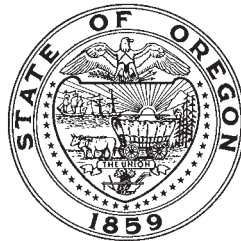


OREGON BULLETIN

Supplements the 2013 *Oregon Administrative Rules Compilation*

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Secretary of State
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INFORMATION AND PUBLICATION SCHEDULE

General Information

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

Background on Oregon Administrative Rules

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

How to Cite

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

Understanding an Administrative Rule’s “History”

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

Locating the Most Recent Version of an Administrative Rule

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

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

Locating Administrative Rules Unit Publications

The *Oregon Administrative Rules Compilation* and the *Oregon Bulletin* are available on-line 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

2012–2013 Oregon Bulletin Publication Schedule

The Administrative Rules Unit accepts rulemaking notices and filings through its on-line filing system accessible on the OAR web site at <<http://arcweb.sos.state.or.us/pages/rules/index.html>>. To expedite the rulemaking process agencies are encouraged file a Notice of Proposed Rulemaking Hearing specifying hearing date, time and location, and submit their filings early in the submission period to meet the following deadlines:

Submission Deadline — Publishing Date

December 14, 2012	January 1, 2013
January 15, 2013	February 1, 2013
February 15, 2013	March 1, 2013
March 15, 2013	April 1, 2013
April 15, 2013	May 1, 2013
May 15, 2013	June 1, 2013
June 14, 2013	July 1, 2013
July 15, 2013	August 1, 2013
August 15, 2013	September 1, 2013
September 13, 2013	October 1, 2013
October 15, 2013	November 1, 2013
November 15, 2013	December 1, 2013

Reminder for Agency Rules Coordinators

Each agency that engages in rulemaking must appoint a rules coordinator and file an “Appointment of Agency Rules Coordinator” form, ARC 910-2011, with the Administrative Rules Unit, Archives Division, Secretary of State. Agencies which delegate rulemaking authority to an officer or employee within the agency must also file a “Delegation of Rulemaking Authority” form, ARC 915-2005. It is the agency’s responsibility to monitor the rulemaking authority of selected employees and to keep the appropriate forms updated. The Administrative Rules Unit does not verify agency signatures as part of the rulemaking process. Forms are available from the Administrative Rules Unit, Archives Division, 800 Summer Street NE, Salem, Oregon 97301, (503) 373-0701, or are downloadable at <<http://arcweb.sos.state.or.us/pages/rules/index.html>>

Publication Authority

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

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

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TABLE OF CONTENTS

	<i>Page</i>
Information and Publication Schedule	2
Table of Contents	3
Other Notices	4–8
Notices of Proposed Rulemaking Hearings/Notices	
The citations and statements required by ORS 183.335(2)(b)(A)–(D) have been filed with and are available from the Secretary of State.	
Board of Medical Imaging, Chapter 337	9
Board of Parole and Post-Prison Supervision, Chapter 255	9
Board of Pharmacy, Chapter 855	9
Board of Psychologist Examiners, Chapter 858	9, 10
Department of Administrative Services, Chapter 125	10
Department of Agriculture, Oregon Dungeness Crab Commission, Chapter 645	10
Oregon Potato Commission, Chapter 658	10, 11
Oregon Raspberry and Blackberry Commission, Chapter 611	11
Oregon Strawberry Commission, Chapter 668	11
Department of Community Colleges and Workforce Development, Chapter 589	11
Department of Consumer and Business Services, Division of Finance and Corporate Securities, Chapter 441	11, 12
Oregon Occupational Safety and Health Division, Chapter 437	12
Department of Corrections, Chapter 291	12
Department of Energy, Energy Facility Siting Council, Chapter 345	13
Department of Fish and Wildlife, Chapter 635	13
Department of Human Services, Aging and People with Disabilities and Developmental Disabilities, Chapter 411	13
Department of Justice, Chapter 137	13, 14
Department of Oregon State Police, Office of State Fire Marshal, Chapter 837	14
Department of Public Safety Standards and Training, Chapter 259	14, 15
Department of Transportation, Chapter 731	15, 16
Department of Veterans' Affairs, Chapter 274	16
Oregon Business Development Department, Chapter 123	16
Oregon Department of Education, Chapter 581	16
Oregon Health Authority, Division of Medical Assistance Programs, Chapter 410	16–18
Oregon Educators Benefit Board, Chapter 111	18, 19
Oregon Health Insurance Exchange, Chapter 945	19
Oregon Health Licensing Agency, Chapter 331	19
Oregon Liquor Control Commission, Chapter 845	19, 20
Oregon Patient Safety Commission, Chapter 325	20
Oregon Public Employees Retirement System, Chapter 459	20
Oregon State Marine Board, Chapter 250	20
Parks and Recreation Department, Chapter 736	20, 21
Public Utility Commission, Chapter 860	21
Public Utility Commission, Board of Maritime Pilots, Chapter 856	21
Teacher Standards and Practices Commission, Chapter 584	21, 22
Administrative Rules	
The citations and statements required by ORS 183.335(2)(b)(A)–(D) have been filed with and are available from the Secretary of State.	
Board of Nursing, Chapter 851	23–27
Construction Contractors Board, Chapter 812	27–30
Department of Agriculture, Chapter 603	30–33
Department of Agriculture, Oregon Processed Vegetable Commission, Chapter 647	33
Oregon Strawberry Commission, Chapter 668	33
Department of Energy, Chapter 330	34–37
Department of Fish and Wildlife, Chapter 635	37–51
Department of Human Services, Aging and People with Disabilities and Developmental Disabilities, Chapter 411	51
Self-Sufficiency Programs, Chapter 461	51, 52
Department of Justice, Chapter 137	52–58
Department of Transportation, Driver and Motor Vehicle Services Division, Chapter 735	58–62
Motor Carrier Transportation Division, Chapter 740	62–64
Department of Veterans' Affairs, Chapter 274	64, 65
Land Use Board of Appeals, Chapter 661	65, 66
Oregon Board of Dentistry, Chapter 818	66–72
Oregon Department of Education, Chapter 581	72–76
Oregon Education Investment Board, Chapter 705	76
Oregon Health Authority, Addictions and Mental Health Division: Addiction Services, Chapter 415	76–81
Division of Medical Assistance Programs, Chapter 410	81–91
Oregon Educators Benefit Board, Chapter 111	91, 92
Oregon Liquor Control Commission, Chapter 845	93, 94
Oregon Patient Safety Commission, Chapter 325	94
Oregon State Marine Board, Chapter 250	94, 95
Oregon State Treasury, Chapter 170	95, 96
Oregon University System, Southern Oregon University, Chapter 573	96
Real Estate Agency, Chapter 863	96, 97
Teacher Standards and Practices Commission, Chapter 584	97
OAR Revision Cumulative Index	98–123

OTHER NOTICES

REQUEST FOR COMMENTS AND NOTICE OF PUBLIC HEARING ON PROPOSED 2013–2017 STATE PLAN ON AGING

HEARING DATE: June 25, 2013 at 1:30 p.m.

HEARING LOCATION: Human Services Building,
500 Summer Street NE, Rm. 160, Salem, Oregon 97301

COMMENTS DUE: June 25, 2013 at 5:00 p.m.

PROPOSAL: The Oregon Department of Human Services' (DHS) Aging and People with Disabilities (APD) Division develops a State Plan on Aging every two to four years as required under the Older Americans Act of 1965, as amended. The Plan is a contract with the Administration on Aging (AoA), which is now part of the Administration for Community Living (ACL), and allows DHS to receive funds under Title III and Title VII of the Act. The Plan also provides a vision of and direction for Oregon's aging network of services and supports overseen by the DHS State Unit on Aging (SUA).

HIGHLIGHTS: APD is accountable for the implementation of programs for older Oregonians and Oregonians with disabilities. The State Unit on Aging (SUA), a part of APD, is charged with the purpose and responsibility of implementing Older Americans Act (OAA) programs. The SUA works closely with Oregon's 17 Area Agencies on Aging (AAAs) to create a comprehensive package of services. AAAs provide direct information and services to older adults and people with disabilities across Oregon, while the SUA coordinates distribution of Federal Funds, provides training and technical assistance, and ensures statewide oversight and coordination for OAA programs.

The focus areas of the proposed State Plan are united around a consistent vision: to ensure that older Oregonians can remain independent, safe, and active in their own homes and communities. The areas on which the SUA has strategically chosen to focus are Participant Directed Planning, Aging & Disability Resource Connection of Oregon, Elder Rights, and Healthy Aging. Specific objectives, strategies, and outcomes are articulated for each of these focus areas. By implementing the State Plan's goals and objectives, APD and the aging network will improve the capacity to provide services, information, outreach, education, and advocacy for older Oregonians. More importantly, it is a key component of APD's mission: to help Oregonians in their own communities achieve wellbeing and independence through opportunities that protect, empower, respect choice, and preserve dignity.

HOW TO COMMENT: The proposed State Plan on Aging may be viewed at www.oregon.gov/dhs/spwpd/pages/sua/index.aspx, or by contacting the State Unit on Aging, Fred Steele, at 503-945-6325 or at fred.b.steele@state.or.us. Comments on the proposed State Plan on Aging may be sent to Aging and People with Disabilities, attn: Christina Hartman, 500 Summer Street NE, E-10, Salem, Oregon 97301-1074. Fax or email comments are acceptable. The Fax number is 503-947-4245 and the email address is Christina.Hartman@state.or.us. Deadline for comments is June 25, 2013 at 5:00 p.m.

THE NEXT STEPS: Upon completion of the comment period, the comments will be addressed. Once the comments have been adequately addressed, the State Plan on Aging will be finalized with an effective date of October 1, 2013.

ACCESSIBILITY INFORMATION: APD is committed to accommodating people with disabilities. Please notify APD of any accommodations or if you need this information in an alternate format. To make these arrangements, please call Christina Hartman at 503-945-6398 or TTY 503-945-9782.

REQUEST FOR COMMENTS PROPOSED PROSPECTIVE PURCHASER AGREEMENT FOR JOHNS LANDING SITE

COMMENTS DUE: 5 p.m., Monday, July 1, 2013

PROJECT LOCATION: 5310 SW Macadam Ave., Portland

PROPOSAL: The Department of Environmental Quality proposes to enter into a consent judgment for a prospective purchaser agreement with McCurdy Family, LLC. McCurdy Family proposes

to construct a six-story apartment building at the former location of Cal's Restaurant south of The Landing Condominiums.

HIGHLIGHTS: The former Cal's Restaurant property is currently vacant and for sale. Sale and redevelopment of the property has been complicated by environmental contamination from lumber and furniture manufacturers that operated in the area from approximately 1905 to 1980. McCurdy Family, LLC is proposing to purchase and redevelop the property while removing or containing residual petroleum contamination at the site.

The proposed Prospective Purchaser Agreement Consent Judgment will provide McCurdy Family, LLC with a release from liability for claims by the State of Oregon under ORS 465.200 to 465.545 and 465.990, 466.990 and 468B.310, relating to historical releases of hazardous substances at the property or emanating from the property. The proposed consent judgment will also provide McCurdy Family, LLC with third party liability protection. McCurdy Family, LLC will be responsible for addressing risks from residual contamination on the property that they are buying.

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

HOW TO COMMENT: Send comments by 5 p.m., Monday, July 1, 2013 to DEQ Project Manager Kevin Dana at 2020 SW 4th Avenue, Suite 400, Portland, Oregon 97201, email to dana.kevin@deq.state.or.us, or fax to 503-229-6945.

To review the project file, call Dawn Weinberger at 503-229-6729 for a file review appointment.

To access site summary information and other documents in the DEQ Environmental Cleanup Site Information database, go to <http://www.deq.state.or.us/lq/ECSI/ecsi.htm>, then enter **5790** in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled **5790** in the Site ID/Info column.

THE NEXT STEP: DEQ will review and consider all comments received during the June 2013 comment period.

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 PROSPECTIVE PURCHASER AGREEMENT FOR SALVATION ARMY SITE

COMMENTS DUE: 5 p.m., Monday, July 1, 2013

PROJECT LOCATION: 139 SE MLK Blvd., Portland

PROPOSAL: The Department of Environmental Quality proposes to enter into a consent judgment for a prospective purchaser agreement with Ash Street Development, LLC. Ash Street Development proposes to replace a vacant Salvation Army building with a new 11-story building for work force housing.

HIGHLIGHTS: The Salvation Army building is currently vacant and for sale. Sale and redevelopment of the property has been complicated by environmental contamination from previous operations, including an auto service facility, dye works, and a carpet cleaning company. Ash Street Development is proposing to purchase the property and construct a new building with a vapor barrier that will isolate and contain the residual petroleum products and dry cleaning chemicals remaining in the soil at the site.

The proposed Prospective Purchaser Agreement Consent Judgment will provide Ash Street Development, LLC with a release from liability for claims by the State of Oregon under ORS 465.200 to 465.545 and 465.990, 466.990 and 468B.310, relating to historical releases of hazardous substances at the property or emanating from the property. The proposed consent judgment also will provide Ash Street Development, LLC with third party liability protection. Ash

OTHER NOTICES

Street Development will be responsible for addressing risks from residual contamination on the property that it is buying.

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

HOW TO COMMENT: Send comments by 5 p.m., Monday, July 1, 2013 to DEQ Project Manager Kevin Dana at 2020 SW 4th Avenue, Suite 400, Portland, Oregon 97201, email to dana.kevin@deq.state.or.us, or fax to 503-229-6945.

To review the project file, call Dawn Weinberger at 503-229-6729 for a file review appointment.

To access site summary information and other documents in the DEQ Environmental Cleanup Site Information database, go to <http://www.deq.state.or.us/lq/ECSI/ecsi.htm>, then enter **5555** in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled **5555** in the Site ID/Info column.

THE NEXT STEP: DEQ will review and consider all comments received during the June 2013 comment period.

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 DEQ PROPOSES PROSPECTIVE PURCHASER AGREEMENT CONSENT ORDER WITH BAKER SCHOOL DISTRICT 5J

COMMENTS DUE: 5 p.m., July 1, 2013

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

PROPOSAL: The Department of Environmental Quality proposes to enter into a prospective purchaser agreement consent order with Baker School District 5J to facilitate the donation and redevelopment of the property. Baker School District 5J will seek funding to perform cleanup actions at the property. Proceeds from the eventual sale of the property will be used to provide college scholarships to Baker City school district students and will result in a substantial public benefit.

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

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, lead, and chromium in soil as well as polynuclear aromatic hydrocarbons and the need for cleanup actions. The consent order will require Baker School District 5J to seek funding to perform cleanup actions.

The proposed consent order will provide Baker School District 5J with a release from liability for claims by the State of Oregon under Oregon Revised Statute §465.255 relating to any historical releases of hazardous substances at or from the property. The proposed consent order will also provide Baker School District 5J with protection from potential contribution actions by third parties for recovery of remedial action costs associated with any historical releases at or from the property. DEQ retains all existing rights it may have as to all other parties potentially liable for any releases.

HOW TO COMMENT: Send comments by 5 p.m., July 1, 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 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 SOURCE CONTROL MEASURE FOR SCHNITZER INVESTMENT CORP. DOANE LAKE PROPERTY

COMMENTS DUE: Monday, July 1, 2013

PROJECT LOCATION: 6429 NW Front Avenue, Portland, OR
PROPOSAL: The Department of Environmental Quality is proposing cleanup action to address soil contamination at the Schnitzer Investment Corp. Doane Lake Property. Currently the property is vacant and undeveloped. The proposed cleanup consists of re-grading and construction of a protective cap.

HIGHLIGHTS: Investigation at the Schnitzer Investment Corp. Doane Lake Property identified elevated concentrations of polychlorinated biphenyls (commonly referred to as PCBs), bis(2-ethylhexyl)phthalate and metals in soil. Soil contamination is principally from contaminated fill placed at the property in the past. The proposed cleanup consists of capping areas with significant contamination and directing stormwater (inside and outside the capping area) to the existing onsite pond.

HOW TO COMMENT: The project file may be reviewed by appointment at DEQ's Northwest Region office at 2020 SW Fourth Ave., Suite 400, Portland, Oregon 97201. To access site summary information including a DEQ staff report discussing the proposed remedy in DEQ's ECSI database on the Internet, go to <http://www.deq.state.or.us/lq/ECSI/ecsiquery.asp>, then enter 395 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 395 in the Site ID/Info column. Send written comments by 5 p.m., July 1, 2013 to David Lacey Project Manager, at the address listed above.

THE NEXT STEP: DEQ will consider all public comments received by the close of the comment period before making a final decision regarding the proposed site remedy.

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

People with hearing impairments may call 711.

REQUEST FOR COMMENTS PROPOSED CLEANUP FOR BOYS AND GIRLS CLUB, LENTS NEIGHBORHOOD

COMMENTS DUE: Monday, July 1, 2013

PROJECT LOCATION: 9330 SE Harold Street, Portland, OR

OTHER NOTICES

PROPOSAL: The Department of Environmental Quality is proposing a cleanup action to address soil contamination at the Boys and Girls Club property, located in the Lents neighborhood of Portland. Current use of the property is a sports park and recreation facility. The proposed cleanup consists of soil removal and disposal, in preparation of future site redevelopment.

HIGHLIGHTS: Investigation at the Boys and Girls Club property has identified elevated concentrations of polynuclear aromatic hydrocarbons, also known as PAHs, in shallow soil on the property. This contamination is associated with a building that had burned down at the property in the past. The soil at the site is currently protective for the current use as a park, but the site is to be redeveloped as a mixed use residential and commercial property and requires additional cleanup for that use. The proposed cleanup consists of excavation and landfill disposal of approximately 1,500 tons of contaminated soil. The work would be completed prior to site redevelopment.

HOW TO COMMENT: The project file may be reviewed by appointment at DEQ's Northwest Region office at 2020 SW Fourth Ave., Suite 400, Portland, Oregon 97201. To access site summary information including a DEQ staff report discussing the proposed remedy go to <http://www.deq.state.or.us/lq/ECSI/ecsiquery.asp>, then enter 5594 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 5594 in the Site ID/Info column. Send written comments by 5 p.m. Tuesday, July 1, 2013 to DEQ Project Manager Shawn Rapp, at the address listed above. If ten or more people or by a group with a membership of 10 or more submit a request, DEQ will hold a public meeting to receive verbal comments.

THE NEXT STEP: DEQ will consider all public comments received by the close of the comment period before making a final decision regarding the proposed site remedy.

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

People with hearing impairments may call 711.

REQUEST FOR COMMENTS PROPOSED CONDITIONAL APPROVAL OF CLEANUP AT FORMER SHADYBROOK LANDFILL

COMMENTS DUE: 5 p.m., Monday, July 1, 2013

PROJECT LOCATION: 27800 NW Truitt Road, North Plains, Washington Co., Oregon 97133

PROPOSAL: The Department of Environmental Quality proposes to issue a conditional no further action cleanup determination for the former Shadybrook Landfill site. Washington County operated the approximate 22-acre site from 1955 to 1971 as a municipal solid waste landfill. The site included a former shooting range located on the western side of the landfill, operated by the County Sheriff's Department from approximately 1971 to 1988.

HIGHLIGHTS: Washington County Facilities Management entered into a voluntary agreement with DEQ in June 2004 to complete a remedial investigation and feasibility study for the landfill site. This investigation found elevated lead in surface and sub-surface soils at the former shooting range. A risk assessment identified potential risk to human health and the environment.

In September 2011, soils with elevated lead concentrations were covered with an engineered cap of three or more feet of clean soil. A separate investigation of landfill material included sampling of groundwater, surface water, landfill gas and sediments. Volatile organic compounds, metals, and pesticides were identified in samples. A risk assessment determined that there were no unacceptable risks to nearby Jesus Creek, or people working on, or living near, the landfill. In 2012, the county installed an engineered soil cap of 27,000 cubic yards of clean soil and stormwater controls as part of landfill closure. Re-vegetation efforts are underway to return the site to rural forest suitable for recreational uses by area residents.

Ongoing inspection of the landfill is required to confirm that the landfill cover remains in good condition.

HOW TO COMMENT: Send comments by 5 p.m., July 1, 2013, to DEQ Project Manager Anna Coates at 2020 SW 4th Avenue, Suite 400, Portland, Oregon 97201-4987; coates.anna@deq.state.or.us; or fax 503-229-6945.

To review the project file, call Dawn Weinberger 503-229-6729 for a file review appointment.

To access site summary information and other documents in the DEQ Environmental Cleanup Site Information database, go to <http://www.deq.state.or.us/lq/ECSI/ecsi.htm> then enter 795 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 795 in the Site ID/Info column.

THE NEXT STEP: Once the public comment period has closed DEQ will consider all comments before making a decision concerning the no further action determination.

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 UNION STATION, PARCEL B SOUTH, LOT 5

COMMENTS DUE: Monday, July 1, 2013

PROJECT LOCATION: Union Station Parcel B South, Portland, OR

PROPOSAL: The Department of Environmental Quality is proposing a conditional no further action determination at the Union Station, Parcel B South, Lot 5 property at approximately 727 to 759 NW Naito Parkway, in Portland, Oregon. Final cleanup activities were performed by the Portland Development Commission, also known as PDC, during site redevelopment, prior to the property transfer to the City of Portland Housing Bureau. The property is currently owned by GSL properties as of February 2013. Current use of the property is residential.

HIGHLIGHTS: The site was issued a record of decision following a 30-day public comment period in 1996, as part of the larger Union Station Parcel B South property, consisting of Lot 3, Lot 4, and Lot 5. The three lots have been developed in stages by PDC since 1999. DEQ issued conditional no further action determinations for Lots 3 and 4 following completion of the work required in the 1996 DEQ Record of Decision. During construction activities at Lot 5, between March and June 2012, approximately 5,122 tons of soil were excavated and disposed at an offsite landfill due to contamination from polynuclear aromatic hydrocarbons commonly known as PAHs, and lead and arsenic. Areas that were not disturbed by these activities have had caps placed, as required by the 1996 DEQ Record of Decision. The caps are to be maintained through a deed restriction, requiring regular inspection, maintenance, and reporting to DEQ. Groundwater use will also be restricted through a deed restriction. The deed restrictions will be filed with Multnomah County before DEQ issues the conditional no further action determination. The cleanup actions are in accordance with and satisfy the requirements outlined for the site in the 1996 Record of Decision.

HOW TO COMMENT: The project file may be reviewed by appointment at DEQ's Northwest Region office at 2020 SW Fourth Ave., Suite 400, Portland, Oregon 97201. To access site summary information including a DEQ staff report discussing the proposed remedy, go to <http://www.deq.state.or.us/lq/ECSI/ecsiquery.asp>, then enter 1885 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 1885 in the Site ID/Info column. Send written comments by 5 p.m. Tuesday, July 1, 2013 to DEQ Project Manager Shawn Rapp at the address listed above. If ten or more people or by a group with a membership of ten or more submit a request, DEQ will hold a public meeting to receive verbal comments.

OTHER NOTICES

THE NEXT STEP: DEQ will consider all public comments received by the close of the comment period before making a final decision regarding the proposed site remedy.

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

People with hearing impairments may call 711.

DEQ REQUESTING PUBLIC COMMENT FOR NO FURTHER ACTION DETERMINATION FORREST PAINT, EUGENE, OREGON

COMMENT PERIOD: June 1 to June 30, 2012

PROJECT LOCATION: 1011 McKinley Street, Eugene

HIGHLIGHTS: The Oregon Department of Environmental Quality (DEQ) has approved the assessment and cleanup conducted at the Forrest Paint Facility located at 1011 McKinley Street in west Eugene. As a result of this approval, DEQ is proposing a No Further Action (NFA) determination for investigation and cleanup of the site. DEQ is requesting comments on the proposed NFA determination.

Releases of paint waste and solvents in the 1960s and 1970s at Forrest Paint caused soil and groundwater contamination beneath and near the site. Assessment activities were conducted during the late 1980s and continued until 1991 when a Record of Decision (ROD) was issued. The main component of the ROD was groundwater extraction and treatment which was conducted from 1991 until 2012. About 22 million gallons of groundwater were treated using air sparging technology and disposed into the City of Eugene waste water system. The remedy was successful, reducing contaminants in groundwater to below applicable risk-based concentrations (RBCs).

Forrest Paint recently prepared a closure report requesting a No Further Action (NFA) determination for the site. DEQ reviewed the report and associated site information. DEQ has concluded that there is no threat to human health or the environment under current site conditions and recommends a NFA determination for the site.

HOW TO COMMENT: A DEQ Staff Memorandum summarizing the project and DEQ's recommendation is available online at: <http://www.deq.state.or.us/lq/cu/index.htm> by entering the Site ID number 201 in the Environmental Cleanup Site Inventory (ECSI) database. Forrest Paint's Closure Report is also available on line at that webpage. A file containing detailed information for the site is available for review in DEQ's office located in Suite 100 at 165 East 7th Avenue in Eugene. Questions concerning this site should be directed to Bryn Thoms at DEQ's Eugene office at 541-687-7424 or toll-free in Oregon at 1-800-844-8467, extension 7424. Comments on the recommendation need to be received in the Eugene Office, Attn: Bryn Thoms, by 5 pm on July 1, 2012. Fax or email comments are acceptable. All comments will be addressed considered before final approval of the NFA.

REQUEST FOR COMMENTS CONDITIONAL NO FURTHER ACTION PROPOSAL FOR WARN INDUSTRIES

COMMENTS DUE: July 1, 2013

PROJECT LOCATION: 13270 SE Pheasant Court, Milwaukie, Oregon

PROPOSAL: The Department of Environmental Quality invites public comment on a proposed conditional no further action decision for Warn Industries (Warn).

HIGHLIGHTS: Warn manufactures truck winches, hubs, bumpers and specialty parts. Environmental investigations in the 1990s identified solvent contamination on the property and associated volatile organic compounds in site soil, indoor air, and groundwater, and petroleum in site soils. A 2000 risk assessment concluded that contamination posed a potential risk to workers at the facility and off-

site residents. DEQ issued a Record of Decision (ROD) documenting the approach to cleanup for the site on May 5, 2001. Warn implemented the requirements of the ROD, then performed additional voluntary cleanup actions between 2005 and 2010 to address the contamination. The actions taken by Warn to address contamination included groundwater and air monitoring, engineering controls, and soil vapor extraction and bioremediation. DEQ has concluded the objectives of the environmental cleanup have been met or can be met through required use restrictions on the site, and intends to proceed with a conditional no further action (NFA) determination for Warn. The NFA determination by DEQ requires periodic review of groundwater use in the site area to confirm that water supply wells have not been constructed within the area of groundwater contamination. Additionally, Warn will conduct groundwater monitoring to confirm stable or decreasing levels of residual contamination. These conclusions are presented and supported in the Conditional No Further Action Recommendation memorandum dated May 31, 2013.

HOW TO COMMENT: The project file may be reviewed by appointment at DEQ's Northwest Region Office at 2020 SW Fourth Ave., Suite 400, Portland, Oregon 97201. To access site summary information, including the DEQ staff report discussing the proposed conditional no further action in DEQ's ECSI database on the Internet, go to <http://www.deq.state.or.us/lq/ECSI/ecsiquery.asp>, then enter 1118 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 1118 in the Site ID/Info column. Send comments by 5 p.m., Monday, July 1, 2013, to DEQ Project Manager Deborah Bailey at the address listed above. If ten or more people or a group with a membership of 10 or more, submit a request, DEQ will hold a public meeting to receive verbal comments.

THE NEXT STEP: DEQ will consider all public comments received by the close of the comment period before making a final decision regarding the conditional no further action.

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

DEQ PROPOSES NO FURTHER ENVIRONMENTAL CLEANUP ACTION HEATING OIL SPILL, EVONUK PROPERTY JUNCTION CITY, OREGON

COMMENTS DUE: June 30, 2013

PROJECT LOCATION: 97790 River Road, Junction City, Oregon

PROPOSAL: DEQ proposes to approve the cleanup of heating-oil contaminated soil at a farm property north of Eugene. DEQ requests public comment on its recommendation that no further investigation or cleanup action is needed for this heating oil spill.

BACKGROUND: For detailed project information please see a copy of the final report prepared by the insurance company's consultant, on DEQ's website at: <http://www.deq.state.or.us/wdr/?p=42449>

In October 2011 a heating oil distributor overfilled a heating oil tank located next to a private home, causing an unknown amount of oil to spill onto the ground surface and spray on the home's siding. The oil distributor took responsibility for investigation and cleanup of the spilled oil.

Sampling confirmed that spilled heating oil had accumulated in soils underneath the tank and adjacent building foundation. With DEQ oversight, contractors excavated contaminated soil, applied oil-degrading enzyme material along the foundation of the home, removed and replaced oily building materials, and disposed of potentially contaminated groundwater that flooded the home's basement during high groundwater in the spring of 2012.

Contractors also collected samples of soil, groundwater, soil gas, and indoor air to determine the extent of the spill's impacts and evaluate for possible health and environmental risks from residual heat-

OTHER NOTICES

ing oil contamination underneath and within the house next to the spill area.

Sample results show that small amounts of heating oil contamination remaining after the cleanup work are below levels that could be a threat to human health or the environment.

DEQ considers the area of the heating oil spill and adjacent home to be safe from threats to human health and the environment. DEQ recommends no further action to investigate or cleanup this heating oil spill.

HOW TO COMMENT: Written comments must be received by June 30, 2013. Comments should be submitted to DEQ's Eugene office, 165 East 7th Street, Eugene, Oregon 97401 or by e-mail at aitken.greg@deq.state.or.us. Questions may also be directed to Greg Aitken at the Eugene address or by calling him at 541-687-7361

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

REQUEST FOR COMMENTS PROPOSED CONDITIONAL NO FURTHER ACTION DETERMINATION, FORMER TIME OIL NW TERMINAL, CENTRAL PROPERTY

COMMENTS DUE: June 30, 2013

PROJECT LOCATION AND DESCRIPTION: The 52 acre former Time Oil Company Northwest Terminal is located at 10350 North Time Oil Road in north Portland, on the east bank of the Willamette River, near River Mile 3. The 13.5 acre Time Oil Central Property, the focus of this proposed Conditional No Further Action Determination, is located approximately 600 feet inland of the river. The property was used primarily for fuel storage and distribution from 1943 to 2001, and is currently vacant.

PROPOSAL: The Department of Environmental Quality has worked with Time Oil Company, currently TOC Holdings, since 1996 to investigate soil and groundwater contamination and to over-

see cleanup actions. Completed cleanup actions on the Central Property include underground storage tank decommissioning, localized cleanup actions, and the removal of 5200 cubic yards of near-surface soil from across the property representing unacceptable risk to future site workers. As a result of this work, residual contamination is below risk-based concentrations for human and wildlife receptors. DEQ has determined that no further action is necessary at the Central Property conditioned on the following terms: (a) maintain the existing industrial zoning and (b) prohibit groundwater use. This proposed Conditional No Further Action Determination does not constitute a Portland Harbor Source Control Decision, which DEQ will evaluate separately.

HOW TO COMMENT: The project file can be reviewed by appointment at DEQ's Northwest Region office at 2020 SW 4th Ave., Suite 400, Portland, Oregon 97201. For a file review appointment call 503-229-6729. To access site information electronically including DEQ's Proposed Conditional No Further Action Memorandum go to: <http://www.deq.state.or.us/Webdocs/Forms/Output/FPController.aspx?SourceId=170&SourceIdType=11> Send written comments to Kenneth Thiessen at the address listed above, or at Thiessen.Kenneth@deq.state.or.us by June 30, 2013. Kenneth Thiessen can be reached by telephone at 503-229-6015. If there is adequate interest in this project, DEQ will hold a public meeting to answer questions about this proposed action and to receive verbal comments.

THE NEXT STEP: DEQ will review and consider all comments received during the June 2013 comment period prior to making a Conditional No further Action Determination for the TOC Holdings Central Property.

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

People with hearing impairments may call 711.

NOTICES OF PROPOSED RULEMAKING

Notices of Proposed Rulemaking and Proposed Rulemaking Hearings

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

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

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

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

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

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Board of Medical Imaging
Chapter 337

Rule Caption: Set requirements for renewing an expired limited permit and applying for temporary license following graduation.

Stat. Auth.: ORS 688.555

Stats. Implemented: ORS 688.445 & 688.520(7)

Proposed Amendments: 337-010-0026, 337-010-0045

Last Date for Comment: 6-28-13, 4:30 p.m.

Summary: This rulemaking accomplishes two changes:

1. A Limited X-Ray Machine Operator (LXMO) permit holder whose permanent permit has been expired or inactive for a period in excess of 24 continuous months, in order to re-obtain a permanent limited permit, will need to follow the same process as a applicant who has not previously had a permit, including graduating from an approved school, passing the ARRT examination, obtaining a temporary permit, and completing clinical requirements.

2. Persons who have graduated from an approved school and who wish to apply for a temporary license must submit their initial temporary license applications to the Board office no later than 24 months following completion of the approved school's program.

Rules Coordinator: Ed Conlow

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

Telephone: (971) 673-0216

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Board of Parole and Post-Prison Supervision
Chapter 255

Rule Caption: Amends rules and exhibits governing procedures for predatory sex offender designation.

Stat. Auth.: ORS 144.050, 144.140, 181.585 & 181.586

Stats. Implemented:

Proposed Amendments: 255-060-0011, 255-060-0016

Last Date for Comment: 6-21-13, 5 p.m.

Summary: Update the administrative rules relating to predatory sex offender designation to specify that the Board shall use the Static-99R (Exhibit Q-1), which has been approved by the Department of Corrections as required by ORS 181.585(2). Improve readability of rule and remove grammatical and other non-substantive errors.

Rules Coordinator: Shawna Harnden

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

Telephone: (503) 945-0913

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Board of Pharmacy
Chapter 855

Rule Caption: Adopt/amend central fill, remote processing, consulting pharmacies; pharmacists, controlled substances, packaging and manufacturer rules

Date:	Time:	Location:
6-27-13	9:30 a.m.	800 NE Oregon St., Conference Rm. 1A Portland, OR 97232

Hearing Officer: Courtney Wilson

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 689.305, 475.035, 475.059, 475.065, 689.151 & 689.155

Proposed Adoptions: 855-041-3000, 855-041-3005, 855-041-3010, 855-041-3015, 855-041-3020, 855-041-3025, 855-041-3030, 855-041-3035, 855-041-3040, 855-041-3045, 855-041-3100, 855-041-3105, 855-041-3110, 855-041-3115, 855-041-3120, 855-041-3125, 855-041-3130, 855-041-3300, 855-041-3305, 855-041-3310, 855-041-3315, 855-041-3320, 855-041-3325, 855-041-3330, 855-041-3335, 855-041-3340

Proposed Amendments: 855-019-0240, 855-041-1140, 855-060-0004, 855-080-0021

Last Date for Comment: 6-27-13, 4:30 p.m.

Summary: Remote Processing Drug Outlet rules provide minimum requirements of operation for centralized prescription processing by a pharmacy that processes drug orders on behalf of an Oregon pharmacy.

Central Fill Drug Outlet rules provide minimum requirements of operation for centralized prescription drug filling by a pharmacy that fills drug orders on behalf of an Oregon pharmacy.

Consulting or Drugless Pharmacy rules are intended to ensure that a consulting pharmacist may safely store records and protected health information in an Oregon licensed drugless pharmacy when engaged in Independent Pharmacy Practice.

Consulting Pharmacist Practice rules are amended to establish registration requirements for a consulting pharmacist that stores health protected records outside an Oregon licensed pharmacy.

Manufacturer rules are amended to clarify that any compounded non-patient specific drug from an out-of-state drug outlet may only be distributed into the state by an Oregon registered manufacturer.

Controlled Substance rules are amended to include certain synthetic cannabinoids and cathinone-type derivatives that are subject to abuse, and have no legitimate medical purpose.

Customized Patient Medication Packages rules are amended to include a waiver clause.

Text of these rules is available on the Board of Pharmacy website: www.pharmacy.state.or.us

Rules Coordinator: Karen MacLean

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

Telephone: (971) 673-0001

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Board of Psychologist Examiners
Chapter 858

Rule Caption: Modifies definitions, applied psychology educational requirements, application procedure, inactive status, and supervised work experience requirements.

NOTICES OF PROPOSED RULEMAKING

Date: 6-24-13
Time: 10: a.m.
Location: 3218 Pringle Rd. SE, Suite 130
Salem, OR 97302

Hearing Officer: LaReé Felton

Stat. Auth.: ORS 675.010–675.150

Stats. Implemented: ORS 675.030, 675.045, 675.070 & 675.110
Proposed Amendments: 858-010-0001, 858-010-0005, 858-010-0011, 858-010-0012, 858-010-0013, 858-010-0017, 858-010-0020, 858-010-0025, 858-010-0030, 858-010-0036, 858-010-0037, 858-010-0050, 858-010-0060, 858-010-0080, 858-020-0015, 858-020-0025, 858-020-0035, 858-020-0045, 858-020-0055, 858-020-0085, 858-020-0105, 858-030-0005, 858-040-0015, 858-040-0035, 858-040-0036

Last Date for Comment: 6-24-13, 5 p.m.

Summary: The proposed amendment reorganizes and adds general definitions; makes various clarifying language and grammar housekeeping changes; modifies the applied psychology core program education requirements to be consistent with the clinical psychology core program education requirements, including a requirement for a minimum quantity of graded coursework, and changes to the substantive content area descriptions; makes some clarifying changes to the supervised work experience requirements; creates a retention period of three years for a residency supervisor's records and notes; adds a requirement that the residency supervisor notify the board within fourteen days of any significant interruption or expected termination of a resident supervision contract; modifies and adds definitions to the process for application review; updates the examination procedures; adds a clear definition of inactive status; specifies that a license will revert to inactive status if a licensee fails to pay the prorated reactivation fee in 30 days.

Rules Coordinator: LaReé Felton

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

Telephone: (503) 373-1196

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Department of Administrative Services Chapter 125

Rule Caption: Adopt permanent rules to implement procedures transferring moneys from Shared Services Fund.

Date: 6-17-13
Time: 1 p.m.
Location: 155 Cottage Str. NE,
Conference Rm. A
Salem, OR 97301

Hearing Officer: Sarah Miller, 503-378-4336

Stat. Auth.: ORS 184.340, 285C.615(7), 285C.635(4) & 285C.639

Stats. Implemented: ORS 285C.600–285C.626, 285C.635 & 285C.639

Proposed Adoptions: 125-180-1010, 125-180-1020, 125-180-1030, 125-180-1040, 125-180-1050, 125-180-1060

Last Date for Comment: 6-17-13, 5 p.m.

Summary: SB 954 (2007) was passed by the Legislature and initiates a payment distribution to Oregon counties providing property tax relief to business firms with eligible Strategic Investment Program (SIP) projects. The purpose of SB 954 is to help reimburse counties for loss of revenues associated with economic development activities to create and retain jobs. The department is promulgating permanent rules in order to make payments due to counties that the Oregon Legislative Emergency Board authorized on December 12, 2012. These payments were due to counties in the prior fiscal years and waiting to make payments could have additional fiscal consequences.

The department will closely monitor legislative activities and may make modifications to the proposed permanent rules based on those activities if needed.

Rules Coordinator: Janet Chambers

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

Telephone: (503) 378-5522

Department of Agriculture, Oregon Dungeness Crab Commission Chapter 645

Rule Caption: Amends per diem rate for Oregon Dungeness Crab commissioners from \$30.00 to \$100.00.

Date: 6-21-13
Time: 9 a.m.
Location: 964 Central Ave.
Coos Bay, OR 97420

Hearing Officer: Hugh Link

Stat. Auth.: ORS 576.304 & 576.265

Other Auth.: Motion made by Oregon Dungeness Crab Commission at the January 27, 2010 (Newport) & April 12, 2013 (Astoria) meetings.

Stats. Implemented: ORS 576.265

Proposed Amendments: 645-040-0010

Last Date for Comment: 6-21-13, 5 p.m.

Summary: Sets per diem for commissioners at \$100.00 for each day spent on official commission duties; requires reporting time spent and nature of duties performed. The 2009 Oregon Legislature approved HB 2458 which amended ORS 576.265 to exempt commodity commissions from the per diem limits set in OAR 292.495.

Rules Coordinator: Shirley D. Williams

Address: Department of Agriculture, Dungeness Crab Commission, P.O. Box 1160, 964 Central Ave., Coos Bay, OR 97420

Telephone: (541) 267-5810

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Rule Caption: Adjusts the date monthly crab assessment fees and reports are due to ODCC office.

Date: 6-21-13
Time: 11 a.m.
Location: 964 Central Ave.
Coos Bay, OR 97420

Hearing Officer: Hugh Link

Stat. Auth.: ORS 183 & 576.304(14)

Other Auth.: ORS 576.325

Stats. Implemented: ORS 183 & 576.335

Proposed Amendments: 645-010-0015

Last Date for Comment: 6-21-13, 5 p.m.

Summary: This rule adjusts the due date of monthly crab assessment fees and reports from the 15th day of the month to the 30th day of each month for all purchases or deliveries of Oregon Dungeness crab in the previous month. Penalties and interest will apply on the first day of the month following the due date. EXAMPLE: Assessment reports [for August 1–August 31 would be due in the commission office by 5:00 p.m. on September 15th.] and fees are due on April 30th for March purchases and deliveries. Penalties and interest will be applied on May 1st.

Rules Coordinator: Shirley D. Williams

Address: Department of Agriculture, Dungeness Crab Commission, P.O. Box 1160, 964 Central Ave., Coos Bay, OR 97420

Telephone: (541) 267-5810

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Department of Agriculture, Oregon Potato Commission Chapter 658

Rule Caption: Changes commissioner regional qualifications, also reduces waiting period to appoint new commissioner to unfilled position

Stat. Auth.: ORS 576.304 (14)

Other Auth.: By motion approved at Oregon Potato Commission Board mtg. 8-7-12 in Klamath Falls, OR & by motion approved at Oregon Potato Commission Board mtg. 3-8-13 in Salem, OR.

Stats. Implemented: 576.206 (2) (5) & 576.225 (3)

Proposed Amendments: 658-030-0020

Last Date for Comment: 6-24-13, 12 p.m.

Summary: Potato production has declined in Malheur and Harney counties reducing the amount of representation needed in that region. Other counties have increased in production during the same time period necessitating an increase in representation. The decrease in

NOTICES OF PROPOSED RULEMAKING

one region and an increase in another facilitate a need for member qualification changes.

Two changes are being made to the commission member qualifications. In section (3)(b), the number of commission appointments from the Malheur area is reduced from two to one and includes section (3)(f) one at-large appointment from any of the major potato producing areas of the state is newly created.

In section (4) the minimum time limit a position is vacant before appointing a person at large that may reside anywhere within the State, is being changed from one year to 30 days following reasonable efforts to recruit a member from a particular region.

The commission does not expect any economic impact from these commissioner appointment qualification changes.

Rules Coordinator: Jennifer Fletcher

Address: Department of Agriculture, Oregon Potato Commission, 9320 SW Barbur Blvd., Suite 130, Portland, OR 97219

Telephone: (503) 239-4763

Department of Agriculture, Oregon Raspberry and Blackberry Commission Chapter 611

Rule Caption: Clarify assessment requirements for producers.

Date:	Time:	Location:
6-25-13	2 p.m.	4845 B SW Dresden Ave. Corvallis, OR 97333

Hearing Officer: Philip Gutt

Stat. Auth.: ORS 576.304

Stats. Implemented: ORS 576.325 & 576.335

Proposed Amendments: 611-010-0010

Last Date for Comment: 6-25-13, 5 p.m.

Summary: Amend OAR 611-010-0010 to clarify the assessment requirements for producers.

This rule change will clarify that producers who sell fresh directly to a retailer or to a consumer are required to pay the assessment, as set forth in OAR 611-010-0015 (5). The amendment adds a new paragraph stating "Any producer who sells directly to a retailer or sells directly at farmers' markets or farmstands is obligated to pay the assessment".

Rules Coordinator: Rachel Denué

Address: Department of Agriculture, Raspberry and Blackberry Commission, 4845 B SW Dresden Ave., Corvallis, OR 97333

Telephone: (541) 758-4043

Rule Caption: Add a Secretary-Treasurer officer position to the Oregon Raspberry & Blackberry Commission.

Date:	Time:	Location:
6-25-13	2:30 p.m.	4845 B SW Dresden Ave. Corvallis, OR 97333

Hearing Officer: Philip Gutt

Stat. Auth.: ORS 576.304

Stats. Implemented: ORS 576.285

Proposed Amendments: 611-030-0040

Last Date for Comment: 6-25-13, 5 p.m.

Summary: Amend OAR 611-030-0040 to add a Secretary-Treasurer officer position to the Oregon Raspberry & Blackberry Commission.

This proposed rule change will add a Secretary-Treasurer officer position to the commission. The Secretary-Treasurer of the commission acts as custodian of all the monies, property, securities, fidelity bonds, and the books, records, and accounts maintained by the commodity commission. This officer is also responsible for promptly depositing all monies and securities of the commission into the appropriate banking institutions. These duties may be delegated to the Administrator. In the absence of the Chair or Vice Chair, the Secretary-Treasurer may perform his or her duties.

Rules Coordinator: Rachel Denué

Address: Department of Agriculture, Raspberry and Blackberry Commission, 4845 B SW Dresden Ave., Corvallis, OR 97333

Telephone: (541) 758-4043

Department of Agriculture, Oregon Strawberry Commission Chapter 668

Rule Caption: Eliminate limit on number of terms a commissioner can serve.

Date:	Time:	Location:
6-25-13	3 p.m.	4845 B SW Dresden Ave. Corvallis, OR 97333

Hearing Officer: Philip Gutt

Stat. Auth.: HB 2782 (2013 Session)

Other Auth.: ORS 576.304 & 576.206

Stats. Implemented: ORS 576.206(5)

Proposed Amendments: 668-030-0010

Last Date for Comment: 6-25-13, 5 p.m.

Summary: Amend OAR 668-030-0010 to eliminate the language that no commissioner will serve for more than two consecutive full terms.

This proposed rule change will allow the commissioners the option to serve on the commission for as many consecutive terms as they apply and are appointed for by the Oregon Department of Agriculture. There will be no limit of consecutive terms that can be served. Over time, the number of strawberry growers willing to apply and to serve on the commission has reduced in proportion to the reduced number of acres planted.

Rules Coordinator: Rachel Denué

Address: Department of Agriculture, Oregon Strawberry Commission, 4845 B SW Dresden Ave., Corvallis, OR 97333

Telephone: (541) 758-4043

Department of Community Colleges and Workforce Development Chapter 589

Rule Caption: Two Plus Two and Dual Credit Programs

Date:	Time:	Location:
6-24-13	8 a.m.	Public Service Bldg., 3rd floor 255 Capitol Street NE Salem OR 97310

Hearing Officer: Linda Hutchins

Stat. Auth.: ORS 326.051

Other Auth.: ORS 329.475, 329.855, 341.42, 341.450, 341.525(3) & 341.535

Stats. Implemented: ORS 326.051

Proposed Amendments: 589-007-0200

Last Date for Comment: 6-24-13, Close of Business

Summary: Currently, two separate rules influence faculty qualifications in Oregon community colleges. One is specific to instructors of dual credit programs and one is a general rule for all faculty. Both rules have been in existence for over 30 years. With the 40-40-20 goal (included in Senate Bill 253 (June 2011)), and a focus on achievement compacts and alignment of secondary to post secondary education, the agency proposes to amend the administrative rule to provide clear and concise alignment of the rules.

Rules Coordinator: Linda Hutchins

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

Telephone: (503) 947-2456

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

Rule Caption: Permanently aligns state and federal regulations concerning unimproved credit union property held for future expansion.

Date:	Time:	Location:
7-1-13	8:30 a.m.	350 Winter St. NE Conference Rm. 260 Salem, OR 97301

NOTICES OF PROPOSED RULEMAKING

Hearing Officer: T.K. Keen
Stat. Auth.: ORS 723.102
Other Auth.: 12 C.F.R. Section 701.36 (2012) & ORS 723.156
Stats. Implemented: ORS 723.152
Proposed Amendments: 441-710-0270
Proposed Repeals: 441-710-0270(T)
Last Date for Comment: 7-8-13, 5 p.m.

Summary: This permanent rulemaking activity aligns Oregon rules concerning unimproved credit union property held for future expansion with federal regulations applicable to federally-chartered credit unions. In January 2013, the Department of Consumer and Business Services adopted a temporary rule allowing a state-chartered credit union up to six years to partially utilize unimproved property held for future expansion (see Admin. Order No. FCS 1-2013(Temp)). The temporary rule maintained regulatory parity with federally-chartered credit unions, which due to recent changes by National Credit Union Administration (NCUA) regulations, could hold unimproved real property longer than a state-chartered credit union. This proposed amendment would simply adopt this temporary rule on a permanent basis

Rules Coordinator: Shelley Greiner
Address: Department of Consumer and Business Services, Finance and Corporate Securities, 350 Winter St. NE, Rm. 410, Salem, OR 97301
Telephone: (503) 947-7484

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

Rule Caption: Adopt federal OSHA technical amendment to Occupational Exposure to Hazardous Chemicals in Laboratories (Non-mandatory Appendix).
Stat. Auth.: ORS 654.025(2) & 656.726(4)
Stats. Implemented: ORS 654.001-654.295
Proposed Amendments: 437-002-0360
Last Date for Comment: 7-3-13, Close of Business
Summary: This rulemaking is to keep Oregon OSHA in harmony with recent changes to Federal OSHA's standards.

Oregon OSHA is proposing to amend 29 CFR 1910.1450 Occupational Exposure to Hazardous Chemicals in Laboratories (Non-Mandatory Appendix A) as published in the January 22, 2013 Federal Register. This rulemaking updates a non-mandatory appendix in Division 2/Z, 1910.1450 Occupational Exposure to Hazardous Chemicals in Laboratories. The non-mandatory appendix is being updated to include the contents of the latest National Academy of Sciences publication entitled, "Prudent Practices in the Laboratory: Handling and Management of Chemical Hazards," 2011 edition. All revisions being made are minor and non-substantive.

Oregon OSHA proposes to make this amendment to 1910.1450 in Division 2/Z.

Please visit our web site www.orosha.org Click 'Rules' in the left vertical column and view our proposed, adopted, and final rules.

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

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Rule Caption: Adopt federal OSHA corrections/technical amendments to Hazard Communication.
Stat. Auth.: ORS 654.025(2) & 656.726(4)
Stats. Implemented: ORS 654.001-654.295
Proposed Amendments: 437-002-0100, 437-002-0360, 437-003-0001, 437-005-0001
Last Date for Comment: 7-3-13, Close of Business
Summary: This rulemaking is to keep Oregon OSHA in harmony with recent changes to Federal OSHA's standards.

Federal OSHA has corrected regulations that were amended by the Hazard Communication standard published in the March 26, 2012 Federal Register. The majority of corrections are to references inadvertently missed in the original publication of the final rule. Other corrections include correcting values or notations in tables, and updating references to terms. These corrections appear in the February 8, 2013 Federal Register.

Oregon OSHA proposes to make this amendment in general industry, construction, and shipyard employment.

Please visit our web site www.orosha.org Click 'Rules' in the left vertical column and view our proposed, adopted, and final rules.

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

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**Department of Corrections
Chapter 291**

Rule Caption: Validation and Evaluation for classification risk instrument in Community Corrections
Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Proposed Repeals: 291-078-0045
Last Date for Comment: 7-19-13, 5 p.m.

Summary: This rule is no longer needed. The validation and evaluation of the instrument is covered under OAR 291-078-0031.
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: Arrest and Transport of Offenders
Stat. Auth.: ORS 137.545, 144.350, 144.360, 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 137.545, 144.331, 144.334, 144.350, 144.360, 144.610, 144.613, 179.040, 423.020, 423.030 & 423.075
Proposed Amendments: 291-014-0100 – 291-014-0120
Last Date for Comment: 7-19-13, 5 p.m.

Summary: These modifications are necessary to clarify the minimum training standards needed for a parole officer to make an arrest.
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: Use of Force by DOC Community Corrections Employees
Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075
Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075
Proposed Amendments: 291-022-0105 – 291-022-0210
Proposed Repeals: 291-022-0140
Last Date for Comment: 7-19-13, 5 p.m.

Summary: These amendments are necessary to clarify expectations in regards to use of force by DOC Community Corrections offices; streamline the review process for use of force incidents, making it consistent with the process used by the Operations Division of the department; and other housekeeping items to update the language to current terminology and reflect organizational changes since the last revision of the rules.
Rules Coordinator: Janet R. Worley
Address: Department of Corrections, 2575 Center St. NE, Salem, OR 97301-4667
Telephone: (503) 945-0933

NOTICES OF PROPOSED RULEMAKING

Department of Energy, Energy Facility Siting Council Chapter 345

Rule Caption: Amend CO2 Emissions Standard for Non-Base Load Power Plants and CO2 Offset Standard

Date: 6-27-13
Time: 10 a.m.
Location: OR Dept. of Energy
625 Marion St. NE
Salem, OR

Hearing Officer: Lee Willeman

Stat. Auth.: ORS 469.470 & 469.503

Stats. Implemented: ORS 469.501 & 469.503

Proposed Amendments: 345-024-0550, 345-024-0590

Last Date for Comment: 6-28-13, 5 p.m.

Summary: Carbon Dioxide Standard for Non-Base Load Power Plants

Rule amendments are proposed to amend OAR 345-024-0590(5) Carbon Dioxide Standard for Non-Base Load Power Plants. The proposed amendments will restore language that was unintentionally removed by rule amendments that were adopted in May 2012.

Rule amendments were initially proposed pursuant to a petition submitted by Portland General Electric (PGE) on July 22, 2009. The proposed rule amendments provided an alternate means of measuring "actual gross carbon dioxide emissions" every five years during the operation of a non-base load power plant. Those rule amendments allowed a certificate holder for a non-base load power plant to report actual carbon dioxide emissions consistent with any mandatory carbon dioxide emissions reported required by either the Oregon Department of Environmental Quality or the United States Environmental Protection Agency. After a rulemaking process, the Council adopted amendments to OAR 345-024-0590(5) on November 20, 2009. Those rule amendments remained in effect until May 2012 when the language was unintentionally removed with new rule amendments that were adopted. The proposed amendments will restore the language that was unintentionally removed in May 2012.

Carbon Dioxide Offset Standard for Base Load Gas Plants

Rule amendments are proposed to amend OAR 345-024-0550(2) Standard for Base Load Gas Plants. The proposed rule amendments are needed in order to be consistent with new international standards which are currently being adopted by the United States Environmental Protection Agency. The amount of greenhouse gas emissions means the pounds of carbon dioxide and the carbon dioxide equivalent of other greenhouse gases. The proposed standard would increase the standard for methane so that one pound of methane is equivalent to 25 pounds of carbon dioxide, and for nitrous oxide so that one pound of nitrous oxide is equivalent to 298 pounds of carbon dioxide.

The Department requests public comment on the proposed amendments. Comments can be emailed to EFSC.rulemaking@state.or.us. Alternatively, comments can also be submitted by US Mail or in person to the Rules Coordinator at the address above.

Rules Coordinator: Kathy Stuttaford

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

Telephone: (503) 373-2127

Department of Fish and Wildlife Chapter 635

Rule Caption: Amend Rules Relating to Oregon Wolf Conservation and Management Plan.

Date: 7-12-13
Time: 8 a.m.
Location: 3406 Cherry Ave. NE
Salem, OR 97303

Hearing Officer: Oregon Fish & Wildlife Commission

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

Proposed Amendments: Rules in 635-110

Last Date for Comment: 7-12-13, Close of Hearing

Summary: Amend rules to change process and thresholds for use of lethal force to respond to chronic wolf depredation.

Rules Coordinator: Therese Kucera

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

Telephone: (503) 947-6033

Department of Human Services, Aging and People with Disabilities and Developmental Disabilities Chapter 411

Rule Caption: Support Services for Adults with Developmental Disabilities — Rate Ranges

Date: 6-17-13
Time: 3:30 p.m.
Location: Human Services Bldg.
500 Summer St. NE, Rm. 160
Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 409.050 & 410.070

Other Auth.: HB 3618 (2010 Special Session)

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

Proposed Amendments: 411-340-0020

Proposed Repeals: 411-340-0020(T)

Last Date for Comment: 6-21-13, 5 p.m.

Summary: The Department of Human Services (Department) is proposing to amend OAR 411-340-0020 to make permanent the support services rate ranges that became effective April 1, 2013. The rate ranges reflect the 1.25% wage increase for personal support workers required by the 2011-2013 Collective Bargaining Agreement between the Home Care Commission and the Service Employee's International Union (SEIU), Local 503, Oregon Public Employees' Union (OPEU).

Rules Coordinator: Christina Hartman

Address: Department of Human Services, Aging and People with Disabilities and Developmental Disabilities, 500 Summer St. NE, E-10, Salem, OR 97301-1074

Telephone: (503) 945-6398

Department of Justice Chapter 137

Rule Caption: Child support modifications; administrative hearing requests and corrected hearings orders

Stat. Auth.: ORS 25.020, 180.345 & 416.455

Stats. Implemented: ORS 25.020, 25.080, 25.287, 25.321-25.343, 107.108, 107.135, 180.345, 183.415, 416.415 & 416.425

Proposed Amendments: 137-055-2140, 137-055-2160, 137-055-3420, 137-055-3430

Last Date for Comment: 6-21-13, 5 p.m.

Summary: OAR 137-055-2140 is being amended to authorize administrative law judges of the Office of Administrative Hearings to make corrections to their orders and to issue amended orders

OAR 137-055-2160 is being amended to clarify what is required in a party's request for an administrative hearing.

OAR 137-055-3420 is being amended to clarify that the Program will issue a modification of a child support order or judgment, if a written request is received from a party, or the family is currently receiving TANF, and the order is over 35 months old.

OAR 137-055-3430 is being amended to include the definition for "substantial compliance" for purposes of determining whether an order qualifies for a modification. It also clarifies criteria for substantial change in circumstance and removes definitions for "temporary modification" and "employment related change of income."

Please submit written comments by 5:00 p.m. Friday, June 21, 2013, to Lori Woltring, Policy Analyst, Division of Child Support, 1162 Court St NE, Salem, OR 97301. Questions may be directed to that address or you may call (503) 947-4367.

Rules Coordinator: Carol Riches

NOTICES OF PROPOSED RULEMAKING

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

Telephone: (503) 947-4700

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

Rule Caption: Adoption of the 2012 International Fire Code with Oregon amendments (2014 Oregon Fire Code)

Date:	Time:	Location:
6-18-13	9 a.m.	4760 Portland Rd. NE Salem, OR 97305

Hearing Officer: John Caul

Stat. Auth.: ORS 476.030

Stats. Implemented: ORS 476.030

Proposed Amendments: 837-040-0010, 837-040-0020, 837-040-0140

Last Date for Comment: 6-18-13, 5 p.m.

Summary: (1) OAR 837-040-0010(2) adopts the 2012 International Fire Code with Oregon amendments to be known as the Oregon Fire Code, 2014 edition with an effective date of April 1, 2014. OAR 837-040-0010(3) changes new construction plan reviews phase-in dates.

(2) Amendments to OAR 837-040-0020(3) removes mid-cycle Oregon Amendments to the 2010 Oregon Fire Code as they will be incorporated into the 2014 Oregon Fire Code.

(3) OAR 837-040-0140 changes edition dates of the Oregon Structural Specialty Code and the Oregon Mechanical Specialty Code from 2010 to 2014.

Rules Coordinator: Connie Dalke

Address: Department of Oregon State Police, Office of State Fire Marshal, 4760 Portland Rd. NE, Salem, OR 97305-1760

Telephone: (503) 934-8211

Rule Caption: Reportable quantities of hazardous substances in Community Right-To-Know Survey and Compliance Programs

Date:	Time:	Location:
6-24-13	1:30 p.m.	4760 Portland Rd. NE Salem, OR

Hearing Officer: John Caul

Stat. Auth.: ORS 453.367 & 453.408

Stats. Implemented: ORS 453.307-453.414

Proposed Amendments: 837-085-0030, 837-085-0040, 837-085-0080, 837-085-0300

Last Date for Comment: 6-24-13, 3 p.m.

Summary: 837-085-0030 deletes voluntary reporting for persons with facilities not covered.

837-085-0040(38) modifies the definition of "liquefied gas."

837-085-0040(39) grammatical housekeeping.

837-085-0080 modifies the reportable quantities for liquefied gas.

837-085-0300 housekeeping.

Rules Coordinator: Connie Dalke

Address: Department of Oregon State Police, Office of State Fire Marshal, 4760 Portland Rd. NE, Salem, OR 97305-1760

Telephone: (503) 934-8211

Rule Caption: Adopt, by reference, the Hazardous Substance Possession Fee schedules effective July 1, 2013.

Date:	Time:	Location:
6-24-13	1:30 p.m.	4760 Portland Rd. NE Salem, OR

Hearing Officer: John Caul

Stat. Auth.: ORS 453.367

Stats. Implemented: ORS 453.307-453.414

Proposed Amendments: 837-090-1030

Last Date for Comment: 6-24-13, 3 p.m.

Summary: Fee schedules are established by Office of State Fire Marshal for any person possessing a hazardous substance at a facil-

ity in this state. This rule amendment adopts, by reference, the Hazardous Substance Possession Fee schedule effective July 1, 2013.

This rule amendment will take effect July 1, 2013.

Rules Coordinator: Connie Dalke

Address: Department of Oregon State Police, Office of State Fire Marshal, 4760 Portland Rd. NE, Salem, OR 97305-1760

Telephone: (503) 934-8211

Rule Caption: Increase the Petroleum Load Fee that supports the Regional Hazardous Materials Response Teams.

Date:	Time:	Location:
6-24-13	10:30 a.m.	4760 Portland Rd. NE Salem, OR

Hearing Officer: John Caul

Stat. Auth.: ORS 465.106

Stats. Implemented: ORS 465.104

Proposed Amendments: 837-090-1145

Last Date for Comment: 6-24-13, 3 p.m.

Summary: Rule is being modified to increase the Petroleum Load Fee as follows: effective July 1, 2013 the fee shall be \$6.00 per load, effective July 1, 2014 the fee shall be \$7.00 per load, and effective July 1, 2015 the fee shall be \$8.00 per load.

This rule amendment will take effect June 30, 2013.

Rules Coordinator: Connie Dalke

Address: Department of Oregon State Police, Office of State Fire Marshal, 4760 Portland Rd. NE, Salem, OR 97305-1760

Telephone: (503) 934-8211

Rule Caption: Regional Hazardous Materials Response Teams cost recovery schedules established in the 2013-15 Team Contracts.

Date:	Time:	Location:
6-24-13	10:30 a.m.	4760 Portland Rd. NE Salem, OR 97305

Hearing Officer: John Caul

Stat. Auth.: ORS 453.374

Stats. Implemented: ORS 453.374-453.390

Proposed Amendments: 837-120-0080

Last Date for Comment: 6-24-13, 3 p.m.

Summary: Rule is being modified to adopt, by reference, the schedule of emergency response costs of the Regional Hazardous Materials Response Teams, as established in the 2013-15 Team Contracts.

The rule amendment will take effect on July 1, 2013.

Rules Coordinator: Connie Dalke

Address: Department of Oregon State Police, Office of State Fire Marshal, 4760 Portland Rd. NE, Salem, OR 97305-1760

Telephone: (503) 934-8211

Department of Public Safety Standards and Training Chapter 259

Rule Caption: Establish Law Enforcement Medal of Ultimate Sacrifice (2011 SB 976)

Stat. Auth.: ORS 176.260 & 181.640

Stats. Implemented: ORS 176.260 & 181.640

Proposed Amendments: 259-008-0100

Last Date for Comment: 6-21-13, Close of Business

Summary: Establishes qualifications and processes for awarding the Law Enforcement Medal of Ultimate Sacrifice which was enacted when SB 976 passed during the 2011 Legislative Session.

Rules Coordinator: Linsay Hale

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

Telephone: (503) 378-2431

Rule Caption: Allows the Department to prescribe additional training requirements in situations of limited periods of employment.

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Proposed Amendments: 259-008-0025

NOTICES OF PROPOSED RULEMAKING

Last Date for Comment: 6-21-13, Close of Business

Summary: Current administrative rule requires law enforcement officers who have not been employed in a full-time position for an extended period of time to complete additional training before becoming recertified. These requirements are in place to ensure that all certified, active law enforcement officers are current in the knowledge and abilities of their profession. In rare instances, an officer's employment history may not require additional training to retain certification, but the periods of employment are so limited and sporadic, not requiring additional training could potentially create a liability for the employing agency and the Department. This proposed rule adds an exception to rule to address these unusual situations.

Rules Coordinator: Linsay Hale

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

Telephone: (503) 378-2431

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Rule Caption: Clarify application process for Private Investigator licensure.

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

Stats. Implemented: ORS 703.401-703.995

Proposed Amendments: 259-061-0020

Last Date for Comment: 6-21-13, Close of Business

Summary: This proposed rule update clarifies the application process for Private Investigator licensure. The requirement for an applicant to submit three letters of reference, inadvertently omitted in a previous rule change, was added. All references to "private investigators" were changed to "investigator" to include applicants for provisional licenses. The ability to scan fingerprints was recognized. Requirements for Errors and Omission Insurance was added. A statement was added prohibiting the submission of photocopies to satisfy the photograph requirement. A requirement was added to provide proof of a passing score on the Private Investigator Proficiency Exam. The requirement to report continuing education and supply updated photographs was added to the renewal application process. The re-application process following an administrative termination was clarified. A statement was added allowing the Department to grant exceptions to the application process. Finally, form references, rule citations and typographical errors were corrected.

Rules Coordinator: Linsay Hale

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

Telephone: (503) 378-2431

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Rule Caption: Update NFPA 1003 Standard for Airport Fire Fighter Professional Qualifications

Stat. Auth.: ORS 181.640

Stats. Implemented: ORS 181.640

Proposed Amendments: 259-009-0062

Last Date for Comment: 6-21-13, Close of Business

Summary: This proposed rule update adopts the NFPA 1003 standard, 2010 edition, relating to the professional qualifications of airport fire fighters.

Rules Coordinator: Linsay Hale

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

Telephone: (503) 378-2431

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Rule Caption: Correct typographical errors, omissions and ambiguous language.

Stat. Auth.: ORS 181.870, 181.871, 181.873, 181.875, 181.878, 181.882 & 181.885

Stats. Implemented: ORS 181.870, 181.871, 181.873, 181.875, 181.878, 181.882 & 181.885

Proposed Amendments: 259-060-0010, 259-060-0015, 259-060-0020, 259-060-0025, 259-060-0030, 259-060-0060, 259-060-0090, 259-060-0120, 259-060-0135, 259-060-0300, 259-060-0450

Last Date for Comment: 6-21-13, Close of Business

Summary: The entire private security rule set was recently re-written and filed as permanent rule with the Secretary of State's office effective November 1, 2012. Since, the rule set was again reviewed by staff for typographical errors, omissions and ambiguous language. This proposed rule addresses these issues and provides additional clarification for the private security industry.

Rules Coordinator: Linsay Hale

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

Telephone: (503) 378-2431

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Rule Caption: Update timeline for requesting eligibility determination for candidacy for the office of sheriff; Housekeeping.

Stat. Auth.: ORS 206.015

Stats. Implemented: ORS 206.015

Proposed Amendments: 259-008-0075

Last Date for Comment: 6-21-13, Close of Business

Summary: All candidates for the office of Sheriff are required by statute to request an eligibility determination from DPSST prior to their name appearing on an official ballot. This proposed rule updates the eligibility determination process to clearly indicate the appropriate steps and order of the steps needed in order to have an eligibility determination made. Housekeeping changes were also 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

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Department of Transportation Chapter 731

Rule Caption: Records, Maintenance, Right to Audit Records

Date:	Time:	Location:
6-18-13	10 a.m.	ODOT Salem Materials Lab Large Conference Rm. 800 Airport Rd. SE Salem, OR

Hearing Officer: Dale Hormann

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

Stats. Implemented: ORS 279A.030, 279C.375 & 279C.440

Proposed Amendments: 731-005-0780

Last Date for Comment: 6-21-13, Close of Business

Summary: Under current rules and contract specifications, contractors on ODOT public improvement projects must maintain certain records and allow ODOT access to them for inspection and audit. ODOT's expectation has been that records retained by contractors should include bidding records and contractor job-cost records. However, under current rules and contract specifications, ODOT's obtaining access from contractors to retained records is a reactive process that is for the most part completely dependent on the goodwill and discretion of the contractor. Recent claims disputes have demonstrated a need to clarify contractors' legal obligations when it comes to recordkeeping and claims substantiation and solidify ODOT's legal authority to access contractor business records to ensure that the public contracting process remains transparent and competitive. Accordingly, ODOT proposes to revise its administrative rules and, eventually, its standard contract specifications to specifically identify those records, contracts must maintain in order to substantiate contractor claims. The proposed revisions to ODOT's rules should provide ODOT with authority to obtain access to these contractor records. The revised OAR will achieve the following objectives: Clearly define what records contractors and Related Entities are required to maintain and provide to ODOT.

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

Rules Coordinator: Lauri Kunze

NOTICES OF PROPOSED RULEMAKING

Address: Department of Transportation, 355 Capitol St. NE, MS 51, Salem, OR 97301
Telephone: (503) 986-3171

Rule Caption: Implementation of ORS 366.215 involving reduction of vehicle-carrying capacity on highways termed freight routes
Date: 7-15-13 **Time:** 1 p.m. **Location:** Wilsonville City Hall
29799 SW Town Center Loop E
Wilsonville OR

Hearing Officer: Dale Hormann
Stat. Auth.: ORS 184.616 & 184.619
Stats. Implemented: ORS 366.215
Proposed Adoptions: 731-012-0010, 731-012-0020, 731-012-0030, 731-012-0040, 731-012-0050, 731-012-0060, 731-012-0070, 731-012-0080, 731-012-0090, 731-012-0100, 731-012-0110, 731-012-0120, 731-012-0130, 731-012-0140
Last Date for Comment: 7-15-13, Close of Hearing
Summary: ODOT is adopting these rules to specify the procedures and requirements needed to implement ORS 366.215. The rules will define terms, identify review requirements and required communication during reviews of proposed changes to designated highways. Text of proposed and recently adopted ODOT rules can be found at web site <http://www.oregon.gov/ODOT/CS/RULES/>
Rules Coordinator: Lauri Kunze
Address: Department of Transportation, 355 Capitol St. NE, MS 51, Salem, OR 97301
Telephone: (503) 986-3171

Department of Veterans' Affairs
Chapter 274

Rule Caption: Relating to the Definition of "Under Honorable Conditions" and "Honorably Discharged"
Stat. Auth.: ORS 406.005 & 406.030
Other Auth.: 77th OR Legislative Assembly 2013 Regular Session, Ch.16 (HB 2633)
Stats. Implemented: ORS 406.005, 406.030, 407.090 & 408.225
Proposed Amendments: 274-010-0100, 274-012-0001, 274-020-0200, 274-045-0001
Last Date for Comment: 6-21-13, 5 p.m.
Summary: The 77th Oregon Legislative Assembly 2013 Regular Session passed House Bill 2633 which added the definition of "Honorable Conditions" to ORS 408.225. HB 2633 also amended ORS 407.090 to have the Department of Veterans' Affairs adopt the meaning of "Honorable Conditions into rule. For clarification and consistency, the term "Honorably Discharged" has the same meaning as "Honorable Conditions".
Rules Coordinator: Bruce Craig
Address: Department of Veterans' Affairs, 700 Summer St. NE, Salem, OR 97301-1285
Telephone: (503) 373-2327

Oregon Business Development Department
Chapter 123

Rule Caption: These rules relating to the Oregon Business Development Fund have been amended or repealed.
Stat. Auth.: ORS 285A.075 & 285B.050-285B.098
Stats. Implemented: ORS 285B.050-285B.098
Proposed Amendments: Rules in 123-017
Proposed Repeals: 123-017-0060, 123-017-0070, 123-017-0080
Last Date for Comment: 6-21-13, 5 p.m.
Summary: The Oregon Business Development Fund rules are amended to include new language for eligibility. The condition for approval that states applicants have not entered into a contract or contracts exceeding \$700,000 has been amended to \$1,000,000. The maximum loan contract amount has been amended from \$700,000 to \$1,000,000. Payment schedule language has been amended.

The Building Opportunities for Oregon Small Business Today Program is statutorily mandated to expire on June 30, 2013. The BOOST rules have been repealed.

Rules Coordinator: Mindee Sublette
Address: Oregon Business Development Department, 775 Summer St. NE, Suite 200, Salem, OR 97301
Telephone: (503) 986-0036

Oregon Department of Education
Chapter 581

Rule Caption: Revises rules relating to food safety inspections to conform to federal law.
Stat. Auth.: ORS 326.051
Other Auth.: 7 CFR 210 & 7 CFR 220.7
Stats. Implemented: ORS 326.051
Proposed Amendments: 581-051-0305, 581-051-0306
Last Date for Comment: 6-20-13, 5 p.m.
Summary: The Department of Education's Child Nutrition Program operates the federally-funded school and community-based nutrition programs. Administrative rules governing the operation of the program reflect federal rules. Changes in federal law are prompting the updating of two Oregon administrative rules.

The School Food Service Inspection Requirements, known as the School Food Code, has been updated to reflect changes to the Food and Drug Administration's Food Code of 2009, adopted by Oregon Department of Human Services Division 150 Food Sanitation Rules effective September 2012, to include pertinent sections of the code as school food service changes, make clarifications, update definitions, and correct typographical errors.

The Administrative Rules will be amended for these changes, as well as identify that the complete School Food Code is available through ODE Child Nutrition Program Office. The areas of change are updating definitions and a reference to the food code.

These updates and amendments are required by federal law.
Rules Coordinator: Cindy Hunt
Address: Oregon Department of Education, 255 Capitol St. NE, Salem, OR 97310
Telephone: (503) 947-5651

Rule Caption: School and District Performance Report Criteria
Stat. Auth.: ORS 326.051 & 329.075
Stats. Implemented: ORS 329.105
Proposed Amendments: 581-022-1060
Last Date for Comment: 6-20-13, 5 p.m.
Summary: The rule amendments do the following:
Change the ratings applied to schools and districts.
Change the indicators upon which the ratings are based.
Require the production of Policy and Technical Manual.
Update the rule to reflect changes in federal law.
Rules Coordinator: Cindy Hunt
Address: Oregon Department of Education, 255 Capitol St. NE, Salem, OR 97310
Telephone: (503) 947-5651

Oregon Health Authority,
Division of Medical Assistance Programs
Chapter 410

Rule Caption: Amend rules governing payment for Medicaid EHR Incentive Program
Date: 6-17-13 **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: 413.042 & 414.033

NOTICES OF PROPOSED RULEMAKING

Proposed Amendments: 410-165-0000, 410-165-0020, 410-165-0040, 410-165-0060, 410-165-0080, 410-165-0100, 410-165-0120, 410-165-0140

Last Date for Comment: 6-19-13, 5 p.m.

Summary: The Division needs to amend these rules because new federal legislation from the Centers for Medicare and Medicaid Services (CMS) affects how providers are eligible for the Medicaid EHR Incentive Program. These amended rules incorporate these changes including how a key eligibility criterion, Medicaid patient volume (or for some providers, needy individual patient volume), is determined. More specifically, there is a longer look-back period for determining patient volume and whether a provider practices predominantly in a Federally Qualified Health Center or Rural Health Clinic. There is also a change to the definition of a Medicaid encounter which now allows encounters paid by Children's Health Insurance Program (CHIP) as well as services rendered to an individual enrolled in a Medicaid program, without the requirement that Medicaid paid for at least part of the service to now be included. Retroactive for eligible hospitals to 10/1/2012 and eligible professionals to 1/1/2013

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: Add definitions, Change in coverage to Part D Medicare for certain drugs

Date:	Time:	Location:
6-17-13	10:30 a.m.	500 Summer St. NE, Rm. 137C Salem, OR 97301

Hearing Officer: Cheryl Peters

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.025, 414.065, 414.329, 414.705, 414.706, 414.707, 414.708 & 414.710

Proposed Amendments: 410-120-1210

Last Date for Comment: 6-19-13, 5 p.m.

Summary: The Division of Medical Assistance Programs (Division) General Rules, administrative rules govern payments for services provided to certain eligible clients. The Division temporarily amends OAR 410-120-1210 to implement changes made by the Centers for Medicare and Medicaid Services (CMS). January 1, 2013 Medicare Part D will start covering barbiturates "used in the treatment of epilepsy, cancer, or a chronic mental health disorder" and benzodiazepines. Currently, barbiturates and benzodiazepines are among the excluded drugs that the Division covers for its Medicaid beneficiaries. Since the coverage of barbiturates under Part D is limited to the treatment of epilepsy, cancer or a chronic mental health disorders, Division will continue to cover barbiturates to the extent it covers that drug for a condition other than the three covered by Part D.

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: Add definitions, clarify client billings, include Cover Oregon in application process, technical revision rule precedence

Date:	Time:	Location:
6-17-13	10:30 a.m.	500 Summer St. NE, Rm. 137C Salem, OR 97301

Hearing Officer: Cheryl Peters

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 414.041 & 414.065

Proposed Amendments: 410-120-0000, 410-120-0025, 410-120-0045

Last Date for Comment: 6-19-13, 5 p.m.

Summary: The General Rules program administrative rules govern Division payments for services to clients.

410-120-0000: move definitions from the transportation program to general rules, include a definition for Cover Oregon and include in the definition of primary care the Federal definition under the Affordable Care Act.

410-120-0025: The revision clarifies the precedence order as it relates to ORS and federal law. The revision also corrects chapter numbers for OAR cited in the rule.

410-120-0045: Changes to application process performed at provider sites under the Affordable Care Act. Incorporates Cover Oregon into the process.

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: Add Alternative Payment Methodology (APM) pilot sites for FQHC and RHC

Date:	Time:	Location:
6-17-13	10:30 a.m.	500 Summer St. NE, Rm. 137C Salem, OR 97301

Hearing Officer: Cheryl Peters

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 414.065

Proposed Amendments: 410-147-0360

Last Date for Comment: 6-19-13, 5 p.m.

Summary: The Division needs to amend 410-147-0360 to incorporate necessary rule language relating to reimbursement to Federally Qualified Health Clinics (FQHC) and Rural Health Clinics (RHC) that are participating in the Alternative Payment Methodology (APM) Pilot Program

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: Correct the Authority's intent to exempt newly eligible third trimester women from mandatory enrollment

Date:	Time:	Location:
6-17-13	10:30 a.m.	500 Summer St. NE, Rm. 137C Salem, OR 97301

Hearing Officer: Cheryl Peters

Stat. Auth.: ORS 413.042, 414.615, 414.625, 414.635 & 414.651

Other Auth.: 2012 SB 1580, 1115 Waiver

Stats. Implemented: ORS 414.610-414.685

Proposed Amendments: 410-141-3060

Last Date for Comment: 6-19-13, 5 p.m.

Summary: This rule establishes a process for the Authority to allow exemptions to enrollment for newly eligible women in their third trimester of pregnancy. CCOs will improve health, increase the quality, reliability, availability and continuity of care, as well as to reduce costs. CCOs will provide medical assistance recipients with health care services that are supported by alternative payment methodologies that focus on prevention and that use patient-centered primary care homes, evidence-based practices and health information technology to improve health and reduce health disparities. The Authority needs to amend these rules to ensure the Authority's intent for member choice when reaching the third trimester of pregnancy. This rule change needs to be in effect January 1, 2013, the start date of the current requirement for mandatory enrollment post 60 days from birth.

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: Align with other rules referenced; establish clarity, and change in coding for pharmacy clozaril monitoring

NOTICES OF PROPOSED RULEMAKING

Date: 6-17-13
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 414.025, 414.065 & 414.150

Proposed Amendments: 410-130-0180, 410-130-0240

Last Date for Comment: 6-19-13, 5 p.m.

Summary: The Medical Surgical Program administrative rules (Division 130) govern Division payments for services provided to certain clients. The Division needs to amend rules as follows:

410-130-0180: Rule amended to update clozaril monitoring and outline Division's response to changes in national code set requirements.

410-130-0240: Rule re-written to align with other OHP rules and provide more clarity on medical services.

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: Change in Clozaril Monitoring coding and re-write rule for clarity

Date: 6-17-13
Time: 10:30 a.m.
Location: 500 Summer St. NE, Rm. 137C
Salem, OR 97301

Hearing Officer: Cheryl Peters

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 414.065

Proposed Amendments: 410-121-0190

Last Date for Comment: 6-19-13, 5 p.m.

Summary: The Pharmaceutical Services Program administrative rules (division 121) govern Division payments for services provided to certain clients. The Division temporarily amended 410-121-0190 for clarity.

410-121-0190 — rule re-written to clarify Clozaril Management Monitoring and Medication Therapy Management Services billing

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: Clarify current practices in rule, provide rule language clarification for home health services

Date: 6-17-13
Time: 10:30 a.m.
Location: 500 Summer St. NE, Rm. 137C
Salem, OR 97301

Hearing Officer: Cheryl Peters

Stat. Auth.: ORS 414.065, 409.040 & 413.042

Stats. Implemented: ORS 414.065

Proposed Amendments: 410-127-0020, 410-127-0040, 410-127-0060, 410-127-0080

Last Date for Comment: 6-19-13, 5 p.m.

Summary: These home health services rules are amended to clarify current practices in rule, provide rule language clarification and update definitions based on provider, stakeholder and the Oregon Association for Home Care participation and input in the Rule Advisory Committee meeting (RAC) held on March 27, 2013.

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: Supported Employment Services Definitions and Provider Requirements and Fidelity Reviews

Date: 6-17-13
Time: 10:30 a.m.
Location: 500 Summer St. NE, Rm. 137C
Salem, OR 97301

Hearing Officer: Cheryl Peters

Stat. Auth.: ORS 413.042, 414.615, 414.625, 414.635 & 414.651

Stats. Implemented: ORS 414.610-414.685

Proposed Amendments: 410-141-3160

Last Date for Comment: 6-19-13, 5 p.m.

Summary: Supported employment services are delivered to individuals with serious mental illness to enable them to obtain and maintain employment. The requirements for providers that will deliver these services are being added to this rule. The rule informs CCOs what criteria and requirements the providers must comply with to receive reimbursement from the Authority and that the criteria and requirements may be found in the Addictions and Mental Health Division rules in chapter 309 division 16.

The chapter 309 rules set forth the fidelity review requirements and provide information on how these requirements may be accessed electronically

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: Change method of payment to FQHC Out Station Outreach Worker Activities

Date: 6-17-13
Time: 10:30 a.m.
Location: 500 Summer St. NE, Rm. 137C
Salem, OR 97301

Hearing Officer: Cheryl Peters

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 414.065

Proposed Amendments: 410-147-0400

Last Date for Comment: 6-19-13, 5 p.m.

Summary: The Division needs to amend 410-147-0400 to change the method of payment to Federally Qualified Health Clinics (FQHC) and Rural Health Clinics (RHC) for out stationed outreach worker activities. These clinics have historically been reimbursed for out stationed outreach worker activities through a rate calculated from 100% of cost, which was then added to their base Prospective Payment System (PPS) all inclusive encounter rate. This amended rule will reimburse clinics 100% of their allowable costs for out stationed outreach worker activities and be paid in four equal installments at the beginning of each calendar quarter, January 1, April 1, July 1, and October 1.

Rules Coordinator: Cheryl Peters

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

Telephone: (503) 945-6527

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Oregon Health Authority, Oregon Educators Benefit Board Chapter 111

Rule Caption: Amendments made to this rule to update and clarify definitions used by OEBB

Date: 6-26-13
Time: 10 a.m.
Location: OEBB/PEBB Boardroom
1225 Ferry St. SE
Salem, OR 97301

Hearing Officer: OEBB Staff

Stat. Auth.: ORS 243.860-243.886

Stats. Implemented: ORS 243.864(1)(a)

Proposed Amendments: 111-010-0015

Last Date for Comment: 6-30-13, Close of Business

Summary: Amendments made to this rule are to update and clarify definitions used by OEBB.

Rules Coordinator: April Kelly

Address: Oregon Health Authority, Oregon Educators Benefit Board, 1225 Ferry St. SE, Salem, OR 97301

Telephone: (503) 378-6588

NOTICES OF PROPOSED RULEMAKING

Rule Caption: Amendments to this rule align rule language with current OEBB processes

Date:	Time:	Location:
6-26-13	10 a.m.	OEBB/PEBB Boardroom 1225 Ferry St. SE Salem, OR 97301

Hearing Officer: OEBB Staff

Stat. Auth.: ORS 243.860–243.886

Stats. Implemented: ORS 243.864(1)(a)

Proposed Amendments: 111-065-0010, 111-065-0015, 111-065-0025, 111-065-0030

Last Date for Comment: 6-30-13, Close of Business

Summary: Amendments to OAR 111-065-0010, 111-065-0015, 111-065-0025 and 111-065-0030 align rule language with current OEBB processes related to payment information for early retirees who self pay their insurance premiums directly to OEBB.

Rules Coordinator: April Kelly

Address: Oregon Health Authority, Oregon Educators Benefit Board, 1225 Ferry St. SE, Salem, OR 97301

Telephone: (503) 378-6588

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**Oregon Health Insurance Exchange
Chapter 945**

Rule Caption: Qualified Health Plan Addendum for Indian Health Providers

Date:	Time:	Location:
6-21-13	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 741.310

Proposed Adoptions: 945-020-0040

Last Date for Comment: 6-28-13, 5 p.m.

Summary: Adopts the Qualified Health Plan Addendum for Indian Health Providers, and requires insurers to use the addendum when contracting with Indian health providers for services to be offered as part of a plan certified by the Exchange as a qualified health plan.

Rules Coordinator: Gregory Jolivet

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

Telephone: (503) 373-9406

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**Oregon Health Licensing Agency
Chapter 331**

Rule Caption: Removes temporary discounts from the Board of Body Art fee structure, 331-940-0000.

Stat. Auth.: ORS 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

Proposed Amendments: 331-940-0000

Last Date for Comment: 6-28-13, 5:30 p.m.

Summary: 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

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

Telephone: (503) 373-1917

Oregon Liquor Control Commission Chapter 845

Rule Caption: New rule to establish operational and siting standards for regular Satellite Liquor Stores.

Date:	Time:	Location:
6-25-13	10 a.m.	9079 SE McLoughlin Blvd. Portland, OR 97222

Hearing Officer: Annabelle Henry

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

Stats. Implemented: ORS 471.750

Proposed Adoptions: 845-015-0205

Last Date for Comment: 7-9-13, 5 p.m.

Summary: In August of 2010, the Commission established a Satellite Liquor Stores Pilot Program (OAR 845-015-0200). The program was designed to allow interested parties to determine the efficacy of operating non-exclusive retail liquor stores in smaller communities where there is a fluctuating, seasonal demand for an additional outlet due to tourism or other similar factors. Since this time, two Pilot Satellite Liquor Stores have commenced operations. Both stores have successfully achieved the goals of the Satellite Liquor Store Pilot Program. However, neither store may continue to operate after the expiration of its respective Pilot Program Agent Agreement which, according to rule, may not exceed three years. The proposed new rule (OAR 845-015-0205) establishes operational and siting standards for regular (i.e., permanent) Satellite Liquor Stores. It also allows the Commission to convert existing Pilot Satellite Liquor Stores into regular Satellite Liquor Stores, if desired.

Rules Coordinator: Annabelle Henry

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

Telephone: (503) 872-5004

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Rule Caption: Amend to delete an incomplete definition of 'equipment.'

Date:	Time:	Location:
7-9-13	10 a.m.	9079 SE McLoughlin Blvd. Portland, OR 97222

Hearing Officer: Annabelle Henry

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

Stats. Implemented: ORS 471.342

Proposed Amendments: 845-009-0140

Last Date for Comment: 7-23-13, 5 p.m.

Summary: Subsection (1)(b) provides a definition of 'equipment' that does not include the standards set forth in section (2) of the rule. This omission could lead to confusion regarding the standards that age verification equipment must meet in order to qualify for the credit provided under sections (3) and (4) of the rule. The proposed amendments delete the incomplete definition of 'equipment' found in subsection (1)(b), thereby clarifying the standards that age verification equipment must meet under the rule.

Rules Coordinator: Annabelle Henry

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

Telephone: (503) 872-5004

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Rule Caption: Amends two rules to implement statutory changes requiring service permits for new category of persons.

Date:	Time:	Location:
6-24-13	10 a.m.	9079 SE McLoughlin Blvd. Portland, OR 97222

Hearing Officer: Annabelle Henry

Stat. Auth.: ORS 471, 471.030, 471.040, 471.190 & 471.730(1) & (5)

Stats. Implemented: ORS 471.190, 471.360, 471.365(2) & 471.375

Proposed Amendments: 845-009-0010, 845-009-0015

NOTICES OF PROPOSED RULEMAKING

Last Date for Comment: 7-8-13, 5 p.m.

Summary: OAR 845-009-0010 (Service Permit Requirements) identifies the persons who are required to obtain a valid service permit under ORS 471.360. It also identifies the persons who may temporarily work without a valid service permit after submitting an indorsed application in accordance with ORS 471.375.

OAR 845-009-0015 (Licensee and Authorized Person's Responsibility for Verifying Identification) describes the licensee's or other authorized person's duty to verify a person's identity and possession of a valid service permit if one is required under ORS 471.360. It also describes additional duties required of the licensee or other authorized person if an indorsed application is temporarily allowed in lieu of a valid service permit under ORS 471.375.

House Bill (HB) 2443 (addressing growlers) amends ORS 471.360 to require any person who participates in the dispensing of malt beverages, wines or cider sold in securely covered containers provided by the consumer to possess a valid service permit. Prior to these amendments, ORS 471.360 did not require service permits for such persons. HB 2443 does not amend ORS 471.375.

On March 28, 2013, the Oregon Legislature passed HB 2443, and on April 11, 2013, the Governor signed HB 2443 into law. Because HB 2443 includes an emergency clause making it effective upon passage, OAR 845-009-0010 and OAR 845-009-0015 must be amended to reflect the current statutory language.

On May 10, 2013, the Commission adopted temporary rules OAR 845-009-0010 and OAR 845-009-0015 on an emergency basis, effective immediately. On the same day, the Commission initiated permanent rulemaking. The proposed amendments reflect the additional category of persons now required to obtain a valid service permit under ORS 471.360 and the absence of any provisions in ORS 471.375 that would allow persons whose duties are limited to filling growlers for off-premises consumption to work while their service permit applications are pending.

The Commission will proceed with permanent rulemaking while the adopted temporary rules are in place. The temporary rules will remain in effect until permanent rules are adopted or until the temporary rules expire on November 6, 2013; whichever is first to occur.

Rules Coordinator: Annabelle Henry

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

Telephone: (503) 872-5004

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Oregon Patient Safety Commission
Chapter 325

Rule Caption: Establishes the Patient Safety Commission's 2013-2015 biennial budget by amending OAR 325-005-0015.

Date:	Time:	Location:
6-21-13	10 a.m.	1020 SW Taylor St., Suite 700 Portland, OR 97205

Hearing Officer: Shannon O'Fallon

Stat. Auth.: ORS 442.820-442.835

Other Auth.: 2003 OL Ch. 686, Sec. 9

Stats. Implemented: ORS 182.462(1) & 182.462(2)

Proposed Amendments: 325-005-0015

Last Date for Comment: 6-21-13, 5 p.m.

Summary: In accordance with the rules governing semi-independent state agencies, this action establishes the Oregon Patient Safety Commission's 2013-2015 biennial budget of \$2,844,268 by amending OAR 325-005-015.

Rules Coordinator: Bethany A. Walmsley

Address: Oregon Patient Safety Commission, PO Box 285, Portland, OR 97204

Telephone: (503) 224-9226

Oregon Public Employees Retirement System
Chapter 459

Rule Caption: New rule clarifies the implementation of a change in the assumed rate.

Date:	Time:	Location:
6-25-13	2 p.m.	Oregon State Archives 800 Summer St. NE Salem, OR 97310
6-27-13	3:30 p.m.	PERS Boardroom. 11410 SW 68th Pkwy. Tigard, OR 97223

Hearing Officer: Daniel Rivas

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

Stats. Implemented: ORS 238 & 238A

Proposed Adoptions: 459-007-0007

Last Date for Comment: 7-2-13, 5 p.m.

Summary: ORS 238.255 provides the PERS Board shall determine an assumed interest rate. OAR 459-007-0001(2) states the "assumed rate" is "the actuarial assumed rate of return on investments as adopted by the Board for the most recent actuarial valuation." Currently, PERS does not have an administrative rule that describes the implementation of any change in the assumed rate. The new rule clarifies when the assumed rate will be implemented for PERS transactions.

Rules Coordinator: Daniel Rivas

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

Telephone: (503) 603-7713

.....
Oregon State Marine Board
Chapter 250

Rule Caption: Establish slow no-wake zone around the Portland-Milwaukie Light Rail Bridge construction project.

Date:	Time:	Location:
6-24-13	1 p.m.	The Portland Bldg. Rm. B 1120 SW Fifth Ave. Portland, OR 97204

Hearing Officer: Rachel Bullene

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.175

Proposed Amendments: 250-020-0280

Last Date for Comment: 6-24-13, Close of Hearing

Summary: This rule will establish a slow no-wake zone 500 feet upstream and downstream of the Portland-Milwaukie Light Rail Bridge construction ending October 31, 2014.

Rules Coordinator: June LeTarte

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

Telephone: (503) 378-2617

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Parks and Recreation Department
Chapter 736

Rule Caption: Heritage Commission grants and statewide celebrations

Date:	Time:	Location:
6-19-13	5 p.m.	North Mall Office Bldg. Room 124A 725 Summer St. NE, Suite C Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 358.583, 358.585 & 390.124

Stats. Implemented: ORS 358.583, 358.590 & 358.595

Proposed Amendments: 736-053-0100, 736-053-0105, 736-053-0110, 736-053-0115, 736-053-0120, 736-053-0125, 736-053-0130, 736-053-0135, 736-053-0140, 736-053-0200, 736-053-0205, 736-053-0210, 736-053-0215, 736-053-0220, 36-053-0225, 736-053-0230, 736-053-0235, 736-053-0300, 736-053-0305, 736-053-0315, 736-053-0325

Last Date for Comment: 6-21-13, 5 p.m.

NOTICES OF PROPOSED RULEMAKING

Summary: Rules provide a process for the Oregon Heritage Commission to award grants, and select and support statewide celebrations. Rules also expands heritage grants to state-supported universities.

NOTE: Those who wish to make public comment must register with the hearing officer by 5:30 p.m. on 6/19/2013. Public comment can also be submitted via email to: OPRD.publiccomment@state.or.us

Public comment must be received by 5:00 p.m. on 6/21/13.

Rules Coordinator: Vanessa DeMoe

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

Telephone: (503) 986-0719

Rule Caption: Revise and Clarify General Park Area Rules

Date:	Time:	Location:
6-18-13	6:30 p.m.	Newport Public Library 35 NW Nye St. Newport, OR 97365
6-19-13	6:30 p.m.	Champoeg State Heritage Area Visitor Center 8239 Champoeg Rd. NE St. Paul, OR 97137
6-20-13	6:30 p.m.	Holiday Inn Express 20615 Grandview Dr. Bend, OR 97701

Hearing Officer: Staff

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 390.121 & 390.124

Proposed Amendments: 736-010-0005, 736-010-0015, 736-010-0020, 736-010-0022, 736-010-0025, 736-010-0026, 736-010-0027, 736-010-0030, 736-010-0035, 736-010-0040, 736-010-0050, 736-010-0055, 736-010-0060, 736-010-0065

Last Date for Comment: 6-21-13, 5 p.m.

Summary: Divisions 10, General Park Area Rules, contain the majority of rules governing the operation of parks and visitor behavior on OPRD managed properties. The following changes are necessary to clarify the rules and bring them into alignment with other related OARs: clarify the "Purpose, Statutory Authority and Scope of Rules" section; add missing definitions in the "Definitions" section; clarify rules in the "General Regulations" section; revise the "Violations and Fines" section to bring it in compliance with recent changes in the "SCHEDULE OF FINES" prepared by the Office of State Court Administrator, Oregon Judicial Department; add classes of violation to the "Motor Vehicles" section; clarify the responsibilities of handlers in the "Domestic Animals" section; clarify rules and add classes of violation to "Visitor Conduct" section; clarify rules in the "Overnight Use" section and reference related rules in OAR 736 division 15; clarify rules in "Cultural, Historic, Natural and Wildlife Resources" section and rename the section "Park Resources"; add a park to the list of properties where alcohol is prohibited; and clarify the boundaries of the area in Rooster Rock State Park where nudity is prohibited.

NOTE: Those wishing to make public comment must register with the hearing officer by 7:00 PM at the scheduled hearing.

Rules Coordinator: Vanessa DeMoe

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

Telephone: (503) 986-0719

Public Utility Commission Chapter 860

Rule Caption: Revision to OAR 860-021-0015(1) to Clarify Utilities' Retention Period for Dispute Records

Stat. Auth.: ORS Ch. 183, 756, 757 & 759

Stats. Implemented: ORS 756.040, 756.500 & 756.512

Proposed Amendments: 860-021-0015

Last Date for Comment: 6-25-13, 5 p.m.

Summary: The current language of OAR 860-021-0015(1) contains an incorrect rule reference concerning the retention of records. The rule reference intended does not specifically address the retention of utility-customer or utility-applicant dispute records. The proposed revision clarifies that dispute records must be retained for 36 months.

The Commission encourages participants to file written comments as early as practicable in the proceedings so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket AR 571 on comments and file them by e-mail to the Commission's Filing Center at PUC.FilingCenter@state.or.us and also send a signed paper copy to the Filing Center at PO Box 2148, Salem, Oregon 97308-2418. For more information about the Commission's Filing Center, please see <http://apps.puc.state.or.us/edockets/center.htm>. Interested persons may review all filings online at <http://apps.puc.state.or.us/edockets/docket.asp?DocketID=18325>. For guidelines on filing and participation, please see OAR 860-001-0140 through 860-001-0160 and 860-001-0200 through 860-001-0250 found online at http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_860/860_tofc.html

Rules Coordinator: Diane Davis

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

Telephone: (503) 378-4372

Public Utility Commission, Board of Maritime Pilots Chapter 856

Rule Caption: Adjusts pilot license fee by percentage change in consumer price index for previous 24 months.

Stat. Auth.: ORS 776

Stats. Implemented: ORS 776.115(4)(b), 776.355(1) & 776.357(2)

Proposed Amendments: 856-010-0016

Last Date for Comment: 6-28-13, 4 p.m.

Summary: The Board is statutorily required to adjust the amount of the maximum annual license fee for a maritime pilot for each subsequent biennium by a proportional amount equal to the percentage change in the 24-month period prior to the beginning of the biennium in the Portland-Salem, OR-WA, Consumer Price Index for All Urban Consumers for All Items, as published by the Bureau of Labor Statistics of the United States Department of Labor. The cumulative CPI for the previous period will increase the license fee from \$2,718 to \$2,858 annually.

Rules Coordinator: Susan Johnson

Address: Public Utility Commission, Board of Maritime Pilots, 800 NE Oregon St., Suite 507, Portland, OR 97232

Telephone: (971) 673-1530

Teacher Standards and Practices Commission Chapter 584

Rule Caption: Removes obsolete references within the rules; clarifies conditional license; clarifies highly qualified rules.

Stat. Auth.: ORS 342

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

Proposed Amendments: 584-018-0205, 584-020-0041, 584-036-0055, 584-036-0080, 584-060-0002, 584-060-0012, 584-060-0062, 584-060-0220, 584-060-0250, 584-080-0161, 584-090-0100, 584-100-0002, 584-100-0006, 584-100-0011, 584-100-0016, 584-100-0017, 584-100-0021, 584-100-0026, 584-100-0031, 584-100-0038, 584-100-0041, 584-100-0051, 584-100-0061

Proposed Repeals: 584-100-0023

Proposed Ren. & Amends: 584-100-0101 to 584-100-0007
584-100-0106 to 584-100-0008

Last Date for Comment: 7-25-13, 12 p.m.

NOTICES OF PROPOSED RULEMAKING

Summary: Removes repealed statutes; clarifies role of reporting superintendents; removes obsolete reference to “alternative assessment”; allows commission to accept international test scores for visiting teachers; terminates License for Conditional Assignment (LCA) each June 30; clarifies when LCA may be issued in special education; corrects typographical numbering; adds definition of professional development; removes references to “No Child Left Behind” and replaces with ESEA; clarifies HOUSSE deadlines; moves definitions to front of highly qualified regulations.

Rules Coordinator: Victoria Chamberlain

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ADMINISTRATIVE RULES

Board of Nursing Chapter 851

Rule Caption: Clarifies certification categories and licensure renewal status for advanced practice nurses.

Adm. Order No.: BN 6-2013

Filed with Sec. of State: 5-6-2013

Certified to be Effective: 6-1-13

Notice Publication Date: 4-1-2013

Rules Amended: 851-050-0005, 851-050-0006, 851-050-0008, 851-050-0138

Subject: Offering a bridge for licensure in various NP categories who are in the process of changing their national certification and titling.

Consistently using the term “active” license/certificate instead of “current.”

Removing requirements in Division 50, 52 and 54 for an “unencumbered” registered nurse license in order to renew an advanced nursing license/certificate.

Updating the criteria for evaluating NP national certification exams based on new NCSBN criteria.

Rules Coordinator: Peggy A. Lightfoot—(971) 673-0638

851-050-0005

Nurse Practitioner Scope of Practice

(1) Purpose of Scope of Practice:

(a) To establish acceptable levels of safe practice for the nurse practitioner.

(b) To serve as a guide for the Board to evaluate nurse practitioner practice.

(c) To distinguish the scope of practice of the nurse practitioner from that of the registered nurse.

(2) The role of the nurse practitioner will continue to expand in response to societal demand and new knowledge gained through research, education, and experience.

(3) The nurse practitioner provides holistic health care to individuals, families, and groups across the life span in a variety of settings, including hospitals, long term care facilities and community based settings.

(4) Within his or her specialty, the nurse practitioner is responsible for managing health problems encountered by the client and is accountable for health outcomes. This process includes:

- (a) Assessment;
- (b) Diagnosis;
- (c) Development of a plan;
- (d) Intervention;
- (e) Evaluation.

(5) The nurse practitioner is independently responsible and accountable for the continuous and comprehensive management of a broad range of health care, which may include:

- (a) Promotion and maintenance of health;
- (b) Prevention of illness and disability;
- (c) Assessment of clients, synthesis and analysis of data and application of nursing principles and therapeutic modalities;
- (d) Management of health care during acute and chronic phases of illness;
- (e) Admission of his/her clients to hospitals and/or health services including but not limited to home health, hospice, long term care and drug and alcohol treatment;
- (f) Counseling;
- (g) Consultation and/or collaboration with other health care providers and community resources;
- (h) Referral to other health care providers and community resources;
- (i) Management and coordination of care;
- (j) Use of research skills;
- (k) Diagnosis of health/illness status;
- (l) Prescribing, dispensing, and administration of therapeutic devices and measures, including legend drugs and controlled substances as provided in Division 56 of the Oregon Nurse Practice Act, consistent with the definition of the practitioner’s specialty category and scope of practice.

(6) The nurse practitioner scope of practice includes teaching the theory and practice of advanced practice nursing.

(7) The nurse practitioner is responsible for recognizing limits of knowledge and experience, and for resolving situations beyond his/her

nurse practitioner expertise by consulting with or referring clients to other health care providers.

(8) The nurse practitioner will only provide health care services within the nurse practitioner’s scope of practice for which he/she is educationally prepared and for which competency has been established and maintained. Educational preparation includes academic coursework, workshops or seminars, provided both theory and clinical experience are included.

(9) The scope of practice as previously defined is incorporated into the following specialty categories and further delineates the population served:

(a) Acute Care Nurse Practitioner (ACNP) — The Acute Care Nurse Practitioner independently provides health care to persons who are acutely or critically ill. The Acute Care Nurse Practitioner scope may be further differentiated by care of populations newborn to young adulthood, or adults to older adults.

(b) Adult Nurse Practitioner (ANP) The Adult Nurse Practitioner independently provides health care to adolescents and adults. The Adult Nurse Practitioner scope may be further differentiated by additional competencies in care of older adults.

(c) Nurse Midwife Nurse Practitioner (NMNP) The Nurse Midwife Nurse Practitioner independently provides health care to women, focusing on pregnancy, childbirth, the postpartum period, care of the newborn, and the family planning and gynecological needs of women. The scope of practice includes treating the male partners of their female clients for sexually transmitted diseases, and reproductive health. Counseling related to sexuality, relationship, and reproductive issues is included in this scope.

(d) Family Nurse Practitioner (FNP) The Family Nurse Practitioner independently provides health care to families and to persons across the lifespan;

(e) Geriatric Nurse Practitioner (GNP) The Geriatric Nurse Practitioner independently provides health care to older adults;

(f) Neonatal Nurse Practitioner (NNP) — The Neonatal Nurse Practitioner independently provides health care to neonates and infants.

(g) Pediatric Nurse Practitioner (PNP) The Pediatric Nurse Practitioner independently provides health care to persons newborn to young adulthood;

(h) Psychiatric/Mental Health Nurse Practitioner (PMHNP) The Psychiatric/Mental Health Nurse Practitioner independently provides health care to clients with mental and emotional needs and/or disorders. The Psychiatric/Mental Health Nurse Practitioner scope may be further differentiated by care of populations newborn to young adulthood, adolescent to adult, or across the lifespan.

(i) Women’s Health Care Nurse Practitioner (WHCNP) The Women’s Health Care Nurse Practitioner independently provides health care to adolescent and adult females. The scope of practice includes treating the male partners of their female clients for sexually transmitted diseases and reproductive health. Counseling related to sexuality, relationship, and reproductive health is included in this scope.

Stat. Auth.: ORS 678.380 & 678.395

Stats. Implemented: ORS 678.380

Hist.: NB 3-1987, f. & ef. 3-12-87; NB 3-1990, f. & cert. ef. 4-2-90; NB 1-1992, f. & cert. ef. 2-13-92; NB 7-1992, f. & cert. ef. 7-15-92; NB 4-1994, f. & cert. ef. 8-2-94; NB 9-1994, f. & cert. ef. 12-7-94; NB 2-1995, f. & cert. ef. 4-12-95; NB 7-1996, f. & cert. ef. 10-29-96; NB 6-1997, f. & cert. ef. 5-13-97; BN 10-2003, f. & cert. ef. 10-2-03; BN 13-2006, f. & cert. ef. 10-5-06; BN 9-2009, f. 12-17-09, cert. ef. 1-1-10; BN 6-2013, f. 5-6-13, cert. ef. 6-1-13

851-050-0006

Re-Entry Requirements

(1) If the practice requirement in OAR 851-050-0004 has not been met, applicants shall:

(a) Obtain a limited license as a registered nurse in the State of Oregon; or hold an active Oregon registered nurse license.

(b) Submit an application for a limited license, which meets educational requirements of OAR 851-050-0002(1), or an application for delinquent renewal of previous certification as a nurse practitioner in Oregon. An application, which is not completed, becomes void after one year from date of receipt.

(c) Submit a plan of study for approval, which specifies:

(A) Clinical sites, patient population, objectives, competency evaluation, and supervisory relationship of preceptor;

(B) Number of practice hours required and how their completion shall be met,

(C) Eligibility of reentry plan to meet requirements for national board certification from a Nurse Practitioner national certification examination which meets criteria in OAR 851-050-0008, congruent with a Board recognized nurse practitioner role and population focus.

ADMINISTRATIVE RULES

(d) Submit names and qualifications for approval of preceptors which are Oregon certified nurse practitioners and/or Oregon licensed MD/DO physicians in the same area as the nurse practitioner certification.

(e) Determine practice hours in consultation with the Board to ensure one of the following options has been met:

(A) 300 hours of supervised practice if the applicant has practiced less than 960 hours in the last five years, or has completed a nurse practitioner program within the last two years and has not worked a minimum of 192 hours. Advanced practice hours completed during these time frames may be applied to reduce the total number of supervised clinical practice hours required, except that in no case shall the precepted practice be less than 150 hours.

(B) 600 hours of supervised practice if the applicant has not practiced 960 hours in the last five years, but has practiced at least 960 hours in the last six years. Advanced practice hours completed during the six year time frame may be applied to reduce the total number of supervised clinical practice hours required except that in no case shall the precepted practice be less than 300 hours.

(C) 1000 hours of supervised practice if the applicant has not practiced at least 960 hours in the last ten years. Advanced practice hours completed during the ten year time frame may be applied to reduce the total number of supervised clinical practice hours required except that in no case shall the precepted practice be less than 500 hours.

(D) If the applicant has not practiced at least 960 hours within the last ten years, the re-entry requirement shall be met through successful completion of a nurse practitioner post masters certificate program which meets the requirements of OAR 851-050-0001, or of a comprehensive series of nurse practitioner courses within a CCNE or NLNAC accredited nurse practitioner program in the specialty sought. The plan of study shall be submitted in advance for Board approval before enrollment. The plan of study shall cover the entire scope of the advanced specialty area under which the applicant was previously certified/licensed, and must include both clinical and didactic hours. The program of study shall include advanced pharmacology which meets the requirements of OAR 851-056-0008, pathophysiology, physical assessment, differential diagnosis, and clinical management. The institution shall provide documentation, which demonstrates previous credits, courses, or competency testing applied to meet final completion. Proof of completion of this plan of study shall be provided to the Board in the form of official transcripts documenting completion of all required coursework.

(2) In addition to meeting the re-entry practice requirement, all participants will submit evidence of 100 hours of continuing education which meet the standards in OAR 851-050-0138 completed within the last two years by the completion of their re-entry precepted practice. The continuing education hours must include an advanced pharmacology course meeting the criteria in OAR 851-056-0008, physical assessment, treatment modalities, client management and laboratory/diagnostic studies with content related to the NP scope of practice being sought. The continuing education may be obtained in the following ways, provided that no less than 50% is comprised of CME or CE accredited courses at the advanced practice specialty level:

(a) Independent learning activities, e.g. reading professional journals;

(b) Unstructured learning activities, e.g. professional meetings and clinical rounds;

(c) Structured learning activities, e.g. seminars and workshops.

(3) The re-entry participant shall practice under a limited certificate, and successfully complete clinical practice directly supervised by the approved preceptor in the same area of practice. Application for a limited certificate shall be made prior to the beginning of the supervised clinical practice. The limited certificate shall be valid for one year, with one renewal of an additional one year permitted. The supervising practitioner shall submit a final evaluation to the Board to verify that the applicant's knowledge and skills are at a safe and acceptable level and verify the hours of supervised practice. An application for a limited license for re-entry without issuance after one calendar year shall be considered void.

(4) Supervised practice hours shall be without compensation.

(5) Upon successful completion of the supervised practice hours and proof of national Board certification, the full nurse practitioner certificate will be issued with an expiration date that coincides with the applicant's registered nurse license.

(6) Re-entry hours must be completed within a two-year time frame from the issuance of the limited license.

(7) Successful completion of Board approved advanced practice re-entry will satisfy requirements for the registered nurse re-entry.

(8) Prescriptive authority will be issued only upon completion of precepted hours to applicants meeting all criteria in OAR 851-056-0006. Written documents during precepted practice shall be signed with the nurse practitioner specialty title, followed with "Re-entry" and the preceptors co-signature.

(9) The applicant shall submit all fees required by the Board with the application. The fees are not refundable.

Stat. Auth.: ORS 678.101 & 678.150

Stats. Implemented: ORS 678.380

Hist.: BN 10-2003, f. & cert. ef. 10-2-03; BN 8-2004, f. 5-4-04, cert. ef. 5-12-04; BN 13-2006, f. & cert. ef. 10-5-06; BN 8-2009, f. 12-17-09, cert. ef. 7-1-10; BN 6-2013, f. 5-6-13, cert. ef. 6-1-13

851-050-0008

Criteria for Evaluating Nurse Practitioner National Certification Examinations

The Board shall determine whether a certification examination can be used to fulfill the requirement for licensure of nurse practitioners based upon verification the following standards:

(1) The certification program is national in its scope of credentialing.

(2) Conditions for taking the examination are consistent with acceptable standards of the testing community and are intended to ensure minimal competence to practice at an advanced level of nursing.

(3) Educational requirements include completion of a graduate level advanced practice education program of study in the area of nursing certification.

(4) Educational requirements are consistent with a Board recognized advanced practice role and population foci and include a minimum of 500 hours of supervised clinical practice.

(5) Certification examinations meet the criteria of the National Commission on Certifying Agencies or the American Board of Nursing Specialties.

(6) The examination represents entry-level practice in the nurse practitioner role and population focus.

(7) The certification program demonstrates and maintains an established process of secure communication with the Board of Nursing.

(8) The examination represents the knowledge, skills and abilities for safe and effective advanced nursing care based upon incumbent job analysis and logical job analysis studies.

(9) Examination items are reviewed for content validity, cultural bias and correct scoring using an established mechanism, both before use and periodically.

(10) The passing standard is established using acceptable psychometric methods, and is re-evaluated periodically.

(11) Examinations are evaluated for psychometric performance.

(12) Examination security is maintained through established procedures.

(13) Certification is issued based upon meeting all certification requirements and passing the examination.

(14) A re-take policy is in place.

(15) The certification program has mechanisms in place for communication to Boards of Nursing in a timely manner when individuals are certified, recertified, when there is a change in certification status; and when there are changes in the certification program including qualifications, test plan, and scope of practice.

(16) A certification maintenance program, which includes review of qualifications and continued competence is in place.

(17) The Board has a secure mechanism for timely verification of an individual's certification status, changes in certification status, and changes in the certification program requirements including qualifications, test plan and scope of practice; and

(18) An evaluation process is in place to provide quality assurance in the certification program.

Stat. Auth.: ORS 678.380

Stats. Implemented: ORS 678.380

Hist.: BN 9-2009, f. 12-17-09, cert. ef. 1-1-10; BN 6-2013, f. 5-6-13, cert. ef. 6-1-13

851-050-0138

Renewal of Nurse Practitioner State Certification

(1) Renewal of state certification shall be on the same schedule as the renewal system of the registered nurse license. The requirements for recertification are:

(a) Active license as a registered nurse in the state of Oregon.

(b) Submission of all required application fees. Fees are not refundable. An application that has not been completed during the current biennial renewal cycle shall be considered void.

ADMINISTRATIVE RULES

(c) Completion of 100 clock hours of continuing education related to advanced practice nursing and to the area(s) of population focus certification. Proof of National Board certification may be used to meet structured accredited continuing education course requirements for the current renewal cycle for up to 50% of the total CE requirement.

(d) Persons initially certified on or after January 1, 2011 shall provide verification of current national Board certification in a role and population focus congruent with educational preparation and current Oregon nurse practitioner certification.

(e) Verification of practice hours which meet the practice requirement in OAR 851-050-0004.

(f) Verification of utilization of prescriptive authority which meets the requirements specified in OAR 851-056-0014 unless already certified as an Oregon Nurse Practitioner without prescriptive authority.

(2) An applicant for renewal who has graduated from the nurse practitioner program less than two years prior to his/her first renewal will not be required to document the full 100 clock hours of continuing education. The applicant's continuing education will be prorated on a monthly basis based on the length of time between graduation and the date of the first renewal.

(3) Nurse practitioners shall maintain accurate documentation and records of any claimed continuing education and practice hours for no less than five years from the date of submission to the Board.

(4) Renewal shall be denied if the applicant does not meet the practice, prescribing, or continuing education requirement for renewal.

(5) Applications for renewal up to 60 days past the expiration date shall meet all requirements for renewal and pay a delinquent fee.

(6) Any individual whose nurse practitioner certification is expired may not practice or represent themselves as a nurse practitioner in Oregon until certification is complete, subject to civil penalty.

(7) Any individual initially licensed after January 1, 2011, whose nurse practitioner national certification is expired may not practice or represent themselves as a nurse practitioner in Oregon regardless of state certification subject to civil penalty.

Stat. Auth.: ORS 678.375 & 678.380

Stats. Implemented: ORS 678.380

Hist.: NER 34, f. & ef. 10-1-76; NER 5-1981, f. & ef. 11-24-81; NER 8-1985, f. & ef. 12-9-85; NB 3-1990, f. & cert. ef. 4-2-90; Renumbered from 851-020-0310; NB 2-1992, f. & cert. ef. 2-13-92; NB 8-1993, f. & cert. ef. 8-23-93; NB 7-1996, f. & cert. ef. 10-29-96; BN 10-2003, f. & cert. ef. 10-2-03; BN 8-2004, f. 5-4-04, cert. ef. 5-12-04; BN 13-2006, f. & cert. ef. 10-5-06; BN 7-2008, f. & cert. ef. 11-26-08; BN 9-2009, f. 12-17-09, cert. ef. 1-1-10; BN 3-2010(Temp), f. & cert. ef. 4-19-10 thru 10-15-10; BN 13-2010, f. & cert. ef. 9-30-10; BN 6-2013, f. 5-6-13, cert. ef. 6-1-13

Rule Caption: Clarifies certification categories and licensure renewal status for advanced practice nurses.

Adm. Order No.: BN 7-2013

Filed with Sec. of State: 5-6-2013

Certified to be Effective: 6-1-13

Notice Publication Date: 4-1-2013

Rules Amended: 851-052-0020, 851-052-0030

Subject: Consistently using the term "active" license/certificate instead of "current."

Removing requirements in Division 50, 52 and 54 for "unencumbered" registered nurse license in order to renew and advanced nursing license/certificate.

Changing the name of the national certification board for CRNAs to reflect current titling.

Rules Coordinator: Peggy A. Lightfoot—(971) 673-0638

851-052-0020

Eligibility for Licensure

(1) As of September 1, 1998, an individual shall meet the requirements and receive a license as a CRNA in order to use the title CRNA, Certified Registered Nurse Anesthetist or Nurse Anesthetist, and engage in the scope of practice of a CRNA.

(2) An applicant for licensure as a CRNA shall:

(a) Hold or obtain an active unencumbered registered nurse license in Oregon;

(b) Be a graduate of nurse anesthesia educational program accredited by an approved accrediting body;

(c) Meet the practice requirement, which is to either have:

(A) Graduated from the nurse anesthesia program within the past two years; or

(B) Practiced 850 hours as a CRNA within the two years preceding the application for licensure, including but not limited to direct care, teach-

ing, consulting, supervision and research related to CRNA scope of practice; and

(d) Hold current full certification or recertification from an approved certifying body; or

(3) A Graduate Registered Nurse Anesthetist (GRNA) may receive a limited license to practice within the CRNA scope of practice prior to attaining full certification if the applicant:

(a) Is a graduate of an accredited nurse anesthesia educational program;

(b) Meets all requirements for CRNA licensure other than full certification;

(c) When providing anesthesia care, a GRNA shall have available for consultation a CRNA or anesthesiologist in the facility, until full certification from an approved certifying body is achieved.

(d) The limited license shall expire 9 months following the date of graduation, or on issue of the CRNA license after full certification is attained, whichever is earlier.

(4) Applicants who graduate from an approved anesthesia educational program on or after January 1, 2001 shall be required to hold a Master's degree in anesthesia practice, or in a related practice area approved by the board.

(5) If an applicant does not meet the practice requirement in 851-052-0030(2)(c), the applicant shall:

(a) Obtain a limited license as a registered nurse in the State of Oregon; or hold an active Oregon registered nurse license;

(b) Submit for Board approval, a detailed plan for supervised practice which includes objectives, names and qualifications of preceptor(s), and describes the nature of the clinical experience.

(A) If the applicant has practiced at least 850 hours within the past five (5) years, the practice plan shall provide for 850 hours of preceptorship. Documented practice hours within the past two (2) years may be recognized and may reduce the required hours, except that, in no case shall the supervised practice be less than 400 hours.

(B) If the applicant has practiced at least 850 hours within the past ten (10) years, the practice plan shall provide for 1275 hours.

(C) If the applicant has not practiced at least 850 hours within the past (10) years, the practice plan shall provide for 1700 hours, and the applicant shall pass the certification examination offered by an approved certifying body.

(c) Submit evidence of continuing education credits granted by an approved accrediting body to total 20 hours for each year out of practice, completed within the period the applicant was out of practice or concurrent with the preceptorship.

(d) Obtain a limited CRNA license for supervised practice. For purpose of this section, the limited license will be issued and valid for one (1) year from the date of issue:

(A) Upon application and payment of fee; and

(B) Board approval of the plan for supervised practice; and

(C) Evidence of provisional certification by an approved certifying body.

(e) Successfully complete the planned hours of clinical practice supervised by a CRNA or anesthesiologist. Successful completion shall be verified by a final evaluation submitted by the supervising practitioner to the Board to verify that the applicant's knowledge and skills are at a safe and acceptable level and that the number of required hours of supervised practice were completed.

(f) Obtain full certification from an approved certifying body.

(6) Revocation, suspension, or any other encumbrance of a registered nurse license, or any special authority to practice anesthesia care, in another state, territory of the United States, or any foreign jurisdiction may be grounds for denial of CRNA licensure in Oregon.

(7) The applicant shall submit all fees required by the Board with the application. The fees are not refundable. An application which remains incomplete after one calendar year shall be considered void.

Stat. Auth.: ORS 678.285

Stats. Implemented: ORS 678.285

Hist.: BN 9-1998, f. 7-16-98, cert. ef. 9-1-98; BN 7-2013, f. 5-6-13, cert. ef. 6-1-13

851-052-0030

Renewal of CRNA License

Renewal of the CRNA license shall be on the same schedule as the renewal of the registered nurse license. The requirements for renewal are:

(1) Active license as a registered nurse in Oregon; and

(2) Current active practice as a CRNA for no less than 850 hours within the two years prior to renewal or preceptorship as established in OAR 851-052-0020(5); and

ADMINISTRATIVE RULES

(3) Current certification or recertification by National Board of Certification and Re-Certification for Nurse Anesthetists (NBCRNA).

(4) Applications for renewal up to 60 days past the expiration date shall meet all requirements for renewal and pay a delinquent fee.

(5) The applicant shall submit the required fees with the application. Fees are not refundable. An application shall be void if not completed during the current biennial renewal cycle. Any individual whose CRNA license or national certification is expired or delinquent may not practice or represent themselves as a CRNA in Oregon, subject to civil penalty.

Stat. Auth.: ORS 678.285

Stats. Implemented: ORS 678.285

Hist.: BN 9-1998, f. 7-16-98, cert. ef. 9-1-98; BN 5-2005, f. & cert. ef. 6-30-05; BN 7-2013, f. 5-6-13, cert. ef. 6-1-13

Rule Caption: Clarifies licensure renewal status for Clinical Nurse Specialists.

Adm. Order No.: BN 8-2013

Filed with Sec. of State: 5-6-2013

Certified to be Effective: 6-1-13

Notice Publication Date: 4-1-2013

Rules Amended: 851-054-0040, 851-054-0050

Rules Repealed: 851-054-0055

Subject: Consistently using the term “active” license/certificate instead of “current.”

Removing requirements in Division 50, 52 and 54 for an “unencumbered” registered nurse license in order to renew an advanced nursing license/certification.

Removing the section on “reactivation” from the CNS section of rules (Division 54) to be consistent with other divisions.

Changing delinquent renewal from 30 to 60 days in the CNS section of rules to be consistent with Division 50.

Rules Coordinator: Peggy A. Lightfoot—(971) 673-0638

851-054-0040

Eligibility for Initial Certification

(1) An applicant for certification as a Clinical Nurse Specialist (CNS) shall:

(A) Hold or obtain an active unencumbered registered nurse license in Oregon;

(B) Hold a graduate degree in nursing, or a post-masters certificate in nursing demonstrating evidence of CNS theory and clinical concentration. The program shall meet the following educational standards:

(A) The program shall be at least one academic year in length;

(B) There shall be faculty and/or clinical instructors who are academically and experientially qualified in nursing, and who maintain expertise within the CNS scope of practice;

(C) NLNAC or CCNE accreditation or documentation of a Board approved credentials evaluation for graduates of programs outside of the U.S. which demonstrates education equivalency to a NLNAC or CCNE graduate degree in nursing.

(D) Applicants who graduate or obtain a post-masters certificate on or after January 1, 2007 shall have completed 500 hours of clinical practice within the program; or prior to state certification:

(i) Complete a formal academic program offering any remaining hours of clinical practice; or

(ii) Complete a Board approved clinical continuing education course offering supervised clinical practice for any remaining hours.

(c) Meet the practice requirement through verification of:

(A) Graduation from a CNS educational program within the past five years; or

(B) Practice within the CNS scope of practice for at least 960 hours within the five years preceding the application. Verification of practice hours is subject to random audit.

(2) If an applicant does not meet the practice requirement in 851-054-0040(1)(c), the applicant shall:

(a) Obtain a limited license as a registered nurse in the State of Oregon; or hold an active Oregon registered nurse license;

(b) Submit for Board approval, a detailed plan for precepted practice that includes: competencies that support the CNS scope of practice; names and qualifications of CNS preceptor(s); and a description of the nature of the proposed unpaid, voluntary, precepted clinical experience.

(A) If the applicant has practiced at least 960 hours within the six years prior to the date of application, the practice plan shall provide for 250 hours of preceptorship. Documented practice hours within the CNS scope

for the past two years may be recognized and may reduce the required hours, except that, in no case shall the precepted practice be less than 120 hours.

(B) If the applicant has practiced at least 960 hours within the CNS scope for the ten years prior to the date of application, the practice plan shall provide for 400 hours.

(C) If the applicant has not practiced at least 960 hours within the CNS scope for the ten years prior to the date of application, the practice plan shall provide for 500 hours.

(c) Obtain a limited CNS state certification for precepted practice. The limited state certification shall be issued only upon receipt of a completed CNS application, application for limited state certification, Board approval of the plan for supervised practice, and payment of all applicable fees. The limited state certification is valid only for precepted practice that has been approved in advance by the Board, and will be valid for one year from the date of issue. One extension of the limited state certificate may be granted upon approval and payment of fee, provided there is a current valid application for state certification on file and no disciplinary action has been taken against the applicant. This extension will be valid for one year from date of approval.

(d) Successfully complete the precepted hours of practice supervised by the CNS preceptor. Successful completion shall be verified by a final evaluation submitted by the supervising CNS to the Board to verify that the applicant is competent to practice in the CNS scope at a safe and acceptable level, and that the number of required hours of precepted practice was completed.

(e) Submit evidence of continuing education related to the CNS role to total 20 contact hours for each year out of practice with no less than 50% obtained from accredited providers of continuing nursing education (CNE), continuing medical education (CME), or continuing pharmacology education (CPE). Continuing education taken concurrent with the reentry plan may be applied towards the total continuing education requirement, provided all hours are complete by the end of the preceptorship.

(3) The applicant shall submit all fees required by the Board with the application. The fees are not refundable. An application that remains incomplete after one year shall be considered void.

(4) Clinical Nurse Specialists seeking prescriptive authority will need to meet all additional requirements in Division 56. These requirements may be obtained as part of a re-entry program plan approved by the Board.

Stat. Auth.: ORS 678.050, 678.370 & 678.372

Stats. Implemented: ORS 678.050, 678.370 & 678.372

Hist.: BN 4-2001, f. & cert. ef. 2-21-01; BN 10-2001, f. & cert. ef. 7-9-01; BN 6-2006, f. & cert. ef. 5-8-06; BN 11-2006, f. & cert. ef. 10-5-06; BN 3-2007, f. & cert. ef. 3-13-07; BN 14-2010, f. & cert. ef. 9-30-10; BN 8-2013, f. 5-6-13, cert. ef. 6-1-13

851-054-0050

Renewal of Clinical Nurse Specialist Certification

Renewal of the Clinical Nurse Specialist (CNS) certification shall be on the same schedule as the renewal of the registered nurse license. The requirements for renewal are:

(1) Active license as a registered nurse in Oregon; and

(2) Practice as a CNS for no less than 960 hours within the five years prior to renewal or have completed a preceptorship as established in OAR 851-054-0040(2); and

(3) Forty contact hours of continuing education accumulated during the current certification period. At least 50% shall consist of formal academic or structured continuing education obtained from the following continuing education accrediting bodies: American Nurses Credentialing Center (ANCC), Accreditation Council for Continuing Medical Education (ACCME), American Academy of Continuing Medical Education (AACME), Accreditation Council for Pharmacy Education (ACPE), state boards of nursing and state nursing associations.

(4) Proof of national board certification as a CNS in a specialty may be used to meet structured continuing education requirements for the current renewal cycle for up to 50% of the total continuing education requirement.

(5) A CNS with prescriptive authority must meet additional CE requirements as specified in Division 56.

(6) The CNS shall affirm and document completion of the continuing education and practice hours on the application renewal or delinquent renewal form. Verification of all hours and credits is subject to random audits by the Board. Falsification of continuing education or practice hours is grounds for disciplinary action.

(7) The CNS shall maintain accurate records of any claimed CE hours and practice hours for no less than five years from date of submission to the Board.

ADMINISTRATIVE RULES

(8) An applicant for renewal who has graduated from the CNS program less than two years prior to the first renewal will not be required to document the full 40 contact hours of continuing education. Continuing education will be prorated on a monthly basis based on the length of time between graduation and the date of the first renewal.

(9) The applicant shall submit the required fees with the application. Fees are not refundable. An application shall be void if not completed during the current biennial renewal cycle.

(10) An applicant for renewal up to 60 days past the expiration date shall meet all requirements for renewal and pay a delinquent fee.

(11) Any individual whose state CNS certification is delinquent may not practice as a CNS until certification is complete, subject to civil penalty.

Stat. Auth.: ORS 678.101, 678.370 & 678.372
Stats. Implemented: ORS 678.372
Hist.: BN 4-2001, f. & cert. ef. 2-21-01; BN 11-2006, f. & cert. ef. 10-5-06; BN 14-2010, f. & cert. ef. 9-30-10; BN 8-2013, f. 5-6-13, cert. ef. 6-1-13

Construction Contractors Board Chapter 812

Rule Caption: Division 6 — update cite references, change pre-licensure training, provider experience, and change record retention

Adm. Order No.: CCB 1-2013

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Rules Amended: 812-002-0640, 812-005-0180, 812-006-0100, 812-006-0150, 812-006-0200, 812-006-0250, 812-006-0300, 812-006-0350, 812-006-0400, 812-006-0450

Subject: OAR 812-002-0640, 812-005-0180, division 6 heading, 812-006-0150, 812-006-0250, 812-006-0300, 812-006-0350, and 812-006-0400 are amended to make it clear the training is needed before a new contractor becomes licensed. This helps clearly differentiate between the continuing education required for renewal and the pre-licensure education required prior to licensure.

812-006-0100 and 812-006-0450 are amended to revise cite references and to make it clear the training is needed before a new contractor becomes licensed. This helps clearly differentiate between the continuing education required for renewal and the pre-licensure education required prior to licensure.

812-006-0200 is amended to make it clear the training is needed before a new contractor becomes licensed. This helps clearly differentiate between the continuing education required for renewal and the pre-licensure education required prior to licensure. And is amended to change the length of time a pre-licensure training provider must keep their records from five years to six years to match the Pre-Licensure Training Authorization Agreements providers sign and to match current contracting statutes. The rule is also amended to require that trainers have at least four years work experience or four years of education, or any combination of both, in the subject areas that they instruct. The amendment is consistent with the rule for residential continuing education (see OAR 812-021-0025(6)(b)).

Rules Coordinator: Catherine Dixon—(503) 934-2185

812-002-0640

Renewal

“Renewal” (of license) as used in ORS 701.063, 701.068, and 701.131 includes but is not limited to the act of submitting a replacement bond, a bond rider, or letter of credit or cash deposit, a certificate of insurance, a fee, the renewal form, any employer account numbers, and any pre-licensure training.

Stat. Auth.: ORS 670.310 & 701.235
Stats. Implemented: ORS 670.310, 701.056, 701.063, 701.068, 701.073, 701.088, 701.105, 701.131 & 701.238
Hist.: CCB 4-1998, f. & cert. ef. 4-30-98; CCB 6-1998, f. 8-31-98, cert. ef. 9-1-98; CCB 7-2000, f. 6-29-00, cert. ef. 7-1-00; CCB 4-2003, f. & cert. ef. 6-3-03; CCB 7-2005, f. 12-7-05, cert. ef. 1-1-06; CCB 7-2007, f. 12-13-07, cert. ef. 1-1-08; CCB 9-2008, f. 6-11-08, cert. ef. 7-1-08; CCB 2-2011, f. 4-28-11, cert. ef. 5-1-11; CCB 1-2013, f. 4-30-13, cert. ef. 5-1-13

812-005-0180

Suspension of Civil Penalty

At the agency’s discretion, all or part of a civil penalty may be suspended, if:

(1) The respondent provides written proof of having completed one or more pre-licensure training courses as provided by Division 6 of these rules; and/or

(2) The respondent makes timely payment of any agreed-upon reduced penalty amount; and/or

(3) The respondent provides other consideration found to be acceptable by the agency.

Stat. Auth.: ORS 670.310, 701.235 & 701.992
Stats. Implemented: ORS 701.102
Hist.: 1BB 7-1980(Temp), f. & ef. 11-4-80; 1BB 8-1980, f. & ef. 12-9-80; 1BB 2-1981, f. & ef. 6-4-81; 1BB 1-1982, f. 3-31-82, ef. 4-1-82; 1BB 4-1982, f. & ef. 10-7-82; 1BB 1-1983, f. & ef. 3-1-83; Renumbered from 812-11-080; 1BB 4-1985, f. & ef. 12-8-85; BB 3-1987, f. 12-30-87, cert. ef. 1-1-88; CCB 1-1989, f. & cert. ef. 11-1-89; CCB 2-1990, f. 5-17-90, cert. ef. 6-1-90; CCB 2-1991, f. 6-28-91, cert. ef. 7-1-91; CCB 3-1991, f. 9-26-91, cert. ef. 9-29-91; CCB 2-1992, f. & cert. ef. 4-15-92; CCB 7-1992, f. & cert. ef. 12-4-92; CCB 5-1993, f. 12-7-93, cert. ef. 12-8-93; CCB 1-1994, f. 6-23-94, cert. ef. 7-1-94; CCB 4-1995, f. & cert. ef. 10-5-95; CCB 6-1997, f. & cert. ef. 11-26-97; CCB 8-1998, f. 10-29-98, cert. ef. 11-1-98; CCB 7-2000, f. 6-29-00, cert. ef. 7-1-00; Renumbered from 812-005-0000(6), CCB 7-2005, f. 12-7-05, cert. ef. 1-1-06; CCB 1-2013, f. 4-30-13, cert. ef. 5-1-13

812-006-0100

Responsible Managing Individual

(1) As used in these rules, a responsible managing individual (RMI) has that meaning as provided in ORS 701.005(16).

(2) Upon initial application, an applicant for a contractor’s license shall designate at least one individual as the applicant’s RMI and:

(a) Provide evidence that the applicant’s RMI has completed the pre-licensure training and passed the test, as provided for in ORS 701.122, OAR 812-006-0150 and 812-006-0300; or

(b) Document that the applicant’s RMI has experience as required by OAR 812-006-0450.

(3) An individual who is not an owner may not be designated as the RMI of more than one licensee.

(4) An RMI may not be an approved pre-licensure training provider or the principal of an approved pre-licensure training provider or an approved pre-licensure trainer, as provided in OAR 812-006-0200, while serving as an RMI for a licensee. For purposes of this rule, the principal of an approved pre-licensure training provider includes any owner, partner, officer, member, manager or trustee of the provider.

(5) When an RMI leaves a business, the business shall:

(a) Immediately appoint another RMI; and

(b) Immediately notify the agency in writing of the name of the individual and the date the individual joined the business.

(6) An RMI appointed under section (5) of this rule must:

(a) Document completion of the pre-licensure training and testing requirements under ORS 701.122, OAR 812-006-0150 and 812-006-0300; or

(b) Document that the RMI has experience as required by OAR 812-006-0450.

Stat. Auth.: ORS 670.310, 701.122 & 701.235
Stats. Implemented: ORS 701.005, 701.091 & 701.122
Hist.: CCB 8-2001, f. 12-12-01, cert. ef. 1-1-02; CCB 3-2005, f. & cert. ef. 8-24-05; CCB 6-2006, f. 5-25-06, cert. ef. 6-1-06; Renumbered from 812-006-0011, CCB 10-2006, f. 9-5-06, cert. ef. 10-1-06; CCB 9-2008, f. 6-11-08, cert. ef. 7-1-08; CCB 20-2008, f. & cert. ef. 11-20-08; CCB 1-2013, f. 4-30-13, cert. ef. 5-1-13

812-006-0150

Pre-Licensure Training Requirements

(1) The pre-licensure training required in ORS 701.122 shall cover the subjects listed in OAR 812-006-0250.

(2) Pre-licensure training shall consist of at least 16 hours.

(3) Pre-licensure training must be provided by a Pre-licensure training provider approved by the agency as provided in OAR 812-006-0200.

(4) A person seeking to take the pre-licensure training shall:

(a) Pay any fees required by the pre-licensure training provider; and

(b) Provide approved government-issued picture identification to the pre-licensure training provider.

Stat. Auth.: ORS 670.310, 701.122 & 701.235
Stats. Implemented: ORS 701.122
Hist.: CCB 10-2006, f. 9-5-06, cert. ef. 10-1-06; CCB 9-2008, f. 6-11-08, cert. ef. 7-1-08; CCB 1-2011, f. 2-28-11, cert. ef. 3-1-11; CCB 1-2013, f. 4-30-13, cert. ef. 5-1-13

812-006-0200

Pre-Licensure Training Provider Approval

(1) No pre-licensure training shall meet the requirements of ORS 701.122 unless it is offered by a pre-licensure training provider approved by the agency.

(2) To receive agency approval, individuals and organizations shall make application and sign an agreement with the agency prior to offering the pre-licensure training.

ADMINISTRATIVE RULES

(3) The pre-licensure training provider application shall include, but will not be limited to, provisions for:

(a) Recording the name, address, contact information, and name of responsible administrator of the pre-licensure training provider.

(b) Submitting trainer resumes or work summaries that demonstrate that all its trainers have at least four years work experience or four years education, or any combination of both, in subject areas that they instruct as outlined in the Oregon Contractors Reference Manual.

(4) No pre-licensure training provider may offer or provide any pre-licensure training until there is a fully executed agreement between the pre-licensure training provider and the agency.

(5) No pre-licensure training provider may offer or provide any pre-licensure training if, at the time of offering or providing the pre-licensure training, the pre-licensure training provider is an RMI of a licensee.

(6) A pre-licensure training provider must comply at all times with the following requirements:

(a) The pre-licensure training provider will provide 16-hours of training under OAR 812-006-0150.

(b) The pre-licensure training provider will verify that each student taking the pre-licensure training has a current agency-approved manual.

(c) The pre-licensure training provider will use agency-approved curriculum and the agency-approved Oregon Contractors Reference Manual.

(d) The pre-licensure training provider will send electronic records of completion to the agency in a format approved by the agency and keep records of completion for a minimum of six years.

(e) The pre-licensure training provider will communicate law changes and program procedural changes received from the agency to the pre-licensure training provider's trainers and will implement these changes within 30 business days.

(f) The pre-licensure training provider will use only approved trainers who have at least four years work experience or four years education, or any combination of both, in the subject that they instruct as outlined in the Oregon Contractors Reference Manual. CCB will not approve as a trainer any individual who, at the time of offering or providing the pre-licensure training, is an RMI of a licensee.

(g) The pre-licensure training provider will request and receive, in writing, agency approval of all trainers at least 10 business days before trainers are scheduled to teach.

(h) The pre-licensure training provider will provide a mechanism for students to contact their trainer(s) outside of class for a minimum of one hour per week for 90 days from date of enrollment.

(i) The pre-licensure training provider will give all students information about how to contact trainers and hours of availability before the end of the pre-licensure training.

(j) The pre-licensure training provider will comply with all applicable federal and state laws.

(7) The agency may publicize a pre-licensure training provider's test passage rate for its students.

(8) The agency may revoke a pre-licensure training provider's right to offer training and terminate the agreement of a pre-licensure training provider at any time the pre-licensure training provider fails to:

(a) Meet any requirement of the agreement; or

(b) Comply with these rules.

(9) The agency may revoke a pre-licensure training provider's right to offer pre-licensure training and terminate the agreement of a pre-licensure training provider:

(a) Whose students do not pass the agency test on their first attempt at least 70 percent of the time after the pre-licensure training provider has provided pre-licensure training for at least three months, or whose students fail to maintain the 70 percent first attempt test passing rate during the remaining period of the agreement; or

(b) Who acquires or attempts to acquire agency test questions by unauthorized means, including but not limited to, photographing, photocopying or videotaping any part of the agency's test or paying or offering incentives to individuals or business entities to write down, photograph or videotape any part of the agency's test.

Stat. Auth.: ORS 670.310, 701.122 & 701.235

Stats. Implemented: ORS 701.122

Hist.: CCB 1-1992, f. 1-27-92, cert. ef. 2-1-92; CCB 4-2000, f. & cert. ef. 5-2-00; CCB 8-2001, f. 12-12-01, cert. ef. 1-1-02; CCB 5-2002, f. 5-28-02, cert. ef. 6-1-02; CCB 4-2003, f. & cert. ef. 6-3-03; CCB 1-2005(Temp), f. & cert. ef. 1-5-05 thru 7-1-05; CCB 2-2005, f. 6-29-05, cert. ef. 7-1-05; CCB 3-2005, f. & cert. ef. 8-24-05; CCB 7-2005, f. 12-7-05, cert. ef. 1-1-06; CCB 7-2006, f. & cert. ef. 6-23-06; Renumbered from 812-006-0030, CCB 10-2006, f. 9-5-06, cert. ef. 10-1-06; CCB 9-2008, f. 6-11-08, cert. ef. 7-1-08; CCB 20-2008, f. & cert. ef. 11-20-08; CCB 1-2013, f. 4-30-13, cert. ef. 5-1-13

812-006-0250

Pre-Licensure Training Subjects

(1) The agency may evaluate and approve pre-licensure training based on written evaluation criteria approved by the Training and Education Committee and made available to pre-licensure training providers. The agency may revoke a pre-licensure training provider's right to offer pre-licensure training if a pre-licensure training provider's training does not meet the approved criteria.

(2) The hours of pre-licensure training required under OAR 812-006-0150 shall consist of the following topics:

(a) Construction Contractors Board:

(A) Role and authority, licensing requirements, application procedures and major divisions and functions;

(B) Dispute resolution processes;

(C) Business entities;

(D) Mandatory consumer notices;

(E) Rights and responsibilities of consumers and contractors;

(F) Independent contractor requirements;

(G) Exempt and non-exempt contractors;

(H) License endorsements and requirements for bonds and insurance;

(I) Special licenses;

(J) Written contract requirements;

(K) Warranty and maintenance schedule requirements;

(L) Enforcement program; and

(b) Employer requirements and employee's rights:

(A) State agencies that regulate workplace issues;

(B) Information and resources on employer requirements, employee's rights, workers' compensation insurance, and required workplace postings;

(C) Civil rights;

(D) Title VII, child labor, and important state and federal wage and hour laws;

(E) Current minimum wage rate requirements;

(F) Prevailing wage rate law; and

(G) Employees and independent contractors.

(c) Taxes, record keeping and business practices:

(A) Required employment forms;

(B) Identification numbers;

(C) Cost of employees;

(D) Importance of good record keeping;

(E) Ways to organize records;

(F) Required tax forms and reporting times;

(G) Professional help;

(H) Profit and cash flow; and

(I) Requirements for business licenses.

(d) Building codes:

(A) Applicable codes;

(B) Building codes books;

(C) Code revisions;

(D) Specialty licenses and inspections;

(E) Required and exempt permit work;

(F) Permit applications permit violation penalties;

(G) Required inspections;

(H) Inspection procedures;

(I) Final inspections and occupancy permits; and

(J) Red tag/stop work orders.

(e) Oregon Occupational Safety and Health Division:

(A) OR-OSHA regulations, job site inspections and resources;

(B) Equipment basics and maintenance;

(C) Job site record keeping;

(D) General safety practices; and

(E) Responsibilities and relationships among contractors and subcontractors on a job site.

(f) Sound environmental practices and laws:

(A) Environmental friendly materials;

(B) Good recycling, reduction and reuse methods;

(C) Hazardous waste and special waste found in new and old construction;

(D) Laws and regulations governing environmental hazards, proper handling and disposal methods of environmental hazards and job site debris;

(E) Governmental agencies that regulate environmental conditions at a job site;

(F) Environmental violation penalties;

(G) Site preparation including construction activities that impact rivers;

ADMINISTRATIVE RULES

CCB 9-2008, f. 6-11-08, cert. ef. 7-1-08; CCB 3-2009, f. 5-6-09, cert. ef. 6-1-09; CCB 1-2013, f. 4-30-13, cert. ef. 5-1-13

(H) Soil erosion; and
(I) Wetlands, water quality, sewage and underground storage/heating oil tanks.

- (g) Contract law:
(A) Clear and concise contracts;
(B) Four elements of contract law;
(C) Three elements of a construction contract;
(D) Breach of contract;
(E) Minor and major breach of contract;
(F) Written and verbal contracts and change orders;
(G) Contractor responsibilities for work of self and others;
(H) Partnering, negotiation, mediation, arbitration and litigation; and
(I) Buyer's Right to Cancel.
(h) Oregon construction lien law:

- (A) Purpose;
(B) Required notices;
(C) Lien law procedures;
(D) Steps and timelines to perfect a lien and foreclose; and
(E) Important lien law differences of other states.

(i) Project management, estimating and scheduling:
(A) Importance of project management and consequences for failing to do so;

- (B) Simple written budgets that include cost, overhead and profit; and
(C) Simple project schedules and consequences of improper job scheduling.

(j) Building Exterior Shell Training (BEST):

- (A) Need for BEST;
(B) Contractor's responsibility to construct weather-resistant building exterior shell;
(C) Purpose of building exterior shell;
(D) Primary components of building exterior shell;
(E) Basic moisture management concepts;
(F) Exterior wall assemblies; and
(G) Best practices for building exterior shell construction.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 701.122

Hist.: CCB 1-1992, f. 1-27-92, cert. ef. 2-1-92; CCB 2-1992, f. & cert. ef. 4-15-92; CCB 1-1993, f. & cert. ef. 2-1-93; CCB 4-1993, f. 8-17-93, cert. ef. 8-18-93; CCB 5-1993, f. 12-7-93, cert. ef. 12-8-93; CCB 1-1994, f. 6-23-94, cert. ef. 7-1-94; CCB 2-1994, f. 12-29-94, cert. ef. 1-1-95; CCB 2-1995, f. 6-6-95, cert. ef. 6-15-95; CCB 3-1997, f. & cert. ef. 10-3-97; CCB 3-1998, f. & cert. ef. 2-26-98; CCB 4-2000, f. & cert. ef. 5-2-00; CCB 7-2000, f. 6-29-00, cert. ef. 7-1-00; CCB 2-2001, f. & cert. ef. 4-6-01; CCB 8-2001, f. 12-12-01, cert. ef. 1-1-02; CCB 2-2003, f. & cert. ef. 3-4-03; CCB 7-2004, f. 8-26-04, cert. ef. 9-1-04; CCB 6-2006, f. 5-25-06, cert. ef. 6-1-06; Renumbered from 812-006-0050, CCB 10-2006, f. 9-5-06, cert. ef. 10-1-06; CCB 9-2008, f. 6-11-08, cert. ef. 7-1-08; CCB 1-2011, f. 2-28-11, cert. ef. 3-1-11; CCB 1-2013, f. 4-30-13, cert. ef. 5-1-13

812-006-0300

Pre-Licensure Testing Requirements

(1) The test required in ORS 701.122 shall cover the subjects listed in OAR 812-006-0250.

(2) A person seeking to take the test shall:

- (a) Pay any fees required by the test administrator;
(b) Provide approved government-issued picture identification to the test administrator;

- (c) Pay for the authorized translator needed to take the test; and
(d) Complete the test within a time limit approved by the agency.

(3) A person taking the test shall be allowed to use an Oregon Contractor's Reference Manual and one language translation book during the test.

(4) A person taking the test shall not:

- (a) Retake the same version of the test on consecutive attempts.
(b) Be accompanied by anyone while taking the test, except an authorized translator.

(5) After the test is completed, a person shall not review the test questions or answers.

(6) There are no reciprocal agreements with other states or organizations that test contractors.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 701.122

Hist.: CCB 1-1992, f. 1-27-92, cert. ef. 2-1-92; CCB 5-1992, f. 7-31-92, cert. ef. 8-1-92; CCB 3-1993, f. & cert. ef. 6-9-93; CCB 4-1993, f. 8-17-93, cert. ef. 8-18-93; CCB 5-1993, f. 12-7-93, cert. ef. 12-8-93; CCB 1-1994, f. 6-23-94, cert. ef. 7-1-94; CCB 2-1994, f. 12-29-94, cert. ef. 1-1-95; CCB 2-1995, f. 6-6-95, cert. ef. 6-15-95; CCB 1-1998, f. & cert. ef. 2-6-98; CCB 1-1999, f. 3-29-99, cert. ef. 4-1-99; CCB 4-2000, f. & cert. ef. 5-2-00; CCB 7-2000, f. 6-29-00, cert. ef. 7-1-00; CCB 9-2000, f. & cert. ef. 8-24-00; CCB 4-2001(Temp), f. & cert. ef. 5-18-01 thru 11-13-01; Administrative correction 11-20-01; CCB 8-2001, f. 12-12-01, cert. ef. 1-1-02; CCB 2-2003, f. & cert. ef. 3-4-03; CCB 7-2003, f. & cert. ef. 8-8-03; CCB 7-2005, f. 12-7-05, cert. ef. 1-1-06; CCB 7-2006, f. & cert. ef. 6-23-06; Renumbered from 812-006-0012, CCB 10-2006, f. 9-5-06, cert. ef. 10-1-06; CCB 2-2007, f. & cert. ef. 3-1-07;

812-006-0350

Pre-Licensure Testing Subversion

(1) Testing subversion is the use of any means to alter the results of a test to cause the results to inaccurately represent the competency of an examinee. Testing subversion includes, but is not limited to:

- (a) Communication between examinees inside the testing room;
(b) Giving or receiving any unauthorized assistance on the test while the test is in process;

(c) Having any printed or written matter or other devices in the examinee's possession during the test except:

- (A) The Oregon Construction Contractor's Reference Manual; and
(B) One language translation book.

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

(e) Copying another examinee's answers or looking at another examinee's materials while a test is in process;

- (f) Permitting anyone to copy answers to the test;
(g) Copying or removing any test questions from the testing area;
(h) Allowing another person to take the test in the examinee's place;
(i) Writing notes or questions in the Oregon Construction Contractor's Reference Manual or language translation book during the test; or

- (j) Leaving the room during the test.

(2) At the discretion of the agency or its designees, if there is evidence of testing subversion by an examinee prior to, during, or after the administration of the test, one or more of the following may occur:

(a) The examinee may be denied the privilege of taking the test if testing subversion is detected before the administration of the test;

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

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

(d) The examinee's test results may be invalidated and the application fee forfeited; or

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

(3) If testing subversion is detected after the administration of the test, the agency or its designee shall make appropriate inquiry to determine the facts concerning the testing subversion and the agency or its designee may take any of the actions described in this rule.

Stat. Auth.: ORS 670.310, 701.122 & 701.235

Stats. Implemented: ORS 701.122

Hist.: CCB 7-2005, f. 12-7-05, cert. ef. 1-1-06; CCB 7-2006, f. & cert. ef. 6-23-06; Renumbered from 812-006-0015, CCB 10-2006, f. 9-5-06, cert. ef. 10-1-06; CCB 9-2008, f. 6-11-08, cert. ef. 7-1-08; CCB 1-2013, f. 4-30-13, cert. ef. 5-1-13

812-006-0400

Pre-Licensure Training and Testing Period

(1) The pre-licensure training and testing required under ORS 701.122(1) and (3) shall be valid for 24 months from the date the pre-licensure training was completed. Pre-licensure training and testing that is past the 24-month period from the date of the completed pre-licensure training will not be considered for the purposes of fulfilling the requirements set forth in 701.091.

(2) An RMI may satisfy the requirements of ORS 701.091 provided that the RMI:

- (a) Has completed the pre-licensure training and passed the test;
(b) Has been the RMI of a licensee within two years of the date of application by the new applicant; and

(c) The license of the licensee that was previously owned by or that previously employed the RMI has not lapsed or, if lapsed, has lapsed for not more than 24 months.

(3) Sections (1) and (2) of this rule do not apply to an RMI that meets the experience requirements under 812-006-0450.

Stat. Auth.: ORS 670.310, 701.122 & 701.235

Stats. Implemented: ORS 701.122

Hist.: CCB 10-2006, f. 9-5-06, cert. ef. 10-1-06; CCB 11-2006(Temp), f. & cert. ef. 11-6-06 thru 5-4-07; CCB 2-2007, f. & cert. ef. 3-1-07; CCB 9-2008, f. 6-11-08, cert. ef. 7-1-08; CCB 9-2008, f. 6-11-08, cert. ef. 7-1-08; CCB 3-2009, f. 5-6-09, cert. ef. 6-1-09; CCB 1-2013, f. 4-30-13, cert. ef. 5-1-13

ADMINISTRATIVE RULES

812-006-0450

Pre-Licensure Experience

In order for a responsible managing individual to demonstrate experience under ORS 701.005(16)(c)(B):

(1) The individual must be listed on the agency's license records before July 1, 2000, as having been a sole proprietor, partner, venturer, member, corporate officer, trustee, or responsible managing individual of a business licensed under ORS chapter 701 before July 1, 2000;

(2)(a) The license of the business described in section (1) of this rule has not lapsed, or if lapsed, has lapsed for not more than the 24 month period prior to the date of the application; or

(b)(A) If the individual is listed on multiple license records as a sole proprietor, partner, venturer, member, corporate officer, trustee or responsible managing individual, the licensed business with which the individual is currently associated must not have lapsed for more than the 24-month period prior to the date of the application; and

(B) The individual must have been similarly and continuously associated with one or more licensed contractors during the time period beginning before July 1, 2000, until the date of the application.

(3) The individual must have been listed as a sole proprietor, partner, venturer, member, corporate officer, trustee, or responsible managing individual of the business described in section (1) or (2)(b) of this rule within the 24 month period prior to date of the application.

Stat. Auth.: ORS 670.310, 701.122 & 701.235

Stats. Implemented: ORS 701.005 & 701.122

Hist.: CCB 1-1992, f. 1-27-92, cert. ef. 2-1-92; CCB 5-1992, f. 7-31-92, cert. ef. 8-1-92; CCB 3-1993, f. & cert. ef. 6-9-93; CCB 4-1993, f. 8-17-93, cert. ef. 8-18-93; CCB 5-1993, f. 12-7-93, cert. ef. 12-8-93; CCB 1-1994, f. 6-23-94, cert. ef. 7-1-94; CCB 2-1994, f. 12-29-94, cert. ef. 1-1-95; CCB 2-1995, f. 6-6-95, cert. ef. 6-15-95; CCB 1-1998, f. & cert. ef. 2-6-98; CCB 1-1999, f. 3-29-99, cert. ef. 4-1-99; CCB 4-2000, f. & cert. ef. 5-2-00; CCB 7-2000, f. 6-29-00, cert. ef. 7-1-00; CCB 9-2000, f. & cert. ef. 8-24-00; CCB 4-2001(Temp), f. & cert. ef. 5-18-01 thru 11-13-01; Administrative correction 11-20-01; CCB 8-2001, f. 12-12-01, cert. ef. 1-1-02; CCB 5-2002, f. 5-28-02, cert. ef. 6-1-02; CCB 7-2002, f. 6-26-02, cert. ef. 7-1-02; CCB 11-2003, f. 12-5-03, cert. ef. 1-1-04; CCB 9-2004, f. & cert. ef. 12-10-04; CCB 6-2006, f. 5-25-06, cert. ef. 6-1-06; Renumbered from 812-006-0020, CCB 10-2006, f. 9-5-06, cert. ef. 10-1-06; CCB 5-2007, f. 6-28-07, cert. ef. 7-1-07; CCB 10-2008, f. 6-30-08, cert. ef. 7-1-08; CCB 1-2013, f. 4-30-13, cert. ef. 5-1-13

Department of Agriculture

Chapter 603

Rule Caption: Adopts Grade "A" Pasteurized Milk Ordinance, 2011 Revision and corrects clerical errors.

Adm. Order No.: DOA 6-2013

Filed with Sec. of State: 4-26-2013

Certified to be Effective: 4-26-13

Notice Publication Date: 3-1-2013

Rules Amended: 603-024-0017, 603-024-0019, 603-024-0041, 603-024-0211, 603-024-0589, 603-024-0592, 603-024-0605, 603-024-0613, 603-024-0640

Subject: The Grade "A" Pasteurized Milk Ordinance (PMO) is designed to promote national uniformity and ensure a high level of excellence of milk sanitation practice in the United States. The PMO was most recently revised in 2011. The Oregon Administrative Rules (OARs) that regulate dairy practices in Oregon currently refer to the 2009 version of the PMO. Adopting the 2011 PMO and related documents by reference maintains consistency with federal standards.

The PMO regulates the production, transportation, processing, handling, sampling, examination, labeling and sale of all Grade "A" milk and milk products sold for ultimate consumption. The inspection of dairy farms, milk plants, receiving stations, transfer stations, milk tank truck cleaning facilities, milk tank trucks and bulk milk haulers and samplers, and permits to operate in the milk industry are regulated by the PMO.

There are several clerical errors that are being amended for grammar or spelling errors. Also, references to the Wisconsin Mastitis test (WMT) and direct microscopic leukocyte count were replaced with Direct Microscopic Somatic Cell Count (DMSCC) and Electronic Somatic Cell Count (ESCC). The PMO no longer uses the WMT, and has adopted the DMSCC and ESCC terminology and counting procedure. These changes are found in OAR 603-024-0589 and 603-024-0592.

Rules Coordinator: Sue Gooch—(503) 986-4583

603-024-0017

Standards of Identity, Quantity and Labeling Requirements

(1) The weights and measures packaging and labeling requirements for butter, fluid milk and milk products shall be those specified in OAR 603-027-0105, and the weights and measures requirements as to the methods of sale of butter, milk and milk products shall be those specified in OAR 603-027-0206.

(2) Labeling, standards of identity and marking requirements for butter, fluid milk and milk products not provided for under section (1) of this rule, shall be those specified in the Grade "A" Pasteurized Milk Ordinance, 2011 Revision.

(3) Measuring devices used for determining weight by measuring quantity of milk in farm tanks shall be done in accordance with the requirements of OAR chapter 603, division 027, to effectuate the administration of ORS Chapter 618.

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

Stat. Auth.: ORS 651 & 621

Stats. Implemented:

Hist.: DOA 6-2002, f. & cert. ef. 1-28-02; DOA 8-2006, f. & cert. ef. 3-10-06; DOA 6-2013, f. & cert. ef. 4-26-13

603-024-0019

Definitions

As used in these rules, unless the context otherwise requires:

(1) "Authorized Persons" means persons licensed as a sampler-grader, or a pasteurizer operator under the provisions of ORS chapter 621.

(2) "Certified Laboratory" is an industry or commercial laboratory which has been certified to perform specified analyses of milk and dairy products described in these fluid milk regulations by the Department's chief laboratory officer or his or her official representative. Laboratory certifications may be limited by the Department to one or more specific tests, methods or products.

(3) "Condemned Container" means container deemed by Department as unfit for use because of dirt, rust, open seams, or other conditions that would or may contaminate fluid milk, milk or dairy products, or would otherwise render them unfit for consumption by humans.

(4) "Container" means and includes milk cans, cream cans, farm-milk tanks, milk-tank trucks, pasteurizing vats, cheese vats, butter churns, butter tubs, cheese hoops, and any other receptacle designed for use or used as a container of fluid milk or dairy products.

(5) "Cream" means cream as defined in OAR 603-024-0017(2).

(6) "Dairy Operator" means a person licensed by the Department to conduct one or more of the following activities related to the operation of a milk distributor or dairy products plant. A separate license is required for each of these activities conducted by an individual:

(a) "Sampler-Grader" is a person responsible for the grading of milk received by a milk distributor or dairy products plant, and collecting regulatory samples of raw for pasteurization milk being received.

(b) "HTST Pasteurizer Operator" is a person responsible for the legal pasteurization of milk and/or dairy products utilizing "high temperature short time" (HTST) pasteurization equipment. This includes HHST and UHT pasteurization equipment.

(c) "Vat Pasteurizer Operator" is a person responsible for the legal pasteurization of milk and/or dairy products utilizing vat or batch pasteurization equipment.

(7) "Dairy Product" means dairy products defined in OAR 603-024-0017(2) and includes butter; all varieties of cheese, frozen desserts and frozen dessert mixes containing milk, cream or nonfat milk solids; and evaporated, condensed, concentrated, powdered, dried or fermented milk, whey, cream and skimmed milk.

(8) "Department" means the Department of Agriculture of the State of Oregon.

(9) "Distributor" means a person who purchases only unpasteurized milk and pasteurizes or otherwise processes that milk, then bottles and distributes the milk for human consumption.

(10) "Extra Rich Milk" is pasteurized fluid milk in which the milkfat content is not less than 5.0 percent. The term or label "extra rich" shall not be used in connection with the addition of vitamins, minerals, or milk solids-not-fat unless the milkfat content meets or exceeds 5.0 percent.

(11) "Fluid Milk" means milk and any other product made by the addition of a substance to milk or to a liquid form of milk product if the milk or other product is produced, processed, distributed, sold or offered or exposed for sale for human consumption. Fluid milk includes sterilized fluid milk products and the fluid milk products for which the Department has established a standard of identity.

(12) "Lactose Reduced Milk Products", are milk products, such as pasteurized milk, lowfat milk or skim milk (nonfat milk) to which suitable

ADMINISTRATIVE RULES

enzymes have been added to convert lactose in the product to glucose or galactose, resulting in a lactose level in the milk product that is less than 30 percent of the natural level of lactose normally in the product.

(13) "Calcium Added" milk product are fortified with calcium carbonate, tricalcium phosphate or other additive approved by the Department, to a level of not less than 500 m.g. per eight ounce serving.

(14) "Milk" means the lacteal secretion of cows, sheep and goats.

(15) "Milkfat" means the natural fat of milk.

(16) "Milk solids" means the total constituents of milk less the water.

(17) Lactobacillus acidophilus or bifido bacterium milk products are milk products that have been pasteurized and inoculated with a strain of lactobacillus acidophilus or bifido bacterium to aid human digestion.

(18) "Milk Hauler" means a person who, in the course of employment, accepts bulk fluid milk and transports that commodity to a dairy products plant or a physical facility of a distributor or producer-distributor.

(19) "Multi-Vitamin Fortified" or "Multi-Mineral Fortified" means milk or milk products in which the vitamins or minerals content, other than vitamin D or vitamin A, have been increased by a method and in an amount approved by the Department.

(20) "Nonprocessing distributor" means a person who sells fluid milk in consumer-sized units under the person's own brand or trade name after the milk has been processed and packaged by a distributor or producer-distributor.

(21) "Person" means any individual, partnership, association, or corporation and his or its agents.

(22) "Producer" means a person who engages in the production of unpasteurized milk on a dairy farm and does not bottle the milk on the premises where production occurs, in pasteurized or unpasteurized form and for human consumption.

(23) "Producer-distributor" means a person who bottles milk on the premises where production occurs, in pasteurized or unpasteurized form and for human consumption.

(24) "Raw Goat Milk" is unpasteurized milk from goats with a milkfat content of not less than 3.25 percent and a milk-solids-not-fat content of not less than 8.25 percent.

(25) "Whole Milk" is milk with milkfat greater or equal to 3.25 percent and milk solids-not-fat not less than 8.25 percent.

Stat. Auth.: ORS 651 & 621

Stats. Implemented:

Hist.: DOA 6-2002, f. & cert. ef. 1-28-02; DOA 6-2013, f. & cert. ef. 4-26-13

603-024-0041

Standard for Grade A Raw Goat Milk

(1) "Grade A Raw Goat Milk" is fluid milk bottled on a dairy farm and must be produced by a disease-free herd in conformance with all of the sanitation specified in OAR 603-024-0605 to 603-024-0641, and 603-024-0211.

(2) As determined in accordance with OAR 603-024-0557 to 603-024-0594 for each sampling period, Raw Goat Milk may not exceed:

(a) 80,000 bacteria count per milliliter;

(b) 10 coliform per milliliter;

(c) Cooling requirements covered in OAR 603-024-0211;

(d) No. 2 sediment test; and

(e) The somatic cell limit in OAR 603-024-0592.

(3) Grade A Raw Goat milk must test negative for drug residue.

Stat. Auth.: ORS 651 & 621

Stats. Implemented:

Hist.: DOA 6-2002, f. & cert. ef. 1-28-02; DOA 6-2013, f. & cert. ef. 4-26-13

603-024-0211

Adoption of the Grade A Pasteurized Milk Ordinance (PMO) and Related Documents

On all dairy farms, plants, and transport tankers, the standards for building construction, equipment construction, sanitation, sampling, pasteurization, transportation and handling of milk and dairy products shall be those given in the Grade "A" Pasteurized Milk Ordinance (PMO), 2011 Revision. This adoption shall also include the following related documents:

(1) 2011 version of the Methods of Making Sanitation Ratings (MMSR);

(2) 2011 version of the Single Service Containers and Closures (SSCC); and

(3) The 2011 version of the Evaluation of Milk Laboratories (EML).

[Publications referenced are available from the agency.]

Stat. Auth.: ORS 561.020 & 621

Stats. Implemented: 621.058

Hist.: DOA 6-2002, f. & cert. ef. 1-28-02; DOA 8-2006, f. & cert. ef. 3-10-06; DOA 9-2012, f. & cert. ef. 5-15-12; DOA 6-2013, f. & cert. ef. 4-26-13

603-024-0589

Abnormal Milk Standard and Test

(1) The abnormal milk standards for milk for manufacturing purposes shall be determined by examination or testing for total somatic cells (leukocyte count) of at least four samples of milk from each producer during every six-month period. The leukocyte count shall be determined by a Direct Microscopic Somatic Cell Count, an electronic somatic cell count, or any other test which will give comparable results and is approved by the department.

(2) The abnormal milk standard shall be determined in the following manner:

(a) A Direct Microscopic Somatic Cell Count or Electronic Somatic Cell Count shall be conducted on each producer's milk at least four times in each six-month period;

(b) A milk sample having a leukocyte count of 500,000 or more per milliliter (ml.) shall be deemed to be violative of the abnormal milk standard;

(c) The three out of five compliance method shall apply in the case of all abnormal milk showing 1 million or more leukocytes per ml. except that a period of four weeks shall be allowed between warning notice and the taking of the next test;

(d) Whenever two of the last four consecutive leukocyte counts exceed the limit of the standards, the producer shall be given a warning letter which shall be in effect so long as two of the last four samples exceed the limit. An additional sample shall be taken but not before the lapse of four weeks. Milk shall be unlawful grade whenever the standard is violated by three of the last five leukocyte counts. No action is taken if the additional sample is within the standard (less than 500,000 cells per ml.). Release from unlawful grade is made with the first satisfactory sample.

(3) Cows which show an extensive induration of one or more quarters of the udder upon physical examination and/or secreting abnormal milk shall be temporarily excluded from the milking herd. Cows giving bloody, stringy, or abnormal milk shall be excluded from the herd until re-examination shall show that the milk has become normal.

(4) Milk from quarters of cow's udder treated with antibiotics for udder infection shall be withheld from the market according to manufacturer's recommendation.

Stat. Auth.: ORS 651 & 621

Stats. Implemented:

Hist.: DOA 6-2002, f. & cert. ef. 1-28-02; DOA 6-2013, f. & cert. ef. 4-26-13

603-024-0592

Examination for Somatic Cells

Examination of milk and enforcement of the standard for Grade A milk and milk products shall be as follows:

(1) A Direct Microscopic Somatic Cell Count or Electronic Somatic Cell Count shall be conducted on each producer's or producer-distributor's raw milk at least four times during separate months in each six-month period.

(2) Except for the standard set forth in section (5) of this rule, a milk sample having a somatic cell count of 500,000 or more per milliliter (ml.) shall be deemed to be violative of the somatic cell standard.

(3) Except for the standard set forth in section (5) of this rule, the three-out-of-five compliance method shall apply in the case of all abnormal milk showing 500,000 or more somatic cells per ml. except that a period of no more than twenty one days shall be allowed between warning notice and the taking of the next official test.

(4) Except for the standard set forth in section (5) of this rule, whenever two of the last four consecutive somatic cell counts exceed the limit of the standard, the producer shall be given a warning letter which shall be in effect so long as two of the last four samples exceed the limit. An additional sample shall be taken but not before the lapse of twenty one days. Immediate suspension of the milk shall be instituted whenever the standard is violated by three of the last five somatic cell counts. No action shall be taken if the additional sample is within the standard (less than 500,000 cells per ml.). Release from suspension shall be made with first satisfactory sample.

(5) A sample of goat's milk having a somatic cell count of 1,500,000 or more per milliliter (ml.) shall be deemed to be violative of the somatic cell standard. Otherwise, the provisions of this section apply to goat's milk.

Stat. Auth.: ORS 561 & 621

Stats. Implemented: ORS 621.060 & 621.261

Hist.: AD 883(13-68), f. & ef. 7-1-68; AD 1044(34-74), f. 9-5-74, ef. 10-1-74; Renumbered from 603-024-0639.5; AD 10-1986, f. & ef. 6-11-86; DOA 6-2002, f. & cert. ef. 1-28-02; DOA 8-2012, f. 4-13-12, cert. ef. 7-1-12; DOA 6-2013, f. & cert. ef. 4-26-13

ADMINISTRATIVE RULES

603-024-0605

Health of Cows, Goats, and Sheep and Abnormal Milk

(1) In addition to the requirements of OAR 603-024-0211, all herds of cows goats and sheep producing milk for human consumption as defined in 603-024-0019 and for which a standard of identity has been established in 603-024-0017(2) shall be in compliance with the laws of the State of Oregon and regulations promulgated thereunder relating to tuberculosis and brucellosis.

(2) Raw Milk For Human Consumption: Goat and Sheep dairies selling raw milk for human consumption shall comply with the following:

(a) Brucellosis: All animals in the herd that are more than 6 months of age shall be tested for brucellosis at a lab approved by the Department at intervals of no more than 12 months.

(b) Tuberculosis: All animals in the herd that are more than 6 months of age shall be tested for tuberculosis at a lab approved by the Department at intervals of no more than 12 months.

(3) For other diseases such tests and examinations as the Department may require after consultation with the State Veterinarian shall be made at intervals and according to methods prescribed and any diseased animals shall be disposed of as may be required.

Stat. Auth.: ORS 561.190, 616.230 & 621.060

Stats. Implemented: ORS 621.060 & 621.261

Hist.: AD 883(13-68), f. & ef. 7-1-68; AD 1044(34-74), f. 9-5-74, ef. 10-1-74; Renumbered from 603-024-0656.01; AD 3-1993, f. & ef. 1-28-93; DOA 6-2002, f. & cert. ef. 1-28-02; DOA 6-2013, f. & cert. ef. 4-26-13

603-024-0613

Construction and Facilities of Milk House

A milk house shall be constructed and maintained in accordance with the following: The milk house used by retail raw milk dairies (producer-distributor) shall consist of two rooms separating the handling of milk and storage of cleaned utensils from the cleaning and other operations which shall be so located as to prevent any contamination of milk or of cleaned equipment. The facility shall comply with the requirements of OAR 603-024-0211. The milk house rooms shall be of adequate size subject to approval by the Department to satisfactorily handle the volume of milk to be cooled, bottled, capped, and the washing of utensils, containers, and equipment.

Stat. Auth.: ORS 561 & 621

Stats. Implemented: ORS 621.060 & 621.261

Hist.: AD 883(13-68), f. & ef. 7-1-68; AD 1044(34-75), f. 9-5-74, ef. 10-1-74; Renumbered from 603-024-0656.05; AD 8-1980, f. & ef. 11-20-80; AD 9-1983, f. & ef. 8-22-83; DOA 6-2002, f. & cert. ef. 1-28-02; DOA 6-2013, f. & cert. ef. 4-26-13

603-024-0640

Cooling

(1) Temperature recording charts approved by the Department shall be provided for farm tank recording thermometers. The pickup driver and licensed milk grader shall examine chart for temperature record and compliance with requirements at the time of receipt of the milk. He shall date, sign, and replace the old chart with a new one. The charts shall be kept for 90 days for observation by graders, sanitarians, and for other official purposes.

(2) Farm tanks in all new or replacement installations shall be equipped with approved type recording thermometers with a temperature range of 32 degrees F. to 180 degrees F. and interval timers for agitation of the milk:

(a) Accuracy of the recording thermometer shall be within plus or minus 2 degrees F. The recording device should be installed in an area convenient to the milk storage tank and acceptable to the regulatory agency. The sensor bulb or device shall be located so as to record the temperature of the milk in the tank before it reaches ten percent of the tank volume;

(b) The interval timer shall be set and adjusted so that the milk will be agitated not less than a five minute period with a frequency of at least once every two hours.

Stat. Auth.: ORS 561.190, 621.060 & 621.261

Stats. Implemented: ORS 621.060 & 621.261

Hist.: AD 883(13-68), f. & ef. 7-1-68; AD 1044(34-74), f. 9-5-74, ef. 10-1-74; Renumbered from 603-024-0656.19; DOA 6-2002, f. & cert. ef. 1-28-02; DOA 6-2013, f. & cert. ef. 4-26-13

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Rule Caption: Amends rule to require notification of shipments from Maricopa County, Arizona.

Adm. Order No.: DOA 7-2013

Filed with Sec. of State: 4-26-2013

Certified to be Effective: 4-26-13

Notice Publication Date: 4-1-2013

Rules Amended: 603-052-0347

Subject: The proposed amendment requires recipients of onion bulbs, sets, or seedlings from Maricopa County, Arizona to notify the Department of the incoming shipments. This amendment codifies into rule what is already in practice by the industry.

Rules Coordinator: Sue Gooch—(503) 986-4583

603-052-0347

Control Area and Procedures in Malheur County

(1) As authorized by ORS 570.405 to 570.435, a control area is established for the protection of the onion industry in the following described area through the eradication or control of Allium white-rot disease caused by Sclerotium cepivorum. Such control area includes all of Malheur County.

(2) The following methods of control are declared to be the proper methods to be used in the control area described in section (1) of this rule, for the control and prevention of the introduction of Allium white-rot disease into the area:

(a) No person shall import into the control area for the purpose of propagation any bulbs, sets, or seedlings of onion, garlic, leek, chive, shallots, or other Allium spp. with the following exceptions:

(A) The bulbs, sets, or seedlings were produced in adjacent Idaho counties covered by the Idaho Rules Governing White-Rot Disease of Onion (IDAPA 02.06.07) in Ada, Bingham, Blaine, Boise, Bonneville, Canyon, Cassia, Elmore, Gem, Gooding, Jefferson, Jerome, Lincoln, Madison, Minidoka, Owyhee, Payette, Power, Twin Falls, and Washington counties;

(B) The onion (Allium cepa) bulbs, sets, or seedlings were produced in Maricopa County, Arizona and were shipped in new single-use containers. Each shipment must be accompanied by a state phytosanitary certificate declaring the bulbs, sets, or seedlings were produced in Maricopa County and were officially inspected and found free of Allium white rot. Recipients and sellers of such onion bulbs, sets, or seedlings are required to notify the Oregon Department of Agriculture – Ontario Field Office, PO Box 459, Ontario, OR 97914, Phone: 541-889-5274, Fax: 541-889-5077, of the incoming shipment(s) not less than two (2) days prior to arrival;

(b) Commercial onion propagation within the control area shall be limited to production from seed, or if vegetative propagative material is used, that material must be produced within the control area or within the counties described in subsection (a) of this section;

(c) Garlic (Allium sativum) propagation within the control area shall be limited to production in home gardens for personal use;

(d) Except as provided in subsections (d) and (e) of this section, no person shall in any manner import or move machinery, tools, or equipment into the control area, which have previously been used in any manner in fields outside the control area where the host plants named in subsection (a) of this section have been cultivated. Machinery, tools, or equipment may be imported or moved into the control area if they are first cleaned and sterilized to the satisfaction of and with the prior approval of the Department. The cleaning shall include the thorough removal of all dirt by the use of steam under pressure. Sterilization shall be accomplished by the use of steam. For the purposes of this subsection, “machinery, tools, or equipment” includes, but is not limited to, farm trucks, harvesters, and tillage equipment;

(e) Machinery, tools, or equipment utilized in the adjacent Idaho Counties covered by the Idaho Rules Governing White-Rot Disease of Onion in Ada, Bingham, Blaine, Boise, Bonneville, Canyon, Cassia, Elmore, Gem, Gooding, Jefferson, Jerome, Lincoln, Madison, Minidoka, Owyhee, Payette, Power, Twin Falls, and Washington counties are exempt from the prohibitions in subsection (d) of this section;

(f) The Department may stop the movement into or within the control area of any machinery, tools, or equipment, which have not been cleaned and sterilized as provided in this subsection, until such machinery, tools, or equipment are so cleaned and sterilized.

(3) Culls and waste from onions imported from outside of the control area must be disposed of in an approved landfill or must be treated in a manner that the Department has determined will render S. cepivorum sclerotia non-viable.

(4)(a) The Department may inspect any onions or onion planting areas within the control area during any time of the year to determine whether the disease organism is present therein. If the Department finds that any onions, whether or not being transported, or any fields are infested with the disease organism, it shall by written order, delivered or mailed to the onion grower or field owner, direct the control and eradication of the infestation, and may prior to issuance of the order, seize any infected onions which are separated from the land on which grown;

ADMINISTRATIVE RULES

(b) Movement of such onions within the control area or removal of such from the control area may be carried out only with the Department's prior approval and under its supervision.

(5) Control and eradication methods used shall only be those approved by the Department and will be based on the best available science. These methods may include:

(a) The destruction of any infected onions;

(b) A directive specifying implementation of Departmentally approved mitigation measures to prevent the spread of *S. cepivorum*;

(c) Prohibit the pasturing of animals on any infested area;

(d) A directive that equipment, tools, and machinery used on an infested area be cleaned and sterilized as described in section (3) of this rule prior to removal from said area.

(6) The Department may, with the consent of the owner, allow use of an infested growing area as an experimental plot by Oregon State University for onion white-rot research. Such use shall be subject to the prior approval of, and supervised by the Department.

(7) The Department, upon receipt of an application in writing, may issue a Director's Exemption allowing movement into or within this control area of regulated commodities not otherwise eligible for movement under the provisions of this control area order. An advisory committee consisting of Malheur County onion growers, packers, and processors shall review each application and provide input to the Director of the Department of Agriculture. Membership on the advisory committee shall be approved by the Department and the committee shall consist of three growers, two packers, and one processor. The committee must provide input to the Director within thirty (30) days of receipt of the application for review. The Director retains the final authority to approve or deny Director's Exemption requests. Movement of such commodities will be subject to any conditions or restrictions stipulated in the Director's Exemption, and these conditions and restrictions may vary depending upon the intended use of the commodity and the potential risk of escape or spread of *S. cepivorum*.

(8) The Department and other interested parties shall review the control area requirements biennially for accuracy and effectiveness.

Stat. Auth.: ORS 561 & 570

Stats. Implemented: ORS 561.190, 561.510 - 561.600, 570.305, 570.405 & 570.410 - 570.415

Hist.: AD 2-1977, f. 2-9-77, ef. 3-1-77; DOA 4-2008, f. & cert. ef. 1-11-08; DOA 12-2009, f. & cert. ef. 8-21-09; DOA 20-2010, f. & cert. ef. 11-23-10; DOA 7-2013, f. & cert. ef. 4-26-13

Department of Agriculture, Oregon Processed Vegetable Commission Chapter 647

Rule Caption: Amend Commission assessment rates

Adm. Order No.: OPVC 1-2013

Filed with Sec. of State: 5-10-2013

Certified to be Effective: 5-10-13

Notice Publication Date: 4-1-2013

Rules Amended: 647-010-0010

Subject: These rules establish the assessment rates necessary to fund Commission research projects.

Rules Coordinator: Misty Slagle—(503) 370-7019

647-010-0010

Assessments

(1) Any first purchaser shall deduct and withhold an assessment of the following amounts from each of the above named vegetable crops:

(a) Beans — \$1.083 per ton based on the net weight of the beans delivered.

(b) Sweet Corn — \$.309 per ton based on the gross weight of the sweet corn delivered.

(c) Table Beets — \$.445 per ton based on the net weight of the table beets delivered.

(d) Carrots — \$.095 per ton based on the net weight of the carrots delivered.

(e) Broccoli — \$2.214 per ton based on the net weight of the broccoli delivered.

(f) Cauliflower — \$1.310 per ton based on the net weight of the cauliflower delivered.

(2) From the price paid to the producer thereof, after July 1, 2013 for all of the above named vegetables for processing and grown in Oregon.

Stat. Auth.: ORS 576.051 - 576.595

Stats. Implemented: ORS 576.051 - 576.595

Hist.: PVC 2-1985, f. 7-17-85, ef. 7-22-85; PVC 1-1986, f. 5-30-86, ef. 6-1-86; PVC 2-1987, f. & ef. 6-16-87; PVC 1-1988, f. 4-22-88, cert. ef. 6-1-88; PVC 1-1989, f. 5-4-89, cert. ef. 6-

1-89; PVC 1-1990, f. 4-24-90, cert. ef. 6-1-90; PVC 1-1991, f. 5-7-91, cert. ef. 6-1-91; PVC 1-1992, f. 4-15-92, cert. ef. 6-1-92; PVC 1-1993, f. 4-28-93, cert. ef. 6-21-93; PVC 1-1994, f. 4-22-94, cert. ef. 6-21-94; PVC 2-1995, f. 5-24-95, cert. ef. 6-1-95; PVC 1-1996, f. 5-14-96, cert. ef. 1-1-96; PVC 1-1997, f. 5-6-97, cert. ef. 6-1-97; OPVC 1-1998, f. 5-28-98, cert. ef. 6-1-98; OPVC 2-1999 f. 4-26-99, cert. ef. 6-1-99; OPVC 1-2000, f. 5-2-00, cert. ef. 6-1-00; OPVC 2-2001, f. 5-15-01, cert. ef. 6-1-01; OPVC 1-2002, f. 4-26-02, cert. ef. 6-1-02; OPVC 1-2003, f. 5-8-03, cert. ef. 6-1-03; OPVC 2-2004, f. 5-11-04, cert. ef. 6-1-04; OPVC 1-2005, f. 5-13-05, cert. ef. 6-1-05; OPVC 1-2006, f. 5-9-06, cert. ef. 6-1-06; OPVC 1-2007, f. 5-14-07, cert. ef. 6-1-07; OPVC 2-2008, f. 5-2-08, cert. ef. 6-1-08; OPVC 1-2009, f. 5-14-09, cert. ef. 7-1-09; OPVC 1-2010, f. 4-26-10, cert. ef. 7-1-10; OPVC 1-2011, f. 5-3-11, cert. ef. 7-1-11; OPVC 1-2012, f. 5-14-12, cert. ef. 7-1-12; OVPC 1-2013, f. & cert. ef. 5-10-13

Department of Agriculture, Oregon Strawberry Commission Chapter 668

Rule Caption: Change the assessment on strawberries from 1 percent to 1.25 percent.

Adm. Order No.: SBY 1-2013

Filed with Sec. of State: 5-15-2013

Certified to be Effective: 5-15-13

Notice Publication Date: 4-1-2013

Rules Amended: 668-010-0010

Subject: Amend OAR 668-010-0010(1) to increase the assessment by .25% in order to fund an endowment dedicated to a berry professorship at Oregon State University. Due to reductions in state funds to Oregon State University, continuance of a dedicated berry professorship is only guaranteed through industry support of an endowed professorship. The berry industry benefits from the research and education provided by a professor dedicated to berries.

The increased assessment will ensure the berry professorship, thus allowing the Commission to continue to conduct and fund research, such as those set forth in ORS 576.304 (11) (a), (c), and (d).

This proposed rule change will allow the commodity commission to collect assessments of 1.25 percent of the gross value of the raw product, rather than 1 percent of the gross value of the raw product.

Rules Coordinator: Rachel Denué—(541) 758-4043

668-010-0010

Assessments

(1) As authorized or required by ORS 576.325 and 576.335, any person who is a first purchaser (or otherwise is required to pay an assessment to the Oregon Strawberry Commission) for all purchases made on or after May 15, 2013, shall deduct and withhold an assessment of 1.25 percent of the gross value of the raw product before any deductions from the price paid to the producer thereof, after May 15, 2013 for all strawberries grown in Oregon. (See definition of "First Purchaser") Grower-purchasers will use an estimated average of the state price, which will be set by the Commission prior to September 1st each year.

(2) All casual sales of Strawberries shall be exempt from the assessment.

(3) An organic producer will be exempt from assessment if the producer presents the following information to the commission by September 15th of each year:

(a) Either:

(A) A current certificate from a certifying agent under the Organic Foods Production Act, 7 U.S.C. § 6501-6522 and its implementing regulations; or

(B) A statement of exemption from certification under the Organic Foods Production Act, 7 U.S.C. § 6501-6522 and its implementing regulations; and

(b) A production report signed by the producer containing the producer's name, mailing address, species of berries, and pounds and price for each species.

Stat. Auth.: ORS 576.305

Stats. Implemented: ORS 576.325 & 576.335

Hist.: SBY 1, f. 5-31-67; SBY 4(Temp), f. & ef. 6-5-74 - 10-2-74; SBY 5, f. 12-24-74, ef. 1-25-75; SBY 1-1978, f. 5-18-78, ef. 6-1-78; SBY 1-1986, f. & ef. 6-3-86; SBY 2-1986, f. & ef. 8-12-86; SBY 1-1992, f. & cert. ef. 5-15-92; SBY 1-1997, f. & cert. ef. 5-15-97; SBY 1-2001, f. & cert. ef. 2-20-01; SBY 1-2004, f. & cert. ef. 1-15-04; SBY 1-2013, f. & cert. ef. 5-15-13

ADMINISTRATIVE RULES

Department of Energy Chapter 330

Rule Caption: Amending BETC rules for pass-through, transfers and sunset provisions.

Adm. Order No.: DOE 1-2013

Filed with Sec. of State: 5-13-2013

Certified to be Effective: 5-13-13

Notice Publication Date: 4-1-2013

Rules Amended: 330-090-0133, 330-090-0140, 330-090-0150, 330-090-0160

Rules Repealed: 330-090-0140(T), 330-090-0160(T)

Subject: Although the 2011 Oregon Legislature replaced the Business Energy Tax Credit (BETC) program with the new Energy Incentives Program, the Oregon Department of Energy still must carry out its obligations to BETC participants before that program officially ends in 2014. The rule provides a safe harbor date for projects subject to the July 1, 2014 sunset date, to submit final applications at least 60 days before the expiration of their preliminary certification or by May 1, 2014. The rule expands the transfer process to include all projects unable to find a pass-through partner prior to the sunset date. Lastly, the amendments make permanent the November 16, 2012, temporary rule that defines “use” as any time the tax credit offsets any portion of the applicant’s tax liability rendering the tax credit nontransferable.

Rules Coordinator: Kathy Stuttaford—(503) 373-2127

330-090-0133

Final Certification

(1) Processing the Final Certification: To qualify for a Final Certification, the facility must be completed as described in the Application for Preliminary Certification and the Preliminary Certificate. Any changes to the Preliminary Certificate and/or Application for Preliminary Certification must complete the amendment process outlined in these rules prior to the project completion date. Failure to obtain approval through the amendment process may result in denial of the Final Certification Application.

(a) Applications shall be considered received for the purposes of ORS 469B.167 on the date marked received by the department, unless the application is incomplete. If the application for final certification is not complete, the date marked received by the department on the complete application containing all of the required information shall be considered the received date.

(A) When a facility owner chooses to transfer the tax credit under ORS 469B.148, the Department may hold the application for final certification until pass-through partner(s) information is received by the Department. Except for a facility using or producing renewable energy resources with a certified cost that exceeds \$10 million, any application in which the facility owner has indicated a choice to transfer the tax credit under 469B.148 is not a “completed application” until the Department receives both the completed final certification application form from the facility owner, the pass-through fee and the completed pass-through partner agreement form for the tax credit, or portion of the tax credit, being transferred to that pass-through partner. The receipt of the completed application by the Department begins the certification period, as provided in 469B.167.

(B) As provided in ORS 469B.167(2)(c), a facility using or producing renewable energy resources with a certified cost that exceeds \$10 million and that receives final certification under 469B.161 after January 1, 2010, a final certification application shall be considered complete without the identification of a transferee for purposes of 469B.148 or 469B.154.

(C) If more than one pass-through partner is being transferred the credit, facility owners may have up to 18 months from the date the first pass-through partner agreement form is received by the Department to begin each certification period of the tax credit. For pass-through partner(s) agreement forms received by the Department after the 18-month period, the certification period begins 18 months from the date the first pass-through partner agreement form was received by the Department.

(D) For purposes of administering the sunset of the program, the Department may issue a Final Certificate to a facility owner who previously indicated a choice to transfer a tax credit to a pass-through partner under ORS 469B.148, if the Department has not received a completed application that includes the pass-through fee and the signed pass-through partner agreement form at least sixty days prior to the sunset date for the BETC

program provided under 315.357. The Final Certificate will be issued to a facility owner if the only piece causing the application for final certification to be incomplete is the pass-through partner(s) agreement form and pass-through fee.

(b) Within 30 days after a final certification application is received, the Director will determine whether the application is complete. An application is incomplete if it does not include information needed to demonstrate substantive compliance with the provisions of ORS 469B.130 to 469B.169 and any applicable rules or standards and preliminary certification conditions adopted by the Director. If it is not complete, the applicant will be provided a written explanation describing deficiencies. If it is complete, the Director will process the application. Within 60 days after a completed final certification application is received the director will either approve or deny the final certification.

(c) If the Director approves the application, the Director will issue final certification, which will state the amount of certified costs and the amount of the tax credit approved. The final certification may contain additional criteria and conditions that must be met in order to retain tax credit benefits or the tax credit certificate may be subject to revocation. If the facility fails to meet any of the criteria, conditions and requirements established in the final certification, the facility owner must notify the Department within 30 days.

(d) For efficient truck technology facilities the department may, upon the request of the applicant, issue no more than two final certificates for each preliminary certification, up to the amount of the preliminary certification.

(2) Basis for Denying Tax Credit Benefits

(a) If the Director does not approve the application, the Director will provide written notice of the action, including a statement of the findings and reasons for the denial by regular and certified mail.

(b) A final certification application that is denied can be submitted again. A final certification application can be amended or withdrawn by the applicant. If an application is submitted again or amended, the time within which final certification review occurs starts over.

(c) If the Director does not issue a final certification within 60 days after an application is filed, the application is denied pursuant to ORS 469B.161(4).

(d) The Director may deny a final certificate if:

(A) The applicant does not provide information about the facility in a reasonable time after the Director requests it;

(B) The facility is significantly different than the proposed facility for which the preliminary certification was issued;

(C) The applicant misrepresents or fails to construct or operate the facility;

(D) The applicant fails to demonstrate that the facility described in the application is separate and distinct from previous or current applications reviewed by the Department;

(E) The facility does not meet all of the conditions and requirements contained in the preliminary certificate; or

(F) The applicant is unable to demonstrate that the facility complies with all applicable provisions of ORS Chapter 469B and the rules adopted thereunder.

(3) Basis for Revoking Tax Credit Benefits

(a) The Director may revoke certificates as provided in ORS 469B.169 and 315.354(5). For the purposes of this section, “fraud or misrepresentation” means any misrepresentation made by an applicant for a preliminary or final certification, including but not limited to, misrepresentations as to the applicant’s financial viability, facility construction and operation, or any other information provided as part of an application for a preliminary or final certification.

(b) After the Director issues a final certificate, an applicant must notify the director in writing of any of the following conditions:

(A) The facility has been moved;

(B) Title to the facility has been conveyed;

(C) The facility is subject to or part of a bankruptcy proceeding;

(D) The facility is not operating; or

(E) The term of a leased facility has ended.

(c) Pursuant to ORS 469B.169, upon receiving information that a BETC certification was obtained by fraud or misrepresentation, or that the facility has not been constructed or operated in compliance with the requirements in the certificate, the Director shall revoke the certificate for the facility.

(d) A revocation of the final certification or portion of a certification due to fraud or misrepresentation results in the loss of all prior and future tax credits in connection with that facility. If all or a part of the tax credit

ADMINISTRATIVE RULES

certificate has been transferred to a Pass-through partner under ORS 469B.148, the certificate is not considered revoked as to the Pass-through partner, but the facility owner is liable for the amount of tax credits claimed or that could be claimed.

(e) The revocation of a certificate due to failure to construct or operate the facility in compliance with the certificate results in the loss of any tax credits not yet claimed by the facility owner. If all or a part of the tax credit certificate has been transferred to a Pass-through partner under ORS 469B.148, the certificate is not considered revoked as to the Pass-through partner.

(4) Sale or Disposition of the Facility after Final Certification:

(a) Pursuant to ORS 315.354(5), upon receiving notice that the facility has been sold or otherwise transferred, the Director will revoke the final certificate, as of the date of the disposition of the facility, unless the BETC for the facility has already been transferred under 468.206.

(b) The new owner or new or renewed lessee of a facility may apply for a final certificate. The request must comply with OAR 330-090-0130(10) and include information to allow the Director to determine the amount of tax credit not claimed by the former owner or former lessee. If the facility continues to comply with the requirements set out in these rules and any applicable conditions imposed by the Director, the Director will issue a new final certification consistent with the provisions of ORS 315.354(5).

(5) Request for Reconsideration: No later than 60 days after the Director issues an order on a preliminary certification, amendment to a preliminary certification, final certification, or canceling or revoking a final certificate under these rules, the applicant or certificate holder may request reconsideration in writing.

(6) Inspections: After an application is filed under ORS 469B.145 or 469B.161 or a tax credit is claimed under these rules, the Department may inspect the facility. The Department will schedule the inspection during normal working hours, following reasonable notice to the facility operator.

Stat. Auth.: ORS 469.040 & 469B.161

Stats. Implemented: ORS 469B.130 – 469B.171 & 315.354 – 315.357

Hist.: DOE 2-2009(Temp), f. & cert. ef. 11-3-09 thru 5-1-10; DOE 3-2010, f. & cert. ef. 4-30-10; DOE 4-2010(Temp), f. 5-21-10, cert. ef. 5-27-10 thru 11-2-10; Administrative correction 11-23-10; DOE 14-2010, f. & cert. ef. 11-23-10; DOE 3-2011(Temp), f. 4-15-11, cert. ef. 4-18-11 thru 10-14-11; DOE 6-2011, f. & cert. ef. 9-29-11; DOE 7-2011, f. & cert. ef. 10-25-11; DOE 10-2011, f. & cert. ef. 11-30-11; DOE 8-2012, f. & cert. ef. 7-10-12; DOE 1-2013, f. & cert. ef. 5-13-13

330-090-0140

Pass-through Option Facilities

(1) A pass-through Partner may purchase a BETC certificate from an applicant with a facility that is otherwise eligible for the tax credit in return for a cash lump-sum pass through payment equivalent to the net present value of the transferable tax credit. For the purposes of these rules, the net present value of the credit for purposes of the pass through payment is calculated based on the formulas below:

(a) For original preliminary certifications issued on or after January 1, 2010:

(A) For a five year tax credit the net present value is determined by taking the total tax credit amount divided by 1.3579. Tax Credit/1.3579

(B) For a one year tax credit the net present value is determined by taking the tax credit amount divided by 1.0309. Tax Credit/1.0309

(b) For original preliminary certifications issued on or before December 31, 2009:

(A) 50 percent BETC more than \$20,000 in eligible costs — 33.5 percent pass-through rate.

(B) 50 percent BETC \$20,000 or less in eligible costs — 43.5 percent pass-through rate.

(C) 35 percent BETC more than \$20,000 in eligible costs — 25.5 percent pass-through rate.

(D) 35 percent BETC \$20,000 or less in eligible costs — 30.5 percent pass-through rate.

(E) Homebuilder Installed Renewable Energy Facility or High Performance Home tax credits — 87 percent of tax credit amount.

(c) If an applicant elects to use the pass through option, the net present value of the credit (the pass through payment) for a facility is determined by the date the department issues the initial preliminary certification for the project.

(2) An Investor-Owned Utility may choose to become a utility Pass-through Partner under the provisions of this section or participate as a Pass-through Partner under other Provisions of these rules that would apply to any other Pass-through Partner.

(a) An investor-owned utility (IOU) that complies with this section may choose to become a Utility Pass-through Partner.

(b) Preliminary certification standards and process:

(A) The application for preliminary certification must include an estimate of the total installation cost of the qualifying measures for which the applicant expects to make payments under OAR 330-090-0140(2) for that year.

(B) Within 60 days after an application for preliminary certification of the pass-through is filed, the Director shall decide if it is complete. If it is not complete, the application will be rejected and returned to the applicant. The applicant may resubmit a complete application.

(C) Within 120 days after a completed application is filed, the Director shall notify the applicant of the status of the application, if the applicant has not been notified otherwise the application has been denied.

(D) The application for preliminary certification of the pass-through must include a detailed work plan. The applicant and ODOE must mutually agree upon the work plan and program. The detailed work plan must include:

(i) A copy or reference to any proposed or required OPUC tariff and all evaluations of the program through which the pass-through will be delivered,

(ii) A not to exceed estimate of the total eligible costs that will be incurred for that calendar year with an estimate of the number of rental dwellings that will be affected, and

(iii) An agreement that upon submitting the complete final certification application the applicant will provide a detailed description of each facility owner, site address, facility description or type, number of dwelling units for multifamily facilities, total facility cost, energy savings, energy type saved and tax credit amount passed through.

(c) Final certification standards and process: Final application for a pass-through tax credit must include a summary and total of each facility's owner, site address, facility description or type, number of dwelling units for multifamily facilities, total facility cost, energy savings, energy type saved and tax credit amount passed through. The applicant must retain records for each facility including all of the information required in 110-090-0130(11) of these rules.

(A) An application must contain:

(i) An itemized list of costs for each rental dwelling unit weatherized, premium efficient appliance, each alternative fuel vehicle, alternative fuel vehicle for company use, and alternative fuel fueling station, and the total facility costs made that period for which the applicant is applying for credit.

(ii) The nominal value of credits for which the applicant applies, not to exceed the total eligible costs multiplied by the existing net present value of the tax credit for the pass-through payment as defined in OAR 330-090-0140(1).

(iii) The name, address, and phone number of the owner of each rental unit, alternative fuel vehicle, or alternative fuel fueling station listed in OAR 330-090-0140(2)(c)(A)(i). A sample selected by the Department of individual weatherization location audit reports will be submitted for at least 15 percent of the facility sites.

(iv) Certification that each rental dwelling unit energy conservation measure (ECM) is a measure that would qualify under or is a measure recommended in an energy audit completed under ORS 469.633(2).

(v) Certification that the ECMs paid for were installed and inspected in accordance with the IOU's appropriate allowed tariff(s),

(vi) Certification that the ECMs paid for were installed and inspected in accordance with the IOUs' Model Conservation Standards tariff or equivalent program as approved by ODOE.

(vii) If costs associated with an individual rental dwelling are \$50,000 or more or if required by the Director, a written review and summary completed by a certified public accountant, who is not otherwise employed by the facility owner or pass-through partner, of costs paid based on canceled checks, invoices, receipts, a binding contract or agreement, or other documentation as may be required by these rules.

(viii) If a contractor installed fueling station: the name, address, and phone number of the contractor as defined under OAR 330-090-0130(4) of this rule and the site at which the fueling station is installed.

(B) Within 60 days after a complete final certification application is filed, the Director will approve or deny final certification, with reasons for the action. The Director will deny the final certification if the applicant has not complied with the requirements of this rule. No later than 60 days after the Director issues an order denying the final certification, the applicant may request reconsideration as provided in OAR 330-090-0133(5). The Director will approve final certification if:

(i) The applicant provides the owners of existing rental dwelling units listed in OAR 330-090-0140(2)(c)(A)(i) with:

ADMINISTRATIVE RULES

(I) A low-interest loan, as defined by these rules, up to \$5,000 per dwelling unit for ECMs included in OAR 330-090-0140(2)(c)(A)(iv);

(II) A cash payment for ECMs included in OAR 330-090-0140(2)(c)(A)(iv). The payment must be a percentage of the cost-effective portion of the energy conservation measures as approved by the Oregon Public Utility Commission, including installation (but not including the dwelling owner's own labor), not to exceed the cost of those measures; including the net present value of the tax credit for the pass through payment as defined in OAR 330-090-0170(1) for the EMCs at that specific site address the IOU may claim; or

(III) Such other payments approved by the Director to pay for ECMs in rental dwellings. This includes a payment for the net present value of the tax credit that exceeds the amount of the low-interest loan. This payment will apply first to reduce the amount of the loan with the balance paid to the owner of the rental dwelling unit.

(ii) The amount of the credit is the sum of payments and loans listed in OAR 330-090-0140(2)(c)(A)(i) for ECMs that were installed and inspected.

(3) If an applicant uses any portion of the tax credit it may not be transferred, in accordance with ORS 469B.167(3). For the purposes of transferring the tax credit, a tax credit is considered used when any portion of the tax credit reduces or offsets any portion of the applicant's tax liability.

Stat. Auth.: ORS 469.040 & 469B.148
Stats. Implemented: ORS 469B.130 – 469B.171 & 315.354 – 315.357
Hist.: DOE 7-1985, f. 12-31-85, ef. 1-1-86; DOE 3-1989, f. 12-28-89, cert. ef. 1-1-90; DOE 3-1990, f. & cert. ef. 9-20-90; DOE 4-1991, f. & cert. ef. 12-31-91; DOE 2-1993, f. & cert. ef. 1-28-93; DOE 5-1993, f. & cert. ef. 12-14-93; DOE 2-1995, f. 12-12-95, cert. ef. 1-1-98; DOE 3-1996, f. & cert. ef. 11-27-96; DOE 2-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 4-1998, f. 12-14-98, cert. ef. 12-15-98; DOE 2-1999, f. 12-22-99, cert. ef. 1-1-00; DOE 1-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 2-2004, f. & cert. ef. 1-21-04; DOE 3-2004, f. & cert. ef. 7-1-04; DOE 3-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 3-2008, f. & cert. ef. 3-21-08; DOE 2-2009(Temp), f. & cert. ef. 11-3-09 thru 5-1-10; DOE 1-2010, f. & cert. ef. 1-8-10; DOE 4-2010(Temp), f. 5-21-10, cert. ef. 5-27-10 thru 11-2-10; Administrative correction 11-23-10; DOE 14-2010, f. & cert. ef. 11-23-10; DOE 3-2011(Temp), f. 4-15-11, cert. ef. 4-18-11 thru 10-14-11; DOE 6-2011, f. & cert. ef. 9-29-11; DOE 12-2012(Temp), f. & cert. ef. 11-16-12 thru 5-14-13; DOE 1-2013, f. & cert. ef. 5-13-13

330-090-0150

Budget Limits and Payments for BETC

(1) Amount of Credits Allowed for a Facility:

(a) During any calendar year, a BETC preliminary certification will not be issued for more than:

(A) \$20 million in maximum eligible facility costs for a renewable energy resource facility or high efficiency combined heat and power facility, not including wind facilities with an installed capacity of more than 10 megawatts;

(B) \$7 million in maximum eligible facility costs for a wind facility with an installed capacity of more than 10 megawatts issued a preliminary certification during 2010.

(C) \$5 million in maximum eligible facility costs for a wind facility with an installed capacity of more than 10 megawatts issued a preliminary certification during 2011.

(D) \$3 million in maximum eligible facility costs for a wind facility with an installed capacity of more than 10 megawatts issued a preliminary certification on or after January 1, 2012.

(E) \$10 million in maximum eligible facility costs for any other facility, not including homebuilder-installed renewable energy facility and high performance home BETC subject to subsection (b).

(b) A final certification for a BETC will not be issued for more than 50 percent of the cost not to exceed \$9,000 for a homebuilder-installed renewable energy facility or \$12,000 if the facility also constitutes a high performance home.

(2) Return of Review Charge for Returned Incomplete Applications: This section does not apply to applications subject to the tiered priority system under OAR 330-090-0350. If under 330-090-0130, the Department does not accept and returns an incomplete application for preliminary certification, the Department will also return the review charge submitted by the applicant.

(3) Cost of Reviews: ORS 469B.164 requires applicants to pay all costs for the review of their applications. In order to meet this statutory requirement the Department has established the following schedule for payments to accompany an application.

(a) Included with each application for preliminary certification must be a payment payable to the Department, except for facilities qualifying under OAR 330-090-0130(2), for which a charge must be paid with the application for final certification.

(A) Applicants within tier two or three of the tiered priority system under OAR 330-090-0350 shall include with their initial application a pay-

ment to the department of \$500 for the costs of step one. Applicants who are notified that their application is approved for step two will be required to submit an additional fee as calculated under (B) prior to review.

(B) For all facilities except Sustainable Building Facilities or facilities qualifying under OAR 330-090-0130(2), the payment will be 0.0060 multiplied by the facility eligible cost, or \$30 whichever is greater. The maximum payment amount is \$35,000.

(C) For Sustainable Building Facilities, the payment will be 0.0035 multiplied by the eligible cost calculated as required under these rules.

(D) For facilities that qualify under OAR 330-090-0130(2), the payment will be 0.0035 multiplied by the eligible cost as requested in the final certification application.

(b) A refund of up to 75 percent of this payment may be granted up to 730 days (2 years) from the date the preliminary certification application was received by the Department. Under no circumstances will an amount over 75 percent be refunded. Conditions for which a refund may be granted are:

(A) Denial of an application for preliminary certification or for facilities that qualify under OAR 330-090-0130(2) of final certification; or

(B) Denial of a portion of costs requested in an application for preliminary certification or for facilities that qualify under OAR 330-090-0130(2) of final certification; or,

(C) A request to amend a preliminary certification resulting in decreased eligible costs. A refund will not be granted for any costs that are included in a pending certification.

(c) Requests for amendments or changes to a preliminary certification must be accompanied by a payment. The payment is the lesser of \$300 or the preliminary certification application fee for the project. If a request to amend a preliminary certification results in facility re-certification with increased eligible cost then additional application payments will be paid for the additional cost as specified in (3)(a) of this rule.

(d) Requests for extension of a preliminary certification under ORS 469B.145 must be accompanied by a payment. The payment is the lesser of \$300 or the preliminary certification application fee for the project.

(e) No facilities will be exempt from these requirements including applications for BETC pass-through under OAR 330-090-0140.

(f) The payment is a required part of a completed preliminary certification application per 330-090-0130, except for facilities that qualify under 330-090-0130(2). Preliminary certifications will only be issued if the application is complete. In addition, the applicant may be required to pay for costs incurred in connection with the application that exceed these payments and which the Director of the Department determines are incurred solely in connection with processing the application. The applicant will be advised of any additional costs the applicant must pay before the costs are incurred.

(g) If the Department is unable to complete a scheduled inspection due to actions by the applicant, the Department will require the applicant to pay a re-inspection fee of \$400 before rescheduling the inspection.

(4) Cost of Pass-through: Applicants that transfer their tax credit to a pass-through partner must pay a pass-through fee. The fee is due after a pass-through partner has been identified and before the department can issue a tax credit certificate.

(a) If the department assists the applicant in obtaining a pass-through partner or partners, the fee for that assistance is 0.25 percent of the tax credit amount, up to \$25,000 maximum, but no less than \$100 minimum.

(b) If the department does not assist the applicant in obtaining a pass-through partner, the fee is \$100 per tax credit certificate issued.

(5) Cost of Transfer: Applicants issued a tax credit certificate that choose to have their tax credit re-issued to a transferee must pay a transfer fee, the fee for that service is \$200, plus \$100 per tax credit certificate issued. In this section, a transferee means an individual or business that pays the pass-through amount to an applicant, that previously was issued the tax credit certificate, and receives a re-issued tax credit certificate in place of the original applicant. The transfer must occur within 24 months of the issuance of the original tax credit certificate and after the applicable sunset date for the related facility in ORS 315.357. Prior to the applicable sunset date for the related facility, applicants may use the pass-through to transfer their tax credit.

Stat. Auth.: ORS 469.040, 469B.161 & 469B.164
Stats. Implemented: ORS 469B.130 – 469B.171 & 315.354 – 315.357
Hist.: DOE 7-1985, f. 12-31-85, ef. 1-1-86; DOE 3-1986, f. & ef. 8-29-86; DOE 3-1989, f. 12-28-89, cert. ef. 1-1-90; DOE 4-1991, f. & cert. ef. 12-31-91; DOE 2-1992(Temp), f. 12-14-92, cert. ef. 12-15-92; DOE 2-1993, f. & cert. ef. 1-28-93; DOE 5-1993, f. & cert. ef. 12-14-93; DOE 2-1995, f. 12-12-95, cert. ef. 12-15-95; DOE 3-1996, f. & cert. ef. 11-27-96; DOE 2-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 4-1998, f. 12-14-98, cert. ef. 12-15-98; DOE 2-1999, f. 12-22-99, cert. ef. 1-1-00; DOE 1-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 2-2004, f. & cert. ef. 1-21-04; DOE 3-2004, f. & cert. ef. 7-1-04; DOE 3-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 3-2008, f. & cert. ef. 3-21-08; DOE 4-2008, f. 6-19-08, cert. ef. 6-20-08; DOE

ADMINISTRATIVE RULES

2-2009(Temp), f. & cert. ef. 11-3-09 thru 5-1-10; DOE 3-2010, f. & cert. ef. 4-30-10; DOE 4-2010(Temp), f. 5-21-10, cert. ef. 5-27-10 thru 11-2-10; Administrative correction 11-23-10; DOE 14-2010, f. & cert. ef. 11-23-10; DOE 7-2011, f. & cert. ef. 10-25-11; DOE 8-2012, f. & cert. ef. 7-10-12; DOE 1-2013, f. & cert. ef. 5-13-13

330-090-0160

Sunset of the Business Energy Tax Credit Program

(1) ORS 315.357 contains the sunset of the Business Energy Tax Credit Program. Applicants must meet the deadlines that apply to their project:

(a) Applicants with a preliminary certification that are unable to demonstrate evidence of beginning construction before April 15, 2011 must receive final certification before January 1, 2013. The Director does not guarantee that a complete final certification application received on or after November 1, 2012 will be processed before January 1, 2013.

(b) Applicants with a preliminary certification that are able to demonstrate evidence of beginning construction before April 15, 2011 must receive final certification before July 1, 2014. The Director does not guarantee that a complete final certification application received on or after May 1, 2014 will be processed before July 1, 2014.

(c) Applicants with a preliminary certification that expires before the July 1, 2014, sunset must request an extension for the preliminary certification pursuant to OAR 330-090-0130(9) or submit the final certification application before the expiration date of the preliminary certificate. There is no automatic extension or waiver for preliminary certifications that expire before the sunset date.

(2) Applicants with a preliminary certification may apply to the department to demonstrate that construction of the facility began before April 15, 2011.

(a) An application must include at least these items:

(A) A brief update on the progress of the facility.

(B) A construction schedule showing the anticipated completion date.

(C) A statement that the facility will be completed as approved in the preliminary certification.

(D) Evidence of beginning construction, including but not limited to:

(i) A copy of an approved building, grading or other permit issued for the facility, dated prior to April 15, 2011.

(ii) Evidence of site-specific construction activity, for the period on or after the later of preliminary certification or building permit approval and before April 15, 2011.

(iii) Evidence of facility-specific construction activity, for the period on or after preliminary certification and before April 15, 2011.

(b) Evidence of site-specific construction activity may include, but is not limited to:

(A) Paid invoices for completed construction activity.

(B) Timesheets for construction activities linked to the facility site.

(C) Paid rental documentation for construction equipment.

(D) A written report from the project engineer or installer signed under penalties of perjury describing the work that had commenced before April 15, 2011.

(c) Evidence of facility-specific construction activity may include, but is not limited to:

(A) Paid invoices for facility-specific assembly or manufacturing activity.

(B) Timesheets for assembly or manufacturing activities linked to the facility.

(C) A written report from the project engineer or manufacturer signed under penalties of perjury describing the work that had commenced before April 15, 2011.

(d) Applications must be received by the department before October 1, 2012.

(e) The Department will review the provided information and respond to the application within 60 days. As part of its determination, the department may request additional information from the applicant and may perform inspections.

(A) The department will issue a written acceptance letter to applicants who are able to demonstrate evidence of beginning construction. The acceptance letter will state the date by which the applicant must receive final certification to be allowed a credit under ORS 315.354.

(B) The department will issue a letter to applicants who have not provided sufficient evidence of beginning of construction providing reasons for the denial.

(3) Transfer of tax credits issued to an applicant. In this section, a transferee means an individual or business that pays the pass-through amount to an applicant that has been issued the tax credit certificate, and receives a re-issued tax credit certificate in place of the original applicant.

(a) An applicant who has been issued a tax credit certificate may transfer the tax credit to an eligible transferee through the department process provided by these rules, provided the transfer occurs within 24 months of the issuance of the original tax credit certificate and after the applicable sunset date for the related facility in ORS 315.357. Prior to the applicable sunset date for the related facility, applicants may use the pass-through to transfer their tax credit.

(b) If an applicant uses any portion of the tax credit it may not be transferred, in accordance with ORS 469B.167(3). For the purposes of transferring the tax credit, a tax credit is considered used when any portion of the tax credit reduces or offsets any portion of the applicant's tax liability.

(c) The department will provide assistance in locating a transferee, however the department does not guarantee that a transferee will be located or obtained.

(d) A tax credit certificate may only be re-issued once, upon a transfer from the applicant to the transferee.

(e) A tax credit certificate may be re-issued in the name of the individual or entity transferee only.

(f) The transferee may not claim the credit for a tax year prior to the year in which the transferee pays for the credit.

(g) The applicant holding the tax credit certificate must submit a complete tax credit transfer application and the required fee to the department. The tax credit transfer application must:

(A) Include an affidavit from the applicant holding the tax credit certificate affirming that no portion of the tax credit has been claimed and that the applicant has received a cash payment equal to the present value of the credit from the transferee, as calculated under these rules.

(B) Provide power of attorney to authorize the department to confirm with the Oregon Department of Revenue that no portion of the tax credit has been claimed.

(C) Include the original tax credit certificate issued to the applicant or affidavit from the applicant on the application form.

(h) Upon compliance with this rule and any other applicable requirements, the department will re-issue the tax credit certificate to the transferee.

Stat. Auth.: ORS 469.040 & 469B.161

Stats. Implemented: ORS 469B.130 – 469B.171 & 315.354 – 315.357

Hist.: DOE 10-2011, f. & cert. ef. 11-30-11; DOE 8-2012, f. & cert. ef. 7-10-12; DOE 12-2012(Temp), f. & cert. ef. 11-16-12 thru 5-14-13; DOE 1-2013, f. & cert. ef. 5-13-13

Department of Fish and Wildlife Chapter 635

Rule Caption: Salmon Seasons for Commercial and Sport Fisheries In the Pacific Ocean

Adm. Order No.: DFW 28-2013(Temp)

Filed with Sec. of State: 4-25-2013

Certified to be Effective: 5-1-13 thru 5-15-13

Notice Publication Date:

Rules Amended: 635-003-0003, 635-013-0003

Subject: The amended rules incorporate, by reference, the annual ocean commercial (OAR 635-003-0003) troll salmon and annual ocean sport (635-013-0003) salmon specifications and management measures as adopted by the Pacific Fishery Management Council at its annual Ocean Salmon Management Measures and Impacts meeting, as finalized in April 2013. Housekeeping and technical corrections to the regulations were made to ensure rule consistency.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-003-0003

Purpose and Scope

(1) The purpose of Division 003 is to provide for management of commercial salmon fisheries off the Oregon Coast over which the state has jurisdiction.

(2) Division 003 incorporates into Oregon Administrative Rules, by reference, the annual ocean troll salmon specifications and management measures as adopted by the Pacific Fishery Management Council in its annual Ocean Salmon Management Measures and Impacts, as finalized in April 2013, and in addition to the extent they are consistent with these rules, Code of Federal Regulations (CFR), Title 50, Part 660, Subpart H (61FR34572, July 2, 1996, as amended to incorporate the standards in the Pacific Fishery Management Council referenced document). Therefore, persons must consult the Pacific Fishery Management Council referenced document and Federal Regulations in addition to Division 003 to determine

ADMINISTRATIVE RULES

all applicable troll salmon fishing requirements. A copy of the Pacific Fishery Management Council referenced document and the Federal Regulations may be obtained by contacting the Pacific Fishery Management Council at www.pcouncil.org or at 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384.

(3) To the extent not preempted by Federal law, these regulations apply within the State of Oregon's Fisheries Conservation Zone (out to fifty miles from shore).

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.129
Hist.: FWC 29-1989, f. 4-28-89, cert. ef. 5-1-89; FWC 25-1994, f. & cert. ef. 5-2-94; FWC 20-1996, f. & cert. ef. 4-29-96; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 38-2000, f. & cert. ef. 7-3-00; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 32-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; Administrative correction, 11-16-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 36-2008, f. 4-21-08, cert. ef. 5-1-08; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 72-2010, f. & cert. ef. 5-25-10; DFW 34-2011, f. 4-27-11, cert. ef. 5-1-11; DFW 38-2012, f. 4-24-12, cert. ef. 5-1-12; DFW 28-2013(Temp), f. 4-25-13, cert. ef. 5-1-13 thru 5-15-13

635-013-0003

Purpose and Scope

(1) The purpose of Division 013 is to provide for management of sport salmon fisheries off the Oregon Coast over which the State has jurisdiction.

(2) This rule incorporates by reference, the annual ocean sport salmon specifications and management measures as adopted by the Pacific Fishery Management Council in its annual **Ocean Salmon Management Measures and Impacts**, as finalized in April 2013, and in addition to the extent they are consistent with these rules, Code of Federal Regulations (CFR), Title 50, Part 660, Subparts A and H.

(3) This rule also incorporates by reference the 2011 Oregon Sport Fishing Regulations.

(4) A copy of the Pacific Fishery Management Council referenced document and the Federal Regulations may be obtained by contacting the Pacific Fishery Management Council at www.pcouncil.org or at 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384.

(5) To the extent not preempted by Federal law, these regulations apply within the State of Oregon's Fisheries Conservation Zone (out to fifty miles from shore).

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162 & 506.129
Hist.: FWC 44-1984(Temp), f. & cert. ef. 8-23-84; FWC 29-1989, f. 4-28-89, cert. ef. 5-1-89; FWC 52-1989(Temp), f. & cert. ef. 7-28-89; FWC 37-1990, f. & cert. ef. 5-1-90; FWC 31-1992, f. 4-29-92, cert. ef. 5-1-92; FWC 25-1994, f. & cert. ef. 5-2-94; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-95; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 72-1996, f. 12-21-96, cert. ef. 1-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 38-2000, f. & cert. ef. 7-3-00; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 32-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; Administrative correction, 11-16-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; 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 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 72-2010, f. & cert. ef. 5-25-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 34-2011, f. 4-27-11, cert. ef. 5-1-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 38-2012, f. 4-24-12, cert. ef. 5-1-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 28-2013(Temp), f. 4-25-13, cert. ef. 5-1-13 thru 5-15-13

Rule Caption: Open Spring Chinook Sport Fishery On the Snake River Below Hells Canyon Dam

Adm. Order No.: DFW 29-2013(Temp)

Filed with Sec. of State: 4-25-2013

Certified to be Effective: 5-4-13 thru 9-30-13

Notice Publication Date:

Rules Amended: 635-023-0134

Subject: Amended rule opens a spring Chinook fishery from Dug Bar Boat Ramp upstream to the deadline below Hells Canyon Dam on the Snake River beginning on May 4, 2013 to coincide with the State of Idaho's regulations for this fishery.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-023-0134

Snake River Fishery

(1) The 2013 Oregon Sport Fishing Regulations provide requirements for the Snake River Zone. However, additional regulations may be

adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the 2013 Oregon Sport Fishing Regulations.

(2) Notwithstanding, all other specifications and restrictions as outlined in the **2013 Oregon Sport Fishing Regulations**, the following conditions apply:

(a) The Snake River from Dug Bar boat ramp upstream to the deadline below Hell's Canyon Dam is open seven (7) days per week, effective Saturday, May 4, 2013 until further notice.

(b) Daily bag limit is Four (4) adipose fin-clipped spring Chinook salmon per day, of which no more than one (1) can be an adult in excess of 24 inches in length. Anglers must cease fishing for salmon for the day when either four (4) salmon or one (1) adult salmon have been retained, whichever comes first.

(c) Barbless hooks are required.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162 & 506.129
Hist.: DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 47-2005(Temp), f. 5-19-05, cert. ef. 5-21-05 thru 6-20-05; Administrative correction 7-20-05; DFW 31-2006(Temp), f. 5-18-06, cert. ef. 5-20-06 thru 6-19-06; Administrative correction 7-21-06; DFW 31-2007(Temp), f. 5-9-07, cert. ef. 5-11-07 thru 6-18-07; DFW 43-2007(Temp), f. 6-14-07, cert. ef. 6-19-07 thru 7-2-07; Administrative correction 2-8-08; DFW 43-2008(Temp), f. 4-25-08, cert. ef. 4-26-08 thru 7-20-08; DFW 64-2008(Temp), f. 6-18-08, cert. ef. 6-21-08 thru 7-31-08; Administrative correction 8-21-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 58-2009(Temp), f. 5-27-09, cert. ef. 5-30-09 thru 7-12-09; DFW 80-2009(Temp), f. 6-30-09, cert. ef. 7-1-09 thru 7-17-09; Administrative correction 7-21-09; DFW 128-2009(Temp), f. 10-12-09, cert. ef. 10-18-09 thru 4-15-10; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 42-2010(Temp), f. 4-13-10, cert. ef. 4-24-10 thru 7-31-10; DFW 107-2010(Temp), f. 7-26-10, cert. ef. 7-31-10 thru 8-4-10; Administrative correction, 8-18-10; DFW 119-2010(Temp), f. 8-18-10, cert. ef. 9-1-10 thru 12-31-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 29-2011(Temp), f. 4-12-11, cert. ef. 4-23-11 thru 10-19-11; DFW 118-2011(Temp), f. 8-23-11, cert. ef. 9-1-11 thru 12-31-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 35-2012(Temp), f. 4-16-12, cert. ef. 4-22-12 thru 9-30-12; DFW 93-2012(Temp), f. 7-24-12, cert. ef. 8-5-12 thru 9-30-12; DFW 109-2012(Temp), f. 8-21-12, cert. ef. 9-1-12 thru 12-31-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 29-2013(Temp), f. 4-25-13, cert. ef. 5-4-13 thru 9-30-13

Rule Caption: Amend to Authorize Citing of Registered Owner for Unattended Vehicle Parked in Violation of Rules

Adm. Order No.: DFW 30-2013

Filed with Sec. of State: 5-10-2013

Certified to be Effective: 5-10-13

Notice Publication Date: 4-1-2013

Rules Amended: 635-008-0151

Rules Repealed: 635-008-0151(T)

Subject: Rule amendment will give law enforcement the authority to cite the registered owner of an unattended vehicle parked in violation of Commission rules.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-008-0151

Procedures for Issuance and Enforcement of Parking Permits for Department Wildlife Areas

The Oregon Department of Fish and Wildlife hereby adopts the following procedures relating to issuance and enforcement of parking permits for certain vehicles in Department Wildlife Area parking areas:

(1) Parking is permitted only in designated parking areas. A parking permit is required at all times for all fee parking areas.

(2) Fee parking areas are designated by the following signs:

(a) "Entering ODFW Wildlife Area — Parking Permit Required Beyond This Point";

(b) "Parking allowed only in designated areas — ODFW Wildlife Area Parking Permit Required".

(3) There are two separate permits: an annual permit and a daily permit.

(4) The fee for parking permits is \$5.00 (plus \$2.00 agent fee) for permits issued on a daily basis or \$20.00 (plus \$2.00 agent fee) for permits issued on an annual basis beginning each January 1. Beginning with 2012 licenses, any annual hunting license (including Combination and Sports Pac), and/or purchase of the Habitat Conservation Stamp will include a free annual parking permit.

(5) Permits are issued by selected local agents, Department offices that sell licenses and the Department's Online License Sales website to a party upon payment and may be transferred from vehicle to vehicle.

(6) The permits must be visible from outside the vehicle and be displayed in the front or rear window of the vehicle.

(7) No parking permits will be required for those vehicles which are owned or operated by government agencies. Notwithstanding paragraph (5), the Department reserves the right to issue free administrative parking permits for private vehicles used by volunteers while participating in

ADMINISTRATIVE RULES

official Department-related activities. Parking permits will not be required for individuals arriving in private vehicles to address fire, health or safety emergencies.

(8)(a) A person who operates or parks a motor-propelled vehicle in violation of restrictions established and posted under OAR 635-008-0146 through 635-008-0151 commits an offense punishable as provided in ORS 496.992;

(b) The procedure for a peace officer (or other person authorized to enforce the wildlife laws) to follow upon finding a non government vehicle parked in a designated fee parking area without a permit shall consist of the issuance of a citation which shall be either delivered to the defendant or placed in a conspicuous place upon the vehicle in the violation.

(c) A person who is the registered owner of an unattended motor-propelled vehicle parked in violation of the restrictions established and posted under OAR 635-008-0146 through 635-008-0151 shall be presumed to have violated 635-008-0151(8)(a). It is an affirmative defense to a prosecution of the registered owner of a vehicle under subsection (8)(a) of this section that the use was not authorized by the owner, either expressly or by implication [or the owner was not present when the vehicle was parked.]

Stat. Auth: ORS 496.012, 496.138, 496.146 & 497.071

Stats. Implementation: ORS 496.012, 496.138, 496.146 & 497.071

Hist.: FWC 12-1990, f. & cert. ef. 2-2-90; FWC 8-1993, f. & cert. ef. 2-8-93; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 74-2003(Temp), f. 8-1-03, cert. ef. 8-3-03 thru 8-7-03; Administrative correction 1-12-04; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10; DFW 3-2011, f. & cert. ef. 1-14-11; DFW 54-2011, f. & cert. ef. 5-24-11; DFW 6-2012(Temp), f. & cert. ef. 2-6-12 thru 8-1-12; DFW 57-2012, f. & cert. ef. 6-11-12; DFW 144-2012(Temp), f. & cert. ef. 11-13-12 thru 5-10-13; DFW 30-2013, f. & cert. ef. 5-10-13

Rule Caption: Sport Chinook Fisheries on the Umatilla River Close.

Adm. Order No.: DFW 31-2013(Temp)

Filed with Sec. of State: 5-14-2013

Certified to be Effective: 5-16-13 thru 6-30-13

Notice Publication Date:

Rules Amended: 635-019-0090

Subject: This amended rule closes the recreational spring Chinook fishery on the Umatilla River effective 12:01 a.m. Thursday, May 16, 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.

[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. 12-30-10, 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

Rule Caption: Amend Rules for Sport and Commercial Halibut, Sardine, Prawn, and Groundfish Fisheries

Adm. Order No.: DFW 32-2013

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Rules Amended: 635-004-0215, 635-004-0485, 635-004-0585, 635-005-0320, 635-005-0430, 635-005-0605, 635-005-0660, 635-005-0665, 635-005-0745, 635-005-0760, 635-005-0820, 635-005-0825, 635-006-0001, 635-006-0165, 635-006-1025, 635-006-1075, 635-039-0080, 635-039-0090

Rules Repealed: 635-039-0080(T), 635-039-0090(T)

Subject: Amendments to Oregon's regulations for sport and commercial halibut, sardine and groundfish fisheries bring the State of Oregon concurrent with federally adopted regulations. Modifications establish 2013 seasons and/or quotas for these halibut and sardine fisheries, and allow a landing of groundfish under the federal Trawl Rationalization Program to be split between Washington and Oregon or California and Oregon wholesale fish dealers. Amendments to regulations for commercial prawn fisheries disallow landing of prawns taken off Washington into Oregon if the vessel does not have the appropriate Washington State licenses and permits, and disallow targeted fishing of prawns using shrimp trawl or groundfish trawl gears. Housekeeping and technical corrections to the regulations are made to ensure rule consistency.

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635-004-0215

Definitions

As used in division 4 regulations:

(1) "Animals living intertidally on the bottom" means any benthic animal with a natural range that includes intertidal areas, regardless of where harvest occurs, and includes but is not limited to, starfish, sea urchins, sea cucumbers, snails, bivalves, worms, coelenterates, and crabs except Dungeness crab.

(2) "Board" means the Commercial Fishery Permit Board.

(3) "Buy" includes offer to buy, barter, exchange or trade.

(4) "Coastal Pelagic Species" means all species of ocean food fish and shellfish defined as Coastal Pelagic Species in the Fishery Management Plan for U.S. West Coast Fisheries for Coastal Pelagic Species and in the Federal Coastal Pelagic Species Regulations, Title 50, Part 660, and include:

- (a) Jack mackerel (*Trachurus symmetricus*);
- (b) Jack smelt (*Atherinopsis californiensis*);
- (c) Krill (all species in order Euphausiacea);
- (d) Market squid (*Loligo opalescens*);
- (e) Northern anchovy (*Engraulis mordax*);
- (f) Pacific herring (*Clupea harengus pallasii*);
- (g) Pacific mackerel (*Scomber japonicus*); and

ADMINISTRATIVE RULES

(h) Pacific sardine (*Sardinops sagax*).

(5) "Commercial harvest cap" means the total fishery-related mortality for a given species, or species group, that may occur in a single calendar year in Oregon commercial fisheries.

(6) "Commercial landing cap" means the total landed catch of a given species, or species group, that may be taken in a single calendar year in Oregon commercial fisheries.

(7) "Commercial purposes" means taking food fish with any gear *unlawful* for angling, or taking or possessing food fish in excess of the limits permitted for personal use, or taking, fishing for, handling, processing, or otherwise disposing of or dealing in food fish with the intent of disposing of such food fish or parts thereof for profit, or by sale, barter or trade, in commercial channels, as specified in ORS 506.006.

(8) "Commission" means the State Fish and Wildlife Commission created by ORS 496.090.

(9) "Department" means the State Department of Fish and Wildlife.

(10) "Director" means the Director of the Oregon Department of Fish and Wildlife appointed pursuant to ORS 496.112.

(11) "Dive gear" means gear used while a fisher is submerged underwater in order to take food fish, and includes but is not limited to one or more of the following pieces of equipment: SCUBA or other surface supplied air source (hookah gear), dive mask, snorkel, air cylinders, weight belt, wetsuit and fins.

(12) "Exclusive Economic Zone" means the zone between 3-200 nautical miles offshore of the United States.

(13) "Fishing gear" means, as specified in ORS 506.006, any appliance or device intended for or capable of being used to take food fish for commercial purposes, and includes:

(a) "Fixed gear" means longline, trap or pot, setnet, and stationary hook-and-line gears;

(b) "Gillnet" has the meaning as set forth in OAR 635-042-0010;

(c) "Hook-and-line" means one or more hooks attached to one or more lines;

(d) "Lampara net" means a surrounding or seine net with the sections of netting made and joined to create bagging, and is hauled with purse rings;

(e) "Longline" means a stationary buoyed, and anchored groundline with hooks attached;

(f) "Mesh size" means the opening between opposing knots. Minimum mesh size means the smallest distance allowed between the inside of one knot to the inside of the opposing knot regardless of twine size;

(g) "Pot or trap" means a portable, enclosed device with one or more gates or entrances and one or more lines attached to surface floats;

(h) "Purse seine" means an encircling net that may be closed by a purse line threaded through the bottom of the net. Purse seine gear includes ring net, drum purse seine, and lampara nets;

(i) "Seine" means any non-fixed net other than a trawl net or gillnet and includes all types of purse seines;

(j) "Setline" means a bottom longline used in rivers and estuaries for targeting white sturgeon;

(k) "Set net" means a stationary, buoyed and anchored gillnet or trammel net which takes fish commonly by gilling and is not free to move or drift with the current or tide;

(l) "Spear" means a sharp, pointed, or barbed instrument on a shaft;

(m) "Trammel net" means a gillnet made with two or more walls joined to a common float line;

(n) "Trawl gear" means a cone or funnel-shaped net which is towed or drawn through the water by one or two vessels, and includes but is not limited to beam trawl, bobbin or roller trawl, bottom trawl, pelagic trawl and Danish and Scottish seine gear;

(o) "Troll" means fishing gear that consists of 1 or more lines that drag hooks with bait or lures behind a moving fishing vessel, and which lines are affixed to the vessel and are not disengaged from the vessel at any time during the fishing operation; and

(p) "Vertical hook and line" means a line attached to the vessel or to a surface buoy vertically suspended to the bottom by a weight or anchor, with hooks attached between its surface and bottom end.

(14) "Fishing trip" means a period of time between landings when fishing is conducted.

(15) "Food Fish" means any animal over which the State Fish and Wildlife Commission has jurisdiction, pursuant to ORS 506.036.

(16) "Groundfish" means all species of ocean food fish defined as groundfish in the Pacific Coast Groundfish Fishery Management Plan and in the Federal Groundfish Regulations, Title 50, Part 660 and includes:

(a) All species of rockfish, thornyheads, and scorpionfish that occur off Washington, Oregon, or California (genera *Sebastes*, *Scorpaena*, *Scorpaenodes*, and *Sebastes*);

(b) Arrowtooth flounder (*Atheresthes stomias*);

(c) Big skate (*Raja binoculata*);

(d) Butter sole (*Isopsetta isolepis*);

(e) Cabezon (*Scorpaenichthys marmoratus*);

(f) California skate (*Raja inornata*);

(g) Curlfin sole (*Pleuronichthys decurrens*);

(h) Dover sole (*Microstomus pacificus*);

(i) English sole (*Parophrys vetulus*);

(j) Finescale codling (*Antimora microlepis*);

(k) Flathead sole (*Hippoglossoides elassodon*);

(l) Kelp greenling (*Hexagrammos decagrammus*);

(m) Leopard shark (*Triakis semifasciata*);

(n) Lingcod (*Ophiodon elongatus*);

(o) Longnose skate (*Raja rhina*);

(p) Pacific cod (*Gadus macrocephalus*);

(q) Pacific rattail (*Coryphaenoides acrolepis*);

(r) Pacific sanddab (*Citharichthys sordidus*);

(s) Pacific whiting (*Merluccius productus*);

(t) Petrale sole (*Eopsetta jordani*);

(u) Ratfish (*Hydrolagus collicie*);

(v) Rex sole (*Glyptocephalus zachirus*);

(w) Rock sole (*Lepidopsetta bilineata*);

(x) Sablefish (*Anoplopoma fimbria*);

(y) Sand sole (*Psettichthys melanostictus*);

(z) Soupfin shark (*Galeorhinus zyopterus*);

(aa) Spiny dogfish (*Squalus acanthias*);

(bb) Starry flounder (*Platichthys stellatus*); and

(cc) Starry rockfish (*Sebastes constellatus*).

(17) "Harvest guideline" means a specified numerical harvest objective that is not a quota. Attainment of a harvest guideline does not automatically close a fishery.

(18) "Highly Migratory Species" means all species of ocean food fish defined as highly migratory species in the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species and in the Federal Highly Migratory Species Regulations, Title 50, Part 660, and includes:

(a) Bigeye thresher shark (*Alopias superciliosus*);

(b) Bigeye tuna (*Thunnus obesus*);

(c) Blue shark (*Prionace glauca*);

(d) Common thresher shark (*Alopias vulpinus*);

(e) Dorado (*Coryphaena hippurus*);

(f) North Pacific albacore tuna (*Thunnus alalunga*);

(g) Northern bluefin tuna (*Thunnus thynnus*);

(h) Pacific swordfish (*Xiphias gladius*);

(i) Pelagic thresher shark (*Alopias pelagicus*);

(j) Shortfin mako shark (*Isurus oxyrinchus*);

(k) Skipjack tuna (*Katsuwonus pelamis*);

(l) Striped marlin (*Tetrapturus audax*); and

(m) Yellowfin tuna (*Thunnus albacares*).

(19) "Inland waters" means all waters of the state except the Pacific Ocean.

(20) "Intertidal" means the area in Oregon coastal bays, estuaries, and beaches between mean extreme low water and mean extreme high water boundaries.

(21) "Land, landed, or landing" means either of the following:

(a) For fisheries where food fish were taken by use of a vessel, "land, landed or landing" means to begin transfer of food fish from a vessel. Once transfer begins, all food fish aboard the vessel are counted as part of that landing, except:

(A) Anchovies being held live on a vessel for the purpose of using for bait in that vessel's commercial fishing operation; and

(B) For vessels participating in the federal trawl rationalization program, the portion of catch that is intended to be delivered to Washington or California is not considered part of that landing.

(b) For fisheries where food fish were taken without use of any vessel, "land, landed or landing" means to begin transfer of food fish from a harvester to a wholesale fish dealer, wholesale fish bait dealer, or food fish canner, under which the following provisions apply:

(A) When the harvester and the wholesale fish dealer, wholesale fish bait dealer, or food fish canner are the same person or entity, transfer occurs when the food fish arrive at the licensed premises of the wholesale fish dealer, wholesale fish bait dealer, or food fish canner; and

ADMINISTRATIVE RULES

(B) Once transfer begins, all food fish from the harvest area are counted as part of that landing.

(22) "Length" or "Length Overall" of a vessel means the manufacturer's specification of overall length, United States Coast Guard or Marine Board registered length documentation stating overall length or overall length as surveyed by a certified marine surveyor. In determining overall length, marine surveyors shall measure in a straight line parallel to the keel from the foremost part of the vessel to the aftermost part, excluding sheer and excluding bow sprits, boomkins, rudders aft of the transom, outboard motor brackets, or transom extensions such as a dive step or platform.

(23) "Length, total" of a fish is measured from the tip of the snout (mouth closed) to the tip of the tail (pinched together) without mutilation of the fish or the use of additional force to extend the length.

(24) "Nearshore species" includes (See ORS 506.011):

- (a) Black and yellow rockfish (*Sebastes chrysomelas*);
- (b) Brown Irish lord (*Hemilepidotus spinosus*);
- (c) Brown rockfish (*Sebastes auriculatus*);
- (d) Buffalo sculpin (*Enophrys bison*);
- (e) Cabezon (*Scorpaenichthys marmoratus*);
- (f) Calico rockfish (*Sebastes dalli*);
- (g) China rockfish (*S. nebulosus*);
- (h) Copper rockfish (*S. caurinus*);
- (i) Gopher rockfish (*S. carnatus*);
- (j) Grass rockfish (*S. rastelliger*);
- (k) Kelp greenling (*Hexagrammos decagrammus*);
- (l) Kelp rockfish (*Sebastes atrovirens*);
- (m) Olive rockfish (*S. serranoides*);
- (n) Painted greenling (*Oxylebius pictus*);
- (o) Quillback rockfish (*Sebastes maliger*);
- (p) Red Irish lord (*Hemilepidotus hemilepidotus*);
- (q) Rock greenling (*Hexagrammos lagocephalus*);
- (r) Tiger rockfish (*Sebastes nigrocinctus*);
- (s) Treefish (*S. serriceps*);
- (t) Vermillion rockfish (*S. miniatus*); and
- (u) Whitespotted greenling (*Hexagrammos stelleri*).

(25) "Ocean food fish" means all saltwater species of food fish except salmon, halibut, and shellfish whether found in fresh or salt water.

(26) "Other nearshore rockfish" includes:

- (a) Black and yellow rockfish (*Sebastes chrysomelas*);
- (b) Brown rockfish (*S. auriculatus*);
- (c) Calico rockfish (*S. dalli*);
- (d) China rockfish (*S. nebulosus*);
- (e) Copper rockfish (*S. caurinus*);
- (f) Gopher rockfish (*S. carnatus*);
- (g) Grass rockfish (*S. rastelliger*);
- (h) Kelp rockfish (*S. atrovirens*);
- (i) Olive rockfish (*S. serranoides*);
- (j) Quillback rockfish (*S. maliger*); and
- (k) Treefish (*S. serriceps*).

(27) "Pacific Ocean" means all water seaward of the end of the jetty or jetties of any river, bay, or tidal area, except the Columbia River boundary with the Pacific Ocean is as specified in OAR 635-003-0005, or all water seaward of the extension of the shoreline high watermark across the river, bay, or tidal area where no jetties exist.

(28) "Permit holder" means a person or entity that owns an individual permit or owns the vessel to which a vessel permit is attached. A lessee of a permit is not a permit holder.

(29) "Possession" means holding any food fish, shellfish or parts thereof in a person's custody or control.

(30) "Process or Processing" means fresh packaging requiring freezing of food fish, or any part thereof, or any type of smoking, reducing, loining, steaking, pickling or filleting.

(31) "Resident" means an actual bona fide resident of this state for at least one year, as specified in ORS 508.285.

(32) "Rockfish" includes all species in the following genera:

- (a) *Sebastes*; and
- (b) *Sebastolobus*.

(33) "Salmon" means all anadromous species of salmon, including but not limited to:

- (a) *Oncorhynchus gorbuscha*, commonly known as humpback, humpies or pink salmon.
- (b) *Oncorhynchus keta*, commonly known as chum or dog salmon.
- (c) *Oncorhynchus kisutch*, commonly known as coho or silver salmon.

(d) *Oncorhynchus nerka*, commonly known as sockeye, red or blue-back salmon.

(e) *Oncorhynchus tshawytscha*, commonly known as Chinook salmon.

(34) "Security interest" means an interest in a vessel or permit granted by the owner of the vessel or permit to a third party under a security agreement, pursuant to ORS chapter 79, another state's laws enacted to implement Article 9 of the Uniform Commercial Code or equivalent federal statutory provisions for federally documented vessels.

(35) "Sell" includes to offer or possess for sale, barter, exchange or trade.

(36) "Smelt" means all species in the family *Osmeridae*.

(37) "Take" means fish for, hunt, pursue, catch, capture or kill or attempt to fish for, hunt, pursue, catch, capture or kill.

(38) "Transport" means transport by any means, and includes offer or receive for transportation.

(39) "Trip limit" means the total amount of fish that may be taken and retained, possessed, or landed per vessel from a single fishing trip or cumulatively per unit of time. A vessel which has landed its cumulative or daily limit may continue to fish on the limit for the next legal period as long as the fish are not landed until the next period. Trip limits may be:

(a) "Bi-monthly cumulative trip limit" means the maximum amount of fish that may taken and retained, possessed or landed per vessel in specified bi-monthly periods. There is no limit on the number of landings or trips in each period, and periods apply to calendar months. The specified periods are as follows:

- (A) Period 1: January through February;
- (B) Period 2: March through April;
- (C) Period 3: May through June;
- (D) Period 4: July through August;
- (E) Period 5: September through October; and
- (F) Period 6: November through December.

(b) "Daily trip limit" means the maximum amount of fish that may be taken and retained, possessed or landed per vessel in 24 consecutive hours, starting at 00:01 hours local time. Only one landing of groundfish may be made in that 24-hour period;

(c) "Monthly trip limit" means the maximum amount of fish that may be taken and retained, possessed or landed per vessel during the first day through the last day of any calendar month.

(d) "Weekly trip limit" means the maximum amount of fish that may be taken and retained, possessed or landed per vessel in seven (7) consecutive days, starting at 00:01 hours local time on Sunday and ending at 24:00 hours local time on Saturday. Weekly trip limits may not be accumulated during multiple week trips. If a calendar week falls within two different months or two different cumulative limit periods, a vessel is not entitled to two separate weekly limits during that week.

(40) "Undue hardship" means death, serious illness requiring extended care by a physician, permanent disability, or other circumstances beyond the individual's control.

(41) "Unlawful to buy" means that it is unlawful to buy, knowing or having reasonable cause to believe that the fish have been illegally taken or transported within this state, or *unlawfully* imported or otherwise *unlawfully* brought into this state.

(42) "Vessel" means any floating craft, powered, towed, rowed or otherwise propelled which is used for landing or taking food fish for commercial purposes, and has the same meaning as 'boat' as specified in ORS 506.006.

(43) "Vessel operator" means the person onboard a fishing vessel who is responsible for leading a fishing vessel in fishing or transit operations, and who signs the corresponding fish ticket from that fishing trip. A vessel operator may be a vessel owner or permit holder or both, individual hired to operate a vessel, or lessee of a vessel, permit or both. Although more than one person may physically operate a vessel during a fishing trip or transit, there may only be one person identified as a vessel operator (commonly referred to as a captain or skipper) on a fishing vessel during any one fishing trip or transit.

(44) "Vessel owner" means any ownership interest in a vessel, including interests arising from partnerships, corporations, limited liability corporations, or limited liability partnerships. A vessel owner does not include a leasehold interest.

(45) "Waters of this state" means all waters over which the State of Oregon has jurisdiction, or joint or other jurisdiction with any other state or government, including waters of the Pacific Ocean and all bays, inlets, lakes, rivers and streams within or forming the boundaries of this state.

ADMINISTRATIVE RULES

(46) "Week" means the period beginning at 00:01 hours local time on Sunday and ending at 24:00 hours local time on the following Saturday.

Stat. Auth.: ORS 496.138, 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 496.162, 506.109 & 506.129
Hist.: FC 246, f. 5-5-72, ef. 5-15-72; FWC 37, f. & ef. 1-23-76, Renumbered from 625-010-0545; FWC 49-1979, f. & ef. 11-1-79, Renumbered from 635-036-0270; FWC 10-1983, f. & ef. 3-1-83; FWC 1-1985(Temp), f. & ef. 1-4-85; FWC 5-1985, f. & ef. 2-19-85; FWC 17-1987(Temp), f. & ef. 5-7-87; FWC 103-1988, f. 12-29-88, cert. ef. 1-1-89; FWC 28-1989(Temp), f. 4-25-89, cert. ef. 4-26-89; FWC 130-1990, f. 12-31-90, cert. ef. 1-1-91; FWC 67-1991, f. 6-25-91, cert. ef. 7-1-91; FWC 21-1992(Temp), f. 4-7-92, cert. ef. 5-1-92; FWC 141-1991, f. 12-31-91, cert. ef. 1-1-92; FWC 21-1992(Temp), f. 4-7-92, cert. ef. 5-1-92; FWC 36-1992, f. 5-26-92, cert. ef. 5-27-92; FWC 6-1993, f. 1-28-93, cert. ef. 2-1-93; FWC 95-1994, f. 12-28-94, cert. ef. 1-1-95; FWC 45-1995, f. & cert. ef. 6-1-95; FWC 71-1996, f. 12-31-96, cert. ef. 1-1-97; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 32-2005(Temp), f. 4-29-05, cert. ef. 5-1-05 thru 10-27-05; DFW 70-2005, f. & cert. ef. 7-8-05; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 156-2009, f. 12-29-09, cert. ef. 1-1-10; Renumbered from 635-004-0020, DFW 75-2012, f. 6-28-12; DFW 32-2013, f. & cert. ef. 5-14-13

635-004-0485

Renewal of Permit

(1) Yaquina Bay Roe-Herring Permits may be renewed by submission to the Department of a \$125.00 fee (plus a \$2.00 license agent fee) for resident applicants and \$175.00 fee (plus a \$2.00 license agent fee) for non-resident applicants and a complete application date-stamped or postmarked by December 31 of the year the permit is sought for renewal.

(2) An application for renewal of a Yaquina Bay Roe-Herring Permit shall be considered complete if it is legible, has all information requested in the form, and is accompanied by the required fee in full. Any application which is not complete shall be returned, and unless it is thereafter resubmitted and deemed complete by December 31 of the permit year sought, the individual shall not be considered to have applied for renewal in a timely manner.

(3) It is the responsibility of the permittee to ensure that an application is complete and is filed in a timely manner. Failure of the Department to return an application for incompleteness or of an individual to receive a returned application may not be grounds for treating the application as having been filed in a timely and complete manner.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.109, 506.129 & 508.765
Hist.: DFW 75-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 32-2013, f. & cert. ef. 5-14-13

635-004-0585

Scope, Inclusion, and Modification of Rules

(1) The commercial Pacific halibut fishery in the Pacific Ocean off Oregon is jointly managed by the state of Oregon, the federal government, and the International Pacific Halibut Commission (IPHC). The Code of Federal Regulations provides federal requirements for this fishery, including but not limited to the time, place, and manner of taking Pacific halibut. However, additional federal regulations may be promulgated subsequently by publication in the Federal Register, and these supersede, to the extent of any inconsistency, the Code of Federal Regulations. Therefore, the following publications are incorporated into Oregon Administrative Rule by reference:

(a) Code of Federal Regulations, Part 660, Subpart E, (October 1, 2012 ed.); and

(b) Federal Register Vol. 78, No. 51, dated March 15, 2013 (78 FR 16423).

(2) Persons must consult the federal regulations in addition to division 4 to determine all applicable Pacific halibut fishing requirements. The area that federal regulations apply to is hereby extended to the area from shore to three nautical miles from shore, coterminous with the Exclusive Economic Zone.

(3) The Commission may adopt additional or modified regulations that are more conservative than federal regulations, in which case Oregon Administrative Rule takes precedence.

(4) It is *unlawful* to take Pacific halibut for commercial purposes except as set by federal regulations and the IPHC and in accordance with a valid permit issued by the IPHC.

Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 469.162, 506.109, 506.129 & 508.306
Hist.: DFW 75-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 32-2013, f. & cert. ef. 5-14-13

635-005-0320

Eligibility Requirements for a Permit

(1) An individual licensed as a commercial harvester under ORS 508.235 or ORS 508.312 or a vessel is eligible to obtain a Bay Clam Dive Permit required by OAR 635-005-0310:

(a) For a South Coast Bay Clam Dive Permit for the year 2006, if a South Coast Bay Clam Dive Permit was issued to the individual or vessel under the Developmental Fisheries Program in 2005 and lawfully made

five landings consisting of at least 100 pounds each landing or an annual total of 2,500 pounds of bay clams, using dive gear in Oregon in 2005;

(b) For a Coast Wide Bay Clam Dive Permit for the year 2006, if a Coast Wide Bay Clam Dive Permit was issued to the individual or vessel under the Developmental Fisheries Program in 2005 and lawfully made five landings consisting of at least 100 pounds each landing or an annual total of 2,500 pounds of bay clams, using dive gear in Oregon in 2005.

(c) After 2006, by renewal of the previous years' permit and satisfaction of the requirements in OAR 635-005-0330; or

(d) Through the lottery if a lottery is held in accordance with OAR-005-0335.

(2) In making determinations regarding issuance or renewal of any limited entry permit, the Department and the Commercial Fishery Permit Board may consider as evidence of permit qualifications or requirements Department records and such receipts, accounts, contracts and other business records of private parties as the Department or the Board considers reliable evidence of the qualifications or requirements in question.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 76-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 32-2013, f. & cert. ef. 5-14-13

635-005-0430

Renewal of Permit

(1) An individual who obtained a limited entry Ocean Dungeness Crab Permit may renew the permit pursuant to ORS 508.941 by submitting to the Department a \$125.00 fee (plus a \$2.00 license agent fee) for resident applicants and a \$175.00 fee (plus a \$2.00 license agent fee) for non-resident applicants and a complete application date-stamped or postmarked by December 31 of the year for which renewal is sought.

(2) An application for renewal of an Ocean Dungeness Crab Permit shall be considered complete if it is legible, has all information requested in the form, and is accompanied by the required fee in full. Any application which is not complete shall be returned, and unless it is thereafter resubmitted and deemed complete by December 31 of the permit year sought, the individual shall not be considered to have applied for renewal in a timely manner.

(3) It is the responsibility of the permittee to ensure an application is complete and is filed in a timely manner. Failure of the Department to return an application for incompleteness or of an individual to receive a returned application may not be grounds for treating the application as having been filed in a timely and complete manner.

(4) A permit which is not renewed by December 31 lapses, and shall not be renewed for subsequent years.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 76-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 32-2013, f. & cert. ef. 5-14-13

635-005-0605

Renewal of Permit

(1) Pink Shrimp Permits may be renewed the following year by submitting to the Department a \$125.00 fee (plus a \$2.00 license agent fee) for resident applicants and a \$175.00 fee (plus a \$2.00 license agent fee) for non-resident applicants and a complete application date-stamped or postmarked by December 31 of the year the permit is sought for renewal.

(2) An application for renewal of a Pink Shrimp Permit shall be considered complete if it is legible, has all information requested in the form, and is accompanied by the required fee in full. Any application which is not complete shall be returned, and unless it is thereafter resubmitted and deemed complete by December 31 of the permit year sought, the individual shall not be considered to have applied for renewal in a timely manner.

(3) It is the responsibility of the permittee to ensure that an application is complete and is filed in a timely manner. Failure of the Department to return an application for incompleteness or of an individual to receive a returned application shall not be grounds for treating the application as having been filed in a timely and complete manner.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.109, 506.129 & 508.892
Hist.: DFW 76-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 32-2013, f. & cert. ef. 5-14-13

635-005-0660

Fishing Gear

(1) It is *unlawful* to take spot or coonstripe shrimp for commercial purposes by any means other than pots or traps, except spot or coonstripe shrimp may be taken incidentally by trawls legal for the taking of pink shrimp during open pink shrimp seasons or trawls legal for the taking of groundfish when the established seasons for those species are open.

(2) Pots or traps used to take spot or coonstripe shrimp must comply with the following provisions:

ADMINISTRATIVE RULES

(a) Pots or traps must have entrance tunnels no smaller than 1.5 inches at the narrowest point and no larger than 3.0 inches at the widest point;
(b) No triggers of any kind may be used on the inside of entrance tunnels; and

(c) Pots or traps must have with at least one escape panel constructed with #21 or smaller untreated cotton in such manner that an opening of at least five inches in diameter will result when the twine deteriorates.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.109, 506.129 & 506.306
Hist.: FWC 30-1985, f. 6-27-85, ef. 7-1-85; FWC 15-1986, f. & ef. 5-20-86; Renumbered from 635-005-0210, DFW 76-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 32-2013, f. & cert. ef. 5-14-13

635-005-0665

Fishing Area

(1) It is *unlawful* to take, land or possess spot or coonstripe shrimp from areas other than the Pacific Ocean.

(2) It is *unlawful* to land or possess spot shrimp taken from the Pacific Ocean north of the Oregon/Washington border (46° 15.00' North Latitude) without the licenses and permits required to commercially fish for spot shrimp within the state waters of Washington.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.109, 506.129 & 506.306
Hist.: FWC 30-1985, f. 6-27-85, ef. 7-1-85; Renumbered from 635-005-0215, DFW 76-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 32-2013, f. & cert. ef. 5-14-13

635-005-0745

Eligibility Requirements for a Permit

(1) An individual licensed under ORS 508.235 or a commercial licensed vessel under 509.260 is eligible to obtain a Weathervane Scallop Permit required by OAR 635-005-0735:

(a) By renewal of the previous year's permit as specified in OAR 635-005-0760; or

(b) Through the lottery if a lottery is held in accordance with OAR 635-005-0765.

(2) In making determinations regarding issuance or renewal of any limited entry permit, the Department and the Commercial Fishery Permit Board may consider as evidence of permit qualifications or requirements Department records and such receipts, accounts, contracts and other business records of private parties as the Department or the Board considers reliable evidence of the qualifications or requirements in question.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.109, 508.846 & 508.852
Hist.: DFW 76-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 32-2013, f. & cert. ef. 5-14-13

635-005-0760

Renewal of Permit

(1) Weathervane Scallop Permits may be renewed the following year by submitting to the Department a \$125.00 fee (plus a \$2.00 license agent fee) for resident applicants and a \$175.00 fee (plus a \$2.00 license agent fee) for non-resident applicants and a complete application date-stamped or postmarked by December 31 of the year the permit is sought for renewal.

(2) An application for renewal of a Weathervane Scallop Permit shall be considered complete if it is legible, has all information requested in the form, and is accompanied by the required fee in full. Any application which is not complete shall be returned, and unless it is thereafter resubmitted and deemed complete by December 31 of the permit year sought, the individual shall not be considered to have applied for renewal in a timely manner.

(3) It is the responsibility of the permittee to ensure that an application is complete and is filed in a timely manner. Failure of the Department to return an application for incompleteness or of an individual to receive a returned application may not be grounds for treating the application as having been filed in a timely and complete manner.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.109, 506.129 & 508.849
Hist.: DFW 76-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 32-2013, f. & cert. ef. 5-14-13

635-005-0820

Renewal of Permit

(1) Sea Urchin Permits may be renewed the following year:

(a) By submitting to the Department a \$100.00 fee (plus a \$2.00 license agent fee) for resident applicants and a \$150.00 fee (plus a \$2.00 license agent fee) for non-resident applicants and a complete application date-stamped or postmarked by January 31 of the year for which renewal is sought; and

(b) The permittee shall have annually lawfully landed 5,000 pounds of sea urchins in Oregon. If a permittee obtained a permit later than January of the prior year (because the permit was obtained through the lottery, or as a result of the Commercial Fishery Permit Board actions or surrender of a

permit by a permit holder), the permittee shall not be required to make the 5,000 pound landing requirement by the following January. Instead, at the next renewal thereafter, the permittee shall be required to demonstrate that the 5,000 pound landing requirement was fulfilled during the first full year (twelve-month period) in which the permit was held.

(2) An application for renewal of a Sea Urchin Permit shall be considered complete if it is legible, has all information requested in the form, and is accompanied by the required fee in full. Any application which is not complete shall be returned, and unless it is thereafter resubmitted and deemed complete by January 31 of the permit year sought, the individual shall not be considered to have applied for renewal in a timely manner.

(3) It is the responsibility of the permittee to ensure that an application is complete and is filed in a timely manner. Failure of the Department to return an application for incompleteness or of an individual to receive a returned application shall not be grounds for treating the application as having been filed in a timely and complete manner.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.109, 506.129 & 508.762
Hist.: DFW 76-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 32-2013, f. & cert. ef. 5-14-13

635-005-0825

Lottery for Limited Entry Sea Urchin Permits

(1) If the total number of Sea Urchin Permits which have been renewed, and for which an appeal is pending with the Commercial Fishery Permit Board and awarded through a prior lottery, is less than 30, a lottery shall be held on the 4th Friday in April. However, as a result of any such lottery, the total number of permits issued shall not exceed 30.

(2) An individual must be 18 years of age or older and furnish proof of age to be eligible for the lottery.

(3) An individual shall not already hold a valid Sea Urchin Permit, however, an individual whose permit is at issue in a pending Sea Urchin Permit Board proceeding or before a court of law may participate in the lottery.

(4) If a permittee whose permit is at issue either before the Sea Urchin Permit Board or a court of law is awarded another permit through the lottery and thereafter prevails before the Board or in court, the permittee shall immediately surrender one of the Sea Urchin Permits to any Department office, so that only one valid permit is held.

(5) An individual who qualifies to participate in the lottery shall send a complete lottery application to the Department, date-stamped or post-marked no later than April 15 of the year for which the permit is to be issued. An individual shall not submit more than one application to participate in the lottery. For successful applicants, the application fee shall apply toward the permit fee of \$100.00 (plus a \$2.00 license agent fee) for resident applicants and \$150.00 fee (plus a \$2.00 license agent fee) for nonresident applicants.

(6) The names of lottery applicants shall be drawn to obtain the available permits. All other names of lottery applicants shall be drawn and placed on an alternate list in the order in which they were drawn, and shall be issued permits during the next 24 months as they may become available through Permit Board actions or surrender of permits by a permit holder.

(7) An individual whose name is drawn in the lottery shall thereafter apply on the prescribed form, to the Department to obtain a permit. Such application must be received by the Department within 30 days of the date the notification was mailed to the successful applicant following the lottery.

(8) Any individual who fails to apply for the lottery permit within 30 days shall forfeit such permit. The permit shall then be made available to the first name on the alternate list, and shall be applied for in accordance with section (7) of this rule.

(9) If all permits are not issued by renewal or through the lottery, permits thereafter may be issued on a first come first served basis up to the total number of permits allowed. All applications shall be mailed to the Department and priority shall be based on postmark or date-stamped date.

(10) The Commission may suspend the lottery for up to two years based upon its assessment of the condition of the resource and recommendations of the Sea Urchin Permit Review Board.

(11) Each applicant for a permit lottery shall complete the application form prescribed by the Department.

(12) Only one application per vessel may be submitted for each permit fishery lottery.

(13) Any application which is not legible, has incomplete information, or is postmarked after the deadline shall not be entered in the lottery. Applications for all permits will be accepted at the Salem headquarters office of the Department, and shall be postmarked or date stamped no later than March 31 of the year for which the permit is issued.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.109, 506.129 & 508.762
Hist.: DFW 76-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 32-2013, f. & cert. ef. 5-14-13

ADMINISTRATIVE RULES

635-006-0001

Definitions

As used in division 6 regulations:

- (1) "Board" means the Commercial Fishery Permit Board.
- (2) "Boat" means any vessel, any floating craft, powered, towed, rowed or otherwise propelled which is used for landing or taking food fish, as specified in ORS 506.006.
- (3) "Buy" includes offer to buy, barter, exchange or trade.
- (4) "Commercial fishing license" means the commercial fishing licenses required by ORS 508.235 and, for purposes of the Limited Fish Seller Permit, includes an Albacore Tuna Landing License.
- (5) "Commercial purposes" means taking food fish with any gear unlawful for angling, or taking or possessing food fish in excess of the limits permitted for personal use, or taking, fishing for, handling, processing, or otherwise disposing of or dealing in food fish with the intent of disposing of such food fish or parts thereof for profit, or by sale, barter or trade, in commercial channels, as specified in ORS 506.006.
- (6) "Commission" means the State Fish and Wildlife Commission created by ORS 496.090.
- (7) "Department" means the State Department of Fish and Wildlife, as specified in ORS 506.006.
- (8) "Director" means the Director of the Oregon Department of Fish and Wildlife appointed pursuant to ORS 496.112.
- (9) "Fair market value" shall be based on the market price of food fish or shellfish at the same time and place that the fish are landed, or the price established in OAR 635-006-0232 when the market price cannot be determined. For species not listed in 635-006-0232, fair market value shall be based on the average price per pound paid to law enforcement officials for any fish or shellfish confiscated from persons landing legal overages, or the average ex-vessel price per pound paid for that species in that port during the month in which the overage occurred, whichever is greater. Unless otherwise noted, the fair market value is the price per pound and is based on round weight.
- (10) "Fish buyer" means an individual employed by a wholesale fish dealer or food fish canner to purchase or receive food fish or shellfish from commercial fishers at locations other than the licensed premises of the wholesale fish dealer or food fish canner.
- (11) "Fish-buying station" means a location other than the licensed premises of a wholesale fish dealer or food fish canner at which such wholesale fish dealer or food fish canner purchases or receives food fish or shellfish from commercial fishers.
- (12) "Fishing" means catching, taking or harvesting food fish that results in or can be reasonably expected to result in the sale, barter, trade or other disposition of fish for other than personal use or consumption.
- (13) "Fishing gear" means, as specified in ORS 506.006, any appliance or device intended for or capable of being used to take food fish for commercial purposes, and includes:
 - (a) "Fixed gear" means longline, trap or pot, setnet, and stationary hook-and-line gears;
 - (b) "Gillnet" has the meaning as set forth in OAR 635-042-0010;
 - (c) "Hook-and-line" means one or more hooks attached to one or more lines;
 - (d) "Lampara net" means a surrounding net with the sections of netting made and joined to create bagging. It is hauled with purse rings and is generally much smaller in size than a purse seine net;
 - (e) "Longline" means a stationary buoyed, and anchored groundline with hooks attached;
 - (f) "Mesh size" means the opening between opposing knots. Minimum mesh size means the smallest distance allowed between the inside of one knot to the inside of the opposing knot regardless of twine size;
 - (g) "Pot or trap" means a portable, enclosed device with one or more gates or entrances and one or more lines attached to surface floats;
 - (h) "Purse seine" means an encircling net that may be closed by a purse line threaded through the bottom of the net. Purse seine gear includes ring net, drum purse seine, and lampara nets;
 - (i) "Seine" means any non-fixed net other than a trawl or gillnet;
 - (j) "Setline" means a bottom longline used in rivers and estuaries for targeting white sturgeon;
 - (k) "Set net" means a stationary, buoyed and anchored gillnet or trammel net which takes fish commonly by gilling and is not free to move or drift with the current or tide;
 - (l) "Spear" means a sharp, pointed, or barbed instrument on a shaft;
 - (m) "Trammel net" means a gillnet made with two or more walls joined to a common float line;
- (n) "Trawl gear" means a cone or funnel-shaped net which is towed or drawn through the water by one or two vessels;
- (o) "Troll" means fishing gear that consists of 1 or more lines that drag hooks with bait or lures behind a moving fishing vessel, and which lines are affixed to the vessel and are not disengaged from the vessel at any time during the fishing operation;
- (p) "Vertical hook and line" means a line attached to the vessel or to a surface buoy vertically suspended to the bottom by a weight or anchor, with hooks attached between its surface and bottom end.
- (14) "Fishing trip" means a period of time between landings when fishing is conducted.
- (15) "Food Fish" means any animal over which the State Fish and Wildlife Commission has jurisdiction, as specified in ORS 506.036.
- (16) "Food fish canner" means a wholesale fish dealer who cans food fish including shellfish in hermetically sealed containers whereby no further preservation, artificial or otherwise, is required.
- (17) "Groundfish" means all species of ocean food fish defined as groundfish in the Pacific Coast Groundfish Fishery Management Plan and in the Federal Groundfish Regulations, Title 50, Part 660 (See OAR 635-004-0240).
- (18) "Harvester" means any person legally authorized to take food fish for commercial purposes.
- (19) "Import" means to transport into Oregon from outside the State of Oregon.
- (20) "Inland waters" means all waters of the state except the Pacific Ocean.
- (21) "Land, Landed or Landing" means either of the following:
 - (a) For fisheries where food fish were taken by use of a vessel, "land, landed or landing" means to begin transfer of food fish from a vessel. Once transfer begins, all food fish on board the vessel are counted as part of that landing, except:
 - (A) Anchovies being held live on a vessel for the purpose of using for bait in that vessel's commercial fishing operation; and
 - (B) For vessels participating in the federal trawl rationalization program, the portion of catch that is intended to be delivered to Washington or California is not considered part of that landing.
 - (b) For fisheries where food fish were taken without use of any vessel, "land, landed or landing" means to begin transfer of food fish from a harvester to a wholesale fish dealer, wholesale fish bait dealer, or food fish canner, under which the following provisions apply:
 - (A) When the harvester and the wholesale fish dealer, wholesale fish bait dealer, or food fish canner are the same person or entity, transfer occurs when the food fish arrive at the licensed premises of the wholesale fish dealer, wholesale fish bait dealer, or food fish canner; and
 - (B) Once transfer begins, all food fish from the harvest area are counted as part of that landing.
- (22) "Landing fees" means all fees due to the Department based on the pounds of fish or value of fish landed.
- (23) "Length" or "Length Overall" of a vessel means the manufacturer's specification of overall length, United States Coast Guard or Marine Board registered length documentation stating overall length or overall length as surveyed by a certified marine surveyor. In determining overall length, marine surveyors shall measure in a straight line parallel to the keel from the foremost part of the vessel to the aftermost part, excluding sheer and excluding bow sprits, boomkins, rudders aft of the transom, outboard motor brackets, or transom extensions as in a dive step or platform.
- (24) "Limited fish seller" means any person who holds a valid Oregon commercial fishing license and who has obtained an annual Limited Fish Seller Permit which enables the fisher to sell any species of food fish, taken in lawful activity directly from his or her boat, as specified in ORS 508.550.
- (25) "Limited fish seller — non-treaty Columbia River Gillnet Salmon Vessel Permit fishery" means a person who holds a valid Oregon commercial fishing license, a Columbia River Gillnet Salmon Vessel Permit, and who has obtained an annual limited fish seller permit which enables the fisher to sell any species of food fish, taken in lawful activity directly from his or her boat or at locations away from the boat.
- (26) "Non-reporting fish dealer" means a wholesale fish dealer or fish bait dealer who buys food fish exclusively from other wholesale fish dealers or bait dealers.
- (27) "Overage" means any landing or portion of a landing that exceeds groundfish trip limits. Groundfish trip limits are approved by Pacific Fisheries Management Council and implemented by the National Marine Fisheries Service.
- (28) "Owner" means any ownership interest in a vessel, including interests arising from partnerships, corporations, limited liability corpora-

ADMINISTRATIVE RULES

tions, or limited liability partnerships. Owner does not include a leasehold interest.

(29) "Pacific Ocean" means all water seaward of the end of the jetty or jetties of any river, bay, or tidal area, except the Columbia River boundary with the Pacific Ocean is as specified in OAR 635-003-0005, or all water seaward of the extension of the shoreline high watermark across the river, bay, or tidal area where no jetties exist.

(30) "Possession" means holding any food fish, shellfish or parts thereof in a person's custody or control.

(31) "Process or Processing" means fresh packaging requiring freezing of food fish, or any part thereof, or any type of smoking, reducing, loining, steaming, pickling or filleting. Cooking crab is not considered processing.

(32) "Processor" means a person who buys fresh food fish from a licensed commercial fisher or a wholesale fish dealer and processes food fish for sale through retail outlets or for sale to the ultimate consumer.

(33) "Purchase" means to obtain by paying money or its equivalent, trade, or barter.

(34) "Receive" or "Receiving" means to take or come into possession of.

(35) "Replacement vessel" means a vessel purchased to replace a permitted vessel which had been lost due to fire, capsizing, sinking or other event.

(36) "Resident" means an actual bona fide resident of this state for at least one year immediately prior to application.

(37) "Retail fish bait dealer" means a person who buys fresh food fish or shellfish from a wholesale fish dealer or wholesale fish bait dealer, and sells to the ultimate consumer for use as bait.

(38) "Retail fish dealer" means a person who buys fresh food fish or shellfish from wholesale fish dealers, undertakes limited processing activity (limited to loining of tuna, filleting, smoking, steaming, or pickling food fish or shellfish), and sells only to the ultimate consumer.

(39) "Retain" means to keep in possession or use.

(40) "Security interest" means an interest in a vessel or permit granted by the owner of the vessel or permit to a third party under a security agreement, pursuant to ORS Chapter 79, another state's laws enacted to implement Article 9 of the Uniform Commercial Code or equivalent federal statutory provisions for federally documented vessels.

(41) "Sell" includes to offer or possess for sale, barter, exchange or trade.

(42) "Shellfish canner" means a wholesale fish dealer who cans only shellfish in hermetically sealed containers whereby no further preservation, artificial or otherwise, is required.

(43) "Take" means fish for, hunt, pursue, catch, capture or kill or attempt to fish for, hunt, pursue, catch, capture or kill.

(44) "Take home" means food fish that are sold commercially to a licensed wholesale fish dealer, reported on a fish receiving ticket and then purchased back for the purpose of private use by the harvester.

(45) "Transport" means, for the purposes of OAR 635-006-0165, to move the food fish after landing.

(46) "Trip limit" means the total amount of fish that may be taken and retained, possessed, or landed per vessel from a single fishing trip or cumulatively per unit of time. A vessel which has landed its cumulative or daily limit may continue to fish on the limit for the next legal period as long as the fish are not landed until the next period. Trip limits may be:

(a) "Bi-monthly cumulative trip limit" means the maximum amount of fish that may be taken and retained, possessed or landed per vessel in specified bi-monthly periods. There is no limit on the number of landings or trips in each period, and periods apply to calendar months. The specified periods are as follows:

(A) Period 1: January through February;

(B) Period 2: March through April;

(C) Period 3: May through June;

(D) Period 4: July through August;

(E) Period 5: September through October; and

(F) Period 6: November through December.

(b) "Daily trip limit" means the maximum amount of fish that may be taken and retained, possessed or landed per vessel in 24 consecutive hours, starting at 00:01 hours local time. Only one landing of groundfish may be made in that 24-hour period;

(c) "Monthly trip limit" means the maximum amount of fish that may be taken and retained, possessed or landed per vessel during the first day through the last day of any calendar month.

(d) "Weekly trip limit" means the maximum amount of fish that may be taken and retained, possessed or landed per vessel in 7 consecutive days,

starting at 00:01 hours local time on Sunday and ending at 24:00 hours local time on Saturday. Weekly trip limits may not be accumulated during multiple week trips. If a calendar week falls within two different months or two different cumulative limit periods, a vessel is not entitled to two separate weekly limits during that week.

(47) "Ultimate consumer" means the party that utilizes the product as food, including restaurants.

(48) "Value" means the monetary value of the food fish, or parts thereof, including eggs and other by-products, at the point of landing as usually determined by the first exchange between the harvester and the first purchaser. In addition:

(a) Value is typically the amount of money which the first purchaser pays at the time and place that the fish are off-loaded from a vessel, or brought to shore if there is no vessel involved in harvesting, before any reductions or deductions in the amount of money as a result of the dealer furnishing ice, fuel, food or other commodities; and

(b) Value includes bonuses and other payments based directly on the quantity or quality of food fish exchanged, regardless of the time of payment of such bonuses or other payments; and

(c) Value includes any payments based on the proportion or percentage of processed products recovered from the food fish landed in the round or other form; and

(d) Value for food fish not sold by the harvester is the value received for comparable fish sold to a wholesale fish dealer at the same time and place that the fish are landed; and

(e) Value for food fish purchased from a harvester, by the harvester when acting as a wholesale fish dealer, is the price that is or would be paid to any other harvester for the same fish; and

(f) Value for food fish sold by a limited fish seller is the retail price received by the harvester from the first purchaser; and

(g) Value for food fish imported from out of state but not previously taxed out of state is the price paid for the fish by the first Oregon purchaser.

(49) "Vessel operator" means the person onboard a fishing vessel who is responsible for leading a fishing vessel in fishing or transit operations, and who signs the corresponding fish ticket from that fishing trip. A vessel operator may be a vessel or permit owner or both, individual hired to operate a vessel, or lessee of a vessel, permit or both. Although more than one person may physically operate a vessel during a fishing trip or transit, there may only be one person identified as a vessel operator (commonly referred to as a captain or skipper) on a fishing vessel during any one fishing trip or transit.

(50) "Waters of this state" means all waters over which the State of Oregon has jurisdiction, or joint or other jurisdiction with any other state or government, including waters of the Pacific Ocean and all bays, inlets, lakes, rivers and streams within or forming the boundaries of this state.

(51) "Weighbacks" means fish or shellfish with no commercial value.

(52) "Wholesale fish bait dealer" means a person who buys food fish or shellfish, or parts thereof, from a licensed commercial fisher, licensed commercial bait fisher, or licensed angler, and sells or uses such food fish or shellfish for bait, scientific or educational purposes, or live public display.

(53) "Wholesale fish dealer" means a person who:

(a) Buys food fish or shellfish from a commercial fisher; or

(b) Processes food fish or shellfish or any part thereof; or

(c) Sells food fish or shellfish to retail dealers or other wholesale fish dealers.

Stat. Auth.: ORS 506.036, 506.109, 506.119, 506.129 & 513.020

Stats. Implemented: ORS 506.109, 506.129, 508.025, 508.040 & 508.550

Hist.: FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92; DFW 38-1999, f. & cert. ef. 5-24-99; DFW 63-2003, f. & cert. ef. 7-17-03; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 91-2009, f. & cert. ef. 8-10-09; DFW 145-2009, f. 12-9-09, cert. ef. 1-1-10; DFW 77-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 151-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 32-2013, f. & cert. ef. 5-14-13

635-006-0165

Commercial Fisher Transportation Report

(1) It is *unlawful* for any commercial fisher or any other person to transport food fish or shellfish in this state without first preparing and having in possession a written transportation report, invoice, or memorandum. The transportation report, invoice, or memorandum shall include the following:

(a) Date;

(b) Name and address of person from whom food fish or shellfish were received. If being transported by a commercial fisher or received from a commercial fisher, including his or her commercial fishing license number;

ADMINISTRATIVE RULES

(c) Name and address of the Oregon licensed Wholesale Fish Dealer or Oregon licensed Fish Bait Dealer where the food fish or shellfish are being delivered;

(d) The number of each species of food fish or shellfish, their weight or estimated weight in pounds.

(2) Notwithstanding OAR 635-006-0210(2), the food fish or shellfish shall be transported within 48 hours to an Oregon licensed Wholesale Fish Dealer or Oregon licensed Fish Bait Dealer and reported on a Fish Receiving Ticket within 48 hours of arriving in port.

(3) The transportation report, invoice, or memorandum shall be prepared prior to any food fish or shellfish being removed from the boat of original taking or prior to transporting away from the point of initial landing. For clams, the report shall be prepared prior to leaving the beach or clam digging area. For food fish or shellfish transported into Oregon from another state, the report shall be prepared prior to entering the State of Oregon. A bill of lading or freight bill required for common carriers is acceptable in lieu of a transportation report.

(4) The transportation report, invoice, or memorandum shall be retained by the commercial fisher or person transporting the food fish including shellfish for a period of six months and is subject to inspection by the Director, the Director's authorized agent, or by the Oregon State Police at any time during that period.

(5) This section does not apply to:

(a) Retail fish dealers, retail bait fish dealers, wholesale fish dealers, food fish cannerys, shellfish cannerys, and wholesale fish bait dealers when required to keep records in accordance with OAR 635-006-0205 and ORS 508.535; or

(b) Vessels participating in the federal trawl rationalization program that are delivering part of their catch to licensed dealers in Washington or California.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.109, 506.129, 506.306, 508.535
Hist.: FC 246, f. 5-5-72, ef. 5-15-72, Renumbered from 625-040-0100, Renumbered from 635-036-0565; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92; DFW 38-1999, f. & cert. ef. 5-24-99; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 77-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 32-2013, f. & cert. ef. 5-14-13

635-006-1025

Permit Fee

The annual fee to participate in limited entry fisheries is as follows:

(1) Gillnet salmon:

(a) The annual fee is \$100.00 (plus a \$2.00 license agent fee) for resident applicants and \$150.00 (plus a \$2.00 license agent fee) for non-resident applicants. See ORS 508.790, 508.775 and Section 6, Chapter 512, Oregon Laws 1989.

(b) A fee of \$100.00 shall be charged for each transfer of participation rights under this section.

(2) Troll salmon:

(a) The annual fee is \$100.00 (plus a \$2.00 license agent fee) for resident applicants and \$150.00 (plus a \$2.00 license agent fee) for non-resident applicants. See ORS 508.816, 508.822 and Section 6, Chapter 512, Oregon Laws 1989.

(b) A fee of \$100.00 shall be charged for each transfer of participation rights under this section.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.109 & 506.129
Hist.: FWC 3-1996, f. 1-31-96, cert. ef. 2-1-96; FWC 64-1996, f. 11-13-96, cert. ef. 11-15-96; DFW 112-2003, f. & cert. ef. 11-14-03; DFW 137-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 139-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 145-2009, f. 12-9-09, cert. ef. 1-1-10; DFW 146-2011, f. & cert. ef. 10-14-11; DFW 77-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 32-2013, f. & cert. ef. 5-14-13

635-006-1075

Renewal of Permit

(1) An individual who obtained a limited entry permit may renew the permit as follows:

(a) Gillnet salmon — Permits may be renewed by submission to the Department of a \$100.00 fee (plus a \$2.00 license agent fee) for resident applicants and \$150.00 fee (plus a \$2.00 license agent fee) for non-resident applicants and a complete application, see ORS 508.781 and 508.790;

(b) Troll salmon — Permits may be renewed by submission to the Department of a \$100.00 fee (plus a \$2.00 license agent fee) for resident applicants and \$150.00 fee (plus a \$2.00 license agent fee) for non-resident applicants and a complete application, see ORS 508.807 and 508.816.

(2) An application for renewal in any limited entry fishery shall be considered complete if it is legible, has all information requested in the form, and is accompanied by the required fee in full. Any application which is not complete shall be returned, and unless it is thereafter resubmitted and deemed complete by December 31 of the permit year sought, the

individual shall not be considered to have applied for renewal in a timely manner.

(3) It is the responsibility of the permittee to ensure that an application is complete and is filed in a timely manner. Failure of the Department to return an application for incompleteness or of an individual to receive a returned application shall not be grounds for treating the application as having been filed in a timely and complete manner.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.109 & 506.129
Hist.: FWC 3-1996, f. 1-31-96, cert. ef. 2-1-96; FWC 64-1996, f. 11-13-96, cert. ef. 11-15-96; DFW 92-1998, f. & cert. ef. 11-25-98; DFW 112-2003, f. & cert. ef. 11-14-03; DFW 137-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 139-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 23-2006, f. & cert. ef. 4-21-06; DFW 2-2007, f. & cert. ef. 1-12-07; DFW 86-2007(Temp), f. & cert. ef. 9-10-07 thru 9-17-07; Administrative correction 10-16-07; DFW 3-2008, f. & cert. ef. 1-15-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 38-2009, f. & cert. ef. 4-22-09; DFW 145-2009, f. 12-9-09, cert. ef. 1-1-10; DFW 155-2010(Temp), f. 11-22-10, cert. ef. 11-23-10 thru 5-21-11; Administrative correction 6-28-11; DFW 146-2011, f. & cert. ef. 10-14-11; DFW 39-2012, f. & cert. ef. 4-24-12; DFW 77-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 32-2013, f. & cert. ef. 5-14-13

635-039-0080

Purpose and Scope

(1) The purpose of division 39 is to provide for management of sport fisheries for marine fish, shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and beaches over which the State has jurisdiction.

(2) Division 39 incorporates into Oregon Administrative Rules, by reference:

(a) The sport fishing regulations of the State, included in the document entitled 2013 Oregon Sport Fishing Regulations;

(b) Title 50 of the Code of Federal Regulations, Part 300, Subpart E (October 1, 2012 ed.), as amended;

(c) Title 50 of the Code of Federal Regulations, Part 660, Subpart G (October 1, 2012 ed.), as amended;

(d) Federal Register Vol. 78, No. 2, dated January 3, 2013 (78 FR 580);

(e) Federal Register Vol. 78, No. 51, dated March 15, 2013 (78 FR 16423); and

(f) Federal Register Vol. 78, No. 89, dated May 8, 2013 (78 FR 26708).

(3) Therefore, persons must consult all publications referenced in this rule in addition to division 11 and division 39 to determine all applicable sport fishing requirements for marine fish, shellfish and marine invertebrates.

Stat. Auth.: ORS 496.138, 496.146, 506.119
Stats. Implemented: ORS 496.162 & 506.129
Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; Renumbered from 635-39-105 - 635-39-135; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 25-1997, f. 4-22-97, cert. ef. 5-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 91-1998, f. & cert. ef. 11-25-98; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 98-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 81-2000, f. 12-22-00, cert. ef. 1-1-01; DFW 118-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; 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 120-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 33-2005(Temp), f. 4-29-05, cert. ef. 5-1-05 thru 10-27-05; DFW 54-2005(Temp), f. 6-10-05, cert. ef. 6-12-05 thru 11-30-05; DFW 56-2005, f. 6-21-05, cert. ef. 7-1-05; DFW 71-2005(Temp), f. & cert. ef. 7-7-05 thru 11-30-05; DFW 89-2005(Temp), f. & cert. ef. 8-12-05 thru 12-12-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 138-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 134-2006(Temp), f. 12-21-06, cert. ef. 1-1-07 thru 6-29-07; DFW 3-2007, f. & cert. ef. 1-12-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 39-2009, f. & cert. ef. 4-27-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 32-2010, f. & cert. ef. 3-15-10; DFW 37-2010, f. 3-30-10, cert. ef. 4-1-10; DFW 157-2010, f. 12-6-10, cert. ef. 1-1-11; DFW 24-2011, f. & cert. ef. 3-22-11; DFW 164-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 39-2012, f. & cert. ef. 4-24-12; DFW 1-2013, f. & cert. ef. 1-3-13; DFW 25-2013(Temp), f. 4-2-13, cert. ef. 5-1-13 thru 5-31-13; DFW 32-2013, f. & cert. ef. 5-14-13

635-039-0090

Inclusions and Modifications

(1) The 2013 Oregon Sport Fishing Regulations provide requirements for sport fisheries for marine fish, shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and beaches, commonly referred to as the Marine 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) For the purposes of this rule, a "sport harvest cap" is defined as the amount that may be impacted (combined landings and other fishery related mortality) by the Oregon sport fishery in a single calendar year. For 2013 the sport harvest caps are:

(a) Black rockfish, 440.8 metric tons.

(b) Cabezon, 16.8 metric tons.

(3) For the purposes of this rule, "Other nearshore rockfish" means the following rockfish species: black and yellow (Sebastes chrysolmeus);

ADMINISTRATIVE RULES

brown (*S. auriculatus*); calico (*S. dalli*); China (*S. nebulosus*); copper (*S. caurinus*); gopher (*S. carnatus*); grass (*S. rastelliger*); kelp (*S. atrovirens*); olive (*S. serranoides*); quillback (*S. maliger*); and treefish (*S. serriceps*).

(4) For the purposes of this rule a “sport landing cap” is defined as the total landings for a given species, or species group, that may be taken in a single calendar year by the ocean boat fishery. For 2013 the sport landing caps are:

- (a) Black rockfish and blue rockfish combined, 481.8 metric tons.
- (b) Other nearshore rockfish, 13.6 metric tons.
- (c) Greenling, 5.2 metric tons.

(5) In addition to the regulations for Marine Fish in the **2013 Oregon Sport Fishing Regulations**, the following apply for the sport fishery in the Marine Zone in 2013:

(a) Lingcod (including green colored lingcod): 2 fish daily bag limit.

(b) All rockfish (“sea bass” “snapper”), greenling (“sea trout”), cabezon, skates, and other marine fish species not listed in the **2013 Oregon Sport Fishing Regulations** in the Marine Zone, located under the category of Species Name, Marine Fish: 7 fish daily bag limit in aggregate (total sum or number), of which no more than one be a cabezon from April 1 through September 30. Retention of the following species is prohibited:

- (A) Yelloweye rockfish;
- (B) Canary rockfish; and
- (C) Cabezon from January 1 through June 30 and from October 1 through December 31.

(c) Flatfish (flounder, sole, sanddabs, turbot, and all halibut species except Pacific halibut): 25 fish daily bag limit in aggregate (total sum or number).

(d) Retention of all marine fish listed under the category of Species Name, Marine Fish, except Pacific cod, sablefish, herring, anchovy, smelt, sardine, striped bass, hybrid bass, and offshore pelagic species (excluding leopard shark and soupfin shark), is prohibited when Pacific halibut is retained on the vessel during open days for the all-depth sport fishery for Pacific halibut north of Humboldt Mountain. Persons must also consult all publications referenced in OAR 635-039-0080 to determine all rules applicable to the taking of Pacific halibut.

(e) Harvest methods and other specifications for marine fish in subsections (5)(a), (5)(b) and (5)(c) including the following:

- (A) Minimum length for lingcod, 22 inches.
- (B) Minimum length for cabezon, 16 inches.
- (C) Minimum length for greenling, 10 inches.
- (D) May be taken by angling, hand, bow and arrow, spear, gaff hook, snag hook and herring jigs.

(E) Mutilating the fish so the size or species cannot be determined prior to landing or transporting mutilated fish across state waters is prohibited.

(f) Sport fisheries for species in subsections (5)(a), (5)(b) and (5)(c) and including leopard shark and soupfin shark are open January 1 through December 31, twenty-four hours per day, except as provided in subsections (5)(a) and (5)(d), and ocean waters are closed for these species during April 1 through September 30, outside of the 30-fathom curve (defined by latitude and longitude) as shown on Title 50 Code of Federal Regulations Part 660 Section 71. A 20-fathom, 25-fathom, or 30-fathom curve, as shown on Title 50 Code of Federal Regulations Part 660 Section 71 may be implemented as the management line as in-season modifications necessitate. In addition, the following management lines may be used to set area specific regulations for inseason action only:

- (A) Cape Lookout (45°20'30" N latitude); and
- (B) Cape Blanco (42°50'20" N latitude).

(g) The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) is defined by coordinates specified in Title 50 Code of Federal Regulations Part 660 Section 70 (October 1, 2012 ed.). Within the YRCA, it is *unlawful* to fish for, take, or retain species listed in subsections (5)(a), (5)(b) and (5)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut using recreational fishing gear. A vessel engaged in recreational fishing within the YRCA is prohibited from possessing any species listed in subsections (5)(a), (5)(b) and (5)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut. Recreational fishing vessels in possession of species listed in subsections (5)(a), (5)(b) and (5)(c) and including leopard shark, soupfin shark, and Pacific halibut may transit the YRCA without fishing gear in the water.

(h) 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 Marine Zone are closed to the retention of white sturgeon and catch-and-release angling is allowed year-round.

(6) Razor clams may be taken by hand, shovel, or cylindrical gun or tube. The opening of the gun/tube must be either circular or elliptical with the circular gun/tube opening having a minimum outside diameter of 4 inches and the elliptical gun/tube opening having minimum outside diameter dimensions of 4 inches long and 3 inches wide.

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

Stat. Auth.: ORS 496.138, 496.146, 497.121 & 506.119

Stats. Implemented: ORS 496.004, 496.009, 496.162 & 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 22-1994, f. 4-29-94, cert. ef. 5-2-94; FWC 29-1994(Temp), f. 5-20-94, cert. ef. 5-21-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 43-1994(Temp), f. & cert. ef. 7-19-94; FWC 83-1994(Temp), f. 10-28-94, cert. ef. 11-1-94; FWC 95-1994, f. 12-28-94, cert. ef. 1-1-95; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 25-1995, f. 3-29-95, cert. ef. 4-1-95; FWC 26-1995, 3-29-95, cert. ef. 4-2-95; FWC 36-1995, f. 5-3-95, cert. ef. 5-5-95; FWC 43-1995(Temp), f. 5-26-95, cert. ef. 5-28-95; FWC 46-1995(Temp), f. & cert. ef. 6-2-95; FWC 58-1995(Temp), f. 7-3-95, cert. ef. 7-5-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 28-1996(Temp), f. 5-24-96, cert. ef. 5-26-96; FWC 30-1996(Temp), f. 5-31-96, cert. ef. 6-2-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 68-1999(Temp), f. & cert. ef. 9-17-99 thru 9-30-99; administrative correction 11-17-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 118-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 114-2003(Temp), f. 11-18-03, cert. ef. 11-21-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 128-2003, f. 12-15-03, cert. ef. 1-1-04; DFW 83-2004(Temp), f. 8-17-04, cert. ef. 8-18-04 thru 12-31-04; DFW 91-2004(Temp), f. 8-31-04, cert. ef. 9-2-04 thru 12-31-04; DFW 97-2004(Temp), f. 9-22-04, cert. ef. 9-30-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 34-2005(Temp), f. 4-29-05, cert. ef. 5-1-05 thru 10-27-05; DFW 75-2005(Temp), f. 7-13-05, cert. ef. 7-16-05 thru 12-31-05; DFW 87-2005(Temp), f. 8-8-05, cert. ef. 8-11-05 thru 12-31-05; DFW 121-2005(Temp), f. 10-12-05, cert. ef. 10-18-05 thru 12-31-05; DFW 129-2005(Temp), f. & cert. ef. 11-29-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 138-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 141-2005(Temp), f. 12-12-05, cert. ef. 12-30-05 thru 12-31-05; Administrative correction 1-19-06; DFW 61-2006, f. 7-13-06, cert. ef. 10-1-06; DFW 65-2006(Temp), f. 7-21-06, cert. ef. 7-24-06 thru 12-31-06; DFW 105-2006(Temp), f. 9-21-06, cert. ef. 9-22-06 thru 12-31-06; DFW 134-2006(Temp), f. 12-21-06, cert. ef. 1-1-07 thru 6-29-07; DFW 3-2007, f. & cert. ef. 1-12-07; DFW 10-2007, f. & cert. ef. 2-14-07; DFW 66-2007(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 73-2008(Temp), f. 6-30-08, cert. ef. 7-7-08 thru 12-31-08; DFW 97-2008(Temp), f. 8-18-08, cert. ef. 8-21-08 thru 12-31-08; DFW 105-2008(Temp), f. 9-4-08, cert. ef. 9-7-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 7-2009(Temp), f. & cert. ef. 2-2-09 thru 7-31-09; DFW 39-2009, f. & cert. ef. 4-27-09; DFW 110-2009(Temp), f. 9-10-09, cert. ef. 9-13-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 103-2010(Temp), f. 7-21-10, cert. ef. 7-23-10 thru 12-31-10; DFW 157-2010, f. 12-6-10, cert. ef. 1-1-11; DFW 24-2011, f. & cert. ef. 3-22-11; DFW 97-2011(Temp), f. & cert. ef. 7-20-11 thru 12-31-11; DFW 135-2011(Temp), f. 9-21-11, cert. ef. 10-1-11 thru 12-31-11; DFW 155-2011(Temp), f. 11-18-11, cert. ef. 12-1-11 thru 12-31-11; DFW 156-2011(Temp), f. 12-9-11, cert. ef. 12-15-11 thru 1-31-12; DFW 164-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 90-2012(Temp), f. 7-17-12, cert. ef. 9-20-12 thru 12-31-12; DFW 151-2012, 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 32-2013, f. & cert. ef. 5-14-13

Rule Caption: 2013 Ocean Salmon Regulations for State Marine Waters.

Adm. Order No.: DFW 33-2013

Filed with Sec. of State: 5-14-2013

Certified to be Effective: 5-14-13

Notice Publication Date: 4-1-2013

Rules Amended: 635-003-0003, 635-013-0003

Rules Repealed: 635-003-0003(T), 635-013-0003(T)

Subject: Amended rules relate to commercial and sport salmon fisheries in the Pacific ocean. Housekeeping and technical corrections to the regulations were made to ensure rule consistency.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-003-0003

Purpose and Scope

(1) The purpose of division 3 is to provide for management of commercial salmon fisheries off the Oregon Coast over which the state has jurisdiction.

(2) Division 3 incorporates into Oregon Administrative Rules, by reference, the annual ocean troll salmon specifications and management measures as adopted by the **Pacific Fishery Management Council** in its annual **Ocean Salmon Management Measures and Impacts**, as finalized in April 2013, and in addition to the extent they are consistent with these rules, Code of Federal Regulations (CFR), Title 50, Part 660, Subpart H (61FR34572, July 2, 1996, as amended to incorporate the standards in the **Pacific Fishery Management Council referenced document**). Therefore, persons must consult the **Pacific Fishery Management Council referenced document** and Federal Regulations in addition to division 3 to determine all applicable troll salmon fishing requirements. A copy of the **Pacific Fishery Management Council referenced document** and the Federal Regulations may be obtained by contacting the **Pacific Fishery**

ADMINISTRATIVE RULES

Management Council at www.pcouncil.org or at 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384.

(3) To the extent not preempted by Federal law, these regulations apply within the State of Oregon's Fisheries Conservation Zone (out to fifty miles from shore).

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.129

Hist.: FWC 29-1989, f. 4-28-89, cert. ef. 5-1-89; FWC 25-1994, f. & cert. ef. 5-2-94; FWC 20-1996, f. & cert. ef. 4-29-96; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 38-2000, f. & cert. ef. 7-3-00; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 32-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; Administrative correction, 11-16-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 36-2008, f. 4-21-08, cert. ef. 5-1-08; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 72-2010, f. & cert. ef. 5-25-10; DFW 34-2011, f. 4-27-11, cert. ef. 5-1-11; DFW 38-2012, f. 4-24-12, cert. ef. 5-1-12; DFW 28-2013(Temp), f. 4-25-13, cert. ef. 5-1-13 thru 5-15-13; DFW 33-2013, f. & cert. ef. 5-14-13

635-013-0003

Purpose and Scope

(1) The purpose of division 13 is to provide for management of sport salmon fisheries off the Oregon Coast over which the State has jurisdiction.

(2) This rule incorporates by reference, the annual ocean sport salmon specifications and management measures as adopted by the **Pacific Fishery Management Council** in its annual **Ocean Salmon Management Measures and Impacts**, as finalized in April 2013, and in addition to the extent they are consistent with these rules, Code of Federal Regulations (CFR), Title 50, Part 660, Subparts A and H.

(3) This rule also incorporates by reference the Oregon Sport Fishing Regulations.

(4) A copy of the **Pacific Fishery Management Council referenced document** and the Federal Regulations may be obtained by contacting the **Pacific Fishery Management Council** at www.pcouncil.org or at 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384.

(5) To the extent not preempted by Federal law, these regulations apply within the State of Oregon's Fisheries Conservation Zone (out to fifty miles from shore).

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162 & 506.129

Hist.: FWC 44-1984(Temp), f. & cert. ef. 8-23-84; FWC 29-1989, f. 4-28-89, cert. ef. 5-1-89; FWC 52-1989(Temp), f. & cert. ef. 7-28-89; FWC 37-1990, f. & cert. ef. 5-1-90; FWC 31-1992, f. 4-29-92, cert. ef. 5-1-92; FWC 25-1994, f. & cert. ef. 5-2-94; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-95; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 72-1996, f. 12-21-96, cert. ef. 1-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 38-2000, f. & cert. ef. 7-3-00; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 32-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; Administrative correction, 11-16-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; 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 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 72-2010, f. & cert. ef. 5-25-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 34-2011, f. 4-27-11, cert. ef. 5-1-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 38-2012, f. 4-24-12, cert. ef. 5-1-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 28-2013(Temp), f. 4-25-13, cert. ef. 5-1-13 thru 5-15-13; DFW 33-2013, f. & cert. ef. 5-14-13

Rule Caption: Additions and Modifications to Non-Indian Commercial Spring Chinook Fisheries.

Adm. Order No.: DFW 34-2013(Temp)

Filed with Sec. of State: 5-14-2013

Certified to be Effective: 5-15-13 thru 7-31-13

Notice Publication Date:

Rules Amended: 635-042-0022, 635-042-0145, 635-042-0170

Rules Suspended: 635-042-0145(T), 635-042-0170(T)

Subject: These amended rules allow a non-Indian commercial tangle net fishery for spring Chinook in the mainstem Columbia River on May 15, 2013 in the area from the mouth of the Columbia River upstream to Beacon Rock (Zones 1 thru 5). The authorized drift gillnet fishing period is from 10:00 a.m. through midnight (14 hours). Other 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

635-042-0022

Spring Chinook Gillnet and Tangle Net Fisheries

(1) Adipose fin-clipped Chinook salmon, white sturgeon and shad may be taken by drift tangle net for commercial purposes from the mouth

of the Columbia River upstream to Beacon Rock (Zones 1-5) during the period: Wednesday, May 15, 2013 from 10:00 a.m. to Midnight (14 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.

(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. 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 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.

ADMINISTRATIVE RULES

(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, 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. 3-3-05 & 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. 3-1-06, cert. ef. 3-2-06 thru 7-31-06; DFW 10-2006(Temp), f. & 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. 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. & cert. ef. 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. 3-23-09, 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. 4-6-10, 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. & 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. 4-2-12, 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

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 10:00 a.m. Wednesday, May 15 and 12:00 noon Thursday, May 16, 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: Entire Youngs Bay from February 11 through March 25 (18 days) during the following periods:

Monday	February 11	6:00 a.m.–midnight (18 hrs.);
Wednesday	February 13	6:00 a.m.–6:00 p.m. (12 hrs.);
Thursday	February 14	6:00 a.m.–midnight (18 hours);
Monday	February 18	6:00 a.m.–midnight (18 hours);
Wednesday	February 20	6:00 a.m.–6:00 p.m. (12 hours);
Thursday	February 21	6:00 a.m.–midnight (18 hours);
Monday	February 25	6:00 a.m.–midnight (18 hours);
Wednesday	February 27	6:00 a.m.–6:00 p.m. (12 hours);
Thursday	February 28	6:00 a.m.–midnight (18 hours);
Monday	March 4	6:00 a.m.–midnight (6 hrs.);
Wednesday	March 6	6:00 a.m.–6:00 p.m. (12 hrs.);
Thursday	March 7	6:00 a.m.–midnight (18 hours);
Monday	March 11	3:30 p.m.–9:30 p.m. (6 hours);
Wednesday	March 13	6:00 a.m.–6:00 p.m. (12 hours);
Thursday	March 14	6:00 a.m.–6:00 p.m. (12 hours);
Monday	March 18	10:00 a.m.–2:00 p.m. (4 hours);
Thursday	March 21	1:30 p.m.–5:30 p.m. (4 hours);
Monday	March 25	4:00 p.m.–8:00 p.m. (4 hours).

(B) Spring Season: Entire Youngs Bay from April 18 through Friday, June 14 (14 days total) 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–Friday May 24 noon	(4 days);
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 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 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

ADMINISTRATIVE RULES

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. & cert. 8-22-79; FWC 28-1980, f. & cert. 6-23-80; FWC 42-1980(Temp), f. & cert. 8-22-80; FWC 30-1981, f. & cert. 8-14-81; FWC 42-1981(Temp), f. & cert. 11-5-81; FWC 54-1982, f. & cert. 8-17-82; FWC 37-1983, f. & cert. 8-18-83; FWC 61-1983(Temp), f. & cert. 10-19-83; FWC 42-1984, f. & cert. 8-20-84; FWC 39-1985, f. & cert. 8-15-85; FWC 37-1986, f. & cert. 8-11-86; FWC 72-1986(Temp), f. & cert. 10-31-86; FWC 64-1987, f. & cert. 8-7-87; FWC 73-1988, f. & cert. 8-19-88; FWC 55-1989(Temp), f. & cert. 8-7-89, cert. ef. 8-20-89; FWC 82-1990(Temp), f. & cert. 8-19-90; FWC 86-1991, f. & cert. 8-7-91, cert. ef. 8-18-91; FWC 123-1991(Temp), f. & cert. 10-21-91; FWC 30-1992(Temp), f. & cert. ef. 4-27-92; FWC 35-1992(Temp), f. & cert. ef. 5-22-92, cert. ef. 5-25-92; FWC 74-1992 (Temp), f. & cert. 8-16-92; FWC 28-1993(Temp), f. & cert. ef. 4-26-93; FWC 48-1993, f. & cert. 8-6-93, cert. ef. 8-9-93; FWC 21-1994(Temp), f. & cert. 4-22-94, cert. ef. 4-25-94; FWC 51-1994, f. & cert. 8-19-94, cert. ef. 8-22-94; FWC 64-1994(Temp), f. & cert. 9-14-94, cert. ef. 9-15-94; FWC 66-1994(Temp), f. & cert. ef. 9-20-94; FWC 27-1995, f. & cert. 3-29-95, cert. ef. 4-1-95; FWC 48-1995(Temp), f. & cert. ef. 6-3-95; FWC 66-1995, f. & cert. 8-22-95, cert. ef. 8-27-95; FWC 69-1995, f. & cert. 8-25-95, cert. ef. 8-27-95; FWC 8-1995, f. & cert. 2-28-96, cert. ef. 3-1-96; FWC 37-1996(Temp), f. & cert. 6-11-96, cert. ef. 6-12-96; FWC 41-1996, f. & cert. ef. 8-12-96; FWC 45-1996(Temp), f. & cert. 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. & 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. & 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. & 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. & cert. ef. 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. & cert. ef. 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. & 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. & cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. & cert. ef. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. & cert. ef. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. & cert. ef. 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. & cert. ef. 5-17-05, cert. ef. 5-18-05 thru 10-16-05; DFW 73-2005(Temp), f. & cert. ef. 7-11-05 thru 7-31-05; DFW 77-2005(Temp), f. & cert. ef. 7-18-05 thru 7-31-05; DFW 85-2005(Temp), f. & 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. & cert. ef. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 14-2006(Temp), f. & 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. & cert. ef. 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. & cert. ef. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 103-2006(Temp), f. & cert. ef. 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. & 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. & cert. ef. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 45-2007(Temp), f. & cert. ef. 6-15-07, cert. ef. 6-25-07 thru 7-31-07; DFW 50-2007(Temp), f. & cert. ef. 6-29-07, cert. ef. 7-4-07 thru 7-31-07; DFW 61-2007(Temp), f. & cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. & cert. ef. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative correction 1-24-08; DFW 6-2008(Temp), f. & cert. ef. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. & cert. ef. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 30-2008(Temp), f. & cert. ef. 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. & cert. ef. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. & cert. ef. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. & cert. ef. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 24-2009(Temp), f. & cert. ef. 3-10-09, cert. ef. 3-11-09 thru 7-31-09; DFW 49-2009(Temp), f. & cert. ef. 5-14-09, cert. ef. 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. & cert. ef. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. & cert. ef. 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. & cert. ef. 3-11-10, cert. ef. 3-14-10 thru 7-31-10; DFW 35-2010(Temp), f. & cert. ef. 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. & cert. ef. 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. & cert. ef. 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. & 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. & cert. ef. 6-24-11, cert. ef. 6-27-11 thru 7-29-11; DFW 106-2011(Temp), f. & cert. ef. 8-3-11 thru 10-31-11; DFW 121-2011(Temp), f. & cert. ef. 8-29-11, cert. ef. 9-5-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 12-2012(Temp), f. & cert. ef. 2-8-12, cert. ef. 2-12-12 thru 7-31-12; DFW 24-2012(Temp), f. & cert. ef. 3-15-12, cert. ef. 3-18-12 thru 7-31-12; DFW 26-2012(Temp), f. & cert. ef. 3-20-12, cert. ef. 3-21-12 thru 7-31-12; DFW 27-2012(Temp), f. & cert. ef. 3-27-12, cert. ef. 3-29-12 thru 7-31-12; DFW 28-2012(Temp), f. & cert. ef. 3-30-12, cert. ef. 4-1-12 thru 7-31-12; DFW 30-2012(Temp), f. & cert. ef. 4-4-12, cert. ef. 4-5-12 thru 7-31-12; DFW 36-2012(Temp), f. & cert. ef. 4-16-12, cert. ef. 4-19-12 thru 7-31-12; DFW 82-2012(Temp), f. & cert. ef. 6-29-12, cert. ef. 7-2-12 thru 7-31-12; DFW 96-2012(Temp), f. & cert. ef. 7-30-12, cert. ef. 8-1-12 thru 10-31-12; Administrative correction 11-23-12; DFW 11-2013(Temp), f. & cert. ef. 2-8-13, cert. ef. 2-11-13 thru 7-31-13; DFW 22-2013(Temp), f. & cert. ef. 3-12-13, cert. ef. 3-13-13 thru 7-31-13; DFW 34-2013(Temp), f. & cert. ef. 5-14-13, cert. ef. 5-15-13 thru 7-31-13

635-042-0170

Tongue Point Basin and South Channel

(1) Tongue Point includes all waters bounded by a line extended from the upstream (southern most) pier (#1) at the Tongue Point Job Corps facility through navigation marker #6 to Mott Island (spring low deadline), a line from a marker at the southeast end of Mott Island northeasterly to a marker on the northwest tip of Lois Island, and a line from a marker on the southwest end of Lois Island due westerly to a marker on the Oregon shore.

(2) South Channel area includes all waters bounded by a line from a marker on John Day Point through the green USCG buoy "7" thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to a marker on Burnside Island defining the upstream terminus of South Channel.

(3) Salmon, shad and white sturgeon may be taken for commercial purposes in those waters of Tongue Point and South Channel as described in section (1) and section (2) of this rule. The 2013 open fishing periods are:

(a) Winter Season: Monday and Thursday nights from 7:00 p.m. to 7:00 a.m. the following morning (12 hours) beginning Monday, February 11 through Monday, March 11 (9 nights).

(b) Spring Season: Monday and Thursday nights from 7:00 p.m. to 7:00 a.m. the following morning (12 hours) beginning Thursday, April 25 through Thursday, June 13 (15 nights).

(4) Gear restrictions are as follows:

(a) In waters described in section (1) as Tongue Point basin, gill nets may not exceed 250 fathoms in length and weight limit on the lead line is not to exceed two pounds on any one fathom. It is *unlawful* to use a gill net having a mesh size that is less than 7 inches during the winter season or more than 9.75-inches during the spring season.

(b) In waters described in section (2) as South Channel, nets are restricted to 100 fathoms in length with no weight restrictions on the lead line through May 15, 2013. Effective May 16 through June 14, 2013 nets are restricted to 250 fathoms in length with no weight restrictions on the lead line. The attachment of additional weight and/or anchors directly to the lead line is permitted. It is *unlawful* to use a gill net having a mesh size that is less than 7 inches during the winter season or more than 9.75 inches during the spring season.

(c) 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.

(5) 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 (3)(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 season described in section (3)(b) above. During the fishing periods identified in section (3)(a) and (3)(b) above, the weekly white sturgeon limit applies to combined possessions and sales for all open Select Area fisheries.

(6) During the period from February 11 through June 14, fishers are required to call (971) 230-8247 and leave a message including: name, catch, and where and when the fish will be sold.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 61-1997(Temp), f. & cert. ef. 9-23-97, cert. ef. 9-24-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 41-1998(Temp), f. & cert. ef. 5-28-98, cert. ef. 5-29-98; DFW 42-1998(Temp), f. & cert. ef. 5-29-98, cert. ef. 5-31-98 thru 6-6-98; DFW 45-1998(Temp), f. & cert. ef. 6-5-98, cert. ef. 6-6-98 thru 6-10-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 86-1998, f. & cert. ef. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. ef. 2-26-99; 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 84-1998(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; 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 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. & cert. ef. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-

ADMINISTRATIVE RULES

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; Administrative correction 7-30-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 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 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 76-2006(Temp), f. 8-8-06, cert. ef. 9-5-06 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 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 44-2008(Temp), f. 4-25-08, cert. ef. 4-28-08 thru 10-24-08; 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 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 29-2010(Temp), f. 3-9-10, cert. ef. 4-19-10 thru 6-12-10; 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 44-2011(Temp), f. & cert. ef. 5-11-11 thru 6-10-11; Administrative correction 6-28-11; DFW 113-2011(Temp), f. 8-10-11, cert. ef. 8-15-11 thru 10-31-11; DFW 122-2011(Temp), f. 8-29-11, cert. ef. 9-19-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 41-2012(Temp), f. 4-24-12, cert. ef. 4-26-12 thru 6-30-12; Administrative correction, 8-1-12; DFW 104-2012(Temp), f. 8-6-12, cert. ef. 8-13-12 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 34-2013(Temp), f. 5-14-13, cert. ef. 5-15-13 thru 7-31-13

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**Department of Human Services,
Aging and People with Disabilities and
Developmental Disabilities
Chapter 411**

Rule Caption: Hospice Services

Adm. Order No.: SPD 9-2013(Temp)

Filed with Sec. of State: 4-29-2013

Certified to be Effective: 5-1-13 thru 10-28-13

Notice Publication Date:

Rules Amended: 411-070-0140

Subject: The Department of Human Services (Department) is temporarily amending OAR 411-070-0140 to change the rate paid to Medicare certified hospice providers for services provided in Medicaid certified nursing facilities to be in compliance with 42 USC 1396A and 1905. Effective May 1, 2013, the Department will pay the hospice provider a rate equal to 100 percent of the rate that the nursing facility would otherwise receive. The hospice provider is then solely responsible for reimbursing the nursing facility.

Rules Coordinator: Christina Hartman—(503) 945-6398

411-070-0140

Hospice Services

(1) CONTRACT.

(a) The Department enters into a contract (provider agreement) to reimburse Medicare certified hospice providers in Oregon for services provided in Medicaid certified nursing facilities under the following conditions:

(A) The Medicare-certified hospice provider must have a written contract with the nursing facility; and

(B) A copy of the completed contract must be made available to the Department upon request.

(b) The hospice provider must have a completed, written contract (provider agreement) with the Department for nursing facility-based hospice services prior to being determined eligible for reimbursement.

(2) REIMBURSEMENT.

(a) The Department pays the hospice provider a rate equal to 100 percent of the rate that the nursing facility would otherwise receive.

(b) The hospice provider is solely responsible for reimbursing the nursing facility.

(c) Reimbursement for services provided under this rule is available only if the recipient of such services is Medicaid-eligible, Medicare hospice eligible, and been found to need nursing facility services through the Pre-Admission Screening process.

Stat. Auth.: ORS 410.070 & 414.065

Stats. Implemented: ORS 410.070 & 414.065

Hist.: SSD 13-1993, f. 12-30-93, cert. ef. 1-1-94; SPD 9-2006, f. 1-26-06, cert. ef. 2-1-06; SPD 9-2013(Temp), f. 4-29-13, cert. ef. 5-1-13 thru 10-28-13

**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 10-2013(Temp)

Filed with Sec. of State: 5-1-2013

Certified to be Effective: 5-1-13 thru 10-28-13

Notice Publication Date:

Rules Amended: 461-135-0570

Subject: OAR 461-135-0570 about eligible and ineligible students for the Supplemental Nutrition Assistance (SNAP) Program is being amended to modify and clarify the eligibility requirements to reduce staff workload and errors in applying the policy. Under the revised student eligibility criteria, students are not eligible on the basis that no work study positions are available. This amendment also clarifies student ineligibility when the student withdraws from classes or reduces credit hours to less than half time.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-135-0570

Eligible and Ineligible Students; SNAP

In the SNAP program:

(1) For the purposes of this rule and OAR 461-001-0015, “higher education” refers to the following:

(a) Public and private universities and colleges and community colleges that offer degree programs regardless of whether a high school diploma is required for the program. However, GED, ABE, ESL and high school equivalency programs at those institutions are not considered higher education.

(b) Vocational, technical, business, and trade schools that normally require a high school diploma or equivalency certificate for enrollment in the curriculum or in a particular program at the institution. However, programs at those institutions that do not require the diploma or certificate are not considered higher education.

(2) Except to the extent provided otherwise in section (4) of this rule, an individual is considered a “student of higher education” if all of the following subsections apply:

(a) The individual is attending *higher education* (see section (1) of this rule) at least half time or more as determined by the school.

(b) The individual is 18 years of age or older, but under 50 years of age.

(3) To be eligible for SNAP benefits, a *student of higher education* (see section (2) of this rule) must meet the requirements of one of the following subsections:

(a) Subject to section (6) of this rule, the student of *higher education* is:

(A) A paid *employee* (see OAR 461-001-0015) working an average of 20 hours or more per week except as excluded by section (6) of this rule; or

(B) Self-employed for a minimum of 20 hours per week and receives weekly earnings at least equal to the federal minimum wage multiplied by 20 hours.

(b) The *student of higher education* is awarded a state or federally funded work-study and has been assigned to a work-study position, and will perform work in a work-study job in the current term or semester. The period of eligibility for a student eligible because of this subsection:

(A) Begins with the month in which school begins or with the month that work study is approved, whichever is later.

(B) Continues for the duration of the term or semester, unless the student refuses a work-study job.

(C) Continues through breaks of less than a month. For breaks of a month or longer, eligibility continues only if the student performs work in a work-study job during the break.

(c) The *student of higher education* is responsible for the care of a child in the *filing group* (see OAR 461-110-0370), and the child is:

(A) Under six years of age; or

(B) Six years of age or older, but under the age of 12 years, and adequate child care is not available to enable the student to both attend class and meet the employment requirements of sub-section (a) of this section or the work-study requirements of sub-section (b) of this section.

ADMINISTRATIVE RULES

(d) The *student of higher education* is enrolled full time in higher education and is a single parent (meaning there is only one parent in the filing group) or a single adult who has parental control, with the responsibility of caring for a child under 12 years of age.

(e) The *student of higher education* is in a TANF *benefit group* (see OAR 461-110-0750).

(f) The *student of higher education* is physically or mentally unfit for employment.

(g) The *student of higher education* is in job training classes under the Workforce Investment Act of 1998 (Pub. L. 105-220).

(h) The *student of higher education* is enrolled as a result of participation in the higher education component of the JOBS program.

(i) The *student of higher education* is enrolled as a result of employer-sponsored on-the-job training.

(j) The *student of higher education* is receiving Unemployment Compensation (UC).

(k) The *student of higher education* is participating in at least one of the following Employment Department training programs:

(A) The Trade Readjustment Allowance (TRA) program serving displaced workers under the Trade Act.

(B) The Training Unemployment Insurance (TUI) program.

(C) The Self-Employment Assistance (SEA) program.

(D) The Apprenticeship Program (APT).

(4) An individual's status as a *student of higher education* continues during school vacation and breaks. An individual's status as a *student of higher education* ends when the *student of higher education* does any of the following:

(a) Graduates.

(b) Drops out.

(c) Withdraws from the individual's classes.

(d) Reduces credit hours to less than half time.

(e) Is suspended or expelled.

(f) Does not intend to register for the next school term (excluding summer term).

(5) A *student of higher education* residing in a dormitory or other living situation with meal plans is ineligible for SNAP program benefits.

(6) The following situations do not earn the *student of higher education* hours toward the 20 hours per week requirement in section (3) of this rule:

(a) Income that is considered educational income under OAR 461-145-0150, including income from work in the following:

(A) An *externship* (see OAR 461-001-0015);

(B) A *graduate assistantship* (see OAR 461-001-0015);

(C) A *graduate fellowship* (see OAR 461-001-0015); or

(D) An *internship* (see OAR 461-001-0015).

(b) Receiving in-kind payments in lieu of actual wages.

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

Stat. Auth.: ORS 411.816

Stats. Implemented: ORS 411.816 & 411.825

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 1-1993, f. & cert. ef. 2-1-93; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 41-1995, f. 12-26-95, cert. ef. 1-1-96; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; AFS 9-2001, f. & cert. ef. 6-1-01; AFS 3-2002(Temp), f. 2-26-02, cert. ef. 3-1-02 thru 6-30-02; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 7-2005, f. & cert. ef. 7-1-05; SSP 6-2006, f. 3-31-06, cert. ef. 4-1-06; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 2-2010(Temp), f. & cert. ef. 2-5-10 thru 8-4-10; SSP 5-2010, f. & cert. ef. 4-1-10; SSP 6-2010(Temp), f. & cert. ef. 4-1-10 thru 8-4-10; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 10-2013(Temp), f. & cert. ef. 5-1-13 thru 10-28-13

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Rule Caption: Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients

Adm. Order No.: SSP 11-2013(Temp)

Filed with Sec. of State: 5-15-2013

Certified to be Effective: 5-15-13 thru 11-11-13

Notice Publication Date:

Rules Amended: 461-135-0407

Subject: OAR 461-135-0407 about child care in the Employment Related Day Care (ERDC) program provided under a contract between an Oregon Program of Quality (OPQ) provider and the Department is being amended to adjust the protected eligibility requirements. Under this amendment, protected eligibility is expanded to include self-employed caretakers and caretakers who become students who are continuing to actively seek employment during the hours the OPQ contracted child care program is operat-

ing and are available to work during the operating hours of the OPQ provider. This amendment also extends protected eligibility to caretakers whose loss of employment meets good cause criteria. Under this amendment, protected eligibility for the child will not cover child care when the child no longer attends an OPQ provider. This amendment also clarifies that TANF clients do not make a co-payment when TANF covers their child care.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-135-0407

ERDC; Children in Oregon Program of Quality Contracted Child Care

(1) Prior to receiving child care under a contract between an Oregon Program of Quality (OPQ) provider and the Department, an ERDC *filing group* (see OAR 461-110-0350) must have met the eligibility requirements for the ERDC program (see OAR 461-135-0400).

(2) Each of the following subsections apply when a child (see OAR 461-001-0000) in the ERDC program receives child care under a contract between an Oregon Program of Quality (OPQ) provider and the Department.

(a) The payment made by the Department on behalf of the *child* is made only to the OPQ provider. The *child* is ineligible for child care payments for care not provided under the contract between the OPQ provider and the Department.

(b) Once the Department makes a child care payment for the *child* under the contract, the *child* is presumed to meet the ERDC program eligibility requirements until the next August 31, unless any of the following paragraphs apply:

(A) The *child* is no longer attending an OPQ contracted provider.

(B) The *caretaker* (see OAR 461-001-0000) of the *child* has been found ineligible for ERDC program benefits under OAR 461-135-0415 for failure to make a copayment.

(C) The *filing group* (see OAR 461-110-0350) was found eligible because of inaccurate information provided to the Department or because information was withheld from the Department when eligibility was determined.

(D) The *filing group* fails to meet the requirements of the agreement between the client and the OPQ provider.

(E) The *caretaker* of the *child* is found ineligible for ERDC program benefits under OAR 461-160-0040(6), unless the *caretaker* is:

(i) Continuing to actively seek employment (other than self-employment) during the hours the OPQ contracted child care program is operating; and

(ii) Available to work (other than self-employment) during the operating hours of the OPQ provider.

(F) The *caretaker* of the *child* voluntarily quits their job or causes their own dismissal, and does not meet the "good cause" criteria set out in OAR 461-135-0070(3).

(G) The *caretaker* of the *child* enrolls in school, unless the *caretaker* is:

(i) Continuing to actively seek employment during the hours the OPQ contracted child care program is operating; and

(ii) Available to work during the operating hours of the OPQ provider.

(3) Except as provided in section (4) of this rule, for any month in which a *child* is eligible to be served under a contract covered by this rule, the client's copayment is established under OAR 461-155-0150(12)(a).

(4) For any month in which a *child* in an OPQ contracted slot is eligible for and receiving TANF, the copay is zero.

Stat. Auth.: ORS 409.050, 411.060 & 411.116

Stats. Implemented: ORS 409.010, 409.610, 411.060, 411.116, 411.121, 411.122 & 411.135

Hist.: SSP 29-2012(Temp), f. 8-31-12, cert. ef. 9-1-12 thru 2-28-13; SSP 37-2012, f. 12-28-12, cert. ef. 1-1-13; SSP 11-2013(Temp), f. & cert. ef. 5-15-13 thru 11-11-13

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Department of Justice Chapter 137

Rule Caption: Guidelines for calculating child support

Adm. Order No.: DOJ 3-2013

Filed with Sec. of State: 5-15-2013

Certified to be Effective: 7-1-13

Notice Publication Date: 11-1-2012

Rules Amended: 137-050-0700, 137-050-0710, 137-050-0715, 137-050-0720, 137-050-0725, 137-050-0730, 137-050-0735, 137-050-0740, 137-050-0745, 137-050-0750, 137-050-0755, 137-050-0760, 137-050-0765

ADMINISTRATIVE RULES

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

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

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

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

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

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

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

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

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

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

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

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

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

Rules Coordinator: Carol Riches—(503) 947-4700

137-050-0700

General Provisions

(1) ORS 25.270 through 25.280 require that child support be calculated according to a formula. The formula is known as the "Oregon Child Support Guidelines" ("guidelines" or "guideline") and is contained in OAR 137-050-0700 through 137-050-0765 and in the "Obligation Scale" which is located in the appendix.

(2) Any change to the guidelines applies to all calculations prepared on or after the effective date of the change. The court, administrator, or administrative law judge may issue a final order based on a calculation prepared prior to the guidelines change. However, if support is recalculated after the new guidelines become effective, the calculation must be prepared using the new guidelines.

(3) Changes to these rules do not constitute a substantial change in circumstances for purposes of modifying a support order.

(4) Calculate support for a Child Attending School who is age 18, living with a parent, and attending high school in the same manner as support for a minor child.

Stat. Auth.: ORS 25.270 - 25.290 & 180.345

Stats. Implemented: ORS 25.270 - 25.290

Hist.: DOJ 16-2009, f. 12-1-09, cert. ef. 1-4-10; DOJ 5-2010(Temp), f. & cert. ef. 2-12-10 thru 8-10-10; DOJ 11-2010, f. & cert. ef. 7-1-10; DOJ 15-2010(Temp), f. & cert. ef. 10-1-10 thru 3-22-11; DOJ 18-2010, f. 12-20-10, cert. ef. 1-4-11; DOJ 3-2013, f. 5-15-13, cert. ef. 7-1-13

137-050-0710

Calculating Support

(1) To calculate the guideline support amount:

(a) Determine each parent's income as provided in OAR 137-050-0715.

(b) Determine each parent's adjusted income and percentage share of adjusted income as provided in OAR 137-050-0720.

(c) Determine each parent's income available for support ("available income") by deducting the self-support reserve from the parent's adjusted income as provided in OAR 137-050-0745.

(d) Determine the basic support obligation and each parent's share of the basic support obligation as provided in OAR 137-050-0725.

(e) Add to each parent's basic support obligation the parent's share of child care costs as provided in OAR 137-050-0735.

(f) Determine each parent's medical support obligation as provided in OAR 137-050-0750. Add each parent's share of health care coverage costs

to the parent's obligation. Round cash medical support, if any, to the nearest dollar.

(g) Determine each parent's parenting time credit as provided in OAR 137-050-0730.

(h) Credit each parent's cash child support obligation for:

(A) Parenting time as provided in OAR 137-050-0730,

(B) The parent's allowed out-of-pocket costs for child care as provided in OAR 137-050-0735,

(C) Social Security or Veterans benefits as provided in OAR 137-050-0740, and

(D) The parent's out-of-pocket health insurance costs for the child as provided in OAR 137-050-0750.

(i) Determine whether the parent will be ordered to pay cash child support or cash medical support for minor children as follows:

(A) Only the parent with the greater support after credits as determined in section (1)(h) of this rule may be ordered to pay cash child support and, if applicable, cash medical support, for the minor children, except as provided in subsection (B).

(B) If a minor child lives with a caretaker or is in state care, both parents may be ordered to pay cash child support and, if applicable, cash medical support.

(j) Determine whether the minimum order applies and apply any necessary increase as provided in OAR 137-050-0755.

(k) If the parent will be ordered to pay cash child support for minor children, determine the amount by dividing each parent's cash child support obligation by the total number of joint children and multiplying the result by the number of joint minor children. Round the result to the nearest dollar.

(l) Determine the cash child support obligation for joint Children Attending School by dividing each parent's cash child support obligation by the total number of joint children and multiplying the result by the number of joint Children Attending School. Round the result to the nearest dollar.

(m) Allocate cash medical support to joint minor children and joint Children Attending School in the same manner provided for cash child support in sections (1)(k) and (1)(l) of this rule.

(2) Round all dollar figures to the nearest penny, except as otherwise provided. Example: \$12.34. Round all percentages to the nearest one-hundredth of one percent. Example: 12.34%.

(3) If all of the minor children for whom support is being calculated live with a caretaker other than a parent or the children are in the care or custody of the state, and the action is determining the support obligation of only one parent, consider only that parent's information. For the second parent in these single-parent calculations, use the same income, spousal support, union dues, parent's own health care coverage cost, and non-joint children as for the parent whose obligation is being calculated. Include the caretaker's child care costs, if any. Do not include any other information for the "other parent".

(4) The obligations to pay cash child support and cash medical support, and to provide health care coverage under this rule together constitute the guideline child support obligation and are presumed just and appropriate, subject to the agreed support amount in OAR 137-050-0765 and rebuttal as provided in 137-050-0760.

Stat. Auth.: ORS 25.270 - 25.290 & 180.345

Stats. Implemented: ORS 25.270 - 25.290

Hist.: DOJ 16-2009, f. 12-1-09, cert. ef. 1-4-10; DOJ 5-2010(Temp), f. & cert. ef. 2-12-10 thru 8-10-10; DOJ 11-2010, f. & cert. ef. 7-1-10; DOJ 3-2013, f. 5-15-13, cert. ef. 7-1-13

137-050-0715

Income

(1) "Income" means the actual or potential gross income of a parent as determined in this rule. Actual and potential income may be combined when a parent has actual income and is unemployed or employed at less than the parent's potential.

(2) "Actual income" means a parent's gross earnings and income from any source, including those sources listed in section (4), except as provided in section (45).

(3) "Potential income" means the parent's ability to earn based on relevant work history, including hours typically worked by or available to the parent, occupational qualifications, education, physical and mental health, employment potential in light of prevailing job opportunities and earnings levels in the community, and any other relevant factors. A determination of potential income includes potential income from any source described in section 4 of this rule.

(4) Actual income includes but is not limited to:

ADMINISTRATIVE RULES

(a) Employment-related income including salaries, wages, commissions, advances, bonuses, dividends, recurring overtime pay, severance pay, pensions, and honoraria;

(b) Expense reimbursements, allowances, or in-kind payments to a parent, to the extent they reduce personal living expenses;

(c) Annuities, trust income, including distribution of trust assets, and return on capital, such as interest and dividends;

(d) Income replacement benefit payments including Social Security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, and Department of Veterans Affairs disability benefits;

(e) Inheritances, gifts and prizes, including lottery winnings; and

(f) Income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, minus costs of goods sold, minus ordinary and necessary expenses required for self-employment or business operation, including one-half of the parent's self-employment tax, if applicable. Specifically excluded from ordinary and necessary expenses are amounts allowable by the Internal Revenue Service for the accelerated component of depreciation expenses, investment tax credits, or any other business expenses determined by the fact finder to be inappropriate or excessive for determining gross income.

(5) Child support, food stamps, Social Security or Veterans benefits received on behalf of a child in the household, adoption assistance, guardianship assistance, and foster care subsidies are not considered income for purposes of this calculation.

(6) If a parent's actual income is less than the parent's potential income, the court, administrator, or administrative law judge may impute potential income to the parent.

(7) If insufficient information about the parent's income history is available to make a determination of actual or potential income, the parent's income is the amount the parent could earn working full-time at the minimum wage in the state in which the parent resides.

(8) Potential income may not be imputed to:

(a) A parent unable to work full-time due to a verified disability;

(b) A parent receiving workers' compensation benefits;

(c) An incarcerated obligor as defined in OAR 137-055-3300; or

(d) A parent whose order is being temporarily modified under ORS 416.425(13).

(9) To determine monthly income when the employee is paid:

(a) Weekly, multiply the weekly earnings by 52 and divide by 12.

(b) Every two weeks, multiply the bi-weekly earnings by 26 and divide by 12.

(c) Semimonthly (twice per month), multiply the semimonthly earnings by 2.

(10) Notwithstanding any other provision of this rule, if the parent receives Temporary Assistance for Needy Families, the parent's income is presumed to be the amount which could be earned by full-time work at the minimum wage in the state in which the parent resides. This income presumption is solely for the purposes of the support calculation and not to overcome the rebuttable presumption of inability to pay in ORS 25.245.

(11) As used in this rule, "full-time" means 40 hours of work in a week except in those industries, trades or professions in which most employers, due to custom, practice or agreement, utilize a normal work week of more or less than 40 hours in a week.

Stat. Auth.: ORS 25.270 - 25.290 & 180.345

Stats. Implemented: ORS 25.270 - 25.290

Hist.: DOJ 16-2009, f. 12-1-09, cert. ef. 1-4-10; DOJ 6-2010(Temp), f. & cert. ef. 2-12-10 thru 7-1-10; DOJ 11-2010, f. & cert. ef. 7-1-10; DOJ 3-2013, f. 5-15-13, cert. ef. 7-1-13

137-050-0720

Adjusted Income

(1) To determine "adjusted income," begin with income, as determined in OAR 137-050-0715, and then:

(a) Deduct mandatory contributions to a union or other labor organization;

(b) Deduct the parent's cost for the parent's own health insurance;

(c) Deduct the parent's monetary spousal support obligation to this or a different party, whether ordered in the same or a different proceeding, and whether paid or not;

(d) Add the amount of court-ordered monetary spousal support owed to the parent, whether ordered in the same or a different proceeding, by this or a different party and whether paid or not; and

(e) Subtract the non-joint child deduction described in section (2) of this rule.

(2) A parent is entitled to a non-joint child income deduction when the parent is legally responsible for the support of a child not included in the current calculation.

(a) To qualify for the non-joint child deduction, the minor child must reside in the parent's household or the parent must be ordered to pay ongoing support for that child.

(b) A child attending school, as defined in ORS 107.108 and OAR 137-055-5110, qualifies the parent for the non-joint child deduction only if the parent is ordered to pay ongoing support for the child attending school, or as provided in subsection (c).

(c) A child who has reached the age of 18 but is not yet 19, lives with a parent and attends high school, qualifies that parent for the non-joint child deduction, whether or not the child has qualified as a Child Attending School under ORS 107.108.

(d) A stepchild only qualifies a parent for the non-joint child deduction if the parent is ordered to pay ongoing support for the stepchild.

(e) To calculate a parent's non-joint child deduction:

(A) Apply the adjustments described in subsections 1(a)-1(d) of this rule to the parent's income;

(B) Using the parent's income after the adjustments in section 2(e)(A) of this rule and total number of joint and non-joint children, reference the obligation scale and determine the applicable support amount; and

(C) Divide the result by the total number of the parent's joint and non-joint children and multiply by the number of non-joint children to determine the amount of the non-joint child deduction.

(3) Determine each parent's percentage share of adjusted income by dividing the parent's adjusted income by the parents' combined adjusted income.

Stat. Auth.: ORS 25.270 - 25.290 & 180.345

Stats. Implemented: ORS 25.270 - 25.290

Hist.: DOJ 16-2009, f. 12-1-09, cert. ef. 1-4-10; DOJ 3-2013, f. 5-15-13, cert. ef. 7-1-13

137-050-0725

Basic Support Obligation

(1) The scale of basic child support obligations, found in the appendix to these rules, must be used in every support calculation made under ORS 25.270 to 25.280. The scale is based on national data on childrearing expenditures relative to family income. The scale applies regardless of where the parent resides or works.

(2) Determine the basic child support obligation by referencing the scale using the number of children for whom support is sought and the combined adjusted income of the parents.

(3) If the combined adjusted gross income of the parents is more than \$30,000 per month, the basic child support obligation is the same for parents with combined adjusted income of \$30,000 per month.

(4) The basic child support obligation for more than ten children is the same as for ten children.

(5) When the parents' combined income falls between two income amounts on the scale, use the lower income amount on the scale to determine the basic child support obligation.

(6) Determine each parent's share of the basic support obligation by multiplying the combined basic support obligation by the parent's percentage share of adjusted income as provided by OAR 137-050-0720. The basic support amount may not exceed the parent's income available for support as provided in OAR 137-050-0745.

NOTE: Link to the appendix (the scale): http://oregonchildsupport.gov/laws/rules/docs/guidelines_scale.pdf

[ED. NOTE: Appendix referenced is available from the agency.]

Stat. Auth.: ORS 25.270 - 25.290 & 180.345

Stats. Implemented: ORS 25.270 - 25.290

Hist.: DOJ 16-2009, f. 12-1-09, cert. ef. 1-4-10; DOJ 3-2013, f. 5-15-13, cert. ef. 7-1-13

137-050-0730

Parenting Time Credit

(1) For the purposes of this rule:

(a) "Primary physical custody" means the parent provides the primary residence for the child and is responsible for the majority of the day-to-day decisions concerning the child.

(b) "Split custody" means that there are two or more children and each parent has at least one child more than 50 percent of the time.

(2) If there is a current written parenting time agreement or court order providing for parenting time, calculate each parent's overnights for the minor children as follows:

(a) Determine the average number of overnights using two consecutive years.

(b) Add the total number of overnights the parent is allowed with each minor child and divide by the total number of minor children.

ADMINISTRATIVE RULES

(c) Notwithstanding the calculation provided in subsections (2)(a) and (2)(b), parenting time may be determined using a method other than overnights if the parents have an alternative parenting time schedule in which a parent has significant time periods where the minor child is in the parent's physical custody but does not stay overnight. For example, in lieu of overnights, 12 continuous hours may be counted as one day. Additionally, blocks of time of four hours up to 12-hours may be counted as half-days, but not in conjunction with overnights. Regardless of the method used, blocks of time may not be used to equal more than one full day per 24-hour period.

(3) If the parents have split custody but no written parenting time agreement, determine each parent's parenting time overnights by dividing the number of minor children with the parent by the total number of children and multiplying by 365.

(4) If there is no current written parenting time agreement or court order providing for parenting time, the parent or party having primary physical custody of the minor child will be treated as having all of the parenting time for that child unless a court or administrative law judge determines actual parenting time.

(5) If the court or administrative law judge determines actual parenting time exercised by a parent is different than what is provided in a written parenting plan or court order, the parenting time overnights may be calculated using the actual parenting time exercised by the parent.

(6) Determine each parent's parenting time credit percentage as follows: $\text{credit percentage} = 1 / (1 + e^{-(7.14 * ((\text{overnights} / 365) - 0.5)))} - 2.74\% + (2 * 2.74\% * (\text{overnights} / 365))$. The precisely computed credit percentage is preferred. However, where this is impractical (for example, when calculating support by hand) an approximate credit percentage can be determined by referencing the table at the end of this rule using the parents' average overnights determined in step 2, 3, or 4, rounding up or down to the nearest whole number of overnights.

(7) To determine the amount of each parent's parenting time credit:

(a) Determine the minor children's portion of the combined basic support obligation, as determined in OAR 137-050-0725(2), by dividing the combined basic support obligation by the total number of minor children and children attending school and multiply the result by the number of minor children only.

(b) Multiply the result by each parent's parenting time credit percentage.

Stat. Auth.: ORS 25.270B - 25.290 & 180.345

Stats. Implemented: ORS 25.270B - 25.290

Hist.: DOJ 16-2009, f. 12-1-09, cert. ef. 1-4-10; DOJ 11-2010, f. & cert. ef. 7-1-10; DOJ 3-2013, f. 5-15-13, cert. ef. 7-1-13

137-050-0735

Child Care Costs

(1) Adjust the support obligation for child care costs paid by either parent or the child's caretaker if the child for whom support is being calculated is disabled or under the age of 13.

(2) Child care costs must be related to the parent's or caretaker's employment, job search, or training or education necessary to obtain a job. Only actual costs paid by a parent or caretaker for child care that can be documented and determined may be used to compute an adjustment under these rules.

(3) Child care costs are allowable only to the extent that they are reasonable and, except as provided in section (4), do not exceed the maximum amounts set out in Table 1. Table 1: Maximum Allowable Child Care Costs by Provider Location. [Table not included. See ED. NOTE.]

(4) The maximum amounts allowed by the Department of Human Services as shown in the Employment-Related Day Care Allowance tables in OAR 461-155-0150, available online at http://arcweb.sos.state.or.us/pages/rules/oars_400/oar_461/461_tofc.html or <http://dhsmanuals.hr.state.or.us/EligManual/07cc-f.htm#RateCharts>, may be used when those amounts are greater than the amounts in the abbreviated table in section (3).

(5) Each parent's obligation for child care costs is that parent's income share percentage as provided by OAR 137-050-0720 multiplied by the total allowed child care costs. A parent's child care cost obligation may not exceed the parent's available income after deducting the parent's basic support obligation.

(6) As used in section 1 of this rule, Adisabled@ refers to a child who has a physical or mental disability that substantially limits one or more major life activities (for example, self-care, performing manual tasks, walking, seeing, speaking, hearing, eating, sleeping, standing, lifting, bending, breathing, learning, reading, concentrating, thinking, communicating, and working).

[ED. NOTE: Table referenced is available from the agency.]

Stat. Auth.: ORS 25.270B - 25.290, 180.345

Stats. Implemented: ORS 25.270B - 25.290

Hist.: DOJ 16-2009, f. 12-1-09, cert. ef. 1-4-10; DOJ 3-2013, f. 5-15-13, cert. ef. 7-1-13

137-050-0740

Social Security and Veterans' Benefits

(1) For the purposes of this rule:

(a) "Apportioned Veterans benefits" means the amount the U.S. Department of Veterans Affairs deducts from an obligated parent's Veterans benefits and disburses to the child or to the child's representative payee; and

(b) "Social Security benefits" refer to those benefits paid on behalf of a disabled or retired obligated parent to a child or a child's representative payee.

(2) The cash child support obligation may be reduced dollar for dollar in consideration of any Social Security or apportioned Veterans benefits; and

(3) The cash child support obligation must be reduced dollar for dollar in consideration of any Survivors' and Dependents' Educational Assistance (Veterans benefit) under 38 U.S.C. chapter 35.

(4) A parent is not entitled to a reduction in support for Veterans or Social Security benefits:

(a) That result from the child's own disability,

(b) For which the obligated parent is the representative payee, or

(c) That do not result from the obligated parent's own disability or retirement, or, in the case of subsection (3), from that parent's military service.

Stat. Auth.: ORS 25.270 - 25.290 & 180.345

Stats. Implemented: ORS 25.270 - 25.290

Hist.: DOJ 16-2009, f. 12-1-09, cert. ef. 1-4-10; DOJ 3-2013, f. 5-15-13, cert. ef. 7-1-13

137-050-0745

Self-Support Reserve

(1) The support calculation must leave an obligated parent enough income to meet his or her own basic needs.

(2) To determine the amount of the parent's income available for support ("available income"), subtract the self-support reserve of \$1117 from the parent's adjusted income;

(3) The parent's total obligation, including the parent's shares of the basic support obligation, child care costs, health insurance, and cash medical support, may not exceed the parent's available income, except as provided in OAR 137-050-0750(7).

(4) The limitation on support described in this rule is reflected in the specific provisions of OAR 137-050-0710 (Calculating Support), 137-050-0725 (Basic Support Obligation), 137-050-0735 (Child Care Costs), and 137-050-0750 (Medical Support).

(5) The amount of the self-support reserve is based on the federal poverty guideline, multiplied by 1.167 to account for estimated taxes. This rule will be reviewed and updated annually to reflect changes in the federal poverty guideline.

Stat. Auth.: ORS 25.275, 25.280 & 180.345

Stats. Implemented: ORS 25.275 & 25.280

Hist.: DOJ 16-2009, f. 12-1-09, cert. ef. 1-4-10; DOJ 1-2011(Temp), f. & cert. ef. 1-26-11 thru 7-24-11; DOJ 5-2011, f. & cert. ef. 7-1-11; DOJ 9-2012, f. & cert. ef. 7-2-12; DOJ 3-2013, f. 5-15-13, cert. ef. 7-1-13

137-050-0750

Medical Support

(1) The basic support obligation (OAR 137-050-0725) includes ordinary unreimbursed medical costs of \$250 per child per year. These costs represent everyday expenses such as bandages, non-prescription medication, and co-pays for doctor's well visits. The basic support obligation does not account for health care coverage costs or for extraordinary medical expenses.

(2) "Cash medical support", as used in OAR 137-050-0700 through 137-050-0765, has the meaning given in ORS 25.321(1).

(3) For purposes of this rule, "to provide" health care coverage means to apply to enroll the child and pay any costs associated with the enrollment, even if the cost to the parent is zero.

(4) For purposes of ORS 25.323, private health care coverage may be "available" to a parent from any source, including but not limited to an employer, spouse, or domestic partner.

(5) Private health care coverage is reasonable in cost if it costs no more than the total of four percent of each parent's adjusted income as determined in OAR 137-050-0720.

(a) The amount calculated for each parent in this section may not exceed that parent's available income after deducting the parent's shares of basic support obligation and child care costs.

ADMINISTRATIVE RULES

(b) The reasonable cost contribution of a parent whose income is at or below the Oregon minimum wage for full-time employment is zero.

(6) A parent with income at or below the Oregon minimum wage for full-time employment may be ordered to provide health care coverage only if it is available at no cost.

(7) Compelling factors may support a finding that health care coverage is reasonable in cost at an amount greater than the amount determined in section 5 of this rule so long as the providing parent has income greater than full-time employment at the Oregon minimum wage.

(8) In determining the cost of private health care coverage, consider only the cost to the parents of covering the children for whom support is sought. To calculate the amount to be considered:

(a) If there is a known cost for self-only coverage for the providing parent, deduct that cost from the cost of family coverage. Divide the remainder by the total number of people covered, excluding the providing parent. Multiply the result by the number of children for whom coverage is sought in the present calculation.

(b) If there is no self-only coverage option or the cost cannot be determined, divide the total cost of coverage by total number of people covered, including the providing parent. Multiply the result by the number of children for whom coverage is sought in the present calculation.

(9) If only one parent has private health care coverage that is appropriate and available under ORS 25.323, that parent must be ordered to provide it.

(10) If both parents have access to appropriate, available private health care coverage, the parent with the greater share of parenting time as determined in OAR 137-050-0730 (Parenting Time Credit) may select which coverage will be ordered.

(a) If the parent with the greater share of parenting time does not select between the parents' coverage, or each parent has exactly 50% or 182.5 overnights of parenting time and the parents do not agree on which policy should be ordered, the policy with the lower out-of-pocket premium cost will be ordered unless the court, administrator, or administrative law judge makes a finding that the more expensive policy should be ordered.

(b) The parents may agree that both parents will be ordered to provide private coverage if both parents have appropriate coverage available so long as the total coverage to be provided is reasonable in cost under sections 5 or 7 of this rule.

(11) If the child lives with a caretaker, both parents are parties to the action, and both parents have appropriate and available private health care coverage, the caretaker may select which coverage will be ordered. If the caretaker does not select between the parents' coverage, the policy with the lower out-of-pocket premium cost will be ordered unless the court, administrator, or administrative law judge makes a finding that the more expensive policy should be ordered.

(12) If neither parent has access to appropriate, available private health care coverage:

(a) One or both parents must be ordered to provide appropriate private health care coverage at any time whenever it becomes available;

(b) The parent with custody of the child may be ordered to provide public health care coverage for the child; and

(c) Either or both parents who are found to have a cash child support obligation as provided in OAR 137-050-0710(1)(k) must be ordered to pay cash medical support, or the order must include a finding explaining why cash medical support is not ordered. The amount of the cash medical support obligation is the lesser of:

(A) Four percent of the parent's adjusted income as determined in OAR 137-050-0720,

(B) The parent's available income after deducting the parent's shares of basic support obligation and child care costs, or

(C) Zero, if the parent's income is at or below the Oregon minimum wage for full-time employment.

(13) A medical support clause may order an obligor to provide appropriate private health care coverage whenever it is available to the obligor, and to pay cash medical support whenever the obligor does not provide appropriate private health care coverage.

(14) Determine each parent's share of the cost of health care coverage to be ordered under this rule by multiplying the total cost by each parent's percentage share of the parents' combined reasonable in cost limitation, as determined in section 5 of this rule. If only one parent has income above the minimum wage, that parent is responsible for all health care coverage costs. No share of the cost is apportioned to a parent with income at or below minimum wage.

(15) When enforcing the health insurance provision of a child support judgment entered under this rule, health insurance is reasonable in cost if

the premium cost for the child is equal to or less than the amount that was determined reasonable in cost under section 5 of this rule based on both parents' income at the time support was calculated, regardless of whether that cost exceeds either:

(a) The providing parent's individual contribution to the reasonable cost cap, or

(b) The actual cost of insurance allocated to the providing parent under section 14 of this rule.

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

Stats. Implemented: ORS 25.270 – 25.290 & 25.321 – 25.343

Hist.: DOJ 16-2009, f. 12-1-09, cert. ef. 1-4-10; DOJ 12-2011, f. 12-30-11, cert. ef. 1-3-12; DOJ 3-2013, f. 5-15-13, cert. ef. 7-1-13

137-050-0755

Minimum Order

(1) Notwithstanding any other provision of OAR 137-050-0700 to 137-050-0760, it is rebuttably presumed that an obligated parent is able to pay at least \$100 per month as child support, except as provided in section (2).

(2) The presumption in this rule does not apply when:

(a) Each parent has exactly 182.5 annual average overnights as determined by OAR 137-050-0730;

(b) The administrator is entering an order which requires only medical support; or

(c) The parent from whom support is sought:

(A) Has disability benefits as a sole source of income;

(B) Is incarcerated and without ability to pay as described in OAR 137-055-3300(4); or

(C) Receives public benefits as defined in ORS 25.245.

Stat. Auth.: ORS 25.270 - 25.290 & 180.345

Stats. Implemented: ORS 25.270 - 25.280

Hist.: DOJ 16-2009, f. 12-1-09, cert. ef. 1-4-10; DOJ 3-2013, f. 5-15-13, cert. ef. 7-1-13

137-050-0760

Rebuttals

The presumption that the guideline support amount as provided in OAR 137-050-0700 through 137-050-0755 is the correct support amount may be rebutted by a finding that sets out the presumed amount, concludes that it is unjust or inappropriate, and sets forth a different amount and a reason it should be ordered. A supplemental calculation is not required but may be used in support of the rebuttal. The criteria that may be the basis for rebuttal include but are not limited to:

(1) Evidence of the other available resources of the parent;

(2) The reasonable necessities of the parent;

(3) The net income of the parent remaining after withholding required by law or as a condition of employment;

(4) A parent's ability to borrow;

(5) The number and needs of other dependents of a parent;

(6) The special hardships of a parent affecting the parent's ability to pay support, including, but not limited to, any medical circumstances, extraordinary travel costs related to the exercise of parenting time, or requirements of a reunification plan if the child is in state-financed care;

(7) The desirability of the custodial parent remaining in the home as a full-time parent or working less than full-time to fulfill the role of parent and homemaker;

(8) The tax consequences, if any, to both parents resulting from spousal support awarded, the determination of which parent will name the child as a dependent, child tax credits, or the earned income tax credit received by either parent;

(9) The financial advantage afforded a parent's household by the income of a spouse or domestic partner;

(10) The financial advantage afforded a parent's household by benefits of employment including, but not limited to, those provided by a family owned corporation or self-employment, such as housing, food, clothing, health benefits and the like, but only if unable to include those benefits as income under OAR 137-050-0715;

(11) Evidence that a child who is subject to the support order is not living with either parent;

(12) Findings in a judgment, order, decree or settlement agreement that the existing support award is or was made in consideration of other property, debt or financial awards, and those findings remain relevant;

(13) The net income of the parent remaining after payment of mutually incurred financial obligations;

(14) The tax advantage or adverse tax effect of a parent's income or benefits;

(15) The extraordinary or diminished needs of the child, except:

(a) Expenses for extracurricular activities and

ADMINISTRATIVE RULES

(b) Social Security benefits paid to a child because of a child's disability;

(16) The return of capital.

(17) The financial costs of supporting a Child Attending School at school, including room, board, tuition and fees, and discretionary expenses, the ability of the Child Attending School to meet those expenses with scholarships, grants and loans, and the ability of a parent to provide support for the Child Attending School, either in kind where a child continues to live in a parent's home or with cash if there are parental resources to provide financial support over and above the amount for a Child Attending School generated by the child support calculator.

Stat. Auth.: ORS 25.270 - 25.290 & 180.345

Stats. Implemented: ORS 25.270 - 25.290

Hist.: DOJ 17-2009(Temp), f. 12-1-09, cert. ef. 1-4-10 thru 7-1-10; DOJ 3-2010(Temp), f. & cert. ef. 1-8-10 thru 7-1-10; DOJ 6-2010(Temp), f. & cert. ef. 2-12-10 thru 7-1-10; DOJ 11-2010, f. & cert. ef. 7-1-10; DOJ 3-2013, f. 5-15-13, cert. ef. 7-1-13

137-050-0765

Agreed Support Amount

(1) It is in the best interest of children to have support orders reached by agreement of the parents. Entering orders with the parents' consent promotes positive parental involvement and prompt, consistent payment of the support obligation. Parents who enter into agreed support amounts avoid the uncertainty of hearings and possible appeals.

(2) The guideline support amount and rebuttal factors are intended to meet the needs of most families. Likewise, the rebuttal factors in OAR 137-050-0760 address most situations in which the guideline amount is inappropriate. However, there will be families for whom the support amount, even rebutted, is not correct and who value the certainty of agreed support amounts.

(3) In consideration of foregoing hearing and appeal rights, the parties may consent to a support amount that is within 15 percent of the amount determined under rules 137-050-0700 through 137-050-0760. The order must be entered with the written consent of the parties.

(4) Apply any change to the support amount under this rule proportionally to cash child support and cash medical support, and to minor children and Children Attending School. Round each result to the nearest dollar.

(5) An agreed support amount entered pursuant to this rule is presumed to be just and appropriate within the meaning of ORS 25.280.

Stat. Auth.: ORS 25.270B - 25.290 & 180.345

Stats. Implemented: ORS 25.270B - 25.290

Hist.: DOJ 16-2009, f. 12-1-09, cert. ef. 1-4-10; DOJ 3-2013, f. 5-15-13, cert. ef. 7-1-13

Rule Caption: Enforcing health care coverage and cash medical support

Adm. Order No.: DOJ 4-2013

Filed with Sec. of State: 5-15-2013

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Rules Amended: 137-055-4620

Rules Repealed: 137-055-3340

Subject: OAR 137-055-3340 is repealed as it is no longer necessary. The medical support provisions are incorporated into OAR 137-055-4620.

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

Rules Coordinator: Carol Riches—(503) 947-4700

137-055-4620

Enforcing Health Care Coverage and Cash Medical Support

(1) If services are being provided pursuant to ORS 25.080 and private health care coverage is ordered the administrator will issue a medical support notice to enforce orders for health care coverage within two business days of receiving information that an employer has hired or rehired a providing party, as defined in 25.321, or at any time when the administrator determines it is necessary; and

(a) An obligor or obligee is ordered to provide appropriate health care coverage for a child as required by ORS 25.321, OAR 137-050-0750;

(b) The providing party has failed to provide appropriate health care coverage, either personally or through a spouse's or domestic partner's coverage; and

(c) The employer offers or may offer a health benefit plan to its employees.

(2) Notwithstanding the provisions of section (1), if the party ordered to provide appropriate health care coverage is an active duty or retired member of the military, the administrator will not issue a medical support notice to the military.

(3) If the conditions in section (2) apply:

(a) The administrator will inform the obligee, if the obligee is not the providing party, of the process to initiate military health care coverage enrollment for the dependent child; and

(b) If the medical child support rights for the dependent child are currently assigned to the state, the administrator will require either party to make all reasonable efforts to enroll the child in military health care coverage.

(4) When a medical support notice has been served and the providing party is not enrolled in a health benefit plan or is not enrolled in a plan that offers dependent coverage that is available pursuant to ORS 25.323, and if more than one plan is offered, the administrator will select a plan in accordance with OAR 137-055-4640.

(5) A party can contest the medical support notice as set out in ORS 25.333.

(6) When the administrator is notified that the amount to be withheld for premiums is greater than is permissible under ORS 25.331 the administrator will review the circumstances and, if appropriate, activate contingent medical support provisions, or move to modify the order to comply with the child support guidelines.

(7) When an employer notifies the administrator that the amount to be withheld for the health care coverage premium is greater than permissible under ORS 25.331:

(a) An obligee who is a recipient of TANF cash assistance may not elect to receive health care coverage over monetary child support. In these cases, the administrator will select monetary child support over health care coverage unless health care coverage would be in the best interests of the child.

(b)(A) Except as provided in section (7)(b)(B), an obligee, who is not a recipient of TANF cash assistance and who selects health care coverage over monetary child support, may change the selection:

(i) No more than once per year;

(ii) In conjunction with a medical support notice being issued to a new employer; or

(iii) When a child becomes seriously ill and health care coverage is needed.

(B) An obligee who is not a recipient of TANF cash assistance may not select health care coverage over monetary child support if such a selection conflicts with the requirements of any bankruptcy plan.

(8) A request to select health care coverage over monetary child support may be made verbally or in writing.

(9) When multiple cases for an obligor are being enforced and the employer receives notice that one or more cases have selected health care coverage over monetary child support, the employer must withhold in the following manner:

(a) First withhold the full amount listed on withholdings issued on the cases that have not selected health care coverage over monetary child support;

(b) Withhold the premium for health care coverage, up to the maximum allowed by law;

(c) If the maximum is not reached, withhold support for the case(s) requesting health care coverage, up to the full amount of the withholding order or the maximum allowed by law, whichever is less;

(d) Identify which payment goes with which case and submit the monetary support payments to the Division of Child Support as directed in the withholding orders.

(10) A providing party may select a different health benefit plan during any applicable open enrollment period, providing the health benefit plan provides appropriate health care coverage, or other coverage if the order so requires.

(11) If the providing party changes to a health benefit plan that does not meet the criteria in section (10) of this rule, the administrator will issue a medical support notice as provided in section (1) of this rule and may pursue modification of the support order for an amount towards cash medical support pursuant to OAR 137-050-0750, or activate contingent provisions, if any, as provided in section 12 of this rule.

(12) When an order provides for an obligor to pay cash medical support if the obligor is not providing private health care coverage, the following provisions apply:

(a) When the obligor stops providing private health care coverage, the administrator will notify the parties that coverage has stopped and that cash

ADMINISTRATIVE RULES

medical support provisions in the order, if any, will begin the month following the month in which the coverage stopped.

(b) When the obligor begins providing health care coverage, after notice from a party or other source, the administrator will notify the parties that coverage is now provided and that cash medical support will stop effective the month after the child is enrolled or the administrator receives notice, whichever is later.

(c) At the obligor's option, the obligor may exceed the "reasonable in cost" cap in order to provide health insurance that is otherwise appropriate. If obligor does so, cash medical support will stop.

Stat. Auth.: ORS 25.080, 25.321, 25.325, 25.342 & 180.345

Stats. Implemented: ORS 25.080 & 25.321 - 25.341

Hist.: AFS 10-1990, f. 3-14-90, cert. ef. 4-1-90; AFS 25-1995, f. 10-12-95, cert. ef. 10-15-95; AFS 23-1997, f. 12-29-97, cert. ef. 1-1-98; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0060; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-4620; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-4620; DOJ 8-2007, f. 9-28-07, cert. ef. 10-1-07; DOJ 7-2007(Temp), f. 9-28-07, cert. ef. 10-1-07 thru 1-2-08; DOJ 2-2008, f. & cert. ef. 1-2-08; DOJ 1-2010, f. & cert. ef. 1-4-10; DOJ 4-2013, f. 5-15-13, cert. ef. 7-1-13

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

Rule Caption: Provisional Driver Improvement: Process for Expanding Restricted Driving Privileges

Adm. Order No.: DMV 3-2013

Filed with Sec. of State: 4-22-2013

Certified to be Effective: 5-1-13

Notice Publication Date: 3-1-2013

Rules Amended: 735-072-0020, 735-072-0023

Subject: ORS 809.480(2) authorizes DMV to establish a driver improvement program for provisional drivers (drivers under 18 years of age) that is separate from the driver improvement program for adults. The Provisional Driver Improvement Program is established in OAR 735-072-0023. Through the Provisional Driver Improvement Program a provisional driver's driving privileges may be restricted for 90 days. The restrictions allow the provisional driver to drive only to and from work, for work purposes, and to drive with no passengers in the vehicle other than a parent, stepparent or guardian.

Previously OAR 735-072-0023 allowed the person receiving a restriction under the Provisional Driver Improvement Program to request an interview with a DMV employee to re-evaluate the person's driving after the incident that caused the restriction to be imposed. The interviews were conducted in DMV field offices throughout the state. To improve efficiency and to insure consistency in application of the provisional driver improvement program, DMV amended OAR 735-072-0023 to have the re-evaluation conducted by employees at DMV Headquarters through a written process rather than through an interview.

DMV also amended OAR 735-072-0020 to remove the definition for "Driver Improvement Course" because the term is no longer used in Division 72 administrative rules.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-072-0020

Driver Improvement Program Definitions

The following definitions apply to rules for both Driver Improvement Programs:

(1) "Adult Driver" is a driver 18 years of age or older.

(2) "Combination" means one or more driver improvement violations and one or more preventable accidents. For purposes of these rules, a driver improvement violation and a preventable accident arising from a single incident is not a combination.

(3) "Conviction" means a determination of guilt by a court of law upon a plea, verdict, finding, or unvacated bail forfeiture. For purposes of section (6) of this rule if a person is convicted of more than one offense arising from a single traffic stop or preventable accident, the convictions for separate offenses constitute one conviction and are a driver improvement violation if at least one of the convictions is for an offense listed in OAR 735-064-0220.

(4) "DMV" means the Driver and Motor Vehicle Services Division of the Department of Transportation.

(5) "Driver Improvement Violation" means:

(a) One conviction for an offense listed in OAR 735-064-0220; or

(b) Five convictions for an offense listed in OAR 735-072-0035.

(6) "License" has the meaning specified in ORS 801.245.

(7) "Preventable Accident" is a traffic accident reported by a police officer that indicates a driver failed to do everything a driver reasonably could have done to prevent the accident. Factors used to determine preventability include but are not limited to:

(a) Violations of the law even if a citation is not issued;

(b) Failure to use defensive driving techniques;

(c) Road conditions existing at the time of the accident; or

(d) Speed of the driver's vehicle.

(8) "Provisional Driver" means a driver who has reached 14 years of age but has not yet reached 18 years of age.

(9) "Record Review Date" means:

(a) The date DMV records a driver improvement violation or preventable accident to a person's driving record; or

(b) The date DMV grants driving privileges or fully reinstates the driving privileges following a suspension or revocation.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 809.480

Stats. Implemented: ORS 809.480

Hist.: MV 24-1985, f. 12-31-85, ef. 1-1-86; MV 23-1986, f. 12-31-86, ef. 1-1-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0310; DMV 10-1994, f. 9-30-94, cert. ef. 10-1-94; DMV 29-2001(Temp), f. 12-14-01 cert. ef. 1-1-02 thru 6-29-02; DMV 12-2002, f. 6-24-02, cert. ef. 6-30-02; DMV 2-2011, f. & cert. ef. 3-2-11; DMV 3-2013, f. 4-22-13, cert. ef. 5-1-13

735-072-0023

Provisional Driver Improvement Program

(1) Drivers who have reached 14 years of age but who have not yet reached 18 years of age are subject to the Provisional Driver Improvement Program. The Provisional Driver Improvement Program is designed to have a quick and immediate impact on young drivers who are convicted of traffic offenses or involved in preventable accidents. This rule applies to driver improvement violations and preventable accidents that occur when the driver is 14, 15, 16 or 17 years of age, and whose record review date occurs before the person has reached 18 years of age.

(2) On the record review date, DMV will review the person's driving record and restrict the driving privileges of any provisional driver who has:

(a) Two driver improvement violations; or

(b) Two preventable accidents; or

(c) A combination of one driver improvement violation and one preventable accident.

(3) The following apply to provisional restrictions:

(a) DMV will restrict the license or instruction permit of a provisional driver to drive only to and from or for employment, with no passengers except their parent, stepparent or guardian;

(b) DMV will impose the restriction for a period of 90 days or until the driver becomes 18 years of age. DMV will notify the provisional driver by letter that the restriction will begin five days from the date of the letter. During the 90-day restriction period, the provisional driver must carry the restriction letter at all times while the person is driving a motor vehicle;

(c) A person who violates the Provisional Driver Improvement Program restriction, can be cited under ORS 807.010, operating in violation of license restrictions, which is a Class B traffic violation; and

(d) DMV will delay imposition of a restriction to driving privileges and place a pending restriction code on the person's driving record of any provisional driver:

(A) Whose driving privileges are cancelled, suspended or revoked until DMV grants driving privileges or fully reinstates driving privileges; or

(B) Who has not been granted driving privileges until DMV grants driving privileges in the form of a provisional driver license or instruction permit;

(C) Unless that provisional driver gets another driver improvement violation or preventable accident while under the age of 18. In that case, DMV will suspend the driving privileges or right to apply for driving privileges as set forth in subsection (6) of this rule. This suspension will supersede the pending restriction and the pending restriction code will be removed from the person's driving record.

(4) Upon submission of a designated application form from the provisional driver, DMV may re-evaluate the restriction imposed under section (3) of this rule and may amend the restriction. On the form, the provisional driver must set forth the reason why an amended restriction is needed. The provisional driver must also provide proof he or she has completed an action approved by DMV that is designed to reduce the likelihood of future traffic violations and accidents.

ADMINISTRATIVE RULES

(5) DMV will suspend for six months the driving privileges or right to apply for driving privileges of any provisional driver who has:

- (a) Three driver improvement violations;
- (b) Three preventable accidents; or
- (c) A combination of driver improvement violations and preventable accidents that total three.

(6) For each subsequent driver improvement violation or preventable accident, DMV will suspend for six months the driving privileges or right to apply for driving privileges of a provisional driver, regardless of a previous or current Driver Improvement Program suspension(s), who has:

- (a) Four or more driver improvement violations;
- (b) Four or more preventable accidents; or
- (c) A combination of driver improvement violations and preventable accidents that total four or more.

(7) DMV will suspend for one year the driving privileges or the right to apply for driving privileges of a provisional driver convicted of any offense listed in ORS 809.600(1). This suspension is for Provisional Driver Improvement Program purposes and is in addition to any suspension or revocation imposed because of the specific conviction.

(8) The suspension period for those suspensions imposed under sections (6), (7) and (8) of this rule will be imposed for the full suspension period, regardless of whether the provisional driver becomes 18 years of age during the suspension period. A suspension of driving privileges or the right to apply for driving privileges under this rule shall run concurrently with any other suspension, revocation, or cancellation in effect at the time the suspension begins. This section is applicable to suspensions imposed on or after June 30, 2002.

Stat. Auth.: ORS 184.616, 184.619 & 809.480
Stats. Implemented: ORS 809.480
Hist.: DMV 29-2001(Temp), f. 12-14-01 cert. ef. 1-1-02 thru 6-29-02; DMV 12-2002, f. 6-24-02, cert. ef. 6-30-02; DMV 7-2003(Temp), f. 5-14-03, cert. ef. 5-15-03 thru 11-10-03; DMV 13-2003, f. & cert. ef. 9-22-03; DMV 19-2004, f. & cert. ef. 8-20-04; DMV 3-2013, f. 4-22-13, cert. ef. 5-1-13

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Rule Caption: Update of farm rules

Adm. Order No.: DMV 4-2013

Filed with Sec. of State: 4-22-2013

Certified to be Effective: 4-22-13

Notice Publication Date: 3-1-2013

Rules Amended: 735-048-0000, 735-048-0020, 735-048-0030, 735-048-0040, 735-048-0050, 735-048-0060, 735-048-0070, 735-048-0080

Subject: Division 48 rules specify the qualifications a farmer needs to certify their farm with the Department. In addition, the rules describe the definitions, permitted uses, application and annual requalification and cancellation of farm plates. The rule amendments are the outcome of an annual rule review that resulted in minor changes to the rule language and reflects current business practices. Minor changes were made to the language of the rules to be in compliance with Secretary of State standards. Corrections were made to the Statutory Authority and Statutes Implemented in the administrative rules.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-048-0000

Definitions

For the purposes of OAR 735-048-0000 through 735-048-0080 the following definitions apply:

(1) "MCTD" means the Motor Carrier Transportation Division of the Oregon Department of Transportation.

(2) "Farm registration" is as provided in ORS 805.300 and includes any plates, stickers, tabs or devices issued as evidence of that registration.

(3) "Proportional farm registration" is as provided for in ORS 805.400 and includes plates, stickers, permits or other identification devices issued under ORS 805.200 and ORS 805.400.

(4) "Initial farm or proportional farm application" means the process by which a person first qualifies as a farmer and receives farm or proportional farm registration for vehicles being used in conjunction with the farming operation.

(5) "Farming operation" means the one or more farms, orchards or ranches belonging to a qualifying farmer; the agricultural commodities, products or livestock produced or raised thereon and the vehicles registered with farm or proportional farm registration for use in conjunction with the farming operation.

(6) "Qualifying farmer" means a person who has applied for and received certification as a farmer from MCTD in conjunction with a particular farming operation.

(7) "Agricultural commodities" as used in ORS 805.320 and 805.390 includes but is not limited to, livestock, poultry, agricultural, horticultural, viticultural and vegetable products. It does not include trees or forest byproducts except:

(a) Christmas trees which are grown or growing on land which has been prepared by intensive cultivation and tilling and on which all unwanted plant growth is controlled continuously for the exclusive purpose of growing such Christmas trees; or

(b) Hardwood timber, including but not limited to, hybrid cottonwood and hybrid poplars, which are:

(A) Grown or growing on land which has been prepared by intensive cultivation methods and which is cleared of competing vegetation for at least three years after tree planting;

(B) Of a species marketable as fiber for manufacturing paper products;

(C) Harvested on a rotation cycle within 10 years after planting; and

(D) Subject to intensive agricultural practices such as fertilization, insect and disease control, cultivation and irrigation.

(8) "Agricultural products" as used in ORS 805.320 and 805.390 includes products and by-products of agricultural commodities or livestock subject to the restrictions found in ORS 805.390(1).

(9) "Actually producing" means the farmer is growing agricultural commodities or raising livestock. For example, clearing the land with the intent of farming at a later date is not considered actually producing; however, an orchard which has been planted is considered actually producing.

(10) "Straw" is the stalk of grass or grain that is left after threshing.

(11) "Forest products" means products as defined in ORS 321.005(6).

(12) "Owner" and "ownership" of vehicles are as defined in ORS 801.375. In the case of a leased vehicle, the lessee must be shown as owner on the title as required by OAR 735-022-0100.

(13) A "substantial change" to a farming operation may occur when any of the following happens:

(a) The amount of land owned, leased or rented by the farmer listed for purposes of qualifying for farm registration decreases;

(b) The amount of agricultural commodities, products produced or livestock raised decreases to the point that they do not reasonably require the use of the vehicles registered under farm operation;

(c) The vehicle(s) ceases to be used on the one or more farms, orchards or ranches for which farm or proportional farm registration was applied for or ceases to be used for the purposes allowed under such registration; or

(d) The farming operation begins operating vehicles (other than pick-up trucks) in combinations of four or more axles or which have a registered weight of over 26,000 pounds.

(14) "Non-qualifying commercial enterprise" means any business which is not directly related to the raising of agricultural commodities, livestock or the producing of agricultural products. An example of a non-qualifying commercial enterprise is a timber business.

Stat. Auth.: ORS 184.616, 184.619 & 823.011
Stats. Implemented: ORS 802.010 & 805.300 – 805.410
Hist.: MV 20-1983 f. 12-30-83, ef. 1-1-84; MV 3-1986, f. & ef. 1-30-86; Administrative Renumbering 3-1988, Renumbered from 735-071-0087; MV 11-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 10-1996, f. & cert. ef. 11-21-96; DMV 16-2004, f. & cert. ef. 7-15-04; DMV 4-2013, f. & cert. ef. 4-22-13

735-048-0020

Permitted Uses

(1) Vehicles registered with farm or proportional farm registration may be used only for the purposes allowed under ORS 805.390.

(2) Vehicles registered under farm or proportional farm registration may be operated for hire only as provided in ORS 825.024.

(3) Except as described in section (5) of this rule, uses permitted under ORS 805.390(2), (3), (5) and (6) do not include transportation related to non-qualifying commercial enterprises which may be being conducted by the farmer or in which the farmer participates on or off the farm. For example:

(a) Farmers who board horses which they are not raising may not legally transport them with a vehicle registered with farm plates, unless:

(A) The horses are owned and being raised by a farmer, who would qualify or is currently qualified for farm plates; and

(B) The horses are being transported on an exchange of labor basis as provided in ORS 805.390 or as provided under ORS 825.024.

(b) A farmer who also operates, works for or in some way participates in a non-farming business, industry or any other non-farming operation

ADMINISTRATIVE RULES

may not use farm registered vehicles in the transportation of supplies, equipment, goods or materials, etc., for the non-farming business, industry or other operation.

(4) A farmer who has farm registered vehicles may loan, rent or lease those vehicles to another farmer who is or would otherwise be qualified under ORS 805.310 for farm registration for vehicles of the type and size being borrowed, rented or leased. It is the responsibility of the farmer owning loaned, rented or leased farm registered vehicles to insure that:

(a) The farmer to whom the vehicles are loaned, rented or leased is qualified for vehicles of the type and size being loaned, rented or leased; and

(b) The vehicles loaned, rented or leased to another farmer are used only for those uses permitted by Oregon law.

(5) A farmer may use a vehicle registered for farm use to transport firewood, dirt, rock or other material removed from the farm, except items prohibited under ORS 805.390 that the farmer must transport incidental to the regular operation of the farm. Operations under this section must be conducted in the name of the farm.

Stat. Auth.: ORS 184.616, 184.619 & 823.011

Stats. Implemented: ORS 802.010 & 805.300 - 805.410

Hist.: MV 20-1983 f. 12-30-83, ef. 1-1-84; MV 12-1984, f. & ef. 9-17-84; MV 3-1986, f. & ef. 1-30-86; Administrative Renumbering 3-1988, Renumbered from 735-071-0088; MV 11-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 10-1996, f. & cert. ef. 11-21-96; DMV 16-2004, f. & cert. ef. 7-15-04; DMV 4-2013, f. & cert. ef. 4-22-13

735-048-0030

Need for Vehicles Used in Conjunction with a Farming Operation

(1) For a vehicle to be considered needed in conjunction with a farming operation for purposes of farm registration, the Department will consider:

(a) Annual or quarterly yield of agricultural commodities, agricultural products or livestock;

(b) Design, capacity and use of vehicles in direct relationship to the agricultural commodities, agricultural products or livestock produced or raised; or

(c) Incidental factors such as distance to market, frequency of harvest, and volume of crops or livestock ready for market at a given time.

(2) The Department, in determining if a vehicle(s) is needed in the farming operation, will consider only the need that is directly related to the farmer's own farming operation. Examples of how this section applies include, but are not limited to, the following:

(a) Transportation of agricultural commodities raised on a farmer's own farm and transportation of supplies used or consumed on a farmer's own farm may be considered in determining need;

(b) Transportation of straw baled by the farmer but which originated on other than the farmer's own farm or on land not under written lease to the transporting farmer will not be considered in determining the need for a vehicle;

(c) Transportation under a permit issued under ORS 825.024 will not be considered in determining the need for a vehicle.

(3) For vehicles having a combined gross weight of 26,001 pounds or more or which are operated in combinations of four or more axles (other than a pickup truck), the annual yield of agricultural commodities, agricultural products or livestock of the farming operation at a minimum must be sufficient to fill each vehicle to registered capacity at least once annually.

(4) A Special Use Vehicle used in conjunction with the farm but not for the transportation of agricultural commodities, agricultural products or livestock (e.g., tank truck used only for water) is exempt from the requirements provided by this rule if the farmer has submitted a Special Use Vehicle application form and it has been approved by the Department.

Stat. Auth.: ORS 184.616, 184.619 & 823.011

Stats. Implemented: ORS 802.010 & 805.300 - 805.410

Hist.: MV 20-1983 f. 12-30-83, ef. 1-1-84; MV 3-1986; Administrative Renumbering 3-1988, Renumbered from 735-071-0089, f. & ef. 1-30-8; DMV 10-1996, f. & cert. ef. 11-21-96; DMV 4-2013, f. & cert. ef. 4-22-13

735-048-0040

Application and Annual Requalification

(1) Application for farm registration or renewal must be made as provided in this rule. The applicant must demonstrate to the satisfaction of MCTD that the applicant qualifies for farm registration as provided in ORS 805.310 and the vehicles for which farm registration is sought are reasonably required for farm operations.

(2) Qualification and application for farm registration or renewal are in addition to registration requirements in statute and rule for any vehicle, including the requirements to be titled in Oregon and if the vehicle is a motor vehicle to be covered by financial responsibility.

(3) To qualify for farm registration the owner of the farm must submit an application that includes:

(a) All of the information required under ORS 805.320, including statements and certifications;

(b) The number of axles of each motor vehicle or if used in a combination of vehicles, the number of axles in the combination;

(c) If none of the vehicles for which farm registration is sought will be operated in combinations of four or more axles (other than pickup trucks); and

(d) A statement that the applicant must immediately notify MCTD if there is any substantial change in the farming operation as defined in OAR 735-048-0000 and will comply with the provisions of the rules in Division 48.

(4) Owners of farming operations that operate vehicles or combination of vehicles (other than pickup trucks) with four or more axles must annually requalify for farm or proportional farm registration as required under ORS 805.322:

(a) The requalification process for farming operations will be staggered throughout the calendar year. MCTD will determine the date by which a given farming operation is to requalify based on factors including but not limited to when the owner originally qualified for farm registration or when the owner initially registered vehicles described in (3)(c) of this rule;

(b) MCTD will provide notice and an application for the owner to use in requalifying. To requalify, the owner must verify that all of the information previously submitted under statute and this rule is still correct or provide MCTD with information on any changes since the owner last qualified; and

(c) If a person required to requalify under this section fails to do so, MCTD:

(A) May refuse to renew or issue farm registration for vehicles for that farm; and

(B) May cancel any existing farm registrations.

(5)(a) If vehicles or combination of vehicles with four or more axles (other than pickup trucks) have been added since the owner last qualified, the owner must provide MCTD with enough information to qualify for the additional vehicles. The information must be on a form prescribed by MCTD and must include:

(A) The name and business or residence address of the applicant;

(B) The location and number of acres of one or more of the farms, orchards or ranches upon which the motor vehicle sought to be registered is to be used;

(C) The type and amount of agricultural commodities, agricultural products or livestock produced annually on one or more of the farms upon which the motor vehicle sought to be registered is to be used; and

(D) A statement that the vehicle registered under ORS 805.300 is being used for one or more of the purposes described in ORS 805.390.

(b) A vehicle for which the use and capacity is substantially the same and was bought or leased to replace a vehicle previously registered as a farm vehicle does not qualify as an "additional vehicle."

(6) When a substantial change in a qualified farming operation occurs, the owner may be required to:

(a) Surrender farm registration plates and devices to MCTD if the owner or vehicle(s) no longer qualifies; or

(b) Submit a new application for farm registration if requested by MCTD.

(7) If the ownership of the farming operation changes, the new owner must:

(a) Apply for initial farm or proportional farm registration; or

(b) Surrender any farm registration plates or proportional farm registration devices not previously surrendered to MCTD.

(8) To be eligible for farm or proportional farm registration the following conditions apply to vehicles:

(a) Vehicles owned by a business (e.g., company, corporation, cooperative, etc.) will be eligible only if that business (not just the owner of the business) is actually engaged in a farming operation;

(b) The vehicle must be of the type designed or used to carry, convey or move freight, articles, persons or things over the highways; and

(c) All vehicles used in a particular farming operation and for which farm or proportional farm registration is applied must be titled and registered in the same name. An exception to this rule would be where there are multiple owners of the same land who are engaged jointly in a farming operation on said land but who individually own vehicles. Such vehicles may be registered in the appropriate owner's name.

Stat. Auth.: ORS 184.616, 184.619 & 823.011

Stats. Implemented: ORS 805.300 - 805.410

ADMINISTRATIVE RULES

Hist.: MV 20-1983 f. 12-30-83, ef. 1-1-84; MV 3-1986, f. & ef. 1-30-86; Administrative Renumbering 3-1988, Renumbered from 735-071-0090; MV 11-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 10-1996, f. & cert. ef. 11-21-96; DMV 4-2013, f. & cert. ef. 4-22-13

Hist.: MV 20-1983 f. 12-30-83, ef. 1-1-84; MV 3-1986, f. & ef. 1-30-86; Administrative Renumbering 3-1988, Renumbered from 735-071-0093; MV 11-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 10-1996, f. & cert. ef. 11-21-96; DMV 4-2013, f. & cert. ef. 4-22-13

735-048-0050

Additional Requirements

(1) Persons applying for original issue or renewal of farm or proportional farm registration or seeking to add vehicles to their farm or proportional farm registration may be required to furnish additional documentation to satisfy MCTD that the person and vehicles qualify for farm registration. The additional required documentation may include such things as:

- (a) Evidence of annual yield of various types of agricultural commodities, agricultural products or livestock;
- (b) Proof of ownership of vehicles or property including rental or lease agreements; or
- (c) Proof of access by ownership or by lease or rental agreements to show sufficient acreage to support the raising or producing of agricultural commodities, agricultural products or livestock as may be claimed under subsection (1)(a) of this rule.

(2) Persons applying for or operating under farm or proportional farm registration may also be required to provide the additional information in section (1) of this rule and to make vehicles or property available for inspection by MCTD when conducting an investigation related to use of farm registered vehicles.

Stat. Auth.: ORS 184.616, 184.619, 805.200 & 805.300 - 805.410
Stats. Implemented: ORS 805.320

Hist.: MV 20-1983 f. 12-30-83, ef. 1-1-84; MV 3-1986, f. & ef. 1-30-86; Administrative Renumbering 3-1988, Renumbered from 735-071-0091; DMV 10-1996, f. & cert. ef. 11-21-96; DMV 4-2013, f. & cert. ef. 4-22-13

735-048-0060

Plates and Devices Issued

(1) Farm registered vehicles will be issued registration plates.

(2) A vehicle registered on a proportional basis for interstate use will be issued proportional registration plates. In addition, the vehicle will be issued a device to reflect the farm registration:

- (a) The device(s) must identify the vehicle as being registered under proportional farm registration and must be in a form of a registration plate(s) to be affixed to the exterior of the vehicle; or
- (b) The Department may issue a temporary device in the form of a permit which must be carried in the vehicle.

Stat. Auth.: ORS 184.616, 184.619 & 823.011
Stats. Implemented: ORS 805.200, 805.300, 805.410

Hist.: MV 3-1986, f. & ef. 1-30-86; Administrative Renumbering 3-1988, Renumbered from 735-100-0740; MV 11-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 10-1996, f. & cert. ef. 11-21-96; DMV 4-2013, f. & cert. ef. 4-22-13

735-048-0070

Complaints

Complaints about improper farm or proportional farm registration or misuse of vehicles registered may be filed with MCTD headquarters: 550 Capitol St. NE, Salem, Oregon 97301.

Stat. Auth.: ORS 184.616, 184.619, 805.200 & 805.300 - 805.410
Stats. Implemented: ORS 805.380 & 805.410

Hist.: MV 20-1983 f. 12-30-83, ef. 1-1-84; MV 3-1986, f. & ef. 1-30-86; Administrative Renumbering 3-1988, Renumbered from 735-071-0092; DMV 10-1996, f. & cert. ef. 11-21-96; DMV 4-2013, f. & cert. ef. 4-22-13

735-048-0080

Cancellation

(1) MCTD may cancel farm registrations or proportional farm registration devices as provided under ORS 805.200, 805.380, 805.410, 809.090 or as otherwise provided by law.

(2) As used in ORS 805.380:

- (a) "Cancellation" means that the vehicle's farm registration is no longer valid and the vehicle is not eligible for farm registration for one year after the cancellation; and
- (b) "One year after cancellation" refers to calendar months, and will begin on the first day of the cancellation and end exactly 12 months later. (Example: If cancellation took effect on June 15, 1994, the one year would expire on June 14, 1995.)

(3) The owner of farm registered vehicles who has loaned, rented or leased a vehicle to another qualified farmer as permitted in OAR 735-048-0020, will be subject to farm plate registration cancellation if the borrower, renter or lessee of a vehicle is found in violation of farm plate registration regulations if the owner knew the vehicle was being used in violation of ORS 805.300 through 805.410.

Stat. Auth.: ORS 184.616, 814.619 & 805.300 - 805.410
Stats. Implemented: ORS 805.380 & 805.410

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

Adm. Order No.: DMV 5-2013

Filed with Sec. of State: 5-3-2013

Certified to be Effective: 5-3-13

Notice Publication Date: 10-1-2012

Rules Adopted: 735-001-0062

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

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

This rule was originally filed December 21, 2012; it is being refiled to correct a filing error.

Rules Coordinator: Lauri Kunze—(503) 986-3171

735-001-0062

DMV/DOC Program for an Inmate Obtaining a Driver License or Identification Card Prior to Release

(1) The Oregon Department of Transportation, Driver and Motor Vehicle Services Division (DMV) and the Oregon Department of Corrections (DOC) have established, through interagency agreement, the following program to help an inmate obtain a driver license or identification card prior to his or her release from custody.

(2) For purposes of this rule, the term "inmate" means any person under the supervision of the DOC and who is not on parole, probation or post-prison supervision status.

(3) Notwithstanding OAR 735-062-0016, DMV may issue a renewal or replacement driver license or an identification card containing the last photograph of the inmate on file with DMV. The photograph on file must not be older than nine years and two months. DMV will issue as follows:

- (a) A replacement driver license to an inmate whose driving privileges are valid or are reinstated at the time of issuance;
- (b) A renewal driver license to an inmate whose driving privileges are valid or are reinstated at the time of issuance and whose driver license is within 14 months of expiring or has been expired for less than one year; or
- (c) An original, renewal or replacement identification card to an inmate:
 - (A) Who is not eligible for driving privileges under sections (4), (7) or (8) of this rule;
 - (B) Whose previous driver license has been expired for more than one year;
 - (C) Whose driving privileges are suspended, revoked or cancelled; or
 - (D) Who has never been issued or does not currently qualify for a driver license under ORS 807.040.

(4) DMV will make an inquiry to the National Driver Register/Problem Driver Pointer System (NDR/PDPS) and the Commercial Driver License Information System (CDLIS), to determine if the inmate's driving privileges are suspended, revoked, cancelled or otherwise not valid

ADMINISTRATIVE RULES

in any other jurisdiction. An inmate whose driving privileges are not valid in any other jurisdiction is not eligible to replace or renew driving privileges in Oregon.

(5) DOC may complete an application packet for each eligible inmate within no more than 90 days prior to the inmate's date of release from DOC custody. The application packet must include:

(a) A completed Valid with Previous Photo DL/ID Card (VWPP) Application, DMV Form 735-171C, signed by the inmate. The application must include the inmate's Social Security Number (SSN). DMV must verify, or have previously verified, the SSN with the Social Security Administration, as required by OAR 735-062-0005;

(b) Proof of legal name as required by OAR 735-062-0014;

(c) Proof of legal presence as required by OAR 735-062-0015 and the interagency agreement;

(d) Proof of date of birth and identity as required by OAR 735-062-0020; and

(e) A photo of the inmate, which contains the state identification (SID) number.

(6) On the application DOC must certify:

(a) That the copies of the documents submitted to meet the requirements of section (5) of this rule are true copies of the original documents and that the documents pertain to the inmate for whom DOC is submitting the VWPP application; and

(b) That the inmate will be living in Oregon when released and the address provided on the application meets the requirements for residence or mailing address as outlined in the interagency agreement.

(7) An inmate is not eligible for driving privileges, under ORS 807.060(4) or (5), and DMV will not replace or renew a driver license, if on the VWPP Application the inmate:

(a) Answers yes to the question "Do you have a vision condition or impairment that has not been corrected by glasses, contacts or surgery that affects your ability to drive safely?";

(b) Answers yes to the question "Do you have any physical or mental conditions or impairments that affect your ability to drive safely?"; or

(c) Answers yes to the question "Do you use alcohol, inhalants, or controlled substances to a degree that affects your ability to drive safely?"

(8) An inmate who is eligible to renew his or her driving privileges, and is or will be 50 years of age or older at the time his or her driving privileges expire, must meet the requirements of OAR 735-062-0060. As the inmate will not be at a DMV field office for the vision screening, DOC must provide a vision examination form, Certificate of Vision, DMV Form 735-24, completed by a licensed ophthalmologist or optometrist with the VWPP application. If no Certificate of Vision form is included or the inmate does not meet the vision standards set forth in 735-062-0050, the inmate is only eligible for an identification card.

(9) When an inmate's driving privileges are valid (not suspended, revoked, cancelled or expired more than one year) the inmate must surrender driving privileges in order to be eligible for an identification card. A completed Surrender of Driving Privilege(s), DMV Form 735-7206, must be included with the VWPP application of any inmate who is surrendering driving privileges. A person who surrenders driving privileges must pass all tests and pay all fees associated with an original driver license to regain driving privileges at a later date.

(10) DOC will pay the fee listed in ORS 807.370 or 807.410, as appropriate, for each inmate issued a driver license or identification card in a manner outlined in the interagency agreement.

(11) When an inmate's driver license or identification card issued pursuant to this rule is renewed or replaced, he or she must provide proof of citizenship or permanent legal residency as required by OAR 735-062-0015, unless DMV records show the person has previously provided such proof.

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

Stats. Implemented: ORS 802.087

Hist.: DMV 16-2012, f. 12-21-12, cert. ef. 1-1-13; DMV 5-2013, f. & cert. ef. 5-3-13

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

Rule Caption: Amendment of federal safety and hazardous materials transportation regulations affecting motor carriers

Adm. Order No.: MCTD 3-2013

Filed with Sec. of State: 4-22-2013

Certified to be Effective: 4-22-13

Notice Publication Date: 3-1-2013

Rules Amended: 740-100-0010, 740-100-0065, 740-100-0070, 740-100-0080, 740-100-0085, 740-100-0090, 740-110-0010

Subject: These rules contain the annual adoption of federal motor carrier safety and hazardous materials transportation regulations, and cover the adoption of international standards related to driver, vehicle and hazardous materials out-of-service violations. The changes ensure Oregon's motor carrier safety, hazardous materials, and driver, vehicle and hazardous materials out-of-service requirements are current with national and international standards. Oregon's continued receipt of \$2.6 million per year in MCSAP funds is dependent on maintaining compatible rules.

Rules Coordinator: Lauri Kunze—(503) 986-3171

740-100-0010

Adoption of Federal Safety Regulations

(1) Except as provided in section (4) of this rule, the rules and regulations adopted by the United States Department of Transportation contained in Title 49, Code of Federal Regulations (CFR), Parts 380 (Special Training Requirements), 382 (Controlled Substances and Alcohol Use and Testing), 383 (Commercial Driver's License Standards Requirements and Penalties), 385 (Safety Fitness Procedures), 387 (Minimum Levels of Financial Responsibility for Motor Carriers), 390 (Federal Motor Carrier Safety Regulations: General), 391 (Qualification of Drivers), 392 (Driving of Motor Vehicles), 393 (Parts and Accessories Necessary for Safe Operation), 395 (Hours of Service of Drivers), 396 (Inspection, Repair and Maintenance), 398 (Transportation of Migrant Workers), 399 (Employee Safety and Health Standards) and all amendments thereto in effect April 1, 2013, are adopted and prescribed by the Department of Transportation (ODOT) to be observed by carriers conducting operations in interstate commerce, subject to ORS Chapter 825.

(2) The provisions of section (1) of this rule as adopted are prescribed by the Department to be observed by carriers conducting operations in intrastate commerce, subject to ORS Chapter 825, except:

(a) Relating to Part 385:

(A) The provisions of Part 385.1(b), 385.13(b), 385.13(c), 385.13(d)(3), 385.301 through 385.337 and Appendix A to Part 385 do not apply to a motor carrier operating exclusively in intrastate commerce.

(B) With reference to Part 385.13(a), 385.19(c) and 385.19(d), current intrastate safety rating information is available from ODOT only by telephone at (503) 378-6963.

(C) With reference to Part 385.15 and 385.17, requests for administrative review of an intrastate safety rating or requests for a change to a proposed or final intrastate safety rating based on corrective actions must be submitted in writing to the ODOT Motor Carrier Transportation Division, 550 Capitol St. NE, Salem OR 97301-2530.

(D) With reference to Appendix B of Part 385, a final intrastate safety rating will be determined by the Department and the motor carrier to whom the rating applies will be notified in writing of its intrastate safety rating.

(E) In addition to the violations described in the List of Acute and Critical Violations in Appendix B of Part 385, the Department will include the following violations in a determination of an intrastate or an interstate safety rating:

(i) Financial responsibility requirements in OAR 740-040-0010 (critical) and 740-040-0020 (acute); and

(ii) Intrastate drivers hours-of-service requirements found in OAR 740-100-0010(2)(i) (critical).

(b) The provisions of Part 387 will apply to intrastate motor carriers only when transporting hazardous materials, hazardous substances or hazardous wastes.

(c) With reference to Part 390.21, external identification requirements do not apply to vehicles operated exclusively in intrastate private carriage provided that neither the gross vehicle weight, the gross vehicle weight rating, the gross combination weight or the gross combination weight rating exceeds 26,000 pounds, except those vehicles transporting hazardous materials of a type or quantity requiring placarding or passenger vehicles designed or used to transport more than 15 passengers including the driver.

(d) The rules in Part 391.11(b)(1) regarding the minimum age for a commercial motor vehicle operator do not apply to a driver engaged in intrastate commerce. A driver engaged in intrastate commerce must be at least 18 years old.

(e) The rules in Part 391 (except Part 391.11(b)(2), English Speaking Driver, Part 391.11(b)(5), Valid Operator's License and Part 391.15,

ADMINISTRATIVE RULES

Disqualification of Drivers) do not apply to a driver who is employed by a private carrier and:

(A) Does not transport hazardous materials of a type or quantity requiring the vehicle to be marked or placarded in accordance with Title 49, CFR, Part 177.823, and drives a motor vehicle with a gross vehicle weight, gross vehicle weight rating, gross combination weight or gross combination weight rating of 26,000 pounds or less; or

(B) Operates a passenger vehicle designed or used to transport fewer than 16 passengers, including the driver.

(f) Notwithstanding Parts 391.41 to 391.49 (Subpart E — Physical Qualifications and Examinations) the Department may issue a waiver of physical disqualification to a commercial vehicle driver who has met the conditions established by the Driver and Motor Vehicle Services Division.

(g) With reference to Part 395.1(e)(1), motor carriers conducting intrastate transportation of property may not require or permit any driver used by it to exceed 12 hours driving following ten consecutive hours off-duty;

(h) With reference to Part 395.1(g), motor carriers conducting intrastate transportation of property may not require or permit any driver used by it to drive a commercial motor vehicle, nor may any such driver:

(A) Exceed 12 hours driving following ten consecutive hours off-duty;

(B) Drive for any period beyond the 16th hour after coming on-duty following ten consecutive hours off-duty;

(i) With reference to Part 395.1(e)(2) and Part 395.3, a motor carrier conducting intrastate transportation of property may not require or permit any driver used by it to drive a commercial motor vehicle, nor may any such driver:

(A) Exceed 12 hours driving following ten consecutive hours off-duty;

(B) Drive for any period beyond the 16th hour after coming on-duty following ten consecutive hours off-duty;

(C) Drive for any period following 70 hours on-duty in any seven consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week, however, any period of seven consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours; or

(D) Drive for any period following 80 hours on-duty in any eight consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week, however, any period of eight consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours.

(j) The provisions of subsections (g) through (i) of this section are not applicable to the transportation of hazardous materials of a type or quantity requiring placarding. A motor carrier transporting hazardous materials of a type or quantity requiring placarding must comply with Part 395.

(3) The provisions of Part 386.83(a)(1) and Part 386.84(a)(1), related to sanctions for failure to pay civil monetary penalties are adopted for operations conducted in intrastate commerce and apply to penalties and sanctions found in ORS Chapter 825, pursuant to the provisions of ORS Chapter 183.

(4) The intracity operation exemption adopted by the US Department of Transportation found in Part 391.62 is not adopted and prescribed.

(5) Wherever reference is made in Title 49 of the CFR as adopted by this rule to a federal entity, including but not limited to "Federal Highway Administrator," "Regional Director," "Special Agent of the Federal Highway Administration" or the "Federal Motor Carrier Safety Administration," it will be construed to mean the Oregon Department of Transportation or a person authorized by the Oregon Department of Transportation to act on its behalf.

(6) Copies of the federal regulations referred to in this rule are available from ODOT Motor Carrier Transportation Division or may be accessed on the Federal Motor Carrier Safety Administration website, www.fmcsa.dot.gov.

Stat. Auth.: ORS 184.616, 184.619, 823.011, 825.232 & 825.252
Stats. Implemented: ORS 825.210, 825.250 & 825.252

Hist.: PUC 156, f. & ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); PUC 4-1979, f. & ef. 9-21-79 (Order No. 79-641); PUC 5-1979, f. & ef. 9-21-79 (Order No. 79-635); PUC 2-1980, f. & ef. 3-27-80 (Order No. 80-179); PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order No. 79-805); Part 2, f. & ef. 6-30-80 (Order No. 80-475); PUC 7-1980, f. & ef. 11-6-80 (Order No. 80-845); Renumbered from 860-035-0010; PUC 12-1981, f. & ef. 12-16-81 (Order No. 81-880); PUC 12-1982(Temp), f. 12-20-82, ef. 1-1-83 (Order No. 82-872); PUC 1-1983, f. & ef. 1-17-83 (Order No. 83-024); PUC 2-1983, f. & ef. 3-1-83 (Order No. 83-117); PUC 13-1984, f. & ef. 7-26-84 (Order No. 84-546); PUC 19-1984, f. & ef. 9-10-84 (Order No. 84-713); PUC 8-1985, f. & ef. 6-10-85 (Order No. 85-499); PUC 17-1986 (Temp), f. & ef. 12-3-86; (Order No. 86-1239); PUC 2-1987 (Temp), f. & ef. 2-25-87 (Order No. 87-248); PUC 4-1987, f. & ef. 6-9-87 (Order No. 87-509); PUC 16-1987(Temp), f. & ef. 12-11-87 (Order No. 87-1244); PUC 4-1988(Temp), f. & ef. 2-12-88 (Order No. 88-161); PUC 6-1988(Temp), f. & ef. 3-9-88 (Order No. 88-818);

PUC 14-1988, f. & cert. ef. 7-22-88 (Order No. 88-245); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (and corrected 1-31-91) (Order No. 91-20); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 13-1992(Temp), f. & cert. ef. 9-4-92 (Order No. 92-1303); PUC 10-1993, f. & cert. ef. 6-3-93 (Order No. 93-693 & 93-761); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0010; MCT 4-1996, f. 3-20-96, cert. ef. 4-1-96; MCT 5-1996, f. & cert. ef. 9-17-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCT 2-1997, f. & cert. ef. 5-9-97; MCT 6-1997, f. & cert. ef. 8-26-97; MCT 10-1997, f. & cert. ef. 12-22-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 2-1998, f. & cert. ef. 8-20-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00; MCTB 2-2001, f. 3-13-01, cert. ef. 4-1-01; MCTB 2-2002, f. & cert. ef. 6-21-02; MCTD 2-2003, f. & cert. ef. 4-21-03; MCTD 6-2003, f. & 11-18-03, cert. ef. 1-1-04; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 5-2005(Temp), f. 9-16-05, cert. ef. 10-1-05 thru 3-29-06; MCTD 2-2006, f. 3-17-06, cert. ef. 4-1-06; MCTD 1-2007, f. 3-26-07, cert. ef. 4-1-07; MCTD 1-2008, f. 3-20-08, cert. ef. 4-1-08; MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11; MCTD 3-2011, f. & cert. ef. 10-26-11; MCTD 1-2012, f. 2-21-12, cert. ef. 4-1-12; MCTD 5-2012, f. & cert. ef. 5-18-12; MCTD 3-2013, f. & cert. ef. 4-22-13

740-100-0065

North American Standard Administrative Out-of-Service Criteria

(1) The North American Standard Administrative Out-of-Service Criteria, published by the Commercial Vehicle Safety Alliance, in effect April 1, 2013, is adopted and incorporated into this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to out-of-service action. Condition(s) categorized as "Out-of-Service" must not be allowed to continue in commerce until the condition(s) is/are corrected and the shipment complies with Title 49, CFR. If at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it will be towed, transported, or escorted to a safe location only at the direction of an official authority.

(2) Copies of the North American Standard Administrative Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.

Stat. Auth.: ORS 823.011 & 825.232

Stats. Implemented: ORS 825.210 & 825.252

Hist.: MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11; MCTD 1-2012, f. 2-21-12, cert. ef. 4-1-12; MCTD 5-2012, f. & cert. ef. 5-18-12; MCTD 3-2013, f. & cert. ef. 4-22-13

740-100-0070

North American Standard Vehicle Out-of-Service Criteria

(1) The North American Standard Vehicle Out-of-Service Criteria, published by the Commercial Vehicle Safety Alliance, in effect April 1, 2013, is adopted by and incorporated into this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to one or more of the following:

(a) Out-of-Service Condition: When any motor vehicle by reason of its mechanical condition or loading, is determined to be so unsafe as to likely cause an accident or breakdown or when such conditions would likely contribute to loss of control of the vehicle by the driver, said vehicle must be placed out-of-service. No motor carrier shall permit or require nor shall any person operate any motor vehicle declared and marked "out-of-service" until all required repairs of violations which resulted in the out-of-service condition have been completed. If, at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it will be towed, transported or escorted only at the direction of an official authority.

(b) Other: Violations other than out-of-service conditions detected during the inspection process will not preclude the completion of the current trip or dispatch. However, such violations must be corrected or repaired prior to redispach.

(2) Copies of the North American Standard Vehicle Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.

Stat. Auth.: ORS 823.011 & 825.232

Stats. Implemented: ORS 825.250 & 825.252

Hist.: PUC 3-1986, f. & ef. 4-18-86 (Order No. 86-372); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); PUC 6-1991, f. & cert. ef. 4-9-91 (Order No. 91-455); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 10-1993, f. & cert. ef. 6-3-93 (Order No. 93-693 & 93-761); PUC 15-1993(Temp), f. & cert. ef. 8-19-93 (Order No. 93-1156); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0030; MCT 4-1996, f. 3-20-96, cert. ef. 4-1-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00; MCTB 2-2001, f. 3-13-01, cert. ef. 4-1-01; MCTB 2-2002, f. & cert. ef. 6-21-02; MCTD 2-2003, f. & cert. ef. 4-21-03; MCTD 6-2003, f. & 11-18-03, cert. ef. 1-1-04; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 2-2006, f. 3-17-06, cert. ef. 4-1-06; MCTD 1-2007, f. 3-26-07, cert. ef. 4-1-07; MCTD 1-2008, f. 3-20-08, cert. ef. 4-1-08; MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11; MCTD 1-2012, f. 2-21-12, cert. ef. 4-1-12; MCTD 3-2013, f. & cert. ef. 4-22-13

ADMINISTRATIVE RULES

740-100-0080

North American Standard Hazardous Material Out-of-Service Criteria

(1) The North American Standard Hazardous Materials Out-of-Service Criteria, published by the Commercial Vehicle Safety Alliance, in effect April 1, 2013, is adopted and incorporated in this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to out-of-service action. Condition(s) categorized as “Out-of-Service” must not be allowed to continue in commerce until the condition(s) is/are corrected and the shipment complies with Title 49, CFR. If at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it will be towed, transported or escorted to a safe location only at the direction of an official authority.

(2) Copies of the North American Standard Hazardous Materials Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.

Stat. Auth.: ORS 823.011 & 825.232

Stats. Implemented: ORS 825.250, 825.258 & 825.260

Hist.: PUC 3-1986, f. & ef. 4-18-86 (Order No. 86-377); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); PUC 6-1991, f. & cert. ef. 4-9-91 (Order No. 91-455); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 10-1993, f. & cert. ef. 6-3-93 (Order No. 93-693 & 93-761); PUC 15-1993(Temp), f. & cert. ef. 8-19-93 (Order No. 93-1156); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0035; MCT 4-1996, f. 3-20-96, cert. ef. 4-1-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00; MCTB 2-2001, f. 3-13-01, cert. ef. 4-1-01; MCTB 2-2002, f. & cert. ef. 6-21-02; MCTD 2-2003, f. & cert. ef. 4-21-03; MCTD 6-2003, f. & 11-18-03, cert. ef. 1-1-04; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 2-2006, f. 3-17-06, cert. ef. 4-1-06; MCTD 1-2007, f. 3-26-07, cert. ef. 4-1-07; MCTD 1-2008, f. 3-20-08, cert. ef. 4-1-08; MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11; MCTD 1-2012, f. 2-21-12, cert. ef. 4-1-12; MCTD 3-2013, f. & cert. ef. 4-22-13

740-100-0085

North American Standard Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials

(1) The North American Standard Out-of-Service Criteria Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials, published by the Commercial Vehicle Safety Alliance, in effect April 1, 2013, is adopted and incorporated in this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to out-of-service action. Condition(s) categorized as “Out-of-Service” must not be allowed to continue in commerce until the condition(s) is/are corrected and the shipment complies with Title 49, CFR. If at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it will be towed, transported or escorted to a safe location only at the direction of an official authority.

(2) Copies of North American Standard Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.

Stat. Auth.: ORS 823.011 & 825.232

Stats. Implemented: ORS 825.250, 825.258 & 825.260

Hist.: MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11; MCTD 1-2012, f. 2-21-12, cert. ef. 4-1-12; MCTD 3-2013, f. & cert. ef. 4-22-13

740-100-0090

North American Standard Driver Out-of-Service Criteria

(1) The North American Standard Driver Out-of-Service Criteria, published by the Commercial Vehicle Safety Alliance, in effect April 1, 2013, is adopted and incorporated in this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to one or both of the following:

(a) Out-of-Service Violation: Drivers with violations under this category must not operate a commercial motor vehicle for a specified period of time or for some violations until a required condition is met.

(b) Other: Violations other than out-of-service violations require no immediate action by the driver or motor carrier. The carrier must certify in accordance with the terms contained on the inspection document and return it to the Department of Transportation within 15 days.

(2) Copies of the North American Standard Driver Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.

Stat. Auth.: ORS 823.011 & 825.232

Stats. Implemented: ORS 825.250 & 825.252

Hist.: PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); PUC 6-1991, f. & cert. ef. 4-9-91 (Order No. 91-455); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 15-1993(Temp), f. & cert. ef. 8-19-93 (Order No. 93-1156); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert.

ef. 7-13-95 (Order No. 95-562); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0040; MCT 4-1996, f. 3-20-96, cert. ef. 4-1-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00; MCTB 2-2001, f. 3-13-01, cert. ef. 4-1-01; MCTB 2-2002, f. & cert. ef. 6-21-02; MCTD 2-2003, f. & cert. ef. 4-21-03; MCTD 6-2003, f. & 11-18-03, cert. ef. 1-1-04; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 2-2006, f. 3-17-06, cert. ef. 4-1-06; MCTD 1-2007, f. 3-26-07, cert. ef. 4-1-07; MCTD 1-2008, f. 3-20-08, cert. ef. 4-1-08; MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11; MCTD 1-2012, f. 2-21-12, cert. ef. 4-1-12; MCTD 3-2013, f. & cert. ef. 4-22-13

740-110-0010

Adoption of United States Department of Transportation Hazardous Materials Regulations

(1) Any person subject to ORS Chapter 825 who transports a hazardous material and any person subject to 823.061 who causes to be transported a hazardous material must comply with the rules and regulations governing the transportation of hazardous materials as prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, Part 397 and such portions of Parts 107-178 and 180 as are applicable and amendments thereto, in effect on April 1, 2013.

(2) Copies of the federal regulations referred to in this rule are available from ODOT, Motor Carrier Transportation Division or may be accessed on the Federal Motor Carrier Safety Administration website, www.fmcsa.dot.gov.

Stat. Auth.: ORS 823.011, 823.061 & 825.258

Stats. Implemented: ORS 823.061, 825.258

Hist.: Refiled in PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 98, f. 1-18-61, ef. 1-12-61 (Order No. 37620); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 132, f. 3-29-65, ef. 4-1-65 (Order No. 41035); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 150, f. 11-7-68, ef. 12-1-68 (Order No. 45141); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); PUC 1-1980, f. & ef. 3-27-80 (Order No. 80-179); PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order No. 79-805); PUC 5-1980, f. & ef. 10-13-80 (Order No. 80-758); Renumbered from 860-036-0055; PUC 1-1981, f. & ef. 2-9-81; PUC 12-1981, f. & ef. 12-16-81 (Order No. 81-880); PUC 6-1982, f. & ef. 5-6-82 (Order No. 82-336); PUC 1-1983, f. & ef. 1-17-83 (Order No. 83-024); PUC 1-1984, f. & ef. 2-9-84 (Order No. 84-076); PUC 13-1984, f. & ef. 7-26-84 (Order No. 84-546); PUC 8-1985, f. & ef. 6-10-85 (Order No. 85-499); PUC 7-1986(Temp), f. & ef. 7-25-86 (Order No. 86-736); PUC 13-1986, f. & ef. 10-30-86 (Order No. 86-1106); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 10-1993, f. & cert. ef. 6-3-93 (Order No. 93-693 & 93-761); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 1-1996, f. 2-16-96, cert. ef. 4-1-96; Renumbered from 860-066-0055; MCT 3-1996, f. & cert. ef. 3-14-96; MCT 5-1996, f. & cert. ef. 9-17-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00; MCTB 2-2001, f. 3-13-01, cert. ef. 4-1-01; MCTB 2-2002, f. & cert. ef. 6-21-02; MCTD 2-2003, f. & cert. ef. 4-21-03; MCTD 6-2003, f. 11-18-03, cert. ef. 1-1-04; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 2-2006, f. 3-17-06, cert. ef. 4-1-06; MCTD 1-2007, f. 3-26-07, cert. ef. 4-1-07; MCTD 1-2008, f. 3-20-08, cert. ef. 4-1-08; MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11; MCTD 1-2012, f. 2-21-12, cert. ef. 4-1-12; MCTD 3-2013, f. & cert. ef. 4-22-13

Department of Veterans' Affairs Chapter 274

Rule Caption: Updating Effective Date of the Attorney General's Model Rules of Procedure Manual

Adm. Order No.: DVA 1-2013

Filed with Sec. of State: 5-15-2013

Certified to be Effective: 5-15-13

Notice Publication Date:

Rules Amended: 274-001-0005

Subject: The changes reflect the current Attorney General's Administrative Law Manual and Uniform and Model Rules of Procedure under the Administrative Procedures Act (Manual) which is dated January 2012, and more specifically the rules contained in Appendix G of the Manual.

Rules Coordinator: Bruce Craig—(503) 373-2327

274-001-0005

Model Rules of Procedure

Pursuant to the provisions of ORS 183.341, the Department of Veterans' Affairs adopts the Uniform and Model Rules of Procedure as contained in Appendix G of the “Attorney General's Administrative Law Manual and Uniform and Model Rules of Procedure” dated January 2012. A copy of this manual is on file with the Department of Veterans' Affairs, 700 Summer Street NE, Salem, Oregon, and is available for public review Monday through Friday between the hours of 8 a.m. and 5 p.m.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Department of Veterans' Affairs.]

Stat. Auth.: ORS 183.341 & 406.030

Stats. Implemented: ORS 183.341 & 406.030

ADMINISTRATIVE RULES

Hist.: DVA 41, f. 12-1-71, ef. 12-15-71; DVA 43, f. 10-22-73, ef. 11-11-73; DVA 46, f. & ef. 4-20-76; DVA 1-1978, f. & ef. 4-20-78; DVA 2-1980, f. & ef. 5-16-80; DVA 9-1981, f. & ef. 11-19-81; DVA 12-1983, f. & ef. 10-7-83; DVA 3-1986, f. & ef. 2-18-86; DVA 5-1988, f. & cert. ef. 10-27-88; DVA 4-1990, f. 7-13-90, cert. ef. 8-20-90; DVA 8-1991, f. & cert. ef. 12-3-91; DVA 4-1996, f. & cert. ef. 7-22-96; DVA 4-1998, f. & cert. ef. 3-26-98; DVA 11-2000, f. & cert. ef. 12-14-00; DVA 1-2002, f. & cert. ef. 1-18-02; DVA 6-2004, f. & cert. ef. 4-16-04; DVA 7-2006, f. & cert. ef. 6-27-06; DVA 5-2008, f. & cert. ef. 3-25-08; DVA 1-2013, f. & cert. ef. 5-15-13

Land Use Board of Appeals
Chapter 661

Rule Caption: Amends rule to reflect agency change of address.

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

Filed with Sec. of State: 4-30-2013

Certified to be Effective: 5-1-13 thru 10-28-13

Notice Publication Date:

Rules Amended: 661-010-0075

Subject: Effective May 6, 2013, LUBA's offices will be re-located to the Department of State Lands Building, 775 Summer Street NE, Suite 330, Salem Oregon, 97301-1283. Accordingly, LUBA must amend OAR 661-010-0075(9), which specifies the mailing location of the Board, and Exhibit 5 to LUBA's rules, which is a sample certificate of filing with LUBA's address listed. LUBA anticipates that it will replace the temporary amendments with permanent rule amendments within 180 days of the effective date of the temporary rule.

Rules Coordinator: Kelly Burgess—(503) 373-1265

661-010-0075

Miscellaneous Provisions

(1) Cost Bill and Attorney Fees:

(a) Time for Filing: The prevailing party may file a cost bill or a motion for attorney fees, or both, no later than 14 days after the final order is issued. The prevailing party shall serve a copy of any such cost bill or motion for attorney fees on all parties.

(b) Recoverable Costs: Costs may be recovered only for the items set forth in this subsection.

(A) If the petitioner is the prevailing party, the petitioner may be awarded the cost of the filing fee.

(B) If the governing body is the prevailing party, the governing body may be awarded copying costs for the required number of copies of the record, at 25 cents per page, whether or not the governing body actively participated in the review.

(C) Costs awarded to the governing body pursuant to this section shall be paid from the deposit required by OAR 661-010-0015(4) and shall not exceed the amount of that deposit.

(c) Forfeit of Filing Fee and Deposit: If a record has been filed and a petition for review is not filed within the time required by these rules, and the governing body files a cost bill pursuant to this section requesting forfeiture of the filing fee and deposit, the filing fee and deposit required by OAR 661-010-0015(4) shall be awarded to the governing body as cost of preparation of the record. See OAR 661-010-0030(1).

(d) Return of Deposit: After any award of costs under subsection (b) of this section is made, any amount of the deposit remaining shall be returned to petitioner.

(e) Attorney Fees:

(A) Attorney fees shall be awarded by the Board to the prevailing party as specified in ORS 197.830(15)(b); a motion for attorney fees shall include a signed and detailed statement of the amount of attorney fees sought.

(B) Attorney fees shall be awarded to the applicant, against the governing body, if the Board reverses a land use decision or limited land use decision and orders a local government to approve a development application pursuant to ORS 197.835(10).

(C) Attorney fees shall be awarded to the applicant, against the person who requested a stay pursuant to ORS 197.845, if the Board affirms a quasi-judicial land use decision or limited land use decision for which such a stay was granted. The amount of the award shall be limited to reasonable attorney's fees incurred due to the stay request, and together with any actual damages awarded, shall not exceed the amount of the undertaking required under ORS 197.845(2).

(f) Responses and Objections: Any response to a motion for attorney fees, together with any objections to the detailed statement of the amount of attorney fees sought, shall be filed with the Board within 14 days after

the date of service of the motion. Objections to the cost bill shall be filed with the Board within 14 days after the date of service of the cost bill.

(g) If a cost bill, a motion for attorney fees, or both are filed, and the Board's decision is appealed to the Court of Appeals, the Board shall act on the cost bill or motion for attorney fees after an appellate judgment is issued and any further Board proceedings necessitated by that judgment are concluded.

(2) Filing and Service:

(a) Filing:

(A) Documents may not be filed by facsimile. Documents filed with the Board may include facsimile signatures.

(B) Except as provided in OAR 661-010-0015(1)(b) with regard to the notice of intent to appeal, filing a document with the Board is accomplished by:

(i) Delivery to the Board on or before the date due; or

(ii) Mailing on or before the date due by first class mail with the United States Postal Service. If the date of mailing is relied upon as the date of filing, the date of the first class postmark on the envelope mailed to the Board is the date of filing.

(b) Service:

(A) Any document filed with the Board, other than the record as provided in OAR 661-010-0025(3), or the record after withdrawal for reconsideration as provided in 661-010-0021(6), must also be served on all parties contemporaneously. Service on two or more petitioners unrepresented by an attorney is accomplished by serving the lead petitioner designated under 661-010-0015(3)(f)(A). Service on two or more intervenors unrepresented by an attorney is accomplished by serving the lead intervenor designated under 661-010-0050(2).

(B) Service may be in person, or by first-class mail. Mail service is complete on deposit in the mail.

(C) Service copies of documents other than the Notice or the record shall include a certificate showing the date of filing with the Board (see Exhibit 5). [Exhibit not included. See ED. NOTE.]

(D) Documents filed with the Board shall contain either an acknowledgement of service by the person served or proof of service by a statement certified by the person who made service of the date of personal delivery or deposit in the mail, and the names and addresses of the persons served (see Exhibit 6). [Exhibit not included. See ED. NOTE.]

(c) Recycled Paper: Parties filing anything with the Board, including but not limited to notices of intent to appeal, records, motions, and briefs, are encouraged to use recycled paper if recycled paper is readily available at a reasonable price in the party's community. Further, parties are encouraged to use paper containing the highest available content of post-consumer waste, as defined in ORS 279.545, that is recyclable in the office paper recycling program in the party's community.

(3) Number of Copies Required: Unless these rules provide otherwise, all documents filed with the Board shall be filed with one copy. No copy of a record transmitted pursuant to OAR 661-010-0025(2), or a record after withdrawal for reconsideration transmitted pursuant to 661-010-0021(6), is required.

(4) Copying Fee: The following fees shall be charged for certified copies of Board nonexempt public records as defined in ORS 192.410, 192.501, 192.502, and 192.505:

(a) 25 cents per page for copies of any Board transcript or document of public record.

(b) \$10 for a copy of a cassette tape, compact disc or similar media disc in the record.

(c) \$20 for a copy of a videocassette tape in the record.

(d) The Board shall also charge the actual cost of copying and mailing oversized exhibits, plans or maps.

(5) Conferences: On its own motion or at the request of any party, the Board may conduct one or more conferences. Conferences may be by telephone. The Board shall provide reasonable notice advising all parties of the time, place and purpose of any conference.

(6) Appearances Before the Board: An individual shall either appear on his or her own behalf or be represented by an attorney. A corporation or other organization shall be represented by an attorney. In no event may a party be represented by someone other than an active member of the Oregon State Bar. In the event someone other than an active member of the Oregon State Bar files a notice of intent to appeal on behalf of a corporation, other organization, or another individual, the individual filing the notice of intent to appeal will be given an opportunity to provide an amended notice of intent to appeal that conforms with this section. If an amended notice of intent to appeal is not filed within the time set by the Board, the Board will dismiss the appeal.

ADMINISTRATIVE RULES

(7) Lead Petitioner or Intervenor:

(a) A lead petitioner is responsible for notifying the other petitioners of documents and communications received from the Board and other parties, but each petitioner remains responsible for his or her own representation.

(b) A lead intervenor is responsible for notifying the other intervenors of documents and communications received from the Board and other parties, but each intervenor remains responsible for his or her own representation. A lead intervenor's responsibilities under this subsection extend only to intervenors who joined in the lead intervenor's motion to intervene and does not extend to intervenors who filed separate motions to intervene.

(8) Computation of Time: Time deadlines in these rules shall be computed by excluding the first day and including the last day. If the last day is Saturday, Sunday or other state or federal legal holiday, the act must be performed on the next working day.

(9) Address and Hours of the Board: Until May 5, 2013, the Board's address is Public Utility Commission Building, 550 Capitol Street NE, Suite 235, Salem, Oregon, 97301-2552. Effective May 6, 2013, the Board's address is Department of State Lands Building, 775 Summer Street NE, Suite 330, Salem Oregon, 97301-1283. The Board will accept as correctly addressed pleadings addressed to either location. The telephone number is (503) 373-1265. The offices of the Board shall be open from 8:00 a.m. to 12:00 p.m., and 1:00 p.m. to 5:00 p.m. Monday through Friday.

(10) Citations to Board Decisions: Citations to Board decisions shall be in the following form:

(a) Reported Cases: John Doe v. XYZ County, 5 Or LUBA 654 (1981).

(b) Unreported Cases: John Doe v. XYZ County, ___ Or LUBA ___ (LUBA No. 80-123, February 15, 1981).

(11) Motion to Transfer to Circuit Court:

(a) Any party may request, pursuant to ORS 34.102, that an appeal be transferred to the circuit court of the county in which the appealed decision was made, in the event the Board determines the appealed decision is not reviewable as a land use decision or limited land use decision as defined in 197.015(10) or (12).

(b) A request for a transfer pursuant to ORS 34.102 shall be initiated by filing a motion to transfer to circuit court not later than 14 days after the date a respondent's brief or motion that challenges the Board's jurisdiction is filed. If the Board raises a jurisdictional issue on its own motion, a motion to transfer to circuit court shall be filed not later than 14 days after the date the moving party learns the Board has raised a jurisdictional issue.

(c) If the Board determines the appealed decision is not reviewable as a land use decision or limited land use decision as defined in ORS 197.015(10) or (12), the Board shall dismiss the appeal unless a motion to transfer to circuit court is filed as provided in subsection (11)(b) of this rule, in which case the Board shall transfer the appeal to the circuit court of the county in which the appealed decision was made.

(12) Transfer from Circuit Court: When any appeal of a land use or limited land use decision is transferred to LUBA from circuit court, the petition for writ of review filed in the circuit court shall be treated as the notice of intent to appeal, and the case shall proceed as provided in LUBA's rules, subject to the following:

(a) No additional filing fee shall be required;

(b) After an appeal is transferred to LUBA, the Board, by letter, will establish a deadline for the petitioner to submit the deposit for costs and a deadline for the respondent to transmit the record.

(13) Transfer from the Oregon Department of Land Conservation and Development: Where the Director of the Oregon Department of Land Conservation and Development transfers a matter to LUBA pursuant to ORS 197.825(2)(c)(A), the case shall proceed as provided in LUBA's rules, subject to the following:

(a) The date of the notice from the Director making the transfer shall begin the running of a 21-day period within which one or more parties in the proceedings before the department may file a notice of intent to appeal with LUBA. A notice filed thereafter shall not be deemed timely filed, and the appeal shall be dismissed.

(b) Except as provided in this section, the notice of intent to appeal shall conform to the requirements of OAR 661-010-0015, including payment of the filing fee and deposit for costs. The notice of intent to appeal shall identify the local government as the respondent, rather than the Oregon Department of Land Conservation and Development or the Land Conservation and Development Commission.

(c) On receipt of a notice of intent to appeal, the Board shall, by letter, establish a deadline for the respondent to file the portion of the local

record necessary to review the transferred matter. In all other respects, an appeal of a transferred matter shall proceed according to LUBA's rules.

(14) All briefs and motions filed with the Board shall comply with the rules in OAR 661-010-0030(2) with respect to type size, spacing, paper size and printing, numbering and margins.

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

Stat. Auth.: ORS 183.545 & 197.820(4)

Stat. Implemented: ORS 34.102, 197.830(9), (13)(a) & (15), 197.835(10) & 197.845(3)

Hist.: LUBA 1-1979(Temp), f. & ef. 11-1-79; LUBA 2-1980, f. & ef. 4-29-80; LUBA 2-1981(Temp), f. & ef. 8-20-81; LUBA 1-1982(Temp), f. & ef. 5-19-82; LUBA 1-1983, f. & ef. 10-3-83; LUBA 1-1987, f. & ef. 12-30-87; LUBA 1-1989, f. & cert. ef. 11-30-89; LUBA 1-1992, f. & cert. ef. 1-21-92; LUBA 2-1992, f. & cert. ef. 3-19-92; LUBA 1-1994, f. & cert. ef. 6-22-94; LUBA 1-1998, f. 2-12-98, cert. ef. 3-1-98; LUBA 2-1998(Temp), f. & cert. ef. 6-15-98 thru 12-12-98; LUBA 3-1998, f. 12-1-98, cert. ef. 12-13-98; LUBA 1-2001, f. 10-15-01, cert. ef. 1-1-02; LUBA 1-2010, f. 6-30-10, cert. ef. 7-1-10; LUBA 1-2013(Temp), f. 4-30-13, cert. ef. 5-1-13 thru 10-28-13

Oregon Board of Dentistry Chapter 818

Rule Caption: Amends Rules regarding Practice, Additional Equipment, Anesthesia, Orthodontic Assistants, Hygienists, Fees and Populations served.

Adm. Order No.: OBD 1-2013

Filed with Sec. of State: 5-15-2013

Certified to be Effective: 7-1-13

Notice Publication Date: 4-1-2013

Rules Amended: 818-001-0002, 818-001-0087, 818-012-0005, 818-026-0000, 818-026-0020, 818-026-0060, 818-026-0065, 818-026-0070, 818-035-0020, 818-035-0066, 818-035-0072, 818-042-0090, 818-042-0095, 818-042-0110

Subject: The Board is amending 818-001-0002 Definitions to clarify the term Dentist of Record.

The Board is amending 818-001-0087 Fees to clarify the fees for specialty dental exams.

The Board is amending 818-012-0005 Scope of Practice to replace current rule, correct a lettering mistake.

The Board is amending 818-026-0000 Purpose to remove language from the rule that had designated where sedation could occur.

The Board is amending 818-026-0020 Presumption of Degree of Central Nervous System Depression will address sedation to children 6 yrs or younger.

The Board is amending 818-026-0060 Moderate Sedation Permit to add an equipment requirement. The Board is amending 818-026-0065 Deep Sedation Permit to remove language from the rule.

The Board is amending 818-026-0065 Deep Sedation Permit to remove language from the rule.

The Board is amending 818-026-0065(2)(h) and (7)(a) Deep Sedation Permit to add an additional equipment requirement.

The Board is amending 818-026-0070 General Anesthesia Permit to add an additional equipment requirements.

The Board is amending 818-035-0020 Authorization to Practice Clarifies the duties a hygienist may perform.

The Board is amending 818-035-0066 Additional Populations for Expanded Practice Dental Hygiene Permit Holders clarify rule and additional population to serve.

The Board is amending 818-035-0072 Restorative Functions of Dental Hygienists to delete the word anterior from rule.

The Board is amending 818-042-0090 Additional Functions of EFDAs

Allow hygienists to authorize EFDAs to apply sealants and soft relines.

The Board is amending 818-042-0095 Restorative Functions of Dental Assistants to delete the word anterior from rule.

The Board is amending 818-042-0110 Certification- Expanded Function Orthodontic Assistant to clarify the on the job requirement.

Rules Coordinator: Stephen Prisby—(971) 673-3200

818-001-0002 Definitions

As used in OAR Chapter 818:

(1) "Board" means the Oregon Board of Dentistry, the members of the Board, its employees, its agents, and its consultants.

ADMINISTRATIVE RULES

(2) "Dental Practice Act" means ORS Chapter 679 and 680.010 to 680.170 and the rules adopted pursuant thereto.

(3) "Dentist" means a person licensed pursuant to ORS Chapter 679 to practice dentistry.

(4) "Direct Supervision" means supervision requiring that a dentist diagnose the condition to be treated, that a dentist authorize the procedure to be performed, and that a dentist remain in the dental treatment room while the procedures are performed.

(5) "General Supervision" means supervision requiring that a dentist authorize the procedures, but not requiring that a dentist be present when the authorized procedures are performed. The authorized procedures may also be performed at a place other than the usual place of practice of the dentist.

(6) "Hygienist" means a person licensed pursuant to ORS 680.010 to 680.170 to practice dental hygiene.

(7) "Indirect Supervision" means supervision requiring that a dentist authorize the procedures and that a dentist be on the premises while the procedures are performed.

(8) "Informed Consent" means the consent obtained following a thorough and easily understood explanation to the patient, or patient's guardian, of the proposed procedures, any available alternative procedures and any risks associated with the procedures. Following the explanation, the licensee shall ask the patient, or the patient's guardian, if there are any questions. The licensee shall provide thorough and easily understood answers to all questions asked.

(9)(a) "Licensee" means a dentist or hygienist.

(b) "Volunteer Licensee" is a dentist or dental hygienist licensed according to rule to provide dental health care without receiving or expecting to receive compensation.

(10) "Limited Access Patient" means a patient who, due to age, infirmity, or handicap is unable to receive regular dental hygiene treatment in a dental office.

(11) "Specialty." Specialty areas of dentistry are as defined by the American Dental Association, Council on Dental Education. The specialty definitions are added to more clearly define the scope of the practice as it pertains to the specialty areas of dentistry.

(a) "Dental Public Health" is the science and art of preventing and controlling dental diseases and promoting dental health through organized community efforts. It is that form of dental practice which serves the community as a patient rather than the individual. It is concerned with the dental health education of the public, with applied dental research, and with the administration of group dental care programs as well as the prevention and control of dental diseases on a community basis.

(b) "Endodontics" is the branch of dentistry which is concerned with the morphology, physiology and pathology of the human dental pulp and periradicular tissues. Its study and practice encompass the basic and clinical sciences including biology of the normal pulp, the etiology, diagnosis, prevention and treatment of diseases and injuries of the pulp and associated periradicular conditions.

(c) "Oral and Maxillofacial Pathology" is the specialty of dentistry and discipline of pathology that deals with the nature, identification, and management of diseases affecting the oral and maxillofacial regions. It is a science that investigates the causes, processes, and effects of these diseases. The practice of oral pathology includes research and diagnosis of diseases using clinical, radiographic, microscopic, biochemical, or other examinations.

(d) "Oral and Maxillofacial Radiology" is the specialty of dentistry and discipline of radiology concerned with the production and interpretation of images and data produced by all modalities of radiant energy that are used for the diagnosis and management of diseases, disorders and conditions of the oral and maxillofacial region.

(e) "Oral and Maxillofacial Surgery" is the specialty of dentistry which includes the diagnosis, surgical and adjunctive treatment of diseases, injuries and defects involving both the functional and esthetic aspects of the hard and soft tissues of the oral and maxillofacial region.

(f) "Orthodontics and Dentofacial Orthopedics" is the area of dentistry concerned with the supervision, guidance and correction of the growing or mature dentofacial structures, including those conditions that require movement of teeth or correction of malrelationships and malformations of their related structures and the adjustment of relationships between and among teeth and facial bones by the application of forces and/or the stimulation and redirection of functional forces within the craniofacial complex. Major responsibilities of orthodontic practice include the diagnosis, prevention, interception and treatment of all forms of malocclusion of the teeth and associated alterations in their surrounding structures; the design, appli-

cation and control of functional and corrective appliances; and the guidance of the dentition and its supporting structures to attain and maintain optimum occlusal relations in physiologic and esthetic harmony among facial and cranial structures.

(g) "Pediatric Dentistry" is an age defined specialty that provides both primary and comprehensive preventive and therapeutic oral health care for infants and children through adolescence, including those with special health care needs.

(h) "Periodontics" is the specialty of dentistry which encompasses the prevention, diagnosis and treatment of diseases of the supporting and surrounding tissues of the teeth or their substitutes and the maintenance of the health, function and esthetics of these structures and tissues.

(i) "Prosthodontics" is the branch of dentistry pertaining to the restoration and maintenance of oral functions, comfort, appearance and health of the patient by the restoration of natural teeth and/or the replacement of missing teeth and contiguous oral and maxillofacial tissues with artificial substitutes.

(12) "Full-time" as used in ORS 679.025 and 680.020 is defined by the Board as any student who is enrolled in an institution accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency in a course of study for dentistry or dental hygiene.

(13) For purposes of ORS 679.020(4)(h) the term "dentist of record" means a dentist that either authorized treatment for, supervised treatment of or provided treatment for the patient in clinical settings of the institution described in 679.020(3).

Stat. Auth.: ORS 679 & 680

Stats. Implemented: ORS 679.010 & 680.010

Hist.: DE 11-1984, f. & ef. 5-17-84; DE 1-1988, f. 12-28-88, cert. ef. 2-1-89; DE 1-1989, f. 1-27-89, cert. ef. 2-1-89; Renumbered from 818-001-0001; DE 3-1997, f. & cert. ef. 8-27-97; OBD 7-2001, f. & cert. ef. 1-8-01; OBD 2-2005, f. 1-31-05, cert. ef. 2-1-05; OBD 1-2006, f. 3-17-06, cert. ef. 4-1-06; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08; OBD 4-2011, f. & cert., ef. 11-15-11; OBD 1-2013, f. 5-15-13, cert. ef. 7-1-13

818-001-0087

Fees

(1) The Board adopts the following fees:

(a) Biennial License Fees:

(A) Dental — \$315;

(B) Dental — retired — \$0;

(C) Dental Faculty — \$260;

(D) Volunteer Dentist — \$0;

(E) Dental Hygiene — \$155;

(F) Dental Hygiene — retired — \$0;

(G) Volunteer Dental Hygienist — \$0.

(b) Biennial Permits, Endorsements or Certificates:

(A) Nitrous Oxide Permit — \$40;

(B) Minimal Sedation Permit — \$75;

(C) Moderate Sedation Permit — \$75;

(D) Deep Sedation Permit — \$75;

(E) General Anesthesia Permit — \$140;

(F) Radiology — \$75;

(G) Expanded Function Dental Assistant — \$50;

(H) Expanded Function Orthodontic Assistant — \$50;

(I) Instructor Permits — \$40;

(J) Dental Hygiene Restorative Functions Endorsement — \$50;

(K) Restorative Functions Dental Assistant — \$50;

(L) Anesthesia Dental Assistant — \$50;

(M) Dental Hygiene, Expanded Practice Permit — \$75

(c) Applications for Licensure:

(A) Dental — General and Specialty — \$345;

(B) Dental Faculty — \$305;

(C) Dental Hygiene — \$180;

(D) Licensure Without Further Examination — Dental and Dental Hygiene — \$790.

(d) Examinations:

(A) Jurisprudence — \$0;

(B) Dental Specialty:

(i) If only one candidate applies for the exam, a fee of \$2,000.00 will be required at the time of application; and

(ii) If two candidates apply for the exam, a fee of \$1,000.00 will be required at the time of application; and

(iii) If three or more candidates apply for the exam, a fee of \$750.00 will be required at the time of application.

(e) Duplicate Wall Certificates — \$50.

(2) Fees must be paid at the time of application and are not refundable.

ADMINISTRATIVE RULES

(3) The Board shall not refund moneys under \$5.01 received in excess of amounts due or to which the Board has no legal interest unless the person who made the payment or the person's legal representative requests a refund in writing within one year of payment to the Board.

Stat. Auth.: ORS 679 & 680
Stats. Implemented: ORS 293.445, 679.060, 679.115, 679.120, 679.250, 680.050, 680.075, 680.200 & 680.205
Hist.: DE 6-1985(Temp), f. & cf. 9-20-85; DE 3-1986, f. & cf. 3-31-86; DE 1-1987, f. & cf. 10-7-87; DE 1-1988, f. 12-28-88, cert. ef. 2-1-89, corrected by DE 1-1989, f. 1-27-89, cert. ef. 2-1-89; Renumbered from 818-001-0085; DE 2-1989(Temp), f. & cert. ef. 11-30-89; DE 1-1990, f. 3-19-90, cert. ef. 4-2-90; DE 1-1991(Temp), f. 8-5-91, cert. ef. 8-15-91; DE 2-1991, f. & cert. ef. 12-31-91; DE 1-1992(Temp), f. & cert. ef. 6-24-92; DE 2-1993, f. & cert. ef. 7-13-93; OBD 1-1998, f. & cert. ef. 6-8-98; OBD 3-1999, f. 6-25-99, cert. ef. 7-1-99; Administrative correction, 8-2-99; OBD 5-2000, f. 6-22-00, cert. ef. 7-1-00; OBD 8-2001, f. & cert. ef. 1-8-01; OBD 2-2005, f. 1-31-05, cert. ef. 2-1-05; OBD 2-2007, f. 4-26-07, cert. ef. 5-1-07; OBD 3-2007, f. & cert. ef. 11-30-07; OBD 1-2009(Temp), f. 6-11-09, cert. ef. 7-1-09 thru 11-1-09; OBD 2-2009, f. 10-21-09, cert. ef. 11-1-09; OBD 1-2010, f. 6-22-10, cert. ef. 7-1-10; OBD 3-2011(Temp), f. 6-30-11, cert. ef. 7-1-11 thru 12-27-11; OBD 4-2011, f. & cert. ef. 11-15-11; OBD 1-2012, f. & cert. ef. 1-27-12; OBD 1-2013, f. 5-15-13, cert. ef. 7-1-13

818-012-0005

Scope of Practice

- (1) No dentist may perform any of the procedures listed below
 - (a) Rhinoplasty;
 - (b) Blepharoplasty;
 - (c) Rhytidectomy;
 - (d) Submental liposuction;
 - (e) Laser resurfacing;
 - (f) Browlift, either open or endoscopic technique;
 - (g) Platysmal muscle plication;
 - (h) Dermabrasion;
 - (i) Otoplasty;
 - (j) Lip augmentation;
 - (k) Hair transplantation, not as an isolated procedure for male pattern baldness; and

(1) Harvesting bone extra orally for dental procedures, including oral and maxillofacial procedures.

(2) Unless the dentist:

(a) Has successfully completed a residency in Oral and Maxillofacial Surgery accredited by the American Dental Association, Commission on Dental Accreditation (CODA); and

(b) Has successfully completed a clinical fellowship, of at least one continuous year in duration, in esthetic (cosmetic) surgery recognized by the American Association of Oral and Maxillofacial Surgeons or by the American Dental Association Commission on Dental Accreditation; or

(c) Holds privileges either:

(A) Issued by a credentialing committee of a hospital accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) to perform these procedures in a hospital setting; or

(B) Issued by a credentialing committee for an ambulatory surgical center licensed by the State of Oregon and accredited by either the JCAHO or the American Association for Ambulatory Health Care (AAAH).

Stat. Auth.: ORS 679 & 680
Stats. Implemented: ORS 679.010(2), 679.140(1)(c), 679.140(2), 679.170(6) & 680.100
Hist.: OBD 6-2001, f. & cert. ef. 1-8-01; OBD 1-2013, f. 5-15-13, cert. ef. 7-1-13

818-026-0000

Purpose

(1) These rules apply to the administration of substances that produce general anesthesia, deep sedation, moderate sedation, minimal sedation or nitrous oxide sedation in patients being treated by licensees. These regulations are not intended to prohibit training programs for licensees or to prevent persons from taking necessary action in case of an emergency.

(2) Nothing in this Division relieves a licensee from the standards imposed by ORS 679.140(1)(e) and 679.140(4).

Stat. Auth.: ORS 679 & 680
Stats. Implemented: ORS 679.250(7) & 679.250(10)
Hist.: OBD 2-1998, f. 7-13-98, cert. ef. 10-1-98; OBD 6-1999, f. 6-25-99, cert. ef. 7-1-99; OBD 3-2003, f. 9-15-03, cert. ef. 10-1-03; OBD 1-2005, f. 1-28-05, cert. ef. 2-1-05; OBD 1-2010, f. 6-22-10, cert. ef. 7-1-10; OBD 1-2013, f. 5-15-13, cert. ef. 7-1-13

818-026-0020

Presumption of Degree of Central Nervous System Depression

(1) In any hearing where a question exists as to the degree of central nervous system depression a licensee has induced (i.e., general anesthesia, deep sedation, moderate sedation, minimal sedation or nitrous oxide sedation), the Board may base its findings on, among other things, the types, dosages and routes of administration of drugs administered to the patient and what result can reasonably be expected from those drugs in those

dosages and routes administered in a patient of that physical and psychological status.

(2) The following drugs are conclusively presumed to produce general anesthesia and may only be used by a licensee holding a General Anesthesia Permit:

(a) Ultra short acting barbiturates including, but not limited to, sodium methohexital, thiopental, thiamylal;

(b) Alkylphenols — propofol (Diprivan) including precursors or derivatives;

(c) Neuroleptic agents;

(d) Dissociative agents — ketamine;

(e) Etomidate;

(f) Rapidly acting steroid preparations; and

(g) Volatile inhalational agents.

(3) No permit holder shall have more than one person under any form of sedation or general anesthesia at the same time exclusive of recovery.

(4) A licensee that does not hold a Moderate, Deep Sedation or General Anesthesia Permit may not administer, for purpose of anxiolysis or sedation, Benzodiazepines or narcotics in children under 6 years of age.

Stat. Auth.: ORS 679 & 680
Stats. Implemented: ORS 679.250(7) & 679.250(10)
Hist.: OBD 2-1998, f. 7-13-98, cert. ef. 10-1-98; OBD 6-1999, f. 6-25-99, cert. ef. 7-1-99; OBD 3-2003, f. 9-15-03, cert. ef. 10-1-03; OBD 1-2005, f. 1-28-05, cert. ef. 2-1-05; OBD 1-2010, f. 6-22-10, cert. ef. 7-1-10; OBD 1-2013, f. 5-15-13, cert. ef. 7-1-13

818-026-0060

Moderate Sedation Permit

Moderate sedation, minimal sedation, and nitrous oxide sedation.

(1) The Board shall issue or renew a Moderate Sedation Permit to an applicant who:

(a) Is a licensed dentist in Oregon;

(b) Either holds a current Advanced Cardiac Life Support (ACLS) or Pediatric Advanced Life Support (PALS) certificate, whichever is appropriate for the patient being sedated, or successfully completes the American Dental Association's course "*Recognition and Management of Complications during Minimal and Moderate Sedation*" at least every two years; and

(c) Satisfies one of the following criteria:

(A) Completion of a comprehensive training program in enteral and/or parenteral sedation that satisfies the requirements described in Part III of the *ADA Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students* (2007) at the time training was commenced.

(i) Enteral Moderate Sedation requires a minimum of 24 hours of instruction plus management of at least 10 dental patient experiences by the enteral and/or enteral-nitrous oxide/oxygen route.

(ii) Parenteral Moderate Sedation requires a minimum of 60 hours of instruction plus management of at least 20 dental patients by the intravenous route.

(B) Completion of an ADA accredited postdoctoral training program (e.g., general practice residency) which affords comprehensive and appropriate training necessary to administer and manage parenteral sedation, commensurate with these Guidelines.

(C) In lieu of these requirements, the Board may accept equivalent training or experience in moderate sedation anesthesia.

(2) The following facilities, equipment and drugs shall be on site and available for immediate use during the procedures and during recovery:

(a) An operating room large enough to adequately accommodate the patient on an operating table or in an operating chair and to allow an operating team of at least two individuals to freely move about the patient;

(b) An operating table or chair which permits the patient to be positioned so the operating team can maintain the patient's airway, quickly alter the patient's position in an emergency, and provide a firm platform for the administration of basic life support;

(c) A lighting system which permits evaluation of the patient's skin and mucosal color and a backup lighting system of sufficient intensity to permit completion of any operation underway in the event of a general power failure;

(d) Suction equipment which permits aspiration of the oral and pharyngeal cavities and a backup suction device which will function in the event of a general power failure;

(e) An oxygen delivery system with adequate full face mask and appropriate connectors that is capable of delivering high flow oxygen to the patient under positive pressure, together with an adequate backup system;

(f) A nitrous oxide delivery system with a fail-safe mechanism that will insure appropriate continuous oxygen delivery and a scavenger system;

(g) A recovery area that has available oxygen, adequate lighting, suction and electrical outlets. The recovery area can be the operating room;

ADMINISTRATIVE RULES

(h) Sphygmomanometer, precordial/pretracheal stethoscope, capnograph, pulse oximeter, oral and nasopharyngeal airways, laryngeal mask airways, intravenous fluid administration equipment, automated external defibrillator (AED); and

(i) Emergency drugs including, but not limited to: pharmacologic antagonists appropriate to the drugs used, vasopressors, corticosteroids, bronchodilators, antihistamines, antihypertensives and anticonvulsants.

(3) No permit holder shall have more than one person under moderate sedation, minimal sedation, or nitrous oxide sedation at the same time.

(4) During the administration of moderate sedation, and at all times while the patient is under moderate sedation, an anesthesia monitor, and one other person holding a Health Care Provider BLS/CPR level certificate or its equivalent, shall be present in the operatory, in addition to the dentist performing the dental procedures.

(5) Before inducing moderate sedation, a dentist who induces moderate sedation shall:

(a) Evaluate the patient and document, using the American Society of Anesthesiologists *Patient Physical Status Classifications*, that the patient is an appropriate candidate for moderate sedation;

(b) Give written preoperative and postoperative instructions to the patient or, when appropriate due to age or psychological status of the patient, the patient's guardian; and

(c) Obtain written informed consent from the patient or patient's guardian for the anesthesia.

(6) A patient under moderate sedation shall be visually monitored at all times, including the recovery phase. The dentist or anesthesia monitor shall monitor and record the patient's condition.

(7) The patient shall be monitored as follows:

(a) Patients must have continuous monitoring using pulse oximetry and End-tidal CO2 monitors. The patient's blood pressure, heart rate, and respiration shall be recorded at regular intervals but at least every 15 minutes, and these recordings shall be documented in the patient record. The record must also include documentation of preoperative and postoperative vital signs, all medications administered with dosages, time intervals and route of administration. If this information cannot be obtained, the reasons shall be documented in the patient's record. A patient under moderate sedation shall be continuously monitored;

(b) During the recovery phase, the patient must be monitored by an individual trained to monitor patients recovering from moderate sedation.

(8) A dentist shall not release a patient who has undergone moderate sedation except to the care of a responsible third party.

(9) The dentist shall assess the patient's responsiveness using preoperative values as normal guidelines and discharge the patient only when the following criteria are met:

(a) Vital signs including blood pressure, pulse rate and respiratory rate are stable;

(b) The patient is alert and oriented to person, place and time as appropriate to age and preoperative psychological status;

(c) The patient can talk and respond coherently to verbal questioning;

(d) The patient can sit up unaided;

(e) The patient can ambulate with minimal assistance; and

(f) The patient does not have uncontrollable nausea or vomiting and has minimal dizziness.

(10) A discharge entry shall be made by the dentist in the patient's record indicating the patient's condition upon discharge and the name of the responsible party to whom the patient was discharged.

(11) After adequate training, an assistant, when directed by a dentist, may introduce additional anesthetic agents to an infusion line under the direct visual supervision of a dentist.

(12) Permit renewal. In order to renew a Moderate Sedation Permit, the permit holder must provide documentation of having current ACLS or PALS certification or current certification of successful completion of the American Dental Association's course "*Recognition and Management of Complications during Minimal and Moderate Sedation*" and must complete 14 hours of continuing education in one or more of the following areas every two years: sedation, physical evaluation, medical emergencies, monitoring and the use of monitoring equipment, or pharmacology of drugs and agents used in sedation. Training taken to maintain current ACLS or PALS certification or successful completion of the American Dental Association's course "*Recognition and Management of Complications during Minimal and Moderate Sedation*" may be counted toward this requirement. Continuing education hours may be counted toward fulfilling the continuing education requirement set forth in OAR 818-021-0060.

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

Stat. Auth.: ORS 679

Stats. Implemented: ORS 679.250(7) & 679.250(10)

Hist.: OBD 2-1998, f. 7-13-98, cert. ef. 10-1-98; OBD 1-1999, f. 2-26-99, cert. ef. 3-1-99; OBD 6-1999, f. 6-25-99, cert. ef. 7-1-99; Administrative correction 8-12-99; OBD 2-2000(Temp), f. 5-22-00, cert. ef. 5-22-00 thru 11-18-00; OBD 2-2001, f. & cert. ef. 1-8-01; OBD 3-2003, f. 9-15-03, cert. ef. 10-1-03; OBD 1-2005, f. 1-28-05, cert. ef. 2-1-05; OBD 2-2005, f. 1-31-05, cert. ef. 2-1-05; OBD 1-2010, f. 6-22-10, cert. ef. 7-1-10; OBD 2-2011(Temp), f. 5-9-11, cert. ef. 6-1-11 thru 1-27-11; OBD 4-2011, f. & cert. ef. 11-15-11; OBD 1-2013, f. 5-15-13, cert. ef. 7-1-13

818-026-0065

Deep Sedation

Deep sedation, moderate sedation, minimal sedation, and nitrous oxide sedation.

(1) The Board shall issue a Deep Sedation Permit to a licensee who holds a Class 3 Permit on or before July 1, 2010 who:

(a) Is a licensed dentist in Oregon; and

(b) Holds a current Advanced Cardiac Life Support (ACLS) or Pediatric Advanced Life Support (PALS) certificate, whichever is appropriate for the patient being sedated.

(2) The following facilities, equipment and drugs shall be on site and available for immediate use during the procedures and during recovery:

(a) An operating room large enough to adequately accommodate the patient on an operating table or in an operating chair and to allow an operating team of at least two individuals to freely move about the patient;

(b) An operating table or chair which permits the patient to be positioned so the operating team can maintain the patient's airway, quickly alter the patient's position in an emergency, and provide a firm platform for the administration of basic life support;

(c) A lighting system which permits evaluation of the patient's skin and mucosal color and a backup lighting system of sufficient intensity to permit completion of any operation underway in the event of a general power failure;

(d) Suction equipment which permits aspiration of the oral and pharyngeal cavities and a backup suction device which will function in the event of a general power failure;

(e) An oxygen delivery system with adequate full face mask and appropriate connectors that is capable of delivering high flow oxygen to the patient under positive pressure, together with an adequate backup system;

(f) A nitrous oxide delivery system with a fail-safe mechanism that will insure appropriate continuous oxygen delivery and a scavenger system;

(g) A recovery area that has available oxygen, adequate lighting, suction and electrical outlets. The recovery area can be the operating room;

(h) Sphygmomanometer, precordial/pretracheal stethoscope, capnograph, pulse oximeter, electrocardiograph monitor (ECG), automated external defibrillator (AED), oral and nasopharyngeal airways, laryngeal mask airways, intravenous fluid administration equipment; and

(i) Emergency drugs including, but not limited to: pharmacologic antagonists appropriate to the drugs used, vasopressors, corticosteroids, bronchodilators, antihistamines, antihypertensives and anticonvulsants.

(3) No permit holder shall have more than one person under deep sedation, moderate sedation, minimal sedation, or nitrous oxide sedation at the same time.

(4) During the administration of deep sedation, and at all times while the patient is under deep sedation, an anesthesia monitor, and one other person holding a Health Care Provider BLS/CPR level certificate or its equivalent, shall be present in the operatory, in addition to the dentist performing the dental procedures.

(5) Before inducing deep sedation, a dentist who induces deep sedation shall:

(a) Evaluate the patient and document, using the American Society of Anesthesiologists Patient Physical Status Classifications, that the patient is an appropriate candidate for deep sedation;

(b) Give written preoperative and postoperative instructions to the patient or, when appropriate due to age or psychological status of the patient, the patient's guardian; and

(c) Obtain written informed consent from the patient or patient's guardian for the anesthesia.

(6) A patient under deep sedation shall be visually monitored at all times, including the recovery phase. The dentist or anesthesia monitor shall monitor and record the patient's condition.

(7) The patient shall be monitored as follows:

(a) Patients must have continuous monitoring using pulse oximetry, electrocardiograph monitors (ECG) and End-tidal CO2 monitors. The patient's heart rhythm shall be continuously monitored and the patient's blood pressure, heart rate, and respiration shall be recorded at regular intervals but at least every 5 minutes, and these recordings shall be documented in the patient record. The record must also include documentation of preoperative and postoperative vital signs, all medications administered with

ADMINISTRATIVE RULES

dosages, time intervals and route of administration. If this information cannot be obtained, the reasons shall be documented in the patient's record. A patient under deep sedation shall be continuously monitored;

(b) During the recovery phase, the patient must be monitored by an individual trained to monitor patients recovering from deep sedation.

(8) A dentist shall not release a patient who has undergone deep sedation except to the care of a responsible third party.

(9) The dentist shall assess the patient's responsiveness using preoperative values as normal guidelines and discharge the patient only when the following criteria are met:

(a) Vital signs including blood pressure, pulse rate and respiratory rate are stable;

(b) The patient is alert and oriented to person, place and time as appropriate to age and preoperative psychological status;

(c) The patient can talk and respond coherently to verbal questioning;

(d) The patient can sit up unaided;

(e) The patient can ambulate with minimal assistance; and

(f) The patient does not have uncontrollable nausea or vomiting and has minimal dizziness.

(10) A discharge entry shall be made by the dentist in the patient's record indicating the patient's condition upon discharge and the name of the responsible party to whom the patient was discharged.

(11) After adequate training, an assistant, when directed by a dentist, may introduce additional anesthetic agents to an infusion line under the direct visual supervision of a dentist.

(12) Permit renewal. In order to renew a Deep Sedation Permit, the permit holder must provide documentation of having current ACLS or PALS certification and must complete 14 hours of continuing education in one or more of the following areas every two years: sedation, physical evaluation, medical emergencies, monitoring and the use of monitoring equipment, or pharmacology of drugs and agents used in sedation. Training taken to maintain current ACLS or PALS certification may be counted toward this requirement. Continuing education hours may be counted toward fulfilling the continuing education requirement set forth in OAR 818-021-0060.

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

Stat. Auth.: ORS 679

Stats. Implemented: ORS 679.250(7) & 679.250(10)

Hist.: OBD 1-2010, f. 6-22-10, cert. ef. 7-1-10; OBD 2-2011(Temp), f. 5-9-11, cert. ef. 6-1-11 thru 1-27-11; OBD 4-2011, f. & cert. ef. 11-15-11; OBD 1-2013, f. 5-15-13, cert. ef. 7-1-13

818-026-0070

General Anesthesia Permit

General anesthesia, deep sedation, moderate sedation, minimal sedation and nitrous oxide sedation.

(1) The Board shall issue a General Anesthesia Permit to an applicant who:

(a) Is a licensed dentist in Oregon;

(b) Holds a current Advanced Cardiac Life Support (ACLS) Certificate or Pediatric Advanced Life Support (PALS) Certificate, whichever is appropriate for the patient being sedated; and

(c) Satisfies one of the following criteria:

(A) Completion of an advanced training program in anesthesia and related subjects beyond the undergraduate dental curriculum that satisfies the requirements described in the *ADA Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students* (2007) consisting of a minimum of 2 years of a postgraduate anesthesia residency at the time training was commenced.

(B) Completion of any ADA accredited postdoctoral training program, including but not limited to Oral and Maxillofacial Surgery, which affords comprehensive and appropriate training necessary to administer and manage general anesthesia, commensurate with these Guidelines.

(C) In lieu of these requirements, the Board may accept equivalent training or experience in general anesthesia.

(2) The following facilities, equipment and drugs shall be on site and available for immediate use during the procedure and during recovery:

(a) An operating room large enough to adequately accommodate the patient on an operating table or in an operating chair and to allow an operating team of at least three individuals to freely move about the patient;

(b) An operating table or chair which permits the patient to be positioned so the operating team can maintain the patient's airway, quickly alter the patient's position in an emergency, and provide a firm platform for the administration of basic life support;

(c) A lighting system which permits evaluation of the patient's skin and mucosal color and a backup lighting system of sufficient intensity to permit completion of any operation underway in the event of a general power failure;

(d) Suction equipment which permits aspiration of the oral and pharyngeal cavities and a backup suction device which will function in the event of a general power failure;

(e) An oxygen delivery system with adequate full face mask and appropriate connectors that is capable of delivering high flow oxygen to the patient under positive pressure, together with an adequate backup system;

(f) A nitrous oxide delivery system with a fail-safe mechanism that will insure appropriate continuous oxygen delivery and a scavenger system;

(g) A recovery area that has available oxygen, adequate lighting, suction and electrical outlets. The recovery area can be the operating room;

(h) Sphygmomanometer, precordial/pretracheal stethoscope, capnograph, pulse oximeter, electrocardiograph monitor (ECG), automated external defibrillator (AED), oral and nasopharyngeal airways, laryngeal mask airways, intravenous fluid administration equipment; and

(i) Emergency drugs including, but not limited to: pharmacologic antagonists appropriate to the drugs used, vasopressors, corticosteroids, bronchodilators, intravenous medications for treatment of cardiac arrest, narcotic antagonist, antihistaminic, antiarrhythmics, antihypertensives and anticonvulsants.

(3) No permit holder shall have more than one person under general anesthesia, deep sedation, moderate sedation, minimal sedation or nitrous oxide sedation at the same time.

(4) During the administration of deep sedation or general anesthesia, and at all times while the patient is under deep sedation or general anesthesia, an anesthesia monitor and one other person holding a Health Care Provider BLS/CPR level certificate, or its equivalent, shall be present in the operatory in addition to the dentist performing the dental procedures.

(5) Before inducing deep sedation or general anesthesia the dentist who induces deep sedation or general anesthesia shall:

(a) Evaluate the patient and document, using the American Society of Anesthesiologists Patient Physical Status Classifications, that the patient is an appropriate candidate for general anesthesia or deep sedation;

(b) Give written preoperative and postoperative instructions to the patient or, when appropriate due to age or psychological status of the patient, the patient's guardian; and

(c) Obtain written informed consent from the patient or patient's guardian for the anesthesia.

(6) A patient under deep sedation or general anesthesia shall be visually monitored at all times, including recovery phase. A dentist who induces deep sedation or general anesthesia or anesthesia monitor trained in monitoring patients under deep sedation or general anesthesia shall monitor and record the patient's condition on a contemporaneous record.

(7) The patient shall be monitored as follows:

(a) Patients must have continuous monitoring of their heart rate, heart rhythm, oxygen saturation levels and respiration using pulse oximetry, electrocardiograph monitors (ECG) and End-tidal CO₂ monitors. The patient's blood pressure, heart rate and oxygen saturation shall be assessed every five minutes, and shall be contemporaneously documented in the patient record. The record must also include documentation of preoperative and postoperative vital signs, all medications administered with dosages, time intervals and route of administration. The person administering the anesthesia and the person monitoring the patient may not leave the patient while the patient is under deep sedation or general anesthesia;

(b) During the recovery phase, the patient must be monitored, including the use of pulse oximetry, by an individual trained to monitor patients recovering from general anesthesia.

(8) A dentist shall not release a patient who has undergone deep sedation or general anesthesia except to the care of a responsible third party.

(9) The dentist shall assess the patient's responsiveness using preoperative values as normal guidelines and discharge the patient only when the following criteria are met:

(a) Vital signs including blood pressure, pulse rate and respiratory rate are stable;

(b) The patient is alert and oriented to person, place and time as appropriate to age and preoperative psychological status;

(c) The patient can talk and respond coherently to verbal questioning;

(d) The patient can sit up unaided;

(e) The patient can ambulate with minimal assistance; and

(f) The patient does not have nausea or vomiting and has minimal dizziness.

(10) A discharge entry shall be made in the patient's record by the dentist indicating the patient's condition upon discharge and the name of the responsible party to whom the patient was discharged.

ADMINISTRATIVE RULES

(11) After adequate training, an assistant, when directed by a dentist, may introduce additional anesthetic agents to an infusion line under the direct visual supervision of a dentist.

(12) Permit renewal. In order to renew a General Anesthesia Permit, the permit holder must provide documentation of having current ACLS or PALS certification and complete 14 hours of continuing education in one or more of the following areas every two years: deep sedation and/or general anesthesia, physical evaluation, medical emergencies, monitoring and the use of monitoring equipment, pharmacology of drugs and agents used in anesthesia. Training taken to maintain current ACLS or PALS certification may be counted toward this requirement. Continuing education hours may be counted toward fulfilling the continuing education requirement set forth in OAR 818-021-0060.

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

Stat. Auth.: ORS 679

Stats. Implemented: ORS 679.250(7) & 679.250(10)

Hist.: OBD 2-1998, f. 7-13-98, cert. ef. 10-1-98; OBD 6-1999, f. 6-25-99, cert. ef. 7-1-99; Administrative correction 8-12-99; OBD 2-2000(Temp), f. 5-22-00, cert. ef. 5-22-00 thru 11-18-00; Administrative correction 6-21-01; OBD 3-2003, f. 9-15-03, cert. ef. 10-1-03; OBD 1-2005, f. 1-28-05, cert. ef. 2-1-05; OBD 1-2010, f. 6-22-10, cert. ef. 7-1-10; OBD 2-2011(Temp), f. 5-9-11, cert. ef. 6-1-11 thru 1-27-11; OBD 4-2011, f. & cert. ef. 11-15-11; OBD 1-2013, f. 5-15-13, cert. ef. 7-1-13

818-035-0020

Authorization to Practice

(1) A dental hygienist may practice dental hygiene in the places specified by ORS 680.150 under general supervision upon authorization of a supervising dentist.

(2) A dentist who authorizes a dental hygienist to practice dental hygiene on a limited access patient must review the hygienist's findings.

(3) A supervising dentist, without first examining a new patient, may authorize a dental hygienist:

- (a) To take a health history from a patient;
 - (b) To take dental radiographs;
 - (c) To perform periodontal probings and record findings;
 - (d) To gather data regarding the patient; and
 - (e) To diagnose, treatment plan and provide dental hygiene services.
- (4) When hygiene services are provided pursuant to subsection (3), the supervising dentist need not be on the premises when the services are provided.

(5) When hygiene services are provided pursuant to subsection (3), the patient must be scheduled to be examined by the supervising dentist within fifteen business days following the day the hygiene services are provided.

(6) If a new patient has not been examined by the supervising dentist subsequent to receiving dental hygiene services pursuant to subsection (3), no further dental hygiene services may be provided until an examination is done by the supervising dentist.

Stat. Auth.: ORS 679 & 680

Stats. Implemented: ORS 680.150

Hist.: DE 7, f. 2-3-66, DE 8, f. 3-20-67, ef. 3-21-67; DE 11, f. 3-31-71, ef. 4-25-71; DE 17, f. 1-20-72, ef. 2-1-72; DE 21, f. 1-9-74, ef. 2-11-74; DE 5-1978, f. & ef. 6-14-78; DE 4-1980, f. & ef. 9-8-80; DE 5-1984, f. & ef. 5-17-84; Renumbered from 818-010-0110; DE 3-1986, f. & ef. 3-31-86; DE 2-1992, f. & cert. ef. 6-24-92; OBD 3-2001, f. & cert. ef. 1-8-01; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08; OBD 1-2013, f. 5-15-13, cert. ef. 7-1-13

818-035-0066

Additional Populations for Expanded Practice Dental Hygiene Permit Holders

A dental hygienist with an Expanded Practice Permit may practice without supervision at locations and on persons as described in ORS 680.205 (1)(a) through (e) and on the following additional populations: Low-income persons, as defined by earning up to 200% of the Federal Poverty Level or on specific population groups designated by the Dental Health Professional Shortage Areas (DHPSA) that lack access to care and that are underserved.

Stat. Auth.: ORS 679 & 680

Stats. Implemented: 680.205 & 679.250(9)

Hist.: OBD 2-2012, f. 6-14-12, cert. ef. 7-1-12; OBD 1-2013, f. 5-15-13, cert. ef. 7-1-13

818-035-0072

Restorative Functions of Dental Hygienists

(1) The Board shall issue a Restorative Functions Endorsement (RFE) to a dental hygienist who holds an unrestricted Oregon license, and has successfully completed:

(a) A Board approved curriculum from a program accredited by the Commission on Dental Accreditation of the American Dental Association or other course of instruction approved by the Board, and successfully passed the Western Regional Examining Board's Restorative Examination

or other equivalent examinations approved by the Board within the last five years; or

(b) If successful passage of the Western Regional Examining Board's Restorative Examination or other equivalent examinations approved by the Board occurred over five years from the date of application, the applicant must submit verification from another state or jurisdiction where the applicant is legally authorized to perform restorative functions and certification from the supervising dentist of successful completion of at least 25 restorative procedures within the immediate five years from the date of application.

(2) A dental hygienist may perform the placement and finishing of direct alloy and direct composite restorations, under the indirect supervision of a licensed dentist, after the supervising dentist has prepared the tooth (teeth) for restoration(s):

(a) These functions can only be performed after the patient has given informed consent for the procedure and informed consent for the placement of the restoration(s) by a Restorative Functions Endorsement dental hygienist;

(b) Before the patient is released, the final restoration(s) shall be checked by a dentist and documented in the chart.

Stat. Auth.: ORS 679, 680

Stats. Implemented: ORS 679.010(3), 679.250(7)

Hist.: OBD 2-2007, f. 4-26-07, cert. ef. 5-1-07; OBD 1-2013, f. 5-15-13, cert. ef. 7-1-13

818-042-0090

Additional Functions of EFDAs

Upon successful completion of a course of instruction in a program accredited by the Commission on Dental Accreditation of the American Dental Association, or other course of instruction approved by the Board, a certified Expanded Function Dental Assistant may perform the following functions under the indirect supervision of a dentist or dental hygienist providing that the procedure is checked by the dentist or dental hygienist prior to the patient being dismissed:

(1) Apply pit and fissure sealants providing the patient is examined before the sealants are placed. The sealants must be placed within 45 days of the procedure being authorized by a dentist or dental hygienist.

(2) Apply temporary soft relines to full dentures.

Stat. Auth.: ORS 679

Stats. Implemented: ORS 679.025(2)(j) & 679.250(7)

Hist.: OBD 9-1999, f. 8-10-99, cert. ef. 1-1-00; OBD 15-2001, f. 12-7-01, cert. ef. 1-1-02; OBD 1-2013, f. 5-15-13, cert. ef. 7-1-13

818-042-0095

Restorative Functions of Dental Assistants

(1) The Board shall issue a Restorative Functions Certificate (RFC) to a dental assistant who holds an Oregon EFDA Certificate, and has successfully completed:

(a) A Board approved curriculum from a program accredited by the Commission on Dental Accreditation of the American Dental Association or other course of instruction approved by the Board, and successfully passed the Western Regional Examining Board's Restorative Examination or other equivalent examinations approved by the Board within the last five years, or

(b) If successful passage of the Western Regional Examining Board's Restorative Examination or other equivalent examinations approved by the Board occurred over five years from the date of application, the applicant must submit verification from another state or jurisdiction where the applicant is legally authorized to perform restorative functions and certification from the supervising dentist of successful completion of at least 25 restorative procedures within the immediate five years from the date of application.

(2) A dental assistant may perform the placement and finishing of direct alloy or direct composite restorations, under the indirect supervision of a licensed dentist, after the supervising dentist has prepared the tooth (teeth) for restoration(s):

(a) These functions can only be performed after the patient has given informed consent for the procedure and informed consent for the placement of the restoration by a Restorative Functions dental assistant.

(b) Before the patient is released, the final restoration(s) shall be checked by a dentist and documented in the chart.

Stat. Auth.: ORS 679

Stats. Implemented: ORS 679.010 & 679.250(7)

Hist.: OBD 3-2007, f. & cert. ef. 11-30-07; OBD 1-2008, f. 11-10-08, cert. ef. 12-1-08; OBD 1-2013, f. 5-15-13, cert. ef. 7-1-13

ADMINISTRATIVE RULES

818-042-0110

Certification — Expanded Function Orthodontic Assistant

The Board may certify a dental assistant as an expanded function orthodontic assistant

- (1) By credential in accordance with OAR 818-042-0120, or
- (2) Completion of an application, payment of fee and satisfactory evidence of:
 - (a) Completion of a course of instruction in a program in dental assisting accredited by the American Dental Association Commission on Dental Accreditation; or
 - (b) Passage of the Basic, CDA or COA examination, and Expanded Function Orthodontic Assistant examination, or equivalent successor examinations, administered by the Dental Assisting National Board, Inc. (DANB), or any other testing entity authorized by the Board; and certification by a licensed dentist that the applicant has successfully removed cement from bands using an ultrasonic or hand scaler, or a slow speed hand piece, on six (6) patients and recemented loose orthodontic bands, fit and adjust headgear, remove fixed orthodontic appliances and take impressions for four (4) patients.

Stat. Auth.: ORS 679

Stats. Implemented: ORS 679.250(7)

Hist.: OBD 9-1999, f. 8-10-99, cert. ef. 1-1-00; OBD 10-1999(Temp), f. 12-2-99, cert. ef. 1-1-00 thru 6-28-00; OBD 8-2000, f. 6-22-00, cert. ef. 6-29-00; OBD 1-2013, f. 5-15-13, cert. ef. 7-1-13

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 11-2013(Temp)

Filed with Sec. of State: 4-25-2013

Certified to be Effective: 4-25-13 thru 10-21-13

Notice Publication Date:

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, 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.

ADMINISTRATIVE RULES

(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

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

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

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.

ADMINISTRATIVE RULES

(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

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

(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 OAR 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, 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

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

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;

ADMINISTRATIVE RULES

(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.

(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

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

(B) 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 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.

(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:

(b) 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 581-015-2005 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

ADMINISTRATIVE RULES

(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.

(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

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

Oregon Education Investment Board Chapter 705

Rule Caption: Regarding Achievement Compact Advisory Committees

Adm. Order No.: OEIB 1-2013

Filed with Sec. of State: 5-2-2013

Certified to be Effective: 5-2-13

Notice Publication Date: 3-1-2013

Rules Amended: 705-010-0070

Subject: 705-010-0070: Amended to include parental participation in achievement compact advisory committees.

Rules Coordinator: Seth Allen—(503) 378-8213

705-010-0070

Achievement Compact Advisory Committees

(1) Each school district, as defined in ORS 332.022, and each education service district operated under ORS Chapter 334 shall form an achievement compact advisory committee no later than September 30, 2012.

(2) An achievement compact advisory committee shall be responsible for ensuring that the district's achievement compact is implemented for the 2012-13 school year and annually thereafter and for ensuring that achievement compacts for subsequent school years are developed with input from educators and staff of the district.

(3) An achievement compact advisory committee shall:

(a) Develop plans for achieving the district's outcomes, measures of progress, goals and targets expressed in an achievement compact, including methods of assessing and reporting progress toward the achievement of goals and targets; and

(b) Recommend outcomes, measures of progress, goals and targets to be contained in the district's achievement compact for the next fiscal year.

(4) Each achievement compact advisory committee shall present its recommendations in a report to the governing board of the district no later than February 1 of each year. An achievement compact advisory committee's report and recommendations shall be considered by the governing board of the district when entering into an achievement compact for the next fiscal year. The governing board shall file the achievement compact

advisory committee's report with each achievement compact it adopts and forwards to the Board.

(5) Parent engagement is an important component in the advancement of Achievement Compacts. Each district needs to ensure that they have a process for allowing a diverse group of parents to share their perspectives and their recommendations about:

(a) District services that contribute to student success and instructional program quality;

(b) Student, school, and district progress toward the state's 40-40-20 educational goals; and

(c) The type of academic program they believe will help students in their district succeed and support the state in reaching the 40-40-20 goal.

(d) All materials, not containing confidential student information, available to the Achievement Compact committee shall be available to parent and community members. The narrative that will accompany the district compact should include a brief description of the parent engagement strategy and a summary of the recommendations they received from parents and the community.

Stat. Auth.: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Stats. Implemented: 2012 OL Ch. 36 Sec. 14 (Enrolled SB 1581)

Hist.: OEIB 4-2012, f. & cert. ef. 9-21-12; OEIB 5-2012(Temp), f. & cert. ef. 10-11-12 thru 4-9-13; Administrative correction, 4-22-13; OEIB 1-2013, f. & cert. ef. 5-2-13

Oregon Health Authority, Addictions and Mental Health Division: Addiction Services Chapter 415

Rule Caption: Permanent amendments to OAR 415-012 entitled Approval and Licensure of Substance Abuse Services.

Adm. Order No.: ADS 4-2013

Filed with Sec. of State: 5-3-2013

Certified to be Effective: 5-3-13

Notice Publication Date: 4-1-2013

Rules Adopted: 415-012-0032, 415-012-0035, 415-012-0055, 415-012-0065, 415-012-0067

Rules Amended: 415-012-0000, 415-012-0010, 415-012-0020, 415-012-0030, 415-012-0040, 415-012-0050, 415-012-0060, 415-012-0070, 415-012-0080, 415-012-0090

Subject: Purpose. These rules establish procedures for approval of the following:

(1) Any alcohol or drug abuse service provider which is, or seeks to be, contractually affiliated with the Addictions and Mental Health Division, a Coordinated Care Organization, or local mental health authority for the purpose of providing alcohol and other drug abuse treatment and prevention services;

(2) Any service provider using public funds in the provision of alcohol or drug abuse prevention, intervention, or treatment services in Oregon;

(3) Performing providers under Addictions and Mental Health Division rules under OAR 309-016-0000 through 309-016-0120;

(4) Organizations that provide alcohol or drug abuse treatment services seeking approval from the Division to establish eligibility for insurance reimbursement as provided in ORS 430.065;

(5) Organizations seeking approval from the Division for provision of residential services as provided in ORS 430.010 and 443.400 or detoxification services under ORS 430.306; or

(6) Alcohol and drug evaluation specialists designated to do Driving Under the Influence of Intoxicants (DUII) diagnostic assessments under ORS 813.020 and 813.260.

Rules Coordinator: Nola Russell—(503) 945-7652

415-012-0000

Purpose

Purpose. These rules establish procedures for approval of the following:

(1) Any substance use disorder service provider which is, or seeks to be, contractually affiliated with the Addictions and Mental Health Division (AMH), a Coordinated Care Organization, or local mental health authority for the purpose of providing alcohol and other drug abuse treatment and prevention services;

ADMINISTRATIVE RULES

(2) Any service provider using public funds in the provision of substance use disorder prevention, intervention, or treatment services in Oregon;

(3) Performing providers under AMH rules under OAR 309-016-0000 through 309-016-0120;

(4) Organizations that provide substance use disorder treatment services seeking approval from the Division to establish eligibility for insurance reimbursement as provided in ORS 430.065;

(5) Organizations seeking approval from the Division for provision of residential services as provided in ORS 430.010 and 443.400 or detoxification services under ORS 430.306; or

(6) Alcohol and drug evaluation specialists designated to do Driving Under the Influence of Intoxicants (DUI) diagnostic screenings and assessments under ORS 813.020 and 813.260.

Stat. Auth.: ORS 413.042 & 430.256

Stats. Implemented: ORS 430.010, 430.306, 430.397, 430.405, 430.450, 430.590, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500

Hist.: ADAP 2-1993, f. & cert. ef. 11-5-93; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 2-2013(Temp), f. & cert. ef. 1-14-13 thru 7-12-13; ADS 4-2013, f. & cert. ef. 5-3-13

415-012-0010

Definitions

(1) "Applicant" means any person or entity who has requested, in writing, a letter of approval or license.

(2) "Director" means the Director of the AMH.

(3) "Community Mental Health Program (CMHP)" means the organization of all services for individuals with mental or emotional disturbances, drug use problems, mental retardation or other developmental disabilities, and alcoholism and alcohol use 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 Division.

(4) "Coordinated Care Organization (CCO)" means a corporation, governmental agency, public corporation or other legal entity that is certified as meeting the criteria adopted by the Oregon Health Authority under ORS 414.625 to be accountable for care management and to provide integrated and coordinated health care for each of the organization's members.

(5) "Contract" is the document describing and limiting the relationship and respective obligations between an organization other than a county and the Division for the purposes of operating the alcohol and drug use disorder service within a county's boundaries, or operating a statewide, regional, or specialized service.

(6) "Division" means the Addictions and Mental Health Division of the Oregon Health Authority.

(7) "Individual" means the person requesting or receiving services addressed in these rules.

(8) "Intergovernmental Agreement" or "Agreement" is the document describing and limiting the contractual relationship and respective obligations between a county or other government organization and the Division for the purpose of operating an alcohol and drug use disorder service.

(9) "Letter of Approval (LOA)" means a certificate issued by the Assistant Director to applicants who are in substantial compliance with applicable administrative rules for alcohol and drug use disorder treatment in an outpatient setting, Driving Under the Influence of Intoxicants (DUI) diagnostic assessment, or prevention services, and which is renewable every three years.

(10) "License" means a certificate issued by the Assistant Director to applicants who are in substantial compliance with applicable administrative rules for alcohol and drug use treatment in a residential setting and which is renewable every two years.

(11) "Licensed Child Care Facility" means a facility licensed under ORS 657A.280.

(12) "Non-Funded Provider" means an organization not contractually affiliated with the Division, a CMHP, or other contractor of the Division.

(13) "Provider" means an organization providing substance abuse prevention, intervention, or treatment services under contract with the Division or under subcontract with a local entity or public body or otherwise receiving public funds for these services.

(14) "Provisional" means a LOA or license issued for one year or less pending completion of specified requirements because of substantial failure to comply with applicable administrative rules.

(15) "Quality Assurance" means the process of objectively and systematically monitoring and evaluating the quality and appropriateness of care to identify and resolve identified problems.

(16) "Restriction" means any limitations placed on a LOA or license such as age of individuals to be served or number of individuals to be served.

(17) "Revocation" means the removal of authority for a provider to provide certain services under a LOA or license.

(18) "School Attended Primarily By Minors" means an existing public or private elementary, secondary or career school attended primarily by individuals under age eighteen.

(19) "Service Element" means a distinct service or group of services for persons with alcohol or other drug use disorders defined in administrative rule and included in a contract or agreement issued by the Division.

(20) "Subcontract" means the document describing and limiting the relationship and respective obligations between a government and other entity having an agreement or contract with the Division and a third organization (subcontractor) for the purpose of delivering some or all of the services specified in the agreement or contract with the Division.

(21) "Substantial Compliance" means a level of adherence to applicable administrative rules which, while not meeting one or more of the requirements, does not, in the determination of the Division:

(a) Constitute a danger to the health or safety of any individual;

(b) Constitute a willful or ongoing violation of the rights of service recipients as set forth in administrative rules; or

(c) Prevent the accomplishment of the state's purposes in approving or supporting the subject service.

(22) "Substantial Failure to Comply" is used in this rule to mean the opposite of "substantial compliance."

(23) "Suspension" means a temporary removal of authority for a provider to conduct a service for a stated period of time or until the occurrence of a specified event under a LOA or license.

(24) "Temporary" means a LOA license issued for 185 days to a program approved for the first time. A temporary LOA license cannot be extended.

(25) "Variance or Exception" means a waiver of a regulation or provision of these rules granted by the Division upon written application.

Stat. Auth.: ORS 413.042 & 430.256

Stats. Implemented: ORS 430.010 - 430.030, 430.306, 430.397, 430.405, 430.450, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500

Hist.: ADAP 2-1993, f. & cert. ef. 11-5-93; ADAP 1-2001, f. 3-29-01, cert. ef. 4-1-01; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 2-2013(Temp), f. & cert. ef. 1-14-13 thru 7-12-13; ADS 4-2013, f. & cert. ef. 5-3-13

415-012-0020

General Requirements

(1) Providers That Must Have LOA or License: Every provider that operates a service element by contract with the Division or subcontracts with a local entity or public body or otherwise receives public funds for providing substance abuse prevention, intervention, or treatment services must have an LOA or license:

(a) No provider shall represent themselves as conducting any service described in this rule without first obtaining an LOA or license;

(b) A provider that does not have an LOA or license for conducting a service described in this rule may not admit a person needing that service; and

(c) The LOA or license shall be posted in the facility and available for inspection at all times.

(2) Discretionary LOA: The Division may also issue an LOA to organizations seeking approval for insurance reimbursement as provided in ORS 430.065 or to other non-funded providers.

(3) Facilities Requiring License: Any facility which meets the definition of a residential treatment facility for substance-dependent persons under ORS 443.400 or a detoxification center as defined in ORS 430.306 must be licensed by the Division:

(a) No individual or entity shall represent themselves as a residential treatment facility for substance-dependent persons or as a detoxification center without first being licensed;

(b) A residential treatment facility or a detoxification center that is not licensed may not admit individuals needing residential or detoxification care or treatment; and

(c) A license shall be posted in the facility and available for inspection at all times.

(4) LOA or License is not a Contract: Approval or licensure of a service element pursuant to this rule does not create an express or implied contract in the absence of a fully executed written contract.

(5) Distance Requirements for Methadone Treatment Programs: Programs using methadone to treat opioid addiction may not operate within 1,000 linear feet of a licensed child care facility or school primarily attended by minors pursuant to ORS 430.590. The Division will not issue a variance to programs unable to meet this requirement.

(5) Services eligible for an LOA include but are not limited to:

(a) Outpatient alcohol or other drug treatment;

ADMINISTRATIVE RULES

(b) Outpatient methadone maintenance and outpatient methadone detoxification;

(c) Outpatient DUI alcohol and other drug information and rehabilitation services and marijuana education and treatment services;

(d) Outpatient occupational drivers license services;

(e) Title XIX service;

(f) Prevention services;

(g) Alcohol and drug evaluation specialists; and

(h) Marijuana evaluation specialists.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 426.450, 430.010-041, 430.260, 430.306, 430.405, 430.450, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500

Hist.: ADAP 2-1993, f. & cert. ef. 11-5-93; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 2-2013(Temp), f. & cert. ef. 1-14-13 thru 7-12-13; ADS 4-2013, f. & cert. ef. 5-3-13

415-012-0030

Initial Application Procedures

(1) Application Packet: The Division shall mail an application packet to all applicants, except those who wish to become Alcohol and Drug Evaluation Specialists (ADES), who should refer to OAR 415-054-0045 to 415-054-0100.

(2) Initial Meeting: All programs applying for the first time for a LOA or license to operate a treatment or prevention program shall schedule a meeting with Division staff for the purpose of receiving needed technical assistance regarding the approval and licensure criteria and procedures.

(3) Multiple Locations: A separate application is required for each location where the provider intends to operate.

(4) Copy of Application: A copy of the application shall be provided by the applicant to the local mental health authority (CMHP) and to the Local Alcohol Planning Committee (LAPC) for review and comment. A program seeking to provide services on a statewide or regional basis must provide application material to the CMHP and the LAPC in the county where the program resides.

(5) Withdrawal of Application: The applicant may withdraw the application at any time during the application process by notifying the Division in writing. At such time, all materials shall be returned to the applicant.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 426.450, 430.010-041, 430.260, 430.306, 430.405, 430.450, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500

Hist.: ADAP 2-1993, f. & cert. ef. 11-5-93; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 2-2013(Temp), f. & cert. ef. 1-14-13 thru 7-12-13; ADS 4-2013, f. & cert. ef. 5-3-13

415-012-0032

Initial Application Information

Initial Application Information: An applicant for a LOA or license shall submit the information listed below on forms provided by the Division:

(1) Name and address of the applicant;

(2) Name, address, and qualifications of the executive director or administrator;

(3) Outline of the staff organization with names and qualifications;

(4) Articles of incorporation and bylaws;

(5) Names and addresses of the board of directors, sponsors, or advisory boards of the program;

(6) Names and addresses of physicians, other professionally trained personnel, medical facilities, and other individuals or organizations with whom the program has a direct referral agreement or is otherwise affiliated;

(7) Description of the treatment services provided by the program setting forth program philosophy, goals, objectives, and a description of the treatment methodology for each service element;

(8) Materials demonstrating compliance with the administrative rules governing the specific service provided;

(9) Materials showing compliance with all related federal, state and local acts, ordinances, rules and amendments such as State Fire Marshal rules, board of health and building zoning codes, and the American Disabilities Act;

(10) Materials substantiating compliance with distance requirements subject to ORS 430.590 for programs using methadone to treat opioid addiction. These application procedures apply to new programs and existing programs moving to a new location after 1-14-2013.

(11) Materials substantiating compliance with other licensing authorities such as the Children, Adults and Families (CAF) Division for residential adolescent services or the Drug Enforcement Administration and a federally approved accreditation agency for methadone treatment services;

(12) For residential treatment and detoxification facilities, the maximum individual capacity requested;

(13) Source of funds used to finance the program such as an annual budget of the organization or a copy of the most current fiscal audit or review;

(14) Written evidence of applicable insurance such as liability insurance;

(15) Floor plan for the proposed facility;

(16) Representative sample individual file;

(17) Written nondiscrimination policy including:

(a) Explanation of methods used to disseminate the policy;

(b) Description of procedures used to communicate with sensory impaired person or persons of limited English proficiency;

(c) Written statement about the accessibility of the facility and services for disabled persons; and

(d) Written grievance procedure for handling discrimination complaints.

Stat. Auth.: ORS 413.042 & 430.256

Stats. Implemented: ORS 430.01030, 430.306, 430.397, 430.405, 430.450, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500

Hist.: ADS 4-2013, f. & cert. ef. 5-3-13

415-012-0035

Responses To Application

(1) Application Satisfactory: If the application is found to be complete and if the material documents compliance with applicable administrative rules, the Division shall issue a temporary LOA or license no later than 30 days after final approval of the application.

(2) Unsatisfactory Application: If the application is not complete or if the application does not document compliance:

(a) The applicant shall be provided with written notification that identifies needed information or areas of non-compliance within 60 days of receipt of the application; and

(b) The original application shall be kept on file for 60 days after written notice has been given, at which time, if no further material is submitted to correct the deficiencies noted, the application shall be denied and all material shall be returned to the applicant.

(3) Application Denied: If an initial LOA or license is denied:

(a) The applicant shall be entitled to a hearing with the Assistant Director if the applicant requests a hearing in writing within 60 days of the receipt of the notice;

(b) The Assistant Director, whose decision is final, shall hold a hearing within 60 days of receipt of the written request; and

(c) If no written request for a hearing is received within the 60-day timeline, the notice of denial shall become the final order by default and the Assistant Director may designate its file as the record for purposes of order by default.

Stat. Auth.: ORS 413.042 & 430.256

Stats. Implemented: ORS 430.01030, 430.306, 430.397, 430.405, 430.450, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500

Hist.: ADS 4-2013, f. & cert. ef. 5-3-13

415-012-0040

Letters of Approval and Licenses

(1) Types of Certification: The Division may issue the following types of certificates:

(a) Temporary LOA or temporary license for 185 days;

(b) Provisional LOA or license for one year or less;

(c) A license for two years; or

(d) An LOA for three years.

(2) Renewal: Renewal of three-year letters of approval and two-year licenses shall be contingent upon demonstration of compliance with appropriate administrative rules:

(a) A program may continue to operate until final determination of its approval or licensure status is made by the Division;

(b) Failure to demonstrate compliance may result in the issuance of a provisional LOA, license, suspension, or revocation.

(3) Provisional Certification: Programs with provisional letters of approval or licenses upon demonstrating substantial compliance with appropriate administrative rules may be eligible for a three-year LOA or a two-year license. However, the provider's failure to demonstrate substantial compliance may result in an extension, suspension, or revocation of the provisional LOA or license.

(4) Nondiscrimination; Special Populations: The Division shall not discriminate in its review procedures or services on the basis of race, color, national origin, age, or disability. The Division may issue LOA or licenses to specialized programs to assure maximum benefit for special populations, in which case, the Division may identify that special population in the LOA or license and impose applicable program criteria.

ADMINISTRATIVE RULES

(5) Restrictions: Restrictions which may be attached to a LOA or license include:

(a) Limiting the total number of individuals (in residential or detoxification treatment);

(b) Defining the age level of individuals (i.e., youth or adult) to be admitted into the facility;

(c) Defining the gender of individuals, if the provider is identified as serving only males or females;

(d) Assuring compliance with other licensing entities such as the CAF Division, the State Public Health Division, or the Food and Drug Administration; or

(e) Other restrictions as required by the Division.

(6) Time Limits on Restrictions: Restrictions may be imposed for the extent of the approval period or limited to some other shorter period of time. If the restriction corresponds to the licensing period, the reasons for the restriction shall be considered at the time of renewal to determine if the restrictions are still appropriate.

(7) Restriction to Appear on LOA or License: The effective date and expiration date of the restriction shall be indicated on the certificate.

(8) Non-Transferability: An LOA or license issued by the Division for the operation of a substance use disorder program applies both to the applicant program and the premises upon which the program is to be operated. A LOA or license is not transferable to another person, entity, or to any other location:

(a) Any person or other legal entity acquiring an approved licensed facility for the purpose of operating a substance use disorder program shall make an application as provided herein for a new LOA or license;

(b) Any person or legal entity having been issued a license and desiring to fundamentally alter the treatment philosophy or transfer to different premises must notify the Division 30 days prior to doing so in order for the Division to review the program or site change and to determine further necessary action.

(9) Change of Administrator: If the administrator of the program changes during the period covered by the letter of approval or license:

(a) A request for a change must be submitted to the Division within 15 days, along with the qualifications of the proposed new administrator;

(b) Upon a determination that the administrator meets the requirements of applicable administrative rules, a revised LOA or license shall be issued with the name of the new administrator.

(10) Discontinued Program: When a program is discontinued, its current LOA or license is void immediately and the certificate shall be returned to the Division. A discontinued program is one which has terminated its services for which it has been approved or licensed. A program planning to discontinue services must:

(a) Notify the Division 60 days prior to a voluntary closure of a facility with written notice of how the provider will comply with OAR 309-014-0035(4) and 42 CFR Part 2, Federal Confidentiality Regulations, regarding the preservation of all individual records; and

(b) Provide individuals 30 days written notice and shall be responsible for making reasonable efforts to obtain treatment placement of individuals as appropriate.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 426.450, 430.010-041, 430.260, 430.306, 430.405, 430.450, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500

Hist.: ADAP 2-1993, f. & cert. ef. 11-5-93; ADAP 1-2001, f. 3-29-01, cert. ef. 4-1-01; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 4-2013, f. & cert. ef. 5-3-13

415-012-0050

Onsite Reviews and Access Requirements

(1) Scheduled Inspections: The Division shall inspect the facilities and must review procedures utilized:

(a) Before issuing a LOA or license to an applicant; and

(b) Before renewal of an existing LOA or license.

(2) Discretionary Onsite Inspections: The Division may conduct onsite inspections:

(a) Upon receipt of verbal or written complaints of violations that allege conditions that may threaten the health, safety, or welfare of individuals or for any other reason to be concerned for individual welfare; or

(b) Any time the Division has reason to believe it is necessary to assure if a provider is in compliance with the administrative rules or with conditions placed upon the LOA or license.

(3) Substance of Reviews: The review may include but is not limited to case record audits and interviews with staff and individuals, consistent with the confidentiality safeguards of state and federal laws.

(4) Access to Facilities and Records: Each applicant or provider agrees, as a condition of LOA or license approval:

(a) To permit designated representatives of the Division to inspect premises of programs to verify information contained in the application or to assure compliance with all laws, rules, and regulations during all hours of operation of the facility and at any other reasonable hour;

(b) To permit properly designated representatives of the department to audit and collect statistical data from all records maintained by the approved or licensed program; and

(c) That such right of immediate entry and inspection shall, under due process of law, extend to any premises on which the Division has reasons to believe a program is being operated by the provider in violation of these rules.

(5) Access if Requirement for LOA or License: An applicant or provider shall not be granted approval or licensing which does not permit inspection by the Division or examination of all records, including financial records as appropriate, methods of administration, the disbursement of drugs and method of supply, and any other records the Division considers to be relevant to the establishment of such a program.

(6) Inspection by Other Agencies: Each applicant or provider agrees, as a condition of LOA or license approval that:

(a) State or local fire inspectors shall be permitted access to enter and inspect the facility regarding fire safety upon the request of the Division; and

(b) State or local health inspectors shall be permitted access to enter and inspect the facility regarding health safety upon the request of the Division.

(7) Notice: The Division has authority to conduct inspections with or without advance notice to the administrator, staff, or individuals:

(a) The Division is not required to give advance notice of any onsite inspection if the Division reasonably believes that notice might obstruct or seriously diminish the effectiveness of the inspection or enforcement of these administrative rules; and

(b) If Division staff are not permitted access for inspection, a search warrant may be sought.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 426.450, 430.010-041, 430.260, 430.306, 430.405, 430.450, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500

Hist.: ADAP 2-1993, f. & cert. ef. 11-5-93; ADS 2-2007, f. & cert. ef. 5-25-07; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 4-2013, f. & cert. ef. 5-3-13

415-012-0055

Review Process and Review Reports

(1) For renewal of a LOA or license: The Division shall designate a lead specialist and other onsite review members as appropriate, such as a peer reviewer or the designee of the CMHP, to perform a formal onsite review of the service element or elements;

(2) Access to Reports: Public access to final reports of onsite inspections, except for confidential information, shall be available upon written request from the Division during business hours in accordance with OAR chapter 407, division 003.

(3) Corrective Action Plan. Programs issued a provisional LOA or license must submit an action plan to the Assistant Director or his or her designee for approval no later than 30 days following receipt of the final onsite report. The corrective action plan shall include, but not be limited to:

(a) Specific problem areas cited as out of compliance;

(b) A delineation of corrective measures to be taken by the program to bring the program into compliance; and

(c) A delineation of target dates for completion of corrective measures for each problem area.

(4) Failure to Take Corrective Action: Failure to demonstrate compliance with the corrective action plan may result in an extension, suspension or revocation of the provisional LOA or license.

Stat. Auth.: ORS 413.042 & 430.256

Stats. Implemented: ORS 430.01030, 430.306, 430.397, 430.405, 430.450, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500

Hist.: ADS 4-2013, f. & cert. ef. 5-3-13

415-012-0060

Denial, Revocation, or Non-renewal

(1) Denial of Application or Request for Renewal: The Division shall deny an application or request for renewal, or revoke an LOA or license where it finds any of the following:

(a) The provider has substantially failed to comply with applicable administrative rules or with local codes and ordinances or any other applicable state or federal law or rule;

(b) The applicant or provider has had a prior LOA or license to operate an alcohol and drug use disorder treatment program denied, revoked, or refused to be renewed in any county in Oregon within three years preceding the present application for reason of abuse or neglect of individuals or

ADMINISTRATIVE RULES

the administrator's failure to possess adequate physical health, mental health, or good personal character;

(c) If such prior denial, revocation, or refusal to renew occurred more than three years from the present action, the provider is required to establish to the Division by clear and convincing evidence his or her ability and fitness to operate a treatment program. If the applicant or provider does not provide such evidence, the Division shall deny the application;

(d) The applicant or provider submits fraudulent or untrue information to the Division;

(e) The applicant or provider has a history of, or currently demonstrates, financial insolvency such as filing for bankruptcy, foreclosures, eviction due to failure to pay rent, termination of utility services due to failure to pay bills, failure to pay taxes such as employment or social security in a timely manner;

(f) The applicant or provider refuses to allow immediate access and onsite inspection by the Division; or

(g) The applicant or provider fails to maintain sufficient staffing or fails to comply with staff qualifications requirements.

(2) Notification of Denial: When the Division determines that an applicant's request for an LOA or license should be denied, the Assistant Director or designee shall notify the applicant, by certified mail, return receipt requested, of the Division's decision to deny the approval or license and the reasons for the denial.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 426.450, 430.010-041, 430.260, 430.306, 430.405, 430.450, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500

Hist.: ADAP 2-1993, f. & cert. ef. 11-5-93; ADAP 1-1997, f. & cert. ef. 12-18-97; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 4-2013, f. & cert. ef. 5-3-13

415-012-0065

Suspension of LOA

If the Division finds that the health, safety, or welfare of the public are seriously endangered by continued operation of a treatment or prevention program and sets forth specific reasons for its findings, summary suspension of an LOA or license may be ordered. The Division may suspend an LOA or license for any of the following reasons:

(1) Violation by the program, its director or staff, of any rule promulgated by this Division pertaining to treatment or prevention services;

(2) Permitting, aiding or abetting the commitment of an unlawful act within the facilities maintained by the program, or permitting, aiding or abetting the commitment of an unlawful act involving chemical substances within the program;

(3) Conduct or practices found by the Division to be detrimental to the general health or welfare of an individual in the program; or

(4) Deviation by the program from the plan of operation originally approved or licensed which, in the judgment of the Division, adversely affects the character, quality or scope of services intended to be provided to individuals within the program.

Stat. Auth.: ORS 413.042 & 430.256

Stats. Implemented: ORS 430.01030, 430.306, 430.397, 430.405, 430.450, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500

Hist.: ADS 4-2013, f. & cert. ef. 5-3-13

415-012-0067

Response to Criminal Records

(1) The Division may deny, refuse to renew, suspend, or revoke an LOA or license if:

(a) Any of the program's staff, within the previous three years, has been convicted of:

(A) Any crime or violation under ORS chapter 475, including but not limited to the Uniform Controlled Substances Act, or under ORS 813.010, driving under the influence of intoxicants;

(B) A substantially similar crime or violation in any other state; or

(C) Any felony.

(b) Any of the program's staff has entered into, within the past three years, a diversion agreement under ORS 813.010 or 135.907 through 135.921, or a diversion agreement under a substantially similar law in any other state;

(2) Criminal Record Checks: The Assistant Director or designee may make criminal record inquiries necessary to ensure implementation of these rules.

Stat. Auth.: ORS 413.042 & 430.256

Stats. Implemented: ORS 430.01030, 430.306, 430.397, 430.405, 430.450, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500

Hist.: ADS 4-2013, f. & cert. ef. 5-3-13

415-012-0070

Hearings

(1) Requesting Hearings: If a license or letter of approval is suspended, not renewed, or revoked: The provider shall be entitled to a hearing preceding the effective date of the denial, suspension, non-renewal, or revocation if requested in writing within 21 days after receipt of notice. (b) If no timely written request is received, the notice shall become the final order by default and the Assistant Director may designate the Division file as the record for purposes of order by default.

(2) Contested Case Hearings: Programs that wish to contest the suspension, non-renewal, or revocation of their LOA or license shall have an opportunity for a hearing by the Division according to the Attorney General's Model Rules of Procedure.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 426.450, 430.010-041, 430.260, 430.306, 430.405, 430.450, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500

Hist.: ADAP 2-1993, f. & cert. ef. 11-5-93; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 4-2013, f. & cert. ef. 5-3-13

415-012-0080

Complaints

(1) Investigation of Complaints: Any person who believes that administrative rules have been violated may file a complaint with the Division:

(a) The Division may require that complainant exhaust grievance procedures available to them through the provider prior to initiation of an investigation;

(b) The Division shall investigate complaints and notify the provider of the results of the investigation and any proposed action.

(2) Records of Complaints: A record shall be maintained by the Division of all complaints and any action taken on the complaint and shall:

(a) Be placed into the public file. Any information regarding the investigation of the complaint shall not be filed in the public file until the investigation has been completed;

(b) Protect the identification of the complainant; and

(c) Treat the identities of the witnesses and individuals as confidential information.

(3) Inspection of Records: Any person may inspect and receive a photocopy of the public complaint files maintained by the Division upon requesting an appointment to do so. A fee shall be charged in accordance with OAR chapter 407, division 003.

(4) Substantiated Complaint Grounds for Action: Providers who acquire substantiated complaints pertaining to the health, safety, or welfare of individuals may have their LOA or licenses suspended, revoked, or not renewed and arrangements made to move the individuals.

(5) Retaliation Toward An Individual Forbidden: The provider shall not retaliate against any individual for filing a complaint with the Division by:

(a) Increasing charges; decreasing services; rights or privileges;

(b) Threatening to increase charges or decrease services, rights, or privileges;

(c) Taking or threatening to take any action to coerce or compel the individual to leave the facility; or

(d) Abusing or threatening to harass or abuse an individual in any manner.

(6) Retaliation Toward Employee or Witness: The provider shall not retaliate against any complainant, witness, or employee of a facility for making a report to or being interviewed by the Division about a complaint including restriction to access to the service or to an individual or, if an employee, to dismissal or harassment.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 426.450, 430.010-041, 430.260, 430.306, 430.405, 430.450, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500

Hist.: ADAP 2-1993, f. & cert. ef. 11-5-93; ADS 2-2007, f. & cert. ef. 5-25-07; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 4-2013, f. & cert. ef. 5-3-13

415-012-0090

Variance or Exception

(1) Procedure for Submission of Request. Request must be made in writing:

(a) For an initial application it should be included with the application documents submitted to the Division, local mental health authority, and the Local Alcohol Planning Committee;

(b) If the provider is an agency under contract with the local mental health authority, it must submit the request through the local mental health authority to the Assistant Director; and

(b) If the provider is not under contract to the local mental health authority, the request should be submitted directly to the Assistant Director.

(2) Substance of Request: The request should include the following:

ADMINISTRATIVE RULES

- (a) The reason for the proposed variance or exception;
- (b) The alternative practice proposed; and
- (c) For an exception, a plan and timetable for compliance with the section of the rule from which the exception is sought.

(3) Approval or Denial: The Assistant Director, whose decision shall be final, shall approve or deny the request for variance or exception.

(4) Notification: The Division shall notify the provider requesting the variance or exception and the community mental health program of the decision.

(5) Variance Part of LOA or License: A variance granted by the Division shall be attached to, and become part of, the LOA or license. Continuance of the variance shall be reviewed at the time the LOA or license is considered for renewal.

Stat. Auth.: ORS 409.410 & 409.420

Stats. Implemented: ORS 426.450, 430.010-041, 430.260, 430.306, 430.405, 430.450, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500

Hist.: ADAP 2-1993, f. & cert. ef. 11-5-93; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 4-2013, f. & cert. ef. 5-3-13

Oregon Health Authority, Division of Medical Assistance Programs Chapter 410

Rule Caption: Authority requirements for approving transfer of 500 or more members from one CCO to another

Adm. Order No.: DMAP 19-2013

Filed with Sec. of State: 4-23-2013

Certified to be Effective: 4-23-13

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.

(7) Pursuant to CFR 438.56, the CCO shall not request and the Authority shall not approve disenrollment of a member due to:

- (a) A physical or behavioral disability or condition;
- (b) An adverse change in the member's health;
- (c) The member's utilization of services, either excessive or lacking;
- (d) The member's decisions regarding medical care with which the CCO disagrees;

(e) The member's behavior is uncooperative or disruptive, including but not limited to threats or acts of physical violence, resulting from the member's special needs, except when continued enrollment in the CCO seriously impairs the CCO's ability to furnish services to this particular member or other members.

(8) A CCO may request the Authority to disenroll a member if the CCO determines:

(a) Except as provided in OAR 410-141-3050, the member has major medical coverage, including employer sponsored insurance (ESI) but excluding enrollment in a DCO;

- (b) The CCO determines:
 - (A) The member has moved to a service area the CCO does not serve;
 - (B) The member is out of the CCO's area for three months without making arrangements with the CCO;
 - (C) The member did not initiate enrollment in the CCO serving the member's area; and
 - (D) The member is not in temporary placement or receiving out-of-area services.

(c) The member is in a state psychiatric institution;

(d) The CCO has verifiable information that the member has moved to another Medicaid jurisdiction; or

(e) The member is deceased.

(9) Before requesting disenrollment under the exception in section (7)(e) of this rule, a CCO must take meaningful steps to address the member's behavior, including but not limited to:

- (a) Contacting the member either orally or in writing to explain and attempt to resolve the issue. The CCO must document all oral conversations in writing and send a written summary to the member. This contact may include communication from advocates, including peer wellness specialists, where appropriate, personal health navigators and qualified community health workers who are part of the member's care team to provide assistance that is culturally and linguistically appropriate to the member's need to access appropriate services and participate in processes affecting the member's care and services;
- (b) Developing and implementing a care plan in coordination with the member and the member's care team that details the problem and how the CCO shall address it;

(c) Reasonably modifying practices and procedures as appropriate to accommodate the member's circumstances;

(d) Assessing the member's behavior to determine if it results from the member's special needs or a disability;

(e) Providing education, counseling and other interventions to resolve the issue; and

(f) Submitting a complete summary to the Authority if the CCO requests disenrollment.

(10) The Authority may disenroll members of CCOs for the reasons specified in section (8) without receiving a disenrollment request from a CCO.

(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

ADMINISTRATIVE RULES

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

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Rule Caption: Amend rules governing payment for Medicaid EHR Incentive Program

Adm. Order No.: DMAP 20-2013(Temp)

Filed with Sec. of State: 4-26-2013

Certified to be Effective: 4-26-13 thru 10-23-13

Notice Publication Date:

Rules Amended: 410-165-0000, 410-165-0020, 410-165-0040, 410-165-0060, 410-165-0080, 410-165-0100, 410-165-0120, 410-165-0140

Subject: The Division needs to amend these rules because new federal legislation from the Centers for Medicare and Medicaid Services (CMS) affects how providers are eligible for the Medicaid EHR Incentive Program. These amended rules incorporate these changes including how a key eligibility criterion, Medicaid patient volume (or for some providers, needy individual patient volume), is determined. More specifically, there is a longer look-back period for determining patient volume and whether a provider practices predomi-

nantly in a Federally Qualified Health Center or Rural Health Clinic. There is also a change to the definition of a Medicaid encounter which now allows encounters paid by Children's Health Insurance Program (CHIP) as well as services rendered to an individual enrolled in a Medicaid program, without the requirement that Medicaid paid for at least part of the service to now be included.

Rules Coordinator: Cheryl Peters—(503) 945-6527

410-165-0000

Basis and Purpose

(1) These rules (OAR chapter 410 division 165) govern the Oregon Health Authority (Authority), Division of Medical Assistance Programs (Division), Medicaid Electronic Health Record (EHR) Incentive Program. The Medicaid EHR Incentive Program provides incentive payments, consistent with federal law concerning such payments, to eligible providers participating in the Medicaid program who adopt, implement or upgrade, or successfully demonstrate meaningful use of certified EHR technology and who are qualified by the program.

(2) The Medicaid EHR Incentive Program is implemented pursuant to:

(a) The American Reinvestment and Recovery Act of 2009, Pub. L. No. 111-5, section 4201;

(b) The Centers for Medicare and Medicaid Services (CMS) federal regulation 42 CFR Part 495 (2010 & 2012) pursuant to the Social Security Act sections 1903(a)(3)(F) and 1903(t);

(c) The Division's General Rules Program, OAR chapter 410, division 120;

(d) The Authority's Provider Rules, OAR chapter 943, division 120.

(3) The following retroactive effective dates apply to these rules:

(a) For eligible hospitals, the effective date is October 1, 2012, the start date for program year 2013;

(b) For eligible professionals, the effective date is January 1, 2013 the start date for program year 2013.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 409.010, 413.042, 414.033

Hist.: DMAP 13-2011, f. 6-29-11, cert. ef. 7-1-11; DMAP 20-2013(Temp), f. & cert. ef. 4-26-13 thru 10-23-13

410-165-0020

Definitions

The following definitions apply to OAR 410-165-0010 through 410-165-0140:

(1) Acceptance documents — Written evidence supplied by a provider demonstrating that the provider met Medicaid EHR Incentive Program eligibility criteria or participation requirements according to standards specified by the Oregon Health Authority's (Authority) Division of Medicaid Assistance Programs.

(2) Acute care hospital — A healthcare facility, including but not limited to a critical access hospital, with a Centers for Medicare and Medicaid Services' (CMS) certification number (CCN) that ends in 0001-0879 or 1300-1399; and where the average length of patient stay is 25 days or fewer.

(3) Adopt, implement or upgrade:

(a) Acquire, purchase, or secure access to certified EHR technology capable of meeting meaningful use requirements;

(b) Install or commence utilization of certified EHR technology capable of meeting meaningful use requirements; or

(c) Expand the available functionality of certified EHR technology capable of meeting meaningful use requirements at the practice site, including staffing, maintenance, and training, or upgrade from existing EHR technology to certified EHR technology.

(4) Attestation — A statement that

(a) Is made by an eligible provider or preparer during the application process,

(b) Represents that the eligible provider met the thresholds and requirements of the Medicaid EHR Incentive Program and

(c) Is made under penalty of prosecution for falsification or concealment of a material fact.

(5) Certified EHR technology — As defined in 42 CFR 495.4 (2010 and 2012) and 45 CFR 170.102 (2010, 2011 and 2012) per the Office of the National Coordinator for Health Information Technology EHR certification criteria.

(6) Children's hospital — A separately certified hospital, either free-standing or hospital-within hospital that predominantly treats individuals under 21 years of age and that either

ADMINISTRATIVE RULES

(a) Has a CMS Certification Number (CCN) that ends in 3300–3399; or

(b) Does not have a CCN but has been provided an alternative number by CMS for purposes of enrollment in the Medicaid EHR Incentive Program as a children's hospital.

(7) Dentist — As defined in OAR 410-120-0000; and as defined in 42 CFR 440.100.

(8) Eligible hospital — An acute care hospital with at least 10% Medicaid patient volume or a children's hospital.

(9) Eligible professional — A professional who

(a) Is a physician; a dentist; a nurse practitioner, including a nurse-midwife nurse practitioner; or a physician assistant practicing in a Federally Qualified Health Center (FQHC) or a Rural Health Clinic (RHC), that is so listed by a physician assistant,

(b) Meets patient volume requirements described in OAR 410-165-0060; and

(c) Is not a hospital-based professional.

(10) Eligible provider — Eligible hospital or eligible professional.

(11) Encounter:

(a) For an eligible hospital, either

(A) Services rendered to an individual per inpatient discharge; or

(B) Services rendered to an individual in an emergency department on any one day;

(b) For an eligible professional, services rendered to an individual on any one day.

(12) Enrolled provider — A hospital or health care practitioner who is actively registered with the Authority pursuant to OAR 943-120-0320.

(13) Entity promoting the adoption of certified EHR technology — An entity, designated by the Authority, that promotes the adoption of certified EHR technology by enabling: oversight of the business, operational and legal issues involved in the adoption and implementation of certified EHR technology; or the exchange and use of electronic clinical and administrative data between participating providers, in a secure manner, including but not limited to maintaining the physical and organizational relationship integral to the adoption of certified EHR technology by eligible providers.

(14) Federal fiscal year (FFY) — October 1 to September 30.

(15) Federally Qualified Health Center (FQHC) — As defined in OAR 410-120-0000.

(16) Grace period — A period of time following the end of a payment year when an eligible provider may submit an application to the Medicaid EHR Incentive Program for that payment year:

(a) For program years 2011 and 2012, the following applies:

(i) For a first year application, the grace period is 60 days;

(ii) For all subsequent years, the grace period is 90 days.

(b) For program year 2013 and later, the grace period is 90 days.

(17) Group — A clinic as defined in OAR 407-120-0100.

(18) Hospital-based professional — A professional who furnishes 90 percent or more of his or her Medicaid-covered services in a hospital emergency room (place of service code 23), or inpatient hospital (place of service code 21) in the calendar year (CY) preceding the payment year, except that hospital-based professional does not include a professional practicing predominantly at a Federally Qualified Health Center (FQHC) or a Rural Health Clinic (RHC).

(19) Individuals receiving Medicaid — Individuals served by an eligible provider where the services rendered would qualify under the Medicaid encounter definition.

(20) Meaningful EHR user — An eligible provider that, for an EHR reporting period for a payment year, demonstrates (in accordance with 42 CFR 495.5 and 42 CFR 495.8) meaningful use of certified EHR technology by meeting the applicable objectives and associated measures in 42 CFR 495.6 and as prescribed by 42 CFR Part 495.

(21) Medicaid encounter:

(a) For an eligible hospital applying for payment year 2011 or 2012, either:

(A) Services rendered to an individual per inpatient discharge where Medicaid (or a Medicaid demonstration project approved under the Social Security Act section 1115) paid for part or all of the service; or Medicaid (or a Medicaid demonstration project approved under the Social Security Act section 1115) paid all or part of the individual's premiums, copayments, or cost-sharing; or

(B) Services rendered in an emergency department on any one day where Medicaid (or a Medicaid demonstration project approved under the Social Security Act section 1115) paid for part or all of the service; or Medicaid (or a Medicaid demonstration project approved under the Social

Security Act section 1115) paid all or part of the individual's premiums, copayments, and cost-sharing;

(b) For an eligible hospital applying for payment year 2013 or later, either

(A) Services rendered to an individual per inpatient discharge where the individual was enrolled in Medicaid (or a Medicaid demonstration project approved under the Social Security Act section 1115) or Children's Health Insurance Program (CHIP) as part of a Medicaid expansion at the time the billable service was provided; or

(B) Services rendered in an emergency department on any one day where the individual was enrolled in Medicaid (or a Medicaid demonstration project approved under the Social Security Act section 1115) or Children's Health Insurance Program (CHIP) as part of a Medicaid expansion, at the time the billable service was provided;

(c) For an eligible professional applying for payment year 2011 or 2012, either

(A) Services rendered to an individual on any one day where Medicaid (or a Medicaid demonstration project approved under the Social Security Act section 1115) paid for part or all of the service; or

(B) Medicaid (or a Medicaid demonstration project approved under the Social Security Act section 1115) paid all or part of the individual's premiums, copayments, and cost-sharing.

(d) For an eligible professional applying for payment year 2013 or later, services rendered to an individual on any one day where the individual was enrolled in a Medicaid program (or a Medicaid demonstration project approved under the Social Security Act section 1115) or Children's Health Insurance Program (CHIP) as part of a Medicaid expansion, at the time the billable service was provided.

(22) National Provider Identifier — As defined in 45 CFR Part 160 and OAR 410-120-0000.

(23) Needy individual — Individuals served by an eligible professional where the services rendered qualify under the needy individual encounter definition.

(24) Needy individual encounter:

(a) For an eligible professional applying for program year 2011 or 2012, services rendered to an individual on any one day where:

(A) Medicaid or Children's Health Insurance Program (CHIP) (or a Medicaid or CHIP demonstration project approved under the Social Security Act section 1115) paid for part or all of the service;

(B) Medicaid or CHIP (or a Medicaid or CHIP demonstration project approved under the Social Security Act section 1115) paid all or part of the individual's premiums, copayments, or cost-sharing;

(C) The services were furnished at no cost, and calculated consistent with 42 CFR 495.310(h); or

(D) The services were paid for at a reduced cost based on a sliding scale determined by the individual's ability to pay.

(b) For an eligible professional applying for program year 2013 or later, services rendered to an individual on any one day where:

(A) The services were rendered to an individual enrolled in a Medicaid program (or a Medicaid demonstration project approved under the Social Security Act section 1115) or Children's Health Insurance Program (CHIP), at the time the billable service was provided;

(B) The services were furnished at no cost, and calculated consistently with 42 CFR 495.310(h); or

(C) The services were paid for at a reduced cost based on a sliding scale determined by the individual's ability to pay.

(25) Nurse practitioner — As defined in OAR 410-120-0000; and as defined in 42 CFR 440.166.

(26) Panel — A managed care panel, medical or health home program panel, or similar provider structure with capitation or case assignment that assigns patients to providers.

(27) Patient volume:

(a) For eligible hospitals: The proportion of Medicaid encounters to total encounters expressed as a percentage;

(b) For eligible professionals who do not meet the definition of "practices predominantly": The proportion of Medicaid encounters to total encounters expressed as a percentage;

(c) For eligible professionals who meet the definition of "practices predominantly": The proportion of Needy Individual encounters to total encounters expressed as a percentage.

(28) Payment year:

(a) The calendar year (CY) for an eligible professional; or

(b) The federal fiscal year (FFY) for an eligible hospital.

(29) Pediatrician — A physician who predominantly treats individuals under 21.

ADMINISTRATIVE RULES

(30) Physician — As defined in OAR 410-120-0000; and as defined in 42 CFR 440.50.

(31) Physician assistant — As defined in OAR 410-120-0000; and as defined in 42 CFR 440.60.

(32) Practices predominantly — An eligibility criterion to permit use of needy individual patient volume. An eligible professional “practices predominantly” if:

(a) For program year 2011 or 2012, more than 50 percent of an eligible professional’s total patient encounters over a period of six months in the calendar year preceding the payment year occur at an FQHC or RHC.

(b) For program year 2013 and later, more than 50 percent of an eligible professional’s total patient encounters occur at an FQHC or RHC:

(A) During a six month period in the calendar year preceding the payment year; or

(B) During a six month period in the most recent 12 months prior to attestation.

(33) Preparer — A person authorized by an eligible provider to act on behalf of the provider to complete an application for a Medicaid EHR incentive via an electronic media connection with the Authority.

(34) Provider Web Portal — The Department of Human Services’ web site that provides a secure gateway for eligible providers or preparers to apply for the Medicaid EHR Incentive Program.

(35) Qualify — Meet the eligibility criteria and participation requirements to receive a Medicaid EHR incentive payment for the payment year. The Medicaid EHR Incentive Program (Program) makes the determination whether an eligible provider qualifies.

(36) Rural Health Clinic (RHC) — A clinic located in a rural and medically underserved community, designated as an RHC by CMS. Payment by Medicare and Medicaid to an RHC is on a cost-related basis for outpatient physician and certain non-physician services.

(37) So led — When an FQHC or RHC has a physician assistant who is:

- (a) The primary provider in the clinic;
- (b) A clinical or medical director at the clinical site of practice; or
- (c) An owner of the RHC.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042 & 414.033

Hist.: DMAP 13-2011, f. 6-29-11, cert. ef. 7-1-11; DMAP 20-2013(Temp), f. & cert. ef. 4-26-13 thru 10-23-13

410-165-0040

Application

(1) An eligible provider must apply to the Medicaid Electronic Health Record (EHR) Incentive Program (Program) each year that the eligible provider seeks an incentive payment. In order to apply, an eligible provider or a preparer acting on behalf of an eligible provider must:

(a) Register with the Centers for Medicare and Medicaid Services (CMS);

(b) Apply to the Program after registering with CMS for each payment year; and

(c) Attest that:

(A) The information submitted is true, accurate, and complete; and

(B) Any falsification or concealment of a material fact may be prosecuted under federal and state laws;

(d) Maintain, for a period of no less than seven years from the date of each completed application, complete, accurate, and unaltered copies of all acceptance documents associated with all data transmissions and attestations. The information maintained must include, at a minimum documentation to support:

(A) The financial or legal obligation for the adoption, implementation, or upgrade of certified EHR technology including, but not limited to the purchase agreement or contract;

(B) Demonstration of meaningful use for the year corresponding to the payment year;

(C) Patient volume for the year corresponding to the payment year; and

(D) For eligible hospitals, the eligible hospital’s payment calculation data including, but not limited to Medicare cost reports.

(e) Provide clarifying or supporting information as requested by the Program.

(2) An eligible provider must submit the acceptance documents referred to above in (1)(d)(A) when the eligible provider is attesting for a payment for the adoption, implementation or upgrade to certified EHR technology. If the eligible provider is an eligible hospital seeking its first year payment, it must submit the acceptance documents referred to above in (1)(d) (D).

(2) An eligible provider may submit to Oregon the acceptance documents to support attestation at application.

(3) The Program reviews the completed application and the acceptance documents to determine if the eligible provider qualifies for an incentive payment:

(a) The Program verifies the information in the application;

(b) The Program determines if the eligible provider’s information complies with the eligibility criteria and participation requirements;

(c) The Program notifies the eligible provider about the incentive payment determination;

(d) The Oregon Health Authority (Authority) may reduce the incentive payment to pay off debt if an eligible provider or incentive payment recipient owes a debt under a collection mandate to the State of Oregon. The incentive payment is considered paid to the eligible provider even when part or all of the incentive may offset the debt. The Authority may not reduce the incentive payment amount for any other purpose unless permitted or required by federal or state law; and

(e) The Authority distributes 1099 forms for payments disbursed:

(i) Prior to 1-1-2013, to the tax identification number designated to receive the Medicaid EHR incentive payment,

(ii) On 1-1-2013 and after, to the tax identification number of the eligible professional or hospital that qualified for the Medicaid EHR Incentive Program payment.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS, 413.042 & 414.033

Hist.: DMAP 13-2011, f. 6-29-11, cert. ef. 7-1-11; DMAP 20-2013(Temp), f. & cert. ef. 4-26-13 thru 10-23-13

410-165-0060

Eligibility

For the purposes of the Medicaid Electronic Health Record (EHR) Incentive Program Oregon Administrative Rules, chapter 410, division 165, there are three categories of eligibility criteria: criteria for an eligible professional, criteria for an eligible professional practicing predominately in a Federally Qualified Health Center (FQHC) or a Rural Health Clinic (RHC), and criteria for an eligible hospital.

(1) To be eligible for a Medicaid EHR incentive payment for the payment year, a eligible professional, as listed in Table 165-0060-1, must meet the Medicaid EHR Incentive Program criteria each year:

(a) To be eligible for an incentive payment, an eligible professional must, at a minimum:

(A) Meet and follow the scope of practice regulations, as applicable for each professional as defined in 42 CFR Part 440;

(B) Meet the following certified EHR technology and meaningful use requirements for the corresponding payment year:

(i) First payment year: Adopt, implement, or upgrade certified EHR technology; and

(ii) Subsequent payment years: Demonstrate meaningful use as prescribed by 42 CFR 495.8 and meet the corresponding meaningful use criteria for the payment year as prescribed by 42 CFR 495.6; or

(ii) In all payment years, demonstrate meaningful use as prescribed by 42 CFR 495.8 and meet the corresponding meaningful use criteria for the payment year as prescribed by 42 CFR 495.6; or

(C) Not be a hospital-based professional; and

(D) Meet one of the following criteria:

(i) Have a minimum of 30 percent patient volume attributable to individuals receiving Medicaid; or

(ii) Be a pediatrician who has a minimum of 20 percent patient volume attributable to individuals receiving Medicaid;

(b) An eligible professional must calculate patient volume, as listed in Table 165-0060-2, by using the patient volume calculation method either of patient encounter or of patient panel. The patient panel volume calculation method may be used only when all of the following apply:

(A) The patient panel is appropriate as a patient volume calculation method for the eligible professional; and

(B) There is an auditable data source to support the patient panel data;

(c) An eligible professional must calculate patient volume, as listed in Table 165-0060-2, by using either the patient volume of the eligible professional or the patient volume of the group. The patient volume of the group may be used only when all of the following apply:

(A) The group’s patient volume is appropriate as a patient volume methodology calculation for the eligible professional;

(B) There is an auditable data source to support the group’s patient volume determination;

(C) All eligible professionals in the group must use the same patient volume calculation method for the payment year;

ADMINISTRATIVE RULES

(D) The group uses the entire practice or clinic's patient volume and does not limit patient volume in any way; and

(E) If an eligible professional works inside and outside of the group, then the patient volume calculation includes only those encounters associated with the group, and not the eligible professional's outside encounters.

(d) An eligible professional's patient volume must be calculated using one of the following methods:

(A) The patient encounter calculation method based on the patient volume of the eligible professional requires that:

(i) For program year 2011 or 2012, the eligible professional must divide the total Medicaid encounters by the total patient encounters that were rendered by the eligible professional in any representative, continuous 90-day period in the preceding calendar year; or

(ii) For program year 2013 and later, the eligible professional must divide the total Medicaid encounters by the total patient encounters that were rendered by the eligible professional in any representative, continuous 90-day period either in the preceding calendar year or in the twelve month timeframe preceding the date of attestation. The eligible professional may not use the same 90-day timeframe to calculate patient volume in different program years.

(B) The patient encounter calculation method based on the patient volume of the group requires that:

(i) For program year 2011 or 2012, the eligible professional must divide the group's total Medicaid encounters by the group's total patient encounters in any representative, continuous 90-day period in the preceding calendar year;

(ii) For program year 2013 and later, the eligible professional must divide the group's total Medicaid encounters by the group's total patient encounters in any representative, continuous 90-day period either in the preceding calendar year or in the twelve month timeframe preceding the date of attestation. The eligible professional may not use the same 90-day timeframe to calculate patient volume in different program years.

(C) The patient panel calculation method based on the patient volume of the eligible professional requires that:

(i) For program year 2011 or 2012 the eligible professional must:

(I) Add the total Medicaid patients assigned to the eligible professional's panel in any representative 90-day period in the prior calendar year, provided at least one Medicaid encounter took place with the patient in the preceding calendar year, to the eligible professional's unduplicated Medicaid encounters rendered in the same 90-day period; and

(II) Divide the result calculated above in (1)(d)(C)(i)(I) by the sum of the total patients assigned to the eligible professional's panel in the same 90-day period, provided at least one encounter took place with the patient during the preceding calendar year, plus all of the unduplicated patient encounters in the same 90-day period;

(ii) For program year 2013 and later, the eligible professional must:

(I) Add the total Medicaid patients assigned to the eligible professional's panel in any representative 90-day period in either the preceding calendar year or during the 12 month timeframe preceding the attestation date, provided at least one Medicaid encounter took place with the individual during the 24 months before the beginning of the 90-day period, to the eligible professional's unduplicated Medicaid encounters rendered same 90-day period; and

(II) Divide the result calculated above in (1)(d)(C)(ii)(I) by the sum of the total patients assigned to the eligible professional's panel in the same 90-day period, provided at least one encounter took place with the patient during the 24 months before the beginning of the 90-day period, plus all of the unduplicated patient encounters in the same 90-day period; and

(III) Not use the same 90-day timeframe to calculate patient volume in different program years;

(D) The patient panel calculation method based on the patient volume of the group requires that:

(i) For program year 2011 or 2012 the eligible professional must:

(I) Add the total Medicaid patients assigned to the group's panel in any representative 90-day period in the prior calendar year, provided at least one Medicaid encounter took place with the patient in the preceding calendar year, to the group's unduplicated Medicaid encounters in the same 90-day period; and

(II) Divide the result calculated above in (1)(d)(D)(i)(I) by the sum of the total patients assigned to the group's panel in the same 90-day period, provided at least one encounter took place with the patient during the preceding calendar year, plus all of the unduplicated patient encounters in the same 90-day period;

(ii) For program year 2013 and later, the eligible professional must:

(I) Add the total Medicaid patients assigned to the group's panel in any representative 90-day period in either the preceding calendar year or during the 12 month timeframe preceding the attestation date, provided at least one Medicaid encounter took place with the individual during the 24 months before the beginning of the 90-day period, to the group's unduplicated Medicaid encounters that same 90-day period; and

(II) Divide the result calculated above in (1)(d)(D)(ii)(I) by the sum of the total patients assigned to the group's panel in the same 90-day period, provided at least one encounter took place with the patient during the 24 months before the beginning of the 90-day period, plus all of the unduplicated patient encounters in the same 90-day period; and

(III) Not use the same 90-day timeframe to calculate patient volume in different program years;

(2) To be eligible for a Medicaid EHR incentive payment for the payment year, an eligible professional practicing predominantly in an FQHC or an RHC, as listed in Table 165-0060-1, must meet the Medicaid EHR Incentive Program professional eligibility criteria each year, by meeting either the above section (1) of this rule or by meeting the following FQHC- and RHC-specific criteria:

(a) To be eligible for an incentive payment, an eligible professional must, at a minimum:

(A) Meet and follow the scope of practice regulations, as applicable for each professional as prescribed by 42 CFR Part 440;

(B) Meet the following certified EHR technology and meaningful use requirements for the corresponding payment year:

(i) First payment year:

(I) Adopt, implement, or upgrade certified EHR technology; or

(II) Demonstrate meaningful use as prescribed by 42 CFR 495.8 and meet the corresponding meaningful use requirements for the payment year as prescribed by 42 CFR 495.6;

(ii) Subsequent payment years: Demonstrate meaningful use as prescribed by 42 CFR 495.8 and meet the corresponding meaningful use requirements for the payment year as prescribed by 42 CFR 495.6; and

(C) Have a minimum of 30 percent patient volume attributable to needy individuals;

(b) An eligible professional must calculate patient volume, as listed in Table 165-0060-3, by using the patient volume calculation method either of patient encounter or of patient panel. The patient panel volume calculation method may be used only when all of the following apply:

(A) The patient panel is appropriate as a patient volume calculation method for the eligible professional; and

(B) There is an auditable data source to support the patient panel data;

(c) An eligible professional must calculate patient volume, as listed in Table 165-0060-3, by using either the patient volume of the eligible professional or the patient volume of the group. The group's patient volume may be used only when all of the following apply:

(A) The group's patient volume is appropriate as a patient volume methodology calculation for the eligible professional;

(B) There is an auditable data source to support the group's patient volume determination;

(C) All eligible professionals in the group must use the same patient volume calculation method for the payment year;

(D) The group uses the entire practice or clinic's patient volume and does not limit patient volume in any way; and

(E) If an eligible professional works inside and outside of the group, then the patient volume calculation includes only those encounters associated with the group, and not the eligible professional's outside encounters;

(d) An eligible professional's needy individual patient volume must be calculated using one of the following methods:

(A) The patient encounter calculation method based on the patient volume of the eligible professional:

(i) For program year 2011 or 2012, the eligible professional must divide the total needy individual encounters by the total patient encounters that were rendered by the eligible professional in any representative, continuous 90 day period in the preceding calendar year;

(ii) For program year 2013 and later, the eligible professional must divide the total needy individual encounters by the total patient encounters that were rendered by the eligible professional in any representative, continuous 90-day period either in the preceding calendar year or in the twelve month timeframe preceding the date of attestation. The eligible professional may not use the same 90-day timeframe to calculate patient volume in different program years;

(B) The patient encounter calculation method based on the patient volume of the group requires that:

ADMINISTRATIVE RULES

(i) For program year 2011 or 2012, the eligible professional must divide the group's total needy individual encounters by the group's total patient encounters in any representative, continuous 90-day period in the preceding calendar year;

(ii) For program year 2013 and later, the eligible professional must divide the group's total needy individual encounters by the group's total patient encounters in any representative, continuous 90-day period either in the preceding calendar year or in the twelve month timeframe preceding the date of attestation. The eligible professional may not use the same 90-day timeframe to calculate patient volume in different program years.

(C) The patient panel calculation method based on the patient volume of the eligible professional requires that:

(i) For program year 2011 or 2012, the eligible professional must:

(I) Add the total needy individual patients assigned to the eligible professional's panel in any representative 90-day period in the prior calendar year, provided at least one Medicaid encounter took place with the patient in the preceding calendar year, to the eligible professional's unduplicated needy individual encounters rendered in the same 90-day period; and

(II) Divide the result calculated above in (1)(d)(C)(i)(I) by the sum of the total patients assigned to the eligible professional's panel in the same 90-day period, provided at least one encounter took place with the patient during the preceding calendar year, plus all of the unduplicated patient encounters in the same 90-day period;

(ii) For program year 2013 and later, the eligible professional must:

(I) Add the total needy individual patients assigned to the eligible professional's panel in any representative 90-day period either in the preceding calendar year or during the twelve month timeframe preceding the attestation date, provided at least one Medicaid encounter took place with the individual during the 24 months before the beginning of the 90-day period, to the eligible professional's unduplicated needy individual encounters rendered same 90-day period; and

(II) Divide the result calculated above in (1)(d)(C)(ii)(I) by the sum of the total patients assigned to the eligible professional's panel in the same 90-day period, provided at least one encounter took place with the patient during the 24 months before the beginning of the 90-day period, plus all of the unduplicated patient encounters in the same 90-day period; and

(III) Not use the same 90-day timeframe to calculate patient volume in different program years;

(D) The patient panel calculation method based on the patient volume of the group requires that:

(i) For program year 2011 or 2012 the eligible professional must:

(I) Add the total needy individual patients assigned to the group's panel in any representative 90-day period in the prior calendar year, provided at least one needy individual encounter took place with the patient in the preceding calendar year, to the group's unduplicated Medicaid encounters in the same 90-day period; and

(II) Divide the result calculated above in (1)(d)(D)(i)(I) by the sum of the total patients assigned to the group's panel in the same 90-day period, provided at least one encounter took place with the patient during the preceding calendar year, plus all of the unduplicated patient encounters in the same 90-day period;

(ii) For program year 2013 and later, the eligible professional must:

(I) Add the total needy individual patients assigned to the group's panel in any representative 90-day period either in the preceding calendar year or during the twelve month timeframe preceding the attestation date, provided at least one needy individual encounter took place with the individual during the 24 months before the beginning of the 90-day period, to the group's unduplicated Medicaid encounters that same 90-day period; and

(II) Divide the result calculated above in (1)(d)(D)(ii)(I) by the sum of the total patients assigned to the group's panel in the same 90-day period, provided at least one encounter took place with the patient during the 24 months before the beginning of the 90-day period, plus all of the unduplicated patient encounters in the same 90-day period; and

(III) Not use the same 90-day timeframe to calculate patient volume in different program years.

(3) To be eligible for a Medicaid EHR incentive payment for the payment year, an eligible hospital must meet the Medicaid EHR Incentive Program criteria each year:

(a) To be eligible for an incentive payment, an eligible hospital must, at a minimum, meet the certified EHR technology and meaningful use requirements for the corresponding payment year:

(A) First payment year:

(i) Adopt, implement, or upgrade certified EHR technology; or

(ii) Demonstrate meaningful use under the Medicare EHR Incentive Program to Centers for Medicare and Medicaid Services (CMS) and be

deemed a meaningful EHR user for the payment year, as prescribed by 42 CFR 495.8 and 42 CFR 495.6;

(B) Subsequent payment years:

(i) For eligible hospitals that participate in both the Medicare and Medicaid EHR Incentive Programs, demonstrate meaningful use under the Medicare EHR Incentive Program to Centers for Medicare and Medicaid Services (CMS) and be deemed a meaningful EHR user for the payment year, as prescribed by 42 CFR 495.8 and 42 CFR 495.6;

(ii) For eligible hospitals that participate in the Medicaid EHR Incentive Program only, demonstrate meaningful use as prescribed by 42 CFR 495.8 and meet the corresponding meaningful use criteria for the payment year as prescribed by 42 CFR 495.6;

(b) If an eligible hospital is an acute care hospital, it must calculate patient volume by dividing the total eligible hospital Medicaid encounters by the total encounters in any representative, continuous 90-day period:

(A) For program year 2011 and 2012, in the preceding federal fiscal year;

(B) For program year 2013 and later, either in the preceding federal fiscal year or in the twelve month timeframe preceding the attestation date. The eligible hospital may not use the same 90-day timeframe to calculate patient volume in different program years;

(4) **Table 165-0060-1**

(5) **Table 165-0060-2**

(6) **Table 165-0060-3**

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

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042 & 414.033

Hist.: DMAP 20-2011, f. 7-21-11, cert. ef. 7-22-11; DMAP 20-2013(Temp), f. & cert. ef. 4-26-13 thru 10-23-13

410-165-0080

Meaningful Use

(1) An eligible provider must demonstrate being a meaningful Electronic Health Record (EHR) user as prescribed by 42 CFR 495.4 (2010 and 2012), 42 CFR 495.6 (2012), and 42 CFR 495.8 (2010 and 2012).

(2) An eligible provider must satisfy meaningful use objectives and measures as prescribed by 42 CFR 495.6. In Stage 1, the state of Oregon requires an eligible provider to satisfy the objective "Capability to submit electronic data to immunization registries or immunization information systems and actual submission in accordance with applicable law and practice".

(a) If Centers for Medicare and Medicaid Services (CMS) deem an eligible hospital to be a meaningful EHR user for the Medicare EHR Incentive Program for a payment year, then the eligible hospital is automatically deemed to be a meaningful EHR user for the Medicaid EHR Incentive Program for the same payment year;

(b) An eligible hospital deemed to be a meaningful EHR user by Medicare for a payment year does not have to also meet Oregon's Stage 1 requirement to satisfy the objective "Capability to submit electronic data to immunization registries or immunization information systems and actual submission in accordance with applicable law and practice" for the Medicaid EHR incentive payment for the same payment year.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042 & 414.033

Hist.: DMAP 13-2011, f. 6-29-11, cert. ef. 7-1-11; DMAP 20-2013(Temp), f. & cert. ef. 4-26-13 thru 10-23-13

410-165-0100

Participation and Incentive Payments

(1) To qualify for an incentive payment, an eligible provider applying for a Medicaid Electronic Health Record (EHR) incentive payment must meet the Medicaid EHR Incentive Program eligibility criteria and participation requirements for each year that the eligible provider applies. a) An eligible provider must meet the eligibility criteria for each payment year of:

(A) Type of eligible provider;

(B) Patient volume minimum; and

(C) Certified EHR technology adoption, implementation, or upgrade requirements for the first payment year and meaningful use requirements for the subsequent payment years;

(b) An eligible provider must meet the participation requirements for each payment year including:

(A) Be an enrolled Medicaid provider with the Oregon Health Authority's (Authority) Division of Medical Assistance Programs (Division);

(B) Maintain current provider information with the Division;

(C) Possess an active professional license and comply with all licensing statutes and regulations within the state where the eligible provider practices;

ADMINISTRATIVE RULES

(D) Have an active Provider Web Portal account;
(E) Ensure the designated payee is able to receive electronic funds transfer from the Authority; and

(F) Comply with all applicable Oregon Administrative Rules (OAR), including chapter, chapter 410, division 120, and chapter 943, division 120;

(c) An eligible professional may reassign the entire amount of the incentive payment to:

(A) The eligible professional's employer with which the eligible professional has a contractual arrangement allowing the employer to bill and receive payments for the eligible professional's covered professional services;

(B) An entity with which the eligible professional has a contractual arrangement allowing the entity to bill and receive payments for the eligible professional's covered professional services; or

(C) An entity promoting the adoption of certified EHR technology.

(2) An eligible professional must follow the Medicaid EHR Incentive Program participation conditions including requirements that an eligible professional must:

(a) Receive an incentive payment from only one state for a payment year;

(b) Only receive an incentive payment from either Medicare or Medicaid for a payment year, but not both;

(c) Not receive more than the maximum incentive amount of \$63,750 over a six-year period; or the maximum incentive of \$42,500 over a six-year period if the eligible professional qualifies as a pediatrician who meets the 20 percent patient volume minimum and less than the 30 percent patient volume;

(d) Participate in the Medicaid EHR Incentive Program:

(A) Starting as early as calendar year (CY) 2011, but no later than CY 2016;

(B) Ending no later than CY 2021;

(C) For a maximum of six years; and

(D) On a consecutive or non-consecutive annual basis;

(e) Be allowed to switch between the Medicare and Medicaid EHR Incentive Program only one time after receiving at least one incentive payment, and only for a payment year before 2015.

(3) Payments are disbursed to an eligible professional following verification of eligibility for the payment year:

(a) An eligible professional is paid an incentive amount for the corresponding payment year for each year of qualified participation in the Medicaid EHR Incentive Program;

(b) The payment structure is as follows for:

(A) An eligible professional qualifying with 30 percent minimum patient volume:

(i) The first payment year incentive amount is \$21,250; and

(ii) The second, third, fourth, fifth, or sixth payment year incentive amount is \$8,500; or

(B) An eligible pediatrician qualifying with 20 percent, but less than 30 percent minimum patient volume:

(i) The first payment year incentive amount is \$14,167; and

(ii) The second, third, fourth, fifth, or sixth payment year incentive amount is \$5,667.

(4) An eligible hospital must follow the Medicaid EHR Incentive Program participation conditions including requirements that the eligible hospital:

(a) Receives a Medicaid EHR incentive payment from only one state for a payment year;

(b) May participate in both the Medicare and Medicaid EHR Incentive Programs only if the eligible hospital meets all eligibility criteria for the payment year for both programs;

(c) Participates in the Medicaid EHR Incentive Program:

(A) Starting as early as federal fiscal year (FFY) 2011 but no later than FFY 2016;

(B) Ending no later than FFY 2021;

(C) For a maximum of three years;

(D) On a consecutive or non-consecutive annual basis for federal fiscal years prior to FFY 2016; and

(E) On a consecutive annual basis for federal fiscal years starting in FFY 2016;

(d) A multi-site hospital with one Centers for Medicare and Medicaid Services' Certification Number (CCN) is considered one hospital for purposes of calculating payment.

(5) Payments are disbursed to an eligible hospital following verification of eligibility for the payment year. An eligible hospital is paid the

aggregate incentive amount over three years of qualified participation in the Medicaid EHR Incentive Program:

(a) The payment structure as listed in Table 165-0100-1 is as follows:

(A) The first payment year incentive amount is equal to 50% of the aggregate EHR amount;

(B) The second payment year incentive amount is equal to 40% of the aggregate EHR amount; and

(C) The third payment year incentive amount is equal to 10% of the aggregate EHR amount;

(b) The aggregate EHR amount is calculated as the product of the "overall EHR amount" times the "Medicaid Share" as listed in Table 165-00100-2. The aggregate EHR amount is calculated once, for the first year participation, and then paid over three years according to the payment schedule:

(A) The overall EHR amount for an eligible hospital is based upon a theoretical four years of payment the hospital would receive, and is the sum of the following calculation performed for each of such four years. For each year, the overall EHR amount is the product of the initial amount, the Medicare share and the transition factor:

(i) The initial amount as listed in Table 165-0100-3 is equal to the sum of the base amount, which is set at \$2,000,000 for each of the theoretical four years, plus the discharge-related amount, that is calculated for each of the theoretical four years:

(I) For initial amounts calculated in program years 2011 or 2012, the discharge-related amount is \$200 per discharge for the 1,150th through the 23,000th discharge, based upon the total discharges for the eligible hospital (regardless of source of payment) from the hospital fiscal year that ends during the federal fiscal year (FFY) prior to the FFY year that serves as the first payment year. No discharge-related amount is added for discharges prior to the 1,150th or any discharges after the 23,000th;

(II) For initial amounts calculated in program year 2013 or later, the discharge-related amount is \$200 per discharge for the 1,150th through the 23,000th discharge, based upon the total discharges for the eligible hospital (regardless of source of payment) from the hospital fiscal year that ends before the FFY that serves as the first payment year. No discharge-related amount is added for discharges prior to the 1,150th or any discharges after the 23,000th;

(III) For purposes of calculating the discharge-related amount for the last three of the theoretical four years of payment, discharges are assumed to increase each year by the hospital's average annual rate of growth; negative rates of growth must also be applied. Average annual rate of growth is calculated as the average of the annual rate of growth in total discharges for the most recent three years for which data are available per year.

(ii) The Medicare share that equals 1;

(iii) The transition factor, that equals:

(I) 1 for the first of the theoretical four years;

(II) 0.75 for the second of the theoretical four years;

(III) 0.5 for the third of the theoretical four years; and

(IV) 0.25 for the fourth of the theoretical four years;

(B) The Medicaid share for an eligible hospital is equal to a fraction: (i) The numerator for the FFY and with respect to the eligible hospital is the sum of:

(I) The estimated number of inpatient-bed-days that are attributable to Medicaid individuals; and

(II) The estimated number of inpatient-bed-days that are attributable to individuals who are enrolled in a managed or coordinated care organization, a pre-paid inpatient health plan, or a pre-paid ambulatory health plan administered under 42 CFR Part 438;

(ii) The denominator is the product of:

(I) The estimated total number of inpatient-bed-days with respect to the eligible hospital during such period; and

(II) The estimated total amount of the eligible hospital's charges during such period, not including any charges that are attributable to charity care, divided by the estimated total amount of the hospital's charges during such period;

(iii) In computing inpatient-bed-days for the Medicaid share, an eligible hospital may not include either of the following:

(I) Estimated inpatient-bed-days attributable to individuals that may be made under Medicare Part A; or

(II) Inpatient-bed-days attributable to individuals who are enrolled with a Medicare Advantage organization under Medicare Part C;

(iv) If an eligible hospital's charity care data necessary to calculate the portion of the formula for the Medicaid share are not available, the eligible hospital's data on uncompensated care may be used to determine an appropriate proxy for charity care, but must include a downward adjustment to

ADMINISTRATIVE RULES

eliminate bad debt from uncompensated care data if bad debt is not otherwise differentiated from uncompensated care. Auditable data sources must be used; and

(v) If an eligible hospital's data necessary to determine the inpatient bed-days attributable to Medicaid managed care patients are not available, that amount is deemed to equal 0. In the absence of an eligible hospital's data necessary to compute the percentage of inpatient bed days that are not charity care as described under (B)(ii)(II) in this section, that amount is deemed to be 1.

(6) The aggregate EHR amount is determined by the State from which the eligible hospital receives its first incentive payment. If a hospital receives incentive payments from other States in subsequent years, total incentive payments received over all payment years of the program can be no greater than the aggregate EHR amount calculated by the State from which the eligible hospital received its first incentive payment.

(6) Table 165-0100-1

(7) Table 165-0100-2

(8) Table 165-0100-3

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

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 414.033

Hist.: DMAP 13-2011, f. 6-29-11, cert. ef. 7-1-11; DMAP 20-2013(Temp), f. & cert. ef. 4-26-13 thru 10-23-13

410-165-0120

Appeals

(1) The appeals process for the Medicaid Electronic Health Record (EHR) Incentive Program is pursuant to 42 CFR 495.370 and the Oregon Health Authority's (Authority) Provider Appeals Rules in the Oregon Administrative Rules (OAR) chapter 410, division 120.

(2) The Authority exercises its option, pursuant to 42 CFR 495.312 and 42 CFR 495.370, to have the Centers for Medicare and Medicaid Services (CMS) conduct the audits and handle any subsequent appeals, of whether eligible hospitals are meaningful EHR users.

(3) For purposes of OAR chapter 410, division 165, a provider who applies for a Medicaid EHR incentive payment may appeal a decision by the Medicaid EHR Incentive Program as outlined in the Authority's Division of Medical Assistance Programs' Provider Appeal Rules (OAR chapter 410, division 120). The provider's appeal must note the specific reason for the appeal, which must be due to one or more of the following issues:

(a) An incentive payment;

(b) An incentive payment amount;

(c) A provider eligibility determination;

(d) The demonstration of adopting, implementing or upgrading; or

(e) Meaningful use eligibility other than a meaningful use eligibility issue where CMS handles the appeal, as provided in section (2) of this section.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 414.033

Hist.: DMAP 13-2011, f. 6-29-11, cert. ef. 7-1-11; DMAP 20-2013(Temp), f. & cert. ef. 4-26-13 thru 10-23-13

410-165-0140

Oversight and Audits

(1) A provider who qualifies for a Medicaid Electronic Health Record (EHR) incentive payment under the Medicaid (EHR) Incentive Program is subject to audit or other post-payment review procedures as authorized in Oregon Administrative Rule (OAR) 943-120-1505.

(2) The Oregon Health Authority and the Department of Human Services have the authority to recover overpayments from the person or entity who received an incentive payment from the Medicaid EHR Incentive Program.

(3) As authorized in 42 CFR 495.312, the Oregon Health Authority and the Department of Human Services designate Centers for Medicare and Medicaid Services (CMS) to conduct audits on Eligible Hospitals Meaningful Use attestations.

(4) The person or entity who received a Medicaid EHR incentive overpayment must repay the amount specified within 30 calendar days from the mailing date of written notification of the overpayment as prescribed by OAR 943-120-1505.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 414.033

Hist.: DMAP 13-2011, f. 6-29-11, cert. ef. 7-1-11; DMAP 20-2013(Temp), f. & cert. ef. 4-26-13 thru 10-23-13

Rule Caption: Targeted Case Management Retroactive Payments

Adm. Order No.: DMAP 21-2013

Filed with Sec. of State: 4-26-2013

Certified to be Effective: 4-26-13

Notice Publication Date: 4-1-2013

Rules Amended: 410-138-0390

Subject: The Division's (Division 410) Targeted Case Management (TCM) administrative rules govern payments for services provided to eligible clients. The Division needs to amend rules to allow providers to adjust claims reimbursed retroactively to align with new rate changes, when CMS approval for the new rates is delayed past the effective date as follows:

410-138-0390

Remove item number "(2) For all programs, except the Substance Abusing Pregnant Women and Substance Abusing Parents With Children Under Age 18 program, TCM claims already paid by the Division of Medical Assistance Programs (Division) with a prior rate may not be adjusted or resubmitted for the sole purpose of receiving a different rate."

Re codify subsequent numbered paragraphs accordingly

Rules Coordinator: Cheryl Peters—(503) 945-6527

410-138-0390

Targeted Case Management Retroactive Payments

(1) Providers may submit claims retroactively for services provided to the targeted populations described in OAR 410-138-0020(2) (a)–(f) if the claims meet the following criteria:

(a) Services were provided less than 12 months prior to the date of first claim submission, and were provided on or after the date indicated in the rule listed above, and were allowable services in accordance with OAR 410-138-0007;

(b) The maximum number of units billed does not exceed the maximum allowed under each Targeted Case Management (TCM) program.

(c) The case manager was appropriately licensed or certified, and met all current requirements for case managers at the time the service was provided, as described in the provider requirements rule OAR 410-138-0060 appropriate for the TCM program:

(d) Documentation regarding provider qualifications and the services that the provider retroactively claims must have been available at the time the services were performed;

(2) The Division may not allow duplicate payments to be made to the same or different providers for the same service for the same client, nor will payment be allowed for services for which third parties are liable to pay (see also OAR 410-138-0005).

(3) Reimbursement is subject to all rules and laws pertaining to federal financial participation.

Stat. Auth.: ORS 409.050 & 414.065

Stats. Implemented: ORS 414.065

Hist.: DMAP 34-2009(Temp), f. & cert. ef. 11-16-09 thru 5-1-10; DMAP 43-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 22-2010, f. 6-30-10, cert. ef. 7-1-10; DMAP 41-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 48-2012(Temp), f. & cert. ef. 10-31-12 thru 4-28-13; DMAP 21-2013, f. & cert. ef. 4-26-13

Rule Caption: Amend CCO rules to include Authority's intent for member's options to file grievance or complaint

Adm. Order No.: DMAP 22-2013

Filed with Sec. of State: 4-26-2013

Certified to be Effective: 4-26-13

Notice Publication Date: 4-1-2013

Rules Amended: 410-141-3260

Subject: This rule establishes that the grievance and appeal process is available for Authority Members to file as a result of the Authority Member being transferred from their current Coordinated Care Organization (CCO) to a new CCO for their covered services. CCOs will improve health, increase the quality, reliability, availability and continuity of care, as well as to reduce costs. CCOs will provide medical assistance recipients with health care services that are supported by alternative payment methodologies that focus on prevention and that use patient-centered primary care homes, evidence-based practices and health information technology to improve health and

ADMINISTRATIVE RULES

reduce health disparities. The Authority needs to amend these rules to ensure the Authority's intent for member choice and notification to align closely with those outlined in Senate Bill 201.

Rules Coordinator: Cheryl Peters—(503) 945-6527

410-141-3260

Grievance System: Grievances, Appeals and Contested Case Hearings

(1) This rule applies to requirements related to the grievance system, which includes appeals, contested case hearings, and grievances. For purposes of this rule and OAR 410-141-3261 through 410-141-3264, references to member means a member, member's representative and the representative of a deceased member's estate.

(2) The CCO must establish and have an Authority approved process and written procedures, for the following:

(a) Member rights to appeal and request a CCO's review of an action;

(b) Member rights to request a contested case hearing on a CCO action under the Administrative Procedures Act; and

(c) Member rights to file a grievance for any matter other than an appeal or contested case hearing;

(d) An explanation of how CCOs shall accept, process, and respond to appeals, hearing requests, and grievances;

(e) Compliance with grievance system requirements as part of the state quality strategy and to monitor and enforce consumer rights and protections within the Oregon Integrated and Coordinated Health Care Delivery System and ensure consistent response to complaints of violations of consumer right and protections.

(3) Upon receipt of a grievance or appeal, the CCO must:

(a) Acknowledge receipt to the member;

(b) Give the grievance or appeal to staff with the authority to act upon the matter;

(c) Obtain documentation of all relevant facts concerning the issues;

(d) Ensure that staff making decisions on the grievance or appeal are:

(A) Not involved in any previous level of review or decision-making; and

(B) Health care professionals, as defined in OAR 410-120-0000, with appropriate clinical expertise in treating the member's condition or disease if the grievance or appeal involves clinical issues or if the member requests an expedited review.

(4) The CCO must analyze all grievances, appeals, and hearings in the context of quality improvement activity pursuant to OAR 410-141-3200 and 410-141-3260.

(5) CCOs must keep all information concerning a member's request confidential, consistent with appropriate use or disclosure as the terms treatment, payment, or CCO health care operations, are defined in 45 CFR 164.501.

(6) The following pertains to release of a member's information:

(a) The CCO and any provider whose authorizations, treatments, services, items, quality of care, or requests for payment are involved in the grievance, appeal or hearing may use this information without the member's signed release for purposes of:

(A) Resolving the matter; or

(B) Maintaining the grievance or appeals log.

(b) If the CCO needs to communicate with other individuals or entities, not listed in subsection (a), to respond to the matter, the CCO must obtain the member's signed release and retain the release in the member's record.

(7) The CCO must provide members with any reasonable assistance in completing forms and taking other procedural steps related to filing grievances, appeals, or hearing requests. Reasonable assistance includes, but is not limited to:

(a) Assistance from qualified community health workers, qualified peer wellness specialists or personal health navigators to participate in processes affecting the member's care and services;

(b) Free interpreter services;

(c) Toll-free phone numbers that have adequate TTY/TTD and interpreter capabilities; and

(d) Reasonable accommodation or policy and procedure modifications as required by any disability of the member.

(8) The CCO and its participating providers may not:

(a) Discourage a member from using any aspect of the grievance, appeal, or hearing process;

(b) Encourage the withdrawal of a grievance, appeal, or hearing request already filed; or

(c) Use the filing or resolution of a grievance, appeal, or hearing request as a reason to retaliate against a member or to request member disenrollment.

(9) In all CCO administrative offices and in those physical, behavioral, and oral health offices where the CCO has delegated response to the appeal, hearing request or grievance, the CCO must make the following forms available:

(a) Grievance forms;

(b) Appeal forms;

(c) Hearing request forms (DHS 443); and

(d) Notice of hearing rights (DMAP 3030).

(10) A member's provider:

(a) Acting on behalf of and with written consent of the member, may file an appeal;

(b) May not act as the member's authorized representative for requesting a hearing or filing a grievance.

(11) The CCO and its participating providers must cooperate with the Department of Human Services Governor's Advocacy Office, the Authority's Ombudsman and hearing representatives in all activities related to member appeals, hearing requests, and grievances including providing all requested written materials.

(12) If the CCO delegates the grievance and appeal process to a subcontractor, the CCO must:

(a) Ensure the subcontractor meets the requirements consistent with this rule and OAR 410-141-3261 through 410-141-3264;

(b) Monitor the subcontractor's performance on an ongoing basis;

(c) Perform a formal compliance review at least once a year to assess performance, deficiencies, or areas for improvement; and

(d) Ensure the subcontractor takes corrective action for any identified areas of deficiencies that need improvement.

(13) CCO's must maintain yearly logs of all appeals and grievances for seven calendar years with the following requirements:

(a) The logs must contain the following information pertaining to each member's appeal or grievance:

(A) The member's name, ID number, and date the member filed the grievance or appeal;

(B) Documentation of the CCO's review, resolution, or disposition of the matter, including the reason for the decision and the date of the resolution or disposition;

(C) Notations of oral and written communications with the member; and

(D) Notations about appeals and grievances the member decides to resolve in another way if the CCO is aware of this.

(b) For each calendar year, the logs must contain the following aggregate information:

(A) The number of actions; and

(B) A categorization of the reasons for and resolutions or dispositions of appeals and grievances.

(14) The CCO must review the log monthly for completeness and accuracy, which includes but is not limited to timeliness of documentation and compliance with procedures.

(15) A member or a member's provider may request an expedited resolution of an appeal or a contested case hearing if the member or provider believes taking the standard time of resolution could seriously jeopardize the member's:

(a) Life, health, mental health or dental health; or

(b) Ability to attain, maintain or regain maximum function.

(16) A member who may be entitled to continuing benefits may request and receive continuing benefits in the same manner and same amount while an appeal or contested case hearing is pending.

(a) To be entitled to continuing benefits, the member must complete a hearing request or request for appeal, requesting continuing benefits, no later than:

(A) The tenth day following the date of the notice or the notice of appeal resolution; and

(B) The effective date of the action proposed in the notice, if applicable.

(b) In determining timeliness under section (3)(a) of this rule, delay caused by circumstances beyond the control of the member is not counted.

(c) The benefits must be continued until:

(A) A final appeal resolution resolves the appeal, unless the member requests a hearing with continuing benefits, no later than ten days following the date of the notice of appeal resolution;

(B) A final order resolves the contested case;

ADMINISTRATIVE RULES

(C) The time period or service limits of a previously authorized service have been met; or

(D) The member withdraws the request for hearing.

(17) The CCO shall review and report to the Authority complaints that raise issues related to racial or ethnic background, gender, religion, sexual orientation, socioeconomic status, culturally or linguistically appropriate service requests, disability status and other identity factors for consideration in improving services for health equity.

(18) If a CCO receives a complaint or grievance related to a member's entitlement of continuing benefits in the same manner and same amount during the transition of transferring from one CCO to another CCO for reasons defined in OAR 410-141-3080 (15) the CCO shall log the complaint/grievance and work with the receiving/sending CCO to ensure continuity of care during the transition.

Stat. Auth.: ORS 414.032, 414.615, 414.625, 414.635, 414.651

Stats. Implemented: ORS 414.610 – 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 54-2012(Temp), f. & cert. ef. 11-1-2 thru 4-29-13; DMAP 22-2013, f. & cert. ef. 4-26-13

Rule Caption: Amending Preferred Drug List and Prior Authorization Guide January 31, 2013 DUR/PandT Action

Adm. Order No.: DMAP 23-2013(Temp)

Filed with Sec. of State: 4-30-2013

Certified to be Effective: 5-1-13 thru 8-19-13

Notice Publication Date:

Rules Amended: 410-121-0030, 410-121-0040

Rules Suspended: 410-121-0030(T), 410-121-0040(T)

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

410-121-0030:

- 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.

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—(503) 945-6527

410-121-0030

Practitioner-Managed Prescription Drug Plan

(1) The Practitioner-Managed Prescription Drug Plan (PMPDP) is a plan that ensures that fee-for-service clients of the Oregon Health Plan shall have access to the most effective prescription drugs appropriate for their clinical conditions at the best possible price:

(a) Licensed health care practitioners (informed by the latest peer reviewed research), make decisions concerning the clinical effectiveness of the prescription drugs;

(b) The licensed health care practitioners also consider the health condition of a client or characteristics of a client, including the client's gender, race or ethnicity.

(2) PMPDP Preferred Drug List (PDL):

(a) The PDL is the primary tool that the Division developed to inform licensed health care practitioners about the results of the latest peer-reviewed research and cost effectiveness of prescription drugs;

(b) The PDL (as defined in 410-121-0000 (cc) consists of prescription drugs that the Division, in consultation with the Drug Use Review (DUR) / Pharmacy & Therapeutics Committee (P&T), has determined represent the most effective drug(s) available at the best possible price;

(c) The PDL shall include drugs that are Medicaid reimbursable and the Food and Drug Administration (FDA) has determined to be safe and effective.

(3) PMPDP PDL Selection Process:

(a) The Division shall utilize the recommendations made by the P&T, that result from an evidence-based evaluation process, as the basis for selecting the most effective drug(s);

(b) The Division shall determine the drugs selected in (3)(a) that are available for the best possible price and shall consider any input from the P&T about other FDA-approved drug(s) in the same class that are available for a lesser relative price. The Division shall determine relative price using the methodology described in subsection (4);

(c) The Division shall evaluate selected drug(s) for the drug classes periodically:

(A) Evaluation shall occur more frequently at the discretion of the Division if new safety information or the release of new drugs in a class or other information which makes an evaluation advisable;

(B) New drugs in classes already evaluated for the PDL shall be non-preferred until the new drug has been reviewed by the P&T;

(C) The Division shall make all changes or revisions to the PDL, using the rulemaking process and shall publish the changes on the Division's Pharmaceutical Services provider rules Web page.

(4) Relative cost and best possible price determination:

(a) The Division shall determine the relative cost of all drugs in each selected class that are Medicaid reimbursable and that the FDA has determined to be safe and effective;

(b) The Division may also consider dosing issues, patterns of use and compliance issues. The Division shall weigh these factors with any advice provided by the P&T in reaching a final decision;

(5) Pharmacy providers shall dispense prescriptions in the generic form, unless:

(a) The practitioner requests otherwise, subject to the regulations outlined in OAR 410-121-0155;

(b) The brand name medication is listed as preferred on the PDL.

(6) The exception process for obtaining non-preferred physical health drugs that are not on the PDL shall be as follows:

(a) If the prescribing practitioner, in their professional judgment, wishes to prescribe a physical health drug not on the PDL, they may request an exception, subject to the requirements of OAR 410-121-0040;

(b) The prescribing practitioner must request an exception for physical health drugs not listed in the PDL subject to the requirements of OAR 410-121-0060;

(c) Exceptions shall be granted in instances:

(A) Where the prescriber in their professional judgment determines the non-preferred drug is medically appropriate after consulting with the Division or the Oregon Pharmacy Help Desk; or

(B) Where the prescriber requests an exception subject to the requirement of (6)(b) and fails to receive a report of PA status within 24 hours, subject to OAR 410-121-0060.

(7) Table 121-0030-1, PMPDP PDL dated May 1, 2013 is incorporated in rule by reference and is found on our Web page at www.orpdll.org.

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

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

Hist.: OMAP 25-2002, f. 6-14-02 cert. ef. 7-1-02; OMAP 31-2002, f. & cert. ef. 8-1-02; OMAP 36-2002, f. 8-30-02, cert. ef. 9-1-02; OMAP 29-2003, f. 3-31-03 cert. ef. 4-1-03; OMAP 35-2003, f. & cert. ef. 5-1-03; OMAP 47-2003, f. & cert. ef. 7-1-03; OMAP 57-2003, f. 9-5-03, cert. ef. 10-1-03; OMAP 70-2003(Temp), f. 9-15-03, cert. ef. 10-1-03 thru 3-15-04; OMAP 82-2003, f. 10-31-03, cert. ef. 11-1-03; OMAP 9-2004, f. 2-27-04, cert. ef. 3-1-04; OMAP 29-2004, f. 4-23-04 cert. ef. 5-1-04; OMAP 34-2004, f. 5-26-04 cert. ef. 6-1-04; OMAP 45-2004, f. 7-22-04 cert. ef. 8-1-04; OMAP 81-2004, f. 10-29-04 cert. ef. 11-1-04; OMAP 89-2004, f. 11-24-04 cert. ef. 12-1-04; OMAP 19-2005, f. 3-21-05, cert. ef. 4-1-05; OMAP 32-2005, f. 6-21-05, cert. ef. 7-1-05; OMAP 58-2005, f. 10-27-05, cert. ef. 11-1-05; OMAP 16-2006, f. 6-12-06, cert. ef. 7-1-06; OMAP 32-2006, f. 8-31-06, cert. ef. 9-1-06; OMAP 48-2006, f. 12-28-06, cert. ef. 1-1-07; DMAP 4-2007, f. 6-14-07, cert. ef. 7-1-07; DMAP 16-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 36-2008, f. 12-11-08, cert. ef. 1-1-09; DMAP 39-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 17-2010, f. 6-15-10, cert. ef. 7-1-10; DMAP 40-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 2-2011(Temp), f. & cert. ef. 3-1-11 thru 8-20-11; DMAP 19-2011, f. 7-15-11, cert. ef. 7-17-11; DMAP 44-2011, f. 12-21-11, cert. ef. 1-1-12; DMAP 12-2012(Temp), f. & cert. ef. 3-16-12 thru 9-11-12; DMAP 18-2012, f. 3-30-12, cert. ef. 4-9-12; DMAP 26-2012, f. & cert. ef. 5-14-12; DMAP 29-2012, f. & cert. ef. 6-21-12; DMAP 33-2012(Temp), f. 7-18-12, cert. ef. 7-23-12 thru 1-18-13; DMAP 40-2012(Temp), f. & cert. ef. 8-20-12 thru 1-18-13; DMAP 44-2012(Temp), f. & cert. ef. 9-26-12 thru 1-18-13; DMAP 61-2012, f. 12-27-12, cert. ef. 1-1-13; DMAP 6-2013(Temp), f. & cert. ef. 2-21-13 thru 8-19-13; DMAP 23-2013(Temp), f. 4-30-13, cert. ef. 5-1-13 thru 8-19-13

ADMINISTRATIVE RULES

410-121-0040

Prior Authorization Required for Drugs and Products

(1) Prescribing practitioners are responsible for obtaining prior authorization (PA) for the drugs and categories of drugs requiring PA in this rule, using the procedures required in OAR 410-121-0060.

(2) All drugs and categories of drugs, including but not limited to those drugs and categories of drugs that require PA as described in this rule, are subject to the following requirements for coverage:

(a) Each drug must be prescribed for conditions funded by Oregon Health Plan (OHP) in a manner consistent with the Oregon Health Services Commission's Prioritized List of Health Services (OAR 410141-0480 through 410-141-0520). If the medication is for a non-covered diagnosis, the medication shall not be covered unless there is a co-morbid condition for which coverage would be extended. The use of the medication must meet corresponding treatment guidelines, be included within the client's benefit package of covered services, and not otherwise excluded or limited;

(b) Each drug must also meet other criteria applicable to the drug or category of drug in these pharmacy provider rules, including PA requirements imposed in this rule.

(3) The Oregon Health Authority (Authority) may require PA for individual drugs and categories of drugs to ensure that the drugs prescribed are indicated for conditions funded by OHP and consistent with the Prioritized List of Health Services and its corresponding treatment guidelines (see OAR 410-141-0480). The drugs and categories of drugs that the Authority requires PA for this purpose are found in the OHP Fee-For-Service Pharmacy PA Criteria Guide (PA Criteria Guide) dated May 1, 2013, incorporated in rule by reference and found on our Web page at: <http://www.dhs.state.or.us/policy/healthplan/guides/pharmacy/clinical.html>

(4) The Authority may require PA for individual drugs and categories of drugs to ensure medically appropriate use or to address potential client safety risk associated with the particular drug or category of drug, as recommended by the Pharmacy & Therapeutics Committee (P&T) and adopted by the Authority in this rule (see OAR 410-121-0100 for a description of the DUR program). The drugs and categories of drugs for which the Authority requires PA for this purpose are found in the Pharmacy PA Criteria Guide.

(5) New drugs shall be evaluated when added to the weekly upload of the First DataBank drug file:

(a) If the new drug is in a class where current PA criteria apply, all associated PA criteria shall be required at the time of the drug file load;

(b) If the new drug is indicated for a condition below the funding line on the Prioritized List of Health Services, PA shall be required to ensure that the drug is prescribed for a condition funded by OHP;

(c) PA criteria for all new drugs shall be reviewed by the DUR/P&T Committee.

(6) PA is required for brand name drugs that have two or more generically equivalent products available and that are NOT determined Narrow Therapeutic Index drugs by the Oregon DUR/P&T Committee:

(a) Immunosuppressant drugs used in connection with an organ transplant must be evaluated for narrow therapeutic index within 180 days after United States patent expiration;

(b) Manufacturers of immunosuppressant drugs used in connection with an organ transplant must notify the department of patent expiration within 30 days of patent expiration for (5)(a) to apply;

(c) Criteria for approval are:

(A) If criteria established in subsection (3) or (4) of this rule applies, follow that criteria;

(B) If (6)(A) does not apply, the prescribing practitioner must document that the use of the generically equivalent drug is medically contraindicated, and provide evidence that either the drug has been used and has failed or that its use is contraindicated based on evidence-based peer reviewed literature that is appropriate to the client's medical condition.

(7) PA is required for non-preferred Preferred Drug List (PDL) products in a class evaluated for the PDL except in the following cases:

(a) The drug is a mental health drug as defined in OAR 410-121-0000;

(b) The original prescription is written prior to 1/1/10;

(c) The prescription is a refill for the treatment of seizures, cancer, HIV or AIDS; or

(d) The prescription is a refill of an immunosuppressant.

(8) PA may not be required:

(a) When the prescription ingredient cost plus the dispensing fee is less than the PA processing fees as determined by the Authority;

(b) For over-the-counter (OTC) covered drugs when prescribed for conditions covered under OHP or;

(c) If a drug is in a class not evaluated from the Practitioner-Managed Prescription Drug Plan under ORS 414.334.

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

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

Hist.: AFS 56-1989, f. 9-28-89, cert. ef. 10-1-89; AFS 2-1990, f. & cert. ef. 1-16-90; HR 29-1990, f. 8-31-90, cert. ef. 9-1-90, Renumbered from 461-016-0170; HR 10-1991, f. & cert. ef. 2-19-91; HR 14-1993, f. & cert. ef. 7-2-93; HR 25-1994, f. & cert. ef. 7-1-94; HR 6-1995, f. 3-31-95, cert. ef. 4-1-95; HR 18-1996(Temp), f. & cert. ef. 10-1-96; HR 8-1997, f. 3-13-97, cert. ef. 3-15-97; OMAP 1-1999, f. & cert. ef. 2-1-99; OMAP 29-2000, f. 9-29-00, cert. ef. 10-1-00; OMAP 31-2001, f. 9-24-01, cert. ef. 10-1-01; OMAP 44-2002, f. & cert. ef. 10-1-02; OMAP 66-2002, f. 10-31-02, cert. ef. 11-1-02; OMAP 29-2003, f. 3-31-03 cert. ef. 4-1-03; OMAP 40-2003, f. 5-27-03, cert. ef. 6-1-03; OMAP 43-2003(Temp), f. 6-10-03, cert. ef. 7-1-03 thru 12-15-03; OMAP 49-2003, f. 7-31-03 cert. ef. 8-1-03; OMAP 84-2003, f. 11-25-03 cert. ef. 12-1-03; OMAP 87-2003(Temp), f. & cert. ef. 12-15-03 thru 5-15-04; OMAP 9-2004, f. 2-27-04, cert. ef. 3-1-04; OMAP 71-2004, f. 9-15-04, cert. ef. 10-1-04; OMAP 74-2004, f. 9-23-04, cert. ef. 10-1-04; OMAP 89-2004, f. 11-24-04, cert. ef. 12-1-04; OMAP 4-2006(Temp), f. & cert. ef. 3-15-06 thru 9-7-06; OMAP 32-2006, f. 8-31-06, cert. ef. 9-1-06; OMAP 41-2006, f. 12-15-06, cert. ef. 1-1-07; DMAP 4-2007, f. 6-14-07, cert. ef. 7-1-07; DMAP 26-2007, f. 12-11-07, cert. ef. 1-1-08; DMAP 9-2008, f. 3-31-08, cert. ef. 4-1-08; DMAP 16-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 34-2008, f. 11-26-08, cert. ef. 12-1-08; DMAP 14-2009 f. 6-12-09, cert. ef. 7-1-09; DMAP 39-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 17-2010, f. 6-15-10, cert. ef. 7-1-10; DMAP 40-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 27-2011(Temp), f. & cert. ef. 9-30-11 thru 3-15-12; DMAP 44-2011, f. 12-21-11, cert. ef. 1-1-12; DMAP 12-2012(Temp), f. & cert. ef. 3-16-12 thru 9-11-12; DMAP 18-2012, f. 3-30-12, cert. ef. 4-9-12; DMAP 23-2012(Temp), f. & cert. ef. 4-20-12 thru 10-15-12; DMAP 27-2012(Temp), f. & cert. ef. 5-14-12 thru 10-15-12; DMAP 29-2012, f. & cert. ef. 6-21-12; DMAP 33-2012(Temp), f. 7-18-12, cert. ef. 7-23-12 thru 1-18-13; DMAP 40-2012(Temp), f. & cert. ef. 8-20-12 thru 1-18-13; DMAP 44-2012(Temp), f. & cert. ef. 9-26-12 thru 1-18-13; DMAP 61-2012, f. 12-27-12, cert. ef. 1-1-13; DMAP 6-2013(Temp), f. & cert. ef. 2-21-13 thru 8-19-13; DMAP 23-2013(Temp), f. 4-30-13, cert. ef. 5-1-13 thru 8-19-13

Oregon Health Authority, Oregon Educators Benefit Board Chapter 111

Rule Caption: Amendments to this rule to align rule language with current OEBB processes

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

Filed with Sec. of State: 4-22-2013

Certified to be Effective: 4-22-13 thru 10-18-13

Notice Publication Date:

Rules Amended: 111-065-0010, 111-065-0015, 111-065-0025, 111-065-0030

Subject: Amendments to OAR 111-065-0010, 111-065-0015, 111-065-0025 and 111-065-0030 align rule language with current OEBB processes related to payment information for early retirees who self pay their insurance premiums directly to OEBB.

Rules Coordinator: April Kelly — (503) 378-6588

111-065-0010

OEBB Early Retiree Invoicing

(1) OEBB will enroll the early retiree after OEBB has received the enrollment form and one of the following is completed:

(a) The required ACH Authorization for a recurring Direct Debit Payment is received from the early retiree to initiate the setup of automated payments via ACH.

(b) The Exception Request Form is received from the early retiree, reviewed and approved.

(2) OEBB will send payment invoices to early retirees that will provide notification of the amount and payment due date or the date the automatic checking deduction will occur. OEBB will send invoices on or around the 15th of the month with payment due by the 2nd of the following month.

(3) Advance payments may be made only within the same Plan Year. Any remaining balances will be carried into the next Plan Year.

Stats. Auth.: 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 6-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 11 2012, f. & cert. ef. 10-9-12; OEBB 2-2013(Temp) f. & cert. ef. 4-22-13 thru 10-18-13

111-065-0015

Early Retiree Payment Methods and Due Dates

(1)(a) Early retirees will submit payment to OEBB for benefits by Direct Debit Payment via ACH.

(b) Premium payments will be withdrawn via ACH on the 2nd day of the month. If the 2nd lands on a weekend or holiday, funds will be withdrawn on the next business day.

(2) OEBB will accept payment from Early Retirees by methods other than Direct Debit when specific exceptions apply:

(a) The individual does not have an account with a financial institution within the United States;

ADMINISTRATIVE RULES

(b) The individual's special circumstances, which OEBB will review on a case by case basis.

(3) A request for exception must be made in writing and include the reason why or special circumstance that would not allow the member to submit payment via Direct Debit

(4) OEBB will review the request for exception, determine whether to allow or deny the exception, and notify the requesting party of its decision within 21 days of receipt of the request.

(5) Notwithstanding administrative rules in 111-065-0010, all premium payments must be received by the 2nd day of the month for the current month's health care coverage. All payments will be subject to this due date.

Stats. Auth.: 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 6-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 11 2012, f. & cert. ef. 10-9-12; OEBB 2-2013(Temp) f. & cert. ef. 4-22-13 thru 10-18-13

111-065-0025

Early Retiree Underpayments

(1) Premiums that are not paid in full by the 2nd day of the month will result in the early retirees and dependents coverage being terminated at the end of the month for which premiums were paid in full.

(2)(a) Early retirees will be notified if their coverage was terminated due to the premium not being paid in full on the specified due date, including payments returned by the bank for Non-Sufficient Funds (NSF), closed bank accounts, and frozen accounts.

(b) A check or ACH transaction that is returned for NSF, closed bank account, or frozen account is considered non-payment of premiums.

Stats. Auth.: 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 6-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 11 2012, f. & cert. ef. 10-9-12; OEBB 2-2013(Temp) f. & cert. ef. 4-22-13 thru 10-18-13

111-065-0030

Termination

(1) OEBB shall not be responsible for any unpaid portion of premiums for coverage and will terminate the early retiree and dependent coverage for non-payment or underpayment of premiums due.

(2) OEBB coverage will be terminated under the following circumstances:

(a) Premiums are not paid in full by the due date. If the payment is not received in full by the 2nd day of the month, the early retiree's coverage will be terminated on the last day of the month in which a full premium payment was received; or

(b) As referenced in 111-050-0015.

Stats. Auth.: 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 6-2012(Temp), f. & cert. ef. 4-20-12 thru 10-16-12; OEBB 11 2012, f. & cert. ef. 10-9-12; OEBB 2-2013(Temp) f. & cert. ef. 4-22-13 thru 10-18-13

Rule Caption: Establishes language on employees returning to a benefit eligible status

Adm. Order No.: OEBB 3-2013

Filed with Sec. of State: 4-26-2013

Certified to be Effective: 4-26-13

Notice Publication Date: 2-1-2013

Rules Adopted: 111-040-0011

Subject: Adoption of 111-040-0011 establishes language in rule on eligible employees returning to a benefit eligible status for any reason other than a termination of employment.

Rules Coordinator: April Kelly—(503) 378-6588

111-040-0011

Returning to Benefit Eligible Status

(1) A former Eligible Employee returning to benefit-eligible status with the same Educational Entity following an unpaid leave of absence or returning from a strike, lock-out, layoff, or any reason other than a termination of employment within 6 months of the date eligibility was lost will have their benefit plans and coverages reinstated.

(a) All coverages and plans previously enrolled in will be effective the first of the month following the date eligibility is regained, unless otherwise stipulated in the collective bargaining agreement settlement, or in an existing collective bargaining agreement in effect on or before May 1, 2013.

(b) The 12-month late enrollment waiting period for dental and/or vision coverage will only apply if it was in effect at the time coverage was initially lost.

(c) Plan changes or changes to covered dependents may only be made if:

(A) A Qualified Status Change occurred during the period of ineligibility, consistent with OAR 111-040-0040, and requested within 31 days of returning to benefit-eligible status, or

(B) Benefits are being reinstated in a new plan year from which benefits were initially lost.

(2) If reinstatement occurs within the same plan year, medical, dental and vision coverage will be reinstated at the same level as was in effect immediately prior to the loss of eligibility. (i.e., dental incentive levels, amounts applied toward deductibles, annual maximum out-of-pockets and benefit maximums, and benefits beyond routine and basic dental and vision), if applicable.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a)

Hist.: OEBB 3-2013, f. & cert. ef. 4-26-13

Rule Caption: Amendments update rule language to allow for composite rate Long Term Disability to continue

Adm. Order No.: OEBB 4-2013

Filed with Sec. of State: 5-10-2013

Certified to be Effective: 5-10-13

Notice Publication Date: 4-1-2013

Rules Amended: 111-030-0050

Subject: Amendments to 111-030-0050 reflect the Oregon Educators Benefit Board's decision to continue to allow Employee Groups who are currently

using a composite rate structure for Long Term Disability for both employer-paid and employee-paid plans. In addition, the amendments to this

rule also reflect the OEBB Board's decision to expand the availability of the composite rate structure to those Employee Groups who choose

to elect an employer-paid plan option on Long Term Disability.

Rules Coordinator: April Kelly—(503) 378-6588

111-030-0050

Premium Rate Structure Selection Process and Limitations

(1) Educational Entities may choose a composite or tiered rate structure for each Employee Group for medical, dental and vision coverage unless otherwise specified in an OEBB administrative rule. The rate structure selected for each coverage type applies to all individuals electing to participate as active employees within an Employee Group.

(2) Educational Entities may select a composite or tiered rate structure for early retirees unless otherwise specified in an OEBB administrative rule.

(3) Educational Entities may select a composite or tiered rate structure for part-time employees of an Employee Group unless otherwise specified in an OEBB administrative rule. If a different rate structure is selected for part-time employees that structure must apply to all participating part-time employees within that Employee Group.

(4) Rate structures must be selected during the plan selection process.

(5) Once an Educational Entity elects a change in rate structure for a type of coverage within an Employee Group, the rate structure selection cannot be changed for at least three plan years. The rate structure change will go into effect on the first day of the next plan year, October 1.

(6) Educational Entities who offered LTD on a composite rate structure prior to moving to OEBB coverages can continue to do so. Use of the composite rate structure for LTD plans is only available on a mandatory LTD plan and requires 100 percent enrollment.

(a) Employee Groups using a composite rate structure for mandatory LTD plans effective October 1, 2012, may continue to use either the employer-paid or employee-paid option.

(b) Effective October 1, 2013, OEBB will expand the availability of the composite rate structure for mandatory LTD plans only to those Employee Groups that chose to elect an employer-paid plan option.

(c) Rate structures must be selected during the plan selection period and become effective the first day of the next plan year, October 1.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 864(1)(a)

Hist.: OEBB 8-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11; OEBB 2-2011, f. & cert. ef. 2-11-11; OEBB 1-2013(Temp), f. & cert. ef. 2-21-13 thru 8-19-13; OEBB 4-2013, f. & cert. ef. 5-10-13

ADMINISTRATIVE RULES

Oregon Liquor Control Commission Chapter 845

Rule Caption: Temporary rule amendments to implement statutory changes enacted by House Bill 2443 (addressing growlers).

Adm. Order No.: OLCC 3-2013(Temp)

Filed with Sec. of State: 5-10-2013

Certified to be Effective: 5-10-13 thru 11-6-13

Notice Publication Date:

Rules Amended: 845-009-0010, 845-009-0015

Subject: OAR 845-009-0010 (Service Permit Requirements) identifies the persons who are required to obtain a valid service permit under ORS 471.360. It also identifies the persons who may temporarily work without a valid service permit after submitting an endorsed application in accordance with ORS 471.375.

OAR 845-009-0015 (Licensee and Authorized Person's Responsibility for Verifying Identification) describes the licensee's or other authorized person's duty to verify a person's identity and possession of a valid service permit if one is required under ORS 471.360. It also describes additional duties required of the licensee or other authorized person if an endorsed application is temporarily allowed in lieu of a valid service permit under ORS 471.375.

House Bill (HB) 2443 (addressing growlers) amends ORS 471.360 to require any person who participates in the dispensing of malt beverages, wines or cider sold in securely covered containers provided by the consumer to possess a valid service permit. Prior to these amendments, ORS 471.360 did not require service permits for such persons.

On March 28, 2013, the Oregon Legislature passed HB 2443, and on April 11, 2013, the Governor signed HB 2443 into law. Because HB 2443 includes an emergency clause making it effective upon passage, both rules need to be amended on a temporary basis to comply with the current statutory language.

The agency will proceed with permanent rulemaking while the adopted temporary rules are in place. The temporary rules will remain in effect until permanent rules are adopted or until the temporary rules expire on November 6, 2013; whichever is first to occur.

Rules Coordinator: Annabelle Henry — (503) 872-5004

845-009-0010

Service Permit Requirements

(1) Who Needs a Service Permit. ORS 471.360 requires any person employed by a licensee who performs the following duties to have a valid service permit:

(a) Any employee who mixes, sells or serves alcoholic beverages for consumption on licensed premises;

(b) Any employee who dispenses malt beverages, wines or cider sold in containers provided by the consumer;

(c) Any employee who directly supervises persons described in subsection (a) of this rule; and

(d) The individual principals of a licensed legal entity who perform the duties described in subsections (a), (b) or (c) of this rule.

(2) Exceptions. The following persons are not required to have a valid service permit:

(a) An individual named on the license as a licensee;

(b) ORS 471.360(2) allows the Commission to waive the service permit requirement if the licensee's primary business is not the sale or service of alcoholic beverages or food. Under this authority, the Commission waives the service permit requirement for Public Passenger Carriers whose primary business is transportation (for example airlines and most trains), but it does not waive the requirement for Public Passenger Carriers whose primary business is touring (for example tour boats in Oregon waters more than 30 days per calendar year and small excursion-type railroads). The Commission waives the service permit requirement for the holder of some temporary licenses (see OAR 845-005-0440(12) & (13) Temporary Sales Licenses).

(c) Under ORS 471.190, employees and volunteers serving alcoholic beverages for a nonprofit or charitable organization with a temporary sales license are not required to have service permits (see OAR 845-005-0440(13) Temporary Sales Licenses).

(3) Authority to Mix, Sell or Serve Based on an Application. ORS 471.375 allows some service permit applicants to begin mixing, selling or

selling alcoholic beverages for consumption on the premises after the applicant completes an official service permit application and an authorized person as defined by ORS 471.375 indorses and sends the application to the Commission. This authority does not apply to the following applicants:

(a) An applicant whose duties are limited to the dispensing of malt beverages, wines or cider into containers for consumption off the premises;

(b) An applicant whose service permit was denied or cancelled within three years of the date the Commission received the current application;

(c) An applicant whose service permit was denied because he or she failed to complete the required alcohol server education program. (When the applicant completes an alcohol server education course and passes the exam, the applicant may then sell and serve alcoholic beverages.);

(d) An applicant whose service permit application meets the criteria in OAR 845-009-0005 Return of Applications; or

(e) An applicant whose service permit is currently suspended.

Stat. Auth.: ORS 471, 471.030, 471.040, 471.190 & 471.730(1) & (5)

Stats. Implemented: ORS 471.190, 471.360, 471.365(2) & 471.375

Hist.: OLCC 2-1989, f. 3-1-89, cert. ef. 4-1-89; OLCC 3-1991, f. 3-1-91, cert. ef. 4-1-91; OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01; OLCC 10-2001(Temp), f. 10-12-01, cert. ef. 11-1-01 thru 4-29-02; OLCC 5-2002, f. 4-12-02, cert. ef. 4-29-02; OLCC 9-2003, f. 6-27-03, cert. ef. 7-1-03; OLCC 10-2004, f. 10-15-04 cert. ef. 11-1-04; OLCC 4-2005, f. 6-7-05, cert. ef. 7-1-05; OLCC 17-2010, f. 12-22-10, cert. ef. 1-1-11; OLCC 3-2013(Temp), f. & cert. ef. 5-10-13 thru 11-6-13

845-009-0015

Licensee and Authorized Person's Responsibility for Verifying Identification

(1) Before allowing anyone who is required to have a service permit under ORS 471.360 to perform the duties described in OAR 845-009-0010(1), a licensee must:

(a) Make sure the person has a valid service permit; and

(b) Verify the person's identity (for example, make sure the person's physical description matches the person's driver's license photo and description).

(2) If the person does not have a valid service permit, but he or she is eligible to Mix, Sell or Serve Based on an Application under OAR 845-009-0010(3), the following rules apply:

(a) If the person has filed an application with the Commission, the licensee must, before allowing the person to mix, sell or serve alcoholic beverages for on-premises consumption:

(A) Verify that the person has a pending application (for example, see a copy of the service permit application the person filed or call the person's former employer);

(B) Verify the person's identity (for example, make sure the person's physical description matches the person's driver's license photo and description); and

(C) Verify the person's age.

(b) If the person has not filed an application with the Commission, the licensee must, before allowing the person to mix, sell or serve alcoholic beverages for on-premises consumption:

(A) Verify the person's identity (for example, make sure the person's physical description matches the person's driver's license photo and description);

(B) Verify the person's age; and

(C) Mail or personally deliver a completed service permit application, with the appropriate fee, to the Commission by the end of the first work day following the person's first work shift.

(c) After the application is filed, the licensee has a continuing duty to verify that the person has taken and passed a Server Education course and that the person's service permit has been issued.

(3) All other persons authorized to indorse applications under ORS 471.375 must:

(a) Verify the person's identity (for example, make sure the person's physical description matches the person's driver's license photo and description);

(b) Verify the person's age; and

(c) Mail or personally deliver a completed service permit application, with the appropriate fee, to the Commission within 36 hours of indorsement. Holidays and weekends are not included in counting the 36 hours.

(4) If a company authorized to indorse applications under ORS 471.375(2)(b) fails to comply with subsection (3) of this rule, the Commission will rescind its approval to indorse service permit applications.

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

Stats. Implemented: ORS 471.360(1), 471.365(2) & 471.375

Hist.: OLCC 3-1991, f. 3-1-91, cert. ef. 4-1-91; OLCC 10-2001(Temp), f. 10-12-01, cert. ef. 11-1-01 thru 4-29-02; OLCC 5-2002, f. 4-12-02, cert. ef. 4-29-02; OLCC 9-2003, f. 6-27-03, cert. ef. 7-1-03; OLCC 20-2003, f. 11-24-03, cert. ef. 12-1-03; OLCC 10-2004, f. 10-15-04

ADMINISTRATIVE RULES

cert. ef. 11-1-04; OLCC 4-2005, f. 6-7-05, cert. ef. 7-1-05; OLCC 3-2013(Temp), f. & cert. ef. 5-10-13 thru 11-6-13

Oregon Patient Safety Commission Chapter 325

Rule Caption: Updates the Oregon Patient Safety Commission 2011-2013 biennial budget by amending OAR 325-005-015.

Adm. Order No.: PSC 1-2013

Filed with Sec. of State: 4-25-2013

Certified to be Effective: 4-25-13

Notice Publication Date: 4-1-2013

Rules Amended: 325-005-0015

Subject: In accordance with the rules governing semi-independent state agencies, this action amends the Oregon Patient Safety Commission 2011-2013 biennial budget from \$1,933,351 to \$2,245,271 by amending OAR 325-005-015.

Rules Coordinator: Bethany A. Walmsley—(503) 224-9226

325-005-0015

Biennial Budget

The Commission hereby adopts by reference the Oregon Patient Safety Commission's 2011–2013 Biennial Budget of \$2,245,271 covering the period July 1, 2011, through June 30, 2013. The Commission's Executive Director will amend budgeted accounts as necessary, within the approved budget of \$2,245,271 for the effective operation of the Commission. The Commission will not exceed the approved 2011–2013 Biennium Budget without amending this rule, notifying interested parties, and holding a public hearing as required by ORS Chapter 182.462. Copies of the budget are available from the Commission's office and are posted on the Commission's website.

Stat. Auth.: ORS 442.820 & Sec. 9 Ch. 686 OL 2003

Stats. Implemented: ORS 183.453(1), 183.453(2)

Hist.: PSC 1-2006, f. & cert. ef. 2-6-06; PSC 4-2007, f. & cert. ef. 7-2-07; PSC 1-2009, f. & cert. ef. 6-26-09; PSC 1-2011, f. & cert. ef. 7-1-11; PSC 1-2012, f. 3-27-12, cert. ef. 4-1-12; PSC 1-2013, f. & cert. ef. 4-25-13

Oregon State Marine Board Chapter 250

Rule Caption: Establish slow-no-wake zone around the Portland-Milwaukie Light Rail Bridge construction project.

Adm. Order No.: OSMB 3-2013(Temp)

Filed with Sec. of State: 5-8-2013

Certified to be Effective: 5-8-13 thru 10-31-13

Notice Publication Date:

Rules Amended: 250-020-0280

Subject: This rule will establish a slow-no-wake zone 500 feet upstream and downstream of the Portland-Milwaukie Light Rail Bridge construction project beginning May 8, 2013 through October 31, 2013.

Rules Coordinator: June LeTarte—(503) 378-2617

250-020-0280

Boat Operations in Multnomah County

(1) No person shall operate a boat in excess of 5 MPH:

(a) In North Portland Harbor (Oregon Slough):

(A) From the east end of North Portland Harbor (Oregon Slough) to a point 800 yards west of the Burlington Northern Railroad Bridge, as marked;

(B) Within 200 feet of a launching ramp, moorage or houseboat from the east end of North Portland Harbor (Oregon Slough) eastward along the south shore to the Lower Airport wing dike.

(b) Within 300 feet of the entrance to and in Rooster Rock boat channel;

(c) Within 200 feet of west shore, as buoyed, between the southern boundary of Willamette Park Launch Ramp and the northern boundary of the Willamette Sailing Club;

(d) Within Hayden Bay. The Bay is considered to be all waters south and west of a line 200 feet north of the Northeast point of Hayden Island and 200 feet north of the Northwest point of Tomahawk Island as marked;

(e) Within 200 feet of the Oregon Yacht Club floating home moorage as buoyed (a distance of approximately 1,500 feet);

(f) Within 200 feet of houseboat moorages in the Government Island South Channel;

(g) No person shall operate a boat in excess of a maximum 5 MPH, "Slow — No Wake" speed on the Columbia River south of the buoys along the northern shore of Government Island in the waters adjacent to the I-205 Bridge, commonly referred to as Commodore's Cove, as marked;

(h) Within 100 feet of the Landing Boat Club at RM 15, Willamette River.

(2) No person shall operate a watercraft in excess of slow-no-wake in:

(a) The Ross Island Lagoon; and

(b) The Holgate Channel from a line extending northeast from the north side of the Ross Island Lagoon mouth to the east side of the channel, and to a line extending from the southern (upstream) tip of Ross Island due south to the Oregon Yacht Club.

(c) This restriction does not apply to:

(A) Federally documented commercial vessels required to be inspected under Federal law, including those operated for sand and gravel operations, with the exception of passenger vessels of less than 100 gross tons, which are subject to the restriction;

(B) Safety launches while accompanying an organized rowing or paddling program, club or school.

(3) No person shall operate a boat in excess of a maximum 5 MPH, "Slow - No Wake" speed on the Columbia River within 300 feet of shore between the Big Eddy Wing dike and the wing dike east of the entrance to the Chinook Landing boat Basin and within the Chinook Landing Boat Basin, as marked.

(4) A "pass-through" zone is established in the south channel of the Columbia River, adjacent to McGuire Island between the east end of Big Eddy Marina and the west end of McGuire Point Marina as marked.

(a) No person shall operate a motorboat pulling a water skier or towed device in this zone.

(b) No person shall operate a personal watercraft, as defined in OAR 250-021-0020, in continuous operation above 5 MPH in this area, except to transit directly through this zone.

(c) No person shall operate any motorboat in excess of slow-no wake maximum 5 MPH speed within 200 feet of any houseboat moorage within the "pass-through" zone.

(5) No person shall operate a boat in excess of 3 MPH in Rooster Rock Boat Basin.

(6) The following locations are designated racing motorboat testing areas:

(a) On the Willamette River in Swan Island Lagoon. Testing is limited to the hours of 3–6 p.m. on Thursdays, Fridays, and Saturdays;

(b) On the Columbia River between the county launching ramp at 43rd Street and Buoy #18 (NOS Chart #18531). Testing is limited to the hours of 8 a.m.–12 noon, Tuesday through Friday.

(7) No person shall operate a motorboat on Benson Lake.

(8) No person shall operate a boat for any reason within any restricted area at any time without first obtaining permission from the District Engineer, Corps of Engineers, U.S. Army, or his duly authorized representative.

(9) At Bonneville Dam.

(a) The Waters restricted to only Government vessels are described as all waters of the Columbia River and Bradford Slough within 1,000 feet above and 2,000 feet below the powerhouse. The restricted areas will be designated by signs;

(b) No person shall operate a boat, including a commercial recreational tour boat subject to inspection and licensing by the U.S. Coast Guard, within the Boating Restricted Zone located below Bonneville lock and dam bounded by a line commencing from the westernmost tip of Robins Island on the Oregon side of the Columbia River and running at a South 65 degrees West direction a distance of approximately 2100 feet to a point 50 feet upstream of the Hamilton Island Boat Ramp on the Washington side of the Columbia River, as marked.

(10) No person shall operate or anchor a boat in the following described zone in Oregon Slough (North Portland Harbor):

(a) Commencing at the northwesterly corner of that tract of land described in a Bargain and Sale Deed to RHODIA, Inc., recorded as Document No. 98028586, Multnomah County Deed Records; Thence, along the northeasterly line of said tract, S 47°46' E, 513.54 feet to the northwest corner of the Alexander Brown Donation Land Claim; Thence, along the north line of said Claim S 48°30' E, 764.51 feet to the POINT OF BEGINNING of the SITE AREA being described herein; Thence, N 29°58'25" E, 133.84 feet; Thence, S 62°44'22" E, 461.47 feet; Thence, S 29°58'25" W, 227.76 feet to the northeasterly line of said tract; Thence, along said northeasterly line, N 61°15' W, 60.85 feet; Thence, along said

ADMINISTRATIVE RULES

northeasterly line, N 52°30' W, 115.5 feet; Thence, along said northeasterly line, N 48°30' W, 291.49 feet to the POINT OF BEGINNING as marked.

(b) This area of land contains 2.0 acres (87,008 sq. Ft.), more or less.

(c) The intent of this description is to describe a line that surrounds the limits of the sediment cap location, plus a buffer zone.

(d) Bearings based on Document No. 98028586, Multnomah County Deed Records.

(11) No person shall anchor a boat at approximately River Mile 7 of the Willamette River in Multnomah County described in Department of State Lands Easement No. 31530-EA, Exhibit A — Legal Description — Permanent Easement.

(12) No person shall operate a boat in the Willamette River:

(a) Beginning June 15, 2011, in the area beneath the temporary construction bridges or lifting cranes used for construction of the Portland-Milwaukie Light Rail Bridge near river mile 13.8.

(b) In excess of 5 MPH Slow-No-Wake as marked 500 feet upriver and 500 feet downriver from the centerline of the bridge construction project from May 8, 2013 through October 31, 2013.

(c) In the area of the Sellwood Bridge Construction Project, from approximately 375 feet from the west river bank and 200 feet upstream and downstream of the bridge measured at the bridge centerline; and about 420 feet from the east river bank and about 200 feet upstream and downstream of the bridge measured at the bridge centerline.

(d) In excess of 5 mph Slow-No-Wake as marked 500 feet upriver and 500 feet downriver from the centerline of the Sellwood Bridge construction project.

(13) The Sellwood Bridge Construction rule provisions will sunset at the completion of construction in December 2015.

Stat. Auth.: ORS 830

Stats. Implemented: ORS 830.175

Hist.: MB 23, f. 9-24-63; MB 26, f. 7-20-64; MB 51, f. 5-3-73, ef. 5-15-73; MB 61, f. 7-26-74, ef. 7-26-74(Temp) & 8-25-74(Perm); Renumbered from 250-020-0155; MB 10-1982, f. 10-13-82, ef. 10-15-82; MB 12-1982, f. 12-29-82, ef. 12-31-82; MB 6-1983, f. 9-28-83, ef. 10-3-83; MB 17-1984, f. & ef. 12-3-84; MB 6-1985, f. & ef. 2-5-85; MB 10-1985, f. & ef. 4-24-85; MB 15-1985, f. 10-18-85, ef. 10-21-85; MB 20-1987, f. 11-4-87, ef. 11-15-87; MB 5-1990, f. & cert. ef. 7-19-90; MB 11-1992, f. & cert. ef. 9-16-92; MB 2-1993, f. & cert. ef. 2-3-93; MB 13-1996, f. & cert. ef. 12-4-96; OSMB 7-1998(Temp), f. & cert. ef. 5-19-98 thru 11-15-98; OSMB 7-1999, f. & cert. ef. 6-18-99; OSMB 2-2005, f. & cert. ef. 1-20-05; OSMB 8-2006, f. & cert. ef. 10-12-06; OSMB 3-2009, f. 10-21-09, cert. ef. 1-1-10; OSMB 4-2011, f. 3-7-11, cert. ef. 5-25-11; OSMB 8-2011, f. 4-25-11, cert. ef. 6-1-11; OSMB 9-2011(Temp), f. 5-13-11, cert. ef. 6-15-11 thru 10-31-11; Administrative correction, 11-18-11; OSMB 16-2011(Temp), f. 11-22-11, cert. ef. 12-1-11 thru 5-28-12; OSMB 17-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 5-28-12; OSMB 5-2012, f. & cert. ef. 4-20-12; OSMB 3-2013(Temp), f. & cert. ef. 5-8-13 thru 10-31-13

Oregon State Treasury Chapter 170

Rule Caption: Clarifies fees for Conduit Revenue Bonds, Replacement of SWAP or Liquidity Providers, and Advance Refundings

Adm. Order No.: OST 2-2013

Filed with Sec. of State: 4-24-2013

Certified to be Effective: 4-24-13

Notice Publication Date: 3-1-2013

Rules Amended: 170-061-0015

Subject: Amendments to this rule will clarify the Debt Management Division's fee charged to an agency replacing a SWAP Counter Party Provider or Liquidity Provider for an outstanding bond transaction. An agency will be charged, in many cases, less than if the agency were issuing new bonds.

Amendments to this rule provide for the Debt Management Division to specifically charge for the Division's work to generate past Overlapping Debt Reports. Debt reports from prior years often require staff to do atypical research and analysis to complete. These type reports are expected to be requested more frequently as local government issuers use the report to fulfill past continuing disclosure requirements. This need for prior year overlapping debt reports is often the result of the Securities and Exchange Commission requiring bond underwriters to do more thorough due diligence with new municipal bond issues. Current year debt reports are provided to local government bond issuers free of charge, as the cost for those reports is covered under the Administrative Tracking and Reporting fee.

Amendments to this rule also clarify the fees charged by the Debt Management Division to state agencies related to the issuance of conduit revenue bonds apply for new money issues, and refundings or

restructuring of conduit revenue debt. These amendments also eliminate the review and approval fee for a state agency advance refunding plans, which is no longer a required by state law.

Rules Coordinator: Curtis Hartinger—(503) 378-3150

170-061-0015

Fees Charged by the Debt Management Divisions

(1) State agencies. The OST shall charge the following fees in connection with the services, duties and activities of the OST related to bonds issued for state agencies by the State Treasurer:

(a) Agency Bond Issues of \$15 million or less. For a single series bond sale of \$15 million or less, a state agency will be charged \$15,000 per sale. For a bond sale of \$15 million or less by a single state agency with multiple series, the state agency will be charged the greater of (i) \$15,000 or (ii) \$6,000 per series. For a bond sale of \$15 million or less by two or more state agencies, each agency will be charged the greater of (i) \$7,500 or (ii) \$6,000 for each series sold for the agency. This subsection applies to initial offerings, refundings and restructurings. This subsection does not apply if the bond sale is a private placement conduit as described below in subsection (c).

(b) Agency Bond Issues of more than \$15 million. For a single series bond sale of more than \$15 million, a state agency will be charged \$20,000. For a bond sale of more than \$15 million by a single state agency with multiple series, the state agency will be charged the greater of (i) \$20,000 or (ii) \$7,000 per series. For a bond sale of more than \$15 million by two or more state agencies, each agency will be charged the greater of (i) \$10,000 or (ii) \$7,000 for each series sold for the state agency. This subsection applies to initial offerings, refundings and restructurings. This subsection does not apply if the bond sale is a private placement conduit sale described below in subsection (c).

(c) Privately Placed Conduit Bonds are bonds that are payable solely from moneys owed by a party other than the State of Oregon, with no recourse for payment to the State of Oregon, do not have a publicly disseminated official statement or other offering circular, and are sold only to one or more sophisticated investors, accredited investors or qualified institutional buyers. A state agency that privately places conduit bonds will be charged: (i) \$5,000 for sales that in aggregate total \$5 million or less, (ii) \$10,000 for sales that in aggregate total more than \$5 million but less than \$10 million, or (iii) \$15,000 for sales that in aggregate total \$10 million or more.. Should conduit bonds be sold publicly or use a publicly disseminated official statement then subsection (a) or subsection (b) above applies. This subsection applies to initial offerings, refundings and restructurings.

(d) Tax Anticipation Notes. A state agency shall be charged \$30,000 for each sale of tax anticipation notes.

(e) Interest Rate Exchange Agreements. In addition to any other fee, \$25,000 will be charged for the review and approval of a state agency's first executed interest rate exchange agreement for a specific bond program of the agency. After the first agreement, a fee of \$10,000 will be charged for each executed interest rate exchange agreement subsequently entered into by the agency for the same bond program or indenture. These charges do not include costs such as interest rate exchange advisor fees, rating agency charges or printing costs which are payable by the agency or authority for whom the cost is incurred.

(f) Replacement of Liquidity Providers or SWAP Counter Party Providers. A state agency will be charged \$10,000 for activities related to each replacement of a liquidity provider or SWAP counter party provider. These charges do not include costs such as rating agency charges or printing costs which are payable by the agency or authority for whom the cost is incurred.

(2) Public Bodies. OST shall charge the fees set forth below in connection with the services, duties and activities of the OST related to bonds issued by public bodies in Oregon; expenses incurred in reviewing refunding and defeasance plans may be charged against the bond proceeds or may be paid by the public body from such other funds as may be available:

(a) Advance refunding plan application and review. The application fee for submission of an advance-refunding plan is \$350. The fee for review and approval of an advance refunding plan is \$3,000 per sale of refunding bonds for sales of \$2 million or less, and \$5,000 per sale of refunding bonds for sales exceeding \$2 million. If the plan is not approved or the refunding not completed the review and approval fee will not be charged.

(b) Oregon School Bond Guarantee Program. School Districts that submit an application for participation in the Oregon School Bond Guarantee Program shall submit an application fee of \$200 to OST at the time their application is submitted. School Districts whose bonds are guaranteed by the state shall submit to OST, within 10 business days of closing

ADMINISTRATIVE RULES

of any guaranteed bonds, a fee equal to .03% (.0003) of the total principal and interest due, assuming the bonds are paid on their regularly scheduled maturity or redemption dates. If bonds are issued as "Qualified Bonds" under OAR 170-063-000 that may be converted to an interest bearing format over and above interest payments that may be due and payable under the original terms of bonds, the fee for such Qualified Bonds shall be equal to .045% (.00045) of the total principal and interest due, assuming the bonds are paid on their regularly scheduled maturity or redemption dates and that there is no conversion to a different interest bearing format than the original terms of the bonds.

(3) Municipal Debt Advisory Commission. OST shall charge the following fees in connection with the services, duties and activities of the OST as staff to the Municipal Debt Advisory Commission.

(a) Administrative Tracking and Reporting fee. Local Government entities shall submit, at the time of closing, a fee equal to: (i) \$800 for bond sales of greater than or equal to \$1 million, but less than \$8 million, (ii) 0.01% (0.0001) of the principal amount for bond sales of greater than \$8 million but, less than \$50 million, or (iii) \$5,000 for bond sales of \$50 million or greater. No fee is charged for a bond sale of less than \$1 million.

(b) Overlapping Debt Report fee. Overlapping Debt Reports requested for any date within one year of the request are provided free of charge. For Overlapping Debt Reports requested for any date greater than one year prior to the request date, subsection (c) applies.

(c) Other fees and charges. Fees for specialized reports and services shall be determined by the number of hours spent producing such specialized report or service times the rate of \$115 per hour.

(4) Private Activity Bonds.

(a) Current Year Allocation. State agencies or public bodies that submit an application for allocation of the state's private activity bond volume limit ("CAP") for the current year to the Private Activity Bond Committee under OAR 170-071-0005 shall submit an application fee of \$200 to OST when their application is submitted. State agencies or public bodies who receive CAP shall pay to OST: (i) For a bond sale of \$10 million or less, a fee equal to \$3,000, payable within 10 business days of the closing bond sale, (ii) For a bond sale of more than \$10 million, a fee equal to \$10,000 payable within 10 business days of the closing bond sale, or (iii) for a Mortgage Credit Certificate program, a fee equal to \$2,000, payable within 10 business days of the date of the notice of allocation by OST.

(b) Carry Forward Allocation. State agencies or public bodies that submit an application for carry forward CAP allocation under OAR 170-071-0005(10) shall submit an application fee of \$200 to OST when their application is submitted. State agencies or public bodies who receive carry forward CAP shall pay to OST: (i) For a bond sale of \$10 million or less, a fee equal to \$3,000 of which the first \$500 is payable within 10 days of the date of the notice of allocation by OST, with the balance payable within 30 days of the closing of the first bond sale associated with the allocation, (ii) For a bond sale of more than \$10 million, a fee equal to \$10,000 of which the first \$2,000 is payable within 10 days of the date of the notice of allocation by OST, with the balance payable within 30 days of the closing of the first bond sale associated with the allocation, or (iii) for a Mortgage Credit Certificate program, a fee equal to \$2,000, payable within 10 business days of the date of the notice of allocation by OST.

(5) OST may, at its discretion, waive or reduce any fee outlined in sections (1) to (4) based on compelling financial reasons.

Stat. Auth.: ORS 286A.014, 287A.370 & 287A.634

Stats. Implemented: ORS 287A & 286A

Hist.: TD 3-1990, f. & cert. ef. 12-21-90; TD 2-1994, f. & cert. ef. 9-9-94; OST 1-1999, f. & cert. ef. 2-1-99; OST 1-2005, f. & cert. ef. 4-22-05; OST 5-2006, f. & cert. ef. 10-25-06; OST 7-2008, f. & cert. ef. 12-29-08; OST 2-2009, f. & cert. ef. 4-22-09; OST 3-2009, f. & cert. ef. 7-21-09; OST 5-2009(Temp), f. & cert. ef. 10-30-09 thru 4-27-10; OST 1-2010 f. & cert. ef. 1-15-10; OST 2-2010(Temp), f. & cert. ef. 1-26-10 thru 7-24-10; OST 4-2010(Temp), f. 6-3-10, cert. ef. 7-1-10 thru 12-27-10; Administrative correction 1-25-11; OST 1-2011, f. & cert. ef. 2-28-11; OST 1-2012(Temp), f. & cert. ef. 1-26-12 thru 7-1-12; Administrative correction 8-1-12; OST 3-2012(Temp), f. & cert. ef. 12-14-12 thru 5-29-13; OST 2-2013, f. & cert. ef. 4-24-13

Oregon University System, Southern Oregon University Chapter 573

Rule Caption: Special Fees

Adm. Order No.: SOU 1-2013

Filed with Sec. of State: 5-7-2013

Certified to be Effective: 5-7-13

Notice Publication Date: 4-1-2013

Rules Amended: 573-040-0005

Subject: The proposed rule amendments eliminate fees that are no longer necessary and establish, increase, or decrease fees to more accurately reflect the actual costs of instruction for certain courses and special services not otherwise funded through the institution's operating budget.

Rules Coordinator: Treasa Sprague—(541) 552-6319

573-040-0005

Special Fees

The Special Fees for certain courses and general services approved by Southern Oregon University are hereby adopted by reference.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-040-0010

Hist.: SOSC 4, f. & cert. ef. 9-2-76; SOSC 10, f. & cert. ef. 5-9-77; SOSC 6-1978, f. & cert. ef. 6-2-77; SOSC 8-1978, f. & cert. ef. 12-15-78; SOSC 2-1979, f. & cert. ef. 6-20-79; SOSC 4-1980, f. & cert. ef. 5-20-80; SOSC 4-1980, f. & cert. ef. 5-20-80; SOSC 2-1981, f. & cert. ef. 6-2-81; SOSC 3-1982, f. & cert. ef. 7-1-82; SOSC 4-1983, f. & cert. ef. 5-26-83; SOSC 1-1984, f. & cert. ef. 6-20-84; SOSC 4-1985, f. & cert. ef. 6-3-85; SOSC 9-1985, f. & cert. ef. 12-17-85; SOSC 2-1986, f. & cert. ef. 5-30-86; SOSC 1-1987, f. & cert. ef. 6-5-87; SOSC 4-1987, f. & cert. ef. 9-4-87; SOSC 1-1988, f. & cert. ef. 5-19-88; SOSC 2-1988(Temp), f. & cert. ef. 9-2-88; SOSC 4-1988, f. & cert. ef. 11-23-88; SOSC 3-1989, f. & cert. ef. 6-1-89; SOSC 3-1990, f. & cert. ef. 5-31-90; SOSC 3-1991, f. & cert. ef. 5-30-91; SOSC 1-1992, f. & cert. ef. 6-3-92; SOSC 3-1993, f. & cert. ef. 5-21-93; SOSC 2-1994, f. & cert. ef. 6-10-94; SOSC 1-1995, f. & cert. ef. 6-7-95; SOSC 1-1996, f. & cert. ef. 6-5-96; SOU 1-1997, f. & cert. ef. 5-20-97; SOU 1-1998, f. & cert. ef. 4-23-98; SOU 2-1999, f. & cert. ef. 5-7-99; SOU 1-2000, f. & cert. ef. 4-10-00; SOU 1-2001, f. & cert. ef. 4-4-01; SOU 1-2002, f. & cert. ef. 4-11-02; SOU 1-2003, f. & cert. ef. 4-16-03; SOU 1-2004, f. & cert. ef. 4-5-04; SOU 1-2005, f. & cert. ef. 4-11-05; SOU 1-2006, f. & cert. ef. 3-31-06; SOU 1-2007, f. & cert. ef. 4-25-07; SOU 4-2008, f. & cert. ef. 4-9-08, cert. ef. 4-15-08; SOU 1-2009, f. 6-4-09, cert. ef. 6-15-09; SOU 4-2010, f. & cert. ef. 7-12-10; SOU 1-2011, f. & cert. ef. 6-13-11; SOU 1-2012, f. & cert. ef. 5-10-12; SOU 1-2013, f. & cert. ef. 5-7-13

Real Estate Agency Chapter 863

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

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

Filed with Sec. of State: 5-13-2013

Certified to be Effective: 5-13-13 thru 11-9-13

Notice Publication Date:

Rules Amended: 863-015-0215

Subject: 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.

Rules Coordinator: Laurie Skillman—(503) 378-4630

863-015-0215

Initial Agency Disclosure Pamphlet

(1) An agent shall provide a copy of the initial agency disclosure pamphlet, that complies with section (3) of this rule, at the first contact with each party to a real property transaction, including but not limited to contacts in person, by telephone, over the Internet or the World Wide Web, or by electronic mail, electronic bulletin board or a similar electronic method.

(2) An agent need not provide a copy of the initial agency disclosure pamphlet to a party who has, or may be reasonably assumed to have, received a copy of the pamphlet from another agent.

(3) The initial agency disclosure pamphlet must have the following content:

(a) Information directed to the consumer, including that:

(A) A licensed real estate broker or principal broker must give a copy of the initial agency disclosure pamphlet to each consumer the broker will represent;

(B) The pamphlet describes the legal relationship between a broker and a consumer when the broker acts as the consumer's agent; and

(C) The pamphlet is informational only and may not be construed to be evidence of intent to create an agency relationship, as provided in ORS 696.820.

(b) A general definition of an agency relationship and the three real estate agency relationships of seller's agent, a buyer's agent and a disclosed limited agent.

(c) The definition of "confidential information" in ORS 696.800.

(d) The affirmative duties and responsibilities of a seller's agent under ORS 696.805.

(e) The affirmative duties and responsibilities of a buyer's agent under ORS 696.810.

ADMINISTRATIVE RULES

(f) The affirmative duties and responsibilities of a disclosed limited agent who represents both the buyer and the seller in a transaction under ORS 696.815.

(g) The following statement to the consumer, "Whether you are a buyer or seller, you cannot make a licensee your agent without the licensee's knowledge and consent, and an agent cannot make you a client without your knowledge and consent."

(4) An agent must provide the initial agency disclosure pamphlet to a consumer in a written format in person, by electronic mail or facsimile.

(5) The Real Estate Agency will make available a sample of an initial agency disclosure pamphlet that complies with section (3) of this rule on the Agency's website.

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

Stat. Auth.: ORS 696.385

Stats. Implemented: ORS 696.805, 696.810, 696.815 & 696.820

Hist.: REA 1-2002, f. 5-31-02, cert. ef. 7-1-02; REA 1-2005, f. 5-5-05, cert. ef. 5-6-05; REA 6-2008, f. 12-15-08, cert. ef. 1-1-09; REA 1-2013(Temp), f. & cert. ef. 5-13-13 thru 11-9-13

Teacher Standards and Practices Commission Chapter 584

Rule Caption: Repeals obsolete professional development and licensure accreditation regulations. Removes obsolete language from admission accreditation rule.

Adm. Order No.: TSPC 2-2013

Filed with Sec. of State: 4-30-2013

Certified to be Effective: 4-30-13

Notice Publication Date: 3-1-2013

Rules Amended: 584-017-1028

Rules Repealed: 584-017-0005, 584-017-0010, 584-017-0020, 584-017-0025, 584-017-0030, 584-017-0035, 584-017-0040, 584-017-0042, 584-017-0045, 584-017-0050, 584-017-0055, 584-017-0057, 584-017-0060, 584-017-0070, 584-017-0075, 584-017-0080, 584-017-0085, 584-017-0090, 584-017-0100, 584-017-0115, 584-017-0120, 584-017-0130, 584-017-0140, 584-017-0150, 584-017-0160, 584-017-0170, 584-017-0175, 584-017-0180, 584-017-0182, 584-017-0185, 584-017-0190, 584-017-0200, 584-017-0201, 584-017-0210, 584-017-0220, 584-017-0230, 584-017-0240, 584-017-0251, 584-017-0261, 584-017-0270, 584-017-0280, 584-017-0282, 584-017-0290, 584-017-0300, 584-017-0310, 584-017-0320, 584-017-0330, 584-017-0340, 584-017-0351, 584-017-0355, 584-017-0360, 584-017-0370, 584-017-0380, 584-017-0390, 584-017-0400, 584-017-0410, 584-017-0420, 584-017-0430, 584-017-0441, 584-017-0451, 584-017-0455, 584-017-0460, 584-017-0462, 584-017-0465, 584-017-0470, 584-017-0480, 584-017-0500, 584-017-0510, 584-017-0520, 584-017-0530, 584-017-0541, 584-017-0551, 584-017-0555, 584-017-0560, 584-017-0570, 584-017-0580, 584-090-0001, 584-090-0005, 584-090-0010, 584-090-0020, 584-090-0030, 584-090-0040, 584-090-0060

Subject: 584-010-1028 — Removes obsolete language from licensure admission rule;

584-017-0005 through 584-017-580 — Repeals licensure accreditation rules in effect from 1998 to June 2012.

584-090-0005 through 584-090-0060 — Repeals professional development rules in effect from 1998 through 2012.

Rules Coordinator: Victoria Chamberlain—(503) 378-6813

584-017-1028

Selection, Recruitment, Admission and Retention of Candidates

The unit attracts and admits qualified candidates to licensure programs, giving special attention to the current personnel needs of schools and actively recruits from under-represented groups.

(1) The unit admits into all initial and advanced programs only those who meet the following entry standards and requirements.

(2) Each candidate must demonstrate aptitude and interest in working with school-aged children.

(3) Each candidate attests to possessing moral character, a commitment to the profession, vow not to harm children, and commit to educational excellence. This attestation must be filed with the Commission upon application for first licensure in a format approved by the Commission.

(4) All teacher candidates for first application for licensure must:

(a) Pass the Commission approved basic skills tests prior to admission into the licensure program;

(b) Pass the Protecting Student and Civil Rights in the Educational Environment test prior to placement into any clinical, student teaching or internship experiences where work samples are required;

(c) Receive full clearance from the Commission on fingerprints and character questions prior to placement into student teaching or internship experiences.

(5) Educational Leadership Licensure: Candidates for admission into an initial educational leadership licensure program (formerly administration) must document:

(a) Licensure as either a teacher or personnel service specialist in any state;

(b) Three years of experience in the schools as a licensed educator or the legal equivalent;

(c) Evidence of educational leadership potential based on the following or the equivalent: assessments in instructional leadership, administrative experience in an educational environment, human relations, and cultural inclusion;

(d) Passing scores on a Commission-approved basic skills test, unless waived based on possession of a master's degree or higher upon admission;

(e) Passing score on Protecting Student and Civil Rights in the Educational Environment; and

(f) Receive full clearance from the Commission on fingerprints and character questions prior to placement into clinical or internship experiences.

(6) Personnel Service Licensure (School Counseling, School Psychology, School Social Work) All candidates for admission into a personnel service licensure program must document:

(a) Experience working with youth in educational or social agencies;

(b) Preparation in human behavior to include: psychological, sociological, and psychological development, learning theory, and motivation; and

(c) Full clearance from the Commission on fingerprints and character questions prior to placement into clinical or internship experiences.

(d) School Counseling candidates must document prior to licensure, either:

(A) Two years teaching experience in schools; or

(B) Alternative practicum experiences in lieu of teaching.

(e) School Social Worker candidates must document a master's degree in social work prior to licensure.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120-342.430, 342.455-342.495, 342.553

Hist.: TSPC 4-2012, f. & cert. ef. 5-18-12; TSPC 2-2013, f. & cert. ef. 4-30-13

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
111-010-0015	12-19-2012	Amend	2-1-2013	125-246-0319	12-1-2012	Adopt	1-1-2013
111-015-0001	12-19-2012	Amend	2-1-2013	125-246-0321	12-1-2012	Amend	1-1-2013
111-030-0050	2-21-2013	Amend(T)	4-1-2013	125-246-0322	12-1-2012	Amend	1-1-2013
111-030-0050	5-10-2013	Amend	6-1-2013	125-246-0323	12-1-2012	Amend	1-1-2013
111-040-0011	4-26-2013	Adopt	6-1-2013	125-246-0333	12-1-2012	Amend	1-1-2013
111-065-0010	4-22-2013	Amend(T)	6-1-2013	125-246-0335	12-1-2012	Amend	1-1-2013
111-065-0015	4-22-2013	Amend(T)	6-1-2013	125-246-0345	12-1-2012	Amend	1-1-2013
111-065-0025	4-22-2013	Amend(T)	6-1-2013	125-246-0350	12-1-2012	Amend	1-1-2013
111-065-0030	4-22-2013	Amend(T)	6-1-2013	125-246-0351	12-1-2012	Amend	1-1-2013
121-001-0000	12-1-2012	Repeal	1-1-2013	125-246-0353	12-1-2012	Amend	1-1-2013
121-001-0005	12-1-2012	Repeal	1-1-2013	125-246-0360	12-1-2012	Amend	1-1-2013
121-020-0000	12-1-2012	Repeal	1-1-2013	125-246-0400	12-1-2012	Amend	1-1-2013
121-020-0010	12-1-2012	Am. & Ren.	1-1-2013	125-246-0410	12-1-2012	Repeal	1-1-2013
121-020-0020	12-1-2012	Am. & Ren.	1-1-2013	125-246-0420	12-1-2012	Repeal	1-1-2013
121-020-0030	12-1-2012	Am. & Ren.	1-1-2013	125-246-0430	12-1-2012	Repeal	1-1-2013
121-020-0040	12-1-2012	Am. & Ren.	1-1-2013	125-246-0440	12-1-2012	Repeal	1-1-2013
121-020-0050	12-1-2012	Am. & Ren.	1-1-2013	125-246-0450	12-1-2012	Repeal	1-1-2013
121-030-0000	12-1-2012	Am. & Ren.	1-1-2013	125-246-0460	12-1-2012	Repeal	1-1-2013
121-030-0010	12-1-2012	Am. & Ren.	1-1-2013	125-246-0470	12-1-2012	Repeal	1-1-2013
121-030-0020	12-1-2012	Am. & Ren.	1-1-2013	125-246-0500	12-1-2012	Amend	1-1-2013
121-030-0030	12-1-2012	Am. & Ren.	1-1-2013	125-246-0556	12-1-2012	Amend	1-1-2013
121-030-0040	12-1-2012	Am. & Ren.	1-1-2013	125-246-0560	12-1-2012	Repeal	1-1-2013
121-030-0050	12-1-2012	Am. & Ren.	1-1-2013	125-246-0576	12-1-2012	Amend	1-1-2013
121-030-0060	12-1-2012	Am. & Ren.	1-1-2013	125-246-0800	12-1-2012	Amend	1-1-2013
121-030-0070	12-1-2012	Am. & Ren.	1-1-2013	125-247-0100	12-1-2012	Amend	1-1-2013
121-030-0080	12-1-2012	Am. & Ren.	1-1-2013	125-247-0110	12-1-2012	Amend	1-1-2013
121-030-0090	12-1-2012	Am. & Ren.	1-1-2013	125-247-0165	12-1-2012	Amend	1-1-2013
121-040-0010	12-1-2012	Am. & Ren.	1-1-2013	125-247-0255	12-1-2012	Amend	1-1-2013
123-009-0060	1-2-2013	Amend	2-1-2013	125-247-0260	12-1-2012	Amend	1-1-2013
123-009-0090	1-2-2013	Amend	2-1-2013	125-247-0265	12-1-2012	Amend	1-1-2013
123-021-0010	11-20-2012	Amend(T)	1-1-2013	125-247-0270	12-1-2012	Amend	1-1-2013
123-021-0015	11-20-2012	Amend(T)	1-1-2013	125-247-0275	12-1-2012	Amend	1-1-2013
123-021-0080	11-20-2012	Amend(T)	1-1-2013	125-247-0280	12-1-2012	Amend	1-1-2013
123-021-0090	11-20-2012	Amend(T)	1-1-2013	125-247-0285	12-1-2012	Amend	1-1-2013
123-021-0110	11-20-2012	Amend(T)	1-1-2013	125-247-0287	12-1-2012	Amend	1-1-2013
123-024-0001	4-1-2013	Amend	5-1-2013	125-247-0288	12-1-2012	Amend	1-1-2013
123-024-0011	4-1-2013	Amend	5-1-2013	125-247-0296	12-1-2012	Amend	1-1-2013
123-024-0021	4-1-2013	Amend	5-1-2013	125-247-0300	12-1-2012	Amend	1-1-2013
123-024-0031	4-1-2013	Amend	5-1-2013	125-247-0330	12-1-2012	Amend	1-1-2013
123-024-0046	4-1-2013	Amend	5-1-2013	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
125-180-1000	12-17-2012	Adopt(T)	1-1-2013	125-247-0690	12-1-2012	Amend	1-1-2013
125-180-1100	12-17-2012	Adopt(T)	1-1-2013	125-247-0700	12-1-2012	Amend	1-1-2013
125-180-1200	12-17-2012	Adopt(T)	1-1-2013	125-247-0710	12-1-2012	Amend	1-1-2013
125-180-1300	12-17-2012	Adopt(T)	1-1-2013	125-247-0720	12-1-2012	Amend	1-1-2013
125-180-1400	12-17-2012	Adopt(T)	1-1-2013	125-247-0731	12-1-2012	Amend	1-1-2013
125-180-1500	12-17-2012	Adopt(T)	1-1-2013	125-247-0740	12-1-2012	Amend	1-1-2013
125-246-0100	12-1-2012	Amend	1-1-2013	125-247-0750	12-1-2012	Amend	1-1-2013
125-246-0110	12-1-2012	Amend	1-1-2013	125-247-0760	12-1-2012	Amend	1-1-2013
125-246-0165	12-1-2012	Amend	1-1-2013	125-247-0805	12-1-2012	Adopt	1-1-2013
125-246-0170	12-1-2012	Amend	1-1-2013	125-247-0810	12-1-2012	Adopt	1-1-2013
125-246-0210	12-1-2012	Amend	1-1-2013	125-248-0100	12-1-2012	Amend	1-1-2013
125-246-0220	12-1-2012	Amend	1-1-2013	125-248-0300	12-1-2012	Amend	1-1-2013
125-246-0312	12-1-2012	Repeal	1-1-2013	125-249-0630	12-1-2012	Amend	1-1-2013
125-246-0316	12-1-2012	Adopt	1-1-2013	137-004-0900	1-2-2013	Adopt	2-1-2013
125-246-0318	12-1-2012	Adopt	1-1-2013	137-004-0900(T)	1-2-2013	Repeal	2-1-2013

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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
137-110-0600	1-7-2013	Adopt	2-1-2013	150-311.668(1)(a)(B)	3-28-2013	Repeal	5-1-2013
137-110-0600(T)	1-7-2013	Repeal	2-1-2013	150-311.670(1)	1-1-2013	Amend	2-1-2013
137-110-0610	1-7-2013	Adopt	2-1-2013	150-311.670(1)	3-28-2013	Amend	5-1-2013
137-110-0610(T)	1-7-2013	Repeal	2-1-2013	150-311.679(10)	1-1-2013	Repeal	2-1-2013
137-110-0620	1-7-2013	Adopt	2-1-2013	150-311.679(10)	3-28-2013	Repeal	5-1-2013
137-110-0620(T)	1-7-2013	Repeal	2-1-2013	150-311.684	1-1-2013	Amend	2-1-2013
137-110-0630	1-7-2013	Adopt	2-1-2013	150-311.684	3-28-2013	Amend	5-1-2013
137-110-0630(T)	1-7-2013	Repeal	2-1-2013	150-311.706	1-1-2013	Repeal	2-1-2013
137-110-0640	1-7-2013	Adopt	2-1-2013	150-311.706	3-28-2013	Repeal	5-1-2013
137-110-0640(T)	1-7-2013	Repeal	2-1-2013	150-311.706(1)	1-1-2013	Repeal	2-1-2013
137-110-0650	1-7-2013	Adopt	2-1-2013	150-311.706(1)	3-28-2013	Repeal	5-1-2013
137-110-0650(T)	1-7-2013	Repeal	2-1-2013	150-311.806-(A)	1-1-2013	Amend	2-1-2013
137-110-0660	1-7-2013	Adopt	2-1-2013	150-311.806-(A)	3-28-2013	Amend	5-1-2013
137-110-0660(T)	1-7-2013	Repeal	2-1-2013	150-314.781	1-1-2013	Amend	2-1-2013
137-110-0670	1-7-2013	Adopt	2-1-2013	150-314.781	3-28-2013	Amend	5-1-2013

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
150-316.871(3)	1-1-2013	Repeal	2-1-2013	161-520-0050	1-31-2013	Amend	3-1-2013
150-316.871(3)	3-28-2013	Repeal	5-1-2013	161-530-0010	1-31-2013	Amend	3-1-2013
150-316.873	1-1-2013	Repeal	2-1-2013	161-570-0025	1-31-2013	Adopt	3-1-2013
150-316.873	3-28-2013	Repeal	5-1-2013	161-570-0030	1-31-2013	Amend	3-1-2013
150-316.874	1-1-2013	Repeal	2-1-2013	161-570-0045	1-31-2013	Repeal	3-1-2013
150-316.874	3-28-2013	Repeal	5-1-2013	161-570-0055	1-31-2013	Adopt	3-1-2013
150-316.876	1-1-2013	Repeal	2-1-2013	161-570-0060	1-31-2013	Adopt	3-1-2013
150-316.876	3-28-2013	Repeal	5-1-2013	162-050-0020	11-27-2012	Adopt	1-1-2013
150-316.877	1-1-2013	Repeal	2-1-2013	165-013-0010	2-4-2013	Amend	3-1-2013
150-316.877	3-28-2013	Repeal	5-1-2013	165-020-0440	11-29-2012	Adopt	1-1-2013
150-316.878	1-1-2013	Repeal	2-1-2013	165-020-2032	3-19-2013	Adopt(T)	5-1-2013
150-316.878	3-28-2013	Repeal	5-1-2013	170-040-0020	4-2-2013	Amend	5-1-2013
150-316.879	1-1-2013	Repeal	2-1-2013	170-040-0030	4-2-2013	Amend	5-1-2013
150-316.879	3-28-2013	Repeal	5-1-2013	170-040-0040	4-2-2013	Amend	5-1-2013
150-316.882	1-1-2013	Repeal	2-1-2013	170-040-0050	4-2-2013	Amend	5-1-2013
150-316.882	3-28-2013	Repeal	5-1-2013	170-040-0070	4-2-2013	Amend	5-1-2013
150-316.884	1-1-2013	Repeal	2-1-2013	170-040-0080	4-2-2013	Amend	5-1-2013
150-316.884	3-28-2013	Repeal	5-1-2013	170-040-0090	4-2-2013	Amend	5-1-2013
150-323.160(1)	1-1-2013	Amend	2-1-2013	170-040-0100	4-2-2013	Amend	5-1-2013
150-323.160(1)	3-28-2013	Amend	5-1-2013	170-040-0110	4-2-2013	Amend	5-1-2013
150-323.160(2)	1-1-2013	Amend	2-1-2013	170-061-0015	12-14-2012	Amend(T)	1-1-2013
150-323.160(2)	3-28-2013	Amend	5-1-2013	170-061-0015	4-24-2013	Amend	6-1-2013
150-323.220-(A)	1-1-2013	Amend	2-1-2013	170-062-0000	11-19-2012	Amend(T)	1-1-2013
150-323.220-(B)	1-1-2013	Adopt	2-1-2013	177-010-0003	2-1-2013	Amend(T)	3-1-2013
150-323.220(A)	3-28-2013	Amend	5-1-2013	177-040-0017	1-1-2013	Amend	2-1-2013
150-323.220(B)	3-28-2013	Adopt	5-1-2013	177-040-0050	2-1-2013	Amend(T)	3-1-2013
161-002-0000	1-31-2013	Amend	3-1-2013	177-040-0200	2-1-2013	Amend(T)	3-1-2013
161-003-0020	1-31-2013	Amend	3-1-2013	177-046-0015	2-1-2013	Amend(T)	3-1-2013
161-006-0025	1-31-2013	Amend	3-1-2013	177-046-0080	2-1-2013	Amend(T)	3-1-2013
161-006-0155	1-31-2013	Adopt	3-1-2013	177-046-0100	2-1-2013	Amend(T)	3-1-2013
161-006-0160	1-31-2013	Amend	3-1-2013	177-046-0110	2-1-2013	Amend(T)	3-1-2013
161-010-0010	1-31-2013	Amend	3-1-2013	177-046-0140	2-1-2013	Amend(T)	3-1-2013
161-010-0020	1-31-2013	Amend	3-1-2013	177-050-0002	2-1-2013	Amend(T)	3-1-2013
161-010-0035	1-31-2013	Amend	3-1-2013	177-050-0024	2-1-2013	Amend(T)	3-1-2013
161-010-0045	1-31-2013	Amend	3-1-2013	177-050-0025	2-1-2013	Amend(T)	3-1-2013
161-010-0065	1-31-2013	Adopt	3-1-2013	177-050-0100	2-1-2013	Amend(T)	3-1-2013
161-010-0080	1-31-2013	Amend	3-1-2013	177-051-0000	2-1-2013	Amend(T)	3-1-2013
161-015-0000	1-31-2013	Amend	3-1-2013	177-051-0010	2-1-2013	Amend(T)	3-1-2013
161-015-0010	1-31-2013	Amend	3-1-2013	177-051-0030	2-1-2013	Amend(T)	3-1-2013
161-015-0025	1-31-2013	Amend	3-1-2013	177-051-0035	2-1-2013	Amend(T)	3-1-2013
161-015-0030	1-31-2013	Amend	3-1-2013	177-051-0040	2-1-2013	Amend(T)	3-1-2013
161-020-0005	1-31-2013	Amend	3-1-2013	177-051-0120	2-1-2013	Amend(T)	3-1-2013
161-020-0055	1-31-2013	Amend	3-1-2013	177-051-0130	2-1-2013	Amend(T)	3-1-2013
161-020-0110	1-31-2013	Amend	3-1-2013	177-052-0000	2-1-2013	Amend(T)	3-1-2013
161-025-0025	1-31-2013	Amend	3-1-2013	177-052-0010	2-1-2013	Amend(T)	3-1-2013
161-025-0030	1-31-2013	Amend	3-1-2013	177-052-0020	2-1-2013	Amend(T)	3-1-2013
161-025-0050	1-31-2013	Amend	3-1-2013	177-052-0030	2-1-2013	Amend(T)	3-1-2013
161-050-0000	1-31-2013	Amend	3-1-2013	177-052-0040	2-1-2013	Amend(T)	3-1-2013
161-050-0040	1-31-2013	Amend	3-1-2013	177-052-0050	2-1-2013	Amend(T)	3-1-2013
161-050-0050	1-31-2013	Amend	3-1-2013	177-052-0060	2-1-2013	Amend(T)	3-1-2013
161-510-0010	1-31-2013	Amend	3-1-2013	177-052-0070	2-1-2013	Amend(T)	3-1-2013
161-510-0030	1-31-2013	Repeal	3-1-2013	177-070-0005	2-1-2013	Amend(T)	3-1-2013
161-520-0010	1-31-2013	Amend	3-1-2013	177-094-0080	12-16-2012	Amend	1-1-2013
161-520-0030	1-31-2013	Amend	3-1-2013	177-094-0080(T)	12-16-2012	Repeal	1-1-2013
161-520-0035	1-31-2013	Adopt	3-1-2013	177-094-0085	12-16-2012	Amend	1-1-2013
161-520-0045	1-31-2013	Amend	3-1-2013	177-094-0085(T)	12-16-2012	Repeal	1-1-2013

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
230-020-0002	4-15-2013	Amend(T)	5-1-2013	274-001-0005	5-15-2013	Amend	6-1-2013
230-020-0330	2-21-2013	Amend	4-1-2013	291-053-0010	1-17-2013	Amend	3-1-2013
250-020-0141	4-1-2013	Amend	5-1-2013	291-053-0075	1-17-2013	Amend	3-1-2013
250-020-0221	4-12-2013	Amend(T)	5-1-2013	291-053-0085	1-17-2013	Amend	3-1-2013
250-020-0280	5-8-2013	Amend(T)	6-1-2013	291-053-0095	1-17-2013	Amend	3-1-2013
255-030-0010	3-1-2013	Amend	4-1-2013	291-053-0105	1-17-2013	Amend	3-1-2013
255-030-0013	3-1-2013	Amend	4-1-2013	291-053-0115	1-17-2013	Amend	3-1-2013
255-030-0021	3-1-2013	Amend	4-1-2013	291-053-0125	1-17-2013	Amend	3-1-2013
255-030-0023	3-1-2013	Amend	4-1-2013	291-053-0135	1-17-2013	Amend	3-1-2013
255-030-0024	3-1-2013	Amend	4-1-2013	291-078-0005	2-28-2013	Amend	4-1-2013
255-030-0025	3-1-2013	Amend	4-1-2013	291-078-0005(T)	2-28-2013	Repeal	4-1-2013
255-030-0026	3-1-2013	Amend	4-1-2013	291-078-0010	2-28-2013	Amend	4-1-2013
255-030-0027	3-1-2013	Amend	4-1-2013	291-078-0010(T)	2-28-2013	Repeal	4-1-2013
255-030-0032	3-1-2013	Amend	4-1-2013	291-078-0020	2-28-2013	Amend	4-1-2013
255-030-0035	3-1-2013	Amend	4-1-2013	291-078-0020(T)	2-28-2013	Repeal	4-1-2013
255-030-0040	3-1-2013	Amend	4-1-2013	291-078-0026	2-28-2013	Adopt	4-1-2013
255-030-0046	3-1-2013	Adopt	4-1-2013	291-078-0026(T)	2-28-2013	Repeal	4-1-2013
255-030-0055	3-1-2013	Amend	4-1-2013	291-078-0031	2-28-2013	Adopt	4-1-2013
255-062-0016	2-15-2013	Amend	3-1-2013	291-078-0031(T)	2-28-2013	Repeal	4-1-2013
259-005-0015	4-1-2013	Amend	5-1-2013	291-093-0005	4-15-2013	Amend	5-1-2013
259-008-0005	12-27-2012	Amend	2-1-2013	291-097-0005	12-28-2012	Am. & Ren.(T)	2-1-2013
259-008-0025	3-8-2013	Amend	4-1-2013	291-097-0010	12-28-2012	Am. & Ren.(T)	2-1-2013
259-008-0060	12-27-2012	Amend	2-1-2013	291-097-0015	12-28-2012	Am. & Ren.(T)	2-1-2013
259-008-0064	12-27-2012	Amend	2-1-2013	291-097-0020	12-28-2012	Am. & Ren.(T)	2-1-2013
259-008-0065	12-27-2012	Amend	2-1-2013	291-097-0023	12-28-2012	Suspend	2-1-2013
259-008-0066	12-27-2012	Amend	2-1-2013	291-097-0025	12-28-2012	Am. & Ren.(T)	2-1-2013
259-008-0070	12-14-2012	Amend(T)	1-1-2013	291-097-0030	12-28-2012	Am. & Ren.(T)	2-1-2013
259-008-0070	1-22-2013	Amend	3-1-2013	291-097-0031	12-28-2012	Suspend	2-1-2013
259-008-0070(T)	1-22-2013	Repeal	3-1-2013	291-097-0040	12-28-2012	Am. & Ren.(T)	2-1-2013
259-008-0076	12-27-2012	Amend	2-1-2013	291-097-0050	12-28-2012	Am. & Ren.(T)	2-1-2013
259-009-0005	3-26-2013	Amend	5-1-2013	291-097-0060	12-28-2012	Am. & Ren.(T)	2-1-2013
259-009-0062	3-26-2013	Amend	5-1-2013	291-097-0070	12-28-2012	Am. & Ren.(T)	2-1-2013
259-009-0070	3-26-2013	Amend	5-1-2013	291-097-0080	12-28-2012	Am. & Ren.(T)	2-1-2013
259-009-0080	3-26-2013	Amend	5-1-2013	291-097-0090	12-28-2012	Am. & Ren.(T)	2-1-2013
259-012-0005	1-24-2013	Amend	3-1-2013	291-097-0100	12-28-2012	Am. & Ren.(T)	2-1-2013
259-015-0000	1-30-2013	Repeal	3-1-2013	291-097-0120	12-28-2012	Am. & Ren.(T)	2-1-2013
259-015-0005	1-30-2013	Repeal	3-1-2013	291-097-0130	12-28-2012	Am. & Ren.(T)	2-1-2013
259-015-0010	1-30-2013	Repeal	3-1-2013	291-097-0140	12-28-2012	Am. & Ren.(T)	2-1-2013
259-020-0010	12-26-2012	Amend	2-1-2013	291-097-0220	12-28-2012	Adopt(T)	2-1-2013
259-020-0015	12-26-2012	Amend	2-1-2013	291-097-0225	12-28-2012	Adopt(T)	2-1-2013
259-020-0030	12-26-2012	Amend	2-1-2013	291-097-0230	12-28-2012	Adopt(T)	2-1-2013
259-020-0031	12-26-2012	Repeal	2-1-2013	291-097-0235	12-28-2012	Adopt(T)	2-1-2013
259-060-0010	12-24-2012	Amend	2-1-2013	291-097-0245	12-28-2012	Adopt(T)	2-1-2013
259-060-0015	12-24-2012	Amend	2-1-2013	291-104-0111	4-15-2013	Amend	5-1-2013
259-060-0600	12-26-2012	Amend	2-1-2013	291-130-0006	2-22-2013	Amend	4-1-2013
259-061-0010	1-2-2013	Amend	2-1-2013	291-130-0006(T)	2-22-2013	Repeal	4-1-2013
259-061-0015	1-2-2013	Repeal	2-1-2013	291-130-0011	2-22-2013	Amend	4-1-2013
259-061-0020	1-2-2013	Amend	2-1-2013	291-130-0011(T)	2-22-2013	Repeal	4-1-2013
259-061-0030	1-2-2013	Repeal	2-1-2013	291-130-0016	2-22-2013	Amend	4-1-2013
259-061-0050	1-2-2013	Repeal	2-1-2013	291-130-0020	2-22-2013	Amend	4-1-2013
259-061-0055	1-2-2013	Repeal	2-1-2013	291-130-0020(T)	2-22-2013	Repeal	4-1-2013
259-061-0060	1-2-2013	Repeal	2-1-2013	291-130-0080	2-22-2013	Amend	4-1-2013
259-061-0070	1-2-2013	Repeal	2-1-2013	291-130-0080(T)	2-22-2013	Repeal	4-1-2013
259-061-0080	1-2-2013	Repeal	2-1-2013	291-207-0100	1-1-2013	Adopt	2-1-2013
259-061-0090	1-2-2013	Repeal	2-1-2013	309-011-0024	12-28-2012	Adopt	2-1-2013
259-070-0020	12-24-2012	Amend	2-1-2013	309-011-0026	12-28-2012	Adopt	2-1-2013

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
309-011-0028	12-28-2012	Adopt	2-1-2013	330-090-0140	5-13-2013	Amend	6-1-2013
309-011-0030	12-28-2012	Adopt	2-1-2013	330-090-0140(T)	5-13-2013	Repeal	6-1-2013
309-011-0032	12-28-2012	Adopt	2-1-2013	330-090-0150	5-13-2013	Amend	6-1-2013
309-011-0034	12-28-2012	Adopt	2-1-2013	330-090-0160	11-16-2012	Amend(T)	1-1-2013
309-011-0036	12-28-2012	Adopt	2-1-2013	330-090-0160	5-13-2013	Amend	6-1-2013
309-011-0120	12-28-2012	Amend	2-1-2013	330-090-0160(T)	5-13-2013	Repeal	6-1-2013
309-011-0125	12-28-2012	Amend	2-1-2013	330-110-0005	12-20-2012	Amend	2-1-2013
309-011-0130	12-28-2012	Amend	2-1-2013	330-110-0010	12-20-2012	Amend	2-1-2013
309-011-0135	12-28-2012	Repeal	2-1-2013	330-110-0015	12-20-2012	Amend	2-1-2013
309-011-0140	12-28-2012	Renumber	2-1-2013	330-110-0016	12-20-2012	Amend	2-1-2013
309-016-0825	1-7-2013	Adopt(T)	2-1-2013	330-110-0020	12-20-2012	Repeal	2-1-2013
309-032-1505	2-11-2013	Amend(T)	3-1-2013	330-110-0025	12-20-2012	Amend	2-1-2013
309-032-1510	2-11-2013	Amend(T)	3-1-2013	330-110-0030	12-20-2012	Amend	2-1-2013
309-032-1525	2-11-2013	Amend(T)	3-1-2013	330-110-0035	12-20-2012	Amend	2-1-2013
309-032-1530	2-11-2013	Amend(T)	3-1-2013	330-110-0036	12-20-2012	Amend	2-1-2013
309-032-1535	2-11-2013	Amend(T)	3-1-2013	330-110-0040	12-20-2012	Amend	2-1-2013
309-032-1540	2-11-2013	Amend(T)	3-1-2013	330-110-0042	12-20-2012	Amend	2-1-2013
309-090-0005	12-26-2012	Amend	2-1-2013	330-110-0045	12-20-2012	Amend	2-1-2013
309-090-0025	12-26-2012	Amend	2-1-2013	330-110-0046	12-20-2012	Adopt	2-1-2013
309-112-0000	1-23-2013	Amend(T)	3-1-2013	330-110-0047	12-20-2012	Adopt	2-1-2013
309-112-0005	1-23-2013	Amend(T)	3-1-2013	330-110-0048	12-20-2012	Adopt	2-1-2013
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	331-705-0080	4-1-2013	Amend(T)	4-1-2013
330-070-0025	1-1-2013	Amend	2-1-2013	331-710-0050	4-1-2013	Amend	4-1-2013
330-070-0026	1-1-2013	Amend	2-1-2013	331-710-0080	11-19-2012	Amend(T)	1-1-2013
330-070-0027	1-1-2013	Amend	2-1-2013	331-710-0080	4-1-2013	Amend	4-1-2013
330-070-0029	1-1-2013	Amend	2-1-2013	331-710-0090	11-19-2012	Amend(T)	1-1-2013
330-070-0040	1-1-2013	Amend	2-1-2013	331-710-0090	4-1-2013	Amend	4-1-2013
330-070-0045	1-1-2013	Amend	2-1-2013	331-718-0020	11-19-2012	Amend(T)	1-1-2013
330-070-0048	1-1-2013	Amend	2-1-2013	331-718-0020	4-1-2013	Amend	4-1-2013
330-070-0055	1-1-2013	Amend	2-1-2013	331-900-0000	1-16-2013	Amend	3-1-2013
330-070-0059	1-1-2013	Amend	2-1-2013	331-900-0005	1-16-2013	Amend	3-1-2013
330-070-0060	1-1-2013	Amend	2-1-2013	331-900-0010	1-16-2013	Amend	3-1-2013
330-070-0062	1-1-2013	Amend	2-1-2013	331-900-0020	1-16-2013	Amend(T)	3-1-2013
330-070-0063	1-1-2013	Amend	2-1-2013	331-900-0020	3-15-2013	Amend	4-1-2013
330-070-0064	1-1-2013	Amend	2-1-2013	331-900-0025	1-16-2013	Amend(T)	3-1-2013
330-070-0070	1-1-2013	Amend	2-1-2013	331-900-0025	3-15-2013	Amend	4-1-2013
330-070-0073	1-1-2013	Amend	2-1-2013	331-900-0035	1-16-2013	Amend	3-1-2013
330-070-0089	1-1-2013	Amend	2-1-2013	331-900-0040	1-16-2013	Amend	3-1-2013
330-070-0091	1-1-2013	Amend	2-1-2013	331-900-0050	1-16-2013	Amend(T)	3-1-2013
330-090-0133	5-13-2013	Amend	6-1-2013	331-900-0050	3-15-2013	Amend	4-1-2013
330-090-0140	11-16-2012	Amend(T)	1-1-2013	331-900-0055	1-16-2013	Amend(T)	3-1-2013

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
331-900-0055	3-15-2013	Amend	4-1-2013	331-910-0085	1-16-2013	Amend	3-1-2013
331-900-0065	1-16-2013	Amend	3-1-2013	331-915-0000	1-16-2013	Amend	3-1-2013
331-900-0080	1-16-2013	Amend	3-1-2013	331-915-0015	1-16-2013	Amend	3-1-2013
331-900-0085	1-16-2013	Amend	3-1-2013	331-915-0020	1-16-2013	Amend	3-1-2013
331-900-0090	1-16-2013	Amend	3-1-2013	331-915-0025	1-16-2013	Amend	3-1-2013
331-900-0095	1-16-2013	Amend	3-1-2013	331-915-0035	1-16-2013	Amend	3-1-2013
331-900-0097	1-16-2013	Amend	3-1-2013	331-915-0050	1-16-2013	Amend	3-1-2013
331-900-0098	1-16-2013	Amend	3-1-2013	331-915-0055	1-16-2013	Amend	3-1-2013
331-900-0105	1-16-2013	Amend	3-1-2013	331-915-0060	1-16-2013	Amend	3-1-2013
331-900-0115	1-16-2013	Amend	3-1-2013	331-915-0065	1-16-2013	Amend	3-1-2013
331-900-0120	1-16-2013	Amend	3-1-2013	331-915-0070	1-16-2013	Amend	3-1-2013
331-900-0125	1-16-2013	Amend	3-1-2013	331-915-0075	1-16-2013	Amend	3-1-2013
331-900-0130	1-16-2013	Amend	3-1-2013	331-915-0080	1-16-2013	Amend	3-1-2013
331-905-0000	1-16-2013	Amend	3-1-2013	331-915-0085	1-16-2013	Amend	3-1-2013
331-905-0000	4-1-2013	Amend(T)	5-1-2013	331-920-0000	1-16-2013	Amend	3-1-2013
331-905-0005	1-16-2013	Amend	3-1-2013	331-920-0005	1-16-2013	Amend	3-1-2013
331-905-0005	4-1-2013	Amend(T)	5-1-2013	331-925-0000	1-16-2013	Amend	3-1-2013
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	331-950-0010	1-16-2013	Amend	3-1-2013
331-905-0035	1-16-2013	Amend	3-1-2013	331-950-0020	1-16-2013	Amend	3-1-2013
331-905-0040	1-16-2013	Amend	3-1-2013	331-950-0040	1-16-2013	Amend	3-1-2013
331-905-0040	4-1-2013	Amend(T)	5-1-2013	333-002-0300	2-4-2013	Adopt(T)	3-1-2013
331-905-0045	1-16-2013	Amend	3-1-2013	333-002-0305	2-4-2013	Adopt(T)	3-1-2013
331-905-0050	1-16-2013	Amend	3-1-2013	333-002-0310	2-4-2013	Adopt(T)	3-1-2013
331-905-0050	4-1-2013	Amend(T)	5-1-2013	333-002-0315	2-4-2013	Adopt(T)	3-1-2013
331-905-0052	1-16-2013	Amend	3-1-2013	333-002-0320	2-4-2013	Adopt(T)	3-1-2013
331-905-0055	1-16-2013	Amend	3-1-2013	333-002-0325	2-4-2013	Adopt(T)	3-1-2013
331-905-0058	1-16-2013	Amend	3-1-2013	333-002-0327	2-4-2013	Adopt(T)	3-1-2013
331-905-0060	1-16-2013	Amend	3-1-2013	333-002-0340	2-4-2013	Adopt(T)	3-1-2013
331-905-0070	4-1-2013	Suspend	5-1-2013	333-002-0345	2-4-2013	Adopt(T)	3-1-2013
331-905-0075	1-16-2013	Amend	3-1-2013	333-002-0350	2-4-2013	Adopt(T)	3-1-2013
331-905-0080	1-16-2013	Amend	3-1-2013	333-002-0355	2-4-2013	Adopt(T)	3-1-2013
331-905-0080	4-1-2013	Amend(T)	5-1-2013	333-002-0360	2-4-2013	Adopt(T)	3-1-2013
331-905-0085	1-16-2013	Amend	3-1-2013	333-002-0370	2-4-2013	Adopt(T)	3-1-2013
331-905-0090	1-16-2013	Amend	3-1-2013	333-002-0375	2-4-2013	Adopt(T)	3-1-2013
331-905-0095	1-16-2013	Amend	3-1-2013	333-002-0380	2-4-2013	Adopt(T)	3-1-2013
331-905-0100	1-16-2013	Amend	3-1-2013	333-004-0000	12-26-2012	Amend	2-1-2013
331-905-0105	1-16-2013	Amend	3-1-2013	333-004-0010	12-26-2012	Amend	2-1-2013
331-905-0110	1-16-2013	Amend	3-1-2013	333-004-0020	12-26-2012	Amend	2-1-2013
331-905-0115	1-16-2013	Amend	3-1-2013	333-004-0030	12-26-2012	Amend	2-1-2013
331-905-0120	1-16-2013	Amend	3-1-2013	333-004-0040	12-26-2012	Amend	2-1-2013
331-910-0010	1-16-2013	Amend	3-1-2013	333-004-0050	12-26-2012	Amend	2-1-2013
331-910-0025	1-16-2013	Amend	3-1-2013	333-004-0060	12-26-2012	Amend	2-1-2013
331-910-0035	1-16-2013	Amend	3-1-2013	333-004-0070	12-26-2012	Amend	2-1-2013
331-910-0050	1-16-2013	Amend	3-1-2013	333-004-0080	12-26-2012	Amend	2-1-2013
331-910-0060	1-16-2013	Amend	3-1-2013	333-004-0100	12-26-2012	Amend	2-1-2013
331-910-0070	1-16-2013	Amend	3-1-2013	333-004-0110	12-26-2012	Amend	2-1-2013
331-910-0080	1-16-2013	Amend	3-1-2013	333-004-0120	12-26-2012	Amend	2-1-2013

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
333-004-0130	12-26-2012	Amend	2-1-2013	333-030-0015	1-25-2013	Amend	3-1-2013
333-004-0140	12-26-2012	Amend	2-1-2013	333-030-0020	1-25-2013	Amend	3-1-2013
333-004-0150	12-26-2012	Amend	2-1-2013	333-030-0025	1-25-2013	Amend	3-1-2013
333-004-0160	12-26-2012	Amend	2-1-2013	333-030-0030	1-25-2013	Amend	3-1-2013
333-004-0170	12-26-2012	Repeal	2-1-2013	333-030-0035	1-25-2013	Amend	3-1-2013
333-004-0180	12-26-2012	Repeal	2-1-2013	333-030-0040	1-25-2013	Amend	3-1-2013
333-004-0190	12-26-2012	Repeal	2-1-2013	333-030-0045	1-25-2013	Repeal	3-1-2013
333-004-0200	12-26-2012	Adopt	2-1-2013	333-030-0050	1-25-2013	Amend	3-1-2013
333-004-0210	12-26-2012	Adopt	2-1-2013	333-030-0055	1-25-2013	Amend	3-1-2013
333-004-0220	12-26-2012	Adopt	2-1-2013	333-030-0060	1-25-2013	Amend	3-1-2013
333-004-0230	12-26-2012	Adopt	2-1-2013	333-030-0065	1-25-2013	Amend	3-1-2013
333-008-0090	1-1-2013	Amend	2-1-2013	333-030-0070	1-25-2013	Amend	3-1-2013
333-010-0400	2-4-2013	Adopt	3-1-2013	333-030-0075	1-25-2013	Amend	3-1-2013
333-010-0405	2-4-2013	Adopt	3-1-2013	333-030-0080	1-25-2013	Amend	3-1-2013
333-010-0410	2-4-2013	Adopt	3-1-2013	333-030-0085	1-25-2013	Amend	3-1-2013
333-010-0415	2-4-2013	Adopt	3-1-2013	333-030-0090	1-25-2013	Amend	3-1-2013
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

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
333-061-0087	1-25-2013	Amend	3-1-2013	333-123-0100	1-29-2013	Adopt	3-1-2013
333-061-0090	1-25-2013	Amend	3-1-2013	333-123-0105	1-29-2013	Adopt	3-1-2013
333-061-0098	1-25-2013	Amend	3-1-2013	333-123-0110	1-29-2013	Adopt	3-1-2013
333-061-0220	1-25-2013	Amend	3-1-2013	333-123-0115	1-29-2013	Adopt	3-1-2013
333-061-0225	1-25-2013	Amend	3-1-2013	333-200-0010	1-1-2013	Amend	2-1-2013
333-061-0228	1-25-2013	Amend	3-1-2013	333-200-0020	1-1-2013	Amend	2-1-2013
333-061-0235	1-25-2013	Amend	3-1-2013	333-200-0080	1-1-2013	Amend	2-1-2013
333-061-0245	1-25-2013	Amend	3-1-2013	333-200-0090	1-1-2013	Amend	2-1-2013
333-061-0250	1-25-2013	Amend	3-1-2013	333-250-0010	1-25-2013	Amend	3-1-2013
333-061-0335	1-25-2013	Amend	3-1-2013	333-250-0020	1-25-2013	Amend	3-1-2013
333-100-0005	1-29-2013	Amend	3-1-2013	333-250-0030	1-25-2013	Amend	3-1-2013
333-102-0115	1-29-2013	Amend	3-1-2013	333-250-0031	1-25-2013	Adopt	3-1-2013
333-102-0203	1-29-2013	Amend	3-1-2013	333-250-0040	1-25-2013	Amend	3-1-2013
333-102-0250	1-29-2013	Amend	3-1-2013	333-250-0041	1-25-2013	Amend	3-1-2013
333-102-0285	1-29-2013	Amend	3-1-2013	333-250-0042	1-25-2013	Amend	3-1-2013
333-102-0340	1-29-2013	Amend	3-1-2013	333-250-0043	1-25-2013	Amend	3-1-2013
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

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
333-265-0110	1-25-2013	Amend	3-1-2013	335-080-0025	12-14-2012	Amend	1-1-2013
333-265-0160	1-25-2013	Amend	3-1-2013	335-080-0025	5-1-2013	Amend	5-1-2013
333-265-0190	1-25-2013	Repeal	3-1-2013	335-095-0030	12-14-2012	Amend	1-1-2013
333-500-0005	1-1-2013	Amend	2-1-2013	335-095-0030	5-1-2013	Amend	5-1-2013
333-500-0010	1-1-2013	Amend	2-1-2013	335-095-0040	12-14-2012	Amend	1-1-2013
333-500-0031	1-1-2013	Amend	2-1-2013	335-095-0050	12-14-2012	Amend	1-1-2013
333-500-0032	1-1-2013	Amend	2-1-2013	337-010-0030	7-1-2013	Amend	5-1-2013
333-500-0038	1-1-2013	Amend	2-1-2013	340-048-0055	1-16-2013	Amend	3-1-2013
333-505-0001	1-1-2013	Amend	2-1-2013	340-048-0055	3-25-2013	Amend(T)	5-1-2013
333-505-0005	1-1-2013	Amend	2-1-2013	340-049-0010	3-1-2013	Amend	3-1-2013
333-505-0007	1-1-2013	Amend	2-1-2013	340-049-0015	3-1-2013	Amend	3-1-2013
333-505-0010	1-1-2013	Amend	2-1-2013	340-049-0020	3-1-2013	Amend	3-1-2013
333-505-0030	1-1-2013	Amend	2-1-2013	340-049-0025	3-1-2013	Amend	3-1-2013
333-505-0033	1-1-2013	Amend	2-1-2013	340-049-0030	3-1-2013	Amend	3-1-2013
333-505-0050	1-1-2013	Amend	2-1-2013	340-049-0035	3-1-2013	Amend	3-1-2013
333-505-0060	1-1-2013	Amend	2-1-2013	340-049-0040	3-1-2013	Amend	3-1-2013
333-505-0080	1-1-2013	Amend	2-1-2013	340-049-0055	3-1-2013	Amend	3-1-2013
333-510-0020	1-1-2013	Amend	2-1-2013	340-049-0060	3-1-2013	Amend	3-1-2013
333-510-0040	1-1-2013	Amend	2-1-2013	340-049-0065	3-1-2013	Amend	3-1-2013
333-520-0035	1-1-2013	Amend	2-1-2013	340-049-0085	3-1-2013	Amend	3-1-2013
333-520-0050	1-1-2013	Amend	2-1-2013	340-054-0005	12-14-2012	Amend	1-1-2013
333-520-0060	1-1-2013	Amend	2-1-2013	340-054-0010	12-14-2012	Amend	1-1-2013
333-520-0070	1-1-2013	Amend	2-1-2013	340-054-0011	12-14-2012	Adopt	1-1-2013
333-525-0010	1-1-2013	Repeal	2-1-2013	340-054-0015	12-14-2012	Amend	1-1-2013
334-001-0060	1-1-2013	Amend	1-1-2013	340-054-0020	12-14-2012	Repeal	1-1-2013
334-010-0027	1-1-2013	Amend	1-1-2013	340-054-0021	12-14-2012	Repeal	1-1-2013
334-010-0029	1-1-2013	Amend	1-1-2013	340-054-0022	12-14-2012	Amend	1-1-2013
334-010-0046	1-1-2013	Amend	1-1-2013	340-054-0023	12-14-2012	Repeal	1-1-2013
334-040-0010	1-1-2013	Amend	1-1-2013	340-054-0024	12-14-2012	Repeal	1-1-2013
335-005-0010	12-14-2012	Amend	1-1-2013	340-054-0025	12-14-2012	Amend	1-1-2013
335-005-0020	5-1-2013	Amend	5-1-2013	340-054-0026	12-14-2012	Adopt	1-1-2013
335-060-0005	12-14-2012	Amend	1-1-2013	340-054-0027	12-14-2012	Adopt	1-1-2013
335-060-0005	5-1-2013	Amend	5-1-2013	340-054-0035	12-14-2012	Repeal	1-1-2013
335-060-0006	12-14-2012	Adopt	1-1-2013	340-054-0036	12-14-2012	Adopt	1-1-2013
335-060-0006	5-1-2013	Amend	5-1-2013	340-054-0055	12-14-2012	Repeal	1-1-2013
335-060-0007	12-14-2012	Adopt	1-1-2013	340-054-0056	12-14-2012	Adopt	1-1-2013
335-060-0007	5-1-2013	Amend	5-1-2013	340-054-0060	12-14-2012	Amend	1-1-2013
335-060-0010	5-1-2013	Amend	5-1-2013	340-054-0065	12-14-2012	Amend	1-1-2013
335-070-0010	5-1-2013	Repeal	5-1-2013	340-054-0085	12-14-2012	Repeal	1-1-2013
335-070-0020	5-1-2013	Amend	5-1-2013	340-054-0087	12-14-2012	Repeal	1-1-2013
335-070-0030	5-1-2013	Repeal	5-1-2013	340-054-0090	12-14-2012	Repeal	1-1-2013
335-070-0040	5-1-2013	Amend	5-1-2013	340-054-0093	12-14-2012	Repeal	1-1-2013
335-070-0050	5-1-2013	Amend	5-1-2013	340-054-0095	12-14-2012	Repeal	1-1-2013
335-070-0055	5-1-2013	Repeal	5-1-2013	340-054-0097	12-14-2012	Repeal	1-1-2013
335-070-0060	5-1-2013	Repeal	5-1-2013	340-054-0098	12-14-2012	Repeal	1-1-2013
335-070-0065	5-1-2013	Repeal	5-1-2013	340-054-0100	12-14-2012	Amend	1-1-2013
335-070-0070	5-1-2013	Repeal	5-1-2013	340-054-0102	12-14-2012	Amend	1-1-2013
335-070-0075	5-1-2013	Repeal	5-1-2013	340-054-0104	12-14-2012	Amend	1-1-2013
335-070-0080	5-1-2013	Amend	5-1-2013	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

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
340-216-0020	3-27-2013	Amend	5-1-2013	340-244-0250	3-27-2013	Amend	5-1-2013
340-216-0060	3-27-2013	Amend	5-1-2013	340-253-0000	12-11-2012	Adopt	1-1-2013
340-216-0062	3-27-2013	Amend	5-1-2013	340-253-0040	12-11-2012	Adopt	1-1-2013
340-216-0064	3-27-2013	Amend	5-1-2013	340-253-0060	12-11-2012	Adopt	1-1-2013
340-216-0066	3-27-2013	Amend	5-1-2013	340-253-0100	12-11-2012	Adopt	1-1-2013
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

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
410-120-0006	2-20-2013	Amend(T)	4-1-2013	410-142-0020	5-1-2013	Amend(T)	5-1-2013
410-120-0006	3-1-2013	Amend(T)	4-1-2013	410-142-0290	5-1-2013	Amend(T)	5-1-2013
410-120-0006	4-1-2013	Amend	5-1-2013	410-147-0360	3-1-2013	Amend(T)	4-1-2013
410-120-0006	4-10-2013	Amend	5-1-2013	410-147-0400	1-1-2013	Amend(T)	2-1-2013
410-120-0006(T)	12-1-2012	Suspend	1-1-2013	410-147-0400	3-1-2013	Amend(T)	4-1-2013
410-120-0006(T)	1-1-2013	Repeal	2-1-2013	410-147-0400(T)	3-1-2013	Suspend	4-1-2013
410-120-0006(T)	1-1-2013	Suspend	2-1-2013	410-165-0000	4-26-2013	Amend(T)	6-1-2013
410-120-0006(T)	1-8-2013	Suspend	2-1-2013	410-165-0020	4-26-2013	Amend(T)	6-1-2013
410-120-0006(T)	1-30-2013	Suspend	3-1-2013	410-165-0040	4-26-2013	Amend(T)	6-1-2013
410-120-0006(T)	2-20-2013	Suspend	4-1-2013	410-165-0060	4-26-2013	Amend(T)	6-1-2013
410-120-0006(T)	3-1-2013	Suspend	4-1-2013	410-165-0080	4-26-2013	Amend(T)	6-1-2013
410-120-1210	1-1-2013	Amend(T)	2-1-2013	410-165-0100	4-26-2013	Amend(T)	6-1-2013
410-120-1340	3-29-2013	Amend(T)	5-1-2013	410-165-0120	4-26-2013	Amend(T)	6-1-2013
410-121-0030	1-1-2013	Amend	2-1-2013	410-165-0140	4-26-2013	Amend(T)	6-1-2013
410-121-0030	2-21-2013	Amend(T)	4-1-2013	411-001-0500	4-2-2013	Adopt	5-1-2013
410-121-0030	5-1-2013	Amend(T)	6-1-2013	411-001-0500(T)	4-2-2013	Repeal	5-1-2013
410-121-0030(T)	1-1-2013	Repeal	2-1-2013	411-001-0510	4-2-2013	Adopt	5-1-2013
410-121-0030(T)	5-1-2013	Suspend	6-1-2013	411-001-0520	4-2-2013	Adopt	5-1-2013
410-121-0033	1-1-2013	Amend	2-1-2013	411-020-0002	11-28-2012	Amend	1-1-2013
410-121-0033(T)	1-1-2013	Repeal	2-1-2013	411-020-0002(T)	11-28-2012	Repeal	1-1-2013
410-121-0040	1-1-2013	Amend	2-1-2013	411-020-0030	11-28-2012	Amend	1-1-2013
410-121-0040	2-21-2013	Amend(T)	4-1-2013	411-020-0030(T)	11-28-2012	Repeal	1-1-2013
410-121-0040	5-1-2013	Amend(T)	6-1-2013	411-020-0085	11-28-2012	Amend	1-1-2013
410-121-0040(T)	1-1-2013	Repeal	2-1-2013	411-020-0085(T)	11-28-2012	Repeal	1-1-2013
410-121-0040(T)	5-1-2013	Suspend	6-1-2013	411-020-0123	11-28-2012	Adopt	1-1-2013
410-121-0100	1-1-2013	Amend	2-1-2013	411-020-0123(T)	11-28-2012	Repeal	1-1-2013
410-121-0100(T)	1-1-2013	Repeal	2-1-2013	411-020-0126	11-28-2012	Adopt	1-1-2013
410-121-0111	1-1-2013	Adopt	2-1-2013	411-020-0126(T)	11-28-2012	Repeal	1-1-2013
410-121-0111(T)	1-1-2013	Repeal	2-1-2013	411-030-0080	3-26-2013	Amend	5-1-2013
410-121-0190	12-28-2012	Amend(T)	2-1-2013	411-030-0080(T)	3-26-2013	Repeal	5-1-2013
410-122-0186	12-27-2012	Amend	2-1-2013	411-031-0020	3-26-2013	Amend	5-1-2013
410-122-0325	12-27-2012	Amend	2-1-2013	411-031-0020(T)	3-26-2013	Repeal	5-1-2013
410-123-1060	4-1-2013	Amend	5-1-2013	411-031-0030	3-26-2013	Amend	5-1-2013
410-123-1160	4-1-2013	Amend	5-1-2013	411-031-0040	3-26-2013	Amend	5-1-2013
410-123-1200	4-1-2013	Amend	5-1-2013	411-031-0040(T)	3-26-2013	Repeal	5-1-2013
410-123-1220	4-1-2013	Amend	5-1-2013	411-031-0050	3-26-2013	Amend	5-1-2013
410-123-1240	4-1-2013	Amend	5-1-2013	411-048-0000	4-15-2013	Repeal	5-1-2013
410-123-1260	4-1-2013	Amend	5-1-2013	411-048-0010	4-15-2013	Repeal	5-1-2013
410-123-1490	4-1-2013	Amend	5-1-2013	411-048-0020	4-15-2013	Repeal	5-1-2013
410-123-1620	4-1-2013	Amend	5-1-2013	411-048-0030	4-15-2013	Repeal	5-1-2013
410-130-0005	3-29-2013	Adopt(T)	5-1-2013	411-048-0040	4-15-2013	Repeal	5-1-2013
410-130-0180	12-28-2012	Amend(T)	2-1-2013	411-048-0050	4-15-2013	Repeal	5-1-2013
410-130-0240	12-28-2012	Amend(T)	2-1-2013	411-048-0060	4-15-2013	Repeal	5-1-2013
410-130-0255	3-29-2013	Amend(T)	5-1-2013	411-048-0070	4-15-2013	Repeal	5-1-2013
410-138-0390	4-26-2013	Amend	6-1-2013	411-048-0080	4-15-2013	Repeal	5-1-2013
410-141-0262	3-1-2013	Amend(T)	4-1-2013	411-048-0100	4-15-2013	Repeal	5-1-2013
410-141-0262	4-10-2013	Amend(T)	5-1-2013	411-048-0120	4-15-2013	Repeal	5-1-2013
410-141-0520	3-21-2013	Amend	5-1-2013	411-048-0130	4-15-2013	Repeal	5-1-2013
410-141-3060	1-1-2013	Amend(T)	2-1-2013	411-048-0150	4-15-2013	Adopt	5-1-2013
410-141-3060	2-7-2013	Amend(T)	3-1-2013	411-048-0160	4-15-2013	Adopt	5-1-2013
410-141-3060(T)	2-7-2013	Suspend	3-1-2013	411-048-0170	4-15-2013	Adopt	5-1-2013
410-141-3080	4-23-2013	Amend	6-1-2013	411-048-0180	4-15-2013	Adopt	5-1-2013
410-141-3160	1-4-2013	Amend(T)	2-1-2013	411-048-0190	4-15-2013	Adopt	5-1-2013
410-141-3260	4-26-2013	Amend	6-1-2013	411-048-0200	4-15-2013	Adopt	5-1-2013
410-141-3262	3-1-2013	Amend(T)	4-1-2013	411-048-0210	4-15-2013	Adopt	5-1-2013
410-141-3262	4-10-2013	Amend(T)	5-1-2013	411-048-0220	4-15-2013	Adopt	5-1-2013

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
411-048-0230	4-15-2013	Adopt	5-1-2013	413-070-0552	1-15-2013	Amend	2-1-2013
411-048-0240	4-15-2013	Adopt	5-1-2013	413-070-0556	1-15-2013	Amend	2-1-2013
411-048-0250	4-15-2013	Adopt	5-1-2013	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	415-020-0053	1-14-2013	Amend(T)	2-1-2013
413-040-0005	1-15-2013	Amend	2-1-2013	415-050-0000	2-4-2013	Amend(T)	3-1-2013
413-040-0006	1-15-2013	Amend	2-1-2013	415-050-0005	2-4-2013	Amend(T)	3-1-2013
413-040-0008	1-15-2013	Amend	2-1-2013	415-050-0015	2-4-2013	Amend(T)	3-1-2013
413-040-0009	1-15-2013	Amend	2-1-2013	415-050-0025	2-4-2013	Amend(T)	3-1-2013
413-040-0010	1-15-2013	Amend	2-1-2013	415-050-0035	2-4-2013	Amend(T)	3-1-2013
413-040-0011	1-15-2013	Amend	2-1-2013	415-050-0040	2-4-2013	Amend(T)	3-1-2013
413-040-0013	1-15-2013	Amend	2-1-2013	415-050-0045	2-4-2013	Amend(T)	3-1-2013
413-040-0016	1-15-2013	Amend	2-1-2013	415-050-0050	2-4-2013	Amend(T)	3-1-2013
413-040-0017	1-15-2013	Amend	2-1-2013	415-050-0055	2-4-2013	Amend(T)	3-1-2013
413-040-0024	1-15-2013	Amend	2-1-2013	415-050-0060	2-4-2013	Amend(T)	3-1-2013
413-040-0032	1-15-2013	Amend	2-1-2013	415-050-0065	2-4-2013	Amend(T)	3-1-2013
413-040-0210	1-15-2013	Amend	2-1-2013	415-050-0070	2-4-2013	Amend(T)	3-1-2013
413-040-0215	1-15-2013	Amend	2-1-2013	415-050-0075	2-4-2013	Amend(T)	3-1-2013
413-040-0240	1-15-2013	Amend	2-1-2013	415-050-0090	2-4-2013	Amend(T)	3-1-2013
413-040-0270	1-15-2013	Amend	2-1-2013	416-465-0000	2-25-2013	Repeal	4-1-2013
413-040-0290	1-15-2013	Amend	2-1-2013	416-465-0010	2-25-2013	Repeal	4-1-2013
413-040-0300	1-15-2013	Amend	2-1-2013	416-465-0020	2-25-2013	Repeal	4-1-2013
413-070-0524	1-15-2013	Amend	2-1-2013	416-465-0030	2-25-2013	Repeal	4-1-2013
413-070-0536	1-15-2013	Amend	2-1-2013	416-465-0040	2-25-2013	Repeal	4-1-2013
413-070-0551	1-15-2013	Amend	2-1-2013	436-001-0003	12-28-2012	Amend	1-1-2013

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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	437-002-0005	12-14-2012	Amend	1-1-2013
436-009-0110	4-1-2013	Amend	4-1-2013	437-002-0020	4-1-2013	Amend	3-1-2013
436-009-0135	4-1-2013	Amend	4-1-2013	437-002-0023	4-1-2013	Adopt	3-1-2013
436-009-0175	4-1-2013	Amend	4-1-2013	437-002-0120	12-14-2012	Amend	1-1-2013
436-009-0177	4-1-2013	Amend	4-1-2013	437-002-0134	4-1-2013	Amend	3-1-2013
436-009-0180	4-1-2013	Amend	4-1-2013	437-002-0240	12-14-2012	Amend	1-1-2013
436-009-0207	4-1-2013	Amend	4-1-2013	437-003-0001	12-14-2012	Amend	1-1-2013
436-009-0260	4-1-2013	Amend	4-1-2013	437-003-0001	2-14-2013	Amend	3-1-2013
436-009-0290	4-1-2013	Amend	4-1-2013	437-003-0001	4-1-2013	Amend	3-1-2013
436-010-0210	4-1-2013	Amend	4-1-2013	437-003-0128	4-1-2013	Repeal	3-1-2013
436-010-0230	4-1-2013	Amend	4-1-2013	437-003-0134	4-1-2013	Adopt	3-1-2013
436-010-0265	4-1-2013	Amend	4-1-2013	437-005-0001	12-14-2012	Amend	1-1-2013
436-010-0330	4-1-2013	Amend	4-1-2013	437-005-0002	12-14-2012	Amend	1-1-2013
436-015-0008	4-1-2013	Amend	4-1-2013	437-005-0003	12-14-2012	Amend	1-1-2013
436-015-0080	4-1-2013	Amend	4-1-2013	438-005-0015	4-1-2013	Amend	3-1-2013
436-015-0110	4-1-2013	Amend	4-1-2013	438-009-0005	4-1-2013	Amend	3-1-2013
436-035-0002	1-1-2013	Amend	1-1-2013	438-009-0020	4-1-2013	Amend	3-1-2013
436-035-0003	1-1-2013	Amend	1-1-2013	438-011-0010	4-1-2013	Amend	3-1-2013
436-035-0005	1-1-2013	Amend	1-1-2013	438-011-0045	4-1-2013	Amend	3-1-2013
436-035-0007	1-1-2013	Amend	1-1-2013	438-012-0001	4-1-2013	Amend	3-1-2013
436-035-0008	1-1-2013	Amend	1-1-2013	438-012-0020	4-1-2013	Amend	3-1-2013
436-035-0009	1-1-2013	Amend	1-1-2013	438-012-0031	4-1-2013	Amend	3-1-2013
436-035-0011	1-1-2013	Amend	1-1-2013	438-012-0035	4-1-2013	Amend	3-1-2013
436-035-0012	1-1-2013	Amend	1-1-2013	438-012-0036	4-1-2013	Amend	3-1-2013
436-035-0017	1-1-2013	Amend	1-1-2013	438-012-0050	4-1-2013	Amend	3-1-2013
436-035-0018	1-1-2013	Amend	1-1-2013	438-012-0060	4-1-2013	Amend	3-1-2013
436-035-0030	1-1-2013	Amend	1-1-2013	438-012-0062	4-1-2013	Amend	3-1-2013
436-035-0040	1-1-2013	Amend	1-1-2013	438-016-0005	4-1-2013	Amend	3-1-2013
436-035-0110	1-1-2013	Amend	1-1-2013	438-019-0010	4-1-2013	Amend	3-1-2013
436-035-0230	1-1-2013	Amend	1-1-2013	438-020-0010	4-1-2013	Amend	3-1-2013
436-035-0235	1-1-2013	Amend	1-1-2013	438-022-0005	4-1-2013	Amend	3-1-2013
436-035-0255	1-1-2013	Amend	1-1-2013	441-505-3090	1-23-2013	Adopt	3-1-2013
436-035-0260	1-1-2013	Amend	1-1-2013	441-505-3090(T)	1-23-2013	Repeal	3-1-2013
436-035-0265	1-1-2013	Amend	1-1-2013	441-710-0270	2-1-2013	Amend(T)	2-1-2013
436-035-0340	1-1-2013	Amend	1-1-2013	442-005-0000	1-1-2013	Amend	2-1-2013
436-035-0350	1-1-2013	Amend	1-1-2013	442-005-0010	1-1-2013	Amend	2-1-2013
436-035-0370	1-1-2013	Amend	1-1-2013	442-005-0020	1-1-2013	Amend	2-1-2013
436-035-0380	1-1-2013	Amend	1-1-2013	442-005-0030	1-1-2013	Amend	2-1-2013

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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	461-120-0340	12-29-2012	Amend	2-1-2013
442-005-0300	1-1-2013	Amend	2-1-2013	461-120-0340	4-1-2013	Amend	5-1-2013
442-005-0310	1-1-2013	Amend	2-1-2013	461-125-0050	4-1-2013	Amend	5-1-2013
442-005-0320	1-1-2013	Amend	2-1-2013	461-125-0830	1-1-2013	Amend(T)	2-1-2013
442-005-0330	1-1-2013	Amend	2-1-2013	461-125-0830	4-1-2013	Amend	5-1-2013
442-005-0340	1-1-2013	Amend	2-1-2013	461-125-0830(T)	4-1-2013	Repeal	5-1-2013
442-005-0350	1-1-2013	Repeal	2-1-2013	461-130-0310	1-1-2013	Amend(T)	2-1-2013
442-010-0010	1-1-2013	Amend	2-1-2013	461-130-0310	4-1-2013	Amend	5-1-2013
442-010-0020	1-1-2013	Amend	2-1-2013	461-130-0310(T)	4-1-2013	Repeal	5-1-2013
442-010-0030	1-1-2013	Amend	2-1-2013	461-130-0330	1-1-2013	Amend	2-1-2013
442-010-0040	1-1-2013	Amend	2-1-2013	461-130-0335	1-1-2013	Amend	2-1-2013
442-010-0050	1-1-2013	Amend	2-1-2013	461-135-0089	1-1-2013	Amend	2-1-2013
442-010-0055	1-1-2013	Amend	2-1-2013	461-135-0400	1-1-2013	Amend(T)	2-1-2013
442-010-0060	1-1-2013	Amend	2-1-2013	461-135-0407	1-1-2013	Adopt	2-1-2013
442-010-0070	1-1-2013	Amend	2-1-2013	461-135-0407	5-15-2013	Amend(T)	6-1-2013
442-010-0075	1-1-2013	Amend	2-1-2013	461-135-0407(T)	1-1-2013	Repeal	2-1-2013
442-010-0080	1-1-2013	Amend	2-1-2013	461-135-0570	5-1-2013	Amend(T)	6-1-2013
442-010-0085	1-1-2013	Amend	2-1-2013	461-135-0780	1-1-2013	Amend(T)	2-1-2013
442-010-0090	1-1-2013	Amend	2-1-2013	461-135-0780	4-1-2013	Amend	5-1-2013
442-010-0100	1-1-2013	Amend	2-1-2013	461-135-0780(T)	4-1-2013	Repeal	5-1-2013
442-010-0110	1-1-2013	Repeal	2-1-2013	461-135-1102	12-1-2012	Amend(T)	1-1-2013
442-010-0120	1-1-2013	Amend	2-1-2013	461-135-1102	4-1-2013	Amend	5-1-2013
442-010-0140	1-1-2013	Amend	2-1-2013	461-135-1102(T)	4-1-2013	Repeal	5-1-2013
442-010-0150	1-1-2013	Amend	2-1-2013	461-145-0080	12-29-2012	Amend	2-1-2013
442-010-0160	1-1-2013	Amend	2-1-2013	461-145-0220	1-1-2013	Amend(T)	2-1-2013
442-010-0170	1-1-2013	Amend	2-1-2013	461-145-0220	4-1-2013	Amend	5-1-2013
442-010-0180	1-1-2013	Amend	2-1-2013	461-145-0220(T)	4-1-2013	Repeal	5-1-2013
442-010-0190	1-1-2013	Amend	2-1-2013	461-145-0260	1-1-2013	Amend	2-1-2013
442-010-0210	1-1-2013	Amend	2-1-2013	461-145-0260	1-1-2013	Amend(T)	2-1-2013
442-010-0215	1-1-2013	Amend	2-1-2013	461-145-0260	4-1-2013	Amend	5-1-2013
442-010-0220	1-1-2013	Amend	2-1-2013	461-145-0260(T)	1-1-2013	Repeal	2-1-2013
442-010-0230	1-1-2013	Amend	2-1-2013	461-145-0260(T)	4-1-2013	Repeal	5-1-2013
442-010-0240	1-1-2013	Amend	2-1-2013	461-145-0580	1-1-2013	Amend	2-1-2013

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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	576-005-0035	3-1-2013	Repeal	4-1-2013
461-155-0270	1-8-2013	Amend(T)	2-1-2013	576-005-0040	3-1-2013	Repeal	4-1-2013
461-155-0270	4-1-2013	Amend	5-1-2013	576-010-0000	1-1-2013	Amend	2-1-2013
461-155-0270(T)	1-8-2013	Suspend	2-1-2013	576-026-0005	1-1-2013	Repeal	2-1-2013
461-155-0270(T)	4-1-2013	Repeal	5-1-2013	576-026-0010	1-1-2013	Repeal	2-1-2013
461-155-0290	3-1-2013	Amend	4-1-2013	576-050-0015	1-1-2013	Amend	2-1-2013
461-155-0291	3-1-2013	Amend	4-1-2013	576-055-0000	1-16-2013	Adopt	3-1-2013
461-155-0295	3-1-2013	Amend	4-1-2013	576-055-0010	1-16-2013	Adopt	3-1-2013
461-155-0300	1-1-2013	Amend(T)	2-1-2013	576-055-0020	1-16-2013	Adopt	3-1-2013
461-155-0300	4-1-2013	Amend	5-1-2013	576-055-0030	1-16-2013	Adopt	3-1-2013
461-155-0300(T)	4-1-2013	Repeal	5-1-2013	576-055-0040	1-16-2013	Adopt	3-1-2013
461-155-0575	4-1-2013	Amend	5-1-2013	576-055-0050	1-16-2013	Adopt	3-1-2013
461-155-0575(T)	4-1-2013	Repeal	5-1-2013	576-055-0060	1-16-2013	Adopt	3-1-2013
461-160-0010	4-10-2013	Amend(T)	5-1-2013	576-055-0070	1-16-2013	Adopt	3-1-2013
461-160-0015	1-1-2013	Amend	2-1-2013	576-055-0080	1-16-2013	Adopt	3-1-2013
461-160-0015	1-1-2013	Amend(T)	2-1-2013	576-055-0090	1-16-2013	Adopt	3-1-2013
461-160-0015	4-1-2013	Amend	5-1-2013	576-055-0100	1-16-2013	Adopt	3-1-2013
461-160-0015(T)	4-1-2013	Repeal	5-1-2013	576-055-0110	1-16-2013	Adopt	3-1-2013
461-160-0030	4-1-2013	Amend	5-1-2013	576-055-0120	1-16-2013	Adopt	3-1-2013
461-160-0055	1-1-2013	Amend	2-1-2013	576-055-0130	1-16-2013	Adopt	3-1-2013
461-160-0055	4-1-2013	Amend	5-1-2013	576-055-0140	1-16-2013	Adopt	3-1-2013
461-160-0055(T)	1-1-2013	Repeal	2-1-2013	576-055-0150	1-16-2013	Adopt	3-1-2013
461-160-0193	4-1-2013	Amend	5-1-2013	576-055-0160	1-16-2013	Adopt	3-1-2013
461-160-0410	4-1-2013	Amend	5-1-2013	576-056-0000	1-1-2013	Adopt	2-1-2013
461-160-0415	4-1-2013	Amend	5-1-2013	576-056-0010	1-1-2013	Adopt	2-1-2013
461-160-0420	4-1-2013	Amend	5-1-2013	576-056-0020	1-1-2013	Adopt	2-1-2013
461-160-0430	4-1-2013	Amend	5-1-2013	576-056-0030	1-1-2013	Adopt	2-1-2013
461-160-0580	1-1-2013	Amend	2-1-2013	576-056-0040	1-1-2013	Adopt	2-1-2013
461-160-0620	1-1-2013	Amend	2-1-2013	576-056-0050	1-1-2013	Adopt	2-1-2013
461-165-0010	2-6-2013	Amend	3-1-2013	576-056-0060	1-1-2013	Adopt	2-1-2013
461-165-0060	1-1-2013	Amend	2-1-2013	576-056-0070	1-1-2013	Adopt	2-1-2013
461-165-0160	4-1-2013	Amend	5-1-2013	576-056-0080	1-1-2013	Adopt	2-1-2013
461-165-0180	4-1-2013	Amend	5-1-2013	576-056-0090	1-1-2013	Adopt	2-1-2013
461-165-0190	4-1-2013	Repeal	5-1-2013	576-056-0100	1-1-2013	Adopt	2-1-2013
461-180-0070	4-1-2013	Amend	5-1-2013	576-056-0110	1-1-2013	Adopt	2-1-2013
461-180-0100	1-1-2013	Amend	2-1-2013	576-056-0120	1-1-2013	Adopt	2-1-2013
461-190-0211	1-1-2013	Amend(T)	2-1-2013	576-056-0130	1-1-2013	Adopt	2-1-2013
461-190-0211	1-23-2013	Amend(T)	3-1-2013	577-042-0010	3-20-2013	Amend(T)	5-1-2013
461-190-0211	4-1-2013	Amend	5-1-2013	579-070-0005	12-20-2012	Amend	2-1-2013
461-190-0211(T)	1-1-2013	Suspend	2-1-2013	579-070-0005	2-22-2013	Amend	4-1-2013
461-190-0211(T)	1-23-2013	Suspend	3-1-2013	579-070-0010	2-22-2013	Amend	4-1-2013
461-190-0211(T)	4-1-2013	Repeal	5-1-2013	579-070-0015	2-22-2013	Amend	4-1-2013
461-195-0501	3-25-2013	Amend(T)	5-1-2013	579-070-0030	2-22-2013	Amend	4-1-2013
461-195-0541	3-25-2013	Amend(T)	5-1-2013	579-070-0035	2-22-2013	Amend	4-1-2013
461-195-0601	3-25-2013	Amend(T)	5-1-2013	579-070-0041	2-22-2013	Amend	4-1-2013
461-195-0621	3-25-2013	Amend(T)	5-1-2013	579-070-0042	2-22-2013	Amend	4-1-2013
462-130-0010	12-31-2012	Amend	2-1-2013	579-070-0043	2-22-2013	Amend	4-1-2013
571-004-0020	3-4-2013	Amend	4-1-2013	579-070-0045	2-22-2013	Amend	4-1-2013

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
580-060-0000	4-10-2013	Amend(T)	5-1-2013	581-015-2885	4-25-2013	Amend(T)	6-1-2013
580-060-0010	4-10-2013	Amend(T)	5-1-2013	581-021-0500	1-17-2013	Amend	3-1-2013
580-060-0015	4-10-2013	Amend(T)	5-1-2013	581-021-0500(T)	1-17-2013	Repeal	3-1-2013
580-060-0020	4-10-2013	Amend(T)	5-1-2013	581-022-1065	1-15-2013	Repeal	2-1-2013
580-060-0025	4-10-2013	Amend(T)	5-1-2013	581-022-1440	4-10-2013	Amend	5-1-2013
580-060-0035	4-10-2013	Amend(T)	5-1-2013	581-022-1670	2-20-2013	Amend	4-1-2013
580-060-0040	4-10-2013	Amend(T)	5-1-2013	581-022-2130	4-5-2013	Adopt	5-1-2013
580-060-0045	4-10-2013	Amend(T)	5-1-2013	581-045-0003	1-15-2013	Amend	2-1-2013
580-060-0050	4-10-2013	Amend(T)	5-1-2013	581-045-0586	1-17-2013	Amend	3-1-2013
580-060-0055	4-10-2013	Amend(T)	5-1-2013	581-045-0586(T)	1-17-2013	Repeal	3-1-2013
580-060-0060	4-10-2013	Suspend	5-1-2013	584-005-0005	2-14-2013	Amend	3-1-2013
580-061-0000	4-10-2013	Amend(T)	5-1-2013	584-017-0005	4-30-2013	Repeal	6-1-2013
580-061-0005	4-10-2013	Amend(T)	5-1-2013	584-017-0010	4-30-2013	Repeal	6-1-2013
580-061-0010	4-10-2013	Amend(T)	5-1-2013	584-017-0020	4-30-2013	Repeal	6-1-2013
580-061-0015	4-10-2013	Amend(T)	5-1-2013	584-017-0025	4-30-2013	Repeal	6-1-2013
580-061-0020	4-10-2013	Amend(T)	5-1-2013	584-017-0030	4-30-2013	Repeal	6-1-2013
580-061-0025	4-10-2013	Amend(T)	5-1-2013	584-017-0035	4-30-2013	Repeal	6-1-2013
580-061-0030	4-10-2013	Amend(T)	5-1-2013	584-017-0040	4-30-2013	Repeal	6-1-2013
580-061-0035	4-10-2013	Amend(T)	5-1-2013	584-017-0042	4-30-2013	Repeal	6-1-2013
580-061-0040	4-10-2013	Amend(T)	5-1-2013	584-017-0045	4-30-2013	Repeal	6-1-2013
580-061-0045	4-10-2013	Amend(T)	5-1-2013	584-017-0050	4-30-2013	Repeal	6-1-2013
580-061-0050	4-10-2013	Amend(T)	5-1-2013	584-017-0055	4-30-2013	Repeal	6-1-2013
580-061-0055	4-10-2013	Amend(T)	5-1-2013	584-017-0057	4-30-2013	Repeal	6-1-2013
580-061-0060	4-10-2013	Amend(T)	5-1-2013	584-017-0060	4-30-2013	Repeal	6-1-2013
580-061-0065	4-10-2013	Amend(T)	5-1-2013	584-017-0070	4-30-2013	Repeal	6-1-2013
580-061-0070	4-10-2013	Amend(T)	5-1-2013	584-017-0075	4-30-2013	Repeal	6-1-2013
580-061-0075	4-10-2013	Amend(T)	5-1-2013	584-017-0080	4-30-2013	Repeal	6-1-2013
580-061-0080	4-10-2013	Amend(T)	5-1-2013	584-017-0085	4-30-2013	Repeal	6-1-2013
580-061-0085	4-10-2013	Amend(T)	5-1-2013	584-017-0090	4-30-2013	Repeal	6-1-2013
580-061-0090	4-10-2013	Amend(T)	5-1-2013	584-017-0100	4-30-2013	Repeal	6-1-2013
580-061-0095	4-10-2013	Amend(T)	5-1-2013	584-017-0115	4-30-2013	Repeal	6-1-2013
580-061-0100	4-10-2013	Amend(T)	5-1-2013	584-017-0120	4-30-2013	Repeal	6-1-2013
580-061-0105	4-10-2013	Amend(T)	5-1-2013	584-017-0130	4-30-2013	Repeal	6-1-2013
580-061-0110	4-10-2013	Amend(T)	5-1-2013	584-017-0140	4-30-2013	Repeal	6-1-2013
580-061-0115	4-10-2013	Amend(T)	5-1-2013	584-017-0150	4-30-2013	Repeal	6-1-2013
580-061-0120	4-10-2013	Amend(T)	5-1-2013	584-017-0160	4-30-2013	Repeal	6-1-2013
580-061-0125	4-10-2013	Amend(T)	5-1-2013	584-017-0170	4-30-2013	Repeal	6-1-2013
580-061-0130	4-10-2013	Amend(T)	5-1-2013	584-017-0175	4-30-2013	Repeal	6-1-2013
580-061-0135	4-10-2013	Amend(T)	5-1-2013	584-017-0180	4-30-2013	Repeal	6-1-2013
580-061-0140	4-10-2013	Amend(T)	5-1-2013	584-017-0182	4-30-2013	Repeal	6-1-2013
580-061-0145	4-10-2013	Amend(T)	5-1-2013	584-017-0185	4-30-2013	Repeal	6-1-2013
580-061-0150	4-10-2013	Amend(T)	5-1-2013	584-017-0190	4-30-2013	Repeal	6-1-2013
580-061-0155	4-10-2013	Amend(T)	5-1-2013	584-017-0200	4-30-2013	Repeal	6-1-2013
580-061-0160	4-10-2013	Amend(T)	5-1-2013	584-017-0201	4-30-2013	Repeal	6-1-2013
580-062-0010	4-10-2013	Amend(T)	5-1-2013	584-017-0210	4-30-2013	Repeal	6-1-2013
580-062-0015	4-10-2013	Amend(T)	5-1-2013	584-017-0220	4-30-2013	Repeal	6-1-2013
580-062-0020	4-10-2013	Amend(T)	5-1-2013	584-017-0230	4-30-2013	Repeal	6-1-2013
581-001-0016	1-15-2013	Adopt	2-1-2013	584-017-0240	4-30-2013	Repeal	6-1-2013
581-002-0090	1-15-2013	Adopt	2-1-2013	584-017-0251	4-30-2013	Repeal	6-1-2013
581-015-2030	4-9-2013	Amend(T)	5-1-2013	584-017-0261	4-30-2013	Repeal	6-1-2013
581-015-2090	4-25-2013	Amend(T)	6-1-2013	584-017-0270	4-30-2013	Repeal	6-1-2013
581-015-2110	1-17-2013	Amend	3-1-2013	584-017-0280	4-30-2013	Repeal	6-1-2013
581-015-2310	4-25-2013	Amend(T)	6-1-2013	584-017-0282	4-30-2013	Repeal	6-1-2013
581-015-2530	4-25-2013	Amend(T)	6-1-2013	584-017-0290	4-30-2013	Repeal	6-1-2013
581-015-2735	4-25-2013	Amend(T)	6-1-2013	584-017-0300	4-30-2013	Repeal	6-1-2013
581-015-2745	4-25-2013	Amend(T)	6-1-2013	584-017-0310	4-30-2013	Repeal	6-1-2013

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
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	589-002-0110	12-26-2012	Adopt	2-1-2013
584-017-0370	4-30-2013	Repeal	6-1-2013	589-002-0120	12-26-2012	Adopt	2-1-2013
584-017-0380	4-30-2013	Repeal	6-1-2013	589-002-0130	12-26-2012	Adopt	2-1-2013
584-017-0390	4-30-2013	Repeal	6-1-2013	589-007-0700	12-26-2012	Amend	2-1-2013
584-017-0400	4-30-2013	Repeal	6-1-2013	603-013-0905	2-7-2013	Adopt	3-1-2013
584-017-0410	4-30-2013	Repeal	6-1-2013	603-013-0910	2-7-2013	Adopt	3-1-2013
584-017-0420	4-30-2013	Repeal	6-1-2013	603-013-0920	2-7-2013	Adopt	3-1-2013
584-017-0430	4-30-2013	Repeal	6-1-2013	603-013-0932	2-7-2013	Adopt	3-1-2013
584-017-0441	4-30-2013	Repeal	6-1-2013	603-017-0900	2-7-2013	Adopt	3-1-2013
584-017-0451	4-30-2013	Repeal	6-1-2013	603-017-0910	2-7-2013	Adopt	3-1-2013
584-017-0455	4-30-2013	Repeal	6-1-2013	603-017-0920	2-7-2013	Adopt	3-1-2013
584-017-0460	4-30-2013	Repeal	6-1-2013	603-017-0930	2-7-2013	Adopt	3-1-2013
584-017-0462	4-30-2013	Repeal	6-1-2013	603-021-0900	2-7-2013	Adopt	3-1-2013
584-017-0465	4-30-2013	Repeal	6-1-2013	603-021-0910	2-7-2013	Adopt	3-1-2013
584-017-0470	4-30-2013	Repeal	6-1-2013	603-021-0920	2-7-2013	Adopt	3-1-2013
584-017-0480	4-30-2013	Repeal	6-1-2013	603-021-0930	2-7-2013	Adopt	3-1-2013
584-017-0500	4-30-2013	Repeal	6-1-2013	603-022-0900	2-7-2013	Adopt	3-1-2013
584-017-0510	4-30-2013	Repeal	6-1-2013	603-022-0910	2-7-2013	Adopt	3-1-2013
584-017-0520	4-30-2013	Repeal	6-1-2013	603-022-0920	2-7-2013	Adopt	3-1-2013
584-017-0530	4-30-2013	Repeal	6-1-2013	603-022-0930	2-7-2013	Adopt	3-1-2013
584-017-0541	4-30-2013	Repeal	6-1-2013	603-024-0017	4-26-2013	Amend	6-1-2013
584-017-0551	4-30-2013	Repeal	6-1-2013	603-024-0019	4-26-2013	Amend	6-1-2013
584-017-0555	4-30-2013	Repeal	6-1-2013	603-024-0041	4-26-2013	Amend	6-1-2013
584-017-0560	4-30-2013	Repeal	6-1-2013	603-024-0211	4-26-2013	Amend	6-1-2013
584-017-0570	4-30-2013	Repeal	6-1-2013	603-024-0589	4-26-2013	Amend	6-1-2013
584-017-0580	4-30-2013	Repeal	6-1-2013	603-024-0592	4-26-2013	Amend	6-1-2013
584-017-1028	4-30-2013	Amend	6-1-2013	603-024-0605	4-26-2013	Amend	6-1-2013
584-018-0205	2-14-2013	Amend	3-1-2013	603-024-0613	4-26-2013	Amend	6-1-2013
584-018-0220	11-19-2012	Adopt	1-1-2013	603-024-0640	4-26-2013	Amend	6-1-2013
584-018-0305	2-14-2013	Amend	3-1-2013	603-024-0900	2-7-2013	Adopt	3-1-2013
584-036-0082	11-19-2012	Repeal	1-1-2013	603-024-0910	2-7-2013	Adopt	3-1-2013
584-052-0030	11-19-2012	Repeal	1-1-2013	603-024-0920	2-7-2013	Adopt	3-1-2013
584-052-0031	11-19-2012	Repeal	1-1-2013	603-024-0930	2-7-2013	Adopt	3-1-2013
584-052-0032	11-19-2012	Repeal	1-1-2013	603-025-0030	1-1-2013	Amend	2-1-2013
584-052-0033	11-19-2012	Repeal	1-1-2013	603-025-0900	2-7-2013	Adopt	3-1-2013
584-066-0015	2-14-2013	Adopt	3-1-2013	603-025-0910	2-7-2013	Adopt	3-1-2013
584-070-0411	2-14-2013	Amend	3-1-2013	603-025-0920	2-7-2013	Adopt	3-1-2013
584-080-0031	11-19-2012	Amend	1-1-2013	603-025-0930	2-7-2013	Adopt	3-1-2013
584-090-0001	4-30-2013	Repeal	6-1-2013	603-028-0900	2-7-2013	Adopt	3-1-2013
584-090-0005	4-30-2013	Repeal	6-1-2013	603-028-0910	2-7-2013	Adopt	3-1-2013
584-090-0010	4-30-2013	Repeal	6-1-2013	603-028-0920	2-7-2013	Adopt	3-1-2013
584-090-0020	4-30-2013	Repeal	6-1-2013	603-028-0930	2-7-2013	Adopt	3-1-2013
584-090-0030	4-30-2013	Repeal	6-1-2013	603-047-0010	12-21-2012	Adopt	2-1-2013
584-090-0040	4-30-2013	Repeal	6-1-2013	603-047-0100	12-21-2012	Adopt	2-1-2013
584-090-0060	4-30-2013	Repeal	6-1-2013	603-047-0200	12-21-2012	Adopt	2-1-2013
584-090-0115	11-19-2012	Amend	1-1-2013	603-047-0300	12-21-2012	Adopt	2-1-2013
584-100-0016	2-14-2013	Amend	3-1-2013	603-047-0400	12-21-2012	Adopt	2-1-2013
584-100-0038	11-19-2012	Amend	1-1-2013	603-047-0500	12-21-2012	Adopt	2-1-2013
584-100-0038	2-14-2013	Amend	3-1-2013	603-051-0855	3-1-2013	Amend	4-1-2013
584-100-0091	11-19-2012	Amend	1-1-2013	603-051-0856	3-1-2013	Amend	4-1-2013
584-100-0096	11-19-2012	Amend	1-1-2013	603-051-0857	3-1-2013	Amend	4-1-2013

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
603-051-0858	3-1-2013	Amend	4-1-2013	632-010-0150	3-21-2013	Amend	5-1-2013
603-051-0859	3-1-2013	Amend	4-1-2013	632-010-0151	3-21-2013	Amend	5-1-2013
603-052-0075	3-1-2013	Amend	4-1-2013	632-010-0152	3-21-2013	Amend	5-1-2013
603-052-0114	3-1-2013	Amend	4-1-2013	632-010-0154	3-21-2013	Amend	5-1-2013
603-052-0116	3-1-2013	Amend	4-1-2013	632-010-0156	3-21-2013	Amend	5-1-2013
603-052-0127	3-1-2013	Amend	4-1-2013	632-010-0157	3-21-2013	Amend	5-1-2013
603-052-0129	3-1-2013	Amend	4-1-2013	632-010-0159	3-21-2013	Amend	5-1-2013
603-052-0347	4-26-2013	Amend	6-1-2013	632-010-0161	3-21-2013	Amend	5-1-2013
603-052-0850	2-6-2013	Repeal	3-1-2013	632-010-0162	3-21-2013	Amend	5-1-2013
603-052-0852	2-6-2013	Repeal	3-1-2013	632-010-0163	3-21-2013	Amend	5-1-2013
603-052-0860	2-6-2013	Amend	3-1-2013	632-010-0164	3-21-2013	Amend	5-1-2013
603-052-0861	2-6-2013	Adopt	3-1-2013	632-010-0165	3-21-2013	Amend	5-1-2013
603-052-0862	2-6-2013	Adopt	3-1-2013	632-010-0166	3-21-2013	Amend	5-1-2013
603-052-0870	2-6-2013	Amend	3-1-2013	632-010-0167	3-21-2013	Amend	5-1-2013
603-052-0880	2-6-2013	Amend	3-1-2013	632-010-0168	3-21-2013	Amend	5-1-2013
603-052-0882	2-6-2013	Adopt	3-1-2013	632-010-0169	3-21-2013	Repeal	5-1-2013
603-052-0884	2-6-2013	Adopt	3-1-2013	632-010-0170	3-21-2013	Amend	5-1-2013
603-052-0886	2-6-2013	Adopt	3-1-2013	632-010-0172	3-21-2013	Amend	5-1-2013
603-052-0888	2-6-2013	Adopt	3-1-2013	632-010-0174	3-21-2013	Amend	5-1-2013
603-052-0901	2-6-2013	Adopt	3-1-2013	632-010-0176	3-21-2013	Amend	5-1-2013
603-052-0921	2-6-2013	Adopt	3-1-2013	632-010-0178	3-21-2013	Amend	5-1-2013
603-052-1080	12-3-2012	Adopt	1-1-2013	632-010-0182	3-21-2013	Amend	5-1-2013
603-052-1090	12-3-2012	Adopt	1-1-2013	632-010-0184	3-21-2013	Amend	5-1-2013
603-052-1200	3-1-2013	Amend	4-1-2013	632-010-0186	3-21-2013	Amend	5-1-2013
603-052-1206	12-12-2012	Adopt	1-1-2013	632-010-0188	3-21-2013	Amend	5-1-2013
603-052-1209	12-12-2012	Adopt	1-1-2013	632-010-0190	3-21-2013	Amend	5-1-2013
603-052-1211	12-12-2012	Adopt	1-1-2013	632-010-0192	3-21-2013	Amend	5-1-2013
603-052-1230	3-1-2013	Amend	4-1-2013	632-010-0194	3-21-2013	Amend	5-1-2013
603-052-1320	3-1-2013	Amend	4-1-2013	632-010-0196	3-21-2013	Amend	5-1-2013
603-100-0900	2-7-2013	Adopt	3-1-2013	632-010-0198	3-21-2013	Amend	5-1-2013
603-100-0910	2-7-2013	Adopt	3-1-2013	632-010-0205	3-21-2013	Amend	5-1-2013
603-100-0920	2-7-2013	Adopt	3-1-2013	632-010-0210	3-21-2013	Amend	5-1-2013
603-100-0930	2-7-2013	Adopt	3-1-2013	632-010-0220	3-21-2013	Amend	5-1-2013
632-010-0004	3-21-2013	Amend	5-1-2013	632-010-0225	3-21-2013	Amend	5-1-2013
632-010-0006	3-21-2013	Repeal	5-1-2013	632-010-0230	3-21-2013	Amend	5-1-2013
632-010-0008	3-21-2013	Amend	5-1-2013	632-010-0235	3-21-2013	Amend	5-1-2013
632-010-0010	3-21-2013	Amend	5-1-2013	632-015-0005	3-21-2013	Amend	5-1-2013
632-010-0011	3-21-2013	Amend	5-1-2013	632-015-0010	3-21-2013	Amend	5-1-2013
632-010-0012	3-21-2013	Amend	5-1-2013	632-015-0015	3-21-2013	Amend	5-1-2013
632-010-0014	3-21-2013	Amend	5-1-2013	632-015-0020	3-21-2013	Amend	5-1-2013
632-010-0015	3-21-2013	Amend	5-1-2013	632-015-0025	3-21-2013	Amend	5-1-2013
632-010-0016	3-21-2013	Amend	5-1-2013	632-015-0030	3-21-2013	Amend	5-1-2013
632-010-0017	3-21-2013	Amend	5-1-2013	632-015-0035	3-21-2013	Amend	5-1-2013
632-010-0018	3-21-2013	Amend	5-1-2013	632-015-0040	3-21-2013	Amend	5-1-2013
632-010-0020	3-21-2013	Amend	5-1-2013	632-015-0045	3-21-2013	Amend	5-1-2013
632-010-0128	3-21-2013	Amend	5-1-2013	632-015-0050	3-21-2013	Amend	5-1-2013
632-010-0130	3-21-2013	Amend	5-1-2013	632-015-0055	3-21-2013	Amend	5-1-2013
632-010-0132	3-21-2013	Amend	5-1-2013	632-015-0060	3-21-2013	Amend	5-1-2013
632-010-0134	3-21-2013	Amend	5-1-2013	632-020-0005	3-21-2013	Amend	5-1-2013
632-010-0136	3-21-2013	Amend	5-1-2013	632-020-0010	3-21-2013	Amend	5-1-2013
632-010-0138	3-21-2013	Amend	5-1-2013	632-020-0015	3-21-2013	Amend	5-1-2013
632-010-0140	3-21-2013	Amend	5-1-2013	632-020-0025	3-21-2013	Amend	5-1-2013
632-010-0142	3-21-2013	Amend	5-1-2013	632-020-0028	3-21-2013	Adopt	5-1-2013
632-010-0144	3-21-2013	Amend	5-1-2013	632-020-0030	3-21-2013	Amend	5-1-2013
632-010-0146	3-21-2013	Amend	5-1-2013	632-020-0031	3-21-2013	Amend	5-1-2013
632-010-0148	3-21-2013	Amend	5-1-2013	632-020-0032	3-21-2013	Adopt	5-1-2013

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
632-020-0035	3-21-2013	Amend	5-1-2013	635-005-0820	5-14-2013	Amend	6-1-2013
632-020-0040	3-21-2013	Amend	5-1-2013	635-005-0825	5-14-2013	Amend	6-1-2013
632-020-0045	3-21-2013	Repeal	5-1-2013	635-006-0001	1-1-2013	Amend	2-1-2013
632-020-0055	3-21-2013	Repeal	5-1-2013	635-006-0001	5-14-2013	Amend	6-1-2013
632-020-0060	3-21-2013	Amend	5-1-2013	635-006-0165	5-14-2013	Amend	6-1-2013
632-020-0065	3-21-2013	Amend	5-1-2013	635-006-0200	1-1-2013	Amend	2-1-2013
632-020-0070	3-21-2013	Amend	5-1-2013	635-006-0210	1-1-2013	Amend	2-1-2013
632-020-0090	3-21-2013	Amend	5-1-2013	635-006-0211	1-1-2013	Amend	2-1-2013
632-020-0095	3-21-2013	Amend	5-1-2013	635-006-0215	1-1-2013	Amend	2-1-2013
632-020-0100	3-21-2013	Amend	5-1-2013	635-006-0232	1-14-2013	Amend	2-1-2013
632-020-0105	3-21-2013	Amend	5-1-2013	635-006-1025	5-14-2013	Amend	6-1-2013
632-020-0110	3-21-2013	Amend	5-1-2013	635-006-1075	5-14-2013	Amend	6-1-2013
632-020-0115	3-21-2013	Amend	5-1-2013	635-008-0151	5-10-2013	Amend	6-1-2013
632-020-0117	3-21-2013	Amend	5-1-2013	635-008-0151(T)	5-10-2013	Repeal	6-1-2013
632-020-0125	3-21-2013	Amend	5-1-2013	635-008-0175	1-1-2013	Amend	2-1-2013
632-020-0130	3-21-2013	Amend	5-1-2013	635-011-0100	1-1-2013	Amend	2-1-2013
632-020-0135	3-21-2013	Amend	5-1-2013	635-011-0102	1-1-2013	Amend	2-1-2013
632-020-0138	3-21-2013	Amend	5-1-2013	635-013-0003	1-1-2013	Amend	2-1-2013
632-020-0140	3-21-2013	Amend	5-1-2013	635-013-0003	5-1-2013	Amend(T)	6-1-2013
632-020-0145	3-21-2013	Amend	5-1-2013	635-013-0003	5-14-2013	Amend	6-1-2013
632-020-0150	3-21-2013	Amend	5-1-2013	635-013-0003(T)	5-14-2013	Repeal	6-1-2013
632-020-0154	3-21-2013	Amend	5-1-2013	635-013-0004	1-1-2013	Amend	2-1-2013
632-020-0155	3-21-2013	Amend	5-1-2013	635-014-0080	1-1-2013	Amend	2-1-2013
632-020-0156	3-21-2013	Amend	5-1-2013	635-014-0090	1-1-2013	Amend	2-1-2013
632-020-0157	3-21-2013	Amend	5-1-2013	635-014-0090	4-1-2013	Amend(T)	5-1-2013
632-020-0159	3-21-2013	Amend	5-1-2013	635-016-0080	1-1-2013	Amend	2-1-2013
632-020-0160	3-21-2013	Repeal	5-1-2013	635-016-0090	1-1-2013	Amend	2-1-2013
632-020-0170	3-21-2013	Amend	5-1-2013	635-016-0090	1-1-2013	Amend(T)	2-1-2013
632-020-0175	3-21-2013	Amend	5-1-2013	635-016-0090	4-1-2013	Amend(T)	5-1-2013
632-020-0180	3-21-2013	Amend	5-1-2013	635-016-0090(T)	4-1-2013	Suspend	5-1-2013
635-003-0003	5-1-2013	Amend(T)	6-1-2013	635-017-0080	1-1-2013	Amend	2-1-2013
635-003-0003	5-14-2013	Amend	6-1-2013	635-017-0090	1-1-2013	Amend	2-1-2013
635-003-0003(T)	5-14-2013	Repeal	6-1-2013	635-017-0095	1-1-2013	Amend	2-1-2013
635-004-0215	5-14-2013	Amend	6-1-2013	635-017-0095	2-14-2013	Amend(T)	3-1-2013
635-004-0220	1-1-2013	Amend	2-1-2013	635-017-0095	2-28-2013	Amend(T)	4-1-2013
635-004-0275	1-3-2013	Amend	2-1-2013	635-017-0095	4-1-2013	Amend(T)	5-1-2013
635-004-0310	1-1-2013	Amend	2-1-2013	635-017-0095(T)	4-1-2013	Suspend	5-1-2013
635-004-0350	1-1-2013	Amend	2-1-2013	635-018-0080	1-1-2013	Amend	2-1-2013
635-004-0355	1-1-2013	Amend	2-1-2013	635-018-0090	1-1-2013	Amend	2-1-2013
635-004-0465	1-1-2013	Amend	2-1-2013	635-018-0090	4-15-2013	Amend(T)	4-1-2013
635-004-0485	5-14-2013	Amend	6-1-2013	635-019-0080	1-1-2013	Amend	2-1-2013
635-004-0585	5-14-2013	Amend	6-1-2013	635-019-0090	1-1-2013	Amend	2-1-2013
635-005-0320	5-14-2013	Amend	6-1-2013	635-019-0090	1-1-2013	Amend(T)	2-1-2013
635-005-0410	1-1-2013	Amend	2-1-2013	635-019-0090	5-16-2013	Amend(T)	6-1-2013
635-005-0430	5-14-2013	Amend	6-1-2013	635-021-0080	1-1-2013	Amend	2-1-2013
635-005-0465	12-12-2012	Amend(T)	1-1-2013	635-021-0090	1-1-2013	Amend	2-1-2013
635-005-0465(T)	12-12-2012	Suspend	1-1-2013	635-023-0080	1-1-2013	Amend	2-1-2013
635-005-0480	1-1-2013	Amend	2-1-2013	635-023-0090	1-1-2013	Amend	2-1-2013
635-005-0585	1-1-2013	Amend	2-1-2013	635-023-0095	1-1-2013	Amend	2-1-2013
635-005-0605	5-14-2013	Amend	6-1-2013	635-023-0095	1-1-2013	Amend(T)	2-1-2013
635-005-0660	5-14-2013	Amend	6-1-2013	635-023-0095	2-28-2013	Amend(T)	3-1-2013
635-005-0665	5-14-2013	Amend	6-1-2013	635-023-0095	4-1-2013	Amend(T)	5-1-2013
635-005-0740	1-1-2013	Amend	2-1-2013	635-023-0095(T)	2-28-2013	Suspend	3-1-2013
635-005-0745	5-14-2013	Amend	6-1-2013	635-023-0095(T)	4-1-2013	Suspend	5-1-2013
635-005-0760	5-14-2013	Amend	6-1-2013	635-023-0125	1-1-2013	Amend	2-1-2013
635-005-0800	1-1-2013	Amend	2-1-2013	635-023-0125	2-28-2013	Amend(T)	3-1-2013

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
635-023-0125	4-5-2013	Amend(T)	5-1-2013	635-065-0735	1-1-2013	Amend	2-1-2013
635-023-0125(T)	4-5-2013	Suspend	5-1-2013	635-065-0740	1-1-2013	Amend	2-1-2013
635-023-0128	1-1-2013	Amend	2-1-2013	635-065-0760	1-1-2013	Amend	2-1-2013
635-023-0130	1-1-2013	Amend	2-1-2013	635-065-0765	2-1-2013	Amend	2-1-2013
635-023-0134	1-1-2013	Amend	2-1-2013	635-065-0765	2-7-2013	Amend	3-1-2013
635-023-0134	5-4-2013	Amend(T)	6-1-2013	635-065-0765(T)	2-7-2013	Repeal	3-1-2013
635-039-0080	1-3-2013	Amend	2-1-2013	635-066-0000	1-1-2013	Amend	2-1-2013
635-039-0080	5-1-2013	Amend(T)	5-1-2013	635-066-0010	1-1-2013	Amend	2-1-2013
635-039-0080	5-14-2013	Amend	6-1-2013	635-066-0020	1-1-2013	Amend	2-1-2013
635-039-0080(T)	5-14-2013	Repeal	6-1-2013	635-067-0000	1-1-2013	Amend	2-1-2013
635-039-0090	1-1-2013	Amend	2-1-2013	635-067-0004	1-1-2013	Amend	2-1-2013
635-039-0090	1-1-2013	Amend(T)	2-1-2013	635-068-0000	3-1-2013	Amend	3-1-2013
635-039-0090	4-1-2013	Amend(T)	5-1-2013	635-069-0000	2-1-2013	Amend	2-1-2013
635-039-0090	5-14-2013	Amend	6-1-2013	635-070-0000	4-1-2013	Amend	4-1-2013
635-039-0090(T)	4-1-2013	Suspend	5-1-2013	635-070-0020	2-7-2013	Amend	3-1-2013
635-039-0090(T)	5-14-2013	Repeal	6-1-2013	635-071-0000	4-1-2013	Amend	4-1-2013
635-041-0020	1-1-2013	Amend	2-1-2013	635-072-0000	1-1-2013	Amend	2-1-2013
635-041-0045	2-1-2013	Amend(T)	3-1-2013	635-073-0000	2-1-2013	Amend	2-1-2013
635-041-0045	3-6-2013	Amend(T)	4-1-2013	635-073-0065	2-1-2013	Amend	2-1-2013
635-041-0045(T)	3-6-2013	Suspend	4-1-2013	635-073-0070	2-1-2013	Amend	2-1-2013
635-041-0065	2-1-2013	Amend(T)	3-1-2013	635-075-0005	3-11-2013	Amend(T)	4-1-2013
635-041-0065	2-27-2013	Amend(T)	4-1-2013	635-078-0011	1-1-2013	Amend	2-1-2013
635-041-0065	3-6-2013	Amend(T)	4-1-2013	635-095-0125	12-31-2012	Amend(T)	2-1-2013
635-041-0065(T)	2-27-2013	Suspend	4-1-2013	635-500-6650	1-14-2013	Adopt	2-1-2013
635-041-0065(T)	3-6-2013	Suspend	4-1-2013	635-500-6700	1-1-2013	Adopt	2-1-2013
635-042-0022	4-9-2013	Amend(T)	5-1-2013	635-500-6705	1-1-2013	Adopt	2-1-2013
635-042-0022	5-15-2013	Amend(T)	6-1-2013	635-500-6710	1-1-2013	Adopt	2-1-2013
635-042-0135	1-31-2013	Amend(T)	3-1-2013	635-500-6715	1-1-2013	Adopt	2-1-2013
635-042-0145	2-11-2013	Amend(T)	3-1-2013	635-500-6720	1-1-2013	Adopt	2-1-2013
635-042-0145	3-13-2013	Amend(T)	4-1-2013	635-500-6725	1-1-2013	Adopt	2-1-2013
635-042-0145	5-15-2013	Amend(T)	6-1-2013	635-500-6730	1-1-2013	Adopt	2-1-2013
635-042-0145(T)	3-13-2013	Suspend	4-1-2013	635-500-6735	1-1-2013	Adopt	2-1-2013
635-042-0145(T)	5-15-2013	Suspend	6-1-2013	635-500-6740	1-1-2013	Adopt	2-1-2013
635-042-0160	2-11-2013	Amend(T)	3-1-2013	635-500-6745	1-1-2013	Adopt	2-1-2013
635-042-0160	3-21-2013	Amend(T)	5-1-2013	635-500-6750	1-1-2013	Adopt	2-1-2013
635-042-0160(T)	3-21-2013	Suspend	5-1-2013	635-500-6755	1-1-2013	Adopt	2-1-2013
635-042-0170	2-11-2013	Amend(T)	3-1-2013	635-500-6760	1-1-2013	Adopt	2-1-2013
635-042-0170	5-15-2013	Amend(T)	6-1-2013	635-500-6765	1-1-2013	Adopt	2-1-2013
635-042-0170(T)	5-15-2013	Suspend	6-1-2013	647-010-0010	5-10-2013	Amend	6-1-2013
635-042-0180	2-11-2013	Amend(T)	3-1-2013	660-006-0005	2-1-2013	Amend	3-1-2013
635-042-0180	3-21-2013	Amend(T)	5-1-2013	660-006-0025	2-1-2013	Amend	3-1-2013
635-042-0180(T)	3-21-2013	Suspend	5-1-2013	660-024-0040	12-10-2012	Amend	1-1-2013
635-045-0000	1-1-2013	Amend	2-1-2013	660-024-0045	12-10-2012	Adopt	1-1-2013
635-045-0002	1-1-2013	Amend	2-1-2013	660-033-0130	1-29-2013	Amend	3-1-2013
635-053-0035	1-23-2013	Amend(T)	3-1-2013	660-044-0000	1-1-2013	Amend	1-1-2013
635-056-0050	12-18-2012	Amend	2-1-2013	660-044-0005	1-1-2013	Amend	1-1-2013
635-056-0075	12-18-2012	Amend	2-1-2013	660-044-0040	1-1-2013	Adopt	1-1-2013
635-060-0005	1-23-2013	Amend	3-1-2013	660-044-0045	1-1-2013	Adopt	1-1-2013
635-060-0040	3-11-2013	Amend(T)	4-1-2013	660-044-0050	1-1-2013	Adopt	1-1-2013
635-065-0001	1-1-2013	Amend	2-1-2013	660-044-0055	1-1-2013	Adopt	1-1-2013
635-065-0011	1-1-2013	Adopt	2-1-2013	660-044-0060	1-1-2013	Adopt	1-1-2013
635-065-0011	2-7-2013	Amend	3-1-2013	661-010-0075	5-1-2013	Amend(T)	6-1-2013
635-065-0015	1-1-2013	Amend	2-1-2013	668-010-0010	5-15-2013	Amend	6-1-2013
635-065-0090	1-1-2013	Amend	2-1-2013	690-501-0005	12-12-2012	Amend	1-1-2013
635-065-0401	1-1-2013	Amend	2-1-2013	690-501-0010	12-12-2012	Amend	1-1-2013
635-065-0625	1-1-2013	Amend	2-1-2013	690-501-0020	12-12-2012	Repeal	1-1-2013

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
690-501-0030	12-12-2012	Amend	1-1-2013	733-001-0010	4-15-2013	Adopt	5-1-2013
690-515-0000	12-12-2012	Amend	1-1-2013	733-001-0015	4-15-2013	Adopt	5-1-2013
690-515-0010	12-12-2012	Amend	1-1-2013	733-001-0025	4-15-2013	Adopt	5-1-2013
690-515-0020	12-12-2012	Amend	1-1-2013	733-001-0030	4-15-2013	Adopt	5-1-2013
690-515-0030	12-12-2012	Amend	1-1-2013	733-001-0035	4-15-2013	Adopt	5-1-2013
690-515-0040	12-12-2012	Amend	1-1-2013	734-010-0220	11-21-2012	Amend	1-1-2013
690-515-0050	12-12-2012	Amend	1-1-2013	734-010-0290	11-21-2012	Amend	1-1-2013
690-515-0060	12-12-2012	Amend	1-1-2013	734-010-0300	11-21-2012	Amend	1-1-2013
690-516-0005	12-12-2012	Amend	1-1-2013	734-010-0310	11-21-2012	Repeal	1-1-2013
690-516-0010	12-12-2012	Amend	1-1-2013	734-010-0320	11-21-2012	Amend	1-1-2013
690-516-0020	12-12-2012	Repeal	1-1-2013	734-010-0330	11-21-2012	Amend	1-1-2013
690-516-0030	12-12-2012	Amend	1-1-2013	734-010-0340	11-21-2012	Amend	1-1-2013
690-517-0000	12-12-2012	Amend	1-1-2013	734-010-0350	11-21-2012	Amend	1-1-2013
690-517-0020	12-12-2012	Amend	1-1-2013	734-010-0370	11-21-2012	Repeal	1-1-2013
690-517-0030	12-12-2012	Amend	1-1-2013	734-010-0380	11-21-2012	Amend	1-1-2013
690-517-0040	12-12-2012	Amend	1-1-2013	734-030-0005	3-1-2013	Amend	3-1-2013
690-517-0050	12-12-2012	Repeal	1-1-2013	734-030-0010	3-1-2013	Amend	3-1-2013
690-518-0010	12-12-2012	Amend	1-1-2013	734-030-0015	3-1-2013	Amend	3-1-2013
690-518-0030	12-12-2012	Amend	1-1-2013	734-030-0016	3-1-2013	Adopt	3-1-2013
690-518-0040	12-12-2012	Repeal	1-1-2013	734-059-0100	11-20-2012	Amend	1-1-2013
690-518-0050	12-12-2012	Amend	1-1-2013	734-073-0090	12-21-2012	Repeal	2-1-2013
695-045-0010	1-30-2013	Amend	3-1-2013	735-001-0050	3-22-2013	Amend	5-1-2013
695-045-0020	1-30-2013	Amend	3-1-2013	735-001-0062	1-1-2013	Adopt	2-1-2013
695-045-0025	1-30-2013	Repeal	3-1-2013	735-001-0062	5-3-2013	Adopt	6-1-2013
695-045-0030	1-30-2013	Repeal	3-1-2013	735-012-0000	11-19-2012	Amend	1-1-2013
695-045-0035	1-30-2013	Repeal	3-1-2013	735-012-0000(T)	11-19-2012	Repeal	1-1-2013
695-045-0040	1-30-2013	Repeal	3-1-2013	735-048-0000	4-22-2013	Amend	6-1-2013
695-045-0045	1-30-2013	Repeal	3-1-2013	735-048-0020	4-22-2013	Amend	6-1-2013
695-045-0050	1-30-2013	Repeal	3-1-2013	735-048-0030	4-22-2013	Amend	6-1-2013
695-045-0055	1-30-2013	Repeal	3-1-2013	735-048-0040	4-22-2013	Amend	6-1-2013
695-045-0060	1-30-2013	Repeal	3-1-2013	735-048-0050	4-22-2013	Amend	6-1-2013
695-045-0065	1-30-2013	Repeal	3-1-2013	735-048-0060	4-22-2013	Amend	6-1-2013
695-045-0070	1-30-2013	Repeal	3-1-2013	735-048-0070	4-22-2013	Amend	6-1-2013
695-045-0080	1-30-2013	Repeal	3-1-2013	735-048-0080	4-22-2013	Amend	6-1-2013
695-045-0090	1-30-2013	Repeal	3-1-2013	735-062-0080	2-1-2013	Amend	3-1-2013
695-045-0100	1-30-2013	Repeal	3-1-2013	735-064-0005	3-22-2013	Amend	5-1-2013
695-045-0110	1-30-2013	Repeal	3-1-2013	735-064-0020	3-22-2013	Amend	5-1-2013
695-045-0120	1-30-2013	Repeal	3-1-2013	735-064-0060	3-22-2013	Amend	5-1-2013
695-045-0130	1-30-2013	Repeal	3-1-2013	735-064-0100	3-22-2013	Amend	5-1-2013
695-045-0140	1-30-2013	Repeal	3-1-2013	735-064-0110	3-22-2013	Amend	5-1-2013
695-045-0150	1-30-2013	Repeal	3-1-2013	735-070-0006	11-19-2012	Adopt	1-1-2013
695-045-0160	1-30-2013	Adopt	3-1-2013	735-072-0020	5-1-2013	Amend	6-1-2013
695-045-0165	1-30-2013	Adopt	3-1-2013	735-072-0023	5-1-2013	Amend	6-1-2013
695-045-0170	1-30-2013	Adopt	3-1-2013	736-010-0060	11-16-2012	Amend	1-1-2013
695-045-0175	1-30-2013	Adopt	3-1-2013	736-015-0006	11-16-2012	Amend	1-1-2013
695-045-0180	1-30-2013	Adopt	3-1-2013	736-015-0015	11-16-2012	Amend	1-1-2013
695-045-0185	1-30-2013	Adopt	3-1-2013	736-018-0045	12-31-2012	Amend	1-1-2013
695-045-0190	1-30-2013	Adopt	3-1-2013	736-021-0010	2-1-2013	Amend	2-1-2013
695-045-0195	1-30-2013	Adopt	3-1-2013	736-021-0020	2-1-2013	Amend	2-1-2013
695-045-0200	1-30-2013	Adopt	3-1-2013	736-021-0030	2-1-2013	Amend	2-1-2013
695-045-0205	1-30-2013	Adopt	3-1-2013	736-021-0040	2-1-2013	Amend	2-1-2013
695-045-0210	1-30-2013	Adopt	3-1-2013	736-021-0050	2-1-2013	Amend	2-1-2013
695-045-0215	1-30-2013	Adopt	3-1-2013	736-021-0060	2-1-2013	Amend	2-1-2013
705-010-0070	5-2-2013	Amend	6-1-2013	736-021-0065	2-1-2013	Adopt	2-1-2013
733-001-0000	4-15-2013	Amend	5-1-2013	736-021-0070	2-1-2013	Amend	2-1-2013
733-001-0005	4-15-2013	Amend	5-1-2013	736-021-0080	2-1-2013	Amend	2-1-2013

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
736-021-0090	2-1-2013	Amend	2-1-2013	800-010-0020	2-1-2013	Amend	2-1-2013
736-021-0100	2-1-2013	Amend	2-1-2013	800-010-0030	2-1-2013	Amend	2-1-2013
736-021-0110	2-1-2013	Repeal	2-1-2013	800-015-0010	2-1-2013	Amend	2-1-2013
736-021-0120	2-1-2013	Amend	2-1-2013	800-020-0015	2-1-2013	Amend	2-1-2013
736-021-0130	2-1-2013	Amend	2-1-2013	800-020-0030	2-1-2013	Amend	2-1-2013
736-021-0140	2-1-2013	Amend	2-1-2013	800-020-0035	2-1-2013	Amend	2-1-2013
736-021-0150	2-1-2013	Amend	2-1-2013	800-030-0025	2-1-2013	Amend	2-1-2013
736-021-0160	2-1-2013	Amend	2-1-2013	801-001-0035	1-8-2013	Amend	2-1-2013
736-045-0006	12-13-2012	Adopt	1-1-2013	804-010-0000	11-21-2012	Amend	1-1-2013
736-045-0011	12-13-2012	Adopt	1-1-2013	804-010-0000(T)	11-21-2012	Repeal	1-1-2013
736-045-0100	12-13-2012	Adopt	1-1-2013	804-020-0001	11-21-2012	Amend	1-1-2013
736-045-0200	12-13-2012	Adopt	1-1-2013	804-020-0001(T)	11-21-2012	Repeal	1-1-2013
736-045-0300	12-13-2012	Adopt	1-1-2013	804-020-0003	11-21-2012	Amend	1-1-2013
736-045-0305	12-13-2012	Adopt	1-1-2013	804-020-0003(T)	11-21-2012	Repeal	1-1-2013
736-045-0310	12-13-2012	Adopt	1-1-2013	804-020-0010	11-21-2012	Amend	1-1-2013
736-045-0320	12-13-2012	Adopt	1-1-2013	804-020-0010(T)	11-21-2012	Repeal	1-1-2013
736-045-0330	12-13-2012	Adopt	1-1-2013	804-020-0015	11-21-2012	Amend	1-1-2013
736-045-0340	12-13-2012	Adopt	1-1-2013	804-020-0015(T)	11-21-2012	Repeal	1-1-2013
736-045-0400	12-13-2012	Adopt	1-1-2013	804-020-0030	11-21-2012	Amend	1-1-2013
736-045-0405	12-13-2012	Adopt	1-1-2013	804-020-0030(T)	11-21-2012	Repeal	1-1-2013
736-045-0410	12-13-2012	Adopt	1-1-2013	804-020-0040	11-21-2012	Amend	1-1-2013
736-045-0412	12-13-2012	Adopt	1-1-2013	804-020-0040(T)	11-21-2012	Repeal	1-1-2013
736-045-0414	12-13-2012	Adopt	1-1-2013	804-020-0045	11-21-2012	Amend	1-1-2013
736-045-0416	12-13-2012	Adopt	1-1-2013	804-020-0045(T)	11-21-2012	Repeal	1-1-2013
736-045-0418	12-13-2012	Adopt	1-1-2013	804-020-0065	11-21-2012	Amend	1-1-2013
736-045-0420	12-13-2012	Adopt	1-1-2013	804-020-0065(T)	11-21-2012	Repeal	1-1-2013
736-045-0422	12-13-2012	Adopt	1-1-2013	804-040-0000	11-21-2012	Amend	1-1-2013
736-045-0424	12-13-2012	Adopt	1-1-2013	804-040-0000(T)	11-21-2012	Repeal	1-1-2013
736-045-0426	12-13-2012	Adopt	1-1-2013	806-001-0003	7-1-2013	Amend	5-1-2013
736-045-0428	12-13-2012	Adopt	1-1-2013	806-010-0090	12-31-2012	Amend	2-1-2013
736-045-0430	12-13-2012	Adopt	1-1-2013	806-010-0105	2-12-2013	Amend	3-1-2013
736-045-0432	12-13-2012	Adopt	1-1-2013	808-002-0020	12-4-2012	Amend	1-1-2013
736-045-0434	12-13-2012	Adopt	1-1-2013	808-002-0755	2-1-2013	Adopt	3-1-2013
736-045-0436	12-13-2012	Adopt	1-1-2013	808-005-0020	12-4-2012	Amend	1-1-2013
736-045-0438	12-13-2012	Adopt	1-1-2013	808-040-0025	12-4-2012	Amend	1-1-2013
736-045-0440	12-13-2012	Adopt	1-1-2013	808-040-0050	12-4-2012	Amend	1-1-2013
736-045-0442	12-13-2012	Adopt	1-1-2013	808-040-0060	12-4-2012	Amend	1-1-2013
736-045-0444	12-13-2012	Adopt	1-1-2013	809-001-0000	12-21-2012	Amend	1-1-2013
736-045-0446	12-13-2012	Adopt	1-1-2013	809-001-0020	12-21-2012	Repeal	1-1-2013
736-045-0448	12-13-2012	Adopt	1-1-2013	809-001-0025	12-21-2012	Repeal	1-1-2013
736-045-0500	12-13-2012	Adopt	1-1-2013	809-001-0030	12-21-2012	Repeal	1-1-2013
736-045-0505	12-13-2012	Adopt	1-1-2013	809-010-0025	12-21-2012	Amend	1-1-2013
740-060-0030	1-18-2013	Amend(T)	3-1-2013	809-020-0030	12-21-2012	Amend	1-1-2013
740-060-0040	1-18-2013	Amend(T)	3-1-2013	809-055-0000	12-21-2012	Amend	1-1-2013
740-060-0080	1-18-2013	Amend(T)	3-1-2013	811-015-0080	11-28-2012	Adopt	1-1-2013
740-100-0010	4-22-2013	Amend	6-1-2013	812-002-0640	5-1-2013	Amend	6-1-2013
740-100-0065	4-22-2013	Amend	6-1-2013	812-005-0180	5-1-2013	Amend	6-1-2013
740-100-0070	4-22-2013	Amend	6-1-2013	812-006-0100	5-1-2013	Amend	6-1-2013
740-100-0080	4-22-2013	Amend	6-1-2013	812-006-0150	5-1-2013	Amend	6-1-2013
740-100-0085	4-22-2013	Amend	6-1-2013	812-006-0200	5-1-2013	Amend	6-1-2013
740-100-0090	4-22-2013	Amend	6-1-2013	812-006-0250	5-1-2013	Amend	6-1-2013
740-110-0010	4-22-2013	Amend	6-1-2013	812-006-0300	5-1-2013	Amend	6-1-2013
740-200-0010	1-17-2013	Amend	3-1-2013	812-006-0350	5-1-2013	Amend	6-1-2013
740-200-0020	1-17-2013	Amend	3-1-2013	812-006-0400	5-1-2013	Amend	6-1-2013
740-200-0040	1-17-2013	Amend	3-1-2013	812-006-0450	5-1-2013	Amend	6-1-2013
800-001-0020	2-1-2013	Amend	2-1-2013	813-004-0001	3-28-2013	Adopt	5-1-2013

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
813-004-0001(T)	3-28-2013	Repeal	5-1-2013	820-010-0720	3-13-2013	Amend	4-1-2013
813-004-0002	3-28-2013	Adopt	5-1-2013	820-015-0026	3-13-2013	Amend	4-1-2013
813-004-0002(T)	3-28-2013	Repeal	5-1-2013	820-020-0040	3-13-2013	Amend	4-1-2013
813-004-0200	1-4-2013	Adopt	2-1-2013	820-050-0001	3-18-2013	Adopt(T)	5-1-2013
813-004-0210	1-4-2013	Adopt	2-1-2013	820-050-0010	3-13-2013	Adopt	4-1-2013
813-004-0220	1-4-2013	Adopt	2-1-2013	830-001-0000	3-29-2013	Amend	5-1-2013
813-004-0230	1-4-2013	Adopt	2-1-2013	830-020-0030	3-29-2013	Amend	5-1-2013
813-004-0240	1-4-2013	Adopt	2-1-2013	830-020-0040	3-29-2013	Amend	5-1-2013
813-004-0250	1-4-2013	Adopt	2-1-2013	830-030-0000	3-29-2013	Amend	5-1-2013
813-004-0260	1-4-2013	Adopt	2-1-2013	830-030-0070	3-29-2013	Amend	5-1-2013
813-004-0270	1-4-2013	Adopt	2-1-2013	830-030-0100	3-29-2013	Amend	5-1-2013
813-004-0280	1-4-2013	Adopt	2-1-2013	830-040-0005	3-29-2013	Amend	5-1-2013
813-004-0290	1-4-2013	Adopt	2-1-2013	830-040-0050	3-29-2013	Amend	5-1-2013
813-004-0300	1-4-2013	Adopt	2-1-2013	833-020-0051	2-1-2013	Amend	2-1-2013
813-004-0310	1-4-2013	Adopt	2-1-2013	833-020-0081	2-1-2013	Amend	2-1-2013
813-007-0005	3-21-2013	Amend(T)	5-1-2013	833-030-0041	2-1-2013	Amend	2-1-2013
813-007-0040	3-21-2013	Amend(T)	5-1-2013	833-040-0041	2-1-2013	Amend	2-1-2013
813-250-0000	12-6-2012	Amend(T)	1-1-2013	836-011-0000	2-6-2013	Amend	3-1-2013
813-250-0010	12-6-2012	Suspend	1-1-2013	836-031-0765	2-6-2013	Amend	3-1-2013
813-250-0020	12-6-2012	Amend(T)	1-1-2013	836-053-1404	12-20-2012	Amend(T)	2-1-2013
813-250-0030	12-6-2012	Amend(T)	1-1-2013	836-053-1405	12-20-2012	Amend(T)	2-1-2013
813-250-0040	12-6-2012	Amend(T)	1-1-2013	837-085-0040	2-1-2013	Amend	3-1-2013
813-250-0050	12-6-2012	Suspend	1-1-2013	837-085-0070	2-1-2013	Amend	3-1-2013
818-001-0002	7-1-2013	Amend	6-1-2013	837-085-0080	2-1-2013	Amend	3-1-2013
818-001-0087	7-1-2013	Amend	6-1-2013	839-009-0335	11-21-2012	Amend	1-1-2013
818-012-0005	7-1-2013	Amend	6-1-2013	839-009-0390	11-21-2012	Amend	1-1-2013
818-026-0000	7-1-2013	Amend	6-1-2013	839-009-0410	11-21-2012	Amend	1-1-2013
818-026-0020	7-1-2013	Amend	6-1-2013	839-025-0700	1-1-2013	Amend	2-1-2013
818-026-0060	7-1-2013	Amend	6-1-2013	839-025-0700	3-25-2013	Amend	5-1-2013
818-026-0065	7-1-2013	Amend	6-1-2013	845-006-0345	4-1-2013	Amend	4-1-2013
818-026-0070	7-1-2013	Amend	6-1-2013	845-006-0347	4-1-2013	Amend	4-1-2013
818-035-0020	7-1-2013	Amend	6-1-2013	845-009-0010	5-10-2013	Amend(T)	6-1-2013
818-035-0066	7-1-2013	Amend	6-1-2013	845-009-0015	5-10-2013	Amend(T)	6-1-2013
818-035-0072	7-1-2013	Amend	6-1-2013	845-015-0170	1-1-2013	Amend	2-1-2013
818-042-0090	7-1-2013	Amend	6-1-2013	847-005-0005	4-5-2013	Amend	5-1-2013
818-042-0095	7-1-2013	Amend	6-1-2013	847-005-0005(T)	4-5-2013	Repeal	5-1-2013
818-042-0110	7-1-2013	Amend	6-1-2013	847-008-0040	1-11-2013	Amend(T)	2-1-2013
820-001-0025	3-13-2013	Adopt	4-1-2013	847-008-0040	4-5-2013	Amend	5-1-2013
820-010-0200	3-13-2013	Amend	4-1-2013	847-008-0040(T)	4-5-2013	Repeal	5-1-2013
820-010-0204	3-13-2013	Amend	4-1-2013	847-008-0065	1-11-2013	Amend	2-1-2013
820-010-0205	3-13-2013	Amend	4-1-2013	847-012-0000	4-5-2013	Amend	5-1-2013
820-010-0206	3-13-2013	Amend	4-1-2013	847-020-0100	4-5-2013	Amend	5-1-2013
820-010-0207	3-13-2013	Amend	4-1-2013	847-020-0110	4-5-2013	Amend	5-1-2013
820-010-0208	3-13-2013	Amend	4-1-2013	847-020-0115	4-5-2013	Am. & Ren.	5-1-2013
820-010-0212	3-13-2013	Amend	4-1-2013	847-020-0120	4-5-2013	Amend	5-1-2013
820-010-0213	3-13-2013	Amend	4-1-2013	847-020-0130	4-5-2013	Amend	5-1-2013
820-010-0214	3-13-2013	Amend	4-1-2013	847-020-0140	4-5-2013	Amend	5-1-2013
820-010-0215	3-13-2013	Amend	4-1-2013	847-020-0150	4-5-2013	Amend	5-1-2013
820-010-0225	3-13-2013	Amend	4-1-2013	847-020-0160	4-5-2013	Amend	5-1-2013
820-010-0226	3-13-2013	Amend	4-1-2013	847-020-0170	4-5-2013	Amend	5-1-2013
820-010-0415	3-13-2013	Amend	4-1-2013	847-020-0180	4-5-2013	Repeal	5-1-2013
820-010-0425	3-13-2013	Amend	4-1-2013	847-020-0182	4-5-2013	Amend	5-1-2013
820-010-0427	3-13-2013	Amend	4-1-2013	847-020-0183	4-5-2013	Amend	5-1-2013
820-010-0480	3-13-2013	Amend	4-1-2013	847-020-0190	4-5-2013	Amend	5-1-2013
820-010-0520	3-13-2013	Amend	4-1-2013	847-035-0011	4-5-2013	Amend	5-1-2013
820-010-0635	3-13-2013	Amend	4-1-2013	847-035-0030	4-5-2013	Amend	5-1-2013

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
847-050-0027	1-11-2013	Amend	2-1-2013	852-050-0001	1-3-2013	Amend	2-1-2013
847-050-0041	1-11-2013	Amend	2-1-2013	852-050-0005	1-3-2013	Amend	2-1-2013
847-050-0041(T)	1-11-2013	Repeal	2-1-2013	852-050-0006	1-3-2013	Amend	2-1-2013
847-050-0065	1-11-2013	Amend	2-1-2013	852-050-0012	1-3-2013	Amend	2-1-2013
847-050-0065(T)	1-11-2013	Repeal	2-1-2013	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
852-010-0022	1-3-2013	Amend	2-1-2013	855-041-0036	12-17-2012	Renumber	2-1-2013
852-010-0023	1-3-2013	Amend	2-1-2013	855-041-0037	12-17-2012	Renumber	2-1-2013
852-010-0030	1-3-2013	Amend	2-1-2013	855-041-0040	12-17-2012	Renumber	2-1-2013
852-010-0035	1-3-2013	Amend	2-1-2013	855-041-0055	12-17-2012	Renumber	2-1-2013
852-010-0051	1-3-2013	Amend	2-1-2013	855-041-0056	12-17-2012	Renumber	2-1-2013
852-010-0080	1-3-2013	Amend	2-1-2013	855-041-0057	12-17-2012	Renumber	2-1-2013
852-020-0029	1-3-2013	Amend	2-1-2013	855-041-0060	12-17-2012	Am. & Ren.	2-1-2013
852-020-0031	1-3-2013	Amend	2-1-2013	855-041-0060	12-17-2012	Am. & Ren.	2-1-2013
852-020-0035	1-3-2013	Amend	2-1-2013	855-041-0060	12-17-2012	Am. & Ren.	2-1-2013
852-020-0045	1-3-2013	Amend	2-1-2013	855-041-0061	12-17-2012	Renumber	2-1-2013
852-020-0050	1-3-2013	Amend	2-1-2013	855-041-0065	12-17-2012	Am. & Ren.	2-1-2013
852-020-0060	1-3-2013	Amend	2-1-2013	855-041-0065	12-17-2012	Am. & Ren.	2-1-2013
852-020-0070	1-3-2013	Amend	2-1-2013	855-041-0065	12-17-2012	Am. & Ren.	2-1-2013

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
855-041-0065	12-17-2012	Am. & Ren.	2-1-2013	863-020-0007	2-1-2013	Amend	2-1-2013
855-041-0075	12-17-2012	Renumber	2-1-2013	863-020-0008	2-1-2013	Repeal	2-1-2013
855-041-0080	12-17-2012	Renumber	2-1-2013	863-020-0010	2-1-2013	Amend	2-1-2013
855-041-0086	12-17-2012	Renumber	2-1-2013	863-020-0015	2-1-2013	Amend	2-1-2013
855-041-0095	12-17-2012	Renumber	2-1-2013	863-020-0020	2-1-2013	Amend	2-1-2013
855-041-0103	12-17-2012	Renumber	2-1-2013	863-020-0025	2-1-2013	Amend	2-1-2013
855-041-0135	12-17-2012	Am. & Ren.	2-1-2013	863-020-0030	2-1-2013	Amend	2-1-2013
855-041-0140	12-17-2012	Renumber	2-1-2013	863-020-0035	2-1-2013	Amend	2-1-2013
855-041-0145	12-17-2012	Am. & Ren.	2-1-2013	863-020-0040	2-1-2013	Amend	2-1-2013
855-041-0160	12-17-2012	Am. & Ren.	2-1-2013	863-020-0045	2-1-2013	Amend	2-1-2013
855-041-0162	12-17-2012	Am. & Ren.	2-1-2013	863-020-0050	2-1-2013	Amend	2-1-2013
855-041-0164	12-17-2012	Renumber	2-1-2013	863-020-0055	2-1-2013	Amend	2-1-2013
855-041-0165	12-17-2012	Am. & Ren.	2-1-2013	863-020-0060	2-1-2013	Amend	2-1-2013
855-041-0170	12-17-2012	Renumber	2-1-2013	863-020-0065	2-1-2013	Amend	2-1-2013
855-041-0173	12-17-2012	Renumber	2-1-2013	863-022-0000	2-1-2013	Amend	2-1-2013
855-041-0175	12-17-2012	Renumber	2-1-2013	863-022-0005	2-1-2013	Amend	2-1-2013
855-041-0177	12-17-2012	Renumber	2-1-2013	863-022-0010	2-1-2013	Amend	2-1-2013
855-041-0300	12-17-2012	Renumber	2-1-2013	863-022-0015	2-1-2013	Amend	2-1-2013
855-041-0350	12-17-2012	Renumber	2-1-2013	863-022-0020	2-1-2013	Amend	2-1-2013
855-041-0355	12-17-2012	Renumber	2-1-2013	863-022-0022	2-1-2013	Adopt	2-1-2013
855-041-0360	12-17-2012	Am. & Ren.	2-1-2013	863-022-0025	2-1-2013	Amend	2-1-2013
855-041-0365	12-17-2012	Renumber	2-1-2013	863-022-0030	2-1-2013	Amend	2-1-2013
855-041-0600	12-17-2012	Renumber	2-1-2013	863-022-0035	2-1-2013	Amend	2-1-2013
855-041-0610	12-17-2012	Renumber	2-1-2013	863-022-0040	2-1-2013	Repeal	2-1-2013
855-041-0620	12-17-2012	Am. & Ren.	2-1-2013	863-022-0045	2-1-2013	Amend	2-1-2013
855-041-0645	12-17-2012	Renumber	2-1-2013	863-022-0050	2-1-2013	Amend	2-1-2013
855-041-6410	12-21-2012	Amend	2-1-2013	863-022-0052	2-1-2013	Adopt	2-1-2013
855-060-0004	3-7-2013	Amend(T)	4-1-2013	863-022-0055	2-1-2013	Amend	2-1-2013
855-065-0005	12-13-2012	Amend	1-1-2013	863-022-0060	2-1-2013	Amend	2-1-2013
855-110-0005	4-5-2013	Amend(T)	5-1-2013	877-001-0006	1-1-2013	Amend	1-1-2013
855-110-0007	12-13-2012	Amend	1-1-2013	877-001-0009	1-1-2013	Adopt	1-1-2013
856-030-0045	1-31-2013	Adopt	3-1-2013	877-001-0020	1-1-2013	Amend	1-1-2013
858-010-0010	2-5-2013	Amend	3-1-2013	877-001-0025	1-1-2013	Amend	1-1-2013
858-010-0010(T)	2-5-2013	Repeal	3-1-2013	877-001-0028	1-1-2013	Adopt	1-1-2013
858-010-0015	2-5-2013	Amend	3-1-2013	877-020-0008	1-1-2013	Amend	1-1-2013
858-010-0015(T)	2-5-2013	Repeal	3-1-2013	877-020-0010	1-1-2013	Amend	1-1-2013
858-010-0016	11-20-2012	Amend(T)	1-1-2013	877-020-0055	1-1-2013	Amend	1-1-2013
858-010-0016	2-5-2013	Amend	3-1-2013	877-020-0057	1-1-2013	Amend	1-1-2013
858-010-0016(T)	2-5-2013	Repeal	3-1-2013	877-025-0006	1-1-2013	Amend	1-1-2013
858-010-0017	11-20-2012	Amend(T)	1-1-2013	877-025-0011	1-1-2013	Amend	1-1-2013
858-010-0017	2-5-2013	Amend	3-1-2013	877-025-0016	1-1-2013	Repeal	1-1-2013
858-010-0017(T)	11-20-2012	Suspend	1-1-2013	877-030-0025	1-1-2013	Amend	1-1-2013
858-010-0017(T)	2-5-2013	Repeal	3-1-2013	877-030-0040	1-1-2013	Amend	1-1-2013
858-010-0030	2-5-2013	Amend	3-1-2013	877-040-0055	1-1-2013	Repeal	1-1-2013
858-010-0030(T)	2-5-2013	Repeal	3-1-2013	918-001-0010	4-1-2013	Amend	4-1-2013
858-010-0050	11-19-2012	Amend	1-1-2013	918-030-0100	12-22-2012	Amend(T)	2-1-2013
858-020-0025	2-5-2013	Amend	3-1-2013	918-030-0100	4-1-2013	Amend	5-1-2013
858-020-0025(T)	2-5-2013	Repeal	3-1-2013	918-030-0120	12-22-2012	Amend(T)	2-1-2013
859-070-0010	3-1-2013	Amend(T)	4-1-2013	918-030-0120	4-1-2013	Amend	5-1-2013
859-070-0015	3-1-2013	Amend(T)	4-1-2013	918-030-0125	12-22-2012	Amend(T)	2-1-2013
860-021-0170	2-14-2013	Adopt	3-1-2013	918-030-0125	4-1-2013	Amend	5-1-2013
860-027-0015	3-21-2013	Amend	5-1-2013	918-030-0130	12-22-2012	Amend(T)	2-1-2013
860-032-0007	12-17-2012	Amend	2-1-2013	918-030-0130	4-1-2013	Amend	5-1-2013
863-015-0215	5-13-2013	Amend(T)	6-1-2013	918-030-0135	12-22-2012	Amend(T)	2-1-2013
863-020-0000	2-1-2013	Amend	2-1-2013	918-030-0135	4-1-2013	Amend	5-1-2013
863-020-0005	2-1-2013	Amend	2-1-2013	918-098-1000	2-2-2013	Amend(T)	3-1-2013

OAR REVISION CUMULATIVE INDEX

OAR Number	Effective	Action	Bulletin	OAR Number	Effective	Action	Bulletin
918-098-1530	1-1-2013	Amend	2-1-2013				
918-098-1530(T)	1-1-2013	Repeal	2-1-2013				
918-098-1550	1-1-2013	Amend	2-1-2013				
918-098-1550(T)	1-1-2013	Repeal	2-1-2013				
918-100-0125	3-1-2013	Adopt(T)	4-1-2013				
918-305-0100	5-1-2013	Amend	5-1-2013				
918-305-0105	1-1-2013	Amend(T)	1-1-2013				
918-305-0105	5-1-2013	Amend	5-1-2013				
918-305-0105(T)	1-1-2013	Suspend	1-1-2013				
918-305-0105(T)	5-1-2013	Repeal	5-1-2013				
918-674-0057	1-1-2013	Adopt	2-1-2013				
918-695-0031	4-15-2013	Adopt(T)	5-1-2013				
918-750-0115	1-1-2013	Adopt	2-1-2013				
945-020-0010	12-13-2012	Adopt	1-1-2013				
945-020-0020	12-13-2012	Adopt	1-1-2013				
945-030-0010	3-18-2013	Adopt	5-1-2013				
945-030-0020	3-18-2013	Adopt	5-1-2013				
945-030-0030	3-18-2013	Adopt	5-1-2013				
945-030-0040	3-18-2013	Adopt	5-1-2013				
945-050-0010	4-15-2013	Adopt	5-1-2013				
945-050-0020	4-15-2013	Adopt	5-1-2013				
966-100-0100	1-2-2013	Adopt	2-1-2013				
966-100-0200	1-2-2013	Adopt	2-1-2013				
966-100-0300	1-2-2013	Adopt	2-1-2013				
966-100-0400	1-2-2013	Adopt	2-1-2013				
966-100-0500	1-2-2013	Adopt	2-1-2013				