an adult coho salmon quota of 1,000 non adipose fin-clipped coho salmon.

(B) The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 1 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Nestucca River).

(e) Within the Nestucca Basin (including the Little Nestucca River and Three Rivers) the following rules apply:

(A) Mainstem Nestucca upstream of First Bridge (RM 15.8) near Beaver closed to all Chinook angling August 1 through December 31.

(B) Nestucca Bay tidewater (excluding Little Nestucca tidewater) from the bay mouth upstream to the Cloverdale Bridge (RM 7.1) is open on Sundays and Mondays only for non adipose fin-clipped coho salmon from September 15 through the earlier of November 30 or attainment of an adult coho salmon quota of 250 non adipose fin-clipped coho salmon.

(C) The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 1 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Tillamook Basin rivers).

(f) Within the Siletz River Basin the following additional rules apply:

(A) Mainstem and tributaries above an ODFW marker sign approximately 1,200 feet upstream of Ojalla Bridge (RM 31) closed to Chinook August 1-December 31; Drift Creek (Siletz River Basin) upstream of the confluence with Quarry Creek at RM 8 is closed for Chinook salmon from August 1 through December 31;

(B) Siletz River and Bay upstream an ODFW marker sign approximately 1,200 feet upstream of Ojalla Bridge (RM 31) is open for non adipose fin-clipped coho salmon from September 15 through the earlier of November 30 or attainment of an adult coho salmon quota of 1,200 non adipose fin-clipped coho salmon; and

(C) The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Nehalem River, Yaquina River, Alsea River, Siuslaw River, Umpqua River).

(g) Within the Yaquina River Basin the following additional rules apply:

(A) All waters of the Yaquina River upstream of the confluence of the Yaquina River and Big Elk Creek at RM 18.3 and all waters of Big Elk Creek (Yaquina River Basin) are closed for Chinook salmon from August 1 through December 31;

(B) The Yaquina River and Bay upstream to the confluence of the Yaquina River and Big Elk Creek are open for non adipose fin-clipped coho salmon from September 15 through the earlier of November 30 or attainment of an adult coho salmon quota of 800 non adipose fin-clipped coho salmon; and

(C) The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Nehalem River, Siletz River, Alsea River, Siuslaw River, Umpqua River).

(h) Within the Alsea River Basin the following additional rules apply:

(A) All waters of Drift Creek (Alsea River Basin) within the Drift Creek Wilderness Area and upstream are closed for Chinook salmon from August 1 through December 31;

(B) All waters of the Alsea River upstream of the confluence with Five Rivers at RM 21 are closed for Chinook salmon from August 1 through December 31;

(C) All waters of Five Rivers are closed for Chinook salmon from August 1 through December 31.

(D) The Alsea River and Bay upstream to the confluence of the Alsea River and Five Rivers are open for non adipose fin-clipped coho salmon from October 1 through the earlier of December 15 or attainment of an adult coho salmon quota of 950 non adipose fin-clipped coho salmon; and

(E) The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Nehalem River, Siletz River, Yaquina River, Siuslaw River, Umpqua River).

(i) Within the Siuslaw River Basin the following additional rules apply:

(A) All waters of the Siuslaw River upstream of the confluence with Lake Creek at RM 30.0 are closed for Chinook salmon from August 1 through December 31;

(B) All waters of Lake Creek are closed for Chinook salmon August 1 through December 31 and all waters of Lake Creek downstream of Fish Creek are closed to all angling from September 1 through November 30;

(C) The Siuslaw River and Bay upstream to the confluence of the Siuslaw River and Lake Creek are open for non adipose fin-clipped coho salmon from September 15 through the earlier of November 30 or attainment of an adult coho salmon quota of 1,700 non adipose fin-clipped coho salmon; and

(D) The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Nehalem River, Yaquina River, Alsea River, Siuslaw River, Umpqua River).

(3) Effective January 1, 2013, the use of barbless hooks is required when angling for salmon, steelhead, or trout in the following areas:

(a) Within the Youngs Bay Select Area (Clatsop County) from the Highway 101 Bridge upstream to markers at the confluence of the Youngs and Klaskanine rivers including the lower Lewis and Clark River upstream to the Alternate Highway 101 Bridge, and the lower Walluski River upstream to the Highway 202 Bridge.

(b) In Gnat Creek (Clatsop County) from the railroad bridge upstream to the Aldrich Point Road Bridge.

(4) Effective April 1, 2013, the annual bag and possession limit for white sturgeon is two (2) fish and catch-and-release angling for white sturgeon is allowed year-round. Effective January 1, 2014, all waters within the Northwest Zone are closed to the retention of white sturgeon and catch-and-release angling is allowed year-round.

Stat. Auth.: ORS 496.138, 496.146, 497.121 & 506.129

Stats. Implemented: ORS 496.004, 496.009, 496.162 & 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 21-1994(Temp), f. 4-22-94, cert. ef. 4-25-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 28-1995(Temp), f. 3-31-95, cert. ef. 5-1-95; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 39-1995, f. 5-10-95, cert. ef. 5-12-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 19-1996, f. & cert. ef. 5-16-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 29-1996, f. & cert. ef. 5-31-96; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 55-1996(Temp), f. 9-25-96, cert. ef. 10-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 73-1996(Temp), f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 30-1997, f. & cert. ef. 5-5-97; FWC 58-1997, f. 9-8-97, cert. ef. 10-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 12-1998(Temp), f. & cert. ef. 2-24-98 thru 4-24-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 69-1998, f. 8-28-98, cert. ef. 9-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 36-1999, f. & cert. ef. 5-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 93-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp) f. & cert. ef. 5-24-01 thru 11-20-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 81-2001, f. & cert. ef. 8-29-01; DFW 85-2001(Temp), f. & cert. ef. 8-30-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp) f. 1-11-02 cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 91-2002(Temp) f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 118-2002(Temp), f. 10-22-02, cert. ef. 12-1-02 thru 3-31-03; DFW 120-2002(Temp), f. 10-24-02, cert. ef. 10-26-02 thru 3-31-03; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 18-2003(Temp) f. 2-28-03, cert. ef. 3-1-03 thru 4-30-03; DFW 38-2003(Temp), f. 5-7-03, cert. ef. 5-10-03 thru 10-31-03; DFW 51-2003(Temp), f. & cert. ef. 6-13-03 thru 10-31-03; DFW 90-2003(Temp), f. 9-12-03 cert. ef. 9-13-03 thru 12-31-03; DFW 108-2003(Temp), f. 10-28-03, cert. ef. 12-1-03 thru 3-31-04; DFW 123-2003(Temp), f. 12-10-03, cert. ef. 12-11-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 126-2003(Temp), f. 12-11-03, cert. ef. 1-1-04 thru 3-31-04; DFW 60-2004(Temp), f. 6-29-04, cert. ef. 7-1-04 thru 7-15-04; DFW 90-2004(Temp), f. 8-30-04, cert. ef. 10-1-04 thru 12-31-04; DFW 103-2004(Temp), f. & cert. ef. 10-4-04 thru 12-31-04; DFW 108-2004(Temp), f. & cert. ef. 10-18-04 thru 12-31-04; DFW 111-2004(Temp), f. 11-16-04, cert. ef. 11-20-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 62-2005(Temp), f. 6-29-05, cert. ef. 7-1-05 thru 7-10-05; Administrative correction 7-20-05; DFW 105-2005(Temp), f. 9-12-05, cert. ef. 10-1-05 thru 12-15-05; DFW 127-2005(Temp), f. & cert. ef. 11-23-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 53-2006(Temp), f. 6-29-06, cert. ef. 7-1-06 thru 7-9-06; Administrative correction 7-20-06;

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DFW 64-2006(Temp), f. 7-17-06, cert. ef. 8-1-06 thru 12-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 104-2006(Temp), f. 9-19-06, cert. ef. 10-1-06 thru 12-31-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 63-2007(Temp), f. 8-6-07, cert. ef. 8-11-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 25-2008(Temp), f. 3-13-08, cert. ef. 3-15-08 thru 9-10-08; DFW 67-2008(Temp), f. 6-20-08, cert. ef. 8-1-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 43-2009(Temp), f. 5-5-09, cert. ef. 5-22-09 thru 10-31-09; DFW 67-2009(Temp), f. 6-9-09, cert. ef. 6-15-09 thru 10-31-09; DFW 87-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 99-2009(Temp), f. 8-26-09, cert. ef. 9-1-09 thru 12-31-09; DFW 115-2009(Temp), f. & cert. ef. 9-22-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 44-2010(Temp), f. 4-20-10, cert. ef. 4-21-10 thru 9-30-10; DFW 73-2010(Temp), f. 5-27-10, cert. ef. 6-1-10 thru 9-30-10; DFW 76-2010, f. 6-8-10, cert. ef. 8-1-10; DFW 89-2010(Temp), f. 6-28-10, cert. ef. 7-1-10 thru 9-30-10; Administrative correction 10-26-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 57-2011(Temp), f. 5-27-11, cert. ef. 6-1-11 thru 6-30-11; DFW 83-2011, f. 6-30-11, cert. ef. 7-1-11; DFW 139-2011(Temp), f. 10-3-11, cert. ef. 10-6-11 thru 12-31-11; DFW 141-2011(Temp), f. 10-6-11, cert. ef. 10-10-11 thru 12-31-11; DFW 143-2011(Temp), f. 10-10-11, cert. ef. 10-11-11 thru 12-31-11; DFW 148-2011(Temp), f. 10-20-11, cert. ef. 10-21-11 thru 12-31-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 53-2012(Temp), f. 5-29-12, cert. ef. 6-1-12 thru 10-31-12; DFW 62-2012, f. 6-12-12, cert. ef. 7-1-12; DFW 63-2012(Temp), f. & cert. ef. 6-12-12 thru 10-31-12; DFW 71-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 11-30-12; DFW130-2012(Temp), f. 10-10-12, cert. ef. 10-13-12 thru 12-31-12; DFW 135-2012(Temp), f. 10-22-12, cert. ef. 10-24-12 thru 12-31-12; DFW 139-2012(Temp), f. 10-30-12, cert. ef. 10-31-12 thru 12-31-12; DFW 152-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 23-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-27-13; DFW 43-2013(Temp), f. 5-29-13, cert. ef. 6-1-13 thru 10-31-13

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Rule Caption: Youngs Bay Commercial Select Area Spring Chinook Fishery Modified

Adm. Order No.: DFW 44-2013(Temp)

Filed with Sec. of State: 5-29-2013

Certified to be Effective: 5-29-13 thru 7-31-13

Notice Publication Date:

Rules Amended: 635-042-0145

Rules Suspended: 635-042-0145(T)

Subject: This amended rule prohibits retention and sale of non-adipose fin-clipped Chinook salmon caught in the Youngs Bay Select Area commercial spring fishery during the period from 7:00 p.m. Wednesday, May 29 through 12:00 noon Thursday, May 30, 2013. Modifications were made consistent with Oregon State Action taken May 28, 2013 at a meeting of the Columbia River Compact agencies of the states of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0145

Youngs Bay Salmon Season

(1) Salmon, white sturgeon, and shad may be taken for commercial purposes in waters of Youngs Bay as described below, except for non-adipose fin-clipped Chinook salmon may not be retained or sold between 7:00 p.m. Wednesday, May 29 and 12:00 noon Thursday, May 30, 2013.

(a) The 2013 open fishing periods are established in three segments categorized as the winter fishery, subsection (1)(a)(A); the spring fishery, subsection (1)(a)(B); and summer fishery, subsection (1)(a)(C), as follows:

(A) Winter Season: None scheduled.

(B) Spring Season: Entire Youngs Bay from April 18 through Friday,

June 14, 2013 during the following periods:

Thursday, April 18 10:30 a.m. - 4:30 p.m. (6 hrs.);

Tuesday, April 23 6:00 a.m. - 6:00 p.m. (12 hrs.);

Thursday, April 25-26 7:00 p.m. - 7:00 a.m. (12 hours);

Monday, April 29 6:00 a.m. - midnight (18 hours);

Wednesday, May 1 6:00 a.m. - 6:00 p.m. (12 hours);

Thursday, May 2 6:00 a.m. - midnight (18 hours);

Monday, May 6 6:00 a.m. - midnight (18 hours);

Wednesday, May 8 6:00 a.m. - 6:00 p.m. (12 hrs.);

Thursday, May 9 6:00 a.m. - midnight (18 hours);

Monday, May 13 noon - Friday May 17 noon (4 days);

Monday, May 20 noon - Wednesday May 22 7:00 p.m. (55 hrs.);

Thursday, May 23 noon - Friday May 24 noon (24 hrs.);

Monday, May 27 noon - Wednesday May 29 7:00 p.m. (55 hrs.);

Thursday, May 30 noon - Friday May 31 noon (24 hrs.);

Monday, June 3 noon - Friday June 7 noon (4 days);

Monday, June 10 noon - Friday June 14 noon (4 days).

(C) Summer Season: Entire Youngs Bay 6:00 a.m. Wednesdays to

6:00 a.m. Fridays (48 hours) beginning Wednesday June 19 through Friday

July 26 (12 fishing days).

(b) For the winter, spring and summer fisheries the fishing area is identified as the waters of Youngs Bay from the Highway 101 Bridge upstream to the upper boundary markers at the confluence of the Klaskanine and Youngs rivers; except for those waters which are closed southerly of the alternate Highway 101 Bridge (Lewis and Clark River).

(2) Gill nets may not exceed 1,500 feet (250 fathoms) in length and weight may not exceed two pounds per any fathom except the use of additional weights and/or anchors attached directly to the leadline is allowed upstream of markers located approximately 200 yards upstream of the

mouth of the Walluski River during all Youngs Bay commercial fisheries. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25-fathom intervals must be in color contrast to the corks used in the remainder of the net.

(a) It is *unlawful* to use a gill net having a mesh size that is less than 7 inches during the winter season. It is *unlawful* to use a gill net having a mesh size that is more than 9.75 inches during the spring and summer seasons.

(b) Nets not specifically authorized for use in these areas may be onboard a vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(3) A maximum of four (4) white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) during the winter season described in section (1)(a)(A) above and a maximum of two (2) white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) during the spring and summer seasons described in sections (1)(a)(B) and (1)(a)(C) above. During the fishing periods identified in subsections (1)(a)(A), (1)(a)(B) and (1)(a)(C), the weekly white sturgeon limit applies to combined possessions and sales for all open Select Area fisheries.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 32-1979, f. & ef. 8-22-79; FWC 28-1980, f. & ef. 6-23-80; FWC 42-1980(Temp), f. & ef. 8-22-80; FWC 30-1981, f. & ef. 8-14-81; FWC 42-1981(Temp), f. & ef. 11-51-81; FWC 54-1982, f. & ef. 8-17-82; FWC 37-1983, f. & ef. 8-18-83; FWC 61-1983(Temp), f. & ef. 10-19-83; FWC 42-1984, f. & ef. 8-20-84; FWC 39-1985, f. & ef. 8-15-85; FWC 37-1986, f. & ef. 8-11-86; FWC 72-1986(Temp), f. & ef. 10-31-86; FWC 64-1987, f. & ef. 8-7-87; FWC 73-1988, f. & cert. ef. 8-19-88; FWC 55-1989(Temp), f. 8-7-89, cert. ef. 8-20-89; FWC 82-1990(Temp), f. 8-14-90, cert. ef. 8-19-90; FWC 86-1991, f. 8-7-91, cert. ef. 8-18-91; FWC 123-1991(Temp), f. & cert. ef. 10-21-91; FWC 30-1992(Temp), f. & cert. ef. 4-27-92; FWC 35-1992(Temp), f. 5-22-92, cert. ef. 5-25-92; FWC 74-1992 (Temp), f. 8-10-92, cert. ef. 8-16-92; FWC 28-1993(Temp), f. & cert. ef. 4-26-93; FWC 48-1993, f. 8-6-93, cert. ef. 8-9-93; FWC 21-1994(Temp), f. 4-22-94, cert. ef. 4-25-94; FWC 51-1994, f. 8-19-94, cert. ef. 8-22-94; FWC 64-1994(Temp), f. 9-14-94, cert. ef. 9-15-94; FWC 66-1994(Temp), f. & cert. ef. 9-20-94; FWC 27-1995, f. 3-29-95, cert. ef. 4-1-95; FWC 48-1995(Temp), f. & cert. ef. 6-5-95; FWC 66-1995, f. 8-22-95, cert. ef. 8-27-95; FWC 69-1995, f. 8-25-95, cert. ef. 8-27-95; FWC 8-1995, f. 2-28-96, cert. ef. 3-1-96; FWC 37-1996(Temp), f. 6-11-96, cert. ef. 6-12-96; FWC 41-1996, f. & cert. ef. 8-12-96; FWC 45-1996(Temp), f. 8-16-96, cert. ef. 8-19-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 4-1997, f. & cert. ef. 1-30-97; FWC 47-1997, f. & cert. ef. 8-15-97; DFW 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-3-98; DFW 18-1998(Temp), f. 3-9-98, cert. ef. 3-11-98 thru 3-31-98; DFW 60-1998(Temp), f. & cert. ef. 8-7-98 thru 8-21-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 52-1999(Temp), f. & cert. ef. 8-2-99 thru 8-6-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 66-2001(Temp), f. 8-2-01, cert. ef. 8-6-01 thru 8-14-01; DFW 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; DFW 82-2002(Temp), f. 8-5-02, cert. ef. 8-7-02 thru 9-1-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 17-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 8-1-03; DFW 32-2003(Temp), f. & cert. ef. 4-23-03 thru 8-1-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 37-2003(Temp), f. & cert. ef. 5-7-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. 4-8-04 cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. & cert. ef. 8-3-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 15-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 46-2005(Temp), f. 5-17-05, cert. ef. 5-18-05 thru 10-16-05; DFW 73-2005(Temp), f. 7-8-05, cert. ef. 7-11-05 thru 7-31-05; DFW 77-2005(Temp), f. 7-14-05, cert. ef. 7-18-05 thru 7-31-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 14-2006(Temp), f. 3-15-06, cert. ef. 3-16-06 thru 7-27-06; DFW 15-2006(Temp), f. & cert. ef. 3-23-06 thru 7-27-06; DFW 17-2006(Temp), f. 3-29-06, cert. ef. 3-30-06 thru 7-27-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 52-2006(Temp), f. & cert. ef. 6-28-06 thru 7-27-06; DFW 73-2006(Temp), f. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 16-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; DFW 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 45-2007(Temp), f. 6-15-07, cert. ef. 6-25-07 thru 7-31-07; DFW 50-2007(Temp), f. 6-29-07, cert. ef. 7-4-07 thru 7-31-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 30-2008(Temp), f. 3-27-08, cert. ef. 3-30-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correc-

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tion 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 24-2009(Temp), f. 3-10-09, cert. ef. 3-11-09 thru 7-31-09; DFW 49-2009(Temp), f. 5-14-09, cert. ef. 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; DFW 17-2010(Temp), f. & cert. ef. 2-22-10 thru 7-31-10; DFW 20-2010(Temp), f. & cert. ef. 2-26-10 thru 7-31-10; DFW 30-2010(Temp), f. 3-11-10, cert. ef. 3-14-10 thru 7-31-10; DFW 35-2010(Temp), f. 3-23-10, cert. ef. 3-24-10 thru 7-31-10; DFW 40-2010(Temp), f. & cert. ef. 4-1-10 thru 7-31-10; DFW 46-2010(Temp), f. & cert. ef. 4-21-10 thru 7-31-10; DFW 53-2010(Temp), f. & cert. ef. 5-4-10 thru 7-31-10; DFW 57-2010(Temp), f. & cert. ef. 5-11-10 thru 7-31-10; DFW 69-2010(Temp), f. & cert. ef. 5-18-10 thru 7-31-10; DFW 113-2010(Temp), f. 8-2-10, cert. ef. 8-4-10 thru 10-31-10; DFW 129-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; Administrative correction 11-23-10; DFW 12-2011(Temp), f. 2-10-11, cert. ef. 2-13-11 thru 7-29-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 32-2011(Temp), f. 4-20-11, cert. ef. 4-21-11 thru 7-29-11; DFW 35-2011(Temp), f. & cert. ef. 4-28-11 thru 7-29-11; DFW 46-2011(Temp), f. & cert. ef. 5-12-11 thru 7-29-11; DFW 52-2011(Temp), f. & cert. ef. 5-18-11 thru 7-29-11; DFW 76-2011(Temp), f. 6-24-11, cert. ef. 6-27-11 thru 7-29-11; DFW 106-2011(Temp), f. 8-2-11, cert. ef. 8-3-11 thru 10-31-11; DFW 121-2011(Temp), f. 8-29-11, cert. ef. 9-5-11 thru 10-31-11; Administrative correction 11-18-11; DFW 12-2012(Temp), f. 2-8-12, cert. ef. 2-12-12 thru 7-31-12; DFW 24-2012(Temp), f. 3-15-12, cert. ef. 3-18-12 thru 7-31-12; DFW 26-2012(Temp), f. 3-20-12, cert. ef. 3-21-12 thru 7-31-12; DFW 27-2012(Temp), f. 3-27-12, cert. ef. 3-29-12 thru 7-31-12; DFW 28-2012(Temp), f. 3-30-12, cert. ef. 4-1-12 thru 7-31-12; DFW 30-2012(Temp), f. 4-4-12, cert. ef. 4-5-12 thru 7-31-12; DFW 36-2012(Temp), f. 4-16-12, cert. ef. 4-19-12 thru 7-31-12; DFW 82-2012(Temp), f. 6-29-12, cert. ef. 7-2-12 thru 7-31-12; DFW 96-2012(Temp), f. 7-30-12, cert. ef. 8-1-12 thru 10-31-12; Administrative correction 11-23-12; DFW 11-2013(Temp), f. 2-8-13, cert. ef. 2-11-13 thru 7-31-13; DFW 22-2013(Temp), f. 3-12-13, cert. ef. 3-13-13 thru 7-31-13; DFW 34-2013(Temp), f. 5-14-13, cert. ef. 5-15-13 thru 7-31-13; DFW 36-2013(Temp), f. & cert. ef. 5-22-13 thru 7-31-13; DFW 44-2013(Temp), f. & cert. ef. 5-29-13 thru 7-31-13

Rule Caption: Commercial Spring Chinook Fishery Set for May 29, 2013 in the Mainstem Columbia River

Adm. Order No.: DFW 45-2013(Temp)

Filed with Sec. of State: 5-29-2013

Certified to be Effective: 5-29-13 thru 6-15-13

Notice Publication Date:

Rules Amended: 635-042-0022

Rules Suspended: 635-042-0022(T)

Subject: This amended rule allows a non-Indian commercial spring Chinook fishery in the mainstem Columbia River to commence on May 29, 2013 from the mouth of the Columbia River upstream to Beacon Rock (Zones 1 thru 5). The authorized fishing period is from 7:00 p.m. Wednesday, May 29 thru 7:00 a.m. Thursday, May 30, 2013 (12 hours). Modifications were made consistent with Joint State Action taken May 28, 2013 at a meeting of the Columbia River Compact agencies of the states of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0022

Spring Chinook Gillnet and Tangle Net Fisheries

(1) Adipose fin-clipped Chinook salmon, white sturgeon and shad may be taken by gillnet for commercial purposes from the mouth of the Columbia River upstream to Beacon Rock (Zones 1-5) during the period: Wednesday, May 29 from 7:00 p.m. to 7:00 a.m. Thursday, May 30, 2013 (12 hours).

(a) Individual fishing periods will not exceed sixteen hours in length during small mesh fisheries and twenty-four hours in length during large mesh fisheries.

(b) A maximum of three (3) white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. The weekly white sturgeon sales limit applies to the mainstem Columbia River only. Select Area fisheries remain under a two white sturgeon weekly retention limit.

(c) Retention of green sturgeon is prohibited.

(2) An adipose fin clip salmon is defined as a hatchery salmon with a clipped adipose fin and having a healed scar at the location of the fin. The adipose fin is the small fatty fin on salmonids located between the dorsal fin and tail.

(3) During the spring Chinook gillnet fishery:

(a) It is *unlawful* to use a gillnet having a mesh size less than 8 inches or more than 9 3/4 inches. Monofilament nets are allowed. Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. Other permanent gear regulations remain in effect.

(b) Mesh size for the fishery is determined as described in OAR 635-042-0010(4).

(4) During the spring Chinook tangle net fishery:

(a) It is *unlawful* to use other than a single-wall multi-filament net. Monofilament tangle nets are not allowed. Maximum mesh size is 4 1/4 inches stretched taut.

(b) Mesh size is determined by placing three consecutive meshes under hand tension and the measurement is taken from the inside of one vertical knot to the outside of the opposite vertical knot of the center mesh. Hand tension means sufficient linear tension to draw opposing knots of meshes into contact.

(5) Nets shall not exceed 900 feet (150 fathoms) in length. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25 fathom intervals must be in color contrast to the corks used in the remainder of the net.

(6) On tangle nets, an optional use of a steelhead excluder panel of mesh may be hung between the corkline and the 4-1/4 inch maximum mesh size tangle net. The excluder panel web must be a minimum mesh size of 12 inches when stretched taut under hand tension. Monofilament mesh is allowed for the excluder panel. The excluder panel (including any associated hangings) must be a minimum of 5 linear feet in depth and not exceed 10 linear feet in depth, as measured from the corkline to the upper margin of the tangle net mesh as the net hangs naturally from a taut corkline. Weedlines or droppers (bobber-type) may be used in place of the steelhead excluder panel. A weedline-type excluder means the net is suspended below the corkline by lines of no less than five feet in length between the corkline and the upper margin of the tangle net. A dropper-type excluder means the entire net is suspended below the surface of the water by lines of no less than five feet in length extending from individual surface floats to a submerged corkline. The corkline cannot be capable of floating the net in its entirety (including the leadline) independent of the attached floats. Weedlines or droppers must extend a minimum of 5 feet above the 4-1/4 inch maximum mesh size tangle net.

(a) Tangle nets constructed with a steelhead excluder panel, weedlines, or droppers, may extend to a maximum length of 1,050 feet (175 fathoms).

(b) Tangle nets constructed with a steelhead excluder panel, weedlines, or droppers, along with a red cork every 25 fathoms as required in section (5) above, must have two red corks at each end of the net.

(7) There are no restrictions on the hang ratio. The hang ratio is used to horizontally add slack to the net. The hang ratio is determined by the length of the web per length of the corkline.

(8) There are no restrictions on the use of slackers or stringers to slacken the net vertically.

(9) Nets shall be fished for no longer than 45 minutes per set. The time of fishing is measured from when the first mesh of the net is deployed into the water until the last mesh of the net is fully retrieved from the water.

(10) It is *unlawful* for a net in whole or in part to be anchored, tied, staked, fixed, or attached to the bottom, shore, or a beached boat; left unattended at any time it is fished; or attended by more than one boat while being fished.

(11) It is *unlawful* to fish more than one net from a licensed commercial fishing boat at any one time.

(12) Nets fished from sunset to sunrise shall have lighted buoys on both ends of the net unless the net is attached to the boat then one lighted buoy on the opposite end of the net from the boat is required.

(13) Non-legal sturgeon, nonadipose fin-clipped Chinook salmon, and steelhead must be released immediately with care and the least possible injury to the fish to the river without violence or into an operating recovery box.

(a) One operating recovery box with two chambers or two operating recovery boxes with one chamber each to aid survival of released fish must be on board each fishing vessel participating in the fishery. Recovery boxes shall be operating during any time that a net is being retrieved or picked.

(b) All salmon and steelhead that are bleeding, in lethargic condition, or appearing dead must be placed in the recovery box for rehabilitation purposes prior to release to the river.

(c) Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39-1/2 to 48 inches, the inside width measurement must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches.

(d) Each chamber of the recovery box must include an operating water pumping system capable of delivering a minimum flow of 16 gallons per minute not to exceed 20 gallons per minute of fresh river water into each chamber. The fisher must demonstrate to the Department and Washington Department of Fish and Wildlife employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pump-

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ing system is delivering the proper volume of fresh river water into each chamber.

(e) Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1-3/4 inches from the floor of the chamber.

(f) Each chamber of the recovery box must include a water outlet that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber, on either the same or opposite end as the inlet.

(g) All fish placed in recovery boxes must be released to the river prior to landing or docking.

(14) At least one fisher on each boat engaged in the fishery must have attended a one-day workshop hosted by the Department or Washington Department of Fish and Wildlife to educate fishers on regulations and best methods for conduct of the fishery.

(15) Nothing in this section sets any precedent for any future spring Chinook fishery. The fact that an individual has attended a live capture training workshop does not entitle the individual to participate in any other fishery. If the Department authorizes a Live Capture fishery in the spring or at any other time, the Department may establish qualifications and requirements that are different from those already established. In particular, the Department may consider an individual's compliance with these rules in determining that individual's eligibility to participate in any future Live Capture fisheries.

(16) As authorized by OAR-635-006-0140 owners or operators of commercial fishing vessels must cooperate with Department fishery observers, or observers collecting data for the Department, when asked by the Department to carry and accommodate an observer on fishing trips for observation and sampling during an open fishery.

(17) Closed waters, as described in OAR 635-042-0005 for Grays River, Elokomin-B, Abernathy Creek, Cowlitz River, Kalama-B, Lewis-B, Sandy and Washougal sanctuaries are in effect during the open fishing periods identified.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: DFW 11-2004, f. & cert. ef. 2-13-04; DFW 12-2004(Temp), f. & cert. ef. 3-1-04, thru 7-31-04; DFW 13-2004(Temp), f. & cert. ef. 3-3-04 thru 7-31-04; DFW 16-2004(Temp), f. & cert. ef. 3-8-04 thru 7-31-04; DFW 18-2004(Temp), f. & cert. ef. 3-10-04 thru 7-31-04; DFW 20-2004(Temp), f. & cert. ef. 3-15-04 thru 7-31-04; DFW 21-2004(Temp), f. & cert. ef. 3-18-04 thru 7-31-04; DFW 25-2004(Temp), f. & cert. ef. 3-22-04, cert. ef. 3-23-04 thru 7-31-04; DFW 26-2004(Temp), f. & cert. ef. 3-25-04 thru 7-31-04; DFW 27-2004(Temp), f. & cert. ef. 3-29-04 thru 7-31-04; Administrative correction 8-19-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 9-2005(Temp), f. & cert. ef. 3-1-05 thru 7-31-05; DFW 11-2005(Temp), f. & cert. ef. 3-2-05, cert. ef. 3-3-05 & 7-31-05; DFW 13-2005(Temp), f. & cert. ef. 3-7-05 thru 7-31-05; DFW 14-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; DFW 20-2005(Temp), f. & cert. ef. 3-29-05 thru 3-30-05; DFW 21-2005(Temp), f. & cert. ef. 3-31-05 thru 4-1-05; Administrative correction, 4-20-05; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 7-2006(Temp), f. & cert. ef. 2-23-06 thru 7-31-06; DFW 9-2006(Temp), f. & cert. ef. 3-2-06 thru 7-31-06; DFW 10-2006(Temp), f. & cert. ef. 3-6-06, cert. ef. 3-7-06 thru 7-31-06; DFW 11-2006(Temp), f. & cert. ef. 3-9-06 thru 7-31-06; DFW 12-2006(Temp), f. & cert. ef. 3-13-06, cert. ef. 3-14-06 thru 7-31-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 30-2006(Temp), f. & cert. ef. 5-18-06 thru 7-31-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; Administrative correction 8-22-06; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 17-2007(Temp), f. & cert. ef. 3-20-07 thru 9-15-07; DFW 19-2007(Temp), f. & cert. ef. 3-22-07 thru 9-17-07; DFW 44-2007(Temp), f. & cert. ef. 6-14-07 thru 9-17-07; Administrative correction 9-18-07; DFW 31-2008(Temp), f. & cert. ef. 3-31-08, cert. ef. 4-1-08 thru 9-27-08; DFW 33-2008(Temp), f. & cert. ef. 4-7-08, cert. ef. 4-8-08 thru 9-27-08; DFW 34-2008(Temp), f. & cert. ef. 4-14-08, cert. ef. 4-15-08 thru 9-27-08; Suspended by DFW 71-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 8-31-08; Administrative correction 10-21-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 30-2009(Temp), f. & cert. ef. 3-27-09 thru 4-30-09; DFW 34-2009(Temp), f. & cert. ef. 4-6-09, cert. ef. 4-7-09 thru 4-30-09; DFW 36-2009(Temp), f. & cert. ef. 4-13-09, cert. ef. 4-14-09 thru 4-30-09; Administrative correction 5-20-09; DFW 38-2010(Temp), f. & cert. ef. 3-30-10 thru 4-30-10; DFW 41-2010(Temp), f. & cert. ef. 4-7-10 thru 4-30-10; Administrative correction 5-19-10; DFW 25-2011(Temp), f. & cert. ef. 3-29-11 thru 4-1-11; DFW 27-2011(Temp), f. & cert. ef. 4-5-11, cert. ef. 4-6-11 thru 4-10-11; Administrative correction, 4-25-11; DFW 45-2011(Temp), f. & cert. ef. 5-12-11 thru 6-30-11; DFW 51-2011(Temp), f. & cert. ef. 5-18-11 thru 6-30-11; Administrative correction 7-22-11; DFW 29-2012(Temp), f. & cert. ef. 4-3-12 thru 4-30-12; DFW 32-2012(Temp), f. & cert. ef. 4-9-12, cert. ef. 4-10-12 thru 4-30-12; Administrative correction, 5-25-12; DFW 27-2013(Temp), f. & cert. ef. 4-8-13, cert. ef. 4-9-13 thru 4-30-13; DFW 34-2013(Temp), f. & cert. ef. 5-14-13, cert. ef. 5-15-13 thru 7-31-13; DFW 37-2013(Temp), f. & cert. ef. 5-22-13 thru 5-31-13; DFW 45-2013(Temp), f. & cert. ef. 5-29-13 thru 6-15-13

Rule Caption: Spring Sport Chinook Fishery on Lookingglass Creek

Adm. Order No.: DFW 46-2013(Temp)

Filed with Sec. of State: 5-30-2013

Certified to be Effective: 6-1-13 thru 11-26-13

Notice Publication Date:

Rules Amended: 635-019-0090

Rules Suspended: 635-019-0090(T)

Subject: This amended rule allows recreational anglers opportunity to harvest adipose fin-clipped jack Chinook salmon, which are in excess of the Department's hatchery production needs, in Lookingglass Creek. This fishery is scheduled for the period from Saturday, June 1 through June 21.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-019-0090

Inclusions and Modifications

(1) The **2013 Oregon Sport Fishing Regulations** provide requirements for the Northeast 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 **2013 Oregon Sport Fishing Regulations**.

(2) The Umatilla River, from the Highway 730 bridge upstream to the Reservation boundary located upstream from the Highway 11 bridge at Pendleton is closed to spring Chinook angling effective 12:01 a.m. Thursday, May 16, 2013. All other sport fishing regulations as stated on page 74 of the **2013 Oregon Sport Fishing Regulations** remain in effect.

(3) Special regulations for Wallowa Lake have been modified to allow for a daily bag limit of twenty (20) kokanee per day, no minimum length and no more than five (5) over 12 inches in length. All other General, Statewide and Northeast Zone Regulations, as provided in the **2013 Oregon Sport Fishing Regulations**, remain in effect.

(4) Lookingglass Creek from the Moses Creek Lane Bridge (County Road 42) to the confluence of Jarboe Creek is open to angling for adipose fin-clipped jack Chinook salmon from June 1 through June 21, 2013.

(a) The daily bag limit is five (5) adipose fin-clipped jacks; two daily limits in possession. All adult Chinook must be released unharmed.

(b) During the duration of the spring Chinook angling season as described in section (4) above, the area closure listed for Lookingglass Creek in the **2013 Oregon Sport Fishing Regulations**, Northeast Zone Special Regulations is modified to read: Lookingglass Creek closed between Jarboe Creek and 200 feet upstream of the hatchery water intake.

(c) Hook gap restrictions listed in the Northeast Zone Special Regulations for Lookingglass Creek are removed for the duration of the spring Chinook angling season described in section (4) above.

(d) All other General, Statewide and Northeast Zone Regulations, as provided in the **2013 Oregon Sport Fishing Regulations**, remain in effect.

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

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: 496.162 & 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 57-1994(Temp), f. 8-30-94, cert. ef. 10-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 70-1995, f. 8-29-95, cert. ef. 9-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 27-1996(Temp), f. 5-24-96, cert. ef. 5-25-96; FWC 57-1996(Temp), f. 9-27-96, cert. ef. 10-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 26-1997(Temp), f. 4-23-97, cert. ef. 5-17-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 13-1998(Temp), f. & cert. ef. 2-26-98 thru 4-15-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 5-1999(Temp), f. 2-5-99, cert. ef. 2-6-99 thru 2-19-99; DFW 8-1999(Temp), f. & cert. ef. 2-23-99 thru 4-15-99; DFW 37-1999(Temp), f. 5-24-99, cert. ef. 5-29-99 thru 6-5-99; DFW 43-1999(Temp), f. & cert. ef. 6-10-99 thru 6-13-99; DFW 45-1999(Temp), f. & cert. ef. 6-14-99 thru 6-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 17-2000(Temp), f. 4-10-00, cert. ef. 4-16-00 thru 6-30-00; DFW 64-2000(Temp), f. 9-21-00, cert. ef. 9-22-00 thru 3-20-01; 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 5-2001(Temp), f. 2-22-01, cert. ef. 2-24-01 thru 4-15-01; DFW 39-2001(Temp), f. 5-23-01, cert. ef. 5-26-01 thru 7-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 45-2001(Temp), f. 6-1-01, cert. ef. 6-2-01 thru 7-31-01; DFW 49-2001(Temp), f. 6-19-01, cert. ef. 6-22-01 thru 7-31-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 71-2001(Temp), f. 8-10-01, cert. ef. 9-1-01 thru 12-31-01; DFW 96-2001(Temp), f. 10-4-01, cert. ef. 12-1-01 thru 12-31-01; DFW 122-2001(Temp), f. & cert. ef. 12-31-01 thru 5-31-02; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 52-2002(Temp), f. 5-22-02, cert. ef. 5-26-02 thru 7-1-02; DFW 53-2002(Temp), f. 5-24-02, cert. ef. 5-26-02 thru 7-1-02; DFW 57-2002(Temp), f. & cert. ef. 5-30-02 thru 7-1-02; 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 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 44-2003(Temp), f. 5-23-03, cert. ef. 5-28-03 thru 7-1-03; DFW 48-2003(Temp), f. & cert. ef. 6-5-03 thru 7-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 40-2004(Temp), f. 5-7-04, cert. ef. 5-13-04 thru 7-1-04; DFW 46-2004(Temp), f. 5-21-04, cert. ef. 5-22-04 thru 7-1-04; DFW 55-2004(Temp), f. 6-16-04, cert. ef. 6-19-04 thru 7-5-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 42-2005(Temp), f. & cert. ef. 5-13-05 thru 9-1-05; DFW 61-2005(Temp), f. 6-22-05, cert. ef. 6-25-05 thru 7-4-05; Administrative correction 7-20-05; DFW 99-2005(Temp), f. 8-24-05, cert. ef. 8-26-05 thru 9-30-05; Administrative correction 10-19-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 28-2006(Temp), f. & cert. ef. 5-15-06 thru 6-30-06; DFW 33-2006(Temp), f. 5-24-06, cert. ef. 5-25-06 thru 6-30-06; Administrative correction 7-21-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 12-2007(Temp), f. 2-28-07, cert. ef. 3-1-07 thru 8-27-07; DFW 30-2007(Temp), f. 5-9-07, cert. ef. 5-10-07 thru 9-30-07; DFW 34-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 9-30-07; Administrative correction 10-16-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 56-2008(Temp), f. 5-30-08, cert. ef. 5-31-08 thru 6-30-08; DFW 76-2008(Temp), f. & cert. ef. 7-9-08 thru 9-1-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 128-2009(Temp), f. 10-12-09, cert. ef. 10-18-09 thru 4-15-10; DFW 131-2009(Temp), f. 10-14-09, cert. ef. 10-18-09 thru 4-15-10; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 54-2010(Temp), f. 5-6-10, cert. ef. 5-22-10 thru 9-1-10; DFW 95-2010(Temp), f. 7-1-10, cert. ef. 7-11-10 thru 9-1-10; DFW 102-2010(Temp), f. 7-20-10, cert. ef. 7-25-10 thru 9-1-10; Administrative correction 9-22-10; DFW 171-2010, f. 12-

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30-10, cert. ef. 1-1-11; DFW 49-2011(Temp), f. 5-16-11, cert. ef. 5-28-11 thru 9-1-11; DFW 64-2011(Temp), f. 6-10-11, cert. ef. 6-13-11 thru 9-1-11; DFW 90-2011(Temp), f. & cert. ef. 7-11-11 thru 9-1-11; DFW 92-2011(Temp), f. 7-12-11, cert. ef. 7-16-11 thru 10-31-11; DFW 99-2011(Temp), f. 7-21-11, cert. ef. 7-23-11 thru 9-1-11; DFW 104-2011(Temp), f. 8-1-11, cert. ef. 8-7-11 thru 9-1-11; Administrative correction 9-23-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 48-2012(Temp), f. 5-18-12, cert. ef. 5-23-12 thru 9-1-12; DFW 50-2012(Temp), f. 5-22-12, cert. ef. 5-24-12 thru 9-1-12; DFW 61-2012(Temp), f. & cert. ef. 6-11-12 thru 8-31-12; DFW 69-2012(Temp), f. 6-20-12, cert. ef. 6-22-12 thru 9-1-12; DFW 70-2012(Temp), f. 6-26-12, cert. ef. 6-27-12 thru 9-1-12; DFW 72-2012(Temp), f. 6-29-12, cert. ef. 7-1-12 thru 8-31-12; DFW 86-2012(Temp), f. 7-10-12, cert. ef. 7-15-12 thru 9-1-12; Administrative correction 9-20-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 153-2012(Temp), f. 12-28-12, cert. ef. 1-1-13 thru 4-30-13; DFW 31-2013(Temp), f. 5-14-13, cert. ef. 5-16-13 thru 6-30-13; DFW 39-2013(Temp), f. 5-22-13, cert. ef. 5-24-13 thru 11-19-13; DFW 46-2013(Temp), f. 5-30-13, cert. ef. 6-1-13 thru 11-26-13

Rule Caption: Recreational White Sturgeon Fisheries in Bonneville Pool Set for June 14, 15, 21 and 22

Adm. Order No.: DFW 47-2013(Temp)

Filed with Sec. of State: 5-30-2013

Certified to be Effective: 6-14-13 thru 9-30-13

Notice Publication Date:

Rules Amended: 635-023-0095

Rules Suspended: 635-023-0095(T)

Subject: This amended rule sets two 2-day seasons for the recreational harvest of white sturgeon between 38-54 inches in fork length in the Bonneville Pool of the Columbia River. Fishing is authorized for Friday-Saturday, June 14-15 and Friday-Saturday, June 21-22, 2013. Rule modifications were made consistent with Joint State Action taken May 14, 2013 by Columbia River Compact agencies of the states of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-023-0095

Sturgeon Season

(1) The 2013 Oregon Sport Fishing Regulations provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the 2013 Oregon Sport Fishing Regulations.

(2) In 2013, the mainstem Columbia River from the Wauna powerlines (River Mile 40) upstream to Bonneville Dam, excluding the lower Willamette River upstream to Willamette Falls, Multnomah Channel, and the Gilbert River, is open to the retention of white sturgeon with a fork length of 38–54 inches, three days per week, Thursdays through Saturdays, during the following periods:

- (a) January 1 through June 15; and
- (b) October 19 through December 31.

(3) In 2013, the mainstem Columbia River from Wauna powerlines (River Mile 40) downstream to the mouth at Buoy 10, including Youngs Bay is open to the retention of white sturgeon seven days per week during the following periods:

- (a) January 1 through April 30;
- (b) May 11 through June 30 (or until guideline is met).

(4) During the fishing period as identified in subsection (3)(a) of this rule, only white sturgeon with a fork length of 38-54 inches may be retained.

(5) During the fishing periods as identified in subsection (3)(b) of this rule, only white sturgeon with a fork length of 41–54 inches may be retained.

(6) Effective April 1, 2013, the annual bag and possession limit for white sturgeon is two (2) fish.

(7) Angling for sturgeon is prohibited from:

(a) Bonneville Dam downstream 9 miles to a line crossing the Columbia River from Navigation Marker 82 on the Oregon shore westerly to a boundary marker on the Washington shore upstream of Fir Point from May 1 through August 31;

(b) Highway 395 Bridge upstream to McNary Dam; and

(c) From the west end of the grain silo at Rufus upstream to John Day Dam during May 1 through July 31.

(8) Angling is prohibited for all species from the upper and lower ends of Sand Island and corresponding markers on the Oregon shoreline (slough at Rooster Rock State Park) from January 1 through April 30.

(9) The mainstem Columbia River from McNary Dam upstream to the Oregon-Washington border at river mile 309.5 is open to retention of white sturgeon with a fork length of 43–54 inches, seven days per week from February 1 through July 31.

(10) Retention of green sturgeon is prohibited all year in all areas.

(11) Catch-and-release angling is allowed year-round except as described above in sections (7)(a) through (7)(c) and (8) above.

(12) Effective January 1, 2014, the mainstem Columbia River from the mouth at Buoy 10 upstream to Bonneville Dam, including Oregon tributaries upstream to the mainline railroad bridges, is closed to the retention of white sturgeon.

(13) Effective 12:01 a.m. Monday, February 11 through Thursday, June 13, 2013; from June 16-20, 2013; and from June 23, 2013 until further notice, the retention of white sturgeon is prohibited in the mainstem Columbia River from Bonneville Dam upstream to The Dalles Dam (Bonneville Pool) including adjacent tributaries. Retention of white sturgeon between 38–54 inches in fork length is allowed in the area described in this section on June 14, 15, 21 and 22, 2013 (4 days).

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: DFW 129-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 2-28-05; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 22-2005(Temp), f. 4-1-05, cert. ef. 4-30-05 thru 7-31-05; DFW 50-2005(Temp), f. 6-3-05, cert. ef. 6-11-05 thru 11-30-05; DFW 60-2005(Temp), f. 6-21-05, cert. ef. 6-24-05 thru 12-21-05; DFW 65-2005(Temp), f. 6-30-05, cert. ef. 7-10-05 thru 12-31-05; DFW 76-2005(Temp), f. 7-14-05, cert. ef. 7-18-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 145-2005(Temp), f. 12-21-05, cert. ef. 1-1-06 thru 3-31-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 19-2006(Temp), f. 4-6-06, cert. ef. 4-8-06 thru 7-31-06; DFW 54-2006(Temp), f. 6-29-06, cert. ef. 7-1-06 thru 12-27-06; DFW 62-2006(Temp), f. 7-13-06, cert. ef. 7-24-06 thru 12-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 131-2006(Temp), f. 12-20-06, cert. ef. 1-1-07 thru 6-29-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 20-2007(Temp), f. 3-26-07, cert. ef. 3-28-07 thru 7-30-07; DFW 38-2007(Temp), f. & cert. ef. 5-31-07 thru 11-26-07; DFW 59-2007(Temp), f. 7-18-07, cert. ef. 7-29-07 thru 12-31-07; DFW 75-2007(Temp), f. 8-17-07, cert. ef. 8-18-07 thru 12-31-07; DFW 102-2007(Temp), f. 9-28-07, cert. ef. 10-1-07 thru 12-31-07; DFW 135-2007(Temp), f. 12-28-07, cert. ef. 1-1-08 thru 6-28-08; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 8-2008, f. & cert. ef. 2-11-08; DFW 23-2008(Temp), f. 3-12-08, cert. ef. 3-15-08 thru 9-10-08; DFW 28-2008(Temp), f. 3-24-08, cert. ef. 3-26-08 thru 9-10-08; DFW 72-2008(Temp), f. 6-30-08, cert. ef. 7-10-08 thru 12-31-08; DFW 78-2008(Temp), f. 7-9-08, cert. ef. 7-12-08 thru 12-31-08; DFW 86-2008(Temp), f. & cert. ef. 7-25-08 thru 12-31-08; DFW 148-2008(Temp), f. 12-19-08, cert. ef. 1-1-09 thru 6-29-09; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 18-2009, f. & cert. ef. 2-26-09; DFW 33-2009(Temp), f. 4-2-09, cert. ef. 4-13-09 thru 10-9-09; DFW 63-2009(Temp), f. 6-3-09, cert. ef. 6-6-09 thru 10-9-09; DFW 83-2009(Temp), f. 7-8-09, cert. ef. 7-9-09 thru 12-31-09; DFW 86-2009(Temp), f. 7-22-09, cert. ef. 7-24-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 13-2010(Temp), f. 2-16-10, cert. ef. 2-21-10 thru 7-31-10; DFW 19-2010(Temp), f. 2-26-10, cert. ef. 3-1-10 thru 8-27-10; DFW 34-2010, f. 3-16-10, cert. ef. 4-1-10; DFW 49-2010(Temp), f. 4-27-10, cert. ef. 4-29-10 thru 7-31-10; DFW 50-2010(Temp), f. 4-29-10, cert. ef. 5-6-10 thru 11-1-10; DFW 88-2010(Temp), f. 6-25-10, cert. ef. 6-26-10 thru 7-31-10; DFW 91-2010(Temp), f. 6-29-10, cert. ef. 8-1-10 thru 12-31-10; DFW 99-2010(Temp), f. 7-13-10, cert. ef. 7-15-10 thru 12-31-10; DFW 165-2010(Temp), f. 12-28-10, cert. ef. 1-1-11 thru 6-29-11; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 11-2011(Temp), f. 2-10-11, cert. ef. 2-11-11 thru 7-31-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 26-2011(Temp), f. 4-5-11, cert. ef. 4-10-11 thru 9-30-11; DFW 74-2011(Temp), f. 6-24-11, cert. ef. 6-27-11 thru 7-31-11; DFW 87-2011(Temp), f. 7-8-11, cert. ef. 7-9-11 thru 7-31-11; DFW 96-2011(Temp), f. 7-20-11, cert. ef. 7-30-11 thru 12-31-11; DFW 129-2011(Temp), f. 9-15-11, cert. ef. 9-30-11 thru 12-31-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 1-2012(Temp), f. & cert. ef. 1-5-12 thru 7-2-12; DFW 10-2012, f. & cert. ef. 2-7-12; DFW 16-2012(Temp), f. 2-14-12, cert. ef. 2-18-12 thru 7-31-12; DFW 44-2012(Temp), f. 5-1-12, cert. ef. 5-20-12 thru 7-31-12; DFW 73-2012(Temp), f. 6-29-12, cert. ef. 7-1-12 thru 8-31-12; DFW 97-2012(Temp), f. 7-30-12, cert. ef. 8-1-12 thru 12-31-12; DFW 129-2012(Temp), f. 10-3-12, cert. ef. 10-20-12 thru 12-31-12; DFW 140-2012(Temp), f. 10-31-12, cert. ef. 11-4-12 thru 12-31-12; DFW 152-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 154-2012(Temp), f. 12-28-12, cert. ef. 1-1-13 thru 2-28-13; DFW 12-2013(Temp), f. 2-12-13, cert. ef. 2-28-13 thru 7-31-13; DFW 23-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-27-13; DFW 47-2013(Temp), f. 5-30-13, cert. ef. 6-14-13 thru 9-30-13

Rule Caption: Sales of Fish Caught in Zone 6 Platform and Hook-and-Line Fisheries Allowed

Adm. Order No.: DFW 48-2013(Temp)

Filed with Sec. of State: 6-7-2013

Certified to be Effective: 6-8-13 thru 7-31-13

Notice Publication Date:

Rules Amended: 635-041-0065

Rules Suspended: 635-041-0065(T)

Subject: Rule amendments allow sales in Oregon of fish caught in Zone 6 Platform and Hook-and-Line Treaty Indian spring commercial fisheries beginning 6:00 a.m. Saturday June 8 through 11:59 p.m. Wednesday, July 31 2013. Revisions are consistent with action taken June 7, 2013 by Columbia River Compact agencies of the states of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0065

Spring Season

(1) Chinook and sockeye salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from the Columbia River Treaty Indian Fishery, from 6:00 a.m. February 1 to

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6:00 p.m. March 21 and from 6:00 a.m. Saturday, June 8 until 11:59 p.m. Wednesday, July 31, 2013.

(2) Effective 6:00 p.m. Wednesday, February 27, 2013 the winter commercial gillnet fishery in the John Day Pool is closed to sale of all fish species. Fish caught in the platform hook-and-line fishery may not be sold, but may be kept for subsistence purposes.

(3) Effective 6:00 p.m. Wednesday, March 6, 2013 the winter commercial gillnet fishery in the Bonneville Pool is closed to sale of all fish species. Fish caught in the platform hook-and-line fishery may not be sold, but may be kept for subsistence purposes.

(4) Effective 6:00 p.m. Wednesday, March 6, 2013 the sale of Chinook salmon caught in any mainstem Treaty Indian fishery is prohibited.

(5) Effective 6:00 a.m. Saturday, June 8, 2013 through 11:59 p.m. Saturday, July 31, 2013 fish species listed in section (1) above caught in platform hook-and-line fisheries and in all of Zone 6 as well as during regularly scheduled fishery openings in Washington State tributaries including: the Wind River, Drano Lake (Little White Salmon), Klickitat and Yakima rivers, may be sold or retained for subsistence purposes.

(6) There are no mesh size restrictions.

(7) Closed areas as set forth in OAR 635-041-0045 remain in effect.

(8) White sturgeon between 43–54 inches fork length harvested in The Dalles Pool may be sold or kept for subsistence use. White sturgeon between 43-54 inches in fork length caught in the John Day Pool and between 38-54 inches in fork length caught in the Bonneville Pool may not be sold but may be retained for subsistence purposes.

(9) Effective 2:00 p.m. May 21, 2013, commercial sales of salmon, steelhead, walleye, shad, catfish, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Yakima River; Klickitat River; Wind River; and Drano Lake are allowed for Yakama Nation members during those days and hours when these tributaries are open under lawfully enacted Yakama Nation fishing periods.

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 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79; FWC 13-1979(Temp), f. & ef. 3-30-1979, Renumbered from 635-035-0065; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 2-1983, f. 1-21-83, ef. 2-1-83; FWC 4-1984, f. & ef. 1-31-84; FWC 2-1985, f. & ef. 1-30-85; FWC 4-1986(Temp), f. & ef. 1-28-86; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 3-1988(Temp), f. & cert. ef. 1-29-88; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 5-1989, f. 2-6-89, cert. ef. 2-7-89; FWC 13-1989(Temp), f. & cert. ef. 3-21-89; FWC 15-1990(Temp), f. 2-8-90, cert. ef. 2-9-90; FWC 20-1990, f. 3-6-90, cert. ef. 3-15-90; FWC 13-1992(Temp), f. & cert. ef. 3-5-92; FWC 7-1993, f. & cert. ef. 2-1-93; FWC 12-1993(Temp), f. & cert. ef. 2-22-93; FWC 18-1993(Temp), f. & cert. ef. 3-2-93; FWC 7-1994, f. & cert. ef. 2-1-94; FWC 11-1994(Temp), f. & cert. ef. 2-28-94; FWC 9-1995, f. & cert. ef. 2-1-95; FWC 19-1995(Temp), f. & cert. ef. 3-3-95; FWC 5-1996, f. & cert. ef. 2-7-96; FWC 4-1997, f. & cert. ef. 1-30-97; DFW 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-3-98; DFW 20-1998(Temp), f. & cert. ef. 3-13-98 thru 3-20-98; DFW 23-1998(Temp), f. & cert. ef. 3-20-98 thru 6-30-98; DFW 2-1999(Temp), f. & cert. ef. 2-1-99 through 2-19-99; DFW 9-1999, f. & cert. ef. 2-26-99; DFW 14-1999(Temp), f. 3-5-99, cert. ef. 3-6-99 thru 3-20-99; Administrative correction 11-17-99; DFW 6-2000(Temp), f. & cert. ef. 2-1-00 thru 2-29-00; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 19-2000, f. 3-18-00, cert. ef. 3-18-00 thru 3-21-00; DFW 26-2000(Temp), f. 5-4-00, cert. ef. 5-6-00 thru 5-28-00; Administrative correction 5-22-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 14-2001(Temp), f. 3-12-01, cert. ef. 3-14-01 thru 3-21-01; Administrative correction 6-20-01; DFW 9-2002, f. & cert. ef. 2-1-02; DFW 11-2002(Temp), f. & cert. ef. 2-8-02 thru 8-7-02; DFW 17-2002(Temp), f. 3-7-02, cert. ef. 3-8-02 thru 9-1-02; DFW 18-2002(Temp), f. 3-13-02, cert. ef. 3-15-02 thru 9-11-02; DFW 134-2002(Temp), f. & cert. ef. 12-19-02 thru 4-1-03; DFW 20-2003(Temp), f. 3-12-03, cert. ef. 3-13-03 thru 4-1-03; DFW 131-2003(Temp), f. 12-26-03, cert. ef. 1-1-04 thru 4-1-04; DFW 5-2004(Temp), f. 1-26-04, cert. ef. 2-2-04 thru 4-1-04; DFW 15-2004(Temp), f. 3-8-04, cert. ef. 3-10-04 thru 4-1-04; DFW 130-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 4-1-05; DFW 4-2005(Temp), f. & cert. ef. 1-31-05 thru 4-1-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 3-2006(Temp), f. & cert. ef. 1-27-06 thru 3-31-06; Administrative correction 4-19-06; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 14-2007(Temp), f. & cert. ef. 3-9-07 thru 9-4-07; DFW 15-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; Administrative correction 9-16-07; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 20-2008(Temp), f. 2-28-08, cert. ef. 2-29-08 thru 7-28-08; DFW 21-2008(Temp), f. & cert. ef. 3-5-08 thru 7-28-08; DFW 22-2008(Temp), f. 3-7-08, cert. ef. 3-10-08 thru 7-28-08; Administrative correction 8-21-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 6-2009(Temp), f. 1-30-09, cert. ef. 2-2-09 thru 8-1-09; DFW 11-2009(Temp), f. 2-13-09, cert. ef. 2-16-09 thru 7-31-09; DFW 22-2009(Temp), f. 3-5-09, cert. ef. 3-6-09 thru 7-31-09; Administrative correction 8-21-09; DFW 9-2010(Temp), f. & cert. ef. 2-3-10 thru 8-1-10; DFW 12-2010(Temp), f. 2-10-10, cert. ef. 2-11-10 thru 8-1-10; DFW 18-2010(Temp), f. 2-24-10, cert. ef. 2-26-10 thru 4-1-10; DFW 24-2010(Temp), f. 3-2-10, cert. ef. 3-3-10 thru 4-1-10; Administrative correction 4-21-10; DFW 8-2011(Temp), f. 1-31-11, cert. ef. 2-1-11 thru 4-1-11; DFW 9-2011(Temp), f. 2-9-11, cert. ef. 2-10-11 thru 4-1-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 5-2012(Temp), f. 1-30-12, cert. ef. 2-1-12 thru 3-31-12; DFW 18-2012(Temp), f. 2-28-12, cert. ef. 2-29-12 thru 6-15-12; DFW 19-2012(Temp), f. 3-2-12, cert. ef. 3-5-12 thru 6-15-12; DFW 20-2012(Temp), f. & cert. ef. 3-5-12 thru 6-15-12; DFW 46-2012(Temp), f. 5-14-12, cert. ef. 5-15-12 thru 6-30-12; Administrative correction, 8-1-12; DFW 9-2013(Temp), f. 1-31-13, cert. ef. 2-1-13 thru 3-31-13; DFW 15-2013(Temp), f. 2-22-13, cert. ef. 2-27-13 thru 6-15-13; DFW 18-2013(Temp), f. 3-5-13, cert. ef. 3-6-13 thru 6-15-13; DFW 35-2013(Temp), f. & cert. ef. 5-21-13 thru 6-30-13; DFW 48-2013(Temp), f. 6-7-13, cert. ef. 6-8-13 thru 7-31-13

Rule Caption: Columbia River Recreational Spring Chinook Season Modified

Adm. Order No.: DFW 49-2013(Temp)

Filed with Sec. of State: 6-7-2013

Certified to be Effective: 6-8-13 thru 6-30-13

Notice Publication Date:

Rules Amended: 635-023-0125

Rules Suspended: 635-023-0125(T)

Subject: This amended rule modifies the ongoing Columbia River recreational spring Chinook season that began Saturday, May 25 and runs through Saturday, June 15, 2013. Fishing is authorized in an area from Tongue Point/Rocky Point line upstream to the Bonneville Dam boat deadline (boat and bank angling). The daily bag limit is two (2) adult salmonids but only one may be a Chinook. Only adipose fin-clipped fish may be kept. All sockeye must be released. Revisions are consistent with action taken June 7, 2013 by Columbia River Compact agencies of the states of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-023-0125

Spring Sport Fishery

(1) The **2013 Oregon Sport Fishing Regulations** provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the **2013 Oregon Sport Fishing Regulations**.

(2) The Columbia River is open from January 1 through February 28 from the mouth at Buoy 10 upstream to the I-5 Bridge with the following restrictions:

(a) Adipose fin-clipped Chinook salmon and adipose fin-clipped steelhead may be retained.

(b) All non-adipose fin-clipped Chinook salmon and non-adipose fin-clipped steelhead must be released immediately unharmed.

(c) Catch limits of two adult adipose fin-clipped salmon or two adult adipose fin-clipped steelhead or one of each may be retained per day. Catch limits for jacks remain in effect as per the **2013 Oregon Sport Fishing Regulations**.

(3) The area from Tongue Point/Rocky Point line upstream to the Bonneville Dam deadline (boat and bank angling) is open from Saturday, May 25 through Saturday, June 15, 2013. Daily bag limit is two (2) adult salmonids but only one may be a Chinook. Only adipose fin-clipped fish may be kept. All sockeye must be released. All other permanent regulations apply.

(4) The area from the Tower Island power lines (approximately 6 miles below The Dalles Dam) upstream to Oregon/Washington border, plus the Oregon and Washington banks between Bonneville Dam and the Tower Island power lines is open from Saturday, June 8 through Saturday, June 15, 2013. Daily bag limit is two (2) adult salmonids but only one may be a Chinook. Only adipose fin-clipped fish may be kept. All sockeye must be released. All other permanent regulations apply.

(5) Select Area recreational fisheries.

(a) Effective Friday, March 1 through Saturday, June 15, 2013, on days when the mainstem Columbia River recreational fishery below Bonneville Dam is open to retention of Chinook, the salmonid bag limit in the Select Areas will be the same as mainstem Columbia River bag limits.

(b) Effective Friday, March 1 through Saturday, June 15, 2013, on days when the mainstem Columbia River recreational fishery below Bonneville Dam is closed to retention of Chinook, permanent salmonid bag regulations for the Select Areas apply.

(c) Effective January 1, 2013 use of barbless hooks is required when fishing for salmon, steelhead, and trout in the following areas:

(A) Youngs Bay/River from Highway 101 bridge upstream to markers at the confluence with Klaskanine River;

(B) Lewis and Clark River from confluence with Youngs Bay upstream to Alternate Highway 101 bridge;

(C) Walluski River from the confluence with Youngs Bay upstream to Highway 202 bridge;

(D) Gnat Creek from railroad bridge upstream to Aldrich Point Road;

(E) Knappa/Blind Slough select areas; and

(F) In the mainstem Columbia River from the mouth at Buoy 10 upstream to the Oregon/ Washington border.

(6) For the mainstem Columbia River salmon and steelhead fishery upstream of the Rocky Point-Tongue Point line to Oregon/Washington border from February 15 through June 15 it is unlawful when fishing from ves-

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sels which are less than 30 feet in length, substantiated by Coast Guard documentation or Marine Board registration, to totally remove from the water any salmon or steelhead required to be released.

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

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 11-2004, f. & cert. ef. 2-13-04; DFW 17-2004(Temp), f. & cert. ef. 3-10-04 thru 7-31-04; DFW 29-2004(Temp), f. 4-15-04, cert. ef. 4-22-04 thru 7-31-04; DFW 30-2004(Temp), f. 4-21-04, cert. ef. 4-22-04 thru 7-31-04; DFW 36-2004(Temp), f. 4-29-04, cert. ef. 5-1-04 thru 7-31-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 51-2004(Temp), f. 6-9-04, cert. ef. 6-16-04 thru 7-31-04; Administrative correction 8-19-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 35-2005(Temp), f. 5-4-05, cert. ef. 5-5-05 thru 10-16-05; DFW 38-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 44-2005(Temp), f. 5-17-05, cert. ef. 5-22-05 thru 10-16-05; DFW 51-2005(Temp), f. 6-3-05, cert. ef. 6-4-05 thru 7-31-05; Administrative correction 11-18-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 21-2006(Temp), f. 4-13-06, cert. ef. 4-14-06 thru 5-15-06; DFW 27-2006(Temp), f. 5-12-06, cert. ef. 5-13-06 thru 6-15-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 28-2007(Temp), f. & cert. ef. 4-26-07 thru 7-26-07; DFW 33-2007(Temp), f. 5-15-07, cert. ef. 5-16-07 thru 7-30-07; DFW 37-2007(Temp), f. & cert. ef. 5-31-07 thru 7-30-07; DFW 39-2007(Temp), f. 6-5-07, cert. ef. 6-6-07 thru 7-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 13-2008(Temp), f. 2-21-08, cert. ef. 2-25-08 thru 8-22-08; DFW 17-2008(Temp), f. & cert. ef. 2-27-08 thru 8-22-08; DFW 35-2008(Temp), f. 4-17-08, cert. ef. 4-21-08 thru 8-22-08; DFW 49-2008(Temp), f. & cert. ef. 5-13-08 thru 6-15-08; Administrative correction 7-22-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 10-2009(Temp), f. 2-13-09, cert. ef. 3-1-09 thru 6-15-09; DFW 18-2009, f. & cert. ef. 2-26-09; DFW 48-2009(Temp), f. 5-14-09, cert. ef. 5-15-09 thru 6-16-09; DFW 68-2009(Temp), f. 6-11-09, cert. ef. 6-12-09 thru 6-16-09; Administrative correction 7-21-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 19-2010(Temp), f. 2-26-10, cert. ef. 3-1-10 thru 8-27-10; DFW 23-2010(Temp), f. & cert. ef. 3-2-10 thru 8-27-10; DFW 45-2010(Temp), f. 4-21-10, cert. ef. 4-24-10 thru 7-31-10; DFW 49-2010(Temp), f. 4-27-10, cert. ef. 4-29-10 thru 7-31-10; DFW 55-2010(Temp), f. 5-7-10, cert. ef. 5-8-10 thru 7-31-10; Suspended by DFW 88-2010(Temp), f. 6-25-10, cert. ef. 6-26-10 thru 7-31-10; Administrative correction 8-18-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 13-2011(Temp), f. & cert. ef. 2-14-11 thru 6-15-11; DFW 28-2011(Temp), f. 4-7-11, cert. ef. 4-8-11 thru 6-15-11; DFW 30-2011(Temp), f. 4-15-11, cert. ef. 4-16-11 thru 6-15-11; DFW 33-2011(Temp), f. & cert. ef. 4-21-11 thru 6-15-11; DFW 39-2011(Temp), f. 5-5-11, cert. ef. 5-7-11 thru 6-15-11; DFW 48-2011(Temp), f. 5-13-11, cert. ef. 5-15-11 thru 6-15-11; DFW 55-2011(Temp), f. 5-25-11, cert. ef. 5-27-11 thru 6-15-11; DFW 59-2011(Temp), f. & cert. ef. 6-2-11 thru 6-15-11; Administrative correction 6-28-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 8-2012(Temp), f. 2-6-12, cert. ef. 2-15-12 thru 6-15-12; DFW 31-2012(Temp), f. 4-5-12, cert. ef. 4-6-12 thru 6-15-12; DFW 33-2012(Temp), f. 4-12-12, cert. ef. 4-14-12 thru 6-15-12; DFW 45-2012(Temp), f. 5-1-12, cert. ef. 5-2-12 thru 7-31-12; DFW 47-2012(Temp), f. 5-15-12, cert. ef. 5-16-12 thru 7-31-12; DFW 49-2012(Temp), f. 5-18-12, cert. ef. 5-19-12 thru 7-31-12; DFW 51-2012(Temp), f. 5-23-12, cert. ef. 5-26-12 thru 7-31-12; Suspended by DFW 85-2012(Temp), f. 7-6-12, cert. ef. 7-9-12 thru 8-31-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 12-2013(Temp), f. 2-12-13, cert. ef. 2-28-13 thru 7-31-13; DFW 26-2013(Temp), f. 4-4-13, cert. ef. 4-5-13 thru 7-1-13; DFW 38-2013(Temp), f. 5-22-13, cert. ef. 5-25-13 thru 7-1-13; DFW 49-2013(Temp), f. 6-7-13, cert. ef. 6-8-13 thru 6-30-13

Rule Caption: Oregon Ocean Commercial, Terminal Area, and Coastal Zone Sport Salmon Fisheries

Adm. Order No.: DFW 50-2013

Filed with Sec. of State: 6-10-2013

Certified to be Effective: 7-1-13

Notice Publication Date: 5-1-2013

Rules Amended: 635-013-0007, 635-013-0009, 635-014-0090, 635-016-0090

Rules Repealed: 635-014-0090(T), 635-016-0090(T)

Subject: Amended rules for sport and commercial fishing for coastal fall Chinook and coho salmon in Oregon ocean terminal areas, bays and rivers; in the Marine, Northwest and Southwest zones consistent with guidelines established by the Oregon Fish and Wildlife Commission and Pacific Fishery Management Council; and recent enacted Federal Regulation changes. Housekeeping and technical corrections to the regulations were made to ensure rule consistency.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-013-0007

Special South Coast Seasons

In addition to the open seasons prescribed in OAR 635-013-0005 there are open seasons for Chinook salmon as follows:

(1) Elk River Area.

(a) From November 1 through November 30 in all Pacific Ocean waters shoreward of a line drawn from Cape Blanco (42°50'20" N. Lat.) thence SW to Black Rock (42°49'24" N. Lat. 124°35'00" W. Long.), thence SSW to Best Rock (42°47'24" N. Lat. 124°35'42" W. Long.), thence SE to 42°40'30" N. Lat. 124°29'00" W. Long., thence to shore (Humbug Mountain);

(b) During the season described for the Elk River Area in section (1)(a) of this rule it is *unlawful* to take Chinook salmon less than 24 inches

in length. Two Chinook salmon per day of which no more than one non fin-clipped Chinook salmon per day and 10 non fin-clipped Chinook salmon in the seasonal aggregate when combined with waters of Floras Creek/New River, Sixes River and Elk River. It is *unlawful* to use multipoint or barbed hooks.

(2) Chetco River Area.

(a) From October 1-13 in an area south of the north shore of Twin Rocks (42°05'36" N. Lat.) to the Oregon/California border (42°00'00" N. Lat.) and seaward three nautical miles offshore.

(b) During the seasons described in section (2)(a) of this rule it is unlawful to take Chinook salmon less than 24 inches in length. No more than one Chinook salmon may be retained per day and no more than 5 fish may be retained during the October 1-13 season. It is *unlawful* to use multipoint or barbed hooks.

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

Stats. Implemented: ORS 496.162 & 506.129

Hist.: FWC 25-1982, f. & ef. 4-30-82; FWC 62-1983(Temp), f. & ef. 11-1-83; FWC 69-1984(Temp), f. & ef. 10-2-84; FWC 59-1985(Temp), f. & ef. 9-13-85; FWC 59-1986(Temp), f. & ef. 9-19-86; FWC 77-1986(Temp), f. & ef. 11-26-86; FWC 76-1987, f. & ef. 9-15-87; FWC 84-1988, f. & cert. ef. 9-9-88; FWC 83-1989, f. 8-31-89, cert. ef. 9-16-89; FWC 86-1990, f. 8-24-90, cert. ef. 9-1-90; FWC 42-1991, f. 4-29-91, cert. ef. 5-1-91; FWC 101-1992, f. 9-29-92, cert. ef. 10-1-92; FWC 114-1992(Temp), f. 10-26-92, cert. ef. 10-27-92; FWC 62-1993, f. & cert. ef. 10-1-93; FWC 56-1994, f. 8-30-94, cert. ef. 9-1-94; FWC 78-1994(Temp), f. 10-20-94, cert. ef. 10-21-94; FWC 81-1995, f. 9-29-95, cert. ef. 10-1-95; FWC 84-1995(Temp), f. 10-13-95, cert. ef. 10-16-95; FWC 86-1995(Temp), f. 10-20-95, cert. ef. 10-21-95; FWC 56-1996, f. 9-27-96, cert. ef. 10-1-96; FWC 30-1997, f. & cert. ef. 5-5-97; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 67-2008(Temp), f. 6-20-08, cert. ef. 8-1-08 thru 12-31-08; DFW 121-2008(Temp), f. & cert. ef. 10-2-08 thru 12-31-08; Administrative correction 1-23-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 87-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; Administrative correction 1-25-10; DFW 76-2010, f. 6-8-10, cert. ef. 8-1-10; DFW 83-2011, f. 6-30-11, cert. ef. 7-1-11; DFW 151-2011(Temp), f. 10-27-11, cert. ef. 11-1-11 thru 11-30-11; Administrative correction, 12-27-11; DFW 62-2012, f. 6-12-12, cert. ef. 7-1-12; DFW 50-2013, f. 6-10-13, cert. ef. 7-1-13

635-013-0009

Tillamook Terminal Area Ocean Fishery

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: FWC 45-1983(Temp), f. & ef. 9-16-84; FWC 57-1984(Temp), f. & ef. 9-15-84; FWC 64-1984(Temp), f. & ef. 9-21-84; FWC 59-1985(Temp), f. & ef. 9-13-85; FWC 59-1986(Temp), f. & ef. 9-19-86; FWC 76-1987, f. & ef. 9-15-87; FWC 84-1988, f. & cert. ef. 9-9-88; FWC 83-1989, f. 8-31-89, cert. ef. 9-16-89; FWC 86-1990, f. 8-24-90, cert. ef. 9-1-90; FWC 42-1991, f. 4-29-91, cert. ef. 5-1-91; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 19-1997(Temp), f. 3-17-97, cert. ef. 4-15-97; FWC 30-1997, f. & cert. ef. 5-5-97; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 18-2003(Temp), f. 2-28-03, cert. ef. 3-1-03 thru 4-30-03; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 25-2008(Temp), f. 3-13-08, cert. ef. 3-15-08 thru 9-10-08; DFW 67-2008(Temp), f. 6-20-08, cert. ef. 8-1-08 thru 12-31-08; Administrative correction 1-23-09; DFW 27-2009(Temp), f. 3-11-09, cert. ef. 3-15-09 thru 9-10-09; DFW 87-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; Administrative correction 1-25-10; DFW 33-2010(Temp), f. 3-12-10, cert. ef. 3-15-10 thru 9-10-10; DFW 76-2010, f. 6-8-10, cert. ef. 8-1-10; DFW 83-2011, f. 6-30-11, cert. ef. 7-1-11; DFW 132-2011(Temp), f. 9-20-11, cert. ef. 10-1-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 50-2013, f. 6-10-13, cert. ef. 7-1-13

635-014-0090

Inclusions and Modifications

(1) The 2013 Oregon Sport Fishing Regulations provide requirements for the Northwest Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the 2013 Oregon Sport Fishing Regulations pamphlet.

(2) Notwithstanding all other requirements provided in the 2013 Oregon Sport Fishing Regulations pamphlet, the following additional rules apply to adult salmon angling in waters of the Northwest Zone:

(a) All waters of the Necanicum River Basin, Nehalem River Basin (including North Fork), Tillamook Bay Basin, (including the Miami, Kilchis, Wilson, Trask, and Tillamook rivers), and the Nestucca River Basin (including the Little Nestucca and Three Rivers) Salmon River, Siletz River (including Drift Creek), and Yaquina River that are open for Chinook salmon are limited to no more than 2 adult non fin-clipped Chinook salmon per day, and 10 adult non fin-clipped Chinook salmon in the seasonal aggregate when combined with all other waters in the Northwest Zone with a 10 adult non fin-clipped Chinook salmon seasonal aggregate limit. Seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between August 1 and December 31 except in the Nehalem Basin where the seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between July 1 and December 31.

(b) Within the Nehalem River Basin (including the North Fork) the following additional rules apply:

(A) Mainstem closed to all salmon angling upstream of Foss Road (CC) Bridge (RM 15.5) July 1 through December 31.

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(B) Nehalem Bay tidewater from the jetty tips upstream to Miami-Foley Bridge on South Fork and North Fork Road Bridge on the North Fork is open for non adipose fin-clipped coho salmon from September 15 through the earlier of November 30 or attainment of an adult coho salmon quota of 700 non adipose fin-clipped coho salmon.

(C) The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon per day, and no more than one total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone with a one adult non adipose fin-clipped coho salmon seasonal aggregate limit (Nestucca River and Tillamook Bay Basin).

(c) Within the Tillamook Bay Basin the following additional rules apply:

(A) Tillamook Bay tidewater from the jetty tips upstream to Highway 101 Bridge on Miami, Kilchis, Wilson, and Trask rivers and Burton Bridge on Tillamook River is open on Fridays and Saturdays only for non adipose fin-clipped coho salmon from September 20 through the earlier of November 30 or attainment of an adult coho salmon quota of 500 non adipose fin-clipped coho salmon.

(B) The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon per day, and no more than one total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone with a one adult non adipose fin-clipped coho salmon seasonal aggregate limit (Nestucca River and Nehalem River Basin).

(d) Within the Nestucca River Basin (including the Little Nestucca River and Three Rivers) the following rules apply:

(A) Mainstem Nestucca River upstream of First Bridge (RM 15.8) near Beaver closed to all salmon angling August 1 through December 31.

(B) Nestucca Bay tidewater (excluding Little Nestucca tidewater) from the bay mouth upstream to the Cloverdale Bridge (RM 7.1) is open on Sundays and Mondays only for non adipose fin-clipped coho salmon from September 15 through the earlier of November 25 or attainment of an adult coho salmon quota of 200 non adipose fin-clipped coho salmon.

(C) The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon per day, and no more than one total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone with a one adult non adipose fin-clipped coho salmon seasonal aggregate limit (Nehalem River and Tillamook Bay Basin).

(e) Within the Siletz River Basin the following additional rules apply:

(A) Mainstem and tributaries above an ODFW marker sign approximately 1,200 feet upstream of Ojalla Bridge (RM 31) closed to Chinook August 1-December 31; Drift Creek (Siletz River Basin) upstream of the confluence with Quarry Creek at RM 8 is closed for Chinook salmon from August 1 through December 31;

(B) Siletz River and Bay upstream to an ODFW marker sign approximately 1,200 feet upstream of Ojalla Bridge (RM 31) is open for non adipose fin-clipped coho salmon from September 15 through November 30; and

(C) The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Yaquina River, Alsea River, Siuslaw River, Umpqua River, Beaver Creek (Ona Beach), Floras Creek/New River, Coos River, and Coquille River).

(f) Within the Yaquina River Basin the following additional rules apply:

(A) All waters of the Yaquina River upstream of the confluence of the Yaquina River and Big Elk Creek at RM 18.3 and all waters of Big Elk Creek (Yaquina River Basin) are closed for Chinook salmon from August 1 through December 31;

(B) The Yaquina River and Bay upstream to the confluence of the Yaquina River and Big Elk Creek are open for non adipose fin-clipped coho salmon from September 15 through November 30; and

(C) The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon per day, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Siletz River, Alsea River, Siuslaw River, Umpqua River, Beaver Creek (Ona Beach), Floras Creek/New River, Coos River, and Coquille River).

(g) Within the Alsea River Basin the following additional rules apply:

(A) All waters of Drift Creek (Alsea River Basin) within the Drift Creek Wilderness Area and upstream are closed for Chinook salmon from August 1 through December 31;

(B) All waters of Five Rivers are closed for Chinook salmon from August 1 through December 31.

(C) The Alsea River and Bay upstream to the USFS River Edge Boat Landing are open for non adipose fin-clipped coho salmon from September 15 through November 30; and

(D) The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Siletz River, Yaquina River, Siuslaw River, Umpqua River, Beaver Creek (Ona Beach), Floras Creek/New River, Coos River, and Coquille River).

(h) Within the Siuslaw River Basin the following additional rules apply:

(A) All waters of the Siuslaw River upstream of the confluence with Lake Creek at RM 30.0 are closed for Chinook salmon from August 1 through December 31;

(B) All waters of Lake Creek are closed for Chinook salmon August 1 through October 15 and all waters of Lake Creek upstream from the mouth of Indian Creek (RM 2.5) and downstream of Fish Creek (RM 17) are closed for angling for Chinook salmon the entire year and closed to all angling from September 1 through November 30;

(C) The Siuslaw River and Bay upstream to the confluence of the Siuslaw River with Lake Creek is open for non adipose fin-clipped coho salmon from September 15 through November 30; and

(D) Lake Creek upstream to the mouth of Indian Creek (RM 2.5) is open to non adipose fin-clipped coho salmon from October 16 through November 30;

(E) The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon per day, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Yaquina River, Alsea River, Siletz River, Umpqua River, Beaver Creek (Ona Beach), Floras Creek/New River, Coos River, and Coquille River).

(i) Beaver Creek (at Ona Beach between Newport and Waldport) from footbridge west of Highway 101 upstream to the confluence of South Fork Beaver Creek (Ona Beach) open on Saturdays and Sundays ONLY for non adipose fin-clipped coho salmon from November 1-30 or until attainment of an adult coho quota of 150 fish. The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon per day, and no more than 2 non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Siletz River, Yaquina River, Alsea River, Siuslaw River, Umpqua River, Floras Creek/New River, Coos River, and Coquille River).

(3) Effective January 1, 2013, the use of barbless hooks is required when angling for salmon, steelhead, or trout in the following areas:

(a) Within the Youngs Bay Select Area (Clatsop County) from the Highway 101 Bridge upstream to markers at the confluence of the Youngs and Klaskanine rivers including the lower Lewis and Clark River upstream to the Alternate Highway 101 Bridge, and the lower Walluski River upstream to the Highway 202 Bridge.

(b) In Gnat Creek (Clatsop County) from the railroad bridge upstream to the Aldrich Point Road Bridge.

(4) Effective January 1, 2013, the annual bag limit for white sturgeon is one (1) fish. Effective April 1, 2013, the annual bag and possession limit for white sturgeon is two (2) fish. Catch-and-release angling for white sturgeon is allowed year-round. Effective January 1, 2014, all waters within the Northwest Zone are closed to the retention of white sturgeon and catch-and-release angling is allowed year-round.

Stat. Auth.: ORS 496.138, 496.146, 497.121 & 506.129

Stats. Implemented: ORS 496.004, 496.009, 496.162 & 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 21-1994(Temp), f. 4-22-94, cert. ef. 4-25-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 28-1995(Temp), f. 3-31-95, cert. ef. 5-1-95; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 39-1995, f. 5-10-95, cert. ef. 5-12-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 19-1996, f. & cert. ef. 5-16-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 29-1996, f. & cert. ef. 5-31-96; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 55-1996(Temp), f. 9-25-96, cert. ef. 10-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 73-1996(Temp), f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert.

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ef. 2-4-97; FWC 30-1997, f. & cert. ef. 5-5-97; FWC 58-1997, f. 9-8-97, cert. ef. 10-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 12-1998(Temp), f. & cert. ef. 2-24-98 thru 4-24-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 69-1998, f. 8-28-98, cert. ef. 9-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 36-1999, f. & cert. ef. 5-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 81-2001, f. & cert. ef. 8-29-01; DFW 85-2001(Temp), f. & cert. ef. 8-30-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp), f. 1-11-02 cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 118-2002(Temp), f. 10-22-02, cert. ef. 12-1-02 thru 3-31-03; DFW 120-2002(Temp), f. 10-24-02, cert. ef. 10-26-02 thru 3-31-03; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 18-2003(Temp), f. 2-28-03, cert. ef. 3-1-03 thru 4-30-03; DFW 38-2003(Temp), f. 5-7-03, cert. ef. 5-10-03 thru 10-31-03; DFW 51-2003(Temp), f. & cert. ef. 6-13-03 thru 10-31-03; DFW 90-2003(Temp), f. 9-12-03 cert. ef. 9-13-03 thru 12-31-03; DFW 108-2003(Temp), f. 10-28-03, cert. ef. 12-1-03 thru 3-31-04; DFW 123-2003(Temp), f. 12-10-03, cert. ef. 12-11-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 126-2003(Temp), f. 12-11-03, cert. ef. 1-1-04 thru 3-31-04; DFW 60-2004(Temp), f. 6-29-04, cert. ef. 7-1-04 thru 7-15-04; DFW 90-2004(Temp), f. 8-30-04, cert. ef. 10-1-04 thru 12-31-04; DFW 103-2004(Temp), f. & cert. ef. 10-4-04 thru 12-31-04; DFW 108-2004(Temp), f. & cert. ef. 10-18-04 thru 12-31-04; DFW 111-2004(Temp), f. 11-16-04, cert. ef. 11-20-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 62-2005(Temp), f. 6-29-05, cert. ef. 7-1-05 thru 7-10-05; Administrative correction 7-20-05; DFW 105-2005(Temp), f. 9-12-05, cert. ef. 10-1-05 thru 12-15-05; DFW 127-2005(Temp), f. & cert. ef. 11-23-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 53-2006(Temp), f. 6-29-06, cert. ef. 7-1-06 thru 7-9-06; Administrative correction 7-20-06; DFW 64-2006(Temp), f. 7-17-06, cert. ef. 8-1-06 thru 12-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 104-2006(Temp), f. 9-19-06, cert. ef. 10-1-06 thru 12-31-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 63-2007(Temp), f. 8-6-07, cert. ef. 8-11-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 25-2008(Temp), f. 3-13-08, cert. ef. 3-15-08 thru 9-10-08; DFW 67-2008(Temp), f. 6-20-08, cert. ef. 8-1-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 43-2009(Temp), f. 5-5-09, cert. ef. 5-22-09 thru 10-31-09; DFW 67-2009(Temp), f. 6-9-09, cert. ef. 6-15-09 thru 10-31-09; DFW 87-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 99-2009(Temp), f. 8-26-09, cert. ef. 9-1-09 thru 12-31-09; DFW 115-2009(Temp), f. & cert. ef. 9-22-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 44-2010(Temp), f. 4-20-10, cert. ef. 4-21-10 thru 9-30-10; DFW 73-2010(Temp), f. 5-27-10, cert. ef. 6-1-10 thru 9-30-10; DFW 76-2010, f. 6-8-10, cert. ef. 8-1-10; DFW 89-2010(Temp), f. 6-28-10, cert. ef. 7-1-10 thru 9-30-10; Administrative correction 10-26-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 57-2011(Temp), f. 5-27-11, cert. ef. 6-1-11 thru 6-30-11; DFW 83-2011, f. 6-30-11, cert. ef. 7-1-11; DFW 139-2011(Temp), f. 10-3-11, cert. ef. 10-6-11 thru 12-31-11; DFW 141-2011(Temp), f. 10-6-11, cert. ef. 10-10-11 thru 12-31-11; DFW 143-2011(Temp), f. 10-10-11, cert. ef. 10-11-11 thru 12-31-11; DFW 148-2011(Temp), f. 10-20-11, cert. ef. 10-21-11 thru 12-31-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 53-2012(Temp), f. 5-29-12, cert. ef. 6-1-12 thru 10-31-12; DFW 62-2012, f. 6-12-12, cert. ef. 7-1-12; DFW 63-2012(Temp), f. & cert. ef. 6-12-12 thru 10-31-12; DFW 71-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 11-30-12; DFW 130-2012(Temp), f. 10-10-12, cert. ef. 10-13-12 thru 12-31-12; DFW 135-2012(Temp), f. 10-22-12, cert. ef. 10-24-12 thru 12-31-12; DFW 139-2012(Temp), f. 10-30-12, cert. ef. 10-31-12 thru 12-31-12; DFW 152-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 23-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-27-13; DFW 43-2013(Temp), f. 5-29-13, cert. ef. 6-1-13 thru 10-31-13; DFW 50-2013, f. 6-10-13, cert. ef. 7-1-13

635-016-0090

Inclusions and Modifications

(1) The **2013 Oregon Sport Fishing Regulations** provide requirements for the Southwest Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2013 Oregon Sport Fishing Regulations**.

(2) Notwithstanding all other requirements provided in the **2013 Oregon Sport Fishing Regulations**, the following restrictions apply to angling in waters of the Southwest Zone:

(a) Within the Umpqua River Basin the following additional rules apply: Open for non adipose fin-clipped coho salmon in the Mainstem Umpqua River and Bay from the mouth to Scottsburg Bridge at RM 27.5 from September 15 through the earlier of November 30 or attainment of an adult coho quota of 3,000 non adipose fin-clipped coho. The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho per day, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Siletz River, Yaquina River, Alsea River, Siuslaw River, Beaver Creek (Ona Beach), Floras Creek/New River, Coos River, and Coquille River).

(b) Within the Coos River Basin the following additional rules apply:

(A) All waters of the South Fork Coos River upstream from the head of tidewater at Dellwood at RM 10.0 are closed for all salmon angling from August 1 through December 31 and closed for steelhead from August 1 through November 14; and

(B) Open for non adipose fin-clipped coho salmon upstream to the head of tide at Dellwood at RM 10.0 on the South Coos River and to the East Fork/West Fork Millicoma confluence from September 15 through November 30. The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho

salmon per day, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Siletz River, Umpqua River, Yaquina River, Alsea River, Siuslaw River, Beaver Creek (Ona Beach), Floras Creek/New River, and Coquille River).

(c) Within the Coquille River Basin the following additional rules apply: Open for non adipose fin-clipped coho salmon in Coquille River and Bay upstream to the Highway 42S bridge (Sturdivant Park) at RM 24.0 from September 15 through November 30. The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon per day, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit (Siletz River, Umpqua River, Yaquina River, Alsea River, Siuslaw River, Beaver Creek (Ona Beach), Floras Creek/New River, and Coos River).

(d) Within the Tenmile Lakes Basin the following additional rules apply: North and South Tenmile Lakes (Coos County) upstream from Hilltop Bridge are open for non adipose fin-clipped coho salmon from October 1 through December 31. The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon, and no more than 5 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone. Only one rod per angler may be used while angling for coho. Streams that empty into North and South Tenmile Lakes are not open to coho salmon angling, nor is the canal that connects North and South Tenmile Lakes.

(e) Within the Floras Creek/New River Basin the following additional rules apply:

(A) All waters of Floras Creek/New River Basin that are open for Chinook salmon are limited to no more than one adult non fin-clipped Chinook salmon per day and 10 adult non fin-clipped Chinook salmon in the seasonal aggregate when combined with waters of the Sixes River, Elk River, and Elk River Ocean Terminal Area. Seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between August 1 and December 31; and

(B) Floras Creek/New River from the Bureau of Land Management boat ramp at Storm Ranch upstream to the confluence with the Floras Lake outlet open on Fridays, Saturdays, and Sundays ONLY for non adipose fin-clipped coho salmon from November 1-30 or until attainment of an adult coho quota of 200 fish. The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon, and no more than 2 non adipose fin-clipped salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho season aggregate limit (Siletz River, Yaquina River, Beaver Creek (Ona Beach), Alsea River, Siuslaw River, Umpqua River, Coos River, and Coquille River).

(f) Within the Sixes River Basin the following additional rules apply: All waters of the Sixes River Basin that are open for Chinook salmon are limited to no more than 1 adult non fin-clipped Chinook salmon per day and 10 adult non fin-clipped Chinook salmon in the seasonal aggregate when combined with waters of Floras Creek/New River, Elk River and Elk River Ocean Terminal Area. Seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between August 1 and December 31.

(g) Within the Elk River Basin the following additional rules apply: All waters of the Elk River Basin that are open for Chinook salmon are limited to no more than 1 adult non fin-clipped Chinook salmon per day and 10 adult non fin-clipped Chinook salmon in the seasonal aggregate when combined with waters of Floras Creek/New River, Sixes River and Elk River Ocean Terminal Area. Seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between August 1 and December 31.

(h) All waters of the Chetco River mainstem upstream of the power-line crossing at RM 2.2 are closed to angling from August 1 through November 1.

(i) All waters of the Winchuck River mainstem, including tidewater, are closed to angling from August 1 through November 1.

(3) Effective April 1, 2013, the annual bag and possession limit for white sturgeon is two (2) fish and catch-and-release angling for white sturgeon is allowed year-round. Effective January 1, 2014, all waters within the Southwest Zone are closed to the retention of white sturgeon and catch-and-release angling is allowed year-round.

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

Stat. Auth.: ORS 496.138 & 496.146

Stats. Implemented: ORS 496.162

Hist.: FWC 80-1993(Temp), f. 12-21-93, cert. ef. 1-1-94; FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 79-1994(Temp), f. 10-21-94, cert.

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ef. 7-22-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 57-1995(Temp), f. 7-3-95, cert. ef. 7-4-95; FWC 59-1995(Temp), f. 7-24-95, cert. ef. 8-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 82-1995(Temp), f. 9-29-95, cert. ef. 10-1-95; FWC 90-1995(Temp), f. 11-29-95, cert. ef. 1-1-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 52-1996, f. & cert. ef. 9-11-96; FWC 61-1996, f. & cert. ef. 10-9-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 73-1996(Temp), f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 17-1997(Temp), f. 3-19-97, cert. ef. 4-1-97; FWC 32-1997(Temp), f. & cert. ef. 5-23-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 24-1998(Temp), f. & cert. ef. 3-25-98 thru 9-15-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 52-1998(Temp), f. 7-10-98, cert. ef. 7-11-98 thru 7-24-98; DFW 55-1998(Temp), f. & cert. ef. 7-24-98 thru 12-31-98; DFW 70-1998, f. & cert. ef. 8-28-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 36-1999, f. & cert. ef. 5-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 48-2000(Temp), f. 8-14-00, cert. ef. 8-15-00 thru 12-31-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 8-2001, f. & cert. ef. 3-5-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 42-2001(Temp), f. 5-25-01, cert. ef. 5-29-01 thru 7-31-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 97-2001(Temp), f. 10-4-01, cert. ef. 11-1-01 thru 12-31-01; DFW 105-2001(Temp), f. 10-26-01, cert. ef. 11-1-01 thru 12-31-01; DFW 122-2001(Temp), f. & cert. ef. 12-31-01 thru 5-31-02; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp), f. 1-11-02, cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 55-2002(Temp), f. 5-28-02, cert. ef. 7-1-02 thru 11-31-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 124-2002(Temp), f. & cert. ef. 10-30-02 thru 12-31-02 (Suspended by DFW 125-2002(Temp), f. 11-8-02, cert. ef. 11-9-2002); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 90-2003(Temp), f. 9-12-03, cert. ef. 9-13-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 127-2004, f. 12-22-04, cert. ef. 1-1-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 24-2006(Temp), f. 4-25-06, cert. ef. 5-13-06 thru 10-31-06; DFW 37-2006(Temp), f. 6-2-06, cert. ef. 6-5-06 thru 12-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 47-2007(Temp), f. 6-18-07, cert. ef. 6-21-07 thru 10-31-07; DFW 56-2007(Temp), 7-6-07, cert. ef. 8-1-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 137-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 54-2008(Temp), f. 5-28-08, cert. ef. 6-1-08 thru 7-31-08; DFW 67-2008(Temp), f. 6-20-08, cert. ef. 8-1-08 thru 12-31-08; DFW 138-2008(Temp), f. 10-28-08, cert. ef. 11-1-08 thru 11-30-08; DFW 140-2008(Temp), f. 11-4-08, cert. ef. 11-5-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 57-2009(Temp), f. 5-27-09, cert. ef. 6-1-09 thru 7-31-09; DFW 77-2009(Temp), f. 6-29-09, cert. ef. 7-1-09 thru 7-31-09; DFW 87-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 113-2009(Temp), f. & cert. ef. 9-18-09 thru 12-31-09; DFW 141-2009(Temp), f. 11-4-09, cert. ef. 11-7-09 thru 12-21-09; DFW 143-2009(Temp), f. 11-17-09, cert. ef. 11-19-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 65-2010(Temp), f. 5-18-10, cert. ef. 5-22-10 thru 5-31-10; DFW 76-2010, f. 6-8-10, cert. ef. 8-1-10; DFW 143-2010(Temp), f. 10-8-10, cert. ef. 10-10-10 thru 12-31-10; DFW 152-2010(Temp), f. 10-27-10, cert. ef. 10-30-10 thru 12-31-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 31-2011(Temp), f. 4-18-11, cert. ef. 5-1-11 thru 10-27-11; DFW 83-2011, f. 6-30-11, cert. ef. 7-1-11; DFW 137-2011(Temp), 9-30-11, cert. ef. 10-1-11 thru 12-31-11; DFW 145-2011(Temp), f. 10-11-11, cert. ef. 10-12-11 thru 12-31-11; DFW 149-2011(Temp), f. 10-20-11, cert. ef. 10-22-11 thru 12-31-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 62-2012, f. 6-12-12, cert. ef. 7-1-12; DFW 138-2012(Temp), f. 10-29-12, cert. ef. 10-31-12 thru 12-31-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 155-2012(Temp), f. 12-28-12, cert. ef. 1-1-13 thru 6-29-13; DFW 23-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-27-13; DFW 50-2013, f. 6-10-13, cert. ef. 7-1-13

Rule Caption: Amend Rules Relating to Habitat Conservation Stamp Retention

Adm. Order No.: DFW 51-2013

Filed with Sec. of State: 6-10-2013

Certified to be Effective: 6-10-13

Notice Publication Date: 5-1-2013

Rules Amended: 635-095-0125

Rules Repealed: 635-095-0125(T)

Subject: Amend rules to allow retention of the Habitat Conservation stamps that correspond with the prints signed by the artist and the Governor.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-095-0125

Other Provisions

(1) The fee for the habitat conservation stamp is \$38.00 (plus \$2.00 agent fee) and includes a free annual ODFW Wildlife Area Parking Permit.

(2) Sale of habitat conservation stamps by the Department shall end at the close of business on December 31, of the respective year. Stamps with numbers corresponding with the prints signed by the artist and the Governor will be retained. These stamps will only be distributed with the sale of the corresponding print. Excess stamps shall be shredded after auditing of sales takes place.

(3) The Department shall award three thousand dollars (\$3,000) to the artist whose entry is selected for the habitat conservation stamp.

(4) The winning entry shall become the exclusive property of the Department.

(5) The Department shall retain all reproduction rights and may review proposals for limited edition prints, posters, or other related art products.

(6) The artist shall sign, at no charge, up to two hundred fifty (250) habitat conservation prints for sale by the Department.

Stat. Auth.: ORS 496.012, 496.138, HB 2127 (2011) (2011 OL Ch. 50)

Stats. Implemented: ORS 496, HB 2127 (2011) (2011 OL Ch. 50)

Hist.: DFW 13-2012, f. & cert. ef. 2-10-12; DFW 57-2012, f. & cert. ef. 6-11-12; DFW 156-2012(Temp), f. & cert. ef. 12-31-12 thru 6-28-13; DFW 51-2013, f. & cert. ef. 6-10-13

Rule Caption: Modify 2012–2014 Furbearer Trapping and Hunting Regulations

Adm. Order No.: DFW 52-2013

Filed with Sec. of State: 6-10-2013

Certified to be Effective: 6-10-13

Notice Publication Date: 5-1-2013

Rules Amended: 635-050-0050

Subject: Amend rule to clarify definitions for Furbearing and Unprotected Mammal Regulations

Rules Coordinator: Therese Kucera—(503) 947-6033

635-050-0050

Definitions

(1) “Western Oregon” means all counties west of the summit of the Cascade range except Klamath and Hood River Counties.

(2) “Eastern Oregon” means all counties east of the summit of the Cascade range, including all of Klamath and Hood River Counties.

(3) “Raw pelt” means any pelt that has not been processed or converted to any usable form beyond initial cleaning, stretching, and drying.

(4) “Resident” means any person who has resided in Oregon for a period of at least six months immediately prior to the date of making application for a license or tag. Members of the armed forces assigned to permanent duty status in Oregon, including spouses and dependent children, and alien students attending school in Oregon under a foreign student exchange program may purchase a resident license and tags. All other persons are nonresidents.

(5) “River” means that portion of a natural water body lying below the level of bankfull stage. Bankfull stage means the stage or elevation at which overflow of the natural banks of a stream or body of water begins to inundate the upland.

(6) “Sight bait” means exposed flesh bait, including whole animal carcasses, within 15 feet of any foothold trap set for carnivores.

(7) “Furbearers or furbearing mammals” means beaver, bobcat, fisher, marten, mink, muskrat, river otter, raccoon, red fox, and gray fox. For any person owning, leasing, occupying, possessing or having charge of or dominion over any land (or an agent of this person) who is taking or attempting to take beaver or muskrat on that property, these two species are considered to be predatory animals.

(8) “Predatory animals” means coyotes, rabbits and rodents which are or may be destructive to agricultural crops, products and activities.

(9) “Unprotected mammals” means, for the purposes of OAR 635-050-0015 through 635-050-0210, badger, coyote, gophers (*Thomomys botae*, *T. bulbivorus*, *T. mazama*, *T. talpoides* and *T. townsendii*), moles (*Scapanus townsendii*, *S. orarius* and *S. latimanus*), mountain beaver (*Apolodontia rufa*), yellowbellied marmots (*Marmota flaviventris*), nutria, opossum, porcupine, spotted skunk, striped skunk, and weasel. For any person owning, leasing, occupying, possessing or having charge of or dominion over any land (or an agent of this person) who is taking or attempting to take coyote, gopher, mountain beaver (boomer), marmot, nutria, or porcupine on that property, these six species are considered to be predatory animals.

(10) “Public trail” is any trail designated, maintained, mapped and marked by any state or federal land management agency on the most current official map of the agency; for the purposes of trapping, water way, water trails designated for floating craft and public roadways are not considered a “public trail”.

(11) “Trailhead”, for the purposes of trapping, is the area beginning at the sign marking the origin of a public trail or segment of trail which is designated, maintained, mapped, and marked by at least one visible sign and includes any adjacent improved graveled or paved vehicle parking lot. The standard shoulder of the road is not considered part of the trailhead. Trailheads are marked by at least one visible sign posted by the responsible state or federal land management agency and identified on the most current official map of the agency. A trailhead does not include junctions between trails (posted or not) where there is no motorized vehicle access, or intersections where a trail crosses a road, or locations where users have developed an access point, but no improvements have been provided beyond minimal signage for public safety.

(12) “Water set” is any trap or snare originally set within a permanent water source or a seasonal water source when water is present, such that at least a portion of the trap jaws or snare loop is submerged. If water levels

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fluctuate, any killing trap with a jaw spread of 9” or more originally set in a water set must be removed or adjusted such that at least a portion of the trap jaws or snare loop is submerged at the next required trap-check except in tidally influenced areas when set below the mean high water mark.

(13) “Land set” is any set with a trap or snare other than a water set.
Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 140, f. & cert. ef. 8-29-77; FWC 44-1978, f. & cert. ef. 9-1-78; FWC 37-1979, f. & cert. ef. 8-29-79; FWC 35-1980, f. & cert. ef. 7-2-80; FWC 47-1980, f. & cert. ef. 9-17-80; FWC 21-1981, f. & cert. ef. 6-29-81, Renumbered from 635-050-0010; FWC 43-1982, f. & cert. ef. 7-9-82; FWC 45-1982, f. & cert. ef. 7-12-82; FWC 27-1983, f. & cert. ef. 7-8-83; FWC 58-1983, f. & cert. ef. 10-19-83; FWC 52-1984, f. & cert. ef. 9-5-84; FWC 44-1985, f. & cert. ef. 8-22-85; FWC 79-1988, f. & cert. ef. 9-2-88; FWC 59-1989, f. & cert. ef. 8-15-89; FWC 70-1990, f. & cert. ef. 7-25-90; FWC 49-1994, f. & cert. ef. 8-12-94; FWC 46-1997, f. & cert. ef. 8-13-97; DFW 82-2010, f. & cert. ef. 6-15-10; DFW 56-2012, f. & cert. ef. 6-11-12; DFW 52-2013, f. & cert. ef. 6-10-13

Rule Caption: 2014 Annual Changes to Game Mammal Hunting Regulations Plus 2013 Controlled Hunt Tag Numbers

Adm. Order No.: DFW 53-2013

Filed with Sec. of State: 6-10-2013

Certified to be Effective: 6-10-13

Notice Publication Date: 5-1-2013

Rules Amended: 635-043-0051, 635-067-0000, 635-068-0000, 635-069-0000, 635-070-0000, 635-071-0000, 635-073-0000, 635-075-0005

Rules Repealed: 635-075-0005(T)

Subject: Establish 2013 controlled hunt tag numbers and/or season regulations for the hunting of pronghorn antelope, bighorn sheep, Rocky Mountain goat, deer and elk.

Propose 2014 hunting regulations for game mammals, including season dates, bag limits, open areas, location of cooperative travel management areas, and controlled hunting regulations. Propose quotas for 2014 cougar seasons and spring bear limited, first-come first-serve and controlled hunt tag numbers for 2014. These proposals will be presented in principle to the Oregon Fish and Wildlife Commission in June 2013 and again for adoption in October 2013.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-043-0051

Authority to Take or Harass Wildlife

(1) In accordance with ORS 496.012, 496.162, 497.298, 498.002, and 498.006, Department staff or their agents, and sworn law enforcement officers, may take or harass wildlife in the times, places and manners necessary for:

- Scientific purposes pursuant to Department programs;
- Protection against a threat to human safety;
- Protection of land or property from damage;
- Wildlife management purposes pursuant to Department programs;
- Education and display purposes;
- Rehabilitation of sick, injured or orphaned wildlife; and
- Law enforcement activities.

(2) Harassment means acts that frighten or chase but do not kill wildlife.

(3) ORS 498.126(1) provides that a person may not hunt game mammals or game birds from or with the aid of an aircraft, nor transmit from an aircraft to a person not in the aircraft information regarding the location of any game mammals or game birds. ORS 498.126(4) provides an exception for the Department of Fish and Wildlife, and its agents, when conducting wildlife management activities necessary for scientific research or, in emergency situations, protecting human safety, wildlife species or property. ORS 498.126(4)(b) requires definition of “emergency situation” and “necessary” by rule.

(a) “Emergency situation” means that the Department has determined that prompt action is required to implement a provision of a species management plan or administrative rule adopted by the Fish and Wildlife Commission.

(b) “Necessary” means that the Department has determined that the use of aircraft in a particular instance is the most efficient method of implementing a provision of a species management plan or administrative rule adopted by the Fish and Wildlife Commission.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: DFW 47-2001, f. & cert. ef. 6-13-01; DFW 12-2002, f. & cert. ef. 2-12-02; DFW 75-2010(Temp), f. & cert. ef. 6-2-10 thru 11-28-10; DFW 98-2010(Temp), f. & cert. ef. 7-9-10 thru 1-3-11; Administrative correction 1-25-11; DFW 36-2011, f. & cert. ef. 5-4-11; DFW 61-2011, f. & cert. ef. 6-3-11; DFW 165-2011(Temp), f. & cert. ef. 12-30-11 thru 6-26-12; Administrative correction, 8-1-12; DFW 53-2013, f. & cert. ef. 6-10-13

635-067-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods, and other restrictions for hunting pronghorn antelope, cougar, bighorn sheep, and Rocky Mountain goat pursuant to ORS Chapter 496.

(2) OAR chapter 635, division 067 incorporates, by reference, the requirements for hunting pronghorn antelope, cougar, bighorn sheep, and Rocky Mountain goat set out in the document entitled “2013 Oregon Big Game Regulations,” into Oregon Administrative Rules. Therefore, persons must consult the “2013 Oregon Big Game Regulations” in addition to OAR chapter 635, to determine all applicable requirements for hunting pronghorn antelope, cougar, bighorn sheep, and Rocky Mountain goat. The annual Oregon Big Game Regulations are available at authorized license agents and regional, district and headquarters offices and website of the Oregon Department of Fish and Wildlife.

(3) Controlled hunt tags shall be issued by a controlled hunt drawing following the procedures established in OAR chapter 635, division 060. Permitted weapons and ammunition are established in OAR chapter 635, division 065. Controlled hunt tag numbers for 2013 are listed in Tables 1, 2, and 3 and are adopted and incorporated into OAR chapter 635, division 067 by reference.

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

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

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

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

Hist.: FWC 65-1989, f. & cert. ef. 8-15-89; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. & cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. & cert. ef. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. & cert. ef. 12-24-01, cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 118-2003, f. & cert. ef. 12-4-03, cert. ef. 1-1-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 122-2004, f. & cert. ef. 12-21-04, cert. ef. 1-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 128-2005, f. & cert. ef. 12-1-05, cert. ef. 1-1-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 127-2006, f. & cert. ef. 12-7-06, cert. ef. 1-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 118-2007, f. & cert. ef. 10-31-07, cert. ef. 1-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 150-2008, f. & cert. ef. 12-18-08, cert. ef. 1-1-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 140-2009, f. & cert. ef. 11-3-09, cert. ef. 1-1-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 85-2010(Temp), f. & cert. ef. 6-21-10 thru 12-17-10; DFW 168-2010, f. & cert. ef. 12-29-10, cert. ef. 1-1-11; DFW 62-2011, f. & cert. ef. 6-3-11; DFW 159-2011, f. & cert. ef. 12-14-11, cert. ef. 1-1-12; DFW 58-2012, f. & cert. ef. 6-11-12; DFW 147-2012, f. & cert. ef. 12-18-12, cert. ef. 1-1-13; DFW 53-2013, f. & cert. ef. 6-10-13

635-068-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods and other restrictions for hunting western Oregon deer pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2013 are listed in Tables 1 and 2 and are adopted and incorporated into OAR chapter 635, division 068 by reference.

(3) OAR chapter 635, division 068 incorporates, by reference, the requirements for hunting western Oregon deer set out in the document entitled “2013 Oregon Big Game Regulations,” into Oregon Administrative Rules. Therefore, persons must consult the “2013 Oregon Big Game Regulations” in addition to OAR chapter 635, to determine all applicable requirements for hunting western Oregon deer. The annual Oregon Big Game Regulations are available at authorized license agents and regional, district, and headquarters offices of the Oregon Department of Fish and Wildlife.

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

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

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

Hist.: FWC 39-1988, f. & cert. ef. 6-13-88; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. & cert. ef. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. & cert. ef. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. & cert. ef. 12-24-01, cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 3-2003, f. & cert. ef. 1-17-03, cert. ef. 1-20-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 121-2003, f. & cert. ef. 12-4-03, cert. ef. 1-19-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 124-2004, f. & cert. ef. 12-21-04, cert. ef. 3-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 131-2005, f. & cert. ef. 12-1-05, cert. ef. 3-1-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 125-2006, f. & cert. ef. 12-4-06, cert. ef. 3-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 116-2007, f. & cert. ef. 10-31-07, cert. ef. 3-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 13-2009, f. & cert. ef. 2-19-09, cert. ef. 3-1-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 14-2010, f. & cert. ef. 2-16-10, cert. ef. 3-1-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 14-2011, f. & cert. ef. 2-15-11, cert. ef. 3-1-11; DFW 62-2011, f. & cert. ef. 6-3-11; DFW 15-2012, f. & cert. ef. 2-10-12, cert. ef. 3-1-12; DFW 58-2012, f. & cert. ef. 6-11-12; DFW 14-2013, f. & cert. ef. 2-15-13, cert. ef. 3-1-13; DFW 53-2013, f. & cert. ef. 6-10-13

ADMINISTRATIVE RULES

635-069-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods and other restrictions for hunting eastern Oregon deer pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2013 are listed in Tables 1 and 2 and are adopted and incorporated into OAR Chapter 635, Division 069 by reference.

(3) OAR Chapter 635, Division 069 incorporates, by reference, the requirements for hunting eastern Oregon deer set out in the document entitled "2013 Oregon Big Game Regulations," into Oregon Administrative Rules. Therefore, persons must consult the "2013 Oregon Big Game Regulations" in addition to OAR Chapter 635, to determine all applicable requirements for hunting eastern Oregon deer. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district and headquarters offices and website of the Oregon Department of Fish and Wildlife.

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

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

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

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

Hist.: FWC 40-1988, f. & cert. ef. 6-13-88; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. & cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. & cert. ef. 1-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. & cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 7-2003, f. & cert. ef. 1-17-03, cert. ef. 2-1-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 122-2003, f. & cert. ef. 12-4-03, cert. ef. 2-2-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 123-2004, f. & cert. ef. 12-21-04, cert. ef. 2-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 130-2005, f. & cert. ef. 12-1-05, cert. ef. 2-1-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 124-2006, f. & cert. ef. 12-7-06, cert. ef. 2-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 117-2007, f. & cert. ef. 10-31-07, cert. ef. 2-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 8-2009, f. & cert. ef. 2-3-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 4-2010, f. & cert. ef. 1-12-10, cert. ef. 2-1-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 7-2011, f. & cert. ef. 1-31-11, cert. ef. 2-1-11; DFW 62-2011, f. & cert. ef. 6-3-11; DFW 3-2012, f. & cert. ef. 1-13-12, cert. ef. 2-1-12; DFW 58-2012, f. & cert. ef. 6-11-12; DFW 4-2013, f. & cert. ef. 1-15-13, cert. ef. 2-1-13; DFW 53-2013, f. & cert. ef. 6-10-13

635-070-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods and other restrictions for hunting Cascade and Coast elk pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2013 are listed in Tables 1 and 2 and are adopted and incorporated into OAR Chapter 635, Division 070 by reference.

(3) OAR Chapter 635, Division 070 incorporates, by reference, the requirements for hunting western Oregon elk set out in the document entitled "2013 Oregon Big Game Regulations," into Oregon Administrative Rules. Therefore, persons must consult the "2013 Oregon Big Game Regulations" in addition to OAR Chapter 635, to determine all applicable requirements for hunting western Oregon elk. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

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

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

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

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

Hist.: FWC 41-1988, f. & cert. ef. 6-13-88; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. & cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. & cert. ef. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. & cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 9-2003(Temp), f. & cert. ef. 1-28-03 thru 6-16-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 119-2003, f. & cert. ef. 12-4-03, cert. ef. 4-1-04; DFW 130-2003(Temp), f. & cert. ef. 12-24-03 thru 3-1-04; DFW 8-2004(Temp), f. & cert. ef. 2-2-04 thru 7-31-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 107-2004(Temp), f. & cert. ef. 10-18-04 thru 11-27-04; DFW 131-2004, f. & cert. ef. 12-21-04, cert. ef. 4-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 132-2005, f. & cert. ef. 12-1-05, cert. ef. 4-1-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 126-2006, f. & cert. ef. 12-7-06, cert. ef. 4-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 115-2007, f. & cert. ef. 10-31-07, cert. ef. 4-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 31-2009, f. & cert. ef. 3-23-09, cert. ef. 4-1-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 22-2010, f. & cert. ef. 6-10-10, cert. ef. 4-1-10; DFW 31-2010, f. & cert. ef. 3-12-10, cert. ef. 4-1-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 62-2011, f. & cert. ef. 6-3-11; DFW 22-2012, f. & cert. ef. 3-14-12, cert. ef. 4-1-12; DFW 58-2012, f. & cert. ef. 6-11-12; DFW 21-2013, f. & cert. ef. 3-11-13, cert. ef. 4-1-13; DFW 53-2013, f. & cert. ef. 6-10-13

635-071-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods and other restrictions for hunting Rocky Mountain elk pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2013 are listed in Tables 1 and 2 and are adopted and incorporated in OAR Chapter 635, Division 071 by reference.

(3) OAR Chapter 635, Division 071 incorporates, by reference, the requirements for hunting Rocky Mountain elk set out in the document entitled "2013 Oregon Big Game Regulations," into Oregon Administrative Rules. Therefore, persons must consult the "2013 Oregon Big Game Regulations" in addition to OAR Chapter 635, to determine all applicable requirements for hunting Rocky Mountain elk. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

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

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

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

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

Hist.: FWC 42-1988, f. & cert. ef. 6-13-88; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. & cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. & cert. ef. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. & cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 9-2003(Temp), f. & cert. ef. 1-28-03 thru 6-16-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 118-2003, f. & cert. ef. 12-4-03, cert. ef. 1-1-04; DFW 1-2004(Temp), f. & cert. ef. 1-13-04 thru 7-9-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 105-2004(Temp), f. & cert. ef. 10-13-04 thru 11-15-04; Administrative correction 11-22-04; DFW 131-2004, f. & cert. ef. 12-21-04, cert. ef. 4-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 132-2005, f. & cert. ef. 12-1-05, cert. ef. 4-1-06; DFW 22-2006(Temp), f. & cert. ef. 4-7-06 thru 10-4-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 126-2006, f. & cert. ef. 12-7-06, cert. ef. 4-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 115-2007, f. & cert. ef. 10-31-07, cert. ef. 4-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 31-2009, f. & cert. ef. 3-23-09, cert. ef. 4-1-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 22-2010, f. & cert. ef. 3-1-10, cert. ef. 4-1-10; DFW 31-2010, f. & cert. ef. 3-12-10, cert. ef. 4-1-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 62-2011, f. & cert. ef. 6-3-11; DFW 22-2012, f. & cert. ef. 3-14-12, cert. ef. 4-1-12; DFW 58-2012, f. & cert. ef. 6-11-12; DFW 21-2013, f. & cert. ef. 3-11-13, cert. ef. 4-1-13; DFW 53-2013, f. & cert. ef. 6-10-13

635-073-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas and other restrictions for bow and muzzleloader hunting and controlled deer and elk youth hunts; pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2013 for deer and elk bow and muzzleloader hunting and deer and elk youth hunts are listed in Tables 1 and 2 and are adopted and incorporated into OAR chapter 635, division 073 by reference.

(3) OAR chapter 073 incorporates, by reference, the requirements for bow and muzzleloader hunting and controlled deer and elk youth hunts set out in the document entitled "2013 Oregon Big Game Regulations," into Oregon Administrative Rules. Therefore, persons must consult the "2013 Oregon Big Game Regulations," in addition to OAR chapter 635, to determine all applicable requirements for bow and muzzleloader hunting and controlled deer and elk youth hunts. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district and headquarters offices and website of the Oregon Department of Fish and Wildlife.

(4) Notwithstanding the provisions of the 2013 Oregon Big Game Regulations:

(a) The season dates and area of the "Traditional Archery Equipment Only" restriction described on page 51 are removed from the Columbia Basin, Biggs, Hood, and Maupin Wildlife Management Units and placed on the Canyon Creek area.

(b) The bag limit listed on page 79 for the Chesnimnus Unit Bow (258R) Controlled Elk Hunt is liberalized to "One elk".

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

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

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

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

Hist.: FWC 44-1988, f. & cert. ef. 6-13-88; FWC 18-1994, f. & cert. ef. 5-1-94; FWC 17-1996, f. & cert. ef. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. & cert. ef. 1-1-00; DFW 30-2000(Temp), f. & cert. ef. 4-12-00 thru 6-30-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. & cert. ef. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. & cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 3-2003, f. & cert. ef. 1-17-03, cert. ef. 1-20-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 122-2003, f. & cert. ef. 12-4-03, cert. ef. 2-2-04; DFW 130-2003(Temp), f. & cert. ef. 12-24-03 thru 3-1-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 123-2004, f. & cert. ef. 12-21-04, cert. ef. 2-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 130-2005, f. & cert. ef. 12-1-05, cert. ef. 2-1-06; DFW 22-2006(Temp), f. & cert. ef. 4-7-06 thru 10-4-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 124-2006, f. & cert. ef. 12-7-06, cert. ef. 2-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 117-2007, f. & cert. ef. 10-31-07, cert. ef. 2-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 8-2009, f. & cert. ef. 2-3-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 4-2010, f. & cert. ef. 1-12-10, cert. ef. 2-1-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 7-2011, f. & cert. ef. 1-31-11, cert. ef. 2-1-11; DFW 62-2011, f. & cert. ef. 6-3-11; DFW 3-2012, f. & cert. ef. 1-13-12, cert. ef. 2-1-12; DFW 58-2012, f. & cert. ef. 6-11-12; DFW 4-2013, f. & cert. ef. 1-15-13, cert. ef. 2-1-13; DFW 53-2013, f. & cert. ef. 6-10-13

ADMINISTRATIVE RULES

635-075-0005

Registration, Application and Tag Issuance Procedures and Limits for All Controlled Hunts

(1) A landowner shall submit a landowner preference registration form to be eligible for a landowner preference tag. A one time fee of \$30.00 at the time of registration for new program participants. A landowner can have only one registration form on file with the Department. However, an individual who owns (through business entities, in the individual's own name or a combination thereof) more than one property eligible for the landowner preference program may register each such property. The registration form is an affidavit certifying ownership, number of acres owned, the county and Wildlife Management Unit where the property is located. This registration form registers the individual and remains valid until the individual registered no longer qualifies as a landowner as defined under OAR 635-045-0002, writes to the Department requesting the registration form be deleted, or the Department notifies the landowner that a renewal is required.

(2) In addition to having a landowner preference registration form on file with the Department, a landowner or an authorized designee identified by the landowner in writing to the Department shall submit a tag distribution form annually. The tag distribution form shall list the names of the landowner, stockholder(s), partner(s), and their immediate family members to receive tags for pronghorn antelope, and the names of the landowner, stockholder(s), partner(s), their immediate family members, and those persons of the landowners' choosing to receive landowner preference tags for deer and elk.

(3) Landowners shall submit registration forms and landowners or their designee shall submit tag distribution forms prior to September 15 for all controlled 100 series buck deer and bull elk hunts, and through the day prior to the season openings for 600 series antlerless deer, antlerless elk, and doe/fawn pronghorn antelope hunts. A Landowner Preference Tag Redistribution fee \$15.00 will be charged per species for amendments made to the original tag distribution forms.

(4) Registration forms and tag distribution forms are available at no charge in any office of the Department.

(5) Registration forms, tag distribution forms, and applications shall be received at the Salem headquarters office of the Department prior to issuance of any landowner preference tag, except as provided for in OAR 635-075-0007. Landowners are not required to submit proof of ownership with their registration form. Landowners shall be required to submit proof of ownership at the request of the Department or the Oregon State Police acting on behalf of the Department.

(6) A landowner, stockholder(s), partner(s), and immediate family and those persons of the landowners' choosing wishing to also apply for controlled hunt tags shall apply by the May 15 controlled hunt deadline. Listing a hunt choice other than a landowner preference choice is not required.

(7) Everyone shall follow controlled hunt application procedures and regulations as described in OAR Division 060.

(8) The number of landowner preference tags issued is based upon a landowner's acreage. Landowner Preference tags shall be allocated by the following minimum acreage requirements:

TAGS —	MINIMUM ACREAGE —	HUNT TYPE
2 —	40 —	all hunts except eastern Oregon buck deer, Eastern Oregon bull elk, either-sex elk, and doe/fawn pronghorn antelope hunts.
2 —	160 —	all hunts
3 —	1,200 —	all hunts
4 —	2,500 —	all hunts
5 —	5,000 —	all hunts
6 —	10,000 —	all hunts
8 —	20,000 —	all hunts
10 —	40,000 —	all hunts
12 —	80,000 —	all hunts
14 —	160,000 and greater —	all hunts

(9) Landowner preference tags for the hunting of deer or elk may be issued to any person of the landowner's choosing, and shall be used for the taking of antlerless animals except as described in OAR 635-075-0005 (8). Season dates of the transferred landowner preference tags shall be the same dates as the original tag.

(10) Landowner preference tags for the hunting of antlered deer or elk that are issued to a person of the landowner's choosing who is not a member of the landowner's, partner's, or stockholder's immediate family may be used to take an antlered animal only as follows:

(a) If the landowner is eligible for two, three, or four preference tags, one of those tags may be so used.

(b) If the landowner is eligible for five, six or seven preference tags, two of those tags may be so used.

(c) If the landowner is eligible for eight, nine or 10 preference tags, three of those tags may be so used.

(d) If the landowner is eligible for 11 or 12 preference tags, four of those tags may be so used.

(e) If the landowner is eligible for 13 or 14 preference tags, five of those tags may be so used.

(11) A landowner who is qualified to receive landowner hunting preference tags may request two additional tags for providing public access and/or two additional tags for wildlife habitat programs. This request shall be made to the Access and Habitat Board with supporting evidence that the access is significant and the habitat programs benefit wildlife. The board may recommend that the commission grant the request. These tags may not be applied to the options as defined in OAR 635-075-0005(8).

(12) No one shall receive both a controlled hunt tag and a landowner preference tag for the same type of hunt. Landowner hunting preference tags shall not be issued to any person successful in the controlled hunt drawing for the same type of hunt.

(13) Landowner preference tags, except as described in OAR 635-075-0007, 635-075-0010, and 635-075-0015 shall only be issued from the headquarters office of the Department following the controlled hunt drawings.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 35-1982, f. & ef. 6-7-82; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 48-1987, f. & ef. 7-6-87; FWC 20-1988, f. & cert. ef. 3-10-88; FWC 45-1988, f. & cert. ef. 6-13-88; FWC 98-1988, f. & cert. ef. 10-6-88; FWC 14-1990, f. & cert. ef. 2-2-90; FWC 99-1992, f. & cert. ef. 9-25-92; FWC 10-1994, f. & cert. ef. 2-24-94; FWC 14-1994(Temp), f. & cert. ef. 3-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 7-1996, f. & cert. ef. 2-12-96; FWC 38-1997, f. & cert. ef. 6-17-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 131-2008, f. & cert. ef. 10-14-08; DFW 42-2009(Temp), f. 5-4-09, cert. ef. 5-5-09 thru 10-31-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10; DFW 19-2013(Temp), f. & cert. ef. 3-11-13 thru 9-6-13; DFW 53-2013, f. & cert. ef. 6-10-13

Rule Caption: Tillamook Bay Commercial Cockle Clam Dive Fishery Closes

Adm. Order No.: DFW 54-2013(Temp)

Filed with Sec. of State: 6-12-2013

Certified to be Effective: 6-15-13 thru 12-11-13

Notice Publication Date:

Rules Amended: 635-005-0355

Subject: The amended rule closes the Tillamook Bay commercial cockle clam dive fishery at 12:01 a.m. Saturday, June 15, 2013 due to a projected attainment of the 90,000 pound annual harvest quota allowed under bay clam dive permits. Modifications are consistent with requirements described in OAR 635-005-0355 sections (2) and (3).

Rules Coordinator: Therese Kucera—(503) 947-6033

635-005-0355

Catch Limits

(1) In Netarts Bay, the commercial landing cap for cockle clams harvested by the bay clam dive fishery is 8,000 pounds.

(2) In Tillamook Bay, the commercial landing cap for cockle clams harvested by the bay clam dive fishery is 90,000 pounds.

(3) When the commercial cockle clam landing caps specified in sections (1) and (2) of this rule are reached, the commercial cockle clam fishery in that estuary will close for the remainder of that calendar year.

(4) The Tillamook Bay clam dive fishery is closed effective 12:01 a.m. Saturday, June 15, 2013 due to the anticipated attainment of the 90,000 pound landing cap.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 137-2005, f. 12-7-05, cert. ef. 1-1-06, Renumbered from 635-005-0032, DFW 76-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 80-2012(Temp), f. 6-28-12, cert. ef. 7-4-12 thru 12-30-12; Administrative correction, 2-1-13; DFW 54-2013(Temp), f. 6-12-13, cert. ef. 6-15-13 thru 12-11-13

Rule Caption: 2013 Columbia River Summer Recreational Fisheries Implemented

Adm. Order No.: DFW 55-2013(Temp)

Filed with Sec. of State: 6-12-2013

Certified to be Effective: 6-16-13 thru 7-31-13

Notice Publication Date:

ADMINISTRATIVE RULES

Rules Amended: 635-023-0128

Subject: This amended rule implements the summer recreational salmon fishing seasons in the Columbia River. Modifications to regulations for 2013 conform to recent regulation changes developed through the Pacific Fishery Management Council/North of Falcon Process. Housekeeping and technical corrections to the regulations were made to ensure rule consistency.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-023-0128

Summer Sport Fishery

(1) The **2013 Oregon Sport Fishing Regulations** provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the **2013 Oregon Sport Fishing Regulations**.

(2) Notwithstanding all other specifications and restrictions in the **2013 Oregon Sport Fishing Regulations**:

(a) Effective June 16 through July 31 the mainstem Columbia River is open to the retention of adipose fin-clipped jack Chinook (12–24 inches in length) from the Astoria-Megler Bridge upstream to the Oregon/Washington border.

(b) Retention of sockeye salmon and adipose fin-clipped adult summer Chinook (longer than 24 inches in length) from the Astoria-Megler Bridge upstream to Bonneville Dam is allowed from June 16 through June 30, 2013 and from Bonneville Dam upstream to the Oregon/Washington border is allowed from June 16 through July 31, 2013.

(c) The combined daily bag limit for adult salmon and steelhead is two fish. All sockeye are considered adults in the daily limit. Only adipose fin-clipped Chinook and steelhead may be retained. The daily limit for jacks is five fish.

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

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 52-2005(Temp), f. 6-3-05, cert. ef. 6-16-05 thru 7-31-05; DFW 64-2005(Temp), f. 6-30-05, cert. ef. 7-1-05 thru 7-31-05; Administrative correction 8-17-05; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 51-2007(Temp), f. 6-29-07, cert. ef. 7-2-07 thru 7-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 36-2008, f. 4-21-08, cert. ef. 5-1-08; DFW 61-2008(Temp), f. 6-13-08, cert. ef. 6-16-08 thru 7-31-08; DFW 68-2008(Temp), f. 6-20-08, cert. ef. 6-21-08 thru 8-31-08; DFW 71-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 8-31-08; Administrative correction 9-29-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 69-2009(Temp), f. 6-11-09, cert. ef. 6-16-09 thru 7-31-09; Administrative correction 8-21-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 77-2010, f. 6-8-10, cert. ef. 6-16-10; DFW 88-2010(Temp), f. 6-25-10, cert. ef. 6-26-10 thru 7-31-10; Administrative correction 8-18-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 65-2011(Temp), f. 6-14-11, cert. ef. 6-16-11 thru 7-31-11; DFW 95-2011(Temp), f. 7-15-11, cert. ef. 7-18-11 thru 7-31-11; Administrative correction 9-23-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 64-2012(Temp), f. 6-12-12, cert. ef. 6-16-12 thru 7-31-12; [DFW 85-2012(Temp), f. 7-6-12, cert. ef. 7-9-12 thru 8-31-12; Temporary Suspended by DFW 100-2012(Temp), f. 7-31-12, cert. ef. 8-1-12 thru 12-31-12]; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 55-2013(Temp), f. 6-12-13, cert. ef. 6-16-13 thru 7-31-13

Rule Caption: 2013 Columbia River Non-Indian Summer Chinook Commercial Gillnet Fishery Implemented

Adm. Order No.: DFW 56-2013(Temp)

Filed with Sec. of State: 6-12-2013

Certified to be Effective: 6-16-13 thru 7-31-13

Notice Publication Date:

Rules Amended: 635-042-0027

Subject: This amended rule implements the 2013 summer Chinook salmon non-Indian commercial gillnet fishery in the Columbia River mainstem consistent with provisions of the US v. Oregon management agreement. Modifications allow an 8-hour non-Indian commercial summer Chinook fishing period in the mainstem Columbia River beginning at 9:00 p.m. Sunday, June 16 through 5:00 a.m. Monday, June 17, 2013. Fishing is authorized in all of Zones 1 through 5. Implementation is consistent with action taken June 11, 2013 by the Columbia River Compact agencies of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0027

Summer Salmon Season

(1) Chinook and sockeye salmon, white sturgeon and shad may be taken by drift gill net for commercial purposes in Zones 1 thru 5, from 9:00 p.m. Sunday, June 16 to 5:00 a.m. Monday, June 17, 2013 (8 hours).

(2) It is *unlawful* to use a gill net having a mesh size less than 8 inches. Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(3) 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. Limit applies to the mainstem only as the Youngs Bay Select Area remains open under a two (2) white sturgeon weekly retention limit.

(4) Allowable sales include Chinook and sockeye salmon, white sturgeon and shad. All steelhead must be released immediately.

(5) Closed waters, as described in OAR 635-042-0005 for Grays River, Elokomin-A, Cowlitz River, Kalama A, Lewis A, Washougal River and Sandy River sanctuaries are in effect during open fishing periods as applicable.

Stat. Auth.: ORS 496.118, 506.109 & 506.129

Stats. Implemented: ORS 506.119 & 507.030

Hist.: DFW 5-2006, f. & cert. ef. 2-15-06; DFW 47-2006(Temp), f. 6-20-06, cert. ef. 6-26-06 thru 7-31-06; DFW 51-2006(Temp), f. & cert. ef. 6-29-06 thru 7-31-06; DFW 57-2006(Temp), f. 7-5-06, cert. ef. 7-6-06 thru 7-31-06; DFW 63-2006(Temp), f. 7-14-2006, cert. ef. 7-16-06 thru 7-31-06; DFW 68-2006(Temp), f. 7-28-06, cert. ef. 7-30-06 thru 7-31-06; Administrative correction 8-22-06; DFW 45-2007(Temp), f. 6-15-07, cert. ef. 6-25-07 thru 7-31-07; DFW 52-2007(Temp), f. & cert. ef. 7-6-07 thru 7-31-07; DFW 63-2008(Temp), f. 6-13-08, cert. ef. 6-24-08 thru 7-31-08; DFW 68-2008(Temp), f. 6-20-08, cert. ef. 6-21-08 thru 8-31-08; DFW 75-2008(Temp), f. 7-3-08, cert. ef. 7-7-08 thru 7-31-08; Administrative correction 8-21-08; DFW 72-2009(Temp), f. 6-15-09, cert. ef. 6-18-09 thru 7-31-09; Administrative correction 8-21-09; DFW 81-2010(Temp), f. 6-14-10, cert. ef. 6-17-10 thru 7-31-10; Administrative correction 8-18-10; DFW 67-2011(Temp), f. 6-14-11, cert. ef. 6-16-11 thru 7-31-11; Administrative correction 9-23-11; DFW 67-2012(Temp), f. 6-14-12, cert. ef. 6-17-12 thru 7-31-12; Administrative correction, 8-27-12; DFW 56-2013(Temp), f. 6-12-13, cert. ef. 6-16-13 thru 7-31-13

Rule Caption: Columbia River Treaty Indian Summer Chinook Commercial Fisheries Implemented

Adm. Order No.: DFW 57-2013(Temp)

Filed with Sec. of State: 6-12-2013

Certified to be Effective: 6-16-13 thru 7-31-13

Notice Publication Date:

Rules Amended: 635-041-0045, 635-041-0076

Rules Suspended: 635-041-0045(T), 635-041-0065(T)

Subject: Rule modifications implement summer Chinook commercial gill net and hook-and-line fisheries in the Columbia River for all of Zone 6 and in Zone 5 below Bonneville Dam. Modifications allow sales of fish caught during those fisheries. Revisions are consistent with action taken June 11, 2013 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 provisions of the agreements with the states of Oregon and Washington are open until further notice.

(A) Effective 6:00 a.m. Sunday, June 16 through 11:59 p.m. Wednesday, July 31, 2013, commercial sales of salmon, steelhead, walleye, shad, yellow perch, catfish, bass and carp are allowed whenever sales are authorized for platform and hook-and-line fisheries in the remainder of Zone 6. 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.

(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

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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. 8-7-90, cert. ef. 8-8-90; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 40-2011(Temp), f. & cert. ef. 5-5-11 thru 10-31-11; DFW 43-2011(Temp), f. & cert. ef. 5-10-11 thru 10-31-11; DFW 60-2011(Temp), f. 6-2-11, cert. ef. 6-6-11 thru 10-31-11; DFW 63-2011(Temp), f. 6-8-11, cert. ef. 6-9-11 thru 10-31-11; DFW 66-2011(Temp), f. 6-14-11, cert. ef. 6-16-11 thru 10-31-11; DFW 88-2011(Temp), f. 7-8-11, cert. ef. 7-10-11 thru 10-31-11; DFW 119-2011(Temp), f. 8-26-11, cert. ef. 8-29-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 5-2012(Temp), f. 1-30-12, cert. ef. 2-1-12 thru 3-31-12; DFW 18-2012(Temp), f. 2-28-12, cert. ef. 2-29-12 thru 6-15-12; DFW 46-2012(Temp), f. 5-14-12, cert. ef. 5-15-12 thru 6-30-12; DFW 74-2012(Temp), f. 6-29-12, cert. ef. 7-1-12 thru 10-31-12; DFW 87-2012(Temp), f. 7-11-12, cert. ef. 7-12-12 thru 8-31-12; DFW 94-2012(Temp), f. & cert. ef. 7-27-12 thru 10-31-12; DFW 119-2012(Temp), f. 9-10-12, cert. ef. 9-11-12 thru 10-31-12; DFW 143-2012(Temp), f. 11-7-12, cert. ef. 11-8-12 thru 1-29-13; DFW 8-2013(Temp), f. 1-31-13, cert. ef. 2-1-13 thru 3-31-13; DFW 18-2013(Temp), f. 3-5-13, cert. ef. 3-6-13 thru 6-15-13; DFW 57-2013(Temp), f. 6-12-13, cert. ef. 6-16-13 thru 7-31-13

635-041-0076

Summer Salmon Season

(1) Commercial sales of gill net caught fish from Zone 6 of the mainstem Columbia River is allowed beginning 6:00 a.m. Monday, June 17 through 6:00 p.m. Friday, June 21, 2013 (4.5 days); and from 6:00 a.m. Monday, June 24 through 6:00 p.m. Thursday, June 27, 2013 (3.5 days).

(2) 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.

(3) Gear is restricted to gill nets. A seven-inch minimum mesh size restriction is in effect.

(4) Closed areas in Zone 6, except the Spring Creek sanctuary, are as set forth in OAR 635-041-0045 and remain in effect.

(5) Effective 6:00 a.m. Sunday, June 16 through 11:59 p.m. Wednesday, July 31, 2013 salmon, steelhead, sockeye, coho, walleye, shad, carp, bass, catfish and yellow perch caught in platform hook-and-line fisheries in all of Zone 6 may be sold or retained for subsistence. Sturgeon retention is prohibited and may not be sold or retained for ceremonial or subsistence purposes.

(6) Commercial sales of salmon, steelhead, walleye, shad, catfish, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Yakima River; Klickitat River; Wind River; and Drano Lake are allowed for Yakama Nation members during those days and hours when these tributaries are open under lawfully enacted Yakama Nation fishing periods. Sturgeon retention is prohibited and may not be sold or retained for ceremonial or subsistence purposes.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: DFW 5-2006, f. & cert. ef. 2-15-06; DFW 39-2006(Temp), f. & cert. ef. 6-8-06 thru 7-31-06; DFW 46-2006(Temp), f. & cert. ef. 6-20-06 thru 7-31-06; DFW 49-2006(Temp), f. 6-26-06, cert. ef. 6-27-06 thru 7-31-06; DFW 56-2006(Temp), f. 6-30-06, cert. ef. 7-3-06 thru 7-31-06; DFW 58-2006(Temp), f. 7-6-06, cert. ef. 7-10-06 thru 7-31-06; Administrative correction 8-22-06; DFW 46-2007(Temp), f. 6-15-07, cert. ef. 6-16-07 thru 9-13-07; DFW 49-2007(Temp), f. 6-22-07, cert. ef. 6-26-07 thru 9-13-07; DFW 53-2007(Temp), f. & cert. ef. 7-6-07 thru 7-31-07; Administrative correction 9-16-07; DFW 45-2008(Temp), f. 5-2-08, cert. ef. 5-5-08 thru 7-31-08; DFW 47-2008(Temp), f. 5-9-08, cert. ef. 5-11-08 thru 7-31-08; DFW 62-2008(Temp), f. 6-13-08, cert. ef. 6-16-08 thru 8-31-08; DFW 68-2008(Temp), f. 6-20-08, cert. ef. 6-21-08 thru 8-31-08; DFW 71-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 8-31-08; DFW 80-2008(Temp), f. & cert. ef. 7-10-08 thru 8-31-08; DFW 87-2008(Temp), f. & cert. ef. 7-25-08 thru 8-31-08; DFW 94-2008(Temp), f. & cert. ef. 8-14-08 thru 9-30-08; Administrative correction 10-21-08; DFW 50-2009(Temp), f. 5-14-09, cert. ef. 5-16-09 thru 7-31-09; DFW 56-2009(Temp), f. 5-26-09, cert. ef. 5-27-09 thru 7-31-09; DFW 71-2009(Temp), f. 6-15-09, cert. ef. 6-16-09 thru 7-31-09; DFW 76-2009(Temp), f. 6-26-09, cert. ef. 6-30-09 thru 7-31-09; DFW 82-2009(Temp), f. 7-6-09, cert. ef. 7-8-09 thru 7-31-09; DFW 84-2009(Temp), f. 7-13-09, cert. ef. 7-15-09 thru 7-31-09; Administrative correction 8-21-09; DFW 48-2010(Temp), f. 4-26-10, cert. ef. 4-27-10 thru 7-31-10; DFW 51-2010(Temp), f. & cert. ef. 4-29-10 thru 7-31-10; DFW 56-2010(Temp), f. 5-10-10, cert. ef. 5-11-10 thru 7-31-10; DFW 68-2010(Temp), f. 5-18-10, cert. ef. 5-19-10 thru 7-31-10; DFW 71-2010(Temp), f. 5-19-10, cert. ef. 5-21-10 thru 6-16-10; DFW 74-2010(Temp), f. & cert. ef. 6-2-10 thru 7-31-10; DFW 80-2010(Temp), f. 6-14-10, cert. ef. 6-16-10 thru 7-31-10; DFW 87-2010(Temp), f. 6-25-10, cert. ef. 6-29-10 thru 7-31-10; DFW 97-2010(Temp), f. 7-8-10, cert. ef. 7-13-10 thru 7-31-10; DFW 101-2010(Temp), f. 7-19-10, cert. ef. 7-20-10 thru 7-31-10; DFW 105-2010(Temp), f. 7-23-10, cert. ef. 7-26-10 thru 7-31-10; Administrative correction 8-18-10; DFW 43-2011(Temp), f. & cert. ef. 5-10-11 thru 10-31-11; DFW 66-2011(Temp), f. 6-14-11, cert. ef. 6-16-11 thru 10-31-11; DFW 75-2011(Temp), f. 6-24-11, cert. ef. 6-27-11 thru 10-31-11; DFW 84-2011(Temp), f. 7-1-11, cert. ef. 7-5-11 thru 10-31-11; DFW 88-2011(Temp), f. 7-8-11, cert. ef. 7-10-11 thru 10-31-11; DFW 94-2011(Temp), f. 7-14-11, cert. ef. 7-18-11 thru 10-31-11; DFW 98-2011(Temp), f. 7-20-11, cert. ef. 7-25-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 66-2012(Temp), f. 6-14-12, cert. ef. 6-18-12 thru 7-31-12; DFW 81-2012(Temp), f. 6-29-12, cert. ef. 7-3-12 thru 8-31-12; [DFW 87-2012(Temp), f. 7-11-12, cert. ef. 7-12-12 thru 8-31-12]; Temporary Suspended by DFW 94-2012(Temp), f. & cert. ef. 7-27-12 thru 10-31-12; DFW 57-2013(Temp), f. 6-12-13, cert. ef. 6-16-13 thru 7-31-13

ADMINISTRATIVE RULES

Department of Forestry Chapter 629

Rule Caption: Amends the Forest Land Management Classification System (FLMCS) Administrative Rule

Adm. Order No.: DOF 1-2013

Filed with Sec. of State: 6-14-2013

Certified to be Effective: 7-1-13

Notice Publication Date: 1-1-2013

Rules Amended: 629-035-0055

Subject: This permanent rule amendment establishes two new land management classifications for the purpose of highlighting the visibility of areas managed for conservation values when mapping the strategies set forth in approved forest management plans.

Rules Coordinator: Sabrina Perez—(503) 945-7210

629-035-0055

Forest Land Management Classification System

(1) The State Forester's classification of forest lands, required by OAR 629-035-0050, shall be accomplished pursuant to this section.

(2) Land Classifications. All forest lands subject to this rule shall be classified into one of the following four classifications: General Stewardship, Focused Stewardship, Special Use, or High Value Conservation Areas. These classifications apply to lands designated as Silviculturally Capable and Non-Silviculturally Capable.

(3) Distinguishing Characteristics. All forest lands will be classified according to the following distinguishing characteristics. In addition, forest lands will be further classified into subclasses when they are classified as Focused Stewardship, Special Use, or High Value Conservation Areas.

(a) General Stewardship lands include all those whose forest resources are managed using integrated management practices in a manner which is intended to accomplish forest management planning goals, and are compatible over time and across the landscape when actively managed.

(b) Focused Stewardship lands include all those whose forest resources are managed using integrated management practices in a manner which is intended to accomplish forest management planning goals, and are compatible over time and across the landscape when actively managed, but for which a forest management plan, habitat conservation plan, or other legal requirement identifies a requirement for one or more of the following for a specific resource: supplemental planning, before conducting management practices, that helps to achieve identified goals for the specific resource; modified management practices that help achieve the identified goals for the specific resource; or, compliance with legal or contractual requirements above those required on lands classified as General Stewardship.

(A) In addition, other lands may be classified as Focused Stewardship where more specific, small scale, or time-limited plans developed by the State Forester to implement forest management plans call for supplemental planning and/or modified management practices to help achieve the identified goals for a specific resource.

(B) These lands will be further classified into one of the following subclasses:

(i) Agriculture, Grazing or Wildlife Forage — lands where agricultural crops, domestic livestock grazing values, or wildlife forage values exist and are the focus of the supplemental planning, modified management practices, or legal requirements described above.

(ii) Aquatic and Riparian Habitat — lands where aquatic and riparian habitat exists and where the habitat is the focus of the supplemental planning, modified management practices, or legal requirements described above.

(iii) Cultural Resources — lands where cultural resources exist and where those resources are the focus of the supplemental planning, modified management practices, or legal requirements described above.

(iv) Deeds — lands where deed requirements are a focus of the integrated management of a variety of forest resources.

(v) Domestic Water Use — lands where individuals or communities have water rights, where surface water is being used for domestic water use and where the State Forester determines water quality and/or quantity is a focus of the integrated management of a variety of forest resources. For the purposes of this section, "domestic water use" means the use of water for human consumption and other household human use.

(vi) Easements — lands where contractual obligations are a focus of the integrated management of a variety of forest resources.

(vii) Energy and Minerals — lands where commercial quantities of energy or minerals exist, commercial extraction is occurring or likely to

occur, and where those resources are the focus of the supplemental planning, modified management practices, or legal requirements described above.

(viii) Plants — lands where a specific plant species or a community of plants exist and where those resources are the focus of the supplemental planning, modified management practices, or legal requirements described above.

(ix) Recreation — lands that receive moderate or high levels of dispersed recreational use and where recreation management is the focus of the supplemental planning, modified management practices, or legal requirements described above.

(x) Research/Monitoring — lands that are part of a research or monitoring project and where the design of the project requires supplemental planning or modified management practices.

(xi) Transmission — lands used for the transmission of energy, materials, data, video, and/or voice and where the transmission is a focus of the integrated management of a variety of forest resources.

(xii) Visual — lands which have been identified as having high or moderate visual sensitivity according to criteria in a forest management plan and where those visual resources are the focus of the supplemental planning, modified management practices, or legal requirements described above.

(xiii) Wildlife Habitat — lands where wildlife habitat for a specific species or group of species exists and where that habitat is the focus of the supplemental planning, modified management practices, or legal requirements described above.

(c) Special Use areas are those lands for which a forest management plan, habitat conservation plan, or other legal requirement identifies one or more of the following: a legal or contractual constraint dominates the management of the lands and precludes the integrated management of all forest resources; lands are committed to a specific use and management activities are limited to those that are compatible with the specific use.

(A) In addition, other lands may be classified as Special Use areas, where more specific, small-scale, or time-limited plans developed by the State Forester to implement forest management plans call for a level of protection or a specific use that precludes the integrated management of all forest resources.

(B) These lands will be further classified into the following subclasses:

(i) Administrative Sites — lands where administrative requirements restrict the integrated management of forest resources. These lands include but are not limited to building sites, rock stockpile sites, log storage/sorting sites, and demonstration areas.

(ii) Agriculture, Grazing, or Wildlife Forage — lands where agricultural crops, domestic stock grazing, or wildlife forage values exist in a quantity or quality that restricts the integrated management of forest resources.

(iii) County or Local Comprehensive Plans — lands identified in county or local comprehensive plans where the integrated management of forest resources is restricted. Counties or local governments must take an exception to statewide land use planning Goal 4 for these lands.

(iv) Cultural Resources — lands where cultural resources exist in a quantity or quality that restricts the integrated management of forest resources.

(v) Deeds — lands where deed requirements restrict the integrated management of forest resources.

(vi) Domestic Water Use — lands where individuals or communities have water rights, where surface water is being used for domestic water use and where the State Forester determines the need to protect water quality or quantity restricts the integrated management of forest resources. For the purposes of this section, "domestic water use" means the use of water for human consumption and other household human use.

(vii) Easements — lands where contractual obligations restrict the integrated management of forest resources.

(viii) Energy and Minerals — lands where commercial quantities of energy or minerals exist, extraction is occurring or likely to occur, and where the extraction restricts the integrated management of forest resources.

(ix) Operationally Limited — lands where current technology or engineering techniques are considered by the State Forester to be inadequate to reasonably ensure that integrated management practices would not cause significant long-term adverse effects. The State Forester may limit, restrict, or prohibit management activities in these areas as needed to protect forest resources or to accomplish the management goals for surrounding areas.

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(x) Recreation — lands devoted to concentrated, formal recreation, or public education that restricts the integrated management of forest resources. These lands include but are not limited to campgrounds, forest parks, waysides, rest areas, and interpretive centers.

(xi) Research/Monitoring — lands that are part of a research or monitoring project and the design of the project restricts the integrated management of forest resources.

(xii) Transmission — lands dedicated to the transmission of energy, materials, data, video and/or voice and where integrated management of forest resources is restricted. These lands include but are not limited to power lines, pipelines, and communication sites.

(xiii) Visual — lands subject to laws or regulations related to visual qualities or lands where the management practices needed to meet visual management objectives dominate over the integrated management of forest resources.

(d) High Value Conservation Areas are lands for which a forest management plan, habitat conservation plan, or other legal requirement identifies areas in the landscape which need to be appropriately managed in order to maintain, enhance, or restore important conservation values and one or more of the following: a legal or contractual constraint dominates the management of the lands and directs the management of forest resources; lands are committed to a specific conservation value and management activities are limited to those that are compatible with achieving goals for the specific conservation value.

(A) In addition, other lands may be classified as High Value Conservation Areas, where more specific, small-scale, or time-limited plans developed by the State Forester to implement forest management plans call for a level of resource protection that directs the management of forest resources.

(B) These lands will be further classified into the following subclasses:

(i) Aquatic and Riparian Habitat — lands where aquatic or riparian habitat exists and where a legal requirement or the need to protect the habitat directs management of forest resources.

(ii) Unique, Threatened or Endangered Plants — lands where a specific plant species or a community of plants exist and where a legal requirement or the need to protect the plant(s) directs management of forest resources.

(iii) Wildlife Habitat — lands where a legal requirement or the need to maintain, protect, or enhance a wildlife habitat directs management of forest resources.

(4) Types of Management.

(a) General Stewardship lands shall be actively managed, in compliance with OAR 629-035-0020, to provide healthy, productive, and sustainable forest ecosystems that over time and across the landscape provide a full range of social, economic, and environmental benefits to the people of Oregon. Lands within this classification which are designated as Silviculturally Capable will be actively managed to meet the requirements of 629-035-0020(2). Lands within this classification which are designated as Non-Silviculturally Capable are not managed for sustainable timber harvest and revenues, but are managed to be consistent with the remaining management direction provided by 629-035-0020(2). All management practices shall be consistent with the direction provided by 629-035-0020(3).

(b) Focused Stewardship lands shall be managed in the manner provided for General Stewardship lands in the preceding subparagraph. However, because one or more specific forest resources on these lands require a heightened or focused awareness, supplemental planning and/or modified management practices may be required to achieve the goals of forest management plans, habitat conservation plans or legal requirements. Management practices may be modified to emphasize the protection and management of identified forest resources, but the practices will be consistent with the direction provided by OAR 629-035-0020(3) and will avoid long-term adverse impacts to the specified resources.

(c) Special Use areas shall be managed for a specific forest use. Integrated management is conducted on these lands to the extent possible without interfering with the management of the specific forest use. Management practices will be modified to emphasize the protection and management of identified forest uses and will avoid long-term adverse impacts to the specified resources.

(d) High Value Conservation Areas shall be managed for a specific conservation value. Forest management may be conducted to the extent that forest management activities promote the conservation values and are consistent with applicable legal requirements and will avoid long-term adverse impacts to the specified conservation value.

(5) Range of Management Activities.

(a) On lands classified for General Stewardship, all management activities that meet or exceed the requirements of applicable state and federal laws, habitat conservation plans and forest management plans are allowed.

(b) On lands classified for Focused Stewardship, all management activities that meet or exceed the requirements of applicable state and federal laws, habitat conservation plans and forest management plans are allowed. However, management activities may require supplemental planning and/or modified practices to achieve the goals identified in the forest management plans for the specific forest resources. Management of the specific forest resources may have minor effects on the management of other forest resources, but will not preclude the integrated management of forest resources.

(c) On lands classified for Special Use or High Value Conservation Areas, management activities that protect, maintain, enhance, or restore the specific forest uses or conservation values, or are necessary to comply with the legal requirements, are allowed. Management of other forest resources on these lands must have no significant long-term adverse effect on the specific forest use or conservation value which required the classification.

(6) Resources Addressed.

(a) The General Stewardship classification will provide for management of all resources included in Forest Management Plans. All resources may not be treated equally on every acre, but across the landscape the resources will be managed to meet the goals identified in the Forest Management Plans.

(b) The Focused Stewardship classification will provide for management of all resources included in Forest Management Plans. Lands having forest resources described in a subclass designation will be assigned to that subclass. The subclass designation will be used to identify the specific forest resources that, with supplemental planning and/or modified management practices, can be managed in an integrated approach with other forest resources. All resources may not be treated equally on every acre, but across the landscape the resources are managed to meet the goals identified in the Forest Management Plans.

(c) The Special Use and High Value Conservation Area classifications address all forest resources included in the Forest Management Plan that meet the distinguishing characteristics of these classifications. Lands having forest resources described in a subclass designation will be assigned to that subclass. The subclass designation will be used to identify the specific forest resources or uses that are the emphasis of the management of these lands.

(7) Forest Land Management Classification Considerations. The following considerations apply to Forest Land Management Classifications:

(a) Prescriptions are not part of Forest Land Management Classifications. Prescriptions will be based upon goals and strategies in a forest management plan, statutory, or contractual requirements, and site-specific conditions.

(b) The identification and mapping of streams, wetlands, and the associated Aquatic and Riparian Habitat subclasses will be based upon criteria in Forest Management Plans and habitat conservation plans and will be accomplished using existing information or map-based estimates. The information will be updated through watershed assessments, planning for site-specific management activities or site-specific field visits conducted over time. The updated information will be used to determine any changes that may be needed to the classification of aquatic and riparian habitat.

(c) Land management classifications will be applied to broad geographic areas. Normally, areas smaller than five acres will not be classified, but will be included as part of an adjacent classification. Areas smaller than five acres will only be classified where specific information exists and the classification will be meaningful for making decisions on management activities.

(d) The boundary lines shown on maps for forest land management classifications are approximate locations. Exact locations of boundary lines will be determined on the site and will depend upon the conditions that exist on the site. Management activities will be conducted based upon boundaries determined on site rather than boundaries shown on maps.

(e) More than one classification or subclass may be assigned to a parcel of land. Where this occurs, the resource requiring the highest level of protection will determine the management approach. For example, if a Focused Stewardship resource and a High Value Conservation Area resource exist on the same parcel, then the High Value Conservation Area resource will be given the emphasis in the management of the resources. If multiple resources exist on a parcel and they are all within the same classification i.e. Focused Stewardship or High Value Conservation Area, the

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management approach will seek to achieve the goals for all of the identified resources to the maximum extent practicable.

(f) For the purposes of protecting threatened and endangered species and certain specific sites used by threatened and endangered species, locations of specific sites, such as nest trees and roosting trees, will not be displayed on classification maps. Broader geographic areas within which the sites exist will be displayed. The appropriate size of the area to be displayed may vary with the specific site.

Stat. Auth.: ORS 526.016(4)

Stats. Implemented: ORS 530.050

Hist.: DOF 1-1999, f. & cert. ef. 5-13-99; DOF 1-2013, f. 6-14-13, cert. ef. 7-1-13

Department of Human Services, Aging and People with Disabilities and Developmental Disabilities Chapter 411

Rule Caption: Expansion of Medicaid In-Home Service Eligibility for Individuals Residing in Relative Adult Foster Homes

Adm. Order No.: SPD 10-2013(Temp)

Filed with Sec. of State: 5-23-2013

Certified to be Effective: 5-23-13 thru 11-19-13

Notice Publication Date:

Rules Amended: 411-030-0002, 411-030-0020, 411-030-0033, 411-030-0040, 411-030-0050, 411-030-0055, 411-030-0080, 411-030-0090, 411-050-0405

Subject: The Department of Human Services (Department) is immediately amending the in-home services rules in OAR chapter 411, division 030 to:

- Redefine the meaning and modify the scope of in-home services to expand Medicaid funded in-home service eligibility to individuals residing in relative adult foster homes; and
- Replace references to the Title XIX Home and Community-Based Services waiver with the term Medicaid funded in-home services in order to recognize services available through Medicaid Home and Community-Based Services waivers and State Plan options.

OAR 411-050-0405 for the licensure of relative adult foster homes for older adults and adults with physical disabilities is also being immediately amended. Payments for relative adult foster home services can't be paid through the Medicaid system in the new State Plan option. Therefore, no new applications will be accepted for relative adult foster homes and individuals currently receiving services in relative adult foster homes will transition to Medicaid in-home services while maintaining their current living arrangements and relative providers.

Rules Coordinator: Christina Hartman—(503) 945-6398

411-030-0002

Purpose

(1) The rules in OAR chapter 411, division 030 ensure that in-home services maximize independence, empowerment, dignity, and human potential through the provision of flexible, efficient, and suitable services. In-home services fill the role of complementing and supplementing an individual's own personal abilities to continue to live in his or her own home or the home of a relative.

(2) Medicaid in-home services are provided through the Consumer-Employed Provider Program, Spousal Pay Program, Relative Provider Program, the Independent Choices Program and other approved service providers.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

Hist.: SSD 4-1993, f. 4-30-93, cert. ef. 6-1-93; SPD 15-2004, f. 5-28-04, cert. ef. 6-7-04; SPD 15-2008, f. 12-26-08, cert. ef. 1-1-09; SPD 10-2013(Temp), f. & cert. ef. 5-23-13 thru 11-19-13

411-030-0020

Definitions

As used in these rules:

(1) "AAA" means "Area Agency on Aging" as defined in this rule.

(2) "Activities of Daily Living (ADL)" mean those personal, functional activities required by an individual for continued well-being, which are essential for health and safety. Activities include eating, dressing/grooming, bathing/personal hygiene, mobility (ambulation and

transfer), elimination (toileting, bowel, and bladder management), and cognition/behavior as defined in OAR 411-015-0006.

(3) "ADL" means "activities of daily living" as defined in this rule.

(4) "Architectural Modifications" means any service leading to the alteration of the structure of a dwelling to meet a specific service need of an eligible individual.

(5) "Area Agency on Aging (AAA)" means the Department designated agency charged with the responsibility to provide a comprehensive and coordinated system of services to older adults or individuals with disabilities in a planning and service area. For purposes of these rules, the term Area Agency on Aging is inclusive of both Type A and Type B Area Agencies on Aging as defined in ORS 410.040 and described in 410.210 to 410.300.

(6) "Assistive Devices" means any category of durable medical equipment, mechanical apparatus, electrical appliance, or instrument of technology used to assist and enhance an individual's independence in performing any activity of daily living. Assistive devices include the use of service animals, general household items, or furniture to assist the individual.

(7) "Business Days" means Monday through Friday and excludes Saturdays, Sundays, and state or federal holidays.

(8) "CA/PS" means the "Client Assessment and Planning System" as defined in this rule.

(9) "Case Manager" means an employee of the Department or Area Agency on Aging who assesses the service needs of an applicant, determines eligibility, and offers service choices to the eligible individual. The case manager authorizes and implements the service plan, and monitors the services delivered.

(10) "Client Assessment and Planning System (CA/PS)" is a single entry data system used for completing a comprehensive and holistic assessment, surveying the individual's physical, mental, and social functioning, and identifying risk factors, individual choices, and preferences, and the status of service needs. The CA/PS documents the level of need and calculates the individual's service priority level in accordance with the rules in OAR chapter 411, division 015, calculates the service payment rates, and accommodates individual participation in service planning.

(11) "Collective Bargaining Agreement" means the ratified Collective Bargaining Agreement between the Home Care Commission and the Service Employee's International Union, Local 503, Oregon Public Employees' Union. The Collective Bargaining Agreement is maintained on the Department's website: (<http://www.oregon.gov/dhs/spd/adv/hcc/docs/contract1113.pdf>). Printed copies may be obtained by contacting the Department of Human Services, Aging and People with Disabilities, ATTN: Rule Coordinator, 500 Summer Street NE, E-10, Salem, Oregon 97301.

(12) "Consumer" or "Consumer-Employer" means the individual eligible for in-home services. "Consumer" is synonymous with client and individual.

(13) "Consumer-Employed Provider Program" refers to the program wherein the provider is directly employed by the consumer to provide either hourly or live-in services. In some aspects of the employer and employee relationship, the Department acts as an agent for the consumer-employer. These functions are clearly described in OAR 411-031-0040.

(14) "Contingency Fund" means a monetary amount set aside in the Independent Choices Program service budget that continues month to month if approved by the case manager, to purchase identified items that substitute for personal assistance.

(15) "Contracted In-Home Care Agency" means an incorporated entity or equivalent, licensed in accordance with OAR chapter 333, division 536 that provides hourly contracted in-home services to individuals served by the Department or Area Agency on Aging.

(16) "Cost Effective" means being responsible and accountable with Department resources. This is accomplished by offering less costly alternatives when providing choices that adequately meet an individual's service needs. Those choices include other programs available from the Department, the utilization of assistive devices, natural supports, architectural modifications, and alternative service resources (defined in OAR 411-015-0005). Less costly alternatives may include resources not paid for by the Department.

(17) "Department" means the Department of Human Services (DHS). "Department" is synonymous with Seniors and People with Disabilities Division (SPD).

(18) "Discretionary Fund" means a monetary amount set aside in the Independent Choices Program service budget to purchase items not otherwise delineated in the monthly service budget or agreed to be savings for

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items not traditionally covered under waived services. Discretionary funds must be expended at the end of each month.

(19) "Disenrollment" means either voluntary or involuntary termination of the participant from the Independent Choices Program.

(20) "DMAP" means the Oregon Health Authority, Division of Medical Assistance Programs.

(21) "Employee Provider" means a worker who provides services to, and is a paid provider for, a participant in the Independent Choices Program.

(22) "Employment Relationship" means the relationship involving the employee provider and the participant as employee and employer.

(23) "Exception" means an approval for payment of a service plan granted to a specific individual in their current residence or in the proposed residence identified in the exception request that exceeds the CA/PS assessed service payment levels for individuals residing in community-based care facilities or the maximum hours of service as described in OAR 411-030-0070 for individuals residing in their own homes or the home of a relative. The approval is based on the service needs of the individual and is contingent upon the service plan meeting the requirements in 411-027-0020, 411-027-0025, and 411-027-0050. The term "exception" is synonymous with "exceptional rate" or "exceptional payment."

(24) "FICA" is the acronym for the Social Security payroll taxes collected under authority of the Federal Insurance Contributions Act.

(25) "Financial Accountability" refers to guidance and oversight which act as fiscal safeguards to identify budget problems on a timely basis and allow corrective action to be taken to protect the health and welfare of individuals.

(26) "FUTA" is the acronym for Federal Unemployment Tax Assessment which is a United States payroll (or employment) tax imposed by the federal government on both employees and employers.

(27) "Homecare Worker" means a provider, as described in OAR 411-031-0040, that is directly employed by a consumer to provide either hourly or live-in services to the eligible consumer.

(a) The term homecare worker includes consumer-employed providers in the Spousal Pay and Oregon Project Independence Programs. The term homecare worker also includes consumer-employed providers that provide state plan personal care services to older adults and individuals with physical disabilities. Relatives providing Medicaid in-home services to an individual living in the relative's home are considered homecare workers.

(b) Homecare worker does not include Independent Choices Program providers or personal support workers enrolled through Developmental Disability Services or the Addictions and Mental Health Division.

(28) "Hourly Services" mean the in-home services, including activities of daily living and instrumental activities of daily living, that are provided at regularly scheduled times.

(29) "IADL" means "instrumental activities of daily living" as defined in this rule.

(30) "ICP" means "Independent Choices Program" as defined in this rule.

(31) "Independent Choices Program (ICP)" means a self directed in-home services program in which the participant is given a cash benefit to purchase goods and services identified in a service plan and prior approved by the Department or Area Agency on Aging.

(32) "Individual" means the person applying for or eligible for services. The term "individual" is synonymous with "client", "participant", "consumer", and "consumer-employer".

(33) "Individualized Back-Up Plan" means a plan incorporated into the Independent Choices Program service plan to address critical contingencies or incidents that pose a risk or harm to the participant's health and welfare.

(34) "In-Home Services" mean those activities of daily living and instrumental activities of daily living that assist an individual to stay in his or her own home or the home of a relative.

(35) "Instrumental Activities of Daily Living (IADL)" mean those activities, other than activities of daily living, required by an individual to continue independent living. The definitions and parameters for assessing needs in IADL are identified in OAR 411-015-0007.

(36) "Liability" refers to the dollar amount individuals with excess income must contribute to the cost of service pursuant to OAR 461-160-0610 and 461-160-0620.

(37) "Live-In Services" mean the in-home services provided when an individual requires activities of daily living, instrumental activities of daily living, and twenty-four hour availability. Time spent by any live-in employee doing instrumental activities of daily living and twenty-four hour avail-

ability are exempt from federal and state minimum wage and overtime requirements.

(38) "Natural Supports" or "Natural Support System" means the resources available to an individual from their relatives, friends, significant others, neighbors, roommates, and the community. Services provided by natural supports are resources that are not paid for by the Department.

(39) "Oregon Project Independence (OPI)" means the program of in-home services described in OAR chapter 411, division 032.

(40) "Participant" means an individual eligible for the Independent Choices Program.

(41) "Provider" means the individual who actually renders the service.

(42) "Rate Schedule" means the rate schedule maintained by the Department at <http://www.oregon.gov/DHS/spd/provtools/rateschedule.pdf>. Printed copies may be obtained by contacting the Department of Human Services, Aging and People with Disabilities, ATTN: Rule Coordinator, 500 Summer Street NE, E-10, Salem, Oregon 97301.

(43) "Relative" means a person, who is related to an individual by blood, marriage, or adoption, excluding the individual's spouse,

(44) "Representative" is a person either appointed by an individual to participate in service planning on the individual's behalf or an individual's natural support with longstanding involvement in assuring the individual's health, safety, and welfare. There are additional responsibilities for the Independent Choices Program (ICP) representatives as described in OAR 411-030-0100. An ICP representative is not a paid employee provider regardless of relationship to the participant.

(45) "Service Budget" means the participant's plan for the distribution of authorized funds that are under the control and direction of the participant within the Independent Choices Program. The service budget is a required component of the service plan.

(46) "Service Need" means the assistance an individual requires from another person for those functions or activities identified in OAR 411-015-0006 and 411-015-0007.

(47) "SUTA" is the acronym for State Unemployment Tax Assessment. State unemployment taxes are paid by employers to finance the unemployment benefit system that exists in each state.

(48) "These Rules" mean the rules in OAR chapter 411, division 030.

(49) "Twenty-Four Hour Availability" means the availability and responsibility of a homecare worker to meet activities of daily living and instrumental activities of daily living of a consumer as required by that consumer over a twenty-four hour period. Twenty-four hour availability services are provided by a live-in homecare worker and are exempt from federal and state minimum wage and overtime requirements.

Stat. Auth.: ORS 409.050, 410.070 & 410.070
Stats. Implemented: ORS 410.010, 410.020 & 410.070

Hist.: SSD 5-1983, f. 6-7-83, ef. 7-1-83; SSD 3-1985, f. & ef. 4-1-85; SSD 5-1987, f. & ef. 7-1-87; SSD 4-1993, f. 4-30-93, cert. ef. 6-1-93; SSD 6-1994, f. & cert. ef. 11-15-94; SPD 14-2003, f. & cert. ef. 7-31-03; SPD 15-2003 f. & cert. ef. 9-30-03; SPD 18-2003(Temp), f. & cert. ef. 12-11-03 thru 6-7-04; SPD 15-2004, f. 5-28-04, cert. ef. 6-7-04; SPD 18-2005(Temp), f. 12-20-05, cert. ef. 12-21-05 thru 6-1-06; SPD 20-2006, f. 5-26-06, cert. ef. 6-1-06; SPD 3-2007(Temp), f. 4-11-07, cert. ef. 5-1-07 thru 10-28-07; SPD 17-2007, f. 10-26-07, cert. ef. 10-28-07; SPD 4-2008(Temp), f. & cert. ef. 4-1-08 thru 9-24-08; SPD 13-2008, f. & cert. ef. 9-24-08; SPD 15-2008, f. 12-26-08, cert. ef. 1-1-09; SPD 10-2013(Temp), f. & cert. ef. 5-23-13 thru 11-19-13

411-030-0033

In-Home Service Living Arrangements

(1) The following terms are used in this rule:

(a) "Informal arrangement" means a paid or unpaid arrangement for shelter or utility costs that does not include the elements of a property manager's rental agreement.

(b) "Property manager's rental agreement" means a payment arrangement for shelter or utility costs with a property owner, property manager, or landlord that includes all of the following elements:

(A) The name and contact information for the property manager, landlord, or leaser;

(B) The period or term of the agreement and method for terminating the agreement;

(C) The number of tenants or occupants;

(D) The rental fee and any other charges (such as security deposits);

(E) The frequency of payments (such as monthly);

(F) What costs are covered by the amount of rent charged (such as shelter, utilities, or other expenses); and

(G) The duties and responsibilities of the property manager and the tenant, such as:

(i) The person responsible for maintenance;

(ii) If the property is furnished or unfurnished; and

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(iii) Advance notice requirements prior to an increase in rent

(c) "Provider-owned dwelling" means a dwelling that is owned by a provider or the provider's spouse when the provider is proposing to be paid through Medicaid in-home services and the provider or the provider's spouse is not related to an individual by blood, marriage, or adoption. . Provider-owned dwellings include, but are not limited to:

(A) Houses, apartments, and condominiums;

(B) A portion of a house such as basement or a garage even when remodeled to be used as a separate dwelling;

(C) Trailers and mobile homes; or

(D) Duplexes, unless the structure displays a separate address from the other residential unit and was originally built as a duplex.

(d) "Provider-rented dwelling" means a dwelling that is rented or leased by a provider or the provider's spouse when the provider is proposing to be paid through Medicaid in-home services and the provider or the provider's spouse is not related to an individual by blood, marriage, or adoption.

(2) An individual is eligible for Medicaid in-home services if the individual:

(a) Resides in a dwelling the individual owns or rents;

(b) Resides in a provider-owned or provider-rented dwelling and the individual's name is added to the property deed, mortgage, title, or property manager's rental agreement; or

(c) Resides, either through an informal arrangement or property manager's rental agreement, in a dwelling owned or rented by a relative as defined in OAR 411-030-0020.

(3) An individual is not eligible for Medicaid in-home services if the individual resides in a provider-owned or rented dwelling through an informal arrangement. A provider-owned or rented dwelling may meet the requirements for a limited adult foster home as described in OAR 411-050-0405.

Stat. Auth.: ORS 409.050, 410.070 & 410.090

Stats. Implemented: ORS 410.010, 410.020 & 410.070

Hist.: SSD 4-1993, f. 4-30-93, cert. ef. 6-1-93; SPD 14-2003, f. & cert. ef. 7-31-03; SPD 15-2003 f. & cert. ef. 9-30-03; SPD 18-2003(Temp), f. & cert. ef. 12-11-03 thru 6-7-04; SPD 15-2004, f. 5-28-04, cert. ef. 6-7-04; SPD 18-2005(Temp), f. 12-20-05, cert. ef. 12-21-05 thru 6-1-06; SPD 20-2006, f. 5-26-06, cert. ef. 6-1-06; SPD 15-2008, f. 12-26-08, cert. ef. 1-1-09; SPD 10-2013(Temp), f. & cert. ef. 5-23-13 thru 11-19-13

411-030-0040

Eligibility Criteria

(1) In-home services are provided to individuals who meet the established priorities for service as described in OAR chapter 411, division 015 who have been assessed to be in need of in-home services.

(a) Payments for in-home services are not intended to replace the resources available to an individual from an individual's natural supports.

(b) An individual whose service needs are sufficiently and appropriately met by available natural supports is not eligible for in-home services.

(2) Individuals receiving Medicaid in-home services or served under the Independent Choices Program must:

(a) Meet the established priorities for service as described in OAR chapter 411, division 015;

(b) Be current recipients of OSIPM (Oregon Supplemental Income Program Medical) as defined in OAR 461-101-0010;

(c) Reside in a living arrangement described in OAR 411-030-0033; and

(d) Be 18 years of age or older.

(3) To be eligible for Medicaid in-home services, an individual must employ an enrolled homemaker or contracted in-home care agency. To be eligible for ICP, participants must employ an employee provider.

(4) Initial eligibility for Medicaid in-home services or the ICP does not begin until a service plan has been authorized by the Department or the Department's designee. The service plan must identify the provider who delivers the authorized services, include the date when the provision of services begins, and include the maximum number of hours authorized. Service plans must be based upon the least costly means of providing adequate services.

(5) If, for any reason, the employment relationship between an individual and provider is discontinued, an enrolled homemaker or contracted in-home care agency must be employed within 14 business days for the individual to remain eligible for in-home services. Participants of ICP must employ an employee provider within 14 business days to remain eligible for ICP services.

(6) An eligible individual who has been receiving in-home services who temporarily enters a nursing facility or medical institution must employ an enrolled homemaker or contracted in-home care agency within 14 business days of discharge from the facility or institution for the

individual to remain eligible for in-home services. Participants of ICP must employ an employee provider within 14 business days of discharge to remain eligible for ICP services.

(7) EMPLOYER RESPONSIBILITIES.

(a) In order to be eligible for in-home services provided by a homemaker worker, an individual must be able to, or designate a representative to:

(A) Locate, screen, and hire a qualified homemaker worker;

(B) Supervise and train the homemaker worker;

(C) Schedule work, leave, and coverage;

(D) Track the hours worked and verify the authorized hours completed by the homemaker worker;

(E) Recognize, discuss, and attempt to correct any performance deficiencies with the homemaker worker; and

(F) Discharge unsatisfactory workers.

(b) Individuals who have demonstrated, after intervention and assistance, that they are unable to meet the responsibilities in subsection (a) of this section are ineligible for in-home services provided by a homemaker worker. Individuals ineligible for in-home services provided by a homemaker worker are offered other available, community-based service options to meet the individual's service needs, including contracted in-home care agency services when possible. Nursing facility services, if available, may be offered as an alternative to meet an individual's service needs.

(c) Individuals determined ineligible for in-home services provided by a homemaker worker may request in-home services provided by a homemaker worker at the individual's next annual re-assessment. To be eligible for in-home services provided by a homemaker worker, individuals must appoint a representative or attend training, and acquire or otherwise demonstrate the ability to meet the employer responsibilities in subsection (a) of this section. Improvements in health and cognitive functioning may be factors in demonstrating the ability to meet employer responsibilities. If an individual is able to demonstrate the ability to meet employer responsibilities sooner than the next annual re-assessment, the waiting period may be shortened.

(d) An individual must designate a different representative or select other available services if the individual's designated representative is unable to meet the employer responsibilities in subsection (a) of this section.

(8) REPRESENTATIVE.

(a) The Department or the Department's designee may deny an individual's request for any representative if the representative has a history of a substantiated adult protective service complaint as described in OAR chapter 411, division 020. The individual may select another representative.

(b) An individual with a guardian must have a representative for service planning purposes. A guardian may designate themselves the representative.

(9) Additional eligibility criteria for Medicaid in-home services exist for individuals eligible for:

(a) The Consumer-Employed Provider Program as described in OAR chapter 411, division 031;

(b) The Independent Choices Program as described in OAR 411-030-0100 of these rules; or

(c) The Spousal Pay Program as described in OAR 411-030-0080 of these rules.

(10) Residents of licensed community-based care facilities, nursing facilities, prisons, hospitals, and other institutions that provide assistance with ADLs are not eligible for in-home services.

(11) Individuals with excess income must contribute to the cost of service pursuant to OAR 461-160-0610 and 461-160-0620.

Stat. Auth.: ORS 409.050, 410.070 & 410.090

Stats. Implemented: ORS 410.010, 410.020 & 410.070

Hist.: SSD 3-1985, f. & ef. 4-1-85; SSD 4-1993, f. 4-30-93, cert. ef. 6-12-93, Renumbered from 411-030-0001; SPD 2-2003(Temp), f. 1-31-03, cert. ef. 2-1-03 thru 7-30-03; SPD 14-2003, f. & cert. ef. 7-31-03; SPD 15-2003 f. & cert. ef. 9-30-03; SPD 18-2003(Temp), f. & cert. ef. 12-11-03 thru 6-7-04; SPD 15-2004, f. 5-28-04, cert. ef. 6-7-04; SPD 18-2005(Temp), f. 12-20-05, cert. ef. 12-21-05 thru 6-1-06; SPD 1-2006(Temp), f. & cert. ef. 1-13-06 thru 6-1-06; SPD 20-2006, f. 5-26-06, cert. ef. 6-1-06; SPD 4-2008(Temp), f. & cert. ef. 4-1-08 thru 9-24-08; SPD 13-2008, f. & cert. ef. 9-24-08; SPD 15-2008, f. 12-26-08, cert. ef. 1-1-09; SPD 10-2013(Temp), f. & cert. ef. 5-23-13 thru 11-19-13

411-030-0050

Case Management

(1) ASSESSMENT. The assessment process identifies an individual's ability to perform ADLs, IADLs, and determines an individual's ability to address health and safety concerns.

(a) The case manager must conduct an assessment in accordance with the standards of practices established by the Department in OAR 411-015-0008.

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(b) The assessment must be conducted by a case manager or other qualified Department or AAA representative with a standardized assessment tool approved by the Department in the home of the eligible individual, no less than annually.

(2) SERVICE OPTIONS.

(a) An individual and the individual's case manager, with the assistance of others involved, must consider in-home service options as well as assistive devices, architectural modifications, and other community-based care resources to meet the service needs identified in the assessment process.

(A) The individual, or the individual's representative, is responsible for choosing and assisting in developing less costly service alternatives, including the Consumer-Employed Provider Program and contracted in-home care agency services.

(B) The case manager is responsible for determining eligibility for specific services, presenting alternatives to the individual, identifying risks, and assessing the cost effectiveness of the service plan. The case manager must monitor the service plan and make adjustments as needed.

(b) The Department takes necessary safeguards to protect an individual's health, safety, and welfare in implementing the service plan in accordance with 42 CFR 441.302. When an individual with the ability to make an informed decision selects a service choice that jeopardizes health and safety, the Department or AAA shall offer or recommend options to the individual in order to minimize those risks. For the purpose of this rule, an "informed decision" means the individual understands the benefits, risks, and consequences of the service choice selected. Options that minimize risks may include offering or recommending:

(A) Natural supports to provide assistance with safety or health emergencies;

- (B) An emergency response system;
- (C) A back-up plan for assistance with service needs;
- (D) Resources for emergency disaster planning;
- (E) A referral for long term care community nursing services;
- (F) Resources for provider training;
- (G) Assistive devices; or
- (H) Architectural modifications.

(c) The Department or AAA may not authorize a service provider, service setting, or a combination of services selected by the eligible individual or the individual's representative when:

(A) The service setting has dangerous conditions that jeopardize the health or safety of the individual and necessary safeguards cannot be taken to improve the setting;

(B) Services cannot be provided safely or adequately by the service provider based on:

- (i) The extent of the individual's service needs; or
- (ii) The choices or preferences of the eligible individual or the individual's representative;

(C) Dangerous conditions in the service setting jeopardize the health or safety of the service provider that is authorized and paid for by the Department, and necessary safeguards cannot be taken to minimize the dangers; or

(D) The individual does not have the ability to make an informed decision, does not have a designated representative to make decisions on his or her behalf, and the Department or AAA cannot take necessary safeguards to protect the safety, health, and welfare of the individual.

(d) The case manager must present the individual or the individual's representative with information on service alternatives and provide assistance to assess other choices when the service provider or service setting selected by the individual or the individual's representative is not authorized.

(3) PAYMENT.

(a) The service plan payment is considered full payment for the services rendered. Under no circumstances is the service provider to demand or receive additional payment for these services from the consumer or any other source.

(b) Additional payment to homecare workers or ICP employee providers for the same services covered by Medicaid in-home services or the Spousal Pay Program is prohibited.

(c) For ICP, the service plan must include the service budget as described in OAR 411-030-0100.

(d) For service plans in which the consumer lives in the relative homecare workers home, subsection (a) of this section does not apply to rent and living expenses.

(4) **HARDSHIP SHELTER ALLOWANCE.** The Department may not authorize a hardship shelter allowance associated with employing a live-in

provider on or after June 1, 2006. Individuals eligible for and authorized to receive a hardship shelter allowance before June 1, 2006 may continue to receive a hardship shelter allowance on or after June 1, 2006 at the rate established by the Department if one of the following conditions is met:

(a) The individual is forced to move from their current dwelling and the individual's current average monthly rent or mortgage costs exceed current OSIP and OSIPM standards for a one-person need group as outlined in OAR 461-155-0250; or

(b) Service costs significantly increase as a result of the individual being unable to provide living quarters for a necessary live-in provider.

Stat. Auth.: ORS 409.050, 410.070 & 410.090

Stats. Implemented: ORS 410.010, 410.020 & 410.070

Hist.: SSD 5-1983, f. 6-7-83, ef. 7-1-83; SSD 3-1985, f. & ef. 4-1-85; SSD 12-1985(Temp), f. & ef. 9-19-85; SSD 16-1985, f. 12-31-85, ef. 1-1-86; SSD 4-1987(Temp), f. & ef. 7-1-87; SSD 1-1988, f. & cert. ef. 3-1-88; SSD 6-1988, f. & cert. ef. 7-1-88; SSD 9-1989, f. 6-30-89, cert. ef. 7-1-89; SSD 11-1989(Temp), f. & cert. ef. 9-1-89; SSD 18-1989, f. 12-29-89, cert. ef. 1-1-90; SSD 7-1990(Temp), f. & cert. ef. 3-1-90; SSD 16-1990, f. & cert. ef. 8-20-90; SSD 1-1992, f. & cert. ef. 2-21-92; SSD 4-1993, f. 4-30-93, cert. ef. 6-1-93, Renumbered from 411-030-0022; SPD 14-2003, f. & cert. ef. 7-31-03; SPD 15-2003 f. & cert. ef. 9-30-03; SPD 15-2004, f. 5-28-04, cert. ef. 6-7-04; SPD 18-2005(Temp), f. 12-20-05, cert. ef. 12-21-05 thru 6-1-06; SPD 20-2006, f. 5-26-06, cert. ef. 6-1-06; SPD 4-2008(Temp), f. & cert. ef. 4-1-08 thru 9-24-08; SPD 13-2008, f. & cert. ef. 9-24-08; SPD 15-2008, f. 12-26-08, cert. ef. 1-1-09; SPD 10-2013(Temp), f. & cert. ef. 5-23-13 thru 11-19-13

411-030-0055

Service-Related Transportation

(1) Service-related transportation (non-medical) may be prior-authorized for reasons related to an eligible individual's safety or health, in accordance with an individual's service plan. Service-related transportation is offered through contracted transportation providers or by homecare workers.

(2) Service-related transportation may be authorized to assist an eligible individual in getting to and from the individual's place of employment when that individual is approved for the Employed Persons with Disabilities Program (OSIPM-EPD).

(3) Natural supports, volunteer transportation, and other transportation services available to the eligible individual are considered a prior resource and are not to be replaced with transportation paid for by the Department.

(4) DMAP is a resource for medical transportation to a physician, hospital, clinic, or other medical service provider. Medical transportation costs are not reimbursed through service-related transportation.

(5) Service-related transportation is not provided by the Department to obtain medical or non-medical items that may be delivered by a supplier or sent by mail order without cost to the eligible individual.

(6) Service-related transportation must be prior authorized by an individual's case manager and documented in the individual's service plan. Under no circumstances shall any provider receive payment from the Department for more than the total number of hours, miles, or rides authorized by the Department or AAA in the service plan.

(a) Contracted transportation providers are reimbursed according to the terms of their contract with the Department. Service-related transportation services provided through contracted transportation providers must be authorized by a case manager based on an estimate of a total count of one way rides per month.

(b) Homecare workers that use their own personal vehicle for service-related transportation are reimbursed according to the terms defined in their Collective Bargaining Agreement between the Home Care Commission and Service Employees International Union, Local 503, OPEU. Any mileage reimbursement authorized to a homecare worker must be based on an estimate of the monthly maximum miles required to drive to and from the destination authorized in the service plan. Service-related transportation hours are authorized in accordance with OAR 411-030-0070.

(c) The Department or AAA does not authorize reimbursement for travel to or from the residence of the homecare worker. The Department or AAA only authorizes service-related transportation and mileage from the home of the eligible individual to the destination authorized in the service plan and back to the eligible individual's home.

(7) The Department is not responsible for any vehicle damage or personal injury sustained while using a personal motor vehicle for service-related transportation.

Stat. Auth.: ORS 409.050, 410.070 & 410.090

Stats. Implemented: ORS 410.010, 410.020 & 410.070

Hist.: SPD 18-2005(Temp), f. 12-20-05, cert. ef. 12-21-05 thru 6-1-06; SPD 20-2006, f. 5-26-06, cert. ef. 6-1-06; SPD 15-2008, f. 12-26-08, cert. ef. 1-1-09; SPD 10-2013(Temp), f. & cert. ef. 5-23-13 thru 11-19-13

ADMINISTRATIVE RULES

411-030-0080

Spousal Pay Program

(1) The Spousal Pay Program is one of the live-in service options under in-home services for those who qualify.

(2) For the purposes of the Spousal Pay Program, a spouse is defined as a person who is legally married per OAR 461-001-0000 to an individual eligible for Medicaid in-home services.

(3) **ELIGIBILITY.** An individual may be eligible for the Spousal Pay Program when all of the following conditions are met:

(a) The individual has met all eligibility requirements for in-home services;

(b) The individual requires full assistance in at least four of the six ADLs described in OAR 411-015-0006 as determined by the assessment described in OAR chapter 411, division 015;

(c) The individual would otherwise require nursing facility services without Medicaid in-home services;

(d) The individual has a medically-diagnosed, progressive, debilitating condition that limits additional ADL, or has experienced a spinal cord injury or similar disability with permanent impairment of the ability to perform ADLs;

(e) At the time of requesting enrollment in the Spousal Pay Program, the individual is determined, through a pre-admission screening (PAS) assessment (as defined in OAR 411-070-0005) to meet the requirements described in sections (3)(b), (3)(c) and (3)(d) of this rule. The PAS assessment is a second, independent assessment, conducted by the Department or AAA using the CA/PS;

(f) The individual's service needs exceed in both extent and duration the usual and customary services rendered by one spouse to another;

(g) The spouse demonstrates the capability and health to provide the services and actually provides the principal services, including the majority of service plan hours, for which payment has been authorized;

(h) The spouse meets all requirements for enrollment as a homemaker in the Consumer-Employed Provider Program as described in OAR 411-031-0040; and

(i) The Department has reviewed the request and approved program eligibility at enrollment and annually upon re-assessment.

(4) PAYMENTS.

(a) All payments must be prior authorized by the Department or the Department's designee.

(b) The hours authorized in the service plan must consist of one-half of the assessed hours for twenty-four hour availability, one-half of the assessed hours for IADLs, plus all of the hours for specific ADLs based on the service needs of the individual.

(c) Except as described otherwise in subsection (4)(d) of this section, spousal pay providers are paid at live-in homemaker worker rates for ADLs, IADLs, and twenty-four hour availability as bargained in the Collective Bargaining Agreement between the Home Care Commission and Service Employees International Union, Local 503, OPEU.

(d) Homemaker workers who marry their consumer-employer retain the same standard of compensation, if their employer meets the spousal pay eligibility criteria as described in section (3) of this rule. Additional IADL hours may be authorized in the service plan when necessary to prevent a loss of compensation to the homemaker worker following marriage to the consumer-employer.

(e) Spousal pay providers may not claim payment from the Department for hours that the spousal pay provider did not work unless paid leave is utilized.

(5) Spousal pay providers are subject to the provisions in OAR chapter 411, division 031 governing homemaker workers enrolled in the Consumer-Employed Provider Program.

(6) Individuals receiving Spousal Pay Program services who have excess income must contribute to the cost of services pursuant to OAR 461-160-0610 and 461-160-0620.

Stat. Auth.: ORS 409.050, 410.070 & 410.090

Stats. Implemented: ORS 410.010, 410.020, 410.070, 411.802 & 411.803

Hist.: SSD 4-1984, f. 4-27-84, ef. 5-1-84; SSD 3-1985, f. & ef. 4-1-85; SSD 4-1993, f. 4-30-93, cert. ef. 6-1-93, Renumbered from 411-030-0027; SDSL 2-2000, f. 3-27-00, cert. ef. 4-1-00; SPD 2-2003(Temp), f. 1-31-03, cert. ef. 2-1-03 thru 7-30-03; SPD 14-2003, f. & cert. ef. 7-31-03; SPD 15-2003 f. & cert. ef. 9-30-03; SPD 15-2004, f. 5-28-04, cert. ef. 6-7-04; SPD 20-2006, f. 5-26-06, cert. ef. 6-1-06; SPD 3-2007(Temp), f. 4-11-07, cert. ef. 5-1-07 thru 10-28-07; SPD 17-2007, f. 10-26-07, cert. ef. 10-28-07; SPD 15-2008, f. 12-26-08, cert. ef. 1-1-09; SPD 13-2012(Temp), f. & cert. ef. 9-26-12 thru 3-25-13; SPD 4-2013, f. 3-25-13, cert. ef. 3-26-13; SPD 10-2013(Temp), f. & cert. ef. 5-23-13 thru 11-19-13

411-030-0090

Contracted In-Home Care Agency Services

(1) Contracted in-home care agency services are one of the in-home service options for individuals eligible for Medicaid in-home services.

(2) In-home care agencies must be licensed in accordance with OAR chapter 333, division 536. The geographic service area in which the agency provides services must comply with OAR 333-536-0050. The specific services provided must be described in each contract's statement of work.

Stat. Auth.: ORS 409.050, 410.070 & 410.090

Stats. Implemented: ORS 410.010, 410.020 & 410.070

Hist.: SSD 4-1993, f. 4-30-93, cert. ef. 6-1-93; SPD 14-2003, f. & cert. ef. 7-31-03; SPD 20-2006, f. 5-26-06, cert. ef. 6-1-06; SPD 2-2007(Temp), f. & cert. ef. 3-30-07 thru 9-25-07; SPD 13-2007, f. 8-31-07, cert. ef. 9-4-07; SPD 15-2008, f. 12-26-08, cert. ef. 1-1-09; SPD 10-2013(Temp), f. & cert. ef. 5-23-13 thru 11-19-13

411-050-0405

License Required

(1) Any facility, which meets the definition of an adult foster home in OAR 411-050-0400, must apply for and obtain a license from the Division or an exempt area county.

(2) A person or entity may not represent themselves as operating an adult foster home or accept placement of an individual without being licensed as an adult foster home.

(3) RELATIVE ADULT FOSTER HOME.

(a) Any home, which meets the definition of a relative adult foster home, must have a license from the Division if receiving compensation from the Department.

(A) To qualify for this license and for compensation from the Department, the applicant or licensee must submit:

(i) A completed application for initial and renewal licenses;

(ii) The Department's Health History and Physician or Nurse Practitioner's Statement that indicates the applicant is physically, cognitively, and emotionally capable of providing care to his or her relative. The completed form must be submitted initially and every third year or sooner if there is reasonable cause for health concerns;

(iii) The Department's Background Check Request form completed by each subject individual and approved according to OAR 411-050-0412.

(B) The applicant or licensee must demonstrate a clear understanding of the resident's care needs;

(C) The applicant or licensee must meet minimal fire safety standards including:

(i) Functional smoke alarms installed in all sleeping areas and hallways or access ways that adjoin sleeping areas; and

(ii) A functional 2-A-10BC fire extinguisher on each floor of the home.

(D) The applicant or licensee must obtain any training and maintain resident record documentation deemed necessary by the Division to provide adequate care for the resident.

(E) A spouse is not eligible for compensation as a relative adult foster care licensee. A relative adult foster home license is not required if services are provided to a relative without compensation to the licensee from the Department.

(b) The Department is not accepting new applications for Relative Adult Foster Homes effective May 23, 2013.

(c) The following rules shall be suspended effective July 1, 2013:

(A) OAR 411-050-0400(46); and

(B) OAR 411-050-0405(3)(a)(A) to (E).

(4) **LIMITED FOSTER HOME.** If a home meets the definition of a limited license, the home must be licensed by the Division if the caregiver receives compensation privately or from the Department. The license shall be limited to the care of a specific individual and the licensee shall make no other admissions. The individual receiving care shall be named on the license. The licensee may be subject to the requirements specified in Standards and Practices for Care and Services (See OAR 411-050-0447).

(a) To qualify for a limited foster home license the applicant or licensee must submit:

(A) A completed application for initial and renewal licenses;

(B) The Department's Health History and Physician or Nurse Practitioner's Statement that indicates the applicant is physically, cognitively, and emotionally capable of providing care to his or her relative. The completed form must be submitted initially and every third year or sooner if there is reasonable cause for health concerns; and

(C) The Department's Background Check Request form completed by each subject individual and approved according to OAR 411-050-0412.

(b) The applicant or licensee must obtain any training and maintain resident record documentation deemed necessary by the Division to provide adequate care for the resident.

(c) The applicant or licensee must demonstrate a clear understanding of the resident's care needs.

(d) The applicant or licensee must meet minimal fire safety standards including:

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(A) Functional smoke alarms installed in all sleeping areas and hallways or access ways that adjoin sleeping areas; and

(B) A functional 2-A-10BC fire extinguisher on each floor of the home.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 443.725

Hist.: SSD 14-1985, f. 12-31-85, ef. 1-1-1986; SSD 11-1988, f. 10-18-88, cert. ef. 11-1-88; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1996, f. 3-29-96, cert. ef. 4-1-96; SDSD 4-2001, f. & cert. ef. 3-1-01; SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; SPD 9-2010, f. 6-30-10, cert. ef. 7-1-10; SPD 10-2013(Temp), f. & cert. ef. 5-23-13 thru 11-19-13

Rule Caption: Oregon Project Independence (OPI)

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Rules Amended: 411-032-0000, 411-032-0001, 411-032-0005, 411-032-0010, 411-032-0015, 411-032-0020, 411-032-0044

Rules Repealed: 411-032-0013

Subject: The Department of Human Services is permanently updating the Oregon Project Independence (OPI) rules in OAR chapter 411, division 032 to reflect statutory changes made by House Bill 3037, passed during the 2011 Legislative Session.

The permanent rules include updates to the authorized services list and provide for statewide consistency in prioritization of authorized services. Additional changes include updates to the fee-for-services to allow for administrative efficiency regarding fee collection as well as general housekeeping language clean-up.

Rules Coordinator: Christina Hartman—(503) 945-6398

411-032-0000

Definitions

(1) “AAA” means “Area Agency on Aging”.

(2) “Activities of Daily Living (ADL)” mean those personal care functional activities required by an individual for continued well being, health, and safety. For the purposes of these rules, ADLs consist of eating, dressing/grooming, bathing/personal hygiene, mobility (ambulation and transfer), elimination (toileting, bowel, and bladder management), and cognition/behavior as described in OAR 411-015-0006.

(3) “Adjusted Income” means the income for all household members after deductions for household medical expenses as described in OAR 411-032-0044.

(4) “ADL” means “Activities of Daily Living”.

(5) “Administrative Costs” mean those expenses associated with the overall operation of OPI that are not directly attributed to an authorized service. Administrative costs include, but are not limited to, costs associated with accounting services, indirect costs, facility expenses, etc.

(6) “Adult Day Service” means a community-based group program designed to meet the needs of adults with functional impairments through service plans. These structured, comprehensive, non-residential programs provide health, social and related support services in a protective setting during part of a day, but for less than 24 hours per day.

(7) “Advisory Council” means an advisory council of the authorized AAA.

(8) “Alzheimer’s Disease or a Related Disorder” means a progressive and degenerative neurological disease that is characterized by dementia including the insidious onset of symptoms of short-term memory loss, confusion, behavior changes, and personality changes. It includes dementia caused from any one of the following disorders:

(a) Multi-Infarct Dementia (MID);

(b) Normal Pressure Hydrocephalus (NPH);

(c) Inoperable Tumors of the Brain;

(d) Parkinson’s Disease;

(e) Creutzfeldt-Jakob Disease;

(f) Huntington’s Disease;

(g) Multiple Sclerosis;

(h) Uncommon Dementia such as Pick’s Disease, Wilson’s Disease, and Progressive Supranuclear Palsy; or

(i) All other related disorders recognized by the Alzheimer’s Association.

(9) “Area Agency on Aging (AAA)” means the agency designated by the Department as an AAA that is charged with the responsibility to provide a comprehensive and coordinated system of services to older adults and individuals with physical disabilities in a planning and service area. For

purposes of these rules, the term “Area Agency on Aging” is inclusive of both Type A and B AAAs as defined in ORS 410.040 to 410.350.

(10) “Area Plan” means the approved plan for providing authorized services under OPI.

(11) “Assisted Transportation” means escort services that provide assistance to an individual who has difficulties (physical or cognitive) using regular vehicular transportation.

(12) “Assistive Technology Device” means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of an individual.

(13) “Authorized Service” means any service designated by the Department and these rules to be eligible for OPI funding.

(14) “Chore” means assistance such as heavy housework, yard work, or sidewalk maintenance provided on an intermittent or one-time basis to assure health and safety.

(15) “Consumer-Employed Provider Program” refers to the program wherein the provider is directly employed by the eligible individual to provide either hourly or live-in services. In some aspects of the employer and employee relationship, the Department acts as an agent for the consumer-employer. These functions are clearly described in OAR chapter 411, division 031.

(16) “DAS” means the Department of Administrative Services for the State of Oregon.

(17) “Department” means the Department of Human Services.

(18) “Diagnosed” means, for purposes of these rules, that an individual’s physician has reason to believe and indicates that the individual has Alzheimer’s Disease or a related disorder.

(19) “Director” means the Director of the Department of Human Services, or that person’s designee.

(20) “Direct Service Costs” mean those expenses for direct labor that are attributable to the authorized services specified in OAR 411-032-0010(1)(a)(A) and (1)(c). For example, the direct service cost of home care is the cost of time actually spent providing home care supportive services in the home. Other direct service costs are those that are directly attributable to an individual-related function.

(21) “Eligibility Determination” means the process of deciding if a prospective individual meets the requirements necessary to receive authorized services under OPI.

(22) “Evidence-Based Health Promotion” means individual or group programs that have been tested through randomized control trials and have been shown to be effective at helping participants adopt healthy behaviors, improve their health status, and reduce their use of health services.

(23) “Exception” means that an agency or individual contractor or subcontractor is not required to meet one or more specific requirements of these rules.

(24) “Fiscal Records and Data” means all information pertaining to the financial operation of an agency or program.

(25) “Gross Income” means household income from salaries, interest and dividends, pensions, Social Security, railroad retirement benefits, and any other income prior to any deductions.

(26) “Health Care Costs” mean health-related expenses paid out-of-pocket that include but are not limited to medical, dental, health insurance, prescription drugs, over-the-counter drugs, hearing aids, and eyeglasses.

(27) “Home Care” means assistance with IADLs such as housekeeping, laundry, shopping, transportation, medication management, and meal preparation.

(28) “Home Care Supportive Services” means in-home or community-based services that assist an individual in achieving the greatest degree of independent functioning in the individual’s place of residence.

(29) “Homecare Worker” means a provider, as defined in OAR 411-030-0020 and described in 411-031-0040, who is directly employed by an eligible individual via the Consumer-Employed Provider Program to provide hourly services to eligible individuals.

(30) “Home Delivered Meal” means a service that includes a meal provided to an eligible individual in the individual’s place of residence. Home Delivered Meals:

(a) Are prepared and delivered in compliance with applicable state and local laws;

(b) Meet a minimum of 33 1/3 percent of Dietary Reference Intakes and Dietary Guidelines;

(c) Include meal menus approved by a registered dietitian;

(d) Require an in-person initial assessment and a minimum annual assessment; and

(e) Provide nutrition education to the individual one time per year.

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(31) "Hourly Services" mean the in-home services, including ADLs and IADLs, provided at regularly scheduled times. Hourly services are not exempt from federal or state minimum wage or overtime laws.

(32) "Household" means the individual, spouse, and any dependents as defined by the Internal Revenue Service.

(33) "IADL" means "Instrumental Activities of Daily Living".

(34) "Indirect Cost" means:

(a) Incurred for a common or joint purpose benefiting more than one cost objective; and

(b) Not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved. The term "indirect cost," as used herein, applies to costs of this type originating in the grantee department, as well as those incurred by other departments in supplying goods, services, and facilities. To facilitate equitable distribution of indirect expenses, to the cost objectives served, it may be necessary to establish a number of pools of indirect costs. Indirect cost pools are distributed to benefited cost objectives on bases that produce an equitable result in consideration of relative benefits derived.

(35) "In-Home Care Agency" means an incorporated entity or equivalent licensed in accordance with OAR chapter 333, division 536 to provide hourly contracted in-home service to individuals in that individual's place of residence.

(36) "Institution" means any state, community, or private hospital and any nursing facility.

(37) "Instrumental Activities of Daily Living (IADL)" mean the self-management tasks that consist of housekeeping including laundry, shopping, transportation, medication management, and meal preparation as described in OAR 411-015-0007.

(38) "Natural Support" means the resources available to an individual from their relatives, friends, significant others, neighbors, roommates, and the community. Services provided by natural supports are resources not paid for by the Department or AAA.

(39) "OPI" means Oregon Project Independence.

(40) "Options Counseling" means counseling that supports informed long term care decision making through assistance provided to individuals and families to help them understand their strengths, needs, preferences, and unique situations and translate this knowledge into possible support strategies, plans, and tactics based on the choices available in the community.

(41) "Personal Care" means in-home services provided to maintain, strengthen, or restore an individual's functioning in their own home when an individual is dependent in one or more ADLs, or when an individual requires assistance for ADL needs. Assistance is provided either by an in-home care agency or by a homecare worker.

(42) "Place of Residence" means the physical location of an individual's legal residence. For purposes of these rules "place of residence" does not include an adult foster home, assisted living facility, residential care facility, or nursing facility licensed by the Department.

(43) "Priority" means the order in which the AAA determines individuals to be eligible for OPI.

(44) "Program Records and Data" means any information of a non-fiscal nature.

(45) "Program Support Costs" mean those expenses associated with managing the services provided either through contract or directly by the AAA, that are attributable to a specific service.

(46) "Provider" means the individual who actually renders the service.

(47) "Registered Nurse Services" mean services provided by a registered nurse on a short-term or intermittent basis that include but are not limited to:

(a) Interviewing the individual and, when appropriate, other relevant parties;

(b) Assessing the individual's ability to perform tasks;

(c) Preparing a service plan that includes treatment needed by the individual;

(d) Monitoring medication; and

(e) Training and educating providers around the provisions of the service plan.

(48) "Respite" means paid temporary services to provide relief for families or other caregivers who are unpaid. In-home and out-of-home respite may be provided on an hourly or daily basis, including 24-hour respite service for several consecutive days. The range of tasks provided may include supervision, companionship, and personal care services usually provided by the primary caregiver.

(49) "Service Coordination" means a service designed to individualize and integrate social and health care options with an individual being served. The goal of service coordination is to provide access to an array of service options to assure appropriate levels of service and to maximize coordination in the service delivery system.

(50) "Service Coordination Costs" mean those expenses associated with individualizing and integrating social and health care options with an individual receiving a service. Cost elements include time spent with the individual, travel to and from an individual's place of residence, mandated training time, case recording, reporting, time spent arranging for and coordinating services for an individual, and supervision and staffing time related to an individual. Service coordination costs also include the time spent on the initial assessment of an individual who does not become eligible for OPI.

(51) "Service Determination" means the process of determining the proper authorized service for each eligible individual.

(52) "Service Need" means those functions or activities for which an individual requires the support of the Department or AAA.

(53) "Service Provider" means any agency or program that provides one or more authorized services under OPI.

(54) "These Rules" mean the rules in OAR chapter 411, division 032. Stat. Auth.: ORS 410.070 & ORS 410.435

Stats. Implemented: ORS 410.410 - 410.480

Hist.: SSD 11-1984, f. 11-30-84, ef. 12-1-84; SSD 6-1987, f. & ef. 7-1-87; SSD 12-1988, f. & cert. ef. 12-2-89; SSD 19-1989(Temp), f. 12-29-89, cert. ef. 1-1-90; SSD 5-1990, f. & cert. ef. 2-1-90; SSD 11-1993, f. 12-30-93, cert. ef. 1-1-94; SSD 3-1997, f. 11-28-97, cert. ef. 12-1-97; SDDS 7-1999, f. 6-30-99, cert. ef. 7-1-99; SDDS 9-2002(Temp), f. & cert. ef. 11-1-02 thru 4-29-03; SPD 11-2003, f. & cert. ef. 5-2-03; SPD 18-2004, f. & cert. ef. 5-28-04; SPD 29-2006, f. 10-23-06, cert. ef. 11-1-06; SPD 11-2013, f. 5-31-13, cert. ef. 7-1-13

411-032-0001

Goals

The goals of Oregon Project Independence are to:

(1) Promote quality of life and independent living among older adults and people with physical disabilities;

(2) Provide preventive and long-term care services to eligible individuals to reduce the risk for institutionalization and promote self-determination;

(3) Provide services to frail and vulnerable adults who are lacking or have limited access to other long-term care services; and

(4) Optimize eligible individuals' personal resources and natural supports.

Stat. Auth.: ORS 410.070 & 410.435

Stats. Implemented: ORS410.410 - 410.480

Hist.: SSD 12-1988, f. & cert. ef. 12-2-89; SDDS 9-2002(Temp), f. & cert. ef. 11-1-02 thru 4-29-03; SPD 11-2003, f. & cert. ef. 5-2-03; SPD 18-2004, f. & cert. ef. 5-28-04; SPD 29-2006, f. 10-23-06, cert. ef. 11-1-06; SPD 14-2010(Temp), f. & cert. ef. 6-30-10 thru 12-27-10; SPD 16-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; SPD 21-2010(T), f. & cert. ef. 7-30-10 thru 12-28-10; Administrative correction 1-25-11; SPD 11-2013, f. 5-31-13, cert. ef. 7-1-13

411-032-0005

Administration

(1) ADVISORY COUNCIL. Each AAA must show evidence that the advisory council of the AAA, and the community were involved in the identification of need, selection of services to be offered, and the development of an Area Plan.

(2) AREA PLAN.

(a) Each AAA must submit an Area Plan to the Department on forms provided by the Department by the date specified.

(b) The Area Plan must, at a minimum, contain:

(A) The types and amounts of authorized services to be offered;

(B) The costs of authorized services;

(C) How the AAA ensures timely response to inquiries for service;

(D) How individuals receive initial and ongoing periodic screening for other community services, including Medicaid;

(E) How eligibility is determined;

(F) How authorized services are provided;

(G) The policy for prioritizing OPI service delivery;

(H) The policy for denial, reduction, or termination of authorized services;

(I) The policy for informing individuals of their right to grieve adverse eligibility, service determination decisions, and consumer complaints;

(J) How fees for services are developed, billed, collected, and utilized;

(K) The policy for addressing individual non-payment of fees, including when exceptions are made for repayment and when fees are waived;

(L) How service providers are monitored and evaluated; and

ADMINISTRATIVE RULES

(M) The conflict of interest policy for any direct provision of services for which a fee is set.

(3) CONTRACTS.

(a) Contracts between the Department and AAA for OPI are effective each year on July 1, unless otherwise agreed to by the Department. These contracts are based on the Area Plan and must, at a minimum, contain:

(A) A budget showing the amounts of OPI funds;

(B) The types of authorized services to be offered;

(C) The stipulation that contracted authorized services must be in accordance with the standards and requirements provided in these rules, and in accordance with the in-home services rules (OAR chapter 411, divisions 030 and 031) and the service priority rules (OAR chapter 411, division 015), and if applicable, in accordance with the in-home care agency rules (OAR chapter 333, division 536);

(D) The stipulation that required data must be gathered, reported, and monitored in accordance with these rules and the Department;

(E) A section pertaining to general provisions as required by DAS;

(F) A provision that AAAs must submit service provider contracts and amendments to the Department upon request from the Department; and

(G) Fee for service schedules developed in accordance with these rules.

(b) Contracts between AAAs and service providers must be signed and kept on file by the AAA for not less than three years for all services funded through OPI. The contracts must at a minimum contain:

(A) A budget or a maximum amount of OPI funds, as well as all other resources devoted to OPI under the contract;

(B) The types and amounts of authorized services to be offered and the rate per unit for each authorized service;

(C) The stipulation that authorized services must be offered in accordance with the standards and requirements provided in these rules, and in accordance with the in-home services rules (OAR chapter 411, divisions 030 and 31) and the service priority rules (OAR chapter 411, division 015);

(D) The stipulation that required data must be gathered and reported in accordance with these rules and the Department; and

(E) A section pertaining to general provisions as required by DAS.

(c) All contracts as described in this rule may be amended with the consent of both parties.

(d) All contracts as described in this rule must contain provisions for cancellation of the contract for non-performance and violation of the terms of the contract.

(4) PERSONNEL PRACTICES AND PROCEDURES.

(a) Each AAA and service provider must maintain written personnel policies.

(b) The personnel policies must contain all items required by state and federal laws and regulations, including such items as:

(A) An affirmative action plan; and

(B) Evidence that the AAA and service provider are equal opportunity employers.

(c) Each AAA and service provider must maintain a personnel record on each employee.

(5) NON-COMPLIANCE.

(a) Non-compliance to these rules may result in a reduction or termination of OPI funding, except in those cases where an exception has been granted by the Department;

(b) The determination of the amount of reduced funding is made by the Director of the Department;

(c) Any funds that are either reduced or terminated from a funding grant are reserved by the Department for redistribution at the Department's discretion. At the end of the biennium, unexpended funds are returned to the General Fund unless otherwise directed by the Legislative Assembly.

Stat. Auth.: ORS 410.070 & 410.435

Stats. Implemented: ORS 410.410 - 410.480

Hist.: SSD 11-1984, f. 11-30-84, ef. 12-1-84; SSD 12-1988, f. & cert. ef. 12-2-89; SSD 19-1989(Temp), f. 12-29-89, cert. ef. 1-1-90; SSD 5-1990, f. & cert. ef. 2-1-90; SSD 11-1993, f. 12-30-93, cert. ef. 1-1-94; SSD 3-1997, f. 11-28-97, cert. ef. 12-1-97; SDDS 7-1999, f. 6-30-99, cert. ef. 7-1-99; SDDS 9-2002(Temp), f. & cert. ef. 11-1-02 thru 4-29-03; SPD 11-2003, f. & cert. ef. 5-2-03; SPD 18-2004, f. & cert. ef. 5-28-04; SPD 29-2006, f. 10-23-06, cert. ef. 11-1-06; SPD 11-2013, f. 5-31-13, cert. ef. 7-1-13

411-032-0010

Authorized Services and Allowable Costs

(1) AUTHORIZED SERVICES.

(a) Authorized services for which OPI funds may be expended include:

(A) Home care supportive services limited to the following:

(i) Home care;

(ii) Chore;

(iii) Assistive technology device;

(iv) Personal care;

(v) Adult day services;

(vi) Registered nurse services; and

(vii) Home delivered meals.

(B) Service coordination.

(b) Other authorized services for which OPI funds may be expended are authorized on a case by case basis by the Director of the Department. Other authorized services may include:

(A) Services to support community caregivers and strengthen the natural support system of individuals;

(B) Evidence-based health promotion services;

(C) Options counseling; or

(D) Assisted transportation options that allow individuals to live at home and access the full range of community resources.

(c) Authorized services provided by an in-home care agency must meet the standards and requirements of in-home care agencies under ORS 443.305 to 443.350 and OAR chapter 333, division 536, and may only be offered through an in-home care agency licensed by the Oregon Health Authority.

(d) Authorized services provided by a homecare worker must meet the standards and requirements of the Home Care Commission under ORS 410.600 to 410.614 and OAR chapter 411, divisions 030 and 031.

(e) Authorized services provided using the Consumer-Employed Provider Program must meet the standards and requirements of OAR chapter 411, divisions 030 and 031.

(2) COMPUTATION OF ALLOWABLE COSTS. Allowable costs by AAAs are costs associated with the direct provision of authorized services to individuals and such administrative costs as may be required to assure adequate services and to provide information to the Department.

(3) ADMINISTRATIVE COSTS. Administrative costs cannot exceed ten percent of OPI funds.

Stat. Auth.: ORS 410.070 & 410.435

Stats. Implemented: ORS 410.410 - 410.480

Hist.: SSD 11-1984, f. 11-30-84, ef. 12-1-84; SSD 6-1987, f. & ef. 7-1-87; SSD 12-1988, f. & cert. ef. 12-2-89; SSD 19-1989(Temp), f. 12-29-89, cert. ef. 1-1-90; SSD 5-1990, f. & cert. ef. 2-1-90; SSD 11-1993, f. 12-30-93, cert. ef. 1-1-94; SSD 3-1997, f. 11-28-97, cert. ef. 12-1-97; SDDS 9-2002(Temp), f. & cert. ef. SPD 11-2003, f. & cert. ef. 5-2-03 thru 4-29-03; SPD 11-2003, f. & cert. ef. 5-2-03; SPD 18-2004, f. & cert. ef. 5-28-04; SPD 29-2006, f. 10-23-06, cert. ef. 11-1-06; SPD 11-2013, f. 5-31-13, cert. ef. 7-1-13

411-032-0015

Data Collection, Records, and Reporting

(1) DATA COLLECTION.

(a) The collection of required program and fiscal records and data associated with OPI must be on forms and data systems as approved by the Department.

(b) Each AAA and service provider must collect data on eligible individuals receiving authorized services as required by the Department.

(c) All authorized service data collected on eligible individuals, supported by OPI must contain the individual's Social Security Number and date of birth.

(d) For individuals under the age of 60, documentation must be placed in the individual's file that the individual has been diagnosed as having Alzheimer's Disease or a related disorder. Documentation must come verbally or in writing from the individual's physician. The type of "related disorder" must also be specified in this documentation.

(2) RECORDS.

(a) Each AAA and service provider must maintain all books, records, documents, and accounting procedures that reflect all administrative costs, program support costs, direct service costs, and service coordination costs expended on OPI. These records must be retained for not less than three years.

(b) Each AAA and service provider must make these records available upon request to representatives from the Department, or to those duly authorized by the Department.

(3) FISCAL AND PROGRAM REPORTING:

(a) Fiscal and program reports must be completed on forms provided by the Department.

(b) Fiscal and program reports must be submitted to the Department by the specified due dates.

(c) Fiscal and program reports must, at a minimum, include:

(A) Current cumulative expenditures;

(B) Cost per unit of authorized service;

(C) Administrative costs;

(D) Program support costs;

(E) Service coordination costs;

ADMINISTRATIVE RULES

- (F) Direct service costs;
- (G) The amount of fee for service assessed, billed, expended, and collected and other funds received;

(H) Number of unduplicated recipients year to date served for each authorized service year to date, and unduplicated case count year to date;

- (I) Number of units of service for each authorized service; and

(J) Demographic, social, medical, physical, functional, and financial data, including a breakdown of the income levels of OPI eligible individuals, as required by the Department on the Department's Client Assessment/Planning System (CA/PS) and in Oregon ACCESS database.

(4) CONFIDENTIALITY. The use or disclosure by any party of any information concerning a recipient of authorized services described in these rules, for any purpose not directly connected with the administration of the responsibilities of the Department, AAA, or service provider is prohibited except with written consent of the recipient, or their legal representative. Disclosure of recipient information must meet Department requirements.

Stat. Auth.: ORS 410.070 & 410.435

Stats. Implemented: ORS 410.410 - 410.480

Hist.: SSD 11-1984, f. 11-30-84, ef. 12-1-84; SSD 6-1987, f. & ef. 7-1-87; SSD 12-1988, f. & cert. ef. 12-2-89; SSD 19-1989(Temp), f. 12-29-89, cert. ef. 1-1-90; SSD 5-1990, f. & cert. ef. 2-1-90; SSD 3-1997, f. 11-28-97, cert. ef. 12-1-97; SDS 9-2002(Temp), f. & cert. ef. 11-1-02 thru 4-29-03; SPD 11-2003, f. & cert. ef. 5-2-03; SPD 18-2004, f. & cert. ef. 5-28-04; SPD 29-2006, f. 10-23-06, cert. ef. 11-1-06; SPD 11-2013, f. 5-31-13, cert. ef. 7-1-13

411-032-0020

Eligibility and Determination of Authorized Services

(1) ELIGIBILITY.

(a) In order to qualify for authorized services from an AAA or service provider, each eligible individual must:

(A) Be 60 years old or older or be under 60 years of age and diagnosed as having Alzheimer's Disease or a related disorder;

(B) Not be receiving financial assistance or Medicaid, except food stamps, or Qualified Medicare Beneficiary or Supplemental Low Income Medicare Beneficiary Programs; and

(C) Meet the requirements of the long-term care services priority rules in OAR chapter 411, division 015.

(b) Eligibility determination is required before any individual may receive authorized services from an AAA or service provider. The documentation required by OAR 411-032-0015 must be obtained before an individual under the age of 60 may be determined to be eligible.

(c) Eligibility determination is the responsibility of the AAA. In those instances when eligibility determination is performed by an agency other than the AAA, the AAA must have in place a system for evaluating the eligibility determination process, including an independent review by the AAA of a representative sample of cases.

(d) Any individual residing in a nursing facility, assisted living facility, residential care facility, or adult foster home setting is not eligible for authorized services. This does not restrict the ability to move an eligible individual from such institutions to their home to receive authorized services, when judged more appropriate, based on medical, financial, physical, functional, and social considerations.

(e) Any individual residing in a living setting that offers any services authorized under OAR 411-032-0010 is limited to receiving OPI authorized services that are not available in that setting.

(f) The Department determines the factors that constitute an individual being at risk of institutionalization. These factors are currently defined in the long-term care services priority rules, OAR chapter 411, division 015. These factors must be utilized by each AAA and service provider.

(g) Applicants must receive written notification of eligibility determination.

(2) SERVICE DETERMINATION.

(a) Service determination rests with the AAA. In those instances when service determination is performed by an agency other than the AAA, the AAA must have in place a system for evaluating the service determination process, including an independent review by the AAA of a representative sample of cases.

(b) Service determination is based on each individual's financial, physical, functional, medical, and social need for such services and in accordance with OAR chapter 411, division 015.

(c) Service determination provided under OPI is limited to the authorized services allowed by these rules.

(d) Service determination is made:

(A) After eligibility determination; and

(B) At regular intervals but not less than once every twelve months.

(e) Individuals must receive written notification of the service determination:

(A) Notice must include the maximum monthly hours of authorized service, the hourly and maximum monthly fee, the service rate, and provider contact information.

(B) Written notification of the service determination must be provided to the individual upon initial service determination, at annual reassessment, and when there are changes to the service determination.

(3) PRIORITY FOR AUTHORIZED SERVICES.

(a) An AAA may establish local priorities for OPI authorized services. The AAA's local priorities cannot conflict with this rule. In the event of a grievance, this rule takes precedence over local priorities.

(b) Priority for authorized services is:

(A) Maintaining eligible individuals already receiving authorized service as long as their condition indicates the service is needed.

(B) Individuals screened utilizing a Department authorized tool that measures risk for out of home placement based on an individual's financial, physical, functional, medical, and social service needs. Individuals with the highest risk of out of home placement are given priority.

(4) APPEALS. Individuals for whom services are denied, disallowed, or reduced through eligibility determination or service determination are entitled to request review of the decision through the AAA grievance review procedure set forth in policy.

(a) Individuals must continue to receive authorized services until the disposition of the local AAA grievance review.

(b) The AAA must provide the applicant with written notification of the grievance review determination decision.

(c) Applicants who disagree with the results of the AAA grievance review have a right to an administrative review with the Department, pursuant to ORS chapter 183. This information is provided to the applicant in a written notification at the time of the grievance review decision.

(d) Applicants requesting an administrative review from the Department are not eligible for continued OPI authorized.

(e) All individuals, including those who may have previously been terminated from OPI, have the right to apply for OPI authorized services at any time.

Stat. Auth.: ORS 410.070 & 410.435

Stats. Implemented: ORS 410.410 - 410.480

Hist.: SSD 11-1984, f. 11-30-84, ef. 12-1-84; SSD 12-1988, f. & cert. ef. 12-2-89; SSD 19-1989(Temp), f. 12-29-89, cert. ef. 1-1-90; SSD 5-1990, f. & cert. ef. 2-1-90; SSD 11-1993, f. 12-30-93, cert. ef. 1-1-94; SSD 3-1997, f. 11-28-97, cert. ef. 12-1-97; SDS 7-1999, f. 6-30-99, cert. ef. 7-1-99; SDS 9-2002(Temp), f. & cert. ef. 11-1-02 thru 4-29-03; SPD 11-2003, f. & cert. ef. 5-2-03; SPD 18-2004, f. & cert. ef. 5-28-04; SPD 29-2006, f. 10-23-06, cert. ef. 11-1-06; SPD 11-2013, f. 5-31-13, cert. ef. 7-1-13

411-032-0044

Fees for Authorized Service and Fees for Service Schedule

(1) FEE FOR AUTHORIZED SERVICES.

(a) A one-time fee is applied to all individuals receiving OPI authorized services who have adjusted income levels at or below federal poverty level. The fee is due at the time eligibility for OPI authorized services has been determined.

(b) Fees for authorized services, except service coordination and home delivered meals, are charged based on a sliding fee schedule to all eligible individuals whose annual gross income exceeds the minimum, as established by the Department. For purposes of these rules, an individual's annual gross income includes:

(A) Salaries from the household;

(B) Interest and dividends from the household;

(C) Pensions, annuities, Social Security, and railroad retirement benefits from the household; and

(D) Any other income from the household.

(i) All out-of-pocket health care costs may be deducted from the individual's annual gross income.

(ii) All child support paid by a non-custodial parent may be deducted from the individual's annual gross income.

(c) Individuals must receive written notification of the hourly and maximum monthly fee for service upon initial service determination and whenever there is a change.

(d) The AAA must develop procedures for assessing, billing, collecting, and expending fees.

(A) The written policy addressing individual non-payment of fees to be reviewed and approved is included in the AAA's Area Plan.

(B) Individuals must be given a copy of the AAA's policy pertaining to individual non-payment of fees upon initial eligibility determination.

(C) The decision to terminate OPI authorized services for non-payment of assessed fees for service is the responsibility of the local AAA.

(e) A record of surcharges and all fees for services must be kept by each AAA and reported monthly to the Department.

ADMINISTRATIVE RULES

(A) Minimum fees and fee for service determination forms must be a part of each individual's case record. Fee for service determination forms must meet minimum requirements for documentation as established by the Department.

(B) The maximum monthly authorized fee for services must be recorded on each individual's case record upon initial service determination and at least annually thereafter, at time of reassessment.

(f) Nothing in these rules prevent OPI individuals, or the individual's family, from making a donation or contribution. Such donations are used to expand services under OPI. Expansion of services is limited to services authorized in OAR 411-032-0010 as identified in the AAA's Area Plan.

(g) The minimum fee and all fees for service are used to expand services under OPI. Expansion of services is limited to services authorized in OAR 411-032-0010 as identified in the AAA's Area Plan.

(h) The AAAs and service providers must have a Department reviewed fee collection policy.

(2) FEE FOR SERVICE SCHEDULE.

(a) The Department, after consultation with the AAAs, develops and publishes a fee schedule for services based on the federal poverty level and distributes the schedule to the AAAs annually.

(b) The fee for service schedule is applied to the local rate specific to the service and the type of provider for the individual.

Stat. Auth.: ORS 410.070 & 410.435

Stats. Implemented: ORS 410.410 - 410.480

Hist.: SSD 15-1985, f. 12-31-85, ef. 1-1-86; SSD 9-1988, f. & cert. ef. 8-1-88; SSD 13-1989, f. & cert. ef. 9-1-89; SSD 19-1989(Temp), f. 12-29-89, cert. ef. 1-1-90; SSD 5-1990, f. & cert. ef. 2-1-90; SSD-11-1990(Temp), f. & cert. ef. 4-27-90; SSD 17-1990, f. & cert. ef. 8-20-90; SSD 11-1991, f. & cert. ef. 6-14-91; SSD 11-1993, f. 12-30-93, cert. ef. 1-1-94; SSD 3-1997, f. 11-28-97, cert. ef. 12-1-97; SDDS 9-2002(Temp), f. & cert. ef. 11-1-02 thru 4-29-03; SPD 11-2003, f. & cert. ef. 5-2-03; SPD 18-2004, f. & cert. ef. 5-28-04; SPD 29-2006, f. 10-23-06, cert. ef. 11-1-06; SPD 11-2013, f. 5-31-13, cert. ef. 7-1-13

Rule Caption: Late Contested Case Hearing Requests

Adm. Order No.: SPD 12-2013

Filed with Sec. of State: 5-31-2013

Certified to be Effective: 6-1-13

Notice Publication Date: 5-1-2013

Rules Amended: 411-001-0520

Subject: The Department of Human Services is permanently amending OAR 411-001-0520 about contested case hearing requests to correct a scrivener's error reflected in the permanent rule language that became effective April 2, 2013

Rules Coordinator: Christina Hartman—(503) 945-6398

411-001-0520

Late Contested Case Hearing Requests

(1) When the Department of Human Services (Department) receives a completed hearing request that is not filed within the timeframe required by the applicable rule in OAR chapter 411 but is filed no later than the deadlines set out in section (2) of this rule:

(a) The Department shall refer the hearing request to the Office of Administrative Hearings for a contested case hearing on the merits of the Department's action described in the notice when:

(A) The Department finds that the claimant and claimant's representative did not receive the notice and did not have actual knowledge of the notice; or

(B) The Department finds good cause that the claimant did not meet the timeframe required due to excusable mistake, surprise, excusable neglect (which may include neglect due to significant cognitive or health issues), circumstances beyond the claimant's control, reasonable reliance on the statement of a Department employee or an adverse provider relating to procedural requirements, or due to fraud, misrepresentation, or other misconduct of the Department or a party adverse to the claimant.

(b) The Department refers the request for a hearing to the Office of Administrative Hearings for a contested case proceeding to determine whether the claimant is entitled to a hearing on the merits if there is a dispute between the claimant and the Department about either of the following paragraphs.

(A) The claimant or claimant's representative received the notice or had actual knowledge of the notice. At the hearing, the Department must show that the claimant or claimant's representative had actual knowledge of the notice or that the Department mailed or electronically mailed the notice to the correct address of the claimant or claimant's representative, as provided to the Department.

(B) The claimant has established good cause for a contested case hearing on the merits under paragraph (a)(B) of this section.

(c) The Department may only dismiss such a request for hearing as untimely without a referral to the Office of Administrative Hearings if the following requirements are met:

(A) The undisputed facts show that the claimant does not qualify for a hearing under this section; and

(B) The notice was served personally or by registered or certified mail.

(2) The Department shall consider whether a late hearing request meets the late request criteria set out in section (1) of this rule:

(a) When the hearing request is received up to 120 days after a notice became a final order by default if no provider is a party to the contested case.

(b) When the hearing request is received up to 60 days after a notice became a final order by default if at least one provider is a party to the contested case.

(3) Unless required otherwise by the Servicemembers Civil Relief Act, the Department may dismiss a request for hearing as untimely if the Department receives a completed hearing request after the applicable deadline in section (2) of this rule.

Stat. Auth.: ORS 409.050 & 411.103

Stats. Implemented: ORS 409.010 & 411.103

Hist.: SPD 6-2013, f. & cert. ef. 4-2-13; SPD 12-2013, f. 5-31-13, cert. ef. 6-1-13

Department of Human Services, Self-Sufficiency Programs Chapter 461

Rule Caption: Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients

Adm. Order No.: SSP 12-2013(Temp)

Filed with Sec. of State: 5-29-2013

Certified to be Effective: 5-29-13 thru 11-25-13

Notice Publication Date:

Rules Amended: 461-120-0210

Subject: OAR 461-120-0210 is being amended to add an exception to the requirement to provide or apply for a social security number for various medical programs (CCM, CEC, CEM, EXT, HKC, MAA, MAF, OHP, OSIPM, QMB and SAC) for individuals who do not have an SSN and may only be issued an SSN for a valid non-work reason.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-120-0210

Requirement to Provide Social Security Number (SSN)

(1) In the CAWEM, ERDC, REF, and REFM programs, a member of a *need group* (see OAR 461-110-0630) or a *benefit group* (see OAR 461-110-0750) is not required to provide or apply for a social security number (SSN). In these programs, the Department may request that a member of the filing group or *need group* provide an SSN on a voluntary basis.

(2) In the EA and TA-DVS programs, an individual must provide his or her SSN if the individual can.

(3) Except as provided in section (5) of this rule, in the BCCM, CEC, CEM, EXT, HKC, MAA, MAF, OHP, OSIPM, QMB, and SAC programs:

(a) An individual is not required to apply for or provide an SSN:

(A) If the individual does not have an SSN; and

(B) May only be issued an SSN for a valid non-work reason in accordance with 20 CFR 422.104.

(b) When subsection (a) does not apply, to be included in the *benefit group*, an individual must:

(A) Provide a valid SSN for the individual; or

(B) Apply for a number if the individual does not have a valid one and provide the SSN when it is received.

(4) Except as provided in sections (5) to (7) of this rule, in the SNAP and TANF programs, to be included in the *need group*, an individual (other than an unborn) must:

(a) Provide a valid SSN for the individual; or

(b) Apply for a number if the individual does not have one and provide the SSN when it is received.

(5) In the BCCM, CEC, CEM, EXT, GA, GAM, HKC, MAA, MAF, OHP, OSIPM, QMB, SAC, and SNAP programs, an individual is not required to apply for or provide an SSN if the individual is:

(a) A member of a religious sect or division of a religious sect that has continuously existed since December 31, 1950; and

ADMINISTRATIVE RULES

(b) Adheres to its tenets or teachings that prohibit applying for or using an SSN.

(6) The requirement to apply for or provide the SSN is delayed as follows:

(a) In the BCCM, CEC, CEM, EXT, MAA, MAF, OHP, and SAC programs, a newborn who is assumed eligible based on the eligibility of the mother of the newborn may receive benefits until one year of age without meeting the SSN requirements of section (4) of this rule.

(b) In the SNAP program:

(A) An applicant eligible for expedited services may receive his or her first full month's allotment without meeting the SSN requirement but must meet the requirement before receiving a second full month's allotment.

(B) Before applying for or providing an SSN, a newborn may be included in a *benefit group* (see OAR 461-110-0750) for six months following the date the child is born or until the group's next recertification, whichever is later.

(c) In the TANF program, without meeting the SSN requirements of section (4) of this rule, a newborn child born in Oregon may be added to the *benefit group* for six months following the child's date of birth or until the next redetermination of eligibility of the *filing group* (see OAR 461-110-0330), whichever is sooner.

(7) In the SNAP program:

(a) An individual who refuses or fails without good cause to provide or apply for an SSN when required by this rule is ineligible to participate. This period of ineligibility continues until the individual provides the SSN to the Department.

(b) An individual may participate in SNAP for one month in addition to the month of application, if the individual can show good cause why the application for an SSN has not been completed. To continue to participate, the individual must continue to show good cause each month until the application for an SSN is complete with Social Security Administration.

(c) An individual meets the good cause requirement in subsections (a) and (b) of this section if the individual provides evidence or collateral information that the individual applied for or made every effort to supply the Social Security Administration with the necessary information to complete the application process. Delays due to illness not associated with a *disability* (see OAR 461-001-0015), lack of transportation, or temporary absence do not qualify as good cause under this rule.

(8) This rule authorizes or requires the collection of an SSN for each of the following purposes.

(a) The determination of eligibility for benefits. The SSN is used to verify income and other assets, and match with other state and federal records such as the Internal Revenue Service (IRS), Medicaid, child support, Social Security benefits, and unemployment benefits.

(b) The preparation of aggregate information and reports requested by funding sources for the program providing benefits.

(c) The operation of the program applied for or providing benefits.

(d) Conducting quality assessment and improvement activities.

(e) Verifying the correct amount of payments, recovering overpaid benefits, and identifying any individual receiving benefits in more than one household.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.704, 411.706, 411.816, 412.014, 412.049, 414.025, 414.826, 414.831, 414.839

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 1-2000, f. 1-13-00, cert. ef. 2-1-00; AFS 34-2000, f. 12-22-00, cert. ef. 1-1-01; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 29-2009(Temp), f. & cert. ef. 10-1-09 thru 3-30-10; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 39-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 10-2011, f. 3-31-11, cert. ef. 4-1-11; SSP 9-2012, f. 3-29-12, cert. ef. 4-1-12; SSP 25-2012, f. 6-29-12, cert. ef. 7-1-12; SSP 12-2013(Temp), f. & cert. ef. 5-29-13 thru 11-25-13

Department of Public Safety Standards and Training Chapter 259

Rule Caption: Insert omitted word relating to lapsed certification; Corrects error.

Adm. Order No.: DPSST 10-2013(Temp)

Filed with Sec. of State: 6-5-2013

Certified to be Effective: 6-5-13 thru 10-1-13

Notice Publication Date:

Rules Amended: 259-008-0067

Subject: This rule update corrects an error caused by the inadvertent omission of a word and ensures that the rule language matches

the Department's procedure and intent for lapsing law enforcement certifications.

Rules Coordinator: Linsay Hale—(503) 378-2431

259-008-0067

Lapsed Certification

(1)(a) The certification of any police officer, corrections officer, parole and probation officer who does not serve as a police officer, corrections officer, parole and probation officer, or any certified reserve officer who is not utilized as a certified reserve officer, for any period of time in excess of three consecutive months is lapsed. Upon reemployment as a police officer, corrections officer, parole and probation officer, or recommending service as a reserve officer, the person whose certification has lapsed may apply for certification in the manner provided in ORS 181.610 to 181.712.

(b) Notwithstanding paragraph (a) of this subsection, the certification of a police officer, corrections officer, parole and probation officer or certified reserve officer does not lapse if the officer is on leave from a law enforcement unit.

(2) The certification of any telecommunicator or emergency medical dispatcher who is not utilized as a telecommunicator or emergency medical dispatcher for any period of time in excess of 12 consecutive months, unless the telecommunicator or emergency medical dispatcher is on leave from a public or private safety agency, is lapsed. Upon reemployment as a telecommunicator or emergency medical dispatcher, the person whose certification has lapsed may apply for certification in the manner provided in ORS 181.610 to 181.712.

Stat. Auth.: ORS 181.652, 181.653 & 181.667

Stats. Implemented: ORS 181.652, 181.653 & 181.667

Hist.: BPSST 9-2003, f. & cert. ef. 4-22-03; DPSST 5-2004, f. & cert. ef. 4-23-04; DPSST 7-2010, f. 7-15-10, cert. ef. 8-1-10; DPSST 10-2013(Temp), f. & cert. ef. 6-5-13 thru 10-1-13

Department of Revenue Chapter 150

Rule Caption: Claim-of-right credit clarification

Adm. Order No.: REV 4-2013(Temp)

Filed with Sec. of State: 6-5-2013

Certified to be Effective: 6-5-13 thru 12-2-13

Notice Publication Date:

Rules Amended: 150-315.068

Subject: Changes to this rule clarify that a taxpayer can claim an Oregon credit for claim of right income repayments. It removes incorrect references to an Oregon subtraction. Examples are updated to reflect correct treatment of claim of right repayment income.

Rules Coordinator: Ken Ross—(503) 945-8890

150-315.068

Claim of Right Credit

(1) *Credit qualifications.* If you repaid income that was taxed in a prior year, you may be eligible for a credit on your Oregon return. This rule applies to repayments made on or after January 1, 2013 that are claimed on returns filed after the effective date of this rule. To claim the credit, you must:

(a) Claim a federal credit or deduction under Internal Revenue Code (IRC) section 1341; and

(b) Have paid Oregon tax in a prior year on the income that you repaid.

(2) *Credit calculation.* Your Oregon claim of right credit is the difference between the Oregon tax you paid in the prior year and the Oregon tax you would have paid without including the repaid income. Calculate your credit as follows:

(a) Refigure the Oregon tax before credits in the year the income was originally taxed by determining the tax for the year in which the income was originally taxed without the repaid income. Do not change the federal tax subtraction or any other items on the Oregon return.

(b) Subtract the refigured tax before credits from the Oregon tax before credits as filed (or amended or adjusted, if applicable). This is your claim of right credit.

Example 1: In 2012, Jerry was required to repay \$10,000 of the unemployment compensation he had received in 2011. He claimed the claim of right credit on his federal return, so he can also claim the credit for Oregon. For 2011, Jerry had federal adjusted gross income (AGI) of \$50,000 and Oregon tax before credits of \$3,568. Jerry refigures his 2011 Oregon tax before credits without the repaid income. He reduces his federal AGI compared to what was included in his original 2011 federal return by the amount repaid, \$10,000. All other Oregon items stay the same (includ-

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ing the federal tax subtraction). The recalculated Oregon tax before credits is \$2,668. The difference between the refigured and original tax before credits is \$900 (\$3,568 minus \$2,668). Jerry's claim of right credit is \$900.

(3) **Federal deduction.** If you claim a deduction under IRC § 1341 on your federal return, you can allow the deduction to flow through or you can claim a credit on your Oregon return. Determine by comparing the following amounts:

A. Calculate Oregon tax before credits for the year of repayment with the deduction.
B. Add back the federal deduction and figure your Oregon tax before credits. Then subtract the Oregon claim of right credit.

If the tax in (A) is less, allow the deduction for Oregon also. If the tax in (B) is less, add back any deduction as required under ORS 316.680(2)(i) and claim the Oregon credit.

Example 2: In 2012, Shannon had to repay wages of \$3,800 from tax year 2010. She qualifies to claim itemized deductions and chooses to claim the deduction on her federal return. Oregon allows this deduction to flow through or allows her to claim the credit instead. Her itemized deductions are mostly Oregon taxes, so her Oregon itemized deductions are less than the standard deduction. Therefore, she will not claim itemized deductions for Oregon and will claim the credit instead.

In 2010, she had federal AGI of \$45,000 and her 2010 tax was \$2,988. If Shannon had not received the \$3,800 she had to repay, her 2010 tax would have been \$2,679. Her 2012 credit is the difference of \$342, which she will claim on her 2012 Oregon return as a claim of right credit. There's no addition required because she claimed the standard deduction for Oregon, so the federal deduction did not flow through.

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

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 315.104

Hist.: REV 9-1999, f. 12-30-99, cert. ef. 12-31-99; REV 5-2000, f. & cert. ef. 8-3-00; REV 8-2001, f. & cert. ef. 12-31-01; REV 10-2006, f. 12-27-06, cert. ef. 1-1-07; REV 4-2013(Temp), f. & cert. ef. 6-5-13 thru 12-2-13

Department of Transportation Chapter 731

Rule Caption: Notice of Proposed Rulemaking Update

Adm. Order No.: DOT 1-2013

Filed with Sec. of State: 5-17-2013

Certified to be Effective: 5-17-13

Notice Publication Date: 4-1-2013

Rules Amended: 731-001-0000

Subject: ODOT has updated its rulemaking notice rule to include electronic mailing and align the rule with current practice.

Rules Coordinator: Lauri Kunze—(503) 986-3171

731-001-0000

Notice of Proposed Rulemaking

In accordance with ORS 183.341, to provide a reasonable opportunity for interested persons to be notified of proposed actions, prior to the adoption, amendment or repeal of a permanent rule, the Oregon Department of Transportation shall give notice of the proposed adoption, amendment or repeal:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 and in accordance with ORS 183.335.

(2) By electronically mailing or mailing notice to persons on the Oregon Department of Transportation mailing lists for specific interest areas established pursuant to ORS 183.335(8).

(3) By electronically mailing notice to legislators as provided in ORS 183.335(15).

Stat. Auth.: ORS 183.341, 184.616, 184.619

Stats. Implemented: ORS 183.335, 183.341

Hist.: 1 OTC 67, f. & ef. 1-9-76; DOT 2-1990, f. & cert. ef. 2-26-90; DOT 1-1994, f. & cert. ef. 3-17-94; DOT 1-1996, f. & cert. ef. 8-8-96; DOT 1-1998, f. & cert. ef. 1-28-98; DOT 4-2003, f. & cert. ef. 12-11-03; DOT 1-2013, f. & cert. ef. 5-17-13

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

Rule Caption: Future Responsibility Filing Following a Mandatory Suspension or Revocation

Adm. Order No.: DMV 6-2013

Filed with Sec. of State: 5-23-2013

Certified to be Effective: 5-23-13

Notice Publication Date: 4-1-2013

Rules Amended: 735-050-0100

Subject: Before DMV may reinstate driving privileges following a mandatory suspension or revocation for conviction of certain crimes, a person must file proof of future financial responsibility. OAR 735-050-0100 establishes when the requirement to file future responsibility following a mandatory suspension or revocation will begin.

DMV has amended OAR 735-050-0100 to update the requirements for a future responsibility filing to include ORS 809.411(7) (suspension for a conviction of gasoline theft) and (10) (suspension for a conviction of assault in the second, third or fourth degree resulting from the operation of a motor vehicle), and court-ordered restoration of driving privileges following a permanent revocation under ORS 809.235.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-050-0100

Future Responsibility Filing Requirements Following Mandatory Suspension or Revocation

(1) For purposes of this rule, "proof" means proof of future responsibility filings as described in OAR 735-050-0050.

(2) The requirement to file proof following a suspension or revocation of the person's driving privileges begins on the scheduled expiration date of the following:

(a) The suspension or revocation of the person's driving privileges under ORS 813.400, 809.411(2), (3), (4), (5), (6), (7), (10), 809.417(2), or 809.409(2), (3), (4), (5);

(b) The revocation of the person's driving privileges under ORS 809.235.

(3) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will reflect the filing requirement by making an entry on the person's driving record of the Proof Required Until (PRU) date. The PRU date is three years after the expiration date of the suspension or revocation.

(4) Thirty days before the expiration of the suspension or revocation described in section (2)(a) of this rule, DMV will send the person a notice that a suspension under ORS 809.415(3) will be imposed for failure to make future responsibility filings unless proof is filed. The suspension notice will specify the suspension for failure to file proof will begin on the expiration date of the suspension or revocation. Once a suspension for failure to file proof is imposed, it remains in effect until the PRU date or until the person files proof, whichever comes first.

(5) When DMV receives a court order to restore driving privileges under ORS 809.235(5), DMV will not reinstate driving privileges until the person provides proof. In addition, upon receipt of the court order DMV will send the person a notice that a suspension under 809.415(3) will be imposed in 30 days unless proof is filed. Once a suspension for failure to file proof is imposed, it remains in effect until the PRU date or until the person files proof, whichever comes first.

(6) A suspension for failure to file proof will not take effect if the person files proof before the effective date of the suspension.

Stat. Auth.: ORS 184.616, 184.619 & 802.010

Stats. Implemented: ORS 806.240, 806.245, 809.235 809.409, 809.411, 809.415, 809.417 & 813.400

Hist.: MV 5-1989, f. & cert. ef. 1-17-89; DMV 6-1998, f. & cert. ef. 6-19-98; DMV 6-2013, f. & cert. ef. 5-23-13

Rule Caption: DMV Snowmobile Rule Updates

Adm. Order No.: DMV 7-2013

Filed with Sec. of State: 5-23-2013

Certified to be Effective: 5-23-13

Notice Publication Date: 4-1-2013

Rules Amended: 735-164-0000, 735-164-0010, 735-164-0020

Subject: This rulemaking amended DMV snowmobile rules OAR 735-164-0000, 735-164-0010 and 735-164-0020 to update fee amounts to be consistent with statutory requirements, and to correct references to repealed rules. Other non-substantive changes simplify rule language to improve readability.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-164-0000

Snowmobile Fees Relating to Registration

Pursuant to ORS 821.080, snowmobile registration is administered in the same manner and has the same effect as the registration of vehicles under ORS Chapter 803. In addition to the fees established for snowmobile registration and registration renewal under 821.320 and consistent with 803.575, the following issuance fees apply:

(1) \$5 for a duplicate or replacement registration card.

(2) \$5 for a replacement registration decal issued at the time of registration or \$10 for a replacement at any other time.

(3) \$10 for replacement registration stickers.

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(4) \$5 for a replacement registration decal and replacement registration stickers when issued together at registration renewal, or \$10 when issued together at any other time.

(5) The fees paid under sections (2), (3) and (4) of this rule include the cost of any duplicate or replacement registration card issued.

Stat. Auth.: ORS 184.616, 184.612, 802.010 & 821.080

Stats. Implemented: ORS 821.080 & 803.575

Hist.: MV 30-1987, f. & ef. 10-1-87; Administrative Renumbering 3-1988, Renumbered from 735-120-0060; DMV 7-2013, f. & cert. ef. 5-23-13

735-164-0010

Snowmobiles — Title and Registration Requirements

Unless otherwise exempt, snowmobiles are subject to DMV statutes and rules relating to title and registration. This includes:

(1) For title, ORS 803.010 through 803.230, except odometer disclosure requirements as provided in OAR 735-028-0010;

(2) For registration, ORS 803.300 through 803.455, except an odometer disclosure under 803.370(3);

(3) For registration cards, ORS 803.500 through 803.510, except the mileage of the vehicle under 803.500(5);

(4) For registration stickers, ORS 803.555 through 803.560;

(5) For registration fees and the disposition of plates, replacement and refunds, ORS 803.585, 803.575 and 803.590; and

(6) For temporary registration permits, ORS 803.615, 803.625 and 803.640.

Stat. Auth.: ORS 802.010, 803.030, 803.035, 803.305, 803.310, 821.060 & 821.080

Stats. Implemented: ORS 821.060 & 821.080

Hist.: MV 30-1987, f. & ef. 10-1-87; Administrative Renumbering 3-1988, Renumbered from 735-120-0070; DMV 7-2013, f. & cert. ef. 5-23-13

735-164-0020

Placement of Snowmobile Registration Decal

Registration numbers assigned to snowmobiles are issued by DMV in the form of a registration decal. Snowmobile registration decals must be affixed on the left side of the snowmobile in an area that is visible during operation.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 821.080

Stats. Implemented: ORS 821.080

Hist.: MV 7-1985, f. 6-14-85, ef. 6-16-85; Administrative Renumbering 3-1988, Renumbered from 735-071-0092; DMV 7-2013, f. & cert. ef. 5-23-13

Rule Caption: Requirement for Installation of an Ignition Interlock Device following a DUI Conviction

Adm. Order No.: DMV 8-2013

Filed with Sec. of State: 5-23-2013

Certified to be Effective: 5-23-13

Notice Publication Date: 4-1-2013

Rules Amended: 735-070-0080

Subject: Chapter 66, Oregon Laws 2012 (HB 4017) amends ORS 813.602 to include a five year requirement for installing and using an ignition interlock device (IID) at the end of a suspension or revocation under specified circumstances. This required DMV to amend OAR 735-070-0080 which previously referred to the one year and a two year IID requirement. DMV has deleted references to specific time requirements in the rule and states that the requirements are as specified in ORS 813.602(1) or (2).

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-070-0080

Ignition Interlock Device (IID) as Requirement Following DUI Suspension

(1) A person convicted by an Oregon Court of Driving Under the Influence of Intoxicants (DUI) must install and use an IID for the period of time specified in ORS 813.602 (1) or (2).

(2) DMV will suspend driving privileges for failure to install an IID if proof that an approved IID has been installed in the person's vehicle is not submitted to DMV by the ending date of the DUI suspension. The proof must be an installation report form showing an approved device, as described in OAR 735-118-0010, completed and signed by the provider who installed the device.

(3) A person may operate a vehicle(s) without an IID, if the person is medically unable to operate a vehicle equipped with an IID, and DMV grants a medical exemption from the IID requirement. To avoid suspension of driving privileges for failure to install an IID, the person must apply before the last day of the DUI suspension and submit to DMV:

(a) A written, signed statement from an IID provider that the provider is unable to adapt an IID to accommodate usage by the person because of the person's medical condition; and

(b) A written, signed statement from the person's medical doctor, doctor of osteopathy, naturopathic doctor, physician assistant or nurse practitioner containing the following information:

(A) The name of the exempting condition;

(B) Whether the condition is temporary or permanent and if temporary, when the condition will no longer prevent usage of an IID; and

(C) Whether the exemption is required because the condition results in the inability to sustain an exhaled breath sampling of five pounds of pressure for five seconds required to operate the device or results in a ketone level in the person's breath which will not allow the driver to successfully complete the test.

(4) When the application for a medical exemption is made under section (3) of this rule and approved by DMV, DMV will issue a medical exemption letter. The person must carry a copy of DMV's medical exemption letter while operating a vehicle that would otherwise require installation and use of an IID.

(5) DMV will reinstate driving privileges if during the suspension period for failure to install an IID, the person installs an IID or DMV grants the person a medical exemption.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 813.602

Stats. Implemented: ORS 813.602

Hist.: MV 39-1987, f. 12-11-87, cert. ef. 1-1-88; Administrative Renumbering 3-1988, Renumbered from 735-031-0078; MV 20-1988, f. & cert. ef. 6-1-88; MV 14-1989, f. & cert. ef. 5-17-89; MV 18-1989(Temp), f. 8-31-89, cert. ef. 9-5-89; MV 4-1990, f. & cert. ef. 3-2-90; DMV 5-1994, f. & cert. ef. 7-21-94; DMV 15-2001, f. & cert. ef. 9-21-01; DMV 12-2007, f. 11-30-07, cert. ef. 1-1-08; DMV 8-2013, f. & cert. ef. 5-23-13

Department of Transportation, Highway Division Chapter 734

Rule Caption: Maximum allowed tow length for mobile homes

Adm. Order No.: HWD 2-2013

Filed with Sec. of State: 5-16-2013

Certified to be Effective: 5-16-13

Notice Publication Date: 4-1-2013

Rules Amended: 734-075-0010, 734-075-0011

Subject: These rules describe the transportation of mobile homes and modular building units on highways under the authority of the Oregon Department of Transportation. A petition for rulemaking was received from the Oregon Manufactured Housing Association requesting a revision to OAR 734-075-0010 and 734-075-0011 to extend the lengths mobile homes from 75 feet to 80 feet (including the tongue). Nevada, California, Idaho and Washington recently extended permit actions that authorize the movement of mobile homes, not to exceed 80 feet in length. The amended rules follows suit with Oregon's neighbors to extend the length to 80 feet and will promote administrative efficiency and the efficiency of movement of manufactured building through Oregon and the adjacent states. In addition, the amendments grant the Administrator of MCTD the same authority granted the Chief Engineer with regard to oversight of the movement of oversized loads or vehicles.

Rules Coordinator: Lauri Kunze—(503) 986-3171

734-075-0010

Vehicle Combinations and Maximum Size Limitations

This rule establishes the maximum number of vehicles in combination and size of vehicles allowed when moving an over-dimensional unit:

(1) The combination must not exceed two vehicles, the towing vehicle and the unit being transported.

(2) The maximum lengths are as follows:

(a) The maximum overall length of the combination must:

(A) Not exceed 85 feet on State highways;

(B) Not exceed 95 feet on Group 1 highways; and

(C) Not exceed 110 feet on Interstate highways, multilane highways or highways approved for the longer length as authorized by a single trip permit or as authorized by written order of the Chief Engineer or the Administrator of the Motor Carrier Transportation Division as authorized in OAR 734-070-0010.

(b) The mobile home being towed must not exceed 80 feet, including the tongue, except as provided in OAR 734-075-0011.

(3) The maximum widths are as follows:

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(a) Units must not exceed 14 feet overall width, unless a single trip permit or a limited duration permit is issued;

(b) Units transported under a single trip permit or limited duration permit are subject to the following:

(A) The unit must not exceed 16 feet at the base except as described in subsection (c);

(B) The overall width must not, except as described in subsection (e), exceed 18 feet.

(c) Except as prohibited by paragraph (b)(B) of this section, a unit may have an eave, provided the eave does not extend beyond either side by:

(A) More than 30 inches for units with a base width of less than 16 feet; or

(B) More than 16 inches for units with a base width of 16 feet or more.

(d) External appurtenances such as doorknobs, window fasteners, eave cap, clearance lights and load securement devices may exceed the width of the unit by a distance not greater than two inches on each side;

(e) A unit that exceeds 16 feet wide at the base may be allowed if the Administrator of MCTD determines that the public interest requires the impending movement and the movement can be performed safely.

(4) Except as provided in subsection (5) the maximum height for the combination, while in transit, must not exceed 14 feet unless proper route clearance has been obtained and is so indicated on the single trip permit.

(5) A continuous trip permit may be issued for a combination height up to 14 feet six inches over specifically authorized routes.

(6) A combination consisting of a truck-tractor or toter towing a manufactured home, mobile home or modular building unit chassis, which may include axles and tires attached to each chassis hauled, may operate on a 30-day multiple trip permit under the following conditions:

(a) Chassis length including the tongue must not exceed 80 feet;

(b) The chassis must not be loaded end to end but may be staggered lengthwise for transport;

(c) Overhang must not extend more than five feet off the rear of the chassis transporting the load;

(d) Overall length of the combination must not exceed:

(A) 105 feet on interstate and multilane highways; and

(B) 95 feet on two-lane green and brown routes shown on Route Map 7.

(e) The chassis transporting the load must be equipped with brakes and lights that meet the requirements of CFR 49 Part 393.

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

Stats. Implemented: ORS 818.200 & 818.220

Hist.: HC 1287, f. 3-14-73; 1 OTC 19a, f. & ef. 1-24-74; 1 OTC 9-1978(Temp), f. & ef. 7-19-78; 1 OTC 11-1979(Temp), f. & ef. 6-20-79; 1 OTC 12-1979(Temp), f. & ef. 6-20-79; 1 OTC 13-1979(Temp), f. & ef. 6-20-79; 1 OTC 24-1979, f. & ef. 10-24-79; 2 HD 7-1982(Temp), f. & ef. 11-22-82; 2HD 15-1983, f. & ef. 8-18-83; HWY 4-1988(Temp), f. & cert. ef. 6-23-88; HWY 4, 1989, f. & cert. ef. 5-23-89; HWY 6-1990, f. & cert. ef. 3-13-90; HWY 5-1992, f. & cert. ef. 3-25-92; HWY 7-1996, f. & cert. ef. 12-19-96; TO 2-1998, f. 3-10-98, cert. ef. 4-1-98; TO 3-1999, f. & cert. ef. 10-13-99; TO 2-2001, f. & cert. ef. 6-14-01; HWD 3-2008(Temp), f. & cert. ef. 4-24-08 thru 10-21-08; HWD 9-2008, f. & cert. ef. 9-11-08; HWD 5-2009, f. & cert. ef. 3-20-09; HWD 6-2011, f. & cert. ef. 6-21-11; HWD 3-2012, f. & cert. ef. 1-27-12; HWD 2-2013, f. & cert. ef. 5-16-13

734-075-0011

Authority to Approve Greater Length

(1) The Chief Engineer or the Administrator of the Motor Carrier Transportation Division is authorized to issue permits, on an individual basis, to allow transportation of a unit into or through the State when the length exceeds that specified in OAR 734-075-0010.

(2) In issuing permits under this rule, the Chief Engineer or the Administrator of the Motor Carrier Transportation Division will determine the following:

(a) The safety of other highways users is not impaired; and

(b) The adjacent states through which the mobile home is transported also permit the movement.

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

Stats. Implemented: ORS 818.200 & 818.220

Hist.: HWY 6-1990, f. & cert. ef. 3-13-90; HWY 5-1992, f. & cert. ef. 3-25-92; HWD 3-2012, f. & cert. ef. 1-27-12; HWD 2-2013, f. & cert. ef. 5-16-13

Department of Transportation, Motor Carrier Transportation Division Chapter 740

Rule Caption: Change in fee basis

Adm. Order No.: MCTD 4-2013

Filed with Sec. of State: 5-16-2013

Certified to be Effective: 5-16-13

Notice Publication Date: 4-1-2013

Rules Adopted: 740-055-0035

Subject: Division 55 rules describe payment of weight-mile tax and reporting period variations. This new rule clarifies a long standing procedure describing when a fee basis has changed. A fee basis is the method a carrier elects to use to report and pay Highway Use Tax. A carrier's fee basis eligibility is determined by the declared weight of the vehicle, configuration of the vehicle and commodity to be transported. The new rule defines and clarifies when a change of fee basis has occurred.

Rules Coordinator: Lauri Kunze—(503) 986-3171

740-055-0035

Change in Fee Basis

(1) As used in this rule, a fee basis is the method a carrier uses to report and pay Highway Use Tax, for example Monthly, Flat Monthly, Quarterly and Annual Mileage.

(2) Tax status is determined by the weight of the vehicle, commodity being transported, purpose of the transportation and highways traveled. The tax status is established by the operation performed at the time the commodity is transported, including without limitation; farm operations, for hire operations, exempt operations, such as school and non-profit operations, operations less than 26,000 pounds or operations on private roads and commodities designated as flat fee.

(3) A change in fee basis occurs when a commodity is loaded on a vehicle causing a change in the tax status. The vehicle remains in the fee basis indicated by the load while transporting that load and for any subsequent operations, including unladen travel, until a loaded commodity changes the fee basis.

Stat. Auth.: ORS 184.616, 184.619 & 823.011

Stats. Implemented: ORS 319.020, 319.530, 825.017, 825.474 & 825.480

Hist.: MCTD 4-2013, f. & cert. ef. 5-16-13

Landscape Architect Board Chapter 804

Rule Caption: Adoption of 2013–2015 Operating Budget

Adm. Order No.: LAB 1-2013

Filed with Sec. of State: 6-3-2013

Certified to be Effective: 7-1-13

Notice Publication Date: 4-1-2013

Rules Amended: 804-001-0002

Subject: This rule revision adopts the 2013–2015 biennial budget of the Board with a spending limit of \$388,635.

Rules Coordinator: Christine Valentine—(503) 589-0093

804-001-0002

Biennial Budget

Pursuant to the provisions of ORS 182.462, following a public hearing held April 18, 2013, the Board adopts by reference the Oregon State Landscape Architects Board 2013–2015 biennial budget of \$388,625 covering the period July 1, 2013, through June 30, 2015. The Board Administrator, with the approval of the Board, will amend budgeted accounts as necessary, within the approved budget of \$388,625, for the effective operation of the Board. The Board will not exceed the approved budget amount without amending this rule, notifying all registrants, and holding a public hearing. Copies of the budget are available from the Board's office.

Stat. Auth.: ORS 671.415, 182.462 & 670.310

Stats. Implemented: ORS 671.415 & 182.462

Hist.: LAB 1-1997(Temp), f. & cert. ef. 9-3-97; LAB 1-1998, f. & cert. ef. 2-5-98; 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 2-2005, f. & cert. ef. 5-18-05; LAB 2-2007, f. 5-22-07, cert. ef. 7-1-07; LAB 1-2009, f. 6-15-09, cert. ef. 7-1-09; LAB 1-2011, f. 5-31-11, cert. ef. 7-1-11; LAB 1-2013, f. 6-3-13, cert. ef. 7-1-13

Landscape Contractors Board Chapter 808

Rule Caption: Amends exam section titles to more clearly show the exam content

Adm. Order No.: LCB 2-2013

Filed with Sec. of State: 5-31-2013

Certified to be Effective: 6-1-13

Notice Publication Date: 4-1-2013

Rules Amended: 808-003-0045, 808-003-0060

ADMINISTRATIVE RULES

Subject: Amends exam section titles to more clearly show the exam content

Rules Coordinator: Kim Gladwill-Rowley — (503) 967-6291, ext. 223

808-003-0045

Change to Limited Licenses; Removal from Probationary Status

(1) Landscape construction professionals holding limited licenses may upgrade that phase of license by passing additional sections of the exam. Licensees shall submit the required fees and a written request to take the additional sections of the exam.

(2) The following sections must be passed to upgrade to a standard landscape license:

- (a) Sod and Seed license holders must pass
 - (A) Plants and Turf,
 - (B) Landscape Construction,
 - (C) Grading and Drainage, and
 - (D) Safety, Estimating, Soils, and Chemicals.
- (b) Tree license holders must pass
 - (A) Plants and Turf,
 - (B) Landscape Construction,
 - (C) Grading and Drainage, and
 - (D) Safety, Estimating, Soils, and Chemicals.

(3) Holders of a Sod & Seed license or a Tree license must pass the irrigation and Backflow Prevention sections of the landscape examination to upgrade that phase of license to irrigation plus backflow

(4) If the phase of license for a landscape contracting business license changes, the landscape contracting business must immediately stop advertising for or performing those phases of landscaping work for which the business no longer holds a license.

(5) Probationary license holders may obtain removal from probationary status by:

(a) Demonstrating one or more of the following after the date of obtaining the probationary license:

(A) Completion of 24 months or more of employment with an actively licensed landscape contracting business under the direct supervision of a non-probationary licensed landscape construction professional,

(B) Completion of 24 months or more as an owner or employee of an actively licensed landscape contracting business providing supervision as described in ORS 671.540(1)(q) or 671.565(1)(b) for a period of 24 months where the landscaping work performed on any landscape job by the landscape contracting business did not exceed \$15,000 and where the landscape contracting business filed and maintained with the board a bond, letter of credit or deposit in the amount of \$15,000, or

(C) Completion of 24 months or more as an actively licensed construction contractor under ORS Chapter 701.

(b) Submitting a written request to the board for removal of the probationary status.

Stat. Auth.: ORS 183 & 671
Stats. Implemented: ORS 671.560

Hist.: LC 1-1984, f. & ef. 7-17-84; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; Renumbered from 808-010-0022; LCB 1-2003, f. 1-31-03, cert. ef. 2-1-03; LCB 4-2003, f. 5-27-03, cert. ef. 6-1-03; LCB 1-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 6-2005, f. 12-30-05, cert. ef. 1-1-06; LCB 4-2007, f. 12-19-07, cert. ef. 1-1-08; LCB 9-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 8-2008, f. & cert. ef. 9-5-08; LCB 9-2008, f. 9-29-08, cert. ef. 10-1-08; LCB 10-2008, f. & cert. ef. 11-6-08; LCB 4-2009, f. 6-1-09 cert. ef. 7-1-09; LCB 7-2010, f. & cert. ef. 10-25-10; LCB 2-2013, f. 5-31-13, cert. ef. 6-1-13

808-003-0060

Examinations

(1) The exam will consist of the following sections:

(a) Laws, Rules and Business Practice which includes Contract Law, General Business, and Agency Involvement;

- (b) Plants and turf;
- (c) Landscape construction;
- (d) Grading and drainage; and
- (e) Safety, estimating, soils, and chemicals.

(f) Irrigation, which includes, but is not limited to pipes and fittings, electrical, head and nozzles, Hydraulics, installation/practical application, plan questions, winterizing, repair/troubleshooting, valves, plant culture, drip irrigation, design, and pumps.

(g) Backflow Prevention, which includes, but is not limited to the installation of irrigation and ornamental water feature backflow assemblies, cross connections, piping, valves, and related plumbing code provisions.

(2) All applicants must successfully pass the Laws, Rules and Business Practice section.

(3) If an applicant desires to be able to perform all areas of landscaping work including irrigation and the installation of the backflow assemblies, the applicant must successfully pass:

- (a) Laws, Rules and Business Practice,
- (b) Plants and Turf,
- (c) Landscape Construction,
- (d) Grading and Drainage,
- (e) Safety, Estimating, Soils, and Chemicals,
- (f) Irrigation; and
- (g) Backflow Prevention sections.

(4) If an applicant desires to be able to perform all areas of landscaping work except irrigation and the installation of the backflow assemblies, the applicant must successfully pass:

- (a) Laws, Rules and Business Practice,
- (b) Plants and Turf,
- (c) Landscape Construction,
- (d) Grading and Drainage,
- (e) Safety, Estimating, Soils, and Chemicals,
- (f) Irrigation; and
- (g) Backflow Prevention sections.

(5) If an applicant desires to be able to perform only irrigation and the installation of the backflow assemblies, the applicant must successfully pass the Laws, Rules and Business Practice, Irrigation and Backflow Prevention sections.

(6) If an applicant desires to obtain the probationary All Phase Plus Backflow license, the applicant must successfully pass within 12 months after the first sitting of any section: the

- (a) Laws, Rules and Business Practice,
- (b) Plants and Turf,
- (c) Landscape Construction,
- (d) Grading and Drainage,
- (e) Safety, Estimating, Soils, and Chemicals,
- (f) Irrigation; and
- (g) Backflow Prevention sections.

Stat. Auth.: ORS 183.325 - 183.500, 670.310 & 671.670

Stats. Implemented: ORS 671.570

Hist.: LC 3, f. & ef. 2-7-77; LC 1-1981, f. & ef. 10-8-81; LC 1-1984, f. & ef. 7-17-84; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; Renumbered from 808-010-0025; LCB 4-1993, f. & cert. ef. 11-1-93; LSCB 2-1994, f. 11-8-94, cert. ef. 11-15-94; LCB 1-1998, f. & cert. ef. 2-6-98; LCB 3-1998(Temp), f. & cert. ef. 11-16-98 thru 5-15-99; LCB 1-1999, f. & cert. ef. 2-11-99; LCB 1-2001, f. 12-4-01, cert. ef. 1-1-02; LCB 1-2003, f. 1-31-03, cert. ef. 2-1-03; LCB 1-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 6-2005, f. 12-30-05, cert. ef. 1-1-06; LCB 9-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 12-2009, f. 12-23-09, cert. ef. 1-1-10; LCB 2-2013, f. 5-31-13, cert. ef. 6-1-13

Oregon 529 College Savings Board Chapter 173

Rule Caption: Temporary administrative rules to allow duplicate accounts with the same designated beneficiary and account owner.

Adm. Order No.: CSB 1-2013(Temp)

Filed with Sec. of State: 6-12-2013

Certified to be Effective: 7-1-13 thru 12-28-13

Notice Publication Date:

Rules Amended: 173-006-0005, 173-008-0005

Subject: The Oregon 529 College Savings Board is adopting temporary administrative rules to allow each plan in the Network to accept an account even though the other plan in the Network already has an existing account with the same designated beneficiary and the same account owner.

Rules Coordinator: Michael Parker — (503) 373-1903

173-006-0005

Designated Beneficiary

(1) There are no restrictions on the age of a designated beneficiary nor any required relationship between the account owner and the designated beneficiary of an account.

(2) At any one time there shall be only one account owner and one designated beneficiary per account.

(3) There is no limit on the number of accounts that may be opened for one designated beneficiary by different account owners.

(4) An account owner may also be the designated beneficiary of an account.

Stat. Auth.: ORS 348.853(2)

Stats. Implemented: ORS 348.857(4)

Hist.: QTSB 1-2001, f. & cert. ef. 1-2-01; QTSB 1-2002(Temp), f. & cert. ef. 6-14-02 thru 12-6-02; QTSB 2-2002(Temp), f. & cert. ef. 8-15-02 thru 12-6-02; QTSB 3-2002, f. & cert.

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ef. 10-29-02; QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10; CSB 1-2013(Temp), f. 6-12-13, cert. ef. 7-1-13 thru 12-28-13

173-008-0005

Refusal to Open an Account

The Board may refuse to open an account for reasons that may include but are not necessarily limited to the following:

- (1) The applicant is not an eligible account owner.
- (2) The applicant has not provided all of the information required by the application.
- (3) The total account balance of all accounts in the network for the same designated beneficiary is (or would be when taking into account a contribution being made) greater than the maximum limit established by the board pursuant to OAR 173-009-0015. The network shall accept contributions for accounts for that designated beneficiary (including contributions establishing new accounts), in the order of their receipt until the maximum account balance limit for that designated beneficiary has been reached.
- (4) Entering into a participation agreement between the board and the applicant violates any federal securities or state "blue sky" laws or any other federal or state law.
- (5) The Board determines that, for any other reason, it would be advisable to limit the number of accounts in the network or the plan under which the account is being opened.
- (6) The board reserves the right to refuse applications that it determines to be an abuse of the network or a plan.

Stat. Auth.: ORS 348.853(2)

Stats. Implemented: ORS 348.841(2), 348.857(4) & 348.853(2)

Hist.: QTSB 1-2001, f. & cert. ef. 1-2-01; QTSB 1-2002(Temp), f. & cert. ef. 6-14-02 thru 12-6-02; QTSB 2-2002(Temp), f. & cert. ef. 8-15-02 thru 12-6-02; QTSB 3-2002, f. & cert. ef. 10-29-02; QTSB 1-2010(Temp), f. & cert. ef. 3-25-10 thru 9-15-10; QTSB 2-2010, f. 9-10-10, cert. ef. 9-14-10; CSB 1-2013(Temp), f. 6-12-13, cert. ef. 7-1-13 thru 12-28-13

Oregon Business Development Department Chapter 123

Rule Caption: Amendments include language for first loss insurance, add language for collateral support insurance premiums.

Adm. Order No.: OBDD 3-2013

Filed with Sec. of State: 5-23-2013

Certified to be Effective: 5-23-2013

Notice Publication Date: 3-1-2013

Rules Amended: 123-021-0010, 123-021-0015, 123-021-0080, 123-021-0090, 123-021-0110

Subject: The Credit Enhancement Fund rules are being amended to increase the First Loss Insurance from \$300,000 to \$500,000.

The First Loss Collateral Support Insurance is established which is only intended to mitigate collateral shortfall and is not intended to mitigate other or additional credit deficiencies. Collateral Support Insurance will only be provided to the extent necessary to facilitate making a qualified loan, not on a maximum allowable basis for each loan. Limits are \$500,000 and up to 25% of an enrolled loan, or for insurance between \$500,000 and \$1,000,000, 20% of the enrolled loan.

Amendments also updates the Insurance Premium to reflect the newly introduced Collateral Support Insurance.

Rules Coordinator: Mindee Sublette—(503) 986-0036

123-021-0010

Definitions

For the purposes of these rules, additional definitions may be found in OAR chapter 123, division 1. The following terms shall have the following definitions, unless the context clearly indicates otherwise:

- (1) "Authorized loan amount" means the amount of a loan authorized by the Department to be under the CEF Program pursuant to a loan insurance authorization issued by the Department to the financial institution making the loan.
- (2) "Brownfield" means any real property where expansion or redevelopment is complicated by actual or perceived environmental contamination.
- (3) "CEF Program" means the Credit Enhancement Fund Insurance Program established under ORS 285B.200 to 285B.218.
- (4) The "deficiency" of a loan means the amount of principal outstanding upon default, accrued interest and the financial institution's reasonable costs of collection, exclusive of costs attributable to environmental

problems, remaining unpaid after liquidation of collateral and collection of guarantees.

(5) "Destination facilities other than retail or food service" means a qualified business which has a significant impact on the regional recreational or tourism economy. Incidental food service or retail facilities necessary to the operation of a destination facility are eligible. Sleeping accommodations without unique attraction capabilities are not qualified businesses.

(6) "Financial institution" has the meaning set forth in ORS 706.008.

(7) "Fund" means the Credit Enhancement Fund created by ORS 285B.215.

(8) "Loan insurance authorization" means a letter from the director or deputy director or designee to a financial institution agreeing to insure a loan to a borrower on the terms and conditions and subject to the requirements stated therein.

(9) "Loan insurance agreement" means the agreement between the financial institution and the Department required by OAR 123-021-0100.

(10) "Working capital loan" means any loan, the proceeds of which are to be used for operating, maintenance and other costs and expenses, or for purposes other than acquiring real property, production equipment, or other capital assets.

(11) "Principal" in regards to a borrower is defined as:

(a) If a sole proprietorship, the proprietor;

(b) If a partnership, each managing partner and each partner who is a natural person and holds a twenty percent (20%) or more ownership interest in the partnership; and,

(c) If a corporation, limited liability company, association or a development company, each director, each of the five most highly compensated executives or officers of the entity, and each natural person who is a direct or indirect holder of twenty percent (20%) or more of the ownership stock or stock equivalent of the entity. "Principal" in regards to a financial institution is defined as:

(A) If a sole proprietorship, the proprietor;

(B) If a partnership, each partner; and

(C) If a corporation, limited liability company, association or a development company, each director, each of the five most highly compensated executives, officers or employees of the entity, and each direct or indirect holder of twenty percent (20%) or more of the ownership stock or stock equivalent of the entity.

(12) "SSBCI Funds" means U.S. Treasury funds allocated to the Department under the State Small Business Credit Initiative Act of 2010 (title III of the Small Business Jobs Act of 2010, P.L. 111-240, 124 Stat. 2568, 2582).

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.200 - 285B.218

Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 12-1997(Temp), f. & cert. ef. 10-7-97; EDD 11-1998, f. & cert. ef. 5-22-98; EDD 8-1999, f. & cert. ef. 10-1-99; EDD 4-2007(Temp), f. & cert. ef. 8-28-07 thru 2-22-08; EDD 5-2008(Temp), f. & cert. ef. 2-26-08 thru 8-1-08; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08; EDD 17-2009, f. 10-030-09, cert. ef. 11-1-09; OBDD 8-2011(Temp), f. & cert. ef. 12-8-11 thru 6-5-12; OBDD 7-2012, f. & cert. ef. 6-1-12; OBDD 18-2012(Temp), f. & cert. ef. 11-20-12 thru 5-17-13; OBDD 3-2013, f. & cert. ef. 5-23-13

123-021-0015

Qualified Business

In a distressed area, any existing or proposed business is a Qualified business. Any company that owns, occupies, operates, or has entered into an agreement to own, occupy or operate real property containing a brownfield is a Qualified business. Through June 30, 2015, outside of a distressed area, any existing or proposed businesses is a Qualified business. After June 30, 2015, outside of a distressed area, a Qualified business is defined as any existing or proposed business that sells goods or services in markets for which national or international competition exists, and such sales of goods or services will result in or will aid, promote or facilitate the development of one or more of the following activities:

- (1) Manufacturing or other industrial production;
- (2) Food processing;
- (3) Aquaculture development or seafood processing;
- (4) Convention facilities or trade centers;
- (5) Destination facilities other than retail or food service;
- (6) Transportation or freight facilities;
- (7) Distribution facilities; or
- (8) Other activities, as approved by the Department that represent new technology or diversifying activity but not including:

(a) Construction of office buildings;

(b) Retail businesses, shopping centers or food service facilities;

(c) Motels or bed and breakfast hotels;

(d) Professional services for medicine, law, dentistry or finance;

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- (e) Athletic, racquetball, handball, or private membership clubs, or golf courses;
- (f) Sand and gravel facilities;
- (g) Newspapers;
- (h) Lobbying activities (as defined in Section 3(7) of the Lobbying Disclosure Act of 1995, P.L. 104-65, as amended); or,
- (i) Acquiring or holding passive investments such as commercial real estate ownership or the purchase of securities; this does not include acquisitions of businesses through 100% stock transfer. For the Evergreen Entrants Insurance, a Qualified business includes an existing or proposed business without, or about to be without, an existing line of credit. For the Evergreen Plus Insurance, a Qualified business includes an existing or proposed business with an existing line of credit.

Stat. Auth.: ORS 285A.075 & 285B.200 - 285B.218
Stats. Implemented: ORS 285B.200 - 285B.218
Hist.: EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08; EDD 17-2009, f. 10-030-09, cert. ef. 11-1-09; OBDD 8-2011(Temp), f. & cert. ef. 12-8-11 thru 6-5-12; OBDD 7-2012, f. & cert. ef. 6-1-12; OBDD 18-2012(Temp), f. & cert. ef. 11-20-12 thru 5-17-13; OBDD 3-2013, f. & cert. ef. 5-23-13

123-021-0080

Loan and Insurance Terms and Conditions

(1) Interest rate and term. The rate of interest on the insured loan and the term of the loan shall be agreed between the financial institution and a borrower provided that no insurance term may exceed the lesser of fifteen years or the useful life of the assets being financed or one year plus four annual renewals for the Evergreen Entrants or Evergreen Plus Programs.

(2) Collateral. Repayment of an insured loan shall be secured by such collateral as the Department deems prudent.

(a) Insured loans may, at the discretion of the Department, be secured by collateral valued for collateral purposes at less than the amount of the insured loan, provided the borrower, its principals, and the guarantors, to the satisfaction of the Department, are of good character, have good credit histories, and exhibit the ability to service the proposed and existing debt;

(b) Real estate or unmovable machinery or equipment constituting a significant portion of collateral for repayment of an insured loan shall be located within the state. Mobile machinery or equipment, including vessels, constituting a significant portion of collateral for repayment of an insured loan shall be registered with and taxed by the state or municipal authorities, if the State or municipal authorities register or tax machinery or equipment of a type similar to the collateral, and shall be stored or berthed in the state when not in use.

(c) The Department may, at its sole discretion, require independent collateral valuation and appraisal of the real property assets securing the loan.

(3) Covenants. The covenants and requirements of the loan shall be established by the financial institution in accordance with prudent lending practices. The Department may require such additional covenants and requirements as may be necessary, prudent or desirable. At a minimum, the loan documents should require the borrower to:

(a) Make periodic payments of principal and interest, with the exception of short term working capital loans or evergreen working capital loans or lines of credit where periodic interest payments with a balloon principal payment and/or term options may be acceptable, as determined by the Department;

(b) Make any lease payments;

(c) Maintain adequate insurance on collateral, and maintain books and records on the business;

(d) Pay any taxes or governmental charges assessed against the collateral and comply with all applicable laws and regulations;

(e) Keep the collateral free of liens and encumbrances except for as may be expressly accepted by the financial institution and Department;

(f) Provide for periodic financial reports to the financial institution;

(g) Pay advances necessary to protect the collateral and all expenses of protecting or enforcing the rights of the financial institution and Department.

Stat. Auth.: ORS 285A.075 & 285B.200 - 285B.218
Stats. Implemented: ORS 285B.200 - 285B.218
Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08; EDD 17-2009, f. 10-030-09, cert. ef. 11-1-09; OBDD 8-2011(Temp), f. & cert. ef. 12-8-11 thru 6-5-12; OBDD 7-2012, f. & cert. ef. 6-1-12; OBDD 18-2012(Temp), f. & cert. ef. 11-20-12 thru 5-17-13; OBDD 3-2013, f. & cert. ef. 5-23-13

123-021-0090

Loan Insurance Programs

The Department shall offer the following insurance programs:

(1) Conventional Insurance, under which the Department may insure

(a) Up to 80 percent of a loan in which case the Department's maximum liability for any loss under the Conventional Insurance is the lesser of \$2,000,000 or an amount equal to the insured percentage times the authorized loan amount, or

(b) Up to 90 percent of a loan in which case the Department's maximum liability for any loss under the Conventional Insurance is the lesser of \$500,000 or an amount equal to the insured percentage times the authorized loan amount. Should a borrower which receives an insured loan default or otherwise be unable to make loan payments, the Department will pay the financial institution the deficiency of a loan times the insured percentage, subject to the limitation set forth above. The balance of any loss is absorbed by the financial institution. Loan payments, the proceeds of collateral (including collection of guarantees), and any recovery after payment of a deficiency are applied pro rata to the portion of a loan insured through Conventional Insurance and the uninsured portion of the loan.

(2)(a) Evergreen Entrants Insurance, under which the Department may insure up to 75 percent of a line of credit working capital loan. Should a borrower which receives an insured loan default or otherwise be unable to make loan payments, the Department will pay the financial institution the deficiency of the line of credit working capital loan times the insured percentage; provided that the Department's maximum liability for any deficiency under the Evergreen Entrants Insurance is the lesser of \$1,500,000 or an amount equal to the insured percentage of the authorized loan amount. The balance of any loss is absorbed by the financial institution. Loan payments, the proceeds of collateral (including collection of guarantees), and any recovery after payment of a deficiency are applied pro rata to the portion of a loan insured through Evergreen Entrants Insurance and the uninsured portion of the loan.

(b) Eligible borrowers include persons or enterprises without or about to be without existing line of credit working capital loans.

(c) To obtain Evergreen Entrants Insurance, a financial institution must have the capacity to service the loan effectively, including monitoring compliance with any audit and control procedures prescribed by the Department or comparable procedures of the financial institution approved by the Department and must have in place and operating a lending program specializing in line of credit loans secured by or with advances based upon eligible accounts receivable and inventory or other assets. The Department must be satisfied that the financial institution is sufficiently experienced and capable of operating such a lending program effectively.

(3) First Loss Insurance, under which the Department will pay 100 percent of the deficiency of a loan, but the Department's maximum liability under the First Loss Insurance shall be the lesser of (a) the insured percentage (which shall not exceed 25 percent) times the authorized loan amount, (b) the insured percentage (which shall not exceed 25 percent) times the outstanding balance of the loan, including accrued interest and reasonable costs and expenses of collection and liquidation of collateral exclusive of costs attributable to environmental problems, but not taking into account the proceeds of collateral liquidation and payments by guarantors, or (c) \$500,000. Any recovery after payment of a deficiency is applied first to the uninsured portion of the loan and then to the portion of a loan insured through First Loss Insurance.

(4)(a) Evergreen Plus Insurance, under which the Department may insure up to 90 percent of a new increment of a line of credit; provided that the Department's maximum liability under the Evergreen Plus Insurance is \$1,500,000 and the aggregate amount of the line of credit insured under any program does not exceed 80% of the total line of credit. If a financial institution makes a payment request for any deficiency, the Department will pay to the financial institution the lesser of:

(A) A ratable share of the total default charges; or

(B) the deficiency times the insured percentage. The balance of any loss is absorbed by the financial institution. Loan payments, the proceeds of collateral (including collection of guarantees), and any recovery after payment of a deficiency are applied pro rata to the portion of a loan insured through Evergreen Plus Insurance and the uninsured portion of the loan.

(b) The formula for calculating the Department's ratable share of total default charges is:

$$R = (G \div T) * P$$

R represents the ratable share of total default charges.

G represents the amount of the new increment of the line of credit.

T represents the total credit facility made available.

P represents the principal outstanding upon default plus accrued unpaid interest and costs of collateral liquidation and collection of guarantees exclusive of costs attributable to environmental problems.

(c) To obtain the Evergreen Plus Insurance, a financial institution must have in place and operating a lending program specializing in line of credit loans secured by or with advances based upon eligible accounts receivable and inventory or other assets. The Department must be satisfied

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that the financial institution is sufficiently experienced and capable of operating such a lending program effectively.

(5) First Loss Collateral Support Insurance (aka Collateral Support Insurance), under which the Department will pay up to a maximum of 100 percent of the deficiency of a loan as follows. The Department's maximum liability under the Collateral Support Insurance per enrolled loan shall be the lesser of:

(a) The insured percentage times the authorized and enrolled loan amount;

(b) The insured percentage times the outstanding balance of the enrolled loan, including accrued interest and reasonable costs and expenses of collection and liquidation of collateral exclusive of costs attributable to environmental problems, after taking into account payments by guarantors but not taking into account the proceeds of collateral liquidation; or,

(c) 25% of the enrolled loan or \$1,000,000. Collateral Support Insurance may not exceed a term of 5 years. Loan payments, the proceeds of collection of guarantees, and recovery after payment of a deficiency from any source other than liquidation of collateral are applied pro rata to the portion of a loan insured through Collateral Support Insurance and the uninsured portion of the loan; the proceeds of collateral are applied first to the uninsured portion of the loan and then to the portion of a loan insured through Collateral Support Insurance. Loans covered by Collateral Support Insurance must meet a participating Lender's credit underwriting criteria with the exception of loan collateral adequacy. Borrowers with loans covered by Collateral Support Insurance must:

- (a) Demonstrate significant current and historical cash flow coverage,
- (b) Demonstrate strong credit history,
- (c) Provide personal guarantees of significant owners; and,
- (d) Meet other criteria as determined by the Department.

In contrast to First Loss Insurance, Collateral Support Insurance is only intended to mitigate a collateral shortfall and is not intended to mitigate other or additional credit deficiencies. Collateral Support Insurance will only be provided to the extent necessary to facilitate making a qualified loan, not on a maximum allowable basis for each loan. Loan proceeds may be used to pay off an existing loan where the collateral value is no longer adequate to secure the loan due to a decline in the value of the existing collateral (not due to the loan having been less than fully secured at inception). If any proceeds of the new insured loan are used to finance an existing loan of the lender making application for Collateral Support Insurance, to be eligible for Collateral Support Insurance the existing loan must have reached its maturity date and the new loan must also include new monies advanced to the borrower. Enrollment of the new loan in the Collateral Support Insurance will be limited to the amount of the collateral shortfall or the decline in the collateral value, from the date of the existing loan if proceeds are applied to an existing loan secured by the collateral, whichever is less. For the Collateral Support Insurance, the maximum insured percentage for insurance up to \$500,000 shall be 25% of the loan. For insurance above \$500,000 and up to \$1,000,000 the maximum insured percentage shall be 20% of the loan.

(6) The Conventional Insurance, First Loss Insurance, and Collateral Support Insurance are available for all types of non-revolving loans with regular periodic payments of principal and interest no less often than annually for eligible purposes, including working capital loans that are secured by fixed assets or other collateral determined to be sufficient by the Department.

Stat. Auth.: ORS 285A.075 & 285B.200 - 285B.218
Stats. Implemented: ORS 285B.200 - 285B.218
Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 13-2002(Temp), f. & cert. ef. 6-18-02 thru 12-13-02; Administrative correction 4-15-03; EDD 6-2005(Temp), f. & cert. ef. 8-5-05 thru 1-31-06; EDD 1-2006, f. & cert. ef. 2-10-06; EDD 5-2008(Temp), f. & cert. ef. 2-26-08 thru 8-1-08; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08; EDD 17-2009, f. 10-030-09, cert. ef. 11-1-09; OBDD 8-2011(Temp), f. & cert. ef. 12-8-11 thru 6-5-12; OBDD 7-2012, f. & cert. ef. 6-1-12; OBDD 18-2012(Temp), f. & cert. ef. 11-20-12 thru 5-17-13; OBDD 3-2013, f. & cert. ef. 5-23-13

123-021-0110 Insurance Premiums

(1) The Department shall charge a one-time (up-front) insurance premium. Premiums are due at the time financial institutions originate loans and execute loan authorizations with the Department. The Department's insurance is not effective until premiums are paid. It is expected that financial institutions will pass along the cost of premiums to borrowers. Premiums, expressed as a percentage of the Department's maximum liability, shall be charged in accordance with the following schedule for the programs indicated: [Table not included. See ED. NOTE.]

(2) The fee for the Evergreen Entrants Insurance is 1.25 percent annually; the fee for the Evergreen Plus Insurance is 2.5 percent annually.

(3) For revolving lines of credit or evergreen facilities, the premium is based on the Department's maximum liability in regard to the credit facility made available to a borrower, regardless of whether or not the line of credit is fully drawn down. Examples:

(a) The premium due on a \$200,000, five year loan with 80% Conventional Insurance would be \$3,200 ($\$200,000 \times .80 \times .02$);

(b) The premium for a \$200,000 loan with 75% Evergreen Entrants Insurance is \$1,875 ($\$200,000 \times .75 \times .0125$); this amount would be due every year thereafter for up to four additional years, assuming the loan and amount is renewed each year for the maximum term permitted under the Evergreen Entrants program (5 years);

(c) The premium for a \$200,000, eight year loan with 25% First Loss Insurance is \$2,500 ($\$200,000 \times .25 \times .05$);

(d) The premium for a \$700,000 increment to the line of credit with 25% Evergreen Plus Insurance is \$4,375 ($\$700,000 \times .25 \times .025$); this amount would be due every year thereafter for up to four additional years, assuming the loan and amount is renewed each year for the maximum term permitted under the program (5 years);

(e) The premium for a \$1,000,000 five-year loan with a 15% Collateral Support Insurance is \$5,250 ($\$1,000,000 \times .15 \times .035$).

[ED. NOTE: Tables referenced are available from the agency.]
Stat. Auth.: ORS 285A.075 & 285B.200 - 285B.218
Stats. Implemented: ORS 285B.200 - 285B.218
Hist.: EDD 5-1994(Temp), f. & cert. ef. 3-3-94; EDD 11-1994, f. & cert. ef. 7-29-94; EDD 24-2008, f. 7-31-08, cert. ef. 8-1-08; EDD 17-2009, f. 10-030-09, cert. ef. 11-1-09; OBDD 8-2011(Temp), f. & cert. ef. 12-8-11 thru 6-5-12; OBDD 7-2012, f. & cert. ef. 6-1-12; OBDD 18-2012(Temp), f. & cert. ef. 11-20-12 thru 5-17-13; OBDD 3-2013, f. & cert. ef. 5-23-13

Rule Caption: New division of rules relating to Qualifying Investment Contracts.

Adm. Order No.: OBDD 4-2013(Temp)

Filed with Sec. of State: 5-29-2013

Certified to be Effective: 5-29-13 thru 11-25-13

Notice Publication Date:

Rules Adopted: 123-094-0001, 123-094-0010, 123-094-0020, 123-094-0030, 123-094-0040

Subject: In the 2012 Special Session, the Legislature passed HB 4200 allowing the state to enter into Qualifying Investment Contracts with businesses that meet specific criteria. This new division of rules defines terms, contract criteria and deadlines and reporting requirements.

Rules Coordinator: Mindee Sublette—(503) 986-0036

123-094-0001

Purpose

The purpose of these rules is to promote and stimulate economic development through qualifying investment contracts, as provided in ORS 314.605 to 314.675.

Stat. Auth.: ORS 286B.075 & 314.605 - 314.675
Stats. Implemented: ORS 314.605 - 314.675
Hist.: OBDD 4-2013(Temp), f. & cert. ef. 5-29-13 thru 11-25-13

123-094-0010

Definitions

(1) "Actual cost" means the costs of labor, materials, supplies, equipment rental, real or personal property acquisition, permits, engineering, financing, required fees, insurance, administration, accounting, maintenance, repair or replacement and debt service, and all other direct or indirect costs incurred by a person in order to undertake a capital project, or of more than one capital project undertaken by the same taxpayer as part of the same qualifying investment.

(2) "Capital project" means a project within this state for the construction, modification, replacement, repair, remodeling or renovation of a structure or structures, addition to a structure or structures, or other capital improvement, that qualifies as a qualifying investment, including but not limited to:

(a) Acquisition of a legal interest or right in land or property in conjunction with the capital improvement, including but not limited to the purchase, lease or occupancy of real property, including the buildings, structures, infrastructure and leasehold improvements on the land or property;

(b) Acquisition of existing structures, or legal interests or rights in structures, in conjunction with the capital improvement;

(c) Acquisition and installation of machinery or equipment, furnishings, fixtures or other personal property or materials, in conjunction with the capital improvement; or

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(d) Services and activities performed in relation to the capital improvement, including planning, design, authorizing, issuing, carrying or repaying interim or permanent financing, research, study of land use and environmental impacts, acquiring permits or licenses, or other services connected with the capital improvement, and costs associated with the performance of these services and activities.

(3) "Debt service" includes debt service payments or payments into reserve accounts for debt service and payment of amounts necessary to meet debt service coverage requirements.

(4) "Qualifying investment" means expenditures made by the taxpayer relating to a capital project:

(a) The actual cost of which exceeds \$150 million within a five-year period measured from the commencement of the term of the qualifying investment contract; and

(b) That result in the taxpayer employing at least 500 more full-time equivalent employees in this state than the taxpayer employed in this state when the qualifying investment was commenced.

(5) "Qualifying investment contract" means a contract between the State of Oregon and a taxpayer that meets the requirements of ORS 314.605 to 314.675 and these Oregon Administrative Rules.

(6) "Single sales factor method" means the method of business income apportionment required under ORS 314.650 and 314.665 and the rules adopted thereunder, as in effect on the date a qualifying investment contract is executed.

(7) "Term of the qualifying investment contract" means the duration of the parties' obligations under a qualifying investment contract.

Stat. Auth.: ORS 286B.075 & 314.605 - 314.675

Stats. Implemented: ORS 314.605 - 314.675

Hist.: OBDD 4-2013(Temp), f. & cert. ef. 5-29-13 thru 11-25-13

123-094-0020

Qualifying Investment Contract

(1) The Governor, in consultation with the Director of the Oregon Business Development Department and the Director of the Department of Revenue, may enter into, on behalf of the State of Oregon, a qualifying investment contract with any taxpayer according to the provisions of ORS 314.605 to 314.675.

(2) Any contract executed pursuant to subsection (1) of this section on or after December 14, 2012, and before the effective date of this 2012 special session Act that meets the requirements of a qualifying investment contract is ratified by ORS 314.605 to 314.675.

(3) A taxpayer may not satisfy the requirement that a qualifying investment result in an increase in the number of employees of the taxpayer by gain of another entity's existing Oregon employees through a merger or acquisition of any portion of that entity.

(4) A qualifying investment contract may not be less than five years' duration and may not exceed 30 years' duration.

(5) Under a qualifying investment contract, the taxpayer's Oregon business income tax liability may not exceed the amount the taxpayer would pay or owe under the single sales factor method for each tax year that ends during the term of the qualifying investment contract.

(6) If a taxpayer that has executed a qualifying investment contract files a report or return with the Department of Revenue for a tax year ending during the term of the qualifying investment contract and reporting personal income taxes or corporate excise or income taxes imposed under ORS Chapter 316, 317 or 318, that are determined in whole or part by apportioning business income using the single sales factor method, the Department of Revenue may not assess a deficiency against the taxpayer that is attributable to the use of a different method of apportionment.

Stat. Auth.: ORS 286B.075 & 314.605 - 314.675

Stats. Implemented: ORS 314.605 - 314.675

Hist.: OBDD 4-2013(Temp), f. & cert. ef. 5-29-13 thru 11-25-13

123-094-0030

Reporting

On or before February 15 of each odd-numbered year, the Oregon Business Development Department shall report to the Legislative Assembly in the manner provided in ORS 192.245 regarding the progress of qualifying investment contracts, including whether each taxpayer subject to a qualifying investment contract has complied with the employment requirements.

Stat. Auth.: ORS 286B.075 & 314.605 - 314.675

Stats. Implemented: ORS 314.605 - 314.675

Hist.: OBDD 4-2013(Temp), f. & cert. ef. 5-29-13 thru 11-25-13

123-094-0040

Qualifying Investment Contract Deadlines

A qualifying investment contract may not be entered into:

(1) Before December 14, 2012.

(2) On or after January 1, 2014.

Stat. Auth.: ORS 286B.075 & 314.605 - 314.675

Stats. Implemented: ORS 314.605 - 314.675

Hist.: OBDD 4-2013(Temp), f. & cert. ef. 5-29-13 thru 11-25-13

Rule Caption: New division of rules relating to the Local Economic Opportunity Fund.

Adm. Order No.: OBDD 5-2013(Temp)

Filed with Sec. of State: 6-3-2013

Certified to be Effective: 6-3-13 thru 11-30-13

Notice Publication Date:

Rules Adopted: 123-056-0010, 123-056-0020, 123-056-0030, 123-056-0035, 123-056-0040

Subject: This new division of rules relating to the Local Economic Opportunity Fund explains criteria necessary for strategic plans necessary for funding.

Rules Coordinator: Mindee Sublette—(503) 986-0036

123-056-0010

Purpose

As provided in Oregon Revised Statutes (ORS) 285B.260, the Oregon Business Development Department shall administer the Local Economic Opportunity Fund to provide grants for projects that support economic development priorities as identified in approved local economic development strategies.

Stat. Auth.: ORS 285B.230 - 285B.266

Stats. Implemented: ORS 285B.230 - 285B.266

Hist.: OBDD 5-2013(Temp), f. & cert. ef. 6-3-13 thru 11-30-13

123-056-0020

Definitions

(1) "Department" means the Oregon Business Development Department.

(2) "Fund" means the Local Economic Opportunity Fund created by ORS 295B.260.

(3) "Approved Strategic Plan" means a strategic plan determined by the Department to meet the requirements set forth in OAR 123-056-0030.

Stat. Auth.: ORS 285B.230 - 285B.266

Stats. Implemented: ORS 285B.230 - 285B.266

Hist.: OBDD 5-2013(Temp), f. & cert. ef. 6-3-13 thru 11-30-13

123-056-0030

Strategic Plans

In order to be an Approved Strategic Plan, a strategic plan must:

(1) Identify, address and coordinate the economic development priorities of a community or geographic region in the state of Oregon;

(2) Result in economic benefit to the state of Oregon, such as:

(a) Promotes favorable investment climate to strengthen businesses, create jobs, and raise real wages;

(b) Contributes in a manner that improves the national and global competitiveness of Oregon companies;

(c) Assists Oregon communities in building capacity to retain, expand, and attract businesses;

(d) Promotes, fosters and sustains economic development in the state, emphasizing rural and distressed areas; or

(e) Implements economic strategies that reinforce Oregon's long-term prosperity and livability.

(3) Sets forth, in measurable terms, the extent to which the strategic plan will accomplish the economic development priorities of the community or geographic region of the state of Oregon;

(4) Sets forth, in measurable terms, the extent to which the strategic plan will accomplish the Department's performance standards as adopted by the Oregon Business Development Commission; and

(5) Be formally adopted by a municipality, a special district, a port, or other governmental entity.

Stat. Auth.: ORS 285B.230 - 285B.266

Stats. Implemented: ORS 285B.230 - 285B.266

Hist.: OBDD 5-2013(Temp), f. & cert. ef. 6-3-13 thru 11-30-13

123-056-0035

Distribution of Funds

The Department, in its sole discretion, shall determine grants awarded from the Fund. The grant must support implementation of a project included in an Approved Strategic Plan.

Stat. Auth.: ORS 285B.230 - 285B.266

Stats. Implemented: ORS 285B.230 - 285B.266

Hist.: OBDD 5-2013(Temp), f. & cert. ef. 6-3-13 thru 11-30-13

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123-056-0040

Waiver of Non-Statutory Requirements

The Director or the Director's designee may waive non-statutory requirements of this division of administrative rules, if demonstrated that such a waiver serves to further the goals and objectives of ORS 285B.230 to 285B.266, and that it contributes to sound economic or community development.

Stat. Auth.: ORS 285B.230 - 285B.266

Stats. Implemented: ORS 285B.230 - 285B.266

Hist.: OBDD 5-2013(Temp), f. & cert. ef. 6-3-13 thru 11-30-13

Oregon Department of Education Chapter 581

Rule Caption: Modifies special education rules relating to parental consent for public benefits and insurance.

Adm. Order No.: ODE 12-2013

Filed with Sec. of State: 5-30-2013

Certified to be Effective: 5-30-13

Notice Publication Date: 4-1-2013

Rules Amended: 581-015-2090, 581-015-2310, 581-015-2530, 581-015-2735, 581-015-2745, 581-015-2885

Subject: The revisions to the rules implement recent federal changes in IDEA, Part B, that apply to children ages 3 to 21. The OARs concern the use of a family's public insurance/Medicaid funds to support special education and related services to schools and ECSE programs, as permitted under federal law. Specifically, the changes are needed to ensure parents are fully informed and agree to the use of their insurance while simplifying the school district/program procedures. The rule revisions do not go beyond what is required in federal law.

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-015-2090

Consent

(1) Consent means that the parent or adult student:

(a) Has been fully informed, in his or her native language or other mode of communication, of all information relevant to the activity for which consent is sought; and

(b) Understands and agrees in writing to the carrying out of the activity for which his or her consent is sought.

(2) Consent is voluntary on the part of the parent and meets the requirements of the consent provisions of this rule and 34 CFR 300.622 and 34 CFR 99.30 implementing IDEA, and FERPA respectively.

(3) Consent for initial evaluation:

(a) The school district must provide notice under OAR 581-015-2310 and obtain informed written consent from the parent or adult student before conducting an initial evaluation to determine if a child qualifies as a child with a disability under OAR 581-015-2130 through 581-015-2180.

(A) Consent for initial evaluation may not be construed as consent for the initial provision of special education and related services.

(B) The school district must make reasonable efforts to obtain the informed consent from a parent for an initial evaluation to determine a child's eligibility for special education services.

(b) If a parent of a child enrolled in public school or seeking to be enrolled in public school does not provide consent for an initial evaluation, does not respond to a request for consent for an initial evaluation, or revokes consent for an initial evaluation, the school district may, but is not required to, pursue the initial evaluation of the child using mediation or due process hearing procedures. A district does not violate its child find obligations if it declines to pursue the evaluation using these procedures.

(c) Consent for initial evaluation for a child who is a ward of the state may be obtained under OAR 581-015-2095(2).

(4) Consent for initial provision of services:

(a) A school district must obtain informed consent from the parent of the child before the initial provision of special education and related services to the child.

(b) The school district must make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services to the child.

(c) If a parent or adult student does not respond or refuses to consent for initial provision of special education and related services or revokes consent for the initial provision of special education and related services, the school district may not seek to provide special education and related services to the child by using mediation or due process hearing procedures.

(d) If a parent or adult student refuses to grant consent for initial provision of special education and related services, does not respond to a request to provide such consent, or revokes consent for the initial provision of special education and related services:

(A) The school district will not be considered to be in violation of the requirement to make available a free appropriate public education to the child for the failure to provide the child with the special education and related services for which the school district requests consent; and

(B) The school district is not required to convene an IEP meeting or develop an IEP for the child for the special education and related services for which the school district requests such consent.

(e) If, at any time subsequent to the initial provision of special education and related services, the parent or adult student revokes consent in writing for the continued provision of special education and related services, the school district

(A) May not continue to provide special education and related services to the student, but must provide prior written notice in accordance with OAR 581-015-2310 before ceasing the provision of special education and related services; and

(B) Is not required to amend the student's education records to remove any references to the student's receipt of special education and related services because of the revocation of consent.

(5) Consent for reevaluation:

(a) A school district must obtain informed parent consent before conducting any reevaluation of a child with a disability, except as provided in subsections (b) and OAR 581-015-2095.

(b) If a parent refuses to consent to the reevaluation or revokes consent for the reevaluation, the school district may, but is not required to, pursue the reevaluation by using mediation or due process hearing procedures. A district does not violate its child find obligations if it declines to pursue the reevaluation using these procedures.

(6) Consent to Access Public Benefits or Insurance:

(a) Prior to accessing a child or parent's public benefits or insurance for the first time, or disclosing a child's personally identifiable information to a State's public benefits or insurance program for the first time, a public agency or school district must obtain informed consent in accordance with IDEA 34 CFR 300.622 and the Family Rights and Privacy Act (FERPA) (34 CFR 99.30).

(b) Such consent must specify:

(A) The personally identifiable information that may be disclosed (e.g., records or information about the services that may be provided to a particular child);

(B) The purpose of the disclosure (e.g., billing for services), and

(C) The agency to which the disclosure may be made (e.g., the State's public benefits or insurance program (e.g., Medicaid); and

(D) Specify that the parent understands and agrees that the public agency may access the child's or parent's public benefits or insurance to pay for services.

(7) Revocation of consent:

(a) A parent or adult student may revoke consent at any time before the completion of the activity or action for which they have given consent.

(A) A parent or adult student may revoke consent for an evaluation or reevaluation that has not yet been conducted.

(B) A parent or adult student may revoke consent for the provision of special education services in writing at any time before or during the provision of those services.

(C) A parent or adult student may revoke consent for release of personally identifiable information to the State's public benefits or insurance program (e.g., Medicaid).

(b) If a parent or adult student revokes consent, that revocation is not retroactive.

(8) Other consent requirements:

(a) The school district must document its reasonable efforts to obtain parent consent in accordance with OAR 581-015-2195(3).

(b) If a parent of a child who is home schooled or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or the reevaluation, or the parent does not respond to a request for consent:

(A) The school district may not use mediation or due process hearing procedures to seek consent; and

(B) The school district is not required to consider the child as eligible for special education services.

(c) A refusal to consent to one service or activity may not be used to deny the parent or child any other service, benefit, or activity of the school district, except as provided in this rule.

Stat. Auth.: ORS 343.041, 343.045, 343.055, 343.155 & 343.164

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Stats. Implemented: ORS 343.155, 343.164, 34 CFR 300.9, 300.154, 300.300 & 300.622
Hist.: 1EB 269, f. & ef. 12-22-77; 1EB 37-1978, f. & ef. 10-5-78; EB 9-1993, f. & cert. ef. 3-25-93; EB 11-1995, f. & cert. ef. 5-25-95; ODE 16-1999, f. & cert. ef. 9-24-99; ODE 2-2003, f. & cert. ef. 3-10-03; Renumbered from 581-015-0039, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 13-2009, f. & cert. ef. 12-10-09; ODE 11-2013(Temp), f. & cert. ef. 4-25-13 thru 10-21-13; ODE 12-2013, f. & cert. ef. 5-30-13

581-015-2310

Prior Written Notice

(1) For purposes of this rule, school district also means ECSE program and its contractors and subcontractors.

(2) Prior written notice must be given to the parent of a child, and to the adult student after rights have transferred, within a reasonable period of time before a school district.

(a) Proposes to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child; or

(b) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

(3) The content of the prior written notice must include:

(a) A description of the action proposed or refused by the school district;

(b) An explanation of why the district proposes or refuses to take the action;

(c) A description of each evaluation procedure, assessment, test, record, or report the school district used as a basis for the proposed or refused action;

(d) A statement that the parents of a child with a disability have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the Notice of Procedural Safeguards may be obtained;

(e) Sources for parents to contact to obtain assistance in understanding their procedural safeguards.

(f) A description of other options that the IEP Team considered and the reasons why those options were rejected; and

(g) A description of other factors that are relevant to the agency's proposal or refusal.

(4) The prior notice must be:

(a) Written in language understandable to the general public; and

(b) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

(5) If the native language or other mode of communication of the parent is not a written language, the school district must take steps to ensure that:

(a) The notice is translated orally or by other means to the parent in the parent's native language or other mode of communication;

(b) The parent understands the content of the notice; and

(c) There is written evidence that the requirements in subsections

(5)(a) and (b) of this rule have been met.

Stat. Auth.: ORS 343.045 & 343.155

Stats. Implemented: ORS 343.155, 343.159 & 34 CFR 300.503

Hist.: 1EB 18-1979(Temp), f. & ef. 11-15-79; 1EB 5-1980, f. 2-22-80, ef. 2-23-80; EB 28-1989(Temp), f. & cert. ef. 10-16-89; EB 3-1990, f. & cert. ef. 1-26-90; EB 11-1995, f. & cert. ef. 5-25-95; ODE 18-1999, f. & cert. ef. 9-24-99; ODE 2-2003, f. & cert. ef. 3-10-03; ODE 1-2004, f. & cert. ef. 1-15-04; Renumbered from 581-015-0075, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 11-2013(Temp), f. & cert. ef. 4-25-13 thru 10-21-13; ODE 12-2013, f. & cert. ef. 5-30-13

581-015-2530

Children with Disabilities under IDEA Enrolled in Public Benefits or Insurance

(1) A school district program may use the State's Medicaid or other public benefits or insurance programs in which a child participates to provide or pay for special education and related services required under IDEA and permitted under the public benefits or insurance program, as specified in subsection (2) below.

(2) With regard to services required to provide a free appropriate public education (FAPE) to a child with disabilities under IDEA, a school district.

(a) May not require parents to sign up for or enroll in public benefits or insurance programs in order for their child with disabilities to receive FAPE under the IDEA;

(b) May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for special education and related services pursuant to IDEA, but may pay the cost that the parent otherwise would be required to pay; and

(c) May not use the child's benefits under a public insurance program if that use would:

(A) Decrease available lifetime coverage or any other insured benefit;

(B) Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the child outside of the time the child is in school;

(C) Increase premiums or lead to the discontinuation of insurance; or

(D) Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures; and

(3) Prior to accessing a child's or parent's public benefits or insurance for the first time, and after providing notification to the child's parents consistent with (4) below, the school district, must obtain written, parental consent that:

(a) Meets the requirements of the Family Education Rights and Privacy Act (34 CFR part 99) and the parental consent provisions in IDEA (34 CFR §300.622) requiring that consent state:

(A) The personally identifiable information that may be disclosed (e.g., records or information about the services that may be provided to a particular child);

(B) The purpose of the disclosure (e.g., billing for services under the Individuals with Disabilities Education Act (IDEA)); and

(C) The agency to which the disclosure may be made (e.g., the State's public benefits or insurance program (e.g., Medicaid)); and

(D) Specifies that the parent understands and agrees that the public agency may access the parent's or child's public benefits or insurance to pay for services under IDEA.

(4) Prior to accessing a child's or parent's public benefits or insurance for the first time, and annually thereafter, the school district must provide prior written notification, consistent with requirements of OAR 581-015-2310(4) and (5), to the child's parents, that includes:

(a) A statement of the parental consent provisions in paragraphs (3)(a)(A) and (B) above;

(b) A statement of the "no cost" provisions in paragraphs (2)(a) through (c) above.

(c) A statement that the parents have the right under the Family Education Rights and Privacy Act (FERPA) and IDEA, Part B, and OAR 581-015-2090 to withdraw their consent to disclosure of their child's personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program (e.g., Medicaid) at any time; and

(d) A statement that the withdrawal of consent or refusal to provide consent, pursuant to FERPA and IDEA, to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program (e.g., Medicaid) does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents.

(5) Use of IDEA Part B funds.

(a) If a school district is unable to obtain parental consent to use the parents' public benefits or insurance when the parents would incur a cost for a specified service required to ensure a free appropriate public education, the district may use its Part B funds to pay for the service.

(b) To avoid financial cost to parents who otherwise would consent to use public benefits or insurance, the district may use its Part B funds to pay the cost the parents otherwise would have to pay to use the public insurance (e.g., the deductible or co-pay amounts).

(c) Proceeds from public benefits or insurance will not be treated as program income for purposes of 34 CFR 80.25.

(d) If a school district or ECSE program spends reimbursements from federal funds (e.g., Medicaid) for special education and related services, those funds will not be considered "state or local" funds for purposes of the maintenance of effort provisions pursuant to IDEA 34 CFR § 300.163 and 300.203.

(6) Construction. Nothing in this rule should be construed to alter the requirements imposed on a state Medicaid agency, or any other agency administering a public benefits or insurance program by federal statute, regulations or policy under title XIX, or title XXI of the Social Security Act, 42 U.S.C. 1396 through 1396v and 42 U.S.C. 1397 aa through 1397jj, or any other insurance program.

Stat. Auth.: ORS 343.041, 343.045 & 343.055

Stats. Implemented: ORS 343.045 & 343.155 & 34 CFR 300.154

Hist.: ODE 2-2003, f. & cert. ef. 3-10-03; Renumbered from 581-015-0607, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 11-2013(Temp), f. & cert. ef. 4-25-13 thru 10-21-13; ODE 12-2013, f. & cert. ef. 5-30-13

581-015-2735

Parent Consent for ECSE

(1) Consent means that the parent:

(a) Has been fully informed, in his or her native language or other mode of communication, of all information relevant to the activity for which consent is sought; and

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(b) Understands and agrees in writing to the carrying out of the activity for which his or her consent is sought.

(2) Consent is voluntary on the part of the parent and meets the requirements of the consent provisions of this rule and 34 CFR 300.622 and 34 CFR 99.30 implementing IDEA, and FERPA respectively.

(3) Consent for initial evaluation:

(a) The public agency must provide notice under OAR 581-015-2745 and obtain informed written parental consent before conducting an initial ECSE evaluation to determine if a child qualifies as a child with a disability under 581-015-2795. Consent for initial evaluation may not be construed as consent for the initial provision of special education and related services.

(b) The public agency must make reasonable efforts to obtain the informed consent from a parent for an initial evaluation to determine a child's eligibility for ECSE services.

(c) If a parent of a child enrolled in public preschool or seeking to be enrolled in public preschool does not provide consent for an initial evaluation, does not respond to a request for consent for an initial evaluation, or revokes consent for an initial evaluation, the public agency may, but is not required to, pursue the initial evaluation of the child using mediation or due process hearing procedures. A public agency does not violate its child find obligations if it declines to pursue the evaluation using these procedures.

(4) Consent for initial provision of services:

(a) The contractor or subcontractor must obtain informed consent from the parent of the child before the initial provision of ECSE services to the child.

(b) The contractor or subcontractor must make reasonable efforts to obtain informed consent from the parent for the initial provision of ECSE services to the child.

(c) If a parent does not respond or refuses to consent for initial provision of ECSE services or revokes consent for the initial provision of ECSE services, the contractor or subcontractor may not seek to provide ECSE services to the child by using mediation or due process hearing procedures.

(d) If a parent refuses to grant consent for initial provision of ECSE services, does not respond to a request to provide consent for the initial provision of ECSE services, or revokes consent for such services:

(A) The contractor or subcontractor will not be considered to be in violation of the requirement to make available a free appropriate public education to the child for the failure to provide the child with the ECSE services for which the contractor or subcontractor requests consent; and

(B) The contractor or subcontractor is not required to convene an IFSP meeting or develop an IFSP for the child for the ECSE services for which consent is requested.

(e) If, at any time subsequent to the initial provision of ECSE services, the parent of a student revokes consent in writing for the continued provision of ECSE services, the school district

(A) May not continue to provide ECSE services to the student, but must provide prior written notice in accordance with OAR 581-015-2310 before ceasing the provision of special education and related services; and

(B) Is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

(5) Consent for reevaluation:

(a) The public agency must obtain informed parent consent before conducting any reevaluation of a child with a disability, except as provided in subsections (b) and OAR 581-015-2740(3).

(b) If a parent refuses to consent to the reevaluation or revokes consent for the reevaluation, the public agency may, but is not required to, pursue the reevaluation by using mediation or due process hearing procedures. A district does not violate its child find obligations if it declines to pursue the reevaluation using these procedures.

(c) If, after reasonable efforts to obtain parent consent, the parent does not respond, the public agency may conduct the reevaluation without consent, unless the reevaluation is an individual intelligence test or test of personality.

(6) Consent to Access Public Benefits or Insurance

(a) Prior to accessing a child or parent's public benefits or insurance for the first time, or disclosing a child's personally identifiable information to the State's public benefits or insurance program for the first time, the ECSE program must obtain informed consent in accordance with IDEA, 34 CFR 300.622 and with the Family Rights and Privacy Act (FERPA), 34 CFR 99.30.

(b) Such consent must specify:

(A) The personally identifiable information that may be disclosed (e.g., records or information about the services that may be provided to a particular child);

(B) The purpose of the disclosure (e.g., billing for services), and

(C) The agency to which the disclosure may be made (e.g., the State's public benefits or insurance program (e.g., Medicaid)); and

(D) Specify that the parent understands and agrees that the public agency may access the child's or parent's public benefits or insurance to pay for services.

(7) Revocation of consent:

(a) A parent may revoke consent at any time before the completion of the activity or action for which they have given consent.

(A) A parent may revoke consent for an evaluation or reevaluation that has not yet been conducted.

(B) A parent may revoke consent for the provision of special education services in writing at any time before or during the provision of those services.

(C) A parent may revoke consent for release of personally identifiable information to the State's public benefits or insurance program (e.g., Medicaid).

(b) If a parent revokes consent, that revocation is not retroactive.

(8) Other consent requirements:

(a) The public agency must document its reasonable efforts to obtain parent consent in accordance with OAR 581-015-2755(2)(b).

(b) A parent's refusal to consent to one service or activity may not be used to deny the parent or child any other service, benefit, or activity of the contractor or subcontractor, except as provided in this rule.

(c) If a parent of a child who is placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or the reevaluation, or the parent does not respond to a request for consent:

(A) The public agency may not use mediation or due process hearing procedures to seek consent; and

(B) The public agency is not required to consider the child as eligible for ECSE services.

Stat. Auth.: ORS 343.475 & 343.531

Stats. Implemented: ORS 343.475, 343.531, 34 CFR 300.300 & 34 CFR 300.622

Hist.: EB 4-1995, f. & cert. ef. 1-24-95; ODE 24-2000, f. & cert. ef. 10-16-00; ODE 2-2003, f. & cert. ef. 3-10-03; Renumbered from 581-015-0939, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 13-2009, f. & cert. ef. 12-10-09; ODE 11-2013(Temp), f. & cert. ef. 4-25-13 thru 10-21-13; ODE 12-2013, f. & cert. ef. 5-30-13

581-015-2745

Prior Written Notice and Notice of Procedural Safeguards — EI/ECSE Program

(1) Prior written notice must be given to the parent or surrogate parent a reasonable time before the contractor or subcontractor proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, placement of the child; or

(a) The provision of appropriate EI services if the child is from birth to age three; or

(b) The provision of a free appropriate public education to the child if the child is three years of age to eligibility for public school.

(2) The content of the prior written notice must include:

(a) A description of the action proposed or refused by the contractor or subcontractor;

(b) An explanation of why the contractor or subcontractor proposed or refused to take the action;

(c) A description of any options that the IFSP team and reasons why those options were rejected;

(d) A description of each evaluation procedure, assessment, test, record, or report which is directly relevant to the proposal or refusal;

(e) A description of any other factors relevant to the contractor's or subcontractor's proposal or refusal;

(f) A statement that the parents of a child with a disability have procedural safeguards and, if it is not an initial referral for evaluation, the means by which a copy of the Notice of Procedural Safeguards may be obtained;

(g) Sources for parents to contact to obtain assistance in understanding their procedural safeguards; and

(h) For children in EI, a statement of the complaint procedures under OAR 581-015-2030, including a description of how to file a complaint and the timelines under those procedures.

(3) The prior notice must be:

(a) Written in language understandable to the general public; and

(b) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

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(4) If the native language or other mode of communication of the parent is not a written language, the contractor or subcontractor must take steps to ensure that:

- (a) The notice is translated orally or by other means to the parent in the parent's native language or other mode of communication;
 - (b) The parent understands the content of the notice; and
 - (c) There is written evidence that the requirements in subsections (5)(a) and (b) of this rule have been met.
- (5) If a parent is deaf or blind, or has no written language, the mode of communication must be that normally used by the parent (such as sign language, Braille, or oral communication).

(6) Notice of Procedural Safeguards: Contractors and subcontractors must provide notice of Procedural Safeguards as described in OAR 581-015-2315.

Stat. Auth.: ORS 343.475 & 343.531
Stats. Implemented: ORS 343.475, 343.527, 343.531, 34 CFR 300.503 & 300.504
Hist.: EB 23-1992, f. & cert. ef. 6-23-92; EB 4-1995, f. & cert. ef. 1-24-95; EB 27-1995, f. & cert. ef. 12-11-95; ODE 24-2000, f. & cert. ef. 10-16-00; ODE 8-2001, f. & cert. ef. 1-29-01; ODE 6-2003, f. 4-29-03, cert. ef. 4-30-03; ODE 1-2004, f. & cert. ef. 1-15-04; Renumbered from 581-015-0940, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 11-2013(Temp), f. & cert. ef. 4-25-13 thru 10-21-13; ODE 12-2013, f. & cert. ef. 5-30-13

581-015-2885

Preschool Children with Disabilities Covered by Public Insurance

(1) Applicability: For purposes of OAR 581-015-2885, IDEA Part C requirements apply to children ages birth through two; IDEA Part B requirements apply to children ages three and above.

(2) For purposes of this rule the term "public benefits" means public insurance including but not limited to Medicaid.

(3) The contractor or subcontractor may use a child or family's public benefits to provide or pay for early intervention, as permitted under the public insurance program and the requirements of this rule.

(4) The contractor or subcontractor may not require a parent to sign up for, or enroll in, public benefits to receive early intervention services under Part C.

(5) For a child under age three, the contractor or subcontractor:

(a) Must obtain, prior to using public benefits, parent consent if the child or family is not enrolled in the public benefits program or if that use would:

- (A) Decrease available lifetime coverage or any other insured benefit;
- (B) Result in the family paying for services that would otherwise be covered by the public benefits;
- (C) Increase premiums or lead to the discontinuation of insurance; or
- (D) Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

(b) Must provide, if the parent does not consent to use of their public benefits, the early intervention services on the IFSP for which the parent has provided consent.

(c) Must provide written notification, prior to using public benefits, to the parents that includes:

(A) A statement that parental consent must be obtained before the contractor or subcontractor discloses a child's personally identifiable information to the State Medicaid Agency for billing purposes;

(B) A statement of the no-cost protection provision in subsection (5)(a)-(b) that early intervention services on the IFSP must still be made available if the parent has consented to these services;

(C) A statement that the parents have the right to withdraw their consent to disclose personally identifiable information to the public agency responsible for the administration of public benefits or insurance program (e.g., Medicaid) at any time; and

(D) A statement of the general cost categories that the parent would incur as a result of participating in a public benefits program.

(d) Must pay any costs incurred as a result of using public benefits for early intervention services, such as a deductible or copayment.

(e) May use its Part C funds to pay fees and costs (e.g., the deductible or co-pay amounts) the parents otherwise would have to pay to use public benefits.

(f) May use its Part C funds to pay for early intervention services;

(g) Must notify EI parents that they may use any of the state's dispute resolution procedures including, but not limited to, the state complaint system under OAR 581-015-2030, and mediation, due process and related resolution sessions under 581-015-2865 through 581-015-2870 to contest the imposition of an insurance-related fee or cost, such as co-payments or deductibles, to provide early intervention services for a child who may have a disability.

(6) For a child over age three, the ECSE program, contractor, or subcontractor may use the State's Medicaid or other public benefits or insur-

ance programs in which a child participates to provide or pay for special education and related services required under IDEA and permitted under the public benefits or insurance program, as specified in subsection (2) below.

(7) With regard to services required to provide a free appropriate public education (FAPE) to a child with disabilities under IDEA, the ECSE program, contractor, or subcontractor

(a) May not require parents to sign up for or enroll in public benefits or insurance programs in order for their child with disabilities to receive FAPE under the IDEA;

(b) May not require parents to incur an out-of-pocket expense such as the payment of deductible or copay amount incurred in filing a claim for special education and related services, pursuant to IDEA, but may pay the cost that the parent otherwise would be required to pay; and

(c) May not use the child's benefits under a public insurance program if that use would:

- (A) Decrease available lifetime coverage or any other insured benefit;
- (B) Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the child outside of the time the child is in school;
- (C) Increase premiums or lead to the discontinuation of insurance; or
- (D) Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures; and

(d) Must not use a child's benefits under a public insurance program if that use would:

- (A) Decrease available lifetime coverage or any other insured benefit;
- (B) Result in the family paying for services that would otherwise be covered by the public benefits;
- (C) Increase premiums or lead to the discontinuation of insurance; or
- (D) Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

(8) Prior to accessing a child's or parent's public benefits or insurance for the first time, and after providing notification to the child's parents consistent with (5) below, the ECSE program, contractor, or subcontractor must obtain written, parental consent that: Meets the requirements of the Family Education Rights and Privacy Act (34 CFR part 99) and the parental consent provisions in IDEA (34 CFR §300.622) requiring that consent state:

(a) the personally identifiable information that may be disclosed (e.g., records or information about the services that may be provided to a particular child);

(b) the purpose of the disclosure (e.g., billing for services under the Individuals with Disabilities Education Act (IDEA));

(c) the agency to which the disclosure may be made (e.g., the State's public benefits or insurance program (e.g., Medicaid); and

(d) Specifies that the parent understands and agrees that the public agency may access the parent's or child's public benefits or insurance to pay for services under IDEA.

(9) Prior to accessing a child's or parent's public benefits or insurance for the first time, and annually thereafter, the District or ECSE program must provide prior written notification, consistent with requirements of OAR 581-015-2310(4) and (5), to the child's parents, that includes:

(a) A statement of the parental consent provisions in paragraphs (4)(a)(A) and (B) above;

(b) A statement of the "no cost" provisions in paragraphs (2)(a) through (c) above.

(c) A statement that the parents have the right under the Family Education Rights and Privacy Act (FERPA) and IDEA, Part B, and OAR 581-0152005 to withdraw their consent to disclosure of their child's personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program (e.g., Medicaid) at any time; and

(d) A statement that the withdrawal of consent or refusal to provide consent, pursuant to FERPA and IDEA, to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program (e.g., Medicaid) does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents.

(10) Use of IDEA Part B funds.

(a) If the ECSE program, contractor, or subcontractor is unable to obtain parental consent to use the parents' public benefits or insurance when the parents would incur a cost for a specified service required to ensure a free appropriate public education, the district or ECSE program may use its Part B funds to pay for the service.

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(b) To avoid financial cost to parents who would otherwise consent to use public benefits or insurance, the ECSE program, contractor, or subcontractor may use its Part B funds to pay the cost the parents otherwise would have to pay to use the public insurance (e.g., the deductible or co-pay amounts).

(c) Proceeds from public benefits or insurance will not be treated as program income for purposes of 34 CFR 80.25.

(d) If the ECSE program, contractor, or subcontractor spends reimbursements from federal funds (e.g., Medicaid) for special education and related services, those funds will not be considered "state or local" funds for purposes of the maintenance of effort provisions pursuant to IDEA. If a contractor or subcontractor spends reimbursements from federal funds (e.g., Medicaid) for early intervention, those funds will not be considered "state or local" funds for purposes of the maintenance of effort provisions.

(11) Construction. Nothing in this rule should be construed to alter the requirements imposed on a state Medicaid agency, or any other agency administering a public benefits or insurance program by federal statute, regulations or policy under title XIX, or title XXI of the Social Security Act, 42 U.S.C. 1396 through 1396v and 42 U.S.C. 1397 aa through 1397jj, or any other insurance program.

Stat. Auth.: ORS 343.475

Stats. Implemented: ORS 343.475, 343.495, 34 CFR 303.430, 303.520, 303.521 & 300.154
Hist.: ODE 2-2003, f. & cert. ef. 3-10-03; Renumbered from 581-015-1051, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 14-2012, f. 3-30-12, cert. ef. 4-2-12; ODE 30-2012, f. 11-7-12, cert. ef. 11-9-12; ODE 11-2013(Temp), f. & cert. ef. 4-25-13 thru 10-21-13; ODE 12-2013, f. & cert. ef. 5-30-13

Oregon Health Authority, Addictions and Mental Health Division: Addiction Services Chapter 415

Rule Caption: Permanent amendments to OAR 415-020 entitled Standards For Outpatient Synthetic Opiate Treatment Programs.

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Subject: These rules prescribe standards for the development and operation of Opioid Treatment Programs approved by the Addictions and Mental Health Division (AMH) of the Oregon Health Authority (OHA).

Rules Coordinator: Nola Russell—(503) 945-7652

415-020-0005

Definitions

(1) "Accreditation" means the process of review and acceptance by an accreditation body.

(2) "Accreditation Body" means an organization that has been approved by the Substance Abuse and Mental Health Services Administration (SAMHSA) to accredit opioid treatment programs that use opioid agonist treatment medications.

(3) "Accredited Opioid Treatment Program" means a program that is the subject of a current, valid accreditation from an accreditation body approved by SAMHSA.

(4) "Assessment" means the process of obtaining all pertinent biopsychosocial information, through a face-to-face interview and additional information as provided by the individual, family and collateral sources as relevant, to determine a diagnosis and to plan individualized services and supports.

(5) "Director" means the Director of AMH.

(6) "Community Mental Health Program (CMHP)" means the organization of all services for persons with mental or emotional disturbances, drug abuse problems, developmental disabilities, and alcoholism and alcohol abuse problems operated by, or contractually affiliated with, a local mental health authority operated in a specific geographic area of the state under an intergovernmental agreement or direct contract with the Oregon Health Authority.

(7) "Comprehensive maintenance treatment" means opioid agonist medication treatment that includes a broad range of clinically appropriate medical and rehabilitative services.

(8) "Division" means the Addiction and Mental Health (AMH) Division of the Oregon Health Authority (OHA).

(9) "Medically Supervised Withdrawal" means the administration of an opioid agonist treatment medication in decreasing doses to an individual to alleviate adverse physical or psychological effects incident to withdrawal from the continuous or sustained use of an opioid drug and as a method of bringing the individual to a drug free state.

(10) "Diversion Control Plan" means a plan implemented by the opioid treatment program that contains specific measures to reduce the possibility of diversion of controlled substances from legitimate treatment use.

(11) "Employee" means an individual who provides a program service or who takes part in a program service and who receives wages, a salary, or is otherwise paid by the program for providing the service.

(12) "Federal Opioid Treatment Standards" means the standards established by the Secretary of Health and Human Services that are used to determine whether an opioid treatment program is qualified to engage in opioid treatment.

(13) "Interim Maintenance Treatment" means treatment provided in conjunction with appropriate medical services while a patient is awaiting transfer to a program that provides comprehensive maintenance treatment.

(14) "Long-Term Medically Supervised Withdrawal Treatment" means treatment for a period of more than 30 days but not exceeding 180 days.

(15) "Maintenance Treatment" means the administration of an opioid agonist treatment medication at stable dosage levels for a period longer than 21 days.

(16) "Medical Director" means a physician licensed to practice medicine in the State of Oregon who is designated by the opioid treatment program to be responsible for the program's medical services.

(17) "Medical Professional" means a medical or osteopathic physician, physician's assistant licensed by the Board of Medical Examiners, or a registered nurse or nurse practitioner licensed by the Board of Nursing.

(18) "Opiate Addiction" means a cluster of cognitive, behavioral, and physiological symptoms in which the individual continues use of opiates despite significant opiate-induced problems. Opiate addiction is characterized by repeated self-administration that usually results in tolerance, withdrawal symptoms, and compulsive drug taking.

(19) "Opioid Agonist Medication" means any drug that is approved by the Food and Drug Administration under Section 505 of Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) for use in the treatment of opiate addiction.

(20) "Opioid Treatment Program" means a program that dispenses and administers opioid agonist medications in conjunction with appropriate counseling, supportive, and medical services.

(21) "Patient" means any individual who receives services in an opioid treatment program.

(22) "Patient Record" means the official legal written file for each patient, containing all the information required to demonstrate compliance with these rules. Information in program records maintained in electronic format must be produced in a contemporaneous printed form, authenticated by signature and date of the person who provided the service, and placed in the patient record.

(23) "Program Staff" means:

(a) An employee or person who, by contract with the program, provides a clinical service and who has the credentials required in these rules to provide the clinical service; and

(b) Any other employee of the program.

(24) "Quality Assurance" means the process of objectively and systematically monitoring and evaluating the appropriateness of patient care to identify and resolve identified problems.

(25) "Rehabilitation" means those services, such as vocational rehabilitation or academic education, which assist in overcoming the problems associated with drug abuse or drug dependence and which enable the patient to function at his or her highest potential.

(26) "State Methadone Authority" means the State Methadone Authority designated pursuant to section 409 of Public Law 92-255, the Drug Abuse Office and Treatment Act of 1972, or in lieu thereof, any other State authority designated by the Governor for purposes of exercising the authority under this section. The State Methadone Authority for Oregon is the Addictions and Mental Health Division of the Oregon Health Authority.

(27) "Treatment" means the specific medical and non-medical therapeutic techniques employed to assist the patient in recovering from drug abuse or drug dependence.

(28) "Urinalysis Test" means an analytical procedure to identify the presence or absence of specific drugs or metabolites in a urine specimen.

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(29) "Volunteer" means an individual who provides a program service or who takes part in a program service and who is not an employee of the program and is not paid for services. The services must be non-clinical unless the individual has the required credentials to provide a clinical service.

Stat. Auth.: ORS 409.410 & 409.420
Stats. Implemented: ORS 430.010(4)(b) & 430.560 - 430.590
Hist.: HR 4-1988, f. & cert. ef. 5-10-88; HR 17-1993, f. & cert. ef. 7-23-93, Renumbered from 410-006-0005; ADAP 3-1995, f. 12-1-95, cert. ef. 3-1-96; ADS 1-2003, f. 6-13-03, cert. ef. 7-1-03; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 5-2013, f. & cert. ef. 6-7-13

415-020-0015

Administrative Requirements

(1) Administrative Rules: An Opioid Treatment Program which obtains reimbursement for publicly funded services shall comply with the public contracting rules including but not limited to:

- (a) OAR 309-013-0020;
- (b) OAR 309-013-0075 to 309-013-0105;
- (c) OAR 309-014-0000 to 309-014-0040;
- (d) OAR 309-016-0000 to 309-016-0130;
- (e) OAR 410-120-0000 through 410-120-1980; and
- (f) OAR 410-141-0000 through 410-141-0860.

(2) Policies and Procedures: An Opioid Treatment Program shall develop and implement written policies and procedures, which describe program operations. This shall include a quality assurance process that ensures that patients receive appropriate treatment services and that the program is in compliance with relevant administrative rules.

(3) Personnel Policies: If two or more staff provide services, the program shall have and implement the following written personnel policies and procedures which are applicable to program staff:

(a) Rules of program staff conduct and standards for ethical practices of treatment program practitioners;

(b) Standards for program staff use and abuse of alcohol and other drugs with procedures for managing incidences of use and abuse that, at a minimum, comply with Drug Free Workplace Standards; and

(c) Compliance with the federal and state personnel regulations including the Civil Rights Act of 1964 as amended in 1972, Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, Title I of the Americans with Disabilities Act, Oregon civil rights laws related to employment practices, and any subsequent amendments effective on or before the effective date of these rules. The opioid treatment program shall give individualized consideration to all job applicants who, with or without reasonable accommodation, can perform the essential functions of the job position.

(4) Personnel Records: Personnel records for each member of the program's work force, including staff or volunteers shall be kept and shall include:

- (a) Resume or employment application, and job description;
- (b) Documentation of applicable qualification standards as described in OAR 415-020-0075;

(c) For volunteers or interns or students, the record need only include information required by subsection (a) of this rule and the written work plan for such person.

(5) Confidentiality and Retention: Personnel records shall be maintained and utilized in such a way as to ensure program staff confidentiality and shall be retained for a period of three years following the departure of a program staff person.

(6) Disabilities Act: Programs receiving public funds must comply with Title 2 of the Americans with Disabilities Act of 1990, 42 USC § 1231 et al.

(7) Insurance: Each program shall maintain malpractice and liability insurance and be able to demonstrate evidence of current compliance with this requirement. If the program is operated by a public body, the program shall demonstrate evidence of insurance or a self-insurance fund pursuant to ORS 30.282.

(8) Prevention of Duplicate Dispensing: Opioid Treatment Programs will participate in any procedures, developed by the Division in consultation with opioid treatment providers, for preventing simultaneous dispensing of opioid agonist medications to the same patient by more than one program.

Stat. Auth.: ORS 409.410 & 409.420
Stats. Implemented: ORS 430.010(4)(b) & 430.560 - 430.590
Hist.: HR 4-1988, f. & cert. ef. 5-10-88; HR 17-1993, f. & cert. ef. 7-23-93, Renumbered from 410-006-0015; ADAP 3-1995, f. 12-1-95, cert. ef. 3-1-96; ADS 1-2003, f. 6-13-03, cert. ef. 7-1-03; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 5-2013, f. & cert. ef. 6-7-13

415-020-0017

Patient Records

(1) Patient Recordkeeping: Each program shall:

(a) Accurately record all information about patients as required by these rules in the permanent patient record;

(b) Maintain each patient record to assure identification, accessibility, uniform organization, and completeness of all components required by these rules and in a manner to protect against damage or separation from the permanent patient or program record;

(c) Keep all documentation current unless specified otherwise, within seven days of delivering the service or obtaining the information;

(d) Include the signature of the person providing the documentation and service;

(e) Not falsify, alter, or destroy any patient information required by these rules to be maintained in a patient record or program records;

(f) Document all procedures in these rules requiring patient consent and the provision of information to the patient on forms describing what the patient has been asked to consent to or been informed of, and signed and dated by the patient. If the program does not obtain documentation of consent or provision of required information, the reasons must be specified in the patient record and signed by the person responsible for providing the service to the patient;

(g) Require that errors in the permanent record be corrected by lining out the incorrect data with a single line in ink, adding the correct information, and dating and initialing the correction. Errors may not be corrected by removal or obliteration through the use of correction fluid or tape so they cannot be read; and

(h) Permit inspection of patient records upon request by the Division to determine compliance with these rules.

(2) Patient and Fiscal Record Retention: Patient records shall be kept for a minimum of seven years. If a program is taken over or acquired by another program, the original program is responsible for assuring compliance with the requirements of 42 CFR 12.19(a)(1) or (b), whichever is applicable. If a program discontinues operations, the program is responsible for:

(a) Transferring fiscal records required to be maintained under section (1) of this rule to the Division if it is a direct contract or to the community mental health program or managed care plan administering the contract, whichever is applicable; and

(b) Destroying patient records or, with patient consent, transferring patient records to another program.

Stat. Auth.: ORS 409.410 & 409.420
Stats. Implemented: ORS 430.010(4)(b) & 430.560 - 430.590
Hist.: ADS 5-2013, f. & cert. ef. 6-7-13

415-020-0053

Unsupervised Use of Opioid Agonist Medications

(1) Any patient in comprehensive maintenance treatment may receive a single take-home dose for a day that the clinic is closed for business, including Sundays, and state or federal holidays.

(2) Decisions on dispensing opioid treatment medications to patients for unsupervised use shall be made by the program medical director. In determining whether a patient is responsible in handling opioid medications and may be permitted unsupervised use, the medical director shall consider the following criteria:

- (a) Absence of drugs of abuse, including alcohol;
- (b) Regularity of program attendance;
- (c) Absence of serious behavioral problems at the program;
- (d) Absence of criminal activity while enrolled at the program;
- (e) Stability of the patient's home environment and social relationships;

(f) Length of time in comprehensive maintenance treatment;

(g) Assurance that take-home medication can be safely stored in the patient's home; and

(h) Whether the rehabilitative benefit the patient derives from decreasing the frequency of program attendance outweighs the potential risks of diversion.

(3) Decisions to approve unsupervised use of opioid medications, including the rationale for the approval, shall be documented in the patient record.

(4) If it is determined that a patient is responsible in handling opioid agonist medications, the supply shall be limited to the following schedule:

(a) During the first 90 days of treatment, the take-home supply is limited to a single dose each week, in addition to take-home doses allowed when the clinic is closed;

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(b) During the second 90 days of treatment, the take-home supply is limited to two doses per week, in addition to take-home doses allowed when the clinic is closed;

(c) During the third 90 days of treatment, the take-home supply is limited to three doses per week, in addition to take-home doses allowed when the clinic is closed;

(d) In the remaining months of the first year, a patient may be given a maximum 6-day supply of take-home medication;

(e) After one year of continuous abstinence in treatment, a patient may be given a maximum two-week supply of take-home medication;

(f) After two years of continuous abstinence treatment, a patient may be given a maximum one-month supply of take-home medication.

(5) The dispensing restrictions set forth in 4(a) through 4(f) of this rule do not apply to the partial agonist opioid medication, buprenorphine and buprenorphine products. Patients must meet criteria established in 2(a) through 2(h) of this rule for unsupervised use of buprenorphine and buprenorphine products.

Stat. Auth.: ORS 413.042 & 430.256

Stats. Implemented: ORS 430.010 & 430.560 - 430.590

Hist.: ADS 1-2003, f. 6-13-03, cert. ef. 7-1-03; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 1-2013(Temp), f. 1-11-13, cert. ef. 1-14-13 thru 7-12-13; ADS 5-2013, f. & cert. ef. 6-7-13

415-020-0060

Medically Supervised Withdrawal

(1) This section contains special provisions that apply to medically supervised withdrawal. Except as otherwise noted in this section, all requirements in the other sections of this rule apply to medically supervised withdrawal as well as comprehensive maintenance treatment patients.

(2) Admission Criteria: The opioid treatment program must establish current physical dependence on narcotics or opiates by way of grade 2 withdrawal symptoms. A one year history of dependence is not required for medically supervised withdrawal.

(3) Readmissions: Patients with two or more unsuccessful medically supervised withdrawal episodes within a 12 month period must be assessed by the Opioid Treatment Program physician for other forms of treatment. A program shall not admit a patient for more than two medically supervised withdrawal episodes in one year.

(4) Medically Supervised Withdrawal Contract: Before initial dosing of the patient, the program shall develop a contract with the patient that shall be dated and signed by the counselor and the patient, and shall specify:

(a) Maximum length of medically supervised withdrawal treatment, which may not exceed 180 days, and a rationale for the length chosen. Subsequent changes in length of medically supervised withdrawal must also be accompanied by a rationale.

(b) Required abstinence from alcohol and other drugs during medically supervised withdrawal treatment;

(c) Required counseling contacts;

(d) Take-out dose limits;

(e) Consequences regarding missed doses;

(f) Urine drug screening procedures;

(g) Consequences of failure to carry out the medically supervised withdrawal contract including involuntary termination;

(h) Criteria for involuntary termination

(5) Assessment: The program shall develop and implement a written procedure for assessing each patient's medically supervised withdrawal needs following initial dosing. The procedure shall specify that the assessment and evaluation is the responsibility of a member of the treatment staff, shall be recorded in the patient record, and shall include:

(a) Alcohol and drug use and problems history;

(b) Psychological history;

(c) Presenting problems) and

(d) History of previous treatment.

(6) Planning: Individualized medically supervised withdrawal planning shall occur and be documented in the patient's record within seven working days to include:

(a) Initial dose level and a planned reduction schedule that shall be completed within 180 days;

(b) Referral to appropriate agencies for needs identified during the intake assessment and procedure; and

(c) Monthly review by the medical director.

(7) Treatment: Each patient shall be assigned a counselor who shall:

(a) Meet at least weekly with the patient;

(b) Monitor the patient's response to the withdrawal schedule;

(c) Make and monitor referrals;

(d) Maintain the patient's record; and

(e) Monitor patient compliance with the medically supervised withdrawal contract.

(8) Take-Out Doses: Take-home medication is not allowed for medically supervised withdrawal treatment planned for 30 days or less. For medically supervised withdrawal treatment planned for longer than 30 days the program shall use the time frames and criteria established for maintenance patients.

(9) Discharge: An opioid treatment program shall discharge a patient who misses two consecutive doses unless an adequate explanation for the absences has been reviewed and approved by the medical director.

(10) Urinalysis: The program shall collect and test one random urine drug screen for each patient per week. Documentation of a specific clinical intervention shall accompany documentation of any positive urine sample and shall be followed by documentation of the effectiveness of the intervention in subsequent progress notes.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.010(4)(b) & 430.560 - 430.590

Hist.: HR 4-1988, f. & cert. ef. 5-10-88; HR 17-1993, f. & cert. ef. 7-23-93, Renumbered from 410-006-0060; ADAP 3-1995, f. 12-1-95, cert. ef. 3-1-96; ADS 1-2003, f. 6-13-03, cert. ef. 7-1-03; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 5-2013, f. & cert. ef. 6-7-13

415-020-0075

Staffing

(1) Medical Director Qualifications: The Medical Director must be a physician licensed by the Oregon Board of Medical Examiners and whose license enables him or her to order, dispense, and administer opioid agonist medications. In addition, the program shall document that the Medical Director has completed a minimum of 12 hours per year of continuing education specific to the treatment of addiction disorder.

(2) Administrator — Qualifications: Each Opioid Treatment Program shall be directed by a person with the following qualifications at the time of hire and continuously throughout employment as the program administrator:

(a) Five years of paid full-time experience in the field of alcohol and drug treatment including experience in a opioid treatment program with at least one year in a paid administrative capacity; or

(b) A Bachelor's Degree in a relevant field and four years of paid full-time experience in the field of alcohol and drug treatment including experience in a opioid treatment program with at least one year in a paid administrative capacity; or

(c) A Master's degree in a relevant field and three years of paid full-time experience in the field of alcohol and drug treatment including experience in a opioid treatment program with at least one year in a paid administrative capacity.

(3) Management Staff — Competency: The program administrator shall:

(a) Have knowledge and experience demonstrating competence in the performance of the following essential job functions: program planning and budgeting, fiscal management, supervision of staff, personnel management, employee performance assessment, data collection, reporting, program evaluation, quality assurance, and developing and maintaining community resources;

(b) Demonstrate by his or her conduct the competencies required by this rule and compliance with the program policies and procedures implementing these rules.

(4) Management Staff — Recovering Individuals: For an individual recovering from a substance abuse related disorder, the performance of a program administrator's essential job functions in connection with staff and patients who themselves may be trying to recover from a substance abuse related disorder demands that an applicant or person hired as program administrator be able to demonstrate continuous sobriety under nonresidential, independent living conditions for the immediate past two years.

(5) Clinical Supervisor — Qualifications: Each Opioid Treatment Program shall have an identified clinical supervisor who has one of the following qualifications at the time of hire:

(a) Five years of paid full-time experience in the field of alcohol and other drug treatment, including experience in a opioid treatment program, with a minimum of two years of direct alcohol and other drug treatment experience; or

(b) A Bachelor's degree in a relevant field and four years of paid full-time experience, with a minimum of two years of direct alcohol and other drug treatment experience including experience in a opioid treatment program; or

(c) A Master's degree in a relevant field and three years of paid full-time experience with a minimum of two years of direct alcohol and other drug treatment experience including experience in a opioid treatment program.

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(6) Clinical Supervisor — Competency: All supervisors shall:

(a) Have knowledge and experience demonstrating competence in the performance of the following essential job functions: supervision of treatment staff including staff development, treatment planning, case management, and utilization of community resources including self-help groups; preparation and supervision of patient assessment procedures; preparation and supervision of case management procedures for client treatment; conducting of individual, group, family, and other counseling; and assurance of the clinical integrity of all patient records for cases under their supervision, including timely entry or correctness of records and requiring adequate clinical rationale for decisions in admission and assessment records, treatment plans and progress notes, and discharge records;

(b) Demonstrate by his or her conduct the competencies required by this rule and compliance with the program policies and procedures implementing these rules; and

(c) Except as provided in section (9) of this rule, hold a current certification or license in addiction counseling or hold a current license as a health or allied provider issued by a state licensing body.

(7) Clinical Supervisors — Certification: For supervisors holding a certification or license in addiction counseling, qualifications for the certificate or license must have included at least:

(a) 4,000 hours of supervised experience in alcohol/drug abuse counseling;

(b) 270 contact hours of education and training in alcoholism and drug abuse related subjects; and

(c) Successful completion of a written objective examination or portfolio review by the certifying body.

(8) Clinical Supervisor — Licensure: For supervisors holding a health or allied provider license, such license shall have been issued by one of the following state bodies and the supervisor must possess documentation of at least 120 contact hours of academic or continuing professional education in the treatment of alcohol and drug-related disorders:

(a) Board of Medical Examiners;

(b) Board of Psychologist Examiners;

(c) Board of Clinical Social Workers;

(d) Board of Licensed Professional Counselors and Therapists; or

(e) Board of Nursing

(9) Clinical Supervisors — Existing Staff: Supervisors not having a credential or license that meets the standards identified in section (7) or (8) of this rule must apply to a qualified credentialing organization or state licensing board within 90 days of the effective date of this rule and achieve certification or licensure meeting the standards of section (7) or (8) of this rule within 24 months of the application date.

(10) Clinical Supervisors — Recovering Individuals: For an individual recovering from the disease of alcoholism /or from other drug dependence, the performance of a clinical supervisor's essential job functions in connection with staff and patients who themselves may be trying to recover from the disease of addiction demands that an applicant or person hired as clinical supervisor be able to demonstrate continuous sobriety under non-residential, independent living conditions for the immediate past two years.

(11) Administrator as Clinical Supervisor: If the program's administrator meets the qualifications of the clinical supervisor, the administrator may be the clinical supervisor.

(12) Treatment Staff — Competency: All treatment staff shall:

(a) Have knowledge, skills, and abilities demonstrating competence in the following essential job functions: treatment of substance-related disorders including patient assessment and individual, group, family, and other counseling techniques; program policies and procedures for client case management and record keeping; and accountability for recording information in the patient files assigned to them consistent with those policies and procedures and these rules;

(b) Demonstrate by conduct the competencies required by this rule and compliance with the program policies and procedures implementing these rules;

(c) Except as provided in section (15) or (16) of this rule, hold a current certification or license in addiction counseling or hold a current license as a health or allied provider issued by a state licensing body.

(13) Treatment Staff — Certification: For treatment staff holding a certification or license in addiction counseling, qualifications for the certificate or license must have included at least:

(a) 1,000 hours of supervised experience in alcohol/drug abuse counseling;

(b) 150 contact hours of education and training in alcoholism and drug abuse related subjects; and

(c) Successful completion of a written objective examination or portfolio review by the certifying body.

(14) Treatment Staff — Licensure: For treatment staff holding a health or allied provider license, such license shall have been issued by one of the following state bodies and the staff person must possess documentation of at least 60 contact hours of academic or continuing professional education in the treatment of alcohol and drug-related disorders:

(a) Board of Medical Examiners;

(b) Board of Psychologist Examiners;

(c) Board of Clinical Social Workers;

(d) Board of Licensed Professional Counselors and Therapists; or

(e) Board of Nursing.

(15) Treatment Staff — Existing Staff: Existing staff who do not hold a certificate or license that meets the standards identified in section (13) or (14) of this rule must apply to a qualified credentialing organization or state licensing board within 90 days of the effective date of this rule and achieve certification or licensure meeting the standards of section (13) or (14) of this rule within 36 months of the application date.

(16) Treatment Staff — New Hires: New hires need not hold a qualified certificate or license but those who do not must make application within six months of employment and receive the credential or license within 36 months of the application.

(17) Treatment Staff — Recovering Individuals: For an individual recovering from the disease of alcoholism or from other drug dependence, the performance of a counselor's essential job functions demands that an applicant or person hired as a counselor be able to demonstrate continuous sobriety under non-residential, independent living conditions for the immediate past two years.

(18) The Opioid Treatment Program shall provide a minimum of two hours per month of clinical supervisor consultation for each staff person or volunteer who is responsible for the delivery of treatment services. One hour of the supervision must be individual, face-to-face, and address clinical skill development. The supervision or consultation is to assist staff and volunteers to increase their treatment skills, improve quality of services to patient, and ensure compliance with program policies and procedures implementing these rules.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.010(4)(b) & 430.560 - 430.590

Hist.: HR 4-1988, f. & cert. ef. 5-10-88; HR 17-1993, f. & cert. ef. 7-23-93, Renumbered from 410-006-0075; ADAP 3-1995, f. 12-1-95, cert. ef. 3-1-96; ADS 1-2003, f. 6-13-03, cert. ef. 7-1-03; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 5-2013, f. & cert. ef. 6-7-13

415-020-0085

Building Requirements

(1) Applicable Codes: Each Opioid Treatment Program shall maintain up-to-date documentation verifying that they meet applicable building codes, and state and local fire and safety regulations. The program must check with local government to make sure all applicable local codes have been met.

(2) Space Where Services Provided: Each Opioid Treatment Program shall provide space for services including but not limited to intake, assessment and , counseling, and telephone conversations that assures the privacy and confidentiality of clients and is furnished in an adequate and comfortable fashion including plumbing, sanitation, heating, and cooling.

(3) Disabled Accessibility: Programs shall be accessible to persons with disabilities pursuant to Title II of the Americans with Disabilities Act if the program receives any public funds or Title III of the Act if no public funds are received.

(4) Emergency Procedures: Programs shall adopt and implement emergency policies and procedures, including an evacuation plan and emergency plan in case of fire, explosion, accident, death or other emergency. The policies and procedures and emergency plans shall be current and posted next to the telephone used by staff. In addition, programs shall maintain a 24 hour telephone answering capability to respond to facility and patient emergencies;

(5) Disaster Plan: The program must develop and regularly update a disaster plan that outlines the program response to disasters of human or natural origin that may render the program's facility unusable. The plan must address the following:

(a) How emergency dosing will be implemented; and

(b) Identification of emergency links to other community agencies.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 430.010(4)(b) & 430.560 - 430.590

Hist.: HR 4-1988, f. & cert. ef. 5-10-88; HR 17-1993, f. & cert. ef. 7-23-93, Renumbered from 410-006-0085; ADAP 3-1995, f. 12-1-95, cert. ef. 3-1-96; ADS 1-2003, f. 6-13-03, cert. ef. 7-1-03; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 5-2013, f. & cert. ef. 6-7-13

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

Rule Caption: Standards For The Approval of Providers of Non-Inpatient Mental Health Treatment Services

Adm. Order No.: MHS 4-2013

Filed with Sec. of State: 6-5-2013

Certified to be Effective: 6-5-13

Notice Publication Date: 5-1-2013

Rules Repealed: 309-039-0700, 309-039-0710, 309-039-0720, 309-039-0730, 309-039-0740, 309-039-0750, 309-039-0760, 309-039-0770, 309-039-0780, 309-039-0790

Subject: These rules prescribe standards and procedures for implementation of a registration pilot project in Jackson and Josephine counties. This pilot project has ended and these rules need to be repealed.

Rules Coordinator: Nola Russell—(503) 945-7652

Rule Caption: Permanent amendments to OAR 309-016 entitled Medicaid Payment For Rehabilitative Mental Health Services.

Adm. Order No.: MHS 5-2013

Filed with Sec. of State: 6-5-2013

Certified to be Effective: 6-5-13

Notice Publication Date: 5-1-2013

Rules Adopted: 309-016-0825, 309-016-0830, 309-016-0835, 309-016-0837, 309-016-0840, 309-016-0845, 309-016-0850, 309-016-0855

Rules Amended: 309-016-0605

Rules Repealed: 309-016-0825(T)

Subject: These rules specify standards for authorized appropriate reimbursement of Medicaid or State Children's Health Plan funded addictions and mental health services and supports. The requirements set forth here in OAR 309-016 must be met in order for Medicaid payment to have been made appropriately.

Rules Coordinator: Nola Russell—(503) 945-7652

309-016-0605

Definitions

(1) "Action" means:

(a) The denial, limitation or restriction of a requested covered service including the type or level of service;

(b) The reduction, suspension or termination of a previously authorized service; or

(c) The failure to provide services in a timely manner, as defined by the Addictions and Mental Health Division of the Oregon Health Authority.

(2) "Active Treatment" means a service provided as prescribed in a professionally developed and supervised Individual Services and Supports Plan to address or improve a condition.

(3) "Addictions and Mental Health Division" means the Division of the Oregon Health Authority responsible for the administration of addictions and mental health services provided in Oregon or to its residents.

(4) "Allowable Cost" means the cost of treatment services based on cost finding principles found in the appropriate OMB Circular such as "Cost Principles for Non-Profit Organization" (OMB Circular A-122) or "Cost Principles for State, Local, and Indian Tribal Governments" (OMB Circular A-87) and including allowable costs incurred for interest on the acquisition of buildings and improvements thereon.

(5) "Appeal" means a request by an Individual or their representative to review an Action as defined in this rule.

(6) "Assertive Community Treatment" (ACT) means an evidence-based practice which utilizes a highly integrated, trans-disciplinary team to deliver comprehensive and effective services to individuals with serious mental illness who have needs that have not been well met by traditional approaches to delivering services.

(7) "Certificate of Approval" means the document awarded by the Division signifying that a specific, named organization is judged by the Division to operate in compliance with applicable rules. A "Certificate of Approval" for mental health services is valid only when signed by the Deputy Director of the Division of Mental Health Services and, in the case of a subcontract provider of a CMHP, the CMHP director.

(8) "Certification of Need" means the procedures established by the Division to certify in writing a child's need for psychiatric residential treatment services.

(9) "Child" or "Children" means a person under the age of 18. An individual with Medicaid eligibility, who is in need of services specific to children, adolescents, or young adults in transition, will be considered a child until age 21 for purposes of these rules.

(10) "Children, Adults and Families" (CAF) means the Division serving as Oregon's child welfare agency.

(11) "Clean Claim(s)" means a claim that can be processed without obtaining additional information from the provider of the service or from a third party. It includes a claim with errors originating in the State's claims system. It does not include a claim from a provider who is under investigation for fraud or abuse, or a claim under review for medical necessity.

(12) "Commission on Accreditation of Rehabilitation" (CARF) means an organization that accredits behavioral health care and community providers based on the current edition of the "CARF Behavioral Health" standards manual.

(13) "Community Mental Health Program" (CMHP) means an entity that is responsible for planning and delivery of services for persons with substance use disorders, mental health diagnosis, or developmental disabilities, operated in a specific geographic area of the state under an intergovernmental agreement or direct contract with the Division.

(14) "Complaint" means an expression of dissatisfaction from an Individual or their representative to a Practitioner or Provider about any matter other than an Action.

(15) "Council on Accreditation of Services for Families and Children Facilities" (COA) means an organization that accredits behavioral health care and social service programs based on the current edition of the COA "Standards for Behavioral Health Care Services and Community Support and Education Services Manual."

(16) "Disabling Mental Illness" means a mental illness that substantially limits functioning in one or more major life activity.

(17) "Division" means the Addictions and Mental Health Division of the Oregon Health Authority.

(18) "Division of Medical Assistance Programs" (DMAP) means the Division of the Oregon Health Authority responsible for coordinating the medical assistance programs within the State of Oregon including the Oregon Health Plan (OHP) Medicaid demonstration, the State Children's Health Insurance Program (SCHIP -Title XXI), and several other programs.

(19) "DMAP/AMH" means the Division of Medical Assistance or Addictions and Mental Health Division. Both DMAP and AMH have delegated responsibilities for the administration of Medicaid funded addictions and mental health services and supports. A lead agency will be identified to each entity involved in any process when the delegation of such is necessary.

(20) "Diagnostic and Statistical Manual" (DSM) means the current edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association.

(21) "Fidelity Review" means an on-site assessment utilizing a standardized, reliable, and valid evaluation tool to determine the degree to which an evidence-based practice is being implemented. Fidelity reviews include staff interviews, consumer and family member interviews, observation of service provision, review of program data, and/or chart reviews as necessary for the practice being reviewed.

(22) "Grievance System" means the overall system in which an Individual can express dissatisfaction and that expression acted on if necessary. The Grievance System includes a Complaint process, and Appeals process and access to the Division of Medical Assistance Programs Administrative Hearing process.

(23) "Habilitation Services" means services designed to help an individual attain or maintain their maximal level of independence, including the individual's acceptance of a current residence and the prevention of unnecessary changes in residence. Services are provided in order to assist an individual to acquire, retain or improve skills in one or more of the following areas: assistance with activities of daily living, cooking, home maintenance, recreation, community inclusion and mobility, money management, shopping, community survival skills, communication, self-help, socialization, and adaptive skills necessary to reside successfully in home and community-based settings.

(24) "Individual" means any person being considered for or receiving services and supports.

(25) "Individual Service and Support Plan" (ISSP) means a comprehensive plan for services and supports provided to or coordinated for an

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individual and his or her family, as applicable, that is reflective of the assessment and the desired outcomes of service.

(26) "Interdisciplinary Team" means the group of people designated to advise in the planning and provision of services and supports to individuals receiving Intensive Treatment Services (ITS) and Enhanced Care Services (ECS) and may include multiple disciplines or agencies. For ITS programs, the composition of the interdisciplinary team must be consistent with the requirements of 42 CFR Part 441.156.

(27) "Joint Commission, The" (TJC) means the commission which accredits psychiatric residential treatment facilities according to its current edition of the "Comprehensive Accreditation Manual for Hospitals" and the "Comprehensive Accreditation Manual for Behavioral Health Care."

(28) "Letter of Approval" means the document awarded to service providers under OAR 309-012-0010 which states that the provider is in compliance with applicable administrative rules of the Division. Letters of Approval issued for mental health services are obsolete upon their expiration date, or upon the effective date of 309-012-0140, whichever is later.

(29) "Licensed Medical Practitioner" (LMP) means a person who meets the following minimum qualifications as documented by the LMHA or designee:

- (a) Physician licensed to practice in the State of Oregon; or
- (b) Nurse practitioner licensed to practice in the State of Oregon; or
- (c) Physician's Assistant licensed to practice in the State of Oregon.

(d) In addition, whose training, experience and competence demonstrate the ability to conduct a mental health assessment and provide medication management.

(e) For ICTS and ITS providers, a "Licensed Medical Practitioner" or "LMP" means a board-certified or board-eligible child and adolescent psychiatrist licensed to practice in the State of Oregon.

(30) "Local Mental Health Authority" (LMHA) means one of the following entities:

(a) The board of county commissioners of one or more counties that establishes or operates a Community Mental Health Program (CMHP);

(b) The tribal council, in the case of a federally recognized tribe of Native Americans that elects to enter into an agreement to provide mental health services; or

(c) A regional local mental health authority comprised of two or more boards of county commissioners.

(31) "Medicaid" means the federal grant-in-aid program to state governments to provide medical assistance to eligible persons, under Title XIX of the Social Security Act.

(32) "Medicaid Management Information System" The mechanized claims processing and information retrieval system that all states are required to have according to section 1903(a)(3) of the Social Security Act and defined in regulation at 42 CFR 433.111. All states operate an MMIS to support Medicaid business functions and maintain information in such areas as provider enrollment; client eligibility, including third party liability; benefit package maintenance; managed care enrollment; claims processing; and prior authorization.

(33) "Medically Appropriate" means services and medical supplies required for prevention, diagnosis or treatment of a physical or mental health condition, or injuries, and which are:

(a) Consistent with the symptoms of a health condition or treatment of a health condition;

(b) Appropriate with regard to standards of good health practice and generally recognized by the relevant scientific community and professional standards of care as effective;

(c) Not solely for the convenience of an individual or a provider of the service or medical supplies; and

(d) The most cost effective of the alternative levels of medical services or medical supplies that can be safely provided to an individual.

(34) "National Provider Identifier" (NPI) means a unique 10-digit identifier mandated by the Administrative Simplification provisions of the federal Health Insurance Portability and Accountability Act (HIPAA) for all healthcare providers that is good for the life of the provider.

(35) "Non-Contiguous Area Provider" means a provider located more than 75 miles from Oregon and enrolled with the Division.

(36) "Plan of Care" (POC) means a tool within the Medicaid Management Information System used to authorize certain Medicaid funded services for Individuals.

(37) "Provider" means an organizational entity, or qualified person, that is operated by or contractually affiliated with, a community mental health program, or contracted directly with the Division, for the direct delivery of addictions, problem gambling or mental health services and supports.

(38) "Psychiatric Residential Treatment Facility" means facilities that are structured residential treatment environments with daily 24-hour supervision and active psychiatric treatment, Psychiatric Residential Treatment Services (PRTS), Secure Children's Inpatient Treatment Programs (SCIP), Secure Adolescent Inpatient Treatment Programs (SAIP), and Sub-acute psychiatric treatment for children who require active treatment for a diagnosed mental health condition in a 24-hour residential setting.

(39) "Psychiatric Residential Treatment Services" means services delivered in a PRTF that include 24-hour supervision for children who have serious psychiatric, emotional or acute mental health conditions that require intensive therapeutic counseling and activity and intensive staff supervision, support and assistance.

(40) "Qualified Mental Health Associate" (QMHA) means a person delivering services under the direct supervision of a Qualified Mental Health Professional (QMHP) and meeting the following minimum qualifications as documented by the LMHA or designee:

(a) A bachelor's degree in a behavioral sciences field; or

(b) A combination of at least three year's relevant work, education, training or experience; and

(c) Has the competencies necessary to:

(A) Communicate effectively;

(B) Understand mental health assessment, treatment and service terminology and to apply the concepts; and

(C) Provide psychosocial skills development and to implement interventions prescribed on a Treatment Plan within the scope of his or her practice.

(41) "Qualified Mental Health Professional" (QMHP) means a Licensed Medical Practitioner (LMP) or any other person meeting the following minimum qualifications as documented by the LMHA or designee:

(a) Graduate degree in psychology;

(b) Bachelor's degree in nursing and licensed by the State of Oregon;

(c) Graduate degree in social work;

(d) Graduate degree in a behavioral science field;

(e) Graduate degree in recreational, art, or music therapy; or

(f) Bachelor's degree in occupational therapy and licensed by the State of Oregon; and

(g) Whose education and experience demonstrates the competencies to identify precipitating events; gather histories of mental and physical disabilities, alcohol and drug use, past mental health services and criminal justice contacts; assess family, social and work relationships; conduct a mental status examination; document a multiaxial DSM diagnosis; write and supervise a Treatment Plan; conduct a Comprehensive Mental Health Assessment; and provide individual, family, and/or group therapy within the scope of his or her practice.

(42) "Representative" means a person who acts on behalf of an individual at the individual's request with respect to a grievance, including, but not limited to a relative, friend, employee of the Division, attorney or legal guardian.

(43) "Residential Alcohol and Other Drug Treatment Program" means a publicly or privately operated program as defined in ORS 430.010 that provides assessment, treatment, rehabilitation and twenty four hour observation and monitoring for individuals with alcohol and other drug dependence, consistent with Level III of American Society of Addiction Medicine (ASAM) PPC-2R.

(44) "Supported Employment" (SE) means an evidence-based practice which provides services and supports to enable individuals with a serious mental illness to obtain and maintain competitive employment.

(45) "System Of Care" means the comprehensive array of mental health and other necessary services which are organized to meet the multiple and changing needs of children with severe emotional disorders and their families.

(46) "Usual and Customary Charge" means the lesser of the following unless prohibited from billing by federal statute or regulation:

(a) The Provider's charge per unit of service for the majority of non-medical assistance users of the same service based on the preceding month's charges;

(b) The Provider's lowest charge per unit of service on the same date that is advertised, quoted or posted. The lesser of these applies regardless of the payment source or means of payment;

(c) Where the Provider has established a written sliding fee scale based upon income for individuals and families with income equal to or less than 200% of the federal poverty level, the fees paid by these individuals and families are not considered in determining the usual charge. Any amounts charged to Third Party Resources (TPR) are to be considered.

Stat. Auth.: ORS 413.042 & 430.640

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

ADMINISTRATIVE RULES

Hist.: MHS 8-2010(Temp), f. 6-15-10, cert. ef. 7-1-10 thru 8-28-10; MHS 11-2010, f. & cert. ef. 8-25-10; MHS 14-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-28-12; MHS 7-2012(Temp), f. & cert. ef. 5-17-12 thru 11-11-12; MHS 10-2012, f. & cert. ef. 6-19-12; MHS 12-2012(Temp), f. 6-27-12, cert. ef. 7-1-12 thru 12-27-12; MHS 14-2012, f. & cert. ef. 11-5-12; MHS 5-2013, f. & cert. ef. 6-5-13

309-016-0825

Supported Employment (SE) Overview

(1) Supported Employment is an evidence-based practice for individuals with serious mental illness.

(2) Supported Employment is characterized by:

(a) Emphasis on competitive employment;

(b) Every person who is interested in work is eligible for services regardless of symptoms, substance use disorders, treatment decisions, or any other issue;

(c) Employment services are integrated with mental health treatment;

(d) Individuals have access to personalized benefits planning;

(e) Job search begins soon after a person expresses interest in working; and

(f) Client preferences for jobs, and preferences for service delivery, are honored.

(3) Supported Employment services include, but are not limited to:

(a) Job development;

(b) Supervision and job training;

(c) On-the-job visitation;

(d) Consultation with the employer;

(e) Job coaching;

(f) Counseling;

(g) Skills training; and/or

(h) Transportation.

Stat. Auth.: ORS 414.032, 414.615, 414.625 & 414.651

Stats. Implemented: ORS 414.610 - 414.685

Hist.: MHS 1-2013(Temp), f. & cert. ef. 1-7-13 thru 7-1-13; MHS 5-2013, f. & cert. ef. 6-5-13

309-016-0830

Supported Employment Providers

(1) To be eligible for Medicaid reimbursement, SE services must be provided by a Qualified SE Provider.

(2) To become a Qualified SE Provider, an agency must provide the evidence-based practice of Individual Placement and Support Supported Employment (IPS SE), and submit a copy to AMH of a fidelity review conducted by a Fidelity Reviewer approved by AMH, which resulted in a score of 100 or better.

(3) Providers implementing IPS SE may become a Provisionally Qualified SE Provider by submitting a request to AMH with a letter of support which indicates receipt of technical assistance and training from an AMH approved IPS SE Trainer. Medicaid reimbursements to a Provisionally Qualified SE Provider end after 12 months. This option is intended only for providers initiating supported employment services.

Stat. Auth.: ORS 413.042, 430.640

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

Hist.: MHS 5-2013, f. & cert. ef. 6-5-13

309-016-0835

Supported Employment Fidelity Requirements

(1) In order to maintain designation as a Qualified SE Provider, a provider must submit to AMH an annual fidelity review report, conducted by an AMH approved reviewer, which indicates a minimum score of 100.

(2) Qualified SE Providers achieving a fidelity score of 115 or higher are eligible to extend their review period to every 18 months.

(3) Fidelity reviews will be conducted utilizing the most current Dartmouth College IPS Fidelity Scale available at www.oregon.gov/oha/amh.

Stat. Auth.: ORS 413.042, 430.640

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

Hist.: MHS 5-2013, f. & cert. ef. 6-5-13

309-016-0837

Failure to Meet Fidelity Standards

If a Qualified SE Provider does not receive a minimum score of 100 on a fidelity review, the following shall occur:

(1) Technical assistance shall be made available for a period of 90-days to address problem areas identified in the fidelity review.

(2) At the end of the 90-day period, a follow-up review will be conducted by an AMH approved reviewer.

(c) The provider shall forward a copy of the amended fidelity review report to AMH.

(3) If the 90-day re-review results in a score of less than 100, the agency's designation as a Qualified SE Provider may be suspended for up to one calendar year.

Stat. Auth.: ORS 413.042, 430.640

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

Hist.: MHS 5-2013, f. & cert. ef. 6-5-13

309-016-0840

Assertive Community Treatment (ACT) Overview

(1) ACT is an evidence-based practice for individuals with a serious mental illness.

(2) ACT is characterized by:

(a) A team approach;

(b) In vivo services;

(c) A caseload of approximately 10:1;

(d) Time-unlimited services;

(e) Flexible service delivery;

(f) A fixed point of responsibility; and

(g) 24/7 crisis availability

(3) ACT services include, but are not limited to:

(a) Hospital discharge planning;

(b) Case management;

(c) Symptom management;

(d) Psychiatry services;

(e) Nursing services;

(f) Co-occurring substance use disorder services;

(g) Vocational services;

(h) Life skills training; and/or

(i) Peer support services.

Stat. Auth.: ORS 413.042, 430.640

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

Hist.: MHS 5-2013, f. & cert. ef. 6-5-13

309-016-0845

ACT Providers

(1) To be eligible for Medicaid reimbursement, ACT services must be provided by a Qualified ACT Provider.

(2) To become a Qualified ACT Provider, an agency must provide the evidence-based practice of ACT, and submit to AMH a copy of a fidelity review conducted by an AMH approved ACT Fidelity Reviewer, with a minimum score of 114.

(3) Agencies may become a Provisionally Qualified ACT Provider by submitting to AMH a request, with a letter of support which indicates receipt of technical assistance and training from an AMH approved ACT Trainer. Provisional ability to receive Medicaid reimbursement will end after 12 months. This option is intended only for providers initiating ACT services.

Stat. Auth.: ORS 413.042, 430.640

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

Hist.: MHS 5-2013, f. & cert. ef. 6-5-13

309-016-0850

ACT Fidelity Requirements

(1) In order to maintain designation as a Qualified ACT Provider, an agency must submit to AMH an annual fidelity review report by an AMH approved reviewer, with a minimum score of 114.

(2) Qualified Providers achieving a fidelity score of 128 or better are eligible to extend their review period to every 18 months.

(3) Fidelity reviews will be conducted utilizing the Substance Abuse and Mental Health Services ACT Toolkit Fidelity Scale, available at www.oregon.gov/oha/amh

(4) Providers approved by AMH to bill Medicaid for ACT services prior to January 1, 2013, will be deemed Qualified ACT Providers through July 1, 2014. In order to maintain their designation as a Qualified ACT Provider, these providers must submit to AMH, prior to July 1, 2014, a copy of a fidelity review conducted by an AMH approved ACT Fidelity Reviewer with a minimum score of 114.

Stat. Auth.: ORS 413.042, 430.640

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

Hist.: MHS 5-2013, f. & cert. ef. 6-5-13

309-016-0855

Failure to Meet Fidelity Standards

If a Qualified ACT Provider does not receive a minimum score of 114 on a fidelity review, the following shall occur:

(1) Technical assistance shall be made available for a period of 90-days to address problem areas identified in the fidelity review.

(2) At the end of the 90-day period, a follow-up review will be conducted by an AMH approved reviewer.

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(3) The provider shall forward a copy of the amended fidelity review report to AMH.

(4) If the 90-day re-review results in a score of less than 114, the agency's designation as a Qualified ACT Provider may be suspended for up to one calendar year.

Stat. Auth.: ORS 413.042, 430.640
Stats. Implemented: ORS 413.042, 414.025, 414.065, 430.640, 430.705, 430.715
Hist.: MHS 5-2013, f. & cert. ef. 6-5-13

Oregon Health Authority,
Division of Medical Assistance Programs
Chapter 410

Rule Caption: Align with Department of Human Services OAR chapter 461, medical eligibility rules

Adm. Order No.: DMAP 24-2013

Filed with Sec. of State: 5-29-2013

Certified to be Effective: 5-29-13

Notice Publication Date: 2-1-2013

Rules Amended: 410-120-0006

Rules Repealed: 410-120-0006(T)

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

OAR 410-120-0006 in conjunction.

Rules Coordinator: Cheryl Peters—(503) 945-6527

410-120-0006

Medical Eligibility Standards

As the state Medicaid and CHIP agency, the Oregon Health Authority (Authority) is responsible for establishing and implementing eligibility policies and procedure consistent with applicable law. As outlined in 943-001-0020; the Authority, and the Department of Human Services (Department) work together to adopt rules to assure that medical assistance eligibility procedures and determinations are consistent across both agencies.

(1) The Authority adopts and incorporates by reference the rules established in OAR chapter 461 and in effect May 29, 2013, for all medical eligibility requirements for medical assistance when the Authority conducts eligibility determinations.

(2) Any reference to OAR chapter 461 in Oregon Administrative Rules or contracts of the Authority are deemed to be references to the requirements of this rule and shall be construed to apply to all eligibility policies, procedures and determinations by or through the Authority.

(3) For purposes of this rule, references in OAR chapter 461 to the Department or to the Authority shall be construed to be references to both agencies.

(4) Effective on or after July 1, 2011 the Authority shall conduct medical eligibility determinations using the OAR chapter 461 rules which are in effect on the date the Authority makes the medical eligibility determination.

(5) A request for a hearing resulting from a determination under this rule, made by the Authority shall be handled pursuant to the hearing procedures set out in division 25 of OAR chapter 461. References to "the Administrator" in division 25 of chapter 461 or "the Department" are hereby incorporated as references to the Authority."

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

Stat. Auth.: ORS 413.042
Stats. Implemented: ORS 413.042 & 414.065
Hist.: DMAP 10-2011, f. 6-29-11, cert. ef. 7-1-11; DMAP 18-2011(Temp), f. & cert. ef. 7-15-11 thru 1-11-12; DMAP 21-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 1-11-12; DMAP 25-2011(Temp), f. 9-28-11, cert. ef. 10-1-11 thru 1-11-12; DMAP 36-2011, f. 12-13-11, cert. ef. 1-1-12; DMAP 1-2012(Temp), f. & cert. ef. 1-13-12 thru 7-10-12; DMAP 2-2012(Temp), f. & cert. ef. 1-26-12 thru 7-10-12; DMAP 3-2012(Temp), f. & cert. ef. 1-31-12 thru 2-1-12; DMAP 4-2012(Temp), f. 1-31-12, cert. ef. 2-1-12 thru 7-10-12; DMAP 9-2012(Temp), f. & cert. ef. 3-1-12 thru 7-10-12; DMAP 21-2012(Temp), f. 3-30-12, cert. ef. 4-1-12 thru 7-10-12; DMAP 25-2012(Temp), f. & cert. ef. 5-1-12 thru 7-10-12; Administrative correction 8-1-12; DMAP 35-2012(Temp), f. & cert. ef. 7-20-12 thru 1-15-13; DMAP 45-2012(Temp), f. & cert. ef. 10-5-12 thru 1-19-13; DMAP 50-2012, f. 10-31-12, cert. ef. 11-1-12; DMAP 53-2012(Temp), f. & cert. ef. 11-1-12 thru 4-29-13; DMAP 56-2012(Temp), f. 11-30-12, cert. ef. 12-1-12 thru 4-1-13; DMAP 60-2012, f. 12-27-12, cert. ef. 1-1-13; DMAP 65-2012(Temp),

f. 12-28-12, cert. ef. 1-1-13 thru 6-29-13; DMAP 2-2013(Temp), f. & cert. ef. 1-8-13 thru 6-29-13; DMAP 3-2013(Temp), f. & cert. ef. 1-30-13 thru 6-29-13; DMAP 5-2013(Temp), f. & cert. ef. 2-20-13 thru 6-29-13; DMAP 7-2013(Temp), f. & cert. ef. 3-1-13 thru 6-29-13; DMAP 12-2013, f. 3-27-13, cert. ef. 4-1-13; DMAP 17-2013, f. & cert. ef. 4-10-13; DMAP 24-2013, f. & cert. ef. 5-29-13

Rule Caption: Authority requirements for approving transfer of 500 or more members from one CCO to another

Adm. Order No.: DMAP 25-2013

Filed with Sec. of State: 6-11-2013

Certified to be Effective: 6-11-13

Notice Publication Date: 4-1-2013

Rules Amended: 410-141-3080

Subject: This rule sets for the requirements as to when the Authority may approve the transfer of 500 or more members from one CCO to another CCO. This rule also sets for the timeframes for providing notice of transfer and prohibits members from transferring from one CCO to another no more than once during each enrollment period.
Rules Coordinator: Cheryl Peters—(503) 945-6527

410-141-3080

Disenrollment from Coordinated Care Organizations

(1) At the time of recertification, a client may disenroll from one CCO in a service area and enroll in another CCO in that service area. The primary person in the household shall make this decision on behalf of all household members.

(2) A member who moves from one service area to another service area shall disenroll from the CCO in the previous service area and enroll with a CCO in the new service area.

The member must change their address with the Authority or Department within ten days of moving.

(3) A member who voluntarily enrolls in a CCO per OAR 410-141-3060 (19) may disenroll from their CCOs at any time and receive health care services on a fee-for-service basis or enroll in another CCO in their service area. This only applies to:

(a) Members who are eligible for both Medicare and Medicaid and

(b) Members who are American Indian and Alaskan Native beneficiaries;

(4) Notwithstanding other sections of this rule, members may request disenrollment for just cause at any time pursuant to state law or CFR 438.56. This includes:

(a) The CCO does not cover the service the member seeks, because of moral or religious objections;

(b) The member needs related services (for example a cesarean section and a tubal ligation) to be performed at the same time, not all related services are available within the network, and the member's primary care provider or another provider determines that receiving the services separately would subject the member to unnecessary risk; or

(c) The member is experiencing poor quality of care, lack of access to services covered under the contract, or lack of access to providers experienced in dealing with the member's health care needs.

(5) The Authority may approve the disenrollment after medical review using the following just cause considerations:

(a) Required enrollment would pose a serious health risk; and

(b) The Authority finds no reasonable alternatives.

(6) The following applies to time lines for clients to change their CCO assignment:

(a) Newly eligible clients may change their CCO assignment within 90 days of their application for health services;

(b) Existing clients may change their CCO assignment within 30 days of the Authority's automatic assignment in a CCO; or

(c) Clients may change their CCO assignment upon eligibility re-determination.

(d) Clients may change enrollment in their CCO once during each enrollment period.

(7) Pursuant to CFR 438.56, the CCO shall not request and the Authority shall not approve disenrollment of a member due to:

(a) A physical or behavioral disability or condition;

(b) An adverse change in the member's health;

(c) The member's utilization of services, either excessive or lacking;

(d) The member's decisions regarding medical care with which the CCO disagrees;

(e) The member's behavior is uncooperative or disruptive, including but not limited to threats or acts of physical violence, resulting from the member's special needs, except when continued enrollment in the CCO

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seriously impairs the CCO's ability to furnish services to this particular member or other members.

(8) A CCO may request the Authority to disenroll a member if the CCO determines:

(a) Except as provided in OAR 410-141-3050, the member has major medical coverage, including employer sponsored insurance (ESI) but excluding enrollment in a DCO;

(b) The CCO determines:

(A) The member has moved to a service area the CCO does not serve;

(B) The member is out of the CCO's area for three months without making arrangements with the CCO;

(C) The member did not initiate enrollment in the CCO serving the member's area; and

(D) The member is not in temporary placement or receiving out-of-area services.

(c) The member is in a state psychiatric institution;

(d) The CCO has verifiable information that the member has moved to another Medicaid jurisdiction; or

(e) The member is deceased.

(9) Before requesting disenrollment under the exception in section (7)(e) of this rule, a

CCO must take meaningful steps to address the member's behavior, including but not limited to:

(a) Contacting the member either orally or in writing to explain and attempt to resolve the issue. The CCO must document all oral conversations in writing and send a written summary to the member. This contact may include communication from advocates, including peer wellness specialists, where appropriate, personal health navigators and qualified community health workers who are part of the member's care team to provide assistance that is culturally and linguistically appropriate to the member's need to access appropriate services and participate in processes affecting the member's care and services;

(b) Developing and implementing a care plan in coordination with the member and the member's care team that details the problem and how the CCO shall address it;

(c) Reasonably modifying practices and procedures as appropriate to accommodate the member's circumstances;

(d) Assessing the member's behavior to determine if it results from the member's special needs or a disability;

(e) Providing education, counseling and other interventions to resolve the issue; and

(f) Submitting a complete summary to the Authority if the CCO requests disenrollment.

(10) The Authority may disenroll members of CCOs for the reasons specified in section (8) without receiving a disenrollment request from a CCO.

(11) The CCO shall request the Authority to suspend a member's enrollment when the inmate is incarcerated in a State or Federal prison, a jail, detention facility or other penal institution for no longer than 12 months. The CCO shall request that the Authority disenroll a member when the inmate is incarcerated in a State or Federal prison, jail, detention facility or other institution for longer than 12 months. This does not include members on probation, house arrest, living voluntarily in a facility after adjudication of their case, infants living with inmates or inmates admitted for inpatient hospitalization. The CCO is responsible for identifying the members and providing sufficient proof of incarceration to the Authority for review of the request for suspension of enrollment or disenrollment. CCOs shall pay for inpatient services only during the time a member is an inmate and enrollment is otherwise suspended.

(12) Unless otherwise specified in these rules or in the Authority notification of disenrollment to the CCO, all disenrollments are effective at the end of the month the Authority approves the disenrollment, with the following exceptions;

(a) The Authority may specify a retroactive disenrollment effective date if the member has:

(A) Third party coverage including employee-sponsored insurance. The effective date shall be the date the coverage begins;

(B) Enrolls in a program for all-inclusive care for the elderly (PACE). The effective date shall be the day before PACE enrollment;

(C) Is admitted to the State Hospital. The effective date shall be the day before hospital admission; or

(D) Becomes deceased. The effective date shall be the date of death.

(b) The Authority may retroactively disenroll or suspend enrollment if the member is incarcerated pursuant to section (11) of this rule. The

effective date shall be the date of the notice of incarceration or the day before incarceration, whichever is earlier.

(c) The Authority shall specify a disenrollment effective date if the member moves out of the CCO's service area. The Authority shall recoup the balance of that month's capitation payment from the CCO;

(d) The Authority may specify the disenrollment effective date if the member is no longer eligible for OHP;

(13) The Authority shall inform the members of a disenrollment decision in writing, including the right to request a contested case hearing to dispute the Authority's disenrollment if the Authority disenrolled the member for cause that the member did not request. If the member requests a hearing, the disenrollment shall remain in effect pending outcome of the contested case hearing.

(14) For purposes of a client's right to a contested case hearing, "disenrollment" does not include the Authority's:

(a) Transfer of a member from a PHP to a CCO;

(b) Transfer of a member from a CCO to another CCO; or

(c) Automatic enrollment of a member in a CCO.

(15) The Authority may approve the transfer of 500 or more members from one CCO to another CCO if:

(a) The members' provider has contracted with the receiving CCO and has stopped accepting patients from or has terminated providing services to members in the transferring CCO; and

(b) Members are offered the choice of remaining enrolled in the transferring CCO.

(16) Members may not be transferred under section (15) until the Authority has evaluated the receiving CCO and determined that the CCO meets criteria established by the Authority by rule, including but not limited to ensuring that the CCO maintains a network of providers sufficient in numbers and areas of practice and geographically distributed in a manner to ensure that the health services provided under the contract are reasonably accessible to members.

(17) The Authority shall provide notice of a transfer under section (15) to members that will be affected by the transfer at least 90 days before the scheduled date of the transfer.

(18) Except as otherwise allowed by rule, a member may transfer from one CCO to another CCO no more than once during each enrollment period.

Stat. Auth.: ORS 414.042, 414.615, 414.625, 414.635 & 414.651

Stats. Implemented: ORS 414.610 - 414.685

Hist.: DMAP 16-2012(Temp), f. & cert. ef. 3-26-12 thru 9-21-12; DMAP 37-2012, f. & cert. ef. 8-1-12; DMAP 47-2012(Temp), f. & cert. ef. 10-16-12 thru 4-13-13; DMAP 55-2012(Temp), f. & cert. ef. 11-15-12 thru 4-13-13; Administrative correction 4-22-13; DMAP 19-2013, f. & cert. ef. 4-23-13; DMAP 25-2013, f. & cert. ef. 6-11-13

Oregon Health Insurance Exchange Chapter 945

Rule Caption: Administrative Charge on Insurers Offering Standalone Dental Plans.

Adm. Order No.: OHIE 3-2013(Temp)

Filed with Sec. of State: 5-28-2013

Certified to be Effective: 5-28-13 thru 11-22-13

Notice Publication Date:

Rules Amended: 945-030-0030, 945-030-0040

Rules Suspended: 945-030-0010

Subject: Establishes the 2014 administrative fee to be paid by insurers offering stand alone dental plans through the Exchange.

Rules Coordinator: Gregory Jolivet—(503) 373-9406

945-030-0010

Statutory Authority; Purpose

(1) OAR chapter 945, division 30 is adopted pursuant to the general rulemaking authority of the Exchange in ORS 741.002.

(2) The purpose of division 30 is to establish a process for the adoption of an administrative charge to be paid by health insurers offering qualified health plans through the Exchange to pay the administrative and operational expenses of the corporation, including costs of grants to certified navigators.

Stat. Auth.: ORS 741.002

Stats. Implemented: ORS 741.105

Hist.: OHIE 1-2013, f. & cert. ef. 3-18-13; Suspended by OHIE 3-2013(Temp), f. & cert. ef. 5-28-13 thru 11-22-13

ADMINISTRATIVE RULES

945-030-0030

Annual Administrative Charge on Insurers

(1) Effective January 1, 2014, each health insurer offering qualified health plans through the Exchange shall pay a monthly administrative charge equal to \$9.38 times the number of members enrolled through the Exchange in that month.

(2) Effective January 1, 2014, each health insurer offering standalone dental plans through the Exchange shall pay a monthly administrative charge equal to \$0.93 times the number of members enrolled through the Exchange in that month.

(3) If the total charges collected exceeds the maximum amount permissible under ORS 741.105, Cover Oregon will return excess funds to carriers on a pro-rata basis no later than the end of the 2nd quarter of the next calendar year.

Stat. Auth.: ORS 741.002

Stats. Implemented: ORS 741.105

Hist.: OHIE 1-2013, f. & cert. ef. 3-18-13; OHIE 3-2013(Temp), f. & cert. ef. 5-28-13 thru 11-22-13

945-030-0040

Assessment and Collection of Administrative Charge on Insurers

(1) The Exchange shall assess the administrative charge on or before the 10th business day of each month.

(2) Each insurer's monthly administrative charge will be based on the number of members enrolled through the Exchange in that month. The administrative charge will be adjusted for any changes to prior months enrollment.

(3) The administrative charge is due in full to the Exchange on the last business day of the month assessed.

(4) For any month in which the insurer does not make full payment within 10 days following the last business day of that month, the Exchange shall impose a late payment charge of 1 percent of the amount due.

(5) If an insurer fails to pay the administrative charge, the Board may:

(a) Close that insurer's Exchange plans to new enrollment until all outstanding charges are paid; and/or

(b) De-certify that insurer's qualified health plans and/or standalone dental plans.

Stat. Auth.: ORS 741.002

Stats. Implemented: ORS 741.105

Hist.: OHIE 1-2013, f. & cert. ef. 3-18-13; OHIE 3-2013(Temp), f. & cert. ef. 5-28-13 thru 11-22-13

Oregon Health Licensing Agency Chapter 331

Rule Caption: Allow respiratory therapists with credential from Board of Registered Polysomnographic Technologists to supervise students.

Adm. Order No.: HLA 7-2013

Filed with Sec. of State: 5-16-2013

Certified to be Effective: 6-1-13

Notice Publication Date: 4-1-2013

Rules Amended: 331-705-0080

Rules Repealed: 331-705-0072, 331-710-0040

Subject: Add language allowing a respiratory therapists with the registered polysomnographic technologist credential from the Board of Registered Polysomnographic Technologists to supervise students pursuant to ORS 688.807 which allows the Board to determine who may supervise students in an education program for polysomnography.

Repeal the sleep lab exemption due to required licensing for all individuals performing polysomnography services, as of January 1, 2013, unless exempt under the law.

Repeal polysomnographic technologist grandfathering requirements. In order to qualify for grandfathering all individuals were required to meet the grandfathering application requirements and obtain licensure on or before January 1, 2013

Rules Coordinator: Samantha Patnode—(503) 373-1917

331-705-0080

Licensure Exemption for Supervisors and Polysomnography Students

(1) Students actively enrolled in the following education programs are exempt from polysomnographic technologist licensure pursuant to ORS 688.805(2)(b)(A):

(a) Associate's degree program in polysomnography, polysomnographic technology, or sleep technology from an accredited community college, college, or university; or

(b) Polysomnography course of study from a CAAHEP accredited institution;

(2) In accordance with ORS 688.805(2)(b)(B) to be exempt from licensure students in subsection (1) of this rule must be supervised by one of the following:

(a) A licensed polysomnographic technician;

(b) A qualified medical director for polysomnography;

(c) Respiratory therapist who holds a Sleep Disorder Specialty credential through the NBRC; or

(d) Respiratory therapist who holds a RSPGT credential through the BRPT.

(3) Direct supervision, for the purpose of this rule, is supervision of a student in polysomnography by an approved supervisor who is physically present with the student while the student is working. The supervisor must exercise direction and control over the student's work. An approved supervisor supervising a student may not supervise more than one student per shift.

Stat. Auth.: ORS 676.606, 676.607, 676.611, 676.615 & 688.830

Stats. Implemented: ORS 688.800 & 688.805

Hist.: HLA 15-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 5-2013(Temp), f. 3-12-13, cert. ef. 4-1-13 thru 9-28-13; HLA 7-2013, f. 5-16-13, cert. ef. 6-1-13

Rule Caption: Removes temporary discounts from the Board of Body Art fee structure, 331-940-0000.

Adm. Order No.: HLA 8-2013(Temp)

Filed with Sec. of State: 6-7-2013

Certified to be Effective: 7-1-13 thru 7-8-13

Notice Publication Date:

Rules Amended: 331-940-0000

Subject: OHLA significantly reduced the Board of Body Art Practitioners ending balance as discussed with the Board, the Department of Administrative Services, and the Legislative Fiscal Office. Since March 5, 2012 the Board of Body Art Practitioner's has waived body piercing written and practical exams, facility applications, original facility licenses and renewals and practitioner renewal fees for licenses issued prior to January 1, 2012. As discussed with all involved, these discounts expire on June 30, 2013.

Rules Coordinator: Samantha Patnode—(503) 373-1917

331-940-0000

Fees

(1) Applicants and licensees are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding the payment of fees, penalties and charges.

(2) Fees established by the Oregon Health Licensing Agency are as follows:

(a) Application:

(A) Standard Body Piercing — \$50.

(B) Specialty Body Piercing Level 1 — \$50.

(C) Specialty Body Piercing Level 2 — \$50.

(D) Electrology — \$50.

(E) Tattoo — \$50.

(F) Reciprocity Per Field of Practice — \$150.

(G) Facility — \$100.

(H) Mobile Facility — \$100.

(I) Event Facility — \$100.

(J) Temporary Facility License — \$100.

(K) Temporary Practitioner Per Field of Practice — \$50.

(L) Standard Body Piercing Trainee — \$50.

(M) Ear Lobe Piercing Temporary — \$25.

(b) Examination:

(A) Written — \$50.

(B) Practical — \$100.

(c) Original Issuance of License:

(A) Standard Body Piercing Trainee — \$50.

(B) Standard Body Piercing — \$50.

(C) Specialty Body Piercing Level 1 — \$50.

(D) Specialty Body Piercing Level 2 — \$50.

(E) Electrology — \$25.

(F) Tattoo — \$50.

(G) License for a Field of Practice by Reciprocity — \$50.

ADMINISTRATIVE RULES

- (H) Facility — \$150.
 - (I) Mobile Facility — \$150.
 - (J) Event Facility:
 - (i) Up to 100 booths: \$725.
 - (ii) 101 to 200 booths: \$1,450.
 - (iii) 201 to 300 booths: \$2,175.
 - (iv) 301 to 400 booths: \$2,900.
 - (v) 401 to 500 booths: \$3,625.
 - (K) Temporary Practitioner Per Field of Practice — \$20.
 - (L) Temporary Facility — \$50.
 - (M) Earlobe Piercing Temporary — \$25.
 - (d) Renewal of License Online:
 - (A) Standard Body Piercing — \$45.
 - (B) Electrology — \$20.
 - (C) Tattoo — \$45.
 - (D) Temporary Earlobe — \$20.
 - (E) Body Art Facility — \$125.
 - (F) Mobile Facility License — \$125.
 - (e) Renewal of License Over-the-Counter or Through the Mail:
 - (A) Standard Body Piercing Trainee — \$50.
 - (B) Standard Body Piercing — \$50.
 - (C) Specialty Body Piercing Level 1 — \$50.
 - (D) Specialty Body Piercing Level 2 — \$50.
 - (E) Electrology — \$25.
 - (F) Tattoo — \$50.
 - (G) Temporary Earlobe — \$25.
 - (H) Temporary Practitioner Per Field of Practice — \$20.
 - (I) Body Art Facility — \$150.
 - (J) Mobile Facility License — \$150.
 - (f) Other administrative fees:
 - (A) Delinquency — \$50 per year, up to three years.
 - (B) Replacement License — \$25.
 - (C) Duplicate License — \$25 per copy with maximum of three.
 - (D) Affidavit of Licensure — \$50.
 - (E) Information Packets — \$10.
 - (F) Administrative Processing Fee — \$25.
- Stat. Auth.: ORS 345, 676.607, 676.615, 676.625, 690.365, 690.370, 690.385, 690.390, 690, 405, 690.407, 690.410 & 690.415
Stats. Implemented: ORS 676.607, 676.608, 676.612, 676.615, 676.625, 690.350, 690.360, 690.365, 690.370, 690.380, 390.385, 690.390, 690.405, 690.407, 690.410, 690.415 & 2011 OL Ch. 346 § 22 & 35
Hist.: HLA 16-2011, f. 12-30-11, cert. ef. 1-1-12; HLA 4-2012(Temp), f. & cert. ef. 3-5-12 thru 9-1-12; HLA 11-2012, f. & cert. ef. 7-25-12; HLA 8-2013(Temp), f. 6-7-13, cert. ef. 7-1-13 thru 7-8-13

Oregon Housing and Community Services Department
Chapter 813

Rule Caption: Establishes the Oregon Hunger Response Fund. Designates Oregon Food Bank to coordinate fund moneys.

Adm. Order No.: OHCS 4-2013

Filed with Sec. of State: 6-4-2013

Certified to be Effective: 6-4-13

Notice Publication Date: 4-1-2013

Rules Amended: 813-250-0000, 813-250-0020, 813-250-0030, 813-250-0040

Rules Repealed: 813-250-0000(T), 813-250-0010, 813-250-0020(T), 813-250-0030(T), 813-250-0040(T), 813-250-0050

Subject: 813-250-0000 The rules change the name of the Food Assistance Fund to the Oregon Hunger Response Fund and designates the Oregon Food Bank to coordinate distribution of food in Oregon under the fund.

813-250-0010 This rule has been repealed. Definitions for programs will be consolidated within the general rules for the agency.

813-250-0020 Sets forth how the Oregon Food Bank will carry out the activities of the fund at the local level. The proposed amendments

more clearly outline existing language within the rules, but provides a definition for a recipient agency.

813-250-0030 Sets forth the eligible activities for use of the funds. The proposed changes are administrative in nature.

813-250-0040 This rule sets out the fiscal control and reporting requirements. The proposed amendments are administrative in nature and do not include any substantive changes.

813-250-0050 This rule has been repealed. The waiver rule will be incorporated within the department's general rules.

Rules Coordinator: Sandy McDonnell—(503) 986-2012

813-250-0000

Purpose and Objectives

(1) OAR chapter 813, division 250 establishes and implements the Oregon Hunger Response Fund, which is funded by General Fund moneys and carries out the Department's responsibility as the lead public body in administering the state policy on hunger under ORS 458.525 to 458.545. The Oregon Hunger Response Fund is the means by which the Department allocates funds for the statewide network of food banks and emergency food programs to acquire food and new food sources, build network capacities and link emergency food clients to other services.

(2) The Oregon Food Bank, a nonprofit corporation organized under ORS Chapter 65, is the agency designated by the Department to coordinate distribution of food and funds in Oregon under the Oregon Hunger Response Fund. Under the program, the food is distributed through the recipient agencies to low income households, which are those households with an income that does not exceed 185 percent of the federal poverty guideline. A portion of the funds are distributed to recipient agencies.

Stat. Auth.: ORS 456.555

Stats. Implemented: ORS 456.625 & 458.525 - 458.545

Hist.: HSG 1-1994, f. & cert. ef. 3-2-94; OHCS 4-2003, f. & cert. ef. 5-12-03; OHCS 4-2008, f. & cert. ef. 4-11-08; OHCS 6-2012(Temp), f. & cert. ef. 12-6-12 thru 6-4-13; OHCS 4-2013, f. & cert. ef. 6-4-13

813-250-0020

Administration

(1) The Oregon Food Bank may select and subcontract with recipient agencies to carry out activities of the Oregon Hunger Response Fund at the local level. A recipient agency is a regional food bank or other local public agency or private nonprofit agency that under the subcontracting agreement undertakes to relieve situations of emergency and distress by enabling the provision of food to other local nonprofit agencies for distribution to low income households.

(2) A recipient agency may provide Oregon Hunger Response Fund program services only if the agency has first entered into a subcontracting agreement with the Oregon Food Bank to serve as a recipient agency. The agreement must at least include provisions regarding the grant amount, conditions, effective date, terms of the contract, eligible services, fiscal and program report requirements, and audit requirements.

(3) A recipient agency may recommend guidelines to the Oregon Food Bank for the uses and disbursement of program funds.

(4) The Oregon Food Bank may use program funds to supplement but not supplant existing funds used in supporting the work of the recipient.

(5) Neither the Oregon Food Bank nor a recipient agency may require a program recipient to make any payments in money, materials or services for, or in connection with, the receipt of emergency food.

Stat. Auth.: ORS 456.555

Stats. Implemented: ORS 456.625 & 458.525 - 458.545

Hist.: HSG 1-1994, f. & cert. ef. 3-2-94; OHCS 4-2003, f. & cert. ef. 5-12-03; OHCS 4-2008, f. & cert. ef. 4-11-08; OHCS 6-2012(Temp), f. & cert. ef. 12-6-12 thru 6-4-13; OHCS 4-2013, f. & cert. ef. 6-4-13

813-250-0030

Eligible Activities

(1) The Oregon Food Bank and recipient agencies may use funds furnished through the Oregon Hunger Response Fund for:

(a) Capacity building activities and equipment purchases to strengthen or expand the infrastructure of recipient agencies to facilitate expansion of the food supply, including the transportation of commodities;

(b) Acquisition of food in bulk form and the repackaging and distribution of this food for household and congregate meal site use; and

(c) Linkage grants to recipient agencies for outreach to low income populations and under-served areas so that emergency food recipients can obtain nutrition education and other support services.

(2) The Oregon Food Bank and recipient agencies may use program funds to pay for reasonable administrative costs of the program.

Stat. Auth.: ORS 456.555

ADMINISTRATIVE RULES

Stats. Implemented: ORS 456.625 & 458.525 - 458.545
Hist.: HSG 1-1994, f. & cert. ef. 3-2-94; OHCS 4-2003, f. & cert. ef. 5-12-03; OHCS 4-2008, f. & cert. ef. 4-11-08; OHCS 6-2012(Temp), f. & cert. ef. 12-6-12 thru 6-4-13; OHCS 4-2013, f. & cert. ef. 6-4-13

813-250-0040

Fiscal Control and Reporting Requirements

(1) The Oregon Food Bank and each recipient agency under the Oregon Hunger Response Fund:

(a) Shall maintain records that document the use of program funds for linkage and capacity building activities and the receipt and distribution of commodities purchased; and

(b) Shall maintain records of program activities and fiscal transactions for a period of three years and shall make the records available to the Department upon request.

(2) The Oregon Food Bank shall provide the Department:

(a) An annual audit of program activities and fiscal transactions within nine months following the end of the fiscal audit period; and

(b) A year-end report of linkage and capacity projects carried out by each recipient agency compiled from recipient agency annual reports; and

(c) An annual report regarding the type and amount of food acquired, purchased and repackaged by the Oregon Food Bank using the Oregon Hunger Response Fund.

Stat. Auth.: ORS 456.555

Stats. Implemented: 1993 OL Ch. 725, ORS 456.625 & 458.525 - 458.545

Hist.: HSG 1-1994, f. & cert. ef. 3-2-94; OHCS 4-2003, f. & cert. ef. 5-12-03; OHCS 4-2008, f. & cert. ef. 4-11-08; OHCS 6-2012(Temp), f. & cert. ef. 12-6-12 thru 6-4-13; OHCS 4-2013, f. & cert. ef. 6-4-13

Oregon University System, Eastern Oregon University Chapter 579

Rule Caption: Amend Special Student and Course Fees.

Adm. Order No.: EOU 2-2013

Filed with Sec. of State: 5-28-2013

Certified to be Effective: 5-28-13

Notice Publication Date: 5-1-2013

Rules Amended: 579-020-0006

Subject: Amend fees charged to students for special uses of facilities, services or supplies at Eastern Oregon University.

Rules Coordinator: Teresa Carson-Mastrude—(541) 962-3773

579-020-0006

Special Student Fees

Eastern Oregon University is adopting by reference Special Student Fees for the 2013–2014 school year.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: EOSC 3, f. & ef. 6-23-76; EOSC 8, f. & ef. 6-16-77; EOSC 6-1978, f. & ef. 10-2-78; EOSC 1-1979, f. & ef. 6-27-79; EOSC 1-1981, f. & ef. 1-12-81; EOSC 3-1981, f. & ef. 7-1-81; EOSC 2-1983, f. & ef. 12-16-83; EOSC 2-1984, f. & ef. 10-25-84; EOSC 1-1986, f. & ef. 2-13-86; EOSC 2-1988, f. & cert. ef. 10-28-88; EOSC 2-1989, f. & cert. ef. 7-31-89; EOSC 2-1990, f. & cert. ef. 10-9-90; EOSC 3-1991, f. & cert. ef. 9-20-91; EOSC 5-1990, f. & cert. ef. 12-20-91 (and corrected 1-2-92); EOSC 1-1992, f. & cert. ef. 5-13-92; EOSC 2-1992, f. & cert. ef. 8-24-92; EOSC 4-1993, f. & cert. ef. 8-2-93; EOSC 4-1994, f. & cert. ef. 7-25-94; EOSC 1-1996, f. & cert. ef. 8-15-96; EOU 1-2001, f. & cert. ef. 9-28-01; EOU 1-2003, f. & cert. ef. 7-31-03; EOU 1-2005, f. & cert. ef. 5-16-05; EOU 1-2006, f. & cert. ef. 4-14-06; EOU 1-2007, f. & cert. ef. 5-14-07; EOU 4-2007(Temp), f. & cert. ef. 8-15-07 thru 1-15-08; Administrative Correction 1-24-08; EOU 1-2008, f. & cert. ef. 3-14-08; EOU 5-2008, f. & cert. ef. 8-15-08; EOU 1-2009, f. & cert. ef. 3-12-09; EOU 2-2009, f. & cert. ef. 8-14-09; EOU 3-2009, f. & cert. ef. 12-15-09; EOU 1-2010, f. & cert. ef. 5-13-10; EOU 2-2010, f. & cert. ef. 7-15-10; EOU 1-2011, f. & cert. ef. 6-6-11; EOU 3-2011, f. & cert. ef. 8-5-11; EOU 4-2011(Temp), f. & cert. ef. 11-14-11 thru 5-6-12; EOU 5-2011(Temp), f. & cert. ef. 12-1-11 thru 5-6-12; EOU 1-2012, f. & cert. ef. 4-23-12; EOU 4-2012(Temp), f. & cert. ef. 6-22-12 thru 12-15-12; EOU 6-2012, f. & cert. ef. 10-15-12; EOU 2-2013, f. & cert. ef. 5-28-13

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 1-2013

Filed with Sec. of State: 6-12-2013

Certified to be Effective: 9-16-13

Notice Publication Date: 4-1-2013

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 fiscal year 2013–2014. 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 permits for the fiscal year 2013-2014. The schedule of subject fees may be obtained from the Oregon Institute of Technology Business Affairs Office.

Rules Coordinator: Denise Reid—(541) 885-1227

578-041-0030

Special Institution Fees and Charges

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 2013–2014 and are hereby adopted by reference. 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; OIT 1-2013, f. 6-12-13, cert. ef. 9-16-13

578-072-0030

Parking Permit and Fees

(1) Faculty and Staff permits for Klamath Falls campus will be issued for a fee of \$140.00 per year or \$70.00 per term. Vehicles with these permits must park in the parking areas.

(2) Student permits for Klamath Falls campus will be issued for a fee of \$90.00 per year or \$45.00 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 municipal jurisdiction where the campus is located. 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 will be issued.

(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, if required. Vehicles displaying temporary permits must park in the area designated by that permit. Students, faculty, and staff members are able to obtain up to 3 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 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.

ADMINISTRATIVE RULES

(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; OIT 1-2013, f. 6-12-13, cert. ef. 9-16-13

Oregon University System, Oregon State University Chapter 576

Rule Caption: Updating rule covering Time, Manner and Place for Speech Activities to reflect current procedures.

Adm. Order No.: OSU 3-2013

Filed with Sec. of State: 6-7-2013

Certified to be Effective: 7-1-13

Notice Publication Date: 5-1-2013

Rules Amended: 576-005-0032

Subject: OSU is updating the rule to make it consistent with current OSU procedures.

Rules Coordinator: Beth Giddens—(541) 737-2449

576-005-0032

Use of Tables, Carts, Booths, and Similar Structures

(1) Tables, carts, or booths or similar structures may be set out and used on campus only as provided in this rule.

(2) Except as provided in section (3) of this rule, use of a table, cart, booth or similar structure on campus for informational, nonprofit, commercial, or any other purposes, must be sponsored by a recognized student organization or university department, or a faculty or staff organization:

(a) Recognized student organizations must report the activity to the university through an online process managed by the Student Events & Activities Center;

(b) University department or faculty/staff organization sponsored uses must be scheduled with the Memorial Union Reservation Office. Faculty or staff members (or students) of the sponsoring department or organization must conduct all activity. The Memorial Union Reservation Office shall establish the time period during which the use may take place;

(c) Users may provide their own tables, carts, or booths, or reserve tables available through the Memorial Union Reservation Office. Use is restricted to the quad north of the Memorial Union. Alternatively, on a first-come, first-served basis, counter space within these rules (without use of tables, carts, or booths) may be reserved in the Memorial Union;

(d) Users sponsored by the OSU Athletic Department may request placement of tables, carts or booths in Gill Coliseum or other facilities controlled by the Athletic Department through the Athletic Department Business Office.

(3) Nothing in this rule is intended to authorize:

(a) Sale of products or food on campus in conflict with existing exclusive contracts for similar merchandise or services;

(b) Uses in conflict with any applicable OSU food service or catering policy.

(4) It is the responsibility of the user to acquire any necessary state, county, or municipal licenses.

Stat. Auth.: ORS 351.070
Stats. Implemented: ORS 351.070
Hist.: OSU 1-1992, f. & cert. ef. 6-5-92; OSU 7-1996, f. & cert. ef. 8-23-96; OSU 3-2013, f. 6-7-13, cert. ef. 7-1-13

Rule Caption: Sets fees/charges at Oregon State University, fiscal year 2013–2014.

Adm. Order No.: OSU 4-2013

Filed with Sec. of State: 6-7-2013

Certified to be Effective: 7-1-13

Notice Publication Date: 5-1-2013

Rules Amended: 576-010-0000

Subject: The proposed amendment will set fees and charges for designated services at Oregon State University for fiscal year 2013–2014. The rule states: “The University hereby adopts by reference a list of fees and charges for fiscal year 2013–2014. The list of fees and charges is available at Oregon State University’s Valley Library, and is hereby incorporated by reference in this rule.”

Rules Coordinator: Beth Giddens—(541) 737-2449

576-010-0000

Fees and Charges

The University hereby adopts by reference a list of fees and charges for July 1, 2013–June 30, 2014. This List of Fees and Charges is available at the Oregon State University Valley Library, and is hereby incorporated by reference in the rule.

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

Stat. Auth.: ORS 351.070, 352.360 & OAR 580-040-0010

Stats. Implemented: ORS 351.070 & 352.360

Hist.: OSU 3-1980, f. & ef. 10-31-80; OSU 1-1982, f. & ef. 8-27-82; OSU 1-1983(Temp), f. & ef. 9-26-83; OSU 1-1986, f. & ef. 6-4-86; OSU 2-1987, f. 6-11-87, ef. 7-1-87; OSU 2-1988, f. 6-15-88, cert. ef. 7-1-88; OSU 4-1989, f. 6-13-89, cert. ef. 7-1-89; OSU 1-1990, f. 6-15-90, cert. ef. 7-1-90; OSU 6-1991, f. 6-3-91, cert. ef. 7-1-91; OSU 2-1992, f. 6-5-92, cert. ef. 7-1-92; OSU 5-1993, f. 6-9-93, cert. ef. 7-1-93; OSU 1-1994, f. 6-8-94, cert. ef. 7-1-94; OSU 2-1995, f. 6-20-95, cert. ef. 7-1-95; OSU 6-1996, f. & cert. ef. 7-1-96; OSU 5-1997, f. 6-16-97, cert. ef. 7-1-97; OSU 7-1998, f. 6-30-98, cert. ef. 7-1-98; OSU 3-1999, f. 6-17-99, cert. ef. 7-1-99; OSU 1-2000, f. 6-21-00, cert. ef. 7-1-00; OSU 5-2001, f. 6-18-01, cert. ef. 7-1-01; OSU 6-2002, f. 6-5-02, cert. ef. 7-1-02; OSU 1-2003, f. 6-19-03, cert. ef. 7-1-03; OSU 1-2004, f. 6-23-04, cert. ef. 7-1-04; OSU 1-2005, f. 6-13-05, cert. ef. 7-1-05; OSU 1-2006, f. 6-23-06, cert. ef. 7-1-06; OSU 1-2007, f. 6-18-07, cert. ef. 7-1-07; OSU 3-2008, f. 6-27-08, cert. ef. 7-1-08; OSU 2-2009, f. 6-16-09, cert. ef. 7-1-09; OSU 1-2010, f. 6-30-10, cert. ef. 7-1-10; OSU 1-2011, f. 6-13-11, cert. ef. 7-1-11; OSU 8-2011, f. & cert. ef. 12-27-11; OSU 3-2012, f. 6-6-12, cert. ef. 7-1-12; OSU 7-2012, f. 12-24-12, cert. ef. 1-1-13; OSU 4-2013, f. 6-7-13, cert. ef. 7-1-13

Oregon University System, Portland State University Chapter 577

Rule Caption: Schedule of Fines and Fees for General Services and Other Charges.

Adm. Order No.: PSU 2-2013

Filed with Sec. of State: 5-30-2013

Certified to be Effective: 5-30-13

Notice Publication Date: 5-1-2013

Rules Amended: 577-060-0020

Subject: Portland State University hereby adopts by reference a list of fines and other charges for fiscal year 2013–2013. The list of fees and other charges is available at Portland State University’s Office of Finance and Administration website at <http://www.pdx.edu/fadm/rulemaking-portland-state> and is hereby incorporated by reference in the rule.

Rules Coordinator: Lorraine D. Baker—(503) 725-8050

577-060-0020

Schedule of Fines and Fees for General Services and Other Charges

The Schedule of Fines and Fees for General Services and Other Charges for the 2013–2014 Fiscal Year are hereby adopted by reference by Portland State University.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Hist.: PSU 16(Temp), f. 8-24-77, ef. 9-1-77; PSU 18, f. & ef. 10-4-77; PSU 19(Temp), f. & ef. 10-11-77; PSU 20, f. & ef. 11-18-77; PSU 3-1978(Temp), f. 6-19-78, ef. 7-1-78; PSU 7-1978, f. & ef. 9-5-78; PSU 1-1979, f. & ef. 9-17-79; PSU 3-1980, f. & ef. 9-4-80; PSU 2-1981, f. & ef. 9-10-81; PSU 3-1982, f. & ef. 9-3-82; PSU 1-1983, f. & ef. 2-8-83; PSU 2-1983, f. 6-22-83, ef. 7-1-83; PSU 1-1984, f. 6-8-84, ef. 7-1-84; PSU 1-1985, f. 6-26-85, f. 7-1-85; PSU 1-1986, f. 6-25-86, ef. 7-1-86; PSU 1-1987, f. 6-19-87, ef. 7-1-87; PSU 3-1987(Temp), f. & ef. 8-11-87; PSU 5-1987, f. & ef. 10-27-87; PSU 5-1988, f. & cert. ef. 7-18-88; PSU 7-1988(Temp), f. & cert. ef. 11-29-88; PSU 3-1989, f. & cert. ef. 7-26-89; PSU 5-1990, f. & cert. ef. 7-5-90; PSU 2-1991(Temp), f. & cert. ef. 6-28-91; PSU 3-1991, f. & cert. ef. 8-7-91; PSU 4-1991(Temp), f. & cert. ef. 12-4-91; PSU 1-1992, f. & cert. ef. 1-17-92; PSU 2-1992, f. & cert. ef. 6-16-92 (and corrected 6-19-92); PSU 1-1993, f. & cert. ef. 6-11-93; PSU 2-1993(Temp), f. & cert. ef. 7-13-93; PSU 3-1993(Temp), f. & cert. ef. 7-30-93; PSU 4-1994, f. & cert. ef. 11-3-94; PSU 1-1995, f. & cert. ef. 8-9-95; PSU 1-1996(Temp), f. 1-18-96, cert. ef. 3-1-96; PSU 3-1996, f. & cert. ef. 6-27-96; PSU 1-1997, f. & cert. ef. 8-1-97; PSU 4-1998, f. & cert. ef. 9-17-98; PSU 4-1999, f. & cert. ef. 8-11-99; PSU 2-2000, f. & cert. ef. 8-1-00; PSU 1-2001, f. & cert. ef. 8-14-01; PSU 2-2003, f. 6-27-03, cert. ef. 7-1-03; PSU 4-2003(Temp), f. & cert. ef. 11-18-03 thru 5-14-04; PSU 1-2004, f. & cert. ef. 8-20-04; PSU 1-2005(Temp), f. & cert. ef. 7-15-05 thru 12-28-05; PSU 3-2005, f. & cert. ef. 12-13-05; PSU 2-2006, f. & cert. ef. 6-30-06; PSU 5-2006(Temp), f. & cert. ef. 8-30-06 thru 1-31-07;

ADMINISTRATIVE RULES

Administrative correction, 2-16-07; PSU 3-2007, f. & cert. ef. 7-5-07; PSU 5-2008(Temp), f. 6-13-08, cert. ef. 7-1-08 thru 12-26-08; Administrative correction 1-23-09; PSU 1-2009(Temp), f. & cert. ef. 5-14-09 thru 11-10-09; PSU 2-2009, f. 7-15-09, cert. ef. 8-1-09; PSU 6-2009(Temp), f. & cert. ef. 8-24-09 thru 11-1-09; Administrative correction 11-19-09; PSU 1-2010(Temp), f. 4-5-10, cert. ef. 7-1-10 thru 11-1-10; PSU 2-2010, f. 6-16-10, cert. ef. 8-1-10; PSU 1-2011(Temp), f. 6-10-11, cert. ef. 7-1-11 thru 12-28-11; PSU 2-2011, f. & cert. ef. 9-21-11; PSU 4-2011, f. & cert. ef. 11-10-11; PSU 2-2012, f. & cert. ef. 6-26-12; PSU 2-2013, f. & cert. ef. 5-30-13

Physical Therapist Licensing Board
Chapter 848

Rule Caption: Amend current rule expense budget figure to reflect 2013-2015 Board approved expenditures.

Adm. Order No.: PTLB 1-2013

Filed with Sec. of State: 6-3-2013

Certified to be Effective: 7-1-13

Notice Publication Date: 4-1-2013

Rules Amended: 848-005-010

Subject: The Physical Therapist Licensing Board hereby adopts by reference the Physical Therapist Licensing Board 2013-2015 Biennium Budget of \$1,000,000 covering the period from July 1, 2013 through June 30, 2015. The Executive Director of the Board will amend budgeted accounts as necessary within the approved budget of \$1,000,000 for the effective operation of the Board. The Board will not exceed the approved 2013-2015 Biennium Budget without amending this rule, notifying holders of licenses, and holding a public hearing thereon as required by ORS Chapter 182.462(1) and (2). Copies of the budget are available on the Board website or by contacting the Board's office.

Rules Coordinator: James Heider—(971) 673-0203

848-005-0010

Board Budget

The Physical Therapist Licensing Board hereby adopts by reference the Physical Therapist Licensing Board 2013–2015 Biennium Budget of \$1,000,000 covering the period from July 1, 2013 through June 30, 2015. The Executive Director of the Board will amend budgeted accounts as necessary within the approved budget of \$1,000,000 for the effective operation of the Board. The Board will not exceed the approved 2013–2015 Biennium Budget without amending this rule, notifying holders of licenses, and holding a public hearing thereon as required, by ORS Chapter 182.462(1) and (2). Copies of the budget are available from the Board's office.

Stat. Auth.: ORS 688.210

Stats. Implemented: ORS 688.160(5)(c)

Hist.: PTLB 3-1999(Temp), f. & cert. ef. 9-7-99 thru 3-1-00; PTLB 5-1999, f. 11-23-99, cert. ef. 12-1-99; PTLB 5-2001(Temp) f. & cert. ef. 6-18-01 thru 9-30-01; PTLB 6-2001, f. & cert. ef. 10-1-01; PTLB 2-2003, f. 6-30-03, cert. ef. 7-1-03; Renumbered from 848-010-0105, PTLB 2-2004, f. & cert. ef. 12-29-04; PTLB 1-2005, f. & cert. ef. 4-8-05; PTLB 2-2007, f. 5-25-07, cert. ef. 6-1-07; PTLB 1-2009, f. & cert. ef. 5-14-09; PTLB 2-2009 f. 5-14-09 cert. ef. 7-1-09; PTLB 1-2011, f. 6-20-11, cert. ef. 7-1-11; PTLB 1-2013, f. 6-3-13, cert. ef. 7-1-13

Public Utility Commission
Chapter 860

Rule Caption: In the Matter of Amendments to OAR 860-027-0050, 860-034-0393, and 860-034-0730, Uniform System of Accounts.

Adm. Order No.: PUC 3-2013

Filed with Sec. of State: 5-17-2013

Certified to be Effective: 5-17-13

Notice Publication Date: 4-1-2013

Rules Amended: 860-027-0050, 860-034-0393, 860-034-0730

Subject: The adopted changes to the rules allow telecommunications utilities and cooperatives to record the state Universal Service Fund collections and contributions in balance sheet accounts as liabilities instead of assets and to record the federal Universal Service Fund collections and contributions in income statement accounts as revenues and expenses, consistent with federal requirements set out in 47 CFR 32.4010 and the Federal Communications Commission RAO Letter 27.

Rules Coordinator: Diane Davis—(503) 378-4372

860-027-0050

Uniform System of Accounts for Large Telecommunications Utilities

(1) The Uniform System of Accounts for Telecommunications Companies, Part 32, adopted by the Federal Communications Commission (FCC) on February 6, 2002, is hereby adopted and prescribed for all large telecommunications utilities except as modified for intrastate purposes in sections (2) through (5) of this rule.

(2) A large telecommunications utility may follow Class B accounting except when Class A accounting is needed to complete intrastate depreciation and jurisdictional separation studies, to provide the details requested in annual reports under OAR 860-027-0070, and to comply with other Oregon rules and statutes.

(3) The allocation rules in Part 32, Section 32.27, are replaced by OAR 860-027-0052(3).

(4) For construction work in progress and property held for future use, each large telecommunications utility shall maintain subsidiary records consistent with ORS 759.285.

(5) Each large telecommunications utility shall maintain subsidiary records sufficient to separately identify the following deferred taxes, universal service fund collection, revenues, and expenses:

(a) Federal and state net noncurrent deferred operating income taxes (Account 4340).

(b) Federal universal service fund collection (Account 5081).

(c) Federal universal service fund contribution (Account 6540).

(d) State universal service fund collection and contribution (Account 4010).

(e) Interstate and intrastate switched access revenue (Account 5082).

(f) Interstate and intrastate special access revenue (Account 5083).

(g) Miscellaneous Revenues (Account 5200):

(A) Directory revenues, including amounts derived from alphabetical and classified sections of directories and fees paid by other entities for the right to publish the large telecommunications utility's directories; the classified section of the directories; the sale of new telephone directories whether they are the large telecommunications utility's own directories or directories purchased from others; additional and boldface listings, marginal displays, inserts, and other advertisements in the alphabetical sections of the telephone directories; and unlisted and nonpublished telephone numbers;

(B) Interstate and intrastate carrier billing and collection revenues derived from the provision to other telecommunications providers for services such as message recording, billing, collection, billing analysis, and billing information services, whether rendered under tariff or contractual arrangements; and

(C) Miscellaneous revenue other than directory or carrier billing and collection revenues.

(h) Distributions from the federal USF and the Oregon USF.

(i) Depreciation expenses related to telecommunications plant in service, depreciation expense related to property held for future use, and amortization expense.

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

Stat. Auth.: ORS 183, 756 & 759

Stats. Implemented: ORS 756.105, 759.120, 759.125 & 759.130

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 8-1981, f. & ef. 9-8-81 (Order No. 81-626); PUC 5-1985, f. & ef. 4-24-85 (Order No. 85-355); PUC 13-1987, f. & ef. 11-16-87 (Order No. 87-1176); PUC 17-1989, f. & cert. ef. 12-14-89 (Order No. 89-1508/89-1672); PUC 6-1998, f. & cert. ef. 3-13-98; PUC 3-2000, f. & cert. ef. 2-9-00; PUC 9-2000, f. & cert. ef. 5-26-00; PUC 16-2000, f. & cert. ef. 9-12-00; PUC 4-2001, f. & cert. ef. 1-24-01; PUC 16-2001, f. & cert. ef. 6-21-01; PUC 14-2002, f. & cert. ef. 3-26-02; PUC 8-2010, f. & cert. ef. 12-20-10; PUC 3-2013, f. & cert. ef. 5-17-13

860-034-0393

Uniform System of Accounts for Small Telecommunications Utilities

(1) The Uniform System of Accounts for Telecommunications Companies, Part 32, adopted by the Federal Communications Commission (FCC) on February 6, 2002, is hereby adopted and prescribed for all Type 2 cooperatives utilities except as modified for intrastate purposes in sections (2) through (5) of this rule.

(2) A Type 2 cooperative may follow Class B accounting except when Class A accounting is needed to complete intrastate depreciation and jurisdictional separation studies, to provide the details requested in annual reports under OAR 860-034-0750, and to comply with other Oregon rules and statutes.

(3) The allocation rules in Part 32, Section 32.27, are replaced by OAR 860-034-0740(3).

(4) For construction work in progress and property held for future use, each Type 2 cooperative shall maintain subsidiary records consistent with ORS 759.285.

ADMINISTRATIVE RULES

(5) Each Type 2 telecommunications cooperative shall maintain subsidiary records sufficient to identify the following universal service fund collection, revenues, and expenses:

- (a) [Reserved].
- (b) Federal universal service fund collection (Account 5081).
- (c) Federal universal service fund contribution (Account 6540).
- (d) State universal service fund collection and contribution (Account 4010).
- (e) Interstate and intrastate switched access revenue (Account 5082).
- (f) Interstate and intrastate special access revenue (Account 5083).
- (g) [Reserved].
- (h) Distributions from the federal USF and the Oregon USF.
- (i) Depreciation expenses related to telecommunications plant in service, depreciation expense related to property held for future use, and amortization expense.

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

Stat. Auth.: ORS 183, 756 & 759

Stats. Implemented: ORS 756.040 & 759.045

Hist.: PUC 6-1993, f. & cert. ef. 2-19-93 (Order No. 93-185); PUC 6-1998, f. & cert. ef. 3-13-98; PUC 3-1999, f. & cert. ef. 8-10-99, Renumbered from 860-034-0510; PUC 3-2000, f. & cert. ef. 2-9-00; PUC 9-2000, f. & cert. ef. 5-26-00; PUC 16-2000, f. & cert. ef. 9-12-00; PUC 4-2001, f. & cert. ef. 1-24-01; PUC 15-2001, f. & cert. ef. 6-21-01; PUC 14-2002, f. & cert. ef. 3-26-02; PUC 8-2010, f. & cert. ef. 12-20-10; PUC 3-2013, f. & cert. ef. 5-17-13

860-034-0730

Uniform System of Accounts for Type 2 Cooperatives

(1) The Uniform System of Accounts for Telecommunications Companies, Part 32, adopted by the Federal Communications Commission (FCC) on February 6, 2002, is hereby adopted and prescribed for all Type 2 cooperatives utilities except as modified for intrastate purposes in sections (2) through (5) of this rule.

(2) A Type 2 cooperative may follow Class B accounting except when Class A accounting is needed to complete intrastate depreciation and jurisdictional separation studies, to provide the details requested in annual reports under OAR 860-034-0750, and to comply with other Oregon rules and statutes.

(3) The allocation rules in Part 32, Section 32.27, are replaced by OAR 860-034-0740(3).

(4) For construction work in progress and property held for future use, each Type 2 cooperative shall maintain subsidiary records consistent with ORS 759.285.

(5) Each Type 2 telecommunications cooperative shall maintain subsidiary records sufficient to identify the following universal service fund collection, revenues, and expenses:

- (a) [Reserved].
- (b) Federal universal service fund collection (Account 5081).
- (c) Federal universal service fund contribution (Account 6540).
- (d) State universal service fund collection and contribution (Account 4010).
- (e) Interstate and intrastate switched access revenue (Account 5082).
- (f) Interstate and intrastate special access revenue (Account 5083).
- (g) [Reserved].
- (h) Distributions from the federal USF and the Oregon USF.
- (i) Depreciation expenses related to telecommunications plant in service, depreciation expense related to property held for future use, and amortization expense.

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

Stat. Auth.: ORS 183, 756 & 759

Stats. Implemented: ORS 756.040, 759.220 & 759.225

Hist.: PUC 3-1999, f. & cert. ef. 8-10-99; PUC 3-2000, f. & cert. ef. 2-9-00; PUC 9-2000, f. & cert. ef. 5-26-00; PUC 16-2000, f. & cert. ef. 9-12-00; PUC 4-2001, f. & cert. ef. 1-24-01; PUC 14-2002, f. & cert. ef. 3-26-02; PUC 8-2010, f. & cert. ef. 12-20-10; PUC 3-2013, f. & cert. ef. 5-17-13

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Rule Caption: In the Matter of a Rulemaking to Adopt Federal Pipeline Safety Regulation Amendments.

Adm. Order No.: PUC 4-2013

Filed with Sec. of State: 5-30-2013

Certified to be Effective: 5-30-13

Notice Publication Date: 4-1-2013

Rules Amended: 860-024-0020, 860-024-0021

Subject: Per ORS 757.039(3), the Commission has agreements with the US Department of Transportation (USDOT) to enforce federal pipeline safety regulations pertaining to pipeline facilities in Oregon. As a condition of those agreements, the Commission must annually certify to the USDOT that the Commission adopted or is in the process of adopting all current federal pipeline safety regulations

applicable to intrastate gas pipelines and liquefied natural gas facilities. The federal amendments adopted are from the Code of Federal Regulations, Title 49, Part 191 (amendments through No. 22), Part 192 (amendments through No. 117), Part 199 (amendments through No. 25), and Part 40 (amendments through No. 29).

Rules Coordinator: Diane Davis—(503) 378-4372

860-024-0020

Gas Pipeline Safety

Every gas operator must construct, operate, and maintain natural gas and other gas facilities in compliance with the standards prescribed by:

(1) 49 CFR, Part 191, and amendments through No. 22 — Transportation of Natural and Other Gas by Pipeline; Annual Reports and Incident Reports in effect on April 4, 2011.

(2) 49 CFR, Part 192, and amendments through No. 117 — Transportation of Natural and Other Gas by Pipeline; Minimum Safety Standards in effect on August 15, 2011.

(3) 49 CFR, Part 199, and amendments through No. 25 — Control of Drug and Alcohol Use in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations in effect on February 17, 2009.

(4) 49 CFR, Part 40, and amendments through No. 29 — Procedure for Transportation Workplace Drug and Alcohol Testing Programs in effect on October 3, 2012.

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

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 757.039

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 172, f. & ef. 1-14-76 (Order No. 76-036); PUC 180, f. 4-8-77, ef. 5-1-77 (Order No. 77-232); PUC 2-1978, f. & ef. 3-16-78 (Order No. 78-158); PUC 6-1980, f. & ef. 10-22-80 (Order No. 80-777); PUC 3-1981, f. & ef. 6-4-81 (Order No. 81-361); PUC 12-1984, f. & ef. 6-5-84 (Order No. 84-424); PUC 18-1984, f. & ef. 9-4-84 (Order No. 84-685); PUC 4-1986, f. & ef. 5-5-86 (Order No. 86-456); PUC 11-1987, f. & ef. 10-8-87 (Order No. 87-861); PUC 16-1989, f. & cert. ef. 11-22-89 (Order No. 89-1529); PUC 8-1992, f. & cert. ef. 5-13-92 (Order No. 92-618 & 92-677); PUC 14-1994, f. & cert. ef. 10-20-94 (Order No. 94-1533); PUC 9-1998, f. & cert. ef. 4-28-98; PUC 19-1998, f. & cert. ef. 11-18-98; PUC 22-2003, f. & cert. ef. 11-28-03; PUC 3-2005, f. & cert. ef. 6-3-05; PUC 9-2007, f. & cert. ef. 9-10-07; PUC 5-2009, f. & cert. ef. 5-5-09; PUC 2-2011, f. & cert. ef. 5-4-11; PUC 4-2013, f. & cert. ef. 5-30-13

860-024-0021

Liquefied Natural Gas Safety

Every gas operator must construct, operate, and maintain liquefied natural gas facilities in compliance with the standards prescribed by:

(1) 49 CFR, Part 191, and amendments through No. 22 — Transportation of Natural and Other Gas by Pipeline; Annual Reports and Incident Reports in effect on April 4, 2011.

(2) 49 CFR, Part 193, and amendments through No. 23 — Liquefied Natural Gas Facilities; Minimum Safety Standards in effect on November 26, 2010.

(3) 49 CFR, Part 199, and amendments through No. 25 — Control of Drug and Alcohol Use in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations in effect on February 17, 2009.

(4) 49 CFR, Part 40, and amendments through No. 29 — Procedure for Transportation Workplace Drug and Alcohol Testing Programs in effect on October 3, 2012.

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

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 757.039

Hist.: PUC 3-1981, f. & ef. 6-4-81 (Order No. 81-361); PUC 12-1984, f. & ef. 6-5-84 (Order No. 84-424); PUC 4-1986, f. & ef. 5-5-86 (Order No. 86-456); PUC 11-1987, f. & ef. 10-8-87 (Order No. 87-861); PUC 16-1989, f. & cert. ef. 11-22-89 (Order No. 89-1529); PUC 8-1992, f. & cert. ef. 5-13-92 (Order No. 92-618 & 92-677); PUC 14-1994, f. & cert. ef. 10-20-94 (Order No. 94-1533); PUC 9-1998, f. & cert. ef. 4-28-98; PUC 19-1998, f. & cert. ef. 11-18-98; PUC 22-2003, f. & cert. ef. 11-28-03; PUC 3-2005, f. & cert. ef. 6-3-05; PUC 9-2007, f. & cert. ef. 9-10-07; PUC 5-2009, f. & cert. ef. 5-5-09; PUC 2-2011, f. & cert. ef. 5-4-11; PUC 4-2013, f. & cert. ef. 5-30-13

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

Rule Caption: Repealing Division 18 Election Boards and Persons with Physical Disabilities

Adm. Order No.: ELECT 3-2013

Filed with Sec. of State: 6-4-2013

Certified to be Effective: 6-4-13

Notice Publication Date: 5-1-2013

Rules Repealed: 165-018-0005, 165-018-0010, 165-018-0015, 165-018-0020, 165-018-0030

ADMINISTRATIVE RULES

Subject: These rules are proposed for repeal because Oregon no longer conducts elections at polling places and the authorizing statutes that the rules implemented have been repealed.

Rules Coordinator: Brenda Bayes—(503) 986-1518

Rule Caption: Updating the Uniform Billing System for State, County, City and District Elections

Adm. Order No.: ELECT 4-2013

Filed with Sec. of State: 6-4-2013

Certified to be Effective: 6-4-13

Notice Publication Date: 5-1-2013

Rules Amended: 165-020-0050

Rules Repealed: 165-020-0060

Subject: OAR 165-020-0050 will incorporate detailed descriptions of the cost worksheets counties use to calculate out the cost billed to each district for conducting the election. OAR 165-020-0060 will be repealed. Additionally the allocation formula used to calculate the cost of a county voters' pamphlet billed to each district is proposed for update to account for ORS 251.365.

Rules Coordinator: Brenda Bayes—(503) 986-1518

165-020-0050

Purpose

(1) This rule provides a uniform billing system for state, county, city and special district elections as authorized under ORS 246.179, 254.046, and 255.305.

(2) All chargeable costs incurred by the county election officer for the conduct of an election held for the state on a date other than the primary or general election, shall be paid by the state, if provided by the act calling for the election or pursuant to ORS 246.179.

(3) All chargeable costs incurred by the county election officer for the conduct of an election held for a city on a date other than the primary or general election, shall be paid by the city.

(4) All chargeable costs incurred by the county election officer for the conduct of an election held for a special district shall be paid by the special district. Chargeable costs do not include expenses incurred by the county election officer for the election of directors of a soil and water conservation district organized under ORS 568.210 to 568.808 and 568.900 to 568.933.

(5) Any chargeable cost billed for an election shall be supported by such documentation as copies of payroll registers, invoices, vouchers, sales slips, billings, and receipts. Any cost not specified in this rule, or any unsupported chargeable cost, need not be paid.

(6) Documentation will be provided to the electoral districts upon request.

(7) Any electoral district bills and supporting documentation shall be subject to audit by the secretary of state at any time for the purpose of verifying the accuracy of the chargeable costs.

(8) The following forms are adopted by reference and designated for use to detail all costs to be billed to each electoral district holding an election:

(a) Election Equipment Amortization Worksheets forms SEL 950, SEL 950A, or SEL 950B.

(A) These forms shall be the forms used for calculating the amortization of election equipment.

(B) The total amortization costs billed to electoral districts over the years the election equipment is used cannot exceed the total cost of purchasing, operating and maintaining the equipment during the years the equipment is used.

(C) Amortization of election equipment is not mandatory; however, any county election official who chooses to amortize such equipment must use a method designated by this rule.

(b) Average Ballots Cast/Average Aggregate Registration Worksheet form SEL 951 shall be the form used for computing the average number of ballots cast per election for prior four years.

(c) Allocated Cost Worksheet form SEL 952 shall be the form used for computing the allocated cost of the election.

(d) Local Elections Billing Worksheet form SEL 953 shall be the form used for computing the total district cost.

(e) Voters' Pamphlet Cost Worksheet form SEL 955 shall be the form used for computing the voters' pamphlet cost allocated to each district.

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

Stat. Auth.: ORS 246.150, 246.179 & 255.305

Stats. Implemented: ORS 246.179, 251.365, 254.046 & 255.305

Hist.: SD 40-1980, f. & ef. 4-2-80; SD 16-1984, f. & ef. 9-5-84; ELECT 2-1990(Temp), f. & cert. ef. 1-19-90; ELECT 22-1990, f. & cert. ef. 6-4-90; ELECT 11-2000, f. & cert. ef. 6-7-00; ELECT 10-2003, f. & cert. ef. 9-3-03; ELECT 4-2004, f. & cert. ef. 4-15-04; ELECT 26-2007, f. & cert. ef. 12-31-07; ELECT 14-2009, f. & cert. ef. 6-30-09; ELECT 37-2009, f. & cert. ef. 12-31-09; ELECT 7-2010, f. & cert. ef. 11-1-10; ELECT 4-2013, f. & cert. ef. 6-4-13

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OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
111-010-0015	12-19-2012	Amend	2-1-2013	125-180-1000	12-17-2012	Adopt(T)	1-1-2013
111-015-0001	12-19-2012	Amend	2-1-2013	125-180-1100	12-17-2012	Adopt(T)	1-1-2013
111-030-0050	2-21-2013	Amend(T)	4-1-2013	125-180-1200	12-17-2012	Adopt(T)	1-1-2013
111-030-0050	5-10-2013	Amend	6-1-2013	125-180-1300	12-17-2012	Adopt(T)	1-1-2013
111-040-0011	4-26-2013	Adopt	6-1-2013	125-180-1400	12-17-2012	Adopt(T)	1-1-2013
111-065-0010	4-22-2013	Amend(T)	6-1-2013	125-180-1500	12-17-2012	Adopt(T)	1-1-2013
111-065-0015	4-22-2013	Amend(T)	6-1-2013	125-246-0100	12-1-2012	Amend	1-1-2013
111-065-0025	4-22-2013	Amend(T)	6-1-2013	125-246-0110	12-1-2012	Amend	1-1-2013
111-065-0030	4-22-2013	Amend(T)	6-1-2013	125-246-0165	12-1-2012	Amend	1-1-2013
121-001-0000	12-1-2012	Repeal	1-1-2013	125-246-0170	12-1-2012	Amend	1-1-2013
121-001-0005	12-1-2012	Repeal	1-1-2013	125-246-0210	12-1-2012	Amend	1-1-2013
121-020-0000	12-1-2012	Repeal	1-1-2013	125-246-0220	12-1-2012	Amend	1-1-2013
121-020-0010	12-1-2012	Am. & Ren.	1-1-2013	125-246-0312	12-1-2012	Repeal	1-1-2013
121-020-0020	12-1-2012	Am. & Ren.	1-1-2013	125-246-0316	12-1-2012	Adopt	1-1-2013
121-020-0030	12-1-2012	Am. & Ren.	1-1-2013	125-246-0318	12-1-2012	Adopt	1-1-2013
121-020-0040	12-1-2012	Am. & Ren.	1-1-2013	125-246-0319	12-1-2012	Adopt	1-1-2013
121-020-0050	12-1-2012	Am. & Ren.	1-1-2013	125-246-0321	12-1-2012	Amend	1-1-2013
121-030-0000	12-1-2012	Am. & Ren.	1-1-2013	125-246-0322	12-1-2012	Amend	1-1-2013
121-030-0010	12-1-2012	Am. & Ren.	1-1-2013	125-246-0323	12-1-2012	Amend	1-1-2013
121-030-0020	12-1-2012	Am. & Ren.	1-1-2013	125-246-0333	12-1-2012	Amend	1-1-2013
121-030-0030	12-1-2012	Am. & Ren.	1-1-2013	125-246-0335	12-1-2012	Amend	1-1-2013
121-030-0040	12-1-2012	Am. & Ren.	1-1-2013	125-246-0345	12-1-2012	Amend	1-1-2013
121-030-0050	12-1-2012	Am. & Ren.	1-1-2013	125-246-0350	12-1-2012	Amend	1-1-2013
121-030-0060	12-1-2012	Am. & Ren.	1-1-2013	125-246-0351	12-1-2012	Amend	1-1-2013
121-030-0070	12-1-2012	Am. & Ren.	1-1-2013	125-246-0353	12-1-2012	Amend	1-1-2013
121-030-0080	12-1-2012	Am. & Ren.	1-1-2013	125-246-0360	12-1-2012	Amend	1-1-2013
121-030-0090	12-1-2012	Am. & Ren.	1-1-2013	125-246-0400	12-1-2012	Amend	1-1-2013
121-040-0010	12-1-2012	Am. & Ren.	1-1-2013	125-246-0410	12-1-2012	Repeal	1-1-2013
123-009-0060	1-2-2013	Amend	2-1-2013	125-246-0420	12-1-2012	Repeal	1-1-2013
123-009-0090	1-2-2013	Amend	2-1-2013	125-246-0430	12-1-2012	Repeal	1-1-2013
123-021-0010	11-20-2012	Amend(T)	1-1-2013	125-246-0440	12-1-2012	Repeal	1-1-2013
123-021-0010	5-23-2013	Amend	7-1-2013	125-246-0450	12-1-2012	Repeal	1-1-2013
123-021-0015	11-20-2012	Amend(T)	1-1-2013	125-246-0460	12-1-2012	Repeal	1-1-2013
123-021-0015	5-23-2013	Amend	7-1-2013	125-246-0470	12-1-2012	Repeal	1-1-2013
123-021-0080	11-20-2012	Amend(T)	1-1-2013	125-246-0500	12-1-2012	Amend	1-1-2013
123-021-0080	5-23-2013	Amend	7-1-2013	125-246-0556	12-1-2012	Amend	1-1-2013
123-021-0090	11-20-2012	Amend(T)	1-1-2013	125-246-0560	12-1-2012	Repeal	1-1-2013
123-021-0090	5-23-2013	Amend	7-1-2013	125-246-0576	12-1-2012	Amend	1-1-2013
123-021-0110	11-20-2012	Amend(T)	1-1-2013	125-246-0800	12-1-2012	Amend	1-1-2013
123-021-0110	5-23-2013	Amend	7-1-2013	125-247-0100	12-1-2012	Amend	1-1-2013
123-024-0001	4-1-2013	Amend	5-1-2013	125-247-0110	12-1-2012	Amend	1-1-2013
123-024-0011	4-1-2013	Amend	5-1-2013	125-247-0165	12-1-2012	Amend	1-1-2013
123-024-0021	4-1-2013	Amend	5-1-2013	125-247-0255	12-1-2012	Amend	1-1-2013
123-024-0031	4-1-2013	Amend	5-1-2013	125-247-0260	12-1-2012	Amend	1-1-2013
123-024-0046	4-1-2013	Amend	5-1-2013	125-247-0265	12-1-2012	Amend	1-1-2013
123-056-0010	6-3-2013	Adopt(T)	7-1-2013	125-247-0270	12-1-2012	Amend	1-1-2013
123-056-0020	6-3-2013	Adopt(T)	7-1-2013	125-247-0275	12-1-2012	Amend	1-1-2013
123-056-0030	6-3-2013	Adopt(T)	7-1-2013	125-247-0280	12-1-2012	Amend	1-1-2013
123-056-0035	6-3-2013	Adopt(T)	7-1-2013	125-247-0285	12-1-2012	Amend	1-1-2013
123-056-0040	6-3-2013	Adopt(T)	7-1-2013	125-247-0287	12-1-2012	Amend	1-1-2013
123-094-0001	5-29-2013	Adopt(T)	7-1-2013	125-247-0288	12-1-2012	Amend	1-1-2013
123-094-0010	5-29-2013	Adopt(T)	7-1-2013	125-247-0296	12-1-2012	Amend	1-1-2013
123-094-0020	5-29-2013	Adopt(T)	7-1-2013	125-247-0300	12-1-2012	Amend	1-1-2013
123-094-0030	5-29-2013	Adopt(T)	7-1-2013	125-247-0330	12-1-2012	Amend	1-1-2013
123-094-0040	5-29-2013	Adopt(T)	7-1-2013	125-247-0575	12-1-2012	Amend	1-1-2013
125-021-0005	12-1-2012	Repeal	1-1-2013	125-247-0600	12-1-2012	Amend	1-1-2013

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125-247-0690	12-1-2012	Amend	1-1-2013	137-110-0600	1-7-2013	Adopt	2-1-2013
125-247-0700	12-1-2012	Amend	1-1-2013	137-110-0600(T)	1-7-2013	Repeal	2-1-2013
125-247-0710	12-1-2012	Amend	1-1-2013	137-110-0610	1-7-2013	Adopt	2-1-2013
125-247-0720	12-1-2012	Amend	1-1-2013	137-110-0610(T)	1-7-2013	Repeal	2-1-2013
125-247-0731	12-1-2012	Amend	1-1-2013	137-110-0620	1-7-2013	Adopt	2-1-2013
125-247-0740	12-1-2012	Amend	1-1-2013	137-110-0620(T)	1-7-2013	Repeal	2-1-2013
125-247-0750	12-1-2012	Amend	1-1-2013	137-110-0630	1-7-2013	Adopt	2-1-2013
125-247-0760	12-1-2012	Amend	1-1-2013	137-110-0630(T)	1-7-2013	Repeal	2-1-2013
125-247-0805	12-1-2012	Adopt	1-1-2013	137-110-0640	1-7-2013	Adopt	2-1-2013
125-247-0810	12-1-2012	Adopt	1-1-2013	137-110-0640(T)	1-7-2013	Repeal	2-1-2013
125-248-0100	12-1-2012	Amend	1-1-2013	137-110-0650	1-7-2013	Adopt	2-1-2013
125-248-0300	12-1-2012	Amend	1-1-2013	137-110-0650(T)	1-7-2013	Repeal	2-1-2013
125-249-0630	12-1-2012	Amend	1-1-2013	137-110-0660	1-7-2013	Adopt	2-1-2013
137-004-0900	1-2-2013	Adopt	2-1-2013	137-110-0660(T)	1-7-2013	Repeal	2-1-2013
137-004-0900(T)	1-2-2013	Repeal	2-1-2013	137-110-0670	1-7-2013	Adopt	2-1-2013
137-050-0700	7-1-2013	Amend	6-1-2013	137-110-0670(T)	1-7-2013	Repeal	2-1-2013
137-050-0710	7-1-2013	Amend	6-1-2013	137-120-0010	1-7-2013	Adopt	2-1-2013
137-050-0715	7-1-2013	Amend	6-1-2013	137-120-0010(T)	1-7-2013	Repeal	2-1-2013
137-050-0720	7-1-2013	Amend	6-1-2013	137-120-0020	1-7-2013	Adopt	2-1-2013
137-050-0725	7-1-2013	Amend	6-1-2013	137-120-0020(T)	1-7-2013	Repeal	2-1-2013
137-050-0730	7-1-2013	Amend	6-1-2013	141-067-0310	3-1-2013	Amend	3-1-2013
137-050-0735	7-1-2013	Amend	6-1-2013	141-090-0005	1-1-2013	Amend	1-1-2013
137-050-0740	7-1-2013	Amend	6-1-2013	141-090-0010	1-1-2013	Amend	1-1-2013
137-050-0745	7-1-2013	Amend	6-1-2013	141-090-0015	1-1-2013	Amend	1-1-2013
137-050-0750	7-1-2013	Amend	6-1-2013	141-090-0020	1-1-2013	Amend	1-1-2013
137-050-0755	7-1-2013	Amend	6-1-2013	141-090-0025	1-1-2013	Amend	1-1-2013
137-050-0760	7-1-2013	Amend	6-1-2013	141-090-0030	1-1-2013	Amend	1-1-2013
137-050-0765	7-1-2013	Amend	6-1-2013	141-090-0032	1-1-2013	Amend	1-1-2013
137-055-3340	7-1-2013	Repeal	6-1-2013	141-090-0035	1-1-2013	Amend	1-1-2013
137-055-4620	7-1-2013	Amend	6-1-2013	141-090-0040	1-1-2013	Amend	1-1-2013
137-110-0001	1-7-2013	Adopt	2-1-2013	141-090-0045	1-1-2013	Amend	1-1-2013
137-110-0001(T)	1-7-2013	Repeal	2-1-2013	141-090-0050	1-1-2013	Amend	1-1-2013
137-110-0005	1-7-2013	Adopt	2-1-2013	141-090-0055	1-1-2013	Amend	1-1-2013
137-110-0005(T)	1-7-2013	Repeal	2-1-2013	150-291.349	1-1-2013	Amend	2-1-2013
137-110-0010	1-7-2013	Adopt	2-1-2013	150-291.349	3-28-2013	Amend	5-1-2013
137-110-0010(T)	1-7-2013	Repeal	2-1-2013	150-294.187	1-1-2013	Amend	2-1-2013
137-110-0020	1-7-2013	Adopt	2-1-2013	150-294.187	3-28-2013	Amend	5-1-2013
137-110-0020(T)	1-7-2013	Repeal	2-1-2013	150-305.220(1)	1-1-2013	Amend	2-1-2013
137-110-0110	1-7-2013	Adopt	2-1-2013	150-305.220(1)	3-28-2013	Amend	5-1-2013
137-110-0110(T)	1-7-2013	Repeal	2-1-2013	150-305.220(2)	1-1-2013	Amend	2-1-2013
137-110-0200	1-7-2013	Adopt	2-1-2013	150-305.220(2)	3-28-2013	Amend	5-1-2013
137-110-0200(T)	1-7-2013	Repeal	2-1-2013	150-305.265(14)-(A)	1-1-2013	Am. & Ren.	2-1-2013
137-110-0210	1-7-2013	Adopt	2-1-2013	150-305.265(14)-(A)	3-28-2013	Am. & Ren.	5-1-2013
137-110-0210(T)	1-7-2013	Repeal	2-1-2013	150-305.796	1-1-2013	Adopt	2-1-2013
137-110-0410	1-7-2013	Adopt	2-1-2013	150-305.796	3-28-2013	Adopt	5-1-2013
137-110-0410(T)	1-7-2013	Repeal	2-1-2013	150-306.115	1-1-2013	Amend	2-1-2013
137-110-0420	1-7-2013	Adopt	2-1-2013	150-306.115	3-28-2013	Amend	5-1-2013
137-110-0420(T)	1-7-2013	Repeal	2-1-2013	150-306.115-(A)	1-1-2013	Amend	2-1-2013
137-110-0430	1-7-2013	Adopt	2-1-2013	150-306.115-(A)	3-28-2013	Amend	5-1-2013
137-110-0430(T)	1-7-2013	Repeal	2-1-2013	150-306.115-(C)	1-1-2013	Amend	2-1-2013
137-110-0500	1-7-2013	Adopt	2-1-2013	150-306.115-(C)	3-28-2013	Amend	5-1-2013
137-110-0500(T)	1-7-2013	Repeal	2-1-2013	150-309.110	1-1-2013	Repeal	2-1-2013
137-110-0510	1-7-2013	Adopt	2-1-2013	150-309.110	3-28-2013	Repeal	5-1-2013
137-110-0510(T)	1-7-2013	Repeal	2-1-2013	150-311.668(1)(a)-(A)	1-1-2013	Repeal	2-1-2013
137-110-0520	1-7-2013	Adopt	2-1-2013	150-311.668(1)(a)-(B)	1-1-2013	Repeal	2-1-2013
137-110-0520(T)	1-7-2013	Repeal	2-1-2013	150-311.668(1)(a)(A)	3-28-2013	Repeal	5-1-2013

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150-311.668(1)(a)(B)	3-28-2013	Repeal	5-1-2013	161-015-0025	1-31-2013	Amend	3-1-2013
150-311.670(1)	1-1-2013	Amend	2-1-2013	161-015-0030	1-31-2013	Amend	3-1-2013
150-311.670(1)	3-28-2013	Amend	5-1-2013	161-020-0005	1-31-2013	Amend	3-1-2013
150-311.679(10)	1-1-2013	Repeal	2-1-2013	161-020-0055	1-31-2013	Amend	3-1-2013
150-311.679(10)	3-28-2013	Repeal	5-1-2013	161-020-0110	1-31-2013	Amend	3-1-2013
150-311.684	1-1-2013	Amend	2-1-2013	161-025-0025	1-31-2013	Amend	3-1-2013
150-311.684	3-28-2013	Amend	5-1-2013	161-025-0030	1-31-2013	Amend	3-1-2013
150-311.706	1-1-2013	Repeal	2-1-2013	161-025-0050	1-31-2013	Amend	3-1-2013
150-311.706	3-28-2013	Repeal	5-1-2013	161-050-0000	1-31-2013	Amend	3-1-2013
150-311.706(1)	1-1-2013	Repeal	2-1-2013	161-050-0040	1-31-2013	Amend	3-1-2013
150-311.706(1)	3-28-2013	Repeal	5-1-2013	161-050-0050	1-31-2013	Amend	3-1-2013
150-311.806-(A)	1-1-2013	Amend	2-1-2013	161-510-0010	1-31-2013	Amend	3-1-2013
150-311.806-(A)	3-28-2013	Amend	5-1-2013	161-510-0030	1-31-2013	Repeal	3-1-2013
150-314.781	1-1-2013	Amend	2-1-2013	161-520-0010	1-31-2013	Amend	3-1-2013
150-314.781	3-28-2013	Amend	5-1-2013	161-520-0030	1-31-2013	Amend	3-1-2013
150-315.068	6-5-2013	Amend(T)	7-1-2013	161-520-0035	1-31-2013	Adopt	3-1-2013
150-316.871(3)	1-1-2013	Repeal	2-1-2013	161-520-0045	1-31-2013	Amend	3-1-2013
150-316.871(3)	3-28-2013	Repeal	5-1-2013	161-520-0050	1-31-2013	Amend	3-1-2013
150-316.873	1-1-2013	Repeal	2-1-2013	161-530-0010	1-31-2013	Amend	3-1-2013
150-316.873	3-28-2013	Repeal	5-1-2013	161-570-0025	1-31-2013	Adopt	3-1-2013
150-316.874	1-1-2013	Repeal	2-1-2013	161-570-0030	1-31-2013	Amend	3-1-2013
150-316.874	3-28-2013	Repeal	5-1-2013	161-570-0045	1-31-2013	Repeal	3-1-2013
150-316.876	1-1-2013	Repeal	2-1-2013	161-570-0055	1-31-2013	Adopt	3-1-2013
150-316.876	3-28-2013	Repeal	5-1-2013	161-570-0060	1-31-2013	Adopt	3-1-2013
150-316.877	1-1-2013	Repeal	2-1-2013	162-050-0020	11-27-2012	Adopt	1-1-2013
150-316.877	3-28-2013	Repeal	5-1-2013	165-013-0010	2-4-2013	Amend	3-1-2013
150-316.878	1-1-2013	Repeal	2-1-2013	165-018-0005	6-4-2013	Repeal	7-1-2013
150-316.878	3-28-2013	Repeal	5-1-2013	165-018-0010	6-4-2013	Repeal	7-1-2013
150-316.879	1-1-2013	Repeal	2-1-2013	165-018-0015	6-4-2013	Repeal	7-1-2013
150-316.879	3-28-2013	Repeal	5-1-2013	165-018-0020	6-4-2013	Repeal	7-1-2013
150-316.882	1-1-2013	Repeal	2-1-2013	165-018-0030	6-4-2013	Repeal	7-1-2013
150-316.882	3-28-2013	Repeal	5-1-2013	165-020-0050	6-4-2013	Amend	7-1-2013
150-316.884	1-1-2013	Repeal	2-1-2013	165-020-0060	6-4-2013	Repeal	7-1-2013
150-316.884	3-28-2013	Repeal	5-1-2013	165-020-0440	11-29-2012	Adopt	1-1-2013
150-323.160(1)	1-1-2013	Amend	2-1-2013	165-020-2032	3-19-2013	Adopt(T)	5-1-2013
150-323.160(1)	3-28-2013	Amend	5-1-2013	170-040-0020	4-2-2013	Amend	5-1-2013
150-323.160(2)	1-1-2013	Amend	2-1-2013	170-040-0030	4-2-2013	Amend	5-1-2013
150-323.160(2)	3-28-2013	Amend	5-1-2013	170-040-0040	4-2-2013	Amend	5-1-2013
150-323.220-(A)	1-1-2013	Amend	2-1-2013	170-040-0050	4-2-2013	Amend	5-1-2013
150-323.220-(B)	1-1-2013	Adopt	2-1-2013	170-040-0070	4-2-2013	Amend	5-1-2013
150-323.220(A)	3-28-2013	Amend	5-1-2013	170-040-0080	4-2-2013	Amend	5-1-2013
150-323.220(B)	3-28-2013	Adopt	5-1-2013	170-040-0090	4-2-2013	Amend	5-1-2013
161-002-0000	1-31-2013	Amend	3-1-2013	170-040-0100	4-2-2013	Amend	5-1-2013
161-003-0020	1-31-2013	Amend	3-1-2013	170-040-0110	4-2-2013	Amend	5-1-2013
161-006-0025	1-31-2013	Amend	3-1-2013	170-061-0015	12-14-2012	Amend(T)	1-1-2013
161-006-0025	7-1-2013	Amend(T)	7-1-2013	170-061-0015	4-24-2013	Amend	6-1-2013
161-006-0155	1-31-2013	Adopt	3-1-2013	170-062-0000	11-19-2012	Amend(T)	1-1-2013
161-006-0160	1-31-2013	Amend	3-1-2013	173-006-0005	7-1-2013	Amend(T)	7-1-2013
161-010-0010	1-31-2013	Amend	3-1-2013	173-008-0005	7-1-2013	Amend(T)	7-1-2013
161-010-0020	1-31-2013	Amend	3-1-2013	177-010-0003	2-1-2013	Amend(T)	3-1-2013
161-010-0035	1-31-2013	Amend	3-1-2013	177-040-0017	1-1-2013	Amend	2-1-2013
161-010-0045	1-31-2013	Amend	3-1-2013	177-040-0050	2-1-2013	Amend(T)	3-1-2013
161-010-0065	1-31-2013	Adopt	3-1-2013	177-040-0200	2-1-2013	Amend(T)	3-1-2013
161-010-0080	1-31-2013	Amend	3-1-2013	177-046-0015	2-1-2013	Amend(T)	3-1-2013
161-015-0000	1-31-2013	Amend	3-1-2013	177-046-0080	2-1-2013	Amend(T)	3-1-2013
161-015-0010	1-31-2013	Amend	3-1-2013	177-046-0100	2-1-2013	Amend(T)	3-1-2013

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177-046-0140	2-1-2013	Amend(T)	3-1-2013	259-008-0070(T)	1-22-2013	Repeal	3-1-2013
177-050-0002	2-1-2013	Amend(T)	3-1-2013	259-008-0076	12-27-2012	Amend	2-1-2013
177-050-0024	2-1-2013	Amend(T)	3-1-2013	259-009-0005	3-26-2013	Amend	5-1-2013
177-050-0025	2-1-2013	Amend(T)	3-1-2013	259-009-0062	3-26-2013	Amend	5-1-2013
177-050-0100	2-1-2013	Amend(T)	3-1-2013	259-009-0070	3-26-2013	Amend	5-1-2013
177-051-0000	2-1-2013	Amend(T)	3-1-2013	259-009-0080	3-26-2013	Amend	5-1-2013
177-051-0010	2-1-2013	Amend(T)	3-1-2013	259-012-0005	1-24-2013	Amend	3-1-2013
177-051-0030	2-1-2013	Amend(T)	3-1-2013	259-015-0000	1-30-2013	Repeal	3-1-2013
177-051-0035	2-1-2013	Amend(T)	3-1-2013	259-015-0005	1-30-2013	Repeal	3-1-2013
177-051-0040	2-1-2013	Amend(T)	3-1-2013	259-015-0010	1-30-2013	Repeal	3-1-2013
177-051-0120	2-1-2013	Amend(T)	3-1-2013	259-020-0010	12-26-2012	Amend	2-1-2013
177-051-0130	2-1-2013	Amend(T)	3-1-2013	259-020-0015	12-26-2012	Amend	2-1-2013
177-052-0000	2-1-2013	Amend(T)	3-1-2013	259-020-0030	12-26-2012	Amend	2-1-2013
177-052-0010	2-1-2013	Amend(T)	3-1-2013	259-020-0031	12-26-2012	Repeal	2-1-2013
177-052-0020	2-1-2013	Amend(T)	3-1-2013	259-060-0010	12-24-2012	Amend	2-1-2013
177-052-0030	2-1-2013	Amend(T)	3-1-2013	259-060-0015	12-24-2012	Amend	2-1-2013
177-052-0040	2-1-2013	Amend(T)	3-1-2013	259-060-0600	12-26-2012	Amend	2-1-2013
177-052-0050	2-1-2013	Amend(T)	3-1-2013	259-061-0010	1-2-2013	Amend	2-1-2013
177-052-0060	2-1-2013	Amend(T)	3-1-2013	259-061-0015	1-2-2013	Repeal	2-1-2013
177-052-0070	2-1-2013	Amend(T)	3-1-2013	259-061-0020	1-2-2013	Amend	2-1-2013
177-070-0005	2-1-2013	Amend(T)	3-1-2013	259-061-0030	1-2-2013	Repeal	2-1-2013
177-094-0080	12-16-2012	Amend	1-1-2013	259-061-0050	1-2-2013	Repeal	2-1-2013
177-094-0080(T)	12-16-2012	Repeal	1-1-2013	259-061-0055	1-2-2013	Repeal	2-1-2013
177-094-0085	12-16-2012	Amend	1-1-2013	259-061-0060	1-2-2013	Repeal	2-1-2013
177-094-0085(T)	12-16-2012	Repeal	1-1-2013	259-061-0070	1-2-2013	Repeal	2-1-2013
230-020-0002	4-15-2013	Amend(T)	5-1-2013	259-061-0080	1-2-2013	Repeal	2-1-2013
230-020-0330	2-21-2013	Amend	4-1-2013	259-061-0090	1-2-2013	Repeal	2-1-2013
250-020-0141	4-1-2013	Amend	5-1-2013	259-070-0020	12-24-2012	Amend	2-1-2013
250-020-0221	4-12-2013	Amend(T)	5-1-2013	274-001-0005	5-15-2013	Amend	6-1-2013
250-020-0280	5-8-2013	Amend(T)	6-1-2013	291-053-0010	1-17-2013	Amend	3-1-2013
255-030-0010	3-1-2013	Amend	4-1-2013	291-053-0075	1-17-2013	Amend	3-1-2013
255-030-0013	3-1-2013	Amend	4-1-2013	291-053-0085	1-17-2013	Amend	3-1-2013
255-030-0021	3-1-2013	Amend	4-1-2013	291-053-0095	1-17-2013	Amend	3-1-2013
255-030-0023	3-1-2013	Amend	4-1-2013	291-053-0105	1-17-2013	Amend	3-1-2013
255-030-0024	3-1-2013	Amend	4-1-2013	291-053-0115	1-17-2013	Amend	3-1-2013
255-030-0025	3-1-2013	Amend	4-1-2013	291-053-0125	1-17-2013	Amend	3-1-2013
255-030-0025	6-10-2013	Amend	7-1-2013	291-053-0135	1-17-2013	Amend	3-1-2013
255-030-0026	3-1-2013	Amend	4-1-2013	291-078-0005	2-28-2013	Amend	4-1-2013
255-030-0026	6-10-2013	Amend	7-1-2013	291-078-0005(T)	2-28-2013	Repeal	4-1-2013
255-030-0027	3-1-2013	Amend	4-1-2013	291-078-0010	2-28-2013	Amend	4-1-2013
255-030-0032	3-1-2013	Amend	4-1-2013	291-078-0010(T)	2-28-2013	Repeal	4-1-2013
255-030-0035	3-1-2013	Amend	4-1-2013	291-078-0020	2-28-2013	Amend	4-1-2013
255-030-0040	3-1-2013	Amend	4-1-2013	291-078-0020(T)	2-28-2013	Repeal	4-1-2013
255-030-0046	3-1-2013	Adopt	4-1-2013	291-078-0026	2-28-2013	Adopt	4-1-2013
255-030-0055	3-1-2013	Amend	4-1-2013	291-078-0026(T)	2-28-2013	Repeal	4-1-2013
255-062-0016	2-15-2013	Amend	3-1-2013	291-078-0031	2-28-2013	Adopt	4-1-2013
259-005-0015	4-1-2013	Amend	5-1-2013	291-078-0031(T)	2-28-2013	Repeal	4-1-2013
259-008-0005	12-27-2012	Amend	2-1-2013	291-093-0005	4-15-2013	Amend	5-1-2013
259-008-0025	3-8-2013	Amend	4-1-2013	291-097-0005	12-28-2012	Am. & Ren.(T)	2-1-2013
259-008-0060	12-27-2012	Amend	2-1-2013	291-097-0005	6-1-2013	Am. & Ren.	7-1-2013
259-008-0064	12-27-2012	Amend	2-1-2013	291-097-0010	12-28-2012	Am. & Ren.(T)	2-1-2013
259-008-0065	12-27-2012	Amend	2-1-2013	291-097-0010	6-1-2013	Am. & Ren.	7-1-2013
259-008-0066	12-27-2012	Amend	2-1-2013	291-097-0015	12-28-2012	Am. & Ren.(T)	2-1-2013
259-008-0067	6-5-2013	Amend(T)	7-1-2013	291-097-0015	6-1-2013	Am. & Ren.	7-1-2013
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291-097-0023	6-1-2013	Repeal	7-1-2013	291-097-0300(T)	6-1-2013	Repeal	7-1-2013
291-097-0025	12-28-2012	Am. & Ren.(T)	2-1-2013	291-097-0305(T)	6-1-2013	Repeal	7-1-2013
291-097-0025	6-1-2013	Am. & Ren.	7-1-2013	291-104-0111	4-15-2013	Amend	5-1-2013
291-097-0030	12-28-2012	Am. & Ren.(T)	2-1-2013	291-130-0006	2-22-2013	Amend	4-1-2013
291-097-0030	6-1-2013	Am. & Ren.	7-1-2013	291-130-0006(T)	2-22-2013	Repeal	4-1-2013
291-097-0031	12-28-2012	Suspend	2-1-2013	291-130-0011	2-22-2013	Amend	4-1-2013
291-097-0031	6-1-2013	Repeal	7-1-2013	291-130-0011(T)	2-22-2013	Repeal	4-1-2013
291-097-0040	12-28-2012	Am. & Ren.(T)	2-1-2013	291-130-0016	2-22-2013	Amend	4-1-2013
291-097-0040	6-1-2013	Am. & Ren.	7-1-2013	291-130-0020	2-22-2013	Amend	4-1-2013
291-097-0050	12-28-2012	Am. & Ren.(T)	2-1-2013	291-130-0020(T)	2-22-2013	Repeal	4-1-2013
291-097-0050	6-1-2013	Am. & Ren.	7-1-2013	291-130-0080	2-22-2013	Amend	4-1-2013
291-097-0060	12-28-2012	Am. & Ren.(T)	2-1-2013	291-130-0080(T)	2-22-2013	Repeal	4-1-2013
291-097-0060	6-1-2013	Am. & Ren.	7-1-2013	291-207-0100	1-1-2013	Adopt	2-1-2013
291-097-0070	12-28-2012	Am. & Ren.(T)	2-1-2013	309-011-0024	12-28-2012	Adopt	2-1-2013
291-097-0070	6-1-2013	Am. & Ren.	7-1-2013	309-011-0026	12-28-2012	Adopt	2-1-2013
291-097-0080	12-28-2012	Am. & Ren.(T)	2-1-2013	309-011-0028	12-28-2012	Adopt	2-1-2013
291-097-0080	6-1-2013	Am. & Ren.	7-1-2013	309-011-0030	12-28-2012	Adopt	2-1-2013
291-097-0090	12-28-2012	Am. & Ren.(T)	2-1-2013	309-011-0032	12-28-2012	Adopt	2-1-2013
291-097-0090	6-1-2013	Am. & Ren.	7-1-2013	309-011-0034	12-28-2012	Adopt	2-1-2013
291-097-0100	12-28-2012	Am. & Ren.(T)	2-1-2013	309-011-0036	12-28-2012	Adopt	2-1-2013
291-097-0100	6-1-2013	Am. & Ren.	7-1-2013	309-011-0120	12-28-2012	Amend	2-1-2013
291-097-0120	12-28-2012	Am. & Ren.(T)	2-1-2013	309-011-0125	12-28-2012	Amend	2-1-2013
291-097-0120	6-1-2013	Am. & Ren.	7-1-2013	309-011-0130	12-28-2012	Amend	2-1-2013
291-097-0130	12-28-2012	Am. & Ren.(T)	2-1-2013	309-011-0135	12-28-2012	Repeal	2-1-2013
291-097-0130	6-1-2013	Am. & Ren.	7-1-2013	309-011-0140	12-28-2012	Repeal	2-1-2013
291-097-0140	12-28-2012	Am. & Ren.(T)	2-1-2013	309-016-0605	6-5-2013	Amend	7-1-2013
291-097-0140	6-1-2013	Am. & Ren.	7-1-2013	309-016-0825	1-7-2013	Adopt(T)	2-1-2013
291-097-0200(T)	6-1-2013	Repeal	7-1-2013	309-016-0825	6-5-2013	Adopt	7-1-2013
291-097-0210(T)	6-1-2013	Repeal	7-1-2013	309-016-0825(T)	6-5-2013	Repeal	7-1-2013
291-097-0215(T)	6-1-2013	Repeal	7-1-2013	309-016-0830	6-5-2013	Adopt	7-1-2013
291-097-0220	12-28-2012	Adopt(T)	2-1-2013	309-016-0835	6-5-2013	Adopt	7-1-2013
291-097-0220	6-1-2013	Adopt	7-1-2013	309-016-0837	6-5-2013	Adopt	7-1-2013
291-097-0220(T)	6-1-2013	Repeal	7-1-2013	309-016-0840	6-5-2013	Adopt	7-1-2013
291-097-0225	12-28-2012	Adopt(T)	2-1-2013	309-016-0845	6-5-2013	Adopt	7-1-2013
291-097-0225	6-1-2013	Adopt	7-1-2013	309-016-0850	6-5-2013	Adopt	7-1-2013
291-097-0225(T)	6-1-2013	Repeal	7-1-2013	309-016-0855	6-5-2013	Adopt	7-1-2013
291-097-0230	12-28-2012	Adopt(T)	2-1-2013	309-032-1505	2-11-2013	Amend(T)	3-1-2013
291-097-0230	6-1-2013	Adopt	7-1-2013	309-032-1510	2-11-2013	Amend(T)	3-1-2013
291-097-0230(T)	6-1-2013	Repeal	7-1-2013	309-032-1525	2-11-2013	Amend(T)	3-1-2013
291-097-0235	12-28-2012	Adopt(T)	2-1-2013	309-032-1530	2-11-2013	Amend(T)	3-1-2013
291-097-0235	6-1-2013	Adopt	7-1-2013	309-032-1535	2-11-2013	Amend(T)	3-1-2013
291-097-0235(T)	6-1-2013	Repeal	7-1-2013	309-032-1540	2-11-2013	Amend(T)	3-1-2013
291-097-0240(T)	6-1-2013	Repeal	7-1-2013	309-039-0700	6-5-2013	Repeal	7-1-2013
291-097-0245	12-28-2012	Adopt(T)	2-1-2013	309-039-0710	6-5-2013	Repeal	7-1-2013
291-097-0245	6-1-2013	Adopt	7-1-2013	309-039-0720	6-5-2013	Repeal	7-1-2013
291-097-0245(T)	6-1-2013	Repeal	7-1-2013	309-039-0730	6-5-2013	Repeal	7-1-2013
291-097-0250(T)	6-1-2013	Repeal	7-1-2013	309-039-0740	6-5-2013	Repeal	7-1-2013
291-097-0255(T)	6-1-2013	Repeal	7-1-2013	309-039-0750	6-5-2013	Repeal	7-1-2013
291-097-0260(T)	6-1-2013	Repeal	7-1-2013	309-039-0760	6-5-2013	Repeal	7-1-2013
291-097-0265(T)	6-1-2013	Repeal	7-1-2013	309-039-0770	6-5-2013	Repeal	7-1-2013
291-097-0270(T)	6-1-2013	Repeal	7-1-2013	309-039-0780	6-5-2013	Repeal	7-1-2013
291-097-0275(T)	6-1-2013	Repeal	7-1-2013	309-039-0790	6-5-2013	Repeal	7-1-2013
291-097-0280(T)	6-1-2013	Repeal	7-1-2013	309-090-0005	12-26-2012	Amend	2-1-2013
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309-112-0010	1-23-2013	Amend(T)	3-1-2013	330-110-0050	12-20-2012	Repeal	2-1-2013
309-112-0015	1-23-2013	Amend(T)	3-1-2013	330-110-0055	12-20-2012	Amend	2-1-2013
309-112-0017	1-23-2013	Amend(T)	3-1-2013	330-135-0010	1-1-2013	Amend	2-1-2013
309-112-0020	1-23-2013	Amend(T)	3-1-2013	330-135-0015	1-1-2013	Amend	2-1-2013
309-112-0025	1-23-2013	Amend(T)	3-1-2013	330-135-0018	1-1-2013	Adopt	2-1-2013
309-112-0030	1-23-2013	Amend(T)	3-1-2013	330-135-0020	1-1-2013	Amend	2-1-2013
309-112-0035	1-23-2013	Amend(T)	3-1-2013	330-135-0025	1-1-2013	Amend	2-1-2013
325-005-0015	4-25-2013	Amend	6-1-2013	330-135-0030	1-1-2013	Amend	2-1-2013
330-070-0010	1-1-2013	Amend	2-1-2013	330-135-0035	1-1-2013	Amend	2-1-2013
330-070-0013	1-1-2013	Amend	2-1-2013	330-135-0040	1-1-2013	Amend	2-1-2013
330-070-0014	1-1-2013	Amend	2-1-2013	330-135-0045	1-1-2013	Amend	2-1-2013
330-070-0019	1-1-2013	Amend	2-1-2013	330-135-0047	1-1-2013	Adopt	2-1-2013
330-070-0020	1-1-2013	Amend	2-1-2013	330-135-0048	1-1-2013	Adopt	2-1-2013
330-070-0021	1-1-2013	Amend	2-1-2013	330-135-0050	1-1-2013	Amend	2-1-2013
330-070-0022	1-1-2013	Amend	2-1-2013	330-135-0055	1-1-2013	Amend	2-1-2013
330-070-0024	1-1-2013	Amend	2-1-2013	331-705-0072	6-1-2013	Repeal	7-1-2013
330-070-0025	1-1-2013	Amend	2-1-2013	331-705-0080	4-1-2013	Amend(T)	4-1-2013
330-070-0026	1-1-2013	Amend	2-1-2013	331-705-0080	6-1-2013	Amend	7-1-2013
330-070-0027	1-1-2013	Amend	2-1-2013	331-710-0040	6-1-2013	Repeal	7-1-2013
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330-070-0040	1-1-2013	Amend	2-1-2013	331-710-0080	11-19-2012	Amend(T)	1-1-2013
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330-070-0055	1-1-2013	Amend	2-1-2013	331-710-0090	4-1-2013	Amend	4-1-2013
330-070-0059	1-1-2013	Amend	2-1-2013	331-718-0020	11-19-2012	Amend(T)	1-1-2013
330-070-0060	1-1-2013	Amend	2-1-2013	331-718-0020	4-1-2013	Amend	4-1-2013
330-070-0062	1-1-2013	Amend	2-1-2013	331-900-0000	1-16-2013	Amend	3-1-2013
330-070-0063	1-1-2013	Amend	2-1-2013	331-900-0005	1-16-2013	Amend	3-1-2013
330-070-0064	1-1-2013	Amend	2-1-2013	331-900-0010	1-16-2013	Amend	3-1-2013
330-070-0070	1-1-2013	Amend	2-1-2013	331-900-0020	1-16-2013	Amend(T)	3-1-2013
330-070-0073	1-1-2013	Amend	2-1-2013	331-900-0020	3-15-2013	Amend	4-1-2013
330-070-0089	1-1-2013	Amend	2-1-2013	331-900-0025	1-16-2013	Amend(T)	3-1-2013
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330-090-0140(T)	5-13-2013	Repeal	6-1-2013	331-900-0050	3-15-2013	Amend	4-1-2013
330-090-0150	5-13-2013	Amend	6-1-2013	331-900-0055	1-16-2013	Amend(T)	3-1-2013
330-090-0160	11-16-2012	Amend(T)	1-1-2013	331-900-0055	3-15-2013	Amend	4-1-2013
330-090-0160	5-13-2013	Amend	6-1-2013	331-900-0065	1-16-2013	Amend	3-1-2013
330-090-0160(T)	5-13-2013	Repeal	6-1-2013	331-900-0080	1-16-2013	Amend	3-1-2013
330-110-0005	12-20-2012	Amend	2-1-2013	331-900-0085	1-16-2013	Amend	3-1-2013
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330-110-0016	12-20-2012	Amend	2-1-2013	331-900-0097	1-16-2013	Amend	3-1-2013
330-110-0020	12-20-2012	Repeal	2-1-2013	331-900-0098	1-16-2013	Amend	3-1-2013
330-110-0025	12-20-2012	Amend	2-1-2013	331-900-0105	1-16-2013	Amend	3-1-2013
330-110-0030	12-20-2012	Amend	2-1-2013	331-900-0115	1-16-2013	Amend	3-1-2013
330-110-0035	12-20-2012	Amend	2-1-2013	331-900-0120	1-16-2013	Amend	3-1-2013
330-110-0036	12-20-2012	Amend	2-1-2013	331-900-0125	1-16-2013	Amend	3-1-2013
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330-110-0042	12-20-2012	Amend	2-1-2013	331-905-0000	1-16-2013	Amend	3-1-2013
330-110-0045	12-20-2012	Amend	2-1-2013	331-905-0000	4-1-2013	Amend(T)	5-1-2013
330-110-0046	12-20-2012	Adopt	2-1-2013	331-905-0005	1-16-2013	Amend	3-1-2013

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331-905-0010	1-16-2013	Amend	3-1-2013	331-925-0005	1-16-2013	Amend	3-1-2013
331-905-0010	4-1-2013	Amend(T)	5-1-2013	331-925-0010	1-16-2013	Amend	3-1-2013
331-905-0011	1-16-2013	Amend(T)	3-1-2013	331-925-0015	1-16-2013	Amend	3-1-2013
331-905-0011	3-15-2013	Amend	4-1-2013	331-925-0020	1-16-2013	Amend	3-1-2013
331-905-0012	1-16-2013	Amend	3-1-2013	331-925-0025	1-16-2013	Amend	3-1-2013
331-905-0013	1-16-2013	Amend(T)	3-1-2013	331-925-0030	1-16-2013	Amend	3-1-2013
331-905-0013	3-15-2013	Amend	4-1-2013	331-925-0035	1-16-2013	Amend	3-1-2013
331-905-0014	1-16-2013	Amend	3-1-2013	331-925-0040	1-16-2013	Amend	3-1-2013
331-905-0015	1-16-2013	Amend	3-1-2013	331-925-0050	1-16-2013	Amend	3-1-2013
331-905-0025	1-16-2013	Amend	3-1-2013	331-940-0000	7-1-2013	Amend(T)	7-1-2013
331-905-0035	1-16-2013	Amend	3-1-2013	331-950-0010	1-16-2013	Amend	3-1-2013
331-905-0040	1-16-2013	Amend	3-1-2013	331-950-0020	1-16-2013	Amend	3-1-2013
331-905-0040	4-1-2013	Amend(T)	5-1-2013	331-950-0040	1-16-2013	Amend	3-1-2013
331-905-0045	1-16-2013	Amend	3-1-2013	333-002-0300	2-4-2013	Adopt(T)	3-1-2013
331-905-0050	1-16-2013	Amend	3-1-2013	333-002-0305	2-4-2013	Adopt(T)	3-1-2013
331-905-0050	4-1-2013	Amend(T)	5-1-2013	333-002-0310	2-4-2013	Adopt(T)	3-1-2013
331-905-0052	1-16-2013	Amend	3-1-2013	333-002-0315	2-4-2013	Adopt(T)	3-1-2013
331-905-0055	1-16-2013	Amend	3-1-2013	333-002-0320	2-4-2013	Adopt(T)	3-1-2013
331-905-0058	1-16-2013	Amend	3-1-2013	333-002-0325	2-4-2013	Adopt(T)	3-1-2013
331-905-0060	1-16-2013	Amend	3-1-2013	333-002-0327	2-4-2013	Adopt(T)	3-1-2013
331-905-0070	4-1-2013	Suspend	5-1-2013	333-002-0340	2-4-2013	Adopt(T)	3-1-2013
331-905-0075	1-16-2013	Amend	3-1-2013	333-002-0345	2-4-2013	Adopt(T)	3-1-2013
331-905-0080	1-16-2013	Amend	3-1-2013	333-002-0350	2-4-2013	Adopt(T)	3-1-2013
331-905-0080	4-1-2013	Amend(T)	5-1-2013	333-002-0355	2-4-2013	Adopt(T)	3-1-2013
331-905-0085	1-16-2013	Amend	3-1-2013	333-002-0360	2-4-2013	Adopt(T)	3-1-2013
331-905-0090	1-16-2013	Amend	3-1-2013	333-002-0370	2-4-2013	Adopt(T)	3-1-2013
331-905-0095	1-16-2013	Amend	3-1-2013	333-002-0375	2-4-2013	Adopt(T)	3-1-2013
331-905-0100	1-16-2013	Amend	3-1-2013	333-002-0380	2-4-2013	Adopt(T)	3-1-2013
331-905-0105	1-16-2013	Amend	3-1-2013	333-004-0000	12-26-2012	Amend	2-1-2013
331-905-0110	1-16-2013	Amend	3-1-2013	333-004-0010	12-26-2012	Amend	2-1-2013
331-905-0115	1-16-2013	Amend	3-1-2013	333-004-0020	12-26-2012	Amend	2-1-2013
331-905-0120	1-16-2013	Amend	3-1-2013	333-004-0030	12-26-2012	Amend	2-1-2013
331-910-0010	1-16-2013	Amend	3-1-2013	333-004-0040	12-26-2012	Amend	2-1-2013
331-910-0025	1-16-2013	Amend	3-1-2013	333-004-0050	12-26-2012	Amend	2-1-2013
331-910-0035	1-16-2013	Amend	3-1-2013	333-004-0060	12-26-2012	Amend	2-1-2013
331-910-0050	1-16-2013	Amend	3-1-2013	333-004-0070	12-26-2012	Amend	2-1-2013
331-910-0060	1-16-2013	Amend	3-1-2013	333-004-0080	12-26-2012	Amend	2-1-2013
331-910-0070	1-16-2013	Amend	3-1-2013	333-004-0100	12-26-2012	Amend	2-1-2013
331-910-0080	1-16-2013	Amend	3-1-2013	333-004-0110	12-26-2012	Amend	2-1-2013
331-910-0085	1-16-2013	Amend	3-1-2013	333-004-0120	12-26-2012	Amend	2-1-2013
331-915-0000	1-16-2013	Amend	3-1-2013	333-004-0130	12-26-2012	Amend	2-1-2013
331-915-0015	1-16-2013	Amend	3-1-2013	333-004-0140	12-26-2012	Amend	2-1-2013
331-915-0020	1-16-2013	Amend	3-1-2013	333-004-0150	12-26-2012	Amend	2-1-2013
331-915-0025	1-16-2013	Amend	3-1-2013	333-004-0160	12-26-2012	Amend	2-1-2013
331-915-0035	1-16-2013	Amend	3-1-2013	333-004-0170	12-26-2012	Repeal	2-1-2013
331-915-0050	1-16-2013	Amend	3-1-2013	333-004-0180	12-26-2012	Repeal	2-1-2013
331-915-0055	1-16-2013	Amend	3-1-2013	333-004-0190	12-26-2012	Repeal	2-1-2013
331-915-0060	1-16-2013	Amend	3-1-2013	333-004-0200	12-26-2012	Adopt	2-1-2013
331-915-0065	1-16-2013	Amend	3-1-2013	333-004-0210	12-26-2012	Adopt	2-1-2013
331-915-0070	1-16-2013	Amend	3-1-2013	333-004-0220	12-26-2012	Adopt	2-1-2013
331-915-0075	1-16-2013	Amend	3-1-2013	333-004-0230	12-26-2012	Adopt	2-1-2013
331-915-0080	1-16-2013	Amend	3-1-2013	333-008-0090	1-1-2013	Amend	2-1-2013
331-915-0085	1-16-2013	Amend	3-1-2013	333-010-0400	2-4-2013	Adopt	3-1-2013
331-920-0000	1-16-2013	Amend	3-1-2013	333-010-0405	2-4-2013	Adopt	3-1-2013
331-920-0005	1-16-2013	Amend	3-1-2013	333-010-0410	2-4-2013	Adopt	3-1-2013

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333-010-0420	2-4-2013	Adopt	3-1-2013	333-030-0095	1-25-2013	Amend	3-1-2013
333-010-0425	2-4-2013	Adopt	3-1-2013	333-030-0100	1-25-2013	Amend	3-1-2013
333-010-0430	2-4-2013	Adopt	3-1-2013	333-030-0103	1-25-2013	Amend	3-1-2013
333-010-0435	2-4-2013	Adopt	3-1-2013	333-030-0105	1-25-2013	Amend	3-1-2013
333-010-0440	2-4-2013	Adopt	3-1-2013	333-030-0110	1-25-2013	Amend	3-1-2013
333-010-0445	2-4-2013	Adopt	3-1-2013	333-030-0115	1-25-2013	Amend	3-1-2013
333-010-0450	2-4-2013	Adopt	3-1-2013	333-030-0120	1-25-2013	Amend	3-1-2013
333-010-0455	2-4-2013	Adopt	3-1-2013	333-030-0125	1-25-2013	Amend	3-1-2013
333-010-0460	2-4-2013	Adopt	3-1-2013	333-030-0130	1-25-2013	Amend	3-1-2013
333-010-0465	2-4-2013	Adopt	3-1-2013	333-052-0030	12-20-2012	Amend	2-1-2013
333-010-0470	2-4-2013	Adopt	3-1-2013	333-052-0040	12-20-2012	Amend	2-1-2013
333-012-0260	2-4-2013	Repeal	3-1-2013	333-052-0043	12-20-2012	Adopt	2-1-2013
333-012-0262	2-4-2013	Repeal	3-1-2013	333-052-0044	12-20-2012	Adopt	2-1-2013
333-012-0264	2-4-2013	Repeal	3-1-2013	333-052-0050	12-20-2012	Amend	2-1-2013
333-012-0265	2-4-2013	Repeal	3-1-2013	333-052-0060	12-20-2012	Amend	2-1-2013
333-012-0266	2-4-2013	Repeal	3-1-2013	333-052-0065	12-20-2012	Amend	2-1-2013
333-012-0267	2-4-2013	Repeal	3-1-2013	333-052-0070	12-20-2012	Amend	2-1-2013
333-012-0268	2-4-2013	Repeal	3-1-2013	333-052-0080	12-20-2012	Amend	2-1-2013
333-012-0269	2-4-2013	Repeal	3-1-2013	333-052-0090	12-20-2012	Amend	2-1-2013
333-012-0270	2-4-2013	Repeal	3-1-2013	333-052-0100	12-20-2012	Amend	2-1-2013
333-012-0280	2-4-2013	Am. & Ren.	3-1-2013	333-052-0120	12-20-2012	Amend	2-1-2013
333-012-0290	2-4-2013	Am. & Ren.	3-1-2013	333-052-0130	12-20-2012	Amend	2-1-2013
333-012-0300	2-4-2013	Renumber	3-1-2013	333-061-0025	1-25-2013	Amend	3-1-2013
333-012-0310	2-4-2013	Renumber	3-1-2013	333-061-0030	1-25-2013	Amend	3-1-2013
333-012-0320	2-4-2013	Renumber	3-1-2013	333-061-0032	1-25-2013	Amend	3-1-2013
333-012-0330	2-4-2013	Renumber	3-1-2013	333-061-0034	1-25-2013	Amend	3-1-2013
333-012-0340	2-4-2013	Am. & Ren.	3-1-2013	333-061-0036	1-25-2013	Amend	3-1-2013
333-012-0350	2-4-2013	Renumber	3-1-2013	333-061-0040	1-25-2013	Amend	3-1-2013
333-012-0360	2-4-2013	Renumber	3-1-2013	333-061-0042	1-25-2013	Amend	3-1-2013
333-012-0370	2-4-2013	Renumber	3-1-2013	333-061-0043	1-25-2013	Amend	3-1-2013
333-012-0380	2-4-2013	Renumber	3-1-2013	333-061-0045	1-25-2013	Amend	3-1-2013
333-012-0390	2-4-2013	Renumber	3-1-2013	333-061-0050	1-25-2013	Amend	3-1-2013
333-012-0400	2-4-2013	Am. & Ren.	3-1-2013	333-061-0058	1-25-2013	Repeal	3-1-2013
333-022-0200	2-4-2013	Adopt	3-1-2013	333-061-0065	1-25-2013	Amend	3-1-2013
333-022-0205	2-4-2013	Adopt	3-1-2013	333-061-0070	1-25-2013	Amend	3-1-2013
333-022-0210	2-4-2013	Adopt	3-1-2013	333-061-0071	1-25-2013	Amend	3-1-2013
333-022-0300	2-4-2013	Adopt	3-1-2013	333-061-0072	1-25-2013	Amend	3-1-2013
333-022-0305	2-4-2013	Adopt	3-1-2013	333-061-0073	1-25-2013	Amend	3-1-2013
333-022-0310	2-4-2013	Adopt	3-1-2013	333-061-0074	1-25-2013	Amend	3-1-2013
333-022-0315	2-4-2013	Adopt	3-1-2013	333-061-0077	1-25-2013	Amend	3-1-2013
333-030-0015	1-25-2013	Amend	3-1-2013	333-061-0087	1-25-2013	Amend	3-1-2013
333-030-0020	1-25-2013	Amend	3-1-2013	333-061-0090	1-25-2013	Amend	3-1-2013
333-030-0025	1-25-2013	Amend	3-1-2013	333-061-0098	1-25-2013	Amend	3-1-2013
333-030-0030	1-25-2013	Amend	3-1-2013	333-061-0220	1-25-2013	Amend	3-1-2013
333-030-0035	1-25-2013	Amend	3-1-2013	333-061-0225	1-25-2013	Amend	3-1-2013
333-030-0040	1-25-2013	Amend	3-1-2013	333-061-0228	1-25-2013	Amend	3-1-2013
333-030-0045	1-25-2013	Repeal	3-1-2013	333-061-0235	1-25-2013	Amend	3-1-2013
333-030-0050	1-25-2013	Amend	3-1-2013	333-061-0245	1-25-2013	Amend	3-1-2013
333-030-0055	1-25-2013	Amend	3-1-2013	333-061-0250	1-25-2013	Amend	3-1-2013
333-030-0060	1-25-2013	Amend	3-1-2013	333-061-0335	1-25-2013	Amend	3-1-2013
333-030-0065	1-25-2013	Amend	3-1-2013	333-100-0005	1-29-2013	Amend	3-1-2013
333-030-0070	1-25-2013	Amend	3-1-2013	333-102-0115	1-29-2013	Amend	3-1-2013
333-030-0075	1-25-2013	Amend	3-1-2013	333-102-0203	1-29-2013	Amend	3-1-2013
333-030-0080	1-25-2013	Amend	3-1-2013	333-102-0250	1-29-2013	Amend	3-1-2013
333-030-0085	1-25-2013	Amend	3-1-2013	333-102-0285	1-29-2013	Amend	3-1-2013

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333-106-0045	1-29-2013	Amend	3-1-2013	333-250-0044	1-25-2013	Amend	3-1-2013
333-106-0101	1-29-2013	Amend	3-1-2013	333-250-0045	1-25-2013	Amend	3-1-2013
333-106-0305	1-29-2013	Amend	3-1-2013	333-250-0047	1-25-2013	Amend	3-1-2013
333-106-0315	1-29-2013	Amend	3-1-2013	333-250-0048	1-25-2013	Amend	3-1-2013
333-106-0325	1-29-2013	Amend	3-1-2013	333-250-0050	1-25-2013	Amend	3-1-2013
333-106-0370	1-29-2013	Amend	3-1-2013	333-250-0060	1-25-2013	Amend	3-1-2013
333-106-0720	1-29-2013	Amend	3-1-2013	333-250-0070	1-25-2013	Amend	3-1-2013
333-116-0040	1-29-2013	Amend	3-1-2013	333-250-0080	1-25-2013	Amend	3-1-2013
333-116-0050	1-29-2013	Amend	3-1-2013	333-250-0100	1-25-2013	Amend	3-1-2013
333-116-0090	1-29-2013	Amend	3-1-2013	333-255-0000	1-25-2013	Amend	3-1-2013
333-116-0405	1-29-2013	Repeal	3-1-2013	333-255-0010	1-25-2013	Amend	3-1-2013
333-116-0640	1-29-2013	Amend	3-1-2013	333-255-0020	1-25-2013	Amend	3-1-2013
333-116-0660	1-29-2013	Amend	3-1-2013	333-255-0030	1-25-2013	Amend	3-1-2013
333-116-0670	1-29-2013	Amend	3-1-2013	333-255-0040	1-25-2013	Amend	3-1-2013
333-116-0680	1-29-2013	Amend	3-1-2013	333-255-0050	1-25-2013	Amend	3-1-2013
333-116-0683	1-29-2013	Amend	3-1-2013	333-255-0060	1-25-2013	Amend	3-1-2013
333-116-0687	1-29-2013	Amend	3-1-2013	333-255-0070	1-25-2013	Amend	3-1-2013
333-116-0690	1-29-2013	Amend	3-1-2013	333-255-0071	1-25-2013	Amend	3-1-2013
333-116-0700	1-29-2013	Amend	3-1-2013	333-255-0072	1-25-2013	Amend	3-1-2013
333-116-0715	1-29-2013	Amend	3-1-2013	333-255-0073	1-25-2013	Amend	3-1-2013
333-116-0720	1-29-2013	Amend	3-1-2013	333-255-0079	1-25-2013	Amend	3-1-2013
333-116-0740	1-29-2013	Amend	3-1-2013	333-255-0080	1-25-2013	Amend	3-1-2013
333-116-0880	1-29-2013	Amend	3-1-2013	333-255-0081	1-25-2013	Amend	3-1-2013
333-116-0905	1-29-2013	Amend	3-1-2013	333-255-0082	1-25-2013	Amend	3-1-2013
333-118-0150	1-29-2013	Amend	3-1-2013	333-255-0090	1-25-2013	Amend	3-1-2013
333-119-0040	1-29-2013	Amend	3-1-2013	333-255-0091	1-25-2013	Amend	3-1-2013
333-119-0041	1-29-2013	Adopt	3-1-2013	333-255-0092	1-25-2013	Amend	3-1-2013
333-119-0080	1-29-2013	Amend	3-1-2013	333-255-0093	1-25-2013	Amend	3-1-2013
333-120-0630	1-29-2013	Amend	3-1-2013	333-265-0000	1-25-2013	Amend	3-1-2013
333-120-0730	1-29-2013	Amend	3-1-2013	333-265-0010	1-25-2013	Amend	3-1-2013
333-123-0005	1-29-2013	Amend	3-1-2013	333-265-0011	1-25-2013	Adopt	3-1-2013
333-123-0055	1-29-2013	Adopt	3-1-2013	333-265-0014	1-25-2013	Amend	3-1-2013
333-123-0060	1-29-2013	Adopt	3-1-2013	333-265-0015	1-25-2013	Amend	3-1-2013
333-123-0065	1-29-2013	Adopt	3-1-2013	333-265-0023	1-25-2013	Amend	3-1-2013
333-123-0070	1-29-2013	Adopt	3-1-2013	333-265-0024	1-25-2013	Adopt	3-1-2013
333-123-0075	1-29-2013	Adopt	3-1-2013	333-265-0025	1-25-2013	Amend	3-1-2013
333-123-0080	1-29-2013	Adopt	3-1-2013	333-265-0050	1-25-2013	Amend	3-1-2013
333-123-0085	1-29-2013	Adopt	3-1-2013	333-265-0060	1-25-2013	Amend	3-1-2013
333-123-0090	1-29-2013	Adopt	3-1-2013	333-265-0085	1-25-2013	Amend	3-1-2013
333-123-0095	1-29-2013	Adopt	3-1-2013	333-265-0105	1-25-2013	Amend	3-1-2013
333-123-0100	1-29-2013	Adopt	3-1-2013	333-265-0110	1-25-2013	Amend	3-1-2013
333-123-0105	1-29-2013	Adopt	3-1-2013	333-265-0160	1-25-2013	Amend	3-1-2013
333-123-0110	1-29-2013	Adopt	3-1-2013	333-265-0190	1-25-2013	Repeal	3-1-2013
333-123-0115	1-29-2013	Adopt	3-1-2013	333-500-0005	1-1-2013	Amend	2-1-2013
333-200-0010	1-1-2013	Amend	2-1-2013	333-500-0010	1-1-2013	Amend	2-1-2013
333-200-0020	1-1-2013	Amend	2-1-2013	333-500-0031	1-1-2013	Amend	2-1-2013
333-200-0080	1-1-2013	Amend	2-1-2013	333-500-0032	1-1-2013	Amend	2-1-2013
333-200-0090	1-1-2013	Amend	2-1-2013	333-500-0038	1-1-2013	Amend	2-1-2013
333-250-0010	1-25-2013	Amend	3-1-2013	333-505-0001	1-1-2013	Amend	2-1-2013
333-250-0020	1-25-2013	Amend	3-1-2013	333-505-0005	1-1-2013	Amend	2-1-2013
333-250-0030	1-25-2013	Amend	3-1-2013	333-505-0007	1-1-2013	Amend	2-1-2013
333-250-0031	1-25-2013	Adopt	3-1-2013	333-505-0010	1-1-2013	Amend	2-1-2013
333-250-0040	1-25-2013	Amend	3-1-2013	333-505-0030	1-1-2013	Amend	2-1-2013
333-250-0041	1-25-2013	Amend	3-1-2013	333-505-0033	1-1-2013	Amend	2-1-2013
333-250-0042	1-25-2013	Amend	3-1-2013	333-505-0050	1-1-2013	Amend	2-1-2013

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333-510-0020	1-1-2013	Amend	2-1-2013	337-010-0030	7-1-2013	Amend	5-1-2013
333-510-0040	1-1-2013	Amend	2-1-2013	340-048-0055	1-16-2013	Amend	3-1-2013
333-520-0035	1-1-2013	Amend	2-1-2013	340-048-0055	3-25-2013	Amend(T)	5-1-2013
333-520-0050	1-1-2013	Amend	2-1-2013	340-049-0010	3-1-2013	Amend	3-1-2013
333-520-0060	1-1-2013	Amend	2-1-2013	340-049-0015	3-1-2013	Amend	3-1-2013
333-520-0070	1-1-2013	Amend	2-1-2013	340-049-0020	3-1-2013	Amend	3-1-2013
333-525-0010	1-1-2013	Repeal	2-1-2013	340-049-0025	3-1-2013	Amend	3-1-2013
334-001-0012	7-1-2013	Amend	7-1-2013	340-049-0030	3-1-2013	Amend	3-1-2013
334-001-0060	1-1-2013	Amend	1-1-2013	340-049-0035	3-1-2013	Amend	3-1-2013
334-010-0005	7-1-2013	Amend	7-1-2013	340-049-0040	3-1-2013	Amend	3-1-2013
334-010-0015	7-1-2013	Amend	7-1-2013	340-049-0055	3-1-2013	Amend	3-1-2013
334-010-0027	1-1-2013	Amend	1-1-2013	340-049-0060	3-1-2013	Amend	3-1-2013
334-010-0027	7-1-2013	Amend	7-1-2013	340-049-0065	3-1-2013	Amend	3-1-2013
334-010-0029	1-1-2013	Amend	1-1-2013	340-049-0085	3-1-2013	Amend	3-1-2013
334-010-0029	7-1-2013	Amend	7-1-2013	340-054-0005	12-14-2012	Amend	1-1-2013
334-010-0046	1-1-2013	Amend	1-1-2013	340-054-0010	12-14-2012	Amend	1-1-2013
334-040-0010	1-1-2013	Amend	1-1-2013	340-054-0011	12-14-2012	Adopt	1-1-2013
334-040-0010	7-1-2013	Amend	7-1-2013	340-054-0015	12-14-2012	Amend	1-1-2013
335-005-0010	12-14-2012	Amend	1-1-2013	340-054-0020	12-14-2012	Repeal	1-1-2013
335-005-0020	5-1-2013	Amend	5-1-2013	340-054-0021	12-14-2012	Repeal	1-1-2013
335-060-0005	12-14-2012	Amend	1-1-2013	340-054-0022	12-14-2012	Amend	1-1-2013
335-060-0005	5-1-2013	Amend	5-1-2013	340-054-0023	12-14-2012	Repeal	1-1-2013
335-060-0006	12-14-2012	Adopt	1-1-2013	340-054-0024	12-14-2012	Repeal	1-1-2013
335-060-0006	5-1-2013	Amend	5-1-2013	340-054-0025	12-14-2012	Amend	1-1-2013
335-060-0006	5-17-2013	Amend(T)	7-1-2013	340-054-0026	12-14-2012	Adopt	1-1-2013
335-060-0007	12-14-2012	Adopt	1-1-2013	340-054-0027	12-14-2012	Adopt	1-1-2013
335-060-0007	5-1-2013	Amend	5-1-2013	340-054-0035	12-14-2012	Repeal	1-1-2013
335-060-0010	5-1-2013	Amend	5-1-2013	340-054-0036	12-14-2012	Adopt	1-1-2013
335-060-0010	5-17-2013	Amend(T)	7-1-2013	340-054-0055	12-14-2012	Repeal	1-1-2013
335-070-0010	5-1-2013	Repeal	5-1-2013	340-054-0056	12-14-2012	Adopt	1-1-2013
335-070-0020	5-1-2013	Amend	5-1-2013	340-054-0060	12-14-2012	Amend	1-1-2013
335-070-0020	5-17-2013	Amend(T)	7-1-2013	340-054-0065	12-14-2012	Amend	1-1-2013
335-070-0030	5-1-2013	Repeal	5-1-2013	340-054-0085	12-14-2012	Repeal	1-1-2013
335-070-0040	5-1-2013	Amend	5-1-2013	340-054-0087	12-14-2012	Repeal	1-1-2013
335-070-0050	5-1-2013	Amend	5-1-2013	340-054-0090	12-14-2012	Repeal	1-1-2013
335-070-0050	5-17-2013	Amend(T)	7-1-2013	340-054-0093	12-14-2012	Repeal	1-1-2013
335-070-0055	5-1-2013	Repeal	5-1-2013	340-054-0095	12-14-2012	Repeal	1-1-2013
335-070-0060	5-1-2013	Repeal	5-1-2013	340-054-0097	12-14-2012	Repeal	1-1-2013
335-070-0065	5-1-2013	Repeal	5-1-2013	340-054-0098	12-14-2012	Repeal	1-1-2013
335-070-0070	5-1-2013	Repeal	5-1-2013	340-054-0100	12-14-2012	Amend	1-1-2013
335-070-0075	5-1-2013	Repeal	5-1-2013	340-054-0102	12-14-2012	Amend	1-1-2013
335-070-0080	5-1-2013	Amend	5-1-2013	340-054-0104	12-14-2012	Amend	1-1-2013
335-070-0080	5-17-2013	Amend(T)	7-1-2013	340-054-0106	12-14-2012	Amend	1-1-2013
335-070-0085	5-1-2013	Repeal	5-1-2013	340-054-0108	12-14-2012	Amend	1-1-2013
335-080-0005	12-14-2012	Amend	1-1-2013	340-200-0020	3-27-2013	Amend	5-1-2013
335-080-0005	5-1-2013	Amend	5-1-2013	340-200-0040	12-10-2012	Amend	1-1-2013
335-080-0010	12-14-2012	Amend	1-1-2013	340-200-0040	12-11-2012	Amend	1-1-2013
335-080-0010	5-1-2013	Amend	5-1-2013	340-200-0040	3-27-2013	Amend	5-1-2013
335-080-0015	12-14-2012	Amend	1-1-2013	340-204-0010	12-11-2012	Amend	1-1-2013
335-080-0015	5-1-2013	Amend	5-1-2013	340-210-0100	3-27-2013	Amend	5-1-2013
335-080-0025	12-14-2012	Amend	1-1-2013	340-216-0020	3-27-2013	Amend	5-1-2013
335-080-0025	5-1-2013	Amend	5-1-2013	340-216-0060	3-27-2013	Amend	5-1-2013
335-095-0030	12-14-2012	Amend	1-1-2013	340-216-0062	3-27-2013	Amend	5-1-2013
335-095-0030	5-1-2013	Amend	5-1-2013	340-216-0064	3-27-2013	Amend	5-1-2013

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340-216-0068	3-27-2013	Adopt	5-1-2013	340-253-0200	12-11-2012	Adopt	1-1-2013
340-220-0030	12-11-2012	Amend	1-1-2013	340-253-0250	12-11-2012	Adopt	1-1-2013
340-220-0040	12-11-2012	Amend	1-1-2013	340-253-0310	12-11-2012	Adopt	1-1-2013
340-220-0050	12-11-2012	Amend	1-1-2013	340-253-0320	12-11-2012	Adopt	1-1-2013
340-225-0090	12-11-2012	Amend	1-1-2013	340-253-0330	12-11-2012	Adopt	1-1-2013
340-228-0602	3-27-2013	Amend	5-1-2013	340-253-0340	12-11-2012	Adopt	1-1-2013
340-228-0606	3-27-2013	Amend	5-1-2013	340-253-0400	12-11-2012	Adopt	1-1-2013
340-228-0609	3-27-2013	Amend	5-1-2013	340-253-0450	12-11-2012	Adopt	1-1-2013
340-228-0611	3-27-2013	Repeal	5-1-2013	340-253-0500	12-11-2012	Adopt	1-1-2013
340-228-0613	3-27-2013	Repeal	5-1-2013	340-253-0600	12-11-2012	Adopt	1-1-2013
340-228-0615	3-27-2013	Repeal	5-1-2013	340-253-0630	12-11-2012	Adopt	1-1-2013
340-228-0617	3-27-2013	Repeal	5-1-2013	340-253-0650	12-11-2012	Adopt	1-1-2013
340-228-0619	3-27-2013	Repeal	5-1-2013	340-253-1000	12-11-2012	Adopt	1-1-2013
340-228-0621	3-27-2013	Repeal	5-1-2013	340-253-1010	12-11-2012	Adopt	1-1-2013
340-228-0623	3-27-2013	Repeal	5-1-2013	340-253-1020	12-11-2012	Adopt	1-1-2013
340-228-0625	3-27-2013	Repeal	5-1-2013	340-253-1030	12-11-2012	Adopt	1-1-2013
340-228-0627	3-27-2013	Repeal	5-1-2013	340-253-3000	12-11-2012	Adopt	1-1-2013
340-228-0629	3-27-2013	Repeal	5-1-2013	340-253-3010	12-11-2012	Adopt	1-1-2013
340-228-0631	3-27-2013	Repeal	5-1-2013	340-253-3020	12-11-2012	Adopt	1-1-2013
340-228-0633	3-27-2013	Repeal	5-1-2013	340-253-3030	12-11-2012	Adopt	1-1-2013
340-228-0635	3-27-2013	Amend	5-1-2013	340-253-3040	12-11-2012	Adopt	1-1-2013
340-228-0637	3-27-2013	Amend	5-1-2013	340-253-3050	12-11-2012	Adopt	1-1-2013
340-232-0085	3-27-2013	Amend	5-1-2013	340-262-1000	12-11-2012	Adopt	1-1-2013
340-238-0040	3-27-2013	Amend	5-1-2013	340-264-0040	12-11-2012	Amend	1-1-2013
340-238-0060	3-27-2013	Amend	5-1-2013	340-264-0078	12-11-2012	Amend	1-1-2013
340-240-0010	12-11-2012	Amend	1-1-2013	340-264-0080	12-11-2012	Amend	1-1-2013
340-240-0030	12-11-2012	Amend	1-1-2013	340-264-0100	12-11-2012	Amend	1-1-2013
340-240-0500	12-11-2012	Adopt	1-1-2013	340-264-0175	12-11-2012	Adopt	1-1-2013
340-240-0510	12-11-2012	Adopt	1-1-2013	345-029-0060	1-28-2013	Amend	3-1-2013
340-240-0520	12-11-2012	Adopt	1-1-2013	345-060-0004	1-28-2013	Amend	3-1-2013
340-240-0530	12-11-2012	Adopt	1-1-2013	345-060-0007	1-28-2013	Amend	3-1-2013
340-240-0540	12-11-2012	Adopt	1-1-2013	345-060-0025	1-28-2013	Amend	3-1-2013
340-240-0550	12-11-2012	Adopt	1-1-2013	407-007-0210	2-5-2013	Amend(T)	3-1-2013
340-240-0560	12-11-2012	Adopt	1-1-2013	407-007-0290	2-5-2013	Amend(T)	3-1-2013
340-240-0570	12-11-2012	Adopt	1-1-2013	409-021-0130	2-1-2013	Amend	3-1-2013
340-240-0580	12-11-2012	Adopt	1-1-2013	409-025-0160	2-1-2013	Amend	3-1-2013
340-240-0610	12-11-2012	Adopt	1-1-2013	409-035-0020	2-1-2013	Amend	3-1-2013
340-240-0620	12-11-2012	Adopt	1-1-2013	409-055-0030	4-1-2013	Amend	5-1-2013
340-240-0630	12-11-2012	Adopt	1-1-2013	409-055-0030(T)	4-1-2013	Repeal	5-1-2013
340-244-0030	3-27-2013	Amend	5-1-2013	409-060-0100	2-1-2013	Adopt	3-1-2013
340-244-0210	3-27-2013	Amend	5-1-2013	409-060-0110	2-1-2013	Adopt	3-1-2013
340-244-0220	3-27-2013	Amend	5-1-2013	409-060-0120	2-1-2013	Adopt	3-1-2013
340-244-0230	3-27-2013	Repeal	5-1-2013	409-060-0130	2-1-2013	Adopt	3-1-2013
340-244-0234	3-27-2013	Amend	5-1-2013	409-060-0140	2-1-2013	Adopt	3-1-2013
340-244-0238	3-27-2013	Amend	5-1-2013	409-060-0150	2-1-2013	Adopt	3-1-2013
340-244-0239	3-27-2013	Adopt	5-1-2013	410-050-0861	4-1-2013	Amend(T)	5-1-2013
340-244-0240	3-27-2013	Amend	5-1-2013	410-120-0006	12-1-2012	Amend(T)	1-1-2013
340-244-0242	3-27-2013	Amend	5-1-2013	410-120-0006	1-1-2013	Amend	2-1-2013
340-244-0244	3-27-2013	Amend	5-1-2013	410-120-0006	1-1-2013	Amend(T)	2-1-2013
340-244-0246	3-27-2013	Amend	5-1-2013	410-120-0006	1-8-2013	Amend(T)	2-1-2013
340-244-0248	3-27-2013	Amend	5-1-2013	410-120-0006	1-30-2013	Amend(T)	3-1-2013
340-244-0250	3-27-2013	Amend	5-1-2013	410-120-0006	2-20-2013	Amend(T)	4-1-2013
340-253-0000	12-11-2012	Adopt	1-1-2013	410-120-0006	3-1-2013	Amend(T)	4-1-2013
340-253-0040	12-11-2012	Adopt	1-1-2013	410-120-0006	4-1-2013	Amend	5-1-2013
340-253-0060	12-11-2012	Adopt	1-1-2013	410-120-0006	4-10-2013	Amend	5-1-2013

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410-120-0006(T)	12-1-2012	Suspend	1-1-2013	410-147-0360	3-1-2013	Amend(T)	4-1-2013
410-120-0006(T)	1-1-2013	Repeal	2-1-2013	410-147-0400	1-1-2013	Amend(T)	2-1-2013
410-120-0006(T)	1-1-2013	Suspend	2-1-2013	410-147-0400	3-1-2013	Amend(T)	4-1-2013
410-120-0006(T)	1-8-2013	Suspend	2-1-2013	410-147-0400(T)	3-1-2013	Suspend	4-1-2013
410-120-0006(T)	1-30-2013	Suspend	3-1-2013	410-165-0000	4-26-2013	Amend(T)	6-1-2013
410-120-0006(T)	2-20-2013	Suspend	4-1-2013	410-165-0020	4-26-2013	Amend(T)	6-1-2013
410-120-0006(T)	3-1-2013	Suspend	4-1-2013	410-165-0040	4-26-2013	Amend(T)	6-1-2013
410-120-0006(T)	5-29-2013	Repeal	7-1-2013	410-165-0060	4-26-2013	Amend(T)	6-1-2013
410-120-1210	1-1-2013	Amend(T)	2-1-2013	410-165-0080	4-26-2013	Amend(T)	6-1-2013
410-120-1340	3-29-2013	Amend(T)	5-1-2013	410-165-0100	4-26-2013	Amend(T)	6-1-2013
410-121-0030	1-1-2013	Amend	2-1-2013	410-165-0120	4-26-2013	Amend(T)	6-1-2013
410-121-0030	2-21-2013	Amend(T)	4-1-2013	410-165-0140	4-26-2013	Amend(T)	6-1-2013
410-121-0030	5-1-2013	Amend(T)	6-1-2013	411-001-0500	4-2-2013	Adopt	5-1-2013
410-121-0030(T)	1-1-2013	Repeal	2-1-2013	411-001-0500(T)	4-2-2013	Repeal	5-1-2013
410-121-0030(T)	5-1-2013	Suspend	6-1-2013	411-001-0510	4-2-2013	Adopt	5-1-2013
410-121-0033	1-1-2013	Amend	2-1-2013	411-001-0520	4-2-2013	Adopt	5-1-2013
410-121-0033(T)	1-1-2013	Repeal	2-1-2013	411-001-0520	6-1-2013	Amend	7-1-2013
410-121-0040	1-1-2013	Amend	2-1-2013	411-020-0002	11-28-2012	Amend	1-1-2013
410-121-0040	2-21-2013	Amend(T)	4-1-2013	411-020-0002(T)	11-28-2012	Repeal	1-1-2013
410-121-0040	5-1-2013	Amend(T)	6-1-2013	411-020-0030	11-28-2012	Amend	1-1-2013
410-121-0040(T)	1-1-2013	Repeal	2-1-2013	411-020-0030(T)	11-28-2012	Repeal	1-1-2013
410-121-0040(T)	5-1-2013	Suspend	6-1-2013	411-020-0085	11-28-2012	Amend	1-1-2013
410-121-0100	1-1-2013	Amend	2-1-2013	411-020-0085(T)	11-28-2012	Repeal	1-1-2013
410-121-0100(T)	1-1-2013	Repeal	2-1-2013	411-020-0123	11-28-2012	Adopt	1-1-2013
410-121-0111	1-1-2013	Adopt	2-1-2013	411-020-0123(T)	11-28-2012	Repeal	1-1-2013
410-121-0111(T)	1-1-2013	Repeal	2-1-2013	411-020-0126	11-28-2012	Adopt	1-1-2013
410-121-0190	12-28-2012	Amend(T)	2-1-2013	411-020-0126(T)	11-28-2012	Repeal	1-1-2013
410-122-0186	12-27-2012	Amend	2-1-2013	411-030-0002	5-23-2013	Amend(T)	7-1-2013
410-122-0325	12-27-2012	Amend	2-1-2013	411-030-0020	5-23-2013	Amend(T)	7-1-2013
410-123-1060	4-1-2013	Amend	5-1-2013	411-030-0033	5-23-2013	Amend(T)	7-1-2013
410-123-1160	4-1-2013	Amend	5-1-2013	411-030-0040	5-23-2013	Amend(T)	7-1-2013
410-123-1200	4-1-2013	Amend	5-1-2013	411-030-0050	5-23-2013	Amend(T)	7-1-2013
410-123-1220	4-1-2013	Amend	5-1-2013	411-030-0055	5-23-2013	Amend(T)	7-1-2013
410-123-1240	4-1-2013	Amend	5-1-2013	411-030-0080	3-26-2013	Amend	5-1-2013
410-123-1260	4-1-2013	Amend	5-1-2013	411-030-0080	5-23-2013	Amend(T)	7-1-2013
410-123-1490	4-1-2013	Amend	5-1-2013	411-030-0080(T)	3-26-2013	Repeal	5-1-2013
410-123-1620	4-1-2013	Amend	5-1-2013	411-030-0090	5-23-2013	Amend(T)	7-1-2013
410-130-0005	3-29-2013	Adopt(T)	5-1-2013	411-031-0020	3-26-2013	Amend	5-1-2013
410-130-0180	12-28-2012	Amend(T)	2-1-2013	411-031-0020(T)	3-26-2013	Repeal	5-1-2013
410-130-0240	12-28-2012	Amend(T)	2-1-2013	411-031-0030	3-26-2013	Amend	5-1-2013
410-130-0255	3-29-2013	Amend(T)	5-1-2013	411-031-0040	3-26-2013	Amend	5-1-2013
410-138-0390	4-26-2013	Amend	6-1-2013	411-031-0040(T)	3-26-2013	Repeal	5-1-2013
410-141-0262	3-1-2013	Amend(T)	4-1-2013	411-031-0050	3-26-2013	Amend	5-1-2013
410-141-0262	4-10-2013	Amend(T)	5-1-2013	411-032-0000	7-1-2013	Amend	7-1-2013
410-141-0520	3-21-2013	Amend	5-1-2013	411-032-0001	7-1-2013	Amend	7-1-2013
410-141-3060	1-1-2013	Amend(T)	2-1-2013	411-032-0005	7-1-2013	Amend	7-1-2013
410-141-3060	2-7-2013	Amend(T)	3-1-2013	411-032-0010	7-1-2013	Amend	7-1-2013
410-141-3060(T)	2-7-2013	Suspend	3-1-2013	411-032-0013	7-1-2013	Repeal	7-1-2013
410-141-3080	4-23-2013	Amend	6-1-2013	411-032-0015	7-1-2013	Amend	7-1-2013
410-141-3080	6-11-2013	Amend	7-1-2013	411-032-0020	7-1-2013	Amend	7-1-2013
410-141-3160	1-4-2013	Amend(T)	2-1-2013	411-032-0044	7-1-2013	Amend	7-1-2013
410-141-3260	4-26-2013	Amend	6-1-2013	411-048-0000	4-15-2013	Repeal	5-1-2013
410-141-3262	3-1-2013	Amend(T)	4-1-2013	411-048-0010	4-15-2013	Repeal	5-1-2013
410-141-3262	4-10-2013	Amend(T)	5-1-2013	411-048-0020	4-15-2013	Repeal	5-1-2013
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411-048-0050	4-15-2013	Repeal	5-1-2013	413-040-0010	1-15-2013	Amend	2-1-2013
411-048-0060	4-15-2013	Repeal	5-1-2013	413-040-0011	1-15-2013	Amend	2-1-2013
411-048-0070	4-15-2013	Repeal	5-1-2013	413-040-0013	1-15-2013	Amend	2-1-2013
411-048-0080	4-15-2013	Repeal	5-1-2013	413-040-0016	1-15-2013	Amend	2-1-2013
411-048-0100	4-15-2013	Repeal	5-1-2013	413-040-0017	1-15-2013	Amend	2-1-2013
411-048-0120	4-15-2013	Repeal	5-1-2013	413-040-0024	1-15-2013	Amend	2-1-2013
411-048-0130	4-15-2013	Repeal	5-1-2013	413-040-0032	1-15-2013	Amend	2-1-2013
411-048-0150	4-15-2013	Adopt	5-1-2013	413-040-0210	1-15-2013	Amend	2-1-2013
411-048-0160	4-15-2013	Adopt	5-1-2013	413-040-0215	1-15-2013	Amend	2-1-2013
411-048-0170	4-15-2013	Adopt	5-1-2013	413-040-0240	1-15-2013	Amend	2-1-2013
411-048-0180	4-15-2013	Adopt	5-1-2013	413-040-0270	1-15-2013	Amend	2-1-2013
411-048-0190	4-15-2013	Adopt	5-1-2013	413-040-0290	1-15-2013	Amend	2-1-2013
411-048-0200	4-15-2013	Adopt	5-1-2013	413-040-0300	1-15-2013	Amend	2-1-2013
411-048-0210	4-15-2013	Adopt	5-1-2013	413-070-0524	1-15-2013	Amend	2-1-2013
411-048-0220	4-15-2013	Adopt	5-1-2013	413-070-0536	1-15-2013	Amend	2-1-2013
411-048-0230	4-15-2013	Adopt	5-1-2013	413-070-0551	1-15-2013	Amend	2-1-2013
411-048-0240	4-15-2013	Adopt	5-1-2013	413-070-0552	1-15-2013	Amend	2-1-2013
411-048-0250	4-15-2013	Adopt	5-1-2013	413-070-0556	1-15-2013	Amend	2-1-2013
411-050-0405	5-23-2013	Amend(T)	7-1-2013	413-070-0565	1-15-2013	Amend	2-1-2013
411-070-0005	3-1-2013	Amend	4-1-2013	413-070-0620	1-15-2013	Amend	2-1-2013
411-070-0005(T)	3-1-2013	Repeal	4-1-2013	413-070-0625	1-15-2013	Amend	2-1-2013
411-070-0091	3-1-2013	Amend	4-1-2013	413-070-0630	1-15-2013	Amend	2-1-2013
411-070-0091(T)	3-1-2013	Repeal	4-1-2013	413-070-0640	1-15-2013	Amend	2-1-2013
411-070-0140	5-1-2013	Amend(T)	6-1-2013	413-080-0040	1-15-2013	Amend	2-1-2013
411-070-0470	1-1-2013	Amend(T)	2-1-2013	413-080-0050	1-15-2013	Amend	2-1-2013
411-070-0470	5-1-2013	Amend	5-1-2013	413-080-0052	1-15-2013	Amend	2-1-2013
411-070-0470(T)	5-1-2013	Repeal	5-1-2013	413-080-0054	1-15-2013	Adopt	2-1-2013
411-320-0175	4-2-2013	Amend	5-1-2013	413-080-0055	1-15-2013	Amend	2-1-2013
411-330-0020	1-4-2013	Amend	2-1-2013	413-080-0059	1-15-2013	Amend	2-1-2013
411-330-0020(T)	1-4-2013	Repeal	2-1-2013	413-080-0063	1-15-2013	Repeal	2-1-2013
411-330-0065	1-4-2013	Adopt	2-1-2013	413-080-0067	1-15-2013	Amend	2-1-2013
411-330-0065(T)	1-4-2013	Repeal	2-1-2013	413-120-0860	1-15-2013	Amend	2-1-2013
411-340-0020	4-1-2013	Amend(T)	5-1-2013	415-012-0000	1-14-2013	Amend(T)	2-1-2013
411-360-0090	4-1-2013	Amend(T)	5-1-2013	415-012-0000	5-3-2013	Amend	6-1-2013
413-020-0236	1-15-2013	Amend	2-1-2013	415-012-0010	1-14-2013	Amend(T)	2-1-2013
413-020-0245	1-15-2013	Amend	2-1-2013	415-012-0010	5-3-2013	Amend	6-1-2013
413-030-0000	1-15-2013	Amend	2-1-2013	415-012-0020	1-14-2013	Amend(T)	2-1-2013
413-030-0003	1-15-2013	Amend	2-1-2013	415-012-0020	5-3-2013	Amend	6-1-2013
413-030-0006	1-15-2013	Amend	2-1-2013	415-012-0030	1-14-2013	Amend(T)	2-1-2013
413-030-0009	1-15-2013	Amend	2-1-2013	415-012-0030	5-3-2013	Amend	6-1-2013
413-030-0013	1-15-2013	Amend	2-1-2013	415-012-0032	5-3-2013	Adopt	6-1-2013
413-030-0016	1-15-2013	Amend	2-1-2013	415-012-0035	5-3-2013	Adopt	6-1-2013
413-030-0019	1-15-2013	Amend	2-1-2013	415-012-0040	5-3-2013	Amend	6-1-2013
413-030-0023	1-15-2013	Amend	2-1-2013	415-012-0050	5-3-2013	Amend	6-1-2013
413-030-0026	1-15-2013	Amend	2-1-2013	415-012-0055	5-3-2013	Adopt	6-1-2013
413-030-0030	1-15-2013	Amend	2-1-2013	415-012-0060	5-3-2013	Amend	6-1-2013
413-030-0405	1-15-2013	Amend	2-1-2013	415-012-0065	5-3-2013	Adopt	6-1-2013
413-030-0410	1-15-2013	Amend	2-1-2013	415-012-0067	5-3-2013	Adopt	6-1-2013
413-030-0445	1-15-2013	Amend	2-1-2013	415-012-0070	5-3-2013	Amend	6-1-2013
413-030-0449	1-15-2013	Amend	2-1-2013	415-012-0080	5-3-2013	Amend	6-1-2013
413-030-0454	1-15-2013	Amend	2-1-2013	415-012-0090	5-3-2013	Amend	6-1-2013
413-030-0456	1-15-2013	Adopt	2-1-2013	415-020-0005	6-7-2013	Amend	7-1-2013
413-040-0005	1-15-2013	Amend	2-1-2013	415-020-0015	6-7-2013	Amend	7-1-2013
413-040-0006	1-15-2013	Amend	2-1-2013	415-020-0017	6-7-2013	Adopt	7-1-2013
413-040-0008	1-15-2013	Amend	2-1-2013	415-020-0053	1-14-2013	Amend(T)	2-1-2013

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415-020-0053	6-7-2013	Amend	7-1-2013	436-015-0080	4-1-2013	Amend	4-1-2013
415-020-0060	6-7-2013	Amend	7-1-2013	436-015-0110	4-1-2013	Amend	4-1-2013
415-020-0075	6-7-2013	Amend	7-1-2013	436-035-0002	1-1-2013	Amend	1-1-2013
415-020-0085	6-7-2013	Amend	7-1-2013	436-035-0003	1-1-2013	Amend	1-1-2013
415-050-0000	2-4-2013	Amend(T)	3-1-2013	436-035-0005	1-1-2013	Amend	1-1-2013
415-050-0005	2-4-2013	Amend(T)	3-1-2013	436-035-0007	1-1-2013	Amend	1-1-2013
415-050-0015	2-4-2013	Amend(T)	3-1-2013	436-035-0008	1-1-2013	Amend	1-1-2013
415-050-0025	2-4-2013	Amend(T)	3-1-2013	436-035-0009	1-1-2013	Amend	1-1-2013
415-050-0035	2-4-2013	Amend(T)	3-1-2013	436-035-0011	1-1-2013	Amend	1-1-2013
415-050-0040	2-4-2013	Amend(T)	3-1-2013	436-035-0012	1-1-2013	Amend	1-1-2013
415-050-0045	2-4-2013	Amend(T)	3-1-2013	436-035-0017	1-1-2013	Amend	1-1-2013
415-050-0050	2-4-2013	Amend(T)	3-1-2013	436-035-0018	1-1-2013	Amend	1-1-2013
415-050-0055	2-4-2013	Amend(T)	3-1-2013	436-035-0030	1-1-2013	Amend	1-1-2013
415-050-0060	2-4-2013	Amend(T)	3-1-2013	436-035-0040	1-1-2013	Amend	1-1-2013
415-050-0065	2-4-2013	Amend(T)	3-1-2013	436-035-0110	1-1-2013	Amend	1-1-2013
415-050-0070	2-4-2013	Amend(T)	3-1-2013	436-035-0230	1-1-2013	Amend	1-1-2013
415-050-0075	2-4-2013	Amend(T)	3-1-2013	436-035-0235	1-1-2013	Amend	1-1-2013
415-050-0090	2-4-2013	Amend(T)	3-1-2013	436-035-0255	1-1-2013	Amend	1-1-2013
416-465-0000	2-25-2013	Repeal	4-1-2013	436-035-0260	1-1-2013	Amend	1-1-2013
416-465-0010	2-25-2013	Repeal	4-1-2013	436-035-0265	1-1-2013	Amend	1-1-2013
416-465-0020	2-25-2013	Repeal	4-1-2013	436-035-0340	1-1-2013	Amend	1-1-2013
416-465-0030	2-25-2013	Repeal	4-1-2013	436-035-0350	1-1-2013	Amend	1-1-2013
416-465-0040	2-25-2013	Repeal	4-1-2013	436-035-0370	1-1-2013	Amend	1-1-2013
436-001-0003	12-28-2012	Amend	1-1-2013	436-035-0380	1-1-2013	Amend	1-1-2013
436-001-0004	12-28-2012	Amend	1-1-2013	436-035-0385	1-1-2013	Amend	1-1-2013
436-001-0005	12-28-2012	Amend	1-1-2013	436-035-0390	1-1-2013	Amend	1-1-2013
436-001-0009	12-28-2012	Amend	1-1-2013	436-035-0395	1-1-2013	Amend	1-1-2013
436-001-0019	12-28-2012	Amend	1-1-2013	436-035-0400	1-1-2013	Amend	1-1-2013
436-001-0023	12-28-2012	Amend	1-1-2013	436-035-0410	1-1-2013	Amend	1-1-2013
436-001-0170	12-28-2012	Amend	1-1-2013	436-035-0420	1-1-2013	Amend	1-1-2013
436-001-0225	12-28-2012	Amend	1-1-2013	436-035-0430	1-1-2013	Amend	1-1-2013
436-001-0246	12-28-2012	Amend	1-1-2013	436-035-0440	1-1-2013	Amend	1-1-2013
436-001-0300	12-28-2012	Repeal	1-1-2013	436-035-0450	1-1-2013	Amend	1-1-2013
436-001-0410	12-28-2012	Amend	1-1-2013	436-035-0500	1-1-2013	Amend	1-1-2013
436-001-0420	12-28-2012	Amend	1-1-2013	436-050-0003	1-23-2013	Amend(T)	3-1-2013
436-001-0430	12-28-2012	Amend	1-1-2013	436-050-0175	1-1-2013	Amend	1-1-2013
436-009-0004	4-1-2013	Amend	4-1-2013	436-050-0300	1-23-2013	Amend(T)	3-1-2013
436-009-0010	4-1-2013	Amend	4-1-2013	436-070-0002	4-1-2013	Amend	1-1-2013
436-009-0020	4-1-2013	Amend	4-1-2013	436-070-0003	4-1-2013	Amend	1-1-2013
436-009-0025	4-1-2013	Amend	4-1-2013	436-070-0010	4-1-2013	Amend	1-1-2013
436-009-0030	4-1-2013	Amend	4-1-2013	436-105-0003	7-1-2013	Amend	5-1-2013
436-009-0050	4-1-2013	Amend	4-1-2013	436-105-0520	7-1-2013	Amend	5-1-2013
436-009-0070	4-1-2013	Amend	4-1-2013	436-110-0150	6-7-2013	Adopt	7-1-2013
436-009-0110	4-1-2013	Amend	4-1-2013	437-002-0005	12-14-2012	Amend	1-1-2013
436-009-0135	4-1-2013	Amend	4-1-2013	437-002-0020	4-1-2013	Amend	3-1-2013
436-009-0175	4-1-2013	Amend	4-1-2013	437-002-0023	4-1-2013	Adopt	3-1-2013
436-009-0177	4-1-2013	Amend	4-1-2013	437-002-0120	12-14-2012	Amend	1-1-2013
436-009-0180	4-1-2013	Amend	4-1-2013	437-002-0134	4-1-2013	Amend	3-1-2013
436-009-0207	4-1-2013	Amend	4-1-2013	437-002-0240	12-14-2012	Amend	1-1-2013
436-009-0260	4-1-2013	Amend	4-1-2013	437-003-0001	12-14-2012	Amend	1-1-2013
436-009-0290	4-1-2013	Amend	4-1-2013	437-003-0001	2-14-2013	Amend	3-1-2013
436-010-0210	4-1-2013	Amend	4-1-2013	437-003-0001	4-1-2013	Amend	3-1-2013
436-010-0230	4-1-2013	Amend	4-1-2013	437-003-0128	4-1-2013	Repeal	3-1-2013
436-010-0265	4-1-2013	Amend	4-1-2013	437-003-0134	4-1-2013	Adopt	3-1-2013
436-010-0330	4-1-2013	Amend	4-1-2013	437-005-0001	12-14-2012	Amend	1-1-2013
436-015-0008	4-1-2013	Amend	4-1-2013	437-005-0002	12-14-2012	Amend	1-1-2013

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437-005-0003	12-14-2012	Amend	1-1-2013	442-010-0020	1-1-2013	Amend	2-1-2013
438-005-0015	4-1-2013	Amend	3-1-2013	442-010-0030	1-1-2013	Amend	2-1-2013
438-009-0005	4-1-2013	Amend	3-1-2013	442-010-0040	1-1-2013	Amend	2-1-2013
438-009-0020	4-1-2013	Amend	3-1-2013	442-010-0050	1-1-2013	Amend	2-1-2013
438-011-0010	4-1-2013	Amend	3-1-2013	442-010-0055	1-1-2013	Amend	2-1-2013
438-011-0045	4-1-2013	Amend	3-1-2013	442-010-0060	1-1-2013	Amend	2-1-2013
438-012-0001	4-1-2013	Amend	3-1-2013	442-010-0070	1-1-2013	Amend	2-1-2013
438-012-0020	4-1-2013	Amend	3-1-2013	442-010-0075	1-1-2013	Amend	2-1-2013
438-012-0031	4-1-2013	Amend	3-1-2013	442-010-0080	1-1-2013	Amend	2-1-2013
438-012-0035	4-1-2013	Amend	3-1-2013	442-010-0085	1-1-2013	Amend	2-1-2013
438-012-0036	4-1-2013	Amend	3-1-2013	442-010-0090	1-1-2013	Amend	2-1-2013
438-012-0050	4-1-2013	Amend	3-1-2013	442-010-0100	1-1-2013	Amend	2-1-2013
438-012-0060	4-1-2013	Amend	3-1-2013	442-010-0110	1-1-2013	Repeal	2-1-2013
438-012-0062	4-1-2013	Amend	3-1-2013	442-010-0120	1-1-2013	Amend	2-1-2013
438-016-0005	4-1-2013	Amend	3-1-2013	442-010-0140	1-1-2013	Amend	2-1-2013
438-019-0010	4-1-2013	Amend	3-1-2013	442-010-0150	1-1-2013	Amend	2-1-2013
438-020-0010	4-1-2013	Amend	3-1-2013	442-010-0160	1-1-2013	Amend	2-1-2013
438-022-0005	4-1-2013	Amend	3-1-2013	442-010-0170	1-1-2013	Amend	2-1-2013
441-505-3090	1-23-2013	Adopt	3-1-2013	442-010-0180	1-1-2013	Amend	2-1-2013
441-505-3090(T)	1-23-2013	Repeal	3-1-2013	442-010-0190	1-1-2013	Amend	2-1-2013
441-710-0270	2-1-2013	Amend(T)	2-1-2013	442-010-0210	1-1-2013	Amend	2-1-2013
442-005-0000	1-1-2013	Amend	2-1-2013	442-010-0215	1-1-2013	Amend	2-1-2013
442-005-0010	1-1-2013	Amend	2-1-2013	442-010-0220	1-1-2013	Amend	2-1-2013
442-005-0020	1-1-2013	Amend	2-1-2013	442-010-0230	1-1-2013	Amend	2-1-2013
442-005-0030	1-1-2013	Amend	2-1-2013	442-010-0240	1-1-2013	Amend	2-1-2013
442-005-0040	1-1-2013	Amend	2-1-2013	442-010-0260	1-1-2013	Amend	2-1-2013
442-005-0050	1-1-2013	Amend	2-1-2013	442-010-0270	1-1-2013	Amend	2-1-2013
442-005-0070	1-1-2013	Amend	2-1-2013	442-010-0280	1-1-2013	Repeal	2-1-2013
442-005-0080	1-1-2013	Amend	2-1-2013	459-005-0040	1-25-2013	Amend	3-1-2013
442-005-0090	1-1-2013	Amend	2-1-2013	459-005-0400	12-5-2012	Adopt	1-1-2013
442-005-0100	1-1-2013	Amend	2-1-2013	459-005-0525	3-29-2013	Amend	5-1-2013
442-005-0110	1-1-2013	Amend	2-1-2013	459-005-0545	3-29-2013	Amend	5-1-2013
442-005-0130	1-1-2013	Amend	2-1-2013	459-009-0200	1-25-2013	Amend	3-1-2013
442-005-0140	1-1-2013	Amend	2-1-2013	459-017-0060	3-29-2013	Amend	5-1-2013
442-005-0150	1-1-2013	Amend	2-1-2013	459-035-0001	12-5-2012	Amend	1-1-2013
442-005-0160	1-1-2013	Amend	2-1-2013	459-035-0200	12-5-2012	Repeal	1-1-2013
442-005-0170	1-1-2013	Amend	2-1-2013	459-035-0220	12-5-2012	Repeal	1-1-2013
442-005-0180	1-1-2013	Amend	2-1-2013	459-075-0200	3-29-2013	Amend	5-1-2013
442-005-0190	1-1-2013	Amend	2-1-2013	459-080-0500	3-29-2013	Amend	5-1-2013
442-005-0200	1-1-2013	Amend	2-1-2013	461-001-0015	4-1-2013	Amend	5-1-2013
442-005-0210	1-1-2013	Amend	2-1-2013	461-025-0300	4-1-2013	Amend	5-1-2013
442-005-0220	1-1-2013	Amend	2-1-2013	461-025-0300(T)	4-1-2013	Repeal	5-1-2013
442-005-0230	1-1-2013	Amend	2-1-2013	461-025-0301	4-1-2013	Adopt	5-1-2013
442-005-0235	1-1-2013	Adopt	2-1-2013	461-025-0301(T)	4-1-2013	Repeal	5-1-2013
442-005-0240	1-1-2013	Amend	2-1-2013	461-110-0430	4-10-2013	Amend(T)	5-1-2013
442-005-0260	1-1-2013	Amend	2-1-2013	461-115-0016	1-1-2013	Amend	2-1-2013
442-005-0270	1-1-2013	Amend	2-1-2013	461-115-0016(T)	1-1-2013	Repeal	2-1-2013
442-005-0280	1-1-2013	Amend	2-1-2013	461-115-0430	1-1-2013	Amend	2-1-2013
442-005-0290	1-1-2013	Amend	2-1-2013	461-120-0210	5-29-2013	Amend(T)	7-1-2013
442-005-0300	1-1-2013	Amend	2-1-2013	461-120-0340	12-29-2012	Amend	2-1-2013
442-005-0310	1-1-2013	Amend	2-1-2013	461-120-0340	4-1-2013	Amend	5-1-2013
442-005-0320	1-1-2013	Amend	2-1-2013	461-125-0050	4-1-2013	Amend	5-1-2013
442-005-0330	1-1-2013	Amend	2-1-2013	461-125-0830	1-1-2013	Amend(T)	2-1-2013
442-005-0340	1-1-2013	Amend	2-1-2013	461-125-0830	4-1-2013	Amend	5-1-2013
442-005-0350	1-1-2013	Repeal	2-1-2013	461-125-0830(T)	4-1-2013	Repeal	5-1-2013
442-010-0010	1-1-2013	Amend	2-1-2013	461-130-0310	1-1-2013	Amend(T)	2-1-2013

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461-130-0310(T)	4-1-2013	Repeal	5-1-2013	461-160-0410	4-1-2013	Amend	5-1-2013
461-130-0330	1-1-2013	Amend	2-1-2013	461-160-0415	4-1-2013	Amend	5-1-2013
461-130-0335	1-1-2013	Amend	2-1-2013	461-160-0420	4-1-2013	Amend	5-1-2013
461-135-0089	1-1-2013	Amend	2-1-2013	461-160-0430	4-1-2013	Amend	5-1-2013
461-135-0400	1-1-2013	Amend(T)	2-1-2013	461-160-0580	1-1-2013	Amend	2-1-2013
461-135-0407	1-1-2013	Adopt	2-1-2013	461-160-0620	1-1-2013	Amend	2-1-2013
461-135-0407	5-15-2013	Amend(T)	6-1-2013	461-165-0010	2-6-2013	Amend	3-1-2013
461-135-0407(T)	1-1-2013	Repeal	2-1-2013	461-165-0060	1-1-2013	Amend	2-1-2013
461-135-0570	5-1-2013	Amend(T)	6-1-2013	461-165-0160	4-1-2013	Amend	5-1-2013
461-135-0780	1-1-2013	Amend(T)	2-1-2013	461-165-0180	4-1-2013	Amend	5-1-2013
461-135-0780	4-1-2013	Amend	5-1-2013	461-165-0190	4-1-2013	Repeal	5-1-2013
461-135-0780(T)	4-1-2013	Repeal	5-1-2013	461-180-0070	4-1-2013	Amend	5-1-2013
461-135-1102	12-1-2012	Amend(T)	1-1-2013	461-180-0100	1-1-2013	Amend	2-1-2013
461-135-1102	4-1-2013	Amend	5-1-2013	461-190-0211	1-1-2013	Amend(T)	2-1-2013
461-135-1102(T)	4-1-2013	Repeal	5-1-2013	461-190-0211	1-23-2013	Amend(T)	3-1-2013
461-145-0080	12-29-2012	Amend	2-1-2013	461-190-0211	4-1-2013	Amend	5-1-2013
461-145-0220	1-1-2013	Amend(T)	2-1-2013	461-190-0211(T)	1-1-2013	Suspend	2-1-2013
461-145-0220	4-1-2013	Amend	5-1-2013	461-190-0211(T)	1-23-2013	Suspend	3-1-2013
461-145-0220(T)	4-1-2013	Repeal	5-1-2013	461-190-0211(T)	4-1-2013	Repeal	5-1-2013
461-145-0260	1-1-2013	Amend	2-1-2013	461-195-0501	3-25-2013	Amend(T)	5-1-2013
461-145-0260	1-1-2013	Amend(T)	2-1-2013	461-195-0541	3-25-2013	Amend(T)	5-1-2013
461-145-0260	4-1-2013	Amend	5-1-2013	461-195-0601	3-25-2013	Amend(T)	5-1-2013
461-145-0260(T)	1-1-2013	Repeal	2-1-2013	461-195-0621	3-25-2013	Amend(T)	5-1-2013
461-145-0260(T)	4-1-2013	Repeal	5-1-2013	462-130-0010	12-31-2012	Amend	2-1-2013
461-145-0580	1-1-2013	Amend	2-1-2013	571-004-0020	3-4-2013	Amend	4-1-2013
461-145-0580(T)	1-1-2013	Repeal	2-1-2013	571-004-0025	3-4-2013	Amend	4-1-2013
461-155-0150	1-1-2013	Amend(T)	2-1-2013	571-004-0030	3-4-2013	Amend	4-1-2013
461-155-0180	1-30-2013	Amend	3-1-2013	571-004-0037	3-4-2013	Adopt	4-1-2013
461-155-0180	2-1-2013	Amend(T)	3-1-2013	571-004-0050	3-4-2013	Amend	4-1-2013
461-155-0235	1-30-2013	Amend	3-1-2013	571-004-0055	3-4-2013	Amend	4-1-2013
461-155-0250	1-1-2013	Amend(T)	2-1-2013	571-060-0005	3-6-2013	Amend	4-1-2013
461-155-0250	4-1-2013	Amend	5-1-2013	573-040-0005	5-7-2013	Amend	6-1-2013
461-155-0250(T)	4-1-2013	Repeal	5-1-2013	574-050-0005	1-28-2013	Amend	3-1-2013
461-155-0270	1-1-2013	Amend(T)	2-1-2013	576-005-0032	7-1-2013	Amend	7-1-2013
461-155-0270	1-8-2013	Amend(T)	2-1-2013	576-005-0035	3-1-2013	Repeal	4-1-2013
461-155-0270	4-1-2013	Amend	5-1-2013	576-005-0040	3-1-2013	Repeal	4-1-2013
461-155-0270(T)	1-8-2013	Suspend	2-1-2013	576-010-0000	1-1-2013	Amend	2-1-2013
461-155-0270(T)	4-1-2013	Repeal	5-1-2013	576-010-0000	7-1-2013	Amend	7-1-2013
461-155-0290	3-1-2013	Amend	4-1-2013	576-026-0005	1-1-2013	Repeal	2-1-2013
461-155-0291	3-1-2013	Amend	4-1-2013	576-026-0010	1-1-2013	Repeal	2-1-2013
461-155-0295	3-1-2013	Amend	4-1-2013	576-050-0015	1-1-2013	Amend	2-1-2013
461-155-0300	1-1-2013	Amend(T)	2-1-2013	576-055-0000	1-16-2013	Adopt	3-1-2013
461-155-0300	4-1-2013	Amend	5-1-2013	576-055-0010	1-16-2013	Adopt	3-1-2013
461-155-0300(T)	4-1-2013	Repeal	5-1-2013	576-055-0020	1-16-2013	Adopt	3-1-2013
461-155-0575	4-1-2013	Amend	5-1-2013	576-055-0030	1-16-2013	Adopt	3-1-2013
461-155-0575(T)	4-1-2013	Repeal	5-1-2013	576-055-0040	1-16-2013	Adopt	3-1-2013
461-160-0010	4-10-2013	Amend(T)	5-1-2013	576-055-0050	1-16-2013	Adopt	3-1-2013
461-160-0015	1-1-2013	Amend	2-1-2013	576-055-0060	1-16-2013	Adopt	3-1-2013
461-160-0015	1-1-2013	Amend(T)	2-1-2013	576-055-0070	1-16-2013	Adopt	3-1-2013
461-160-0015	4-1-2013	Amend	5-1-2013	576-055-0080	1-16-2013	Adopt	3-1-2013
461-160-0015(T)	4-1-2013	Repeal	5-1-2013	576-055-0090	1-16-2013	Adopt	3-1-2013
461-160-0030	4-1-2013	Amend	5-1-2013	576-055-0100	1-16-2013	Adopt	3-1-2013
461-160-0055	1-1-2013	Amend	2-1-2013	576-055-0110	1-16-2013	Adopt	3-1-2013
461-160-0055	4-1-2013	Amend	5-1-2013	576-055-0120	1-16-2013	Adopt	3-1-2013
461-160-0055(T)	1-1-2013	Repeal	2-1-2013	576-055-0130	1-16-2013	Adopt	3-1-2013

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576-055-0140	1-16-2013	Adopt	3-1-2013	580-061-0065	4-10-2013	Amend(T)	5-1-2013
576-055-0150	1-16-2013	Adopt	3-1-2013	580-061-0070	4-10-2013	Amend(T)	5-1-2013
576-055-0160	1-16-2013	Adopt	3-1-2013	580-061-0075	4-10-2013	Amend(T)	5-1-2013
576-056-0000	1-1-2013	Adopt	2-1-2013	580-061-0080	4-10-2013	Amend(T)	5-1-2013
576-056-0010	1-1-2013	Adopt	2-1-2013	580-061-0085	4-10-2013	Amend(T)	5-1-2013
576-056-0020	1-1-2013	Adopt	2-1-2013	580-061-0090	4-10-2013	Amend(T)	5-1-2013
576-056-0030	1-1-2013	Adopt	2-1-2013	580-061-0095	4-10-2013	Amend(T)	5-1-2013
576-056-0040	1-1-2013	Adopt	2-1-2013	580-061-0100	4-10-2013	Amend(T)	5-1-2013
576-056-0050	1-1-2013	Adopt	2-1-2013	580-061-0105	4-10-2013	Amend(T)	5-1-2013
576-056-0060	1-1-2013	Adopt	2-1-2013	580-061-0110	4-10-2013	Amend(T)	5-1-2013
576-056-0070	1-1-2013	Adopt	2-1-2013	580-061-0115	4-10-2013	Amend(T)	5-1-2013
576-056-0080	1-1-2013	Adopt	2-1-2013	580-061-0120	4-10-2013	Amend(T)	5-1-2013
576-056-0090	1-1-2013	Adopt	2-1-2013	580-061-0125	4-10-2013	Amend(T)	5-1-2013
576-056-0100	1-1-2013	Adopt	2-1-2013	580-061-0130	4-10-2013	Amend(T)	5-1-2013
576-056-0110	1-1-2013	Adopt	2-1-2013	580-061-0135	4-10-2013	Amend(T)	5-1-2013
576-056-0120	1-1-2013	Adopt	2-1-2013	580-061-0140	4-10-2013	Amend(T)	5-1-2013
576-056-0130	1-1-2013	Adopt	2-1-2013	580-061-0145	4-10-2013	Amend(T)	5-1-2013
577-042-0010	3-20-2013	Amend(T)	5-1-2013	580-061-0150	4-10-2013	Amend(T)	5-1-2013
577-060-0020	5-30-2013	Amend	7-1-2013	580-061-0155	4-10-2013	Amend(T)	5-1-2013
578-041-0030	9-16-2013	Amend	7-1-2013	580-061-0160	4-10-2013	Amend(T)	5-1-2013
578-072-0030	9-16-2013	Amend	7-1-2013	580-062-0010	4-10-2013	Amend(T)	5-1-2013
579-020-0006	5-28-2013	Amend	7-1-2013	580-062-0015	4-10-2013	Amend(T)	5-1-2013
579-070-0005	12-20-2012	Amend	2-1-2013	580-062-0020	4-10-2013	Amend(T)	5-1-2013
579-070-0005	2-22-2013	Amend	4-1-2013	581-001-0016	1-15-2013	Adopt	2-1-2013
579-070-0010	2-22-2013	Amend	4-1-2013	581-002-0090	1-15-2013	Adopt	2-1-2013
579-070-0015	2-22-2013	Amend	4-1-2013	581-015-2030	4-9-2013	Amend(T)	5-1-2013
579-070-0030	2-22-2013	Amend	4-1-2013	581-015-2090	4-25-2013	Amend(T)	6-1-2013
579-070-0035	2-22-2013	Amend	4-1-2013	581-015-2090	5-30-2013	Amend	7-1-2013
579-070-0041	2-22-2013	Amend	4-1-2013	581-015-2110	1-17-2013	Amend	3-1-2013
579-070-0042	2-22-2013	Amend	4-1-2013	581-015-2310	4-25-2013	Amend(T)	6-1-2013
579-070-0043	2-22-2013	Amend	4-1-2013	581-015-2310	5-30-2013	Amend	7-1-2013
579-070-0045	2-22-2013	Amend	4-1-2013	581-015-2530	4-25-2013	Amend(T)	6-1-2013
580-060-0000	4-10-2013	Amend(T)	5-1-2013	581-015-2530	5-30-2013	Amend	7-1-2013
580-060-0010	4-10-2013	Amend(T)	5-1-2013	581-015-2735	4-25-2013	Amend(T)	6-1-2013
580-060-0015	4-10-2013	Amend(T)	5-1-2013	581-015-2735	5-30-2013	Amend	7-1-2013
580-060-0020	4-10-2013	Amend(T)	5-1-2013	581-015-2745	4-25-2013	Amend(T)	6-1-2013
580-060-0025	4-10-2013	Amend(T)	5-1-2013	581-015-2745	5-30-2013	Amend	7-1-2013
580-060-0035	4-10-2013	Amend(T)	5-1-2013	581-015-2885	4-25-2013	Amend(T)	6-1-2013
580-060-0040	4-10-2013	Amend(T)	5-1-2013	581-015-2885	5-30-2013	Amend	7-1-2013
580-060-0045	4-10-2013	Amend(T)	5-1-2013	581-021-0500	1-17-2013	Amend	3-1-2013
580-060-0050	4-10-2013	Amend(T)	5-1-2013	581-021-0500(T)	1-17-2013	Repeal	3-1-2013
580-060-0055	4-10-2013	Amend(T)	5-1-2013	581-022-1065	1-15-2013	Repeal	2-1-2013
580-060-0060	4-10-2013	Suspend	5-1-2013	581-022-1440	4-10-2013	Amend	5-1-2013
580-061-0000	4-10-2013	Amend(T)	5-1-2013	581-022-1670	2-20-2013	Amend	4-1-2013
580-061-0005	4-10-2013	Amend(T)	5-1-2013	581-022-2130	4-5-2013	Adopt	5-1-2013
580-061-0010	4-10-2013	Amend(T)	5-1-2013	581-045-0003	1-15-2013	Amend	2-1-2013
580-061-0015	4-10-2013	Amend(T)	5-1-2013	581-045-0586	1-17-2013	Amend	3-1-2013
580-061-0020	4-10-2013	Amend(T)	5-1-2013	581-045-0586(T)	1-17-2013	Repeal	3-1-2013
580-061-0025	4-10-2013	Amend(T)	5-1-2013	584-005-0005	2-14-2013	Amend	3-1-2013
580-061-0030	4-10-2013	Amend(T)	5-1-2013	584-017-0005	4-30-2013	Repeal	6-1-2013
580-061-0035	4-10-2013	Amend(T)	5-1-2013	584-017-0010	4-30-2013	Repeal	6-1-2013
580-061-0040	4-10-2013	Amend(T)	5-1-2013	584-017-0020	4-30-2013	Repeal	6-1-2013
580-061-0045	4-10-2013	Amend(T)	5-1-2013	584-017-0025	4-30-2013	Repeal	6-1-2013
580-061-0050	4-10-2013	Amend(T)	5-1-2013	584-017-0030	4-30-2013	Repeal	6-1-2013
580-061-0055	4-10-2013	Amend(T)	5-1-2013	584-017-0035	4-30-2013	Repeal	6-1-2013
580-061-0060	4-10-2013	Amend(T)	5-1-2013	584-017-0040	4-30-2013	Repeal	6-1-2013

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584-017-0042	4-30-2013	Repeal	6-1-2013	584-017-0465	4-30-2013	Repeal	6-1-2013
584-017-0045	4-30-2013	Repeal	6-1-2013	584-017-0470	4-30-2013	Repeal	6-1-2013
584-017-0050	4-30-2013	Repeal	6-1-2013	584-017-0480	4-30-2013	Repeal	6-1-2013
584-017-0055	4-30-2013	Repeal	6-1-2013	584-017-0500	4-30-2013	Repeal	6-1-2013
584-017-0057	4-30-2013	Repeal	6-1-2013	584-017-0510	4-30-2013	Repeal	6-1-2013
584-017-0060	4-30-2013	Repeal	6-1-2013	584-017-0520	4-30-2013	Repeal	6-1-2013
584-017-0070	4-30-2013	Repeal	6-1-2013	584-017-0530	4-30-2013	Repeal	6-1-2013
584-017-0075	4-30-2013	Repeal	6-1-2013	584-017-0541	4-30-2013	Repeal	6-1-2013
584-017-0080	4-30-2013	Repeal	6-1-2013	584-017-0551	4-30-2013	Repeal	6-1-2013
584-017-0085	4-30-2013	Repeal	6-1-2013	584-017-0555	4-30-2013	Repeal	6-1-2013
584-017-0090	4-30-2013	Repeal	6-1-2013	584-017-0560	4-30-2013	Repeal	6-1-2013
584-017-0100	4-30-2013	Repeal	6-1-2013	584-017-0570	4-30-2013	Repeal	6-1-2013
584-017-0115	4-30-2013	Repeal	6-1-2013	584-017-0580	4-30-2013	Repeal	6-1-2013
584-017-0120	4-30-2013	Repeal	6-1-2013	584-017-1028	4-30-2013	Amend	6-1-2013
584-017-0130	4-30-2013	Repeal	6-1-2013	584-018-0205	2-14-2013	Amend	3-1-2013
584-017-0140	4-30-2013	Repeal	6-1-2013	584-018-0220	11-19-2012	Adopt	1-1-2013
584-017-0150	4-30-2013	Repeal	6-1-2013	584-018-0305	2-14-2013	Amend	3-1-2013
584-017-0160	4-30-2013	Repeal	6-1-2013	584-036-0082	11-19-2012	Repeal	1-1-2013
584-017-0170	4-30-2013	Repeal	6-1-2013	584-052-0030	11-19-2012	Repeal	1-1-2013
584-017-0175	4-30-2013	Repeal	6-1-2013	584-052-0031	11-19-2012	Repeal	1-1-2013
584-017-0180	4-30-2013	Repeal	6-1-2013	584-052-0032	11-19-2012	Repeal	1-1-2013
584-017-0182	4-30-2013	Repeal	6-1-2013	584-052-0033	11-19-2012	Repeal	1-1-2013
584-017-0185	4-30-2013	Repeal	6-1-2013	584-066-0015	2-14-2013	Adopt	3-1-2013
584-017-0190	4-30-2013	Repeal	6-1-2013	584-070-0411	2-14-2013	Amend	3-1-2013
584-017-0200	4-30-2013	Repeal	6-1-2013	584-080-0031	11-19-2012	Amend	1-1-2013
584-017-0201	4-30-2013	Repeal	6-1-2013	584-090-0001	4-30-2013	Repeal	6-1-2013
584-017-0210	4-30-2013	Repeal	6-1-2013	584-090-0005	4-30-2013	Repeal	6-1-2013
584-017-0220	4-30-2013	Repeal	6-1-2013	584-090-0010	4-30-2013	Repeal	6-1-2013
584-017-0230	4-30-2013	Repeal	6-1-2013	584-090-0020	4-30-2013	Repeal	6-1-2013
584-017-0240	4-30-2013	Repeal	6-1-2013	584-090-0030	4-30-2013	Repeal	6-1-2013
584-017-0251	4-30-2013	Repeal	6-1-2013	584-090-0040	4-30-2013	Repeal	6-1-2013
584-017-0261	4-30-2013	Repeal	6-1-2013	584-090-0060	4-30-2013	Repeal	6-1-2013
584-017-0270	4-30-2013	Repeal	6-1-2013	584-090-0115	11-19-2012	Amend	1-1-2013
584-017-0280	4-30-2013	Repeal	6-1-2013	584-100-0016	2-14-2013	Amend	3-1-2013
584-017-0282	4-30-2013	Repeal	6-1-2013	584-100-0038	11-19-2012	Amend	1-1-2013
584-017-0290	4-30-2013	Repeal	6-1-2013	584-100-0038	2-14-2013	Amend	3-1-2013
584-017-0300	4-30-2013	Repeal	6-1-2013	584-100-0091	11-19-2012	Amend	1-1-2013
584-017-0310	4-30-2013	Repeal	6-1-2013	584-100-0096	11-19-2012	Amend	1-1-2013
584-017-0320	4-30-2013	Repeal	6-1-2013	584-100-0101	2-14-2013	Amend	3-1-2013
584-017-0330	4-30-2013	Repeal	6-1-2013	584-100-0106	2-14-2013	Amend	3-1-2013
584-017-0340	4-30-2013	Repeal	6-1-2013	585-001-0007	12-17-2012	Adopt	2-1-2013
584-017-0351	4-30-2013	Repeal	6-1-2013	585-001-0009	12-17-2012	Adopt	2-1-2013
584-017-0355	4-30-2013	Repeal	6-1-2013	589-002-0100	12-26-2012	Amend	2-1-2013
584-017-0360	4-30-2013	Repeal	6-1-2013	589-002-0100	6-11-2013	Amend	7-1-2013
584-017-0370	4-30-2013	Repeal	6-1-2013	589-002-0110	12-26-2012	Adopt	2-1-2013
584-017-0380	4-30-2013	Repeal	6-1-2013	589-002-0110	6-11-2013	Adopt	7-1-2013
584-017-0390	4-30-2013	Repeal	6-1-2013	589-002-0120	12-26-2012	Adopt	2-1-2013
584-017-0400	4-30-2013	Repeal	6-1-2013	589-002-0120	6-11-2013	Adopt	7-1-2013
584-017-0410	4-30-2013	Repeal	6-1-2013	589-002-0130	12-26-2012	Adopt	2-1-2013
584-017-0420	4-30-2013	Repeal	6-1-2013	589-002-0130	6-11-2013	Adopt	7-1-2013
584-017-0430	4-30-2013	Repeal	6-1-2013	589-007-0500	5-31-2013	Amend(T)	7-1-2013
584-017-0441	4-30-2013	Repeal	6-1-2013	589-007-0600	5-31-2013	Amend	7-1-2013
584-017-0451	4-30-2013	Repeal	6-1-2013	589-007-0700	12-26-2012	Amend	2-1-2013
584-017-0455	4-30-2013	Repeal	6-1-2013	603-013-0905	2-7-2013	Adopt	3-1-2013
584-017-0460	4-30-2013	Repeal	6-1-2013	603-013-0910	2-7-2013	Adopt	3-1-2013
584-017-0462	4-30-2013	Repeal	6-1-2013	603-013-0920	2-7-2013	Adopt	3-1-2013

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603-013-0932	2-7-2013	Adopt	3-1-2013	603-052-0862	2-6-2013	Adopt	3-1-2013
603-017-0900	2-7-2013	Adopt	3-1-2013	603-052-0870	2-6-2013	Amend	3-1-2013
603-017-0910	2-7-2013	Adopt	3-1-2013	603-052-0880	2-6-2013	Amend	3-1-2013
603-017-0920	2-7-2013	Adopt	3-1-2013	603-052-0882	2-6-2013	Adopt	3-1-2013
603-017-0930	2-7-2013	Adopt	3-1-2013	603-052-0884	2-6-2013	Adopt	3-1-2013
603-021-0900	2-7-2013	Adopt	3-1-2013	603-052-0886	2-6-2013	Adopt	3-1-2013
603-021-0910	2-7-2013	Adopt	3-1-2013	603-052-0888	2-6-2013	Adopt	3-1-2013
603-021-0920	2-7-2013	Adopt	3-1-2013	603-052-0901	2-6-2013	Adopt	3-1-2013
603-021-0930	2-7-2013	Adopt	3-1-2013	603-052-0921	2-6-2013	Adopt	3-1-2013
603-022-0900	2-7-2013	Adopt	3-1-2013	603-052-1080	12-3-2012	Adopt	1-1-2013
603-022-0910	2-7-2013	Adopt	3-1-2013	603-052-1090	12-3-2012	Adopt	1-1-2013
603-022-0920	2-7-2013	Adopt	3-1-2013	603-052-1200	3-1-2013	Amend	4-1-2013
603-022-0930	2-7-2013	Adopt	3-1-2013	603-052-1206	12-12-2012	Adopt	1-1-2013
603-024-0017	4-26-2013	Amend	6-1-2013	603-052-1209	12-12-2012	Adopt	1-1-2013
603-024-0019	4-26-2013	Amend	6-1-2013	603-052-1211	12-12-2012	Adopt	1-1-2013
603-024-0041	4-26-2013	Amend	6-1-2013	603-052-1230	3-1-2013	Amend	4-1-2013
603-024-0211	4-26-2013	Amend	6-1-2013	603-052-1320	3-1-2013	Amend	4-1-2013
603-024-0589	4-26-2013	Amend	6-1-2013	603-100-0900	2-7-2013	Adopt	3-1-2013
603-024-0592	4-26-2013	Amend	6-1-2013	603-100-0910	2-7-2013	Adopt	3-1-2013
603-024-0605	4-26-2013	Amend	6-1-2013	603-100-0920	2-7-2013	Adopt	3-1-2013
603-024-0613	4-26-2013	Amend	6-1-2013	603-100-0930	2-7-2013	Adopt	3-1-2013
603-024-0640	4-26-2013	Amend	6-1-2013	629-035-0055	7-1-2013	Amend	7-1-2013
603-024-0900	2-7-2013	Adopt	3-1-2013	632-010-0004	3-21-2013	Amend	5-1-2013
603-024-0910	2-7-2013	Adopt	3-1-2013	632-010-0006	3-21-2013	Repeal	5-1-2013
603-024-0920	2-7-2013	Adopt	3-1-2013	632-010-0008	3-21-2013	Amend	5-1-2013
603-024-0930	2-7-2013	Adopt	3-1-2013	632-010-0010	3-21-2013	Amend	5-1-2013
603-025-0030	1-1-2013	Amend	2-1-2013	632-010-0011	3-21-2013	Amend	5-1-2013
603-025-0900	2-7-2013	Adopt	3-1-2013	632-010-0012	3-21-2013	Amend	5-1-2013
603-025-0910	2-7-2013	Adopt	3-1-2013	632-010-0014	3-21-2013	Amend	5-1-2013
603-025-0920	2-7-2013	Adopt	3-1-2013	632-010-0015	3-21-2013	Amend	5-1-2013
603-025-0930	2-7-2013	Adopt	3-1-2013	632-010-0016	3-21-2013	Amend	5-1-2013
603-028-0900	2-7-2013	Adopt	3-1-2013	632-010-0017	3-21-2013	Amend	5-1-2013
603-028-0910	2-7-2013	Adopt	3-1-2013	632-010-0018	3-21-2013	Amend	5-1-2013
603-028-0920	2-7-2013	Adopt	3-1-2013	632-010-0020	3-21-2013	Amend	5-1-2013
603-028-0930	2-7-2013	Adopt	3-1-2013	632-010-0128	3-21-2013	Amend	5-1-2013
603-047-0010	12-21-2012	Adopt	2-1-2013	632-010-0130	3-21-2013	Amend	5-1-2013
603-047-0100	12-21-2012	Adopt	2-1-2013	632-010-0132	3-21-2013	Amend	5-1-2013
603-047-0200	12-21-2012	Adopt	2-1-2013	632-010-0134	3-21-2013	Amend	5-1-2013
603-047-0300	12-21-2012	Adopt	2-1-2013	632-010-0136	3-21-2013	Amend	5-1-2013
603-047-0400	12-21-2012	Adopt	2-1-2013	632-010-0138	3-21-2013	Amend	5-1-2013
603-047-0500	12-21-2012	Adopt	2-1-2013	632-010-0140	3-21-2013	Amend	5-1-2013
603-051-0855	3-1-2013	Amend	4-1-2013	632-010-0142	3-21-2013	Amend	5-1-2013
603-051-0856	3-1-2013	Amend	4-1-2013	632-010-0144	3-21-2013	Amend	5-1-2013
603-051-0857	3-1-2013	Amend	4-1-2013	632-010-0146	3-21-2013	Amend	5-1-2013
603-051-0858	3-1-2013	Amend	4-1-2013	632-010-0148	3-21-2013	Amend	5-1-2013
603-051-0859	3-1-2013	Amend	4-1-2013	632-010-0150	3-21-2013	Amend	5-1-2013
603-052-0075	3-1-2013	Amend	4-1-2013	632-010-0151	3-21-2013	Amend	5-1-2013
603-052-0114	3-1-2013	Amend	4-1-2013	632-010-0152	3-21-2013	Amend	5-1-2013
603-052-0116	3-1-2013	Amend	4-1-2013	632-010-0154	3-21-2013	Amend	5-1-2013
603-052-0127	3-1-2013	Amend	4-1-2013	632-010-0156	3-21-2013	Amend	5-1-2013
603-052-0129	3-1-2013	Amend	4-1-2013	632-010-0157	3-21-2013	Amend	5-1-2013
603-052-0347	4-26-2013	Amend	6-1-2013	632-010-0159	3-21-2013	Amend	5-1-2013
603-052-0850	2-6-2013	Repeal	3-1-2013	632-010-0161	3-21-2013	Amend	5-1-2013
603-052-0852	2-6-2013	Repeal	3-1-2013	632-010-0162	3-21-2013	Amend	5-1-2013
603-052-0860	2-6-2013	Amend	3-1-2013	632-010-0163	3-21-2013	Amend	5-1-2013
603-052-0861	2-6-2013	Adopt	3-1-2013	632-010-0164	3-21-2013	Amend	5-1-2013

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632-010-0167	3-21-2013	Amend	5-1-2013	632-020-0117	3-21-2013	Amend	5-1-2013
632-010-0168	3-21-2013	Amend	5-1-2013	632-020-0125	3-21-2013	Amend	5-1-2013
632-010-0169	3-21-2013	Repeal	5-1-2013	632-020-0130	3-21-2013	Amend	5-1-2013
632-010-0170	3-21-2013	Amend	5-1-2013	632-020-0135	3-21-2013	Amend	5-1-2013
632-010-0172	3-21-2013	Amend	5-1-2013	632-020-0138	3-21-2013	Amend	5-1-2013
632-010-0174	3-21-2013	Amend	5-1-2013	632-020-0140	3-21-2013	Amend	5-1-2013
632-010-0176	3-21-2013	Amend	5-1-2013	632-020-0145	3-21-2013	Amend	5-1-2013
632-010-0178	3-21-2013	Amend	5-1-2013	632-020-0150	3-21-2013	Amend	5-1-2013
632-010-0182	3-21-2013	Amend	5-1-2013	632-020-0154	3-21-2013	Amend	5-1-2013
632-010-0184	3-21-2013	Amend	5-1-2013	632-020-0155	3-21-2013	Amend	5-1-2013
632-010-0186	3-21-2013	Amend	5-1-2013	632-020-0156	3-21-2013	Amend	5-1-2013
632-010-0188	3-21-2013	Amend	5-1-2013	632-020-0157	3-21-2013	Amend	5-1-2013
632-010-0190	3-21-2013	Amend	5-1-2013	632-020-0159	3-21-2013	Amend	5-1-2013
632-010-0192	3-21-2013	Amend	5-1-2013	632-020-0160	3-21-2013	Repeal	5-1-2013
632-010-0194	3-21-2013	Amend	5-1-2013	632-020-0170	3-21-2013	Amend	5-1-2013
632-010-0196	3-21-2013	Amend	5-1-2013	632-020-0175	3-21-2013	Amend	5-1-2013
632-010-0198	3-21-2013	Amend	5-1-2013	632-020-0180	3-21-2013	Amend	5-1-2013
632-010-0205	3-21-2013	Amend	5-1-2013	635-003-0003	5-1-2013	Amend(T)	6-1-2013
632-010-0210	3-21-2013	Amend	5-1-2013	635-003-0003	5-14-2013	Amend	6-1-2013
632-010-0220	3-21-2013	Amend	5-1-2013	635-003-0003(T)	5-14-2013	Repeal	6-1-2013
632-010-0225	3-21-2013	Amend	5-1-2013	635-004-0215	5-14-2013	Amend	6-1-2013
632-010-0230	3-21-2013	Amend	5-1-2013	635-004-0220	1-1-2013	Amend	2-1-2013
632-010-0235	3-21-2013	Amend	5-1-2013	635-004-0275	1-3-2013	Amend	2-1-2013
632-015-0005	3-21-2013	Amend	5-1-2013	635-004-0310	1-1-2013	Amend	2-1-2013
632-015-0010	3-21-2013	Amend	5-1-2013	635-004-0350	1-1-2013	Amend	2-1-2013
632-015-0015	3-21-2013	Amend	5-1-2013	635-004-0355	1-1-2013	Amend	2-1-2013
632-015-0020	3-21-2013	Amend	5-1-2013	635-004-0465	1-1-2013	Amend	2-1-2013
632-015-0025	3-21-2013	Amend	5-1-2013	635-004-0485	5-14-2013	Amend	6-1-2013
632-015-0030	3-21-2013	Amend	5-1-2013	635-004-0585	5-14-2013	Amend	6-1-2013
632-015-0035	3-21-2013	Amend	5-1-2013	635-005-0320	5-14-2013	Amend	6-1-2013
632-015-0040	3-21-2013	Amend	5-1-2013	635-005-0355	6-15-2013	Amend(T)	7-1-2013
632-015-0045	3-21-2013	Amend	5-1-2013	635-005-0410	1-1-2013	Amend	2-1-2013
632-015-0050	3-21-2013	Amend	5-1-2013	635-005-0430	5-14-2013	Amend	6-1-2013
632-015-0055	3-21-2013	Amend	5-1-2013	635-005-0465	12-12-2012	Amend(T)	1-1-2013
632-015-0060	3-21-2013	Amend	5-1-2013	635-005-0465(T)	12-12-2012	Suspend	1-1-2013
632-020-0005	3-21-2013	Amend	5-1-2013	635-005-0480	1-1-2013	Amend	2-1-2013
632-020-0010	3-21-2013	Amend	5-1-2013	635-005-0585	1-1-2013	Amend	2-1-2013
632-020-0015	3-21-2013	Amend	5-1-2013	635-005-0605	5-14-2013	Amend	6-1-2013
632-020-0025	3-21-2013	Amend	5-1-2013	635-005-0660	5-14-2013	Amend	6-1-2013
632-020-0028	3-21-2013	Adopt	5-1-2013	635-005-0665	5-14-2013	Amend	6-1-2013
632-020-0030	3-21-2013	Amend	5-1-2013	635-005-0740	1-1-2013	Amend	2-1-2013
632-020-0031	3-21-2013	Amend	5-1-2013	635-005-0745	5-14-2013	Amend	6-1-2013
632-020-0032	3-21-2013	Adopt	5-1-2013	635-005-0760	5-14-2013	Amend	6-1-2013
632-020-0035	3-21-2013	Amend	5-1-2013	635-005-0800	1-1-2013	Amend	2-1-2013
632-020-0040	3-21-2013	Amend	5-1-2013	635-005-0820	5-14-2013	Amend	6-1-2013
632-020-0045	3-21-2013	Repeal	5-1-2013	635-005-0825	5-14-2013	Amend	6-1-2013
632-020-0055	3-21-2013	Repeal	5-1-2013	635-006-0001	1-1-2013	Amend	2-1-2013
632-020-0060	3-21-2013	Amend	5-1-2013	635-006-0001	5-14-2013	Amend	6-1-2013
632-020-0065	3-21-2013	Amend	5-1-2013	635-006-0165	5-14-2013	Amend	6-1-2013
632-020-0070	3-21-2013	Amend	5-1-2013	635-006-0200	1-1-2013	Amend	2-1-2013
632-020-0090	3-21-2013	Amend	5-1-2013	635-006-0210	1-1-2013	Amend	2-1-2013
632-020-0095	3-21-2013	Amend	5-1-2013	635-006-0211	1-1-2013	Amend	2-1-2013
632-020-0100	3-21-2013	Amend	5-1-2013	635-006-0215	1-1-2013	Amend	2-1-2013
632-020-0105	3-21-2013	Amend	5-1-2013	635-006-0232	1-14-2013	Amend	2-1-2013

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635-006-1075	5-14-2013	Amend	6-1-2013	635-023-0095(T)	6-14-2013	Suspend	7-1-2013
635-008-0151	5-10-2013	Amend	6-1-2013	635-023-0125	1-1-2013	Amend	2-1-2013
635-008-0151(T)	5-10-2013	Repeal	6-1-2013	635-023-0125	2-28-2013	Amend(T)	3-1-2013
635-008-0175	1-1-2013	Amend	2-1-2013	635-023-0125	4-5-2013	Amend(T)	5-1-2013
635-011-0100	1-1-2013	Amend	2-1-2013	635-023-0125	5-25-2013	Amend(T)	7-1-2013
635-011-0102	1-1-2013	Amend	2-1-2013	635-023-0125	6-8-2013	Amend(T)	7-1-2013
635-013-0003	1-1-2013	Amend	2-1-2013	635-023-0125(T)	4-5-2013	Suspend	5-1-2013
635-013-0003	5-1-2013	Amend(T)	6-1-2013	635-023-0125(T)	5-25-2013	Suspend	7-1-2013
635-013-0003	5-14-2013	Amend	6-1-2013	635-023-0125(T)	6-8-2013	Suspend	7-1-2013
635-013-0003(T)	5-14-2013	Repeal	6-1-2013	635-023-0128	1-1-2013	Amend	2-1-2013
635-013-0004	1-1-2013	Amend	2-1-2013	635-023-0128	6-16-2013	Amend(T)	7-1-2013
635-013-0007	7-1-2013	Amend	7-1-2013	635-023-0130	1-1-2013	Amend	2-1-2013
635-013-0009	7-1-2013	Amend	7-1-2013	635-023-0134	1-1-2013	Amend	2-1-2013
635-014-0080	1-1-2013	Amend	2-1-2013	635-023-0134	5-4-2013	Amend(T)	6-1-2013
635-014-0090	1-1-2013	Amend	2-1-2013	635-039-0080	1-3-2013	Amend	2-1-2013
635-014-0090	4-1-2013	Amend(T)	5-1-2013	635-039-0080	5-1-2013	Amend(T)	5-1-2013
635-014-0090	6-1-2013	Amend(T)	7-1-2013	635-039-0080	5-14-2013	Amend	6-1-2013
635-014-0090	7-1-2013	Amend	7-1-2013	635-039-0080(T)	5-14-2013	Repeal	6-1-2013
635-014-0090(T)	6-1-2013	Suspend	7-1-2013	635-039-0090	1-1-2013	Amend	2-1-2013
635-014-0090(T)	7-1-2013	Repeal	7-1-2013	635-039-0090	1-1-2013	Amend(T)	2-1-2013
635-016-0080	1-1-2013	Amend	2-1-2013	635-039-0090	4-1-2013	Amend(T)	5-1-2013
635-016-0090	1-1-2013	Amend	2-1-2013	635-039-0090	5-14-2013	Amend	6-1-2013
635-016-0090	1-1-2013	Amend(T)	2-1-2013	635-039-0090(T)	4-1-2013	Suspend	5-1-2013
635-016-0090	4-1-2013	Amend(T)	5-1-2013	635-039-0090(T)	5-14-2013	Repeal	6-1-2013
635-016-0090	7-1-2013	Amend	7-1-2013	635-041-0020	1-1-2013	Amend	2-1-2013
635-016-0090(T)	4-1-2013	Suspend	5-1-2013	635-041-0045	2-1-2013	Amend(T)	3-1-2013
635-016-0090(T)	7-1-2013	Repeal	7-1-2013	635-041-0045	3-6-2013	Amend(T)	4-1-2013
635-017-0080	1-1-2013	Amend	2-1-2013	635-041-0045	6-16-2013	Amend(T)	7-1-2013
635-017-0090	1-1-2013	Amend	2-1-2013	635-041-0045(T)	3-6-2013	Suspend	4-1-2013
635-017-0095	1-1-2013	Amend	2-1-2013	635-041-0045(T)	6-16-2013	Suspend	7-1-2013
635-017-0095	2-14-2013	Amend(T)	3-1-2013	635-041-0063	5-24-2013	Amend(T)	7-1-2013
635-017-0095	2-28-2013	Amend(T)	4-1-2013	635-041-0065	2-1-2013	Amend(T)	3-1-2013
635-017-0095	4-1-2013	Amend(T)	5-1-2013	635-041-0065	2-27-2013	Amend(T)	4-1-2013
635-017-0095(T)	4-1-2013	Suspend	5-1-2013	635-041-0065	3-6-2013	Amend(T)	4-1-2013
635-018-0080	1-1-2013	Amend	2-1-2013	635-041-0065	5-21-2013	Amend(T)	7-1-2013
635-018-0090	1-1-2013	Amend	2-1-2013	635-041-0065	6-8-2013	Amend(T)	7-1-2013
635-018-0090	4-15-2013	Amend(T)	4-1-2013	635-041-0065(T)	2-27-2013	Suspend	4-1-2013
635-019-0080	1-1-2013	Amend	2-1-2013	635-041-0065(T)	3-6-2013	Suspend	4-1-2013
635-019-0090	1-1-2013	Amend	2-1-2013	635-041-0065(T)	5-21-2013	Suspend	7-1-2013
635-019-0090	1-1-2013	Amend(T)	2-1-2013	635-041-0065(T)	6-8-2013	Suspend	7-1-2013
635-019-0090	5-16-2013	Amend(T)	6-1-2013	635-041-0065(T)	6-16-2013	Suspend	7-1-2013
635-019-0090	5-24-2013	Amend(T)	7-1-2013	635-041-0076	6-16-2013	Amend(T)	7-1-2013
635-019-0090	6-1-2013	Amend(T)	7-1-2013	635-042-0022	4-9-2013	Amend(T)	5-1-2013
635-019-0090(T)	5-24-2013	Suspend	7-1-2013	635-042-0022	5-15-2013	Amend(T)	6-1-2013
635-019-0090(T)	6-1-2013	Suspend	7-1-2013	635-042-0022	5-22-2013	Amend(T)	7-1-2013
635-021-0080	1-1-2013	Amend	2-1-2013	635-042-0022(T)	5-22-2013	Suspend	7-1-2013
635-021-0090	1-1-2013	Amend	2-1-2013	635-042-0022	5-29-2013	Amend(T)	7-1-2013
635-023-0080	1-1-2013	Amend	2-1-2013	635-042-0022(T)	5-29-2013	Suspend	7-1-2013
635-023-0090	1-1-2013	Amend	2-1-2013	635-042-0027	6-16-2013	Amend(T)	7-1-2013
635-023-0095	1-1-2013	Amend	2-1-2013	635-042-0135	1-31-2013	Amend(T)	3-1-2013
635-023-0095	1-1-2013	Amend(T)	2-1-2013	635-042-0145	2-11-2013	Amend(T)	3-1-2013
635-023-0095	2-28-2013	Amend(T)	3-1-2013	635-042-0145	3-13-2013	Amend(T)	4-1-2013
635-023-0095	4-1-2013	Amend(T)	5-1-2013	635-042-0145	5-15-2013	Amend(T)	6-1-2013
635-023-0095	6-14-2013	Amend(T)	7-1-2013	635-042-0145	5-22-2013	Amend(T)	7-1-2013
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635-042-0145(T)	5-15-2013	Suspend	6-1-2013	635-075-0005(T)	6-10-2013	Repeal	7-1-2013
635-042-0145(T)	5-22-2013	Suspend	7-1-2013	635-078-0011	1-1-2013	Amend	2-1-2013
635-042-0145(T)	5-29-2013	Suspend	7-1-2013	635-095-0125	12-31-2012	Amend(T)	2-1-2013
635-042-0160	2-11-2013	Amend(T)	3-1-2013	635-095-0125	6-10-2013	Amend	7-1-2013
635-042-0160	3-21-2013	Amend(T)	5-1-2013	635-095-0125(T)	6-10-2013	Repeal	7-1-2013
635-042-0160(T)	3-21-2013	Suspend	5-1-2013	635-110-0009	5-23-2013	Adopt(T)	7-1-2013
635-042-0170	2-11-2013	Amend(T)	3-1-2013	635-110-0010	5-23-2013	Amend(T)	7-1-2013
635-042-0170	5-15-2013	Amend(T)	6-1-2013	635-110-0020	5-23-2013	Amend(T)	7-1-2013
635-042-0170(T)	5-15-2013	Suspend	6-1-2013	635-500-6650	1-14-2013	Adopt	2-1-2013
635-042-0180	2-11-2013	Amend(T)	3-1-2013	635-500-6700	1-1-2013	Adopt	2-1-2013
635-042-0180	3-21-2013	Amend(T)	5-1-2013	635-500-6705	1-1-2013	Adopt	2-1-2013
635-042-0180(T)	3-21-2013	Suspend	5-1-2013	635-500-6710	1-1-2013	Adopt	2-1-2013
635-043-0051	6-10-2013	Amend	7-1-2013	635-500-6715	1-1-2013	Adopt	2-1-2013
635-045-0000	1-1-2013	Amend	2-1-2013	635-500-6720	1-1-2013	Adopt	2-1-2013
635-045-0002	1-1-2013	Amend	2-1-2013	635-500-6725	1-1-2013	Adopt	2-1-2013
635-050-0050	6-10-2013	Amend	7-1-2013	635-500-6730	1-1-2013	Adopt	2-1-2013
635-053-0035	1-23-2013	Amend(T)	3-1-2013	635-500-6735	1-1-2013	Adopt	2-1-2013
635-056-0050	12-18-2012	Amend	2-1-2013	635-500-6740	1-1-2013	Adopt	2-1-2013
635-056-0075	12-18-2012	Amend	2-1-2013	635-500-6745	1-1-2013	Adopt	2-1-2013
635-060-0005	1-23-2013	Amend	3-1-2013	635-500-6750	1-1-2013	Adopt	2-1-2013
635-060-0040	3-11-2013	Amend(T)	4-1-2013	635-500-6755	1-1-2013	Adopt	2-1-2013
635-065-0001	1-1-2013	Amend	2-1-2013	635-500-6760	1-1-2013	Adopt	2-1-2013
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635-065-0015	1-1-2013	Amend	2-1-2013	660-006-0005	2-1-2013	Amend	3-1-2013
635-065-0090	1-1-2013	Amend	2-1-2013	660-006-0025	2-1-2013	Amend	3-1-2013
635-065-0401	1-1-2013	Amend	2-1-2013	660-024-0040	12-10-2012	Amend	1-1-2013
635-065-0625	1-1-2013	Amend	2-1-2013	660-024-0045	12-10-2012	Adopt	1-1-2013
635-065-0735	1-1-2013	Amend	2-1-2013	660-033-0130	1-29-2013	Amend	3-1-2013
635-065-0740	1-1-2013	Amend	2-1-2013	660-044-0000	1-1-2013	Amend	1-1-2013
635-065-0760	1-1-2013	Amend	2-1-2013	660-044-0005	1-1-2013	Amend	1-1-2013
635-065-0765	2-1-2013	Amend	2-1-2013	660-044-0040	1-1-2013	Adopt	1-1-2013
635-065-0765	2-7-2013	Amend	3-1-2013	660-044-0045	1-1-2013	Adopt	1-1-2013
635-065-0765(T)	2-7-2013	Repeal	3-1-2013	660-044-0050	1-1-2013	Adopt	1-1-2013
635-066-0000	1-1-2013	Amend	2-1-2013	660-044-0055	1-1-2013	Adopt	1-1-2013
635-066-0010	1-1-2013	Amend	2-1-2013	660-044-0060	1-1-2013	Adopt	1-1-2013
635-066-0020	1-1-2013	Amend	2-1-2013	661-010-0075	5-1-2013	Amend(T)	6-1-2013
635-067-0000	1-1-2013	Amend	2-1-2013	668-010-0010	5-15-2013	Amend	6-1-2013
635-067-0000	6-10-2013	Amend	7-1-2013	690-501-0005	12-12-2012	Amend	1-1-2013
635-067-0004	1-1-2013	Amend	2-1-2013	690-501-0010	12-12-2012	Amend	1-1-2013
635-068-0000	3-1-2013	Amend	3-1-2013	690-501-0020	12-12-2012	Repeal	1-1-2013
635-068-0000	6-10-2013	Amend	7-1-2013	690-501-0030	12-12-2012	Amend	1-1-2013
635-069-0000	2-1-2013	Amend	2-1-2013	690-515-0000	12-12-2012	Amend	1-1-2013
635-069-0000	6-10-2013	Amend	7-1-2013	690-515-0010	12-12-2012	Amend	1-1-2013
635-070-0000	4-1-2013	Amend	4-1-2013	690-515-0020	12-12-2012	Amend	1-1-2013
635-070-0000	6-10-2013	Amend	7-1-2013	690-515-0030	12-12-2012	Amend	1-1-2013
635-070-0020	2-7-2013	Amend	3-1-2013	690-515-0040	12-12-2012	Amend	1-1-2013
635-071-0000	4-1-2013	Amend	4-1-2013	690-515-0050	12-12-2012	Amend	1-1-2013
635-071-0000	6-10-2013	Amend	7-1-2013	690-515-0060	12-12-2012	Amend	1-1-2013
635-072-0000	1-1-2013	Amend	2-1-2013	690-516-0005	12-12-2012	Amend	1-1-2013
635-073-0000	2-1-2013	Amend	2-1-2013	690-516-0010	12-12-2012	Amend	1-1-2013
635-073-0000	6-10-2013	Amend	7-1-2013	690-516-0020	12-12-2012	Repeal	1-1-2013
635-073-0065	2-1-2013	Amend	2-1-2013	690-516-0030	12-12-2012	Amend	1-1-2013
635-073-0070	2-1-2013	Amend	2-1-2013	690-517-0000	12-12-2012	Amend	1-1-2013
635-075-0005	3-11-2013	Amend(T)	4-1-2013	690-517-0020	12-12-2012	Amend	1-1-2013

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690-517-0040	12-12-2012	Amend	1-1-2013	734-010-0380	11-21-2012	Amend	1-1-2013
690-517-0050	12-12-2012	Repeal	1-1-2013	734-030-0005	3-1-2013	Amend	3-1-2013
690-518-0010	12-12-2012	Amend	1-1-2013	734-030-0010	3-1-2013	Amend	3-1-2013
690-518-0030	12-12-2012	Amend	1-1-2013	734-030-0015	3-1-2013	Amend	3-1-2013
690-518-0040	12-12-2012	Repeal	1-1-2013	734-030-0016	3-1-2013	Adopt	3-1-2013
690-518-0050	12-12-2012	Amend	1-1-2013	734-059-0100	11-20-2012	Amend	1-1-2013
695-045-0010	1-30-2013	Amend	3-1-2013	734-073-0090	12-21-2012	Repeal	2-1-2013
695-045-0020	1-30-2013	Amend	3-1-2013	734-075-0010	5-16-2013	Amend	7-1-2013
695-045-0025	1-30-2013	Repeal	3-1-2013	734-075-0011	5-16-2013	Amend	7-1-2013
695-045-0030	1-30-2013	Repeal	3-1-2013	735-001-0050	3-22-2013	Amend	5-1-2013
695-045-0035	1-30-2013	Repeal	3-1-2013	735-001-0062	1-1-2013	Adopt	2-1-2013
695-045-0040	1-30-2013	Repeal	3-1-2013	735-001-0062	5-3-2013	Adopt	6-1-2013
695-045-0045	1-30-2013	Repeal	3-1-2013	735-012-0000	11-19-2012	Amend	1-1-2013
695-045-0050	1-30-2013	Repeal	3-1-2013	735-012-0000(T)	11-19-2012	Repeal	1-1-2013
695-045-0055	1-30-2013	Repeal	3-1-2013	735-048-0000	4-22-2013	Amend	6-1-2013
695-045-0060	1-30-2013	Repeal	3-1-2013	735-048-0020	4-22-2013	Amend	6-1-2013
695-045-0065	1-30-2013	Repeal	3-1-2013	735-048-0030	4-22-2013	Amend	6-1-2013
695-045-0070	1-30-2013	Repeal	3-1-2013	735-048-0040	4-22-2013	Amend	6-1-2013
695-045-0080	1-30-2013	Repeal	3-1-2013	735-048-0050	4-22-2013	Amend	6-1-2013
695-045-0090	1-30-2013	Repeal	3-1-2013	735-048-0060	4-22-2013	Amend	6-1-2013
695-045-0100	1-30-2013	Repeal	3-1-2013	735-048-0070	4-22-2013	Amend	6-1-2013
695-045-0110	1-30-2013	Repeal	3-1-2013	735-048-0080	4-22-2013	Amend	6-1-2013
695-045-0120	1-30-2013	Repeal	3-1-2013	735-050-0100	5-23-2013	Amend	7-1-2013
695-045-0130	1-30-2013	Repeal	3-1-2013	735-062-0080	2-1-2013	Amend	3-1-2013
695-045-0140	1-30-2013	Repeal	3-1-2013	735-064-0005	3-22-2013	Amend	5-1-2013
695-045-0150	1-30-2013	Repeal	3-1-2013	735-064-0020	3-22-2013	Amend	5-1-2013
695-045-0160	1-30-2013	Adopt	3-1-2013	735-064-0060	3-22-2013	Amend	5-1-2013
695-045-0165	1-30-2013	Adopt	3-1-2013	735-064-0100	3-22-2013	Amend	5-1-2013
695-045-0170	1-30-2013	Adopt	3-1-2013	735-064-0110	3-22-2013	Amend	5-1-2013
695-045-0175	1-30-2013	Adopt	3-1-2013	735-070-0006	11-19-2012	Adopt	1-1-2013
695-045-0180	1-30-2013	Adopt	3-1-2013	735-070-0080	5-23-2013	Amend	7-1-2013
695-045-0185	1-30-2013	Adopt	3-1-2013	735-072-0020	5-1-2013	Amend	6-1-2013
695-045-0190	1-30-2013	Adopt	3-1-2013	735-072-0023	5-1-2013	Amend	6-1-2013
695-045-0195	1-30-2013	Adopt	3-1-2013	735-164-0000	5-23-2013	Amend	7-1-2013
695-045-0200	1-30-2013	Adopt	3-1-2013	735-164-0010	5-23-2013	Amend	7-1-2013
695-045-0205	1-30-2013	Adopt	3-1-2013	735-164-0020	5-23-2013	Amend	7-1-2013
695-045-0210	1-30-2013	Adopt	3-1-2013	736-010-0060	11-16-2012	Amend	1-1-2013
695-045-0215	1-30-2013	Adopt	3-1-2013	736-015-0006	11-16-2012	Amend	1-1-2013
705-010-0070	5-2-2013	Amend	6-1-2013	736-015-0015	11-16-2012	Amend	1-1-2013
731-001-0000	5-17-2013	Amend	7-1-2013	736-018-0045	12-31-2012	Amend	1-1-2013
733-001-0000	4-15-2013	Amend	5-1-2013	736-021-0010	2-1-2013	Amend	2-1-2013
733-001-0005	4-15-2013	Amend	5-1-2013	736-021-0020	2-1-2013	Amend	2-1-2013
733-001-0010	4-15-2013	Adopt	5-1-2013	736-021-0030	2-1-2013	Amend	2-1-2013
733-001-0015	4-15-2013	Adopt	5-1-2013	736-021-0040	2-1-2013	Amend	2-1-2013
733-001-0025	4-15-2013	Adopt	5-1-2013	736-021-0050	2-1-2013	Amend	2-1-2013
733-001-0030	4-15-2013	Adopt	5-1-2013	736-021-0060	2-1-2013	Amend	2-1-2013
733-001-0035	4-15-2013	Adopt	5-1-2013	736-021-0065	2-1-2013	Adopt	2-1-2013
734-010-0220	11-21-2012	Amend	1-1-2013	736-021-0070	2-1-2013	Amend	2-1-2013
734-010-0290	11-21-2012	Amend	1-1-2013	736-021-0080	2-1-2013	Amend	2-1-2013
734-010-0300	11-21-2012	Amend	1-1-2013	736-021-0090	2-1-2013	Amend	2-1-2013
734-010-0310	11-21-2012	Repeal	1-1-2013	736-021-0100	2-1-2013	Amend	2-1-2013
734-010-0320	11-21-2012	Amend	1-1-2013	736-021-0110	2-1-2013	Repeal	2-1-2013
734-010-0330	11-21-2012	Amend	1-1-2013	736-021-0120	2-1-2013	Amend	2-1-2013
734-010-0340	11-21-2012	Amend	1-1-2013	736-021-0130	2-1-2013	Amend	2-1-2013
734-010-0350	11-21-2012	Amend	1-1-2013	736-021-0140	2-1-2013	Amend	2-1-2013

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736-021-0160	2-1-2013	Amend	2-1-2013	800-030-0025	2-1-2013	Amend	2-1-2013
736-045-0006	12-13-2012	Adopt	1-1-2013	801-001-0035	1-8-2013	Amend	2-1-2013
736-045-0011	12-13-2012	Adopt	1-1-2013	804-001-0002	7-1-2013	Amend	7-1-2013
736-045-0100	12-13-2012	Adopt	1-1-2013	804-010-0000	11-21-2012	Amend	1-1-2013
736-045-0200	12-13-2012	Adopt	1-1-2013	804-010-0000(T)	11-21-2012	Repeal	1-1-2013
736-045-0300	12-13-2012	Adopt	1-1-2013	804-020-0001	11-21-2012	Amend	1-1-2013
736-045-0305	12-13-2012	Adopt	1-1-2013	804-020-0001(T)	11-21-2012	Repeal	1-1-2013
736-045-0310	12-13-2012	Adopt	1-1-2013	804-020-0003	11-21-2012	Amend	1-1-2013
736-045-0320	12-13-2012	Adopt	1-1-2013	804-020-0003(T)	11-21-2012	Repeal	1-1-2013
736-045-0330	12-13-2012	Adopt	1-1-2013	804-020-0010	11-21-2012	Amend	1-1-2013
736-045-0340	12-13-2012	Adopt	1-1-2013	804-020-0010(T)	11-21-2012	Repeal	1-1-2013
736-045-0400	12-13-2012	Adopt	1-1-2013	804-020-0015	11-21-2012	Amend	1-1-2013
736-045-0405	12-13-2012	Adopt	1-1-2013	804-020-0015(T)	11-21-2012	Repeal	1-1-2013
736-045-0410	12-13-2012	Adopt	1-1-2013	804-020-0030	11-21-2012	Amend	1-1-2013
736-045-0412	12-13-2012	Adopt	1-1-2013	804-020-0030(T)	11-21-2012	Repeal	1-1-2013
736-045-0414	12-13-2012	Adopt	1-1-2013	804-020-0040	11-21-2012	Amend	1-1-2013
736-045-0416	12-13-2012	Adopt	1-1-2013	804-020-0040(T)	11-21-2012	Repeal	1-1-2013
736-045-0418	12-13-2012	Adopt	1-1-2013	804-020-0045	11-21-2012	Amend	1-1-2013
736-045-0420	12-13-2012	Adopt	1-1-2013	804-020-0045(T)	11-21-2012	Repeal	1-1-2013
736-045-0422	12-13-2012	Adopt	1-1-2013	804-020-0065	11-21-2012	Amend	1-1-2013
736-045-0424	12-13-2012	Adopt	1-1-2013	804-020-0065(T)	11-21-2012	Repeal	1-1-2013
736-045-0426	12-13-2012	Adopt	1-1-2013	804-040-0000	11-21-2012	Amend	1-1-2013
736-045-0428	12-13-2012	Adopt	1-1-2013	804-040-0000(T)	11-21-2012	Repeal	1-1-2013
736-045-0430	12-13-2012	Adopt	1-1-2013	806-001-0003	7-1-2013	Amend	5-1-2013
736-045-0432	12-13-2012	Adopt	1-1-2013	806-010-0090	12-31-2012	Amend	2-1-2013
736-045-0434	12-13-2012	Adopt	1-1-2013	806-010-0105	2-12-2013	Amend	3-1-2013
736-045-0436	12-13-2012	Adopt	1-1-2013	808-002-0020	12-4-2012	Amend	1-1-2013
736-045-0438	12-13-2012	Adopt	1-1-2013	808-002-0755	2-1-2013	Adopt	3-1-2013
736-045-0440	12-13-2012	Adopt	1-1-2013	808-003-0045	6-1-2013	Amend	7-1-2013
736-045-0442	12-13-2012	Adopt	1-1-2013	808-003-0060	6-1-2013	Amend	7-1-2013
736-045-0444	12-13-2012	Adopt	1-1-2013	808-005-0020	12-4-2012	Amend	1-1-2013
736-045-0446	12-13-2012	Adopt	1-1-2013	808-040-0025	12-4-2012	Amend	1-1-2013
736-045-0448	12-13-2012	Adopt	1-1-2013	808-040-0050	12-4-2012	Amend	1-1-2013
736-045-0500	12-13-2012	Adopt	1-1-2013	808-040-0060	12-4-2012	Amend	1-1-2013
736-045-0505	12-13-2012	Adopt	1-1-2013	809-001-0000	12-21-2012	Amend	1-1-2013
740-055-0035	5-16-2013	Adopt	7-1-2013	809-001-0020	12-21-2012	Repeal	1-1-2013
740-060-0030	1-18-2013	Amend(T)	3-1-2013	809-001-0025	12-21-2012	Repeal	1-1-2013
740-060-0040	1-18-2013	Amend(T)	3-1-2013	809-001-0030	12-21-2012	Repeal	1-1-2013
740-060-0080	1-18-2013	Amend(T)	3-1-2013	809-010-0025	12-21-2012	Amend	1-1-2013
740-100-0010	4-22-2013	Amend	6-1-2013	809-010-0025	7-1-2013	Amend	7-1-2013
740-100-0065	4-22-2013	Amend	6-1-2013	809-020-0030	12-21-2012	Amend	1-1-2013
740-100-0070	4-22-2013	Amend	6-1-2013	809-055-0000	12-21-2012	Amend	1-1-2013
740-100-0080	4-22-2013	Amend	6-1-2013	811-010-0093	6-6-2013	Amend	7-1-2013
740-100-0085	4-22-2013	Amend	6-1-2013	811-015-0080	11-28-2012	Adopt	1-1-2013
740-100-0090	4-22-2013	Amend	6-1-2013	812-002-0640	5-1-2013	Amend	6-1-2013
740-110-0010	4-22-2013	Amend	6-1-2013	812-005-0180	5-1-2013	Amend	6-1-2013
740-200-0010	1-17-2013	Amend	3-1-2013	812-006-0100	5-1-2013	Amend	6-1-2013
740-200-0020	1-17-2013	Amend	3-1-2013	812-006-0150	5-1-2013	Amend	6-1-2013
740-200-0040	1-17-2013	Amend	3-1-2013	812-006-0200	5-1-2013	Amend	6-1-2013
800-001-0020	2-1-2013	Amend	2-1-2013	812-006-0250	5-1-2013	Amend	6-1-2013
800-010-0020	2-1-2013	Amend	2-1-2013	812-006-0300	5-1-2013	Amend	6-1-2013
800-010-0030	2-1-2013	Amend	2-1-2013	812-006-0350	5-1-2013	Amend	6-1-2013
800-015-0010	2-1-2013	Amend	2-1-2013	812-006-0400	5-1-2013	Amend	6-1-2013
800-020-0015	2-1-2013	Amend	2-1-2013	812-006-0450	5-1-2013	Amend	6-1-2013
800-020-0030	2-1-2013	Amend	2-1-2013	813-004-0001	3-28-2013	Adopt	5-1-2013

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813-004-0002	3-28-2013	Adopt	5-1-2013	820-010-0215	3-13-2013	Amend	4-1-2013
813-004-0002(T)	3-28-2013	Repeal	5-1-2013	820-010-0225	3-13-2013	Amend	4-1-2013
813-004-0200	1-4-2013	Adopt	2-1-2013	820-010-0226	3-13-2013	Amend	4-1-2013
813-004-0210	1-4-2013	Adopt	2-1-2013	820-010-0415	3-13-2013	Amend	4-1-2013
813-004-0220	1-4-2013	Adopt	2-1-2013	820-010-0425	3-13-2013	Amend	4-1-2013
813-004-0230	1-4-2013	Adopt	2-1-2013	820-010-0427	3-13-2013	Amend	4-1-2013
813-004-0240	1-4-2013	Adopt	2-1-2013	820-010-0480	3-13-2013	Amend	4-1-2013
813-004-0250	1-4-2013	Adopt	2-1-2013	820-010-0520	3-13-2013	Amend	4-1-2013
813-004-0260	1-4-2013	Adopt	2-1-2013	820-010-0635	3-13-2013	Amend	4-1-2013
813-004-0270	1-4-2013	Adopt	2-1-2013	820-010-0720	3-13-2013	Amend	4-1-2013
813-004-0280	1-4-2013	Adopt	2-1-2013	820-015-0026	3-13-2013	Amend	4-1-2013
813-004-0290	1-4-2013	Adopt	2-1-2013	820-020-0040	3-13-2013	Amend	4-1-2013
813-004-0300	1-4-2013	Adopt	2-1-2013	820-050-0001	3-18-2013	Adopt(T)	5-1-2013
813-004-0310	1-4-2013	Adopt	2-1-2013	820-050-0010	3-13-2013	Adopt	4-1-2013
813-007-0005	3-21-2013	Amend(T)	5-1-2013	830-001-0000	3-29-2013	Amend	5-1-2013
813-007-0040	3-21-2013	Amend(T)	5-1-2013	830-020-0030	3-29-2013	Amend	5-1-2013
813-250-0000	12-6-2012	Amend(T)	1-1-2013	830-020-0040	3-29-2013	Amend	5-1-2013
813-250-0000	6-4-2013	Amend	7-1-2013	830-030-0000	3-29-2013	Amend	5-1-2013
813-250-0000(T)	6-4-2013	Repeal	7-1-2013	830-030-0070	3-29-2013	Amend	5-1-2013
813-250-0010	12-6-2012	Suspend	1-1-2013	830-030-0100	3-29-2013	Amend	5-1-2013
813-250-0010	6-4-2013	Repeal	7-1-2013	830-040-0005	3-29-2013	Amend	5-1-2013
813-250-0020	12-6-2012	Amend(T)	1-1-2013	830-040-0050	3-29-2013	Amend	5-1-2013
813-250-0020	6-4-2013	Amend	7-1-2013	833-020-0051	2-1-2013	Amend	2-1-2013
813-250-0020(T)	6-4-2013	Repeal	7-1-2013	833-020-0081	2-1-2013	Amend	2-1-2013
813-250-0030	12-6-2012	Amend(T)	1-1-2013	833-030-0041	2-1-2013	Amend	2-1-2013
813-250-0030	6-4-2013	Amend	7-1-2013	833-040-0041	2-1-2013	Amend	2-1-2013
813-250-0030(T)	6-4-2013	Repeal	7-1-2013	836-011-0000	2-6-2013	Amend	3-1-2013
813-250-0040	12-6-2012	Amend(T)	1-1-2013	836-031-0765	2-6-2013	Amend	3-1-2013
813-250-0040	6-4-2013	Amend	7-1-2013	836-053-1404	12-20-2012	Amend(T)	2-1-2013
813-250-0040(T)	6-4-2013	Repeal	7-1-2013	836-053-1404	6-17-2013	Amend	7-1-2013
813-250-0050	12-6-2012	Suspend	1-1-2013	836-053-1405	12-20-2012	Amend(T)	2-1-2013
813-250-0050	6-4-2013	Repeal	7-1-2013	836-053-1405	6-17-2013	Amend	7-1-2013
818-001-0002	7-1-2013	Amend	6-1-2013	837-085-0040	2-1-2013	Amend	3-1-2013
818-001-0087	7-1-2013	Amend	6-1-2013	837-085-0070	2-1-2013	Amend	3-1-2013
818-012-0005	7-1-2013	Amend	6-1-2013	837-085-0080	2-1-2013	Amend	3-1-2013
818-026-0000	7-1-2013	Amend	6-1-2013	839-009-0335	11-21-2012	Amend	1-1-2013
818-026-0020	7-1-2013	Amend	6-1-2013	839-009-0390	11-21-2012	Amend	1-1-2013
818-026-0060	7-1-2013	Amend	6-1-2013	839-009-0410	11-21-2012	Amend	1-1-2013
818-026-0065	7-1-2013	Amend	6-1-2013	839-025-0700	1-1-2013	Amend	2-1-2013
818-026-0070	7-1-2013	Amend	6-1-2013	839-025-0700	3-25-2013	Amend	5-1-2013
818-035-0020	7-1-2013	Amend	6-1-2013	845-006-0345	4-1-2013	Amend	4-1-2013
818-035-0066	7-1-2013	Amend	6-1-2013	845-006-0347	4-1-2013	Amend	4-1-2013
818-035-0072	7-1-2013	Amend	6-1-2013	845-009-0010	5-10-2013	Amend(T)	6-1-2013
818-042-0090	7-1-2013	Amend	6-1-2013	845-009-0015	5-10-2013	Amend(T)	6-1-2013
818-042-0095	7-1-2013	Amend	6-1-2013	845-015-0170	1-1-2013	Amend	2-1-2013
818-042-0110	7-1-2013	Amend	6-1-2013	847-005-0005	4-5-2013	Amend	5-1-2013
820-001-0025	3-13-2013	Adopt	4-1-2013	847-005-0005(T)	4-5-2013	Repeal	5-1-2013
820-010-0200	3-13-2013	Amend	4-1-2013	847-008-0040	1-11-2013	Amend(T)	2-1-2013
820-010-0204	3-13-2013	Amend	4-1-2013	847-008-0040	4-5-2013	Amend	5-1-2013
820-010-0205	3-13-2013	Amend	4-1-2013	847-008-0040(T)	4-5-2013	Repeal	5-1-2013
820-010-0206	3-13-2013	Amend	4-1-2013	847-008-0065	1-11-2013	Amend	2-1-2013
820-010-0207	3-13-2013	Amend	4-1-2013	847-012-0000	4-5-2013	Amend	5-1-2013
820-010-0208	3-13-2013	Amend	4-1-2013	847-020-0100	4-5-2013	Amend	5-1-2013
820-010-0212	3-13-2013	Amend	4-1-2013	847-020-0110	4-5-2013	Amend	5-1-2013
820-010-0213	3-13-2013	Amend	4-1-2013	847-020-0115	4-5-2013	Am. & Ren.	5-1-2013

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847-020-0130	4-5-2013	Amend	5-1-2013	852-010-0023	1-3-2013	Amend	2-1-2013
847-020-0140	4-5-2013	Amend	5-1-2013	852-010-0030	1-3-2013	Amend	2-1-2013
847-020-0150	4-5-2013	Amend	5-1-2013	852-010-0035	1-3-2013	Amend	2-1-2013
847-020-0160	4-5-2013	Amend	5-1-2013	852-010-0051	1-3-2013	Amend	2-1-2013
847-020-0170	4-5-2013	Amend	5-1-2013	852-010-0080	1-3-2013	Amend	2-1-2013
847-020-0180	4-5-2013	Repeal	5-1-2013	852-020-0029	1-3-2013	Amend	2-1-2013
847-020-0182	4-5-2013	Amend	5-1-2013	852-020-0031	1-3-2013	Amend	2-1-2013
847-020-0183	4-5-2013	Amend	5-1-2013	852-020-0035	1-3-2013	Amend	2-1-2013
847-020-0190	4-5-2013	Amend	5-1-2013	852-020-0045	1-3-2013	Amend	2-1-2013
847-035-0011	4-5-2013	Amend	5-1-2013	852-020-0050	1-3-2013	Amend	2-1-2013
847-035-0030	4-5-2013	Amend	5-1-2013	852-020-0060	1-3-2013	Amend	2-1-2013
847-050-0027	1-11-2013	Amend	2-1-2013	852-020-0070	1-3-2013	Amend	2-1-2013
847-050-0041	1-11-2013	Amend	2-1-2013	852-050-0001	1-3-2013	Amend	2-1-2013
847-050-0041(T)	1-11-2013	Repeal	2-1-2013	852-050-0005	1-3-2013	Amend	2-1-2013
847-050-0065	1-11-2013	Amend	2-1-2013	852-050-0006	1-3-2013	Amend	2-1-2013
847-050-0065(T)	1-11-2013	Repeal	2-1-2013	852-050-0012	1-3-2013	Amend	2-1-2013
848-005-0010	7-1-2013	Amend	7-1-2013	852-050-0013	1-3-2013	Amend	2-1-2013
848-005-0020	1-1-2013	Amend(T)	1-1-2013	852-050-0014	1-3-2013	Amend	2-1-2013
850-001-0015	4-12-2013	Amend	5-1-2013	852-050-0016	1-3-2013	Amend	2-1-2013
850-030-0035	4-12-2013	Amend	5-1-2013	852-050-0018	1-3-2013	Amend	2-1-2013
850-035-0230	4-12-2013	Amend	5-1-2013	852-050-0021	1-3-2013	Amend	2-1-2013
851-050-0000	4-1-2013	Amend	4-1-2013	852-050-0022	1-3-2013	Adopt	2-1-2013
851-050-0000(T)	4-1-2013	Repeal	4-1-2013	852-050-0025	1-3-2013	Amend	2-1-2013
851-050-0005	6-1-2013	Amend	6-1-2013	852-060-0025	1-3-2013	Amend	2-1-2013
851-050-0006	6-1-2013	Amend	6-1-2013	852-060-0027	1-3-2013	Amend	2-1-2013
851-050-0008	6-1-2013	Amend	6-1-2013	852-060-0060	1-3-2013	Amend	2-1-2013
851-050-0009	4-1-2013	Amend	4-1-2013	852-060-0065	1-3-2013	Amend	2-1-2013
851-050-0009(T)	4-1-2013	Repeal	4-1-2013	852-060-0070	1-3-2013	Amend	2-1-2013
851-050-0138	6-1-2013	Amend	6-1-2013	852-070-0005	1-3-2013	Amend	2-1-2013
851-052-0020	6-1-2013	Amend	6-1-2013	852-070-0010	1-3-2013	Amend	2-1-2013
851-052-0030	6-1-2013	Amend	6-1-2013	852-070-0016	1-3-2013	Amend	2-1-2013
851-052-0040	4-1-2013	Amend	4-1-2013	852-070-0020	1-3-2013	Amend	2-1-2013
851-052-0040(T)	4-1-2013	Repeal	4-1-2013	852-070-0025	1-3-2013	Amend	2-1-2013
851-054-0040	6-1-2013	Amend	6-1-2013	852-070-0030	1-3-2013	Amend	2-1-2013
851-054-0050	6-1-2013	Amend	6-1-2013	852-070-0035	1-3-2013	Amend	2-1-2013
851-054-0055	6-1-2013	Repeal	6-1-2013	852-070-0040	1-3-2013	Repeal	2-1-2013
851-054-0060	4-1-2013	Amend	4-1-2013	852-070-0045	1-3-2013	Amend	2-1-2013
851-054-0060(T)	4-1-2013	Repeal	4-1-2013	852-070-0050	1-3-2013	Repeal	2-1-2013
851-054-0100	4-1-2013	Amend	4-1-2013	852-070-0055	1-3-2013	Amend	2-1-2013
851-054-0100(T)	4-1-2013	Repeal	4-1-2013	852-070-0060	1-3-2013	Am. & Ren.	2-1-2013
851-062-0100	4-1-2013	Amend	4-1-2013	852-080-0020	1-3-2013	Amend	2-1-2013
851-070-0005	4-1-2013	Amend	4-1-2013	852-080-0025	1-3-2013	Amend	2-1-2013
851-070-0030	4-1-2013	Amend	4-1-2013	852-080-0030	1-3-2013	Amend	2-1-2013
851-070-0040	4-1-2013	Amend	4-1-2013	852-080-0040	1-3-2013	Amend	2-1-2013
851-070-0050	4-1-2013	Amend	4-1-2013	855-041-0005	12-17-2012	Am. & Ren.	2-1-2013
851-070-0100	4-1-2013	Amend	4-1-2013	855-041-0007	12-17-2012	Repeal	2-1-2013
852-001-0001	1-3-2013	Amend	2-1-2013	855-041-0010	12-17-2012	Renumber	2-1-2013
852-001-0002	1-3-2013	Amend	2-1-2013	855-041-0015	12-17-2012	Am. & Ren.	2-1-2013
852-005-0005	1-3-2013	Amend	2-1-2013	855-041-0016	12-17-2012	Renumber	2-1-2013
852-005-0015	1-3-2013	Amend	2-1-2013	855-041-0017	12-17-2012	Renumber	2-1-2013
852-005-0030	1-3-2013	Amend	2-1-2013	855-041-0020	12-17-2012	Renumber	2-1-2013
852-005-0040	1-3-2013	Repeal	2-1-2013	855-041-0025	12-17-2012	Renumber	2-1-2013
852-010-0005	1-3-2013	Amend	2-1-2013	855-041-0026	12-17-2012	Am. & Ren.	2-1-2013
852-010-0015	1-3-2013	Amend	2-1-2013	855-041-0030	12-17-2012	Repeal	2-1-2013
852-010-0020	1-3-2013	Amend	2-1-2013	855-041-0035	12-17-2012	Am. & Ren.	2-1-2013

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855-041-0036	12-17-2012	Renumber	2-1-2013	858-010-0030	2-5-2013	Amend	3-1-2013
855-041-0037	12-17-2012	Renumber	2-1-2013	858-010-0030(T)	2-5-2013	Repeal	3-1-2013
855-041-0040	12-17-2012	Renumber	2-1-2013	858-010-0050	11-19-2012	Amend	1-1-2013
855-041-0055	12-17-2012	Renumber	2-1-2013	858-020-0025	2-5-2013	Amend	3-1-2013
855-041-0056	12-17-2012	Renumber	2-1-2013	858-020-0025(T)	2-5-2013	Repeal	3-1-2013
855-041-0057	12-17-2012	Renumber	2-1-2013	859-070-0010	3-1-2013	Amend(T)	4-1-2013
855-041-0060	12-17-2012	Am. & Ren.	2-1-2013	859-070-0015	3-1-2013	Amend(T)	4-1-2013
855-041-0060	12-17-2012	Am. & Ren.	2-1-2013	860-021-0170	2-14-2013	Adopt	3-1-2013
855-041-0060	12-17-2012	Am. & Ren.	2-1-2013	860-024-0020	5-30-2013	Amend	7-1-2013
855-041-0061	12-17-2012	Renumber	2-1-2013	860-024-0021	5-30-2013	Amend	7-1-2013
855-041-0065	12-17-2012	Am. & Ren.	2-1-2013	860-027-0015	3-21-2013	Amend	5-1-2013
855-041-0065	12-17-2012	Am. & Ren.	2-1-2013	860-027-0050	5-17-2013	Amend	7-1-2013
855-041-0065	12-17-2012	Am. & Ren.	2-1-2013	860-032-0007	12-17-2012	Amend	2-1-2013
855-041-0065	12-17-2012	Am. & Ren.	2-1-2013	860-034-0393	5-17-2013	Amend	7-1-2013
855-041-0075	12-17-2012	Renumber	2-1-2013	860-034-0730	5-17-2013	Amend	7-1-2013
855-041-0080	12-17-2012	Renumber	2-1-2013	863-015-0215	5-13-2013	Amend(T)	6-1-2013
855-041-0086	12-17-2012	Renumber	2-1-2013	863-020-0000	2-1-2013	Amend	2-1-2013
855-041-0095	12-17-2012	Renumber	2-1-2013	863-020-0005	2-1-2013	Amend	2-1-2013
855-041-0103	12-17-2012	Renumber	2-1-2013	863-020-0007	2-1-2013	Amend	2-1-2013
855-041-0135	12-17-2012	Am. & Ren.	2-1-2013	863-020-0008	2-1-2013	Repeal	2-1-2013
855-041-0140	12-17-2012	Renumber	2-1-2013	863-020-0010	2-1-2013	Amend	2-1-2013
855-041-0145	12-17-2012	Am. & Ren.	2-1-2013	863-020-0015	2-1-2013	Amend	2-1-2013
855-041-0160	12-17-2012	Am. & Ren.	2-1-2013	863-020-0020	2-1-2013	Amend	2-1-2013
855-041-0162	12-17-2012	Am. & Ren.	2-1-2013	863-020-0025	2-1-2013	Amend	2-1-2013
855-041-0164	12-17-2012	Renumber	2-1-2013	863-020-0030	2-1-2013	Amend	2-1-2013
855-041-0165	12-17-2012	Am. & Ren.	2-1-2013	863-020-0035	2-1-2013	Amend	2-1-2013
855-041-0170	12-17-2012	Renumber	2-1-2013	863-020-0040	2-1-2013	Amend	2-1-2013
855-041-0173	12-17-2012	Renumber	2-1-2013	863-020-0045	2-1-2013	Amend	2-1-2013
855-041-0175	12-17-2012	Renumber	2-1-2013	863-020-0050	2-1-2013	Amend	2-1-2013
855-041-0177	12-17-2012	Renumber	2-1-2013	863-020-0055	2-1-2013	Amend	2-1-2013
855-041-0300	12-17-2012	Renumber	2-1-2013	863-020-0060	2-1-2013	Amend	2-1-2013
855-041-0350	12-17-2012	Renumber	2-1-2013	863-020-0065	2-1-2013	Amend	2-1-2013
855-041-0355	12-17-2012	Renumber	2-1-2013	863-022-0000	2-1-2013	Amend	2-1-2013
855-041-0360	12-17-2012	Am. & Ren.	2-1-2013	863-022-0005	2-1-2013	Amend	2-1-2013
855-041-0365	12-17-2012	Renumber	2-1-2013	863-022-0010	2-1-2013	Amend	2-1-2013
855-041-0600	12-17-2012	Renumber	2-1-2013	863-022-0015	2-1-2013	Amend	2-1-2013
855-041-0610	12-17-2012	Renumber	2-1-2013	863-022-0020	2-1-2013	Amend	2-1-2013
855-041-0620	12-17-2012	Am. & Ren.	2-1-2013	863-022-0022	2-1-2013	Adopt	2-1-2013
855-041-0645	12-17-2012	Renumber	2-1-2013	863-022-0025	2-1-2013	Amend	2-1-2013
855-041-6410	12-21-2012	Amend	2-1-2013	863-022-0030	2-1-2013	Amend	2-1-2013
855-060-0004	3-7-2013	Amend(T)	4-1-2013	863-022-0035	2-1-2013	Amend	2-1-2013
855-065-0005	12-13-2012	Amend	1-1-2013	863-022-0040	2-1-2013	Repeal	2-1-2013
855-110-0005	4-5-2013	Amend(T)	5-1-2013	863-022-0045	2-1-2013	Amend	2-1-2013
855-110-0007	12-13-2012	Amend	1-1-2013	863-022-0050	2-1-2013	Amend	2-1-2013
856-030-0045	1-31-2013	Adopt	3-1-2013	863-022-0052	2-1-2013	Adopt	2-1-2013
858-010-0010	2-5-2013	Amend	3-1-2013	863-022-0055	2-1-2013	Amend	2-1-2013
858-010-0010(T)	2-5-2013	Repeal	3-1-2013	863-022-0060	2-1-2013	Amend	2-1-2013
858-010-0015	2-5-2013	Amend	3-1-2013	877-001-0006	1-1-2013	Amend	1-1-2013
858-010-0015(T)	2-5-2013	Repeal	3-1-2013	877-001-0009	1-1-2013	Adopt	1-1-2013
858-010-0016	11-20-2012	Amend(T)	1-1-2013	877-001-0020	1-1-2013	Amend	1-1-2013
858-010-0016	2-5-2013	Amend	3-1-2013	877-001-0025	1-1-2013	Amend	1-1-2013
858-010-0016(T)	2-5-2013	Repeal	3-1-2013	877-001-0028	1-1-2013	Adopt	1-1-2013
858-010-0017	11-20-2012	Amend(T)	1-1-2013	877-020-0008	1-1-2013	Amend	1-1-2013
858-010-0017	2-5-2013	Amend	3-1-2013	877-020-0010	1-1-2013	Amend	1-1-2013
858-010-0017(T)	11-20-2012	Suspend	1-1-2013	877-020-0055	1-1-2013	Amend	1-1-2013
858-010-0017(T)	2-5-2013	Repeal	3-1-2013	877-020-0057	1-1-2013	Amend	1-1-2013

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877-025-0011	1-1-2013	Amend	1-1-2013	918-305-0105	5-1-2013	Amend	5-1-2013
877-025-0016	1-1-2013	Repeal	1-1-2013	918-305-0105(T)	1-1-2013	Suspend	1-1-2013
877-030-0025	1-1-2013	Amend	1-1-2013	918-305-0105(T)	5-1-2013	Repeal	5-1-2013
877-030-0040	1-1-2013	Amend	1-1-2013	918-674-0057	1-1-2013	Adopt	2-1-2013
877-040-0055	1-1-2013	Repeal	1-1-2013	918-695-0031	4-15-2013	Adopt(T)	5-1-2013
918-001-0010	4-1-2013	Amend	4-1-2013	918-750-0115	1-1-2013	Adopt	2-1-2013
918-030-0100	12-22-2012	Amend(T)	2-1-2013	945-020-0010	12-13-2012	Adopt	1-1-2013
918-030-0100	4-1-2013	Amend	5-1-2013	945-020-0020	12-13-2012	Adopt	1-1-2013
918-030-0120	12-22-2012	Amend(T)	2-1-2013	945-030-0010	3-18-2013	Adopt	5-1-2013
918-030-0120	4-1-2013	Amend	5-1-2013	945-030-0010	5-28-2013	Suspend	7-1-2013
918-030-0125	12-22-2012	Amend(T)	2-1-2013	945-030-0020	3-18-2013	Adopt	5-1-2013
918-030-0125	4-1-2013	Amend	5-1-2013	945-030-0030	3-18-2013	Adopt	5-1-2013
918-030-0130	12-22-2012	Amend(T)	2-1-2013	945-030-0030	5-28-2013	Amend(T)	7-1-2013
918-030-0130	4-1-2013	Amend	5-1-2013	945-030-0040	3-18-2013	Adopt	5-1-2013
918-030-0135	12-22-2012	Amend(T)	2-1-2013	945-030-0040	5-28-2013	Amend(T)	7-1-2013
918-030-0135	4-1-2013	Amend	5-1-2013	945-050-0010	4-15-2013	Adopt	5-1-2013
918-098-1000	2-2-2013	Amend(T)	3-1-2013	945-050-0020	4-15-2013	Adopt	5-1-2013
918-098-1530	1-1-2013	Amend	2-1-2013	966-100-0100	1-2-2013	Adopt	2-1-2013
918-098-1530(T)	1-1-2013	Repeal	2-1-2013	966-100-0200	1-2-2013	Adopt	2-1-2013
918-098-1550	1-1-2013	Amend	2-1-2013	966-100-0300	1-2-2013	Adopt	2-1-2013
918-098-1550(T)	1-1-2013	Repeal	2-1-2013	966-100-0400	1-2-2013	Adopt	2-1-2013
918-100-0125	3-1-2013	Adopt(T)	4-1-2013	966-100-0500	1-2-2013	Adopt	2-1-2013
918-305-0100	5-1-2013	Amend	5-1-2013				