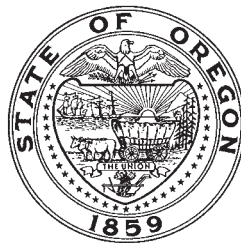


# OREGON BULLETIN

Supplements the 2013 *Oregon Administrative Rules Compilation*

**Volume 52, No. 10**  
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Secretary of State  
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# INFORMATION ABOUT ADMINISTRATIVE RULES

## General Information

The Administrative Rules Unit, Archives Division, Secretary of State publishes the Oregon *Administrative Rules Compilation* and the online *Oregon Bulletin*. The *Oregon Administrative Rules Compilation* is an annual print publication containing complete text of Oregon Administrative Rules (OARs) filed through November 15 of the previous year. The *Oregon Bulletin* is a monthly online supplement that contains rule text adopted or amended after publication of the print Compilation, as well as Notices of Proposed Rulemaking and Rulemaking Hearing. The Bulletin also includes certain non-OAR items when they are submitted, such as Executive Orders of the Governor, Opinions of the Attorney General and Department of Environmental Quality cleanup notices.

## Background on Oregon Administrative Rules

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

## OAR Citations

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). For example, Oregon Administrative Rules, chapter 166, division 500, rule 0020 is cited as OAR 166-500-0020.

## Understanding an Administrative Rule’s “History”

State agencies operate in an environment of ever-changing laws, public concerns and legislative mandates which necessitate ongoing rulemaking. To track changes to individual rules and organize the original rule documents for permanent retention, the Administrative Rules Unit maintains history lines for each rule, located at the end of the rule text. OAR histories contain the rule’s statutory authority, statutes implemented and dates of each authorized modification to the rule text. Changes are listed chronologically in abbreviated form, with the most recent change listed last. In the history line “OSA 4-1993, f. & cert. ef. 11-10-93,” for example, “OSA” is short for Oregon State Archives; “4-1993” indicates this was 4th administrative rule filing by the Archives in 1993; “f. & cert. ef. 11-10-93” means the rule was filed and certified effective on November 10, 1993.

## Locating Current Versions of Administrative Rules

The online version of the OAR Compilation is updated on the first of each month to include all rule actions filed with the Administrative Rules Unit by the 15th of the previous month. The annual printed OAR Compilation volumes contain text for all rules filed through

November 15 of the previous year. Administrative Rules created or changed after publication in the print Compilation will appear in a subsequent edition of the online Bulletin. These are listed by rule number in the Bulletin’s OAR Revision Cumulative Index, which is updated monthly. The listings specify each rule’s effective date, rule-making action, and the issue of the Bulletin that contains the full text of the adopted or amended rule.

## Locating Administrative Rule Publications

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 printed OAR Compilation may be ordered from the Administrative Rules Unit, Archives Division, 800 Summer Street NE, Salem, Oregon 97301, (503) 373-0701.

## Filing Administrative Rules and Notices

All hearing and rulemaking notices, and permanent and temporary rules, are filed through the Administrative Rules Unit’s online filing system. To expedite the rulemaking process, agencies are encouraged to file a Notice of Proposed Rulemaking Hearing specifying hearing date, time and location, and to submit their filings early in the submission period. All notices and rules must be filed by the 15th of the month to be included in the next month’s Bulletin and OAR Compilation postings. Filings must contain the date stamp from the deadline day or earlier to be published the following month.

## Administrative Rules Coordinators and Delegation of Signing Authority

Each agency that engages in rulemaking must appoint a rules coordinator and file an Appointment of Agency Rules Coordinator form with the Administrative Rules Unit. Agencies that delegate rule-making authority to an officer or employee within the agency must also file a Delegation of Rulemaking Authority form. It is the agency’s responsibility to monitor the rulemaking authority of selected employees and keep the forms updated. The Administrative Rules Unit does not verify agency signatures as part of the rulemaking process.

## 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.

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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## OTHER NOTICES

### FEDERAL CONCURRENCE FOR A ROUTINE PROGRAM CHANGE TO THE OREGON COASTAL MANAGEMENT PROGRAM

**NOTICE:** Pursuant to 15 CFR Section 923.84 (federal Coastal Zone Management Act regulations), the federal Office of Ocean and Coastal Resources Management (OCRM) has concurred that the incorporation of the following administrative rule and local land use provisions constitute "routine program changes" to the Oregon Department of Land Conservation and Development's (DLCD's) federally-approved Oregon Coastal Management Program (OCMP).

#### ROUTINE PROGRAM CHANGES:

- OCRM concurred with the incorporation of Oregon Administrative Rules Chapter 660, Division 35, on October 12, 2012. The initial notice DLCD provided on June 15, 2012 provides details of the routine program change request. Federal consistency applies to the changes that OCRM approved as of August 28, 2013.
- OCRM concurred with the incorporation of the Clatsop County Comprehensive Plan, Land and Water Development and Use Ordinance, and Goals and Policies Document on September 9, 2013. The initial notice DLCD provided on May 7, 2013 provides details of the routine program change request. Federal consistency applies to the changes that OCRM approved as of September 12, 2013.
- OCRM concurred with the incorporation of the Curry County Comprehensive Plan, Zoning Ordinance, and Flood Damage Prevention Ordinance on July 10, 2012. The initial notice DLCD provided on June 6, 2012 provides details of the routine program change request. Federal consistency applies to the changes that OCRM approved as of September 12, 2013.
- OCRM concurred with the incorporation of the Lincoln County Code (Comprehensive Plan and Zoning Ordinance), on May 11, 2012. The initial notice DLCD provided on March 12, 2012 provides details of the routine program change request. Federal consistency applies to the changes that OCRM approved as of September 12, 2013.

Copies of the notices referenced above and tables listing the approved changes are posted on the DLCD website at [http://www.oregon.gov/LCD/OCMP/Pages/PublicNotice\\_Intro.aspx#Public\\_Notices\\_for\\_Coastal\\_Program\\_Updates](http://www.oregon.gov/LCD/OCMP/Pages/PublicNotice_Intro.aspx#Public_Notices_for_Coastal_Program_Updates).

If you have questions regarding this notice, please contact Juna Hickner, Coastal State-Federal Relations Coordinator, at [juna.hickner@state.or.us](mailto:juna.hickner@state.or.us) or (503) 373-0050 ext. 253.

### NOTICE OF ROUTINE PROGRAM CHANGE FROM THE OREGON COASTAL MANAGEMENT PROGRAM

**NOTICE:** Pursuant to 15 CFR Section 923.84 (federal Coastal Zone Management Act regulations), notice is hereby given that the Oregon Department of Land Conservation & Development (DLCD) has submitted a routine program change request to the federal Office of Ocean and Coastal Resources Management (OCRM). The request seeks to incorporate updates to the Coos County Comprehensive Plan and zoning ordinance into the federally-approved Oregon Coastal Management Program (OCMP).

OCRM approved the incorporation of the Coos County plan and ordinance into the OCMP in 1991. Since that time the County has periodically approved updates to the plan and ordinance. DLCD is now submitting the current versions of these documents, which include all of the updates, for OCRM's approval.

DLCD has determined that these updates constitute a routine program change to DLCD's federally-approved coastal management program because the action does not make any substantial change to any enforceable policies or authorities related to: (1) uses subject to management; (2) special management areas; (3) boundaries; (4) authorities and organization; or (5) coordination, public involvement and national interest. DLCD has requested that OCRM concur with this determination.

**ADDITIONAL INFORMATION:** Additional information and related documents are available on the OCMP website at [http://www.oregon.gov/LCD/OCMP/PublicNotice\\_Intro.shtml](http://www.oregon.gov/LCD/OCMP/PublicNotice_Intro.shtml)

**COMMENTS:** Comments regarding whether this program modification does or does not constitute a routine program change may be submitted to OCRM within three weeks of the date of this notice. Please send all notices to:

Ms. Joelle Gore  
Coastal Programs Division  
NOAA/OCRM/CPD  
N/ORM3  
1305 East-West Highway  
Silver Spring, MD 20910

If you have questions regarding this notice, please contact DLCD at 503-934-0029.

### PUBLIC NOTICE FROM THE OREGON COASTAL MANAGEMENT PROGRAM

**NOTICE:** Pursuant to Section 307(f) of the Coastal Zone Management Act (CZMA), 16 U.S.C. §1456(f), and the Program Change Guidance issued in July 1996 by the Office of Ocean and Coastal Resource Management (OCRM) of the National Oceanic and Atmospheric

Administration (NOAA), the state of Oregon gives notice of incorporation into the Oregon Coastal Management Program (OCMP) of the current requirements of its air pollution control program found in Oregon Revised Statutes Chapter 468A, and its water pollution control program found in Oregon Revised Statutes Chapter 468B.

CZMA § 307(f) states that requirements established by a state or local government pursuant to the federal Clean Air Act and Clean Water Act "shall be incorporated" into any program developed pursuant to the CZMA.

In 1977, Oregon's Air Pollution Control and Water Pollution Control programs administered by the Department of Environmental Quality were recognized as a part of the original OCMP; at that time, these statutes were found at O.R.S. Chapter 468. In 1987, the OCMP was updated; the 1987 action included Oregon's incorporation of updated air and water pollution provisions of Chapter 468. In 1991, the legislature re-codified the air pollution statutes into O.R.S. Chapter 468A and the water pollution statutes into O.R.S. Chapter 468B. In 2002 Oregon submitted notice to OCRM incorporating the then-current versions of Chapters 468A and 468B.

The state of Oregon now gives notice to OCRM of the incorporation into the OCMP of the current provisions of O.R.S. Chapter 468A (Air Quality), O.R.S. Chapter 468B (Water Quality), and O.R.S. Chapter 468 (Environmental Quality Generally). These implement the following:

#### *O.R.S. Chapter 468A*

Air Pollution Control	468A.005 to 468A.085
Regional Air Quality Authorities	468A.100 to 468A.180
Climate Change	468A.200 to 468A.292
Federal Operating Permit Program	468A.300 to 468A.330
Motor Vehicle Pollution Control	468A.350 to 468A.455
Solid Fuel Burning Devices	468A.460 to 468A.515
Field Burning and Propane Flaming	468A.550 to 468A.620
Chlorofluorocarbons and Halon Control	468A.625 to 468A.645
Aerosol Spray Control	468A.650 to 468A.660
Asbestos Abatement Projects	468A.700 to 468A.760
Indoor Air Pollution Control	468A.775 to 468A.785
Agricultural Ops & Equipment MOU	468A.790
Diesel Engines	468A.793 to 468A.803
Emission Reduction Credit Banks	468A.820
Penalties	468A.990 to 468A.992

#### *O.R.S. Chapter 468B*

Water Pollution Control-Generally	468B.005 to 468B.038
Water Pollution Control-Surface Water	468B.040 to 468B.095
Water Pollution Control-Forest Operations	468B.100 to 468B.110
Water Pollution Ctl-Phosphate Cleansing	468B.120 to 468B.135
Water Pollution Ctl-Persistent Pollutants	468B.138 to 468B.144
Water Pollution Control-Ground Water	468B.150 to 468B.190
Animal Waste Control	468B.200 to 468B.230
Oil or Haz Material Spillage-Generally	468B.300 to 468B.337

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Oil or Haz Material Spillage-Cont. Planning 468B.340 to 468B.425  
Oil or Haz Material Spillage-Willful Disch. 468B.450 to 468B.460  
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### *O.R.S. Chapter 468*

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Criminal Offenses – Water 468.943 to 468.949  
Endangerment – Air and Water 468.951

**ADDITIONAL INFORMATION:** Additional information and related documents are available on the OCMP website at: [http://www.oregon.gov/LCD/OCMP/PublicNotice\\_Intro.shtml](http://www.oregon.gov/LCD/OCMP/PublicNotice_Intro.shtml)

If you have questions regarding this notice, please contact DLCD at 503-934-0029.

### **REQUEST FOR COMMENTS DEQ PROPOSES PROSPECTIVE PURCHASER AGREEMENT CONSENT JUDGMENT WITH BAKER SCHOOL DISTRICT 5J**

**COMMENTS DUE:** 5 p.m., October 31, 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 judgment 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 judgment 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 lead and polynuclear aromatics hydrocarbons in soil and the need for cleanup actions. The consent judgment will require Baker School District 5J to seek funding to perform cleanup actions.

The proposed consent judgment will provide Baker School District 5J with a release from liability and a covenant not to sue 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 judgment 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., October 31, 2013, to DEQ Project Manager Katie Robertson by phone at 541-278-4620, by mail at 700 SE Emigrant, Suite 330, Pendleton, OR 97801, by e-mail at [robertson.katie@deq.state.or.us](mailto:robertson.katie@deq.state.or.us) or by fax at 541-278-0168.

To access site summary information and other documents in DEQ's Environmental Cleanup Site Information database, go to [www.deq.state.or.us/lq/ECSI/ecsi.htm](http://www.deq.state.or.us/lq/ECSI/ecsi.htm), select "Search complete ECSI database" link, enter 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](mailto:deqinfo@deq.state.or.us), or 711 for people with hearing impairments.

### **REQUEST FOR COMMENTS DEQ PROPOSES CERTIFICATION OF COMPLETION FOR PROSPECTIVE PURCHASER AGREEMENT CONSENT ORDER WITH MC CHUCKWAGON LLC**

**COMMENTS DUE:** 5 p.m., Oct. 31, 2013

**PROJECT LOCATION:** Mile Hi Service, 350 N F St., Lakeview

**PROPOSAL:** The Department of Environmental Quality proposes to issue a certification of completion for the prospective purchaser agreement consent order with MC Chuckwagon LLC. MC Chuckwagon LLC has completed all actions agreed to within the consent order and has completed the redevelopment of the former gas station property. A conditional no further action determination was issued for the property in June 2013. DEQ issues a no further action determination when a cleanup has met regulatory standards.

**HIGHLIGHTS:** The consent order provides MC Chuckwagon LLC, and successor owners, 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 consent order also provides MC Chuckwagon LLC 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., Oct. 31, 2013, to DEQ Project Manager Katie Robertson by phone at 541-278-4620, by mail at 700 SE Emigrant, Suite 330, Pendleton, OR 97801, by e-mail at [Robertson.Katie@deq.state.or.us](mailto:Robertson.Katie@deq.state.or.us) or by fax at 541-278-0168.

To access site summary information, the consent order, and other documents in DEQ's Leaking Underground Storage Tank database, go to [www.deq.state.or.us/lq/tanks/lust/LustPublicLookup.asp](http://www.deq.state.or.us/lq/tanks/lust/LustPublicLookup.asp), enter 19-91-0030 in the LUST Number box and click "Lookup" at the bottom of the form. Next, click the link labeled 19-91-0030 in the Log Number 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 certification of completion. DEQ will provide written responses to all public comments received.

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

### **STATE OF OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY PROSPECTIVE PURCHASER AGREEMENT FOR FORMER ANGKOR GROCERY MARKET**

**PROJECT LOCATION:** 1949 SE Division St. in Portland, OR

**HIGHLIGHTS:** DEQ entered into a prospective purchaser agreement with REACH Community Development, Inc. for the property located at 1949 SE Division St. in Portland, Ore. REACH Community Development, Inc. is acquiring the property from the current owner and plans to use the property for mixed residential and commercial uses.

The property was historically used as a fueling facility and a release from the underground storage tank system was reported in 1994. REACH Community Development, Inc. completed many of the tasks required in the agreement through a federal grant, and has agreed to site restrictions, contaminated materials management,

## OTHER NOTICES

vapor intrusion mitigation and surface controls related to any development of the property. Subject to satisfactory recording of an Easement and Equitable Servitude, DEQ will issue a No Further Action determination for the property, conditioned as appropriate to reflect REACH's remaining obligations under the agreement and to ensure long-term effectiveness of the remedy.

**FOR MORE INFORMATION:** View copies of the prospective purchaser agreement at DEQ's Northwest Region by contacting the DEQ file review specialist at 503-229-5321 or at file number 26-94-0033 in DEQ's Leaking Underground Storage Tank database at [www.deq.state.or.us/Webdocs/Forms/Output/FPCController.aspx?SourceId=26-94-0033&SourceIdType=12](http://www.deq.state.or.us/Webdocs/Forms/Output/FPCController.aspx?SourceId=26-94-0033&SourceIdType=12)

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

### REQUEST FOR COMMENTS PROPOSED CONSENT ORDER FOR PROSPECTIVE PURCHASER AGREEMENT AT THE FORMER ELMIRA FAMILY STORE AND GAS STATION

**COMMENTS DUE:** Oct. 30, 2013

**PROJECT LOCATION:** 88773 Territorial Road in Elmira, Ore.

**PROPOSAL:** Green Energy Alternatives Research is proposing to purchase and redevelop the former Elmira gas station into a nonprofit community center. The redevelopment will revitalize the underused property while providing youth services to area residents.

The site is approximately 2 acres and includes an existing building and a gravel and soil surface with limited areas of pavement. Petroleum contamination from gasoline and diesel storage has been observed on the property since at least 1998. Underground storage tank systems and fuel dispensers were removed in 1999.

Since the report of soil contamination and removal of the underground storage tank systems, several stages of site investigation have been completed. Soil and groundwater have been contaminated on and beyond the property. A network of groundwater monitoring wells has been installed to assess the level of contamination and to determine if the contamination level is shrinking, staying the same or spreading. No surface water contamination has been reported.

Little cleanup has been completed beyond removal of the former underground storage tank systems and excavation in the area of the old fuel dispenser island. The most recent site investigation included temporary borings and permanent monitoring wells adjacent to the property. Workers also replaced a contaminated drinking water well located off the property. Groundwater, air, and soil-gases were sampled to help in the development of remedies needed to facilitate the sale and proposed reuse.

During redevelopment of this property the following steps will be taken to address areas of contamination exceeding Oregon DEQ cleanup levels:

- No use of shallow groundwater
- Restricted drinking water well location and design requirements both on and adjacent to the property
- Vapor barriers as needed beneath buildings to prevent petroleum vapor migration into current or proposed structures

DEQ has defined the exposure risk associated with the remaining contamination and will require managed reuse or disposal of any contaminated soil and groundwater removed during future redevelopment, operation and maintenance.

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

The proposed consent order will provide Green Energy Alternative Research with a release from liability for claims by the State of Oregon under ORS 465.200 to 465.545 and 465.990, 466.640, and 468B.310 regarding existing hazardous substance releases at or from

the property. The proposed consent order will also provide Green Energy Alternative Research with third party liability protection.

**HOW TO COMMENT:** The project file may be reviewed by appointment at DEQ's Salem office at 750 Front St. NE, Suite 120, Salem, OR 97301. To schedule an appointment to review the file or to ask questions, please contact Jim Glass at 503-378-5044.

To access summary information and copies of the documents referenced above are available in DEQ's Leaking Underground Storage Tanks database on the Internet. To review this material, go to [www.oregon.gov/DEQ](http://www.oregon.gov/DEQ) and type in key words "LUST database" in the search feature at the top right of the screen. Click on the first entry to enter the search database. Then enter "20-98-7017" in the LUST Number box and click "Lookup" at the bottom of the page.

Send written comments to Jim Glass, at the address listed above or [glass.jim@deq.state.or.us](mailto:glass.jim@deq.state.or.us). Comments must be received by 5 p.m., Wednesday, Oct. 30, 2013

DEQ will hold a public meeting if it receives a written request by 10 or more people or by a group with a membership of 10 or more people.

**NEXT STEP:** DEQ will consider all public comments received by the date and time stated above before making a final decision about the proposed remedial actions taken at the site. DEQ will issue a public notice of DEQ's final decision in this publication.

**ACCESSIBILITY INFORMATION:** DEQ is committed to accommodating people with disabilities. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Office of Communications and Outreach 503-229-5696 or toll free in Oregon at 800-452-4011; fax to 503-229-6762; or e-mail to [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us). People with hearing impairments may call 711.

### OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY, REQUEST FOR COMMENTS PROPOSED SETTLEMENT REGARDING THE FORMER YAMHILL STATION SOIL AND GROUNDWATER CONTAMINATION, YAMHILL, OREGON

**COMMENTS DUE:** Oct. 31, 2013

**PROJECT LOCATION:** The former Yamhill Station is located 210 S. Maple St. in the City of Yamhill, Yamhill County, Oregon. The groundwater contamination is generally located southwest of the property.

**PROPOSAL:** DEQ is proposing to enter a settlement with potentially liable parties, John Pitfido; Joanne Pitfido; JAP Inc.; and Yamhill Station LLC (the "Pitfidos") for reimbursement of investigation, cleanup, and oversight costs associated with the Yamhill Station soil and groundwater contamination. The settlement would be in the form of a consent judgment pursuant to ORS 465.325. The settlement would require the Pitfidos to pay DEQ up to \$100,000 to reimburse DEQ for the cost of investigating the release, installing a groundwater treatment system, implementing interim removal action measures, and development of a risk-based proposal to reuse the property. In return, the Pitfidos would receive release from liability to the State and other parties regarding the matters addressed by the settlement. The public is invited to comment on the proposal from Oct. 1–Oct. 31, 2013.

**HIGHLIGHTS:** The property is located at 210 S. Maple St. in Yamhill, Ore. The property currently has no buildings and has a gravel and soil surface with limited areas of pavement. The Senz and Yamhill gas stations operated, respectively, on the property. Petroleum contamination from gasoline and diesel storage has been observed on the property since at least December of 1988 when DEQ received a complaint that gasoline had been observed in a storm water system southwest of the property. Gasoline was observed in a storm drain at the intersection of Second and Olive Streets, which is over 250 feet from the underground storage tanks operated, at the time, by the Senz station. The underground storage tanks were removed in 1995 and replaced with above-ground storage tanks.

In 2006 gasoline was again found in the storm-water system southwest of the property and at the Yamhill Maintenance Yard (over 700

## OTHER NOTICES

feet south of the Yamhill gas station). More than 4,000 gallons of gasoline was estimated to have leaked from the system. In 2007 and 2008 DEQ began removal of gasoline and some of the most heavily contaminated groundwater from the site and expanded the investigation to determine the extent of contamination. DEQ conducted some of this work using state Orphan Program funds and Federal "American Recovery and Reinvestment Act" funding, due to the limited ability of the current and past property owners to pay for the necessary investigation and cleanup. DEQ's Underground Storage Tanks Program has funded extensive investigation, cleanup, monitoring, and risk assessment activities at the site. DEQ has spent over \$600,000.00 investigating and cleaning up the pollution found in the soil, groundwater, storm water, and air.

**HOW TO COMMENT:** The project file may be reviewed by appointment at DEQ's Salem office at 750 Front St. NE, Suite 120, Salem, OR 97301. To schedule an appointment to review the file or to ask questions, please contact Jim Glass at 503-378-5044. Summary information and copies of the documents referenced above are available in DEQ's Leaking Underground Storage Tanks database on the Internet [www.deq.state.or.us/lq/tanks/lust/lustpubliclookup.asp](http://www.deq.state.or.us/lq/tanks/lust/lustpubliclookup.asp). Then enter 36-88-4062 in the LUST Number box and click "Lookup" at the bottom of the page. Next, click the link labeled 36-88-4062 in the "Log Number" column. Send written comments to Jim Glass, at the address listed above or [glass.jim@deq.state.or.us](mailto:glass.jim@deq.state.or.us). Comments must be received by 5 p.m., Thursday, Oct. 31, 2013.

DEQ will hold a public meeting if it receives a written request by 10 or more people or by a group with a membership of 10 or more people.

**NEXT STEP:** DEQ will consider all public comments received by the date and time stated above before making a final decision about the proposed settlement. DEQ will issue a public notice of DEQ's final decision in this publication.

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

People with hearing impairments may call 711.

### REQUEST FOR COMMENTS PROPOSED CONDITIONAL NO FURTHER ACTION DETERMINATION FOR THE SURGICHROME SITE

**COMMENTS DUE:** 5 p.m., Thursday, Oct. 31, 2013

**PROJECT LOCATION:** 16569 SE 115th Ave., Clackamas

**PROPOSAL:** The Oregon Department of Environmental Quality invites comments on its proposal to issue a Conditional No Further Action determination for the Surgichrome site.

**HIGHLIGHTS:** Surgichrome Inc. operated a chrome-plating facility from 1979 until April 2008, when a fire consumed the facility.

In 1990, chromium was detected in the supply well on the property and a water supply well on the adjacent property. The well on the property was replaced, and the off-site property was provided an alternate water supply. In April 1995, Surgichrome's then-president pleaded guilty to illegal disposal of hazardous waste at the property. As part of the criminal sentencing, Surgichrome entered into a consent order with DEQ, under which Surgichrome Inc. agreed to make payments to DEQ, and DEQ assumed the lead for subsequent investigation and cleanup. DEQ installed a groundwater pump and treat system that operated from 2000 to 2011 and removed approximately 69 pounds of chromium from the shallow and deep groundwater. Other remedial actions DEQ completed include a source area soil removal and groundwater treatment to address releases of chromium during the April 2008 fire, and periodic groundwater monitoring.

DEQ has determined that under current conditions the residual contamination does not present a risk to workers at the site, workers on the adjacent property, or the environment. DEQ identified the following controls to ensure that conditions remain protective of human health and the environment:

- Maintaining the building floor and adjacent driveways and pavement to prevent direct contact with soil and further leaching and mobilization of residual chromium.
- Requiring a DEQ-approved contaminated media management plan prior to any soil disturbance,
- A restriction on well installation at the property without prior approval from DEQ.

These controls will be memorialized in an easement and equitable servitudes between DEQ and the property owner to be recorded with Clackamas County.

**HOW TO COMMENT:** To schedule an appointment to review files in DEQ's Northwest Region office, call 503-229-6729. Send comments on the draft consent judgment by 5 p.m., Thursday, Oct. 31, 2013 to DEQ Project Manager, Mark Pugh, DEQ Northwest Region, 2020 SW 4th Ave., Portland, OR 97201 or [pugh.mark@deq.state.or.us](mailto:pugh.mark@deq.state.or.us). For more information contact Pugh at 503-229-5587.

**THE NEXT STEP:** DEQ will review and consider all comments received during the comment period before finalizing its decision.

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

People with hearing impairments may call 711.

# NOTICES OF PROPOSED RULEMAKING

## Notices of Proposed Rulemaking and Proposed Rulemaking Hearings

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

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

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

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

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

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### Appraiser Certification and Licensure Board Chapter 161

**Rule Caption:** 2013–2015 biennium budget, and changes regarding 2014–2015 Edition of USPAP, and Out-of-State credential applications

Date:	Time:	Location:
10-28-13	9 a.m.	3000 Market St. NE, Suite 541 Salem, OR

**Hearing Officer:** Daneene Fry

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

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

**Stats. Implemented:** ORS 674

**Proposed Amendments:** 161-002-0000, 161-006-0025, 161-010-0080, 161-015-0025, 161-015-0030, 161-025-0060

**Proposed Repeals:** 161-050-0050, 161-006-0025(T), 161-010-0080(T), 161-015-0025(T), 161-015-0030(T)

**Last Date for Comment:** 10-28-13, Close of Hearing

**Summary:** Amends Oregon Administrative Rule 161, Division 002, Rule 0000 regarding Definitions; Division 006, Rule 0025 regarding the agency's budget; Division 010, Rule 0080 regarding appraiser assistant registration; Division 015, Rule 0025 regarding application from out-of-state credential holder, and Rule 0030 regarding submission of license or certification application; Division 025, Rule 0060 regarding appraisal standards and USPAP.

Repeals Oregon Administrative Rule 161, Division 050, Rule 0050 regarding reciprocity.

**Rules Coordinator:** Karen Turnbow

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

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

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

**Rule Caption:** Permanently adopts temporary rules regarding temporary licensees, licensing fees, clinical fieldwork and professional development.

**Stat. Auth.:** ORS 681

**Other Auth.:** Enrolled SB 5526 (2013) SB 5526-A, Section 5; Effective July 1, 2013 as 2013 OL Ch. 455

**Stats. Implemented:** ORS 681.260, 681.285, 681.320, 681.340, 681.360, 681.370, 681.375, 681.420 & 681.460

**Proposed Adoptions:** 335-085-0010

**Proposed Amendments:** 335-060-0005, 335-060-0006, 335-060-0010, 335-070-0020, 335-070-0050, 335-070-0080, 335-095-0010, 335-095-0030

**Last Date for Comment:** 10-28-13, 5 p.m.

**Summary:** Implements fee schedule changes approved by the 2013 Legislature as part of the 2013–15 budget for the Board of Examiners for Speech-Language Pathology & Audiology, already effective via temporary rules filed on June 28, 2013.

Implements temporary licenses for specific purposes, as authorized in ORS 681.285 by the 2011 Legislature, already effective via temporary rules filed on June 28 and September 13, 2013.

Clarifies waiver of initial professional development for SLPs to include the 12 months following completion of the supervised clinical experience, already effective via temporary rules filed on May 17, 2013.

Clarifies that fees in 335-060-0010(1) may be charged to applicants and current licensees, already effective via temporary rules filed on May 17, 2013.

Removes rule requiring Board to charge a delinquent fee for late submission of requests for special approval of professional development, already effective via temporary rules filed on May 17, 2013.

Adds failure to report all required hours of speech-language pathology assistant supervision upon audit as a justification for Board to issue delinquent fee, already effective via temporary rules filed on May 17, 2013.

Clarifies certain definitions of accepted professional development activities, already effective via temporary rules filed on May 17, 2013.

Reinstates pro-rating of professional development hours required for initial license renewal, already effective via temporary rules filed on May 17, 2013.

Revises and clarifies clinical fieldwork requirements for certification as a speech-language pathology assistant (SLPA), already effective via temporary rules filed September 13, 2013.

**Rules Coordinator:** Sandy Leybold

**Address:** Board of Examiners for Speech-Language Pathology and Audiology, 800 NE Oregon St., Suite 407, Portland, OR 97232

**Telephone:** (971) 673-0220

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### Board of Massage Therapists Chapter 334

**Rule Caption:** Implement SB 387 Facility Permits, adopt new rule; clarify examination and continuing education rule

Date:	Time:	Location:
11-18-13	9 a.m.	748 Hawthorne Ave. NE Salem, OR 97301

**Hearing Officer:** Kate Coffey

**Stat. Auth.:** ORS 687

**Other Auth.:** SB 387

**Stats. Implemented:** ORS 687.121

**Proposed Adoptions:** 334-010-0006

**Proposed Amendments:** 334-010-0005, 334-010-0010, 334-010-0033, 334-010-0050, 334-020-0005, 334-040-0010

**Last Date for Comment:** 11-18-13, 9 a.m.



# NOTICES OF PROPOSED RULEMAKING

**Summary:** Adopt one new rule and amend rules to implement Senate Bill 387. Clarifies examination rule requests for fees forward; clarifies continuing education rule contact hours.

**Rules Coordinator:** Christine West

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

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

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**Construction Contractors Board**  
**Chapter 812**

**Rule Caption:** Adopt Division 22 Rules Regarding Residential Continuing Education Requirements

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-22-13	11 a.m.	West Salem Roths IGA Santiam Rm. 425 Glen Creek Rd. NW Salem, OR

**Hearing Officer:** Rob Yorke

**Stat. Auth.:** ORS 670.310, 701.126 & 701.235

**Other Auth.:** 2013 OL Ch.718 (SB 783) & 2013 OL Ch. 300, Sec. 6

**Stats. Implemented:** ORS 701, 2013 OL Ch.718 (SB 783) & 2013 OL Ch. 300, Sec. 6

**Proposed Adoptions:** Rules in 812-022

**Last Date for Comment:** 10-22-13, 11 a.m.

**Summary:** Adopt administrative rules in Chapter 812, Division 22 to implement SB 783 (2013 Oregon Laws, Chapter 718). Adoption of proposed rules is necessary to establish and administer the new residential continuing education program under SB 783 (2013), which applies to residential contractors. Adopt rules in Division 22 to implement SB 207B, section 6 (Chapter 300 OR Laws 2013) regarding leased workers.

- Establishes a continuing education program for residential contractors in accordance with Oregon Laws 2013 chapter 718 (SB 783).
- Defines terms in Division 22 rules to implement SB 783 (2013).
- Establishes the effective date to implement SB 783 (OR Laws 2013, chapter 718). Permits residential contractors that completed CORE courses under the old law to apply up to 8 hours towards the new residential continuing education requirements.
- Establishes the exemption for residential developers from the residential continuing education requirements.
- Establishes the minimum residential continuing education requirements.
- Establishes the fees for courses developed by CCB.
- Establishes exemptions from residential continuing education requirements.
- Establishes provider approval requirements.
- Establishes fees for provider approval.
- Establishes surety bond to assure performance by provider. Requires providers to post a surety bond to assure payment to CCB of the \$5 per student hour course fee.
- Establishes requirements for submitting course for approval and criteria by which agency will grant (or deny) approval.
- Establishes requirements for providers to maintain certain information in a student roster and notify agency when students have attended or completed, approved courses. .
- Establishes requirements for contractors to notify agency of completion of non-required course hours. Contractors with less than 6 years of experience may include non-approved courses offered by approved providers for the additional 8 hours of residential continuing education required.
- Establishes that the agency may track completion of approved course hours.
- Establishes requirements for contractors to maintain records of continuing education for 24 months and make records available to agency for review. Provides the agency may suspend the license or refuse to renew a license if contractor cannot prove compliance with residential continuing education requirements.

- Establishes the requirements for inactive status during a license period or upon renewal and the amount of residential continuing education required.

- Establishes the requirements for contractors whose license has lapsed (other than by inactive status) to complete continuing education requirements.

- Establishes the requirements for claiming continuing education credits.

- Establishes the requirements for continuing education for personnel who work for more than one residential contractor.

**Rules Coordinator:** Catherine Dixon

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

**Telephone:** (503) 934-2185

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**Department of Administrative Services**  
**Chapter 125**

**Rule Caption:** Repeal rule for recycling program that is no longer administered by Department of Administrative Services

**Stat. Auth.:** ORS 279.560 repealed by 2003 c.794 § 332

**Other Auth.:** ORS 459.035

**Stats. Implemented:** ORS 279.545, 279.550 & 279.560

**Proposed Repeals:** 125-085-0000

**Last Date for Comment:** 10-16-13, 5 p.m.

**Summary:** Repeal OAR Chapter 125, Division 85, Recycling rules. This State Recycling Program was originally created to implement ORS 279.560 to help establish recycling programs in office buildings occupied by state agencies. ORS 279.560 was repealed by 2003 c.794 § 332 and the Department of Environmental Quality now assists in development and implementation of recycling programs according to ORS 459.035.

**Rules Coordinator:** Janet Chambers

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

**Telephone:** (503) 378-5522

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

**Rule Caption:** Exempts certain permit applications from plan review by a certified individual.

**Stat. Auth.:** ORS 455.030, 455.055, 455.110, 455.156, 455.467, 455.469, 455.720 & 455.730

**Other Auth.:** 2013 OL Ch. 528

**Stats. Implemented:** ORS 455.030, 455.055, 455.110, 455.150, 455.156, 455.467, 455.469, 455.720 & 455.730

**Proposed Amendments:** 918-020-0090, 918-098-1010

**Last Date for Comment:** 10-25-13, 5 p.m.

**Summary:** This proposed rule allows individuals employed by a municipality administering and enforcing a building inspection program to review and approve certain "simple permit" applications related to one- and two-family dwellings and plans made available under Senate Bill 582 (2013). These employees must utilize a division-approved checklist when reviewing a "simple permit" application. This rule does not create any new exemption items from review.

**Rules Coordinator:** Richard J. Baumann

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

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

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

**Rule Caption:** Clarifies recently enacted exemptions from mortgage loan originator licensing for manufactured structure dealers.

# NOTICES OF PROPOSED RULEMAKING

**Date:** 11-4-13  
**Time:** 9 a.m.  
**Location:** Labor and Industries Bldg.  
Conference Rm. 260  
350 Winter St. NE  
Salem, OR 97301

**Hearing Officer:** TK Keen  
**Stat. Auth.:** ORS 446.661, 446.666, 446.741  
**Other Auth.:** 2013 OL Ch. 443, Sec.15 (Enrolled HB 3482)  
**Stats. Implemented:** ORS 86A.203, 446.260, 446.666, 446.691, 446.696, 446.701, 446.706, 446.716, 446.726, 446.736, 446.741, 446.746, 446.748, 446.751 & 446.756  
**Proposed Adoptions:** 441-446-0203, 441-446-0230, 441-446-0200, 441-446-0100, 441-446-0110, 441-446-0200, 441-446-0210, 441-446-0300  
**Last Date for Comment:** 11-13-13, 5 p.m.

**Summary:** In 2013, the Legislature enacted House Bill 3482 which in part exempted individuals licensed as manufactured structure dealers from having to obtain a mortgage loan originator license. This proposed rulemaking activity addresses three issues with the bill that needed further clarification. First, the proposed rules would limit the exemption to one limited manufactured structure dealer licensee per park, but allow sales by full manufactured structure dealer licensees not affiliated with the limited manufactured structure dealer. Second, the proposed rules would clarify that a manufactured structure dealer may engage the services of a licensed or registered mortgage loan originator to offer or negotiate loans on the licensee's behalf once statutory caps were met. Finally, the rules would apply the statutory caps on the number of loans a licensee may hold to loans made on or after the operative date of Oregon's implementation of the federal S.A.F.E. Act, which was July 31, 2010.

**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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**Rule Caption:** Allows use of an alternate licensing application form for individuals representing issuers of securities.

**Stat. Auth.:** ORS 59.175  
**Stats. Implemented:** ORS 59.165 & 59.175  
**Proposed Amendments:** 441-175-0120  
**Last Date for Comment:** 11-1-13, 5 p.m.

**Summary:** Currently, all securities salespersons, regardless of whether they are employed by a broker-dealer or represent an issuer or owner of securities must submit a complete, multi-state securities application form as part of their salesperson licensing application. The application requires more information than is likely necessary to license salespersons in Oregon who only represent an issuer or owner of securities. This proposed rulemaking activity would grant the department the flexibility to offer those salespersons representing an issuer or owner an option to use a state-specific, streamlined application form.

**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, Workers' Compensation Division Chapter 436

**Rule Caption:** Amendment of rules governing workers' compensation medical billing, medical services, and managed care organizations

**Date:** 10-22-13  
**Time:** 9 a.m.  
**Location:** Labor & Industries Bldg.  
350 Winter St. NE, Rm. F  
Salem OR

**Hearing Officer:** Fred Bruyns  
**Stat. Auth.:** ORS 656.726(4), 656.260 amended by SB 533, 2013 OL Ch. 179  
**Stats. Implemented:** 656, 656.245 & 656.260 amended by SB 533 2013 OL Ch. 179 & 656.248

**Proposed Amendments:** 436-009-0004, 436-00-0015, 436-009-0207, 436-010-0005, 436-010-0210, 436-010-0275, 436-015-0030, 436-015-0035, 436-015-0040, 436-015-0070, 436-015-0090

**Last Date for Comment:** 10-25-13, Close of Business  
**Summary:** The agency proposes to amend OAR 436-009, "Oregon Medical Fee and Payment Rules," to:

- Adopt the National Uniform Claim Committee's recently published v1.1 0613 0212 NUCC 1500 Instruction Manual for the updated 02/12 1500 Claim Form that providers may elect to use starting Jan. 6, 2014.

The agency proposes to amend OAR 436-010, "Medical Services," to:

- Update the definition of attending physician; and
- Show expanded authority, under ORS 656.245 as amended by Senate Bill 533 (2013), for authorized nurse practitioners to treat injured workers and to authorize time loss.

The agency proposes to amend OAR 436-015, "Managed Care Organizations (MCOs)," to:

- Reflect ORS 656.260 as amended by Senate Bill 533 (2013),
- To update a reference to authorized nurse practitioners' authority to treat injured workers and to authorize time loss;

- To include chiropractic physicians, who are not MCO panel members, among the types of health care providers who may continue to treat, under certain conditions, workers who have been enrolled in an MCO;

- To prescribe the types of information MCOs must include in an annual report to the director, regarding denials and terminations of the authorization of primary care physicians, chiropractic physicians and nurse practitioners who are not members of the managed care organization, to provide compensable medical treatment; and

- To allow the MCO to deny authorization to non-panel primary care physicians, chiropractic physicians, and authorized nurse practitioners who might otherwise qualify to continue treatment of workers after enrollment in the MCO, based upon past practices of the provider.

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

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**Rule Caption:** Amendment of rules governing self-insured employer groups; exemption from certain security deposit requirements

**Date:** 10-22-13  
**Time:** 9 a.m.  
**Location:** Labor & Industries Bldg.  
350 Winter St. NE, Rm. F  
Salem OR

**Hearing Officer:** Fred Bruyns  
**Stat. Auth.:** ORS 656.726(4)  
**Stats. Implemented:** ORS 656.407, amended by SB 96 2013 OL Ch. 471

**Proposed Amendments:** 436-050-0003, 436-050-0175, 436-050-0185

**Last Date for Comment:** 10-25-13, Close of Business  
**Summary:** The agency proposes to amend OAR 436-050, "Employer/Insurer Coverage Responsibility," to reflect ORS 656.407, as amended by Senate Bill 96 (2013), which gives self-insured employer groups that are municipal or public corporations the right to apply for exemption from certain security deposit requirements.

The agency also proposes to modify self-insured employers' reporting requirements affecting claims with incurred losses. Currently, reports must aggregate claims with incurred costs of \$10,000 or less, providing aggregate totals for total paid, outstanding

# NOTICES OF PROPOSED RULEMAKING

reserves, total incurred losses, and number of claims, while claims exceeding \$10,000 must be detailed individually. The agency proposes to increase the reporting threshold for individual claims to \$13,500, effective Jan. 1, 2014, to remain consistent with reporting requirements used by the National Council on Compensation Insurance.

**Rules Coordinator:** Fred Bruyns

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

**Telephone:** (503) 947-7717

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**Rule Caption:** Rules governing vocational assistance to injured workers; extension of temporary disability compensation during training

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-22-13	9 a.m.	Labor & Industries Bldg. 350 Winter St. NE, Rm. F Salem OR

**Hearing Officer:** Fred Bruyns

**Stat. Auth.:** ORS 656.340, 656.726(4)

**Stats. Implemented:** ORS 656.340, amended by HB 2069 2013 OL Ch. 103

**Proposed Amendments:** 436-120-0443

**Last Date for Comment:** 10-25-13, Close of Business

**Summary:** The agency proposes to amend OAR 436-120, "Vocational Assistance to Injured Workers," to reflect ORS 656.340, as amended by House Bill 2069 (2013), which gives the director (of the Department of Consumer and Business Services) authority to extend temporary disability compensation during training for up to 21 months upon good cause shown by the injured worker.

**Rules Coordinator:** Fred Bruyns

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

**Telephone:** (503) 947-7717

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## Department of Energy Chapter 330

**Rule Caption:** Amending Biomass Tax Credit rules to increase application fee and clarify eligibility and application process.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-24-13	2 p.m.	Oregon Dept. of Energy 625 Marion St. NE Salem, OR 97301

**Hearing Officer:** Elizabeth Ross

**Stat. Auth.:** ORS 469.040, 469B.403 & 315.141

**Stats. Implemented:** ORS 469B.403 & 315.141

**Proposed Amendments:** 330-170-0010, 330-170-0020, 330-170-0030, 330-170-0040, 330-170-0050, 330-170-0060

**Last Date for Comment:** 10-25-13, 5 p.m.

**Summary:** The proposed rules for the Biomass Producer or Collector Tax Credit program provide additional details about the application contents and expectations, and clarify the eligibility of biomass feedstocks and activities. The proposed rules add clarity and transparency for applicants and assist the Oregon Department of Energy in administering the certification process. ORS 315.141(5)(b) directs the department to collect a fee not to exceed the cost of administering the program. Currently, the department is not collecting fees sufficient to recover the actual cost of the program. The proposed fee increase was explained and included in the budget approved by the legislature as part of the 2013-2015 budget process.

A call-in number is available for the public hearing, please see website for details: [http://www.oregon.gov/energy/RENEW/Biomass/Pages/Biomass-Producer\\_Advisory\\_Committee.aspx](http://www.oregon.gov/energy/RENEW/Biomass/Pages/Biomass-Producer_Advisory_Committee.aspx)

**Rules Coordinator:** Kathy Stuttaford

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

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

## Department of Environmental Quality Chapter 340

**Rule Caption:** Oregon Low Emission Vehicles, 2013 Update

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-15-13	7 p.m.	DEQ, 10th Flr., EQC A 811 SW Sixth Ave. Portland, OR 97204

**Hearing Officer:** DEQ staff

**Stat. Auth.:** ORS 468.020, 468A.010, 468A.015, 468A.025, 468A.040 & 468A.360

**Stats. Implemented:** ORS 468A

**Proposed Amendments:** 340-257-0010, 340-257-0020, 340-257-0030, 340-257-0050, 340-257-0070, 340-257-0080, 340-257-0090, 340-257-0100, 340-257-0110, 340-257-0120

**Last Date for Comment:** 10-18-13, 5 p.m.

**Summary:** This proposal continues Oregon DEQ's existing Low and Zero Emission Vehicle program by updating Oregon's rules to match revisions adopted by California in 2012. There are two major portions of the updated rules: LEV III and ZEV 2.0.

The LEV III rules are largely the same as the federal Tier 3 emission rules adopted in 2012. This alignment between state and federal regulations is the result of a negotiated agreement between automakers plus state and federal regulators to align requirements. Both the LEV III and Tier 3 regulations would cut fleet-average greenhouse gas emissions of new vehicles between 2017 and 2025 to half their 2008 levels. Both sets of rules also would cut smog-forming compounds approximately 70 percent.

Adopting the LEV III rules would keep Oregon's rules identical to California's rules that the Clean Air Act requires of states implementing California's vehicle emission standards. If the federal government weakens or repeals federal rules, adoption of LEV III ensures these requirements would continue to apply in Oregon.

This proposal also updates Oregon's existing Zero Emission Vehicle program by incorporating California's 2012 amendments known as the ZEV 2.0 regulations. There is no equivalent federal requirement for zero emission vehicles. The ZEV 2.0 rules update existing requirements to increase the percentage of new cars and trucks that are pollution-free vehicles, such as all-electric vehicles and plug-in hybrids. The amendments also provide greater flexibility for manufacturers to choose among compliance options.

**Rules Coordinator:** Maggie Vandehey

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

**Telephone:** (503) 229-6878

.....

**Rule Caption:** Onsite Program Fees and Updates

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-15-13	4 p.m.	DEQ, 165 East 7th Ave. Willamette Rm. Eugene, OR
10-15-13	4 p.m.	DEQ, 221 Stewart St. Suite 201 Medford, OR
10-15-13	4 p.m.	475 NE Bellevue, Suite 110 Bend, OR
10-15-13	4 p.m.	811 SW Sixth Ave., 10th Floor EQC A Portland, OR
10-15-13	4 p.m.	700 SE Emigrant, 1st Floor Conference Rm. Pendleton, OR

**Hearing Officer:** DEQ staff

**Stat. Auth.:** ORS 183.335, 454.615, 454.625, 468.020, 468.065, 468B.010 & 468B.020

**Stats. Implemented:** ORS 197.180, 454.605-454.784, 468.035-468.070 & 468B.015-468B.080

**Proposed Amendments:** 340-018-0030, 340-071-0110, 340-071-0115, 340-071-0120, 340-071-0130, 340-071-0135, 340-071-0140, 340-071-0150, 340-071-0155, 340-071-0160, 340-071-0162, 340-

# NOTICES OF PROPOSED RULEMAKING

071-0165, 340-071-0170, 340-071-0205, 340-071-0215, 340-071-0220, 340-071-260, 340-071-265, 340-071-0275, 340-071-0290, 340-071-0295, 340-071-0302, 340-071-0325, 340-071-0335, 340-071-0340, 340-071-0345, 340-071-0360, 340-071-0400, 340-071-0415, 340-071-0420, 340-071-0425, 340-071-0435, 340-071-0445, 340-071-0520, 340-071-0600, 340-071-0650

**Proposed Repeals:** OAR 340-071-0131, 340-071-0270

**Last Date for Comment:** 10-18-13, 5 p.m.

**Summary:** The proposed rules would amend Onsite program rules to accomplish the following:

- Implement 2011 and 2013 legislatively-approved fees, including establishing a land use review fee, compliance recovery fee and increases to the surcharge fee and license fees.

- Implement changes to alternative treatment technologies, or ATT, product approval based on 2009 Onsite Advisory Committee recommendations. This includes establishing an ATT system product approval process that provides for performance testing of systems to verify they are meeting defined treatment standards in the environment and a system to track installations.

- Require that newly permitted sand filters and pressurized distribution systems have a service contract with ongoing maintenance similar to ATT systems.

- Streamline rules to make it easier for the public to comply.

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

- Remove the site evaluation confirmation application and fee from the rules because anticipated efficiencies were not realized and very few applications were submitted.

- Remove evapotranspiration-absorption systems from the rules. These systems were primarily used in Jackson County and have not been as successful as sand filter systems. DEQ has not issued new permits for these systems in decades.

**Rules Coordinator:** Maggie Vandehey

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

**Telephone:** (503) 229-6878

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

**Rule Caption:** Pediatric Nursing Facilities

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-16-13	1:30 p.m.	500 Summer St. NE, Rm. 160 Salem, OR 97301

**Hearing Officer:** Staff

**Stat. Auth.:** ORS 410.070

**Stats. Implemented:** ORS 410.070, & OL 2011 Ch. 630

**Proposed Amendments:** 411-070-0452

**Proposed Repeals:** 411-070-0452(T)

**Last Date for Comment:** 10-21-13, 5 p.m.

**Summary:** The Department of Human Services (Department) is proposing to amend OAR 411-070-0452 for pediatric nursing facilities to make permanent the changes adopted by temporary rule that became effective on July 1, 2013.

The proposed rule permanently updates the rebase relationship percentage that determines the rate for pediatric nursing facilities. The rebase relationship percentage was updated to 93% on July 1, 2013 to more accurately reflect the cost of services for pediatric residents.

**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

**Rule Caption:** In-Home Services

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-16-13	3 p.m.	500 Summer St. NE, Rm. 160 Salem, OR 97301

**Hearing Officer:** Staff

**Stat. Auth.:** ORS 409.050, 410.070, 410.090 & 443.725

**Stats. Implemented:** ORS 410.010, 410.020, 410.070, 411.802, 411.803, 443.705 & 443.725

**Proposed Amendments:** 411-030-0002, 411-030-0020, 411-030-0033, 411-030-0040, 411-030-0050, 411-030-0055, 411-030-0080, 411-030-0090

**Proposed Repeals:** 411-030-0002(T), 411-030-0020(T), 411-030-0033(T), 411-030-0040(T), 411-030-0050(T), 411-030-0055(T), 411-030-0080(T), 411-030-0090(T)

**Last Date for Comment:** 10-21-13, 5 p.m.

**Summary:** The Department of Human Services (Department) is proposing to amend the in-home services rules in OAR chapter 411, division 030 to make permanent the changes adopted by temporary rule that became effective on May 23, 2013 and July 1, 2013.

The proposed rules:

- Permanently redefines the meaning and modifies the scope of in-home services to expand Medicaid funded in-home service eligibility to individuals residing in relative adult foster homes;

- Clarify that natural supports are voluntary in nature, may not be assumed, and must have the skills and abilities to perform the services needed;

- Remove references to waived services, as appropriate, to provide community-based services under Medicaid waivers or under the State Plan, as appropriate;

- Clarify when an individual must designate a representative in order to be eligible to receive in-home services provided by a home-care worker and the Department's right to approve or deny the representative selected by the individual; and

- Reflect new Department terminology and correct formatting and punctuation.

**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

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## Department of Human Services, Child Welfare Programs Chapter 413

**Rule Caption:** OARs affecting BRS programs contracting with DHS supplementing DMAP BRS program general rules.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-15-13	10:30 a.m.	500 Summer St. NE, Rm. 137C Salem, OR

**Hearing Officer:** Cheryl Peters

**Stat. Auth.:** ORS 181.534, 181.537, 183.355, 409.050, 411.060, 411.070, 411.116 & 418.005

**Stats. Implemented:** ORS 181.534, 181.537, 409.010, 409.025, 409.027, 411.060, 411.070, 411.116, 411.141, 418.005, 418.015, 418.116, 418.027, 411.070, 411.116, 411.141, 418.285, 418.312, 418.315, 418.490 & 418.495

**Proposed Adoptions:** 413-090-0055, 413-090-0060, 413-090-0065, 413-090-0070, 413-090-0075, 413-090-0080, 413-090-0085, 413-090-0090

**Proposed Amendments:** 413-010-0500

**Last Date for Comment:** 10-17-13, 5 p.m.

**Summary:** These rules are being written to standardize practice in the delivery of Behavior Rehabilitation Services in the child welfare system with other Oregon Departments who also contract for such services with BRS Contractors and BRS Providers. These rules also clarify the Placement Related Activities provided to a BRS client receiving Behavior Rehabilitation Services through a BRS Contractor or BRS Provider. These rules also outline the responsibilities

# NOTICES OF PROPOSED RULEMAKING

of the Department for contract compliance and oversight. These rules ensure that Behavior Rehabilitation Services are provided to meet the needs of children and young adults in the care or custody of the Department.

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

Written comments may be submitted until October 17, 2013 at 5:00 p.m. Written comments may be submitted via e-mail to Annette.Tesch@state.or.us, faxed to 503-373-7032, or mailed to Annette Tesch, Rules Coordinator, DHS - Child Welfare Programs, 500 Summer Street NE, E-48, Salem, Oregon, 97301. The Department provides the same consideration to written comment as it does to any oral or written testimony provided at the public hearing.

**Rules Coordinator:** Annette Tesch

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

**Telephone:** (503) 945-6067

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## Department of Oregon State Police, State Athletic Commission Chapter 230

**Rule Caption:** Requiring boxing or mixed martial arts female competitors to submit and pass a pregnancy test.

Date:	Time:	Location:
10-16-13	10 a.m.	4190 Aumsville Hwy. SE Salem, OR 97317

**Hearing Officer:** Staff

**Stat. Auth.:** ORS 463.113 & 463.149

**Stats. Implemented:** ORS 463.113

**Proposed Amendments:** 230-020-0330

**Last Date for Comment:** 10-16-13, 10 a.m.

**Summary:** Oregon Revised Statute (ORS) 463.113(1) authorizes the Oregon Athletic Commission (Commission) to adopt administrative rules for "... conducting professional boxing and mixed martial arts events that promote the safety and best interest of the contestants and of the public."

The Oregon State Athletic Commission has adopted temporary rule to amend OAR 230-020-0330 related to boxing and mixed martial arts competitions in Oregon. The rule amendment implements in Oregon a common industry practice designed to promote the health and safety of competitors, by adding into OAR 230-020-0330 a requirement that female boxing and mixed martial arts competitors submit and pass a pregnancy test in order to participate in the upcoming boxing or mixed martial arts event. The rule includes an option for waiver of the test requirement upon submission of documentation that the contestant has undergone a full hysterectomy. The rule also specifies the timing of the test and acceptable test methods.

**Rules Coordinator:** Lili M. Wright

**Address:** Department of Oregon State Police, State Athletic Commission, 4190 Aumsville Hwy. SE, Salem, OR 97317

**Telephone:** (503) 378-2493

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**Rule Caption:** Amends OAR 230-020-0002 to authorize the OSP Superintendent to issue licenses on an annual basis

Date:	Time:	Location:
10-16-13	10 a.m.	4190 Aumsville Hwy. SE Salem, OR 97317

**Hearing Officer:** Staff

**Stat. Auth.:** ORS 463.113

**Stats. Implemented:** ORS 463.025, 463.035, 463.113 & 436.165

**Proposed Amendments:** 230-020-0002

**Last Date for Comment:** 10-16-13, 10 a.m.

**Summary:** Oregon Administrative Rule (OAR) 230-020-0002 currently establishes that the licensing year for all licenses issued by the Superintendent shall run from July 1 to June 30 of the following year. The rule amendment eliminates the requirement that the licensing year run from July 1 to June 30, and instead authorizes the Super-

intendent to issue annual licenses at any point during the calendar year.

**Rules Coordinator:** Lili M. Wright

**Address:** Department of Oregon State Police, State Athletic Commission, 4190 Aumsville Hwy. SE, Salem, OR 97317

**Telephone:** (503) 378-2493

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## Department of State Lands Chapter 141

**Rule Caption:** Amend the General Authorization for Recreational Placer Mining to Partially Implement SB 838 (2013)

Date:	Time:	Location:
10-17-13	4 p.m.	Council Chambers, City Hall 1655 First St. Baker City, OR Land Board Rm. 775 Summer St. NE, Suite 100 Salem, OR
10-21-13	4 p.m.	Redwood Grange 1830 Redwood Ave. Grants Pass, OR
10-23-13	5 p.m.	

**Hearing Officer:** Lori Warner-Dickason

**Stat. Auth.:** 196.600–196.692, 196.795–196.990 & 2013 OL Ch. 783, Sec. 1 & 5

**Stats. Implemented:** ORS 196.850 & 2013 OL Ch. 783, Sec. 1 & 5

**Proposed Amendments:** 141-089-0640 – 141-089-0650, 141-089-0820 – 141-089-0835

**Last Date for Comment:** 10-31-13, 5 p.m.

**Summary:** SB 838 (2013 Or Laws, c. 783, section 5(2)), passed by the 2013 Oregon Legislature, pertains to motorized mining and the state's Removal-Fill Law.

The legislation requires new restrictions for motorized mining in waters of the state. The restrictions include a minimum 500-foot distance between motorized dredge operations, motorized mining operating hours between 9 a.m. and 5 p.m., and a prohibition against leaving motorized equipment unattended in the waterway. The restrictions do not apply to any mining for which an operating permit has been issued under ORS 517.702 to 517.989.

The new legislations also puts a limit of 850 on the number of authorizations and permits issued by the Department at any time for the 2014 and 2015 operating seasons. The bill states that the Department shall give priority, to the greatest extent practicable, to those persons who held permits or authorizations for the longest period of time before January 1, 2014.

The operating restrictions and limit on the number of permits and authorizations apply to any river and tributaries thereof, of which any portion contains essential indigenous anadromous salmonid habitat (ESH), or naturally reproducing populations of bull trout. A map depicting these areas will be posted on the Department Web site at [www.statelandsonline.us](http://www.statelandsonline.us).

Authorizations for the 2014 and 2015 operating seasons will require a revision to the Department of State Lands' General Authorization for Recreational Placer Mining within Essential Salmonid Habitat (OAR 141-089-0820 through -0835). Rule revisions include the new operating restrictions and the method by which the Department will implement the limit on the number of authorizations and permits.

For additional information on this rulemaking process please visit the following link on the Department's website: [http://www.oregon.gov/dsl/Pages/rules\\_activity.aspx](http://www.oregon.gov/dsl/Pages/rules_activity.aspx)

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

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

# NOTICES OF PROPOSED RULEMAKING

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

**Rules Coordinator:** Tiana Teeters

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

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

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

**Rule Caption:** Provisions and Requirements of Driver Card

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-16-13	1:30 p.m.	DMV Headquarters 1905 Lana Ave. NE Salem OR

**Hearing Officer:** Liz Woods

**Stat. Auth.:** ORS 184.616, 184.619, 802.010 & 2013 OL Ch. 48

**Stats. Implemented:** 2013 OL Ch. 48

**Proposed Adoptions:** 735-058-0000, 735-058-0010, 735-058-0020, 735-058-0030, 735-058-0040, 735-058-0050, 735-058-0060

**Last Date for Comment:** 10-21-13, Close of Business

**Summary:** Under Oregon Law 2013, Chapter 48 (SB 833) DMV is authorized to issue driver cards to persons who meet all qualifications for Class C driving privileges, except for proof of legal presence in the United States. These applicants must also provide proof of Oregon residency exceeding one year as of the date of application for driving privileges and meet requirements in Section 2, Chapter 48, Oregon Laws 2013. This proposed rulemaking establishes the rules necessary to implement this program as well as specifying which current administrative rules for driver licenses apply or do not apply to the driver card.

DMV anticipates a high volume of new customers applying for the new driver card. Consequently, DMV will initially only accept those proofs of identity and date of birth as specified in the law, namely an unexpired valid passport from the person's country of citizenship or an unexpired valid consular identification document issued by the consulate of the person's country of citizenship. The consulate's issuance procedures and card security features must meet DMV standards.

In accordance with Oregon Laws 2013, Chapter 48 DMV proposes to adopt:

- OAR 735-058-0000 which sets forth the authority and purpose of the Division 58 rules;
- OAR 735-058-0010 to describe the eligibility requirements for a driver card and the feature on the driver card that distinguishes it from a driver license.
- OAR 735-058-0030 to specify the requirements for acceptance of a consular identification document as proof of an applicant's identity;
- OAR 735-058-0040 to establish the documents DMV will accept as proof of Oregon residency in excess of one year as of the date of the application for a driver card.
- DMV also proposes to adopt OAR 735-058-0020 to establish what DMV will require as proof of legal name.

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

**Rules Coordinator:** Lauri Kunze

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

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

.....  
**Rule Caption:** Proof of Compliance with Financial Responsibility Requirements

**Stat. Auth.:** ORS 184.616, 184.619, 806.011, 806.012 & OR Law 2013, Chapter 108

**Stats. Implemented:** ORS 806.011, 806.012 & OR Law 2013, Chapter 108

**Proposed Amendments:** 735-050-0120

**Proposed Repeals:** 735-050-0120(T)

**Last Date for Comment:** 10-21-13, Close of Business

**Summary:** OR Law 2013, Chapter 108 (HB 2107) amends ORS 742.447 to expand how an insurance company may provide proof of motor vehicle insurance by authorizing an insurance company to provide proof by either issuing a paper insurance card or by issuing the information on an insurance card electronically for display on the insured's electronic device. The insured must agree to receive the information electronically. DMV proposes to amend OAR 735-050-0120 to add an electronic display of the insurance card as one of the means to provide proof of compliance with financial responsibility requirements. The amendments also clarify what constitutes proof of compliance with financial responsibility requirements for purposes of ORS 806.011 and ORS 806.012.

As HB 2107 contained an emergency clause this rule was amended on a temporary basis to align rule with law as soon as possible. The temporary amendments were effective on June 21, 2013 following approval by the Oregon Transportation Commission. DMV now proposes to make these rule amendments permanent. The proposed permanent rulemaking does reword section (1) from what was filed as a temporary amendment for clarity. DMV also proposes to amend section (6) of the rule for clarity.

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, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, MS 51, Salem, OR 97301

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

.....  
**Rule Caption:** Proof of Treatment Completion Required for Reinstatement of DUII Suspension

**Stat. Auth.:** ORS 184.616, 184.619, 802.010, 809.380 & OL 2013, Ch. 233

**Stats. Implemented:** OL 2013, Ch. 233

**Proposed Amendments:** 735-070-0085

**Last Date for Comment:** 10-21-13, Close of Business

**Summary:** Section 2, Chapter 9, Oregon Laws 2012 requires a person to provide proof of completion of a treatment program before driving privileges may be reinstated for a suspension upon conviction for driving under the influence of intoxicants (DUII), unless DMV waives this requirement for good cause. Ch. 233, Oregon Laws 2013 (HB 2121) amends Section 2, Chapter 9, Oregon Laws 2012 to specify in statute the exemptions from the requirement for such proof and repeals the waiver for good cause. DMV proposes to amend OAR 735-070-0085(3) to implement these statutory changes. DMV proposes to further amend this rule to specify that a DUII Treatment Completion Certificate, DMV form 735-6821, is the only form of proof of completion that will be accepted by DMV.

As HB 2121 contained an emergency clause, DMV adopted a temporary rule to implement the statutory requirements. The temporary amendments were effective on June 21, 2013 following approval by the Oregon Transportation Commission.

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, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, MS 51, Salem, OR 97301

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

.....  
**Rule Caption:** Eliminates Drive Test Every Two Years for Person with Limited Vision Condition

**Stat. Auth.:** ORS 184.616, 184.619 & 802.010

**Stats. Implemented:** ORS 807.363 & 809.310(1)

**Proposed Amendments:** 735-062-0385

**Last Date for Comment:** 10-21-13, Close of Business

**Summary:** Chapter 473, Oregon Laws 2013 (Senate Bill 288) amends ORS 807.363 to eliminate a requirement that a person with a limited vision condition who is granted driving privileges pass a

# NOTICES OF PROPOSED RULEMAKING

DMV drive test every two years to retain those privileges. The person must continue to provide a report from their vision specialist showing vision requirements for maintaining driving privileges are met. DMV proposes to amend OAR 735-062-0385 to eliminate all references to the drive test requirement.

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, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, MS 51, Salem, OR 97301

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

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**Rule Caption:** Expiration Date of a Driver License or Identification Card Under Specific Circumstances

**Stat. Auth.:** ORS 184.616, 184.619, 802.010, 807.021, 807.040, 807.050, 807.060, 807.120, 807.130 807.400 & 809.310

**Stats. Implemented:** ORS 807.021, 807.022, 807.040, 807.060, 807.066 & 807.400

**Proposed Amendments:** 735-062-0007, 735-062-0010

**Last Date for Comment:** 10-21-13, Close of Business

**Summary:** Oregon Law 2013, Chapter 238 (HB 2517) amends ORS 807.130 to specify that a driver license or identification card issued to a person legally present in the United States on a temporary basis and who is a citizen of a country with a Compact of Free Association (Compact) with the United States, is valid for eight years before it expires. The Compact countries are: Federated States of Micronesia; Republic of Palau; and Republic of the Marshall Islands. DMV proposes to amend OAR 735-062-0007 and 735-062-0010 to implement HB 2517, including the requirement that a person from a Compact country must provide proof of legal presence to DMV. Other changes are made for clarity.

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, Driver and Motor Vehicle Services Division, 355 Capitol St. NE, MS 51, Salem, OR 97301

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

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## Department of Transportation, Highway Division Chapter 734

**Rule Caption:** Utility Facility Permit Fees

**Stat. Auth.:** ORS 184.616, 184.619, ORS 374.305, Sec 2 Ch 664 OL 2001 & Sec 1 & 2 Ch 820 OL 2001

**Stats. Implemented:** ORS 758.010, Sec 2 Ch 664 OL 2001 & Sec 1 & 2 Ch 820 OL 2001

**Proposed Repeals:** 734-055-0017

**Last Date for Comment:** 10-21-13, Close of Business

**Summary:** This rule is being repealed in its entirety. In 2001 the Department of Justice issued a Letter of Counsel which concluded that utility permitting activities by the Department of Transportation (ODOT) were not an appropriate use of constitutionally dedicated Highway Trust Funds (Article IX of the Oregon Constitution). Funding for the permitting activities was not available from any other source. Oregon Laws 2001, Chapter 820, Section 2 provided specifically for the utility permit fees collected to be used for the utility permit program. Oregon Laws 2001, Chapter 664, Section 2 allowed ODOT to establish a schedule for permit fees provided the cost to issue and administer the permit could not legally be paid from Highway Trust Funds. Those fees were established in 2002 by OAR 734-055-0017.

In 2006 the Oregon Supreme Court affirmed the judgment of the Clackamas County Circuit Court that ODOT had no statutory authority to charge a utility permit fee because the cost to ODOT to issue and administer the permit to relocate utility facilities could legally be paid from Highway Trust Funds. In response to the court judgment, Oregon Laws 2001, Chapter 664, Section 2 was repealed by

the 2006 Oregon Legislature. The Department discontinued assessing the utility facility permit fee; however, the rule was not repealed.

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

**Rules Coordinator:** Lauri Kunze

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

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

\*\*\*\*\*

**Rule Caption:** Allows fallen heroes to be honored under the Roadside Memorial Sign Program

**Stat. Auth.:** ORS 184.616, 184.619, 2011 OL Ch. 668 & 2013 OL Ch. 381 & 391

**Stats. Implemented:** 2011 OL Ch. 668 & 2013 OL Ch. 381 & 391

**Proposed Amendments:** 734-026-0010, 734-026-0020, 734-026-0030

**Last Date for Comment:** 10-21-13, Close of Business

**Summary:** HB 2708 and HB 3494 enacted by the 2013 legislature direct the Department to install signs for certain individuals killed in action or who died as a result of wounds received in action while serving in the Armed Forces of the United States. The OAR must be amended to allow for this signing.

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

**Rules Coordinator:** Lauri Kunze

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

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

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## Employment Department Chapter 471

**Rule Caption:** 2013 Unemployment Insurance rule updates from process changes (housekeeping)

Date:	Time:	Location:
10-25-13	2:30 p.m.	Employment Dept. Auditorium 875 Union St. NE Salem, OR

**Hearing Officer:** C. Brooks

**Stat. Auth.:** ORS 657.610 & 657.155

**Stats. Implemented:** ORS 657.155, 657.190, 657.195 & 657.260

**Proposed Amendments:** 471-030-0036

**Proposed Repeals:** 471-030-0078

**Last Date for Comment:** 10-25-13, 5 p.m.

**Summary:** 471-030-0036 Changes to actively seeking work, Offshore Workers Eligibility, and Incarcerated Claimant Eligibility, 471-030-0078 Eligibility for Offshore Workers

**Rules Coordinator:** Janet Orton

**Address:** Employment Department, 875 Union St. NE, Salem, OR 97311

**Telephone:** (503) 947-1724

\*\*\*\*\*

**Rule Caption:** 2013 Unemployment Insurance rule updates from process changes (housekeeping)

Date:	Time:	Location:
10-25-13	2:30 p.m.	Employment Dept. Auditorium 875 Union St. NE Salem, OR

**Hearing Officer:** C. Brooks

**Stat. Auth.:** ORS 657.610 & 657.155

**Stats. Implemented:** ORS 657.155 & 657.260

**Proposed Amendments:** 471-030-0040, 471-030-0045

**Last Date for Comment:** 10-25-13, 5 p.m.

**Summary:** 471-030-0040 Specify circumstances for claim backdating. 471-030-0045 Specify deadlines for continued claim filing.

**Rules Coordinator:** Janet Orton

**Address:** Employment Department, 875 Union St. NE, Salem, OR 97311

**Telephone:** (503) 947-1724

# NOTICES OF PROPOSED RULEMAKING

**Rule Caption:** 2013 Unemployment Insurance rule updates from statute changes enacted in the 2013 legislative session

**Date:** 10-25-13  
**Time:** 2:30 p.m.  
**Location:** Employment Dept. Auditorium  
875 Union St. NE  
Salem, OR

**Hearing Officer:** C. Brooks

**Stat. Auth.:** ORS 657.610 & 657.155

**Stats. Implemented:** ORS 657.155, 657.215 & 657.310

**Proposed Amendments:** 471-030-0052

**Last Date for Comment:** 10-25-13, 5 p.m.

**Summary:** Updates to rules dealing with claimants: 471-030-0052  
Changes to state fraud penalty.

**Rules Coordinator:** Janet Orton

**Address:** Employment Department, 875 Union St. NE, Salem, OR 97311

**Telephone:** (503) 947-1724

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**Rule Caption:** 2013 Unemployment Insurance rule updates from statute changes enacted in the 2013 legislative session

**Date:** 10-25-13  
**Time:** 2:30 p.m.  
**Location:** Employment Dept. Auditorium  
875 Union St. NE  
Salem, OR

**Hearing Officer:** C. Brooks

**Stat. Auth.:** ORS 657.610

**Stats. Implemented:** ORS 657.315 & 657.317

**Proposed Amendments:** 471-030-0053

**Last Date for Comment:** 10-25-13, 5 p.m.

**Summary:** Updates to rules dealing with claimants: 471-030-0053  
Clarify details for overpayment waiving, and when this waiver may be revoked by the agency.

**Rules Coordinator:** Janet Orton

**Address:** Employment Department, 875 Union St. NE, Salem, OR 97311

**Telephone:** (503) 947-1724

\*\*\*\*\*

**Rule Caption:** 2013 Unemployment Insurance rule updates from statute changes enacted in the 2013 legislative session

**Date:** 10-25-13  
**Time:** 2:30 p.m.  
**Location:** Employment Dept. Auditorium  
875 Union St. NE  
Salem, OR

**Hearing Officer:** C. Brooks

**Stat. Auth.:** ORS 657.610

**Stats. Implemented:** ORS 657.610, 657.155, 657.260 & SB 259 2013

**Proposed Adoptions:** 471-030-0058

**Last Date for Comment:** 10-25-13, 5 p.m.

**Summary:** Updates to rules dealing with claimants: 471-030-0058  
Rules for implementation of Treasury Offset Program.

**Rules Coordinator:** Janet Orton

**Address:** Employment Department, 875 Union St. NE, Salem, OR 97311

**Telephone:** (503) 947-1724

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**Rule Caption:** 2013 Unemployment Insurance rule updates from statute changes enacted in the 2013 legislative session

**Date:** 10-25-13  
**Time:** 2:30 p.m.  
**Location:** Employment Dept. Auditorium  
875 Union St. NE  
Salem, OR

**Hearing Officer:** C. Brooks

**Stat. Auth.:** ORS 657.610

**Stats. Implemented:** ORS 657.610, 657.155, 657.260 & 657.471

**Proposed Adoptions:** 471-030-0059, 471-030-0083

**Last Date for Comment:** 10-25-13, 5 p.m.

**Summary:** Updates to rules dealing with employers: 471-030-0059  
Implementation of penalties related to employer misrepresentation.

471-030-0083 Establishes an employer pattern of failing to report timely

**Rules Coordinator:** Janet Orton

**Address:** Employment Department, 875 Union St. NE, Salem, OR 97311

**Telephone:** (503) 947-1724

\*\*\*\*\*

**Rule Caption:** 2013 Unemployment Insurance rule updates from process changes (housekeeping)

**Date:** 10-25-13  
**Time:** 2:30 p.m.  
**Location:** Employment Dept. Auditorium  
875 Union St. NE  
Salem, OR

**Hearing Officer:** C. Brooks

**Stat. Auth.:** ORS 657.610

**Stats. Implemented:** ORS 657.155 & 657.760

**Proposed Amendments:** 471-030-0210

**Last Date for Comment:** 10-25-13, 5 p.m.

**Summary:** Updates to rules dealing with claimants: 471-030-0210  
Changes to interstate overpayment recovery arrangements.

**Rules Coordinator:** Janet Orton

**Address:** Employment Department, 875 Union St. NE, Salem, OR 97311

**Telephone:** (503) 947-1724

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**Rule Caption:** 2013 Unemployment Insurance rule updates from process changes (housekeeping)

**Date:** 10-25-13  
**Time:** 2:30 p.m.  
**Location:** Employment Dept. Auditorium  
875 Union St. NE  
Salem, OR

**Hearing Officer:** C. Brooks

**Stat. Auth.:** ORS 657.610

**Stats. Implemented:** ORS 657.610, 657.457, 657.552 & 657.663

**Proposed Amendments:** 471-031-0151

**Last Date for Comment:** 10-25-13, 5 p.m.

**Summary:** Updates to rules dealing employers: 471-031-0151  
Changes to failure to file reports or pay taxes — good cause.

**Rules Coordinator:** Janet Orton

**Address:** Employment Department, 875 Union St. NE, Salem, OR 97311

**Telephone:** (503) 947-1724

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**Rule Caption:** 2013 Unemployment Insurance rule updates from process changes (housekeeping)

**Date:** 10-25-13  
**Time:** 2:30 p.m.  
**Location:** Employment Dept. Auditorium  
875 Union St. NE  
Salem, OR

**Hearing Officer:** C. Brooks

**Stat. Auth.:** ORS 657.610

**Stats. Implemented:** ORS 657.610, 657.155, 657.260, 657.295 & 657.317

**Proposed Amendments:** 471-040-0020

**Last Date for Comment:** 10-25-13, 5 p.m.

**Summary:** 471-040-0020 Define approved standard for fees people can charge to represent claimants regarding Unemployment Insurance matters.

**Rules Coordinator:** Janet Orton

**Address:** Employment Department, 875 Union St. NE, Salem, OR 97311

**Telephone:** (503) 947-1724

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## Land Use Board of Appeals Chapter 661

**Rule Caption:** Rule amendments regarding filing of the record, briefs, motions, costs, agency address, and stipulated remand



# NOTICES OF PROPOSED RULEMAKING

**Stat. Auth.:** ORS 197.820(4)

**Stats. Implemented:** ORS 197.830(13)(b), 197.830(11), (12) & (13)(a), 197.830(2) & (7), 197.835(1), 197.830(15)(a) & 197.860

**Proposed Amendments:** 661-010-0021, 661-010-0025, 661-010-0030, 661-010-0050, 661-010-0067, 661-010-0071, 661-010-0073, 661-010-0075

**Last Date for Comment:** 10-21-13, Close of Business

**Summary:** (1) OAR 661-010-0021 is amended to conform ORS 197.830(13)(b). (2) OAR 661-010-0025 is amended to clarify record table of contents requirements and to allow filing of electronic records. (3) OAR 661-010-0030 is amended to require 14 point font for text in the petition for review, to require each assignment of error demonstrate the issue was preserved below if preservation is required and state the applicable standard of review, and to clarify the contents of a cross-petition for review. (4) OAR 661-010-0050 is amended to clarify how fees are determined for motions to intervene in consolidated appeals or with multiple intervenors. (5) OAR 661-010-0067 is amended to allow oral consents to extensions of time for most deadlines. (6) OAR 661-010-0071 and OAR 661-010-0073 are amended to provide for stipulated remands. (7) OAR 661-010-0075 is amended to provide for an award of the filing fee paid by a prevailing intervenor or state agency, and to make permanent the Board's address change.

**Rules Coordinator:** Kelly Burgess

**Address:** Land Use Board of Appeals, 775 Summer St. NE, Suite 330, Salem, OR 97301-1283

**Telephone:** (503) 373-1265

\*\*\*\*\*  
**Oregon 529 College Savings Board**  
**Chapter 173**

**Rule Caption:** Allow duplicate accounts that have the same account owner and the same designated beneficiary.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-22-13	9 a.m.	350 Winter St. NE, Suite 100 Salem, OR 97301

**Hearing Officer:** Michael Parker

**Stat. Auth.:** ORS 348.853(2)

**Stats. Implemented:** ORS 348.841(1), 348.853(2) & 348.857(4)

**Proposed Amendments:** 173-006-0005, 173-008-0005

**Last Date for Comment:** 10-22-13, 9 a.m.

**Summary:** The Oregon 529 College Savings Board is implementing an enhancement that enables the record keeper to send and receive data in uniform standard file layouts. The uniform standard file layouts will allow the record keeper to perform data aggregation, data matching, and data storage of key account owner information (such as total basis and earnings) that are required to meet IRS tax reporting requirements when distributions are taken from duplicate accounts.

**Rules Coordinator:** Michael Parker

**Address:** Oregon 529 College Savings Board, 350 Winter St. NE, Suite 100, Salem, OR 97301

**Telephone:** (503) 373-1903

\*\*\*\*\*  
**Oregon Board of Dentistry**  
**Chapter 818**

**Rule Caption:** Amends Practice, HPSP, Sedation Permit, infection control, use of silver nitrate and radiologic proficiency rules.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-17-13	7 p.m.	OHSU Center for Health/Healing 749 SW Whitaker St., 3rd Floor, Conference Rm. 4 Portland, OR 97239

**Hearing Officer:** Board President

**Stat. Auth.:** ORS 181, 183, 679 & 680

**Stats. Implemented:** ORS 670.260, 676.185, 676.190, 676.195, 676.200, 679.020, 679.025, 679.060, 679.090, 679.115, 679.120, 679.140, 679.160, 679.250, 679.010, 679.170, 680.050, 680.072, 680.075, 680.082, 680.100, 680.200 & 680.205

**Proposed Amendments:** 818-012-0005, 818-012-0040, 818-013-0001, 818-013-0005, 818-026-0060, 818-035-0030, 818-042-0040, 818-042-0060

**Last Date for Comment:** 10-17-13, 4 p.m.

**Summary:** The Board is amending 818-012-0005 to clarify the use of Botulinum Toxin Type A.

The Board is amending 818-012-0040 to clarify the record keeping requirements for sterilization equipment.

The Board is amending 818-013-0001 to delete language from the rule.

The Board is amending 818-013-0005 to delete language from the rule.

The Board is amending 818-026-0060 to clarify the rule.

The Board is amending 818-035-0030 to allow the use of silver nitrate solutions.

The Board is amending 818-042-0040 to exclude the administration of silver nitrate solution from list of prohibited actions.

The Board is amending 818-042-0060 to add digital radiographs as an option for proficiency.

**Rules Coordinator:** Stephen Prisby

**Address:** Oregon Board of Dentistry, 1600 SW 4th Ave., Suite 770, Portland, OR 97201

**Telephone:** (971) 673-3200

\*\*\*\*\*  
**Oregon Business Development Department**  
**Chapter 123**

**Rule Caption:** New division of rules relating to the Local Economic Opportunity Fund.

**Stat. Auth.:** ORS 285B.230–285B.266

**Stats. Implemented:** ORS 285B.230–285B.266

**Proposed Adoptions:** 123-056-0010 – 123-056-0040

**Proposed Repeals:** 123-056-0010(T), 123-056-0020(T), 123-056-0030(T), 123-056-0040(T)

**Last Date for Comment:** 10-23-13, 5 p.m.

**Summary:** This new division of rules relating to the Local Economic Development Fund explains criteria necessary for strategic plans necessary for funding. These rules were temporary and are now being made permanent.

**Rules Coordinator:** Mindee Sublette

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

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

\*\*\*\*\*  
**Oregon Department of Education,**  
**Fair Dismissal Appeals Board**  
**Chapter 586**

**Rule Caption:** Updates procedural rules for Fair Dismissal Appeals Board

**Stat. Auth.:** ORS 183.335 & 183.341

**Stats. Implemented:** ORS 183.335 & 183.341

**Proposed Amendments:** 586-001-0000, 586-001-0005

**Last Date for Comment:** 10-25-13, 5 p.m.

**Summary:** The rule amendments update FDAB's rule on notifications to stakeholders of rule changes to reflect current law. The rule amendments also update the reference to the AG model rules.

**Rules Coordinator:** Cindy Hunt

**Address:** Department of Education, Fair Dismissal Appeals Board, 255 Capitol St. NE, Salem, OR 97310

**Telephone:** (503) 947-5651

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

**Rule Caption:** Describe program requirements for Behavior Rehabilitation Services Program

# NOTICES OF PROPOSED RULEMAKING

**Date:** 10-15-13  
**Time:** 10:30 a.m.  
**Location:** 500 Summer St. NE, Rm. 137C  
Salem, OR 97301

**Hearing Officer:** Cheryl Peters

**Stat. Auth.:** ORS 183.355, 413.042 & 414.065

**Other Auth.:** 45 CFR 160 & 164 et.seq, 42 CFR 435.1010, 42 CFR 433 Subpart B

**Stats. Implemented:** ORS 414.065

**Proposed Adoptions:** 410-170-0000, 410-170-0010, 410-170-0020, 410-170-0030, 410-170-0040, 410-170-0050, 410-170-0060, 410-170-0070, 410-170-0080, 410-170-0090, 410-170-0100, 410-170-0110 and 410-170-0120

**Last Date for Comment:** 10-17-13, 5 p.m.

**Summary:** Administrative rules need to be put in place for the Behavior Rehabilitation Services (BRS) Program, as no rules currently exist. These rules describe the general program requirements for the BRS Program, prior authorization process, Services and Placement Related Activities, BRS Contractor and BRS Provider requirements, reimbursement rates, and compliance and oversight activities.

**Rules Coordinator:** Cheryl Peters

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

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

\*\*\*\*\*

**Rule Caption:** Prescription Drug Monitoring Program

**Date:** 10-29-13  
**Time:** 1 p.m.  
**Location:** Portland State Office Bldg,  
800 NE Oregon St. Rm. 918  
Portland, OR 97232

**Hearing Officer:** Jana Fussell

**Stat. Auth.:** ORS 431.962

**Other Auth.:** 2013 OL Ch. 550

**Stats. Implemented:** ORS 431.962-431.978 & 431.992

**Proposed Amendments:** 410-121-4005, 410-121-4010, 410-121-4020

**Last Date for Comment:** 10-31-13, 5 p.m.

**Summary:** The Oregon Health Authority, Division of Medical Assistance Programs is proposing to permanently amend administrative rules in chapter 410, division 121 to add and revise definition terms; to revise reporting requirements; and to clarify expanded access to information in the electronic system.

**Rules Coordinator:** Cheryl Peters

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

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

\*\*\*\*\*

**Rule Caption:** Rules related to client appeals/hearings, provider requirements related to billing clients for non-covered services

**Date:** 10-15-13  
**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 414.065

**Proposed Amendments:** 410-141-0262, 410-141-0263, 410-141-0265, 410-141-0420, 410-141-3260, 410-141-3263, 410-141-3395, 410-141-3420

**Last Date for Comment:** 10-17-13, 5 p.m.

**Summary:** The Division intends to amend the above rules to require providers to review with OHP clients and have them sign a new Agreement to Pay form, DMAP 3165, or facsimile, before providing and charging clients for non-covered services. Rules are further revised to allow for the use of a new Medical Assistance Service Denial Appeal and Hearing Request form, or Division approved facsimile, to be used in place of the MSC 443 and DMAP 3030 forms; change the standard for client failure to meet timely filing/actions from "circumstances beyond the control of the client" to "good cause;" state that providers shall not bill a client or submit a client

billing to a collection agency for any amount owed by the CCO for which the client is not liable; and add that the PHP shall notify the client's representative of appeal decisions, in the event the PHP extends the 14-day timeframe. All other revisions are to clarify current policy or for housekeeping purposes. DMAP.Rules@dhsosha.state.or.us

**Rules Coordinator:** Cheryl Peters

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

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

\*\*\*\*\*

**Rule Caption:** Align claim filing with CCO rules, clarify language for billing clients, technical corrections for forms

**Date:** 10-15-13  
**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 & 183.341

**Stats. Implemented:** ORS 414.025, 414.065, 414.085, 414.019, 414.055 & 183.411-183.470

**Proposed Amendments:** 410-120-1280, 410-120-1300, 410-120-1400, 410-120-1860

**Last Date for Comment:** 10-17-13, 5 p.m.

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

OAR 410-120-1280 — Billing: Rewriting rule for readability and clarification when clients can be billed for non-covered services and adding a form used as the financial responsibility waiver.

OAR 410-120-1300 — Timely Filing: Revise language to align with claim submission timelines with those used for CCOs.

OAR 410-120-1400 — Provider Sanctions: Strengthens relationship between OAR 410-120-1280, Billing, and discretionary sanctions.

OAR 410-120-1860 — Contested Case Hearing Procedures: Adds language about the form number, corrects rule reference, aligns "good cause" language with OAR 137-003-050. DMAP.Rules@dhsosha.state.or.us

**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, Public Health Division Chapter 333

**Rule Caption:** Implementation of training of laypeople to recognize and treat opiate overdose

**Date:** 10-30-13  
**Time:** 1 p.m.  
**Location:** Portland State Office Bldg,  
800 NE Oregon St. Rm. 918  
Portland, OR 97232

**Hearing Officer:** Jana Fussell

**Stat. Auth.:** 2013 OL Ch. 340

**Stats. Implemented:** 2013 OL Ch. 340

**Proposed Adoptions:** 333-055-0100, 333-055-0105, 333-055-0110, 333-055-0115

**Proposed Repeals:** 333-055-0100(T), 333-055-0105(T), 333-055-0110(T)

**Last Date for Comment:** 10-31-13, 5 p.m.

**Summary:** The Oregon Health Authority, Public Health Division is proposing to permanently adopt administrative rules in chapter 333, division 55 to clarify the purpose of training on lifesaving treatments for opiate overdose; to establish definition terms; to establish training protocols and criteria; and to establish certificates of completion of training.

**Rules Coordinator:** Brittany Sande

# NOTICES OF PROPOSED RULEMAKING

**Address:** Oregon Health Authority, Public Health Division, 800 NE Oregon St., Suite 930, Portland, OR 97232  
**Telephone:** (971) 673-1291

.....  
**Oregon Health Licensing Agency**  
**Chapter 331**

**Rule Caption:** Amend fee to decrease from \$700 to \$350 due to change in license renewal.

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

**Stats. Implemented:** ORS 676.607 & 676.615

**Proposed Amendments:** 331-440-0000

**Last Date for Comment:** 10-28-13, 5 p.m.

**Summary:** Amend initial and renewal license fee by decreasing fees from \$700 to \$350 due to license renewal date change from two years to one year. In July 2013 the Board of Denture Technology amended administrative rules changing active status from a two-year license period to a one-year license period. Inadvertently the fee for initial licensure and renewal was not reduced by half.

**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:** Amends the definitions of "interest in the business" and "financial interest" and clarifies their requirements.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-28-13	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 471.757

**Proposed Amendments:** 845-005-0311

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

**Summary:** Under the current rule, a license application must specify the real and true names of all persons who own or have an interest in the business proposed to be licensed, and each of these persons or in the case of corporations, a duly authorized officer, must sign the application. The current rule defines the term "interest in the business" by providing a list of persons that, by definition, own or hold an interest in the business. The proposed amendments reframe this analysis to focus on conduct that indicates ownership or a right to control the business. Under section (4) of the current rule, the Commission may also require the applicant or licensee to submit a list of persons and legal entities with a financial interest in the business, and the Commission may evaluate those persons and legal entities as if they were the applicant. The proposed amendments clarify the definition of "financial interest" and the actions that the Commission may take after it concludes this evaluation.

**Rules Coordinator:** Annabelle Henry

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

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

.....  
**Rule Caption:** Restores technically deficient 2012 rulemaking and clarifies minors on licensed premises requirements and prohibitions.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-22-13	10 a.m.	9079 SE McLoughlin Blvd. Portland, OR 97222

**Hearing Officer:** Annabelle Henry

**Stat. Auth.:** ORS 471, 471.030, 471.040, 471.430, 471.482 & 471.730

**Stats. Implemented:** ORS 471.130, 471.410, 471.430, 471.480 & 471.482

**Proposed Amendments:** 845-006-0335

**Last Date for Comment:** 11-05-13, 5 p.m.

**Summary:** This rule describes a licensee's and a permittee's duty to prevent minors from purchasing or consuming alcohol on the licensed premises and from entering areas prohibited to minors. On April 5, 2012, the Commission voted to amend this rule, effective May 1, 2012. Shortly thereafter, in accordance with filing procedures in place at that time, hard copies of the adopted amendments were sent by shuttle to both the Secretary of State and to Legislative Counsel. Unfortunately, on this particular occasion, mail delivery was made to Legislative Counsel before it was made to the Secretary of State, which was a violation of ORS 183.715. Consequently, under ORS 183.335(11)(b), the adopted amendments are invalid. The Commission has initiated permanent rulemaking to restore these amendments, to provide for the revocation of its approval of designated minor areas under certain circumstances, and to clarify other sections of the rule.

**Rules Coordinator:** Annabelle Henry

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

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

.....  
**Oregon State Lottery**  
**Chapter 177**

**Rule Caption:** Revises probability of winning tables for the Division 2, 3, and 4 Megabucks prizes

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
10-16-13	2:30 p.m.	Oregon State Lottery 500 Airport Rd. SE Salem, OR

**Hearing Officer:** Larry Trott, Esq.

**Stat. Auth.:** ORS 461, 461.210, 461.220, 461.230 & 461.250

**Other Auth.:** Or Constit, Art. XV, Sect. 4(4)

**Stats. Implemented:** ORS 461.220

**Proposed Amendments:** 177-075-0040

**Last Date for Comment:** 10-16-13, 3 p.m.

**Summary:** The Oregon Lottery proposes to revise the probability of winning tables for the Division 2, 3, and 4 Megabucks prize categories to make them more precise. Because this rule replicates and replaces the temporary rule, the Lottery proposes to repeal OAR 177-075-0040(T) Probability of Winning.

**Rules Coordinator:** Mark W. Hohlt

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

**Telephone:** (503) 540-1417

.....  
**Oregon University System**  
**Chapter 580**

**Rule Caption:** Rules for procurement, contracting, construction, purchase and sale of real property

**Stat. Auth.:** ORS 351

**Stats. Implemented:** ORS 351

**Proposed Adoptions:** 580-060-0000, 580-060-0010, 580-060-0015, 580-060-0020, 580-060-0025, 580-060-0035, 580-060-0040, 580-060-0045, 580-060-0050, 580-060-0055

**Proposed Repeals:** 580-060-0060

**Last Date for Comment:** 10-15-13, Close of Business

**Summary:** The amendments align the terminology with these rules with that within Senate Bill 242, namely referring to institutions as "public universities" and institution presidents as "university presidents." Additionally, in accordance with the provisions of SB 242, OUS is no longer subject to the Land Conservation and Development Commission's OAR 660-030, which mandates that university plans conform to regulations of applicable local jurisdiction. 580-060-0060 was repealed and will be made an internal management directive as it is not required to be in rule and having in policy allows for more efficient administration of future policy changes.

# NOTICES OF PROPOSED RULEMAKING

**Rules Coordinator:** Marcia M. Stuart  
**Address:** Oregon University System, PO Box 3175, Eugene, OR 97403-0175  
**Telephone:** (541) 346-5749

\*\*\*\*\*

**Rule Caption:** Align rules with SB 242; delineate roles and responsibilities; clarify language; eliminate unnecessary provisions.  
**Stat. Auth.:** ORS 351  
**Stats. Implemented:** ORS 351  
**Proposed Amendments:** 580-061-0000 – 580-061-0160

**Last Date for Comment:** 10-14-13, Close of Business  
**Summary:** The amendments align the terminology with these rules with that within Senate Bill 242 and recently adopted Board policies (specifically removing all references to DAS; provide exemptions to contract for insurance and legal products and services required by OUS' departure from the state insurance fund and the DOJ; and include language to align OARs with the Board policy on contracting with Historically Underrepresented Businesses); update processes to reflect changing technologies and procedures; and clarify language and eliminate unnecessary provisions.

**Rules Coordinator:** Marcia M. Stuart  
**Address:** Oregon University System, PO Box 3175, Eugene, OR 97403-0175  
**Telephone:** (541) 346-5749

\*\*\*\*\*

**Rule Caption:** Align rules with SB 242; delineate roles and responsibilities; clarify language; eliminate unnecessary provisions.  
**Stat. Auth.:** ORS 351  
**Stats. Implemented:** ORS 351  
**Proposed Amendments:** 580-062-0015, 580-062-0020

**Last Date for Comment:** 10-14-13, Close of Business  
**Summary:** The amendments align the terminology with these rules with that within Senate Bill 242 and recently adopted Board policies (specifically removing all references to DAS; provide exemptions to contract for insurance and legal products and services required by OUS' departure from the state insurance fund and the DOJ; and include language to align OARs with the Board policy on contracting with Historically Underrepresented Businesses); update processes to reflect changing technologies and procedures; and clarify language and eliminate unnecessary provisions.

**Rules Coordinator:** Marcia M. Stuart  
**Address:** Oregon University System, PO Box 3175, Eugene, OR 97403-0175  
**Telephone:** (541) 346-5749

\*\*\*\*\*

## Oregon University System, Eastern Oregon University Chapter 579

**Rule Caption:** Modify Parking and Vehicular Traffic Regulations at Eastern Oregon University.  
**Stat. Auth.:** ORS 351.070  
**Other Auth.:** ORS 351.070  
**Stats. Implemented:** ORS 351.070 & 352.060  
**Proposed Amendments:** 579-070-0010, 579-070-0030, 579-070-0035, 579-070-0041, 579-070-0042, 579-070-0045  
**Last Date for Comment:** 11-30-13, Close of Business  
**Summary:** Parking and Vehicular Traffic Regulations  
**Rules Coordinator:** Teresa Carson-Mastrude  
**Address:** Oregon University System, Eastern Oregon University, One University Blvd., Inlow Hall 202A, La Grande, OR 97850  
**Telephone:** (541) 962-3773

## Oregon University System, Portland State University Chapter 577

**Rule Caption:** Amends rule to correct incorrect OAR reference in (2)(c); fix typos.

**Stat. Auth.:** ORS 351  
**Stats. Implemented:**  
**Proposed Amendments:** 577-041-0010  
**Last Date for Comment:** 10-30-13, 5 p.m.

**Summary:** The proposed amendment to Portland State University's Termination of Appointment and the Imposition of Other Sanctions for Cause is a result of an incorrect citing of an OAR in section (2)(c). Also fixes some typos in first paragraph; 2(b) & (D).

A copy of the text can be found at <http://www.pdx.edu/fadm/rulemaking-portland-state>

**Rules Coordinator:** Lorraine D. Baker  
**Address:** Oregon University System, Portland State University, PO Box 751, Portland, OR 97207-0751  
**Telephone:** (503) 725-8050

\*\*\*\*\*

## Oregon Youth Authority Chapter 416

**Rule Caption:** Additional requirements for BRS Programs contracting with OYA, supplementing DMAP BRS program general rules.

Date:	Time:	Location:
10-15-13	10:30 a.m.	500 Summer St. NE, Rm. 137C Salem, OR 97301

**Hearing Officer:** Cheryl Peters  
**Stat. Auth.:** ORS 183.355 & 420.025  
**Stats. Implemented:** ORS 420A.010 & 420A.014  
**Proposed Adoptions:** 416-335-0000, 416-335-0010, 416-335-0020, 416-335-0030, 416-335-0040, 416-335-0050, 416-335-0060, 416-335-0070, 416-335-0080, 416-335-0090, 416-335-0100

**Last Date for Comment:** 10-17-13, 5 p.m.  
**Summary:** These rules supplement the BRS Program general rules (OAR 410-170-0000 through 410-170-0130) with additional requirements for BRS Programs provided through contract with OYA.

**Rules Coordinator:** Winifred Skinner  
**Address:** Oregon Youth Authority, 530 Center St. NE, Suite 200, Salem, OR 97301-3765  
**Telephone:** (503) 373-7570

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**Rule Caption:** Amending youth offender foster care certification rules adding cleanliness standard, clarifying definitions, deleting procedural language.

Date:	Time:	Location:
10-17-13	2 p.m.	530 Center St. NE, Suite 200, Salem, OR

**Hearing Officer:** Winifred Skinner  
**Stat. Auth.:** ORS 420A.025 & 420.892  
**Stats. Implemented:** ORS 420.888–420.892  
**Proposed Amendments:** 416-530-0000, 416-530-0010, 416-530-0020, 416-530-0030, 416-530-0035, 416-530-0040, 416-530-0050, 416-530-0060, 416-530-0070, 416-530-0080, 416-530-0090, 416-530-0100, 416-530-0110, 416-530-0125, 416-530-0130, 416-530-0140, 416-530-0150, 416-530-0160, 416-530-0170, 416-530-0200  
**Last Date for Comment:** 10-25-13, 5 p.m.

**Summary:** Amending youth offender foster care certification rules to clarify definitions, foster parent responsibilities, adding a cleanliness standard and requirement for CPR/first aid certification. Agency procedural language is deleted.

**Rules Coordinator:** Winifred Skinner  
**Address:** Oregon Youth Authority, 530 Center St. NE, Suite 200, Salem, OR 97301-3765  
**Telephone:** (503) 373-7570

# NOTICES OF PROPOSED RULEMAKING

## Public Utility Commission Chapter 860

**Rule Caption:** In the Matter of Rule Changes Regarding Eligibility for OTAP and Other RSPF Rule Changes.

**Date:** 11-6-13  
**Time:** 9:30 a.m.  
**Location:** Public Utility Commission Hearing Rm.  
3930 Fairview Industrial Ave. SE  
Salem, OR 97302

**Hearing Officer:** Administrative Law Judge Patrick Power  
**Stat. Auth.:** ORS Ch. 183, 756, 759, Ch. 290 OL 1987  
**Stats. Implemented:** ORS 756.040, 756.060, Ch. 290 OL 1987, SB 203 Sec. 1 (2013)

**Proposed Adoptions:** 860-033-0110  
**Proposed Amendments:** 860-033-0001, 860-033-0005, 860-033-0006, 860-033-0007, 860-033-0010, 860-033-0030, 860-033-0035, 860-033-0040, 860-033-0045, 860-033-0046, 860-033-0050, 860-033-0100, 860-033-0530, 860-033-0535, 860-033-0536, 860-033-0537, 860-033-0540

**Proposed Repeals:** 860-033-0055, 860-033-0001(T), 860-033-0005(T), 860-033-0006(T), 860-033-0007(T), 860-033-0010(T), 860-033-0030(T), 860-033-0035(T), 860-033-0040(T), 860-033-0045(T), 860-033-0046(T), 860-033-0050(T), 860-033-0100(T), 860-033-0110(T), 860-033-0530(T), 860-033-0535(T), 860-033-0536(T), 860-033-0537(T), 860-033-0540(T)

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

**Summary:** The proposed rule amendments change Residential Service Protection Fund (RSPF) rules to meet several federal requirements related to the provision of telecommunication subsidies to low income customers. The proposed rules change Oregon Telephone Assistance Program (OTAP) eligibility requirements to conform to federal criteria set by the Federal Communications Commission (FCC), implement new and revised reporting requirements for eligible telecommunications carriers (ETCs) so that this Commission can maintain its opt-out approval status with the FCC's National Lifeline Accountability Database, minimize the effect on the RSPF of exponential growth of the number of recipients by removing the compensatory obligations to ETCs for enrolling new customers and participation costs, ensure the quality of information ETCs disseminate to the public about the OTAP, and make clarifying and correcting changes to the rules.

The Commission encourages participants to file written comments as early as practicable in the proceedings so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 574 on comments and file them by e-mail to the Commission's Filing Center at PUC. [FilingCenter@state.or.us](mailto:FilingCenter@state.or.us) and also send a signed paper copy to the Filing Center at PO Box 1088, Salem, Oregon 97308-1088. 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=18569>. For guidelines on filing and participation, please see OAR 860-001-0140 through 860-001-0160 and 860-001-0200 through 860-001-0250 found online at [http://arcweb.sos.state.or.us/pages/rules/oars\\_800/oar\\_860/860\\_tofc.html](http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_860/860_tofc.html)

Participants wishing to monitor the hearing by telephone must contact Diane Davis at [diane.davis@state.or.us](mailto:diane.davis@state.or.us) or (503) 378-4372 by close of business November 1, 2013, to request a dial-in number. The Commission strongly encourages those planning to present oral comment at the hearing to attend in person.

**Rules Coordinator:** Diane Davis  
**Address:** Public Utility Commission of Oregon, PO Box 1088, Salem, OR 97308-1088  
**Telephone:** (503) 378-4372

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**Teacher Standards and Practices Commission  
Chapter 584**

**Rule Caption:** Amends licensure rules; renumbers program standards; amends process to reinstate sanctioned license  
**Stat. Auth.:** ORS 342

**Stats. Implemented:** ORS 342.120-342.143, 342.153, 342.165 & 342.223-342.232

**Proposed Amendments:** 584-021-0130, 584-021-0150, 584-050-0005, 584-050-0006, 584-050-0015, 584-050-0018, 584-060-0181, 584-070-0012

**Proposed Renumberings:** 584-065-0035 to 584-018-0160, 584-065-0050 to 584-018-0155, 584-065-0100 to 584-018-0145, 584-065-0110 to 584-018-0150

**Last Date for Comment:** 11-7-13, 12 p.m.

**Summary:** 584-021-0130 — Requirements for a Professional School Nurse Certificate: Allows National School Nurse Certification to qualify for Professional School Nurse Certificate;

584-021-0150 — Renewal for Professional School Nurse Certificate: Adds National School Nurse Certification recertification as means to renew Professional School Nurse Certificate;

584-050-0005 — Criteria for Granting Licenses: Ensures that serious character questions responses may be referred to investigation;

584-050-0006 — Criteria for Denying Issuance, Clearance or Reinstatement of Licenses: Narrows the circumstances that bypass the investigation process.

584-050-0015 — Reinstatement of Suspended, Revoked, or Surrendered License or Registration Generally: Clarifies period between denial of reinstatement of a revoked or suspended license and right to file the next application for reinstatement.

584-050-0018 — Reinstatement of Revoked License, Registration, or Right to Apply for a License, Certificate or Registration: Clarifies period between denial of reinstatement of a revoked or suspended license and right to file the next application for reinstatement.

584-060-0181 — Substitute Teaching License: Clarifies continuing professional development requirements; length of time one may substitute in a long-term assignment; and removes ability to avoid professional development when seeking a substitute license from another renewable Oregon license.

584-070-0012 — Initial I School Counselor License: Removes teaching experience requirement from first licensure as school counselor; removes testing requirement and makes other housekeeping changes.

**Rules Coordinator:** Victoria Chamberlain  
**Address:** Teacher Standards and Practices Commission, 250 Division St. NE, Salem, OR 97301  
**Telephone:** (503) 378-6813

# ADMINISTRATIVE RULES

## Board of Examiners for Engineering and Land Surveying Chapter 820

**Rule Caption:** Amend rules related to applications, digital signatures, and public record requests. Repeal one rule.

**Adm. Order No.:** BEELS 6-2013

**Filed with Sec. of State:** 9-11-2013

**Certified to be Effective:** 9-11-13

**Notice Publication Date:** 8-1-2013

**Rules Amended:** 820-001-0020, 820-010-0010, 820-010-0227, 820-010-0228, 820-010-0305, 820-010-0442, 820-010-0620, 820-010-0621

**Rules Repealed:** 820-010-0260

**Subject:** OAR 820-001-0020 - Update the methods and processes in which the public may request records. Language is more consistent with the Oregon Public Records Law (SB554, 2007 Legislation).

OAR 820-010-0010 - Adds language to define "Certificate Authority" and "Digital Certificate" used in OAR 820-010-0620.

OAR 820-010-0227 - Decreases the fee for an initial FE examination application to \$0.00.

OAR 820-010-0228 - Decreases the fee for an initial FLS examination application to \$0.00.

OAR 820-010-0305 - Decreases the fees for an initial application and an application for reexamination to the FE and FLS examinations to \$0.00.

OAR 820-010-0442 - Housekeeping. Removes language regarding a process that is not statutorily required. However, the process does currently allow applicants one additional opportunity to submit any lacking documentation by a secondary deadline. If documents are not received, the application package will be incomplete and the application will be considered withdrawn.

OAR 820-010-0620 - Clarifies the requirements of a digital signature.

OAR 820-010-0621 - Changes the "will" to a "must"; the original intent of the Board.

OAR 820-010-0260 - Repeal. The Board follows the requirements contained in ORS 183 and the Administrative Procedures Act (APA) with regard to providing notice and hearing rights.

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

### 820-001-0020

#### Fees for Public Records and Publications

(1) All requests for copies of public records pertaining to the Oregon State Board of Examiners for Engineering and Land Surveying, shall be submitted in writing, electronic mail, or by completion of the Public Records Request form provided by the Board. Requests are subject to disclosure according to the Public Records Law, ORS Chapter 192.

(2) The Board may charge a fee reasonably calculated for costs of providing and conveying copies of public records. Fees shall not exceed the cost of locating, compiling, making available for inspection, preparing copy in paper, audio, computer disk, and delivering public records. All estimated fees and charges must be paid before public records will be made available for inspection or copies provided.

(3) The Board shall notify a requestor of the estimated costs of making records available for inspection or providing copies of records to the requestor. If the estimated costs exceed \$25, the Board shall provide written notice and shall not act further to respond to the request unless and until the requestor confirms that the requestor wants the Board to proceed with making the public records available.

(4) The Board shall charge 25¢ per page for the first 20 pages and 15¢ per page thereafter to cover the costs of photocopying or scanning and normal and reasonable staff time to locate, separate, photocopy, or scan and return document(s) to file and to prepare and transmit public record(s) to requestors. If, for operational or other reasons, the Board uses the services of an outside facility to photocopy or scan requested records, the Board shall charge the actual costs incurred.

(5) "Page" refers to the number of copies produced. Staff will not reduce the copy size or otherwise manipulate records in order to fit additional records on a page, unless staff concludes that it would be the most effective use of their time. Consistent with ORS 192.240, all copies will be double-sided. A double-sided copy will be charged as two single pages.

(6) Additional charges for staff time may be made when responding to record requests that staff determines to require more than the normal and reasonable time for responding to routine record requests. Staff time shall be charged at \$30 per hour, with a \$7.50 minimum.

(7) The Board shall charge \$50 for a listing that contains registrants, certificate holders, and interns registered with the Board. Requests for formatting data will be charged as per subsection (6) of this rule.

(8) Actual costs for delivery of records such as first class postage and courier fees.

(9) The Board shall charge \$20 for certified copies.

(10) The Board shall charge \$10 for compact discs containing requests.

(11) The Board shall charge \$5 for each audio record transmitted by email.

(12) The Board shall charge actual attorney fees for the cost of time spent by the attorney in reviewing the public records request for compliance with disclosure exemptions contained in ORS Chapter 192.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 2-2004, f. & cert. ef. 7-14-04; BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 6-2013, f. & cert. ef. 9-11-13

### 820-010-0010

#### Definitions

The following definitions and guides have been adopted by the Board to assist registrants and the general public in their interpretation of specific portions of ORS 672.002 to 672.325.

(1) "Board" means the Oregon State Board of Examiners for Engineering and Land Surveying provided by ORS 672.240.

(2) "Practice of engineering" refers to ORS 672.005 and 672.007.

(3) "Technician work" means the time spent on work where the personal responsibility and technical knowledge required are small; that is, where the individual performance of a task, set and supervised by others, is all that is required. It shall also include all time spent in work before an applicant is 18 years old "Technician work" does not include engineering work as described in section (4), land surveying work as described in section (7) or photogrammetric work as described in section (10). Engineering "technician work" includes, but is not limited to, work as an inspector, a laboratory assistant, a design assistant, a survey technician, or a draftsman. Land Surveying "technician work" includes, but is not limited to, work as a survey technician, a draftsman, an instrument plotter, or computation work under close supervision and not requiring the exercise of judgment in survey or map design, or decisions on boundary location. Photogrammetric mapping "technician work" includes but is not limited to, work as a photogrammetric mapping technician to perform technical photogrammetric or remote sensing tasks to extract spatial data from photographic imagery, digital imagery or other remotely-sensed data under close supervision and not requiring the exercise of judgment in project design or decisions related to authoritative photogrammetric measurements.

(4) "Engineering work," is work performed after a person is 18 years old and involves work of a higher grade and responsibility than that defined as "technician work." Credit for engineering work will only be given for time worked such that persons performing work for more than one entity during a given period of time will not receive multiple credit for dates worked. Time spent in engineering teaching subsequent to graduation shall be listed as "engineering work." Work performed in conjunction with a course of study provided by a community college, college, university, or any other educational program, for which tuition or similar payment is made, credit is earned, or as a requirement of the program, will not be considered "engineering work."

(5) "Responsible charge," as used in ORS 672.002(9), means to have supervision and control over engineering work as defined in 672.005(1), land surveying work, and photogrammetric mapping, as evidenced by performing substantially the following:

(a) Establishing the manner or method by which services are rendered;

(b) Establishing quality controls for the services rendered;

(c) Communicating with clients;

(d) Reviewing designs, calculations, plans, surveys or maps;

(e) Supplying deficiencies found in or correcting errors contained in designs, calculations, plans, surveys or maps;

(f) Making changes to documents, including but not limited to, designs, plans, plats, surveys or maps; and

(g) With respect to land surveying, reviewing field evidence and making final decisions concerning the placement of survey monuments and surveyed lines.

# ADMINISTRATIVE RULES

(6) "Supervision and control," as used in ORS 672.002(10), means establishing the nature of, directing and guiding the preparation of, and approving the work product and accepting responsibility for the work product, as evidenced by performing the following:

(a) Spending time directly supervising the work to assure that the person working under the licensee is familiar with the significant details of the work;

(b) Providing oversight, inspection, observation and direction regarding the work being performed;

(c) Providing adequate training for persons rendering services and working on projects under the licensee;

(d) Maintaining readily accessible contact with the person providing services or performing work by direct proximity or by frequent communication about the services provided or the work performed. Communications between the licensee and persons under the licensee's supervision and control include face-to-face communications, electronic mail, and telephone communications and similar, other communications that are immediate and responsive; and

(e) Applying the licensee's seal and signature to a document.

(7) "Practice of land surveying" refers to ORS 672.005(2) and 672.007.

(8) "Land surveying work" is work performed after a person is 18 years old and involves work of a higher grade and responsibility than that defined as "technician work." Engineering work, not related to the practice of land surveying, is not land surveying work. Credit for land surveying work will only be given for time worked such that persons performing work for more than one entity during a given period of time will not receive multiple credit for dates worked. Work performed in conjunction with a course of study provided by a community college, college, university, or any other educational program, for which tuition or similar payment is made, credit is earned, or as a requirement of the program, will not be considered "land surveying work."

(9) "Practice of photogrammetric mapping" or "practice of photogrammetry" refers to ORS 672.002(7).

(10) "Photogrammetric work" is work performed after a person is 18 years old and involves work of a higher grade and responsibility than that defined as "technician work." Credit for photogrammetric work will only be given for time worked such that persons performing work for more than one entity during a given period of time will not receive multiple credit for dates worked. Time spent teaching photogrammetric mapping after graduation is "photogrammetric work." Work performed in conjunction with a course of study provided by a community college, college, university, or any other educational program, for which tuition or similar payment is made, credit is earned, or as a requirement of the program, will not be considered "photogrammetric work."

(11) Professional Development Hour (PDH) — A contact hour (nominal) of instruction or presentation. The common denominator for other units of credit.

(12) Continuing Education Unit (CEU) — Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of class in an approved continuing education course.

(13) College/Unit Semester/Quarter Hour — Credit for course work in an approved program or other related college course approved in accordance with article (e) of this section.

(14) Course/Activity — Any qualifying course or activity with a clear purpose and objective which will maintain, improve or expand the skills and knowledge relevant to the licensee's field of practice.

(15) Multiple Registrant means a person who is registered as both a land surveyor and an engineer or is registered as an engineer in two or more disciplines.

(16) "Digital signature" means a type of electronic signature, as allowed by the ORS 84.001 to 84.061, that transforms a message through the use of an algorithm or series of algorithms that provide a key pair, private and public, for signor verification, document security and authentication.

(17) "Certificate Authority" is the trusted third party that issues and manages digital certificates (private and public keys) for digital signatures.

(18) "Digital certificate" is required to affix a digital signature, for the recipient to verify the identity of the signor, and for the recipient to verify that the contents of the document have not been altered since the signature was affixed.

(19) The words "branch" and "discipline" are synonymous as used in OAR chapter 820 divisions 10 and 40.

(20) Acronyms:

(a) ABET — Accreditation Board for Engineering and Technology, Inc.;

(b) ACCE — American Council for Construction Education;

(c) ASAC — Applied Science Accreditation Commission of ABET;

(d) EAC — Engineering Accreditation Commission of ABET;

(e) EI — Engineering Intern;

(f) FE — Fundamentals of Engineering;

(g) FLS — Fundamentals of Land Surveying;

(h) LSI — Land Surveying Intern;

(i) NCEES — National Council of Examiners for Engineering and Surveying;

(j) TAC — Technology Accreditation Commission of ABET.

(k) PE — Professional Engineer;

(l) PLS — Professional Land Surveyor;

(m) RPP — Registered Professional Photogrammetrist;

(n) CWRE — Certified Water Right Examiner.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 16, f. 3-5-74, ef. 3-25-74; EE 17, f. 4-22-74, ef. 5-11-74; EE 20, f. & ef. 12-15-77; EE 1-1987, f. & ef. 1-5-87; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 1-2000, f. & cert. ef. 1-14-00; BEELS 4-2000, f. & cert. ef. 8-4-00; BEELS 5-2000, f. & cert. ef. 10-19-00; BEELS 1-2001, f. & cert. ef. 5-22-01; BEELS 1-2002, f. & cert. ef. 3-13-02; BEELS 1-2004, f. & cert. ef. 1-26-04; BEELS 2-2004, f. & cert. ef. 7-14-04; BEELS 1-2005, f. & cert. ef. 3-16-05; BEELS 6-2005, f. & cert. ef. 12-13-05; BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 2-2007, f. & cert. ef. 4-5-07; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 2-2008, f. & cert. ef. 7-9-08; BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 6-2013, f. & cert. ef. 9-11-13

## 820-010-0227

### Educational and Experience Qualifications to Take the Fundamentals of Engineering (FE) Examination for Enrollment as an Engineering Intern (EI) and Applications Based on Non-Accredited Degrees

(1) An applicant that does not qualify pursuant to OAR 820-010-0225 may apply for admission to the FE examination based on a combination of education and experience in the practice of engineering. Applicants will be allowed to submit as qualifying work experience that work experience obtained based on employment up to the date of the FE examination.

(2) Degrees from educational institutions not identified in OAR 820-010-0225 may be considered as qualifying if they are evaluated by NCEES Credentials Evaluations, and the Board determines that the degree or course work is substantially equivalent to the educational degrees or courses required for degrees for those institutions listed in 820-010-0225. The cost for such evaluation will be borne by the applicant.

(3) Course work from institutions that are identified in OAR 820-010-0225 may be considered as qualifying if the coursework involves engineering principles or was obtained by the applicant while enrolled in an engineering program.

(4) Where an applicant applies for admission to the FE examination on the basis of sections (1) through (3) of this rule, the applicant must also demonstrate that the applicant's years of education when combined with the applicant's years of engineering work total at least 8 years. Work experience in excess of that needed to satisfy this requirement may be included by applicant in a subsequent application to apply for admission to the PE examination.

(5) The Board may give credit for qualifying course work in proportion to the amount of course work completed relative to the degree towards which the course work would apply. For example, completion of one year of a two-year Engineering Technology program may be considered equivalent to one year of education, requiring 7 years of engineering work experience, in accordance with section (4). Qualifying course work includes classes in engineering ethics, fundamentals and design.

(6) An applicant may qualify for admission to the FE examination on the basis of 8 years of engineering work without any qualifying degree or course work.

(7) Applicants for admission to the fundamentals of engineering examination on the basis of experience or combined education and experience will be required to provide a minimum of three references with knowledge of engineering technician work gained as defined in the OAR 820-010-0010.

(a) At least one of the three references must be registered in a NCEES jurisdiction.

(b) Qualifying experience accrued by the applicant must be accompanied by a reference that supervised the work product as meeting the definition of engineering technician work as defined in the OAR 820-010-0010.

(c) References must be submitted on the Board approved Reference Details form. The Reference Details form must be received by the Board office in a sealed envelope.

# ADMINISTRATIVE RULES

(d) The Board may, for good cause upon written application, reduce the number of references required.

(8) FE examination application fee is \$0.00.

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

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 6-2013, f. & cert. ef. 9-11-13

## 820-010-0228

### Combined Educational and Experience Qualifications to Take the Fundamentals of Land Surveying (FLS) Examination for Enrollment as a Land Surveying Intern (LSI) and Applications Based on Non-accredited Degrees

(1) An applicant that does not qualify pursuant to OAR 820-010-0226 may apply for admission to the FLS examination based on a combination of education and experience in the practice of land surveying. Applicants will be allowed to submit as qualifying work experience that work experience obtained based on employment up to the date of the FLS examination.

(2) Degrees from educational institutions not identified in OAR 820-010-0226 may be considered as qualifying if they are evaluated by NCEES Credentials Evaluations, and the Board determines that the degree or course work is substantially equivalent to the educational degrees or courses required for degrees for those institutions listed in 820-010-0226. The cost for such evaluation will be borne by the applicant.

(3) Course work from institutions that are identified in OAR 820-010-0226 may be considered as qualifying if the coursework involves land surveying principles or was obtained by the applicant while enrolled in a land surveying program.

(4) Where an applicant applies for admission to the FLS examination on the basis of sections (1) through (3) of this rule, the applicant must also demonstrate that the applicant's years of education when combined with the applicant's years of land surveying work total at least 8 years. Work experience in excess of that needed to satisfy this requirement may be included by applicant in a subsequent application to apply for admission to the PLS examination.

(5) The Board may give credit for qualifying course work in proportion to the amount of course work completed relative to the degree towards which the course work would apply. For example, completion of one year of a two-year Surveying Technology program may be considered equivalent to one year of education, requiring 7 years of surveying work experience, in accordance with section (4). Qualifying course work includes classes in land surveying ethics, fundamentals and application.

(6) An applicant may qualify for admission to the FLS examination on the basis of 8 years of land surveying work without any qualifying degree or course work.

(7) Applicants for admission to the fundamentals of land surveying examination on the basis of experience or combined education and experience will be required to provide a minimum of three references with knowledge of land surveying technician or photogrammetric mapping technician work gained as defined in the OAR 820-010-0010.

(a) At least one of the three references must be registered in a NCEES jurisdiction.

(b) Qualifying experience accrued by the applicant must be accompanied by a reference that supervised the work as meeting the definition of land surveying technician or photogrammetric mapping technician work as defined in the OAR 820-010-0010.

(c) References must be submitted on the Board approved Reference Details form. The Reference Details form must be received by the Board office in a sealed envelope.

(d) The Board may, for good cause upon written application, reduce the number of references required.

(8) FLS examination application fee is \$0.00.

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

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 6-2013, f. & cert. ef. 9-11-13

## 820-010-0305

### Fees

(1) The Board has determined an outside testing provider will administer examinations on behalf of the Board. In addition to state fees, all approved applicants are charged for the test administration fee in addition to any book or scoring fees or any other examination-related fees. The applicant must pay all these costs in advance to the Board and the outside testing provider. The amount for each specific application is compiled in section (2) of this rule. Where applicable, the initial activation and certi-

cate fee must be included. The total amount for each specific application is compiled in a fee schedule published separately. The amount to be submitted will be equal to a total of items (a) through (c) in this section. Actual dollar amounts for application, initial activation, renewal and certificate are listed in sections (2) and (3) of these rules:

(a) Fee for application.

(b) Fee for initial activation equal to one year renewal (one time fee applies to PE, PLS, RPP, and CWRE only; not applicable to reexamination).

(c) Fee for issuance of first certificate (one time fee applies to PE, PLS, RPP, and CWRE only).

(2) Fees for examination application:

(a) Initial fundamentals of engineering examination application — \$0.00.

(b) Initial fundamentals of land surveying examination application — \$0.00.

(c) Initial professional engineering (PE) examination application — \$100.

(d) Initial professional geotechnical examination application — \$375.

(e) Initial professional land surveying examination application — \$140.

(f) Initial professional photogrammetric mapping examination application — \$120.

(g) Certified Water Right Examiner test application — \$50.

(h) Application for readmission to the Fundamentals of engineering examination — \$0.00.

(i) Application for readmission to the Fundamentals of land surveying examination — \$0.00.

(j) Application for readmission to the Professional engineering (PE) examination — \$90.

(k) Application for readmission to the Professional geotechnical examination — \$365.

(l) Application for readmission to the Professional land surveying (PLS) examination — \$130.

(m) Application for readmission to the Oregon law portion of PLS examination — \$55.

(n) Application for readmission to the National portion of PLS examination — \$75.

(o) Application for readmission to the Professional photogrammetric mapping examination — \$110.

(p) Application for readmission to the Certified Water Rights Examiner test — \$40.

(q) Proctor Request — \$100.

(3) Fees for certification, registration, and renewal:

(a) Professional wall certificate — \$35.

(b) Application for registration as a professional engineer — \$250.

(c) Application for registration as a professional land surveyor — \$250.

(d) Application for registration as a registered professional photogrammetrist — \$250.

(e) Temporary permit issued under ORS 672.109 and 672.127 — \$100.

(f) Re-issuance of lost or mutilated pocket card — \$10.

(g) Issuance of certificate without examination based on experience as provided under ORS 672.255 — \$250.

(h) Re-score of an Oregon specific examination item — \$50.

(i) Annual renewal of a professional engineering certificate — \$75.

(j) Annual renewal of a professional land surveyor certificate — \$75.

(k) Annual renewal of a registered professional photogrammetrist certificate — \$75.

(l) Delinquency renewal fee — \$80 for any part of each two-year renewal period during delinquency.

(m) Fee for reinstatement for inactive or retired registrant or certificate holder — \$225.

(n) Annual renewal of water right examiner certificate — \$20.

(o) Verification of certification(s) and/or registration(s) — \$15.

Stat. Auth.: ORS 670.310, 672.153, 672.155, & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 2-1980, f. & ef. 5-14-80; EE 4-1981, f. & ef. 12-14-81; EE 2-1984(Temp), f. & ef. 5-7-84; EE 2-1984(Temp), f. & ef. 5-7-84; EE 4-1984, f. & ef. 12-11-84; EE 2-1987, f. & ef. 7-2-87; EE 3-1987, f. & ef. 8-25-87; EE 2-1989, f. 1-3-89, cert. ef. 1-15-89; EE 1-1990(Temp), f. & cert. ef. 5-21-90; EE 1-1991(Temp), f. 8-14-91, cert. ef. 9-1-91; EE 2-1991, f. & cert. ef. 9-23-91; EE 1-1992, f. & cert. ef. 2-3-92; EE 2-1992, f. & cert. ef. 2-4-92; EE 4-1992, f. & cert. ef. 7-22-92; EE 2-1993(Temp), f. & cert. ef. 2-22-93; EE 3-1993, f. & cert. ef. 6-3-93; EE 2-1994, f. & cert. ef. 7-22-94; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; EE 2-1997, f. & cert. ef. 8-6-97; BEELS 3-1998, f. & cert. ef. 5-11-98; BEELS 1-1999, f. 5-27-99, cert. ef. 7-1-99; BEELS 1-2000, f. & cert. ef. 1-14-00; BEELS 3-2000, f. 3-17-00, cert. ef. 3-20-00; BEELS 3-2001, f. & cert. ef. 11-26-01; BEELS 3-2002, f. & cert. ef. 11-13-02;



# ADMINISTRATIVE RULES

BEELS 4-2002, f. & cert. ef. 12-3-02; BEELS 6-2005, f. & cert. ef. 12-13-05; BEELS 2-2006, f. & cert. ef. 11-21-06; BEELS 5-2007, f. & cert. ef. 9-20-07; BEELS 1-2008, f. & cert. ef. 3-12-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 1-2010, f. & cert. ef. 5-12-10; BEELS 1-2011, f. & cert. ef. 1-14-11; BEELS 1-2012(Temp), f. & cert. ef. 3-16-12 thru 5-15-12; BEELS 2-2012, f. & cert. ef. 5-10-12; BEELS 6-2013, f. & cert. ef. 9-11-13

## 820-010-0442

### Application Deadlines

(1) Deadlines to submit applications for admission to examinations based on the schedule contained in OAR 820-010-0440 are:

(a) December 1 is the deadline for applications for the Spring examination administration.

(b) January 1 is the deadline for applications for readmission to the Spring examination administration.

(c) June 1 is the deadline for applications for the Fall examination administration.

(d) July 1 is the deadline for applications for readmission to the Fall examination administration.

(2) Applicants may request to withdraw an application and fees paid to the Board for consideration from an examination administration. An application and fees paid to the Board may be withdrawn and forwarded to the next available examination administration only.

(a) Request must be made in writing; and

(b) Request must be made no later than March 1 to withdraw from the Spring examination administration or no later than September 1 to withdraw from the Fall examination administration; and

(c) The request can only be made once per application.

(3) Deadlines to submit applications for registration as a PE or RPP based on licensure by another jurisdiction (comity) or based on examination by another jurisdiction or NCEES (1st registration) are the first day of the month prior to the month of a Board meeting.

(4) Deadlines to submit applications for registration as a PLS based on licensure by another jurisdiction (comity) or based on examination by another jurisdiction or NCEES (1st registration) are:

(a) February 1st to sit for the Spring Oregon Specific Land Surveying examination.

(b) August 1st to sit for the Fall Oregon Specific Land Surveying examination.

(c) If successful results on the Oregon Specific Land Surveying examination are not attained, the applicant must comply with the readmission deadlines contained in subsection (1) of this rule.

(5) All applications must be postmarked or hand delivered by 5:00 p.m. on the deadline. If the deadline falls on a Saturday, Sunday, or legal Holiday, applications are accepted until 5:00 p.m. on the following business day.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 3-2008, f. & cert. ef. 11-14-08; BEELS 2-2012, f. & cert. ef. 5-10-12; BEELS 6-2013, f. & cert. ef. 9-11-13

## 820-010-0620

### Official Seal

(1) Seals, as referenced by ORS 672.020(2) and 672.025(2), must contain the printed name of the registrant, the date of registration, the number of the registrant's certificate of registration, and the registrant's professional title. The registrant's printed name on the seal will be exactly the same as the name printed on registrant's certificate of registration.

(2) The size, design and content of the seal will be an exact replica, in style, of the examples shown in Exhibit 1 (Official Seals) for the profession or branch of the profession in which the registrant is licensed. (A tolerance of 1/4" is permitted as to the size of the seal). The expiration or renewal date may be made part of the seal. If the expiration or renewal date is not made part of the seal, it must be handwritten, in permanent ink, after the word "Expires" or "Renews." Reduced or enlarged seals are not permitted on final documents. In addition to these requirements, registrants will use the following seals:

(a) Professional engineers holding a structural engineering certificate will use the seal with the designation "Structural" above the words "Registered Professional Engineer," as shown in Exhibit 1-b. Other registered professional engineers will use the seal shown in Exhibit 1-a;

(b) Registered professional traffic engineer, who may practice only traffic engineering will use the seal shown in Exhibit 1-f;

(c) Registered professional land surveyors will use the seal shown in Exhibit 1-c;

(d) Registered professional photogrammetrists will use the seal shown in Exhibit 1-d;

(e) Registered water rights examiners will use the seal shown in Exhibit 1-e.

(3) The seal may be applied to a document by rubber stamp or it may be computer-generated onto the document.

(4) The registrant will sign through the middle of the seal or in the place on the seal as indicated for signature, in handwriting, and in permanent ink.

(5) A digital signature, for final documents is acceptable as an alternative to a handwritten signature in permanent ink if the digital signature:

(a) Is unique to the registrant using it;

(b) Is independently verifiable by a Certificate Authority (3rd Party);

(c) Is under the sole control of the registrant using it;

(d) Is linked to the document in such a manner that the digital signature is invalidated if any data in the document is changed; and

(e) Bears the phrase "digital signature" in place of a handwritten signature.

(6) Only individuals registered as professional engineers, professional traffic engineers, professional land surveyors, professional photogrammetrists, or certified water rights examiners may use a seal with a shape, form or wording similar to those shown in Exhibit 1. Using such a seal without registration constitutes falsely representing that the person is authorized to practice the profession.

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

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 16, f. 3-5-74, ef. 3-25-74; EE 20, f. & ef. 12-15-77; EE 2-1986, f. 3-26-86, ef. 3-31-86; EE 4-1987, f. & ef. 12-1-87; EE 1-1992, f. & cert. ef. 2-3-92; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 1-1998, f. & cert. ef. 2-10-98; BEELS 1-2000, f. & cert. ef. 1-14-00; BEELS 3-2006(Temp), f. & cert. ef. 12-5-06 thru 6-3-07; Administrative Correction, 6-16-07; BEELS 4-2007, f. & cert. ef. 8-15-07; BEELS 2-2008, f. & cert. ef. 7-9-08; BEELS 2-2009, f. & cert. ef. 11-13-09; BEELS 6-2013, f. & cert. ef. 9-11-13

## 820-010-0621

### Final Documents

(1) In addition to the final documents identified in ORS 672.020(2) and 672.025(2), final documents include plats, design information, and calculations. All final documents must bear the seal and signature of the registrant under whose supervision and control they were prepared.

(2) Documents that are not final documents must be marked as "preliminary", "not for construction", "review copy", "draft copy, subject to change", or with some similar wording to indicate that the documents are not intended to represent the final work product of the registrant.

Stat. Auth.: ORS 670.310 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 3-2006(Temp), f. & cert. ef. 12-5-06 thru 6-3-07; BEELS 2-2007, f. & cert. ef. 4-5-07; BEELS 2-2012, f. & cert. ef. 5-10-12; BEELS 6-2013, f. & cert. ef. 9-11-13

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

**Rule Caption:** Creates temporary license for completing SLPA clinical fieldwork outside an academic program; revises fieldwork requirements.

**Adm. Order No.:** SPA 4-2013(Temp)

**Filed with Sec. of State:** 9-13-2013

**Certified to be Effective:** 9-13-13 thru 12-28-13

**Notice Publication Date:**

**Rules Adopted:** 335-085-0010

**Rules Amended:** 335-095-0010, 335-095-0030

**Rules Suspended:** 335-085-0010(T)

**Subject:** OAR 335-085-0010 is revised to define and create a Provisional Speech-Language Assistant (SLPA) Certificate as a type of temporary license to be issued for 180 days to individuals seeking to complete the clinical fieldwork required for certification as an SLPA. The Provisional SLPA Certificate will be required for individuals completing their clinical fieldwork outside of an approved practicum course.

Clinical fieldwork requirements for SLPA certification outlined in OAR 335-095-0030(3) are revised for clarification and to require documentation of consultation and assessment by the supervisor in addition to the clinical interaction hours.

OAR 335-095-0030(3)(f) specifies requirements for clinical fieldwork completed outside Oregon.

A few other amendments are implemented for clarification.

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

# ADMINISTRATIVE RULES

## 335-085-0010

### Qualifications and Procedures for Temporary Licenses

(1) A Limited Term License is a temporary license issued to a speech-language pathologist or audiologist applicant and a Limited Term Certificate is a certificate issued to a speech-language pathology assistant applicant whose application for regular licensure is submitted after May 1st of each odd-numbered year. Applicants for a Conditional License in speech-language pathology are not eligible to obtain limited term licenses.

(a) Limited Term Licenses and Certificates expire at the same time as regular licenses, January 30th of even-numbered years.

(b) Limited Term License or Certificate holders must comply with all Board rules and policies related to applications for license renewal, which must be submitted electronically no later than 11:59 p.m. on December 31st of odd-numbered years. Upon meeting all requirements for license renewal, holders of Limited Term Licenses and Certificates may be issued regular licenses of the same type.

(2) A Temporary Conditional License or a Temporary License may be issued for up to 90 days to a speech-language pathologist or audiologist applicant who meets all other requirements for licensure but whose graduate degree will not be conferred for more than 30 days after completion of all degree requirements, as provided in OAR 335-060-0005(3)(b).

(a) A temporary license issued under this rule is not renewable.

(b) The official transcript must be submitted to the Board office as soon as possible after the degree is conferred, but in no case later than 60 days following issuance of the temporary license. When all licensure requirements are met, the temporary license holder may be issued a regular license of the same type.

(3) A Provisional Speech-Language Pathology Assistant Certificate is a temporary license certificate issued by the Board to speech-language pathology assistant applicants who have completed academic requirements in OAR 335-095-0030(1) and (2), while they are actively engaged in completing the clinical fieldwork hours required in 335-095-0030(3) outside of an academic program.

(a) A Provisional Speech-Language Pathology Assistant Certificate may be issued for up to 180 days. It may not be renewed. A Provisional Certificate may be upgraded to a regular Speech-Language Pathology Assistant Certificate.

(b) A holder of a Provisional Speech-Language Pathology Assistant Certificate must be directly supervised 100% of the time they are engaged in clinical fieldwork. The supervisor must be qualified and the clinical fieldwork documented according to OAR 335-095-0030.

(c) A holder of a Provisional Speech-Language Pathology Assistant Certificate must clearly identify themselves as a "provisional speech-language pathology assistant", and may not hold a job title of or be employed as a "speech-language pathology assistant". The provisional certificate holder may be employed in an unlicensed position such as educational assistant, may be paid a stipend, or may be uncompensated.

(d) The provisional certificate holder may apply for an upgrade to a speech-language pathology assistant certificate upon completion of all requirements in OAR 335-095-0030. Application to upgrade the provisional certificate must be postmarked no later than 15 days prior to its expiration. The provisional certificate holder may not practice as a speech-language pathology assistant without direct supervision until receiving a regular speech-language pathology assistant certificate.

Stat. Auth.: ORS 681

Stats. Implemented: ORS 681.285 & 681.340

Hist.: SPA 3-2013(Temp), f. 6-28-13, cert. ef. 7-1-13 thru 12-28-13; SPA 4-2013(Temp), f. & cert. ef. 9-13-13 thru 12-28-13

## 335-095-0010

### Definitions

(1) Approved Training Program: A post secondary training program that has approval by the Oregon Board of Examiners for Speech-Language Pathology & Audiology to offer specific coursework and practica leading to licensure as a speech-language pathology assistant.

(2) Assessment: A qualitative and quantitative process, conducted by a licensed SLP, that measures the degree of communication impairment including, but not limited to, screening, norm and criterion referenced testing, behavioral observations, and clinical interview.

(3) Clinical Interaction: Interaction where the speech-language pathology assistant (SLPA), or clinical fieldwork participant (provisional speech-language pathology assistant certificate holder or practicum student) is actively participating in or leading a therapy session.

(4) Direct Supervision: On-site, within sight and/or sound, or live videoconference observation and guidance by a speech-language patholo-

gist while a speech-language pathology assistant performs a clinical interaction.

(5) Indirect Supervision: Those activities other than direct observation and guidance conducted by a speech-language pathologist that may include consultation, record review, lesson planning, and review and evaluation of audio- or videotaped sessions. Indirect supervision may be done in person or via telephone or electronic communication modes.

(6) Speech-Language Pathology Assistant: A person certified under ORS 681.360 who provides speech-language pathology services within the scope of duties outlined in OAR 335-095-0060 under the direction and supervision of a speech-language pathologist licensed under ORS 681.250.

Stat. Auth.: ORS 681.205, 681.360, 681.370, 681.375, 681.420 & 681.460

Stats. Implemented: ORS 681.360, 681.370 & 681.375

Hist.: SPA 1-2003, f. & cert. ef. 5-7-03; SPA 3-2006, f. & cert. ef. 5-8-06; SPA 3-2008, f. & cert. ef. 4-10-08; SPA 1-2009, f. 6-9-09, cert. ef. 7-1-09; SPA 4-2013(Temp), f. & cert. ef. 9-13-13 thru 12-28-13

## 335-095-0030

### Certification of Speech-Language Pathology Assistants

Applicants must submit all of the following to be eligible for certification.

(1) Official transcripts showing 45 quarter hours or 30 semester hours of speech-language pathology technical course work; and

(2) Official transcripts showing 45 quarter hours or 30 semester hours of general education credit; and

(3) Written evidence of completion of clinical fieldwork that builds skills and competencies needed to practice as a speech-language pathology assistant.

(a) During clinical fieldwork in Oregon, the fieldwork participant must be enrolled in a speech-language pathology practicum course at an accredited college or university, or hold an Oregon provisional speech-language pathology assistant certificate.

(b) Clinical fieldwork must consist of a minimum of 100 clock hours of clinical interaction and 8 hours of consultation and assessment over a recommended 8–12 week period. Clinical interaction must be face to face interaction with clients and directly supervised 100% of the time. Clinical interaction consists of actively participating in or leading individual, small group, or classroom therapy sessions. The fieldwork participant must also meet with the supervising speech-language pathologist for at least two hours for every 25 hours of clinical interaction to assess the participant's developing clinical skills and competencies, for a total of 8 hours of consultation and assessment. Tasks such as clerical tasks, passive observations, and materials preparation may not be included in clinical fieldwork hours. Meetings with the supervisor may not be included in the 100 hours of clinical interaction.

(c) Clinical interaction documentation must show the date, clinical activity, amount of time and the supervisor's initials for each activity, and be signed by both the supervisor and fieldwork participant. The clinical fieldwork supervisor must be licensed by the Board, or hold the ASHA Certificate of Clinical Competency during the fieldwork.

(d) The supervising speech-language pathologist and the fieldwork participant must complete the Board's SLPA Competency Checklist during and at the completion of 100 hours of clinical interaction to document the fieldwork participant's developing skills and competencies. The fieldwork participant must be rated as meeting or exceeding all skills upon completion of the fieldwork to qualify for certification as a speech-language pathology assistant. If there is more than one fieldwork supervisor, each supervisor must complete and sign a Board SLPA Competency Checklist.

(e) In extenuating circumstances where the fieldwork participant is unable to obtain the signature of their clinical fieldwork supervisor, the Board may accept a Board SLPA Competency Checklist signed by another supervising speech-language pathologist who is licensed by the Board or holds the ASHA Certificate of Clinical Competency and is able to render a professional opinion of the applicant's level of competence.

(f) Applicants who completed fieldwork in another state must provide documentation of at least 100 clinical interaction hours and a final assessment of their skills and competencies completed and signed by their supervising speech-language pathologist. The supervisor must have held the ASHA Certificate of Clinical Competency while supervising the applicant. The Board will review the fieldwork log and final assessment in accordance with its clinical interaction requirements and SLPA Competency Checklist. If the fieldwork is not deemed equivalent to Oregon standards, the applicant must obtain a provisional speech-language pathology assistant certificate to complete fieldwork requirements for certification in Oregon.

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

# ADMINISTRATIVE RULES

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

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

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

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

(a) Completion of clinical interaction as described in OAR 335-095-0030(3) within the 12 months prior to application; or

(b) Completion of 7.5 hours of professional development within the 12 months prior to application.

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

Stat. Auth.: ORS 681.360, 681.375, 681.420 & 681.460

Stat. Implemented: ORS 681.360 & 681.375

Hist.: SPA 1-2003, f. & cert. ef. 5-7-03; SPA 1-2004, f. & cert. ef. 2-6-04; SPA 2-2004, f. & cert. ef. 5-26-04; SPA 3-2006, f. & cert. ef. 5-8-06; SPA 3-2008, f. & cert. ef. 4-10-08; SPA 1-2009, f. 6-9-09, cert. ef. 7-1-09; SPA 1-2010(Temp), f. & cert. ef. 8-11-10 thru 2-4-11; SPA 1-2011, f. 1-28-11, cert. ef. 2-1-11; SPA 2-2011, f. & cert. ef. 10-10-11; SPA 2-2012, f. & cert. ef. 12-14-12; SPA 1-2013, f. 4-1-13, cert. ef. 5-1-13; SPA 4-2013(Temp), f. & cert. ef. 9-13-13 thru 12-28-13

## Board of Pharmacy Chapter 855

**Rule Caption:** Amend manufacturer rules to clarify registration requirements for out-of-state outlets that perform specific compounding functions

**Adm. Order No.:** BP 5-2013

**Filed with Sec. of State:** 8-29-2013

**Certified to be Effective:** 8-29-13

**Notice Publication Date:** 6-1-2013

**Rules Amended:** 855-060-0004

**Subject:** 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.

**Rules Coordinator:** Karen MacLean—(971) 673-0001

### 855-060-0004

#### Registration

(1) Any person that manufactures, or contracts for the manufacture of a drug or prescription device that is intended for sale, distribution, dispensing or administration in Oregon must register with the Oregon Board of Pharmacy.

(2) Any person that holds one or more of the following registrations with the Federal Food and Drug Administration (FDA) must register as a Manufacturer.

(a) A New Drug Application number (NDA);

(b) An Abbreviated New Drug Application number (ANDA);

(c) A Labeler Code number (LC) or National Drug Code number (NDC);

(d) An FDA Central File Number (CFN);

(e) An FDA Establishment Identifier number (FEI).

(f) A Biologic License Application (BLA).

(3) A person that is registered with the FDA as a repackager must register as a Manufacturer.

(4) A person whose sole purpose is the marketing, brokering or arranging the initial distribution of drugs manufactured by a manufacturer, but does not take physical possession of a product must register as a Drug Distribution Agent under OAR 855-062-0005.

(5) A person who is registered with the FDA as the Agent for a foreign manufacturer must register as a Drug Distribution Agent under OAR 855-062-0005.

(6) An applicant for a new or renewal of registration must provide all information specified on the form provided by the Board, and pay the fee as specified in OAR 855-110-0007. The applicant must also provide any additional information requested by the Board. An application that does not contain all required information is incomplete and will not be processed.

(7) The registration is non-transferable. Addition or deletion of an owner shall be considered as a change of ownership except where the registrant is a publicly held corporation. A new application for registration and payment of a new registration fee is required when a registrant changes

ownership or location. This new application must be submitted to the Board at least 15 days prior to the change.

(8) A person who compounds a drug that is distributed in Oregon not based on a patient specific prescription must register with the Board as a Manufacturer, unless done so pursuant to a Shared Pharmacy Services agreement, as defined in OAR 855-006-0005, between two in-state entities.

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 689.155 & 689.305

Hist.: BP 9-2011, f. 12-30-11, cert. ef. 1-1-12; BP 1-2013(Temp), f. 3-6-13, cert. ef. 3-7-13 thru 9-3-13; BP 5-2013, f. & cert. ef. 8-29-13

## Department of Agriculture Chapter 603

**Rule Caption:** Adoption of Federal Regulations for Food Standards, Processing, Manufacture, and Distribution.

**Adm. Order No.:** DOA 9-2013

**Filed with Sec. of State:** 9-4-2013

**Certified to be Effective:** 9-4-13

**Notice Publication Date:** 7-1-2012

**Rules Amended:** 603-025-0190

**Subject:** The proposed amendment updates the Code of Federal Regulations reference from the 2005 version to the 2010 version. This will ensure that Oregon maintains regulations that are current and consistent with neighboring states. The parts of the CFR that were previously adopted are substantially similar in the 2010 version. The amendment will adopt 21 CFR parts 7 (Enforcement Policy), 111 (Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements, and 118 (Production, Storage, and Transportation of Shell Eggs) for the first time in Oregon.

21 CFR 7 governs the practices and procedures of enforcement actions initiated by the government and provides guidance for manufacturers and distributors to follow with respect to their voluntary removal or correction of marketed violative products (recall of products). 21 CFR 111 regulates the manufacture, packaging, labeling, and storage of dietary supplements. The regulations in 21 CFR 111 do not apply to a person that is holding dietary supplements at a retail establishment for the sole purpose of direct sale to individual customers. 21 CFR 118 regulates the production, storage and transportation of shell eggs, and applies to: (1) shell egg producers with 3,000 or more laying hens at a particular farm that do not sell all of their eggs directly to consumers and produces shell eggs for the table market, and (2) person that transport or hold shell eggs for shell egg processing or egg products facilities from farms with 3,000 or more laying hens.

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

### 603-025-0190

**Standards of Identity, Additives, Pesticide Standards, Food Labeling, Good Manufacturing Practice, Low Acid Canned Foods, and Acidified Foods**

As provided in ORS 616.230, 616.780, 621.060, 621.311, 621.405, 625.160, and 635.045, the rules governing food identity, food color additives, food additives, pesticide tolerances, and labeling of or in food adopted by the Food and Drug Administration of the U.S. Department of Health and Human Services, are hereby adopted as the rules governing this subject matter in Oregon. In addition the Good Manufacturing Practices, Fish and Fishery Products, Low Acid Canned Foods, Acidified Foods and other federal programs contained in the Code of Federal Regulations as specified below are adopted. The adopted federal programs and standards are those set forth in the 2010 version, Title 21, Chapter 1, Parts 1, 7, 70, 73, 74, 81, 82 and 100 through 199, of the Code of Federal Regulations.

Stat. Auth.: ORS 561.190, 561.605, 561.620 & 616.230

Stats. Implemented: ORS 561.605 - 561.620 & 616.230

Hist.: AD 2-1987, f. & ef. 1-30-87; AD 17-1993, f. & cert. ef. 11-26-93; AD 17-1997, f. & cert. ef. 10-23-97; DOA 13-1999, f. & cert. ef. 6-15-99; DOA 4-2000, f. & cert. ef. 1-18-00; Administrative correction 4-20-01; DOA 29-2002, f. 12-23-02, cert. ef. 1-1-03; DOA 6-2006, f. & cert. ef. 3-10-06; DOA 9-2013, f. & cert. ef. 9-4-13

# ADMINISTRATIVE RULES

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

**Rule Caption:** Adopt federal changes in construction revising the exemption to digger derricks.

**Adm. Order No.:** OSHA 5-2013

**Filed with Sec. of State:** 9-13-2013

**Certified to be Effective:** 9-13-13

**Notice Publication Date:** 1-1-2013

**Rules Amended:** 437-003-0001

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

In December 2012, Oregon OSHA proposed to make the Federal OSHA amendments published in the November 9, 2012 Federal Register, in 1926.1400 Scope, to broaden the exemption for digger derricks, and in 1926.952 Mechanical Equipment. However, on February 7, 2013, OSHA published in the Federal Register a withdrawal of the direct final rulemaking (November 9, 2012 Federal Register) and instead, it moved forward with proposed rulemaking that was published at the same time as the direct final. Therefore, Oregon OSHA did not proceed with rulemaking adoption concerning the digger derricks exemption at that time.

Federal OSHA then published in the May 29, 2013 Federal Register, their final rule revising the exemption for digger derricks. Comparing the November 9, 2012 to the May 29, 2013 Federal Registers, they are essentially identical in rule amendments, with a slight clarifying sentence structure change in 1926.952. The intent remains the same.

Oregon OSHA makes the amendments from the May 29, 2013 Federal Register in construction, Division 3/V and 3/CC.

Please visit our web site [www.orsosha.org](http://www.orsosha.org) Click 'Rules/Compliance' in the left vertical column and view our proposed, adopted, and final rules.

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### 437-003-0001

#### Adoption by Reference

In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following federal regulations printed as part of the Code of Federal Regulations, in the Federal Register:

(1) Subdivision A — GENERAL.

(a) 29 CFR 1926.1 Purpose and Scope, published 4/6/79, FR vol. 44, p. 20940.

(b) 29 CFR 1926.2 Variances from safety and health standards, published 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.3 Inspections – right of entry, published 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.4 Rules of practice for administrative adjudications for enforcement of safety and health standards, published 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.6 Incorporation by reference, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(2) Subdivision B — GENERAL INTERPRETATIONS.

(a) 29 CFR 1926.10 Scope of subpart, published 4/6/79, FR vol. 44, p. 20940.

(b) 29 CFR 1926.11 Coverage under section 103 of the act distinguished, published 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.12 Reorganization plan No. 14 of 1950, published 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.13 Interpretation of statutory terms, published 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.14 Federal contracts for 'mixed' types of performance, published 4/6/79, FR vol. 44, p. 20940.

(f) 29 CFR 1926.15 Relationship to the service contract act; Walsh-Healey Public Contracts Act, published 4/6/79, FR vol. 44, p. 20940.

(g) 29 CFR 1926.16 Rules of construction, published 4/6/79, FR vol. 44, p. 20940.

(3) Subdivision C — GENERAL SAFETY AND HEALTH PROVISIONS.

(a) 29 CFR 1926.20 General safety and health provisions, published 12/12/08, FR vol. 73, no. 240, pp. 75568-75589.

(b) 29 CFR 1926.21 Safety training and education, published 4/6/79, FR vol. 44, p. 20940; amended with Oregon OSHA AO 6-2012, repealed (b)(6), f. 9/28/12, ef. 4/1/13.

(c) 29 CFR 1926.22 Recording and reporting of injuries (Reserved).

(d) 29 CFR 1926.23 First aid and medical attention, published 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.24 Fire protection and prevention, published 4/6/79, FR vol. 44, p. 20940.

(f) 29 CFR 1926.25 Housekeeping, published 4/6/79, FR vol. 44, p. 20940.

(g) 29 CFR 1926.26 Illumination, published 4/6/79, FR vol. 44, p. 20940.

(h) 29 CFR 1926.27 Sanitation, published 4/6/79, FR vol. 44, p. 20940.

(i) 29 CFR 1926.28 Personal protective equipment. REPEALED with Oregon OSHA Admin. Order 2-2013, filed 2/15/13, effective 4/1/13. In Oregon, OAR 437-003-0134 applies.

(j) 29 CFR 1926.29 Acceptable certifications, published 4/6/79, FR vol. 44, p. 20940.

(k) 29 CFR 1926.30 Shipbuilding and ship repairing, published 3/7/96, FR vol. 61, no. 46, p. 9249.

(l) 29 CFR 1926.31 (Reserved).

(m) 29 CFR 1926.32 Definitions, published 6/30/93, FR vol. 58, no. 124, p. 35078.

(n) 29 CFR 1926.33 Access to employee exposure and medical records, published 6/20/96, FR vol. 61, no. 46, p. 31427.

(o) 29 CFR 1926.34 Means of egress, published 6/30/93, Federal Register, vol. 58, no. 124, p. 35083.

(4) Subdivision D — OCCUPATIONAL HEALTH AND ENVIRONMENTAL CONTROLS.

(a) 29 CFR 1926.50 Medical services and first aid, published 6/18/98, FR vol. 63, no. 117, p. 33469.

(b) 29 CFR 1926.51 Sanitation, published 6/30/93, FR vol. 58, no. 124, p. 35084.

(c) 29 CFR 1926.52 Occupational noise exposure, published 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.53 Ionizing radiation, published 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.54 Nonionizing radiation, published 4/6/79, FR vol. 44, p. 20940.

(f) 29 CFR 1926.55 Gases, vapors, fumes, dusts, and mists, published 1/10/97, FR vol. 62, no. 7, p. 1619.

(g) 29 CFR 1926.56 Illumination, published 4/6/79, FR vol. 44, p. 20940.

(h) 29 CFR 1926.57 Ventilation, published 1/8/98, FR vol. 63, no. 5, p. 1295.

(i) 29 CFR 1926.58 Reserved, §1926.58, Asbestos, tremolite, anthophyllite and actinolite is redesignated as §1926.1101, Asbestos, and §1926.58 is reserved (8/10/94, FR vol. 59, no. 153, pp. 41131-62).

(j) 29 CFR 1926.59 Hazard Communication, published 6/20/96, FR vol. 61, p. 31427.

(k) 29 CFR 1926.60 Methylenedianiline (MDA), published 12/12/08, FR vol. 73, no. 240, pp. 75568-75589.

(l) 29 CFR 1926.61 Retention of DOT markings, placards and labels, published 6/20/96, FR vol. 61, p. 31427.

(m) 29 CFR 1926.62 Lead, published 12/12/08, FR vol. 73, no. 240, pp. 75568-75589.

**NOTE:** Cadmium has been redesignated as §1926.1127.

(n) 29 CFR 1926.65 Hazardous Waste Operations and Emergency Response

**NOTE:** Division 2/H, 1910.120, Hazardous Waste Operations and Emergency Response, applies to Construction.

(5) Subdivision E — PERSONAL PROTECTIVE AND LIFE SAVING EQUIPMENT.

(a) 29 CFR 1926.95 Criteria for personal protective equipment. REPEALED with Oregon OSHA Admin. Order 2-2013, filed 2/15/13, effective 4/1/13. In Oregon, OAR 437-003-0134 applies.

(b) 29 CFR 1926.100 Head protection. REPEALED with Oregon OSHA Admin. Order 2-2013, filed 2/15/13, effective 4/1/13. In Oregon, OAR 437-003-0134 applies.

(c) 29 CFR 1926.101 Hearing protection. REPEALED with Oregon OSHA Admin. Order 2-2013, filed 2/15/13, effective 4/1/13. In Oregon, OAR 437-003-0134 applies.

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- (d) 29 CFR 1926.102 Eye and face protection. REPEALED with Oregon OSHA Admin. Order 2-2013, filed 2/15/13, effective 4/1/13. In Oregon, OAR 437-003-0134 applies.
- (e) 29 CFR 1926.103 Respiratory protection, published 1/8/98, FR vol. 63, no. 5, p. 1297.
- NOTE:** 29 CFR 1926.104 Removed, 8/9/94, FR vol. 59, no. 152, p. 40729.
- (f) 29 CFR 1926.105 Reserved, 8/9/94, FR vol. 59, no. 152, p. 40729.
- (g) 29 CFR 1926.106 Working over or near water, published 4/6/79, FR vol. 44, p. 20940.
- (h) 29 CFR 1926.107 Definitions applicable to this subpart, published 8/9/94, FR vol. 59, no. 152, p. 40729.
- (6) Subdivision F — FIRE PROTECTION AND PREVENTION.
- (a) 29 CFR 1926.150 Fire protection, published 4/6/79, FR vol. 44, p. 20940.
- (b) 29 CFR 1926.151 Fire prevention, published 7/11/86, FR vol. 51, p. 25318.
- (c) 29 CFR 1926.152 Flammable and combustible liquids, published 6/30/93, FR vol. 58, no. 124, p. 35162.
- (d) 29 CFR 1926.153 Liquefied petroleum gas (LP-Gas), published 6/30/93, FR vol. 58, no. 124, p. 35170.
- (e) 29 CFR 1926.154 Temporary heating devices, published 4/6/79, FR vol. 44, p. 20940.
- (f) 29 CFR 1926.155 Definitions applicable to this subpart, published 4/6/79, FR vol. 44, p. 20940.
- (7) Subdivision G — SIGNS, SIGNALS, AND BARRICADES.
- (a) 29 CFR 1926.200 Accident prevention signs and tags, published 6/30/93, FR vol. 58, no. 124, p. 35173; amended with OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03.
- (b) 29 CFR 1926.201 Signaling, REPEALED with OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03.
- (c) 29 CFR 1926.202 Barricades, REPEALED with OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03.
- (d) 29 CFR 1926.203 Definitions applicable to this subpart, published 4/6/79, FR vol. 44, p. 20940; amended with OR-OSHA Admin. Order 2-2003, f. 1/30/03, ef. 1/30/03.
- (8) Subdivision H — MATERIALS HANDLING, STORAGE, USE AND DISPOSAL.
- (a) 29 CFR 1926.250 General requirements for storage, published 6/30/93, FR vol. 58, no. 124, p. 35173.
- (b) 29 CFR 1926.251 Rigging equipment for material handling, published 6/30/93, FR vol. 58, no. 124, p. 35173.
- (c) 29 CFR 1926.252 Disposal of waste materials, published 4/6/79, FR vol. 44, p. 20940.
- (9) Subdivision I — TOOLS — HAND AND POWER.
- (a) 29 CFR 1926.300 General requirements, published 3/7/96, FR vol. 61, no. 46, p. 9250.
- (b) 29 CFR 1926.301 Hand tools, published 4/6/79, FR vol. 44, p. 20940.
- (c) 29 CFR 1926.302 Power operated hand tools, published 6/30/93, FR vol. 58, no. 124, p. 35175.
- (d) 29 CFR 1926.303 Abrasive wheels and tools, published 6/30/93, FR vol. 58, no. 124, p. 35175.
- (e) 29 CFR 1926.304 Woodworking tools, published 3/7/96, FR vol. 61, no. 46, p. 9251.
- (f) 29 CFR 1926.305 Jacks - lever and ratchet, screw, and hydraulic, published Federal Register vol. 58, no. 124, p. 35176.
- (10) Subdivision J — WELDING AND CUTTING.
- (a) 29 CFR 1926.350 Gas welding and cutting, published 6/30/93, FR vol. 58, no. 124, p. 35179.
- (b) 29 CFR 1926.351 Arc welding and cutting, published 7/11/86, FR vol. 51, p. 25318.
- (c) 29 CFR 1926.352 Fire prevention, published 4/6/79, FR vol. 44, p. 20940.
- (d) 29 CFR 1926.353 Ventilation and protection in welding, cutting, and heating, published 6/30/93, FR vol. 58, no. 124, p. 35179.
- (e) 29 CFR 1926.354 Welding, cutting, and heating in way of preservative coatings, published 4/6/79, FR vol. 44, p. 20940.
- (11) Subdivision K — ELECTRICAL.
- (a) 29 CFR 1926.400 Introduction, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.
- (b) 29 CFR 1926.401 (Reserved)
- (c) 29 CFR 1926.402 Applicability, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.
- (d) 29 CFR 1926.403 General requirements, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.
- (e) 29 CFR 1926.404 Wiring design and protection, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335; amended with AO 5-2002, repeal (b)(1), f. 6/28/02, ef. 10/1/03.
- (f) 29 CFR 1926.405 Wiring methods, components, and equipment for general use, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.
- (g) 29 CFR 1926.406 Specific purpose equipment and installations, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.
- (h) 29 CFR 1926.407 Hazardous (classified) locations, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.
- (i) 29 CFR 1926.408 Special systems, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.
- (j) 29 CFR 1926.409 (Reserved).
- (k) 29 CFR 1926.415 (Reserved).
- (l) 29 CFR 1926.416 General requirements, published 8/12/96, FR vol. 61, no. 156, p. 41738.
- (m) 29 CFR 1926.417 Lockout and tagging of circuits, published 8/12/96, FR vol. 61, no. 156, p. 41739.
- (n) 29 CFR 1926.418 (Reserved)
- (o) 29 CFR 1926.430 (Reserved)
- (p) 29 CFR 1926.431 Maintenance of equipment, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.
- (q) 29 CFR 1926.432 Environmental deterioration of equipment, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.
- (r) 29 CFR 1926.433 — 29 CFR 1926.440 (Reserved).
- (s) 29 CFR 1926.441 Battery locations and battery charging, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.
- (t) 29 CFR 1926.442 — 29 CFR 1926.448 (Reserved)
- (u) 29 CFR 1926.449 Definitions applicable to this subpart, published 7/11/86, FR vol. 51, no. 133, pp. 25294-25335.
- (12) Subdivision L — SCAFFOLDING.
- (a) 29 CFR 1926.450 Scope, application and definitions applicable to this subpart, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (b) 29 CFR 1926.451 General requirements, published 11/25/96, FR vol. 61, no. 228, p. 59831.
- (c) 29 CFR 1926.452 Additional requirements applicable to specific types of scaffolds, published 8/30/96, FR vol. 61, no. 170, p. 46113.
- (d) 29 CFR 1926.453 Aerial lifts, published 11/25/96, FR vol. 61, no. 228, p. 59832.
- (e) 29 CFR 1926.454 Training, published 8/30/96, FR vol. 61, no. 170, p. 46117.
- (f) Appendix A to Subpart L Scaffold Specifications, published 8/30/96, FR vol. 61, no. 170, p. 46117.
- (g) Appendix B to Subpart L Criteria for determining the feasibility of providing safe access and fall protection for scaffold erectors and dismantlers (Reserved), published 8/30/96, FR vol. 61, no. 170, p. 46122.
- (h) Appendix C to Subpart L List of National Consensus Standards, published 8/30/96, FR vol. 61, no. 170, p. 46122.
- (i) Appendix D to Subpart L List of training topics for scaffold erectors and dismantlers, published 8/30/96, FR vol. 61, no. 170, p. 46122.
- (j) Appendix E to Subpart L Drawing and illustrations, published 11/25/96, FR vol. 61, no. 228, p. 59832.
- (13) Subdivision M — FALL PROTECTION.
- (a) 29 CFR 1926.500 Scope, application, and definitions applicable to this subpart, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (b) 29 CFR 1926.501 Duty to have fall protection, published 8/9/94, FR vol. 59, no. 152, p. 40732-40733; amended with AO 6-2002, f. and ef. 7/19/02.
- (c) 29 CFR 1926.502 Fall protection systems criteria and practices, published 8/9/94, FR vol. 59, no. 152, p. 40733-40738; amended with AO 6-2002, f. and ef. 7/19/02.
- (d) 29 CFR 1926.503 Training requirements. REPEALED with AO 6-2002, f. and ef. 7/19/02, replaced with OI.
- (e) Appendix A to Subpart M Determining Roof Widths, published 8/9/94, FR vol. 59, no. 152, p. 40738-40742.
- (f) Appendix B to Subpart M Guardrail Systems, published 8/9/94, FR vol. 59, no. 152, p. 40743.
- (g) Appendix C to Subpart M Personal Fall Arrest Systems, published 8/9/94, FR vol. 59, no. 152, p. 40743-40746.
- (h) Appendix D to Subpart M Positioning Device Systems, published 8/9/94, FR vol. 59, no. 152, p. 40746.
- (14) Subdivision N — HELICOPTERS, HOISTS, ELEVATORS, AND CONVEYORS.
- (a) 29 CFR 1926.550 (Reserved).
- (b) 29 CFR 1926.551 Helicopters, published 4/6/79, FR vol. 44, p. 20940.

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- (c) 29 CFR 1926.552 Material hoists, personnel hoists, and elevators, published 4/6/79, FR vol. 44, p. 20940.
- (d) 29 CFR 1926.553 Base-mounted drum hoist, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (e) 29 CFR 1926.554 Overhead hoists, published 4/6/79, FR vol. 44, p. 20940.
- (f) 29 CFR 1926.555 Conveyors, published 4/6/79, FR vol. 44, p. 20940.
- (15) Subdivision O — MOTOR VEHICLES, MECHANIZED EQUIPMENT, AND MARINE OPERATIONS.
- (a) 29 CFR 1926.600 Equipment, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (b) 29 CFR 1926.601 Motor vehicles, REPEALED by OR-OSHA Admin. Order 6-2007, f. 9/26/07, ef. 9/26/07.
- (c) 29 CFR 1926.602 Material handling equipment, published 12/1/98, FR vol. 63, no. 230, p. 66274; amended by AO 7-2003, f. 12/5/03, ef. 12/5/03.
- (d) 29 CFR 1926.603 Pile driving equipment, published 4/6/79, FR vol. 44, p. 20940.
- (e) 29 CFR 1926.604 Site clearing, published 7/22/77, FR vol. 42, p. 37674.
- (f) 29 CFR 1926.605 Marine operations and equipment, published 4/6/79, FR vol. 44, p. 20940.
- (g) 29 CFR 1926.606 Definitions applicable to this subpart, published 4/6/79, FR vol. 44, p. 20940.
- (16) Subdivision P — EXCAVATIONS.
- (a) 29 CFR 1926.650 Scope, application, and definitions applicable to this subdivision, published 10/31/89, FR vol. 54, no. 209, pp. 45959-45961.
- (b) 29 CFR 1926.651 General requirements, published 8/9/94, FR vol. 59, no. 152, p. 40730.
- (c) 29 CFR 1926.652 Requirements for protective systems, published 10/31/89, FR vol. 54, no. 209, pp. 45961-45962.
- (d) Appendices A-F to Subdivision P, Excavations, published 10/31/89, FR vol. 54, no. 209, pp. 45962-45991.
- (17) Subdivision Q — CONCRETE AND MASONRY CONSTRUCTION.
- (a) 29 CFR 1926.700 Scope, application and definitions applicable to this subpart, published 10/18/90, FR vol. 55, no. 202, p. 42326.
- (b) 29 CFR 1926.701 General requirements, published 8/9/94, FR vol. 59, no. 152, p. 40730.
- (c) 29 CFR 1926.702 Requirements for equipment and tools, published 6/16/88, FR vol. 53, p. 22612.
- (d) 29 CFR 1926.703 Requirements for cast-in-place concrete, published 6/16/88, FR vol. 53, p. 22612.
- (e) 29 CFR 1926.704 Requirements for precast concrete, published 10/5/89, FR vol. 54, no. 192, p. 41088.
- (f) 29 CFR 1926.705 Requirements for lift-slab construction operations, published 10/18/90, FR vol. 55, no. 202, p. 42326.
- (g) Appendix A to 1926.705 Lift-slab operations, published 10/18/90, FR vol. 55, no. 202, p. 42326.
- (h) 29 CFR 1926.706 Requirements for masonry construction, published 6/16/88, FR vol. 53, p. 22612; amended with OR-OSHA Admin. Order 1-2003, f. 1/30/03, ef. 4/30/03.
- (18) Subdivision R — STEEL ERECTION.
- (a) 29 CFR 1926.750 Scope, published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (b) 29 CFR 1926.751 Definitions, published 7/17/01, FR vol. 66, no. 137, p. 37137; amended with AO 6-2002, f. and ef. 7/19/02; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.
- (c) 29 CFR 1926.752 Site layout, site-specific erection plan and construction sequence, published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (d) 29 CFR 1926.753 Hoisting and rigging, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (e) 29 CFR 1926.754 Structural steel assembly, published 4/3/06, FR vol. 71, no. 63, p. 16669.
- (f) 29 CFR 1926.755 Column anchorage, published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (g) 29 CFR 1926.756 Beams and columns, published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (h) 29 CFR 1926.757 Open web steel joists, published 7/17/01, FR vol. 66, no. 137, p. 37137; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.
- (i) 29 CFR 1926.758 Systems-engineered metal buildings, published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (j) 29 CFR 1926.759 Falling object protection, published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (k) 29 CFR 1926.760 Fall protection, published 7/17/01, FR vol. 66, no. 137, p. 37137; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.
- (l) 29 CFR 1926.761 Training, published 12/12/08, FR vol. 73, no. 240, pp. 75568-75589.
- (m) Appendix A to Subpart R Guidelines for establishing the components of a site-specific erection plan: Nonmandatory Guidelines for Complying with §1926.752(e), published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (n) Appendix B to Subpart R Reserved.
- (o) Appendix C to Subpart R Illustrations of bridging terminus points: Nonmandatory Guidelines for Complying with §1926.757(a)(10) and §1926.757(c)(5), published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (p) Appendix D to Subpart R Illustration of the use of control lines to demarcate controlled decking zones (CDZs): Nonmandatory Guidelines for Complying with §1926.760(c)(3), REPEALED with AO 6-2002, f. and ef. 7/19/02; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.
- (q) Appendix E to Subpart R Training: Nonmandatory Guidelines for Complying with §1926.761, published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (r) Appendix F to Subpart R Perimeter columns: Nonmandatory Guidelines for Complying with §1926.756(e) to Protect the Unprotected Side or Edge of a Walking/Working Surface, published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (s) Appendix G to Subpart R Fall protection systems criteria and practices from §1926.502: Nonmandatory Guidelines for Complying with Complying with §1926.760(d), REPEALED with AO 6-2002, f. and ef. 7/19/02; amended with AO 8-2003, f. 12/30/03, ef. 1/1/04.
- (t) Appendix H to Subpart R Double connections: Illustration of a clipped end connection and a staggered connection: Non-Mandatory Guidelines for Complying with Complying with §1926.756(c)(1), published 7/17/01, FR vol. 66, no. 137, p. 37137.
- (19) Subdivision S — UNDERGROUND CONSTRUCTION, CAISSONS, COFFERDAMS, AND COMPRESSED AIR.
- (a) 29 CFR 1926.800 Tunnels and shafts, published 8/17/12, FR vol. 77, no. 160, p. 49722.
- (b) 29 CFR 1926.801 Caissons, published 4/6/79, FR vol. 44, p. 20940.
- (c) 29 CFR 1926.802 Cofferdams, published 4/6/79, FR vol. 44, p. 20940.
- (d) 29 CFR 1926.803 Compressed air, published 7/11/86, FR vol. 51, p. 25318.
- (e) 29 CFR 1926.804 Definitions applicable to this subpart, published 4/6/79, FR vol. 44, p. 20940.
- (f) Appendix A to Subpart S Decompression Tables, published 4/6/79, FR vol. 44, p. 20940.
- (20) Subdivision T — DEMOLITION.
- (a) 29 CFR 1926.850 Preparatory operations, published 4/6/79, FR vol. 44, p. 20940.
- (b) 29 CFR 1926.851 Stairs, passageways, and ladders, published 4/6/79, FR vol. 44, p. 20940.
- (c) 29 CFR 1926.852 Chutes, published 4/6/79, FR vol. 44, p. 20940.
- (d) 29 CFR 1926.853 Removal of materials through floor openings, published 4/6/79, FR vol. 44, p. 20940.
- (e) 29 CFR 1926.854 Removal of walls, masonry sections, and chimneys, published 4/6/79, FR vol. 44, p. 20940.
- (f) 29 CFR 1926.855 Manual removal of floors, published 4/6/79, FR vol. 44, p. 20940.
- (g) 29 CFR 1926.856 Removal of walls, floors, and materials with equipment, published 8/17/12, FR vol. 77, no. 160, p. 49722.
- (h) 29 CFR 1926.857 Storage, published 4/6/79, FR vol. 44, p. 20940.
- (i) 29 CFR 1926.858 Removal of steel construction, published 8/17/12, FR vol. 77, no. 160, p. 49722.
- (j) 29 CFR 1926.859 Mechanical demolition, published 4/6/79, FR vol. 44, p. 20940.
- (k) 29 CFR 1926.860 Selective demolition by explosives, published 4/6/79, FR vol. 44, p. 20940.
- (21) Subdivision U — BLASTING AND USE OF EXPLOSIVES.
- (a) 29 CFR 1926.900 General provisions, published 4/6/79, FR vol. 44, p. 20940.
- (b) 29 CFR 1926.901 Blaster qualifications, published 4/6/79, FR vol. 44, p. 20940.
- (c) 29 CFR 1926.902 Surface transportation of explosives, published 6/30/93, FR vol. 58, no. 124, p. 35311.

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- (d) 29 CFR 1926.903 Underground transportation of explosives, published 4/6/79, FR vol. 44, p. 20940.
- (e) 29 CFR 1926.904 Storage of explosives and blasting agents, published 6/30/93, FR vol. 58, no. 124, p. 35311.
- (f) 29 CFR 1926.905 Loading of explosives or blasting agents, published 6/30/93, FR vol. 58, no. 124, p. 35184.
- (g) 29 CFR 1926.906 Initiation of explosive charges – electric blasting, published 6/18/98, FR vol. 63, no. 117, p. 33469.
- (h) 29 CFR 1926.907 Use of safety fuse, published 4/6/79, FR vol. 44, p. 20940.
- (i) 29 CFR 1926.908 Use of detonating cord, published 4/6/79, FR vol. 44, p. 20940.
- (j) 29 CFR 1926.909 Firing the blast, published 4/6/79, FR vol. 44, p. 20940.
- (k) 29 CFR 1926.910 Inspection after blasting, published 4/6/79, FR vol. 44, p. 20940.
- (l) 29 CFR 1926.911 Misfires, published 4/6/79, FR vol. 44, p. 20940.
- (m) 29 CFR 1926.912 Underwater blasting, published 4/6/79, FR vol. 44, p. 20940.
- (n) 29 CFR 1926.913 Blasting in excavation work under compressed air, published 4/6/79, FR vol. 44, p. 20940.
- (o) 29 CFR 1926.914 Definitions applicable to this subpart, published 6/30/93, FR vol. 58, no. 124, p. 35184, 35311.
- (22) Subdivision V — POWER TRANSMISSION AND DISTRIBUTION.
- (a) 29 CFR 1926.950 General requirements, published 4/6/79, FR vol. 44, p. 20940.
- (b) 29 CFR 1926.951 Tools and protective equipment, published 8/9/94, FR vol. 59, no. 152, p. 40730.
- (c) 29 CFR 1926.952 Mechanical equipment, published 5/29/13, FR vol. 78, no. 103, p. 32110.
- (d) 29 CFR 1926.953 Material handling, published 4/6/79, FR vol. 44, p. 20940.
- (e) 29 CFR 1926.954 Grounding for protection of employees, published 4/6/79, FR vol. 44, p. 20940.
- (f) 29 CFR 1926.955 Overhead lines, published 4/6/79, FR vol. 44, p. 20940.
- (g) 29 CFR 1926.956 Underground lines, published 4/6/79, FR vol. 44, p. 20940.
- (h) 29 CFR 1926.957 Construction in energized substations, published 4/6/79, FR vol. 44, p. 20940.
- (i) 29 CFR 1926.958 External load helicopters, published 4/6/79, FR vol. 44, p. 20940.
- (j) 29 CFR 1926.959 Lineman's body belts, safety straps, and lanyards, published 4/6/79, FR vol. 44, p. 20940.
- (k) 29 CFR 1926.960 Definitions applicable to this subpart, published 4/6/79, FR vol. 44, p. 20940.
- (23) Subdivision W — ROLLOVER PROTECTIVE STRUCTURES: OVERHEAD PROTECTION.
- (a) 29 CFR 1926.1000 Rollover protective structures (ROPS) for material handling equipment, published 4/6/79, FR vol. 44, p. 20940.
- (b) 29 CFR 1926.1001 Minimum performance criteria for rollover protective structure for designated scrapers, loaders, dozers, graders, and crawler tractors, published 4/6/79, FR vol. 44, p. 20940.
- (c) 29 CFR 1926.1002 Protective frame (ROPS) test procedures and performance requirements for wheel-type agricultural and industrial tractors used in construction, published 7/20/06, FR vol. 71, no. 139, p. 41127..
- (d) 29 CFR 1926.1003 Overhead protection for operators of agricultural and industrial tractors, published 2/28/06, FR vol. 71, no. 39, p. 9909.
- (24) Subdivision X — STAIRWAYS AND LADDERS.
- (a) 29 CFR 1926.1050 Scope, application and definitions applicable to this Subdivision, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (b) 29 CFR 1926.1051 General requirements, published 11/14/90, FR vol. 55, no. 220, p. 47688.
- (c) 29 CFR 1926.1052 Stairways, published 8/23/91, FR vol. 56, no. 164, pp. 41793-41794.
- (d) 29 CFR 1926.1053 Ladders, published 8/23/91, FR vol. 56, no. 164, pp. 41793-41794.
- (e) 29 CFR 1926.1054 (Reserved).
- (f) 29 CFR 1926.1055 (Reserved).
- (g) 29 CFR 1926.1056 (Reserved).
- (h) 29 CFR 1926.1057 (Reserved).
- (i) 29 CFR 1926.1058 (Reserved).
- (j) 29 CFR 1926.1059 (Reserved).
- (k) 29 CFR 1926.1060 Training requirements, published 11/14/90, FR vol. 55, no. 220, p. 47691.
- (25) Subdivision Z — TOXIC AND HAZARDOUS SUBSTANCES.
- (a) 29 CFR 1926.1101 Asbestos, published 2/8/13, FR vol. 78, no. 27, p. 9311.
- (b) 29 CFR 1926.1126 Chromium (VI), published; 3/17/10, FR vol. 75, no. 51, pp. 12681-12686.
- (c) 29 CFR 1926.1127 Cadmium, published 12/12/08, FR vol. 73, no. 240, pp. 75568-75589.
- (d) 29 CFR 1926.1152 Methylene Chloride, published 12/18/97, FR vol. 62, no. 243, p. 66275.
- (26) Subdivision AA — (Reserved).
- (27) Subdivision BB — (Reserved).
- (28) Subdivision CC — Cranes and Derricks in Construction.
- (a) 29 CFR 1926.1400 Scope, published 5/29/13, FR vol. 78, no. 103, p. 32110.
- (b) 29 CFR 1926.1401 Definitions, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (c) 29 CFR 1926.1402 Ground conditions, published 8/9/10, FR vol. 75, no. 152. Pp. 47906-48177.
- (d) 29 CFR 1926.1403 Assembly/Disassembly — selection of manufacturer or employer procedures, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (e) 29 CFR 1926.1404 Assembly/Disassembly — general requirements (applies to all assembly and disassembly operations), published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (f) 29 CFR 1926.1405 Disassembly — additional requirements for dismantling of booms and jibs (applies to both the use of manufacturer procedures and employer procedures), published 8/9/10, FR vol. 75, no. 152. Pp. 47906-48177.
- (g) 29 CFR 1926.1406 Assembly/Disassembly — employer procedures — general requirements, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (h) 29 CFR 1926.1407 Power line safety (up to 350 kV) — assembly and disassembly, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (i) 29 CFR 1926.1408 Power line safety (up to 350 kV) — equipment operations, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (j) 29 CFR 1926.1409 Power line safety (over 35 kV), published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (k) 29 CFR 1926.1410 Power line safety (all voltages) — equipment operations closer than the Table A zone, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (l) 29 CFR 1926.1411 Power line safety — while traveling, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (m) 29 CFR 1926.1412 Inspections, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (n) 29 CFR 1926.1413 Wire rope — inspection, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (o) 29 CFR 1926.1414 Wire rope — selection and installation criteria, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (p) 29 CFR 1926.1415 Safety devices, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (q) 29 CFR 1926.1416 Operational aids, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (r) 29 CFR 1926.1417 Operation, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (s) 29 CFR 1926.1418 Authority to stop operation, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (t) 29 CFR 1926.1419 Signals — general requirements, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (u) 29 CFR 1926.1420 Signals — radio, telephone or other electronic transmission of signals, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (v) 29 CFR 1926.1421 Signals — voice signals — additional requirements, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (w) 29 CFR 1926.1422 Signals — hand signal chart, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (x) 29 CFR 1926.1423 Fall protection, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (y) 29 CFR 1926.1424 Work area control, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (z) 29 CFR 1926.1425 Keeping clear of the load, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (aa) 29 CFR 1926.1426 Free fall and controlled load lowering, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

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(bb) 29 CFR 1926.1427 Operator qualification and certification, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(cc) 29 CFR 1926.1428 Signal person qualifications, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(dd) 29 CFR 1926.1429 Qualifications of maintenance & repair employees, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(ee) 29 CFR 1926.1430 Training, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(ff) 29 CFR 1926.1431 Hoisting personnel, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(gg) 29 CFR 1926.1432 Multiple-crane/derrick lifts — supplemental requirements, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(hh) 29 CFR 1926.1433 Design, construction and testing, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

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

(jj) 29 CFR 1926.1435 Tower cranes, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(kk) 29 CFR 1926.1436 Derricks, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(ll) 29 CFR 1926.1437 Floating cranes/derricks and land cranes/derricks on barges, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(mm) 29 CFR 1926.1438 Overhead & gantry cranes, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(nn) 29 CFR 1926.1439 Dedicated pile drivers, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(oo) 29 CFR 1926.1440 Sideboom cranes, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(pp) 29 CFR 1926.1441 Equipment with a rated hoisting/lifting capacity of 2,000 pounds or less, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(qq) 29 CFR 1926.1442 Severability, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(rr) Appendix A to Subdivision CC of 1926 — Standard Hand Signals, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(ss) Appendix B to Subdivision CC of 1926 — Assembly/Disassembly — Sample Procedures for Minimizing the Risk of Unintended Dangerous Boom Movement, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(tt) Appendix C to Subdivision CC of 1926 — Operator Certification — Written Examination — Technical Knowledge Criteria, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

These standards are available at the Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, and the United States Government Printing Office.

Stat. Auth.: ORS 654.025(2) & 656.726(4)

Stats. Implemented: ORS 654.001 - 654.295

Hist.: APD 5-1989(Temp), f. 3-31-89, ef. 5-1-89; APD 8-1989, f. & ef. 7-7-89; APD 14-1989(Temp), f. 7-20-89, ef. 8-1-89; APD 15-1989, f. & ef. 9-13-89; OSHA 3-1990(Temp), f. & cert. ef. 1-19-90; OSHA 7-1990, f. & cert. ef. 3-2-90; OSHA 8-1990, f. & cert. ef. 3-30-90; OSHA 13-1990(Temp), f. 6-28-90, ef. 8-1-90; OSHA 19-1990, f. & cert. ef. 8-31-90; OSHA 27-1990, f. 12-12-90, cert. ef. 2-1-91; OSHA 6-1991, f. 3-18-91, cert. ef. 4-15-91; OSHA 7-1991, f. & cert. ef. 4-25-91; OSHA 15-1991, f. & cert. ef. 12-13-91; OSHA 16-1991, f. 12-16-91, cert. ef. 1-1-92; OSHA 6-1992, f. & cert. ef. 5-18-92; OSHA 11-1992, f. & cert. ef. 10-9-92; OSHA 1-1993, f. & cert. ef. 1-22-93; OSHA 16-1993, f. & cert. ef. 11-1-93; OSHA 4-1994, f. & cert. ef. 8-4-94; OSHA 1-1995, f. & cert. ef. 1-19-95; OSHA 3-1995, f. & cert. ef. 2-22-95; OSHA 4-1995, f. & cert. ef. 3-29-95; OSHA 5-1995, f. & cert. ef. 4-6-95; OSHA 6-1995, f. & cert. ef. 4-18-95; OSHA 8-1995, f. & cert. ef. 8-25-95; OSHA 5-1996, f. & cert. ef. 11-29-96; OSHA 6-1996, f. & cert. ef. 11-29-96; OSHA 2-1997, f. & cert. ef. 3-12-97; OSHA 4-1997, f. & cert. ef. 4-2-97; OSHA 6-1997, f. & cert. ef. 5-2-97; OSHA 7-1997, f. & cert. ef. 9-15-97; OSHA 3-1998, f. & cert. ef. 7-7-98; OSHA 6-1998, f. & cert. ef. 10-15-98; OSHA 7-1998, f. & cert. ef. 12-18-98; OSHA 2-1999, f. & cert. ef. 4-30-99; OSHA 6-1999, f. & cert. ef. 5-26-99; OSHA 3-2000, f. & cert. ef. 2-8-00; OSHA 3-2001, f. & cert. ef. 2-5-01; OSHA 3-2002, f. 4-15-02, cert. ef. 4-18-02; OSHA 5-2002, f. 6-28-02, cert. ef. 10-1-03; OSHA 6-2002, f. & cert. ef. 7-19-02; OSHA 1-2003, f. 1-30-03, cert. ef. 4-30-03; OSHA 2-2003, f. & cert. ef. 1-30-03; OSHA 7-2003, f. & cert. ef. 12-5-03; OSHA 8-2003, f. 12-30-03, cert. ef. 1-1-04; OSHA 1-2005, f. & cert. ef. 4-12-05; OSHA 2-2006, f. & cert. ef. 4-28-06; OSHA 4-2006, f. & cert. ef. 7-24-06; OSHA 5-2006, f. 8-7-06, cert. ef. 1-1-07; OSHA 6-2006, f. & cert. ef. 8-30-06; OSHA 10-2006, f. & cert. ef. 11-30-06; OSHA 6-2007, f. & cert. ef. 9-26-07; OSHA 5-2008, f. 5-1-08, cert. ef. 5-15-08; OSHA 5-2009, f. & cert. ef. 5-29-09; OSHA 3-2010, f. 6-10-10, cert. ef. 6-15-10; OSHA 1-2011, f. & cert. ef. 2-9-11; OSHA 4-2011, f. & cert. ef. 12-8-11; OSHA 5-2011, f. 12-8-11, cert. ef. 7-1-12; OSHA 1-2012, f. & cert. ef. 4-10-12; OSHA 3-2012, f. & cert. ef. 8-20-12; OSHA 5-2012, f. & cert. ef. 9-25-12; OSHA 6-2012, f. 9-28-12, cert. ef. 4-1-13; OSHA 7-2012, f. & cert. ef. 12-14-12; OSHA 1-2013, f. & cert. ef. 2-14-13; OSHA 2-2013, f. 2-15-13, cert. ef. 4-1-13; OSHA 4-2013, f. & cert. ef. 7-19-13; OSHA 5-2013, f. & cert. ef. 9-13-13

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## Department of Corrections Chapter 291

**Rule Caption:** Tours in Department of Corrections Institution  
**Adm. Order No.:** DOC 7-2013  
**Filed with Sec. of State:** 8-20-2013

**Certified to be Effective:** 8-20-13

**Notice Publication Date:** 5-1-2013

**Rules Amended:** 291-009-0005, 291-009-0010, 291-009-0015

**Subject:** These amendments clarify requirements for interested groups and individuals to be allowed tours in DOC institutions. The rules have not been revised since 1999. Most amendments are house-keeping — updating terminology and operational and organizational changes that have occurred since the last revision.

**Rules Coordinator:** Janet R. Worley — (503) 945-0933

### 291-009-0005

#### Authority, Purpose, and Policy

(1) Authority: The authority for this rule is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 423.020, 423.030 and 423.075.

(2) Purpose: This rule provides guidelines and procedures whereby interested groups and individuals may be allowed tours of correctional facilities operated by the Department of Corrections.

(3) Policy: One of the goals of the Department of Corrections is to create partnerships with communities by providing public information and education, potential expansion of work programs, professional advice, training and consulting services, and encouraging staff participation in professional exchanges of information about the operation of the Department's facilities. One method of achieving this goal is through the administration of a tour program. Tours will be conducted in accordance with staff resource availability and security requirements.

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

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

Hist.: CD 33-1978, f. 10-24-78, ef. 10-25-78; CD 27-1982, f. & ef. 12-10-82; CD 39-1985, f. & ef. 8-16-85; CD 16-1987, f. & ef. 3-5-87; CD 17-1988, f. & cert. ef. 11-18-88; CD 3-1992, f. 3-13-92, cert. ef. 3-25-92; DOC 5-1999, f. 3-19-99, cert. ef. 4-1-99; DOC 7-2013, f. & cert. ef. 8-20-13

### 291-009-0010

#### Definitions for OAR 291-009-0005 through OAR 291-009-0015

(1) Department of Corrections Facility: Any institution, facility, or staff office, including the grounds, operated by the Department of Corrections.

(2) Functional Unit Manager: Any person within the Department of Corrections who reports to either the Director, Deputy Director, an assistant director, or an administrator and has responsibility for the delivery of program services or coordination of program operations. Whenever the term "functional unit manager" is used in this rule it means functional unit manager or designee.

(3) Inmate: Any person under the supervision of Department of Corrections who is not on parole, post-prison supervision, or probation status.

(4) Tours: Any person or group of persons authorized to be escorted through a Department of Corrections facility.

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

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

Hist.: CD 33-1978, f. 10-24-78, ef. 10-25-78; CD 27-1982, f. & ef. 12-10-82; CD 39-1985, f. & ef. 8-16-85; CD 16-1987, f. & ef. 3-5-87; CD 17-1988, f. & cert. ef. 11-18-88; CD 3-1992, f. 3-13-92, cert. ef. 3-25-92; DOC 5-1999, f. 3-19-99, cert. ef. 4-1-99; DOC 7-2013, f. & cert. ef. 8-20-13

### 291-009-0015

#### Procedures

(1) Tours may be provided to:

(a) College and high school level students age 16 and over with an academic interest in state government, public services, social science, or criminal justice. Students under 18 years of age must be accompanied by an instructor.

(b) Persons, age 18 and over, ordered by the court to tour a Department of Corrections facility as a deterrent against further criminal activity.

(c) Persons, including representatives of the media that have a professional interest in state government correctional programs.

(d) Representatives from companies or the community who have the potential for expanding work programs, including private partnerships.

(e) Family members or associates of employees or contractors.

(2) The minimum age to participate in a tour is 16 years of age. Unemancipated children between 16 and 18 years of age must provide an informed consent notice signed by their parent or legal guardian prior to taking the tour and be approved for tour participation by the functional unit manager or designee.

(3) Processing tour requests:



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(a) All requests for tours, the times, days, length and route of the tour will be coordinated with the functional unit manager or designee.

(b) Each institution functional unit manager will designate staff to be responsible for obtaining approval, scheduling the tour, securing supervision, and notifying appropriate staff, including the functional unit manager's office.

(c) LEDS checks are required unless waived by the facility functional unit manager. Persons are required to submit the necessary information to complete the LEDS check, as outlined in the DOC rule on Facility Access (OAR 291-016).

(d) Tours of designated facilities may be included in the new employee orientation program.

(4) Tour Standards:

(a) Normally, tours will be limited to ten persons or less per tour group; however, each functional unit manager may exceed that number depending upon the size of the facility and staff available to supervise the group.

(b) Tours will normally be conducted by a Department of Corrections employee. The facility functional unit manager may designate contractors to conduct tours. The facility functional unit manager will stipulate eligibility requirements for staff and contractors to become tour guides.

(c) Cameras and tape recorders may be admitted only with approval from the facility functional unit manager. Any inmate who is photographed or filmed for other than DOC purposes must sign the media consent form CD 297 indicating he/she is a voluntary participant.

(d) Former employees of the Department of Corrections are required to have an approved Visitor Authorization form (CD 451C) before entering a Department of Corrections facility.

(e) Any person who is now or has been an inmate of a correctional facility is required to have specific, advance written permission from the facility functional unit manager before entering a Department of Corrections facility.

(f) Tour members are not permitted to wander or leave the group without an assigned escort.

(g) Personal attire of tour members must meet the same minimum standards established in the Department of Corrections rule on Visiting (OAR 291-127).

(h) Inmates and tour members may not exchange any material.

(i) Failure to comply with any standards or security requirements will be reason for termination of the tour.

(j) Designated tour guides will be informed of scheduled tours and provided an approved Visitor Authorization form (CD 451C).

(k) Individuals wishing to tour a correctional facility may be subjected to a search in accordance with the Department of Corrections rule on Searches (Institutions) (OAR 291-041).

(l) Each person listed on the visitor authorization form (CD 451C) must complete the Facility Access Register (CD 52a) and exchange one piece of current photo identification for a visitor pass. Each facility may have additional facility-specific procedures for checking visitors in and out. Acceptable photo identification includes the following:

(A) Drivers license or state identification;

(B) Passport;

(C) State identification card (state employee or Motor Vehicle Division);

(D) Military identification;

(E) Student identification card; or

(F) Other official governmental identification.

(m) At the conclusion of the tour, the visitor pass will be exchanged for the visitor's photo identification and the visitor will sign out on the Facility Access Register.

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

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

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

Hist.: CD 33-1978, f. 10-24-78, ef. 10-25-78; CD 27-1982, f. & ef. 12-10-82; CD 39-1985, f. & ef. 8-16-85; CD 16-1987, f. & ef. 3-5-87; CD 17-1988, f. & cert. ef. 11-18-88; CD 3-1992, f. 3-13-92, cert. ef. 3-25-92; DOC 5-1999, f. 3-19-99, cert. ef. 4-1-99; DOC 7-2013, f. & cert. ef. 8-20-13

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**Rule Caption:** Access to Board of Parole and Post-Prison Supervision Hearings held in ODOC Institutions.

**Adm. Order No.:** DOC 8-2013

**Filed with Sec. of State:** 8-29-2013

**Certified to be Effective:** 8-29-13

**Notice Publication Date:** 5-1-2013

**Rules Adopted:** 291-153-0025

**Rules Amended:** 291-153-0005, 291-153-0020

**Subject:** Reorganization of the rules that relate to inmate accompaniment to Board hearings is necessary to separate the rule that requires joint rulemaking with the Board into a discrete section to promote efficiency and clarity.

**Rules Coordinator:** Janet R. Worley—(503) 945-0933

## 291-153-0005

### Authority, Purpose, and Policy

(1) Authority: The authority for these rules is granted to the Director of the Department of Corrections in accordance with ORS 144.123, 179.040, 423.020, 423.030, and 423.075.

(2) Purpose:

(a) The purpose of these rules is to establish policies and procedures governing access to Board of Parole and Post-Prison Supervision hearings held within Department of Corrections facilities.

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

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

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

Hist.: CD 9-1990, f. & cert. ef. 5-29-90; CD 12-1993, f. 4-21-93, cert. ef. 5-1-93; DOC 4-2004(Temp), f. & cert. ef. 5-14-04 thru 11-10-04; DOC 14-2004, f. & cert. ef. 11-2-04; DOC 8-2013, f. & cert. ef. 8-29-13

## 291-153-0020

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

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

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

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

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

(c) The inmate's attorney.

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

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

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

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

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

Hist.: DOC 4-2004(Temp), f. & cert. ef. 5-14-04 thru 11-10-04; DOC 14-2004, f. & cert. ef. 11-2-04; DOC 8-2013, f. & cert. ef. 8-29-13

## 291-153-0025

### Attendance at a Board of Parole and Post-Prison Supervision Hearing

(1) A person who may attend a Board of Parole and Post-Prison Supervision hearing in person at a Department of Corrections facility is subject to the approval of the functional unit manager or designee of the facility in which the hearing is being conducted.

# ADMINISTRATIVE RULES

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

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

(a) The inmate and inmate accompaniment as specified in OAR 291-153-0020;

(b) Victim or his/her representative;

(c) District attorney from the committing jurisdiction or his/her representative;

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

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

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

(g) Other persons as identified by the Board.

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

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

Hist.: DOC 8-2013, f. & cert. ef. 8-29-13

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## Department of Environmental Quality Chapter 340

**Rule Caption:** Conversion technology and anaerobic digestion facility performance standards and solid waste permit requirements

**Adm. Order No.:** DEQ 7-2013

**Filed with Sec. of State:** 8-29-2013

**Certified to be Effective:** 8-29-2013

**Notice Publication Date:** 1-1-2013

**Rules Adopted:** 340-096-0160, 340-096-0170, 340-096-0180, 340-096-0190, 340-096-0200

**Rules Amended:** 340-064-0015, 340-064-0022, 340-064-0035, 340-064-0055, 340-093-0030, 340-093-0050, 340-093-0070, 340-093-0105, 340-093-0110, 340-093-0115, 340-095-0090, 340-095-0095, 340-096-0001, 340-096-0010, 340-096-0040, 340-096-0060, 340-096-0070, 340-096-0080, 340-096-0090, 340-096-0100, 340-096-0110, 340-096-0120, 340-096-0130, 340-096-0140, 340-096-0150, 340-097-0001, 340-097-0110, 340-097-0120

**Subject:** These rules establish performance standards and solid waste permit requirements for anaerobic digestion facilities and conversion technology facilities. The new standards and requirements: assure environmental protection; establish appropriate permitting requirements for anaerobic digesters and conversion technology facilities; establish an appropriate fee schedule for anaerobic digesters and the new conversion technology facility permit category; and provide regulatory certainty for emerging technology providers and DEQ staff.

These rule also amend Oregon rules that exempting certain low-risk facilities from solid waste disposal permit requirements, composting and waste tire rules, correct references to solid waste rules and correct grammar.

Conversion technology facilities use chemical or thermal processes to convert solid waste to chemicals, fuels or other products for use or resale. Examples of conversion technology include pyrolysis and gasification. Anaerobic digestion facilities use biological processes to digest solid waste and create methane that can be used to create electricity or transportation fuels. In many cases, processing solid waste through conversion technology facilities or anaerobic digesters is a more sustainable practice than landfilling or incinerating solid waste.

**Rules Coordinator:** Maggie Vandehey—(503) 229-6878

### 340-064-0015

#### Waste Tire Storage Permit Required

(1) Except as provided by section (2) of this rule, no person shall establish, operate, maintain or expand a waste tire storage site until the per-

son owning or controlling the waste tire storage site obtains a permit or permit modification/addendum therefor from the Department.

(2) Persons owning or controlling the following are exempted from the above requirement to obtain a waste tire storage permit, but shall comply with all other regulations regarding waste tire management and solid waste disposal:

(a) A person who stores fewer than 100 waste tires;

(b) A person who stores fewer than 200 cubic yards of tire-derived products;

(c) A tire retailer who stores not more than 1,500 waste tires for each retail business location;

(d) A tire retreader who stores not more than 3,000 waste tires for each individual retread operation so long as the waste tires are of the type the retreader is actively retreading;

(e) A wrecking business who stores not more than 1,500 waste tires for each retail business location;

(f) Storage of tire-derived products packaged in closed plastic bags.

(3) Piles of tire-derived products are not subject to regulation as a waste tire storage site if the site actively consumes the following minimum tons of tire-derived products annually:

(a) For cement kilns: 1,500 tons;

(b) For pulp and paper mills: 1,500 tons.

(4) Manufacturers must obtain a waste tire storage permit if they are storing the following levels of tire-derived products:

(a) For manufacturers actively consuming crumb rubber: 400 tons, or over 50 percent of the manufacturer's annual use of such materials;

(b) For manufacturers actively consuming other waste tire shreds or pieces: 100 tons or over 50 percent of the manufacturer's annual use of such materials.

(5) The Department may exempt a site owned by a federal, state or local government unit from the requirement to obtain a waste tire storage permit for tire-derived products if the following conditions are met:

(a) The government unit wants to store tire-derived products for use in fulfilling an existing contract, and requests an exemption from the Department for the waste tire storage permit requirement;

(b) The quantity of tire-derived products to be stored does not exceed the estimated quantity specified in the contract plus ten percent to allow for changes or discrepancies;

(c) The length of time the tire-derived products are to be stored does not exceed six months; and

(d) The Department determines that such storage will not create an environmental risk.

(6) A permitted solid waste disposal site which stores more than 100 waste tires, is required to have a permit modification addressing the storage of tires from the Department.

(7) The Department may issue a waste tire storage permit in two stages to persons required to have such a permit by July 1, 1988. The two stages are a "first-stage" or limited duration permit, and a "second-stage" or regular permit.

(8) A person who wants to establish a new waste tire storage site shall apply to the Department at least 90 days before the planned date of facility construction. A person applying for a waste tire storage permit on or after September 1, 1988 shall apply for a "second-stage" or regular permit.

(9) A person who is using or wants to use over 100 waste tires for a beneficial use must request the Department to determine whether that use constitutes "storage" pursuant to OAR 340-064-0010(25), and is thus subject to the waste tire storage site permit requirement. The Department may recommend remedial actions which, if implemented, will eliminate any environmental risk which would otherwise be caused by a beneficial use of waste tires.

(10) Use of waste tires which is regulated under ORS 468B.070 or 196.800 through 196.905 and for which a permit has been acquired is not subject to additional regulation under OAR chapter 340, division 64.

(11) Failure to conduct storage of waste tires according to the conditions, limitations, or terms of a permit or these rules, or failure to obtain a permit is a violation of these rules and shall be subject to civil penalties as provided in OAR chapter 340, division 12 or to any other enforcement action provided by law. Each day that a violation occurs is a separate violation and may be the subject of separate penalties.

(12) No person shall advertise or represent himself/herself as being in the business of accepting waste tires for storage without first obtaining a waste tire storage permit from the Department.

(13) Failure to apply for or to obtain a waste tire storage permit, or failure to meet the conditions of such permit constitutes a nuisance.

Stat. Auth.: ORS 459.770 & 459.785

Stats. Implemented: ORS 459.705, 459.708, 459.710 & 457.715

# ADMINISTRATIVE RULES

Hist.: DEQ 15-1988, f. & cert. ef. 7-12-88; DEQ 7-1989, f. & cert. ef. 4-24-89; DEQ 3-1990, f. & cert. ef. 1-24-90; DEQ 26-1991, f. & cert. ef. 11-14-91; DEQ 27-1998, f. & cert. ef. 11-13-98; DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-064-0022

### Financial Assurance

(1) The Department shall determine for each applicant the amount of financial assurance required under ORS 459.720(c) and OAR 340-064-0020(1)(b). The Department shall base the amount on the estimated cost of cleanup for the maximum number of waste passenger tire equivalents and/or tire-derived products allowed by the permit to be stored at the storage site or the estimated cost of fire suppression. The amount of financial assurance required for permittees storing waste tires as a beneficial use could be as low as \$0 if the use meets applicable operational and storage standards in OAR 340-064-0035, and the Department determines that there will be no need to remove the tires. If the tire-derived products have a positive economic value and are actively being used or sold by the permittee, the Department may reduce or eliminate financial assurance for the tire-derived products.

(2) The Department will accept as financial assurance only those instruments listed in and complying with requirements in OAR 340-095-0095.

(3) The financial assurance shall be filed with the Department.

(4) The Department shall make any claim on the financial assurance within one year of any notice of proposed cancellation of the financial assurance.

Stat. Auth.: ORS 459.770 & 459.785

Stats. Implemented: ORS 459.720

Hist.: DEQ 15-1988, f. & cert. ef. 7-12-88; DEQ 7-1989, f. & cert. ef. 4-24-89; DEQ 3-1990, f. & cert. ef. 1-24-90; DEQ 26-1991, f. & cert. ef. 11-14-91; DEQ 9-1996, f. & cert. ef. 7-10-96; DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-064-0035

### Standards for Waste Tire Storage Sites

(1) All permitted waste tire storage sites must comply with the technical and operational standards in this rule.

(2) The holder of a "first-stage" waste tire storage permit shall comply with the technical and operational standards in this part if the site receives any waste tires after the effective date of these rules.

(3) A waste tire storage site shall not be constructed or operated in a wetland, waterway, floodway, 25-year floodplain, or any area where it may be subjected to submersion in water.

(4) Operation. A waste tire storage site shall be operated in compliance with the following standards:

(a) An outdoor waste tire pile shall have no greater than the following maximum dimensions:

(A) Width: 50 feet;

(B) Area: 15,000 square feet;

(C) Height: 6 feet.

(b) A 50-foot fire lane shall be placed around the perimeter of each waste fire pile. Access to the fire lane for emergency vehicles must be unobstructed at all times;

(c) Waste tire piles shall be located at least 60 feet from buildings;

(d) Waste tires to be stored for one month or longer shall be ricked, unless the Department waives this requirement;

(e) The permittee shall operate and maintain the site in a manner which controls mosquitoes and rodents if the site is likely to become a public nuisance or health hazard and is close to residential areas;

(f) A sign shall be posted at the entrance of the storage site stating operating hours, cost of disposal and site rules if the site receives tires from persons other than the operator of the site;

(g) No operations involving the use of open flames or blow torches shall be conducted within 25 feet of a waste tire pile;

(h) An approach and access road to the waste tire storage site shall be maintained passable for any vehicle at all times. Access to the site shall be controlled through the use of fences, gates, or other means of controlling access;

(i) If required by the Department, the site shall be screened from public view;

(j) An attendant shall be present at all times the waste tire storage site is open for business, if the site receives tires from persons other than the operator of the site;

(k) The site shall be bermed or given other adequate protection if necessary to keep any liquid runoff from potential tire fires from entering waterways;

(l) If pyrolytic oil is released at the waste tire storage site, the permittee shall remove contaminated soil in accordance with applicable rules governing the removal, transportation and disposal of the material;

(m) In the case of tire fences, the following are also required:

(A) For vector control:

(i) Drilling a two-inch hole into each quadrant of the downside of each tire used in the fence; or

(ii) Filling each individual waste tire with dirt; or

(iii) Another treatment approved in advance by the Department.

(B) A 20-foot fire lane shall be maintained on land under control of the permittee along the entire length of the tire fence. Access to the fire lane for emergency vehicles must be unobstructed and clear of vegetation at all times;

(C) Weeds shall not be allowed to grow on or over the tire fence;

(D) A tire fence shall not be constructed wider than one tire width.

(n) In the case of waste tires stored for seasonal agricultural uses:

During the annual period(s) during which the waste tires are not being used for the beneficial use, they shall be stored to meet the standards in this rule.

(5) Operational standards for storage of tire-derived products: the following standards must be met:

(a) The product pile shall have no greater than the following maximum dimensions:

(A) Width: 40 yards;

(B) Volume: 6,400 cubic yards;

(C) Height: 4 yards.

(b) A maximum of four piles of product are allowed on a site;

(c) Compliance with waste tire storage standards under section (3) and subsections (4)(b), (c), and (e) through (l) of this rule.

(6) The Department may impose additional storage requirements for an individual site which are reasonably necessary to protect the public health or the environment.

(7) Waste tires stored indoors shall be stored in compliance with Section 2509.1 of the 2010 Oregon Fire Code.

(8) The Department may approve exceptions to the preceding technical and operational standards for a company processing waste tires and/or storing tire-derived products if:

(a) The average time of storage for a waste tire and/or tire-derived products on that site is one month or less; and

(b) The Department and the local fire authority are satisfied that the permittee has sufficient fire suppression equipment and/or materials on site to extinguish any potential tire and tire chip fire within an acceptable length of time.

(9) The director may grant a variance to the technical and operational standards in this rule or the requirements of OAR 340-064-0025(3)(a) through (3)(c)(D) for a waste tire storage site in existence on or before January 1, 1988, or for a waste tire storage site using tires for a beneficial use. This may include certain requirements of these technical and operational standards when circumstances of the waste tire storage site location, operating procedures, and fire control protection indicate that the purpose and intent of these rules can be achieved without strict adherence to all of the requirements, or when the site is not receiving additional tires and is under a closure schedule approved by the Department.

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

Stat. Auth.: ORS 459.770 & 459.785

Stats. Implemented: ORS 459.268, 459.710, 459.715 & 459.720

Hist.: DEQ 15-1988, f. & cert. ef. 7-12-88; DEQ 7-1989, f. & cert. ef. 4-24-89; DEQ 3-1990, f. & cert. ef. 1-24-90; DEQ 26-1991, f. & cert. ef. 11-14-91; DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-064-0055

### Waste Tire Carrier Permit Required

(1) After January 1, 1989, any person engaged in picking up, collecting or transporting waste tires for the purpose of storage, processing or disposal is required to obtain a waste tire carrier permit from the Department.

(2) After January 1, 1989, no person shall collect or haul waste tires or advertise or represent himself/herself as being in the business of a waste tire carrier without first obtaining a waste tire carrier permit from the Department.

(3) The following persons are exempt from the requirement to obtain a waste tire carrier permit:

(a) Solid waste collectors operating under a license or franchise from any local government unit;

(b) A private individual transporting the individual's own waste tires to a processor or for proper disposal;

(c) A private carrier transporting the carrier's own waste tires to a processor or for proper disposal;

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(d) A person transporting fewer than five tires to a processor or for proper disposal;

(e) Persons transporting tire-derived products to a market;

(f) Persons transporting tire chips that meet the chipping standards in OAR 340-064-0052;

(g) The United States, the State of Oregon, any county, city, town or municipality in this state or any agency of the United States, the State of Oregon or a county, city, town or municipality of this state.

(4) A combined tire carrier/storage permit may be applied for by tire carriers:

(a) Who are subject to the carrier permit requirement; and

(b) Whose business includes or wants to establish a site which is subject to the waste tire storage permit requirement.

(5) The Department shall supply a combined tire carrier/storage permit application to such persons. Persons applying for the combined tire carrier/storage permit shall comply with all other regulations concerning storage sites and tire carriers established in these rules.

(6) Persons who want to transport waste tires for the purpose of storage, processing or disposal must apply to the Department for a waste tire carrier permit at least 90 days before beginning to transport the tires.

(7) Large trucking companies with 15 or more trucks in their fleet, whether leased or owned, may apply for a common carrier class waste tire carrier permit to haul waste tires.

(a) All waste tire carrier permit rules will apply, except for Sections (8)(a), (17), and (18) of this rule.

(b) Large trucking companies who apply for this permit must pay all application and compliance fees required in OAR 340-064-0063(9)(a) and in section (10) of this rule in addition to an annual permit fee of \$375 applicable to companies operating 15 or more trucks.

(c) Cab decals are not required on trucks covered under this permit, however the common carrier class waste tire carrier permit must remain on file and must be available for review by the Department at the permittee's principal Oregon office.

(d) Any truck in the company's fleet may be used to haul waste tires as long as the company is in compliance with the common carrier class waste tire carrier permit.

(8) Applications shall be made on a form provided by the Department. The application shall include such information as required by the Department. It shall include but not be limited to:

(a) A description, license number and registered vehicle owner for each truck used for transporting waste tires;

(b) The PUC authority number under which each truck is registered;

(c) Where the waste tires will be stored, processed or disposed of;

(d) Any additional information required by the Department.

(9) A corporation which has more than one separate business location may submit one waste tire carrier permit application which includes all the locations. All the information required in section (8) of this rule shall be supplied by location for each individual location. The corporation shall be responsible for amending the corporate application whenever any of the required information changes at any of the covered locations.

(10) An application for a tire carrier permit shall include a \$25 non-refundable application fee and an annual compliance fee as listed in OAR 340-064-0063 or subsection (7)(b) of this rule, as applicable.

(11) An application for a combined tire carrier/storage permit shall include a \$250 application fee, \$50 of which shall be non-refundable, and an annual compliance fee as listed in OAR 340-064-0063. The rest of the application fee may be refunded in whole or in part when submitted with an application if either of the following conditions exists:

(a) The Department determines that no permit will be required;

(b) The applicant withdraws the application before the Department has granted or denied the application.

(12) The application for a waste tire carrier permit shall also include a bond in the sum of \$5,000 in favor of the State of Oregon. In lieu of the bond, the applicant may submit financial assurance acceptable to the Department. The Department will accept as financial assurance only those instruments listed in and complying with requirements in OAR 340-095-0095.

(13) The bond or other financial assurance shall be filed with the Department and shall provide that:

(a) In performing services as a waste tire carrier, the applicant shall comply with the provisions of ORS 459.705 through 459.790 and of this rule; and

(b) Any person injured by the failure of the applicant to comply with the provisions of ORS 459.705 through 459.790 or this rule shall have a right of action on the bond or other financial assurance in the name of the

person. Such right of action shall be made to the principal or the surety company within two years after the injury.

(14) Any deposit of cash, certificate of deposit, letter of credit, or negotiable securities submitted under sections (12) and (13) of this rule shall remain in effect for not less than two years following termination of the waste tire carrier permit.

(15) A waste tire carrier permit or combined tire carrier/ storage permit shall be valid for up to three years.

(16) Waste tire carrier permits shall expire on March 1. Waste tire carrier permittees who want to renew their permit must apply to the Department for permit renewal by January 1 of the year the permit expires. The application for renewal shall include all information required by the Department, and a permit renewal fee.

(17) A waste tire carrier permittee may add another vehicle to its permitted waste tire carrier fleet if it does the following before using the vehicle to transport waste tires:

(a) Submits to the Department:

(A) The information required in section (8) of this rule; and

(B) A fee of \$25 for each vehicle added.

(b) Displays on each additional vehicle decals from the Department pursuant to OAR 340-064-0063(1)(b).

(18) A waste tire carrier permittee may lease additional vehicles to use under its waste tire carrier permit without adding that vehicle to its fleet pursuant to section (17) of this rule, under the following conditions:

(a) The vehicle may not transport waste tires when under lease for a period of time exceeding 30 days (short-term leased vehicles). If the lease is for a longer period of time, the vehicle must be added to the permittee's permanent fleet pursuant to section (17) of this rule;

(b) The permittee must give previous written notice to the Department that it will use short-term leased vehicles;

(c) The permittee shall pay a \$25 annual compliance fee in advance to allow use of short-term leased vehicles, in addition to any other fees required by sections (10), (11) and (17) of this rule, and OAR 340-064-0063(9) and (10);

(d) Every permittee shall keep a daily record of all vehicles leased on short term, with beginning and ending dates used, license numbers, PUC authority, PUC temporary pass or PUC plate/marker, and person from whom the vehicles were leased. The daily record must be kept current at all times, subject to verification by the Department. The daily record shall be maintained at the principal Oregon office of the permittee. The daily record shall be submitted to the Department each year as part of the permittee's annual report required by OAR 340-064-0063(8);

(e) The permittee's bond or other financial assurance required under section (12) of this rule must provide that, in performing services as a waste tire carrier, the operator of a vehicle leased by the permittee shall comply with the provisions of ORS 459.705 through 459.790 and of this rule;

(f) Each vehicle being used on a short-term lease basis by a permittee must carry a properly filled out cab card provided by the Department in the power vehicle at all times when hauling waste tires. Information on the cab card shall include the starting and ending dates of the short-term lease;

(g) The permittee is responsible for ensuring that a leased vehicle complies with OAR 340-064-0055 through 340-064-0063, except that the leased vehicle does not have to obtain a separate waste tire carrier permit pursuant to section (1) of this rule while operating under lease to the permittee.

(19) A holder of a combined tire carrier/storage permit may purchase special block passes from the Department. A person located outside of Oregon who is a holder of a waste tire carrier permit issued by the Department may also purchase special block passes from the Department if he or she also holds a valid permit allowing storage of waste tires issued by the responsible state or local agency of that state, and if such permit is deemed acceptable by the Department. The block passes will allow the permittee to use a common carrier which does not have a waste tire carrier permit. Use of a block pass will allow the unpermitted common carrier to haul waste tires under the permittee's waste tire carrier permit:

(a) Special block passes shall be available in sets of at least five, for a fee of \$5 per block pass. Only a holder of a combined tire carrier/storage permit may purchase block passes. Any unused block passes shall be returned to the Department when the permittee's waste tire permit expires or is revoked;

(b) The permittee is responsible for ensuring that a common carrier operating under a block pass from the permittee complies with OAR 340-064-0055 through 340-064-0063, except that the common carrier does not have to obtain a separate waste tire carrier permit pursuant to section (1) of this rule while operating under the permittee's block pass;

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(c) A block pass may be valid for a maximum of ten days and may only be used to haul waste tires between the origin(s) and destination(s) listed on the block pass;

(d) A separate block pass shall be used for each trip hauling waste tires made by the unpermitted common carrier under the permittee's waste tire permit. (A trip begins when waste tires are picked up at an origin, and ends when they are delivered to a proper disposal site(s) pursuant to OAR 340-064-0063(4));

(e) The permittee shall fill in all information required on the block pass, including name of the common carrier, license number, PUC authority if applicable, PUC temporary pass or PUC plate/marker if applicable, beginning and ending dates of the trip, address(es) of where the waste tires are to be picked up and where they are to be delivered, and approximate numbers of waste tires to be transported;

(f) Each block pass shall be in triplicate. The permittee shall send the original to the Department within five days of the pass's beginning date, one copy to the common carrier which shall keep it in the cab during the trip, and shall keep one copy;

(g) The permittee shall be responsible for ensuring that any common carrier hauling waste tires under the permittee's waste tire permit has a properly completed block pass;

(h) While transporting waste tires, the common carrier shall keep a block pass properly filled out for the current trip in the cab of the vehicle;

(i) An unpermitted common carrier may operate as a waste tire carrier using a block pass no more than three times in any calendar quarter. Before a common carrier may operate as a waste tire carrier more than three times a quarter, he or she must first apply for and obtain a waste tire carrier permit from the Department.

Stat. Auth.: ORS 468.020, 459.045 & 459.785  
Stats. Implemented: ORS 459.708

Hist.: DEQ 15-1988, f. & cert. ef. 7-12-88; DEQ 7-1989, f. & cert. ef. 4-24-89; DEQ 3-1990, f. & cert. ef. 1-24-90; DEQ 41-1990, f. & cert. ef. 11-15-90; DEQ 26-1991, f. & cert. ef. 11-14-91; DEQ 9-1996, f. & cert. ef. 7-10-96; DEQ 3-1997, f. & cert. ef. 3-7-97; DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-093-0030

### Definitions

As used in OAR chapter 340, divisions 93, 94, 95, 96 and 97 unless otherwise specified:

(1) "Acceptable Risk Level" has the meaning as defined in OAR 340-122-0115 of the Hazardous Substance Remedial Action Rules.

(2) "Access Road" means any road owned or controlled by the disposal site owner that terminates at the disposal site and that provides access for users between the disposal site entrance and a public road.

(3) "Agricultural Waste" means waste on farms resulting from the raising or growing of plants and animals including but not limited to crop residue, manure, animal bedding, and carcasses of dead animals.

(4) "Agricultural Composting" means composting conducted by an agricultural operation (as defined in ORS 467.120(2)(a) on lands used for farming (as defined in ORS 215.203).

(5) "Agronomic Application Rate" means land application of no more than the optimum quantity per acre of compost, sludge or other materials. In no case may such application adversely impact the waters of the state. Such application must be designed to:

(a) Provide the amount of nutrient, usually nitrogen, needed by crops or other plantings, to prevent controllable loss of nutrients to the environment;

(b) Condition and improve the soil comparable to that attained by commonly used soil amendments; or

(c) Adjust soil pH to desired levels.

(6) "Airport" means any area recognized by the Oregon Department of Transportation, Aeronautics Division, for the landing and taking-off of aircraft which is normally open to the public for such use without prior permission.

(7) "Anaerobic Digestion" means the controlled biological breakdown of biodegradable organic material in the absence of oxygen.

(8) "Aquifer" means a geologic formation, group of formations or portion of a formation capable of yielding usable quantities of groundwater to wells or springs.

(9) "Asphalt paving" means asphalt which has been applied to the land to form a street, road, path, parking lot, highway, or similar paved surface and that is weathered, consolidated, and does not contain visual evidence of fresh oil.

(10) "Assets" means all existing and probable future economic benefits obtained or controlled by a particular entity.

(11) "Baling" means a volume reduction technique whereby solid waste is compressed into bales for final disposal.

(12) "Base Flood" means a flood that has a one percent or greater chance of recurring in any year or a flood of a magnitude equaled or exceeded once in 100 years on the average of a significantly long period.

(13) "Beneficial Use" means the productive use of solid waste in a manner that will not create an adverse impact to public health, safety, welfare, or the environment.

(14) "Beneficial Use Determination" means the approval of a beneficial use of a solid waste pursuant to OAR 340-093-0260 through 340-093-0290 either as a standing beneficial use or as a case-specific authorization.

(15) "Biogas" is a gas produced through anaerobic digestion and is primarily composed of methane and carbon dioxide, but also may contain impurities such as hydrogen sulfide.

(16) "Biological Waste" means blood and blood products, excretions, exudates, secretions, suctionings and other body fluids that cannot be directly discarded into a municipal sewer system, and waste materials saturated with blood or body fluids, but does not include diapers soiled with urine or feces.

(17) "Biosolids" means solids derived from primary, secondary or advanced treatment of domestic wastewater which have been treated through one or more controlled processes that significantly reduce pathogens and reduce volatile solids or chemically stabilize solids to the extent that they do not attract vectors.

(18) "Clean Fill" means material consisting of soil, rock, concrete, brick, building block, tile or asphalt paving, which do not contain contaminants which could adversely impact the waters of the State or public health. This term does not include putrescible wastes, construction and demolition wastes and industrial solid wastes.

(19) "Cleanup Materials Contaminated by Hazardous Substances" means contaminated materials from the cleanup of releases of hazardous substances into the environment, and which are not hazardous wastes as defined by ORS 466.005.

(20) "Closure Permit" means a document issued by the department bearing the signature of the Director or his/her authorized representative which by its conditions authorizes the permittee to complete active operations and requires the permittee to properly close a land disposal site and maintain and monitor the site after closure for a period of time specified by the department.

(21) "Commercial Solid Waste" means solid waste generated by stores, offices, including manufacturing and industry offices, restaurants, warehouses, schools, colleges, universities, hospitals, and other non-manufacturing entities, but does not include solid waste from manufacturing activities. Solid waste from business, manufacturing or processing activities in residential dwellings is also not included.

(22) "Commission" means the Environmental Quality Commission or the Commission's authorized designee.

(23) "Composted material" or "Compost" is the solid material resulting from the composting process. It includes both the material produced from aerobic composting and the solid digestate produced by anaerobic digestion, although the solid digestate may require additional composting in order to be suitable for certain applications.

(24) "Composting" means the managed process of controlled biological decomposition of feedstocks. A managed process includes, but is not limited to, reducing feedstock particle size, adding moisture, mixing feedstocks, manipulating composting piles, and performing procedures to achieve human pathogen reduction. "Composting" includes both aerobic composting and anaerobic digestion. Other examples of composting include bokashi, fermentation, and vermiculture.

(25) "Composting Facility" means a site or facility composting feedstocks to produce a useful product through a managed process of controlled biological decomposition. Examples of composting facilities include sites used for composting windrows and piles, anaerobic digestion, vermiculture, vermicomposting and agricultural composting.

(26) "Construction and Demolition Waste" means solid waste resulting from the construction, repair, or demolition of buildings, roads and other structures, and debris from the clearing of land, but does not include clean fill when separated from other construction and demolition wastes and used as fill materials or otherwise land disposed. Such waste typically consists of materials including concrete, bricks, bituminous concrete, asphalt paving, untreated or chemically treated wood, glass, masonry, roofing, siding, plaster; and soils, rock, stumps, boulders, brush and other similar material. This term does not include industrial solid waste and municipal solid waste generated in residential or commercial activities associated with construction and demolition activities.

(27) "Construction and Demolition Landfill" means a landfill that receives only construction and demolition waste.

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(28) "Conversion Technology Facility" means a facility that uses primarily chemical or thermal processes other than melting (changing from solid to liquid through heating without changing chemical composition) to produce fuels, chemicals, or other useful products from solid waste. These chemical or thermal processes include, but are not limited to, distillation, gasification, hydrolysis, pyrolysis, thermal depolymerization, transesterification and animal rendering, but do not include direct combustion, composting, anaerobic digestion, melting, or mechanical recycling. Mills that primarily use mechanical recycling or melting to recycle materials back into similar materials are not considered to be conversion technology facilities, even if they use some chemical or thermal processes in the recycling process.

(29) "Corrective Action" means action required by the department to remediate a release of constituents above the levels specified in 40 CFR 258.56 or OAR chapter 340 division 40, whichever is more stringent.

(30) "Cover Material" means soil or other suitable material approved by the department that is placed over the top and side slopes of solid wastes in a landfill.

(31) "Cultures and Stocks" means etiologic agents and associated biologicals, including specimen cultures and dishes and devices used to transfer, inoculate and mix cultures, wastes from production of biologicals, and serums and discarded live and attenuated vaccines. "Culture" does not include throat and urine cultures.

(32) "Current Assets" means cash or other assets or resources commonly identified as those that are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.

(33) "Current Liabilities" means obligations whose liquidation is reasonably expected to require the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

(34) "Department" means the Department of Environmental Quality.

(35) "Digestate" means both solid and liquid substances that remain following anaerobic digestion of organic material in a composting facility. "Solid digestate" means the solids resulting from anaerobic digestion, and "liquid digestate" means the liquids resulting from anaerobic digestion.

(36) "Digested Sewage Sludge" means the concentrated sewage sludge that has decomposed under controlled conditions of pH, temperature and mixing in a digester tank.

(37) "Director" means the Director of the Department of Environmental Quality or the Director's authorized designee.

(38) "Disposal Site" means land and facilities used for the disposal, handling, treatment or transfer of or energy recovery, material recovery and recycling from solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, land application units (except as exempted within the definition of solid waste in this rule), transfer stations, conversion technology facilities, energy recovery facilities, incinerators for solid waste delivered by the public or by a collection service, composting facilities and land and facilities previously used for solid waste disposal at a land disposal site. The term "disposal site" does not include a facility authorized by a permit issued under ORS 466.005 to 466.385 to store, treat or dispose of both hazardous waste and solid waste; a facility subject to the permit requirements of ORS 468B.050; a site that is used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar non-decomposable clean fill material, unless the site is used by the public either directly or through a collection service; or a site operated by a wrecker issued a certificate under ORS 822.110.

(39) "Domestic Solid Waste" includes, but is not limited to, residential (including single and multiple residences), commercial and institutional wastes, as defined in ORS 459A.100; but the term does not include:

(a) Sewage sludge or septic tank and cesspool pumpings;

(b) Building demolition or construction wastes and land clearing debris, if delivered to a disposal site that is limited to those purposes and does not receive other domestic solid wastes;

(c) Source separated recyclable materials, or material recovered at a disposal site for recycling;

(d) Industrial waste going to an industrial waste facility; or

(e) Waste received at an ash monofill from an energy recovery facility.

(40) "Endangered or Threatened Species" means any species listed as such pursuant to Section 4 of the federal Endangered Species Act and any other species so listed by the Oregon Department of Fish and Wildlife.

(41) "Energy Recovery" means recovery in which all or a part of the solid waste materials are processed to use the heat content, or other forms of energy, of or from the material. Energy recovery includes the direct combustion of solid waste in an energy recovery facility and the production of

fuels intended to be burned as an energy source, such as the pyrolysis of plastics to produce fuel oils or the grinding of wood waste to produce combustion fuel.

(42) "Energy Recovery Facility" means a facility that directly combusts solid waste and uses the heat energy generated for some useful purpose such as to produce electricity or to produce steam to be used in an industrial process.

(43) "Feedstock" means organic and other solid wastes used in a composting process to produce composted material, or used in a conversion technology facility to produce other products. For composting, four types of feedstocks are defined:

(a) Type 1 feedstocks include source-separated yard and garden wastes, wood wastes, agricultural crop residues, wax-coated cardboard, vegetative food wastes including department approved industrially produced vegetative food waste, and other materials the department determines pose a low level of risk from hazardous substances, physical contaminants and human pathogens. Type 1 feedstocks also include digestate derived only from type 1 feedstocks.

(b) Type 2 feedstocks include manure and bedding and other materials the department determines pose a low level of risk from hazardous substances and physical contaminants and a higher level of risk from human pathogens compared to type 1 feedstock. Type 2 feedstocks also include digestate derived from feedstocks that include Type 2 feedstocks but does not include any type 3 or type X feedstock.

(c) Type 3 feedstocks include dead animals, meat and source-separated mixed food waste and industrially produced non-vegetative food waste. They also include other materials the department determines pose a low level of risk from hazardous substances and a higher level of risk from physical contaminants and human pathogens compared to type 1 and 2 feedstocks. Type 3 feedstocks also include digestate derived from feedstocks that include Type 3 feedstocks but does not include any type X feedstock.

(d) Type X feedstocks include specified risk material (SRM) from bovine animal mortality and animal by-products from slaughter that pose a risk to the environment and public health from exposure to prions that can cause Bovine Spongiform Encephalitis (BSE). This includes the brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia from cattle 30 months of age and older and the distal ileum of the small intestine and the tonsils from all cattle. It also includes whole cattle from which the SRM has not been removed, cattle that are not able to walk, and cattle with symptoms that might indicate BSE disease. Type X feedstocks also include digestate that was derived from any quantity of type X feedstocks.

(44) "Financial Assurance" means a plan for setting aside financial resources or otherwise assuring that adequate funds are available to properly close and to maintain and monitor a disposal site after the site is closed according to the requirements of a permit issued by the department.

(45) "Floodplain" means the lowland and relatively flat areas adjoining inland and coastal waters that are inundated by the base flood.

(46) "Gravel Pit" means an excavation in an alluvial area from which sand or gravel has been or is being mined.

(47) "Groundwater" means water that occurs beneath the land surface in the zone(s) of saturation.

(48) "Hazardous Substance" means any substance defined as a hazardous substance pursuant to Section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. 9601 et seq.; oil, as defined in ORS 465.200; and any substance designated by the Commission under ORS 465.400.

(49) "Hazardous Waste" means discarded, useless or unwanted materials or residues and other wastes that are defined as hazardous waste pursuant to ORS 466.005.

(50) "Heat-Treated" means a process of drying or treating sewage sludge where there is an exposure of all portions of the sludge to high temperatures for a sufficient time to kill all pathogenic organisms.

(51) "Home composting" means composting operated and controlled by the owner or person in control of a single or multiple family dwelling unit and used to compost residential food waste produced within the dwelling unit and yard debris produced on the property.

(52) "Incinerator" means any device used for the reduction of combustible solid wastes by burning under conditions of controlled airflow and temperature.

(53) "Industrial Solid Waste" means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under ORS Chapters 465 and 466 or under Subtitle C of the federal Resource Conservation and Recovery Act. Such waste may include, but is

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not limited to, waste resulting from the following processes: Electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textile manufacturing; transportation equipment; water treatment; and timber products manufacturing. This term does not include construction/demolition waste; municipal solid waste from manufacturing or industrial facilities such as office or "lunch room" waste; or packaging material for products delivered to the generator.

(54) "Industrial Waste Landfill" means a landfill that receives only a specific type or combination of industrial waste.

(55) "Inert" means containing only constituents that are biologically and chemically inactive and that, when exposed to biodegradation and/or leaching, will not adversely impact the waters of the state or public health.

(56) "Infectious Waste" means biological waste, cultures and stocks, pathological waste, and sharps; as defined in ORS 459.386.

(57) "Land Application Unit" means a disposal site where sludges or other solid wastes are applied onto or incorporated into the soil surface for agricultural purposes or for treatment and disposal.

(58) "Land Disposal Site" means a disposal site in which the method of disposing of solid waste is by landfill, dump, waste pile, pit, pond, lagoon or land application.

(59) "Landfill" means a facility for the disposal of solid waste involving the placement of solid waste on or beneath the land surface.

(60) "Leachate" means liquid that has come into direct contact with solid waste and contains dissolved, miscible and/or suspended contaminants as a result of such contact.

(61) "Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

(62) "Local Government Unit" means a city, county, Metropolitan Service District formed under ORS Chapter 268, sanitary district or sanitary authority formed under ORS Chapter 450, county service district formed under ORS Chapter 451, regional air quality control authority formed under ORS 468A.100 to 468A.130 and 468A.140 to 468A.175 or any other local government unit responsible for solid waste management.

(63) "Low-Risk Disposal Site" means a disposal site which, based upon its size, site location, and waste characteristics, the department determines to be unlikely to adversely impact the waters of the State or public health.

(64) "Material Recovery" means any process of obtaining from solid waste, by pre-segregation or otherwise, materials which still have useful physical or chemical properties and can be reused, recycled or composted for some purpose.

(65) "Material Recovery Facility" means a solid waste management facility that separates materials for the purposes of recycling from an incoming mixed solid waste stream by using manual and/or mechanical methods, or a facility at which previously separated recyclables are collected.

(66) "Medical Waste" means solid waste that is generated as a result of patient diagnosis, treatment, or immunization of human beings or animals.

(67) "Mobile Disposal Site" means a disposal site facility that is intended to be moved from place to place in order to process wastes in different locations.

(68) "Monofill" means a landfill or landfill cell into which only one type of waste may be placed.

(69) "Municipal Solid Waste Landfill" means a discrete area of land or an excavation that receives domestic solid waste, and that is not a land application unit, surface impoundment, injection well, or waste pile, as those terms are defined under 257.2 of 40 CFR, Part 257. It may also receive other types of wastes such as nonhazardous sludge, hazardous waste from conditionally exempt small quantity generators, construction and demolition waste and industrial solid waste.

(70) "Net Working Capital" means current assets minus current liabilities.

(71) "Net Worth" means total assets minus total liabilities and is equivalent to owner's equity.

(72) "Pathological Waste" means biopsy materials and all human tissues, anatomical parts that emanate from surgery, obstetrical procedures, autopsy and laboratory procedures and animal carcasses exposed to pathogens in research and the bedding and other waste from such animals. "Pathological waste" does not include teeth or formaldehyde or other preservative agents.

(73) "Permit" means a document issued by the department which by its conditions may authorize the permittee to construct, install, modify, operate or close a disposal site in accordance with specified limitations.

(74) "Permit Action" means the issuance, modification, renewal or revocation of a permit by the department.

(75) "Person" means the United States, the state or a public or private corporation, local government unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity.

(76) "Processing of Wastes" means any technology designed to change the physical form or chemical content of solid waste including, but not limited to, baling, composting, classifying, hydropulping, incinerating and shredding.

(77) "Public Waters" or "Waters of the State" include lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

(78) "Putrescible Waste" means solid waste containing organic material that can be rapidly decomposed by microorganisms, and which may give rise to foul smelling, offensive products during such decomposition or which is capable of attracting or providing food for birds and potential disease vectors such as rodents and flies.

(79) "Recycling" means any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity.

(80) "Regional Disposal Site" means a disposal site that receives, or a proposed disposal site that is designed to receive more than 75,000 tons of solid waste a year from outside the immediate service area in which the disposal site is located. As used in this section, "immediate service area" means the county boundary of all counties except a county that is within the boundary of the Metropolitan Service District. For a county within the Metropolitan Service District, "immediate service area" means that Metropolitan Service District boundary.

(81) "Release" has the meaning given in ORS 465.200(14).

(82) "Resource Recovery" means the process of obtaining useful material or energy from solid waste and includes energy recovery, material recovery and recycling.

(83) "Reuse" means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

(84) "Salvage" means the controlled removal of reusable, recyclable or otherwise recoverable materials from solid wastes at a solid waste disposal site.

(85) "Sensitive Aquifer" means any unconfined or semiconfined aquifer that is hydraulically connected to a water table aquifer, and where flow could occur between the aquifers due to either natural gradients or induced gradients resulting from pumpage.

(86) "Sensitive Environment" means a sensitive environment defined in OAR 340-122-0115(50) of the Hazardous Substance Remedial Action Rules.

(87) "Septage" means the pumpings from septic tanks, cesspools, holding tanks, chemical toilets and other sewage sludges not derived at sewage treatment plants.

(88) "Sharps" means needles, IV tubing with needles attached, scalpel blades, lancets, glass tubes that could be broken during handling and syringes that have been removed from their original sterile containers.

(89) "Sludge" means any solid or semi-solid waste and associated supernatant generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility or any other such waste having similar characteristics and effects.

(90) "Sole Source Aquifer" means the only available aquifer, in any given geographic area, containing potable groundwater with sufficient yields to supply domestic or municipal water wells.

(91) "Solid Waste" means all useless or discarded putrescible and non-putrescible materials, including but not limited to garbage, rubbish, refuse, ashes, paper and cardboard, sewage sludge, septic tank and cesspool pumpings or other sludge, useless or discarded commercial, industrial, demolition and construction materials, discarded or abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid materials, dead animals and infectious waste. The term does not include:

(a) Hazardous waste as defined in ORS 466.005;

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(b) Materials used for fertilizer, soil conditioning, humus restoration, or for other productive purposes or which are salvageable for these purposes and are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals, provided the materials are used at or below agronomic application rates; or

(c) Woody biomass that is combusted as a fuel by a facility that has obtained a permit described in ORS 468A.040.

(92) "Solid Waste Boundary" means the outermost perimeter (on the horizontal plane) of the solid waste at a landfill as it would exist at completion of the disposal activity.

(93) "Source Separate" means that the person who last uses recyclable materials separates the recyclable material from solid waste.

(94) "Tangible Net Worth" means the tangible assets that remain after deducting liabilities; such assets would not include intangibles such as goodwill and rights to patents or royalties.

(95) "Third Party Costs" mean the costs of hiring a third party to conduct required closure, post-closure or corrective action activities.

(96) "Transfer Station" means a fixed or mobile facility other than a collection vehicle where solid waste is taken from a smaller collection vehicle and placed in a larger transportation unit for transport to a final disposal location.

(97) "Treatment" means any method, technique, or process designed to change the physical, chemical, or biological character or composition of any solid waste except for composting, material recovery, or energy recovery. Treatment includes but is not limited to detoxifying or remediating solid waste prior to disposal or beneficial use.

(98) "Treatment Facility" means a facility intended for treatment of solid waste. It includes but is not limited to soil remediation facilities and rotary kilns used to treat oily sludges. It does not include composting facilities, material recovery facilities, energy recovery facilities, incinerators, or conversion technology facilities as defined in this rule.

(99) "Underground Drinking Water Source" means an aquifer supply- ing or likely to supply drinking water for human consumption.

(100) "Vector" means any insect, rodent or other animal capable of transmitting, directly or indirectly, infectious diseases to humans or from one person or animal to another.

(101) "Vegetative" means feedstocks used for composting that are derived from plants including but not limited to: fruit and vegetable peelings or parts, grains, coffee grounds, crop residue, waxed cardboard and uncoated paper products. Vegetative material does not include oil, grease, or dairy products such as milk, mayonnaise or ice cream.

(102) "Vermicomposting" means the controlled and managed process by which live worms convert solid waste into dark, fertile, granular excrement.

(103) "Vermiculture" means the raising of earth worms for the purpose of collecting castings for composting or enhancement of a growing medium.

(104) "Water Table Aquifer" means an unconfined aquifer in which the water table forms the upper boundary of the aquifer. The water table is typically below the upper boundary of the geologic strata containing the water, the pressure head in the aquifer is zero and elevation head equals the total head.

(105) "Wellhead protection area" means the surface and subsurface area surrounding a water well, spring or wellfield, supplying a public water system, through which contaminants are reasonably likely to move toward and reach that water well, spring, or wellfield. A public water system is a system supplying water for human consumption that has four or more service connections or supplies water to a public or commercial establishment which operates a total of at least 60 days per year, and which is used by 10 or more individuals per day.

(106) "Wood waste" means chemically untreated wood pieces or particles generated from processes commonly used in the timber products industry. Such materials include but are not limited to sawdust, chips, shavings, stumps, bark, hog-fuel and log sort yard waste, but do not include wood pieces or particles containing or treated with chemical additives, glue resin, or chemical preservatives.

(107) "Wood waste Landfill" means a landfill that receives primarily wood waste.

(108) "Woody biomass" means material from trees and woody plants, including limbs, tops, needles, leaves and other woody parts, grown in a forest, woodland, farm, rangeland or wildland-urban interface environment that is the by-product of forest management, ecosystem restoration or hazardous fuel reduction treatment.

(109) "Zone of Saturation" means a three-dimensional section of the soil or rock in which all open spaces are filled with groundwater. The thickness and extent of a saturated zone may vary seasonally or periodically in

response to changes in the rate or amount of groundwater recharge, discharge or withdrawal.

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

Stat. Auth.: ORS 459.045 & 468.020

Stats. Implemented: ORS 459 & 459A

Hist.: DEQ 41, f. 4-5-72, ef. 4-15-72; DEQ 26-1981, f. & ef. 9-8-81; DEQ 2-1984, f. & ef. 1-16-84; DEQ 18-1988, f. & cert. ef. 7-13-88 (and corrected 2-3-89); DEQ 14-1990, f. & cert. ef. 3-22-90; DEQ 24-1990, f. & cert. ef. 7-6-90; DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0010; DEQ 10-1994, f. & cert. ef. 5-4-94; DEQ 9-1996, f. & cert. ef. 7-10-96; DEQ 17-1997, f. & cert. ef. 8-14-97; DEQ 27-1998, f. & cert. ef. 11-13-98; DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 6-2009, f. & cert. ef. 9-14-09; DEQ 4-2010, f. & cert. ef. 5-14-10; DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-093-0050

### Permit Required

(1) Except as provided by section (3) of this rule, no person may establish, operate, maintain or substantially alter, expand, improve or close a disposal site, and no person may change the method or type of disposal at a disposal site, until the person owning or controlling the disposal site obtains a permit therefore from the department.

(2) Persons owning or controlling the following classes of disposal sites must comply with the requirements in the following rules:

(a) Municipal solid waste landfills must comply with OAR 340, division 94 "Municipal Solid Waste Landfills";

(b) Industrial Solid Waste Landfills, Construction and Demolition Landfills, Wood Waste Landfills and other facilities not listed in OAR 340, division 96 must comply with OAR 340, division 95 "Land Disposal Sites Other Than Municipal Solid Waste Landfills";

(c) Energy recovery facilities and incinerators receiving domestic solid waste must comply with OAR 340, division 96 "Special Rules Pertaining to Incineration";

(d) Composting facilities must comply with OAR 340-096-0060 through 340-096-0150: "Special Rules Pertaining to Composting."

(e) Land used for deposit, spreading, lagooning or disposal of sewage sludge, septage and other sludges must comply with OAR 340-096-0030 "Special Rules Pertaining to Sludge and Land Application Disposal Sites";

(f) Transfer stations and Material Recovery Facilities must comply with OAR 340-096-0040 "Transfer Stations and Material Recovery Facilities";

(g) Petroleum contaminated soil remediation facilities and all other solid waste treatment facilities must comply with OAR 340-096-0050 "Solid Waste Treatment Facilities"; and

(h) Conversion technology facilities must comply with OAR 340-096-0160 to 340-096-0200 "Conversion Technology Facilities."

(3) Persons owning or controlling the following classes of disposal sites are specifically exempted from the above requirements to obtain a permit under OAR chapter 340, divisions 93 through 97, but must comply with all other provisions of OAR chapter 340, divisions 93 through 97 and other applicable laws, rules, and regulations regarding solid waste disposal:

(a) A facility authorized by a permit issued under ORS 466.005 to 466.385 to store, treat or dispose of both hazardous waste and solid waste;

(b) Disposal sites, facilities or disposal operations operated under a permit issued under ORS 468B.050 if all applicable requirements in OAR chapter 340, divisions 93 through 97 have been met;

(c) A land disposal site used exclusively for the disposal of clean fill, unless the materials have been contaminated such that the department determines that their nature, amount or location may create an adverse impact on groundwater, surface water or public health or safety;

NOTE: Such a landfill may require a permit from the Oregon Division of State Lands. A person wishing to obtain a permit exemption for an inert waste not specifically mentioned in this subsection may submit a request to the department with such information as the department may require to evaluate the request for exemption, under OAR 340-093-0080.

(d) A site or facility that conducts solid waste operations or activities that are limited to one or more of the following, excluding a site or facility where the department determines that the nature, amount or location of the materials or operations may constitute a potential threat of adverse impact on the environment or public health:

(A) Using any amount of sewage sludge or biosolids under a valid water quality permit issued under ORS 468B.050;

(B) Receiving source separated materials for purposes of material recovery;

(C) Receiving, storing, processing or grinding wood, including painted wood, from construction and demolition and other activities to make a combustion fuel, when that fuel is to be burned at a facility that is in compliance with air quality rules;

(D) Receiving and processing for recycling metal, cardboard, and other non-hazardous materials that have been separated from solid waste at material recovery facilities;



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(E) Receiving or processing plastics to make a feedstock for a conversion technology facility, except the following plastics:

(i) Plastics that have viable recycling markets and are acceptable in most Oregon curbside recycling collection programs, or

(ii) Clean polyolefin film plastics acceptable in commercial recycling programs;

(F) Receiving and storing used oil for transfer to another facility for processing. The facility must accept and store used oil in compliance with state and federal used oil regulations;

(G) Combusting fuels made in part from tire chips or wood, including painted wood, when burned for energy recovery in compliance with air quality rules;

(H) Transferring a container, including but not limited to a shipping container, or other vehicle holding solid waste from one mode of transportation to another (such as barge to truck); if:

(i) The container or vehicle is not available for direct use by the general public;

(ii) The waste is not removed from the original container or vehicle; and

(iii) The original container or vehicle does not stay in one location longer than 72 hours, unless otherwise authorized by the department.

(4) The department may, in accordance with a specific permit containing a compliance schedule, grant reasonable time for solid waste disposal sites or facilities to comply with OAR chapter 340, divisions 93 through 97.

(5) If it is determined by the department that a proposed or existing disposal site is not likely to create a public nuisance, health hazard, air or water pollution or other environmental problem, the department may waive any or all requirements of OAR 340-093-0070, 340-093-0130, 340-093-0140, 340-093-0150, 340-094-0060(2) and 340-095-0030(2) and issue a letter authorization in accordance with OAR 340-093-0060.

(6) Each person who is required by sections (1) and (5) of this rule to obtain a permit must:

(a) Make prompt application to the department therefore;

(b) Fulfill each and every term and condition of any permit issued by the department to such person;

(c) Comply with OAR chapter 340, divisions 93 through 97;

(d) Comply with the department's requirements for recording, reporting, monitoring, entry, inspection, and sampling, and make no false statements, representations, or certifications in any form, notice, report, or document required thereby; and

(e) Allow the department or an authorized governmental agency to enter the property under permit at reasonable times to inspect and monitor the site and records as authorized by ORS 459.385 and 459.272.

(7) Failure to conduct solid waste disposal according to the conditions, limitations, or terms of a permit or OAR chapter 340, divisions 93 through 97, or failure to obtain a permit is a violation of OAR chapter 340, divisions 93 through 97 and may be cause for the assessment of civil penalties for each violation as provided in OAR chapter 340, division 12 or for any other enforcement action provided by law. Each and every day that a violation occurs is considered a separate violation and may be the subject of separate penalties.

Stat. Auth.: ORS 459A.025, 459.045 & 468.020

Stats. Implemented: ORS 459.205, 459.215 & 459.225

Hist.: DEQ 41, f. 4-5-72, ef. 4-15-72; DEQ 26-1981, f. & ef. 9-8-81; DEQ 2-1984, f. & ef. 1-16-84; DEQ 14-1984, f. & ef. 8-8-84; DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0020; DEQ 10-1994, f. & cert. ef. 5-4-94; DEQ 2-1995, f. & cert. ef. 1-10-95; DEQ 17-1997, f. & cert. ef. 8-14-97; DEQ 27-1998, f. & cert. ef. 11-13-98; DEQ 6-2009, f. & cert. ef. 9-14-09; DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-093-0070

### Applications for Permits

(1) Any person wishing to obtain a new, modified, or renewal permit from the department must submit a written application on a form provided by the department. The department must receive renewal applications at least 180 days before a permit is needed. All other applications must be received 60 days before a permit is needed. All application forms must be completed in full, signed by the applicant or the applicant's legally authorized representative, and accompanied by the specified number of copies of all required exhibits. The name of the applicant must be the legal name of the owner of the facility or the owner's agent or the lessee responsible for the operation and maintenance of the facility.

(2) The department will accept applications for a permit only when complete, as detailed in section (3) of this rule. Within 45 days after receipt of an application, the department will conduct a preliminary review of the application to determine the adequacy of the information submitted. Failure to complete this review within 45 days does not preclude the department

from later requesting further information from the applicant as provided in this section.

(a) If the department determines that additional information is needed it will promptly request the needed information from the applicant. The application will be considered to be withdrawn if the applicant fails to submit the requested information within 90 days of the request or such other time as the department establishes in writing.

(b) If additional measures are necessary to gather facts regarding the application, the department will notify the applicant that such measures will be instituted, and the timetable and procedures to be followed. The application will be considered to be withdrawn if the applicant fails to comply with these additional measures.

(3) An application for a new disposal site permit is complete only if it:

(a) Is submitted on forms provided by the department, is accompanied by all required exhibits using paper with recycled content with copy printed on both sides of the paper whenever possible, follows the organizational format and includes the level of informational detail required by the department, and is signed by the property owner or person in control of the premises;

(b) Except for mobile disposal sites, includes written recommendations of the local government unit or units having jurisdiction with respect to a new or existing disposal site, or alterations, expansions, improvements or changes in method or type of disposal at a new or existing disposal site. Such recommendations must include, but not be limited to, a statement of compatibility with the acknowledged local comprehensive plan and zoning requirements or the Land Conservation and Development Commission's Statewide Planning Goals;

(c) Identifies any other known or anticipated permits from the department or other governmental agencies, and if previously applied for, includes a copy of such permit application and if granted, a copy of such permit;

(d) Includes payment of application fees as required by OAR 340-097-0110 and 340-097-0120;

(e) Except for composting facilities, mobile disposal sites, and facilities exempt under section (4) of this rule, includes a site characterization report prepared in accordance with OAR 340-093-0130, to establish a new disposal site or to substantially alter, expand or improve a disposal site or to make a change in the method or type of disposal at a disposal site, unless the requirements of said site characterization report have been met by other prior submittals;

(f) Except for composting facilities and facilities exempt under section (4) of this rule, includes detailed plans and specifications as required by OAR 340-093-0140;

(g) For a new land disposal site:

(A) Includes a written closure plan that describes the steps necessary to close all land disposal units at any point during their active life under OAR 340-094-0110 to 340-094-0120 or 340-095-0050 to 340-095-0060; and

(B) Provides evidence of financial assurance for the costs of closure of the land disposal site and for post-closure maintenance of the land disposal site under OAR 340-094-0140 or 340-095-0090, unless the department exempts a non-municipal land disposal site from this requirement under OAR 340-095-0090(2).

(h) For a new conversion technology facility:

(A) A description of the technology to be used at the facility including the types, sources, and amounts of feedstocks to be processed, the processing methods, the materials produced by the technology, the amounts of each product, the expected uses of the products, the types of materials that the products of the conversion technology facility are intended to replace, and how feedstocks, products, and other materials will be stored;

(B) A description of wastes expected to be produced by the facility including amounts, biological, chemical and physical analyses, waste storage and disposition of wastes;

(C) A description of leachate, stormwater, and process water expected to be produced at the facility, including information on the biological, chemical and physical characterization of process water and leachate and the management of leachate, stormwater, and process water;

(D) A description of flammable gases and liquids and also hazardous wastes expected to be produced by the facility, and how those materials will be managed; and

(E) The methods that will be used to minimize or exclude from feedstocks any materials that are detrimental to the conversion technology process or resultant products.

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(i) For any type of mobile disposal site, includes an acknowledgement that before the mobile disposal site establishes operation in a new location, the local government unit or units having jurisdiction must provide a statement of compatibility with the acknowledged local comprehensive plan and zoning requirements or the Land Conservation and Development Commission's Statewide Planning Goals.

(j) Includes any other information the department may deem necessary to determine whether the proposed disposal site and the operation thereof will comply with all applicable rules of the department.

(4) If the department determines that a disposal site is a "low-risk disposal site" or is not likely to adversely impact the waters of the State or public health, the department may waive any of the requirements of subsections (3)(e) and (f) of this rule, OAR 340-093-0150, 340-094-0060(2) and 340-095-0030(2). In making this judgment, the department may consider the size and location of the disposal site, the volume and types of waste received and any other relevant factor. The applicant must submit any information the department deems necessary to determine that the proposed disposal site and site operation will comply with all pertinent rules of the department.

(5) If a local public hearing regarding a proposed disposal site has not been held and if, in the judgment of the department, there is sufficient public concern regarding the proposed disposal site, the department may, as a condition of receiving and acting upon an application, require that such a hearing be held by the county board of commissioners or county court or other local government agency responsible for solid waste management, for the purpose of informing and receiving information from the public.

(6) Permit modifications:

(a) An application for a permit modification is required for:

(A) The sale or exchange of the activity or facility; or

(B) Any change in the nature of the activities or operations from those of the last application including modification or expansion of the disposal site or a change in the method or type of disposal.

(b) An application for a permit modification is complete only if it:

(A) Is submitted on forms provided by the department, follows the organizational format and includes the level of informational detail required by the department, and is signed by the property owner or person in control of the premises;

(B) Includes information showing the reasons for the permit modification and any information needed to document or explain the modification requested; and

(C) Includes updated information required to be submitted for new permits in section (3) of this rule, if required by the Department. If the modification involves a substantial change in the scope or operations of the disposal site, the application must also include written recommendations from the local government unit as required for new permits under subsection (3)(b) of this rule.

(7) Permit renewals:

(a) An application for a permit renewal is required if a permittee intends to continue operation beyond the permitted period. A complete renewal application must be filed at least 180 days before the existing permit expires. An application for a permit renewal is complete only if it is submitted on forms provided by the department, follows the organizational format and includes the level of informational detail required by the department, and is signed by the property owner or person in control of the premises.

(b) If the application for renewal involves a substantial change in the scope or operations of the disposal site, the application must also include written recommendations from the local government unit as required for new permits under subsection (3)(b) of this rule. The department may also require the submittal of updates of the information required to be submitted for new permits in section (3) of this rule.

(c) If a completed application for the renewal of a permit is filed with the department in a timely manner before the expiration date of the permit, the permit does not expire until the department takes final action on the renewal application.

(d) If a completed application for the renewal of a permit is not filed with the department in a timely manner before the expiration date of the permit, the department may require the permittee to close the site and apply for a closure permit under OAR 340-094-0100 or 340-095-0050.

(8) Permits extended under section (7) of this rule remain fully effective and enforceable until the effective date of the new permit.

Stat. Auth.: ORS 459

Stats. Implemented: ORS 459.235

Hist.: DEQ 41, f. 4-5-72, ef. 4-15-72; DEQ 26-1981, f. & ef. 9-8-81; DEQ 2-1984, f. & ef. 1-16-84; DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0025; DEQ 10-1994, f. & cert. ef. 5-4-94; DEQ 17-1997, f. & cert. ef. 8-14-97; DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 6-2009, f. & cert. ef. 9-14-09; DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-093-0105

### Categories for Permit Actions

(1) Category 1:

(a) Waste Tire Carrier Permit under 340-064-0055.

(b) Letter Authorization under 340-093-0060.

(c) Modification to a permit that is administrative in nature or does not alter permit conditions.

(2) Category 2:

(a) Renewal of a construction and demolition debris landfill permit under 340-093-0070.

(b) Renewal of an industrial waste landfill permit under 340-093-0070.

(c) Renewal of a closure permit under 340-094-0100 and 340-095-0500.

(d) Renewal of a transfer station permit under 340-096-0040.

(e) Renewal of a material recovery facility permit under 340-096-0040.

(f) Renewal of a solid waste treatment facility permit under 340-093-0070.

(g) Renewal of a waste tire storage site permit under 340-064-0015.

(h) Renewal of a solid waste composting permit under 340-093-0070.

(i) New composting facility registration issued under OAR 340-096-0100.

(j) Renewal of a composting facility registration under 340-096-0100.

(k) New conversion technology facility registration under 340-096-0190.

(l) Renewal of a conversion technology facility registration under 340-093-0070.

(m) Renewal of a conversion technology facility permit under 340-093-0070.

(n) All other modifications not listed under category 1.

(3) Category 3:

(a) New captive industrial facility permit as defined in 340-097-0120(1)(c).

(b) New transfer station or material recovery facility permit under 340-096-0040.

(c) New composting permit issued under 340-096-0110.

(d) New closure permit under 340-094-0100 and 340-095-0500.

(e) New construction and demolition landfill permit under 340-095-0001.

(f) New solid waste treatment facility permit under 340-096-0050.

(g) New off-site industrial facility permit under 340-097-0120(2)(a).

(h) New sludge disposal facility permit under 340-096-0030.

(i) New waste tire storage facility permit under 340-064-0015.

(j) Renewal of a municipal landfill permit under 340-093-0070.

(k) Renewal of an incinerator or energy recovery facility permit under 340-093-0070.

(l) New conversion technology facility permit under 340-096-0200.

(4) Category 4:

(a) New municipal solid waste landfill facility permit under 340-094-0001.

(b) New incinerator permit under 340-096-0010.

(c) New energy recovery facility permit under 340-097-0120(2)(a).

Stat. Auth.: ORS 459A.025, 459.045 & 468.020

Stat. Implemented: ORS 459.245

Hist.: DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 6-2009, f. & cert. ef. 9-14-09; DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-093-0110

### Issuance or Denial of a Permit

(1) The Department must take final action on the permit application within 45 days of the close of the comment period. The scheduling of a hearing and the consideration of comments will automatically constitute good cause for an extension of time under ORS 459.245. The Department will consider all timely received comments and any other information obtained that may be pertinent to the permit action.

(2) Issuance of a permit: The Department may adopt or modify the proposed provisions in the permit application. The Department will promptly notify the applicant in writing of the final action as provided in OAR 340-011-0525 and will include a copy of the permit. If the permit conditions are different from those contained in the permit application, the notification will include the reasons for the changes.

(3) Denial of a permit: The Department will promptly notify the applicant in writing of the final action as provided in OAR 340-011-0525. If the Department denies a permit application, the notification will include the reasons for the denial. The Department will deny the permit if:

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- (a) The application contains false information.
- (b) The Department wrongfully accepted the application.
- (c) The proposed disposal site would not comply with OAR chapter 340, divisions 93 through 97 or other applicable rules of the Department.
- (d) The proposal is not part of or not compatible with the adopted local solid waste management plan, or
- (e) There is no clearly demonstrated need for the proposed new, modified or expanded disposal site or for the proposed change in the method or type of disposal.

(4) The Department's decision is effective 20 days from the date of service of the notice unless within that time the Department receives a request for a hearing from the applicant. The request for a hearing must be in writing and state the grounds for the request. The hearing will be conducted as a contested case hearing in accordance with ORS 183.413 through 183.470, and OAR chapter 340, division 011.

Stat. Auth.: ORS 459A.025, 459.045 & 468.020

Stats. Implemented: ORS 459.245

Hist.: DEQ 26-1981, f. & ef. 9-8-81; DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0026; DEQ 10-1994, f. & cert. ef. 5-4-94; DEQ 27-1998, f. & cert. ef. 11-13-98; DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-093-0115

### Termination or Revocation of a Permit

(1) Automatic Termination: A permit automatically terminates when:

- (a) The Department issues a new permit for the same activity or operation;
- (b) The permittee requests in writing that the permit terminate, if the Department determines that a permit is no longer needed; or
- (c) The permittee fails to timely submit an application for permit renewal.

(i) Termination is effective on the permit expiration date.

(ii) A permit may be reinstated only if the permittee applies for a new permit including the associated fees pursuant to division 097.

(iii) All permit conditions will remain in effect until such time as a new permit is issued by the Department. Failure by a permittee to abide by the terms of any permit conditions will be a violation of this provision.

(2) Revocation with prior notice:

(a) If the Department determines that a permittee is in noncompliance with the terms of the permit, submitted false information in the application or other required documentation, or is in violation of any applicable law, the Department may revoke the permit.

(b) The Department will provide notice of the intent to revoke the permit in accordance with OAR 340-011-0525. The notice will include the reasons why the permit will be revoked, and include an opportunity for hearing before the revocation. The Department must receive a written request for hearing stating the grounds for the request within 60 days from service of the notice. The hearing will be conducted as a contested case hearing in accordance with ORS 183.413 through 183.470 and OAR chapter 340, division 011. The permit will continue in effect until the 60 days expires or until a final order is issued.

(3) Revocation without prior notice:

(a) If the Department finds that the permittee's activities cause a serious danger to the public health, safety or the environment, the Department may immediately revoke or refuse to renew the permit without prior notice or opportunity for a hearing.

(b) If no advance notice of the revocation is provided, the Department will notify the permittee as soon as possible as provided in OAR 340-011-0525. The notification will set forth the specific reasons for the revocation or refusal to renew.

(c) The Department must receive a written request for a hearing stating the grounds for the request within 90 days of service of the notice. The hearing will be conducted as a contested case hearing in accordance with ORS 183.413 through 183.470 and OAR chapter 340, division 011. If the Department does not receive a request for a hearing within 90 days, the revocation or refusal to renew becomes final without further action by the Department.

Stat. Auth.: ORS 459.045 & 459.785

Stats. Implemented: ORS 459.255 & 459.755

Hist.: DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-095-0090

### Financial Assurance Criteria

(1) Financial Assurance Required. The owner or operator of a non-municipal land disposal site shall maintain a financial assurance plan with detailed written cost estimates of the amount of financial assurance that is necessary and shall provide evidence of financial assurance for the costs of:

- (a) Closure of the non-municipal land disposal site;

(b) Post-closure maintenance of the non-municipal land disposal site; and

(c) Any corrective action required by the Department to be taken at the non-municipal land disposal site, pursuant to OAR 340-095-0040(3).

(2) Exemptions. The Department may exempt from the financial assurance requirements any non-municipal land disposal site including but not limited to construction and demolition waste sites, composting facilities and industrial waste sites:

(a) Exemption criteria. To be eligible for this exemption, the applicant shall demonstrate to the satisfaction of the Department that the site meets all of the following criteria and that the site is likely to continue to meet all of these criteria until the site is closed in a manner approved by the Department:

(A) The non-municipal land disposal site poses no significant threat of adverse impact on groundwater or surface water;

(B) The non-municipal land disposal site poses no significant threat of adverse impact on public health or safety;

(C) No system requiring active operation and maintenance is necessary for controlling or stopping discharges to the environment;

(D) The area of the non-municipal land disposal site that has been used for waste disposal and has not yet been properly closed in a manner acceptable to the Department is less than and remains less than two acres or complies with a closure schedule approved by the Department.

(b) In determining if the applicant has demonstrated that a non-municipal land disposal site meets the financial assurance exemption criteria, the Department will consider existing available information including, but not limited to, geology, soils, hydrology, waste type and volume, proximity to and uses of adjacent properties, history of site operation and construction, previous compliance inspection reports, existing monitoring data, the proposed method of closure and the information submitted by the applicant. The Department may request additional information if needed;

(c) An exemption from the financial assurance requirement granted by the Department will remain valid only so long as the non-municipal land disposal site continues to meet the exemption criteria in subsection (2)(a) of this rule. If the site fails to continue to meet the exemption criteria, the Department may modify the permit to require financial assurance.

(3) Schedule for provision of financial assurance:

(a) For costs associated with the conceptual "worst-case" closure plan and the conceptual post-closure plan prepared pursuant to OAR 340-095-0060(1)(a)(A) and OAR 340-095-0065(1)(a), respectively: Evidence of the required financial assurance for closure and post-closure maintenance of the non-municipal land disposal site shall be provided on the following schedule:

(A) For a new non-municipal land disposal site: no later than the time the solid waste permit is issued by the Department and prior to first receiving waste; or

(B) For a non-municipal land disposal site operating under a solid waste permit on November 4, 1993: by April 9, 1997.

(b) For costs associated with the Final Engineered Site Closure Plan and the Final Engineered Post-closure Plan prepared pursuant to OAR 340-095-0060(1)(a)(B) and OAR 340-095-0065(1)(b) respectively: Evidence of the required financial assurance for closure and post-closure maintenance of the land disposal site shall be provided at the same time those two Plans are due to the Department;

(c) Evidence of financial assurance for corrective action shall be provided before beginning corrective action;

(d) Continuous financial assurance shall be maintained for the facility until the permittee or other person owning or controlling the site is no longer required to demonstrate financial responsibility for closure, post-closure care or corrective action (if required).

(4) Financial assurance plans. The financial assurance plan is a vehicle for determining the amount of financial assurance necessary and demonstrating that financial assurance is being provided. A financial assurance plan shall include but not be limited to the following, as applicable:

(a) Cost Estimates. A detailed written estimate of the third-party costs in current dollars (as calculated using a discount rate equal to the current yield of a 5-year U.S. Treasury Note as published in the Federal Reserve's H.15 (519) Selected Interest Rates for the week in which the calculation is done), prepared by a Registered Professional Engineer, of:

(A) Closing the non-municipal land disposal site;

(B) Providing post-closure care, including installing, operating and maintaining any environmental control system required on the non-municipal land disposal site;

(C) Performing required corrective action activities; and

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(D) Complying with any other requirement the Department may impose as a condition of issuing a closure permit, closing the site, maintaining a closed facility, or implementing corrective action.

(b) The source of the cost estimates;

(c) A detailed description of the form of the financial assurance and a copy of the financial assurance mechanism;

(d) A method and schedule for providing for or accumulating any required amount of funds which may be necessary to meet the financial assurance requirement;

(e) A proposal with provisions satisfactory to the Department for disposing of any excess moneys received or interest earned on moneys received for financial assurance, if applicable:

(A) To the extent practicable and to the extent allowed by any franchise agreement, the applicant's provisions for disposing of the excess moneys received or interest earned on moneys shall provide for:

(i) A reduction of the rates a person within the area served by the non-municipal land disposal site is charged for solid waste collection service as defined by ORS 459.005; or

(ii) Enhancing present or future solid waste disposal facilities within the area from which the excess moneys were received.

(B) If the non-municipal land disposal site is owned and operated by a private entity not regulated by a unit of local government, excess moneys and interest remaining in any financial assurance reserve shall be released to that business entity after post-closure care has been completed and the permittee is released from permit requirements by the Department.

(f) The financial assurance plan shall contain adequate accounting procedures to insure that the permittee does not collect or set aside funds in excess of the amount specified in the financial assurance plan or any updates thereto or use the funds for any purpose other than required by paragraph (8)(a) of this rule;

(g) The certification required by subsection (6)(c) of this rule; and

(h) The annual updates required by subsection (6)(d) of this rule.

(5) Amount of Financial Assurance Required. The amount of financial assurance required shall be established as follows:

(a) Closure. Detailed cost estimates for closure shall be based on the conceptual "worst-case" closure plan or the final Engineered Site Closure Plan, as applicable. Cost estimates for the Final Engineered Site Closure plan shall take into consideration at least the following:

(A) Amount and type of solid waste deposited in the site;

(B) Amount and type of buffer from adjacent land and from drinking water sources;

(C) Amount, type, availability and cost of required cover;

(D) Seeding, grading, erosion control and surface water diversion required;

(E) Planned future use of the disposal site property;

(F) The portion of the site property closed before final closure of the entire site; and

(G) Any other conditions imposed on the permit relating to closure of the site.

(b) Post-closure care. Detailed cost estimates for post-closure care shall be based on the conceptual post-closure plan or the Final Engineered Post-closure Plan, as applicable. Cost estimates for the Final Engineered Post-closure Plan shall also take into consideration at least the following:

(A) Type, duration of use, initial cost and maintenance cost of any active system necessary for controlling or stopping discharges; and

(B) Any other conditions imposed on the permit relating to post-closure care of the site.

(c) Corrective action. Estimated total costs of required corrective action activities for the entire corrective action period, as described in a corrective action report pursuant to requirements of OAR 340-095-0040(3);

(d) If a permittee is responsible for providing financial assurance for closure, post-closure care and/or corrective action activities at more than one non-municipal land disposal site, the amount of financial assurance required is equal to the sum of all cost estimates for each activity at each facility.

(6) How Financial Assurance Is to Be Provided and Updated:

(a) The permittee shall submit to the Department a copy of the first financial assurance mechanism prepared in association with a conceptual "worst-case" closure plan, a Final Engineered Site Closure Plan, a conceptual post-closure plan, a Final Engineered Post-closure Plan, and a corrective action report;

(b) The permittee shall also place a copy of the applicable financial assurance plan(s) in the facility operations office or another location approved by the Department on the schedule specified in Section (3) of this rule;

(c) The permittee shall certify to the Director at the time a financial assurance plan is placed in the facility operations office or other approved location that the financial assurance mechanism meets all state requirements. This date becomes the "annual review date" of the provision of financial assurance, unless a corporate guarantee is used, in which case the annual review date is 90 days after the end of the corporation's fiscal year;

(d) Annual update. The permittee shall annually review and update the financial assurance during the operating life and post-closure care period, or until the corrective action is completed, as applicable:

(A) The annual review shall include:

(i) An adjustment to the cost estimate(s) for inflation and in the discount rate as specified in subsection (4)(a) of this rule;

(ii) A review of the closure, post-closure and corrective action (if required) plans and facility conditions to assess whether any changes have occurred which would increase or decrease the estimated maximum costs of closure, post-closure care or corrective action since the previous review;

(iii) If a trust fund or other pay-in financial mechanism is being used, an accounting of amounts deposited and expenses drawn from the fund, as well as its current balance.

(B) The financial assurance mechanism(s) shall be increased or may be reduced to take into consideration any adjustments in cost estimates identified in the annual review;

(C) The annual update shall consist of a certification from the permittee submitted to the Department and placed in the facility operations office or other approved location. The certification shall state that the financial assurance plans(s) and financial assurance mechanism(s) have been reviewed, updated and found adequate, and that the updated documents have been placed at the facility operations office or other approved location. The annual update shall be no later than:

(i) The facility's annual review date; or

(ii) For a facility operating under a closure permit, by the date specified in OAR 340-095-0050(3).

(7) Department Review of Financial Assurance and Third-Party Certification:

(a) The Department may at any time select a permittee to submit financial assurance plan(s) and financial assurance mechanism(s) for Department review. Selection for review will not occur more frequently than once every five years, unless the Department has reasonable cause for more frequent selection. The Department may, however, review such plans and mechanisms in conjunction with a site inspection at any time;

(b) A permittee who wants to provide "alternative financial assurance" pursuant to OAR 340-095-0095(6)(g) shall submit its financial assurance plan and proposed financial assurance mechanism for Department review and approval on the schedule specified in section (3) of this rule. The submittal shall include certification from a qualified third party that the financial assurance mechanism meets all state requirements for financial assurance, and is reasonably designed to provide the required amount of financial assurance. The third-party certification shall be submitted in a format acceptable to the Department;

(c) The Department will review the financial assurance and the third-party certification, if applicable, for compliance with state laws.

(8) Accumulation of any financial assurance funds:

(a) The financial assurance mechanisms for closure, post-closure care and corrective action shall ensure the funds will be available in a timely fashion when needed. The permittee shall pay moneys into a trust fund in the amount and at the frequency specified in the financial assurance plan or obtain other financial assurance mechanisms as specified in the financial assurance plan, on the schedule specified in section (3) of this rule:

(A) Closure. The total amount of financial assurance required for closure shall be available in the form specified in the financial assurance plan or any updates thereto, whenever final closure of a non-municipal land disposal site unit is scheduled to occur in the conceptual "worst case" closure plan or in the Final Engineered Site Closure Plan;

(B) Post-closure care. The total amount of financial assurance required for post-closure care shall be available in the form specified in the financial assurance plan or any updates thereto, whenever post-closure care is scheduled to begin for a non-municipal land disposal site unit in the conceptual post-closure plan or in the Final Engineered Post-closure Plan;

(C) Corrective action. The total amount of financial assurance required for corrective action shall be available in the form specified in the financial assurance plan or any updates thereto on the schedule specified in the corrective action selected pursuant to OAR 340 Division 40.

(b) The permittee is subject to audit by the Department (or Secretary of State) and shall allow the Department access to all records during normal

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business hours for the purpose of determining compliance with this rule and OAR 340-095-0095;

(c) If the Department determines that the permittee did not set aside the required amount of funds for financial assurance in the form and at the frequency required by the applicable financial assurance plan, or if the Department determines that the financial assurance funds were used for any purpose other than as required in section (1) of this rule, the permittee shall, within 30 days after notification by the Department, deposit a sufficient amount of financial assurance in the form required by the applicable financial assurance plan along with an additional amount of financial assurance equal to the amount of interest that would have been earned, had the required amount of financial assurance been deposited on time or had it not been withdrawn for unauthorized use;

(d) If financial assurance is provided under OAR 340-095-0095(6)(a), (b) or (g), upon successful closure and release from permit requirements by the Department, any excess money in the financial assurance account must be used in a manner consistent with subsection (4)(e) of this rule.

[Publications: Publications referenced are available from the agency.]  
Stat. Auth.: ORS 459.045, 459A.025 & 468.020  
Stats. Implemented: ORS 459.248, 459.272 & 459.273  
Hist.: DEQ 2-1984, f. & cf. 1-16-84; DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0034; DEQ 10-1994, f. & cert. ef. 5-4-94; DEQ 2-1995, f. & cert. ef. 1-10-95; DEQ 8-1995(Temp), f. & cert. ef. 4-25-95; DEQ 23-1995(Temp), f. & cert. ef. 10-10-95; DEQ 27-1998, f. & cert. ef. 11-13-98; DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-095-0095

### Form of Financial Assurance

(1) The financial assurance mechanism shall restrict the use of the financial assurance so that the financial resources may be used only to guarantee that closure, post-closure or corrective action activities will be performed, or that the financial resources can be used only to finance closure, post-closure or corrective action activities.

(2) The financial assurance mechanism shall provide that the Department or a party approved by the Department is the beneficiary of the financial assurance.

(3) A permittee may use one financial assurance mechanism for closure, post-closure and corrective action activities, but the amount of funds assured for each activity must be specified.

(4) A permittee may demonstrate financial assurance for closure, post-closure and corrective action by establishing more than one mechanism per facility, except that mechanisms guaranteeing performance rather than payment may not be combined with other instruments.

(5) The financial assurance mechanism shall be worded as specified by the Department, unless a permittee uses an alternative financial assurance mechanism pursuant to subsection (6)(g) of this rule. The Department retains the authority to approve the wording of an alternative financial assurance mechanism.

(6) Allowable Financial Assurance Mechanisms. A permittee shall provide only the following forms of financial assurance for closure and post-closure activities:

(a) A trust fund established with an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. The purpose of the trust fund is to receive and manage any funds that may be paid by the permittee and to disburse those funds only for closure, post-closure maintenance or corrective action activities which are authorized by the Department. The permittee shall notify the Department, in writing, before any expenditure of trust fund moneys is made, describing and justifying the activities for which the expenditure is to be made. If the Department does not respond to the trustee within 30 days after receiving such notification, the expenditure is deemed authorized and the trustee may make the requested reimbursements;

(b) A surety bond guaranteeing payment into a standby closure or post-closure trust fund issued by a surety company listed as acceptable in Circular 570 of the U.S. Department of the Treasury. The standby closure or post-closure trust fund must be established by the permittee. The purpose of the standby trust fund is to receive any funds that may be paid by the permittee or surety company. The penal sum of the bond must be in an amount at least equal to the current closure or post-closure care cost estimate, as applicable. The bond must guarantee that the permittee will either fund the standby trust fund in an amount equal to the penal sum of the bond before the site stops receiving waste or within 15 days after an order to begin closure is issued by the Department or by a court of competent jurisdiction; or that the permittee will provide alternate financial assurance acceptable to the Department within 90 days after receipt of a notice of cancellation of the bond from the surety. The surety shall become liable on the bond obligation if the permittee fails to perform as guaranteed by the bond. The surety may not cancel the bond until at least 120 days after the notice of cancellation has been received

by both the permittee and the Department. If the permittee has not provided alternate financial assurance acceptable to the Department within 90 days of the cancellation notice, the surety must pay the amount of the bond into the standby trust account;

(c) A surety bond guaranteeing performance of closure, post-closure or corrective action activities issued by a surety company listed as acceptable in Circular 570 of the U.S. Department of the Treasury. A standby trust fund must also be established by the permittee. The purpose of the standby trust fund is to receive any funds that may be paid by the surety company. The bond must guarantee that the permittee will either perform final closure, post-closure maintenance or corrective action activities, as applicable, or provide alternate financial assurance acceptable to the Department within 90 days after receipt of a notice of cancellation of the bond from the surety. The surety shall become liable on the bond obligation if the permittee fails to perform as guaranteed by the bond. The surety may not cancel the bond until at least 120 days after the notice of cancellation has been received by both the permittee and the Department. If the permittee has not provided alternate financial assurance acceptable to the Department within 90 days of the cancellation notice, the surety must pay the amount of the bond into the standby trust account;

(d) An irrevocable letter of credit issued by an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency. A standby trust fund must also be established by the permittee. The purpose of the standby trust fund is to receive any funds deposited by the issuing institution resulting from a draw on the letter of credit. The letter of credit must be irrevocable and issued for a period of at least one year and shall be automatically extended for at least one year on each successive expiration date unless the issuing institution notifies both the permittee and the Department at least 120 days before the current expiration date. If the permittee fails to perform closure and post-closure activities according to the closure plan and permit requirements, or to perform the selected remedy described in the corrective action report, or if the permittee fails to provide alternate financial assurance acceptable to the Department within 90 days after notification that the letter of credit will not be extended, the Department may draw on the letter of credit;

(e) A closure or post-closure insurance policy issued by an insurer who is licensed to transact the business of insurance or is eligible as an excess or surplus lines insurer in one or more states. The insurance policy must guarantee that funds will be available to complete final closure and post-closure maintenance of the site. The policy must also guarantee that the insurer will be responsible for paying out funds for reimbursement of closure and post-closure expenditures that are in accordance with the closure or post-closure plan or otherwise justified. The permittee shall notify the Department, in writing, before any expenditure of insurance policy moneys is made, describing and justifying the activities for which the expenditure is to be made. If the Department does not respond to the insurer within 30 days after receiving such notification, the expenditure is deemed authorized and the insurer may make the requested reimbursements. The policy must provide that the insurance is automatically renewable and that the insurer may not cancel, terminate or fail to renew the policy except for failure to pay the premium. If there is a failure to pay the premium, the insurer may not terminate the policy until at least 120 days after the notice of cancellation has been received by both the permittee and the Department. Termination of the policy may not occur and the policy must remain in full force and effect if: the Department determines that the land disposal site has been abandoned; or the Department has commenced a proceeding to modify the permit to require immediate closure; or closure has been ordered by the Department, Commission or a court of competent jurisdiction; or the permittee is named as debtor in a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code; or the premium due is paid. The permittee is required to maintain the policy in full force and effect until the Department consents to termination of the policy when alternative financial assurance is provided or when the permit is terminated;

(f) Corporate guarantee. A private corporation meeting the financial test may provide a corporate guarantee that funds are available for closure, post-closure or corrective action activities, and that those activities will be completed according to the closure or post-closure plan, permit requirements or selected remedy described in the corrective action report, as applicable. A qualifying private corporation may guarantee its own obligations, the obligations of a corporate parent, sibling or subsidiary, and the obligations of a firm with which it has a substantial business relationship. A corporation guaranteeing the obligations of a firm with which it has a substantial business relationship must certify that it possesses such relationship and that it is issuing the guarantee as an act incident to that relationship, and

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must specify any compensation received for its issuance of such guarantee. To qualify, a private corporation must meet the criteria of either paragraph (A) or (B) of this subsection:

(A) Financial Test. To pass the financial test, the permittee must have:

(i) Two of the following three ratios: A ratio of total liabilities to tangible net worth less than 1.5; a ratio of the [(sum of net income plus depreciation, depletion, and amortization) minus \$10 million] to total liabilities greater than 0.1; or a ratio of current assets to current liabilities greater than 1.5;

(ii) Net working capital equal to at least four times and tangible net worth equal to at least six times the sum of the current cost estimates covered by the test;

(iii) Tangible net worth of at least \$10 million exclusive of the costs being guaranteed; and

(iv) Assets in the United States amounting to at least the sum of the current closure, post-closure and corrective action cost estimates covered by the test, plus any other environmental obligations guaranteed by permittee.

(B) Alternative Financial Test. To pass the alternative financial test, the permittee must have:

(i) Tangible net worth of at least \$10 million exclusive of the costs being guaranteed; and

(ii) Two of the following three ratios:

(I) Times Interest Earned ([earnings before interest and taxes] divided by interest) of 2.0 or higher;

(II) Beaver's Ratio of 0.2 or higher ([internally generated cash] divided by [total liabilities]). Internally generated cash is obtained from taxable income before net operating loss, plus credits for fuel tax and investment in regulated investment companies, plus depreciation plus amortization plus depletion, plus any income on the books not required to be reported for tax purposes if it is likely to be recurring, minus income tax expenses. Total liabilities includes all long- and short-term debt; or

(III) Altman's Z-Score of 2.9 or higher.

(C) The permittee shall demonstrate that it passes the financial test at the time the financial assurance plan is filed and reconfirm that annually 90 days after the end of the corporation's fiscal year by submitting the following items to the Department:

(i) A letter signed by the permittee's chief financial officer that provides the information necessary to document that the permittee passes the financial test; that guarantees that the funds are available to finance closure, post-closure or corrective action activities according to the closure or post-closure plan, permit requirements or selected remedy described in the corrective action report, as applicable; that guarantees that the closure, post-closure or corrective action activities will be completed according to the closure or post-closure plan, permit requirements or selected remedy described in the corrective action report, as applicable; that guarantees that a substitute financial mechanism acceptable to the Department will be fully funded within 30 days after either service of a Final Order assessing a civil penalty from the Department for failure to adequately perform closure or post-closure activities according to the closure or post-closure plan and permit, or the selected remedy described in the corrective action report, as applicable, or service of a written notice from the Department that the permittee no longer meets the criteria of the financial test; that guarantees that the permittee's chief financial officer will notify the Department within 15 days any time that the permittee no longer meets the criteria of the financial test or is named as debtor in a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code; and that acknowledges that the corporate guarantee is a binding obligation on the corporation and that the chief financial officer has the authority to bind the corporation to the guarantee;

(ii) A copy of the independent certified public accountant's (CPA) report on examination of the permittee's financial statements for the latest completed fiscal year;

(iii) An agreed-upon procedures letter prepared in accordance with standards established by the American Institute of Certified Public Accountants from the permittee's independent CPA in which the CPA either specifies that the figures used in determining that the corporation meets the requirements of the corporate financial test are the same as the figures in the corporation's independently audited year end financial statements for the latest fiscal year or explains any deviation therein to the satisfaction of the Department;

(iv) A list of any facilities in Oregon or elsewhere for which the permittee is using a similar financial means test to demonstrate financial assurance.

(D) The Department may, based on a reasonable belief that the permittee no longer meets the criteria of the financial test, require reports of the financial condition at any time from the permittee in addition to the annual

report. If the Department finds, on the basis of such reports or other information, that the permittee no longer meets the criteria of the financial test, the permittee shall fully fund a substitute financial assurance mechanism acceptable to the Department within 30 days after notification by the Department.

(g) Alternative Financial Assurance. Alternative forms of financial assurance may be proposed by the permittee, subject to the review and approval of the Director. The applicant must be able to prove to the satisfaction of the Department that the level of security is equivalent to subsections (a) through (f) of this section and that the criteria of OAR 340-095-0090(4)(e) and sections (1) through (4) of this rule are met. Submittal of an alternative financial assurance mechanism to the Department for review and approval shall include third-party certification as specified in OAR 340-095-0090(7).

(7) Allowable Financial Assurance Mechanisms for Corrective Action.

A permittee shall provide one of the following forms of financial assurance for corrective action: a trust fund, a surety bond guaranteeing performance of corrective action, an irrevocable letter of credit, a corporate guarantee, or alternative forms of financial assurance, pursuant to subsections (6)(a), (c), (d), (f) or (g) of this rule, respectively. Unless specifically required by a mutual agreement and order pursuant to ORS 465.325, the surcharge provisions of ORS 459.311 shall not be used to meet the financial assurance requirements of this rule for financial assurance for corrective action.

**NOTE:** Formats containing the standard wording for financial assurance mechanisms as required by OAR 340-095-0095(5) may be obtained from the Department.

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

Stat. Auth.: ORS 459.045 & 468.020

Stats. Implemented: ORS 459.248, 459.272 & 459.273

Hist.: DEQ 2-1995, f. & cert. ef. 1-10-95, Renumbered from 340-095-0090(5); DEQ 27-1998, f. & cert. ef. 11-13-98; DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-096-0001

### Applicability

OAR chapter 340, division 96 applies to energy recovery facilities and incinerators receiving solid waste delivered by the public or by a solid waste collection service, composting facilities, conversion technology facilities, sludge disposal sites, land application disposal sites, transfer stations, material recovery facilities and solid waste treatment facilities. Such facilities are disposal sites as defined by ORS Chapter 459, and are also subject to the requirements of OAR chapter 340, division 93, financial assurance requirements as set forth in division 95 at OAR 340-095-0090 and 340-095-0095, and division 97. The department may tailor the financial assurance requirements to the nature of the facility and may exempt low risk facilities from the financial assurance requirements. For purposes of these division 96 rules, a low risk facility is one the department determines is not likely to generate significant amounts of residual waste materials or contamination from the operation of the facility that will remain at closure.

Stat. Auth.: ORS 459.005 - 459.418 & 459A.100 - 459A.120

Stats. Implemented: ORS 459.015 & 459.045

Hist.: DEQ 5-1993, f. & cert. ef. 3-10-93; DEQ 6-2009, f. & cert. ef. 9-14-09; DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-096-0010

### Special Rules Pertaining to Incineration

(1) Applicability. This rule applies to all energy recovery facilities and incinerators receiving solid waste delivered by the public or by a solid waste collection service.

(2) Detailed Plans and Specifications:

(a) All incineration equipment and air pollution control appurtenances thereto must comply with air pollution control rules and regulations and emission standards of this department or the regional air pollution control authority having jurisdiction;

(b) Detailed plans and specifications for incinerator disposal sites must include, but not be limited to, the location and physical features of the site, such as contours, drainage control, landscaping, fencing, access and on-site roads, solid waste handling facilities, truck washing facilities, ash and residue disposal and design and performance specifications of incineration equipment and provisions for testing emissions therefrom.

(3) Incinerator Design and Construction:

(a) Ash and Residue Disposal. Incinerator ash and residues must be disposed in an approved landfill unless handled otherwise in accordance with a plan approved in writing by the department;

(b) Waste Water Discharges. There must be no discharge of waste water to public waters except in accordance with a permit from the department, issued under ORS 468B.050;

(c) Access Roads. All weather roads must be provided from the public highways or roads, to and within the disposal site and must be designed

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and maintained to prevent traffic congestion, traffic hazards and dust and noise pollution;

(d) Drainage. An incinerator site must be designed such that surface drainage will be diverted around or away from the operational area of the site;

(e) Fire Protection. Fire protection must be provided in accordance with plans approved in writing by the department and in compliance with pertinent state and local fire regulations;

(f) Fences. Access to the incinerator site must be controlled by means of a complete perimeter fence and gates which may be locked;

(g) Sewage Disposal. Sanitary waste disposal must be accomplished in a manner approved by the department or state or local health agency having jurisdiction;

(h) Truck Washing Facilities. Truck washing areas, if provided, must be hard surfaced and all wash waters must be conveyed to a catch basin, drainage and disposal system approved by the Department or state or local health agency having jurisdiction.

(4) Incinerator Operations:

(a) Storage:

(A) All solid waste deposited at the site must be confined to the designated dumping area;

(B) Accumulation of solid wastes and undisposed ash residues must be kept to minimum practical quantities.

(b) Salvage:

(A) A permittee may conduct or allow the recovery of materials such as metal, paper and glass from the disposal site only when such recovery is conducted in a planned and controlled manner approved by the department in the facility's operations plan;

(B) Salvaging must be controlled so as not to interfere with optimum disposal operation and to not create unsightly conditions or vector harbor- age;

(C) All salvaged material must be stored in a building or enclosure until it is removed from the disposal site in accordance with a recycling program authorized in the operations plan.

(c) Nuisance Conditions:

(A) Blowing debris must be controlled such that the entire disposal site is maintained free of litter;

(B) Dust, malodors and noise must be controlled to prevent air pollution or excessive noise as defined by ORS Chapters 467 and 468A and rules and regulations adopted pursuant thereto.

(d) Health Hazards. Rodent and insect control measures must be provided, sufficient to prevent vector production and sustenance. Any other conditions which may result in transmission of disease to man and animals must be controlled;

(e) Air Quality. The incinerator must be operated in compliance with applicable air quality rules (OAR 340-025-0850 through 340-025-0905);

(f) Records. The department may require such records and reports as it considers are reasonably necessary to ensure compliance with conditions of a permit or OAR chapter 340, divisions 93 through 97. All records must be kept for a minimum of five years. In the case of a change in ownership of the permitted facility, the new permittee is responsible for ensuring that the records are transferred from the previous owner and maintained for the required five years.

Stat. Auth.: ORS 459.045, 459A.025 & 468.020

Stats. Implemented: ORS 459.015 & 459.205

Hist.: DEQ 41, f. 4-5-72, ef. 4-15-72; DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0045; DEQ 10-1994, f. & cert. ef. 5-4-94; DEQ 27-1998, f. & cert. ef. 11-13-98; DEQ 6-2009, f. & cert. ef. 9-14-09; DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-096-0040

### Transfer Stations and Material Recovery Facilities

(1) Applicability. This rule applies to all transfer stations and material recovery facilities (except composting facilities). Such facilities are disposal sites as defined by ORS Chapter 459, and are also subject to the requirements of OAR chapter 340, divisions 93, 95 and 97 as applicable.

(2) Plans and Specifications. Plans and specifications for a fixed or permanent transfer station or material recovery facility shall include, but not be limited to, the location and physical features of the facility such as contours, surface drainage control, access and on-site roads, traffic routing, landscaping, weigh stations, fences and specifications for solid waste handling equipment, truck and area washing facilities and wash water disposal, and water supply and sanitary waste disposal.

(3) Design and Construction:

(a) Waste Water Discharges. There shall be no discharge of waste water to public waters except in accordance with a permit from the Department, issued under ORS 468B.050;

(b) Access Roads. All weather roads shall be provided from the public highways or roads, to and within the disposal site and shall be designed and maintained to prevent traffic congestion, traffic hazards and dust and noise pollution;

(c) Drainage. The site shall be designed such that surface drainage will be diverted around or away from the operational area of the site;

(d) Fire Protection. Fire protection shall be provided in accordance with plans approved in writing by the Department and in compliance with pertinent state and local fire regulations;

(e) Fences. Access to the site shall be controlled by means of a complete perimeter fence and gates which may be locked;

(f) Sewage Disposal. Sanitary waste disposal shall be accomplished in a manner approved by the Department or state or local health agency having jurisdiction;

(g) Truck Washing Facilities. Truck washing areas, if provided, shall be hard surfaced and all wash waters shall be conveyed to a catch basin, drainage and disposal system approved by the Department or state or local health agency having jurisdiction.

(4) Operations:

(a) Storage:

(A) All solid waste deposited at the site shall be confined to the designated dumping area;

(B) Accumulation of solid wastes shall be kept to minimum practical quantities.

(b) Salvage:

(A) A permittee may conduct or allow the recovery of materials such as metal, paper and glass from the disposal site only when such recovery is conducted in a planned and controlled manner approved by the Department in the facility's operations plan;

(B) Salvaging shall be controlled so as not to interfere with optimum disposal operation and to not create unsightly conditions or vector harbor- age;

(C) All salvaged material shall be stored in a building or enclosure until it is removed from the disposal site in accordance with a recycling program authorized in the operations plan.

(c) Nuisance Conditions:

(A) Blowing debris shall be controlled such that the entire disposal site is maintained free of litter;

(B) Dust, malodors and noise shall be controlled to prevent air pollution or excessive noise as defined by ORS Chapters 467 and 468A and rules and regulations adopted pursuant thereto.

(d) Health Hazards. Rodent and insect control measures shall be provided, sufficient to prevent vector production and sustenance. Any other conditions which may result in transmission of disease to man and animals shall be controlled;

(e) Records. The Department may require such records and reports as it considers are reasonably necessary to ensure compliance with conditions of a permit or OAR Chapter 340, Divisions 93 through 97. In the case of a change in ownership of the permitted facility, the new permittee is responsible for ensuring that the records are transferred from the previous permittee and maintained for the number of years required by the Department.

Stat. Auth.: ORS 459.045, 459A.025 & 468.020

Stats. Implemented: ORS 459.005, 459.015 & 459.205

Hist.: DEQ 41, f. 4-5-72, ef. 4-15-72; DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0065; DEQ 10-1994, f. & cert. ef. 5-4-94; DEQ 27-1998, f. & cert. ef. 11-13-98; DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-096-0060

### Special Rules Pertaining to Composting: Applicability

(1) No person may construct or operate a composting facility except as provided in this rule.

(2) All composting facilities must comply with 340-096-0070: Performance Standards.

(3) All composting facilities, except those composting facilities exempt under (3)(a) of this rule, must comply with OAR 340-096-0080: Screening.

(a) A facility with composting activities limited to one or more of the following is exempt from the requirements of OAR 340-096-0080: Screening, 340-096-0090: Operations Plan Approval, 340-096-100: Registration, and 340-096-0110: Composting Permit, unless the department determines the composting facility may adversely affect human health or the environment:

(A) A composting facility composting less than 100 tons of Type 1 feedstock, Type 2 feedstock, or both during any calendar year;

(B) A composting facility composting less than 20 tons of Type 3 feedstock during any calendar year;

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(C) A composting facility composting less than 40 tons of Type 3 feedstock in any calendar year when conducting in-vessel composting in containers designed to prohibit vector attraction and prevent nuisance and odor generation;

(D) A composting facility that produces silage on a farm for animal feed;

(E) A home composting facility; and

(F) A composting facility that is being operated in conjunction with a Confined Animal Feeding Operation permitted by the Oregon Department of Agriculture that is in compliance with a composting facility management plan approved by the Oregon Department of Agriculture that meets the requirements of OAR 340-096-0090 and for which the Oregon Department of Agriculture is providing oversight under an agreement with the department. The Oregon Department of Agriculture may require that a facility that qualifies for a department exemption under this paragraph comply with OAR 340-096-0080: Screening.

(4) All composting facilities that are determined by the department to present more than a low risk to human health or the environment under OAR 340-096-0080(3)(b): Screening, except those facilities that are exempt under (3)(a) of this rule, must comply with OAR 340-096-0090: Operations Plan Approval and 340-096-0110: Composting Permit.

(5) Any composting facility in operation before September 14, 2009 that submitted materials required by OAR 340-096-0080:Screening, by March 15, 2010 may continue in operation pending a determination by the department under OAR 340-096-0080: Screening and issuance by the department of a Registration under OAR 340-096-0100: Registration or a Composting Permit under OAR 340-096-0110: Composting Permit. Any anaerobic digestion facility possessing a solid waste treatment facility permit on August 22, 2013 may either continue to operate under the solid waste treatment facility permit, or may apply for a composting facility permit or registration under OAR 340-096-0080(3)(b): Screening.

(6) Any person proposing to begin operation of a new composting facility or to substantially modify an existing facility, where such a facility is not exempt under section (3) of this rule, must comply with OAR 340-096-0080: Screening and provide to the department the information required by OAR 340-096-0080(1) at least 180 days before the facility is proposed to begin operation.

Stat. Auth.: ORS 459.045, 459A.025 & 468.020

Stats. Implemented: ORS 459.005, 459.015 & 459.205

Hist.: DEQ 6-2009, f. & cert. ef. 9-14-09; DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-096-0070

### Special Rules Pertaining to Composting: Performance Standards

(1) All composting facilities must be designed, constructed, and operated in a manner that does not cause a discharge of leachate, liquid digestate, or stormwater from the facility to surface water, except when such discharge is in compliance with a discharge permit issued by the department.

(2) All composting facilities that collect and dispose of leachate, liquid digestate, or stormwater in engineered structures must comply with the applicable requirements of OAR 340-096-0130: Special Rules Pertaining to Composting: Biogas, Liquid Digestate and Leachate Collection Design and Management Requirements.

(3) All composting facilities must be designed, constructed, and operated in a manner that does not cause a likely adverse impact to groundwater under OAR 340 Division 40. All composting facilities proposing to use infiltration in soil as a method for managing leachate, liquid digestate, or stormwater must comply with OAR 340-096-0120: Groundwater Protection.

(4) All composting facilities must be designed, constructed, and operated in a manner that, to the greatest extent practicable, consistent with proper facility design and operation, controls and minimizes odors that are likely to cause adverse impacts outside the boundaries of the facility.

(5) All composting facilities must be designed, constructed, and operated in a manner that achieves human pathogen reduction as required by OAR 340-096-0140: Pathogen Reduction.

(6) All composting facilities must be designed, constructed, and operated in a manner that controls or prevents propagation, harborage, or attraction of vectors, including but not limited to rats, birds, and flies.

(7) All composting facilities that produce, collect or store biogas must be designed, constructed, and operated to meet state and local fire regulations to address the potential for fire and explosions.

(8) All composting facilities that collect, store and manage liquid digestate must demonstrate adequate capacity to store or remove the digestate. For facilities that land apply, storage must be provided for periods when the production of liquid digestate exceeds the capacity of the soil to use the digestate at agronomic rates including during wet winter months.

(9) All composting facilities must comply with all other applicable laws and regulations.

Stat. Auth.: ORS 459.045, 459A.025 & 468.020

Stats. Implemented: ORS 459.005, 459.015 & 459.205

Hist.: DEQ 6-2009, f. & cert. ef. 9-14-09; DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-096-0080

### Special Rules Pertaining to Composting: Screening

(1) All composting facilities not exempted by OAR 340-96-0060(3)(a) will be screened by the department under this rule to determine whether the facility poses a risk to human health or the environment. All facilities subject to this rule must provide to the department the information described below. The department may require any additional information the department considers necessary to evaluate the potential environmental risks posed by a facility. All information must be submitted on application forms provided by the department and include the screening fee required by OAR 340-097-0120(3). The application must be accompanied by all required exhibits using paper with recycled content with copy printed on both sides of the paper whenever possible, follow the organizational format and include the level of informational detail required by the department, and be signed by the property owner or person in control of the premises.

(a) Physical information, including:

(A) The location and site schematic, including areas for management of leachate and stormwater, of the existing or proposed composting facility by latitude and longitude, identified on a map;

(B) The location of the facility on a tax lot map;

(C) The location of and distance to surface water in the drainage area of the composting facility, and all drainage channels, ditches and any other water conveyances leading from the composting facility to surface water, identified on a map;

(D) Distance to the uppermost groundwater aquifer and other known aquifers at the location of the composting facility and in any areas proposed for infiltration of leachate or stormwater from the composting facility;

(E) Soil type or types, and permeability if known or available, at the location of the composting facility and in any areas proposed for infiltration of leachate or stormwater;

(F) The location and well logs of all wells on the property where the composting facility is located; the location and well logs of any wells within 1/4 mile of the composting facility; and, if known, the location of any proposed wells within 1/4 mile of the composting facility;

(G) The locations of all commercial and residential structures within a one mile radius of the composting facility, identified on a map or photograph;

(H) The prevailing wind direction, by season, identified on a map, and any other climactic information related to wind and air movement;

(b) Operational information, including:

(A) A description of the composting operation including feedstock types, volumes and sources; feedstock storage; any grinding, mixing or other preparation of feedstocks, composting methods used; and the storage, processing, and uses of composted material, digestate, biogas and other products or materials;

(B) A description of any leachate, liquid digestate and stormwater produced at the facility, including information about the physical, biological and chemical composition of leachate and liquid digestate;

(C) A description of all existing or planned structures and features for managing liquid digestate, leachate and stormwater, including but not limited to information about any detention or infiltration basins, and any infiltration structures such as filter strips and bioswales;

(D) If the facility is subject to the pathogen reduction requirements of OAR 340-096-0070(5), a description of the methods the facility will use to achieve such pathogen reduction;

(E) A description of the methods the facility will use to achieve vector control;

(F) Any seasonal variances in the operation of the facility;

(G) Contact information including the facility operator, facility owner, and property owner; and

(H) Operational and compliance history of the facility.

(c) Information regarding other permits, including any other known or anticipated permits from the department or other governmental agencies. If previously applied for, include a copy of such permit application and, if granted, a copy of such permit.

(d) A Land Use Compatibility Statement under OAR 340 Division 18 and a statement that the facility is compatible with the solid waste management plan for the jurisdiction.



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(2) To conduct the evaluation under section (3) of this rule, the department may require a composting facility to conduct groundwater sampling or monitoring and provide analytical results to the department.

(3) Based on information provided by the operator, and any other information available to the department, the department will evaluate the current and likely future impact of the facility to human health and the environment. The department will evaluate the degree to which a composting facility may present a risk of adverse effects to surface water and groundwater, and the likelihood the facility will create unacceptable odor problems.

(a) All composting facilities the department determines present a low environmental risk must comply with OAR 340-096-0100: Registration. Any requirements the department determines are necessary for a facility to operate in compliance with OAR 340-096-0070: Performance Standards will be incorporated into the registration Approval Conditions under OAR 340-096-0100. Approval Conditions may include any of the matters addressed in OAR 340-096-0090: Operations Plan Approval. The department will consider a composting facility a "low risk" facility if, based on the information provided under (1) and (2) of this rule, the specific location of the facility, the feedstocks used, and the operational and compliance history of the facility, owner, or operator, the department determines:

(A) The facility is not likely to cause discharge of leachate, liquid digestate, or leachate or liquid digestate-contaminated stormwater to surface water;

(B) Infiltration of leachate, liquid digestate, or stormwater from the facility will not cause a likely adverse impact to soil, groundwater quality, or indirectly to surface water quality; and

(C) The facility is not likely to cause odor problems beyond the boundaries of the facility.

(b) All composting facilities the department determines present a risk of potential adverse effects to surface water, groundwater, or soil, or may create odor problems beyond the boundaries of the facility, must comply with OAR 340-096-0090: Operations Plan Approval. The department will consider a composting facility to present a "risk of potential adverse effects" if, based on the information provided under (1) and (2) of this rule, including but not limited to the location of the facility; the design, structures, and operational requirements necessary to meet the requirements of OAR 340-096-0070; the feedstocks used, the operational and compliance history of the facility, and the type of composting process used, the department determines:

(A) The composting facility presents a risk of unpermitted releases of leachate or stormwater to surface water;

(B) The facility presents a risk of causing a likely adverse impact to surface water or groundwater;

(C) The facility presents a risk of causing an unacceptable adverse impact to soil; or

(D) The facility presents a risk of causing odor problems beyond the boundaries of the facility.

(4) The department may at any time reevaluate a composting facility under this rule and may assign a facility to a different category under section (3) of this rule.

Stat. Auth.: ORS 459.045, 459A.025 & 468.020

Stats. Implemented: ORS 459.005, 459.015 & 459.205

Hist.: DEQ 6-2009, f. & cert. ef. 9-14-09; DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-096-0090

### Special Rules Relating to Composting: Operations Plan Approval

(1) All composting facilities subject to this rule must prepare a facility operations plan for review and approval by the department that describes how the facility will be designed and operated to meet the performance standards set out in OAR 340-096-0070. The Operations Plan Approval fee required by OAR 340-097-0120(4) and, if applicable, the Engineering review fee required by OAR 340-097-0120(5), must be submitted to the department with the proposed plan.

(2) Except as provided in OAR 340-096-0060(5), a composting facility subject to this rule may not begin or continue operation until the department approves the facility Operations Plan. All composting facilities subject to this rule must operate in compliance with the Operations Plan approved by the department. Any significant changes in the Operations Plan must be approved by the department.

(3) If the department determines that an approved Operations Plan is incomplete, inadequate, or otherwise fails to provide the necessary information and assurances that the composting facility will comply with OAR 340-096-0070: Performance Measures or with section (6) of this rule, the department may require the composting facility to revise the Operations Plan.

(4) After receiving a proposed Operations Plan, the department will provide the facility operator with an opportunity to meet with the department and discuss the composting facility, the proposed Operations Plan, and any department concerns or issues related to the facility and the plan. Upon final department approval of an Operations Plan, the composting facility must comply with OAR 340-096-0110: Composting Permit.

(5) All Operations Plans subject to this rule must address the elements set out in this section.

(a) Feedstocks and products. The Operations Plan must describe the types and volumes of feedstocks the facility will accept, the methods the facility will use to produce compost, and the proposed uses of the compost, biogas, digestate and other products and materials.

(b) Protection of Surface Water. The Operations Plan must describe how the facility will be designed and operated to comply with OAR 340-096-0070(1) and (2) by describing the operational procedures and any structures the facility will use to manage any leachate and any stormwater generated at the facility. Any facility that manages leachate or stormwater in an engineered structure must submit detailed plans and specifications for any such structures and comply with OAR 340-096-0130: Leachate and Stormwater Collection Design and Management Requirements.

(c) Protection of groundwater. The Operations Plan must describe how the facility will be designed and operated to comply with OAR 340-096-0070(3). Any facility that manages leachate or stormwater through infiltration into soil must comply with OAR 340-096-0120: Groundwater.

(d) Odor control. The Operations Plan must describe the methods and procedures the facility will use to comply with OAR 340-096-0070(4) and with 340-096-0150: Odors.

(e) Pathogen reduction. Unless the facility is exempt from pathogen reduction under OAR 340-096-0140(1), the Operations Plan must describe methods the facility will use to comply with OAR 340-096-0140: Pathogen Reduction, including:

(A) Methods the facility will use to comply with OAR 340-096-0070(5) to achieve the pathogen reduction standards set out in OAR 340-096-0140(2);

(B) Methods the facility will use for sampling and testing of composted material and digestate to assure that the required human pathogen reduction is being achieved; and

(C) Procedures the facility will use for handling composted material and digestate that does not meet pathogen reduction standards.

(f) Vector attraction. The Operations Plan must describe methods the composting operation will use to comply with OAR 340-096-0070(6) to minimize the attraction of vectors such as rats, birds, flies.

(g) Closure. The Operations Plan must include a Closure Plan that must address:

(A) Removal of equipment and materials used to operate and maintain the facility;

(B) Disposal of unused feedstocks, partially processed residues and finished compost, biogas, digestate, and other products and materials;

(C) Disposal of processed compost, biogas, digestate, and other products and materials that, due to concentrations of contaminants, cannot be marketed or used for beneficial purposes; and

(D) Abandonment of treatment facilities, including ponds and lagoons, and removal of residues, including a preliminary evaluation of potential impacts to soil and groundwater below ponds and treatment facilities.

(h) Post Closure. The Operations Plan must include a Post-Closure Plan to address groundwater and surface water issues after the facility is closed.

(i) Recordkeeping. The Operations Plan must describe the methods the facility will use for keeping records of:

(A) Weight and volumes of incoming feedstocks;

(B) Pathogen testing conducted under 5(e) of this rule;

(C) Complaints and actions taken to address complaints; and

(D) Any upsets or violations of the Operations Plan.

(6) As part of the Operations Plan approval process, the department will review with the composting facility the matters listed in this section. The department may require, either in its initial Operations Plan review or under section (3) of this rule, that an Operations Plan include any of the matters listed in this section if the department determines that such measures are necessary for the facility to meet the requirements of OAR 340-096-0070: Performance Standards, to comply with any other laws or regulations, or when required to correct other unacceptable conditions at a facility.

(a) Process controls. When required by the department, an Operations Plan must:

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(A) Describe how the facility will monitor and record processing parameters including nutrient balance (C:N ratio), moisture content, aeration, pH, temperature and retention time;

(B) Include a mass balance calculation showing all feedstocks and amendments and all products produced, with the mass balance calculation being detailed and using a standard unit of measurement throughout; and

(C) Include any other information required by the department as necessary to understand process operations.

(b) Material management. When required by the department, an Operations Plan must:

(A) Describe how the facility will limit the receipt of non-compostable materials and screen incoming feedstocks to separate and remove non-compostable materials such as plastic packaging;

(B) Describe how the facility will handle feedstocks, composted material and digestate to prevent pathogen regrowth and cross contamination of piles; and

(C) Describe how the facility will manage and dispose of compost, biogas, digestate and other products and materials that cannot be marketed or used for beneficial purposes.

(c) Removal of compost, biogas, digestate and other products and materials. When required by the department, an Operations Plan must provide for removal of compost, biogas, digestate and other products and materials from the facility as frequently as possible, but not later than:

(A) Two years after processing is completed, for finished compost; and

(B) Six months after processing is completed, for all other products and materials, or longer if specified in a permit or by written approval of the department.

(d) Incorporation of feedstocks. When required by the department, the Operations Plan must include a schedule for incorporating feedstocks into active composting piles or the anaerobic digester.

(e) Storage of feedstocks and digestate. When required by the department, the Operations Plan must:

(A) Identify designated areas where all feedstocks deposited, and digestate generated at the site, will be confined;

(B) Provide that accumulation of feedstocks and digestate does not create odor or vector problems, or create other nuisance conditions;

(C) Provide that undisposed residues are kept to minimum practical quantities; and

(D) Provide for facilities and procedures for handling, recycling or disposing of materials contained in feedstocks or digestate that are non-biodegradable by composting.

(f) Salvage. When required by the department, the Operations Plan must provide procedures for recovery of materials such as metal, paper and glass so that recovery does not interfere with composting operations, or create unsightly conditions or vector harborage.

(g) Access Roads. When required by the department, the Operations Plan must:

(A) Provide for all-weather roads from the public highway or roads to and within the composting operation that are designed and maintained to prevent traffic congestion, traffic hazards and dust and noise pollution.

(B) Provide for effective barriers to unauthorized entry and dumping, such as fences, gates and locks.

(h) Fire Protection. When required by the department, the Operations Plan must provide for fire protection in compliance with applicable state and local fire regulations.

(i) Dust and litter. When required by the department, the plan must provide for effective methods to reduce or avoid dust, and litter, and to prevent tracking of mud or other materials off the facility;

(j) Containers. When required by the department, the operations plan must describe how the facility will clean and manage all containers at the facility.

(k) Vehicles. When required by the department, the Operations Plan must describe how all vehicles and devices operated by the facility will be maintained and operated to prevent leaking, or spilling of feedstocks or finished compost, biogas, digestate or other products or materials while in transit.

(l) Truck Covers. When required by the department, the Operations Plan must describe how the facility will notify all incoming feedstock haulers that trucks must be covered or suitably cross-tied to prevent any load loss during shipment.

(m) Tanks and piping. When required by the department, the Operations Plan for composting facilities using anaerobic digestion must describe how piping and tanks will be maintained and operated to prevent explosions, fire, leaks and spills.

Stat. Auth.: ORS 459.045, 459A.025 & 468.020

Stats. Implemented: ORS 459.005, 459.015 & 459.205

Hist.: DEQ 6-2009, f. & cert. ef. 9-14-09; DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-096-0100

### Special Rules Relating to Composting: Registration

(1) All composting facilities required to register with the department by OAR 340-096-0080(3)(a) must comply with this rule. Except as provided in OAR 340-096-0060(5), a facility subject to this rule must not begin operation before the registration process is complete and the department issues the registration.

(2) After the requirements of OAR 340-093-0100 with respect to public notice and comment have been completed, if the department determines that the facility has met all of the requirements of OAR Divisions 93, 96, 97, and all other applicable statutes and regulations, the department will issue a registration to the facility. The registration is a permit for purposes of OAR chapter 340, division 18 and chapter 340 divisions 93, 96, and 97.

(3) All composting facilities with a registration under this rule must comply with the following:

(a) Comply with OAR 340-096-0070: Performance Standards;

(b) For facilities with department Conditions of Approval for operation of the facility, comply with all conditions;

(c) If required by the department, submit an annual report of the weight of feedstocks used for composting on a form provided by the department;

(d) If a composting facility discharges leachate, liquid digestate, or stormwater under a permit issued by the department, submit an annual report to the department with the sampling data required by the permit or permits;

(e) Immediately notify the department of any violation of the facility Conditions of Approval or OAR 340-096-0070: Performance Standards;

(f) Immediately notify the department of any significant change of status of the facility, including any change in the ownership or operation of the facility, the location of the composting operation, the type or volume of feedstocks used, and the composting process used by the facility;

(g) Keep all required records. If required by the department, maintain records for a minimum of five years. In the case of a change in ownership of the facility, the owner is responsible for ensuring that the records are transferred from the previous owner and maintained for the required five years;

(h) At the request of the department, submit any records or reports the department may require to ensure compliance with conditions of OAR chapter 340, Divisions 93, 96, and 97; and

(i) If required by the department, demonstrate financial assurance as provided in OAR 340-096-0001. The department may tailor the financial assurance requirements to the nature of the facility and may exempt a facility if, based on the information submitted under OAR 340-096-0080, an Operations Plan approved under OAR 340-0096-0090, and any other information available to the department, the department determines that the facility is not likely to generate significant amounts of residual waste materials or contamination from the operation of the facility that will remain at closure; and

(j) If required, pay the Engineering Review fee under OAR 340-097-0120(5).

Stat. Auth.: ORS 459.045, 459A.025 & 468.020

Stats. Implemented: ORS 459.005, 459.015 & 459.205

Hist.: DEQ 6-2009, f. & cert. ef. 9-14-09; DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-096-0110

### Special Rules Pertaining to Composting: Composting Permit

(1) All composting facilities required by OAR 340-096-0060 to operate under a Composting Permit must comply with this rule. Except as provided in OAR 340-096-0060(5), all facilities subject to this rule must receive a Composting Permit before a facility may operate.

(2) After paying applicable fees, and after completing the requirements of OAR 340-093-0100 with respect to public notice and comment, if the department determines that the facility has met all of the requirements of OAR Divisions 93, 96, 97, and all other applicable statutes and regulations, the department will issue a Composting Permit for the facility. The Composting Permit is a permit for purposes of OAR chapter 340, division 18 and chapter 340 divisions 93, 96, and 97. The requirements for screening under OAR 340-096-0080 replace the permit application requirements under OAR 340-093-0070(3), 340-093-0130, and 340-093-0140.

(3) All composting facilities permitted under this rule must comply with the following:

(a) Comply with OAR 340-096-0070: Performance Standards;

(b) Comply with all requirements of the facility Operations Plan;

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(c) If required by the department, submit an annual report of the weight of feedstocks used for composting on a form provided by the department;

(d) If a composting facility discharges leachate or stormwater under a permit issued by the department, submit an annual report to the department with the sampling data required by the permit or permits;

(e) Immediately notify the department of any violation of the facility Operations Plan, Conditions of Approval, or OAR 340-096-0070: Performance Standards;

(f) Immediately notify the department of any significant change of status of the composting operation, including any change in the ownership or operation of the facility, the location of the facility, type or volume of feedstocks used, and the composting process used by the facility;

(g) Keep all required records. If required by the department, maintain records for a minimum of five years. In the case of a change in ownership of the composting facility, the owner is responsible for ensuring that the records are transferred from the previous owner and maintained for the required five years;

(h) Comply with OAR 340-097-0120(6)(c) with respect to fees;

(i) At the request of the department, submit any records or reports the department may require to ensure compliance with conditions of OAR chapter 340, divisions 93, 96, and 97; and

(j) If required by the department, demonstrate financial assurance as provided in OAR 340-096-0001. The department may tailor the financial assurance requirements to the nature of the facility and may exempt a facility if the department determines, based on the information submitted under OAR 340-096-0070, an Operations Plan approved under OAR 340-0096-0090, and any other information available to the department, the facility is not likely to generate significant amounts of residual waste materials or contamination from the operation of the facility that will remain at closure.

Stat. Auth.: ORS 459.045, 459A.025 & 468.020

Stats. Implemented: ORS 459.005, 459.015 & 459.205

Hist.: DEQ 6-2009, f. & cert. ef. 9-14-09; DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-096-0120

### Special Rules Pertaining to Composting: Groundwater Protection

(1) All composting facilities using or proposing to use infiltration in soil as a method for managing leachate, liquid digestate, or stormwater must comply with this rule.

(2) Methods of soil infiltration that are subject to this rule include, but are not limited to:

(a) Conducting any composting operations, including grinding, chipping, storing feedstocks, or composting feedstocks on surfaces that do not meet the requirements of OAR 340-096-0130: Leachate Collection Design and Management Requirements;

(b) Discharging any liquids from the composting facility, including leachate, liquid digestate, or stormwater, to filter strips, bioswales, or other similar features; and

(c) Discharging any liquids from the composting facility, including leachate, liquid digestate, or stormwater, to fields, pastures, cropland, or ditches.

(3) All composting facilities subject to this rule must provide to the department the information described in OAR 340-096-0080(1) and (2), and any other information required by the department to evaluate to proposed use of infiltration in soil.

(4) The department will evaluate the proposed infiltration methods to determine whether the proposed infiltration may cause likely adverse impacts to groundwater under OAR 340 Division 40.

(5) The department may approve, disapprove, restrict, require modifications to, and attach conditions to proposed infiltration methods and procedures. When approved by the department, the proposed infiltration methods and procedures, and any limitations, restrictions, and conditions required by the department as part of its approval, must be incorporated into the facility Operations Plan under OAR 340-096-0090. For "low risk" facilities exempt from OAR 340-096-0090 under 340-096-0080(3)(a), any limitations, restrictions, and conditions required by the department will be incorporated into the facility Conditions of Approval under OAR 340-096-0100.

(6) As part of its approval under this rule, the department may require the facility to conduct groundwater sampling and monitoring, and submit analytical results to the department.

(7) The department may prohibit the use of infiltration to soil as a method for managing leachate, liquid digestate, or stormwater, for some or all actions, in some or all areas of a composting facility, if based on the factors in OAR 340-096-0080 and any other information available to the department, the department determines that infiltration at a facility is like-

ly to cause an adverse impact to groundwater under OAR 340 Division 40. The department may require the facility to conduct operations on protective surfaces to prevent such impacts. Any such protective surface must comply with OAR 340-096-0130(8).

(8) Any infiltration method that is an Underground Injection Control, as defined in OAR chapter 340, division 44, must comply with that Division.

Stat. Auth.: ORS 459.045, 459A.025 & 468.020

Stats. Implemented: ORS 459.005, 459.015 & 459.205

Hist.: DEQ 6-2009, f. & cert. ef. 9-14-09; DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-096-0130

### Special Rules Pertaining to Composting: Leachate Collection Design and Management Requirements

(1) All composting facilities that collect biogas, liquid digestate, leachate or stormwater in engineered structures must comply with this rule.

(2) If required by the department, a person proposing to construct a new composting facility that is subject to this rule must prepare and submit to the department a Facility Design and Construction Plan, stamped by a registered professional engineer, as part of the Operations Plan approval under OAR 340-096-0090. The Plan must include site layout, biogas collection and storage system, lining and leachate collection/management system, liquid digestate collection/management system, and stormwater and process water collection and treatment facilities.

(3) If required by the department, any person subject to this rule must submit site design and engineering plans for any new facility construction such as site modifications, liners/pads, tanks and piping, closure of existing composting areas/systems, and/or other ancillary facilities.

(4) All construction subject to this rule must be performed in accordance with the approved plans and specifications, including all conditions of approval. Any amendments to those plans and specifications must be approved in writing by the department.

(5) If required by the department, prior to initiating construction, a facility subject to this rule must submit and receive written department approval of complete construction documents for the project to be constructed. The construction documents submitted must:

(a) Define the construction project team;

(b) Include construction contract documents specifying material and workmanship, and requirements to guide how the Constructor is to furnish products and execute work; and

(c) Include a Construction Quality Assurance (CQA) plan describing the measures that will be taken to monitor and ensure that the quality of materials and the work performed by the Constructor complies with project specifications and contract requirements.

(6) If required by the department, within 90 days of completing construction, a facility subject to this rule must submit to the department a Construction Certification Report, prepared by a qualified independent party, to document and certify that all required components and structures have been constructed in compliance with the permit requirements and approved design specifications. This submittal must include "as constructed" facility plans which note any changes from the original approved plans.

(7) For a facility subject to section (6) of this rule, the facility must not accept feedstocks for storage, processing or composting in newly constructed facilities or areas until the department has accepted the Construction Certification Report. If the department does not respond in writing to the Construction Certification Report within 30 days of its receipt, the facility may accept feedstock at the facility in the newly constructed facilities or areas.

(8) Protective surface requirements. If a protective surface is required by the department under OAR 340-096-0120 for feedstock storing, mixing, grinding, or active processing areas, the surfaces must be designed to prevent release of leachate to surface water or groundwater from such areas. The surface must:

(a) Consist of at least two (2) feet of compacted soil with a hydraulic conductivity of no more than  $1 \times 10^{-6}$  cm/sec or an equivalent protection of groundwater;

(b) Be capable of resisting damage from movement of mobile operating equipment and weight of stored piles;

(c) Prevent ponding; and

(d) Direct all collected leachate, liquid digestate and stormwater to collection devices.

(9) Leachate and liquid digestate storage design must assure collection of any leachate and liquid digestate generated from areas of feedstock collection and preparation and active composting areas and convey the leachate and liquid digestate to a storage basin, tank or other containment structure that has:

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(a) Adequate capacity to collect and contain the amount of leachate and liquid digestate generated. Volume calculations must be based on facility design, monthly water balance and precipitation data;

(b) A geomembrane liner or alternative design approved by the department that is equivalent to at least two (2) feet of compacted soil with a hydraulic conductivity of no more than  $1 \times 10^{-6}$  cm/sec;

(c) Secondary containment for tanks used to store leachate and liquid digestate;

(d) A monitoring system to identify releases for underground tanks; and

(e) If part of the site design, dikes or slopes designed to maintain their structural integrity under conditions of a leaking liner and capable of withstanding erosion from wave action, overfilling or precipitation.

(10) Any leachate or liquid digestate collection system subject to this rule must describe the methods the facility will use to beneficially reuse or properly dispose of all collected liquids.

(11) The department may approve alternative methods of compliance with this rule if the department determines that the proposed alternative methods will achieve the same level of protection. Proposed design alternatives to subsections (2) and (3) of this rule must be accompanied by engineered specifications for department review and approval.

Stat. Auth.: ORS 459.045, 459A.025 & 468.020

Stats. Implemented: ORS 459.005, 459.015 & 459.205

Hist.: DEQ 6-2009, f. & cert. ef. 9-14-09; DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-096-0140

### Special Rules Pertaining to Composting: Pathogen Reduction

(1) All composting facilities must comply with this rule, except that agricultural operations as defined by ORS 467.120(2)(a) producing composted material and digestate only for on-farm use are not subject to the requirements of this rule. The department may require that an agricultural operation comply with this rule if the department determines that such compliance is necessary to protect human health or the environment.

(2) All composted material and digestate, excluding composted material and digestate that is sent as feedstock to a composter with either a composting permit or registration, must meet the following limits:

(a) For composted material produced from Type 1 or Type 3 feedstock, or a mix of Type 1 and 3 feedstocks, analysis must be performed for salmonella or fecal coliform and meet the following limits:

(A) Salmonella analysis must result in less than 3 Most Probable Number per 4 grams of total solids (dry weight).

(B) Fecal coliform analysis must result in less than 1,000 Most Probable Number per gram of total solids (dry weight).

(b) For composted material and digestate produced from Type 1 or Type 3 feedstock with less than 50% by volume of Type 2 feedstock, analysis must be performed for salmonella or fecal coliform and meet the following limits:

(A) Salmonella analysis must result in less than 3 Most Probable Number per 4 grams of total solids (dry weight).

(B) Fecal coliform analysis must result in less than 1,000 Most Probable Number per gram of total solids (dry weight).

(c) For composted material and digestate produced from feedstock containing more than 50% volume of Type 2 feedstock in the initial pile, analysis must be performed for fecal coliform and meet the following limits:

(A) Analysis must result in less than 1,000 Most Probable Number per gram of total solids (dry weight).

(3) Methods of Pathogen Reduction. All composting facilities subject to this rule must document and implement a pathogen reduction plan that addresses requirements of the Code of Federal Regulations, 40 CFR Part 503. The plan must include a Process to Further Reduce Pathogen (PFRP), under 40 CFR Part 503 Appendix B, item (B)(1), dated February 19, 1993, that must include one of the following elements:

(a) Using either the within-vessel aerobic composting method or the static aerated pile composting method, the temperature of the active composting pile must be maintained at 55 degrees Celsius or higher for three days;

(b) Using the windrow composting method, the temperature of the active composting pile must be maintained at 55 degrees Celsius or higher for 15 days or longer. During the period when the composting pile is maintained at 55 degrees Celsius or higher, there must be a minimum of five turnings of the windrow;

(c) Using anaerobic digestion, the following parameters must be met:

(A) All feedstocks are pasteurized at 70 degrees Celsius or higher for five minutes or longer prior to placement in the digester; or

(B) The digestion process (treatment phase) maintains an operating temperature of 53 degrees Celsius or higher for five hours or longer; or

(C) The digestion process (treatment phase) maintains an operating temperature of 35 degrees Celsius or higher for 10 days or longer; or

(D) The digestion process (treatment phase) maintains an operating or liquid digestate storage temperature above 6 degrees Celsius or higher for six months or longer; or

(d) An alternative method that permittee can demonstrate achieves an equivalent reduction of human pathogens.

(4) Testing compost and solid digestate for pathogen reduction. All composting facilities subject to this rule must test composted material and solid digestate, excluding composted material and digestate that is sent as feedstock to a composter with either a composting permit or registration, with the following frequency:

(a) If less than 2,500 tons of composted material from Type 1 and 2 feedstocks are produced per year, testing must be conducted once a year.

(b) If more than 2,500 tons of composted material from Type 1 and 2 feedstock are produced per year, testing must be conducted every 5,000 tons of feedstock used or a maximum of once every three months.

(c) If less than 2,500 tons of composted material from Type 3 feedstocks are produced per year, testing must be conducted once every four months.

(d) If more than 2,500 tons of composted material from Type 3 are produced per year, testing must be conducted every 5,000 tons of feedstock used or monthly.

(5) Testing liquid digestate for pathogen reduction. The frequency with which liquid digestate must be tested for pathogen reduction depends on the average storage time for digestate following the treatment phase, where "average storage time" is defined as the total amount of liquid digestate withdrawn from storage over the course of a month, divided by the average quantity of liquid digestate being stored in that month. All anaerobic digestion facilities subject to this rule and proposing to use liquid digestate as a soil amendment, fertilizer or other productive use must test liquid digestate with the following frequency:

(a) If the average storage time for liquid digestate is less than one month, then testing must be conducted at least monthly.

(b) If the average storage time for liquid digestate is one month or greater, but less than six months, then testing must be conducted at least quarterly.

(c) If the average storage time for liquid digestate is six months or greater, then testing must be at least semi-annually.

(6) All composting facilities subject to this rule must receive written approval from the department regarding any use of liquid digestate other than:

(a) Discharge to an approved wastewater treatment system; or

(b) Discharge under a water quality permit issued under ORS 468B.050.

(7) Composted material and digestate from type X feedstock must be disposed in a landfill permitted to receive domestic solid waste, unless a facility receives written approval from the department for alternative use of the material.

Stat. Auth.: ORS 459.045, 459A.025 & 468.020

Stats. Implemented: ORS 459.005, 459.015 & 459.205

Hist.: DEQ 6-2009, f. & cert. ef. 9-14-09; DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-096-0150

### Special Rules Pertaining to Composting: Unacceptable Odors

(1) The department recognizes that the microbial metabolic activity in composting piles and anaerobic digestion operations causes odors, and that composting facilities cannot completely eliminate all odors. All composting facilities must be designed, constructed, and operated in manner that, to the greatest extent practicable consistent with proper facility design and operation, controls and minimizes odors that are likely to cause adverse impacts outside the boundaries of the facility.

(2) The department may require a facility to prepare an Odor Minimization Plan under section (5) of this rule, and may further require the facility to modify operations and otherwise implement all reasonable and practicable measures determined necessary by the department to control and minimize adverse impacts of odors outside the boundaries of the facility. In deciding whether to require an Odor Management Plan, the department will consider the frequency, duration, strength and intensity of odors; the number and frequency of complaints; and the number of people impacted.

(3) When a composting facility receives a complaint about odor, the facility must:

(a) Contact the complainant within 24 hours to discuss the complaint;

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(b) Keep a record of the complaint; the name and telephone number of the complainant, when available; the date the complaint was received;

(c) Investigate site conditions and operations to determine the extent of an odor problem; and

(d) Immediately initiate procedures at the facility as appropriate to meet the performance standards under OAR 340-096-0070(4).

(4) A facility must notify the department:

(a) If a facility receives complaints from five or more individuals about a given event, or

(b) If an odor event lasts for more than 24 hours without resolution or mitigation of the problem creating the odor event.

(5) Odor Minimization Plan. If required by the department under OAR 340-096-0090 or this rule, the composting facility must develop an Odor Minimization Plan to minimize odors. The plan must include:

(a) A management plan for malodorous feedstocks;

(b) Procedures for receiving and recording odor complaints, immediately investigating any odor complaints to determine the cause of odor emissions, and promptly remediating any odor at the facility that does not meet the performance standards under OAR 340-096-0070(4);

(c) Additional odor-minimizing measures, which may include the following:

(A) Avoidance of anaerobic conditions in processes that are designed for aerobic composting;

(B) Use of mixing for favorable composting conditions;

(C) Formation of windrow or other composting piles into a size and shape favorable to minimizing odors;

(D) Use of end-product compost as cover to act as a filter during early stages of composting;

(E) Specification of a readily available supply of bulking agents, additives or odor control agents;

(F) Procedures for avoiding delay in processing and managing feedstocks during all weather conditions; and

(G) Methods for taking into consideration the following factors prior to turning or moving composting material:

(i) Time of day;

(ii) Wind direction;

(iii) Percent moisture;

(iv) Estimated odor potential; and

(v) Degree of maturity.

Stat. Auth.: ORS 459.045, 459A.025 & 468.020

Stats. Implemented: ORS 459.005, 459.015 & 459.205

Hist.: DEQ 6-2009, f. & cert. ef. 9-14-09; DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-096-0160

### Special Rules Pertaining to Conversion Technology: Applicability

(1) These rules, OAR 340-096-0160 to 340-096-0200, apply to all conversion technology facilities.

(2) No person may construct or operate a conversion technology facility except as provided in this rule.

(3) All conversion technology facilities must comply with the performance standards of OAR 340-096-0170 including those facilities not required to obtain a permit or registration.

(4) The following conversion technology facilities are exempt from the application, operations plan, registration, and permit requirements of OAR 340-093-0070, 340-096-0180, 340-096-0190, and 340-096-0200 unless the department determines the conversion technology facility may adversely affect human health or the environment:

(a) Any conversion technology facility receiving less than 20 tons of solid waste for processing during any calendar year;

(b) Any conversion technology facility that satisfies all of the following criteria:

(A) Less than one percent by weight of the waste received by the facility is putrescible;

(B) All feedstocks received are source-separated for recovery or have been separated at a material recovery facility to include only the material or group of materials that are compatible with the conversion technology process used at the facility, and do not include mixed solid waste such as auto and appliance shredder wastes or paper, plastic or other materials that have not been separated from each other;

(C) The facility either has no discharges of liquids to the ground or to the waters of this state, or has a permit issued under ORS 468B.050 and all applicable requirements of OAR Chapter 340 Divisions 93 through 97 have been met;

(D) The facility either has no discharges of contaminants to the air, or has a permit issued under ORS 468A.040 and all applicable requirements of OAR Chapter 340 Divisions 93 through 97 have been met;

(E) The facility does not routinely charge a tip fee for the feedstocks used by the conversion technology; and

(F) The person who has established or who is proposing to establish the conversion technology facility can demonstrate that the facility operation will be able to comply with the performance standards in OAR 340-096-0170 based on actual operations data from an existing facility using similar technology, and continues to comply with those standards.

(c) The owner or operator of a facility claiming an exemption under subsection (b) of this section must notify the department, on a form approved by the department, of the intent to construct a conversion technology facility and the location proposed for the construction, no less than 30 days prior to beginning construction.

(d) Used oil processing facilities that have registered with the department as a used oil processor or refiner under 40 CFR 279.51, where used oil processing is their only conversion technology activity;

(e) Any conversion technology facility that primarily processes crops grown for energy production, where the percentage of solid waste received by the facility as feedstock, excluding sawdust and vegetative crop residue such as corn stover, wheat straw, mint slugs, and onion skins, is less than 5 percent of the total feedstock processed by the facility or less than 1,000 tons per year, whichever is smaller;

(f) Facilities that hold an animal rendering license from the Oregon Department of Agriculture, provided that all the applicable requirements of OAR chapter 340 Divisions 93-97 are met; and

(g) Facilities that accept fats, oils, and greases for the production of biodiesel, provided that:

(A) The facility complies with applicable storage and collection requirements in OAR 340-093-0210, and

(B) The facility complies with the performance standards in OAR 340-096-0170.

(5) The owner or operator of a facility claiming an exemption under this rule must maintain documentation that the facility meets the requirements of the exemption and must provide that documentation to the department upon request.

(6) If a facility that was exempt under section (4) of this rule no longer meets the criteria for exemption, and is unable to promptly resume meeting the criteria, that facility must within 30 days, either apply for a conversion technology permit or registration under OAR 340-093-0070 or notify the department how they plan to resume meeting the criteria.

(7) A conversion technology facility that is not exempt under section (4) of this rule must obtain either a conversion technology permit under OAR 340-096-0200 or a conversion technology registration under OAR 340-096-0190, except as specified in section (8) of this rule.

(a) If the department determines that a conversion technology facility presents a low risk to human health or the environment under this section, the facility must obtain a conversion technology registration under OAR 340-096-0190 as described in subsection (7)(c) of this rule.

(b) The department will consider a conversion technology facility a "low risk" facility if, based on the feedstocks used, the operational and compliance history of the facility, the owner, or the operator, the information submitted under OAR 340-093-0070, and other information available to the department, the department determines that all of the following apply:

(A) The conversion technology facility is not likely to cause unpermitted releases of process water, leachate, or stormwater to surface water;

(B) The facility is not likely to cause an adverse impact to surface water or groundwater;

(C) The facility is not likely to cause an adverse impact to soil;

(D) The facility is not likely to cause odor problems beyond the boundaries of the facility;

(E) The materials produced by the conversion technology are not likely to cause a threat to human health or the environment when used in ways the material may reasonably be expected to be used as described in OAR 340-096-0170(12);

(F) The facility is not likely to be abandoned and require cleanup by public agencies. Factors that indicate a potential risk of abandonment include, but are not limited to:

(i) The technology is new, with fewer than 5 production-scale facilities using this technology known to be operating in the United States, or no production-scale facilities having been successfully operating for longer than five years.

(ii) The technology could produce low-value end-products, where a significant risk exists that the products will not be saleable.

(iii) There is a significant potential for spills or releases of hazardous substances onsite.

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(iv) The facility is expected to produce significant amounts of waste products requiring disposal, and

(G) The facility does not pose other likely risks to human health or the environment as determined by the department.

(c) A conversion technology facility that is determined by the department to present a low risk to human health or the environment must obtain a conversion technology registration under OAR 340-096-0190 prior to commencing operation. Any requirements the department determines are necessary for a facility to operate in compliance with performance standards under OAR 340-096-0170 will be incorporated into the registration approval conditions under OAR 340-096-0190. Approval conditions may include any of the matters addressed in the Operations Plan approval under OAR 340-096-0180.

(d) All conversion technology facilities the department determines present a risk of potential adverse effects to human health or the environment must comply with OAR 340-096-0180: Operations Plan Approval. The department will consider a conversion technology facility to present a "risk of potential adverse effects" if the facility does not meet the conditions of a low-risk facility identified in this section.

(e) As used in this section, "likely" means that there is a reasonable potential that the event or condition will occur.

(8) The department may at any time reevaluate a conversion technology facility under this rule and may assign a facility to a different category.

(9) All conversion technology facilities that are not exempt under this rule, including facilities that have not previously been required to have a solid waste permit, must submit the permit application materials required by OAR 340-093-0070 within 180 days after the effective date of this rule. Any conversion technology facility in operation before the effective date of these rules may continue in operation pending a determination by the department and issuance by the department of a registration or a conversion technology permit under OAR 340-096-0190 or 340-096-0200. Conversion technology facilities that are permitted on August 22, 2013 under a solid waste treatment facility permit may either operate under the solid waste treatment facility permit, or may apply for a permit modification to convert the permit to a conversion technology facility permit or registration, as appropriate.

(10) Any person proposing to begin operation of a new conversion technology facility or to substantially modify an existing facility that is not exempt under section (4) of this rule must submit application materials under OAR 340-93-0070 at least 180 days before the facility is proposed to begin operation.

Stat. Auth.: ORS 459.045, 459.205, 459.215, 459A.025 & 468.020  
Stats. Implemented: ORS 459.005, 459.015, 459.205, 459.215 & 459.235  
Hist.: DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-096-0170

### Special Rules Pertaining to Conversion Technology: Performance Standards

(1) Conversion technology facilities must be designed, constructed, and operated in a manner that does not cause a discharge of process water, leachate or stormwater from the facility to surface water, except when discharged in compliance with a discharge permit issued by the department.

(2) Conversion technology facilities that collect and dispose of process water, leachate or stormwater in engineered structures must comply with the same requirements that apply to compost facilities in OAR 340-096-0130, unless the structure is constructed and operated pursuant to a permit issued under ORS 468B.050.

(3) Conversion technology facilities must be designed, constructed, and operated in a manner that is not likely to cause an adverse impact to groundwater under OAR 340 Division 40. All conversion technology facilities proposing to use infiltration in soil as a method for managing leachate or stormwater must comply with the same groundwater protection requirements that apply to compost facilities in OAR 340-096-0120.

(4) Conversion technology facilities must be designed, constructed, and operated in a manner that, to the greatest extent practicable and consistent with proper facility design and operation, controls and minimizes odors and dust that are likely to cause adverse impacts outside the boundaries of the facility.

(5) Conversion technology facilities must be designed, constructed, and operated in a manner that controls or prevents propagation, harborage, or attraction of vectors, including but not limited to, rats, birds, and flies.

(6) Conversion technology facilities that produce, collect and store oil, biogas or syngases must be designed, constructed, and operated in accordance with state and local fire regulations in a manner that prevents fire and explosions.

(7) Conversion technology facilities must implement procedures as necessary to restrict incoming material to prevent receipt of, or to separate out, materials that are incompatible with the conversion technology being used, or that would pose human health or environmental risks when incorporated into the products of the conversion technology.

(8) Conversion technology facilities must provide adequate training to staff to properly operate the technology and to recognize and exclude inappropriate incoming materials.

(9) Conversion technology facilities must use incoming feedstocks in a reasonable length of time, not storing incoming feedstocks longer than six months on site, unless a longer time is approved in advance by the department in writing. Incoming feedstocks must be accepted, stored, managed and processed to avoid causing potential impact to human health or the environment.

(10) Conversion technology facilities must provide for the removal of finished products and wastes from the facility within a reasonable length of time, but not later than six months after processing of incoming feedstock by the facility has begun, unless a longer time is approved in advance by the department in writing. Finished products must be stored and managed on site to prevent impacts to human health or the environment.

(11) Conversion technology facilities must properly characterize, store, label, manage and dispose of wastes. Waste streams must be characterized in accordance with hazardous waste rules to ensure proper disposal.

(12) Hazardous substances in the material produced by a conversion technology facility must meet at least one of the two criteria listed in this section:

(a) They do not significantly exceed the concentration in a comparable raw material or commercial product, or

(b) They will not exceed acceptable risk levels when used in ways the material may reasonably be expected to be used.

(13) Conversion technology facilities must allow the department access to the facility and to facility records in order to determine compliance with these rules.

Stat. Auth.: ORS 459.045, 459A.025 & 468.020  
Stats. Implemented: ORS 459.005, 459.015 & 459.205  
Hist.: DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-096-0180

### Special Rules Relating to Conversion Technology: Operations Plan Approval

(1) Conversion technology facilities subject to this rule must prepare a conversion technology facility Operations Plan for review and approval by the department that describes how the conversion technology facility will be designed and operated to meet the performance standards in OAR 340-096-0170. The Operations Plan Approval fee required by OAR 340-097-0120(4) must be submitted to the department with the proposed plan.

(2) Except as provided in OAR 340-096-0160(9), a conversion technology facility subject to this rule may not begin or continue operation until the department approves the facility Operations Plan. All conversion technology facilities subject to this rule must operate in compliance with the Operations Plan approved by the department. Any significant changes in the Operations Plan must be approved by the department.

(3) If the department determines that an approved Operations Plan is incomplete, inadequate, or otherwise fails to provide the necessary information and assurances that the conversion technology facility will comply with the performance standards of OAR 340-096-0170 or with section (5) of this rule, the department may require the conversion technology facility to revise the Operations Plan.

(4) All Operations Plans subject to this rule must address each element of this section.

(a) Feedstocks and products. The Operations Plan must describe the types and volumes of feedstocks the facility will accept, the manner in which feedstocks will be accepted and stored, the conversion technology process to be used to produce products, the manner in which products will be stored, the proposed uses of products, any wastes that will be produced, how those wastes are, or will be, characterized according to hazardous waste rules and the manner in which those wastes will be disposed.

(b) Protection of surface water. The Operations Plan must describe how the facility will be designed and operated to comply with OAR 340-096-0170(1) and (2) by describing the operational procedures and any structures the facility will use to manage any process water, leachate or stormwater generated at the facility. Any facility that manages process water, leachate or stormwater in an engineered structure must submit detailed plans and specifications for any such structures and comply with the same leachate and stormwater collection requirements that apply to compost facilities under OAR 340-096-0130.

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(c) Protection of groundwater. The Operations Plan must describe how the facility will be designed and operated to comply with OAR 340-096-0170(3). Any facility that manages process water, leachate or stormwater through infiltration into soil must comply with the same groundwater protection requirements that apply to compost facilities under OAR 340-096-0120.

(d) Odor control. The Operations Plan must describe the methods and procedures the facility will use to comply with OAR 340-096-0170(4).

(e) Vector attraction. The Operations Plan must describe methods the facility will use to comply with OAR 340-096-0170(5) to minimize the attraction of vectors such as rats, birds and flies.

(f) Closure. The Operations Plan must include a Closure Plan that addresses:

(A) Removal of equipment and materials used to operate and maintain the facility;

(B) Disposal of unused feedstocks, partially processed residues, finished products that cannot be marketed or used for beneficial purposes and wastes; and

(C) Abandonment of the facility, including ponds and lagoons, buildings, emission controls, waste treatment or other pollution control facilities and removal of residues, including a preliminary evaluation of potential impacts to soil and groundwater.

(g) Post Closure. When required by the department, the Operations Plan must include a Post-Closure Plan to address potential or actual contamination to groundwater and surface water or impacts to soil or any corrective action needed to address environmental issues after the facility is closed.

(h) Recordkeeping. The Operations Plan must describe the methods the facility will use for keeping records of:

(A) Weight and volumes of incoming feedstocks;

(B) Testing, if any, of feedstocks received at the facility and materials and wastes produced by the facility;

(C) Complaints and actions taken to address complaints;

(D) Spill response;

(E) Any upsets or violations of the Operations Plan or any department rules;

(F) The quantities of materials and wastes produced by the facilities, and the disposition of those materials and wastes; and

(G) Staff training records related to facility operations.

(i) Screening and Training requirements. If the proper operation of the facility requires the identification and removal of materials that could threaten human health or the environment, or that could interfere with the conversion technology process or increase the toxicity of materials produced by the facility, then the Operations Plan must specify the methods that will be used to exclude potentially harmful material from entering and being processed by the conversion technology, and must also specify the training that will be provided so that facility staff can properly identify and remove prohibited or potentially damaging materials.

(5) As part of the Operations Plan approval process, the department will review with the conversion technology facility the matters listed in this section. The department may require, either in its initial Operations Plan review or under section (3) of this rule, that an Operations Plan include any of the additional matters listed below if the department determines that such measures are necessary for the facility to meet the performance standards requirements of OAR 340-096-0170, to comply with any other laws or regulations, or to correct other unacceptable conditions at a facility.

(a) Process controls.

(A) Describe how the facility will monitor and record processing parameters including but not limited to temperature, contamination levels, storage and retention time for products, and product quality.

(B) Include a mass balance calculation showing all feedstocks and all products produced. The mass balance calculation must be detailed and use a standard unit of measurement throughout.

(C) Include any other information the department may deem necessary to determine whether the proposed facility and the operation thereof will comply with performance standards and all applicable rules of the department.

(b) Removal of finished products.

(A) Provide for removal of finished products from the facility as frequently as possible, but not later than six months after processing has begun, unless the facility demonstrates a need to store finished product for a longer period of time and the department approves the longer period of time; and

(B) Describe how the facility will manage and dispose of products that due to concentrations of contaminants cannot be marketed or used for beneficial purposes.

(c) Processing and management of feedstocks. Provide a feedstock management plan that includes a feedstock acceptance process to prevent acceptance of unauthorized, contaminated, incompatible or otherwise unusable feedstocks and a schedule for processing of feedstocks to prevent accumulation of unprocessed material.

(d) Storage of feedstocks.

(A) Identify designated areas where all feedstocks deposited at the site will be confined;

(B) Provide that accumulation of feedstocks does not create odor or vector problems, or create other nuisance conditions;

(C) Provide that undisposed residues are kept to minimum practical quantities; and

(D) Provide for facilities and procedures for handling, recycling or disposing of feedstocks that are unauthorized, contaminated, not compatible with the conversion technology process or otherwise unusable.

(e) Salvage. Describe procedures for recovery of materials such as metal, paper and glass so that recovery does not interfere with conversion technology operations, or create unsightly conditions or vector harborage.

(f) Access Roads.

(A) Provide for all-weather roads from the public highway or roads to, and within, the facility that are designed and maintained to prevent traffic congestion, traffic hazards and dust; and

(B) Provide for effective barriers to unauthorized entry and dumping, such as fences, gates and locks.

(g) Fire Protection. Provide for fire protection in compliance with applicable state and local fire regulations.

(h) Dust and litter. Provide for effective methods to reduce or avoid dust, and litter, and to prevent tracking of mud or other materials off the facility;

(i) Containers. Describe how the facility will clean and manage all containers at the facility.

(j) Vehicles. Describe how all vehicles and devices operated by facility will be maintained and operated to prevent leaking or spilling of feedstocks or finished products while in transit.

(k) Truck Covers. Describe how the facility will notify all incoming feedstock haulers that trucks must be covered or suitably cross-tied to prevent any load loss during shipment.

Stat. Auth.: ORS 459.045, 459A.025 & 468.020

Stats. Implemented: ORS 459.005, 459.015 & 459.205

Hist.: DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-096-0190

### Special Rules Relating to Conversion Technology: Registration

(1) All conversion technology facilities required to register with the department by OAR 340-096-0160(7) must comply with this rule. Except as provided in OAR 340-096-0160(9), a facility subject to this rule may not begin operation before the department has issued a registration to the facility.

(2) After the requirements of OAR 340-093-0100 with respect to public notice and comment have been completed, if the department determines that the facility has met all of the requirements of OAR Divisions 93, 96, 97, and all other applicable statutes and regulations, the department will issue a registration to the facility. The registration is a permit for purposes of OAR chapter 340, division 18 and chapter 340 divisions 93, 96, and 97.

(3) All conversion technology facilities registered under this rule must:

(a) Comply with OAR 340-096-0170: Performance Standards;

(b) Comply with all Conditions of Approval that are required by the department for operation of the facility;

(c) Submit an annual or more frequent report, as required by the department, on a form provided by or approved by the department, of the weight of feedstocks used for conversion at the facility, and any other information required under OAR 340-097-0110(6), 340-090-0100(3) and (5), or as needed by the department to monitor the flow of solid waste in Oregon.

(d) Immediately notify the department of any violation of the facility Conditions of Approval or performance standards under OAR 340-096-0170;

(e) Immediately notify the department of any significant change of status of the conversion technology facility, including any change in the ownership or operation of the facility, the location of the conversion technology operation, the type or volume of feedstocks used, and the conversion technology process used by the facility;

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(f) Keep all required records. If required by the department, maintain records for a minimum of five years. In the case of a change in ownership of the facility, the owner is responsible for ensuring that the records are transferred from the previous owner and maintained for the required five years;

(g) Comply with OAR 340-097-0120(6) with respect to annual registration permit compliance fees;

(h) At the request of the department, submit any records or reports the department may require to ensure compliance with conditions of OAR chapter 340, Divisions 93, 96, and 97; and

(i) If required by the department, demonstrate financial assurance as provided in OAR 340-096-0001. The department may tailor the financial assurance requirements to the nature of the facility and may exempt a facility if, based on the information submitted under OAR 340-093-0070, and any other information available to the department, the department determines that the facility is not likely to generate significant amounts of residual waste materials or contamination from the facility operation that will remain at closure.

(4) Conversion technology facilities that are mobile disposal sites, before establishing operation in a new location, must:

(a) Obtain from the local government unit, or units having jurisdiction, a statement of compatibility with the acknowledged local comprehensive plan and zoning requirements or the Land Conservation and Development Commission's Statewide Planning Goals;

(b) Notify the department regarding the new location where they will be operating; and

(c) If requested by the department, provide site characterization information for specific elements specified in OAR 340-93-0130.

Stat. Auth.: ORS 459.045, 459A.025 & 468.020

Stats. Implemented: ORS 459.005, 459.015 & 459.205

Hist.: DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-096-0200

### Special Rules Pertaining to Conversion Technology: Conversion Technology Permit

(1) All conversion technology facilities required by OAR 340-096-0160 to operate under a conversion technology permit must comply with this rule. Except as provided in OAR 340-096-0160(9), a facility subject to this rule may not begin operation before the permitting process is complete and they have received their conversion technology permit from the department.

(2) After the requirements of OAR 340-093-0100 with respect to public notice and comment have been completed, if the department determines that the facility has met all of the requirements of OAR Divisions 93, 96, 97, and all other applicable statutes and regulations, the department will issue a Conversion Technology Permit for the facility. The Conversion Technology Permit is a permit for purposes of OAR chapter 340, division 18 and chapter 340 divisions 93, 96, and 97.

(3) All conversion technology facilities permitted under this rule must comply with the following:

(a) Comply with OAR 340-096-0170: Performance Standards;

(b) Comply with all requirements of the department approved facility Operations Plan;

(c) Submit an annual or more frequent report, on a form provided by or approved by the department, of the weight of feedstocks used for conversion at the facility and any other information required under OAR 340-097-0110(6), 340-090-0100(3) and (5), or needed by the department to monitor the flow of solid waste in Oregon.

(d) Immediately notify the department of any violation of the facility Operations Plan, Conditions of Approval, or Performance Standards under OAR 340-096-0170;

(e) Immediately notify the department of any significant change of status of the operation, including any change in the ownership or operation of the facility, the location of the facility, type or volume of feedstocks used, and the conversion technology process used by the facility;

(f) Keep all required records. If required by the department, maintain records for a minimum of five years. In the case of a change in ownership of the facility, the owner is responsible for ensuring that the records are transferred from the previous owner and maintained for the required five years;

(g) Comply with OAR 340-097-0120(6) with respect to annual permit compliance fees;

(h) At the request of the department, submit any records or reports the department may require to ensure compliance with conditions of OAR chapter 340, divisions 93, 96, and 97; and

(i) If required by the department, demonstrate financial assurance as provided in OAR 340-096-0001. The department may tailor the financial assurance requirements to the nature of the facility and may exempt a facility if the department determines, based on the information submitted under OAR 340-093-0070, an Operations Plan approved under OAR 340-096-0180, and any other information available to the department, the facility is not likely to generate significant amounts of residual waste materials or contamination from the operation of the facility that will remain at closure.

(4) Conversion technology facilities that are mobile disposal sites, before establishing operation in a new location, must:

(a) Obtain from the local government unit, or units having jurisdiction, a statement of compatibility with the acknowledged local comprehensive plan and zoning requirements or the Land Conservation and Development Commission's Statewide Planning Goals;

(b) Notify the department regarding the new location where they will be operating; and

(c) If requested by the department, provide site characterization information for specific elements specified in OAR 340-093-0130.

Stat. Auth.: ORS 459.045, 459A.025 & 468.020

Stats. Implemented: ORS 459.005, 459.015 & 459.205

Hist.: DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-097-0001

### Applicability

OAR chapter 340, division 97 applies to persons owning or operating, or applying to the Department to own or operate, a municipal solid waste landfill, a non-municipal land disposal site, an energy recovery facility or an incinerator receiving solid waste delivered by the public or by a solid waste collection service, a composting facility, a sludge disposal site, a land application disposal site, a transfer station, a material recovery facility, a solid waste treatment facility, a solid waste conversion technology facility, or any other solid waste disposal site required to obtain a solid waste permit from the Department. It also applies to persons who transport solid waste out of Oregon to a disposal site that receives domestic solid waste.

Stat. Auth.: ORS 459.045, 459A.100 - 459A.120 & 468.020

Stats. Implemented: ORS 459.235

Hist.: DEQ 5-1993, f. & cert. ef. 3-10-93; DEQ 10-1994, f. & cert. ef. 5-4-94; DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-097-0110

### Solid Waste Permit and Disposal Fees

(1) Each person required to have a Solid Waste Disposal Permit is subject to the following fees:

(a) An application processing fee for new facilities which must be submitted with the application for a new permit as specified in OAR 340-097-0120(2);

(b) A solid waste permit compliance fee as listed in OAR 340-097-0120(6); and

(c) The 1991 Recycling Act permit fee as listed in OAR 340-097-0120(7).

(2) Each disposal site receiving domestic solid waste will be subject to the per-ton solid waste disposal fees on solid waste as specified in OAR 340-097-0120(8).

(3) Out-of-state solid waste. Each disposal site or regional disposal site receiving solid waste generated out-of-state must pay a per-ton solid waste disposal fee as specified in OAR 340-097-0120(8).

(4) Oregon waste disposed of out-of-state. A person who transports solid waste that is generated in Oregon to a disposal site located outside of Oregon that receives domestic solid waste must pay the per-ton solid waste disposal fees as specified in OAR 340-097-0120(8);

(a) For purposes of this rule and OAR 340-097-0120(8), a person is the transporter if the person transports or arranges for the transport of solid waste out of Oregon for final disposal at a disposal site that receives domestic solid waste, and is:

(A) A solid waste collection service or any other person who hauls, under an agreement, solid waste out of Oregon;

(B) A person who hauls his or her own industrial, commercial or institutional waste or other waste such as cleanup materials contaminated with hazardous substances;

(C) An operator of a transfer station, when Oregon waste is delivered to a transfer station located in Oregon and from there is transported out of Oregon for disposal;

(D) A person who authorizes or retains the services of another person for disposal of cleanup materials contaminated with hazardous substances; or

(E) A person who transports infectious waste.

(b) Notification requirement:



## ADMINISTRATIVE RULES

(A) Before transporting or arranging for transport of solid waste out of the State of Oregon to a disposal site that receives domestic solid waste, a person must notify the department in writing on a form provided by the department. The persons identified in subsection (4)(a) of this rule are subject to this notification requirement;

(B) The notification must include a statement of whether the person will transport the waste on an on-going basis. If the transport is on-going, the person must re-notify the department by January 1 of each year of his or her intention to continue to transport waste out-of-state for disposal.

(c) As used in this section, "person" does not include an individual transporting the individual's own residential solid waste to a disposal site located out of the state.

(5) Fees. The solid waste permit compliance fee must be paid for each year a disposal site is in operation or under permit. The 1991 Recycling Act permit fee, if applicable, must be paid for each year the disposal site is in active operation. The fee period shall be prospective and is as follows:

(a) New sites:

(A) Any new disposal site must pay a solid waste permit compliance fee and 1991 Recycling Act permit fee, if applicable, 30 days after the end of the calendar quarter in which solid waste is received at the facility, except as specified in paragraph (5)(a)(B), (C) or (D) of this rule;

(B) For a new disposal site other than a transfer station, material recovery facility, or composting facility that receives less than 1,000 tons of solid waste a year, for the first year's operation, the entire permit compliance fee must be paid if the facility is placed into operation on or before September 1. Any new facility placed into operation after September 1 will not owe a permit compliance fee until the following January 31. An application for a new disposal site receiving less than 1,000 tons of solid waste a year must include the applicable permit compliance fee for the first year of operation;

(C) For a new industrial solid waste disposal site, sludge or land application disposal site or solid waste treatment facility receiving more than 1,000 but less than 20,000 tons of solid waste a year, these facilities must pay a solid waste permit compliance fee and 1991 Recycling Act permit fee, if applicable, on January 31 following the calendar year in which the facility is placed into operation;

(D) For a new transfer station, material recovery facility or composting facility, for the first fiscal year's operation, the entire permit compliance fee must be paid if the facility is placed into operation on or before April 1. Any new facility placed into operation after April 1 will not owe a permit compliance fee until the department's annual billing for the next fiscal year. An application for a new transfer station, material recovery facility or composting facility must include the applicable permit compliance fee for the first year of operation.

(b) Existing permitted sites. Any existing disposal site that is in operation, is permitted to receive or receives solid waste in a calendar year must pay the solid waste permit compliance fee and 1991 Recycling Act permit fee, if applicable, for that year as specified in OAR 340-097-0120(6)(a), (b), (c) and (7). A facility will be deemed to be an "existing permitted site" from the time of permit issuance;

(c) Closed sites. If a land disposal site stops receiving waste before April 1 of the fiscal year in which the site permanently ceases active operations, the permittee must pay the solid waste permit compliance fee for the "year of closure" as specified in OAR 340-097-0120(6)(d)(A) as well as the permit compliance fee paid quarterly by the permittee based on the waste received in the previous calendar quarters. If a land disposal site has permanently ceased receiving waste and the site is closed, a solid waste permittee must pay the solid waste permit compliance fee for closed sites as specified in OAR 340-097-0120(6)(d);

(d) The Director may alter the due date for the solid waste permit compliance fee and, if applicable, the 1991 Recycling Act permit fee upon receipt of a justifiable request from a permittee.

(6) Tonnage reporting. The permit compliance fee, 1991 Recycling Act permit fee if applicable, and per-ton solid waste disposal fees, if applicable, must be submitted together with a form approved by the department. Information reported must include the amount and type of solid waste and any other information required by the department to substantiate the tonnage or to calculate the state material recovery rate.

(7) Calculation of tonnage. Permittees and registrants are responsible for accurate calculation of solid waste tonnage. For purposes of determining appropriate fees under OAR 340-097-0120(6) through (8), annual tonnage of solid waste received must be calculated as follows:

(a) Municipal solid waste facilities. Annual tonnage of solid waste received at municipal solid waste facilities, including construction and demolition sites and municipal solid waste composting facilities, receiving

50,000 or more tons annually must be based on weight from certified scales. When certified scales are required, all solid waste received at the facility for disposal must be weighed at the facility's scales, except as otherwise approved by the department in writing. If certified scales are required but are temporarily not functioning, all solid waste received at the facility must either use other certified scales in the area or estimate tonnage as specified in this section. If certified scales are not required, estimated annual tonnage for municipal solid waste, including that at municipal solid waste composting facilities will be based upon 300 pounds per cubic yard of uncompacted waste received, and 700 pounds per cubic yard of compacted waste received. If yardage is not known, the solid waste facility may use one ton per resident in the service area of the disposal site, unless the permittee demonstrates a more accurate estimate. For other types of wastes received at municipal solid waste sites and where certified scales are not required or not available, the conversions and provisions in subsection (b) of this section must be used;

(b) Industrial facilities. Annual tonnage of solid waste received at industrial facilities receiving 50,000 or more tons annually must be based on weight from certified scales. When certified scales are required, all solid waste received at the facility must be weighed at the facility's scales, except as otherwise approved by the department in writing. If certified scales are required but are temporarily not functioning, all solid waste received at the facility must either use other certified scales in the area or estimate tonnage as specified in this section. If certified scales are not required, industrial sites must use the following conversion factors to determine tonnage of solid waste disposed. Composting facilities must use the following conversion factors for those materials appropriate for composting:

(A) Asbestos: 500 pounds per cubic yard;

(B) Pulp and paper waste other than sludge: 1,000 pounds per cubic yard;

(C) Construction, demolition and land clearing wastes: 1,100 pounds per cubic yard;

(D) Wood waste:

(i) Wood waste, mixed, including log sort waste (as defined in OAR 340-093-0030(99)): 1,200 pounds per cubic yard;

(ii) Wood waste including scrap lumber, pallets, wood from construction and demolition activities: 250 pounds per cubic yard;

(iii) Wood chips, green: 473 pounds per cubic yard;

(iv) Wood chips, dry: 243 pounds per cubic yard;

(v) Sawdust, wet: 530 pounds per cubic yard;

(vi) Sawdust, bone dry: 275 pounds per cubic yard.

(E) Yard debris:

(i) Grass clippings: 950 pounds per cubic yard;

(ii) Leaves: 375 pounds per cubic yard;

(iii) Compacted yard debris: 640 pounds per cubic yard; and

(iv) Uncompacted yard debris: 250 pounds per cubic yard.

(F) Manure, sludge, septage, grits, screenings and other wet wastes: 1,600 pounds per cubic yard;

(G) Food waste: 700 pounds per cubic yard

(H) Ash and slag: 2,000 pounds per cubic yard;

(I) Contaminated soils: 2,400 pounds per cubic yard;

(J) Asphalt, mining and milling wastes, foundry sand, silica: 2,500 pounds per cubic yard;

(K) For wastes other than the above, the permittee or registrant must determine the density of the wastes subject to approval by the department in writing;

(L) As an alternative to the above conversion factors, the permittee or registrant may determine the density of their own waste, subject to approval by the department in writing.

(8) The application processing fee may be refunded in whole or in part, after taking into consideration any costs the department may have incurred in processing the application, when submitted with an application if either of the following conditions exists:

(a) The department determines that no permit will be required;

(b) The applicant withdraws the application before the department has granted or denied preliminary approval or, if no preliminary approval has been granted or denied, the department has approved or denied the application.

(9) Exemptions:

(a) Persons treating petroleum contaminated soils will be exempt from the application processing and renewal fees for a Letter Authorization if the following conditions are met:

(A) The soil is being treated as part of a site cleanup authorized under ORS Chapters 465 or 466; and

# ADMINISTRATIVE RULES

(B) The department and the applicant for the Letter Authorization have entered into a written agreement under which costs incurred by the department for oversight of the cleanup and for processing of the Letter Authorization must be paid by the applicant.

(b) Persons to whom a Letter Authorization has been issued are not subject to the solid waste permit compliance fee or the 1991 Recycling Act permit fee.

(10) All fees must be made payable to the Department of Environmental Quality.

(11) Submittal schedule:

(a) The solid waste permit compliance fee will be billed by the department to the holder of the following permits: transfer station, material recovery facility, composting facility and closed solid waste disposal site. The fee period be the state's fiscal year (July 1 through June 30), and the fee is due annually by the date indicated on the invoice. Any "year of closure" prorated fee will be billed to the permittee of a closed site together with the site's first regular billing as a closed site;

(b) For holders of solid waste disposal site permits other than those in subsection (11)(a) of this rule, the solid waste permit compliance fee and the 1991 Recycling Act permit fee, if applicable, are not billed to the permittee by the department. These fees must be self-reported by the permittee to the department, pursuant to sections (5) and (6) of this rule. The fee period will be either the calendar quarter or the calendar year, and the fees are due to the department as follows:

(A) For any disposal site required to pay the per-ton fee on any solid waste as specified in OAR 340-097-0120(8) (generally landfills and municipal waste incinerators that receive domestic solid waste, plus construction and demolition landfills): on the same schedule as specified in subsection (11)(c) of this rule;

(B) For industrial solid waste disposal sites, sludge or land application disposal sites and other disposal sites not required to pay the per-ton fee on solid waste as specified in OAR 340-097-0120(8) except construction and demolition landfills:

(i) For sites receiving over 20,000 tons of waste a year: quarterly, on the 30th day of the month following the end of the calendar quarter; or

(ii) For sites receiving less than 20,000 tons of waste a year: annually, on the 31st day of January;

(iii) A site which has received less than 20,000 tons of waste in past years but exceeds that amount in a given year, will in general be granted a one-year delay from the department before the site is required to begin submitting permit fees on a quarterly basis. If the site appears likely to continue to exceed the 20,000 annual ton limit, then the department will require the site to report tonnage and submit applicable permit fees on a quarterly basis.

(c) The per-ton solid waste disposal fees on domestic solid waste and the Orphan Site Account fee are not billed by the department. They must be paid on the following schedule:

(A) Quarterly, on the 30th day of the month following the end of the calendar quarter; or

(B) Annually, on the 31st day of January beginning in 1995, for holders of solid waste disposal site permits for sites receiving less than 1,000 tons of solid waste a year.

(d) The fees on Oregon solid waste disposed of out of state must be paid to the department quarterly on the 30th day of the month following the end of the calendar quarter, or on the schedule specified in OAR 340-097-0120(5)(e)(C). The fees must be submitted together with a form approved by the department, which must include the amount of solid waste, type, county of origin of the solid waste, and state to which the solid waste is being transported for final disposal.

Stat. Auth.: ORS 459.045, 459.235, 459.236, 459A.025, 459A.110, 459A.115, 468.065  
Stats. Implemented: ORS 459.235, 459.236, 459A.110 & 459A.115  
Hist.: DEQ 3-1984, f. & cert. 3-7-84; DEQ 45-1990, f. & cert. ef. 12-26-90; DEQ 12-1991(Temp), f. & cert. ef. 8-2-91; DEQ 28-1991, f. & cert. ef. 12-18-91; DEQ 8-1992, f. & cert. ef. 4-30-92; DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0115; DEQ 23-1993, f. 12-16-93, cert. ef. 1-1-94; DEQ 10-1994, f. & cert. ef. 5-4-94; DEQ 9-1996, f. & cert. ef. 7-10-96; DEQ 17-1997, f. & cert. ef. 8-14-97; DEQ 27-1998, f. & cert. ef. 11-13-98; DEQ 6-2009, f. & cert. ef. 9-14-09; DEQ 7-2013, f. & cert. ef. 8-29-13

## 340-097-0120

### Permit/Registration Categories and Fee Schedule

(1) For purposes of OAR chapter 340, division 97:

(a) A "new facility" means a facility at a location not previously used or permitted, and does not include an expansion to an existing permitted site;

(b) An "off-site industrial facility" means all industrial solid waste disposal sites other than a "captive industrial facility";

(c) A "captive industrial facility" means an industrial solid waste disposal site where the permittee is the owner and operator of the site and is the generator of all the solid waste received at the site.

(2) Application Processing Fee. Except as provided in sections (3), (4), and (5) of this rule with respect to composting facilities, an application processing fee must be submitted with each application for a new facility, including application for preliminary approval pursuant to OAR 340-093-0090. The amount of the fee will depend on the type of facility and the required action as follows:

(a) A new municipal solid waste landfill facility, construction and demolition landfill, incinerator, energy recovery facility, solid waste treatment facility, off-site industrial facility or sludge disposal facility:

(A) Designed to receive over 7,500 tons of solid waste per year: \$10,000;

(B) Designed to receive less than 7,500 tons of solid waste per year: \$5,000.

(b) A new captive industrial facility (other than a transfer station or material recovery facility): \$1,000;

(c) A new transfer station or material recovery facility:

(A) Receiving over 50,000 tons of solid waste per year: \$500;

(B) Receiving between 10,000 and 50,000 tons of solid waste per year: \$200;

(C) Receiving less than 10,000 tons of solid waste per year: \$100.

(d) Letter Authorization (pursuant to OAR 340-093-0060):

(A) New site: \$500;

(B) Renewal: \$500.

(e) Permit Exemption Determination (pursuant to OAR 340-093-0080(2)): \$500.

(f) Beneficial use of solid waste application and reporting fees (pursuant to OAR 340-093-0260 through 340-093-0290):

(A) The review of an annual or other report required under a beneficial use determination: \$250;

(B) A Tier One beneficial use determination: \$1,000;

(C) A Tier Two beneficial use determination: \$2,000;

(D) A Tier Three beneficial use determination: \$5,000;

(E) Annual extension to a demonstration project authorization: \$1,000.

(g) A new conversion technology facility:

(A) Designed to receive over 7,500 tons of feedstocks per year: \$2,000;

(B) Designed to receive 7,500 tons or less of feedstocks per year: \$1,500.

(3) Composting Facility Screening Fee. Every composting facility that is required to comply with OAR 340-096-0080: Screening must pay a screening fee of \$150. The fee must be submitted with the application for screening, as provided in OAR 340-096-0080(1).

(4) Facility Plan Review and Approval Fee.

(a) Every composting facility that is required to comply with OAR 340-096-0090: Operations Plan Approval must pay a fee as provided below. The fee must be submitted with the proposed Operations Plan, as provided in OAR 340-096-0090(1). Agricultural composting facilities for which the Oregon Department of Agriculture is providing facility plan review and approval are not required to pay this fee.

(A) For facilities composting over 100 tons and less than or equal to 3,500 tons of feedstocks per year: \$500;

(B) For facilities composting over 3,500 tons and less than or equal to 7,500 tons of feedstocks per year: \$750;

(C) For facilities composting over 7,500 tons and less than or equal to 10,000 tons per year: \$1000;

(D) For facilities composting over 10,000 tons and less than or equal to 50,000 tons per year: \$2,000;

(E) For facilities composting over 50,000 tons per year: \$5,000.

(b) Every conversion technology facility that is required to comply with OAR 340-096-0180 must pay a fee as provided below. The fee must be submitted with the proposed Operations Plan, as provided in OAR 340-096-0180.

(A) For facilities designed to receive 3,500 tons of feedstock or less per year: \$1,000;

(B) For facilities designed to receive over 3,500 tons but no more than 7,500 tons of feedstock per year: \$1,500;

(C) For facilities designed to receive over 7,500 tons but no more than 20,000 tons of feedstock per year: \$2,200;

(D) For facilities designed to receive over 20,000 tons but no more than 50,000 tons of feedstock per year: \$3,000;

## ADMINISTRATIVE RULES

(E) For facilities designed to receive over 50,000 tons of feedstock per year: \$5,000.

(5) Composting Facility Engineering Review Fee. Every composting facility that requires department review of engineering plans and specifications under OAR 340-096-0130 must pay a fee of \$500. This fee is in addition to the fee required by (4) of this rule. Agricultural composting facilities for which the Oregon Department of Agriculture provides review of engineering plans and specifications are not required to pay this fee.

(6) Solid Waste Permit Compliance Fee. The Commission establishes the following fee schedule including base per-ton rates to be used to determine the solid waste permit compliance fee beginning with fiscal year 1993. The per-ton rates are based on the estimated solid waste to be received at all permitted solid waste disposal sites and on the department's Legislatively Approved Budget. The department will review annually the amount of revenue generated by this fee schedule. To determine the solid waste permit compliance fee, the department may use the base per-ton rates or any lower rates if the rates would generate more revenue than provided in the department's Legislatively Approved Budget. Any increase in the base rates must be fixed by rule by the Commission. (In any case where a facility fits into more than one category, the permittee must pay only the highest fee):

(a) All facilities accepting or permitted to accept solid waste except transfer stations, material recovery facilities and composting facilities:

(A) The greater of \$200; or

(B) A solid waste permit compliance fee based on the total amount of solid waste received at the facility in the previous calendar quarter or year, as applicable, at the following rate:

(i) All municipal landfills, construction and demolition landfills, off-site industrial facilities, sludge disposal facilities, incinerators and solid waste treatment facilities: \$.21 per ton;

(ii) Captive industrial facilities: \$.21 per ton;

(iii) Energy recovery facilities: \$.13 per ton; and

(iv) Conversion technology facilities: \$.10 per ton.

(C) If a disposal site (other than a municipal solid waste facility) is not required by the department to monitor and report volumes of solid waste collected, the solid waste permit compliance fee may be based on the estimated tonnage received in the previous quarter or year.

(b) Transfer stations and material recovery facilities:

(A) Facilities accepting over 50,000 tons of solid waste per year: \$1,000;

(B) Facilities accepting between 10,000 and 50,000 tons of solid waste per year: \$500;

(C) Facilities accepting less than 10,000 tons of solid waste per year: \$50.

(c) Composting facilities with a Composting Permit, except agricultural composting facilities for which the Oregon Department of Agriculture is providing facility oversight:

(A) Utilizing over 50,000 tons of feedstocks for composting per year: \$5,000;

(B) Utilizing over 7,500 and less than or equal to 50,000 tons of feedstocks for composting per year: \$1,000

(C) Utilizing over 3,500 and less than or equal to 7,500 tons of feedstocks for composting per year: \$500.

(D) Utilizing over 100 tons and less than or equal to 3,500 tons of feedstocks for composting per year: \$100.

(d) Closed Disposal Sites:

(A) Year of closure. If a land disposal site stops receiving waste before April 1 of the fiscal year in which the site permanently ceases active operations, the department will determine a pro-rated permit compliance fee for those quarters of the fiscal year not covered by the permit compliance fee paid on solid waste received at the site. The pro-rated fee for the quarters the site was closed shall be based on the calculation in paragraph (B) of this subsection;

(B) Each land disposal site which closes after July 1, 1984: \$150; or the average tonnage of solid waste received in the three most active years of site operation multiplied by \$.025 per ton, whichever is greater; but the maximum permit compliance fee shall not exceed \$2,500.

(7) 1991 Recycling Act permit fee:

(a) A 1991 Recycling Act permit fee must be submitted by each solid waste permittee which received solid waste in the previous calendar quarter or year, as applicable, except transfer stations, material recovery facilities, composting facilities, conversion technology facilities that process only separated solid wastes, and captive industrial facilities. The Commission establishes the 1991 Recycling Act permit fee as \$.09 per ton for each ton of solid waste received in the subject calendar quarter or year;

(b) The \$.09 per-ton rate is based on the estimated solid waste received at all permitted solid waste disposal sites subject to this fee and on the department's Legislatively Approved Budget. The department will review annually the amount of revenue generated by this rate. To determine the 1991 Recycling Act permit fee, the department may use this rate or any lower rate if the rate would generate more revenue than provided in the department's Legislatively Approved Budget. Any increase in the rate must be fixed by rule by the Commission;

(c) This fee is in addition to any other permit fee and per-ton fee which may be assessed by the department.

(8) Per-ton solid waste disposal fees on domestic solid waste. Each solid waste disposal site that receives domestic solid waste for final disposal or destruction, and each person transporting solid waste out of Oregon for disposal at a disposal site that receives domestic solid waste except as excluded under OAR 340-097-0110(4)(c), must submit fees to the department for solid waste received at the disposal site.

(a) These fees include:

(A) A per-ton fee of \$.81;

(B) An additional per-ton fee of \$.13 for the Orphan Site Account.

(b) Tons subject to these fees include:

(A) All solid wastes landfilled, incinerated without energy recovery, or treated for disposal by an Oregon disposal site that receives domestic solid waste, except as excluded in sections (c) and (f) of this section;

(B) All Oregon solid wastes that are transported out-of-state for disposal at a disposal site that receives domestic solid waste, except as excluded under OAR 340-097-0110(4)(c) and subsections (c) and (f) of this section;

(C) Mixed solid wastes that are processed by a conversion technology facility, burned for energy recovery, or composted by an Oregon disposal site that receives domestic waste;

(D) Mixed solid waste that includes at least some domestic solid waste, that has been processed into refuse-derived fuel to be burned for energy recovery by a facility that does not have a solid waste permit or that does not pay per-ton fees as specified in this section.

(c) Tons not subject to these fees include:

(A) All solid wastes received at a facility that does not receive domestic solid waste;

(B) Source-separated recyclables or other materials separated and recycled from mixed solid waste, including separated organics that are composted;

(C) Construction and demolition wastes and industrial wastes that are processed by a material recovery facility or a conversion technology facility to make a fuel to be burned off-site for energy recovery - for example, in a wood fuel boiler;

(D) All solid wastes sent by a disposal site to another disposal site, where the per-ton fees will be paid by a disposal site that subsequently receives that waste;

(E) Solid waste used as daily cover at a landfill as described in subsection (f) of this section;

(F) Ash from an energy recovery facility or incinerator that has paid these fees; and

(G) Sewage sludge or septic tank and cesspool pumpings.

(d) Submittal schedule:

(A) These per-ton fees must be submitted to the department quarterly. Quarterly remittals shall be due on the 30th day of the month following the end of the calendar quarter;

(B) Disposal sites receiving less than 1,000 tons of solid waste per year must submit the fees annually on January 31. If the disposal site is not required by the department to monitor and report volumes of solid waste collected, the fees must be accompanied by an estimate of the population served by the disposal site;

(C) For solid waste transported out of state for disposal, the per-ton fees must be paid to the department quarterly. Quarterly remittals are due on the 30th day of the month following the end of the calendar quarter in which the disposal occurred. If the transportation is not on-going, the fee must be paid to the department within 60 days after the disposal occurs.

(e) As used in this rule, the term "mixed solid waste" means solid wastes that include paper, plastic, and other materials at least partly made up of domestic waste, where the materials have not been separated from each other;

(f) Solid waste that is used as daily cover at a landfill in place of virgin soil will not be subject to the per-ton solid waste fees in this section, provided that:

# ADMINISTRATIVE RULES

(A) The amount of solid waste used as daily cover does not exceed the amount needed to provide the equivalent of six inches of soil used as daily cover;

(B) If disposed of in Oregon, the solid waste is not being used on a trial basis, but instead has received necessary approvals from the department for use as daily cover; and

(C) If disposed of in a landfill outside of Oregon, the solid waste has received final approval from the appropriate state or local regulatory agency that regulates the landfill.

(g) For solid waste delivered to disposal facilities owned or operated by a Metropolitan Service District, the fees established in this section will be levied on the district, not on the disposal site.

Stat. Auth.: ORS 459.045, 459.235 & 468.065  
Stats. Implemented: ORS 459.235, 459.236, 459A.110 & 459A.115  
Hist.: DEQ 3-1984, f. & cert. ef. 3-7-84; DEQ 12-1988, f. & cert. ef. 6-14-88; DEQ 14-1990, f. & cert. ef. 3-22-90; DEQ 45-1990, f. & cert. ef. 12-26-90; DEQ 12-1991(Temp), f. & cert. ef. 8-2-91; DEQ 28-1991, f. & cert. ef. 12-18-91; DEQ 8-1992, f. & cert. ef. 4-30-92; DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0120; DEQ 23-1993, f. 12-16-93, cert. ef. 1-1-94; DEQ 10-1994, f. & cert. ef. 5-4-94; DEQ 9-1996, f. & cert. ef. 7-10-96; DEQ 17-1997, f. & cert. ef. 8-14-97; DEQ 27-1998, f. & cert. ef. 11-13-98; DEQ 6-2009, f. & cert. ef. 9-14-09; DEQ 4-2010, f. & cert. ef. 5-14-10; DEQ 7-2013, f. & cert. ef. 8-29-13

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## Department of Fish and Wildlife Chapter 635

**Rule Caption:** Directed Commercial Sardine Fishery Second Allocation Period Closes August 22, 2013

**Adm. Order No.:** DFW 90-2013(Temp)

**Filed with Sec. of State:** 8-20-2013

**Certified to be Effective:** 8-22-13 thru 9-14-13

**Notice Publication Date:**

**Rules Amended:** 635-004-0375

**Subject:** This amended rule closes the Second Allocation Period of the directed commercial sardine fishery effective 12:01 a.m. Thursday, August 22 through September 14, 2013. These modifications conform state regulations to federal rule changes posted by the National Marine Fisheries Service (NMFS) for public inspection August 16, 2013 with intent to publish these changes in the Federal Register.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

### 635-004-0375

#### Scope, Inclusion, and Modification of Rules

(1) The commercial coastal pelagic species fishery in the Pacific Ocean off Oregon is jointly managed by the state of Oregon and the federal government through the Pacific Fishery Management Council process. The Code of Federal Regulations provides federal requirements for this fishery, including but not limited to the time, place, and manner of taking coastal pelagic species. However, additional regulations may be promulgated subsequently by publication in the Federal Register, and these supersede, to the extent of any inconsistency, the Code of Federal Regulations. Therefore, the following publications are incorporated into Oregon Administrative Rule by reference:

(a) Code of Federal Regulations, Part 660, Subpart I, (October 1, 2012 ed.); and

(b) Federal Register Vol. 78, No. 116, dated June 17, 2013 (78 FR 36117).

(c) Federal Notice Of Pacific Sardine Directed Fishing Closure, dated August 16, 2013.

(2) Persons must consult the federal regulations in addition to Division 004 to determine all applicable coastal pelagic species fishing requirements. Where federal regulations refer to the fishery management area, that area is extended from shore to three nautical miles from shore coterminous with the Exclusive Economic Zone.

(3) The Commission may adopt additional or modified regulations that are more conservative than federal regulations, in which case Oregon Administrative Rule takes precedence. See OAR 635-004-0205 through 635-004-0235 and 635-004-0380 through 635-004-0545 for additions or modifications to federal coastal pelagic species regulations.

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

Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119 & 506.129  
Stats. Implemented: ORS 496.162, 506.109 & 506.129  
Hist.: DFW 75-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 110-2012(Temp), f. 8-21-12, cert. ef. 8-23-12 thru 9-14-12; Administrative correction 9-20-12; DFW 58-2013, f. & cert. ef. 6-19-13; DFW 90-2013(Temp), f. 8-20-13, cert. ef. 8-22-13 thru 9-14-13

**Rule Caption:** 2013 Fall Commercial Seasons Set for Columbia River Select Area Fisheries

**Adm. Order No.:** DFW 91-2013(Temp)

**Filed with Sec. of State:** 8-22-2013

**Certified to be Effective:** 8-26-13 thru 10-31-13

**Notice Publication Date:**

**Rules Amended:** 635-042-0160, 635-042-0170, 635-042-0180

**Subject:** Amended rules set the 2013 fall commercial gill net salmon seasons for three Columbia River Select Areas including: Blind and Knappa sloughs, Tongue Point/South Channel and Deep River.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

### 635-042-0160

#### Blind Slough and Knappa Slough Select Area Salmon Season

(1) Salmon and white sturgeon may be taken for commercial purposes during open fishing periods described in subsection (1)(a) of this rule in those waters of Blind Slough and Knappa Slough.

(a) The open fishing periods are: Monday, Tuesday, Wednesday, and Thursday nights from 7:00 p.m. to 7:00 a.m. (12 hours) beginning Monday August 26 and ending Friday September 13, 2013 (12 nights); and Monday, Tuesday, Wednesday, and Thursday nights from 6:00 p.m. to 8:00 a.m. (14 hours) beginning Monday September 16 and ending Thursday October 31, 2013 (27 nights);

(b) The fishing areas are defined as:

(A) Blind Slough are those waters adjoining the Columbia River which extend from markers at the mouth of Blind Slough upstream to markers at the mouth of Gnat Creek which is located approximately 1/2 mile upstream of the county road bridge.

(B) Knappa Slough are all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to boundary lines defined by markers on the west end of Minaker Island to markers on Karlson Island and the Oregon shore. The area within a 100 foot radius at the mouth of Big Creek is closed.

(c) Gear restrictions are as follows:

(A) During the fishery, outlined above in subsection (1)(a), gill nets may not exceed 100 fathoms in length with no weight limit on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. It is *unlawful* to use a gill net having a mesh size that is greater than 9.75-inches.

(B) Nets that are fished at any time between official sunset and official sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat. If the net is attached to the boat, then one lighted buoy on the opposite end of the net from the boat is required.

(C) Nets (or parts of 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.

(2) A maximum of two white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in subsection (1)(a) above, the weekly aggregate sturgeon limit applies to combined possessions and sales for all open Select Area fisheries.

(3) Oregon licenses are required in the open waters upstream from the railroad bridge.

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; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 86-1998(Temp), f. & cert. ef. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 48-1999(Temp), f. & cert. ef. 6-24-99 thru 7-2-99; 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 65-2000(Temp) f. 9-22-00, cert. ef. 9-25-00 thru 12-31-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 86-2001, f. & cert. ef. 9-4-01 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 14-2002(Temp), f. 2-13-02, cert. ef. 2-18-02 thru 8-17-02; 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. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. 4-8-04, cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 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 16-2005(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 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

# ADMINISTRATIVE RULES

thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 14-2006(Temp), f. 3-15-06, cert. ef. 3-16-06 thru 7-27-06; DFW 16-2006(Temp), f. 3-23-06 & cert. ef. 3-26-06 thru 7-27-06; DFW 18-2006(Temp), f. 3-29-06, cert. ef. 4-2-06 thru 7-27-06; DFW 20-2006(Temp), f. 4-7-06, cert. ef. 4-9-06 thru 7-27-06; 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 75-2006(Temp), f. 8-8-06, cert. ef. 9-5-06 thru 12-31-06; DFW 92-2006(Temp), f. 9-1-06, cert. ef. 9-5-06 thru 12-31-06; DFW 98-2006(Temp), f. & cert. ef. 9-12-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 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 103(Temp), f. 8-26-08, cert. ef. 9-2-08 thru 10-31-08; 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 49-2009(Temp), f. 5-14-09, cert. ef. 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; DFW 15-2010(Temp), f. 2-19-10, cert. ef. 2-21-10 thru 6-11-10; 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; Administrative correction, 11-18-11; DFW 12-2012(Temp), f. 2-8-12, cert. ef. 2-12-12 thru 7-31-12; 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 24-2013(Temp), f. & cert. ef. 3-21-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 91-2013(Temp), f. 8-22-13, cert. ef. 8-26-13 thru 10-31-13

## 635-042-0170

### Tongue Point Basin and South Channel

(1) Tongue Point fishing area includes all waters bounded by a line from a marker midway between the red USCG navigation light #2 at the tip of Tongue Point and the downstream (northern most) pier (#8) at the Tongue Point Job Corps facility, to the flashing green USCG navigation light #3 on the rock jetty at the west end of Mott Island, 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 westerly to a marker on the Oregon shore.

(2) South Channel fishing 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 the flashing red USCG marker #10 northwesterly to a marker on Burnside Island defining the terminus of South Channel.

(3) Salmon 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. Open fishing periods are: Monday, Tuesday, Wednesday and Thursday nights from 7:00 p.m. to 7:00 a.m. the following morning (12 hours) beginning Monday, August 26 and ending Friday, September 13, 2013 (12 nights); and 4:00 p.m. to 10:00 a.m. (18 hours) beginning Monday, September 16, and ending Thursday October 31, 2013 (27 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 more than 6-inches. While fishing during the seasons described in this rule, gillnets legal for the South Channel fishing area may be onboard.

(b) In waters described in section (2) as South Channel, nets are restricted to 250 fathoms in length with no weight restrictions on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. It is *unlawful* to use a gill net having a mesh size that is more than 6-inches.

(c) Nets that are fished at any time between official sunset and official sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat. If the net is attached to the boat, then one lighted buoy on the opposite end of the net from the boat is required.

(d) Nets (or parts of 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 two white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in section (3)(a) above, 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 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 61-1997(Temp), f. 9-23-97, cert. ef. 9-24-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 41-1998(Temp), f. 5-28-98, cert. ef. 5-29-98; DFW 42-1998(Temp), f. 5-29-98, cert. ef. 5-31-98 thru 6-6-98; DFW 45-1998(Temp), f. 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 84-2001(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. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; 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 49-2009(Temp), f. 5-14-09, cert. ef. 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; DFW 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; Administrative correction, 8-21-13; DFW 91-2013(Temp), f. 8-22-13, cert. ef. 8-26-13 thru 10-31-13

## 635-042-0180

### Deep River Select Area Salmon Season

(1) Salmon and white sturgeon may be taken for commercial purposes from all waters downstream of the town of Deep River to the mouth defined by a line from the US Coast Guard navigation marker #16 south-west to a marker on the Washington shore.

(2) Open fishing periods are 7:00 p.m. to 7:00 a.m. (12 hours) nightly on the following dates:

(a) Monday, August 26 and Thursday, August 29, 2013 (2 nights);

(b) Monday, Tuesday, Wednesday and Thursday beginning September 2 through September 13, 2013 (8 nights);

(c) Sunday, Monday, Tuesday, Wednesday and Thursday beginning September 15 through September 27, 2013 (10 nights);

(d) Monday, Tuesday, Wednesday and Thursday beginning September 30 through October 11, 2013 (8 nights); and

(e) Monday, October 14 and Thursday, October 17, 2013 (2 nights).

(3) Gear restrictions are as follows:

(a) Gill nets restricted to 9.75-inch maximum mesh size from August 26 through September 13 and 6-inch maximum mesh size thereafter. Maximum net length may not exceed 100 fathoms in length and there is no weight limit on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. Nets may not be tied off to stationary structures and may not fully cross navigation channel.

(b) It is unlawful to operate in any river, stream or channel any gill net longer than three-fourths the width of the stream. It is *unlawful* in any area to use, operate, or carry aboard a commercial fishing vessel a licensed net or combination of such nets, whether fished singly or separately, in excess of the maximum lawful size or length prescribed for a single net in that area.

# ADMINISTRATIVE RULES

(c) Nets (or parts of 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.

(d) Nets that are fished at any time between official sunset and official sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat. If the net is attached to the boat, then one lighted buoy on the opposite end of the net from the boat is required.

(4) A maximum of two white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in subsection (2) above 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 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 84-2001(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 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 19-2003(Temp), f. & cert. ef. 4-17-03 thru 6-13-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. & cert. ef. 5-1-03 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 39-2004(Temp), f. & 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 95-2004(Temp), f. & 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 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 85-2005(Temp), f. & cert. ef. 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. & 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 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 77-2006(Temp), f. & cert. ef. 9-4-06 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; 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 25-2007(Temp), f. & cert. ef. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 28-2007(Temp), f. & cert. ef. 4-26-07 thru 7-26-07; DFW 61-2007(Temp), f. & cert. ef. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. & 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 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. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. & 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 23-2009(Temp), f. & cert. ef. 3-5-09, cert. ef. 3-6-09 thru 4-30-09; DFW 35-2009(Temp), f. & cert. ef. 4-7-09, cert. ef. 4-8-09 thru 4-30-09; 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. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. & cert. ef. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; DFW 112-2009(Temp), f. & cert. ef. 9-11-09, cert. ef. 9-13-09 thru 10-30-09; DFW 121-2009(Temp), f. & cert. ef. 9-30-09 thru 10-31-09; Administrative correction 11-19-09; DFW 16-2010(Temp), f. & cert. ef. 2-19-10, cert. ef. 2-22-10 thru 6-10-10; 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. 4-20-11, cert. ef. 4-21-11 thru 7-29-11; DFW 53-2011(Temp), f. & cert. ef. 5-18-11 thru 6-10-11; Administrative correction 6-28-11; DFW 113-2011(Temp), f. & cert. ef. 8-10-11, cert. ef. 8-15-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 12-2012(Temp), f. & cert. ef. 2-12-12 thru 7-31-12; DFW 104-2012(Temp), f. & cert. ef. 8-13-12 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 24-2013(Temp), f. & cert. ef. 3-21-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 91-2013(Temp), f. & cert. ef. 8-22-13 thru 10-31-13

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**Rule Caption:** 2013 Buoy 10 Fall Recreational Seasons Modified  
**Adm. Order No.:** DFW 92-2013(Temp)

**Filed with Sec. of State:** 8-22-2013

**Certified to be Effective:** 8-23-13 thru 12-31-13

**Notice Publication Date:**

**Rules Amended:** 635-023-0130

**Rules Suspended:** 635-023-0130(T)

**Subject:** This amended rule modifies the 2013 fall recreational Chinook salmon and steelhead season regulations for the Buoy 10 area of the Columbia River, effective Friday, August 23, 2013. Fall fisheries in 2013 are structured to optimize the harvest of Chinook, coho and steelhead within Endangered Species Act (ESA) limits and to provide a balanced opportunity for the fishers. Modifications are consistent with action taken by the Columbia River Compact agencies of the states of Oregon and Washington on August 20, 2013.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-023-0130

### Fall Sport Fishery

(1) The 2013 Oregon Sport Fishing Regulations provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the 2013 Oregon Sport Fishing Regulations.

(2) Notwithstanding all other specifications and restrictions in the 2013 Oregon Sport Fishing Regulations:

(a) Buoy 10 (Buoy 10 upstream to Tongue Point):

(A) Effective August 1 through September 1 and October 1 through December 31, the mainstem Columbia River from a north-south line through Red Buoy #10 near the mouth of the Columbia River, upstream to a line projected from Rocky Point on the Washington bank through Red Buoy #44 to the navigation light at Tongue Point on the Oregon bank is open to retention of Chinook. During the period August 23 through September 1 only adipose fin-clipped Chinook with a healed scar or a completely removed left ventral fin and a healed scar at the location of the fin may be retained. The combined daily bag limit for adult Chinook salmon, adipose fin-clipped coho salmon, and adipose fin-clipped steelhead is two fish per day of which only one may be a Chinook salmon.

(B) Retention of Chinook salmon is prohibited from September 2 through September 30.

(C) Retention of adipose fin-clipped coho and adipose fin-clipped steelhead allowed August 1 through December 31. Jacks (Chinook less than or equal to 24 inches in length and coho less than or equal to 16 inches in length) may not be retained in the Buoy 10 fishery between August 1 and September 30 under permanent rules.

(b) Lower Columbia (Tongue Point/Rocky Point upstream to Bonneville Dam):

(A) Effective August 1 through September 12 and October 1 through December 31, retention of Chinook, adipose fin-clipped coho and adipose fin-clipped steelhead is allowed in the mainstem Columbia River from a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank upstream to a line projected from the Warrior Rock Lighthouse on the Oregon shore to Red Buoy #4 to a marker on the lower end of Bachelor Island. During the period September 6-12 only Chinook salmon that are adipose fin-clipped (adults and jacks) may be retained. The combined daily bag limit is two adults of which only one may be a Chinook and five jacks.

(B) Effective August 1 through December 31, retention of Chinook, adipose fin-clipped coho and adipose fin-clipped steelhead is allowed in the area from a line projected from the Warrior Rock Lighthouse on the Oregon shore through red buoy #4 to a marker on the lower end of Bachelor Island, upstream to Bonneville Dam. The combined daily bag limit for adult salmon and adipose fin-clipped steelhead is two fish per day of which only one may be a Chinook salmon and five jack salmon.

(c) Effective August 1 through December 31 in the mainstem Columbia River from Bonneville Dam upstream to the Oregon-Washington border, the combined daily bag limit for adult Chinook, coho and adipose fin-clipped steelhead is two fish per day, of which both may be a Chinook salmon, and five jacks. All coho retained downstream of the Hood River Bridge must be adipose fin-clipped.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162

Hist.: DFW 32-2004, f. & cert. ef. 5-1-04; DFW 92-2004(Temp), f. & cert. ef. 9-6-04 thru 12-31-04; DFW 96-2004(Temp), f. & cert. ef. 9-30-04 thru 12-31-04; DFW 117-2004, f. & cert. ef. 1-1-05; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 84-2005(Temp), f. & cert. ef. 8-1-05 thru 12-31-05; DFW 108-2005(Temp), f. & cert. ef. 9-15-05, cert. ef. 9-17-05 thru 12-31-05; DFW 112-2005(Temp), f. & cert. ef. 9-30-05 thru 12-31-05; DFW 123-2005(Temp), f. & cert. ef. 10-18-05, cert. ef. 10-20-05 thru 12-31-05; DFW 136-2005, f. & cert. ef. 1-1-06; DFW 26-2006(Temp), f. & cert. ef. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; DFW 79-2006, f. & cert. ef. 1-1-07; DFW 100-2006(Temp), f. & cert. ef. 9-14-06 thru 12-31-06; DFW 109-2006(Temp), f. & cert. ef. 9-29-06, cert. ef. 9-30-06 thru 12-31-06; DFW 113-2006(Temp), f. & cert. ef. 10-12-06, cert. ef. 10-13-06 thru 12-31-06; DFW 24-2007, f. & cert. ef. 4-16-07, cert. ef. 5-1-07; DFW 92-2007(Temp), f. & cert. ef. 9-18-07, cert. ef. 9-19-07 thru 12-31-07; DFW 96-2007(Temp), f. & cert. ef. 9-21-07, cert. ef. 9-22-07 thru 12-31-07; DFW 101-2007(Temp), f. & cert. ef. 9-29-07 thru 12-31-07; DFW 136-2007, f. & cert. ef. 1-1-08; DFW 36-2008, f. & cert. ef. 4-21-08, cert. ef. 5-1-08; DFW 99-2008(Temp), f. & cert. ef. 8-22-08, cert. ef. 8-25-08 thru 12-31-08; DFW 104-2008(Temp), f. & cert. ef. 8-29-08, cert. ef. 8-31-08 thru 12-31-08; DFW 115-2008(Temp), f. & cert. ef. 9-18-08 thru 12-31-08; DFW 118-2008(Temp), f. & cert. ef. 9-24-08, cert. ef. 9-25-08 thru 12-31-08; DFW 156-2008, f. & cert. ef. 12-31-08, cert. ef. 1-1-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 133-2009(Temp), f. & cert. ef. 10-20-09, cert. ef. 10-22-09 thru 12-31-09; DFW 144-2009, f. & cert. ef. 1-1-10; DFW 77-2010, f. & cert. ef. 6-8-10, cert. ef. 6-16-10, DFW 131-2010(Temp), f. & cert. ef. 9-21-10, cert. ef. 9-22-10 thru 10-31-10; DFW 145-2010(Temp), f. & cert. ef. 10-13-10, cert. ef. 10-15-10 thru 12-31-10; DFW 171-2010, f. & cert. ef. 1-1-11; DFW 100-2011(Temp), f. & cert. ef. 7-27-11, cert. ef. 8-11-11 thru 12-31-11; DFW 127-2011(Temp), f. & cert. ef. 9-14-11, cert. ef. 9-16-11 thru 12-31-11; DFW 163-2011, f. & cert. ef. 1-1-12; DFW 100-2012(Temp), f. & cert. ef. 7-31-12, cert. ef. 8-1-12 thru 12-31-12; DFW 149-2012, f. & cert. ef. 1-1-13; DFW 81-2013(Temp), f. & cert. ef. 7-26-13, cert. ef. 8-1-13 thru 12-31-13; DFW 92-2013(Temp), f. & cert. ef. 8-22-13, cert. ef. 8-23-13 thru 12-31-13

# ADMINISTRATIVE RULES

**Rule Caption:** Thief Valley Reservoir Sport Game Fish Harvest Opportunity

**Adm. Order No.:** DFW 93-2013(Temp)

**Filed with Sec. of State:** 8-22-2013

**Certified to be Effective:** 8-24-13 thru 12-31-13

**Notice Publication Date:**

**Rules Amended:** 635-021-0090

**Rules Suspended:** 635-021-0090(T)

**Subject:** Amend rule authorizes extraordinary catch limits and methods of take in Thief Valley Reservoir beginning August 24. Due to low water storage levels, the reservoir will be drained of storage water sometime in early September. Fish will then be trapped in isolated pools and stressed by warm and turbid water. This rule provides anglers an opportunity to harvest many of these trout before they are lost.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-021-0090

### Inclusions and Modifications

(1) The **2013 Oregon Sport Fishing Regulations** provide requirements for the Southeast Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2013 Oregon Sport Fishing Regulations**.

(2) Lofton Reservoir (Lake County) is open to angling for all game fish species from July 1 through October 13, 2013 with the following restrictions:

- (a) Allowed harvest methods are by hand, dip net, or angling;
- (b) There are no daily catch or possession limits; and
- (c) There are no minimum length requirements.

(3) Lofton Reservoir is closed to all angling and harvest methods from October 14, 2013 through March 31, 2014.

(4) Thief Valley Reservoir is open to angling for all game species from August 24 through October 31, 2013 with the following restrictions:

- (a) Allowed harvest methods are by hand, dip net, or angling;
- (b) There are no daily catch or possession limits; and
- (c) There are no minimum length requirements.

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

Stat. Auth.: ORS 183.325, 496.138 & 496.146

Stats. Implemented: ORS 496.162

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 76-1994(Temp), f. & cert. ef. 10-17-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 55-2001(Temp), f. & cert. ef. 6-29-01 thru 12-26-01; DFW 56-2001(Temp), f. & cert. ef. 6-29-01 thru 12-26-01; DFW 85-2001(Temp), f. & cert. ef. 8-30-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 54-2002(Temp), f. 5-24-02, cert. ef. 6-15-02 thru 12-1-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 93-2002(Temp), f. 8-22-02, cert. ef. 8-24-02 thru 12-31-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 80-2003(Temp), f. & cert. ef. 8-22-03 thru 9-30-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 101-2005(Temp), f. 8-31-05, cert. ef. 9-2-05 thru 9-30-05; Administrative correction 10-19-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 36-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 9-30-07; DFW 54-2007(Temp), f. 7-6-07, cert. ef. 7-14-07 thru 9-30-07; DFW 62-2007(Temp), f. 7-31-07, cert. ef. 8-1-07 thru 9-30-07; Administrative correction 10-16-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 51-2008(Temp), f. 5-16-08, cert. ef. 5-31-08 thru 9-1-08; DFW 74-2008(Temp), f. 7-3-08, cert. ef. 7-4-08 thru 9-1-08; DFW 77-2008(Temp), f. & cert. ef. 7-9-08 thru 9-1-08; Administrative correction 9-29-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 53-2009(Temp), f. 5-18-09, cert. ef. 5-30-09 thru 9-1-09; DFW 62-2009(Temp), f. 6-2-09, cert. ef. 6-13-09 thru 9-1-09; DFW 79-2009(Temp), f. 6-30-09, cert. ef. 7-5-09 thru 9-1-09; Administrative correction 9-29-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 52-2010(Temp), f. 4-30-10, cert. ef. 5-1-10 thru 9-30-10; DFW 60-2010(Temp), f. 5-13-10, cert. ef. 5-22-10 thru 9-30-10; DFW 67-2010(Temp), f. 5-18-10, cert. ef. 5-22-10 thru 9-30-10; DFW 78-2010(Temp), f. 6-10-10, cert. ef. 6-11-10 thru 9-1-10; Administrative correction 9-22-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 50-2011(Temp), f. 5-16-11, cert. ef. 5-28-11 thru 9-1-11; Administrative correction 9-23-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 60-2012(Temp), f. 6-11-12, cert. ef. 6-13-12 thru 9-1-12; DFW 114-2012(Temp), f. 8-30-12, cert. ef. 9-1-12 thru 2-27-13; DFW 117-2012(Temp), f. 9-5-12, cert. ef. 9-7-12 thru 2-27-13; DFW 122-2012(Temp), f. 9-21-12, cert. ef. 9-21-12 thru 12-31-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 61-2013(Temp), f. 6-24-13, cert. ef. 7-1-13 thru 12-27-13; DFW 93-2013(Temp), f. 8-22-13, cert. ef. 8-24-13 thru 12-31-13

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**Rule Caption:** 2013 Snake River Fall Chinook Sport Fishery Below Hells Canyon Dam Opens September 1

**Adm. Order No.:** DFW 94-2013(Temp)

**Filed with Sec. of State:** 8-23-2013

**Certified to be Effective:** 9-1-13 thru 11-30-13

**Notice Publication Date:**

**Rules Amended:** 635-023-0134

**Rules Suspended:** 635-023-0134(T)

**Subject:** This amended rule implements a fall Chinook fishery on the Snake River from the Oregon-Washington border upstream to the deadline below Hells Canyon Dam beginning September 1 through November 17, 2013, to coincide with State of Idaho regulations for this concurrent fishery.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-023-0134

### Snake River Fishery

(1) The **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 regulations as outlined in the **2013 Oregon Sport Fishing Regulations**, the following conditions apply:

(a) The Snake River from the Oregon-Washington border upstream to the deadline below Hells Canyon Dam is open seven (7) days per week, effective Wednesday, September 1 through the close of fishing on Monday, October 31, 2013, or until further notice.

(b) The Snake River from Cliff Mountain Rapids (RM 246.7, 1.1 miles below Hell's Canyon Dam) upstream to the deadline below Hells Canyon Dam is open seven (7) days per week, effective Tuesday, November 1 through the close of fishing on Sunday, November 17, 2013, or until further notice.

(c) Daily bag limit is six (6) adipose fin-clipped fall Chinook salmon per day. There are no daily, possession, or season limits for jack fall Chinook salmon. 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; DFW 76-2013(Temp), f. 7-16-13, cert. ef. 7-21-13 thru 9-30-13; DFW 94-2013(Temp), f. 8-23-13, cert. ef. 9-1-13 thru 11-30-13

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**Rule Caption:** Additional Early Fall Commercial Drift Gill Net Season Set for the Mainstem Columbia River

**Adm. Order No.:** DFW 95-2013(Temp)

**Filed with Sec. of State:** 8-23-2013

**Certified to be Effective:** 8-25-13 thru 8-31-13

**Notice Publication Date:**

**Rules Amended:** 635-042-0031

**Rules Suspended:** 635-042-0031(T)

**Subject:** Amended rule authorizes an additional 9-hour fishing period for the ongoing 2013 fall commercial salmon drift gill net season for the Columbia River mainstem in Zones 4 and 5. This additional fishing period begins at 9:00 p.m. Sunday, August 25, 2013. Authorized sales include salmon and white sturgeon.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-042-0031

### Early Fall Salmon Season

(1) Salmon and sturgeon may be taken for commercial purposes in the waters of the Columbia River: Zones 4, 5, as identified in OAR 635-042-0001. The deadline at the lower end of Zone 4 is defined as a straight line projected from the Warrior Rock Lighthouse on the Oregon shore easterly through the green navigation Buoy #1 and continuing to the Washington shore.

# ADMINISTRATIVE RULES

(a) Authorized fishing periods are as follows:

9:00 p.m. Sunday, August 11 to 6:00 a.m. Monday, August 12 (9 hours);  
9:00 p.m. Tuesday, August 13 to 6:00 a.m. Wednesday, August 14 (9 hours);  
9:00 p.m. Thursday, August 15 to 6:00 a.m. Friday, August 16 (9 hours);  
9:00 p.m. Sunday, August 18 to 6:00 a.m. Monday, August 19 (9 hours);  
9:00 p.m. Tuesday, August 20 to 6:00 a.m. Wednesday, August 21 (9 hours);  
9:00 p.m. Thursday, August 22 to 6:00 a.m. Friday, August 23 (9 hours); and  
9:00 p.m. Sunday, August 25 to 6:00 a.m. Monday, August 26 (9 hours).

(b) Sanctuaries include: Elokomin-A, Cowlitz River, Kalama-A, Washougal, and Sandy rivers as applicable.

(2) Gear is restricted to drift gill nets only with 9 inch minimum and 9.75 inch maximum mesh sizes. The multiple net rule is NOT in effect and nets not authorized for this fishery are prohibited to be onboard the vessel.

(3) Allowable sales include: Salmon and white sturgeon from 43–54 inches in fork length.

(a) A maximum of four (4) white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) in the open periods.

(b) The white sturgeon possession and sales limit includes mainstem fisheries only.

(4) During August 1–31, 2013, sturgeon possession is prohibited while fishing gear is deployed in the portion of Zone 5 that is upstream of Skamania Island (Navigation Marker 82 on the Oregon shore, westerly to the boundary marker on the Washington shore upstream of Fir Point). Vessels in transit through the area may have sturgeon onboard.

Stat. Auth.: ORS 496.118, 506.109 & 506.129

Stats. Implemented: ORS 506.119 & 507.030

Hist.: FWC 63-1987, f. & cert. ef. 8-7-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 68-1988(Temp), f. & cert. ef. 8-15-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 56-1989(Temp), f. & cert. ef. 8-11-89; FWC 58-1989(Temp), f. & cert. ef. 8-14-89; FWC 80-1989(Temp), f. & cert. ef. 8-29-89; FWC 80-1990(Temp), f. & cert. ef. 8-8-90; FWC 85-1991, f. & cert. ef. 8-7-91, cert. ef. 8-12-91; FWC 91-1991(Temp), f. & cert. ef. 8-29-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 53-1996(Temp), f. & cert. ef. 9-16-96; FWC 49-1997, f. & cert. ef. 8-20-97, cert. ef. 8-24-97; DFW 74-1998(Temp), f. & cert. ef. 8-25-98 thru 8-26-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 75-1999(Temp), f. & cert. ef. 9-29-99, cert. ef. 9-30-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. & cert. ef. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 52-2000(Temp), f. & cert. ef. 8-23-00, cert. ef. 8-23-00 thru 8-24-00; Administrative correction 6-20-01; DFW 68-2001(Temp), f. & cert. ef. 8-7-01, cert. ef. 8-8-01 thru 8-9-01; DFW 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; DFW 79-2001(Temp), f. & cert. ef. 8-22-01 thru 12-31-01; DFW 80-2001(Temp), f. & cert. ef. 8-24-01 thru 12-31-01; DFW 86-2001(Temp), f. & cert. ef. 9-4-01 thru 12-31-01; DFW 81-2002(Temp), f. & cert. ef. 8-2-02, cert. ef. 8-4-02 thru 8-9-02; DFW 87-2002(Temp), f. & cert. ef. 8-9-02 thru 8-12-02; DFW 89-2002(Temp), f. & cert. ef. 8-18-02 thru 12-31-02; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 82-2003(Temp), f. & cert. ef. 8-25-03 thru 12-31-03; DFW 87-2003(Temp), f. & cert. ef. 8-27-03 thru 12-31-03; DFW 81-2004(Temp), f. & cert. ef. 8-12-04 thru 12-31-04; DFW 82-2004(Temp), f. & cert. ef. 8-16-04 thru 12-31-04; DFW 86-2004(Temp), f. & cert. ef. 8-19-04 thru 12-31-04; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 85-2005(Temp), f. & cert. ef. 8-3-05 thru 12-31-05; DFW 88-2005(Temp), f. & cert. ef. 8-11-05, cert. ef. 8-14-05 thru 12-31-05; DFW 90-2005(Temp), f. & cert. ef. 8-17-05 thru 12-31-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 98-2005(Temp), f. & cert. ef. 8-24-05, cert. ef. 8-25-05 thru 12-31-05; Administrative correction 1-19-06; DFW 72-2006(Temp), f. & cert. ef. 8-2-06 thru 12-31-06; DFW 82-2006(Temp), f. & cert. ef. 8-11-06, cert. ef. 8-13-06 thru 12-31-06; DFW 88-2006(Temp), f. & cert. ef. 8-21-06 thru 12-31-06; DFW 89-2006(Temp), f. & cert. ef. 8-25-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. & cert. ef. 8-1-07 thru 10-31-07; DFW 72-2007(Temp), f. & cert. ef. 8-23-07 thru 8-31-07; Administrative correction 9-16-07; DFW 85-2008(Temp), f. & cert. ef. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 93-2008(Temp), f. & cert. ef. 8-12-08 thru 12-31-08; DFW 95-2008(Temp), f. & cert. ef. 8-14-08 thru 9-30-08; DFW 100-2008(Temp), f. & cert. ef. 8-22-08, cert. ef. 8-25-08 thru 9-30-08; DFW 102-2008(Temp), f. & cert. ef. 8-26-08 thru 9-1-08; Administrative correction 9-29-08; Administrative correction 10-21-08; DFW 89-2009(Temp), f. & cert. ef. 8-4-09 thru 12-31-09; DFW 90-2009(Temp), f. & cert. ef. 8-7-09, cert. ef. 8-8-09 thru 12-31-09; DFW 96-2009(Temp), f. & cert. ef. 8-21-09 thru 8-31-09; DFW 97-2009(Temp), f. & cert. ef. 8-25-09 thru 8-31-09; DFW 100-2009(Temp), f. & cert. ef. 8-27-09 thru 8-31-09; Administrative correction 9-29-09; DFW 112-2010(Temp), f. & cert. ef. 7-30-10, cert. ef. 8-3-10 thru 8-31-10; DFW 121-2010(Temp), f. & cert. ef. 8-18-10, cert. ef. 8-19-10 thru 8-31-10; Administrative correction 9-22-10; DFW 132-2010(Temp), f. & cert. ef. 9-21-10, cert. ef. 9-22-10 thru 10-31-10; DFW 137-2010(Temp), f. & cert. ef. 9-24-10 thru 10-31-10; Administrative correction 11-23-10; DFW 105-2011(Temp), f. & cert. ef. 8-2-11, cert. ef. 8-4-11 thru 8-31-11; DFW 120-2011(Temp), f. & cert. ef. 8-26-11, cert. ef. 8-28-11 thru 9-14-11; DFW 128-2011(Temp), f. & cert. ef. 9-14-11, cert. ef. 9-18-11 thru 9-30-11; DFW 134-2011(Temp), f. & cert. ef. 9-22-11 thru 9-30-11; DFW 136-2011(Temp), f. & cert. ef. 9-28-11 thru 10-5-11; DFW 140-2011(Temp), f. & cert. ef. 10-4-11, cert. ef. 10-5-11 thru 10-12-11; DFW 144-2011(Temp), f. & cert. ef. 10-11-11, cert. ef. 10-13-11 thru 10-31-11; DFW 147-2011(Temp), f. & cert. ef. 10-17-11, cert. ef. 10-18-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 98-2012(Temp), f. & cert. ef. 7-31-12, cert. ef. 8-5-12 thru 10-31-12; DFW 112-2012(Temp), f. & cert. ef. 8-24-12, cert. ef. 8-26-12 thru 10-31-12; DFW 121-2012(Temp), f. & cert. ef. 9-18-12 thru 10-31-12; Administrative correction 11-23-12; DFW 83-2013(Temp), f. & cert. ef. 7-29-13, cert. ef. 8-11-13 thru 8-31-13; DFW 95-2013(Temp), f. & cert. ef. 8-23-13, cert. ef. 8-25-13 thru 8-31-13

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**Rule Caption:** Federal Actions and Management Measures Implemented for Commercial Fixed-gear Groundfish Fisheries

**Adm. Order No.:** DFW 96-2013(Temp)

**Filed with Sec. of State:** 8-27-2013

**Certified to be Effective:** 9-1-13 thru 12-31-13

**Notice Publication Date:**

**Rules Amended:** 635-004-0275

**Subject:** This amended rule implements in-season actions previously adopted by the federal government for 2013 Pacific ocean commercial groundfish fisheries, including but not limited to changes in limited entry and open access fixed gear groundfish and limited entry fixed-gear shortspine thornyhead trip limits.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

**635-004-0275**

**Scope, Inclusion, and Modification of Rules**

(1) The commercial groundfish fishery in the Pacific Ocean off Oregon is jointly managed by the state of Oregon and the federal government through the Pacific Fishery Management Council process. The Code of Federal Regulations provides federal requirements for this fishery, including but not limited to the time, place, and manner of taking groundfish. However, additional regulations may be promulgated subsequently by publication in the Federal Register, and these supersede, to the extent of any inconsistency, the Code of Federal Regulations. Therefore, the following publications are incorporated into Oregon Administrative Rule by reference:

(a) Code of Federal Regulations, Part 660, Subparts C, D, E and F (October 1, 2012 ed.);

(b) Federal Register Vol. 78, No. 2, dated January 3, 2013 (78 FR 580).

(2) Persons must consult the federal regulations in addition to Division 004 to determine all applicable groundfish fishing requirements. Where federal regulations refer to the fishery management area, that area is extended from shore to three nautical miles from shore coterminous with the Exclusive Economic Zone.

(3) The Commission may adopt additional or modified regulations that are more conservative than federal regulations, in which case Oregon Administrative Rule takes precedence. See OAR 635-004-0205 through 635-004-0235 and 635-004-0280 through 635-004-0365 for additions or modifications to federal groundfish regulations.

(4) Notwithstanding the regulations defined in section (1) of this rule, the National Marine Fisheries Service, by means of Federal Register/Vol. 78, No. 156/Tuesday, August 13, 2013, announced inseason actions and management measures effective August 13, 2013, including but not limited to: 1) Changes to limited entry fixed gear and open access fixed gear sablefish DTL fishery trip limits; and 2) Changes to limited entry fixed gear fishery trip limits for shortspine thornyhead.

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

Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119 & 506.129

Stats. Implemented: ORS 496.162, 506.109 & 506.129

Hist.: DFW 75-2012, f. & cert. ef. 7-1-12; DFW 78-2012(Temp), f. & cert. ef. 7-1-12 thru 10-27-12; DFW 106-2012(Temp), f. & cert. ef. 9-1-12 thru 12-31-12; DFW 1-2013, f. & cert. ef. 1-3-13; DFW 96-2013(Temp), f. & cert. ef. 9-1-13 thru 12-31-13

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**Rule Caption:** Additional Early Fall Commercial Drift Gill Net Season Set for the Mainstem Columbia River

**Adm. Order No.:** DFW 97-2013(Temp)

**Filed with Sec. of State:** 8-27-2013

**Certified to be Effective:** 8-28-13 thru 8-31-13

**Notice Publication Date:**

**Rules Amended:** 635-042-0031

**Rules Suspended:** 635-042-0031(T)

**Subject:** Amended rule authorizes an additional 5-hour fishing period for the ongoing 2013 fall commercial salmon drift gill net season for the Columbia River mainstem in Zones 4 and 5. This additional fishing period begins at 9:00 p.m. Wednesday, August 28, 2013. Authorized sales include salmon and white sturgeon.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

**635-042-0031**

**Early Fall Salmon Season**

(1) Salmon and sturgeon may be taken for commercial purposes in the waters of the Columbia River: Zones 4–5, as identified in OAR 635-042-0001. The deadline at the lower end of Zone 4 is defined as a straight line projected from the Warrior Rock Lighthouse on the Oregon shore easterly through the green navigation Buoy #1 and continuing to the Washington shore.

(a) Authorized fishing periods are as follows:

9:00 p.m. Sunday, August 11 to 6:00 a.m. Monday, August 12 (9 hours);

9:00 p.m. Tuesday, August 13 to 6:00 a.m. Wednesday, August 14 (9 hours);

9:00 p.m. Thursday, August 15 to 6:00 a.m. Friday, August 16 (9 hours);

9:00 p.m. Sunday, August 18 to 6:00 a.m. Monday, August 19 (9 hours);



# ADMINISTRATIVE RULES

9:00 p.m. Tuesday, August 20 to 6:00 a.m. Wednesday, August 21 (9 hours);  
9:00 p.m. Thursday, August 22 to 6:00 a.m. Friday, August 23 (9 hours);  
9:00 p.m. Sunday, August 25 to 6:00 a.m. Monday, August 26 (9 hours); and  
9:00 p.m. Wednesday, August 28 to 2:00 a.m. Thursday, August 29 (5 hours).

(b) Sanctuaries include: Elokomina-A, Cowlitz River, Kalama-A, Washougal, and Sandy rivers as applicable.

(2) Gear is restricted to drift gill nets only with 9 inch minimum and 9.75 inch maximum mesh sizes. The multiple net rule is NOT in effect and nets not authorized for this fishery are prohibited to be onboard the vessel.

(3) Allowable sales include: Salmon and white sturgeon from 43–54 inches in fork length.

(a) A maximum of four (4) white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) in the open periods.

(b) The white sturgeon possession and sales limit includes mainstem fisheries only.

(4) During August 1–31, 2013, sturgeon possession is prohibited while fishing gear is deployed in the portion of Zone 5 that is upstream of Skamania Island (Navigation Marker 82 on the Oregon shore, westerly to the boundary marker on the Washington shore upstream of Fir Point). Vessels in transit through the area may have sturgeon onboard.

Stat. Auth.: ORS 496.118, 506.109 & 506.129

Stats. Implemented: ORS 506.119 & 507.030

Hist.: FWC 63-1987, f. & cert. ef. 8-7-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 68-1988(Temp), f. & cert. ef. 8-15-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 56-1989(Temp), f. & cert. ef. 8-11-89; FWC 58-1989(Temp), f. & cert. ef. 8-14-89; FWC 80-1989(Temp), f. & cert. ef. 8-29-89; FWC 80-1990(Temp), f. & cert. ef. 8-8-90; FWC 85-1991, f. & cert. ef. 8-7-91, cert. ef. 8-12-91; FWC 91-1991(Temp), f. & cert. ef. 8-29-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 53-1996(Temp), f. & cert. ef. 9-16-96; FWC 49-1997, f. & cert. ef. 8-24-97; DFW 74-1998(Temp), f. & cert. ef. 8-25-98 thru 8-26-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 75-1999(Temp), f. & cert. ef. 9-29-99, cert. ef. 9-30-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. & cert. ef. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 52-2000(Temp), f. & cert. ef. 8-23-00, cert. ef. 8-23-00 thru 8-24-00; Administrative correction 6-20-01; DFW 68-2001(Temp), f. & cert. ef. 8-8-01 thru 8-9-01; DFW 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; DFW 79-2001(Temp), f. & cert. ef. 8-22-01 thru 12-31-01; DFW 80-2001(Temp), f. & cert. ef. 8-24-01 thru 12-31-01; DFW 86-2001(Temp), f. & cert. ef. 9-4-01 thru 12-31-01; DFW 81-2002(Temp), f. & cert. ef. 8-4-02 thru 8-9-02; DFW 87-2002(Temp), f. & cert. ef. 8-9-02 thru 8-12-02; DFW 89-2002(Temp), f. & cert. ef. 8-18-02 thru 12-31-02; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 82-2003(Temp), f. & cert. ef. 8-25-03 thru 12-31-03; DFW 87-2003(Temp), f. & cert. ef. 8-27-03 thru 12-31-03; DFW 81-2004(Temp), f. & cert. ef. 8-12-04 thru 12-31-04; DFW 82-2004(Temp), f. & cert. ef. 8-16-04 thru 12-31-04; DFW 86-2004(Temp), f. & cert. ef. 8-19-04 thru 12-31-04; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 85-2005(Temp), f. & cert. ef. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 88-2005(Temp), f. & cert. ef. 8-11-05, cert. ef. 8-14-05 thru 12-31-05; DFW 90-2005(Temp), f. & cert. ef. 8-17-05 thru 12-31-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 98-2005(Temp), f. & cert. ef. 8-25-05 thru 12-31-05; Administrative correction 1-19-06; DFW 72-2006(Temp), f. & cert. ef. 8-2-06 thru 12-31-06; DFW 82-2006(Temp), f. & cert. ef. 8-11-06, cert. ef. 8-13-06 thru 12-31-06; DFW 88-2006(Temp), f. & cert. ef. 8-21-06 thru 12-31-06; DFW 89-2006(Temp), f. & cert. ef. 8-24-06, cert. ef. 8-25-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. & cert. ef. 8-1-07 thru 10-31-07; DFW 72-2007(Temp), f. & cert. ef. 8-23-07 thru 8-31-07; Administrative correction 9-16-07; DFW 85-2008(Temp), f. & cert. ef. 8-1-08 thru 12-31-08; DFW 93-2008(Temp), f. & cert. ef. 8-12-08 thru 12-31-08; DFW 95-2008(Temp), f. & cert. ef. 8-14-08 thru 9-30-08; DFW 100-2008(Temp), f. & cert. ef. 8-22-08, cert. ef. 8-25-08 thru 9-30-08; DFW 102-2008(Temp), f. & cert. ef. 8-26-08 thru 9-1-08; Administrative correction 9-29-08; Administrative correction 10-21-08; DFW 89-2009(Temp), f. & cert. ef. 8-4-09 thru 12-31-09; DFW 90-2009(Temp), f. & cert. ef. 8-7-09, cert. ef. 8-8-09 thru 12-31-09; DFW 96-2009(Temp), f. & cert. ef. 8-21-09 thru 8-31-09; DFW 97-2009(Temp), f. & cert. ef. 8-25-09 thru 8-31-09; DFW 100-2009(Temp), f. & cert. ef. 8-27-09 thru 8-31-09; Administrative correction 9-29-09; DFW 112-2010(Temp), f. & cert. ef. 7-30-10, cert. ef. 8-3-10 thru 8-31-10; DFW 121-2010(Temp), f. & cert. ef. 8-18-10, cert. ef. 8-19-10 thru 8-31-10; Administrative correction 9-22-10; DFW 132-2010(Temp), f. & cert. ef. 9-22-10 thru 10-31-10; DFW 137-2010(Temp), f. & cert. ef. 9-24-10 thru 10-31-10; Administrative correction 11-23-10; DFW 105-2011(Temp), f. & cert. ef. 8-2-11, cert. ef. 8-4-11 thru 8-31-11; DFW 120-2011(Temp), f. & cert. ef. 8-26-11, cert. ef. 8-28-11 thru 9-14-11; DFW 128-2011(Temp), f. & cert. ef. 9-14-11, cert. ef. 9-18-11 thru 9-30-11; DFW 134-2011(Temp), f. & cert. ef. 9-22-11 thru 9-30-11; DFW 136-2011(Temp), f. & cert. ef. 9-28-11 thru 10-5-11; DFW 140-2011(Temp), f. & cert. ef. 10-4-11, cert. ef. 10-5-11 thru 10-12-11; DFW 144-2011(Temp), f. & cert. ef. 10-11-11, cert. ef. 10-13-11 thru 10-31-11; DFW 147-2011(Temp), f. & cert. ef. 10-17-11, cert. ef. 10-18-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 98-2012(Temp), f. & cert. ef. 7-31-12, cert. ef. 8-5-12 thru 10-31-12; DFW 112-2012(Temp), f. & cert. ef. 8-24-12, cert. ef. 8-26-12 thru 10-31-12; DFW 121-2012(Temp), f. & cert. ef. 9-18-12 thru 10-31-12; Administrative correction 11-23-12; DFW 83-2013(Temp), f. & cert. ef. 8-11-13 thru 8-31-13; DFW 95-2013(Temp), f. & cert. ef. 8-23-13, cert. ef. 8-25-13 thru 8-31-13; DFW 97-2013(Temp), f. & cert. ef. 8-28-13 thru 8-31-13

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**Rule Caption:** Columbia River Treaty Indian Fall Commercial Gill Net Salmon Season Set

**Adm. Order No.:** DFW 98-2013(Temp)

**Filed with Sec. of State:** 9-6-2013

**Certified to be Effective:** 9-10-13 thru 10-31-13

**Notice Publication Date:**

**Rules Amended:** 635-041-0075

**Rules Suspended:** 635-041-0075(T)

**Subject:** Rule amendments allow commercial sales of fish caught during a Treaty Indian fall commercial salmon gill net fishery set for the Columbia River and its Washington tributaries. The authorized fishing period (4.5 days) is scheduled to begin at 6:00 a.m. Tuesday, September 10 and run through 6:00 p.m. Saturday, September 14, 2013. Modifications are consistent with action taken September 5, 2013 by the Columbia River Compact agencies of the states of Oregon and Washington in cooperation with the Columbia River Treaty Tribes.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-041-0075

### Late Fall Salmon Season

(1) Effective 6:00 a.m. Monday, August 12, 2013 commercial sales of platform and hook-and-line caught fish from Zone 6 of the mainstem Columbia River are allowed.

(a) Chinook, sockeye, steelhead, coho, walleye, shad, carp, bass, catfish and yellow perch landed during an open commercial fishing period may be sold at any time or retained for subsistence purposes. Sturgeon may not be sold. However, white sturgeon between 43 and 54 inches in fork length taken from The Dalles and John Day pools and white sturgeon between 38 and 54 inches in fork length taken from the Bonneville Pool may be kept for subsistence use.

(b) Gear is restricted to subsistence fishing gear: hoopnets, dipnets and rod and reel with hook-and-line are allowed.

(c) Closed areas described in OAR 635-041-0045 that apply to gear types listed in 1(b) above remain in effect.

(2) Commercial sales of gill net caught fish from Zone 6 of the mainstem Columbia River is allowed:

(a) 6:00 a.m. on Monday, August 19 through 6:00 p.m. Wednesday, August 21, 2013 (2.5 days);

(b) 6:00 a.m. Monday, August 26 through 6:00 p.m. Friday, August 30, 2013 (4.5 days);

(c) 6:00 a.m. Tuesday, September 3 through 6:00 p.m. Saturday, September 7, 2013 (4.5 days); and

(d) 6:00 a.m. Tuesday, September 10 through 6:00 p.m. Saturday, September 14, 2013 (4.5 days).

(A) Salmon, steelhead, shad, yellow perch, bass, walleye, catfish and carp landed during any open gill net fishing period may be sold at any time or retained for subsistence purposes. Sturgeon may not be sold. However, white sturgeon between 43 and 54 inches in fork length taken from The Dalles and John Day pools and white sturgeon between 38 and 54 inches in fork length taken from the Bonneville Pool may be kept for subsistence purposes.

(B) Gear is restricted to gill nets with an 8-inch minimum mesh size.

(C) Closed areas in Zone 6, including the standard Spring Creek sanctuary, are in effect as set forth in OAR 635-041-0045.

(3) Effective 6:00 a.m. Monday, August 12, 2013 fish caught in Yakama Nation tributary fisheries in the Klickitat, Little White Salmon, and Wind rivers; and Drano Lake, may be sold by Yakama Nation members during those days and hours when the tributaries are open under lawfully enacted tribal fishing periods. Sturgeon may not be sold but sturgeon 38-54 inches in fork length may be kept for subsistence purposes.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: FWC 25-1979, f. & cert. ef. 8-2-79; FWC 36-1979(Temp), f. & cert. ef. 8-22-79; FWC 47-1979(Temp), f. & cert. ef. 9-21-79; FWC 44-1980(Temp), f. & cert. ef. 8-22-80; FWC 46-1980(Temp), f. & cert. ef. 9-13-80; FWC 33-1981(Temp), f. & cert. ef. 9-15-81; FWC 58-1982(Temp), f. & cert. ef. 8-27-82; FWC 62-1982(Temp), f. & cert. ef. 9-7-82; FWC 63-1982(Temp), f. & cert. ef. 9-14-82; FWC 75-1982(Temp), f. & cert. ef. 10-29-82; FWC 36-1983, f. & cert. ef. 8-18-83; FWC 49-1983(Temp), f. & cert. ef. 9-26-83; FWC 51-1983(Temp), f. & cert. ef. 9-30-83; FWC 55-1983(Temp), f. & cert. ef. 10-4-83; FWC 46-1984, f. & cert. ef. 8-30-84; FWC 55-1984(Temp), f. & cert. ef. 9-10-84; FWC 58-1984(Temp), f. & cert. ef. 9-17-84; FWC 61-1984(Temp), f. & cert. ef. 9-21-84; FWC 70-1984(Temp), f. & cert. ef. 10-9-84; FWC 47-1985, f. & cert. ef. 8-23-85; FWC 60-1985(Temp), f. & cert. ef. 9-13-85; FWC 63-1985(Temp), f. & cert. ef. 9-24-85; FWC 42-1986, f. & cert. ef. 8-15-86; FWC 53-1986(Temp), f. & cert. ef. 9-4-86; FWC 54-1986(Temp), f. & cert. ef. 9-5-86; FWC 57-1986(Temp), f. & cert. ef. 9-11-86; FWC 60-1986(Temp), f. & cert. ef. 9-26-86; FWC 62-1986(Temp), f. & cert. ef. 10-2-86; FWC 63-1987, f. & cert. ef. 8-7-87; FWC 74-1987(Temp), f. & cert. ef. 9-4-87; FWC 75-1987(Temp), f. & cert. ef. 9-1-87; FWC 78-1987(Temp), f. & cert. ef. 9-15-87; FWC 80-1987(Temp), f. & cert. ef. 9-18-87; FWC 87-1987(Temp), f. & cert. ef. 10-9-87; FWC 89-1987(Temp), f. & cert. ef. 10-12-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 72-1988(Temp), f. & cert. ef. 8-19-88; FWC 77-1988(Temp), f. & cert. ef. 9-2-88; FWC 91-1988(Temp), f. & cert. ef. 9-16-88; FWC 95-1988(Temp), f. & cert. ef. 9-27-88, cert. ef. 9-28-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 87-1989(Temp), f. & cert. ef. 9-1-89; FWC 95-1989(Temp), f. & cert. ef. 9-19-89; FWC 96-1989(Temp), f. & cert. ef. 9-21-89; FWC 99-1989(Temp), f. & cert. ef. 9-27-89; FWC 100-1989(Temp), f. & cert. ef. 9-28-89; FWC 80-1990(Temp), f. & cert. ef. 8-8-90; FWC 90-1990, f. & cert. ef. 8-31-90; FWC 96-1990(Temp), f. & cert. ef. 9-7-90, cert. ef. 9-10-90; FWC 98-1990(Temp), f. & cert. ef. 9-14-90, cert. ef. 9-17-90; FWC 85-1991, f. & cert. ef. 8-7-91, cert. ef. 8-12-91; FWC 96-1991, f. & cert. ef. 9-9-91; FWC 101-1991(Temp), f. & cert. ef. 9-10-91; FWC 103-1991(Temp), f. & cert. ef. 9-17-91, cert. ef. 9-18-91; FWC 110-1991(Temp), f. & cert. ef. 9-27-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 86-1992(Temp), f. & cert. ef. 9-2-92

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92; FWC 87-1992(Temp), f. 9-4-92, cert. ef. 9-7-92; FWC 91-1992(Temp), f. 9-16-92, cert. ef. 9-17-92; FWC 96-1992(Temp), f. 9-22-92, cert. ef. 9-23-92; FWC 105-1992(Temp), f. 10-2-92, cert. ef. 10-5-92; FWC 107-1992(Temp), f. & cert. ef. 10-9-92; FWC 47-1993, f. 8-6-93, cert. ef. 8-9-93; FWC 52-1993, f. & cert. ef. 8-30-93; FWC 57-1993(Temp), f. & cert. ef. 9-13-93; FWC 59-1993(Temp), f. 9-17-93, cert. ef. 9-20-93; FWC 61-1993(Temp), f. & cert. ef. 9-24-93; FWC 55-1994(Temp), f. 8-26-94, cert. ef. 8-29-94; FWC 61-1994(Temp), f. 9-7-94, cert. ef. 9-8-94; FWC 74-1994(Temp), f. & cert. ef. 10-12-94; FWC 68-1995(Temp), f. 8-25-95, cert. ef. 8-29-95; FWC 72-1995(Temp), f. & cert. ef. 9-1-95; FWC 75-1995(Temp), f. 9-12-95, cert. ef. 9-13-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1996(Temp), f. 8-29-96, cert. ef. 9-2-96; FWC 51-1996(Temp), f. 9-6-96, cert. ef. 9-9-96; FWC 53-1996(Temp), f. & cert. ef. 9-26-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 52-1997(Temp), f. 8-29-97, cert. ef. 9-2-97; FWC 57(Temp), f. & cert. ef. 9-9-97; FWC 60-1997(Temp), f. 9-16-97, cert. ef. 9-17-97; DFW 68-1998(Temp), f. & cert. ef. 8-25-98 thru 9-25-98; DFW 76-1998(Temp), f. & cert. ef. 9-8-98 thru 9-25-98; DFW 77-1998(Temp), f. 9-14-98, cert. ef. 9-15-98 thru 9-25-98; DFW 79-1998(Temp), f. 9-21-98, cert. ef. 9-22-98 thru 9-25-98; DFW 80-1998(Temp), f. 9-23-98, cert. ef. 9-24-98 thru 9-25-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 62-1999(Temp), f. 9-2-99, cert. ef. 9-3-99 thru 9-11-99; DFW 65-1999(Temp), f. 9-14-99, cert. ef. 9-15-99 thru 9-17-99; DFW 69-1999(Temp), f. & cert. ef. 9-17-99 thru 9-18-99; DFW 72-1999(Temp), f. 9-21-99, cert. ef. 9-22-99 thru 10-22-99; DFW 74-1999(Temp), f. 9-28-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 60-2000(Temp), f. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; DFW 61-2000(Temp), f. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; Administrative correction 6-19-01; DFW 75-2001(Temp), f. & cert. ef. 8-20-01 thru 9-8-01; DFW 87-2001(Temp), f. 9-10-01, cert. ef. 9-11-01 thru 9-15-01; DFW 91-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 94-2001(Temp), f. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; DFW 100-2001(Temp), f. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; DFW 89-2002(Temp), f. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 98-2002(Temp), f. & cert. ef. 8-30-02 thru 12-31-02; DFW 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 113-2002(Temp), f. 10-14-02, cert. ef. 10-15-02 thru 12-31-02; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 81-2003(Temp), f. 8-25-03, cert. ef. 8-26-03 thru 12-31-03; DFW 91-2003(Temp), f. 9-12-03, cert. ef. 9-16-03 thru 12-31-03; DFW 97-2003(Temp), f. 9-22-03, cert. ef. 9-24-03 thru 12-31-03; DFW 101-2003(Temp), f. 9-26-03, cert. ef. 10-1-03 thru 12-31-03; DFW 103-2003(Temp), f. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; DFW 104-2003(Temp), f. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 104-2004(Temp), f. 10-12-04, cert. ef. 10-13-04 thru 12-31-04; DFW 110-2004(Temp), f. & cert. ef. 10-29-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 104-2005(Temp), f. & cert. ef. 9-12-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; DFW 71-2006(Temp), f. 7-31-06, cert. ef. 8-1-06 thru 12-31-06; DFW 86-2006(Temp), f. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 94-2006(Temp), f. 9-8-06, cert. ef. 9-11-06 thru 12-31-06; DFW 101-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 107-2006(Temp), f. 9-28-06, cert. ef. 10-3-06 thru 12-31-06; DFW 115-2006(Temp), f. 10-13-06, cert. ef. 10-15-06 thru 12-31-06; Administrative correction 1-16-07; DFW 60-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; DFW 77-2007(Temp), f. 8-17-07, cert. ef. 8-22-07 thru 12-31-07; DFW 88-2007(Temp), f. 9-10-07, cert. ef. 9-11-07 thru 12-31-07; DFW 95-2007(Temp), f. 9-21-07, cert. ef. 9-25-07 thru 12-31-07; DFW 100-2007(Temp), f. 9-28-07, cert. ef. 10-3-07 thru 12-31-07; DFW 110-2007(Temp), f. 10-16-07, cert. ef. 10-20-07 thru 12-31-07; DFW 106-2008(Temp), f. 9-4-08, cert. ef. 9-6-08 thru 10-31-08; DFW 109-2008(Temp), f. 9-12-08, cert. ef. 9-15-08 thru 10-31-08; DFW 112-2008(Temp), f. 9-17-08, cert. ef. 9-18-08 thru 10-31-08; DFW 117-2008(Temp), f. & cert. ef. 9-22-08 thru 10-31-08; DFW 122-2008(Temp), f. & cert. ef. 9-29-08 thru 10-31-08; DFW 125-2008(Temp), f. 10-6-08, cert. ef. 10-7-08 thru 10-31-08; DFW 134-2008(Temp), f. & cert. ef. 10-17-08 thru 10-31-08; DFW 141-2008(Temp), f. 11-10-08, cert. ef. 11-12-08 thru 11-30-08; DFW 88-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 95-2009(Temp), f. 8-19-09, cert. ef. 8-24-09 thru 12-31-09; DFW 111-2009(Temp), f. 9-11-09, cert. ef. 9-13-09 thru 9-30-09; DFW 114-2009(Temp), f. 9-18-09, cert. ef. 9-21-09 thru 10-31-09; DFW 119-2009(Temp), f. & cert. ef. 9-29-09 thru 10-31-09; DFW 129-2009(Temp), f. 10-13-09, cert. ef. 10-14-09 thru 10-31-09; Administrative correction 11-19-09; DFW 111-2010(Temp), f. 7-30-10, cert. ef. 8-1-10 thru 10-31-10; DFW 120-2010(Temp), f. 8-18-10, cert. ef. 8-24-10 thru 10-31-10; DFW 128-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; DFW 136-2010(Temp), f. 9-24-10, cert. ef. 9-27-10 thru 10-31-10; DFW 142-2010(Temp), f. 10-8-10, cert. ef. 10-9-10 thru 10-31-10; DFW 149-2010(Temp), f. 10-18-10, cert. ef. 10-19-10 thru 10-31-10; Administrative correction 11-23-10; DFW 103-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 10-31-11; DFW 119-2011(Temp), f. 8-26-11, cert. ef. 8-29-11 thru 10-31-11; DFW 124-2011(Temp), f. 9-8-11, cert. ef. 9-12-11 thru 10-31-11; DFW 130-2011(Temp), f. 9-15-11, cert. ef. 9-19-11 thru 10-31-11; DFW 133-2011(Temp), f. 9-21-11, cert. ef. 9-22-11 thru 10-31-11; DFW 138-2011(Temp), f. 9-30-11, cert. ef. 10-3-11 thru 10-31-11; DFW 142-2011(Temp), f. 10-6-11, cert. ef. 10-8-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 94-2012(Temp), f. & cert. ef. 7-27-12 thru 10-31-12; DFW 107-2012(Temp), f. 8-15-12, cert. ef. 8-21-12 thru 10-31-12; DFW 119-2012(Temp), f. 9-10-12, cert. ef. 9-11-12 thru 10-31-12; DFW 120-2012(Temp), f. & cert. ef. 9-18-12 thru 10-31-12; DFW 124-2012(Temp), f. 9-25-12, cert. ef. 9-26-12 thru 10-31-12; DFW 127-2012(Temp), f. & cert. ef. 10-2-12 thru 10-31-12; DFW 143-2012(Temp), f. 11-7-12, cert. ef. 11-8-12 thru 1-29-13; Administrative correction, 2-25-13; DFW 88-2013(Temp), f. 8-9-13, cert. ef. 8-12-13 thru 12-31-13; DFW 89-2013(Temp), f. 8-14-13, cert. ef. 8-19-13 thru 12-31-13; DFW 98-2013(Temp), f. 9-6-13, cert. ef. 9-10-13 thru 10-31-13

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**Rule Caption:** Cumulative Trip Limits for Black and Blue Rockfish and Cabezon Increased for Periods 5–6

**Adm. Order No.:** DFW 99-2013(Temp)

**Filed with Sec. of State:** 9-9-2013

**Certified to be Effective:** 9-9-13 thru 12-31-13

**Notice Publication Date:**

**Rules Amended:** 635-004-0355

**Subject:** This amended rule increases the cumulative trip limits for black rockfish and blue rockfish combined by 900 pounds in period 5 and by 800 pounds in period 6. Further modifications increase

cumulative trip limits for cabezon by 500 pounds in each of periods 5 and 6.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-004-0355

### Trip Limits

(1) The trip limits outlined in this rule are set at the beginning of each calendar year based on commercial harvest caps and projected fishing effort, and are subject to in-season adjustments and closures. Fishers should refer to Nearshore Commercial Fishery Industry Notices on the Marine Resources Program Commercial Fishing Rules and Regulations webpage for the most up-to-date information regarding trip limits and other regulations affecting the Nearshore Commercial Fishery.

(2) For black and blue rockfish combined, vessels with a Black Rockfish/Blue Rockfish/Nearshore Fishery Permit, with or without a Nearshore Endorsement, may land no more than the following cumulative trip limits:

- 1000 pounds in period 1;
- 1200 pounds in period 2;
- 1700 pounds in period 3;
- 1600 in period 4;
- 2100 pounds in period 5; and
- 1800 pounds in period 6.

(3) For all other nearshore species, vessels with a Black Rockfish/Blue Rockfish/Nearshore Fishery Permit with Nearshore Endorsement may land no more than the following cumulative trip limits in each period:

- 700 pounds of other nearshore rockfish combined;
- 1,500 pounds of cabezon in periods 1–4;
- 2,000 pounds of cabezon in periods 5–6; and
- 300 pounds of greenling species.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 75-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 79-2012(Temp), f. 6-28-12, cert. ef. 7-1-12 thru 12-27-12; DFW 118-2012(Temp), f. 9-10-12, cert. ef. 9-11-12 thru 12-31-12; DFW 141-2012(Temp), f. 10-31-12, cert. ef. 11-1-12 thru 12-31-12; DFW 151-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 99-2013(Temp), f. & cert. ef. 9-9-13 thru 12-31-13

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**Rule Caption:** 2013 Columbia River Fall Recreational Seasons Modified

**Adm. Order No.:** DFW 100-2013(Temp)

**Filed with Sec. of State:** 9-12-2013

**Certified to be Effective:** 9-13-13 thru 12-31-13

**Notice Publication Date:**

**Rules Amended:** 635-023-0130

**Rules Suspended:** 635-023-0130(T)

**Subject:** This amended rule modifies the 2013 fall recreational Chinook salmon and steelhead season regulations for the Columbia River, effective Friday, September 13, 2013. Fall fisheries in 2013 are structured to optimize the harvest of Chinook, coho and steelhead within Endangered Species Act (ESA) limits and to provide a balanced opportunity for the fishers. Modifications are consistent with action taken by the Columbia River Compact agencies of the states of Oregon and Washington on September 12, 2013.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-023-0130

### Fall Sport Fishery

(1) The 2013 Oregon Sport Fishing Regulations provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the 2013 Oregon Sport Fishing Regulations.

(2) Notwithstanding all other specifications and restrictions in the 2013 Oregon Sport Fishing Regulations:

- Buoy 10 (Buoy 10 upstream to the Warrior Rock Line);

(A) Effective September 13 through September 30, 2013 in the mainstem Columbia River from a north-south line through Red Buoy #10 near the mouth of the Columbia River, upstream to a line projected from the Warrior Rock Lighthouse on the Oregon shore through red buoy #4 to the orange marker atop the dolphin on the Wash ington shore is open to retention of Chinook, coho, and steelhead. Only adipose fin-clipped Chinook with a healed scar at the location of the fin may be retained. The combined daily bag limit for adult Chinook salmon, adipose fin-clipped coho salmon, and adipose fin-clipped steelhead is two fish per day. Jacks (Chinook less

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than or equal to 24 inches in length and coho less than or equal to 16 inches in length) may not be retained in the Buoy 10 fishery between August 1 and September 30 under permanent rules.

(B) Retention of Chinook salmon is prohibited from September 2 through September 12.

(C) Effective October 1 through December 31, 2013 in the area described in section (a)(A) above, retention of Chinook, adipose fin-clipped coho and adipose fin-clipped steelhead allowed. The combined bag limit for adult Chinook salmon, adipose fin-clipped coho salmon, and adipose fin-clipped steelhead is two fish per day.

(b) Lower Columbia (Warrior Rock Line upstream to Bonneville Dam):

(A) Effective Friday, September 13 through Tuesday, December 31, 2013 retention of Chinook, adipose fin-clipped coho and adipose fin-clipped steelhead is allowed in the mainstem Columbia River from a line projected from the Warrior Rock Lighthouse on the Oregon shore through Red Buoy #4 to the orange marker atop the dolphin on the Washington shore upstream to Bonneville Dam.

(B) The combined daily bag limit for adult salmon and adipose fin-clipped steelhead is two fish per day.

(C) Effective Friday September 13 through Tuesday December 31, 2013 each angler aboard a vessel may continue to deploy angling gear until the daily bag limit of salmon/steelhead for all anglers aboard has been achieved when fishing in the mainstem Columbia River from a line at Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank upstream to the Oregon-Washington border upstream of McNary Dam.

(c) All coho retained downstream of the Hood River Bridge must be adipose fin-clipped.

Stat. Auth.: ORS 496.138, 496.146 & 506.119  
Stats. Implemented: ORS 496.162

Hist.: DFW 32-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 92-2004(Temp), f. 9-2-04 cert. ef. 9-6-04 thru 12-31-04; DFW 96-2004(Temp), f. 9-20-04, cert. ef. 9-30-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 84-2005(Temp), f. & cert. ef. 8-1-05 thru 12-31-05; DFW 108-2005(Temp), f. 9-15-05, cert. ef. 9-17-05 thru 12-31-05; DFW 112-2005(Temp), f. 9-28-05, cert. ef. 9-30-05 thru 12-31-05; DFW 123-2005(Temp), f. 10-18-05, cert. ef. 10-20-05 thru 12-31-05; 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; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 100-2006(Temp), f. & cert. ef. 9-14-06 thru 12-31-06; DFW 109-2006(Temp), f. 9-29-06, cert. ef. 9-30-06 thru 12-31-06; DFW 113-2006(Temp), f. 10-12-06, cert. ef. 10-13-06 thru 12-31-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 92-2007(Temp), f. 9-18-07, cert. ef. 9-19-07 thru 12-31-07; DFW 96-2007(Temp), f. 9-21-07, cert. ef. 9-22-07 thru 12-31-07; DFW 101-2007(Temp), f. 9-28-07, cert. ef. 9-29-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 36-2008, f. 4-21-08, cert. ef. 5-1-08; DFW 99-2008(Temp), f. 8-22-08, cert. ef. 8-25-08 thru 12-31-08; DFW 104-2008(Temp), f. 8-29-08, cert. ef. 8-31-08 thru 12-31-08; DFW 115-2008(Temp), f. & cert. ef. 9-18-08 thru 12-31-08; DFW 118-2008(Temp), f. 9-24-08, cert. ef. 9-25-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 133-2009(Temp), f. 10-20-09, cert. ef. 10-22-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 77-2010, f. 6-8-10, cert. ef. 6-16-10; DFW 131-2010(Temp), f. 9-21-10, cert. ef. 9-22-10 thru 10-31-10; DFW 145-2010(Temp), f. 10-13-10, cert. ef. 10-15-10 thru 12-31-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 100-2011(Temp), f. 7-27-11, cert. ef. 8-1-11 thru 12-31-11; DFW 127-2011(Temp), f. 9-14-11, cert. ef. 9-16-11 thru 12-31-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 100-2012(Temp), f. 7-31-12, cert. ef. 8-1-12 thru 12-31-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 81-2013(Temp), f. 7-26-13, cert. ef. 8-1-13 thru 12-31-13; DFW 92-2013, f. 8-22-13, cert. ef. 8-23-13 thru 12-31-13; DFW 100-2013(Temp), f. 9-12-13, cert. ef. 9-13-13 thru 12-31-13

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**Rule Caption:** Fall Commercial Drift Gill Net Season Set for the Mainstem Columbia River

**Adm. Order No.:** DFW 101-2013(Temp)

**Filed with Sec. of State:** 9-13-2013

**Certified to be Effective:** 9-15-13 thru 9-30-13

**Notice Publication Date:**

**Rules Amended:** 635-042-0031

**Rules Suspended:** 635-042-0031(T)

**Subject:** This amended rule authorizes a 6-hour fishing period beginning at 9:00 p.m. Sunday, September 15, 2013 and an 8-hour fishing period beginning at 9:00 p.m. Tuesday, September 17, 2013 for the 2013 fall commercial salmon drift gill net season in Zones 4 and 5 of the Columbia River. Authorized sales include salmon and white sturgeon.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

**635-042-0031**

**Early Fall Salmon Season**

(1) Salmon and sturgeon may be taken for commercial purposes in the waters of the Columbia River: Zones 4–5, as identified in OAR 635-042-0001. The deadline at the lower end of Zone 4 is defined as a straight line projected from the Warrior Rock Lighthouse on the Oregon shore easterly

through the green navigation Buoy #1 and continuing to the Washington shore.

(a) Authorized fishing period is as follows:

9:00 p.m. Sunday, September 15 to 3:00 a.m. Monday, September 16, 2013 (6 hours);  
and  
9:00 p.m. Tuesday, September 17 to 5:00 a.m. Wednesday, September 18, 2013 (8 hours).

(b) Sanctuaries include: Washougal, and Sandy rivers as applicable.

(2) Gear is restricted to drift gill nets only with 8 inch minimum and 9.75 inch maximum mesh sizes. The multiple net rule is in effect and nets not authorized for this fishery are authorized to be onboard the vessel if properly stored.

(3) Allowable sales include: Salmon and white sturgeon from 43–54 inches in fork length.

(a) A maximum of two (2) white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) in the open periods.

(b) The white sturgeon possession and sales limit includes mainstem fisheries only.

Stat. Auth.: ORS 496.118, 506.109 & 506.129

Stats. Implemented: ORS 506.119 & 507.030

Hist.: FWC 63-1987, f. & cert. ef. 8-7-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 68-1988(Temp), f. & cert. ef. 8-15-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 56-1989(Temp), f. & cert. ef. 8-11-89; FWC 58-1989(Temp), f. & cert. ef. 8-14-89; FWC 80-1989(Temp), f. 8-28-89, cert. ef. 8-29-89; FWC 80-1990(Temp), f. 8-7-90, cert. ef. 8-8-90; FWC 85-1991, f. 8-7-91, cert. ef. 8-12-91; FWC 91-1991(Temp), f. & cert. ef. 8-29-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 53-1996(Temp), f. & cert. ef. 9-16-96; FWC 49-1997, f. 8-20-97, cert. ef. 8-24-97; DFW 74-1998(Temp), f. & cert. ef. 8-25-98 thru 8-26-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 75-1999(Temp), f. 9-29-99, cert. ef. 9-30-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 52-2000(Temp), f. 8-23-00, cert. ef. 8-23-00 thru 8-24-00; Administrative correction 6-20-01; DFW 68-2001(Temp), f. 8-7-01, cert. ef. 8-8-01 thru 8-9-01; DFW 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; DFW 79-2001(Temp), f. & cert. ef. 8-22-01 thru 12-31-01; DFW 80-2001(Temp), f. & cert. ef. 8-24-01 thru 12-31-01; DFW 86-2001(Temp), f. & cert. ef. 9-4-01 thru 12-31-01; DFW 81-2002(Temp), f. 8-2-02, cert. ef. 8-4-02 thru 8-9-02; DFW 87-2002(Temp), f. & cert. ef. 8-9-02 thru 8-12-02; DFW 89-2002(Temp), f. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 82-2003(Temp), f. & cert. ef. 8-25-03 thru 12-31-03; DFW 87-2003(Temp), f. & cert. ef. 8-27-03 thru 12-31-03; DFW 81-2004(Temp), f. & cert. ef. 8-12-04 thru 12-31-04; DFW 82-2004(Temp), f. & cert. ef. 8-16-04 thru 12-31-04; DFW 86-2004(Temp), f. 8-19-04 thru 12-31-04; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 88-2005(Temp), f. 8-11-05, cert. ef. 8-14-05 thru 12-31-05; DFW 90-2005(Temp), f. & cert. ef. 8-17-05 thru 12-31-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 98-2005(Temp), f. 8-24-05, cert. ef. 8-25-05 thru 12-31-05; Administrative correction 1-19-06; DFW 72-2006(Temp), f. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 82-2006(Temp), f. 8-11-06, cert. ef. 8-13-06 thru 12-31-06; DFW 88-2006(Temp), f. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 89-2006(Temp), f. 8-24-06, cert. ef. 8-25-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 72-2007(Temp), f. 8-17-07, cert. ef. 8-23-07 thru 8-31-07; Administrative correction 9-16-07; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 93-2008(Temp), f. & cert. ef. 8-12-08 thru 12-31-08; DFW 95-2008(Temp), f. & cert. ef. 8-14-08 thru 9-30-08; DFW 100-2008(Temp), f. 8-22-08, cert. ef. 8-25-08 thru 9-30-08; DFW 102-2008(Temp), f. & cert. ef. 8-26-08 thru 9-1-08; Administrative correction 9-29-08; Administrative correction 10-21-08; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 90-2009(Temp), f. 8-7-09, cert. ef. 8-8-09 thru 12-31-09; DFW 96-2009(Temp), f. & cert. ef. 8-21-09 thru 8-31-09; DFW 97-2009(Temp), f. & cert. ef. 8-25-09 thru 8-31-09; DFW 100-2009(Temp), f. & cert. ef. 8-27-09 thru 8-31-09; Administrative correction 9-29-09; DFW 112-2010(Temp), f. 7-30-10, cert. ef. 8-3-10 thru 8-31-10; DFW 121-2010(Temp), f. 8-18-10, cert. ef. 8-19-10 thru 8-31-10; Administrative correction 9-22-10; DFW 132-2010(Temp), f. 9-21-10, cert. ef. 9-22-10 thru 10-31-10; DFW 137-2010(Temp), f. & cert. ef. 9-24-10 thru 10-31-10; Administrative correction 11-23-10; DFW 105-2011(Temp), f. 8-2-11, cert. ef. 8-4-11 thru 8-31-11; DFW 120-2011(Temp), f. 8-26-11, cert. ef. 8-28-11 thru 9-14-11; DFW 128-2011(Temp), f. 9-14-11, cert. ef. 9-18-11 thru 9-30-11; DFW 134-2011(Temp), f. 9-21-11, cert. ef. 9-22-11 thru 9-30-11; DFW 136-2011(Temp), f. & cert. ef. 9-28-11 thru 10-5-11; DFW 140-2011(Temp), f. 10-4-11, cert. ef. 10-5-11 thru 10-12-11; DFW 144-2011(Temp), f. 10-11-11, cert. ef. 10-13-11 thru 10-31-11; DFW 147-2011(Temp), f. 10-17-11, cert. ef. 10-18-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 98-2012(Temp), f. 7-31-12, cert. ef. 8-5-12 thru 10-31-12; DFW 112-2012(Temp), f. 8-24-12, cert. ef. 8-26-12 thru 10-31-12; DFW 121-2012(Temp), f. & cert. ef. 9-18-12 thru 10-31-12; Administrative correction 11-23-12; DFW 83-2013(Temp), f. 7-29-13, cert. ef. 8-11-13 thru 8-31-13; DFW 95-2013(Temp), f. 8-23-13, cert. ef. 8-25-13 thru 8-31-13; DFW 97-2013(Temp), f. 8-27-13, cert. ef. 8-28-13 thru 8-31-13; DFW 101-2013(Temp), f. 9-13-13, cert. ef. 9-15-13 thru 9-30-13

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**Rule Caption:** Columbia River Treaty Indian Fall Commercial Gill Net Salmon Season Set

**Adm. Order No.:** DFW 102-2013(Temp)

**Filed with Sec. of State:** 9-13-2013

**Certified to be Effective:** 9-16-13 thru 10-31-13

**Notice Publication Date:**

**Rules Amended:** 635-041-0075

**Rules Suspended:** 635-041-0075(T)

**Subject:** Rule amendments allow commercial sales of fish caught during a Treaty Indian fall commercial salmon gill net fishery set for the Columbia River and its Washington tributaries. The authorized

# ADMINISTRATIVE RULES

fishing period (4.5 days) is scheduled to begin at 6:00 a.m. Monday, September 16 and run through 6:00 p.m. Friday, September 20, 2013. Modifications are consistent with action taken September 12, 2013 by the Columbia River Compact agencies of the states of Oregon and Washington in cooperation with the Columbia River Treaty Tribes.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-041-0075

### Late Fall Salmon Season

(1) Effective 6:00 a.m. Monday, August 12, 2013 commercial sales of platform and hook-and-line caught fish from Zone 6 of the mainstem Columbia River are allowed.

(a) Chinook, sockeye, steelhead, coho, walleye, shad, carp, bass, catfish and yellow perch landed during an open commercial fishing period may be sold at any time or retained for subsistence purposes. Sturgeon may not be sold. However, white sturgeon between 43 and 54 inches in fork length taken from The Dalles and John Day pools and white sturgeon between 38 and 54 inches in fork length taken from the Bonneville Pool may be kept for subsistence use.

(b) Gear is restricted to subsistence fishing gear: hoopnets, dipnets and rod and reel with hook-and-line are allowed.

(c) Closed areas described in OAR 635-041-0045 that apply to gear types listed in 1(b) above remain in effect.

(2) Commercial sales of gill net caught fish from Zone 6 of the mainstem Columbia River is allowed:

(a) 6:00 a.m. on Monday, August 19 through 6:00 p.m. Wednesday, August 21, 2013 (2.5 days);

(b) 6:00 a.m. Monday, August 26 through 6:00 p.m. Friday, August 30, 2013 (4.5 days);

(c) 6:00 a.m. Tuesday, September 3 through 6:00 p.m. Saturday, September 7, 2013 (4.5 days);

(d) 6:00 a.m. Tuesday, September 10 through 6:00 p.m. Saturday, September 14, 2013 (4.5 days); and

(e) 6:00 a.m. Monday, September 16 through 6:00 p.m. Friday, September 20, 2013 (4.5 days).

(A) Salmon, steelhead, shad, yellow perch, bass, walleye, catfish and carp landed during any open gill net fishing period may be sold at any time or retained for subsistence purposes. Sturgeon may not be sold. However, white sturgeon between 43 and 54 inches in fork length taken from The Dalles and John Day pools and white sturgeon between 38 and 54 inches in fork length taken from the Bonneville Pool may be kept for subsistence purposes.

(B) Gear is restricted to gill nets with an 8-inch minimum mesh size.

(C) Closed areas in Zone 6, including the standard Spring Creek sanctuary, are in effect as set forth in OAR 635-041-0045. The Spring Creek sanctuary will be reduced to a 150 foot radius around the hatchery ladder effective September 16, 2013.

(3) Effective 6:00 a.m. Monday, August 12, 2013 fish caught in Yakama Nation tributary fisheries in the Klickitat, Little White Salmon, and Wind rivers; and Drano Lake, may be sold by Yakama Nation members during those days and hours when the tributaries are open under lawfully enacted tribal fishing periods. Sturgeon may not be sold but sturgeon 38–54 inches in fork length may be kept for subsistence purposes.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: FWC 25-1979, f. & ef. 8-2-79; FWC 36-1979(Temp), f. & ef. 8-22-79; FWC 47-1979(Temp), f. & ef. 9-21-79; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 46-1980(Temp), f. & ef. 9-13-80; FWC 33-1981(Temp), f. & ef. 9-15-81; FWC 58-1982(Temp), f. & ef. 8-27-82; FWC 62-1982(Temp), f. & ef. 9-7-82; FWC 63-1982(Temp), f. & ef. 9-14-82; FWC 75-1982(Temp), f. & ef. 10-29-82; FWC 36-1983, f. & ef. 8-18-83; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 51-1983(Temp), f. & ef. 9-30-83; FWC 55-1983(Temp), f. & ef. 10-4-83; FWC 46-1984, f. & ef. 8-30-84; FWC 55-1984(Temp), f. & ef. 9-10-84; FWC 58-1984(Temp), f. & ef. 9-17-84; FWC 61-1984(Temp), f. & ef. 9-21-84; FWC 70-1984(Temp), f. & ef. 10-9-84; FWC 47-1985, f. & ef. 8-23-85; FWC 60-1985(Temp), f. & ef. 9-13-85; FWC 63-1985(Temp), f. & ef. 9-24-85; FWC 42-1986, f. & ef. 8-15-86; FWC 53-1986(Temp), f. & ef. 9-4-86; FWC 54-1986(Temp), f. & ef. 9-5-86; FWC 57-1986(Temp), f. & ef. 9-11-86; FWC 60-1986(Temp), f. & ef. 9-26-86; FWC 62-1986(Temp), f. & ef. 10-2-86; FWC 63-1987, f. & ef. 8-7-87; FWC 74-1987(Temp), f. & ef. 9-4-87; FWC 75-1987(Temp), f. & ef. 9-1-87; FWC 78-1987(Temp), f. & ef. 9-15-87; FWC 80-1987(Temp), f. & ef. 9-18-87; FWC 87-1987(Temp), f. & ef. 10-9-87; FWC 89-1987(Temp), f. & ef. 10-12-87; FWC 67-1988, f. & ef. 8-15-88; FWC 72-1988(Temp), f. & ef. 8-19-88; FWC 77-1988(Temp), f. & ef. 9-2-88; FWC 91-1988(Temp), f. & ef. 9-16-88; FWC 95-1988(Temp), f. & ef. 9-27-88; FWC 92-88; FWC 54-1989(Temp), f. & ef. 8-7-89; FWC 87-1989(Temp), f. & ef. 9-1-89; FWC 95-1989(Temp), f. & ef. 9-19-89; FWC 96-1989(Temp), f. & ef. 9-21-89; FWC 99-1989(Temp), f. & ef. 9-27-89; FWC 100-1989(Temp), f. & ef. 9-28-89; FWC 80-1990(Temp), f. & ef. 8-7-90; FWC 90-1990, f. & ef. 8-31-90; FWC 96-1990(Temp), f. & ef. 9-7-90; FWC 98-1990(Temp), f. & ef. 9-17-90; FWC 85-1991, f. & ef. 8-7-91; FWC 8-12-91; FWC 96-1991, f. & ef. 9-9-91; FWC 101-1991(Temp), f. & ef. 9-10-91; FWC 103-1991(Temp), f. & ef. 9-17-91; FWC 9-18-91; FWC 110-1991(Temp), f. & ef. 9-27-91; FWC 73-1992(Temp), f. & ef. 8-10-92; FWC 86-1992(Temp), f. & ef. 9-1-92, cert. ef. 9-2-

92; FWC 87-1992(Temp), f. & ef. 9-4-92, cert. ef. 9-7-92; FWC 91-1992(Temp), f. & ef. 9-16-92, cert. ef. 9-17-92; FWC 96-1992(Temp), f. & ef. 9-22-92, cert. ef. 9-23-92; FWC 105-1992(Temp), f. & ef. 10-2-92, cert. ef. 10-5-92; FWC 107-1992(Temp), f. & cert. ef. 10-9-92; FWC 47-1993, f. & ef. 8-6-93, cert. ef. 8-9-93; FWC 52-1993, f. & cert. ef. 8-30-93; FWC 57-1993(Temp), f. & cert. ef. 9-13-93; FWC 59-1993(Temp), f. & ef. 9-17-93, cert. ef. 9-20-93; FWC 61-1993(Temp), f. & cert. ef. 9-24-93; FWC 55-1994(Temp), f. & ef. 8-26-94, cert. ef. 8-29-94; FWC 61-1994(Temp), f. & ef. 9-7-94, cert. ef. 9-8-94; FWC 74-1994(Temp), f. & cert. ef. 10-12-94; FWC 68-1995(Temp), f. & ef. 8-25-95, cert. ef. 8-29-95; FWC 72-1995(Temp), f. & cert. ef. 9-1-95; FWC 75-1995(Temp), f. & ef. 9-12-95, cert. ef. 9-13-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1996(Temp), f. & ef. 8-29-96, cert. ef. 9-2-96; FWC 51-1996(Temp), f. & ef. 9-6-96, cert. ef. 9-9-96; FWC 53-1996(Temp), f. & cert. ef. 9-26-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 52-1997(Temp), f. & cert. ef. 9-29-97, cert. ef. 9-2-97; FWC 57(Temp), f. & cert. ef. 9-9-97; FWC 60-1997(Temp), f. & ef. 9-16-97, cert. ef. 9-17-97; FWC 68-1998(Temp), f. & cert. ef. 8-25-98 thru 9-25-98; FWC 76-1998(Temp), f. & cert. ef. 9-8-98 thru 9-25-98; FWC 77-1998(Temp), f. & ef. 9-14-98, cert. ef. 9-15-98 thru 9-25-98; FWC 79-1998(Temp), f. & ef. 9-21-98, cert. ef. 9-22-98 thru 9-25-98; FWC 80-1998(Temp), f. & ef. 9-23-98, cert. ef. 9-24-98 thru 9-25-98; FWC 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; FWC 62-1999(Temp), f. & ef. 9-2-99, cert. ef. 9-3-99 thru 9-11-99; FWC 65-1999(Temp), f. & ef. 9-14-99, cert. ef. 9-15-99 thru 9-17-99; FWC 69-1999(Temp), f. & cert. ef. 9-17-99 thru 9-18-99; FWC 72-1999(Temp), f. & ef. 9-21-99, cert. ef. 9-22-99 thru 10-22-99; FWC 74-1999(Temp), f. & ef. 9-28-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; FWC 50-2000(Temp), f. & ef. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; FWC 60-2000(Temp), f. & ef. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; FWC 61-2000(Temp), f. & ef. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; Administrative correction 6-19-01; FWC 75-2001(Temp), f. & cert. ef. 8-20-01 thru 9-8-01; FWC 87-2001(Temp), f. & ef. 9-10-01, cert. ef. 9-11-01 thru 9-15-01; FWC 91-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; FWC 94-2001(Temp), f. & ef. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; FWC 100-2001(Temp), f. & ef. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; FWC 89-2002(Temp), f. & ef. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; FWC 98-2002(Temp), f. & cert. ef. 8-30-02 thru 12-31-02; FWC 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; FWC 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; FWC 113-2002(Temp), f. & ef. 10-14-02, cert. ef. 10-15-02 thru 12-31-02; FWC 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; FWC 81-2003(Temp), f. & ef. 8-25-03, cert. ef. 8-26-03 thru 12-31-03; FWC 91-2003(Temp), f. & ef. 9-12-03, cert. ef. 9-16-03 thru 12-31-03; FWC 97-2003(Temp), f. & ef. 9-22-03, cert. ef. 9-24-03 thru 12-31-03; FWC 101-2003(Temp), f. & ef. 9-26-03, cert. ef. 10-1-03 thru 12-31-03; FWC 103-2003(Temp), f. & ef. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; FWC 104-2003(Temp), f. & ef. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; FWC 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; FWC 95-2004(Temp), f. & ef. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; FWC 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; FWC 104-2004(Temp), f. & ef. 10-12-04, cert. ef. 10-13-04 thru 12-31-04; FWC 110-2004(Temp), f. & cert. ef. 10-29-04 thru 12-31-04; Administrative correction, 2-18-05; FWC 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; FWC 104-2005(Temp), f. & cert. ef. 9-12-05 thru 12-31-05; FWC 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; FWC 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; FWC 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; FWC 71-2006(Temp), f. & ef. 7-31-06, cert. ef. 8-1-06 thru 12-31-06; FWC 86-2006(Temp), f. & ef. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; FWC 94-2006(Temp), f. & ef. 9-8-06, cert. ef. 9-11-06 thru 12-31-06; FWC 101-2006(Temp), f. & ef. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; FWC 107-2006(Temp), f. & ef. 9-28-06, cert. ef. 10-3-06 thru 12-31-06; FWC 115-2006(Temp), f. & ef. 10-13-06, cert. ef. 10-15-06 thru 12-31-06; Administrative correction 1-16-07; FWC 60-2007(Temp), f. & ef. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; FWC 77-2007(Temp), f. & ef. 8-17-07, cert. ef. 8-22-07 thru 12-31-07; FWC 88-2007(Temp), f. & ef. 9-10-07, cert. ef. 9-11-07 thru 12-31-07; FWC 95-2007(Temp), f. & ef. 9-21-07, cert. ef. 9-25-07 thru 12-31-07; FWC 100-2007(Temp), f. & ef. 9-28-07, cert. ef. 10-3-07 thru 12-31-07; FWC 110-2007(Temp), f. & ef. 10-16-07, cert. ef. 10-20-07 thru 12-31-07; FWC 106-2008(Temp), f. & ef. 9-4-08, cert. ef. 9-6-08 thru 10-31-08; FWC 109-2008(Temp), f. & ef. 9-12-08, cert. ef. 9-15-08 thru 10-31-08; FWC 112-2008(Temp), f. & ef. 9-17-08, cert. ef. 9-18-08 thru 10-31-08; FWC 117-2008(Temp), f. & cert. ef. 9-22-08 thru 10-31-08; FWC 122-2008(Temp), f. & cert. ef. 9-29-08 thru 10-31-08; FWC 125-2008(Temp), f. & ef. 10-6-08, cert. ef. 10-7-08 thru 10-31-08; FWC 134-2008(Temp), f. & cert. ef. 10-17-08 thru 10-31-08; FWC 141-2008(Temp), f. & ef. 11-10-08, cert. ef. 11-12-08 thru 11-30-08; FWC 88-2009(Temp), f. & ef. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; FWC 95-2009(Temp), f. & ef. 8-19-09, cert. ef. 8-24-09 thru 12-31-09; FWC 111-2009(Temp), f. & ef. 9-11-09, cert. ef. 9-13-09 thru 9-30-09; FWC 114-2009(Temp), f. & ef. 9-18-09, cert. ef. 9-21-09 thru 10-31-09; FWC 119-2009(Temp), f. & cert. ef. 9-29-09 thru 10-31-09; FWC 129-2009(Temp), f. & ef. 10-13-09, cert. ef. 10-14-09 thru 10-31-09; Administrative correction 11-19-09; FWC 111-2010(Temp), f. & ef. 7-30-10, cert. ef. 8-1-10 thru 10-31-10; FWC 120-2010(Temp), f. & ef. 8-18-10, cert. ef. 8-24-10 thru 10-31-10; FWC 128-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; FWC 136-2010(Temp), f. & ef. 9-24-10, cert. ef. 9-27-10 thru 10-31-10; FWC 142-2010(Temp), f. & ef. 10-8-10, cert. ef. 10-9-10 thru 10-31-10; FWC 149-2010(Temp), f. & ef. 10-18-10, cert. ef. 10-19-10 thru 10-31-10; Administrative correction 11-23-10; FWC 103-2011(Temp), f. & ef. 7-29-11, cert. ef. 8-1-11 thru 10-31-11; FWC 119-2011(Temp), f. & ef. 8-26-11, cert. ef. 8-29-11 thru 10-31-11; FWC 124-2011(Temp), f. & ef. 9-8-11, cert. ef. 9-12-11 thru 10-31-11; FWC 130-2011(Temp), f. & ef. 9-15-11, cert. ef. 9-19-11 thru 10-31-11; FWC 133-2011(Temp), f. & ef. 9-21-11, cert. ef. 9-22-11 thru 10-31-11; FWC 138-2011(Temp), f. & ef. 9-30-11, cert. ef. 10-3-11 thru 10-31-11; FWC 142-2011(Temp), f. & ef. 10-6-11, cert. ef. 10-8-11 thru 10-31-11; Administrative correction, 11-18-11; FWC 94-2012(Temp), f. & cert. ef. 7-27-12 thru 10-31-12; FWC 107-2012(Temp), f. & ef. 8-15-12, cert. ef. 8-21-12 thru 10-31-12; FWC 119-2012(Temp), f. & ef. 9-10-12, cert. ef. 9-11-12 thru 10-31-12; FWC 120-2012(Temp), f. & cert. ef. 9-18-12 thru 10-31-12; FWC 124-2012(Temp), f. & ef. 9-25-12, cert. ef. 9-26-12 thru 10-31-12; FWC 127-2012(Temp), f. & cert. ef. 10-2-12 thru 10-31-12; FWC 143-2012(Temp), f. & ef. 11-7-12, cert. ef. 11-8-12 thru 12-29-13; Administrative correction, 2-25-13; FWC 88-2013(Temp), f. & ef. 8-9-13, cert. ef. 8-12-13 thru 12-31-13; FWC 89-2013(Temp), f. & ef. 8-14-13, cert. ef. 8-19-13 thru 12-31-13; FWC 98-2013(Temp), f. & ef. 9-6-13, cert. ef. 9-10-13 thru 10-31-13; FWC 102-2013(Temp), f. & ef. 9-13-13, cert. ef. 9-16-13 thru 10-31-13

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**Rule Caption:** One Day Sturgeon Fishery in Willamette River Below Falls, Including Multnomah Channel and Gilbert River

**Adm. Order No.:** DFW 103-2013(Temp)

**Filed with Sec. of State:** 9-13-2013

**Certified to be Effective:** 10-19-13 thru 12-31-13

**Notice Publication Date:**

**Rules Amended:** 635-017-0095

**Rules Suspended:** 635-017-0095(T)

# ADMINISTRATIVE RULES

**Subject:** This amended rule authorizes a one-day only recreational fishery for retention of white sturgeon in the Willamette River below the falls, including Multnomah Channel and the Gilbert River, on October 19, 2013. A harvestable balance of 968 white sturgeon remains from the 1733 lower Willamette sturgeon harvest guideline established for 2013. Revisions are consistent with action taken September 12, 2013 by the Columbia River Compact agencies of the states of Oregon and Washington.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-017-0095 Sturgeon Season

(1) The **2013 Oregon Sport Fishing Regulations** provide requirements for the Willamette 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) Effective April 1, 2013, the annual bag and possession limit for white sturgeon is two (2) fish. Only white sturgeon with a fork length of 38-54 inches may be retained. In 2013, the Willamette River downstream of Willamette Falls (including Multnomah Channel and the Gilbert River) is open to the retention of white sturgeon three days per week, Thursday, Friday, and Saturday during the periods from July 11-13; July 18-20; and four days per week, Thursday, July 25 through Sunday, July 28, 2013; and October 19, 2013 (one day only) or until the harvest guideline is met.

(3) Catch-and-release angling for white sturgeon is allowed year-round except as described below in sections (4) and (6).

(4) Bank angling is prohibited from the east shore of the Willamette River the entire year in the area beginning west of Highway 99E, at the northern-most extent of the parking area near the intersection of 8th Street and Highway 99E in Oregon City, approximately 290 feet downstream of the Oregon City/West Linn bridge (Hwy 43) and extending upstream approximately 1715 feet to the retaining wall extending into the Willamette River at the NW corner of the Blue Heron Paper Mill.

(5) Effective February 28, 2013 angling for sturgeon, including catch-and-release, is prohibited in the Sandy River. Retention of green sturgeon is prohibited all year in all areas.

(6) Angling for sturgeon, including catch-and-release, is prohibited seven days per week during May 1 through August 31 from Willamette Falls downstream to the I-205 Bridge.

(7) Effective January 1, 2014, all waters within the Willamette Zone are closed to the retention of white sturgeon.

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

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: DFW 2-2005(Temp), f. & cert. ef. 1-21-05 thru 7-19-05; DFW 55-2005, f. & cert. ef. 6-17-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 145-2005(Temp), f. 12-21-05, cert. ef. 1-1-06 thru 3-31-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 131-2006(Temp), f. 12-20-06, cert. ef. 1-1-07 thru 6-29-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 74-2007(Temp), f. 8-17-07, cert. ef. 8-18-07 thru 12-31-07; DFW 135-2007(Temp), f. 12-28-07, cert. ef. 1-1-08 thru 6-28-08; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 7-2008, f. & cert. ef. 2-11-08; DFW 86-2008(Temp), f. & cert. ef. 7-25-08 thru 12-31-08; DFW 148-2008(Temp), f. 12-19-08, cert. ef. 1-1-09 thru 6-29-09; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 15-2009, f. & cert. ef. 2-25-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 34-2010, f. 3-16-10, cert. ef. 4-1-10; DFW 90-2010(Temp), f. 6-29-10, cert. ef. 7-5-10 thru 12-31-10; DFW 154-2010(Temp), f. & cert. ef. 11-8-10 thru 12-31-10; DFW 163-2010(Temp), f. 12-28-10, cert. ef. 1-1-11 thru 6-29-11; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 10-2011(Temp), f. 2-10-11, cert. ef. 2-17-11 thru 6-29-11; DFW 22-2011(Temp), f. 3-16-11, cert. ef. 3-17-11 thru 6-29-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 9-2012(Temp), f. 2-6-12, cert. ef. 2-17-12 thru 4-30-12; DFW 17-2012(Temp), f. 2-22-12, cert. ef. 2-23-12 thru 4-30-12; Administrative correction, 5-25-12; DFW 152-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 13-2013(Temp), f. 2-13-13, cert. ef. 2-14-13 thru 7-31-13; DFW 17-2013(Temp), f. 2-27-13, cert. ef. 2-28-13 thru 7-31-13; DFW 23-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-27-13; DFW 79-2013(Temp), f. 7-23-13, cert. ef. 7-25-13 thru 12-31-13; DFW 103-2013(Temp), f. 9-13-13, cert. ef. 10-19-13 thru 12-31-13

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**Rule Caption:** Previously Authorized Columbia River Recreational Sturgeon Fishery Rescinded

**Adm. Order No.:** DFW 104-2013(Temp)

**Filed with Sec. of State:** 9-13-2013

**Certified to be Effective:** 10-19-13 thru 12-31-13

**Notice Publication Date:**

**Rules Amended:** 635-023-0095

**Rules Suspended:** 635-023-0095(T)

**Subject:** This amended rule rescinds a recreational white sturgeon fishery previously authorized for the Columbia River in the area from the Wauna powerlines upstream to Bonneville Dam. Scheduled to

occurred from Saturday, October 19 through Tuesday, December 31, 2013, the fishery was rescinded due to attainment of 2013 harvest guidelines. Modifications were made consistent with Joint State Action taken September 12, 2013 by Columbia River Compact agencies of the states of Oregon and Washington.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-023-0095 Sturgeon Season

(1) The **2013 Oregon Sport Fishing Regulations** provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the **2013 Oregon Sport Fishing Regulations**.

(2) In 2013, the mainstem Columbia River from the Wauna powerlines (River Mile 40) upstream to Bonneville Dam, excluding the lower Willamette River upstream to Willamette Falls, Multnomah Channel, and the Gilbert River, is open to the retention of white sturgeon with a fork length of 38-54 inches, three days per week, Thursdays through Saturdays, during the period from January 1 through June 15

(3) In 2013, the mainstem Columbia River from Wauna powerlines (River Mile 40) downstream to the mouth at Buoy 10, including Youngs Bay is open to the retention of white sturgeon seven days per week during the following periods:

(a) January 1 through April 30; and

(b) May 11 through June 20.

(4) During the fishing period as identified in subsection (3)(a) of this rule, only white sturgeon with a fork length of 38-54 inches may be retained.

(5) During the fishing periods as identified in subsection (3)(b) of this rule, only white sturgeon with a fork length of 41-54 inches may be retained.

(6) Effective April 1, 2013, the annual bag and possession limit for white sturgeon is two (2) fish.

(7) Angling for sturgeon is prohibited from:

(a) Bonneville Dam downstream 9 miles to a line crossing the Columbia River from Navigation Marker 82 on the Oregon shore westerly to a boundary marker on the Washington shore upstream of Fir Point from May 1 through August 31;

(b) Highway 395 Bridge upstream to McNary Dam; and

(c) From the west end of the grain silo at Rufus upstream to John Day Dam during May 1 through July 31.

(8) Angling is prohibited for all species from the upper and lower ends of Sand Island and corresponding markers on the Oregon shoreline (slough at Rooster Rock State Park) from January 1 through April 30.

(9) Effective February 11 through June 13; June 16 through June 20; and June 22 through December 31, 2013, retention of white sturgeon is prohibited in the mainstem Columbia River from Bonneville Dam upstream to The Dalles Dam (Bonneville Pool) including adjacent tributaries. Retention of white sturgeon between 38-54 inches in fork length is allowed in the area described in this section on June 14, 15, and 21, 2013 (3 days)

(10) Effective 12:01 a.m. Saturday, June 29, 2013 the retention of white sturgeon in the John Day Pool and adjacent tributaries is prohibited.

(11) The mainstem Columbia River from McNary Dam upstream to the Oregon-Washington border at river mile 309.5 is open to retention of white sturgeon with a fork length of 43-54 inches, seven days per week from February 1 through July 31.

(12) Retention of green sturgeon is prohibited all year in all areas.

(13) Catch-and-release angling is allowed year-round except as described above in sections (7)(a) through (7)(c) and (8) above.

(14) Effective January 1, 2014, the mainstem Columbia River from the mouth at Buoy 10 upstream to Bonneville Dam, including Oregon tributaries upstream to the mainline railroad bridges, is closed to the retention of white sturgeon.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: DFW 129-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 2-28-05; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 22-2005(Temp), f. 4-1-05, cert. ef. 4-30-05 thru 7-31-05; DFW 50-2005(Temp), f. 6-3-05, cert. ef. 6-11-05 thru 11-30-05; DFW 60-2005(Temp), f. 6-21-05, cert. ef. 6-24-05 thru 12-21-05; DFW 65-2005(Temp), f. 6-30-05, cert. ef. 7-10-05 thru 12-31-05; DFW 76-2005(Temp), f. 7-14-05, cert. ef. 7-18-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 145-2005(Temp), f. 12-21-05, cert. ef. 1-1-06 thru 3-31-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 19-2006(Temp), f. 4-6-06, cert. ef. 4-8-06 thru 7-31-06; DFW 54-2006(Temp), f. 6-29-06, cert. ef. 7-1-06 thru 12-27-06; DFW 62-2006(Temp), f. 7-13-06, cert. ef. 7-24-06 thru 12-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 131-2006(Temp), f. 12-20-06, cert. ef. 1-1-07 thru 6-29-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 20-2007(Temp), f. 3-26-07, cert. ef. 3-28-07 thru 7-30-07; DFW 38-2007(Temp), f. &

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cert. ef. 5-31-07 thru 11-26-07; DFW 59-2007(Temp), f. 7-18-07, cert. ef. 7-29-07 thru 12-31-07; DFW 75-2007(Temp), f. 8-17-07, cert. ef. 8-18-07 thru 12-31-07; DFW 102-2007(Temp), f. 9-28-07, cert. ef. 10-1-07 thru 12-31-07; DFW 135-2007(Temp), f. 12-28-07, cert. ef. 1-1-08 thru 6-28-08; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 8-2008, f. & cert. ef. 2-11-08; DFW 23-2008(Temp), f. 3-12-08, cert. ef. 3-15-08 thru 9-10-08; DFW 28-2008(Temp), f. 3-24-08, cert. ef. 3-26-08 thru 9-10-08; DFW 72-2008(Temp), f. 6-30-08, cert. ef. 7-10-08 thru 12-31-08; DFW 78-2008(Temp), f. 7-9-08, cert. ef. 7-12-08 thru 12-31-08; DFW 86-2008(Temp), f. & cert. ef. 7-25-08 thru 12-31-08; DFW 148-2008(Temp), f. 12-19-08, cert. ef. 1-1-09 thru 6-29-09; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 18-2009, f. & cert. ef. 2-26-09; DFW 33-2009(Temp), f. 4-2-09, cert. ef. 4-13-09 thru 10-9-09; DFW 63-2009(Temp), f. 6-3-09, cert. ef. 6-6-09 thru 10-9-09; DFW 83-2009(Temp), f. 7-8-09, cert. ef. 7-9-09 thru 12-31-09; DFW 86-2009(Temp), f. 7-22-09, cert. ef. 7-24-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 13-2010(Temp), f. 2-16-10, cert. ef. 2-21-10 thru 7-31-10; DFW 19-2010(Temp), f. 2-26-10, cert. ef. 3-1-10 thru 8-27-10; DFW 34-2010, f. 3-16-10, cert. ef. 4-1-10; DFW 49-2010(Temp), f. 4-27-10, cert. ef. 4-29-10 thru 7-31-10; DFW 50-2010(Temp), f. 4-29-10, cert. ef. 5-6-10 thru 11-1-10; DFW 88-2010(Temp), f. 6-25-10, cert. ef. 6-26-10 thru 7-31-10; DFW 91-2010(Temp), f. 6-29-10, cert. ef. 8-1-10 thru 12-31-10; DFW 99-2010(Temp), f. 7-13-10, cert. ef. 7-15-10 thru 12-31-10; DFW 165-2010(Temp), f. 12-28-10, cert. ef. 1-1-11 thru 6-29-11; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 11-2011(Temp), f. 2-10-11, cert. ef. 2-11-11 thru 7-31-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 26-2011(Temp), f. 4-5-11, cert. ef. 4-10-11 thru 9-30-11; DFW 74-2011(Temp), f. 6-24-11, cert. ef. 6-27-11 thru 7-31-11; DFW 87-2011(Temp), f. 7-8-11, cert. ef. 7-9-11 thru 7-31-11; DFW 96-2011(Temp), f. 7-20-11, cert. ef. 7-30-11 thru 12-31-11; DFW 129-2011(Temp), f. 9-15-11, cert. ef. 9-30-11 thru 12-31-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 1-2012(Temp), f. & cert. ef. 1-5-12 thru 7-2-12; DFW 10-2012, f. & cert. ef. 2-7-12; DFW 16-2012(Temp), f. 2-14-12, cert. ef. 2-18-12 thru 7-31-12; DFW 44-2012(Temp), f. 5-1-12, cert. ef. 5-20-12 thru 7-31-12; DFW 73-2012(Temp), f. 6-29-12, cert. ef. 7-1-12 thru 8-31-12; DFW 97-2012(Temp), f. 7-30-12, cert. ef. 8-1-12 thru 12-31-12; DFW 129-2012(Temp), f. 10-3-12, cert. ef. 10-20-12 thru 12-31-12; DFW 140-2012(Temp), f. 10-31-12, cert. ef. 11-4-12 thru 12-31-12; DFW 152-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 154-2012(Temp), f. 12-28-12, cert. ef. 1-1-13 thru 2-28-13; DFW 12-2013(Temp), f. 2-12-13, cert. ef. 2-28-13 thru 7-31-13; DFW 23-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-27-13; DFW 47-2013(Temp), f. 5-30-13, cert. ef. 6-14-13 thru 9-30-13; DFW 59-2013(Temp), f. 6-19-13, cert. ef. 6-21-13 thru 10-31-13; DFW 64-2013(Temp), f. 6-27-13, cert. ef. 6-29-13 thru 10-31-13; DFW 104-2013(Temp), f. 9-13-13, cert. ef. 10-19-13 thru 12-31-13

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

**Rule Caption:** Adult Foster Homes For Adults Who Are Older Or Physically Disabled

**Adm. Order No.:** SPD 33-2013

**Filed with Sec. of State:** 8-30-2013

**Certified to be Effective:** 9-1-13

**Notice Publication Date:** 8-1-2013

**Rules Adopted:** 411-050-0662

**Rules Repealed:** 411-050-0405(T), 411-050-0490

**Rules Ren. & Amend:** 411-050-0401 to 411-050-0600, 411-050-0400 to 411-050-0602, 411-050-0405 to 411-050-0605, 411-050-0410 to 411-050-0610, 411-050-0435 to 411-050-0615, 411-050-0412 to 411-050-0620, 411-050-0440 to 411-050-0625, 411-050-0443 to 411-050-0630, 411-050-0408 to 411-050-0632, 411-050-0415 to 411-050-0635, 411-050-0420 to 411-050-0640, 411-050-0430 to 411-050-0642, 411-050-0444 to 411-050-0645, 411-050-0445 to 411-050-0650, 411-050-0447 to 411-050-0655, 411-050-0491 to 411-050-0660, 411-050-0455 to 411-050-0665, 411-050-0450 to 411-050-0670, 411-050-0460 to 411-070-0675, 411-050-0465 to 411-050-0680, 411-050-0487 to 411-050-0685, 411-050-0483 to 411-050-0686, 411-050-0480 to 411-050-0687, 411-050-0481 to 411-050-0688, 411-050-0485 to 411-050-0690

**Subject:** The Department of Human Services is permanently updating the rules in OAR chapter 411, division 050 governing the licensure of adult foster homes for adults who are older or adults with physical disabilities.

**Rules Coordinator:** Christina Hartman—(503) 945-6398

### 411-050-0600

#### Purpose

The purpose of the rules in OAR chapter 411, division 050 is to establish the minimum standards and procedures for adult foster homes that provide care and services for adults who are older or adults with physical disabilities in a home-like environment that is safe and secure. Adult foster homes provide necessary care and services through a cooperative relationship between the resident (or court-appointed guardian) and the resident's care providers that emphasizes the resident's independence. Adult foster home care and services are provided in a setting that protects and encourages resident dignity, choice, and decision-making while addressing the needs of the resident in a manner that supports and enables the residents to

maximize their ability to function at the highest level of independence possible.

Stat. Auth.: ORS 410.070, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, & 443.790

Stats. Implemented: ORS 443.001 to 443.004, 443.705 to 443.825, 443.875, & 443.991

Hist.: SSD 3-1996, f. 3-29-96, cert. ef. 4-1-96; SDSD 4-2001, f. & cert. ef. 3-1-01; SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; Renumbered from 411-050-0401, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13

### 411-050-0602

#### Definitions

Unless the context indicates otherwise, the following definitions apply to the rules in OAR chapter 411, division 050:

(1) "AAA" means an Area Agency on Aging, which is an established public agency within a planning and service area designated under Section 305 of the Older Americans Act that has responsibility for local administration of programs within the Department of Human Services. For the purpose of these rules, Type B AAAs contract with the Department to perform specific activities in relation to licensing adult foster homes including processing applications, conducting inspections and investigations, issuing licenses, and making recommendations to the Department regarding adult foster home license denial, revocation, suspension, non-renewal, and civil penalties.

(2) "Abuse" means abuse as defined in OAR 411-020-0002 (Adult Protective Services).

(3) "Activities of Daily Living (ADL)" mean the personal, functional activities defined in OAR 411-015-0006 (Long-term Care Service Priorities for Individuals Served) required by an individual for continued well-being, which are essential for health and safety.

(4) "Adult Foster Home (AFH)" means any family home or other facility in which residential care is provided in a home-like environment for compensation to five or fewer adults who are not related to the licensee or resident manager by blood, marriage, or adoption and who are 65 years of age or older or an adult with a physical disability. For the purpose of these rules, adult foster home does not include any house, institution, hotel, or other similar living situation that supplies room or board only, if no resident thereof requires any element of care. "Facility" and "Home" are synonymous with "Adult Foster Home".

(5) "Advance Directive" or "Advance Directive for Health Care" means the legal document signed by a resident that provides health care instructions in the event the resident is no longer able to give directions regarding his or her wishes. The directive gives the resident the means to control his or her own health care in any circumstance. "Advance Directive for Health Care" does not include Physician Orders for Life-Sustaining Treatment (POLST).

(6) "Applicant" means a person who completes an application for an adult foster home license or who completes an application to become a resident manager or shift caregiver. "Applicant" is synonymous with "Co-applicant".

(7) "Background Check" means a criminal records check and abuse check as defined in OAR 407-007-0210 (Criminal Records and Abuse Check for Providers).

(8) "Back-Up Provider" means a licensee or approved resident manager who has agreed to oversee the operation of an adult foster home, of the same license classification or level, in the event of an emergency.

(9) "Behavioral Interventions" mean those interventions that modify a resident's behavior or a resident's environment.

(10) "Board of Nursing Rules" means the standards for Registered Nurse Teaching and Delegation to Unlicensed Persons according to the statutes and rules of the Oregon State Board of Nursing, ORS 678.010 to 678.445 and OAR chapter 851, division 047.

(11) "Care" means the provision of assistance with activities of daily living to promote a resident's maximum independence and enhance the resident's quality of life. Care includes, but is not limited to, assistance with bathing, dressing, grooming, eating, money management, recreation, and medication management excluding assistance with self-medication.

(12) "Caregiver" means any person responsible for providing care and services to residents, including the licensee, resident manager, shift caregivers, and any temporary, substitute, or supplemental staff or other person designated to provide care and services to residents.

(13) "Care Plan" means a licensee's written description of a resident's needs, preferences, and capabilities, including by whom, when, and how often care and services are to be provided.

(14) "Centers for Medicare and Medicaid Services (CMS)" means the federal agency within the United States Department of Health and Human Services responsible for the administration of Medicaid and the Health Insurance Portability and Accountability Act (HIPAA).

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(15) "Classification" means a designation of license assigned to a licensee based on the qualifications of the licensee, resident manager, and shift caregivers, as applicable.

(16) "Co-Applicant" is synonymous with "Applicant" as defined in this rule.

(17) "Co-Licensee" is synonymous with "Licensee" as defined in this rule.

(18) "Compensation" means monetary or in-kind payments by or on behalf of a resident to a licensee in exchange for room, board, care, and services. Compensation does not include the voluntary sharing of expenses between or among roommates.

(19) "Complaint" means an allegation of abuse, a violation of these rules, or an expression of dissatisfaction relating to a resident or the condition of an adult foster home.

(20) "Condition" means a provision attached to a new or existing license that limits or restricts the scope of the license or imposes additional requirements on the licensee.

(21) "Consumer" means an individual eligible for Medicaid services for whom case management services are provided by the Department.

(22) "Criminal Records and Abuse Check Rules" refers to OAR 407-007-0200 to 407-007-0370.

(23) "Day Care" means care, assistance, and supervision of an individual who does not stay overnight.

(24) "Delegation" means the process by which a registered nurse teaches and supervises a skilled nursing task.

(25) "Department" means the Department of Human Services.

(26) "Director" means the Director of the Department of Human Services or that person's designee.

(27) "Disability" means a physical, cognitive, or emotional impairment which, for an individual, constitutes or results in a functional limitation in one or more activities of daily living.

(28) "Disaster" means a sudden emergency occurrence beyond the control of the licensee, whether natural, technological, or man-made that renders the licensee unable to operate the facility or renders the facility uninhabitable on a temporary, extended, or permanent basis.

(29) "Emergency Preparedness Plan" means a written procedure that identifies a facility's response to an emergency or disaster for the purpose of minimizing loss of life, mitigating trauma, and to the extent possible, maintaining services for residents and preventing or reducing property loss.

(30) "Entity" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies), a state, or a political subdivision or instrumentality, including a municipal corporation.

(31) "Exempt Area" means a county where there is a county agency that provides similar programs for licensing and inspection of adult foster homes that the Director finds are equal to or superior to the requirements of ORS 443.705 to 443.825 and that the Director has exempted from the license, inspection, and fee provisions of ORS 443.705 to 443.825. Exempt area county licensing rules require review and approval by the Director prior to implementation.

(32) "Facility" is synonymous with "Adult Foster Home" as defined in this rule.

(33) "Family Member" means husband or wife, natural parent, child, sibling, adopted child, adoptive parent, adoptive sibling, stepparent, stepchild, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandchild, aunt, uncle, niece, nephew, or first cousin.

(34) "Final Point of Safety" means a designated assembly area located on a public sidewalk or street not less than 50 feet away from an adult foster home where occupants of the home evacuate to in the event of an emergency.

(35) "Home" means the physical structure in which residents live. "Home" is synonymous with "Adult Foster Home" as defined in this rule.

(36) "Home-like" means an environment that promotes the dignity, security, and comfort of residents through the provision of personalized care and services, and encourages independence, choice, and decision-making by the residents.

(37) "House Policies" means the written and posted statements addressing house activities in an adult foster home.

(38) "Indirect Ownership Interest" means an ownership interest in an entity that has an ownership interest in the disclosing entity. Indirect ownership interest includes an ownership interest in any entity that has an indirect ownership interest in the disclosing entity.

(39) "Initial Point of Safety" means a designated area that has unobstructed direct access to a public sidewalk or street located not less than 25

feet away from an adult foster home where occupants of the home evacuate to in the event of an emergency and for the purpose of conducting evacuation drills.

(40) "Investigative Authority" means the Office of Adult Abuse Prevention and Investigation, local Department offices, and Area Agencies on Aging that contract with the Department to provide adult protective services to adults who are older or adults with physical, mental, or developmental disabilities.

(41) "Legal Representative" means a person who has the legal authority to act for a resident.

(a) For health care decisions, the legal representative is a court-appointed guardian, a health care representative under an Advance Directive for Health Care, or a power of attorney for health care.

(b) For financial decisions, the legal representative is a legal conservator, an agent under a power of attorney, or a representative payee.

(42) "Level" means the designation of ventilator-assisted care assigned to an adult foster home license based on the qualifications of the licensee, resident manager, and shift caregivers, as applicable.

(43) "Licensed Health Care Professional" means a person who possesses a professional medical license that is valid in Oregon. Examples include but are not limited to a registered nurse (RN), nurse practitioner (NP), licensed practical nurse (LPN), medical doctor (MD), osteopathic physician (DO), respiratory therapist (RT), physical therapist (PT), physician assistant (PA), or occupational therapist (OT).

(44) "Licensee" means the person who was issued a license, whose name is on the license, and who is responsible for the operation of an adult foster home. The licensee of the adult foster home does not include the owner or lessor of the building in which the adult foster home is situated unless the owner or lessor of the building is also the operator.

(45) "Limited Adult Foster Home" means a home that provides care and services for compensation to a specific individual who is unrelated to the licensee but with whom the licensee has an established relationship of no less than one year.

(46) "Liquid Resource" means cash or those assets that may readily be converted to cash such as a life insurance policy that has a cash value, stock certificates, or a guaranteed line of credit from a financial institution.

(47) "Local Licensing Authority" means the local Department offices and Area Agencies on Aging that contract with the Department to perform specific functions of the adult foster home licensing process.

(48) "Nursing Care" means the practice of nursing by a licensed nurse, including tasks and functions relating to the provision of nursing care that are taught or delegated under specified conditions by a registered nurse to a person other than licensed nursing personnel, as governed by ORS chapter 678 and rules adopted by the Oregon State Board of Nursing in OAR chapter 851.

(49) "Occupant" means any person residing in or using the facilities of an adult foster home including residents, licensees, resident managers, friends or family members, day care individuals, and room and board tenants.

(50) "Older" means any person at least 65 years of age.

(51) "Ombudsman" means the Oregon Long-Term Care Ombudsman or a designee appointed by the Long-Term Care Ombudsman to serve as a representative of the Ombudsman Program in order to investigate and resolve complaints on behalf of adult foster home residents.

(52) "Operator" is synonymous with "Licensee" as defined in this rule.

(53) "Ownership Interest" means the possession of equity in the capital, stock, or profits of an adult foster home. Persons with an ownership or control interest mean a person or corporation that:

(a) Has an ownership interest totaling 5 percent or more in a disclosing entity;

(b) Has an indirect ownership interest equal to 5 percent or more in a disclosing entity;

(c) Has a combination of direct and indirect ownership interests equal to 5 percent or more in a disclosing entity;

(d) Owns an interest of 5 percent or more in any mortgage, deed of trust, note, or other obligation secured by the disclosing entity if that interest equals at least 5 percent of the value of the property or assets of the disclosing entity;

(e) Is an officer or director of a disclosing entity that is organized as a corporation; or

(f) Is a partner in a disclosing entity that is organized as a partnership.

(54) "Physical Restraint" means any manual method or physical or mechanical device, material, or equipment attached to, or adjacent to, a resident's body that the resident may not easily remove and that restricts free-

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dom of movement or normal access to his or her body. Physical restraints include but are not limited to wrist or leg restraints, soft ties or vests, hand mitts, wheelchair safety bars, lap trays, and any chair that prevents rising (such as a Geri-chair). Side rails (bed rails) are considered restraints when they are used to prevent a resident from getting out of a bed. The side rail is not considered a restraint when a resident requests a side rail for the purpose of assistance with turning.

(55) "Prescribing Practitioner" means a physician, nurse practitioner, physician assistant, chiropractor, dentist, ophthalmologist, or other health-care practitioner with prescribing authority.

(56) "Primary Caregiver" means a qualified licensee or resident manager, who lives in the home, personally provides care and services, and ensures the health and safety of residents a minimum of five consecutive days per week. More than one person who meets this criteria may be considered the primary caregiver as specified below:

(a) Co-licensees working three and four consecutive days and nights per week;

(b) Two approved resident managers working three and four consecutive days and nights per week; or

(c) A licensee and an approved resident manager working three and four consecutive days and nights per week.

(57) "P.R.N. (pro re nata)" means those medications and treatments that have been ordered by a qualified practitioner to be administered as needed.

(58) "Provider" means any person operating an adult foster home (i.e., licensee, resident manager, or shift caregiver). "Provider" does not include substitute caregivers or the owner or lessor of the building in which the adult foster home is situated unless the owner or lessor is also the operator of the adult foster home.

(59) "Provisional License" means a 60-day license issued in an emergency situation when a licensed provider is no longer overseeing the operation of an adult foster home. A provisional license is issued to a qualified person who meets the standards of OAR 411-050-0625 and OAR 411-050-0630 except for completing the training and testing requirements. (See OAR 411-050-0635)

(60) "Psychoactive Medications" mean various medications used to alter mood, anxiety, behavior, or cognitive processes. For the purpose of these rules, psychoactive medications include but are not limited to antipsychotics, sedatives, hypnotics, and anti-anxiety medications.

(61) "Qualified Entity Initiator (QEI)" has the meaning set forth in OAR 407-007-0210 (Criminal Records and Abuse Checks for Providers).

(62) "Relative" means those persons identified as family members as defined in this rule.

(63) "Reside" means for a person to live in an adult foster home for a permanent or extended period of time. For the purpose of a background check, a person is considered to reside in a home if the person's visit is four weeks or greater.

(64) "Resident" means an adult who is older or an adult with a physical disability who is receiving room and board and care and services for compensation in an adult foster home on a 24-hour day basis.

(65) "Resident Manager" means an employee of the licensee, approved by the local licensing authority, who lives in the adult foster home and is directly responsible for the care of the residents.

(66) "Resident Rights" or "Rights" means civil, legal, or human rights including but not limited to those rights listed in the Adult Foster Home Residents' Bill of Rights. (See ORS 443.739 and OAR 411-050-0655)

(67) "Residential Care" means the provision of care on a 24-hour day basis.

(68) "Room and Board" means receiving compensation for the provision of meals, a place to sleep, laundry, and housekeeping to adults who are older or adults with physical disabilities and who do not need assistance with activities of daily living. Room and board facilities for two or more persons are required to register with the Department under the rules in OAR chapter 411, division 068, unless registered with the local authority having jurisdiction. Adult foster homes with room and board tenants are not subject to OAR chapter 411, division 068.

(69) "Screening" means the evaluation process used to identify an individual's ability to perform activities of daily living and address health and safety concerns.

(70) "Self-Administration of Medication" means the act of a resident placing a medication in or on his or her own body. The resident identifies the medication, the time and manner of administration, and places the medication internally or externally on his or her own body without assistance.

(71) "Self-Preservation" in relation to fire and life safety means the ability of a resident to respond to an alarm without additional cues and reach a point of safety without assistance.

(72) "Services" mean activities that help the residents develop skills to increase or maintain their level of functioning or assist the residents to perform personal care, activities of daily living, or individual social activities.

(73) "Shift Caregivers" mean caregivers who, by written variance of the local licensing authority, are responsible for providing care for regularly scheduled periods of time, such as 8 or 12 hours per day, in homes where there is no licensee or resident manager living in the home.

(74) "Subject Individual" means:

(a) Any person 16 years of age or older including:

(A) All licensed adult foster home providers and provider applicants;

(B) All persons intending to work in or currently working in an adult foster home including but not limited to direct caregivers and individuals in training;

(C) Volunteers if allowed unsupervised access to residents; and

(D) Occupants, excluding residents, residing in or on the premises of the proposed or currently licensed adult foster home including:

(i) Household members;

(ii) Room and board tenants; and

(iii) Persons visiting for four weeks or greater.

(b) "Subject Individual" does not apply to:

(A) Residents of the adult foster home or the residents' visitors;

(B) A person who lives or works on the adult foster home premises who does not:

(i) Have regular access to the home for meals;

(ii) Have regular use of the adult foster home's appliances or facilities; or

(iii) Have unsupervised access to the residents or the residents' personal property.

(C) A person providing services to the residents that is employed by a private business not regulated by the Department.

(75) "Substantial Compliance" means a level of compliance with these rules where any deficiencies pose no greater risk to resident health or safety than the potential for causing minor harm.

(76) "Substitute Caregiver" means any person other than the licensee, resident manager, or shift caregiver who provides care and services in an adult foster home under the jurisdiction of the Department.

(77) "Tenant" means any individual who is residing in an adult foster home who receives services such as meal preparation, laundry, and housekeeping.

(78) "These Rules" mean the rules in OAR chapter 411, division 050.

(79) "Variance" means an exception from a regulation or provision of these rules in accordance with OAR 411-050-0642.

(80) "Ventilator Assisted Care" means the provision of mechanical assistance to replace spontaneous breathing. Devices used include but are not limited to, mechanical ventilators, manual ventilators, and positive airway pressure ventilators.

Stat. Auth.: ORS 410.070, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, & 443.790

Stats. Implemented: ORS 443.001 to 443.004, 443.705 to 443.825, 443.875, & 443.991

Hist.: SSD 14-1985, f. 12-31-85, ef. 1-1-86; SSD 11-1988, f. 10-18-88, cert. ef. 11-1-88; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1996, f. 3-29-96, cert. ef. 4-1-96; SDDSD 4-2001, f. & cert. ef. 3-1-01; SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; SPD 22-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SPD 9-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 411-050-0400, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13

## 411-050-0605

### License Required

(1) Any facility that meets the definition of an adult foster home or limited adult foster home in OAR 411-050-0602 must first apply for and obtain a license from the local licensing authority or an exempt area county before providing care to any resident for compensation.

(2) A person or entity may not represent themselves as operating an adult foster home or accept placement of a resident without being licensed as an adult foster home.

(3) LIMITED ADULT FOSTER HOME. Any home that meets the definition of a limited adult foster home in OAR 411-050-0602 must first apply for and obtain a limited license from the local licensing authority before providing care. The license for a limited adult foster home is limited to the care of a specific resident and the licensee must make no other admissions. The resident receiving care is named on the license.

Stat. Auth.: ORS 410.070, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, & 443.790

Stats. Implemented: ORS 443.001 to 443.004, 443.705 to 443.825, 443.875, & 443.991



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Hist.: SSD 14-1985, f. 12-31-85, ef. 1-1-1986; SSD 11-1988, f. 10-18-88, cert. ef. 11-1-88; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1996, f. 3-29-96, cert. ef. 4-1-96; SSD 4-2001, f. & cert. ef. 3-1-01; SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; SPD 9-2010, f. 6-30-10, cert. ef. 7-1-10; SPD 10-2013(Temp), f. & cert. ef. 5-23-13 thru 11-19-13; Renumbered from 411-050-0405, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13

## 411-050-0610

### Initial License Application and Fees

(1) The applicant must complete the Department's application form for the specific type of license requested and submit the application form to the local licensing authority with the non-refundable fee.

(a) The application is not complete until all of the required information is submitted to the local licensing authority. Incomplete applications are void after 60 calendar days from the date the local licensing authority receives the application form and non-refundable fee and the Department shall deny the application if not withdrawn.

(b) Failure to provide accurate information may result in the denial of the application.

(2) A separate application is required for each location where an adult foster home is to be operated.

(3) The license application must include:

(a) Complete contact information for the applicant including:

(A) A mailing address if different from the proposed adult foster home; and

(B) A business address for electronic mail.

(b) Verification of attendance at a Department-approved orientation program conducted by the local licensing authority responsible for the licensing of the proposed adult foster home and successful completion of the Department's Ensuring Quality Care Course and examination. (See OAR 411-050-0625);

(c) The maximum resident capacity requested;

(d) Identification of:

(A) Any relatives needing care;

(B) The maximum number of any room and board tenants;

(C) The maximum number of day care individuals; and

(D) The names of any other occupants in the home.

(e) The classification being requested with information and supporting documentation regarding qualifications, relevant work experience, and training of staff as required by the Department. To request a Class 3 license, the license application must include:

(A) Proof of at least three years of full time experience providing direct care to adults who are older or adults with physical disabilities and who required full assistance in four or more of activities of daily living; and

(B) Current contact information from at least two licensed health care professionals who have direct knowledge of the applicant's abilities and past experience as a caregiver; or

(C) A copy of the applicant's current license as a health care professional in Oregon, if applicable.

(f) A Health History and Physician or Nurse Practitioner's Statement (form SDS 903) regarding the applicant's ability to provide care;

(g) FINANCIAL INFORMATION.

(A) A completed Financial Information Sheet (form SDS 448A).

(i) An applicant must have the financial ability and maintain sufficient liquid resources to pay the operating costs of an adult foster home for at least two months without solely relying on potential resident income.

(ii) If an applicant is applying to operate more than one home, the applicant must demonstrate the financial ability and maintain sufficient liquid resources to pay the operating costs of all the homes for at least two months without solely relying on potential resident income.

(iii) If an applicant is unable to demonstrate the financial ability and resources required by this section of this rule, the local licensing authority may require the applicant to furnish a financial guarantee such as a line of credit or guaranteed loan from a financial institution to fulfill the requirements of this rule;

(B) Documentation of all unsatisfied judgments, liens, and pending lawsuits in which a claim for money or property is made against the applicant;

(C) Documentation of all bankruptcy filings by the applicant;

(D) Documentation of all unpaid taxes due from the applicant including but not limited to, property taxes, employment taxes, and state and federal income taxes;

(E) Proof of having the amount of resources necessary to pay the claims described above in subsection (D) of this section;

(F) Copies of bank statements from the last three months demonstrating banking activity in both checking and savings accounts as applicable or demonstration of cash on hand; and

(G) A copy of a complete and current credit report for the applicant;

(h) If the home is leased or rented, a copy of the completed lease or rental agreement. The agreement must be a standard lease or rental agreement for residential use and include the following:

(A) The owner and landlord's name;

(B) Verification that the rent is a flat rate; and

(C) The signatures of the landlord and applicant and the date signed;

(i) If the applicant is purchasing or owns the home, verification of purchase or ownership;

(j) Documentation of the initiation of a background check or a copy of an approved background check for each subject individual as defined in OAR 411-050-0602;

(k) A current and accurate floor plan that indicates:

(A) The size of rooms;

(B) Which bedrooms are to be used by residents, the licensee, caregivers, for day care, and room and board tenants, as applicable;

(C) The location of all the exits on each level of the home, including emergency exits such as windows;

(D) The location of any wheelchair ramps;

(E) The location of all fire extinguishers, smoke alarms, and carbon monoxide alarms;

(F) The planned evacuation routes, initial point of safety, and final point of safety; and

(G) Any designated smoking areas in or on the adult foster home premises.

(l) If requesting a license to operate more than one home, a plan covering administrative responsibilities and staffing qualifications for each home;

(m) A \$20 per bed non-refundable fee for each non-relative resident;

(n) Three personal references for the applicant who are not family members as defined in OAR 411-050-0602. Current or potential licensees and co-workers of current or potential licensees are not eligible as personal references;

(o) If the applicant intends to use a resident manager or shift caregivers, the Department's supplemental application (form SDS 448B) completed by the resident manager applicant or shift caregiver applicants; and

(p) Written information describing the operational plan for the adult foster home including:

(A) The use of substitute caregivers and other staff;

(B) A plan of coverage for the absence of the resident manager or shift caregivers if applicable; and

(C) The name of a qualified back-up provider or approved resident manager who does not live in the home but has been oriented to the home. The applicant must also submit a signed agreement with the listed back-up provider and maintain a copy in the facility records.

(4) SHIFT CAREGIVERS. Shift caregivers may be used in lieu of a resident manager if granted a written variance by the local licensing authority. Use of shift caregivers detracts from the intent of a home-like environment but may be allowed for specific resident populations. The type of residents served must be a specialized population with intense care needs such as those with Alzheimer's Disease, AIDS, or head injuries. If shift caregivers are used, each shift caregiver must meet or exceed the experience and training qualifications for the license classification requested.

(5) After receipt of the completed application materials including the non-refundable fee, the local licensing authority must investigate the information submitted including pertinent information received from outside sources, inspect the home, and conduct a personal interview with the applicant.

(6) The Department shall deny the issuance of a license if cited violations from the home inspection are not corrected within the time frames specified by the local licensing authority.

(7) The applicant may withdraw his or her application at any time during the application process by written notification to the local licensing authority.

(8) An applicant whose license has been revoked, non-renewed, voluntarily surrendered during a revocation or non-renewal process, or whose application for licensure has been denied, shall not be granted a new license by the local licensing authority for a period of not less than one year from the date the action was final, or for a longer period if specified in the final order.

(9) All moneys collected under ORS 443.725 to 443.780 are paid to the Quality Care Fund.

Stat. Auth.: ORS 410.070, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, & 443.790

Stats. Implemented: ORS 443.001 to 443.004, 443.705 to 443.825, 443.875, & 443.991

Hist.: SSD 14-1985, f. 12-31-85, ef. 1-1-86; SSD 11-1988, f. 10-18-88, cert. ef. 11-1-88; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1996, f.

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3-29-96, cert. ef. 4-1-96; SDSD 4-2001, f. & cert. ef. 3-1-01; SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; SPD 22-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SPD 9-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 411-050-0410, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13

## 411-050-0615

### Provider Enrollment Agreements, Contracts, and Refunds

#### (1) MEDICAID PROVIDER ENROLLMENT AGREEMENT.

(a) An applicant or licensee who intends to care for residents who are or become eligible for Medicaid services must enter into a Medicaid Provider Enrollment Agreement with the Department, follow Department rules, and abide by the terms of the Agreement. The local licensing authority shall determine that the applicant, licensee, and any owner or officer of the corporation, as applicable, is not listed on the Office of Inspector General's or the U.S. General Services Administration's (System for Award Management) Exclusion Lists prior to approval of a Medicaid Provider Enrollment Agreement.

(b) An approved Medicaid Provider Enrollment Agreement does not guarantee the placement of individuals eligible for Medicaid services in the adult foster home.

(c) An approved Medicaid Provider Enrollment Agreement is valid for the length of the license unless earlier terminated by the licensee or the Department. A Medicaid Provider Enrollment Agreement must be completed, submitted, approved, and renewed with each licensing cycle.

(d) The rate of compensation established by the Department is considered payment in full. The licensee may not request or accept additional funds or in-kind payment from any source.

(e) An individual eligible for Medicaid services may not be admitted into an adult foster home unless and until:

(A) The Department has approved a Medicaid Provider Enrollment Agreement. The Department shall not issue a Medicaid payment to a licensee without a current license and an approved Medicaid Provider Enrollment Agreement in place;

(B) The individual eligible for Medicaid services has been screened according to OAR 411-050-0655; and

(C) The Department has authorized the placement. The authorization must be clearly documented in the resident's record with other required admission materials. (See OAR 411-050-0655)

(f) The Department shall not make payment for the date of a resident's move or for any time period thereafter.

(g) The licensee must enter into a written agreement with a resident who receives Medicaid services if the licensee charges for storage of belongings that remain in the adult foster home for more than 15 calendar days after the resident has left the home.

(A) The written agreement must be consistent with the licensee's policy with private-pay residents and entered into at the time of the resident's admission or at the time the resident becomes eligible for Medicaid services.

(B) The licensee must give written notice to the resident and the resident's family or other representatives 30 calendar days prior to any increases, additions, or other modifications to the charges for storage.

(h) A licensee who elects to provide care for individuals eligible for Medicaid services is not required to admit more than one resident eligible for Medicaid services. However, if the licensee has an approved Medicaid Provider Enrollment Agreement, private-pay residents who become eligible for Medicaid services may not be asked to leave solely on the basis of Medicaid eligibility.

(i) The licensee or the Department may terminate a Medicaid Provider Enrollment Agreement according to the terms of the Agreement.

(j) The Department may terminate a Medicaid Provider Enrollment Agreement under the following circumstances:

(A) The licensee fails to maintain substantial compliance with all related federal, state, and local laws, ordinances, and regulations; or

(B) The license to operate the adult foster home has been voluntarily surrendered, revoked, or non-renewed.

(k) The Department must terminate a Medicaid Provider Enrollment Agreement under the following circumstances:

(A) The licensee fails to permit access by the Department, the local licensing authority, or the Centers for Medicare and Medicaid Services to any adult foster home licensed to and operated by the licensee;

(B) The licensee submits false or inaccurate information;

(C) Any person with five percent or greater direct or indirect ownership interest in the adult foster home did not submit timely and accurate information on the Medicaid Provider Enrollment Agreement form or fails to submit fingerprints if required under the criminal records and abuse check rules in OAR 407-007-0200 to 407-007-0370;

(D) Any person with five percent or greater direct or indirect ownership interest in the adult foster home has been convicted of a criminal offense related to the person's involvement with Medicare, Medicaid, or Title XXI programs in the last 10 years; or

(E) Any person with an ownership or control interest, or who is an agent or managing employee of the adult foster home, fails to submit timely and accurate information on the Medicaid Provider Enrollment Agreement form.

(l) If the licensee submits notice of termination of the Medicaid Provider Enrollment Agreement, the licensee must:

(A) Simultaneously issue the Department's Notice of Involuntary Move or Transfer of Resident form (SDS 901) to each resident eligible for Medicaid services in the licensee's adult foster home;

(B) Simultaneously issue written notification to all residents who pay with private funds; and

(C) Immediately update the house policies.

(m) If either the licensee or the Department terminates a Medicaid Provider Enrollment Agreement, a new Medicaid Provider Enrollment Agreement shall not be approved by the local licensing authority for a period of not less than 180 days from the date the licensee or the Department terminated the Agreement.

(n) DEATH OF RESIDENT ELIGIBLE FOR MEDICAID SERVICES WITH NO SURVIVING SPOUSE. The licensee must forward all personal incidental funds (PIF) to the Estate Administration Unit, P. O. Box 14021, Salem, Oregon 97309-5024, within 10 business days of the death of a resident eligible for Medicaid services with no surviving spouse. (See Limits on Estate Claims, OAR 461-135-0835)

(2) PRIVATE CONTRACT. A licensee who cares for residents who pay with private funds or individuals receiving only day care services must enter into a written contract with the resident or person paying for the resident's care. The written contract is the admission agreement. The written contract must be signed by all parties prior to the admission of the resident. A copy of the contract is subject to review by the local licensing authority prior to licensure and prior to the implementation of any changes to the contract.

(a) The contract must include but not be limited to:

(A) Services to be provided and the rate to be charged. A payment range may not be used unless the contract plainly states when an increase in rate may be expected based on a resident's increased care or service needs;

(B) Conditions under which the rates may be changed;

(C) The home's refund policy in instances of a resident's hospitalization, death, transfer to a nursing facility or other care facility, and voluntary or involuntary move. The refund policy must be in compliance with section (3) of this rule;

(D) A statement indicating that the resident is not liable for damages considered normal wear and tear on the adult foster home and the adult foster home's contents;

(E) The home's policies on voluntary moves and whether or not the licensee requires written notification of a resident's intent to not return; and

(F) Any charges for storage of belongings that remain in the adult foster home for more than 15 calendar days after the resident has left the home.

(b) The licensee may not charge or ask for application fees or non-refundable deposits. Fees to hold a bed are permissible.

(c) The licensee must give a copy of the signed contract to the resident or the resident's representative and must retain the original signed contract and any amendments on the premises available for review.

(d) The licensee may not include any illegal or unenforceable provision in a contract with a resident and may not ask or require a resident to waive any of the resident's rights or licensee's liability for negligence.

(e) The licensee must give written notice to a private-pay resident and the resident's family or other representatives 30 calendar days prior to any general rate increases, additions, or other modifications of the rates. The licensee is not required to give 30 day written notice if the rate change is due to the resident's increased care or service needs and the agreed upon rate schedule in the resident's contract has specified charges for those changes.

#### (3) REFUNDS.

(a) If a resident dies, the licensee may not retain or require payment for more than 15 calendar days after the date of the resident's death, or the time specified in the licensee's contract, whichever is less.

(b) If a resident leaves an adult foster home for medical reasons and the resident or the resident's representative indicates the resident's intent to not return, the licensee may not retain or require payment for more than 15 calendar days after the date the licensee receives notification from the res-

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ident or the resident's representative or the time specified in the licensee's contract, whichever is less.

(c) If a resident who has paid with private funds becomes eligible for Medicaid services, the licensee must accept payment from the Department from the date of eligibility forward as payment in full. The licensee must reimburse the resident or the resident's representative within 30 calendar days after the licensee receives payment from the Department for any private payment received after the resident became eligible for Medicaid services.

(d) The licensee must act in good faith to reduce the charge to a resident who has left the home, by seeking a new resident to fill the vacancy.

(e) The licensee must refund any unused advance payment to the resident, or the resident's representative as appropriate, within 30 calendar days after the resident dies or leaves the home.

(f) If the adult foster home closes or the licensee gives written notice for the resident to leave, the licensee waives the right to collect any fees beyond the date of closure or the resident's departure, whichever is sooner.

(g) If a resident dies or leaves an adult foster home due to neglect or abuse at the adult foster home that is substantiated by a Department investigator, or due to conditions of imminent danger of life, health, or safety, the licensee may not charge the resident beyond the resident's last day in the home.

(h) The refund policies in these rules also apply to refunds for resident moves and transfers as described in OAR 411-050-0645.

Stat. Auth.: ORS 410.070, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, 443.880, & 443.790

Stats. Implemented: ORS 443.001 to 443.004, 443.705 to 443.825, 443.875, & 443.991

Hist.: SSD 14-1985, f. 12-31-85, ef. 1-1-86; SSD 11-1988, f. 10-18-88, cert. ef. 11-1-88; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1996, f. 3-29-96, cert. ef. 4-1-96; SDDS 4-2001, f. & cert. ef. 3-1-01; SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; SPD 9-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 411-050-0435, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13

## 411-050-0620

### Background Check

(1) All subject individuals must have an approved background check prior to operating, working, training in, or living in a home. Licensees must maintain approval in accordance with these rules and the criminal records and abuse check rules, OAR 407-007-0200 to 407-007-0370:

(a) Annually;

(b) Prior to a subject individual's change in position (i.e., changing from substitute caregiver to resident manager); and

(c) Prior to working in another home, regardless of whether the employer was the same or not, unless section (2) of this rule applies.

(2) PORTABILITY OF BACKGROUND CHECK APPROVAL. A subject individual, excluding licensees, may be approved to work in multiple homes within the jurisdiction of the local licensing authority only when the subject individual is working in the same employment role. The indication of worksite location must be included by a qualified entity initiator for each subject individual to show the subject individual's intent to work at various adult foster homes within the local licensing authority's jurisdiction.

(3) On or after July 28, 2009, no licensee, licensee applicant, or employee of the licensee who has been convicted of any of the disqualifying crimes listed in OAR 407-007-0275 shall be approved by the Department to provide care and services in an adult foster home. This rule does not apply to:

(a) An employee of the licensee who was hired prior to July 28, 2009 who continues employment in the same position; or

(b) Any subject individual who is an occupant of the home but is neither a licensee nor a caregiver.

(4) The licensee must have written verification from the local licensing authority that the required background checks have been completed and approved for all subject individuals. (See OAR 411-050-0645)

(5) All subject individuals must self-report to the licensee any potentially disqualifying condition as described in OAR 407-007-0280 and 407-007-0290. The licensee must notify the Department or local licensing authority of self-reported information within 24 hours.

(6) The Department must provide for the expedited completion of a background check for the state of Oregon when requested by a licensed provider because of a demonstrated immediate staffing need.

Stat. Auth.: ORS 181.537, 410.070, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, & 443.790

Stats. Implemented: ORS 181.537, 443.001 to 443.004, 443.705 to 443.825, 443.875, & 443.991

Hist.: SDDS 4-2001, f. & cert. ef. 3-1-01; SPD 31-2006, f. 12-27-06, cert. e b6f. 1-1-07; SPD 22-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SPD 1-2010(Temp), f. & cert. ef. 3-11-10 thru 6-30-10; SPD 9-2010, f. 6-30-10, cert. ef. 7-1-10; SPD 30-2010, f. 12-29-10, cert. ef. 1-1-11; Renumbered from 411-050-0412, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13

## 411-050-0625

### Qualification and Training Requirements for Applicants, Licensees, Resident Managers, and Other Caregivers

(1) APPLICANT AND LICENSEE QUALIFICATIONS. An adult foster home applicant and licensee must meet and maintain the requirements specified in this section. An adult foster home applicant and licensee must:

(a) Live in the home that is to be licensed at least five days and nights per week and function as the primary caregiver as defined in OAR 411-050-0602 unless:

(A) There is, or shall be upon licensure, an approved resident manager who lives in the home and works five consecutive days and nights per week as the primary caregiver; or

(B) There is, or shall be upon licensure, two approved primary caregivers who live in the home and work three and four consecutive days and nights per week respectively; or

(C) A variance for shift caregivers has been granted according to section (5) of this rule.

(b) Subsections (a)(A), (B), and (C) of this section are not intended to prohibit the occasional and temporary absence of the primary caregiver from the adult foster home;

(c) Be at least 21 years of age;

(d) Possess physical health, mental health, good judgment, and good personal character, including truthfulness, determined necessary by the Department to provide 24-hour care for adults who are older or adults with physical disabilities. An applicant and licensee must have a statement from a physician, nurse practitioner, or physician assistant indicating that the applicant or licensee is physically, cognitively, and emotionally capable of providing care to residents. An applicant or licensee with documented history or substantiated complaints of substance abuse or mental illness must provide evidence satisfactory to the Department of successful treatment, rehabilitation, or references regarding current condition;

(e) Have an approved background check annually in accordance with OAR 411-050-0620 and maintain that approval as required;

(f) Be literate in the English language and demonstrate the ability to comprehend and communicate in English orally and in writing with the residents and the residents' family members or representatives, emergency personnel (e.g., emergency operator, law enforcement, paramedics, and fire fighters), licensed health care professionals, case managers, Department and local licensing authority staff, and others involved in the care of the residents;

(g) Be able to respond appropriately to emergency situations at all times;

(h) Have a clear understanding of his or her responsibilities, knowledge of the residents' care plans, and the ability to provide the care specified for each resident; and

(i) Not be listed on the Office of Inspector General's or General Services Administration's Exclusion Lists.

### (2) APPLICANT AND LICENSEE TRAINING REQUIREMENTS.

(a) Applicants and licensees must have the education, experience, and training to meet the requirements of the requested classification of the home (See OAR 411-050-0630).

(b) A potential applicant or applicant must complete the following training requirements prior to obtaining a license:

(A) Attend a Department-approved orientation program conducted by the local licensing authority responsible for the licensing of the proposed adult foster home;

(B) Attend the Department's Ensuring Quality Care Course and pass the examination to meet application requirements for licensure;

(i) Potential applicants and applicants who fail the first examination may take the examination a second time, however successful completion of the examination must take place within 90 calendar days of the end of the Department's Ensuring Quality Care Course.

(ii) Potential applicants and applicants who fail a second examination must retake the Department's Ensuring Quality Care Course prior to repeating the examination.

(C) Comply with the Department's September 6, 2012 student policies for the Department's Ensuring Quality Care Course; and

(D) Have current CPR and First Aid certification.

(i) Accepted CPR and First Aid courses must be provided or endorsed by the American Heart Association, the American Red Cross, the American Safety and Health Institute, or MEDIC First Aid.

(ii) CPR or First Aid courses conducted online are only accepted by the Department when an in-person skills competency check is conducted by a qualified instructor endorsed by the American Heart Association, the

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American Red Cross, the American Safety and Health Institute, or MEDIC First Aid.

(3) **FINANCIAL REQUIREMENTS.** A licensee applicant and licensee must have the financial ability and maintain sufficient liquid resources to pay the operating costs of the adult foster home for at least two months without solely relying on potential resident income.

(a) If an applicant or licensee operates more than one home, the applicant or licensee must demonstrate the financial ability and maintain sufficient liquid resources to pay the operating costs of all the homes for at least two months without solely relying on potential resident income.

(b) If an applicant or licensee is unable to demonstrate the financial ability and resources required by this section, the local licensing authority may require the applicant or licensee to furnish a financial guarantee such as a line of credit or guaranteed loan to fulfill the requirements of this rule.

(4) **RESIDENT MANAGER REQUIREMENTS.** A resident manager must live in the home as specified in section (1)(a) of this rule and function as the primary caregiver under the licensee's supervision. A resident manager must meet and maintain the qualification and training requirements specified in sections (1)(a) through (2)(b)(D) of this rule. The local licensing authority shall verify that all the requirements of these rules have been satisfied prior to approval of a resident manager.

(5) **SHIFT CAREGIVER REQUIREMENTS.** A written variance is required for the use of shift caregivers. Shift caregivers must meet and maintain the qualification and training requirements specified in sections (1)(b) through (2)(b)(D) of this rule. The local licensing authority shall verify that all the requirements of these rules have been satisfied prior to approval of a shift caregiver. (See OAR 411-050-0610)

(6) **CAREGIVER ORIENTATION.** Prior to providing care to any resident, a resident manager and shift caregiver must be oriented to the home and to the residents by the licensee. Orientation must be clearly documented in the facility records. Orientation includes but is not limited to:

- (a) Location of any fire extinguishers;
- (b) Demonstration of evacuation procedures;
- (c) Instruction of the emergency preparedness plan;
- (d) Location of resident records;
- (e) Location of telephone numbers for the residents' physicians, licensee, and other emergency contacts;
- (f) Location of medications and key for medication cabinet;
- (g) Introduction to residents;
- (h) Instructions for caring for each resident;
- (i) Delegation by a registered nurse for nursing tasks if applicable;

and  
(j) Policies and procedures related to Advance Directives. (See OAR 411-050-0645)

(7) **EMPLOYMENT APPLICATION.** An application for employment in any capacity in an adult foster home must include a question asking whether the person applying for employment has been found to have committed abuse. Employment applications must be retained for at least three years. (See OAR 411-050-0645)

(8) **EXCLUSION VERIFICATION.** A licensee must verify that the resident manager and shift caregivers are not listed on the Office of Inspector General's (<http://oig.hhs.gov>) or General Services Administration's (<https://www.sam.gov>) Exclusion Lists prior to the resident manager or shift caregivers working or training in the home. Verification must be clearly documented in the facility records. (See also 411-050-0625(11)(h))

(9) **TRAINING WITHIN FIRST YEAR OF INITIAL LICENSING OR APPROVAL.** Within the first year of obtaining an initial license or approval, the licensee, resident manager, and shift caregivers must complete the Six Rights of Safe Medication Administration and a Fire and Life Safety training as available. The Department or local licensing authority and the Office of the State Fire Marshal or the local fire prevention authority may coordinate the Fire and Life Safety training program.

(10) **ANNUAL TRAINING REQUIREMENTS FOR LICENSEES, RESIDENT MANAGERS, AND SHIFT CAREGIVERS FOR LICENSE RENEWAL.**

(a) Each year after initial licensure, the licensee, resident manager, and shift caregivers must complete at least 12 hours of Department-approved training related to the care of adults who are older or adults with physical disabilities in an adult foster home setting. Up to four of those hours may be related to the business operation of the adult foster home.

(b) A licensee, resident manager, and shift caregivers, as applicable, must maintain CPR certification.

(c) Registered nurse delegation or consultation, CPR certification and First Aid training, Ensuring Quality Care Course (not including EQC

refresher courses), adult foster home orientation, Ventilator Assisted Care Course and skills competency checks, or consultation with an accountant do not count toward the required 12 hours of annual training.

(11) **SUBSTITUTE CAREGIVER REQUIREMENTS.** A substitute caregiver left in charge of the residents for any period of time, may not be a resident, and must at a minimum, meet the following qualifications prior to working or training in the home:

(a) Be at least 18 years of age;

(b) Have an approved background check annually in accordance with OAR 411-050-0620 and maintain that approval as required;

(c) Be literate in the English language and demonstrate the ability to comprehend and communicate in English orally and in writing with the residents and the residents' family members and representatives, emergency personnel (e.g., emergency operator, law enforcement, paramedics, and fire fighters), licensed health care professionals, case managers, Department and local licensing authority staff, and others involved in the care of the residents;

(d) Be able to respond appropriately to emergency situations at all times;

(e) Have a clear understanding of his or her responsibilities, have knowledge of the residents' care plans, and be able to provide the care specified for each resident including appropriate delegation or consultation by a registered nurse;

(f) Possess physical health, mental health, good judgment, and good personal character, including truthfulness, determined necessary by the Department to provide care for adults who are older or adults with physical disabilities, as determined by reference checks and other sources of information;

(g) Have current CPR and First Aid certification within 30 calendar days of the start of employment.

(A) Accepted CPR and First Aid courses must be provided by or endorsed by the American Heart Association, the American Red Cross, the American Safety and Health Institute, or MEDIC First Aid.

(B) CPR or First Aid courses conducted online are only accepted by the Department when an in-person skills competency check is conducted by a qualified instructor endorsed by the American Heart Association, the American Red Cross, the American Safety and Health Institute, or MEDIC First Aid.

(h) Not be listed on the Office of Inspector General's or General Services Administration's Exclusion Lists. Licensees must verify the substitute caregiver is not listed on the Office of Inspector General's ([oig.hhs.gov](http://oig.hhs.gov)) or General Services Administration's ([www.sam.gov](http://www.sam.gov)) Exclusion Lists prior to the substitute caregiver working or training in the home. Verification must be clearly documented in the facility records.

(12) **TRAINING REQUIREMENTS FOR SUBSTITUTE CAREGIVERS.**

(a) A substitute caregiver must be oriented to the home and to the residents by the licensee or resident manager prior to the provision of care to any residents. Orientation includes, but is not limited to:

(A) Location of any fire extinguishers;

(B) Demonstration of evacuation procedures;

(C) Instruction of the emergency preparedness plan;

(D) Location of resident records;

(E) Location of telephone numbers for the residents' physicians, the licensee, and other emergency contacts;

(F) Location of medications and key for medication cabinet;

(G) Introduction to residents;

(H) Instructions for caring for each resident;

(I) Delegation by a registered nurse for nursing tasks if applicable; and

(J) Education on the policies and procedures related to Advance Directives. (See OAR 411-050-0645)

(b) A substitute caregiver must complete the Department's Caregiver Preparatory Training Study Guide (DHS 9030) and Workbook (DHS 9030-W) and receive instruction in specific care responsibilities from the licensee or resident manager prior to working or training in the home. The Workbook must be completed by the substitute caregiver without the help of any others. The Workbook is considered part of the required orientation to the home and residents.

(A) The local licensing authority may grant a variance to the Caregiver Preparatory Training Study Guide and Workbook requirement for a substitute caregiver who:

(i) Holds a current Oregon license as a health care professional such as a physician, nurse practitioner, physician assistant, registered nurse, or licensed practical nurse; and

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(ii) Who demonstrates the ability to provide adequate care to residents based on similar training or at least one year of experience providing direct care to adults who are older or adults with physical disabilities.

(B) A certified nursing assistant (CNA) or certified medical assistant (CMA) must complete the Caregiver Preparatory Training Study Guide and Workbook and have a certificate of completion signed by the licensee.

(c) A substitute caregiver routinely left in charge of an adult foster home for any period that exceeds 48 continuous hours is required to meet the education, experience, and training requirements of a resident manager as specified in this rule. A licensee may not leave a substitute caregiver or concurrent substitute caregivers routinely in charge of the home for any period that exceeds 48 continuous hours within one calendar week. This requirement is not intended to prevent a qualified substitute caregiver from providing relief care in the absence of the primary caregiver, such as for a one or two week vacation. In such an event, the licensee must arrange for the qualified back-up provider to be available as needed.

(13) If a licensee has demonstrated non-compliance with one or more of these rules, the Department may require by condition additional training in the deficient area.

Stat. Auth.: ORS 410.070, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, & 443.790

Stats. Implemented: ORS 443.001 to 443.004, 443.705 to 443.825, 443.875, & 443.991  
Hist.: SSD 14-1985, f. 12-31-85, ef. 1-1-86; SSD 11-1988, f. 10-18-88, cert. ef. 11-1-88; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1995, f. & cert. ef. 3-15-95; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1996, f. 3-29-96, cert. ef. 4-1-96; SDSA 4-2001, f. & cert. ef. 3-1-01; SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; SPD 22-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SPD 9-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 411-050-0440, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13

## 411-050-0630

### Classification of Adult Foster Homes

(1) The local licensing authority shall issue a Class 1, Class 2, or Class 3 adult foster home license only if the qualifications of the applicant, resident manager, and shift caregivers, as applicable, fulfill the classification requirements of these rules.

(a) After receipt of the completed application materials, including the non-refundable fee, the local licensing authority must investigate the information submitted including any pertinent information received from outside sources.

(b) The local licensing authority shall not issue a license if unsatisfactory references or a history of substantial non-compliance of the applicant within the last 24 months is verified.

(c) The local licensing authority may issue a Class 1 license if the applicant and resident manager, as applicable, complete the training requirements outlined in OAR 411-050-0625;

(d) The local licensing authority may issue a Class 2 license if the applicant and resident manager, as applicable, complete the requirements outlined in OAR 411-050-0625. In addition, the applicant and resident manager must each have the equivalent of two years of full time experience providing direct care to adults who are older or adults with physical disabilities;

(e) The local licensing authority may issue a Class 3 license if the applicant, resident manager, and shift caregivers, as applicable, complete the training requirements outlined in OAR 411-050-0625 and have a current license as a health care professional in Oregon or possess the following qualifications:

(A) Have the equivalent of three years of full time experience providing direct care to adults who are older or adults with physical disabilities and who require full assistance in four or more activities of daily living; and

(B) Have references satisfactory to the Department. The applicant must submit current contact information from at least two licensed health care professionals who have direct knowledge of the applicant's ability and past experience as a caregiver.

(2) The Department may approve a licensee to care for residents requiring ventilator-assisted care. The licensee, resident manager, or shift caregivers, as applicable, must meet the criteria for a Class 3 home according to section (1)(e) of this rule and comply with the additional requirements for adult foster homes serving residents requiring ventilator assisted care outlined in OAR 411-050-0660.

(3) To change the classification of a licensed home, the licensee must complete a new initial application and submit the application form to the local licensing authority as outlined in OAR 411-050-0610.

(4) A licensee may only admit or continue to care for residents whose impairment levels are within the classification of the licensed home.

(a) A licensee with a Class 1 license may only admit residents who require assistance in no more than four activities of daily living.

(b) A licensee with a Class 2 license may provide care for residents who require assistance in all activities of daily living, but require full assistance in no more than three activities of daily living.

(c) A licensee with a Class 3 license may provide care for residents who require full assistance in four or more activities of daily living, but only one resident who requires bed-care or full assistance with all activities of daily living.

(5) A licensee must request, in writing, a variance from the local licensing authority if:

(a) A new resident wishes to be admitted whose impairment level exceeds the license classification;

(b) A current resident becomes more impaired, exceeding the license classification; or

(c) There is more than one resident in the home who requires full bed-care or full assistance with all activities of daily living not including cognition or behavior.

(6) The local licensing authority may grant a variance that allows the resident to be admitted or remain in the adult foster home. The local licensing authority must respond in writing within 30 calendar days after receipt of the licensee's written variance request. The licensee must prove the following criteria are met by clear and convincing evidence that:

(a) It is the choice of the resident to reside in the home;

(b) The licensee is able to provide appropriate care and service to the resident in addition to meeting the care and service needs of the other residents;

(c) Additional staff is hired to meet the additional care requirements of all residents in the home as necessary;

(d) Outside resources are available and obtained to meet the resident's care needs;

(e) The variance shall not jeopardize the care, health, safety, or welfare of the residents; and

(f) The licensee is able to demonstrate how all occupants shall be safely evacuated in three minutes or less.

Stat. Auth.: ORS 410.070, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, & 443.790

Stats. Implemented: ORS 443.001 to 443.004, 443.705 to 443.825, 443.875, & 443.991  
Hist.: SSD 14-1985, f. 12-31-85, ef. 1-1-86; SSD 11-1988, f. 10-18-88, cert. ef. 11-1-88; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1995, f. & cert. ef. 3-15-95; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1996, f. 3-29-96, cert. ef. 4-1-96; SDSA 4-2001, f. & cert. ef. 3-1-01; SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; SPD 22-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SPD 9-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 411-050-0443, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13

## 411-050-0632

### Capacity

(1) Residents must be limited to five adults who require care and are unrelated to the licensee and resident manager by blood, marriage, or adoption.

(2) The number of residents permitted to reside in an adult foster home is determined by the ability of the staff to meet the care needs of the residents, the fire and life safety standards for evacuation, and compliance with the facility standards of these rules.

(3) The licensee must demonstrate, to the local licensing authority's satisfaction, the ability to meet the needs of the residents in addition to caring for any children or relatives beyond the license capacity of the adult foster home.

(4) The local licensing authority's determination of maximum capacity must ensure:

(a) The ratio of at least one caregiver per five residents, including any day care individuals and others requiring care or supervision except as allowed under section (5) of this rule;

(b) Children over the age of five have a bedroom available that is separate from their parents;

(c) The well-being of the household, including any children or other family members, shall not be jeopardized; and

(d) The care needs of day care individuals shall be met.

(5) When a family member requires care in a home in which the licensee is the primary, live-in caregiver, a maximum capacity of five unrelated residents are allowed if the following criteria are met:

(a) The licensee must be able to demonstrate the ability to evacuate all occupants from the adult foster home within three minutes or less (See OAR 411-050-0650);

(b) The licensee must have sufficient, qualified staff and demonstrate the ability to provide appropriate care for all residents (See OAR 411-050-0645);

(c) There must be an additional 40 square feet of common living space for each person above the five residents (See OAR 411-050-0650);

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(d) Bathrooms and bedrooms must meet the requirements of OAR 411-050-0650;

(e) The care needs of day care individuals must be within the classification of the license and any conditions imposed on the license; and

(f) The well-being of the household, including any children or other family members, shall not be jeopardized.

(6) If day care individuals are in the home, the licensee must have arrangements for the day care individuals to sleep in areas other than a resident's bed, a resident's private room, or space designated as common use, in accordance with OAR 411-050-0650.

(7) If room and board tenants are in the home, each tenant must have:

(a) An approved annual background check in accordance with OAR 407-070-0200 to 407-007-0370 (Criminal Records and Abuse Check Rules);

(b) A tenancy agreement as defined in OAR 411-068-0040 (Room and Board Facilities); and

(c) A copy of the current house policies signed and dated by the tenant.

(8) To change the capacity of a licensed home, the licensee must complete a new initial application and submit the application to the local licensing authority according to OAR 411-050-0610.

Stat. Auth.: ORS 410.070, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, & 443.790

Stats. Implemented: ORS 443.001 to 443.004, 443.705 to 443.825, 443.875, & 443.991  
Hist. SSD 11-1988, f. 10-18-88, cert. ef. 11-1-88; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1996, f. 3-29-96, cert. ef. 4-1-96; DSDS 4-2001, f. & cert. ef. 3-1-01; SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; SPD 9-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 411-050-0408, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13

## 411-050-0635

### Issuance

(1) The local licensing authority must issue a license within 60 calendar days after the completed application materials have been received if the home and applicant are in compliance with these rules.

(a) The license specifies the type of license and includes:

(A) The name of the licensee and the name of the resident manager or shift caregivers as applicable, who have met the requirements to operate the adult foster home;

(B) The address of the premises to which the license applies;

(C) The license classification and level if applicable;

(D) The maximum number of residents; and

(E) The expiration date.

(b) The license must be posted in a prominent place in the home and be available for inspection at all times. (See OAR 411-050-0645)

(2) The licensee must be given a copy of the Department's inspection report form as follows:

(a) INITIAL LICENSE. Form SDS 516 identifying any areas of non-compliance and a time frame for correction.

(b) RENEWAL LICENSE. Form SDS 517A and, if applicable, form SDS 517B citing any violations. The SDS 517B must specify a time frame for correction of each violation. The time frame for correction may not exceed 30 calendar days from the date of inspection.

(3) The licensee must post the most recent inspection reports in the entry of the home or an equally prominent place and must, upon request, provide a copy of the reports to each resident, person applying for admission to the home, or the legal representative, guardian, or conservator of a resident.

(4) The Department may attach conditions to the license that limit, restrict, or specify other criteria for operation of the home. The conditions must be visibly posted with the license (See OAR 411-050-0686).

(5) The local licensing authority shall not issue an initial license unless:

(a) The applicant and adult foster home are in compliance with ORS 443.705 to 443.825 and these rules;

(b) The applicant currently operates, or has operated, any other facility licensed by the applicant in substantial compliance with ORS 443.705 to 443.825;

(c) The local licensing authority has completed an inspection of the adult foster home that demonstrates the home is in compliance with these rules;

(d) The Department has completed a background check in accordance with OAR 411-050-0620;

(e) The local licensing authority has reviewed the record of sanctions available from the local licensing authority's files;

(f) The local licensing authority has determined that the nursing assistant registry maintained under 42 CFR 483.156 contains no finding that the

applicant or any nursing assistant employed by the applicant has been responsible for abuse;

(g) The local licensing authority has verified the applicant is not listed on the Office of Inspector General's and General Services Administration's Exclusion Lists; and

(h) The applicant has demonstrated to the local licensing authority the financial ability and resources necessary to operate an adult foster home.

(6) A license is valid for one year unless revoked or suspended by the Department.

(7) In seeking an initial license, the burden of proof to establish compliance with ORS 443.705 to 443.825 and these rules is upon the applicant of the adult foster home.

(8) The local licensing authority shall not issue a license to operate an additional adult foster home to a licensee who has failed to achieve and maintain substantial compliance with the rules and regulations while operating his or her existing home or homes.

(9) PROVISIONAL LICENSE. Notwithstanding any other provision of this rule or ORS 443.725 or 443.738, the local licensing authority may issue a 60-day provisional license to a qualified person.

(a) A provisional license may be issued if the local licensing authority determines:

(A) An emergency situation exists after receiving notification that a licensed provider is no longer overseeing the operation of an adult foster home; or

(B) A new applicant has submitted an application and bed fee for a license to operate a currently licensed home and the applicant has demonstrated a good faith effort to submit a timely and complete application; and

(C) The application process cannot be completed prior to the expiration date of the current license; and

(D) It is in the best interests of the residents currently residing in the home.

(b) A person is considered qualified for a provisional license if he or she:

(A) Is at least 21 years of age;

(B) Has the necessary experience working with adults who are older or adults with physical disabilities to potentially qualify for the license classification of the home;

(C) Fully understands and has the ability to meet the residents' care needs; and

(D) Meets the requirements of a substitute caregiver as described in OAR 411-050-0625.

(c) A provisional license may be extended one time for a period of 30 calendar days if an applicant has demonstrated a good faith effort to complete the application process and obtain the required qualifications and trainings.

Stat. Auth.: ORS 410.070, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, & 443.790

Stats. Implemented: ORS 443.001 to 443.004, 443.705 to 443.825, 443.875, & 443.991  
Hist.: SSD 14-1985, f. 12-31-85, ef. 1-1-86; SSD 11-1988, f. 10-18-88, cert. ef. 11-1-88; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1996, f. 3-29-96, cert. ef. 4-1-96; DSDS 4-2001, f. & cert. ef. 3-1-01; SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; SPD 22-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SPD 9-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 411-050-0415, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13

## 411-050-0640

### Renewal Application and Fees

(1) At least 60 calendar days prior to the expiration of a license, the local licensing authority must send a reminder notice and renewal application to the licensed provider. The local licensing authority must investigate any information in the renewal application and conduct an unannounced inspection of the adult foster home prior to the license renewal.

(2) A separate application is required for each location where an adult foster home is to be operated.

(3) RENEWAL APPLICATION REQUIREMENTS. To renew an adult foster home license, the licensee must complete the Department's Renewal Application form (SDS 448C) and submit the form to the local licensing authority with the non-refundable fee prior to the expiration date of the current license. Timely submission of the renewal application and non-refundable fee shall keep the license in effect until the local licensing authority or the Department takes action.

(a) The renewal application is not complete until all of the required application information is submitted to the local licensing authority.

(b) A renewal application remaining incomplete at the time of license expiration or failure to provide accurate information on the renewal application shall result in the denial of the application.

(4) The license renewal application must include:

(a) Complete contact information for the licensee including:

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- (A) A mailing address if different from the adult foster home; and
- (B) A business address for electronic mail, if applicable.
- (b) The maximum resident capacity;
- (c) Identification of:
  - (A) Any relatives needing care;
  - (B) The maximum number of any room and board tenants;
  - (C) The maximum number of day care individuals; and
  - (D) The names of any other occupants in the home.
- (d) A Health History and Physician or Nurse Practitioners' Statement (form SDS 0903). The Health History and Physician or Nurse Practitioners' Statement must be updated every third year or sooner if there is reasonable cause for health concerns;
- (e) FINANCIAL INFORMATION.
  - (A) A current completed Financial Information Worksheet (form SDS 0448A) demonstrating the financial ability to maintain sufficient liquid resources to pay the operating costs for each home currently operated by the licensee for at least two months without solely relying on resident income;
  - (B) Documentation of all unsatisfied judgments, liens, and pending lawsuits in which a claim for money or property is made against the applicant;
  - (C) Documentation of all bankruptcy filings;
  - (D) Documentation of all unpaid taxes due from the applicant including but not limited to property taxes, employment taxes, and state and federal income taxes;
  - (E) Proof of possessing the amount of resources necessary to pay the claims described above in subsection (D) of this section;
  - (F) Copies of bank statements from the last three months demonstrating banking activity in both checking and savings accounts as applicable or demonstration of cash on hand; and
  - (G) A new copy of a complete and current credit report must be submitted every third year or sooner if there is reasonable cause to believe the licensee has failed to maintain adequate liquid resources including, but not limited to, foreclosure, bankruptcy, or failure to pay utility bills;
  - (f) If the home is leased or rented, a copy of the current signed and dated lease or rental agreement. The agreement must be a standard lease or rental agreement for residential use and include the following:
    - (A) The owner and landlord's name;
    - (B) Verification that the rent is a flat rate; and
    - (C) Signatures and date signed by the landlord and applicant, as applicable;
  - (g) Documentation of a current approved background check for each subject individual as defined in OAR 411-050-0602;
  - (h) Identification of any structural changes to the home that have occurred since the last approved application was submitted to the local licensing authority. If there has been a structural change to the home, the licensee must submit copies of all required permits and a current and accurate floor plan that indicates:
    - (A) The size of rooms;
    - (B) Which bedrooms are to be used by residents, the licensee, caregivers, for day care, and room and board tenants, as applicable;
    - (C) The location of all the exits on each level of the home, including emergency exits such as windows;
    - (D) The location of any wheelchair ramps;
    - (E) The location of all fire extinguishers, smoke alarms, and carbon monoxide alarms;
    - (F) The planned evacuation routes, initial point of safety, and final point of safety; and
    - (G) Any designated smoking areas in or on the adult foster home's premises.
      - (i) A \$20 per bed non-refundable fee for each non-relative resident;
      - (j) If the licensee intends to use a resident manager or shift caregivers, the Department's supplemental application (form SDS 448B) completed by the resident manager applicant or shift caregiver applicants as applicable;
      - (k) Written information describing the operational plan for the adult foster home including:
        - (A) The use of substitute caregivers and other staff;
        - (B) A plan of coverage for the absence of the resident manager or the shift caregivers, if applicable; and
        - (C) The name of a qualified back-up licensee or approved resident manager who does not live in the home but has been oriented to the home. The licensee must submit a signed agreement with the listed back-up provider or approved resident manager annually and maintain a copy in the facility records.

(l) Proof of required continuing education credits as specified in OAR 411-050-0625.

(5) LATE RENEWAL REQUIREMENTS (UNLICENSED ADULT FOSTER HOME). The home shall be treated as an unlicensed facility, subject to civil penalties, if the required renewal information and fee are not submitted to the local licensing authority prior to the expiration date and residents remain in the home. (See OAR 411-050-0685)

(6) The local licensing authority shall provide the licensee a copy of the Department's inspection report, (form SDS 517A and, if applicable, form SDS 517B) citing any violations and specifying a time frame for correction. The time frame for correction of violations may not exceed 30 calendar days from the date of inspection.

(7) The Department shall deny a renewal application if cited violations are not corrected within the time frame specified by the local licensing authority.

(8) The local licensing authority shall not renew a license unless the following requirements are met:

(a) The applicant and the adult foster home are in compliance with ORS 443.705 to 443.825 and these rules, including any applicable conditions and other final orders of the Department;

(b) The local licensing authority has completed an inspection of the adult foster home;

(c) The Department has completed a background check in accordance with OAR 411-050-0620;

(d) The local licensing authority has reviewed the record of sanctions available from the local licensing authority's files;

(e) The local licensing authority has determined that the nursing assistant registry maintained under 42 CFR 483.156 contains no finding that the licensee or any nursing assistant employed by the licensee has been responsible for abuse; and

(f) The local licensing authority has determined the licensee is not listed on the Office of Inspector General's and General Services Administration's Exclusion Lists.

(9) In seeking the renewal of a license when an adult foster home has been licensed for less than 24 months, the burden of proof to establish compliance with ORS 443.705 to 443.825 and these rules is upon the licensee.

(10) In seeking the renewal of a license when an adult foster home has been licensed for 24 or more continuous months, the burden of proof to establish noncompliance with ORS 443.705 to 443.825 and these rules is upon the Department.

Stat. Auth.: ORS 410.070, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, & 443.790

Stats. Implemented: ORS 443.001 to 443.004, 443.705 to 443.825, 443.875, & 443.991

Hist.: SSD 14-1985, f. 12-31-85, ef. 1-1-86; SSD 11-1988, f. 10-18-88, cert. ef. 11-1-88; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1996, f. 3-29-96, cert. ef. 4-1-96; DSDS 4-2001, f. & cert. ef. 3-1-01; SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; SPD 9-2007, f. 6-27-07, cert. ef. 7-1-07; SPD 22-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SPD 9-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 411-050-0420, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13

## 411-050-0642

### Variations

(1) An applicant or licensee may request a variance to the provisions of these rules. The variance request must be in writing and must include clear and convincing evidence that:

(a) The requested variance does not jeopardize the care, health, welfare, or safety of the residents and all of the residents' needs shall be met; and

(b) All residents, in addition to other occupants in the home, may be evacuated in three minutes or less.

(2) VARIANCES NOT ALLOWED. Notwithstanding section (1) of this rule, no variance shall be granted by the local licensing authority from a regulation or provision of these rules pertaining to:

(a) Resident capacity as described in OAR 411-050-0632;

(b) Minimum age of licensee, resident manager, shift caregivers, and substitute caregivers as described in OAR 411-050-0625;

(c) The training requirements of a licensee, resident manager, shift caregiver, and substitute caregiver except as allowed for provisional licenses as described in OAR 411-050-0635 or when a substitute caregiver holds an Oregon health care professional license as described in OAR 411-050-0625;

(d) Standards and practices for care and services as described in OAR 411-050-0655);

(e) Inspections of the facility as described in OAR 411-050-0670; or

(f) Background checks as described in OAR 411-050-0620.

(3) The local licensing authority shall not grant a variance request to any rule that is inconsistent with Oregon Revised Statutes.

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(4) The local licensing authority shall not grant a variance request related to fire and life safety without prior consultation with the Department.

(5) In making a determination to grant a variance, the local licensing authority must consider the licensee's history of compliance with rules governing adult foster homes or other long-term care facilities for adults who are older or adults with physical disabilities in Oregon and any other jurisdiction, if appropriate. The local licensing authority must determine that the variance is consistent with the intent and purpose of these rules prior to granting the variance. (See OAR 411-050-0600) The local licensing authority must respond in writing within 30 days of receiving a request for a variance. The written response must include the frequency of renewal.

(6) A variance is not effective until granted in writing by the local licensing authority. Variances are reviewed pursuant to these rules. If applicable, the licensee must re-apply for a variance at the time of license renewal or more often if determined necessary by the local licensing authority.

(7) In seeking a variance, the burden of proof that the requirements of these rules have been met is upon the applicant or licensee.

(8) If a variance to any provision of these rules is denied, the applicant or licensee may request a meeting with the local licensing authority.

Stat. Auth.: ORS 410.070, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, & 443.790

Stats. Implemented: ORS 443.001 to 443.004, 443.705 to 443.825, 443.875, & 443.991

Hist.: SSD 14-1985, f. 12-31-85, ef. 1-1-86; SSD 11-1988, f. 10-18-88, cert. ef. 11-1-88; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1996, f. 3-29-96, cert. ef. 4-1-96; SDDS 4-2001, f. & cert. ef. 3-1-01; SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; SPD 9-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 411-050-0442, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13

## 411-050-0645

### Operational Standards

#### (1) GENERAL PRACTICES.

(a) A licensee must own, rent, or lease the home to be licensed, however the local licensing authority may grant a variance to churches, hospitals, non-profit associations, or similar organizations. If a licensee rents or leases the premises where the adult foster home is located, the licensee may not enter into a contract that requires anything other than a flat rate for the lease or rental. A licensed provider of a building in which an adult foster home is located may not allow the owner, landlord, or lessor to interfere with the admission, transfer, or voluntary or involuntary move of any resident in the adult foster home unless the owner, landlord, or lessor is named on the license.

(b) Each adult foster home must meet:

(A) All applicable local business license, zoning, building, and housing codes;

(B) The Fair Housing Act; and

(C) State and local fire and safety regulations for a single-family residence.

(c) ZONING. Adult foster homes are subject to applicable sections of ORS 197.660 to 197.670.

(d) COOPERATION AND ACCESS. The licensee must cooperate with Department, Centers for Medicare and Medicaid Services (CMS), and local licensing and investigative personnel in inspections, complaint investigations, planning for resident care, application procedures, and other necessary activities.

(A) Department, CMS, local licensing, and investigative personnel must be provided access to all resident and facility records and may conduct private interviews with residents.

(B) The State Long-Term Care Ombudsman must be provided access to all resident and facility records. Deputy Ombudsman and Certified Ombudsman Volunteers must be provided access to facility records and, with written permission from the resident or the resident's legal representative, may have access to resident records. (See OAR 114-005-0030)

(e) CONFIDENTIALITY. Information related to residents must be kept confidential, except as may be necessary in the planning or provision of care or medical treatment, or related to an inspection, investigation, or sanction action under these rules.

(f) TRANSPORTATION. A licensee must arrange for or provide appropriate transportation for residents when needed.

(g) STAFFING STANDARDS. The licensee must have qualified caregivers, including awake caregivers as necessary, sufficient in number to meet the 24-hour needs of each resident in addition to caring for any children or relatives beyond the license capacity of the adult foster home.

(A) A licensee may not employ a resident manager or shift caregiver who does not meet or exceed the qualifications, training, and classification standards for the adult foster home as described in OAR 411-050-0625 and 411-050-0630; and

(B) A licensee may not employ or allow any caregiver to train or work in the home who is on the Office of Inspector General's or General Services Administration's Exclusion Lists.

(h) ABSENCE OF A PRIMARY CAREGIVER. If a primary caregiver is absent from the home for 10 days or more, the licensee must notify the local licensing authority in writing at least seven days prior to the primary caregiver's absence or immediately upon knowing. Notification must state the reason for and anticipated length of the absence. The licensee must also submit a staffing plan to the local licensing authority, signed by the backup provider, demonstrating coverage that meets the needs of the residents during the primary caregiver's absence.

(i) CHANGE OF PRIMARY CAREGIVER. If a primary caregiver changes during the period the license covers, the licensee must notify the local licensing authority within 24 hours and identify who is providing care.

(A) If a licensee assumes the role as the primary caregiver or shift caregiver when there has been a change in staff, the licensee must submit an updated plan of 24-hour coverage to the local licensing authority within seven days.

(B) If a resident manager or shift caregiver changes, the licensee must submit a request for a change of resident manager or shift caregiver as applicable, to the local licensing authority along with:

(i) The Department's supplemental application form (SDS 448B) completed by the resident manager applicant or shift caregiver applicant;

(ii) A completed Health History and Physician or Nurse Practitioner's Statement (form SDS 903) for the new applicant;

(iii) Documentation of the initiation of or a copy of an approved background check; and

(iv) A \$10 non-refundable fee.

(C) The local licensing authority shall issue a revised license when there is a change in a primary caregiver who is identified on the license.

(j) UNEXPECTED AND URGENT STAFFING NEED. If the local licensing authority determines an unexpected and urgent staffing need exists, the local licensing authority may authorize a person who has not completed the Department's current Ensuring Quality Care Course and passed the current examination to act as a resident manager or shift caregiver until training and testing are completed, or for 60 calendar days, whichever period is shorter. The licensee must notify the local licensing authority of the unexpected and urgent staffing need in writing and satisfactorily demonstrate:

(A) The licensee's inability to live in the home and act as the primary caregiver;

(B) The licensee's inability to find a qualified resident manager or shift caregiver as applicable; and

(C) The proposed staff person is 21 years of age and meets the requirements of a substitute caregiver for the adult foster home as described in OAR 411-050-0625 and 411-050-0630.

(k) RESPONSIBILITY. A licensee is responsible for the supervision, training, and overall conduct of resident managers, other caregivers, family members, and friends when acting within the scope of their employment, duties, or when present in the home.

(l) SEXUAL RELATIONS. Sexual relations between residents and any employee of the adult foster home, licensee, or any member of the licensee's household or family is prohibited unless a pre-existing relationship existed.

(m) COMMUNICATION.

(A) Applicants for an initial license must obtain and provide to the local licensing authority a current, active business address for electronic mail prior to obtaining a license.

(B) A licensee must notify the local licensing authority within 24 hours upon a change in the home's business address for electronic mail;

(C) A licensee must notify the local licensing authority, the residents and the resident's family members, legal representatives, and case managers, as applicable, of any change in the telephone number for the licensee or the adult foster home within 24 hours of the change.

(D) A licensee must notify the local licensing authority in writing prior to any change of the licensee's residence or mailing address.

(2) SALE OR LEASE OF EXISTING ADULT FOSTER HOMES AND TRANSFER OF LICENSES.

(a) A license is not transferable and does not apply to any location or person other than the location and the person indicated on the license obtained from the local licensing authority.

(b) The licensee must inform real estate agents, prospective buyers, lessees, and transferees in all written communication including advertising and disclosure statements that the license to operate the adult foster home



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is not transferable and the licensee must refer them to the local licensing authority for information about licensing.

(c) When a home is to be sold or otherwise transferred or conveyed to another person who intends to operate the home as an adult foster home, that person must apply for and obtain a license from the local licensing authority prior to the transfer of operation of the home.

(d) The licensee must promptly notify the local licensing authority in writing about the licensee's intent to close or intent to convey the adult foster home to another person. The licensee must provide written notice to the residents and the residents' representatives and case managers as applicable, according to section (13)(a) of this rule.

(e) The licensee must inform a person intending to assume operation of an existing adult foster home that the residents currently residing in the home must be given at least 30 calendar days' written notice of the licensee's intent to close the adult foster home for the purpose of conveying the home to another person.

(f) The licensee must remain licensed and responsible for the operation of the home and care of the residents in accordance with these rules until the home is closed and the residents have been relocated, or the home is conveyed to a new licensee who is licensed by the local licensing authority at a level appropriate to the care needs of the residents in the home.

### (3) FORECLOSURE.

(a) A licensee must provide written notification to the local licensing authority within 10 calendar days after receipt of any notice of default, or any notice of potential default, with respect to a real estate contract, trust deed, mortgage, or other security interest affecting any property occupied or used by the licensee.

(b) The licensee must provide a copy of the notice of default or warning of potential default to the local licensing authority.

(c) The licensee must provide written updates to the local licensing authority at least every 30 days until the default or warning of potential default has been resolved and no additional defaults or potential defaults have been declared and no additional warnings have been issued. Written updates must include:

(A) The current status on what action has been or is about to be taken by the licensee with respect to the notice received;

(B) The action demanded or threatened by the holder of the security interest; and

(C) Any other information reasonably requested by the local licensing authority.

(d) The licensee must provide written notification within 24 hours to the local licensing authority upon final resolution of the matters leading up to or encompassed by the notice of default or the notice warning of potential default.

(e) If the subject default property is licensed as an adult foster home, the licensee must provide written notification of the following within 24 hours to the local licensing authority, and all the residents and the residents' representatives, if applicable, regarding:

(A) The filing of any litigation regarding such security interest, including the filing of a bankruptcy petition by or against the licensee or an entity owning any property occupied or used by the licensee;

(B) The entry of any judgment with respect to such litigation;

(C) The passing of the date 40 days prior to any sale scheduled pursuant to the exercise of legal rights under a security interest, or a settlement or compromise related thereto, of the licensee's property or property occupied or used by the licensee; and

(D) The sale, pursuant to the exercise of legal rights under a security interest, or a settlement or compromise related thereto, of the licensee's property or property occupied or used by the licensee.

### (4) MEALS.

(a) Three nutritious meals must be served daily at times consistent with those in the community. Each meal must include food from the basic food groups according to the United States Department of Agriculture (USDA's) My Plate and include fresh fruit and vegetables when in season.

(b) Meals must reflect consideration of a resident's preferences and cultural and ethnic background. This does not mean that the licensee must prepare multiple, unique meals for the residents at the same time.

(c) There must be no more than a 14-hour span between the evening and morning meals. (Snacks do not substitute for a meal determining the 14-hour span.) Nutritious snacks and liquids must be offered to fulfill each resident's nutritional requirements.

(d) Food may not be used as an inducement to control the behavior of a resident.

(e) Home-canned foods must be processed according to the guidelines of the Oregon State University Extension Service. Freezing is the most acceptable method of food preservation. Milk must be pasteurized.

(f) Special consideration must be given to a resident with chewing difficulties and other eating limitations. Special diets must be followed as prescribed in writing by the resident's physician, nurse practitioner, or physician assistant.

(g) Adequate storage must be available to maintain food at a proper temperature, including a properly working refrigerator. Storage areas and food preparation areas must be free from food that is spoiled or expired.

(h) The household utensils, dishes, glassware, and household food may not be stored in bedrooms, bathrooms, or living areas.

(i) Meals must be prepared and served in the home where the residents live. Payment for meals eaten away from the home for the convenience of the licensee (e.g., restaurants, senior meal sites) is the responsibility of the licensee. Meals and snacks, as part of an individual recreational outing by choice, are the responsibility of the resident.

(j) Utensils, dishes, and glassware must be washed in hot soapy water, rinsed, and stored to prevent contamination. A dishwasher with a sani-cycle is recommended.

(k) Food preparation areas and equipment, including utensils and appliances, must be clean, free of offensive odors, and in good repair.

### (5) TELEPHONE.

(a) The home must have a working landline and corded telephone with a listed number that is separate from any other number the home has, such as but not limited to internet or fax lines, unless the system includes features that notify the caregiver of an incoming call, or automatically switches to the appropriate mode. If a licensee has a caller identification service on the home number, the blocking feature must be disabled to allow incoming calls to be received unhindered. A licensee may have only one phone line as long as the phone line complies with the requirements of these rules. Voice over internet protocol (VoIP), voice over broadband (VoBB), or cellular telephone service may not be used in place of a landline.

(b) The licensee must make a telephone that is in good working order available and accessible for the residents use with reasonable accommodation for privacy during telephone conversations. A resident with a hearing impairment, to the extent the resident may not hear a normal telephone conversation, must be provided with a telephone that is amplified with a volume control or a telephone that is hearing aid compatible.

(c) Restrictions on the use of the telephone by the residents must be specified in the written house policies and may not violate the residents' rights. Individual restrictions must be well documented in the resident's care plan.

### (6) FACILITY RECORDS.

(a) Facility records must be kept current, maintained in the adult foster home, and made available for review upon request. Facility records include but are not limited to:

(A) Proof that the licensee and all subject individuals have a background check approved by the Department as required by OAR 411-050-0620;

(B) Proof that the licensee and all other caregivers have met and maintained the minimum qualifications as required by OAR 411-050-0625 including:

(i) Proof of required continuing education according to OAR 411-050-0625. Documentation must include the date of each training, subject matter, name of agency or organization providing the training, and number of Department-approved classroom hours;

(ii) Completed certificates to document the substitute caregivers' completion of the Department's Caregiver Preparatory Training Study Guide and Workbook as required in OAR 411-050-0625 and the resident manager's and shift caregivers' completion and passing of the Department's Ensuring Quality Care Course and examination as required in OAR 411-050-0625;

(iii) Documentation of orientation to the adult foster home for all resident managers, shift caregivers, and substitute caregivers as required by OAR 411-050-0625;

(iv) Employment applications and the names, addresses, and telephone numbers of all caregivers employed or used by the licensee; and

(v) Verification that the resident manager, shift caregivers, and substitute caregivers are not listed on the Office of Inspector General's or General Services Administration's Exclusion Lists as required by OAR 411-050-0625.

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(C) Copies of notices sent to the local licensing authority pertaining to changes in the resident manager, shift caregiver, or other primary caregiver;

(D) Proof of required vaccinations for animals on the premises;

(E) Well water tests, if required, according to OAR 411-050-0650. Test records must be retained for a minimum of three years;

(F) Agreements and specialized contracts with the Department, copies of the adult foster home's private-pay contracts, any contracts with residents eligible for Medicaid services such as an agreement pertaining to storage fees after leaving the home, and any other contracts such as contracts with room and board tenants or individuals receiving day care services; and

(G) Records of evacuation drills according to OAR 411-050-0650, including the date, time of day, evacuation route, length of time for evacuation of all occupants, names of all residents and occupants, and which residents and occupants required assistance. The records must be kept at least three years.

(b) **REQUIRED POSTED ITEMS.** The following items must be posted in one location in the entryway or other equally prominent place in the home where residents, visitors, and others may easily read them:

(A) The adult foster home license;

(B) Conditions attached to the license, if any;

(C) A copy of a current floor plan meeting the requirements of OAR 411-050-0650;

(D) The Residents' Bill of Rights;

(E) The home's current house policies that have been reviewed and approved by the local licensing authority;

(F) The Department's procedure for making complaints;

(G) The Long-Term Care Ombudsman poster;

(H) The Department's inspection forms (form SDS 517A and if applicable, form SDS 517B) including how corrections were made since the last annual inspection; and

(I) The Department's notice pertaining to the use of any intercoms, monitoring devices, and video cameras that may be used in the adult foster home. (c) **POST BY PHONE.** Emergency telephone numbers including the contact number for at least one licensed provider or approved resident manager who has agreed to respond in person in the event of an emergency and an emergency contact number for the licensee must be readily visible and posted by a central telephone in the adult foster home.

(7) **RESIDENT RECORDS.**

(a) An individual resident record must be developed, kept current, and readily accessible on the premises of the home for each individual admitted to the adult foster home. The record must be legible and kept in an organized manner so as to be utilized by staff. The record must contain the following information:

(A) A complete initial screening assessment and general information form (SDS 902) as described in OAR 411-050-0655;

(B) Documentation on form SDS 913 that the licensee has informed private-pay residents of the availability of a long-term care assessment;

(C) Documentation that the licensee has informed all residents of the right to formulate an Advance Directive;

(D) **FINANCIAL INFORMATION:**

(i) Detailed records and receipts if the licensee manages or handles a resident's money. The Resident Account Record (form SDS 713) or other expenditure forms may be used if the licensee manages or handles a resident's money. The record must show amounts and sources of funds received and issued to, or on behalf of, the resident and be initialed by the person making the entry. Receipts must document all deposits and purchases of \$5 or more made on behalf of a resident.

(ii) Contracts signed by residents or the residents' representatives may be kept in a separate file but must be made available for inspection by the local licensing authority.

(E) Medical and legal information including but not limited to:

(i) Medical history, if available;

(ii) Current prescribing practitioner orders;

(iii) Nursing instructions, delegations, and assessments as applicable;

(iv) Completed medication administration records retained for at least the last six months or from the date of admission, whichever is less. (Older records may be stored separately); and

(v) Copies of Guardianship, Conservatorship, Advance Directive for Health Care, Health Care Power of Attorney, and Physician's Order for Life Sustaining Treatment (POLST) documents, as applicable.

(F) A complete, accurate, and current care plan;

(G) A copy of the current house policies and the current Residents' Bill of Rights, signed and dated by the resident or the resident's representative;

(H) **SIGNIFICANT EVENTS.** A written report (using form SDS 344 or its equivalent) of all significant incidents relating to the health or safety of the resident including how and when the incident occurred, who was involved, what action was taken by the licensee and staff, as applicable, and the outcome to the resident;

(I) **NARRATIVE OF RESIDENT'S PROGRESS.** Narrative entries describing each resident's progress must be documented at least weekly and maintained in each resident's individual record. All entries must be signed and dated by the person writing them; and

(J) Non-confidential information or correspondence pertaining to the care needs of the resident.

(b) **ACCESS TO RESIDENT RECORDS.**

(A) Resident records must be readily available at the adult foster home to residents, the residents' authorized representatives or other legally authorized persons, all caregivers working in the home, and the Department, the local licensing authority, the investigative authority, case managers, and the Centers for Medicare and Medicaid Services (CMS) for the purpose of conducting inspections or investigations.

(B) The State Long-Term Care Ombudsman must be provided access to all resident and facility records. A Deputy Ombudsman and Certified Ombudsman Volunteers must be provided access to facility records relevant to caregiving and resident records with written permission from the resident or the resident's legal representative. (See OAR 114-005-0030)

(c) **RECORD RETENTION.** Records, including any financial records for residents, must be kept for a period of three years from the date the resident left the home.

(d) **CONFIDENTIALITY.** In all other matters pertaining to confidential records and release of information, licensees must be guided by the principles and definitions described in OAR chapter 411, division 005 (Privacy of Protected Information).

(8) **HOUSE POLICIES.** House policies must be in writing and a copy given to the resident and the resident's family or representative at the time of admission and at the time the screening and assessment is conducted. A signed copy of the house policies must be obtained at the time of admission and placed in the resident's record. House policies must be consistent with the practices of the licensee, staff, occupants, and visitors of the home. House policies established by the licensee must:

(a) Include any restrictions the adult foster home may have on the use of alcohol, tobacco, pets, visiting hours, dietary restrictions, or religious preferences;

(b) Indicate the home's policy regarding the presence and use of legal marijuana on the premises;

(c) Include a schedule of meal times;

(d) Include the home's policy regarding refunds for residents eligible for Medicaid services including pro-rating partial months and if the room and board is refundable;

(e) Include a clear and precise statement of any limitation to the implementation of Advance Directives on the basis of conscience. This rule does not apply to medical professional or hospice orders for administration of medications. The statement must include:

(A) A description of conscientious objections as they apply to all occupants of the adult foster home;

(B) The legal authority permitting such objections under ORS 127.505 to 127.660; and

(C) Description of the range of medical conditions or procedures affected by the conscientious objection. (See OAR 411-050-0655)

(f) Not be in conflict with the Residents' Bill of Rights, the family atmosphere of the home, or any of these rules;

(g) Be reviewed and approved by the local licensing authority prior to the issuance of a license and prior to implementing any changes; and

(h) Be posted with the required posted items, in a location where they are easily seen and read by residents and visitors as described in section (7) of this rule.

(9) **RESIDENT MOVES AND TRANSFERS.** The Department encourages licensees to support a resident's choice to remain in his or her living environment while recognizing that some residents may no longer be appropriate for the adult foster care setting due to safety and medical limitations.

(a) If a resident moves out of an adult foster home for any reason, the licensee must submit copies of pertinent information from the resident's record to the resident's new place of residence at the time of move. Pertinent information must include at a minimum:

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(A) Copies of current prescribing medical practitioner's orders for medications, current medication sheets, and an updated care plan; and

(B) Documentation of actions taken by the adult foster home staff, resident, or the resident's representative pertaining to the move or transfer.

(b) A licensee must immediately document voluntary and involuntary moves or transfers from the adult foster home in the resident's record as events take place. (See sections (11) and (12) of this rule)

## (10) VOLUNTARY MOVES AND TRANSFERS.

(a) If a resident eligible for Medicaid services or the resident's representative gives notice of the resident's intent to leave the adult foster home, or the resident leaves the home abruptly, the licensee must promptly notify the resident's case manager.

(b) A licensee must obtain prior authorization from the resident, the resident's legal representative, and case manager, as applicable, prior to the resident's:

(A) Voluntary move from one bedroom to another in the adult foster home;

(B) Voluntary transfer from one adult foster home to another home that has a license issued to the same person; or

(C) Voluntary move to any other location.

(c) Notifications and authorizations of voluntary moves and transfers must be documented and available in the resident's record.

(d) The licensee remains responsible for the provision of care and services until the resident has moved from the home.

## (11) INVOLUNTARY MOVES AND TRANSFERS.

(a) A resident may only be moved involuntarily to another room within the adult foster home, transferred to another adult foster home operated by the same licensee for a temporary or permanent stay, or moved from the adult foster home for the following reasons:

(A) Medical reasons. The resident has a medical or nursing condition that is complex, unstable, or unpredictable that exceeds the level of care and services the facility provides;

(B) The adult foster home is unable to accomplish evacuation of the adult foster home in accordance with OAR 411-050-0650;

(C) Welfare of the resident or other residents;

(i) The resident exhibits behavior that poses an imminent danger to self or others including acts that result in the resident's arrest or detention;

(ii) The resident engages in behavior or actions that repeatedly and substantially interfere with the rights, health, or safety of the residents or others; or

(iii) The resident engages in illegal drug use or commits a criminal act that causes potential harm to the resident or others.

(D) Failure to make payment for care or failure to make payment for room and board;

(E) The adult foster home has had its license revoked, not renewed, or the license was voluntarily surrendered by the licensee;

(F) The licensee's Medicaid Provider Enrollment Agreement or specialized contract is terminated (pertains only to residents eligible for Medicaid); or

(G) The resident engages in the use of medical marijuana in violation of the home's written policies or contrary to Oregon Law under the Oregon Medical Marijuana Act, ORS 475.300 to 475.346.

(b) **MANDATORY WRITTEN NOTICE.** A resident may not be moved involuntarily from the adult foster home, or to another room within the adult foster home, or transferred to another adult foster home for a temporary or permanent stay without a minimum of 30 calendar days' written notice. The notice must be delivered in person to the resident and must be delivered in person or sent by registered or certified mail to the resident's legal representative, guardian, or conservator, and a copy must be immediately submitted to the resident's case manager, as applicable. Where a resident lacks capacity and there is no legal representative, a copy of the notice must be immediately submitted to the State Long Term Care Ombudsman. The written notice must:

(A) Be on the Department's Notice of Involuntary Move or Transfer of Resident form (SDS 901);

(B) Be completed by the licensee; and

(C) Include the following information:

(i) The resident's name;

(ii) The reason for the proposed move or transfer including the specific reasons the facility is unable to meet the resident's needs;

(iii) The date of the proposed change;

(iv) The location to which the resident is going, if known;

(v) A notice of the right to hold an informal conference and hearing;

(vi) The name, address, and telephone number of the person giving the notice; and

(vii) The date the notice is issued.

(c) **LESS THAN 30 DAYS' WRITTEN NOTICE.** A licensee may give less than 30 calendar days' written notice in specific circumstances as identified in paragraphs (A) or (B) below, but must do so as soon as possible using the Department's Notice of Involuntary Move or Transfer of Resident form (SDS 901). The notice must be given in person to the resident, the resident's representative, guardian, conservator, and a copy must be immediately submitted to the resident's case manager, as applicable. The reasons for the notice must be fully documented in the resident's record. The licensee remains responsible for the provision of care and services until the resident has moved from the home. A licensee may give less than 30 calendar days' notice ONLY if:

(A) Undue delay in moving the resident would jeopardize the health, safety, or well-being of the resident.

(i) The resident has a medical emergency that requires the immediate care of a level or type that the adult foster home is unable to provide.

(ii) The resident exhibits behavior that poses an immediate danger to self or others.

(B) The resident is hospitalized or is temporarily out of the home and the licensee determines that he or she is no longer able to meet the needs of the resident.

(12) **RESIDENT HEARING RIGHTS.** A resident, who has been given formal notice of an involuntary move or refused the right of return or re-admission, is entitled to an informal conference and hearing prior to the involuntary move or transfer as follows:

(a) **INFORMAL CONFERENCE.** The local licensing authority must hold an informal conference as promptly as possible after the request is received. The local licensing authority must send written notice of the time and place of the conference to the licensee and all persons entitled to the notice. Participants may include the resident and at the resident's request a family member, case manager, Ombudsman, legal representative of the resident, the licensee, and a representative from an adult foster home association or SEIU if requested by the licensee. The purpose of the informal conference is to resolve the matter without an administrative hearing. If a resolution is reached at the informal conference, the local licensing authority must document the outcome in writing and no administrative hearing is needed.

(b) **ADMINISTRATIVE HEARING.** If a resolution is not reached as a result of the informal conference, the resident or the resident's representative may request an administrative hearing. If the resident is being moved or transferred with less than 30 calendar days' notice according to section (12)(c) of this rule, the hearing must be held within seven business days of the move or transfer. The licensee must hold a space available for the resident pending receipt of an administrative order. These administrative rules and ORS 441.605(4) governing transfer notices and hearings for residents of long-term care facilities apply to adult foster homes.

## (13) CLOSURE OF ADULT FOSTER HOMES.

(a) A licensee must notify the local licensing authority prior to the voluntary closure, proposed sale, or transfer of ownership of the home, and give the residents and the residents' families, representatives, and case managers, as appropriate, a minimum of 30 calendar days' written notice on the Department's form (SDS 901) according to section (12) of this rule.

(b) In circumstances where undue delay might jeopardize the health, safety, or well-being of residents, licensees, or staff, written notice, according to section (12) of this rule, must be given as soon as possible.

(c) A licensee must surrender the physical license to operate an adult foster home to the local licensing authority at the time of the adult foster home's closure.

Stat. Auth.: ORS 410.070, 443.001, 443.004, 443.705 to 443.795, & 443.880

Stats. Implemented: ORS 197.660 to 197.670, 443.001 to 443.004, 443.705 to 443.825, 443.875, & 443.991

Hist.: SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; SPD 22-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SPD 9-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 411-050-0644, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13

## 411-050-0650

### Facility and Safety Standards

In order to qualify for or maintain a license, an adult foster home must comply with the following provisions:

#### (1) GENERAL CONDITIONS.

(a) **INTERIOR AND EXTERIOR PREMISES.** The building and furnishings, patios, decks, and walkways, as applicable, must be clean and in good repair. The interior and exterior premises must be well maintained and accessible according to the individual needs of the residents. There must be no accumulation of garbage, debris, rubbish, or offensive odors. Walls, ceilings, and floors must be of such character to permit washing, cleaning, or painting, as appropriate.

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(b) **ADDRESS.** The address numbers of the adult foster home must be placed on the home in a position that is legible and clearly visible from the street or road fronting the property. Address numbers must be a minimum of 4 inches in height, made of reflective material, and contrast with their background.

(c) **LIGHTING.** Adequate lighting, based on the needs of the occupants, must be provided in each room, stairway, and exit way. Incandescent light bulbs and florescent tubes must be protected with appropriate covers.

(d) **TEMPERATURE.** The heating system must be in working order. Areas of the home used by the residents must be maintained at a comfortable temperature. Minimum temperatures during the day must be not less than 68 degrees, no greater than 85 degrees, and not less than 60 degrees during sleeping hours. Variations from the requirements of this rule must be based on resident care needs or preferences and must be addressed in each resident's care plan.

(A) During times of extreme summer heat, the licensee must make reasonable effort to keep the residents comfortable using ventilation, fans, or air conditioning. Precautions must be taken to prevent resident exposure to stale, non-circulating air.

(B) If the facility is air-conditioned, the system must be functional and the filters must be cleaned or changed as needed to ensure proper maintenance.

(C) If the licensee is unable to maintain a comfortable temperature for the residents during times of extreme summer heat, air conditioning or another cooling system may be required.

(e) **COMMON USE AREAS.** Common use areas for the residents must be accessible to all residents. There must be at least 150 square feet of common living space and sufficient furniture in the home to accommodate the recreational and socialization needs of all the occupants at one time. Common space may not be located in an unfinished basement or garage unless such space was constructed for that purpose or has otherwise been legalized under permit. There may be additional space required if wheelchairs are to be accommodated. An additional 40 square feet of common living space is required for each day care individual, room and board tenant, or relative receiving care for remuneration that exceeds the limit of five.

(f) **VIDEO MONITORS.** Use of video monitors detracts from a home-like environment and the licensee may not use video monitors in any area of the home that would violate a resident's privacy unless requested by the resident or the resident's legal representative. The licensee may not ask the resident or the resident's legal representative to waive the resident's right to privacy as a condition of admission to the home.

## (2) SANITATION AND PRECAUTIONS.

(a) **NON-MUNICIPAL WATER SOURCE.** A public water supply must be utilized if available. If a non-municipal water source is used, the licenser, a sanitarian, or a technician from a certified water-testing laboratory must collect a sample annually or as required by the Department. The water sample must be tested for coliform bacteria. Water testing and any necessary corrective action to ensure water is suitable for drinking must be completed at the licensee's expense. Water testing records must be retained for three years.

(b) Septic tanks or other non-municipal sewage disposal systems must be in good working order.

(c) **COMMUNES AND INCONTINENCE GARMENTS.** Commodes used by residents must be emptied frequently and cleaned daily, or more frequently if necessary. Incontinence garments must be disposed of in closed containers.

(d) **WATER TEMPERATURE.** A resident who is unable to safely regulate the water temperature must be supervised.

(e) **LAUNDRY.** Prior to laundering, soiled linens and clothing must be stored in closed containers in an area that is separate from food storage, kitchen, and dining areas. Pre-wash attention must be given to soiled and wet bed linens. Sheets and pillowcases must be laundered at least weekly and more often if soiled.

(f) Garbage and refuse must be suitably stored in readily cleanable, rodent-proof, covered containers, pending weekly removal.

(g) **VENTILATION.** All doors and windows that are used for ventilation must have screens in good condition.

(h) **INFECTION CONTROL.** Standard precautions for infection control must be followed in resident care. Hands and other skin surfaces must be washed immediately and thoroughly if contaminated with blood or other body fluids.

(i) **DISPOSAL OF SHARPS.** Precautions must be taken to prevent injuries caused by needles, scalpels, and other sharp instruments or devices during procedures. After use, disposable syringes and needles, scalpel

blades, and other sharp items must be placed in a puncture-resistant, red container for disposal. The puncture-resistant container must be located as close as practical to the use area. Disposal must be made according to local regulations and resources (ORS 459.386 to 459.405).

(j) **FIRST AID.** Current, basic first-aid supplies and a first-aid manual must be readily available in the home.

(k) **PESTS.** Reasonable precautions must be taken to prevent pests (e.g., ants, cockroaches, other insects, and rodents).

(l) **PETS OR OTHER ANIMALS.** Sanitation for household pets and other domestic animals on the premises must be adequate to prevent health hazards. Proof of rabies vaccinations and any other vaccinations that are required for the pet by a licensed veterinarian must be maintained on the premises. Pets not confined in enclosures must be under control and not present a danger to the residents or guests.

(m) **SAFETY BARRIERS.** Patios, decks, walkways, swimming pools, hot tubs, spas, saunas, water features, and stairways, as appropriate, must be equipped with safety barriers designed to prevent injury. Resident access to or use of swimming or other pools, hot tubs, spas, or saunas on the premises must be supervised.

## (3) BATHROOMS. Bathrooms must:

(a) Provide individual privacy and have a finished interior with a door that opens to a hall or common-use room. If a bedroom includes a private bathroom, the door for the private bathroom must open to the bedroom. No person must have to walk through another person's bedroom to access a bathroom;

(b) Be large enough to accommodate the individual needs of the residents and any equipment that may be necessary;

(c) Have a mirror, a window that opens or other means of ventilation, and a window covering for privacy;

(d) Be clean and free of objectionable odors;

(e) Have bathtubs, showers, toilets, and sinks in good repair. A sink must be located near each toilet and a toilet and sink must be available for the resident's use on each floor with resident rooms. There must be at least one toilet, one sink, and one bathtub or shower for each six household occupants (including residents, day care individuals, room and board tenants, the licensee, and the licensee's family);

(f) Have hot and cold water at each bathtub, shower, and sink in sufficient supply to meet the needs of the residents;

(g) Have nonporous surfaces for shower enclosures. Glass shower doors, if applicable, must be tempered safety glass, otherwise, shower curtains must be clean and in good condition;

(h) Have non-slip floor surfaces in bathtubs and showers;

(i) Have grab bars for each toilet, bathtub, and shower to be used by the residents for safety;

(j) Have barrier-free access to toilet and bathing facilities; and

(k) Have adequate supplies of toilet paper and soap supplied by the licensee. Residents must be provided with individual towels and washcloths that are laundered in hot water at least weekly or more often if necessary. Residents must have appropriate racks or hooks for drying bath linens. If individual hand towels are not provided, roller-dispensed hand towels or paper towels in a dispenser must be provided for the residents' use.

## (4) BEDROOMS.

(a) Bedrooms for all household occupants must:

(A) Have been constructed as a bedroom when the home was built, or remodeled under permit;

(B) Be finished with walls or partitions of standard construction that go from floor to ceiling;

(C) Have a door that opens directly to a hallway or common use room without passage through another bedroom or common bathroom. The bedroom door must be large enough to accommodate the occupant of the room and any mobility equipment that may be needed by the resident;

(D) Be adequately ventilated, heated, and lighted with at least one window that opens and meets the requirements in section (5)(e) of this rule;

(E) Be at least 70 square feet of usable floor space for one resident or 120 square feet for two residents excluding any area where a sloped ceiling does not allow a person to stand upright; and

(F) Have no more than two occupants per room. (See also OAR 411-050-0632 pertaining to a child's bedroom.) This rule is not intended to prohibit a child five years of age or younger from occupying their parent's bedroom.

(b) A licensee, resident manager, other caregivers, or family members may not sleep in areas designated as living areas or share a bedroom with a resident. This rule is not intended to prohibit a caregiver or other person of

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the resident's choosing from temporarily staying in the resident's room when required by the resident's condition.

(c) There must be a bed at least 36 inches wide for each resident consisting of a mattress and springs, or equivalent, in good condition. Cots, rollaways, bunks, trundles, daybeds with restricted access, couches, and folding beds may not be used for residents. Each bed must have clean bedding in good condition consisting of a bedspread, mattress pad, two sheets, a pillow, a pillowcase, and blankets adequate for the weather. Waterproof mattress covers must be used for incontinent residents. Day care individuals may use a cot or rollaway bed if bedroom space is available that meets the requirements of section (4)(a) of this rule. A resident's bed may not be used by a day care individual.

(d) Each resident's bedroom must have separate, private dresser and closet space sufficient for the resident's clothing and personal effects including hygiene and grooming supplies. A resident must be provided private, secure storage space to keep and use reasonable amounts of personal belongings. A licensee may not use a resident's bedroom for storage of items, supplies, devices, or appliances that do not belong to the resident.

(e) Drapes or shades for bedroom windows must be in good condition and allow privacy for the residents.

(f) A resident who is non-ambulatory, has impaired mobility, or is cognitively impaired must have a bedroom with a safe, second exit at ground level. A resident with a bedroom above or below the ground floor must demonstrate their capability for self-preservation.

(g) Resident bedrooms must be in close enough proximity to the licensee or caregiver in charge to alert the licensee or caregiver in charge to resident nighttime needs or emergencies, or the bedrooms must be equipped with a functional call bell or intercom within the residents' abilities to operate. Intercoms may not violate the resident's right to privacy and must have the capability of being turned off by the resident or at the resident's request.

(h) Bedrooms used by the licensee, resident manager, shift caregiver, and substitute caregiver, as applicable, must be located in the adult foster home and must have direct access to the residents through an interior hallway or common use room.

## (5) SAFETY.

(a) **FIRE AND LIFE SAFETY.** Buildings must meet all applicable state and local building, mechanical, and housing codes for fire and life safety. The home may be inspected for fire safety by the State Fire Marshal's Office, or the State Fire Marshal's designee, at the request of the local licensing authority or the Department using the standards in these rules, as appropriate.

(b) **HEAT SOURCES.** All heating equipment, including but not limited to wood stoves, pellet stoves, and fireplaces must be installed in accordance with all applicable state and local building and mechanical codes. Heating equipment must be in good repair, used properly, and maintained according to the manufacturer's or a qualified inspector's recommendations.

(A) A licensee who does not have a permit verifying proper installation of an existing woodstove, pellet stove, or gas fireplace must have it inspected by a qualified inspector, Certified Oregon Chimney Sweep Association member, or Oregon Hearth, Patio, and Barbecue Association member and follow their recommended maintenance schedule.

(B) Fireplaces must have approved and listed protective glass screens or metal mesh screens anchored to the top and bottom of the fireplace opening.

(C) The local licensing authority may require the installation of a non-combustible, heat-resistant, safety barrier 36 inches around a woodstove to prevent residents with ambulation or confusion problems from coming in contact with the stove.

(D) Unvented, portable oil, gas, or kerosene heaters are prohibited. Sealed electric transfer heaters or electric space heaters with tip-over, shut-off capability may be used when approved by the State Fire Marshal or the State Fire Marshal's designee. A heater must be directly connected to an electrical outlet and may not be connected to an extension cord.

(c) **EXTENSION CORDS AND ADAPTORS.** Extension cord wiring and multi-plug adaptors may not be used in place of permanent wiring. UL-approved, re-locatable power taps (RPTs) with circuit breaker protection and no more than six electrical sockets are permitted for indoor use only and must be installed and used in accordance with the manufacturer's instructions. If RPTs are used, the RPT must be directly connected to an electrical outlet, never connected to another RPT (known as daisy-chaining or piggy-backing), and never connected to an extension cord.

(d) **LOCKS AND ALARMS.** Hardware for all exit doors and interior doors must be readily visible, have simple hardware that may not be locked against exit, and have an obvious method of operation. Hasps, sliding bolts,

hooks and eyes, slide chain locks, and double key deadbolts are not permitted. If a home has a resident with impaired judgment who is known to wander away, the home must have an activated alarm system to alert a caregiver of the resident's unsupervised exit.

(e) **WINDOWS.** Bedrooms must have at least one window or exterior door that leads directly outside, readily opens from the inside without special tools, and provides a clear opening of not less than 821 square inches (5.7 sq. ft.), with the least dimensions not less than 24 inches in height or 20 inches in width. If the interior sill height of the window is more than 44 inches from the floor level, approved steps or other aids to the window exit that the occupants are capable of using must be provided. Windows with a clear opening of not less than 5.0 square feet or 720 square inches with interior sill heights of no more than 48 inches above the floor may be accepted when approved by the State Fire Marshal or the State Fire Marshal's designee.

(f) **CONSTRUCTION.** Interior and exterior doorways must be wide enough to accommodate the mobility equipment used by the residents such as wheelchairs and walkers. All interior and exterior stairways must be unobstructed, equipped with handrails on both sides, and appropriate to the condition of the residents. (See also section (5)(q) of this rule)

(A) Buildings must be of sound construction with wall and ceiling flame spread rates at least substantially comparable to wood lath and plaster or better. The maximum flame spread index of finished materials may not exceed 200 and the smoke developed index may not be greater than 450. If more than 10 percent of combined wall and ceiling areas in a sleeping room or exit way is composed of readily combustible material such as acoustical tile or wood paneling, such material must be treated with an approved flame retardant coating. Exception: Buildings supplied with an approved automatic sprinkler system.

(i) **MANUFACTURED HOMES.** A manufactured home (formerly mobile homes) must have been built since 1976 and designed for use as a home rather than a travel trailer. The manufactured home must have a manufacturer's label permanently affixed on the unit itself that states the manufactured home meets the requirements of the Department of Housing and Urban Development (HUD). The required label must read as follows:

"As evidenced by this label No. ABC000001, the manufacturer certifies to the best of the manufacturer's knowledge and belief that this mobile home has been inspected in accordance with the requirements of the Department of Housing and Urban Development and is constructed in conformance with the Federal Mobile Home Construction and Safety Standards in effect on the date of manufacture. See date plate."

(ii) If such a label is not evident and the licensee believes the manufactured home meets the required specifications, the licensee must take the necessary steps to secure and provide verification of compliance from the home's manufacturer.

(iii) Manufactured homes built since 1976 meet the flame spread rate requirements and do not have to have paneling treated with a flame retardant coating.

(B) **STRUCTURAL CHANGES.** The licensee must notify the local licensing authority in writing at least 15 calendar days prior to any remodeling, renovations, or structural changes in the home that require a building permit. Such activity must comply with local building, sanitation, utility, and fire code requirements applicable to a single-family dwelling (see ORS 443.760(1)). The licensee must forward all required permits and inspections, an evacuation plan as described in section (5)(k) of this rule, and a revised floor plan as described in section (5)(o) of this rule to the local licensing authority within 30 calendar days of completion.

(g) **FIRE EXTINGUISHERS.** At least one fire extinguisher with a minimum classification of 2-A:10-B:C must be mounted in a location visible and readily accessible to any occupant of the home on each floor, including basements. Fire extinguishers must be checked at least once a year by a qualified person who is well versed in fire extinguisher maintenance. All recharging and hydrostatic testing must be completed by a qualified agency properly trained and equipped for this purpose.

(h) **CARBON MONOXIDE AND SMOKE ALARMS.**

(A) **CARBON MONOXIDE ALARMS.** Carbon monoxide alarms must be listed as complying with ANSI/UL 2034 and must be installed and maintained in accordance with the manufacturer's instructions. Carbon monoxide alarms must be installed within 15 feet of each bedroom at the height recommended by the manufacturer.

(i) If bedrooms are located in multi-level homes, carbon monoxide alarms must be installed on each level including the basement.

(ii) Carbon monoxide alarms may be hard-wired, plug-in, or battery operated. Hard wired and plug-in alarms must be equipped with a battery back-up. Battery operated carbon monoxide alarms must be equipped with a device that warns of a low battery.

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(iii) A bedroom used by a hearing-impaired occupant who may not hear the sound of a regular carbon monoxide alarm must be equipped with an additional carbon monoxide alarm that has visual or vibrating capacity.

(B) SMOKE ALARMS. Smoke alarms must be installed in accordance with the manufacturer's instructions in each bedroom, in hallways or access areas that adjoin bedrooms, the family room or main living area where occupants congregate, any interior designated smoking area, and in basements. In addition, smoke alarms must be installed at the top of all stairways in multi-level homes.

(i) Ceiling placement of smoke alarms is recommended.

(ii) Battery operated smoke alarms or hard-wired smoke alarms with a battery backup must be equipped with a device that warns of a low battery.

(iii) A bedroom used by a hearing-impaired occupant who may not hear the sound of a regular smoke alarm must be equipped with an additional smoke alarm that has visual or vibrating capacity.

(C) All carbon monoxide alarms and smoke alarms must contain a sounding device or be interconnected to other alarms to provide, when actuated, an alarm that is audible in all sleeping rooms. The alarms must be loud enough to wake occupants when all bedroom doors are closed. Intercoms and room monitors may not be used to amplify alarms.

(D) The licensee must test all carbon monoxide alarms and smoke alarms in accordance with the manufacturer's instructions at least monthly (per NFPA 72). Testing must be documented in the facility records. The licensee must maintain carbon monoxide alarms, smoke alarms, and fire extinguishers in functional condition. If there are more than two violations in maintaining battery operated alarms in working condition, the Department may require the licensee to hard wire the alarms into the electrical system.

(i) COMBUSTIBLES AND FIREARMS. Flammables, combustible liquids, and other combustible materials must be safely and properly stored in their original, properly labeled containers or safety containers and secured in areas to prevent tampering by residents or vandals.

(A) Oxygen and other gas cylinders in service or in storage must be adequately secured to prevent the cylinders from falling or being knocked over;

(B) No smoking signs must be visibly posted where oxygen cylinders are present;

(C) Firearms must be stored, unloaded, in a locked cabinet. The firearms cabinet must be located in an area of the home that is not accessible to the residents; and

(D) Ammunition must be secured in a locked area separate from the firearms.

(j) HAZARDOUS MATERIALS. Cleaning supplies, medical sharps containers, poisons, insecticides, and other hazardous materials must be properly stored in their original, properly labeled containers in a safe area that is not accessible to residents or near food preparation or food storage areas, dining areas, or medications.

(k) EVACUATION PLAN. An emergency evacuation plan must be developed and revised as necessary to reflect the current condition of the residents in the home. The evacuation plan must be rehearsed with all occupants.

(l) ORIENTATION TO EMERGENCY PROCEDURES. Within 24 hours of arrival, any new resident or caregiver must be shown how to respond to a smoke alarm, shown how to participate in an emergency evacuation drill, and receive an orientation to basic fire safety. New caregivers must also be oriented in how to conduct an evacuation.

(m) EVACUATION DRILL. An evacuation drill must be held at least once every 90 calendar days, with at least one evacuation drill per year conducted during sleeping hours. The evacuation drill must be clearly documented, signed by the caregiver conducting the drill, and maintained according to OAR 411-050-0645.

(A) The licensee and all other caregivers must:

(i) Be able to demonstrate the ability to evacuate all occupants from the facility to the initial point of safety within three minutes or less. The initial point of safety must:

(I) Be exterior to and a minimum of 25 feet away from the structure;

(II) Have direct access to a public sidewalk or street; and

(III) Not be in the backyard of a home unless the backyard directly accesses a public street or sidewalk.

(ii) Be able to demonstrate the ability to further evacuate all occupants from the initial point of safety to the final point of safety within two minutes or less. The final point of safety must:

(I) Be a minimum of 50 feet away from the structure; and

(II) Located on a public sidewalk or street;

(B) Conditions may be applied to a license if the licensee or caregivers demonstrate the inability to meet the evacuation times described in this section. Conditions may include but are not limited to reduced capacity of residents, additional staffing, or increased fire protection. Continued problems are grounds for revocation or non-renewal of the license.

(n) FLOOR PLAN. The licensee must develop a current and accurate floor plan that indicates:

(A) The size of rooms;

(B) Which bedrooms are to be used by residents, the licensee, caregivers, for day care, and room and board tenants, as applicable;

(C) The location of all the exits on each level of the home, including emergency exits such as windows;

(D) The location of wheelchair ramps;

(E) The location of all fire extinguishers, smoke alarms, and carbon monoxide alarms;

(F) The planned evacuation routes, initial point of safety, and final point of safety; and

(G) Any designated smoking areas in or on the adult foster home's premises.

(o) RESIDENT PLACEMENT. A resident, who is unable to walk without assistance or not capable of self-preservation, may not be placed in a bedroom on a floor without a second ground level exit. (See also section 4)(f) of this rule)

(p) STAIRS. Stairs must have a riser height of between 6 to 8 inches and tread width of between 8 to 10.5 inches. Lifts or elevators are not an acceptable substitute for a resident's capability to ambulate stairs. (See also section 5)(f) of this rule)

(q) EXIT WAYS. All exit ways must be barrier free and the corridors and hallways must be a minimum of 36 inches wide or as approved by the State Fire Marshal or the State Fire Marshal's designee. Interior doorways used by the residents must be wide enough to accommodate wheelchairs and walkers if used by residents and beds if used for evacuation purposes. Any bedroom window or door identified as an exit must remain free of obstacles that would interfere with evacuation.

(r) RAMPS. There must be at least one wheelchair ramp from a minimum of one exterior door if an occupant of the home is non-ambulatory. A licensee may be required to bring existing ramps into revised compliance if necessary to meet the needs of new residents or current residents with increased care needs. Wheelchair ramps must comply with the Americans with Disabilities Act (ADA) and must:

(A) Have the least possible slope with a maximum slope of 1 inch rise in each 12 inches of distance;

(B) Have a maximum rise for any run of 30 inches;

(C) Have a minimum clear width of 36 inches;

(D) Have landings with a minimum clear length of 60 inches at the top and bottom of each ramp and each ramp run;

(E) Have handrails on both sides of the ramp if the ramp has a rise of 6 inches or more or a run of 72 inches or more. Handrails must:

(i) Be continuous or must extend 12 inches beyond the top and bottom of the ramp segment;

(ii) Have a clear space of 1 1/2 inches between the handrail and the wall;

(iii) Mounted between 34 and 38 inches above the ramp surface; and

(iv) Rounded at the ends or returned smoothly to the floor, wall, or post.

(F) Have curbs, walls, railings, or projecting surfaces that prevent people from slipping off the ramp if the ramp or landing has a drop off. Curbs must be a minimum of 2 inches high;

(G) Be designed so water does not accumulate on walking surfaces; and

(H) Have non-skid surfaces.

(s) EMERGENCY EXITS. There must be a second safe means of exit from all sleeping rooms. A provider whose sleeping room is above the first floor may be required to demonstrate at the time of licensure, renewal, or inspection, an evacuation drill from the provider's sleeping room using the secondary exit.

(t) FLASHLIGHT. There must be at least one plug-in, rechargeable flashlight in good functional condition available on each floor of the home for emergency lighting.

(u) SMOKING. If smoking is allowed in a home, the licensee must adopt house policies that restrict smoking to designated areas.

(A) Smoking is prohibited in:

(i) Any bedroom including that of the residents, licensee, resident manager, any other caregiver, occupant, or visitor;

(ii) Any room where oxygen is used; and

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(iii) Anywhere flammable materials are stored.

(B) Ashtrays of noncombustible material and safe design must be provided in areas where smoking is permitted.

(v) EMERGENCY PREPAREDNESS PLAN. A licensee must develop and maintain a written emergency preparedness plan for the protection of all occupants in the home in the event of an emergency or disaster.

(A) The written emergency plan must:

(i) Include an evaluation of potential emergency hazards including but not limited to:

(I) Prolonged power failure or water or sewer loss;

(II) Fire, smoke, or explosion;

(III) Structural damage;

(IV) Hurricane, tornado, tsunami, volcanic eruption, flood, or earthquake;

(V) Chemical spill or leak; and

(VI) Pandemic.

(ii) Include an outline of the caregiver's duties during an evacuation;

(iii) Consider the needs of all occupants of the home including but not

limited to:

(I) Access to medical records necessary to provide services and treatment;

(II) Access to pharmaceuticals, medical supplies, and equipment during and after an evacuation; and

(III) Behavioral support needs.

(iv) Include provisions and supplies sufficient to shelter in place for a minimum of three days without electricity, running water, or replacement staff; and

(v) Planned relocation sites.

(B) The licensee must notify the Department or the local licensing authority of the homes status in the event of an emergency that requires evacuation and during any emergent situation when requested.

(C) The licensee must re-evaluate the emergency preparedness plan at least annually and whenever there is a significant change in the home.

Stat. Auth.: ORS 410.070, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, & 443.790

Stats. Implemented: ORS 443443.001 to 443.004, 443.705 to 443.825, 443.875, & 443.991  
Hist.: SSD 14-1985, f. 12-31-85 ef. 1-1-86; SSD 11-1988, f. 10-18-88, cert. ef. 11-1-88, Sections (8) thru (10) renumbered to 411-050-0447; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1996, f. 3-29-96, cert. ef. 4-1-96; SDSD 2-1998(Temp), f. & cert. ef. 2-6-98 thru 8-1-98; SDSD 6-1998, f. 7-31-98, cert. ef. 8-1-98; SDSD 4-2001, f. & cert. ef. 3-1-01; SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; SPD 9-2007, f. 6-27-07, cert. ef. 7-1-07; SPD 9-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 411-050-0445, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13

## 411-050-0655

### Standards and Practices for Care and Services

#### (1) SCREENING AND ASSESSMENT.

(a) Prior to admission, the licensee must conduct and document a screening to determine if a prospective resident's care needs exceed the license classification of the home. The screening must:

(A) Evaluate the ability of the prospective resident to evacuate the home within three minutes along with all the occupants of the home;

(B) Determine if the licensee and caregivers are able to meet the prospective resident's needs in addition to meeting the needs of the other residents of the home; and

(C) Include medical diagnoses, medications, personal care needs, nursing care needs, cognitive needs, communication needs, night care needs, nutritional needs, activities, lifestyle preferences, and other information as needed to assure the prospective resident's care needs shall be met.

(b) The screening process must include interviews with the prospective resident and the prospective resident's family, prior care providers, and case manager, as appropriate. The licensee must also interview as necessary, any physician, nurse practitioner, physician assistant, registered nurse, pharmacist, therapist, or mental health or other licensed health care professional involved in the care of the prospective resident. A copy of the screening document must be:

(A) Given to the prospective resident or the prospective resident's legal representative; and

(B) Placed in the resident's record if admitted to the home; or

(C) Maintained for a minimum of three years if the prospective resident is not admitted to the home.

(c) REQUIRED DISCLOSURES. The licensee must disclose the home's policies and practices to a prospective resident or the prospective resident's legal representative, as applicable including:

(A) HOUSE POLICIES. The licensee must provide a copy of the house policies and disclose any policies that may limit the prospective resident's activities or preferences while living in the adult foster home. Examples include but are not limited to the use of tobacco or alcohol, pets,

religious practices, dietary restrictions, and the use of intercoms and monitors. The licensee must disclose the home's policy regarding the legal presence and use of medical marijuana. (See OAR 411-050-0645);

(B) CONTRACT. The licensee must provide a copy of any contract a prospective resident or the prospective resident's legal representative may be asked to sign;

(C) MEDICAID ENROLLMENT STATUS. The licensee must inform a prospective resident or the prospective resident's representative if the home serves individuals eligible for Medicaid services; and

(D) LONG-TERM CARE ASSESSMENT. The licensee must inform a prospective private-pay resident or the prospective resident's representative if appropriate, of the availability of long-term care assessment services provided through the Department or a certified assessment program. The licensee must document on the Department's form (SDS 913) that the prospective private-pay resident has been advised of the right to receive a long-term care assessment. The licensee must maintain a copy of the form in the resident's record upon admission and make a copy available to the Department upon request.

#### (2) PRIOR TO ADMISSION.

(a) The licensee must obtain and document general information regarding a resident prior to the resident's admission. The information must include the names, addresses, and telephone numbers of the resident's relatives, significant persons, case managers, and medical or mental health providers. The information must also include the date of admission and, if available, the resident's medical insurance information, birth date, prior living facility, and mortuary;

(b) Prior to admission, the licensee must obtain and place in the resident's record:

(A) Prescribing practitioner written or verbal orders for medications, treatments, therapies, and special diets, as applicable. Any verbal orders must be followed with written orders within seven calendar days of the resident's admission. Attempts to obtain written orders must be documented in the resident's record;

(B) Prescribing practitioner or pharmacist review of the resident's preferences for over-the-counter medications and home remedies; and

(C) Any medical information available including the resident's history of accidents, illnesses, impairments, or mental status that may be pertinent to the resident's care.

(c) The licensee must ask for copies of the resident's Advance Directive, Physician's Order for Life Sustaining Treatment (POLST), and proof of court-appointed guardianship or conservatorship, if applicable. Copies of these documents must be placed in a prominent place in the resident's record and sent with the resident if the resident is transferred for medical care;

(d) The licensee must provide written information to the resident or the resident's representative about the resident's right to make decisions concerning Advance Directives and the resident's right to accept or refuse medical care. The licensee must provide:

(A) A written copy of the adult foster home's policies regarding implementation of Advance Directives; and

(B) A clear and precise statement of limitation if the licensee is not able to implement an Advance Directive on the basis of conscience that includes:

(i) Identification of the state legal authority under ORS 127.625 permitting a conscientious objection; and

(ii) Descriptions of medical conditions or procedures affected by the licensee's conscientious objection.

(e) The licensee must review the Residents' Bill of Rights and the home's current house policies with the resident and the resident's legal representative as appropriate. The discussion must be documented by having the resident sign and date a copy of the house policies that have been approved by the local licensing authority and the current Residents' Bill of Rights (form SDS 305A). A copy of the signed house policies and Residents' Bill of Rights must be maintained in the resident's record.

#### (3) CARE PLAN.

(a) During the initial 14 calendar days following the resident's admission to the home, the licensee must continue to assess and document the resident's preferences and care needs. The assessment and care plan must be completed by the licensee and documented within the initial 14-day period. The care plan must describe the resident's needs, preferences, and capabilities, and what assistance the resident requires for various tasks. The resident's care plan must also include:

(A) By whom, when, and how often care and services shall be provided;

(B) The resident's ability to perform activities of daily living (ADLs);

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(C) Special equipment needs;  
(D) Communication needs (Examples may include but are not limited to hearing or vision needs, such as eraser boards or flash cards, or language barriers such as sign language or non-English speaking);

(E) Night needs;

(F) Medical or physical health problems, including physical disabilities, relevant to care and services;

(G) Cognitive, emotional, or impairments relevant to care and services;

(H) Treatments, procedures, or therapies;

(I) Registered nurse consultation, teaching, delegation, or assessment;

(J) Behavioral interventions;

(K) Social, spiritual, and emotional needs including lifestyle preferences, activities, and significant others involved;

(L) The ability to exit in an emergency including assistance and equipment needed;

(M) Any use of physical restraints or psychoactive medications; and

(N) Dietary needs and preferences.

(b) The licensee must review and update each resident's care plan every six months or as a resident's condition changes. The review must be documented in the resident's record at the time of the review and include the date of the review and the licensee's signature. If a care plan contains many changes and becomes less legible, a new care plan must be written.

(4) REGISTERED NURSE CONSULTATION.

(a) RN CONSULTATION AND ASSESSMENT. A licensee must obtain a medical professional consultation and assessment to meet the care needs of a resident as required in these rules. A registered nurse consultation must be obtained when a skilled nursing care task, as defined by the Oregon State Board of Nursing, has been ordered by a physician or other licensed health care professional.

(b) A licensee must also request a registered nurse consultation under the following conditions:

(A) When a resident has a health concern or behavioral symptoms that may benefit from a nursing assessment and provider education;

(B) When written parameters are needed to clarify a prescribing practitioner p.r.n. order for medication and treatment (See section (5)(g) of this rule);

(C) Prior to the use of physical restraints when not assessed, taught, and reassessed, according to section (5)(m) of this rule, by a physician, nurse practitioner, physician assistant, Christian Science practitioner, mental health clinician, physical therapist, or occupational therapist;

(D) Prior to requesting psychoactive medications to treat behavioral symptoms or the use of new psychoactive medications when not assessed, taught, and reassessed according to section (5)(h) of this rule, by a physician, nurse practitioner, physician assistant, or mental health practitioner; and

(E) When care procedures are ordered that are new for a resident, the licensee, or other caregivers.

(c) RN DELEGATIONS. A registered nurse may determine that a nursing care task be taught utilizing the delegation process. RN delegations are not transferable to other residents or caregivers. (Refer to OAR chapter 851, division 047)

(d) Documentation of nurse consultations, delegations, assessments, and reassessments must be maintained in the resident's record and made available to the Department upon request.

(5) STANDARDS FOR MEDICATIONS, TREATMENTS, AND THERAPIES.

(a) MEDICATIONS. The licensee and caregivers must demonstrate an understanding of each resident's medication administration regimen. Medication resource material must be readily available at the home that includes the reason a medication is used, any specific instructions, the medication's actions, and common side effects.

(b) WRITTEN ORDERS. The licensee must obtain and place a signed order in the resident's record for any medications, dietary supplements, treatments, or therapies which have been ordered by a prescribing practitioner. The written orders must be carried out as prescribed unless the resident or the resident's legal representative refuses to consent. The prescribing practitioner must be notified if the resident refuses to consent to an order.

(A) CHANGED ORDERS. Changes to a written order may not be made without a prescribing practitioner order. The prescribing practitioner must be notified if the resident refuses to consent to the change order. Changes to medical orders obtained by telephone must be followed-up with signed orders within seven calendar days. Changes in the dosage or frequency of an existing medication require a new properly labeled and dis-

pensed medication container. If a new properly labeled and dispensed medication container is not obtained, the change must be written on an auxiliary label attached to the medication container, not to deface the existing original pharmacy label, and must match the new medication order. Attachment of the auxiliary label must be documented in the residents' record. (See section (5)(f)(D) of this rule)

(B) DOCUMENTATION OF CHANGED ORDERS. Attempts to obtain the signed written changes must be documented and readily available for review in the resident's record. The resident's medications, including medications that are prescribed, over-the-counter medications, and home remedies must be reviewed by the resident's prescribing practitioner or pharmacist at least annually. The review must be in writing, include the date of the review, and contain the signature of the prescribing practitioner or pharmacist.

(c) MEDICATION SUPPLIES. The licensee must have all currently prescribed medications, including p.r.n. medications, and all prescribed over-the-counter medications available in the home for administration. Refills must be obtained prior to depletion of current medication supplies. Attempts to order refills must be documented in the resident's record.

(d) HEALTH CARE PROFESSIONAL ORDERS (IMPLEMENTED BY AFH STAFF). The licensee who implements a hospice, home health, or other licensed medical professional-generated order must:

(A) Have a copy of the hospice, home health, or licensed medical professional document that communicates the written order;

(B) Transcribe the order onto the medication administration record (MAR);

(C) Implement the order as written; and

(D) Include the order on subsequent medical visit reports for the prescribing practitioner to review.

(e) HOSPICE AND HOME HEALTH ORDERS (IMPLEMENTED BY NON-AFH STAFF). A licensee must allow a resident to receive hospice services. The licensee who provides adult foster home services to a recipient of hospice or home health services, but who does not implement a hospice or home health-generated order must:

(A) Have a copy of the hospice or home health document that communicates the written order; and

(B) Include the order on subsequent medical visit reports for the prescribing practitioner to review.

(f) MEDICATION ADMINISTRATION RECORD (MAR). A current, written medication administration record (MAR) must be kept for each resident and must:

(A) List the name of all medications administered by a caregiver, including over-the-counter medications and prescribed dietary supplements. The MAR must identify the dosage, route, and the date and time each medication or supplement is to be given;

(B) Identify any treatments and therapies administered by a caregiver. The MAR must indicate the type of treatment or therapy and the time the procedure must be performed;

(C) Be immediately initialed by the caregiver administering the medication, treatment, or therapy as it is completed. A resident's MAR must contain a legible signature that identifies each set of initials;

(D) Document changed and discontinued orders immediately showing the date of the change or discontinued order. A changed order must be written on a new line with a line drawn to the start date and time; and

(E) Document missed or refused medications, treatments, or therapies. If a medication, treatment, or therapy is missed or refused by the resident, the initials of the caregiver administering the medication, treatment, or therapy must be circled, and a brief but complete explanation must be recorded on the back of the MAR.

(g) P.R.N. MEDICATIONS. Prescription medications ordered to be given "as needed" or "p.r.n." must have specific parameters indicating what the medication is for and specifically when, how much, and how often the medication may be administered. Any additional instructions must be available for the caregiver to review before the medication is administered to the resident.

(A) P.R.N. DOCUMENTATION. As needed (p.r.n) medications must be documented on the resident's MAR with the time, dose, the reason the medication was given, and the outcome.

(B) P.R.N. ADVANCE SET-UP. As needed (p.r.n.) medications may not be included in any advance set-up of medication.

(h) PSYCHOACTIVE MEDICATIONS.

(A) A licensee is not required to request an evaluation of a resident's use of a psychoactive medication if the resident is admitted to the home and the resident has been prescribed the psychoactive medication for a condition that is currently monitored by a physician, nurse practitioner, physician



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assistant, or mental health professional and the written order for the psychoactive medication is in the resident's record.

(B) If a resident is admitted to a home with no documented history as to the reason for taking a psychoactive medication, or if the licensee requests medical professional intervention to address behavioral symptoms, the licensee must request that a physician, nurse practitioner, physician assistant, or mental health professional evaluate the resident's need for the psychoactive medication and the intended effect of the medication, common side effects, and circumstances for reporting. The evaluation request must be documented in the resident's record and include:

(i) A probable cause of the resident's behavior;

(ii) Behavioral and environmental interventions to be used instead of or in addition to psychoactive medication, if applicable. Alternative interventions must be tried as instructed by a licensed medical professional and the resident's response to the alternative interventions must be documented in the resident's record prior to administering a psychoactive medication; and

(iii) A plan for reassessment by the resident's prescribing physician, nurse practitioner, physician assistant, or mental health professional.

(C) The prescription and order for a psychoactive medication must specify the dose, frequency of administration, and the circumstance for use (i.e., specific symptoms). The licensee and all caregivers must be aware of and comply with these parameters.

(D) The licensee and all the caregivers must know the intended effect of a psychoactive medication for a particular resident and the common side effects, as well as the circumstances for reporting to the resident's physician, nurse practitioner, physician assistant, or mental health professional.

(E) The resident's care plan must identify and describe the behavioral symptoms for which psychoactive medications are prescribed and a list of all interventions, including behavioral, environmental, and medication. (F) Psychoactive medications must never be given to discipline a resident or for the convenience of the caregivers.

(i) MEDICATION CONTAINERS, STORAGE, AND DISPOSAL.

(A) MEDICATION CONTAINERS. Each of the resident's prescribed medication containers, including bubble packs, must be clearly labeled by the pharmacy. All medications, including over-the-counter medications, must be in the original container. Medications stored in advanced set up containers are required to be labeled as described in this rule.

(B) OVER-THE-COUNTER MEDICATIONS. Over-the-counter medication purchased for a specific resident's use must be marked with the resident's name. Over-the-counter medications in stock bottles (with original labels) may be used for multiple residents in the home and must be clearly marked as the house supply.

(C) STORAGE OF RESIDENT MEDICATION. All resident medications, including over-the-counter medications, must be kept in a locked, central location that is cool, clean, dry, not subject to direct sunlight, and separate from medications belonging to the licensee, caregivers and all other non-residents. Medications requiring refrigeration must also be locked and stored separately from non-resident medications. Residents may not have access to medications belonging to the licensee, caregivers, or other household members.

(D) STORAGE OF NON-RESIDENT MEDICATION. All non-resident medications must be kept locked and separate from resident medications.

(E) DISPOSAL OF MEDICATION. Outdated, discontinued, recalled, or contaminated medications, including over-the-counter medications, may not be kept in the home and must be disposed of within 10 calendar days of expiration, discontinuation, or the licensee's knowledge of a recall or contamination. A licensee must contact the local DEQ waste management company in their area for instructions on proper disposal of unused or expired medications.

(i) The disposal of a resident's medication must be documented in the resident's record and the documentation must be readily available in the resident's record.

(ii) The disposal of a controlled substance must be documented in the resident's record and the disposal must be witnessed by a caregiver who is 18 years of age or older.

(iii) DOCUMENTATION OF DISPOSAL. Documentation regarding the disposal of medications and controlled substances must include:

(I) The date of disposal;

(II) Description of the medication, (i.e., name, dosage, and amount being disposed);

(III) Name of the resident for whom the medication was prescribed;

(IV) Reason for disposal;

(V) Method of disposal;

(VI) Signature of the person disposing of the medication; and

(VII) For controlled substances, the signature of the caregiver who witnessed the disposal according to this rule.

(j) ADVANCED SET-UP. The licensee may set-up each resident's medications for up to seven calendar days in advance (excluding p.r.n. medications) by using a closed container manufactured for the advanced set-up of medications. If used, each resident must have his or her own container with divisions for the days of the week and times of the day the medications are to be given. The container must be clearly labeled with the resident's name, name of each medication, time to be given, dosage, amount, route, and description of each medication. The container must be stored in the locked area with the residents' medications.

(k) SELF-ADMINISTRATION OF MEDICATION. A licensee must have a prescribing practitioner written order of approval for a resident to self-medicate. A resident able to handle his or her own medical regimen may keep their medications in their own room in a lockable storage area or device. Medications must be kept locked except those medications on the residents' own person. The licensee must notify the prescriber of the medication if the resident shows signs of no longer being able to self-medicate safely.

(l) INJECTIONS. Subcutaneous, intramuscular, and intravenous injections may be self-administered by a resident if the resident is fully independent in the task or may be administered by a relative of the resident or an Oregon licensed registered nurse (RN). An Oregon licensed practical nurse (LPN) may give subcutaneous and intramuscular injections. A caregiver who has been delegated and trained by a registered nurse under provision of the Oregon State Board of Nursing (OAR 851-047-0000 to 851-047-0040) may give subcutaneous injections. Intramuscular and intravenous injections may not be delegated.

(m) PHYSICAL RESTRAINTS. Physical restraints may only be used when required to treat a resident's medical symptoms or to maximize a resident's physical functioning. Physical restraints may only be used after a written assessment is completed as described below and all alternatives have been exhausted. Licensees and caregivers may use physical restraints in adult foster homes only in compliance with these rules, including the Residents' Bill of Rights listed in section (7) of this rule. Prior to the use of any type of physical restraint, the following must be completed:

(A) ASSESSMENT. A written assessment must be obtained from the resident's physician, nurse practitioner, physician assistant, registered nurse, Christian Science practitioner, mental health clinician, physical therapist, or occupational therapist that includes consideration of all other alternatives.

(B) ORDERS. If it is determined that a physical restraint is necessary following the assessment and trial of other measures, the least restrictive restraint must be used and as infrequently as possible. The licensee must obtain a written order from the resident's physician, nurse practitioner, physician assistant, or Christian Science practitioner prior to the use of a physical restraint. The written order must include specific parameters including the type of physical restraint, circumstances for use, and duration of use including:

(i) Procedural guidance for the use of the physical restraint;

(ii) The frequency for reassessment;

(iii) The frequency and procedures for nighttime use; and

(iv) Dangers and precautions for using the physical restraint.

(C) Physical restraints may not be used on an as needed (p.r.n.) basis in an adult foster home.

(D) CONSENT. Physical restraints must not be used without first obtaining the written consent of the resident or the resident's legal representative.

(E) DOCUMENTATION. If it is determined that a physical restraint is necessary following the assessment and trial of other measures, the written order for the use of a physical restraint must be documented in the resident's care plan explaining why and when the restraint is to be used, along with instructions for periodic release. Any less restrictive, alternative measures planned during the assessment, and cautions for maintaining the resident's safety while restrained must also be recorded in the resident's care plan. The resident's record must include:

(i) The completed assessment as described in this rule;

(ii) The written order authorizing the use of the physical restraint from the resident's physician, nurse practitioner, physician assistant, or Christian Science practitioner;

(iii) Written consent of the resident or the resident's legal representative to use the specific type of physical restraint; and

(iv) The reassessments completed by a medical professional as described above in subsection (B) of this rule.

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(F) **DAYTIME USE.** A resident physically restrained during waking hours must have the restraints released at least every two hours for a minimum of 10 minutes and be repositioned, offered toileting, and provided exercise or range-of-motion exercises during this period. The use of restraints, restraint release, and activities that occurred during the release period must be documented in the resident's record.

(G) **NIGHTTIME USE.** The use of physical restraints at night is discouraged and must be limited to unusual circumstances. If used, the restraint must be of a design to allow freedom of movement with safety. The frequency of night monitoring to address resident safety and care needs must be determined in the assessment. Tie restraints of any kind must not be used to keep a resident in bed.

(H) If any physical restraints are used in an adult foster home, the restraints must allow for quick release at all times. Use of restraints may not impede the three-minute evacuation of all occupants of the home.

(I) Physical restraints may not be used for the discipline of a resident or for the convenience of the adult foster home.

### (6) RESIDENT CARE.

(a) Care and supervision of residents must be in a home-like atmosphere. The training of the licensee and caregivers and care and supervision of residents must be appropriate to the age, care needs, and conditions of the residents in the home. (See OAR 411-050-0625) Additional staff may be required if, for example, day care individuals are in the home or if necessary to safely evacuate the residents and all occupants from the home as required by OAR 411-050-0650.

(b) If a resident has a medical regimen or personal care plan prescribed by a licensed health care professional, the provider must cooperate with the plan and ensure that the plan is implemented as instructed.

(c) **NOTIFICATION.** The licensee must notify emergency personnel, the resident's physician, nurse practitioner, physician assistant, registered nurse, family representative, and case manager, as applicable, under the following circumstances:

(A) **EMERGENCIES (MEDICAL, FIRE, POLICE).** In the event of an emergency, the licensee, or caregiver with the resident at the time of the emergency must first call 911 or the appropriate emergency number for their community. This does not apply to a resident with a medical emergency who practices Christian Science;

(i) If a resident is receiving hospice services, the caregivers must follow the written instructions for medical emergencies from the hospice nurse.

(ii) If a resident has a completed Physician's Orders for Life-Sustaining Treatment (POLST) or other legal documents such as an Advance Directive or Do Not Resuscitate (DNR) order, copies of the documents must be made available to the emergency personnel when they arrive.

(B) **HOSPITALIZATION.** In the event the resident is hospitalized;

(C) **HEALTH STATUS CHANGE.** When the resident's health status or physical condition changes; and

(D) **DEATH.** Upon the death of the resident.

(d) The licensee shall not inflict, or tolerate to be inflicted, abuse or punishment, financial exploitation, or neglect of the residents.

(e) The licensee must exercise reasonable precautions against any conditions that may threaten the health, safety, or welfare of the residents.

(f) A qualified caregiver must always be present and available at the home when a resident is in the home. A resident may not be left in charge in lieu of a caregiver.

(g) **ACTIVITIES.** The licensee must make available at least six hours of activities per week that are of interest to the residents, not including television and movies. (Information regarding activity resources is available from the local licensing authority). Activities must be oriented to individual preferences as indicated in the resident's care plan (See section (3)(a)(J) of this rule). Documentation of the activities offered to each resident and the resident's participation in those activities must be recorded in the resident's records.

(h) **DAY CARE.** Prior to the admission of each day care individual, the licensee must:

(A) Conduct and document a screening as described in section (1)(a) of this rule;

(B) Obtain current medical professional orders as described in section (5)(b) of this rule if medications are to be administered and the necessary delegations as applicable; and

(C) Develop and maintain a current, written medication administration record (MAR) as described in section (5)(f) of this rule if medications are to be administered.

(i) **DIRECT INVOLVEMENT OF CAREGIVERS.** The licensee or caregivers must be directly involved with the residents on a daily basis. If the physical characteristics of the adult foster home do not encourage contact between the caregivers and residents and among residents, the licensee must demonstrate how regular positive contact occurs.

(j) **RESIDENT MONEY.** If the licensee manages or handles a resident's money, a separate account record must be maintained in the resident's name. The licensee may not under any circumstances commingle, borrow from, or pledge any of a resident's funds. The licensee may not act as a resident's guardian, conservator, trustee, or attorney-in-fact unless related by birth, marriage, or adoption to the resident as follows: parent, child, brother, sister, grandparent, grandchild, aunt, uncle, niece, or nephew. Nothing in this rule may be construed to prevent the licensee or the licensee's employee from acting as a representative payee for the resident. (See also OAR 411-020-0002 and ORS 127.520)

(A) Personal incidental funds (PIF) for individuals eligible for Medicaid services must be used at the discretion of the individual for such things as clothing, tobacco, and snacks (not part of daily diet).

(B) The licensee and other caregivers may not accept gifts from the residents through undue influence or accept gifts of substantial value. Caregivers and family members of the caregivers may not accept gifts of substantial value or loans from the resident or the resident's family. The licensee or other caregivers may not influence, solicit from, or suggest to any of the residents or the residents' legal representatives that the residents or the residents' legal representatives give the caregiver or the caregiver's family money or property for any purpose.

(C) The licensee may not subject the resident or the resident's representative to unreasonable rate increases.

(k) The licensee and other caregivers may not loan money to the residents.

(7) **RESIDENTS' BILL OF RIGHTS.** The licensee, the licensee's family, and employees of the home must guarantee not to violate these rights and to help the residents exercise them. The Residents' Bill of Rights provided by the Department must be explained and a copy given to each resident at the time of admission. The Residents' Bill of Rights states each resident has the right to:

(a) Be treated as an adult with respect and dignity;

(b) Be informed of all resident rights and all house policies;

(c) Be encouraged and assisted to exercise constitutional and legal rights, including the right to vote;

(d) Be informed of their medical condition and the right to consent to or refuse treatment;

(e) Receive appropriate care and services and prompt medical care as needed;

(f) Be free from abuse;

(g) Complete privacy when receiving treatment or personal care;

(h) Associate and communicate privately with any person of choice and send and receive personal mail unopened;

(i) Have access to and participate in activities of social, religious, and community groups;

(j) Have medical and personal information kept confidential;

(k) Keep and use a reasonable amount of personal clothing and belongings, and to have a reasonable amount of private, secure storage space;

(l) Be free from chemical and physical restraints except as ordered by a physician or other qualified practitioner. Restraints are used only for medical reasons, to maximize a resident's physical functioning, and after other alternatives have been tried. Restraints are not to be used for discipline or convenience;

(m) Manage their own financial affairs unless legally restricted;

(n) Be free from financial exploitation. The licensee may not charge or ask for application fees or non-refundable deposits or solicit, accept, or receive money or property from a resident other than the amount agreed to for services;

(o) A written agreement regarding services to be provided and the rates to be charged. The licensee must give 30 days' written notice before any change in the rates or the ownership of the home;

(p) Not be transferred or moved out of the adult foster home without 30 calendar days' written notice and an opportunity for a hearing. A licensee may transfer a resident only for medical reasons or for the welfare of the resident or other residents, or for nonpayment;

(q) A safe and secure environment;

(r) Be free of discrimination in regard to race, color, national origin, gender, sexual orientation, or religion;

(s) Make suggestions or complaints without fear of retaliation; and

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(t) Be free of discrimination in regard to the execution of an Advance Directive, Physician's Order for Life-Sustaining Treatment (POLST), or Do Not Resuscitate (DNR) orders.

Stat. Auth.: ORS 127.520, 410.070, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, & 443.790  
Stats. Implemented: ORS 443.001 to 443.004, 443.705 to 443.825, 443.875, & 443.991  
Hist.: SSD 14-1985, f. 12-31-85, ef. 1-1-86; SSD 11-1988, f. 10-18-88, cert. ef. 11-1-88, Renumbered from 411-050-0445(8) thru (10); SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1996, f. 3-29-96, cert. ef. 4-1-96; SDD 4-2001, f. & cert. ef. 3-1-01; SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; SPD 9-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 411-050-0447, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13

## 411-050-0660

### Qualifications and Requirements for Ventilator-Assisted Care

Adult foster homes that provide ventilator-assisted care for residents must meet the following requirements in addition to the other requirements set forth in these rules:

(1) LICENSE REQUIRED. A person or entity may not represent themselves as operating an adult foster home that provides ventilator-assisted care or accept placement of an individual requiring ventilator-assisted care without being licensed as a ventilator-assisted care adult foster home.

(2) APPLICATION. An applicant or licensee must meet and maintain compliance with OAR 411-050-0610.

(a) To apply for a license to provide ventilator-assisted care, an applicant or licensee must complete the Department's ventilator-assisted care application form (SDS 448V) and submit the application with the required information and nonrefundable fee as outlined in OAR 411-050-0610(3) and (4) to the local licensing authority.

(b) To renew a license to provide ventilator-assisted care, a licensee must complete the Department's ventilator-assisted care application form (SDS 448V) and submit the application with the required information and nonrefundable fee as outlined in OAR 411-050-0640(3) to the local licensing authority.

(c) Applications are processed according to OAR 411-050-0610 and 411-050-0640.

(d) Applications must be approved by the Department prior to the issuance of a ventilator-assisted care license.

(3) QUALIFICATIONS. An applicant, licensee, resident manager, shift caregivers, and substitute caregivers must meet and maintain compliance with OAR 411-050-0625. In addition:

(a) The applicant, licensee, resident manager, or shift caregivers, as applicable, must demonstrate one year of full-time experience in providing ventilator-assisted care.

(b) The applicant or licensee, as applicable, must have experience operating a Class 3 adult foster home in substantial compliance with these rules for at least one year.

(c) An applicant for an adult foster home providing ventilator-assisted care must be the primary caregiver and live in the home where ventilator-assisted care is to be provided for a minimum of one year from the date the initial ventilator-assisted care license is issued. The licensee may employ a resident manager to be the primary live-in caregiver after providing ventilator-assisted care for the one year period. The resident manager must be approved by the local licensing authority and the Department.

(4) TRAINING. An applicant, licensee, resident manager, shift caregivers, and substitute caregivers must meet and maintain compliance with OAR 411-050-0610. The applicant, licensee, resident manager, shift caregivers, and substitute caregivers must successfully complete the Department's approved training pertaining to ventilator-assisted care and other training as required. Training is required on an annual basis and must be completed by the licensee, resident manager, shift caregivers, and substitute caregivers prior to approval of a renewed ventilator-assisted care license.

(5) CLASSIFICATION. An applicant for a ventilator-assisted care license must possess the minimum qualifications outlined in section (3) of this rule. The applicant and licensee must meet and maintain compliance with OAR 411-050-0630. The local licensing authority shall issue a Level A, Level B, or Level C ventilator-assisted care adult foster home license to qualified applicants.

(a) A licensee with a Level C ventilator-assisted care license may admit a maximum of one resident who requires ventilator-assisted care. The local licensing authority may issue a Level C license if the applicant has:

(A) Successfully completed the training requirements described in section (4) above; and

(B) Successfully operated a Class 3 home in substantial compliance with these rules for a period of not less than one year.

(b) A licensee with a Level B ventilator-assisted care license may admit a maximum of three residents who require ventilator-assisted care.

The local licensing authority may issue a Level B license if the licensee has:

(A) Successfully completed the training requirements described in section (4) above; and

(B) Successfully operated and provided ventilator-assisted care in their Level C home in substantial compliance with these rules for a period of not less than one year; or

(C) The applicant or licensee, as applicable, has a current license as a health care professional in Oregon.

(c) A licensee with a Level A ventilator-assisted care license may admit a maximum of five residents who require ventilator-assisted care. The local licensing authority may issue a Level A license if the licensee has:

(A) Successfully completed the training requirements described in section (4) above; and

(B) Successfully operated and provided ventilator-assisted care in their Level B home in substantial compliance with these rules for a period of not less than one year.

(6) CAPACITY. An applicant and licensee must meet and maintain compliance with OAR 411-050-0632. The number of residents permitted to reside in a ventilator-assisted care adult foster home is determined by the level of the home, the ability of the staff to meet the care needs of the residents, the fire and life safety standards, and compliance with these rules. A licensee may only admit or continue to provide ventilator-assisted care for residents according to the level of the home's license. A licensee may admit other residents who do not require ventilator-assisted care within the approved license capacity listed on the home's license.

(7) OPERATIONAL STANDARDS. A licensee must meet and maintain compliance with OAR 411-050-0645. In addition:

(a) A minimum of two qualified and approved caregivers must be on site and available to meet the routine and emergency care and service needs of the residents 24 hours a day. A minimum of one of the two qualified and approved caregivers must be awake during nighttime hours.

(b) All caregivers must demonstrate competency in providing ventilator-assisted care.

(c) All caregivers must be able to evacuate the residents and any other occupants of the home within three minutes or less.

(d) The applicant and licensee must have a satisfactory system in place to ensure the caregivers are alert to the 24-hour needs of residents who may be unable to independently call for assistance.

(e) All caregivers must know how to operate the back-up generator without assistance and be able to demonstrate how to operate the back-up generator upon request by the Department or local licensing authority.

(8) FACILITY STANDARDS. An applicant and licensee must meet and maintain compliance with OAR 411-050-0650. In addition:

(a) The residents' bedrooms must be a minimum of 100 square feet, or larger if necessary, to accommodate the standard requirements of OAR 411-050-0650, the needs of the resident, and the equipment and supplies necessary for the care and services needed by individuals requiring ventilator-assisted care.

(b) Homes that provide ventilator-assisted care for residents must have a functional, emergency back-up generator. The generator must be adequate to maintain electrical service for resident needs until regular service is restored. Hard wired, back-up generators must be installed by a licensed electrician. Back-up generators must be tested monthly and the test must be documented in the facility records.

(c) The home must have a functional, interconnected carbon monoxide and smoke alarm system with back-up batteries.

(d) The home must have a functional sprinkler system and maintenance of the sprinkler system must be completed as recommended by the manufacturer. A home that does not have a functional sprinkler system but was approved to provide ventilator-assisted care prior to September 1, 2013, must install a functional whole-home sprinkler system no later than July 31, 2015.

(e) Each resident's bedroom must have a mechanism in place that enables the resident to summon a caregiver's assistance when needed. The mechanism must be within the abilities of the resident to use. The summons must be audible in all areas of the adult foster home.

(9) STANDARDS AND PRACTICES FOR CARE AND SERVICES. Licensees must meet and maintain compliance with OAR 411-050-0655. In addition:

(a) The licensee must conduct and document a thorough screening of a prospective resident on the Department's form (SDS 902).

(b) Prior to admitting a resident requiring ventilator care to the adult foster home, the licensee must obtain preauthorization from the Department.

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(c) The licensee must have a primary care physician identified for each resident being considered for admission.

(d) The licensee must retain the services of a registered nurse (RN) consultant to work in the home who is licensed by the State of Oregon and trained in the care of individuals requiring ventilator-assisted care. RN services include but are not limited to the provision of medical consultation and supervision of resident care, skilled nursing care as needed, and delegation of nursing care to caregivers. When the licensee is an RN, a back-up RN licensed by the State of Oregon and trained in the care of individuals requiring ventilator-assisted care must be identified and available to provide nursing services in the absence of the licensee.

(e) The licensee must develop individual care plans for each resident with the RN consultant addressing the expected frequency of nursing supervision, consultation, and direct service intervention. The RN consultation must be documented on the resident's completed care plan with the RN's signature and date signed.

(f) The licensee must have physician, RN, and respiratory therapist consultation services, all licensed by the State of Oregon and trained in the care of individuals requiring ventilator-assisted care available on a 24-hour basis and for in-home visits as appropriate. The licensee must call the appropriate medical professional to attend to the emergent care needs of the residents.

Stat. Auth.: ORS 410.070, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, & 443.790  
Stats. Implemented: ORS 410.070, 443.001 to 443.004, 443.705 to 443.825, 443.875, & 443.991  
Hist.: SSD 14-1985, f. 12-31-85, ef. 1-1-86; SSD 11-1988, f. 10-18-88, cert. ef. 11-1-88, Renumbered from 411-050-0445(8) thru (10); SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1996, f. 3-29-96, cert. ef. 4-1-96; SDDS 4-2001, f. & cert. ef. 3-1-01; SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; SPD 9-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 411-050-0491, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13

## 411-050-0662

### Qualifications and Requirements for Limited Adult Foster Homes

(1) To qualify for a limited adult foster home license the applicant or licensee must submit:

(a) A completed application for initial or renewal limited licenses;

(b) The Department's Health History and Physician's or Nurse Practitioner's Statement that indicates the applicant or licensee is physically, cognitively, and emotionally capable of providing care to a specific adult who is older or who has a physical disability and with whom the applicant has an established relationship of not less than one year. The Health History and Statement must be submitted initially and every third year or sooner if there is reasonable cause for health concerns;

(c) Documentation of the initiation of a background check or copy of an approved background check for each subject individual;

(d) Completion of the Department's Caregiver Preparatory Training Study Guide (DHS 9030) and Workbook (DHS 9030-W); and

(e) A \$20 non-refundable fee. If the licensee requests and is granted a variance from the capacity limitation of one resident, a \$20 per bed non-refundable fee for each non-relative resident is required.

(2) The applicant or licensee must demonstrate a clear understanding of the resident's care needs.

(3) The applicant or licensee must live in the home that is to be licensed.

(4) The applicant or licensee must own, rent, or lease the home in which care is being provided. The applicant or licensee must provide verification of proof of ownership or a copy of the signed and dated rental or lease agreement as applicable.

(5) A caregiver must be available at all times, 24 hours a day, 7 days a week, when the resident is in the home. The caregiver must have the knowledge and ability to meet the resident's care needs. All caregivers must:

(a) Have an approved background check according to the Criminal Records and Abuse Check rules (OAR 407-007-0200 through 407-007-0370) prior to working in the home;

(b) Complete the Department's Caregiver Preparatory Training Study Guide (DHS 9030) and Workbook (DHS 9030-W); and

(c) Be at least 18 years of age.

(6) The licensee must notify the local licensing authority if the licensee shall be absent from the home 10 days or more and the resident shall be remaining in the home during the absence. The licensee must also submit a staffing plan to the local licensing authority demonstrating coverage during the absence that meets the needs of the resident.

(7) The resident's bedroom must be in close enough proximity to the licensee or caregiver in charge to alert him or her to nighttime needs or emergencies, or the bedroom must be equipped with a functional call bell or intercom within the resident's abilities to operate.

(8) The licensee and caregiver must have a complete understanding of the resident's medications. The licensee must have a copy of current prescribing practitioner orders including, if applicable, written authorization for self-administration of medications.

(9) Medications must be stored in their original labeled container except when stored in a 7-day closed container manufactured for advanced set-up of medications.

(10) The licensee and caregiver must place used, disposable syringes and needles, and other sharp items in a puncture-resistant, red container designed for disposal of sharp items. Disposal must be according to local regulations and resources (ORS 459.386 through 459.405).

(11) The licensee, the licensee's family, and employees of the home must guarantee not to violate the Residents' Bill of Rights as outlined in OAR 411-050-0655.

(12) The licensee must have a copy of any Advance Directive, Physician Order for Life-Sustaining Treatment (POLST), and Do Not Resuscitate (DNR) orders.

(13) The home must have a working landline and corded telephone. If the licensee has a caller identification service on the home number, the blocking feature must be disabled to allow incoming calls to be received unhindered. Voice over internet protocol (VoIP), voice over broadband (VoBB), or cellular telephone service may not be used in place of a landline.

(14) CONSTRUCTION. Interior and exterior doorways used by a resident must be wide enough to accommodate wheelchairs and walkers if used by the resident. Interior and exterior stairways must be unobstructed, equipped with handrails, and appropriate to the condition of the resident.

(15) Hardware for all exit doors and interior doors must be readily visible and have simple hardware that may not be locked against exit and must have an obvious method of operation. Hasps, sliding bolts, hooks and eyes, slide chain locks, and double key deadbolts are not permitted. If a home has a resident with impaired judgment who is known to wander away, the home must have an activated alarm system to alert a caregiver of the resident's unsupervised exit.

(16) Buildings must be of sound construction with wall and ceiling flame spread rates at least substantially comparable to wood lath and plaster or better. The maximum flame spread of finished materials may not exceed 200 and the smoke developed index may not be greater than 450. If more than 10 percent of combined wall and ceiling areas in a sleeping room or exit way is composed of readily combustible material such as acoustical tile or wood paneling, such material must be treated with an approved flame retardant coating. Exception: Buildings supplied with an approved automatic sprinkler system.

(a) MANUFACTURED HOMES. Manufactured home (formerly mobile homes) units must have been built since 1976 and designed for use as a home rather than a travel trailer. The unit must have a manufacturer's label permanently affixed on the unit itself that states the unit meets the requirements of the Department of Housing and Urban Development (HUD). The required label must read as follows:

"As evidenced by this label No. ABC000001, the manufacturer certifies to the best of the manufacturer's knowledge and belief that this mobile home has been inspected in accordance with the requirements of the Department of Housing and Urban Development and is constructed in conformance with the Federal Mobile Home Construction and Safety Standards in effect on the date of manufacture. See date plate."

(b) If such a label is not evident and the licensee believes the unit meets the required specifications, the licensee must take the necessary steps to secure and provide verification of compliance from the manufacturer.

(c) Mobile homes built since 1976 meet the flame spread rate requirements and do not have to have paneling treated with a flame retardant coating.

(17) The applicant or licensee must meet minimal fire safety standards including:

(a) A functional smoke alarm with back-up battery must be installed in all sleeping areas and hallways or access ways that adjoin sleeping areas;

(b) A functional carbon monoxide alarm with back-up battery must be installed within 15 feet of each bedroom and at a height as recommended by the manufacturer;

(c) At least one fire extinguisher with a minimum classification of 2-A:10-B:C must be mounted in a visible and readily accessible location on each floor, including basements, and be checked at least once a year by a qualified person who is well versed in fire extinguisher maintenance. All recharging and hydrostatic testing must be completed by a qualified agency properly trained and equipped for this purpose;

(d) The licensee must have a safe evacuation plan and may be required to demonstrate their evacuation plan. The licensee may be required

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to install an Americans with Disabilities Act (ADA) compliant ramp for the safety of all occupants;

(e) The licensee and all occupants must be able to evacuate within 3 minutes to an initial point of safety exterior to and away from the structure, with access to a public sidewalk or street. The licensee and all occupants must be able to demonstrate the ability to further evacuate all occupants from the initial point of safety to the final point of safety within two minutes or less;

(f) Smoking is prohibited in any bedroom including that of the resident, the licensee, occupants, or caregivers and in any room where oxygen is used or stored;

(g) The home must be built of standard construction and must meet all applicable state and local building, mechanical, and housing codes for fire and life safety;

(h) A resident must have a bedroom that:

(A) Was constructed as a bedroom when the home was built or remodeled under permit;

(B) Is finished with walls or partitions of standard construction that go from floor to ceiling;

(C) Has a door large enough to accommodate the occupant of the room and any equipment that may be necessary such as a hospital bed or wheelchair;

(D) Be adequately ventilated, heated, and lighted with at least one operable window or exterior door that leads directly outside as a secondary egress for resident use; and

(E) Has at least 70 square feet of usable floor space.

(i) All exit ways, including windows, must remain unobstructed at all times;

(j) Flammable materials cannot be stored within 36 inches of open flame or heat sources;

(k) Only sealed electric transfer heaters or electric space heaters with tip-over shut-off capability may be used when approved by the State Fire Marshal or State Fire Marshal's designee. Heaters must be plugged directly into an outlet and may not be used with extension cords; and

(l) The licensee must install or make available any supportive device necessary to meet the resident's needs and ensure resident safety including, but not limited to grab bars, ramps, and door alarms.

(18) A license is not transferable and does not apply to any location or person other than the location and the person indicated on the license obtained from the local licensing authority.

(19) The licensee must notify the local licensing authority at least 30 days prior to any change in residential or mailing address.

(20) The Department, the local licensing authority, and the Centers for Medicare and Medicaid Services (CMS) have authority to conduct inspections with or without advance notice to the licensee or the resident of a home. The licensee must allow and authorize other caregivers and occupants to permit entrance and access to the home and the resident for the purpose of assessing, monitoring, inspection, investigation, and other duties within the scope of the Department, the local licensing authority, or CMS.

(21) The applicant or licensee must obtain any training and maintain resident record documentation deemed necessary by the Department to provide adequate care for the resident.

Stat. Auth.: ORS 410.070, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, & 443.790

Stats. Implemented: ORS 443.001 to 443.004, 443.705 to 443.825, 443.875, & 443.991

Hist.: SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13

## 411-050-0665

### Abuse Reporting, Complaints, and Notification of Findings

(1) **ABUSE REPORTING.** Abuse is prohibited. The facility employees and licensee may not permit, aid, or engage in abuse of residents who are under their care. Abuse and suspected abuse must be reported in accordance with OAR 411-020-0020.

(a) **STAFF REPORTING.** All facility employees must immediately report abuse and suspected abuse to the investigative authority.

(b) **LICENSEE REPORTING.** The licensee must immediately notify the investigative authority of any incident of abuse or suspected abuse, including events overheard or witnessed by observation.

(c) **LAW ENFORCEMENT AGENCY.** The local law enforcement agency must be called first when the suspected abuse is believed to be a crime (e.g., rape, murder, assault, burglary, kidnapping, theft of controlled substances, etc.).

(2) **IMMUNITY AND PROHIBITION OF RETALIATION.**

(a) The licensee may not retaliate against any resident after the resident or someone acting on the resident's behalf has filed a complaint in any manner including but not limited to:

(A) Increasing or threatening to increase charges;  
(B) Decreasing or threatening to decrease services;  
(C) Withholding rights or privileges;  
(D) Taking or threatening to take any action to coerce or compel the resident to leave the facility; or

(E) Threatening to harass or abuse a resident in any manner.

(b) The licensee must ensure that any complainant, witness, or employee of a facility is not subjected to retaliation by any caregiver, (including the caregiver's family and friends who may live in or frequent the adult foster home) for making a report, being interviewed about a complaint, or being a witness, including but not limited to restriction of access to the home or a resident or, if an employee, dismissal or harassment.

(c) Anyone who, in good faith, reports abuse or suspected abuse has immunity, as approved by law, from any civil liability that might otherwise be incurred or imposed with respect to the making or content of an abuse complaint.

(3) Immunity under this rule does not protect self-reporting licensees from liability for the underlying conduct that is alleged in the complaint.

(4) The local licensing authority must furnish each adult foster home with a Complaint Notice that states the telephone number of the Department, the investigative authority, and the Long-Term Care Ombudsman, and the procedure for making complaints.

(5) Any person who believes these rules have been violated may file a complaint with the Department, the local licensing authority, or the investigative authority.

(6) The Department or the investigative authority shall investigate complaints in accordance with the adult protective services rules in OAR chapter 411, division 20, OAR chapter 407, division 45, or OAR chapter 943, division 45, as applicable.

(7) Immediate protection shall be provided for the residents by the Department, the local licensing authority, or the investigative authority, as necessary, regardless of whether the investigative report is completed. The licensee must immediately cease any practice that places a resident at risk of serious harm.

(8) **NOTIFICATION OF FINDINGS.** The Department, through the investigative authority, shall provide, by written communication or electronic mail, a copy of the preliminary abuse investigation report to the licensee and complainant within seven business days of the completion of the investigation:

(a) The report shall be accompanied by a notice informing the licensee and complainant of their right to give additional information about the content of the report to the investigative authority within 10 calendar days of receipt of the report.

(b) The investigative authority must review the responses and reopen the investigation or amend the report if the additional evidence warrants a change.

(c) A copy of the entire report shall be sent to the Department upon completion of the investigation report.

(9) Upon completion of substantiation of abuse or rule violation, the Department must provide written notification of its findings to the licensee.

(a) **CONTENT.** The written notice shall:

(A) Explain the nature of each allegation;

(B) Include the date and time of each occurrence;

(C) For each allegation, include a determination of whether the allegation is substantiated, unsubstantiated, or inconclusive;

(D) For each substantiated allegation, state whether the violation was abuse or another rule violation;

(E) Include a copy of the complaint investigation report;

(F) State that the complainant, any person reported to have committed wrongdoing, and the facility have 15 calendar days to provide additional or different information; and

(G) For each allegation, explain the applicable appeal rights available.

(b) **APPORTIONMENT.** If the Department determines there is substantiated abuse, the Department may determine that the licensee, an individual, or both the licensee and an individual were responsible for abuse. In determining responsibility, the Department shall consider intent, knowledge, and ability to control, and adherence to professional standards, as applicable.

(A) **LICENSEE RESPONSIBLE.** Examples of when the Department shall determine the licensee is responsible for the abuse include but are not limited to the following:

(i) Failure to provide sufficient, qualified staffing in accordance with these rules without reasonable effort to correct;

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(ii) Failure to check for or act upon relevant information available from a licensing board;

(iii) Failure to act upon information from any source regarding a possible history of abuse by any staff or prospective staff;

(iv) Failure to adequately train, orient, or provide sufficient oversight to staff;

(v) Failure to provide adequate oversight to residents;

(vi) Failure to allow sufficient time to accomplish assigned tasks;

(vii) Failure to provide adequate services;

(viii) Failure to provide adequate equipment or supplies; or

(ix) Failure to follow orders for treatment or medication.

(B) **INDIVIDUAL RESPONSIBLE.** Examples of when the Department determines an individual is responsible includes but is not limited to:

(i) Intentional acts against a resident including assault, rape, kidnapping, murder, sexual abuse, or verbal or mental abuse;

(ii) Acts contradictory to clear instructions from the facility, such as those identified in section (9)(b)(A) of this rule, unless the act is determined by the Department to be the responsibility of the facility;

(iii) Callous disregard for resident rights or safety; or

(iv) Intentional acts against a resident's property (e.g., theft or misuse of funds).

(C) An individual shall not be considered responsible for the abuse if the individual demonstrates the abuse was caused by factors beyond the individual's control. "Factors beyond the individual's control" are not intended to include such factors as misuse of alcohol or drugs or lapses in sanity.

(D) **APPEAL RIGHTS FOR NURSING ASSISTANTS.** If a nursing assistant has a finding of substantiated abuse, the nursing assistant has due process in accordance with OAR 411-089-0140(2).

(c) **DISTRIBUTION.**

(A) The written notice shall be mailed to:

(i) The licensee;

(ii) Any person reported to have committed wrongdoing;

(iii) The complainant, if known;

(iv) The Long-term Care Ombudsman; and

(v) The local licensing authority.

(B) A copy of the written notice must be placed in the Department's facility complaint file.

(10) Upon receipt of a notice that substantiates abuse for victims covered by ORS 430.735, the facility must provide written notice of the findings to the individual found to have committed abuse, residents of the facility, the residents' case managers, and the residents' legal representatives.

(11) Licensees who acquire substantiated complaints pertaining to the health, safety, or welfare of residents may be assessed civil penalties, may have conditions placed on their licenses, or may have their licenses suspended, revoked, or not renewed.

(12) **COMPLAINT REPORTS.** Copies of all completed complaint reports must be maintained and available to the public at the local licensing authority. Individuals may purchase a photocopy upon requesting an appointment to do so.

(13) The Department and the local licensing authority shall not disclose information that may be used to identify a resident in accordance with OAR 411-020-0030, Confidentiality, and federal HIPAA Privacy Rules. Completed reports placed in the public file must be in compliance with OAR 411-050-0670 and:

(a) Protect the privacy of the complainant and the resident. The identity of the person reporting suspected abuse must be confidential and may be disclosed only with the consent of that person, by judicial process (including administrative hearing), or as required to perform the investigation by the Department or a law enforcement agency;

(b) Treat the names of the witnesses as confidential information; and

(c) Clearly designate the final disposition of the complaint.

(A) **PENDING COMPLAINT REPORTS.** Any information regarding the investigation of the complaint may not be filed in the public file until the investigation has been completed.

(B) **COMPLAINT REPORTS AND RESPONSES.** The investigation reports, including copies of the responses, with confidential information deleted, must be available to the public at the local licensing authority office along with other public information regarding the adult foster home.

Stat. Auth.: ORS 410.070, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, & 443.790

Stats. Implemented: ORS 124.050, 124.060, 124.075, 443.001 to 443.004, 443.705 to 443.825, 443.875, & 443.991

Hist.: SSD 14-1985, f. 12-31-85, f. 1-1-86; SSD 11-1988, f. 10-18-88, cert. ef. 11-1-88; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1996, f. 3-29-96, cert. ef. 4-1-96; SDDS 4-2001, f. & cert. ef. 3-1-01; SDDS 11-2001, f. 12-21-01,

cert. ef. 1-1-02; SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; SPD 22-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SPD 9-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 411-050-0455, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13

## 411-050-0670

### Inspections

(1) The local licensing authority must conduct an inspection of an adult foster home and all structures on the adult foster home property:

(a) Prior to issuance of a license;

(b) Prior to the annual renewal of a license. The local licensing authority must conduct this inspection unannounced;

(c) Upon receipt of an oral or written complaint of violations that threaten the health, safety, or welfare of residents; or

(d) Anytime the Department has probable cause to believe a home has violated a regulation or provision of these rules or is operating without a license.

(2) The Department may conduct inspections:

(a) Any time such inspections are authorized by these rules and any other time the Department considers it necessary to determine if a home is in compliance with these rules or with conditions placed upon the license;

(b) To determine if cited violations have been corrected; and

(c) For the purpose of routine monitoring of the residents' care.

(3) State or local fire inspectors must be permitted access to enter and inspect adult foster homes regarding fire safety upon the Department's request.

(4) The Department, the local licensing authority, the investigative authority, and the Centers for Medicare and Medicaid Services (CMS) have authority and must have full access to examine and copy facility and resident records, including but not limited to, admission agreements, private pay resident contracts, and resident account records, as applicable.

(5) **PRIVATE INTERVIEW.** Department, local licensing authority, investigative authority, and CMS staff have authority to interview the licensee, resident manager, other caregivers, and the residents. Interviews must be confidential and conducted privately.

(6) Licensees must authorize all staff to permit the Department, local licensing authority, the investigative authority, and CMS staff, for the purpose of inspection, investigation, and other duties within the scope of their authority:

(a) Entrance to the adult foster home and any other structure on the premises; and

(b) Access to resident and facility records.

(7) The Department, local licensing authority, the investigative authority, and CMS has authority to conduct inspections with or without advance notice to the licensee, staff, or the residents of the home. The Department, local licensing authority, and CMS shall not give advance notice of any inspection if it is believed that notice might obstruct or seriously diminish the effectiveness of the inspection or enforcement of these rules.

(8) If Department, local licensing authority, the investigative authority, or CMS staff are not permitted access for inspection, a search warrant may be obtained.

(9) The inspector must respect the private possessions of the residents, licensee, and staff while conducting an inspection.

(10) **PUBLIC FILE.** The local licensing authority must maintain current information on all licensed adult foster homes and must make all non-confidential information available to prospective residents and other interested members of the public at local licensing authority offices throughout the state as authorized by law. The information includes:

(a) The location of the adult foster home and the name and mailing address of the licensee if different;

(b) A brief description of the physical characteristics of the home;

(c) A copy of the current license that indicates the current classification, level, and capacity of the home, as applicable;

(d) The date the licensee was first licensed to operate that home;

(e) The date of the last licensing inspection including any fire inspection, the name and telephone number of the office that performed the inspection, and a summary of the inspection findings;

(f) Copies of all non-confidential portions of complaint investigations involving the home, together with the findings, actions taken by the Department, and responses from the licensee and complainant, as appropriate. All complaint terminology must be clearly defined and the final disposition clearly designated;

(g) Any license conditions, suspensions, denials, revocations, non-renewals, civil penalties, variances, or other actions taken by the Department involving the home; and

# ADMINISTRATIVE RULES

(h) Whether care is provided primarily by the licensed provider, a resident manager, or shift caregivers.

Stat. Auth.: ORS 410.070, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, & 443.790  
Stats. Implemented: ORS 443.001 to 443.004, 443.705 to 443.825, 443.875, & 443.991  
Hist.: SSD 14-1985, f. 12-31-85, ef. 1-1-86; SSD 11-1988, f. 10-18-88, cert. ef. 11-1-88; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1996, f. 3-29-96, cert. ef. 4-1-96; SDSD 4-2001, f. & cert. ef. 3-1-01; SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; Renumbered from 411-050-0450, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13

## 411-050-0675

### Procedures for Correction of Violations

(1) If, as a result of an inspection or investigation, the Department determines that abuse has occurred, the licensee shall be notified verbally to immediately cease the abusive act. The Department shall follow-up with a written confirmation of the warning to cease the abusive act and shall include notification that further sanctioning may be imposed.

(2) If an inspection or investigation indicates a violation of these rules other than abuse, the local licensing authority shall notify the licensee of the violation in writing.

(3) The notice of violation may not include information that may be used to identify a resident in accordance with OAR 411-020-0030, Confidentiality, and federal HIPAA Privacy Rules. Notices placed in the public file must be in compliance with OAR 411-050-0670 and must include the following:

- (a) A description of each condition that constitutes a violation;
- (b) Each rule that has been violated;

(c) A specific time frame for correction, not to exceed 30 calendar days after receipt of the notice. The local licensing authority may approve a reasonable time in excess of 30 calendar days if correction of the violation within that time frame is not practical. If the licensee requests more than 30 calendar days to correct the violation, such time must be specified in the licensee's plan of correction and must be found acceptable by the local licensing authority;

(d) Sanctions that may be imposed against the home for failure to correct the violation;

(e) The right of the licensee to contest the violation if an administrative sanction is imposed; and

(f) The right of the licensee to request a variance as provided in OAR 411-050-0642.

(4) At any time after receipt of a notice of violation or an inspection report, the applicant, the licensee, the local licensing authority, or the Department may request a meeting. The meeting must be scheduled within 10 business days of a request by any party.

(a) The purpose of the meeting is to discuss the violation stated in the notice of violation, provide information, and to assist the applicant or licensee in achieving compliance with the requirements of these rules.

(b) The request for a meeting by an applicant, licensee, local licensing authority, or the Department does not extend any previously established time frame for correction.

(5) The applicant or licensee must notify the local licensing authority of correction of the violation by completing a written response in the provider's statement of correction section on the violation. Notification of correction of the violation must be submitted to the local licensing authority no later than the date specified in the notice of violation.

(6) The local licensing authority may conduct a re-inspection of the home after the date the local licensing authority receives the report of compliance, or after the date the violation must be corrected as specified in the notice of violation.

(7) For violations that present an imminent danger to the health, safety, or welfare of residents, the licensee must correct the violation and abate the conditions no later than 24 hours after receipt of the notice of violation. The local licensing authority may inspect the home after the 24-hour period to determine if the violation has been corrected as specified in the notice of violation.

(8) If residents are in immediate danger, the license may be immediately suspended and arrangements made to move the residents.

(9) If, after inspection of a home, the violations have not been corrected by the date specified in the notice of violation or if the local licensing authority has not received a report of compliance, the Department may institute one or more administrative sanctions.

Stat. Auth.: ORS 410.070, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, & 443.790  
Stats. Implemented: ORS 443.001 to 443.004, 443.705 to 443.825, 443.875, & 443.991  
Hist.: SSD 14-1985, f. 12-31-85, ef. 1-1-86; SSD 11-1988, f. 10-18-88, cert. ef. 11-1-88; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1996, f. 3-29-96, cert. ef. 4-1-96; SDSD 4-2001, f. & cert. ef. 3-1-01; SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; SPD 22-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SPD 9-2010, f. 6-

30-10, cert. ef. 7-1-10; Renumbered from 411-050-0460, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13

## 411-050-0680

### Administrative Sanctions

(1) An administrative sanction may be imposed for non-compliance with these rules. An administrative sanction includes one or more of the following actions:

- (a) Attachment of conditions to a license;
- (b) Civil penalties;
- (c) Denial, suspension, revocation, or non-renewal of license; and
- (d) Reclassification of a license.

(2) If the Department imposes an administrative sanction, the Department shall serve a notice of administrative sanction upon the licensee personally, by certified or registered mail, or by certified electronic mail if requested by the licensee.

(3) The notice of administrative sanction shall state:

- (a) Each sanction imposed;
- (b) A short and plain statement of each condition or act that constitutes a violation;
- (c) Each statute or rule allegedly violated;
- (d) A statement of the licensee's right to a contested case hearing;
- (e) A statement of the authority and jurisdiction under which the hearing is to be held;

(f) A statement that the Department's files on the subject of the contested case automatically become part of the contested case record upon default for the purpose of proving a prima facie case; and

(g) A statement that the Department shall issue a final order of default if the licensee fails to request a hearing within the specified time.

(4) The licensee must comply with any final order of the Department.

Stat. Auth.: ORS 410.070, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, & 443.790  
Stats. Implemented: ORS 443.001 to 443.004, 443.705 to 443.825, 443.875, & 443.991  
Hist.: SSD 14-1985, f. 12-31-85, ef. 1-1-86; SSD 11-1988, f. 10-18-88, cert. ef. 11-1-88; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1996, f. 3-29-96, cert. ef. 4-1-96; SDSD 4-2001, f. & cert. ef. 3-1-01; SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; SPD 9-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 411-050-0465, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13

## 411-050-0685

### Civil Penalties

(1) Except as otherwise provided in this rule, civil penalties, not to exceed \$100 per violation to a maximum of \$250, may be assessed for a general violation of these rules.

(2) Mandatory penalties up to \$500, unless otherwise required by law, shall be assessed for falsifying resident or facility records or causing another to do so.

(3) A mandatory penalty of \$250 shall be imposed for failure to have either the licensee, qualified resident manager, qualified shift caregiver, or qualified substitute caregiver on duty 24 hours per day in the adult foster home.

(4) A mandatory penalty of \$250 shall be imposed for dismantling or removing the battery from any required smoke alarm or failing to install any required smoke alarm.

(5) The Department shall impose a civil penalty of not less than \$250 nor more than \$500 on a licensee who admits a resident knowing that the resident's care needs exceed the license classification of the licensee and the admission places the resident or other residents at risk of harm.

(6) Civil penalties up to a maximum of \$1,000 per occurrence may be assessed for substantiated abuse.

(7) If the Department or the Department's designee conducts an investigation and abuse is substantiated and if the abuse resulted in the death, serious injury, rape, or sexual abuse of a resident, the Department shall impose a civil penalty of not less than \$2,500 for each violation.

(A) To impose this civil penalty, the Department must establish that:

(A) The abuse arose from deliberate or other than accidental action or inaction;

(B) The conduct resulting in the abuse was likely to cause death, serious injury, rape, or sexual abuse of a resident; and

(C) The person with the finding of abuse had a duty of care toward the resident.

(b) For the purposes of this civil penalty, the following definitions apply:

(A) "Serious injury" means a physical injury that creates a substantial risk of death or that causes serious disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ.

(B) "Rape" means rape in the first, second, or third degree as described in ORS 163.355, 163.365, and 163.375.

# ADMINISTRATIVE RULES

(C) "Sexual abuse" means any form of nonconsensual sexual contact including but not limited to unwanted or inappropriate touching, sodomy, sexual coercion, sexually explicit photographing, or sexual harassment. The sexual contact must be in the form of any touching of the sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party.

(D) "Other than accidental" means failure on the part of the licensee, or licensee's employees, agents, or volunteers for whose conduct licensee is responsible, to comply with applicable Oregon Administrative Rules.

(8) In addition to any other liability or penalty provided by law, the Department may impose a penalty for any of the following:

- (a) Operating the home without a license;
- (b) The number of residents exceeds the licensed capacity;
- (c) The licensee fails to achieve satisfactory compliance with the requirements of these rules within the time specified, or fails to maintain such compliance;

(d) The home is unable to provide adequate level of care to the residents;

(e) There is retaliation or discrimination against a resident, family, employee, or any other person for making a complaint against the home;

(f) The licensee fails to cooperate with the Department or fails to cooperate with the prescribing practitioner or licensed health care professional in carrying out a resident's care plan; or

(g) The licensee fails to obtain an approved background check from the Department prior to employing a caregiver in the home.

(9) A civil penalty may be imposed for violations other than those involving the health, safety, or welfare of a resident if the licensee fails to correct the violation as required when a reasonable time frame for correction was given.

(10) Any civil penalty imposed under this rule becomes due and payable 10 calendar days after the order imposing the civil penalty becomes final by operation of law or on appeal. The notice must be delivered in person or sent by registered or certified mail and must include:

- (a) A reference to the particular sections of the statute, rule, standard, or order involved;
- (b) A short and plain statement of the matters asserted or charged;
- (c) A statement of the amount of the penalty or penalties imposed; and
- (d) A statement of the right to request a hearing.

(11) The person to whom the notice is addressed shall have 10 calendar days after receipt of the notice in which to make written application for a hearing. If a written request for a hearing is not timely received, the Department shall issue a final order by default.

(12) All hearings shall be conducted according to the applicable provisions of ORS 183.

(13) When imposing a civil penalty, the Department shall consider the following factors:

- (a) The past history of the person incurring the penalty in taking all feasible steps or procedures to correct the violation;
- (b) Any prior violations of statutes, rules, or orders pertaining to the facility;
- (c) The economic and financial conditions of the person incurring the penalty;
- (d) The immediacy and extent to which the violation threatens or threatened the health, safety, or welfare of one or more residents; and
- (e) The degree of harm to residents.

(14) If the person notified fails to request a hearing within the time specified, or if after a hearing the person is found to be in violation of a license, rule, or order, an order may be entered assessing a civil penalty.

(15) Unless the penalty is paid within 10 calendar days after the order becomes final, the order constitutes a judgment and may be recorded by the county clerk, which becomes a lien upon the title to any interest in real property owned by that person. The Department may also initiate a notice of revocation for failure to comply with a final order.

(16) Civil penalties are subject to judicial review under ORS 183.480, except that the court may, at its discretion, reduce the amount of the penalty.

(17) All penalties recovered under ORS 443.790 to 443.815 are paid to the Quality Care Fund.

Stat. Auth.: ORS 410.070, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, & 443.790  
Stats. Implemented: ORS 443.001 to 443.004, 443.705 to 443.825, 443.875, & 443.991  
Hist.: SSD 11-1988, f. 10-18-88, cert. ef. 11-1-88; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1996, f. 3-29-96, cert. ef. 4-1-96; SDSD 4-2001, f. & cert. ef. 3-1-01; SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; SPD 22-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SPD 9-2010, f. 6-30-10, cert. ef. 7-1-10 Renumbered from 411-050-0487, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13

## 411-050-0686

### Conditions

(1) Conditions may be attached to a license and take effect immediately upon notification by the Department or the delivery date of the notice, whichever is sooner. The type of condition attached to a license must directly relate to a risk of harm or potential risk of harm to residents. Conditions may be attached upon a finding that:

- (a) Information on the application or initial inspection requires a condition to protect the health, safety, or welfare of the residents;
- (b) A threat to the health, safety, or welfare of a resident exists;
- (c) There is reliable evidence of abuse, neglect, or exploitation; or
- (d) The home is not being operated in compliance with these rules.

(2) Examples of conditions that may be imposed on a licensee include, but are not limited to:

- (a) Restricting the total number of residents based upon the ability of the licensee to meet the health and safety needs of the residents;
- (b) Restricting the number of residents a provider may admit or retain within a specific classification or level based upon the ability of the licensee and staff to meet the health and safety needs of all the residents;
- (c) Changing the classification of the license based on the licensee's ability to meet the specific care needs of the residents;
- (d) Requiring additional staff to meet the resident's care needs;
- (e) Requiring additional qualifications or training of licensee and staff to meet specific resident care needs;
- (f) Restricting admissions when there is a threat to the current residents of the home and admitting new residents would compound that threat; and

(g) Restricting a licensee from allowing persons on the premises who may be a threat to a resident's health, safety, or welfare.

(3) In accordance with OAR 411-050-0680, the licensee shall be notified in writing of any conditions imposed, the reason for the conditions, and be given an opportunity to request a hearing under ORS 183.310 to 183.550. A licensee must request a hearing in writing within 21 calendar days after the receipt of the notice. Conditions take effect immediately and are a final order of the Department unless later rescinded through the hearing process.

(4) In addition to, or in-lieu of, a contested case hearing, a licensee may request an informal conference with the Department of conditions imposed. The informal conference does not diminish the licensee's right to a hearing.

(5) Conditions imposed remain in effect until the Department has sufficient cause to believe the situation that warranted the condition has been remedied. If the licensee believes the situation that warranted the condition has been remedied, the licensee may request in writing that the condition be removed.

(6) Conditions must be posted with the license in a prominent place in the home and be available for inspection at all times.

Stat. Auth.: ORS 410.070, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, & 443.790  
Stats. Implemented: ORS 443.001 to 443.004, 443.705 to 443.825, 443.875, & 443.991  
Hist.: SSD 11-1988, f. 10-18-88, cert. ef. 11-1-88; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1996, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1996, f. 3-29-96, cert. ef. 4-1-96; SDSD 4-2001, f. & cert. ef. 3-1-01; SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; Renumbered from 411-050-0483, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13

## 411-050-0687

### Denial, Revocation, or Non-Renewal of License

(1) The Department shall deny, revoke, or refuse to renew a license where the Department finds:

(a) There has been substantial non-compliance with these rules or where there is substantial non-compliance with local codes and ordinances or any other state or federal law or rule applicable to the health and safety of caring for residents in an adult foster home;

(b) The Department has conducted a background check and determined the applicant or licensee is not approved in accordance with OAR 411-050-0620;

(c) The licensee allows a caregiver, or any other person, excluding the residents, to reside or work in the adult foster home, who has been convicted of potentially disqualifying crimes, and has been denied, or refused to cooperate with the Department in accordance with OAR 411-050-0620; or

(d) The applicant or licensee falsely represents that he or she has not been convicted of a crime.

(2) The Department shall deny, revoke, or refuse to renew a license where the Department of Human Services has received notice from the Department of Revenue in accordance with ORS 305.385.



# ADMINISTRATIVE RULES

(3) The Department may deny, revoke, or refuse to renew an adult foster home license if the applicant or licensee:

(a) Submits incomplete or untrue information to the Department;

(b) Has a history of, or demonstrates financial insolvency, such as foreclosure, eviction due to failure to pay rent, or termination of utility services due to failure to pay bills;

(c) Has a prior denial, suspension, revocation, or refusal to renew a certificate or license to operate a foster home or residential care facility in this or any other state or county;

(d) Is associated with a person whose license for a foster home or residential care facility was denied, suspended, revoked, or refused to be renewed due to abuse or neglect of the residents, creating a threat to the residents, or failure to possess physical health, mental health, or good personal character within three years preceding the present action, unless the applicant or licensee is able to demonstrate to the Department by clear and convincing evidence that the person does not pose a threat to the residents. For purposes of this subsection, an applicant or licensee is "associated with" a person if the applicant or licensee:

(A) Resides with the person;

(B) Employs the person in the foster home;

(C) Receives financial backing from the person for the benefit of the foster home;

(D) Receives managerial assistance from the person for the benefit of the foster home;

(E) Allows the person to have access to the foster home; or

(F) Rents or leases the adult foster home from the person.

(e) Has threatened the health, safety, or welfare of any resident;

(f) Has abused, neglected, or exploited any resident;

(g) Has a medical or psychiatric problem that interferes with the ability to provide care and services;

(h) Has previously been cited for the operation of an unlicensed adult foster home;

(i) Does not possess the good judgment or character deemed necessary by the Department;

(j) Fails to correct a violation within the specified time frame;

(k) Refuses to allow access and inspection;

(l) Fails to comply with a final order of the Department to correct a violation of the rules for which an administrative sanction has been imposed, such as a license condition;

(m) Fails to comply with a final order of the Department imposing an administrative sanction, including the imposition of a civil penalty;

(n) Fails to take or pass the Department's Ensuring Quality Care Course and examination;

(o) Fails to obtain an approved background check for subject individuals according to OAR 411-050-0620 on more than one occasion;

(p) Has previously surrendered a license while under investigation or administrative sanction during the last three years;

(q) Is not currently or has not previously been in compliance with employment or tax laws; or

(r) Fails to operate the home or any other facility in substantial compliance with ORS 443.705 to 443.825.

(4) If the Department issues a notice of revocation for the reason of abuse, neglect, or exploitation of a resident, the licensee may request a review in writing within 10 calendar days after receipt of the notice of the revocation. If a request is made, the Department must review all material relating to the allegation of abuse, neglect, or exploitation and the revocation within 10 calendar days. The Department shall determine, based on a review of the material, whether to sustain the decision. If the Department does not sustain the decision, the license shall be restored immediately. The decision of the Department is subject to a contested case hearing under ORS 183.

(5) If a license is revoked or not renewed, the licensee is entitled to a contested case hearing preceding the effective date of the revocation or non-renewal if the licensee requests a hearing in writing within 21 calendar days after receipt of the notice. If no written request for a hearing is timely received, the Department shall issue the final order by default. The Department may designate its file as the record for purposes of default.

(6) A license subject to revocation or non-renewal remains valid during an administrative hearings process even if the hearing and final order are not issued until after the expiration date of the license.

(7) If an initial license is denied for any reason other than the results of a test or inspection, the applicant is entitled to a hearing if the applicant requests a hearing in writing within 60 calendar days after receipt of the denial notice. If no written request for a hearing is timely received, the

Department shall issue a final order by default. The Department may designate its file as the record for purposes of default.

(8) If a license is revoked or not renewed, the Department may arrange for residents to move for the residents' protection.

Stat. Auth.: ORS 410.070, 430.735, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, & 443.790

Stats. Implemented: ORS 443.001 to 443.004, 443.705 to 443.825, 443.875, & 443.991

Hist.: SSD 14-1985, f. 12-31-85, ef. 1-1-86; SSD 2-1987(Temp), f. & ef. 5-5-87; SSD 10-1987, f. 10-29-87, ef. 11-1-87; SSD 11-1988, f. 10-18-88, cert. ef. 11-1-88; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1996, f. 3-29-96, cert. ef. 4-1-96; SDDS 4-2001, f. & cert. ef. 3-1-01; SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; SPD 22-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SPD 9-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 411-050-0480, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13

## 411-050-0688

### Suspension of License

(1) The Department may immediately suspend a license for reason of abuse, neglect, or exploitation of a resident if:

(a) The Department finds that the abuse, neglect, or exploitation caused an immediate threat to any of the residents; or

(b) The licensee fails to operate the home or any other facility in substantial compliance with ORS 443.705 to 443.825.

(2) The licensee may request a review of the decision to immediately suspend a license by submitting a request, in writing, within 10 calendar days after receipt of the notice and order of suspension. Within 10 calendar days after receipt of the licensee's request for a review, the Department must review all material relating to the allegation of abuse, neglect, or exploitation and to the suspension, including any written documentation submitted by the licensee within that time frame. The Department shall determine, based on a review of the material, whether to sustain the decision. If the Department does not sustain the decision, the suspension shall be rescinded immediately. The decision of the Department is subject to a contested case hearing under ORS 183 if requested within 90 calendar days.

(3) The Department shall suspend a license upon written notice from the Department of Revenue in accordance with ORS 305.385, and after notice to the licensee and a hearing if requested.

(4) If a license is suspended, the Department may arrange for residents to move for the resident's protection.

Stat. Auth.: ORS 410.070, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, & 443.790

Stats. Implemented: ORS 443.001 to 443.004, 443.705 to 443.825, 443.875, & 443.991

Hist.: SSD 3-1996, f. 3-29-96, cert. ef. 4-1-96; SDDS 4-2001, f. & cert. ef. 3-1-01; SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; SPD 22-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SPD 9-2010, f. 6-30-10, cert. ef. 7-1-10; Renumbered from 411-050-0481, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13

## 411-050-0690

### Criminal Penalties

(1) Operating an adult foster home without a license is punishable as a Class C misdemeanor ORS 443.991(5).

(2) Refusing to allow access and inspection of a home by Department or local licensing authority staff or state or local fire inspection is a Class B misdemeanor ORS 443.991(6).

(3) The Department may commence an action to enjoin operation of an adult foster home:

(a) When an adult foster home is operated without a valid license; or

(b) After a notice of revocation or suspension has been given and a reasonable time for placement of individuals in other facilities has been allowed.

Stat. Auth.: ORS 410.070, 443.001, 443.004, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.767, 443.775, & 443.790

Stats. Implemented: ORS 443.001 to 443.004, 443.705 to 443.825, 443.875, & 443.991

Hist.: SSD 14-1985, f. 12-31-85, ef. 1-1-86; SSD 2-1987(Temp), f. & ef. 5-5-87; SSD 11-1988, f. 10-18-88, cert. ef. 11-1-88; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1992, f. 5-26-92, cert. ef. 6-1-92; SSD 3-1996, f. 3-29-96, cert. ef. 4-1-96; SDDS 4-2001, f. & cert. ef. 3-1-01; SPD 31-2006, f. 12-27-06, cert. ef. 1-1-07; Renumbered from 411-050-0485, SPD 33-2013, f. 8-30-13, cert. ef. 9-1-13

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**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 20-2013(Temp)

**Filed with Sec. of State:** 8-23-2013

**Certified to be Effective:** 8-23-13 thru 12-28-13

**Notice Publication Date:**

**Rules Amended:** 461-135-1100, 461-135-1101

# ADMINISTRATIVE RULES

**Rules Suspended:** 461-135-1100(T), 461-135-1101(T)

**Subject:** In conjunction with the Oregon Health Authority, the Department is amending these rules to implement HB 2091 (2013). Healthy KidsConnect (HKC) through the Office of Private Health Partnerships (OPHP) will no longer accept new referrals as of August 23, 2013. The CHIP income limit is increasing to 300 percent of the federal poverty level for new applicants. The requirement for a two-month period without insurance is being eliminated. OAR 461-135-1100, which was amended by temporary rule on July 1, 2013, is being further amended to remove the two-month uninsurance period as a CHIP (OHP-CHP) eligibility requirement and to remove references to HKC eligibility. OAR 461-135-1101, which was amended by temporary rule on July 1, 2013, is being further amended to state that HKC is closed to new applicants effective August 23, 2013, remove the two-month uninsurance requirement, remove the treatment of income and budgeting methodologies for HKC, and remove the HKC referral requirements.

**Rules Coordinator:** Annette Tesch—(503) 945-6067

## 461-135-1100

### Specific Requirements; OHP

In addition to eligibility requirements applicable to the OHP program in other rules in chapter 461 of the Oregon Administrative Rules, this rule sets out specific eligibility requirements for the OHP program.

(1) For purposes of this rule, OAR 461-135-1101, and 461-135-1149, the term private major medical health insurance refers to a comprehensive major medical insurance plan that at a minimum provides physician services; hospitalization (inpatient and outpatient); outpatient lab, x-ray, immunizations; and prescription drug coverage. This term does not include coverage under the Kaiser Child Health Program or Kaiser Transition Program but does include policies that are purchased privately or are employer-sponsored.

(2) To be eligible for the OHP program, an individual cannot:

(a) Be receiving, or deemed to be receiving, SSI benefits;

(b) Be eligible for Medicare, except that this requirement does not apply to the OHP OPP program;

(c) Be receiving Medicaid through another program; or

(d) Be enrolled in a health insurance plan subsidized by the Family Health Insurance Assistance program (FHIAP, see ORS 735.720 to 735.740).

(3) To be eligible for the OHP-OPU program, an individual must be 19 years of age or older and may not be pregnant. An individual eligible for the OHP-OPU program is referred to as a health plan new/noncategorical (HPN) client. In addition to all other OHP program eligibility requirements, an HPN client:

(a) May not be covered by private major medical health insurance that is accessible to the HPN client. For the purposes of this rule, an individual may be eligible for OHP-OPU if they have private major medical health insurance that is not accessible for one or more of the following reasons:

(A) The travel time or distance to available providers exceeds:

(i) In urban areas — 30 miles, 30 minutes, or the community standard, whichever is greater;

(ii) In rural areas — 60 miles, 60 minutes, or the community standard, whichever is greater.

(B) Accessing the private major medical health insurance would place a filing group member at risk of harm.

(b) May not have been covered by private major medical health insurance during the six months preceding the effective date for starting medical benefits. The six-month waiting period is waived if--

(A) The criteria in subsection (a) of this section are met.

(B) The individual has a condition that, without treatment, would be life-threatening or would cause permanent loss of function or disability;

(C) The individual's private health insurance premium was reimbursed under the provisions of OAR 461-135-0990;

(D) The individual's private health insurance was subsidized through FHIAP or the Office of Private Health Partnerships (OPHP) in accordance with ORS 414.231, 414.826, 414.831, and 414.839; or

(E) A member of the individual's filing group was a victim of domestic violence.

(c) Must meet the following eligibility requirements:

(A) The resource limit provided in OAR 461-160-0015;

(B) Payment of premiums determined in accordance with OAR 461-155-0235 and paid in accordance with OAR 461-135-1120; and

(C) The requirements in OAR 461-120-0345 related to obtaining medical coverage for members of the benefit group through the Family Health Insurance Assistance Program (FHIAP), if applicable.

(4) To be eligible for the OHP-OPC program, an individual must be less than 19 years of age.

(5) To be eligible for the OHP-OP6 program, a child must be less than six years of age and not eligible for OHP-OPC.

(6) To be eligible for the OHP-OPP program, an individual must be pregnant or must be a newborn assumed eligible under OAR 461-135-0010(4).

(7) To be eligible for the OHP-CHP program, an individual must be under 19 years of age and must:

(a) Not be eligible for the OHP-OPC, OHP-OPP, or OHP-OP6 programs;

(b) Meet budgeting requirements of OAR 461-160-0700;

(c) For eligibility decisions prior to August 16, 2010, select a medical, dental and mental health managed health care plan (MHCP) or primary care case manager (PCCM) if available, unless the client is exempted by OAR 410-141-0060; and

(d) Not be covered by any private major medical health insurance. For the purposes of this rule, an individual may be eligible for OHP-CHP if they have private major medical health insurance that is not accessible for one or more of the following reasons:

(A) The travel time or distance to available providers exceeds:

(i) In urban areas — 30 miles, 30 minutes, or the community standard, whichever is greater;

(ii) In rural areas — 60 miles, 60 minutes, or the community standard, whichever is greater.

(B) Accessing the private major medical health insurance would place a filing group member at risk of harm.

(8) A child who becomes ineligible for the OHP program because of age while receiving in-patient medical services remains eligible until the end of the month in which he or she no longer receives those services if he or she is receiving in-patient medical services on the last day of the month in which the age requirement is no longer met.

(9) In the OHP-CHP and OHP-OPC programs, for the Department to enroll a child in the program based on a determination made by an ELA, the child's parent or guardian must give consent in writing, by telephone, orally, or through electronic signature for the child to be enrolled in the program.

(10) The Department only may use ELE for a child in a filing group in which no member is already receiving benefits through the CEC, CEM, EXT, MAA, MAF, OHP-CHP, OHP-OPP, OHP-OP6, OSIPM, or SAC program.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404, 411.706, 414.115, 414.231

Stats. Implemented: ORS 409.010, 411.060, 411.070, 411.404, 411.704, 411.706, 414.025, 414.115, 414.231, 414.826, 414.831, 414.839

Hist.: AFS 2-1994, f. & cert. ef. 2-1-94; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 29-1994, f. 12-29-94, cert. ef. 1-1-95; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 41-1995, f. 12-26-95, cert. ef. 1-1-96; AFS 27-1996, f. 6-27-96, cert. ef. 7-1-96; AFS 36-1996, f. 10-31-96, cert. ef. 11-1-96; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 10-1998, f. 6-29-98, cert. ef. 7-1-98; AFS 17-1998, f. & cert. ef. 10-1-98; AFS 15-1999, f. 11-30-99, cert. ef. 12-1-99; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 8-2006, f. & cert. ef. 6-1-06; SSP 13-2008(Temp), f. 5-30-08, cert. ef. 6-1-08 thru 6-30-08; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 29-2009(Temp), f. & cert. ef. 10-1-09 thru 3-30-10; SSP 36-2009(Temp), f. & cert. ef. 12-1-09 thru 12-31-09; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 39-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SSP 9-2010(Temp), f. & cert. ef. 4-21-10 thru 6-30-10; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 21-2010(Temp), f. & cert. ef. 7-1-10 thru 10-18-10; SSP 24-2010(Temp), f. & cert. ef. 7-15-10 thru 10-18-10; SSP 27-2010(Temp), f. & cert. ef. 8-16-10 thru 10-18-10; SSP 30-2010(Temp), f. & cert. ef. 8-25-10 thru 10-18-10; SSP 32-2010, f. & cert. ef. 10-1-10; SSP 35-2010(Temp), f. & cert. ef. 10-1-10 thru 3-30-11; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 36-2011(Temp), f. 12-27-11, cert. ef. 1-1-12 thru 6-29-12; SSP 9-2012, f. 3-29-12, cert. ef. 4-1-12; SSP 15-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SSP 20-2013(Temp), f. & cert. ef. 8-23-13 thru 12-28-13; SSP 20-2013(Temp), f. & cert. ef. 8-23-13 thru 12-28-13

## 461-135-1101

### Specific Requirements; Healthy KidsConnect (HKC)

Effective August 23, 2013, the HKC program is closed to new applicants. In addition to the eligibility requirements applicable to the HKC program in other rules in chapter 461 of the Oregon Administrative Rules, this rule sets out specific eligibility requirements for the HKC program.

(1) To be eligible for HKC, an individual must be under 19 years of age.

(2) To be eligible for HKC, an individual may not be covered by private major medical health insurance (see OAR 461-135-1100). An individual may be eligible for HKC if they have private major medical health insurance that is not accessible for one or more of the following reasons:

(a) The travel time or distance to available providers exceeds:

# ADMINISTRATIVE RULES

(A) In urban areas — 30 miles, 30 minutes, or the community standard, whichever is greater;

(B) In rural areas — 60 miles, 60 minutes, or the community standard, whichever is greater.

(b) Accessing the private major medical health insurance would place a filing group member at risk of harm.

(3) To be eligible for the HKC program, a child must be a U.S. citizen or meet the alien status requirements as provided in OAR 461-120-0125.

(4) The eligibility period for the HKC program is a 12-month period.

(5) A child found eligible for the HKC program under this rule becomes ineligible if any of the following occur:

(a) The child reaches 19 years of age.

(b) The child begins coverage under private major medical health insurance and the insurance is accessible (subsection (a) of this section) and is not provided through a contract with OPHP.

(c) The child becomes a resident of a state other than Oregon.

(d) The child's share of the HKC program insurance premium is not paid.

(e) OPHP determines the child no longer qualifies for enrollment through OPHP.

(f) The Department determines the child does not meet the requirements for eligibility, including but not limited to the child's failure to re-enroll in the HKC program before the end of the HKC program eligibility period.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 414.025, 414.231, 414.826, 414.831, 414.839  
Stats. Implemented: ORS 411.060, 411.070, 411.404, 414.025, 414.231, 414.826, 414.831, 414.839

Hist: SSP 39-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 15-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SSP 20-2013(Temp), f. & cert. ef. 8-23-13 thru 12-28-13

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**Rule Caption:** Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients

**Adm. Order No.:** SSP 21-2013(Temp)

**Filed with Sec. of State:** 8-23-2013

**Certified to be Effective:** 8-23-13 thru 1-28-14

**Notice Publication Date:**

**Rules Amended:** 461-150-0055

**Rules Suspended:** 461-150-0055(T)

**Subject:** In conjunction with the Oregon Health Authority, the Department is amending this rule to implement HB 2091 (2013). Healthy KidsConnect (HKC) through the Office of Private Health Partnerships (OPHP) will no longer accept new referrals as of August 23, 2013. OAR 461-150-0055 which was amended by temporary rule on August 1, 2013 is being further amended to remove HKC from Express Lane Eligibility.

**Rules Coordinator:** Annette Tesch—(503) 945-6067

## 461-150-0055

### Eligibility and Budgeting; HKC, OHP

In the HKC and OHP programs:

(1) The budget month (see OAR 461-001-0000) is:

(a) For a new applicant, the month of application.

(b) For a client reapplying at the end of an OHP certification period (see OAR 461-001-0000), no longer eligible for his or her current OHP program, or moving from the BCCM, EXT, GAM, MAA, MAF, OSIPM, REFM, or SAC programs to the OHP program: the last month of the current eligibility (see OAR 461-001-0000) period.

(c) For a client reapplying at the end of an HKC certification period, the tenth month of the HKC certification period.

(d) When the Department initiates a redetermination of eligibility:

(A) The last month of the current OHP program eligibility period if the Department initiates the redetermination by sending a DHS 945 form.

(B) For OHP program cases not covered by paragraph (A) of this subsection, the month the Department initiates a date of request (see OAR 461-115-0030).

(e) For an individual joining a filing group (see OAR 461-110-0400), the month in which the individual requests medical benefits.

(f) For a late reapplication, the month the Department receives the new application.

(g) For a new applicant or current recipient who is not eligible using the budget month described in subsections (1)(a) to (1)(d) of this rule, the month following the initial budget month.

(2) Countable (see OAR 461-001-0000) income is determined as follows:

(a) Income is considered available during a month under OAR 461 140 0040.

(b) Income is not annualized, converted, or prorated.

(c) For a self-employed client, countable self-employment income is determined under OAR 461-145-0920 and 461-145-0930.

(3) Except as provided in section (5) of this rule, the Department calculates the countable income of the financial group (see OAR 461-110-0530) by adding together the income the financial group has already received in the budget month and the income that reasonably may be expected to be received in the budget month.

(4) A change in income or resources during a certification period (see OAR 461-001-0000) does not affect the eligibility of the benefit group (see OAR 461-110-0750) for that certification period.

(5) In the OHP-CHP and OHP-OPC programs, when the Department uses a finding made during an ELE determination and the child meets all other OHP-CHP or OHP-OPC program nonfinancial eligibility requirements, the standard for the number of eligibility group members determined by the ELA is used to determine eligibility regardless of the need group (see OAR 461-110-0630) size. The countable income of the financial group is the same as the income amount determined by the ELA. A child is deemed eligible for the OHP-CHP or OHP-OPC program as follows:

(a) If the income of the need group is below 163 percent of the federal poverty level (FPL) as listed in OAR 461-155-0180, the Department deems the child eligible for OHP-OPC.

(b) If the income of the need group is at or above 163 percent of the FPL but at or below 300 percent of the FPL, the Department deems the child eligible for OHP-CHP.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404, 414.231

Stats. Implemented: ORS 409.010, 411.060, 411.070, 411.404, 414.231

Hist.: AFS 2-1994, f. & cert. ef. 2-1-94; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 10-1998, f. 6-29-98, cert. ef. 7-1-98; AFS 24-1998(Temp), f. 11-30-98, cert. ef. 12-1-98 thru 3-31-99; AFS 2-1999, f. 3-26-99, cert. ef. 4-1-99; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; 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 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 13-2009, f. & cert. ef. 7-1-09; SSP 29-2009(Temp), f. & cert. ef. 10-1-09 thru 3-30-10; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 25-2010(Temp), f. & cert. ef. 8-16-10 thru 2-12-11; SSP 38-2010(Temp), f. & cert. ef. 11-1-10 thru 2-12-11; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 43-2010(Temp), f. 12-30-10, cert. ef. 1-1-11 thru 4-30-11; SSP 5-2011(Temp), f. & cert. ef. 2-4-11 thru 4-30-11; SSP 10-2011, f. 3-31-11, cert. ef. 4-1-11; SSP 19-2013(Temp), f. 7-31-13, cert. ef. 8-1-13 thru 1-28-14; SSP 21-2013(Temp), f. & cert. ef. 8-23-13 thru 1-28-14

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**Rule Caption:** Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients

**Adm. Order No.:** SSP 22-2013(Temp)

**Filed with Sec. of State:** 8-23-2013

**Certified to be Effective:** 8-23-13 thru 2-19-14

**Notice Publication Date:**

**Rules Amended:** 461-001-0000, 461-101-0010, 461-135-1125, 461-155-0180, 461-155-0225

**Subject:** In conjunction with the Oregon Health Authority, the Department is amending these rules to implement HB 2091 (2013) and prepare for the 2014 Medicaid expansion. Healthy KidsConnect (HKC) through the Office of Private Health Partnerships (OPHP) will no longer accept new referrals as of August 23, 2013. The CHIP income limit is increasing to 300 percent of the federal poverty level for new applicants. The requirement for a two-month period without insurance is being eliminated. OAR 461-001-0000 is being amended to remove HKC from the definitions for express lane agency and express lane eligibility. OAR 461-101-0010 is being amended to identify the new CHIP (OHP-CHP) income limit as 300 percent of the federal poverty level. OAR 461-135-1125 about the OHP Standard Reservation List is being amended to close the list as the OHP Standard Reservation List will be unnecessary with 2014 Medicaid expansion. OAR 461-155-0180 is being amended to state the countable income standards for 300 percent of the federal poverty level and remove the standard for 201 percent of that level. OAR 461-155-0225 is being amended to raise the countable income limit for CHIP (OHP-CHP) to at or below 300 percent of the federal poverty level (from a 201 percent cap) and to remove references to the HKC program.

**Rules Coordinator:** Annette Tesch—(503) 945-6067

# ADMINISTRATIVE RULES

## 461-001-0000

### Definitions for Chapter 461

Defined terms are often italicized throughout this chapter of rules. If a defined term is accompanied by a cross-reference to a rule defining the term, subsequent usages of that term in the same rule refer to the same definition cross-referenced earlier in the rule. In this chapter of rules, unless the context indicates otherwise:

(1) A reference to Division, Adult and Family Services Division (or AFS), Senior and Disabled Services Division (or SDS), or any other agency formerly part of the Department of Human Services shall be taken to mean the Department of Human Services (DHS), except that the rule in which reference occurs only regulates programs covered by Chapter 461 of the Oregon Administrative Rules.

(2) "Address Confidentiality Program" (ACP) means a program of the Oregon Department of Justice, which provides a substitute mailing address and mail forwarding service for ACP participants who are victims of domestic violence, sexual assault, or stalking.

(3) "Adjusted income" means the amount determined by subtracting income deductions from countable income (see OAR 461-140-0010). Specific rules on the deductions are found in division 461-160.

(4) "Adoption assistance" means financial assistance provided to families adopting children with special needs. Adoption assistance may be state or federally funded. Federal adoption assistance is authorized by the Adoption Assistance and Child Welfare Act of 1980 (Pub. L. No. 96-272, 94 Stat. 500 (1980)). State adoption assistance is authorized by ORS 418.330 to 418.335.

(5) "Assets" mean income and resources.

(6) "Basic decision notice" means a decision notice mailed no later than the date of action given in the notice.

(7) "Branch office" means any Department or AAA (Area Agency on Aging) office serving a program covered by this chapter of rules.

(8) "Budgeting" means the process of calculating the benefit level.

(9) "Budget month" means the calendar month from which nonfinancial and financial information is used to determine eligibility and benefit level for the payment month.

(10) "Cafeteria plan" means a written benefit plan offered by an employer in which:

(a) All participants are employees; and

(b) Participants can choose, cafeteria-style, from a menu of two or more cash or qualified benefits. In this context, qualified benefits are benefits other than cash that the Internal Revenue Services does not consider part of an employee's gross income. Qualified benefits include, but are not limited to:

(A) Accident and health plans (including medical plans, vision plans, dental plans, accident and disability insurance);

(B) Group term life insurance plans (up to \$50,000);

(C) Dependent care assistance plans; and

(D) Certain stock bonus plans under section 401(k)(2) of the Internal Revenue Code (but not 401(k)(1) plans).

(11) "Capital asset" means property that contributes toward earning self-employment income, including self-employment income from a microenterprise, either directly or indirectly. A capital asset generally has a useful life of over one year and a value, alone or in combination, of \$100 or more.

(12) "Caretaker" means an individual who is responsible for the care, control, and supervision of a child. The status of caretaker ends once the individual no longer exercises care, control, and supervision of the child for 30 days.

(13) "Caretaker relative" means:

(a) In the Pre-TANF, REF, SFPSS, and TANF programs, a dependent child's father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece who lives in a residence maintained by one or more of the relatives as the child's or the relative's own home.

(b) In all programs not covered under subsection (a) of this section, a caretaker who meets the requirements of one of the following paragraphs:

(A) Is one of the following relatives of the dependent child:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews, or nieces, and individuals of preceding generations as denoted by prefixes of grand, great, or great-great.

(ii) Stepfather, stepmother, stepbrother, and stepsister.

(iii) An individual who legally adopts the child and any individual related to the individual adopting the child, either naturally or through adoption.

(B) Is or was a spouse of an individual listed in paragraph (A) of this subsection.

(C) Met the definition of caretaker relative under paragraph (A) or (B) of this subsection before the child was adopted (notwithstanding the child's subsequent adoption).

(14) "Certification period" means the period for which a client is certified eligible for a program.

(15) "Child" includes natural, step, and adoptive children. The term child does not include an unborn.

(a) In the ERDC program, a child need not have a biological or legal relationship to the caretaker but must be in the care and custody of the caretaker, must meet the citizenship or alien status requirements of OAR 461-120-0110, and must be:

(A) Under the age of 18; or

(B) Under the age of 19 and in secondary school or vocational training at least half time.

(b) In the GA, GAM, and OSIP programs, a child is an individual under the age of 18.

(c) In the OHP program, child means an individual, including a minor parent, under the age of 19.

(d) In the OSIPM and QMB programs, child means an unmarried individual living with a parent who is:

(A) Under the age of 18; or

(B) Under the age of 22 and attending full time secondary, post secondary or vocational-technical training designed to prepare the individual for employment.

(16) "Community based care" is any of the following:

(a) Adult foster care - Room and board and 24 hour care and services for the elderly or for disabled people 18 years of age or older. The care is contracted to be provided in a home for five or fewer clients.

(b) Assisted living facility — A program approach, within a physical structure, which provides or coordinates a range of services, available on a 24-hour basis, for support of resident independence in a residential setting.

(c) In-home Services - People living in their home receiving services determined necessary by the Department.

(d) Residential care facility — A facility that provides residential care in one or more buildings on contiguous property for six or more individuals who have physical disabilities or are socially dependent.

(e) Specialized living facility — Identifiable services designed to meet the needs of individuals in specific target groups which exist as the result of a problem, condition or dysfunction resulting from a physical disability or a behavioral disorder and require more than basic services of other established programs.

(f) Independent choices — In-Home Services program wherein the participant is given cash benefits to purchase self-directed personal assistance services or goods and services provided pursuant to a written service plan (see OAR 411-030-0020).

(17) "Continuing benefit decision notice" means a decision notice that informs the client of the right to continued benefits and is mailed in time to be received by the date benefits are, or would be, received.

(18) "Countable" means that an available asset (either income or a resource) is not excluded and may be considered by some programs to determine eligibility.

(19) "Custodial parents" mean parents who have physical custody of a child. Custodial parents may be receiving benefits as dependent children or as caretaker relatives for their own children.

(20) "Decision notice" means a written notice of a decision by the Department regarding an individual's eligibility for benefits in a program.

(21) "Department" means the Department of Human Services (DHS).

(22) "Dependent child", in the EXT, MAA, MAF, REF, REFM, and TANF programs, means the following:

(a) An individual who is not a caretaker relative of a child in the household, is unmarried or married but separated, and is under the age of 18, or 18 years of age and a full time student in secondary school or the equivalent level of vocational or technical training; or

(b) A minor parent whose parents have chosen to apply for benefits for the minor parent. This does not apply to a minor parent who is married and living with his or her spouse.

(23) "Disability" means:

(a) In the SNAP program, see OAR 461-001-0015.

(b) In the REF, SFPSS, TA-DVS, and TANF programs, for purposes other than determining eligibility:

(A) An individual with a physical or mental impairment that substantially limits the individual's ability to meet the requirements of the program; or

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(B) An individual with a physical or mental impairment that substantially limits one or more major life activities, a record of such impairment, or who is regarded as having such an impairment as defined by the Americans with Disabilities Act (42 USC 12102; 28 CFR 35.104).

(24) "Domestic violence" means the occurrence of one or more of the following acts between family members, intimate partners, or household members:

(a) Attempting to cause or intentionally, knowingly or recklessly causing physical injury or emotional, mental or verbal abuse.

(b) Intentionally, knowingly or recklessly placing another in fear of imminent serious physical injury.

(c) Committing sexual abuse in any degree as defined in ORS 163.415, 163.425 and 163.427.

(d) Using coercive or controlling behavior.

(25) "Domestic violence shelters" are public or private nonprofit residential facilities providing services to victims of domestic violence. If the facility serves other people, a portion must be used solely for victims of domestic violence.

(26) ELA means Express Lane Agency: A public agency identified in the State Medicaid Plan or State CHIP Plan as an agency capable of making determinations regarding one or more eligibility requirements in the OHP-CHP or OHP-OPC programs.

(27) ELE means Express Lane Eligibility: In the OHP-CHP and OHP-OPC programs, the Department's option to rely on a determination, made within a reasonable period, by an ELA finding that a child satisfies the requirements for OHP-CHP or OHP-OPC program eligibility. ELE qualifies a child for medical assistance benefits based on a finding from another public agency, even when the other agency's eligibility methodology differs from that ordinarily used by the Department to determine OHP-CHP and OHP-OPC program eligibility.

(28) "Electronic application" is an application electronically signed and submitted through the internet.

(29) "Eligibility" means the decision as to whether an individual qualifies, under financial and nonfinancial requirements, to receive program benefits.

(30) "Equity value" means fair market value minus encumbrances.

(31) "Fair market value" means the amount an item is worth on the open market.

(32) "Family stability" in the JOBS, Pre-TANF, Post-TANF, SFPSS, TA-DVS, and TANF programs means the characteristics of a family that support healthy child development, including parental mental health, drug and alcohol free environment, stable relationships, and a supportive, flexible, and nurturing home environment.

(33) "Family stability activity" in the JOBS, Pre-TANF, Post-TANF, SFPSS, TA-DVS, and TANF programs means an action or set of actions taken by the client, as specified in a case plan, intended to promote the ability of one or both parents to achieve or maintain family stability.

(34) "Financial institution" means a bank, credit union, savings and loan association, investment trust, or other organization held out to the public as a place receiving funds for deposit, savings, checking, or investment.

(35) "HPN" means a health plan new/noncategorical client eligible under OHP-OPU.

(36) "Income producing property" means any real or personal property that generates income for the financial group. Examples of income producing property are:

(a) Livestock, poultry, and other animals.

(b) Farmland, rental homes (including a room or other space in the home or on the property of a member of the financial group), vacation homes, condominiums.

(37) "Initial month" of eligibility means any of the following:

(a) In all programs, the first month a benefit group (see OAR 461-110-0750) is eligible for a program benefit in Oregon after a period during which the group is not eligible.

(b) In all programs except the SNAP program, the first month a benefit group is eligible for a program benefit after there has been a break in the program benefit of at least one full calendar month. If benefits are suspended for one month, that is not considered a break.

(c) In the SNAP program:

(A) The first month for which the benefit group is certified following any period during which they were not certified to participate, except for migrant and seasonal farm workers (see OAR 461-001-0015).

(B) For migrant and seasonal farmworkers, the first month for which the benefit group is certified following any period of one month or more during which they were not certified to participate.

(d) In the OHP program, the first month of a redetermination or recertification period.

(e) For a new applicant to the GA, GAM, OSIP, or OSIPM program living in a nonstandard living arrangement, for the purposes of calculating the correct divisor in OAR 461-140-0296, the month in which the client would have been eligible had it not been for the disqualifying transfer of assets.

(38) "In-kind income" means income in a form other than money (such as food, clothing, cars, furniture, and payments made to a third party).

(39) "Legally married" means a marriage uniting a man and a woman according to the provisions of either:

(a) The statutes of the state where the marriage occurred;

(b) The common law of the state in which the man and woman previously resided while meeting the requirements for common law marriage in that state; or

(c) The laws of a country in which the man and woman previously resided while meeting the requirements for legal or cultural marriage in that country.

(40) "Life estate" means the right to property limited to the lifetime of the individual holding it or the lifetime of some other individual. In general, a life estate enables the owner of the life estate to possess, use, and obtain profits from property during the lifetime of a designated individual while actual ownership of the property is held by another individual. A life estate is created when an individual owns property and then transfers ownership to another individual while retaining, for the rest of his or her life, certain rights to that property. In addition, a life estate is established when a member of the financial group (see OAR 461-110-0530) purchases a life estate interest in the home of another individual.

(41) "Lodger" means a member of the household group (see OAR 461-110-0210) who:

(a) Is not a member of the filing group; and

(b) Pays the filing group for room and board.

(42) "Long term care" means the system through which the Department provides a broad range of social and health services to eligible adults who are aged, blind, or have disabilities for extended periods of time. This includes nursing homes and state hospitals (Eastern Oregon and Oregon State Hospitals).

(43) "Lump-sum income" means income received too infrequently or irregularly to be reasonably anticipated, or received as a one-time payment. Lump-sum income includes:

(a) Retroactive benefits covering more than one month, whether received in a single payment or several payments.

(b) Income from inheritance, gifts, winnings, and personal injury claims.

(44) "Marriage" means the union of a man and a woman who are legally married.

(45) "Microenterprise" means a sole proprietorship, partnership, or family business with fewer than five employees and capital needs no greater than \$35,000.

(46) "Minor parent", in the ERDC, EXT, MAA, MAF, REF, REFM, and TANF programs, means a parent under the age of 18.

(47) "Nonstandard living arrangement" is defined as follows:

(a) In the GA, GAM, OSIP, OSIPM, and QMB programs, a client is considered to be in a nonstandard living arrangement when the client is applying for or receiving services in any of the following locations:

(A) A nursing facility in which the client receives long-term care services paid with Medicaid funding, except this subsection does not apply to a Medicare client in a skilled-stay nursing facility.

(B) An intermediate care facility for the mentally retarded (ICF/MR).

(C) A psychiatric institution, if the individual is not yet 21 years of age or has reached the age of 65.

(D) A community based care (see section (16) of this rule) setting, except a State Plan Personal Care (SPPC) setting is not considered a nonstandard living arrangement.

(b) In all programs except GA, GAM, OSIP, OSIPM, and QMB, nonstandard living arrangement means each of the following locations:

(A) Foster care.

(B) Residential Care facility.

(C) Drug or alcohol residential treatment facility.

(D) Homeless or domestic violence shelter.

(E) Lodging house if paying for room and board.

(F) Correctional facility.

(G) Medical institution.

(48) "Ongoing month" means one of the following:

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(a) For all programs except the OHP and SNAP programs, any month following the initial month of eligibility, if there is no break in the program benefit of one or more calendar months.

(b) For the OHP and SNAP programs, any month in the certification period following the initial month of eligibility.

(49) "Parent" means the biological or legal (step or adoptive) mother or father of an individual or unborn child.

(a) If the mother lives with a male and either she or the male claims that he is the father of the child or unborn, and no one else claims to be the father, he is treated as the father even if paternity has not been legally established.

(b) A stepparent relationship exists if:

(A) The individual is legally married to the child's biological or adoptive parent; and

(B) The marriage has not been terminated by legal separation, divorce, or death.

(c) A legal adoption erases all prior legal and blood relationships and establishes the adoptive parent as the legal parent. However, the biological parent is also considered a parent if both of the following are true:

(A) The child lives with the biological parent; and

(B) The legal parent (the adoptive parent) has given up care, control, and supervision of the child.

(50) "Payment month" means, for all programs except EA, the calendar month for which benefits are issued.

(51) "Payment period" means, for EA, the 30-day period starting with the date the first payment is issued and ending on the 30th day after the date the payment is issued.

(52) "Periodic income" means income received on a regular basis less often than monthly.

(53) "Primary person" for all programs except the SNAP program, means the filing group member who is responsible for providing information necessary to determine eligibility and calculate benefits. The primary person for individual programs is as follows:

(a) For the EXT, MAA, MAF, and TANF programs, the parent or caretaker relative.

(b) For the ERDC program, the caretaker.

(c) For SNAP, see OAR 461-001-0015.

(d) For the GA, GAM, OSIP, OSIPM, and QMB programs, the client or client's spouse.

(e) For the OHP, REF, and REFM programs, the applicant, caretaker, caretaker relative, or parent.

(54) "Qualified Partnership Policy" means a long term care insurance policy meeting the requirements of OAR 836-052-0531 that was either:

(a) Issued while the client was a resident in Oregon on January 1, 2008 or later; or

(b) Issued in another state while the client was a resident of that state on or after the effective date of that state's federally approved State Plan Amendment to issue qualified partnership policies.

(55) "Real property" means land, buildings, and whatever is erected on or affixed to the land and taxed as real property.

(56) "Reimbursement" means money or in-kind compensation provided specifically for an identified expense.

(57) "Safe homes" mean private homes that provide a few nights lodging to victims of domestic violence. The homes must be recognized as such by the local domestic violence agency, such as crisis hot lines and shelters.

(58) "Shelter costs" mean, in all programs except the SNAP program, housing costs (rent or mortgage payments, property taxes) and utility costs, not including cable TV or non-basic telephone charges. In the SNAP program, see OAR 461-160-0420.

(59) "Shelter in kind" means an agency or person outside the financial group (see OAR 461-110-0530) provides the shelter of the financial group, or makes a payment to a third party for some or all of the shelter costs of the financial group. Shelter-in-kind does not include temporary shelter provided by a domestic violence shelter, homeless shelter, or residential alcohol and drug treatment facilities or situations where no shelter is being provided, such as sleeping in a doorway, park, or bus station.

(60) "Sibling" means the brother or sister of an individual. "Blood related" means they share at least one biological or adoptive parent. "Step" means they are not related by blood, but are related by the marriage of their parents.

(61) "Spousal support" means income paid (voluntarily, per court order, or per administrative order) by a separated or divorced spouse to a member of the financial group (see OAR 461-110-0530).

(62) "Spouse" means an individual who is legally married to another individual. In the ERDC and SNAP programs, spouse includes an individual who is not legally married to another, but is presenting themselves to the community as the husband or wife by:

(a) Representing themselves as husband and wife to relatives, friends, neighbors, or tradespeople; and

(b) Sharing living expenses or household duties.

(63) "Stable income" means income that is the same amount each time it is received.

(64) "Standard living arrangement" means a location that does not qualify as a nonstandard living arrangement.

(65) "Teen parent" means, for TANF and JOBS, a parent under the age of 20 who has not completed a high school diploma or GED.

(66) "Timely continuing benefit decision notice" means a decision notice that informs the client of the right to continued benefits and is mailed no later than the time requirements in OAR 461-175-0050.

(67) "Trust funds" mean money, securities, or similar property held by a person or institution for the benefit of another person.

(68) "USDA meal reimbursements" mean cash reimbursements made by the Oregon Department of Education for family day-care providers who serve snacks and meals to children in their care.

(69) "Variable income" means earned or unearned income that is not always received in the same amount each month.

Stat. Auth: ORS 411.060, 411.070, 411.404, 411.816, 412.006, 412.014 & 412.049

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.816, 412.001, 412.006, 412.014 & 412.049

Hist.: AFS 28-1978, f. & ef. 7-13-78; AFS 54-1984, f. 12-28-84, ef. 1-1-85; AFS 21-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 27-2001, f. 12-21-01, cert. ef. 1-1-02; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 14-2007, f. 12-31-07, cert. ef. 1-1-08; SSP 15-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 8-2008, f. & cert. ef. 4-1-08; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 5-2009, f. & cert. ef. 4-1-09; SSP 13-2009, f. & cert. ef. 7-1-09; SSP 29-2009(Temp), f. & cert. ef. 10-1-09 thru 3-30-10; Administrative correction 4-21-10; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 17-2012(Temp), f. & cert. ef. 5-1-12 thru 10-28-12; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12; SSP 22-2013(Temp), f. & cert. ef. 8-23-13 thru 2-19-14

## 461-101-0010

### Program Acronyms and Overview

(1) Acronyms are frequently used when referring to a program. There is an acronym for each umbrella program (for instance, OHP) and acronyms for each subprogram (for instance, OHP-CHP, OHP-OPC, OHP-OPP, OHP-OPU, and OHP-OP6).

(2) When no program acronym appears in a rule in Chapter 461 of these rules, the rule with no program acronym applies to all programs listed in this rule. If a rule does not apply to all programs, the rule uses program acronyms to identify the programs to which the rule applies.

(3) Wherever an umbrella acronym appears, that means the rule covers all the subprograms under that code (for instance, OHP means OHP-CHP, OHP-OPC, OHP-OPP, OHP-OPU, and OHP-OP6).

(4) BCCM; Breast and Cervical Cancer Medical program.

(5) CAWEM; Citizen/Alien-Waived Emergent Medical. Medicaid coverage of emergent medical needs for clients who are not eligible for other medical programs solely because they do not meet citizenship and alien status requirements.

(6) CEC; Continuous Eligibility for OHP-CHP pregnant women. Title XXI medical assistance for a pregnant non-CAWEM child found eligible for the OHP-CHP program who, for a reason other than moving out of state or becoming a recipient of private major medical health insurance, otherwise would lose her eligibility. The pregnant individual is deemed eligible for OHP-CHP through the last day of the month in which the pregnancy ends.

(7) CEM; Continuous Eligibility for Medicaid. Title XIX medical assistance for a non-CAWEM child found eligible for Medicaid who loses his or her eligibility for a reason other than turning 19 years of age or moving out of state. The child is deemed eligible for Medicaid for the remainder of the 12 month eligibility period.

(8) DSNAP; Disaster Supplemental Nutrition Assistance Program. Following a presidential declaration of a major disaster in Oregon, DSNAP provides emergency DSNAP program benefits to victims. OAR 461-135-0491 to 461-135-0497 cover DSNAP eligibility and benefits.

(9) EA; Emergency Assistance. Emergency cash to families without the resources to meet emergent needs.

(10) ERDC or ERDC-BAS; Employment Related Day Care-Basic. Helps low-income working families pay the cost of child care.

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(11) EXT; Extended Medical Assistance. The Extended Medical Assistance program provides medical assistance for a period of time after a family loses its eligibility for the MAA, MAF, or Pre-TANF program due to an increase in their child support or earned income.

(12) GA; General Assistance. Cash assistance to low-income individuals with disabilities who do not have dependent children.

(13) GAM; General Assistance Medical. Medical assistance to clients who are eligible for the GA program but have not been found eligible for OSIPM benefits.

(14) HKC; Healthy KidsConnect. A program administered by the Office of Private Health Partnerships (OPHP) providing access to health care for children not eligible for any of the Department's other medical assistance programs. The Department determines eligibility and OPHP manages enrollment.

(15) HSP; Housing Stabilization Program. A program that helps low-income families obtain stable housing. The program is operated through the Housing and Community Services Department through community-based, service-provider agencies. The Department's rules for the program (OAR 461-135-1305 to 461-135-1335) were repealed July 1, 2001.

(16) JOBS; Job Opportunity and Basic Skills. An employment program for REF, REFM, and TANF clients. JOBS helps these clients attain self-sufficiency through training and employment. The program is part of Welfare Reform.

(17) JOBS Plus. Provides subsidized jobs rather than SNAP or TANF benefits. For TANF clients, JOBS Plus is a component of the JOBS Program; for SNAP clients and noncustodial parents of children receiving TANF, it is a separate employment program. Eligibility for TANF clients, SNAP clients, and noncustodial parents of children receiving TANF is determined by the Department. Eligibility for UI recipients is determined by the Oregon State Employment Department. When used alone, JOBS Plus includes only clients whose JOBS Plus program participation is through the Department of Human Services. JOBS Plus administered through the Oregon State Employment Department is known in chapter 461 of the Oregon Administrative Rules as Oregon Employment Department UI JOBS Plus. The following acronyms are used for specific categories:

(a) TANF-PLS; Clients eligible for JOBS Plus based on TANF.

(b) SNAP-PLS; Clients eligible for JOBS Plus based on SNAP.

(c) NCP-PLS; Noncustodial parents of children receiving TANF.

(18) JPI; Job Participation Incentive. An additional \$10 food benefit to help increase the ability of single parents with small children, that meet federal TANF participation rate, to meet the nutritional needs of their families.

(19) LIS; Low-Income Subsidy. The Low-Income Subsidy program is a federal assistance program for Medicare clients who are eligible for extra help meeting their Medicare Part D prescription drug costs.

(20) MAA; Medical Assistance Assumed. The Medical Assistance Assumed program provides medical assistance to people who are eligible for the Pre-TANF program or ongoing TANF benefits.

(21) MAF; Medical Assistance to Families. The Medical Assistance to Families program provides medical assistance to people who are ineligible for MAA but are eligible for Medicaid using ADC program standards and methodologies that were in effect as of July 16, 1996.

(22) OFSET. The Oregon Food Stamp Employment Transition Program, which helps SNAP program benefit recipients find employment. This program is mandatory for some SNAP program benefit recipients.

(23) OHP; Oregon Health Plan. The Oregon Health Plan Program provides medical assistance to many low-income individuals and families. The program includes five categories of people who may qualify for benefits. The acronyms for these categories are:

(a) OHP-CHP; Persons Under 19. OHP coverage for persons under 19 years of age who qualify at or below the 300 percent income standard.

(b) OHP-OPC; Children. OHP coverage for children who qualify under the 100 percent income standard.

(c) OHP-OPP; Pregnant Females and their newborn children. OHP coverage for pregnant females who qualify under the 185 percent income standard and their newborn children.

(d) OHP-OPU; Adults. OHP coverage for adults who qualify under the 100 percent income standard. A person eligible under OHP-OPU is referred to as a health plan new/noncategorical (HPN) client.

(e) OHP-OP6; Children Under 6. OHP coverage for children under age 6 who qualify under the 133 percent income standard.

(24) OSIP; Oregon Supplemental Income Program. Cash supplements and special need payments to persons who are blind, disabled, or 65 years of age or older. When used alone, OSIP refers to all OSIP programs. The following acronyms are used for OSIP subprograms:

(a) OSIP-AB; Oregon Supplemental Income Program — Aid to the Blind.

(b) OSIP-AD; Oregon Supplemental Income Program — Aid to the Disabled.

(c) OSIP-EPD; Oregon Supplemental Income Program — Employed Persons with Disabilities program. This program provides Medicaid coverage for employed persons with disabilities with adjusted income less than 250 percent of the Federal Poverty Level.

(d) OSIP-OAA; Oregon Supplemental Income Program — Old Age Assistance.

(25) OSIPM; Oregon Supplemental Income Program Medical. Medical coverage for elderly and disabled individuals. When used alone, OSIPM refers to all OSIP-related medical programs. The following codes are used for OSIPM subprograms:

(a) OSIPM-AB; Oregon Supplemental Income Program Medical — Aid to the Blind.

(b) OSIPM-AD; Oregon Supplemental Income Program Medical — Aid to the Disabled.

(c) OSIPM-EPD; Oregon Supplemental Income Program Medical — Employed Persons with Disabilities program. This program provides Medicaid coverage for employed persons with disabilities with adjusted income less than 250 percent of the Federal Poverty Level.

(d) OSIPM-OAA; Oregon Supplemental Income Program Medical — Old Age Assistance.

(e) OSIPM-IC; Oregon Supplemental Income Program Medical — Independent Choices

(26) The Post-TANF program provides a monthly transitional payment to employed clients who are no longer eligible for the Pre-TANF or TANF programs due to earnings, and meet the other eligibility requirements.

(27) The Pre-TANF program is an up-front assessment and resource-search program for TANF applicant families. The intent of the program is to assess the individual's employment potential; determine any barriers to employment or family stability; develop an individualized case plan that promotes family stability and financial independence; help individuals find employment or other alternatives; and provide basic living expenses immediately to families in need.

(28) QMB; Qualified Medicare Beneficiaries. Programs providing payment of Medicare premiums and one program also providing additional medical coverage for Medicare recipients. Each of these programs also is considered to be a Medicare Savings Program (MSP). When used alone in a rule, QMB refers to all MSP. The following codes are used for QMB subprograms:

(a) QMB-BAS; Qualified Medicare Beneficiaries — Basic. The basic QMB program.

(b) QMB-DW; Qualified Medicare Beneficiaries — Disabled Worker. Payment of the Medicare Part A premium for people under age 65 who have lost eligibility for Social Security disability benefits because they have become substantially gainfully employed.

(c) QMB-SMB; Qualified Medicare Beneficiaries — Specified Limited Medicare Beneficiary. Payment of the Medicare Part B premium only. There are no medical benefits available through QMB-SMB.

(d) QMB-SMF; Qualified Medicare Beneficiaries — Qualified Individuals. Payment of the Medicare Part B premium only. There are no medical benefits available through QMB-SMF. This program has a 100-percent federal match, but also has an allocation that, if reached, results in the closure of the program.

(29) REF; Refugee Assistance. Cash assistance to low-income refugee singles or married couples without children.

(30) REFM; Refugee Assistance Medical. Medical coverage for low-income refugees.

(31) The Repatriate Program helps Americans resettle in the United States if they have left a foreign land because of an emergency situation.

(32) SAC; Medical Coverage for Children in Substitute or Adoptive Care.

(33) SFDNP; Senior Farm Direct Nutrition Program. Food vouchers for low income seniors. Funded by a grant from the United States Department of Agriculture.

(34) SFPSS; State Family Pre-SSI/SSDI Program. A voluntary program providing cash assistance and case management services to families when at least one TANF eligible adult in the household has an impairment (see OAR 461-125-0260) and is or will be applying for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI).

(35) SNAP; Supplemental Nutrition Assistance Program. Helps low-income households maintain proper nutrition by giving them the means to

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purchase food. SNAP used to be known as FS or Food Stamps, any reference to SNAP also includes FS and Food Stamps.

(36) TA-DVS; Temporary Assistance for Domestic Violence Survivors. Addresses the needs of clients threatened by domestic violence.

(37) TANF; Temporary Assistance for Needy Families. Cash assistance for families when children in those families are deprived of parental support because of continued absence, death, incapacity, or unemployment.

Stat. Auth.: ORS 411.060, 411.404, 411.706, 411.816, 412.014, 412.049, 414.025, 414.231  
Stats. Implemented: ORS 411.060, 411.404, 411.704, 411.706, 411.816, 412.014, 412.049, 414.025, 414.231, 414.826, 414.831, 414.839

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 12-1990, f. 3-30-90, cert. ef. 4-1-90; AFS 16-1990, f. 6-29-90, cert. ef. 7-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 35-1992, f. 12-31-92, cert. ef. 1-1-93; AFS 16-1993, f. & cert. ef. 9-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 17-1996, f. 4-29-96, cert. ef. 5-1-96; AFS 42-1996, f. 12-31-96, cert. ef. 1-1-97; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 4-1998, f. 2-25-98, cert. ef. 3-1-98; AFS 10-1998, f. 6-29-98, cert. ef. 7-1-98; AFS 17-1998, f. & cert. ef. 10-1-98; AFS 25-1998, f. 12-18-98, cert. ef. 1-1-99; AFS 1-1999(Temp), f. & cert. ef. 2-1-99 thru 7-31-99; AFS 7-1999, f. 4-27-99, cert. ef. 5-1-99; AFS 9-1999, f. & cert. ef. 7-1-99; AFS 17-2000, f. 6-28-00, cert. ef. 7-1-00; AFS 11-2001, f. 6-29-01, cert. ef. 7-1-01; AFS 17-2001(Temp), f. 8-31-01, cert. ef. 9-1-01 thru 9-30-01; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 5-2002, f. & cert. ef. 4-1-02; AFS 10-2002, f. & cert. ef. 7-1-02; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 29-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 3-31-04; SSP 6-2004, f. & cert. ef. 4-1-04; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 7-2005, f. & cert. ef. 7-1-05; SSP 19-2005, f. 12-30-05, cert. ef. 1-1-06; SSP 8-2006, f. & cert. ef. 6-1-06; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 29-2009(Temp), f. & cert. ef. 10-1-09 thru 3-30-10; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 39-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 25-2010(Temp), f. & cert. ef. 8-16-10 thru 2-12-11; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 9-2012, f. 3-29-12, cert. ef. 4-1-12; SSP 22-2013(Temp), f. & cert. ef. 8-23-13 thru 2-19-14

## 461-135-1125

### Reservation Lists and Eligibility; OHP-OPU

In the OHP program:

(1) "OHP Standard Reservation List" means the list of individuals who may be considered for the OHP-OPU program as a new applicant at such times as the Department determines that new applicants may be added into the program. This list is used to manage enrollment of new applicants as defined by OAR 461-135-1102 into the program within the limits of program authority and funding.

(2) "OHP Standard Reservation List Applicant" means an individual who has been selected randomly under section (6) of this rule and establishes a date of request (see OAR 461-115-0030) on or after the date of the random selection and within 45 days from the date the Department mails the OHP 7210R Application form as a result of the random selection.

(3) When the Department specifies that the OHP Standard Reservation List is open, an individual is placed on the OHP Standard Reservation List if all of the following requirements are met:

(a) The individual, or someone acting on behalf of the individual, may request placement on the OHP Standard Reservation List by calling the designated telephone number for the OHP Standard Reservation List or in writing. A written request must arrive through one of the following methods:

(A) By mail to the designated mailing address for the OHP Standard Reservation List.

(B) By fax or hand delivery to a local Department office that receives client applications for the Oregon Health Plan.

(C) By electronic submission from the OHP website or by e-mail to the OHP Standard Reservation List e-mail address.

(b) The full name, date of birth, and mailing address of each individual requesting placement on the OHP Standard Reservation List must be provided to the Department and received by the Department as described in subsection (a) of this section before the request is considered complete.

(c) If the address of an individual changes after the individual makes a request, the individual must provide an updated address to the Department using a method described in subsection (a) of this section. If the individual reports an address change to the Department in a way other than that outlined in subsection (a) of this section, the Department cannot guarantee the address change will be reflected in the reservation list, but will make reasonable efforts to incorporate that address change.

(4) The following procedures apply to the OHP Standard Reservation List:

(a) Individuals completing a request for placement on the OHP Standard Reservation List are assigned a reservation number. All members of an OHP filing group (see OAR 461-110-0400 for filing group composition) requesting placement on the OHP Standard Reservation List are assigned the same reservation number.

(b) The Department may request that individuals voluntarily provide their social security number (prior to the OHP 7210R Application). The Department may use the social security number for purposes of identification to help prevent duplicate reservations. The Department may not deny placement on the OHP Standard Reservation List because an individual does not provide a social security number.

(c) The Department sends confirmation to individuals who are placed on the OHP Standard Reservation List. If there is already a reservation established, individuals who have received confirmation from the Department need not make an additional request unless the reservation was removed (see section (8) of this rule), already used, or withdrawn.

(5) Requesting placement on the OHP Standard Reservation List, receiving a reservation number, or being placed on the OHP Standard Reservation List does not constitute an application for the OHP-OPU program or any other medical program administered by the Department. The Department must send an individual an application for medical assistance when the individual requests and is placed on the OHP Standard Reservation List, must review each application received for eligibility under all medical assistance programs, and must send a decision notice (see OAR 461-001-0000) for each application received (to the extent required under OAR 461-115-0010(6)). However, a new applicant as defined in OAR 461-135-1102 for the OHP-OPU program is managed by the OHP Standard Reservation List.

(6) At such times that the Department determines that it has the requisite authority and funding and that new applicants can be added to the OHP-OPU program, and after the Department determines the number of new applicants that can be added, a designated number of individuals on the OHP Standard Reservation List are selected randomly and mailed OHP 7210R Application forms. Once an individual has been selected randomly, the reservation number assigned to that individual and its position on the list has been used and is no longer available.

(7) An OHP Standard Reservation List Applicant must file a Department application or amend a completed application (see OAR 461-115-0050) as a prerequisite of receiving OHP-OPU program benefits.

(8) Nothing in this rule prevents any individual from applying for medical assistance at any time. However, new applicants as defined in OAR 461-135-1102 for the OHP-OPU program are managed by the OHP Standard Reservation List. The OHP Standard Reservation List is closed effective August 31, 2013.

Stat. Auth.: ORS 409.050, 411.060, 411.404, 414.706

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.404, 414.025, 414.706

Hist.: SSP 2-2008(Temp), f. & cert. ef. 1-28-08 thru 6-30-08; SSP 12-2008(Temp), f. & cert. ef. 4-17-08 thru 6-30-08; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 22-2009(Temp), f. & cert. ef. 8-28-09 thru 2-21-10; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 10-2010(Temp), f. & cert. ef. 4-21-10 thru 10-18-10; SSP 28-2010(Temp), f. & cert. ef. 8-16-10 thru 10-18-10; SSP 28-2010(Temp), f. & cert. ef. 8-16-10 thru 10-18-10; SSP 32-2010, f. & cert. ef. 10-1-10; SSP 35-2010(Temp), f. & cert. ef. 10-1-10 thru 3-30-11; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 22-2013(Temp), f. & cert. ef. 8-23-13 thru 2-19-14

## 461-155-0180

### Poverty Related Income Standards; Not OSIP, OSIPM, QMB

(1) A Department program may cite this rule if the program uses a monthly income standard based on the federal poverty level.

(2) A monthly income standard set at 100 percent of the 2013 federal poverty level is set at the following amounts: [Table not included. See ED. NOTE.]

(3) A monthly income standard set at 133 percent of the 2013 federal poverty level is set at the following amounts: [Table not included. See ED. NOTE.]

(4) A monthly income standard set at 150 percent of the 2013 federal poverty level is set at the following amounts: [Table not included. See ED. NOTE.]

(5) A monthly income standard set at 163 percent of the 2013 federal poverty level is set at the following amounts: [Table not included. See ED. NOTE.]

(6) A monthly income standard set at 185 percent of the 2013 federal poverty level is set at the following amounts: [Table not included. See ED. NOTE.]

(7) A monthly income standard set at 200 percent of the 2013 federal poverty level is set at the following amounts: [Table not included. See ED. NOTE.]

(8) A monthly income standard set at or below 300 percent of the 2013 federal poverty level is set at the following amounts: [Table not included. See ED. NOTE.]

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

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.816 & 412.049

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.816 & 412.049

Hist.: SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 1-2007, f. & cert. ef. 1-24-07; SSP 1-2008(Temp), f. & cert. ef. 1-24-08 thru 6-30-08; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 1-



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2009, f. & cert. ef. 1-27-09; SSP 29-2009(Temp), f. & cert. ef. 10-1-09 thru 3-30-10; SSP 4-2010, f. & cert. ef. 3-31-10; SSP 25-2010(Temp), f. & cert. ef. 8-16-10 thru 2-12-11; SSP 41-2010, f. & cert. ef. 1-1-11; SSP 1-2011(Temp), f. & cert. ef. 1-20-11 thru 7-19-11; SSP 17-2011, f. & cert. ef. 7-1-11; SSP 2-2012, f. & cert. ef. 1-25-12; SSP 3-2013, f. & cert. ef. 1-30-13; SSP 5-2013(Temp), f. & cert. ef. 2-1-13 thru 7-31-13; SSP 13-2013, f. & cert. ef. 7-1-13; SSP 22-2013(Temp), f. & cert. ef. 8-23-13 thru 2-19-14

## 461-155-0225

### Income Standard; HKC, OHP, REFM

(1) In the OHP program:

(a) If a financial group (see OAR 461-110-0530) contains a person with significant authority in a business entity--a "principal" as defined in OAR 461-145-0088--the group is ineligible if the gross income assigned to the budget month (see OAR 461-001-0000) of the business entity is \$20,000 or more. If the need group (see OAR 461-110-0630) is not ineligible under this section, its eligibility is evaluated under subsection (b) of this section.

(b) The countable (see OAR 461-001-0000) income standards are as follows:

(A) Except for a child found eligible for medical assistance based on an ELA determination, the countable income standard for OHP-OPC and OHP-OPU is 100 percent of the federal poverty level, as listed in OAR 461-155-0180(2), based on the size of the need group.

(B) The countable income standard for OHP-OP6 is 133 percent of the federal poverty level, as listed in OAR 461-155-0180(3), based on the size of the need group.

(C) The countable income standard for OHP-OPP is 185 percent of the federal poverty level, as listed in OAR 461-155-0180(5), based on the size of the need group.

(D) The countable income standard for OHP-CHP is at or below 300 percent of the federal poverty level, as listed in OAR 461-155-0180(7), based on the size of the need group.

(E) The countable income standard for a child found eligible for medical assistance based on an ELA determination is determined under OAR 461-150-0055(5).

(2) In the REFM program, the income standard is 200 percent of the federal poverty level, as listed in OAR 461-155-0180(7), based on the size of the need group.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404 & 414.231  
Stats. Implemented: ORS 409.010, 411.060, 411.070, 411.404, 414.231  
Hist.: AFS 2-1994, f. & cert. ef. 2-1-94; AFS 6-1994, f. & cert. ef. 4-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 16-1996, f. 4-29-96, cert. ef. 5-1-96; AFS 5-1997, f. 4-30-97, cert. ef. 5-1-97; AFS 4-1998, f. 2-25-98, cert. ef. 3-1-98; AFS 5-1998(Temp), f. & cert. ef. 3-11-98 thru 5-31-98; AFS 6-1998(Temp), f. 3-30-98, cert. ef. 4-1-98 thru 5-31-98; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; AFS 10-1998, f. 6-29-98, cert. ef. 7-1-98; AFS 3-1999, f. 3-31-99, cert. ef. 4-1-99; AFS 10-2000, f. 3-31-00, cert. ef. 4-1-00; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; AFS 5-2002, f. & cert. ef. 4-1-02; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 1-2003, f. 1-31-03, cert. ef. 2-1-03; SSP 2-2003(Temp), f. & cert. ef. 2-7-03 thru 6-30-03; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 2-2004(Temp), f. & cert. ef. 2-13-04 thru 3-31-04; SSP 8-2004, f. & cert. ef. 4-1-04; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 2-2005, f. & cert. ef. 2-18-05; SSP 1-2006, f. & cert. ef. 1-24-06; SSP 10-2006, f. 6-30-06, cert. ef. 7-1-06; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 29-2009(Temp), f. & cert. ef. 10-1-09 thru 3-30-10; SSP 38-2009, f. 12-31-09, cert. ef. 1-1-10; SSP 25-2010(Temp), f. & cert. ef. 8-16-10 thru 2-12-11; SSP 31-2010(Temp), f. & cert. ef. 9-15-10 thru 2-12-11; SSP 41-2010, f. 12-30-10, cert. ef. 1-1-11; SSP 22-2013(Temp), f. & cert. ef. 8-23-13 thru 2-19-14

## Department of Justice Chapter 137

**Rule Caption:** Amends Rule to Address Use of Social Security Numbers

**Adm. Order No.:** DOJ 8-2013(Temp)

**Filed with Sec. of State:** 8-22-2013

**Certified to be Effective:** 8-22-13 thru 1-31-14

**Notice Publication Date:**

**Rules Amended:** 137-110-0610

**Subject:** This rule authorizes the Oregon Foreclosure Avoidance Program to ask grantors to provide documents containing social security numbers, but to inform grantors that provision of their social security numbers is voluntary. It also specifies to whom and for what purpose the program will provide a grantor's social security number.

**Rules Coordinator:** Carol Riches—(503) 947-4700

## 137-110-0610

### Documents Required of the Grantor

(1) The grantor shall provide the following documents to the service provider for provision to the beneficiary within 25 days after the date on which the service provider sends a Notice of Resolution Conference:

(a) A completed "Universal Intake Form" provided in Appendix B and available by selecting "Form 610" at [http://www.doj.state.or.us/consumer/foreclosure\\_mediation.shtml](http://www.doj.state.or.us/consumer/foreclosure_mediation.shtml) or a substantially similar form;

(b) Information about the grantor's income, expenses, debts and other obligations;

(c) A description of the grantor's financial hardship, if any;

(d) Documents that verify the grantor's income.

(2) Within 5 days of receiving documents provided by the grantor, the service provider shall make those documents available to the beneficiary using the service provider website. The service provider shall provide the documents to the beneficiary in an alternative format upon request.

(3) If a grantor fails to timely provide documents as required by Or Laws 2013, chapter 304 and section (1) of this rule, the grantor and the beneficiary shall nevertheless appear at the first scheduled resolution conference. A grantor who does not timely provide a document required by this rule is at increased risk of the resolution conference concluding without the beneficiary being able to agree to a foreclosure avoidance measure.

(4) The Oregon Foreclosure Avoidance Program may ask grantors to provide documents that contain social security numbers. The Program will inform grantors that it does not require them to provide their social security numbers, but that grantors may do so voluntarily to facilitate resolution with their bank. The Program will tell grantors that if they provide their social security numbers the numbers will be disclosed to the grantor's bank, the grantor's housing counselor and the facilitator for the purposes of the resolution conference and to the service provider for the purpose of ensuring that the grantor has submitted the necessary documents.

Stat. Auth.: 2013 OL Ch. 304, Sec. 3(2)(c) & 6(1)(g)  
Stats. Implemented: 2013 OL Ch. 304, Sec. 3(2)(c) & 6(1)(g)  
Hist.: DOJ 10-2012(Temp), f. 7-6-12, cert. ef. 7-11-12 thru 1-6-13; DOJ 2-2013, f. 1-3-13, cert. ef. 1-7-13; DOJ 6-2013(Temp), f. 7-22-13, cert. ef. 8-4-13 thru 1-31-14; DOJ 8-2013(Temp), f. & cert. ef. 8-22-13 thru 1-31-14

## Department of Transportation Chapter 731

**Rule Caption:** Implementation of ORS 366.215 involving reduction of vehicle-carrying capacity on highways termed freight routes  
**Adm. Order No.:** DOT 4-2013

**Filed with Sec. of State:** 8-26-2013

**Certified to be Effective:** 8-26-13

**Notice Publication Date:** 6-1-2013

**Rules Adopted:** 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

**Subject:** ODOT has adopted these rules to specify the procedures and requirements needed to implement ORS 366.215. The rules define terms, identify review requirements and required communication during reviews of proposed changes to designated highways.

**Rules Coordinator:** Lauri Kunze—(503) 986-3171

## 731-012-0010

### Purpose

This division implements ORS 366.215. The purpose of this division is to define terms, identify a review process and facilitate communication and development of consensus during this review process.

Stat. Auth.: ORS 184.616, 184.619, 366.205  
Stats. Implemented: ORS 366.215  
Hist.: DOT 4-2013, f. & cert. ef. 8-26-13

## 731-012-0020

### Definitions

For the purposes of Division 12 rules, the following terms have the following definitions, unless the context clearly indicates otherwise:

(1) "Access Considerations" means activities regulated under OAR 734-051, and ORS 374.300 to 374.360

(2) "Chief Engineer" means the Chief Engineer of the Oregon Department of Transportation.

(3) "Commission" means Oregon Transportation Commission.

(4) "Department" means Oregon Department of Transportation.

(5) "Director" means the Director of the Oregon Department of Transportation.

(6) "Engineer" means a professional engineer licensed by the State of Oregon.

(7) "Mobility Policy Committee" means a committee of the Director, Chief of Staff, Motor Carrier Division Administrator, Highway Division

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Administrator, and the Transportation Development Division Administrator of the Oregon Department of Transportation that oversees Department policies related to the statewide traffic mobility program.

(8) "Oregon Highway Plan (OHP)" means the Oregon Highway Plan adopted by the Oregon Transportation Commission, pursuant to ORS 184.618.

(9) "Permanent Reduction" means a reduction subject to this rule will be considered permanent if the reduction is intended to be permanently left in place after installation and is not easily removable for short-term expansion of Vehicle-Carrying Capacity. (Permanent structures could include, but are not limited to, traffic signals, signposts, stationary bollards, curbs, trees, raised or depressed medians, roundabouts, streetlights and overhead wiring.) If there is uncertainty as to whether or not a structure is permanent, the Department will provide an opportunity for Stakeholder Forum input.

(10) "Proposed Action" means any activity that will alter, relocate, change or realign a state highway including those proposed in planning documents approved by a public agency.

(11) "Reduction of Vehicle-Carrying Capacity" means a permanent reduction in the horizontal or vertical clearance of a highway section, by a permanent physical obstruction to motor vehicles located on useable right-of-way subject to Commission jurisdiction, unless such changes are supported by the Stakeholder Forum. Street markings such as bike lane striping or on street parking are not considered a reduction of vehicle-carrying capacity.

(12) "Reduction Review Routes" means identified state highways that require a review under this rule prior to a Reduction of Vehicle-Carrying Capacity. For the purposes of this rule, the Reduction Review Routes will be the routes subject to ORS 366.215.

(13) "Safety" means the condition of reduced risk of death or bodily injury associated with any mode of transportation as determined by established engineering practice.

(14) "Safety Consideration" means a consideration for determining when the Department will reduce Vehicle-Carrying Capacity. This can occur when an Engineer, after evaluating pertinent information and applying appropriate principles, decides that a safety countermeasure is required for reducing certain types of crashes that are occurring or, in the judgment of the Engineer, have a high risk of occurring and are of the type that would produce severe injuries (i.e., injuries involving pedestrians and/or bicyclists).

(15) "Stakeholder Forum" means a group of stakeholders with open membership that meets on an as-needed basis to advise the Department regarding the affect of Proposed Actions on the ability to move motor vehicles through a section of highway. Statewide transportation stakeholders and local agency(ies) affected by a proposed action will be invited to participate in the Stakeholder Forum meetings. At a minimum, the Department will invite to each Stakeholder Forum; a bicycle representative, pedestrian representative, a trucking industry representative, a mobile home manufacturing representative, an oversize load freight representative, a representative of automobile users, and a representative from any affected city, county or Metropolitan Planning Organization. In the case of a development review (ODOT staff review of a proposed land use action), a representative of the affected development will also be invited to participate in the meeting.

(16) "Vehicle-Carrying Capacity" means the horizontal or vertical clearance of a highway section that can physically carry motor vehicles.

Stat. Auth.: ORS 184.616, 184.619, 366.205  
Stats. Implemented: ORS 366.215  
Hist.: DOT 4-2013, f. & cert. ef. 8-26-13

## 731-012-0030

### Reduction Review Routes

(1) The Department will establish a system of Reduction Review Routes for the purposes of the implementation of ORS 366.215. The Reduction Review Routes will consist of the routes listed below. Reduction Review Routes include all parts of the state highway(s) that must be travelled to complete the prescribed route and/or connect with other state highways. This includes couplets and on and off ramps.

(2) The Reduction Review Routes will be added to the OHP policy section. After the Commission adopts this amendment, the OHP Reduction Review Routes subject to Commission jurisdiction will be used to implement this rule.

Stat. Auth.: ORS 184.616, 184.619, 366.205  
Stats. Implemented: ORS 366.215  
Hist.: DOT 4-2013, f. & cert. ef. 8-26-13

## 731-012-0040

### Application of the Rule

(1) A review of potential permanent Reduction of Vehicle-Carrying Capacity is required for all Proposed Actions located on a Reduction Review Route. Proposed Actions that are not located on a Reduction Review Route are not subject to Division 12.

(2) Department staff will determine if a Proposed Action is located on a Reduction Review Route.

(3) If Department staff determine that the Proposed Action is not on a Reduction Review Route, no further Division 12 review is required. The Department may continue with the Proposed Action using Department processes including other appropriate reviews not covered by this division.

(4) If a Proposed Action is on a Reduction Review Route, Department staff will notify the affected local agencies, and in the case of a development review, the affected applicant prior to proceeding with the determination of a potential Reduction of Vehicle-Carrying Capacity.

Stat. Auth.: ORS 184.616, 184.619, 366.205  
Stats. Implemented: ORS 366.215  
Hist.: DOT 4-2013, f. & cert. ef. 8-26-13

## 731-012-0050

### Determination of a Potential Reduction of Vehicle-Carrying Capacity

(1) Department staff is responsible for identifying if the Proposed Action has the potential for a Reduction of Vehicle-Carrying Capacity.

(2) When identifying the potential for a Reduction of Vehicle-Carrying Capacity, Department staff will employ an appropriate level of analysis of the Proposed Action. During this analysis Department staff may review plans and designs, and consult with technical experts outside the Department. In making this identification, the Department will involve staff from the appropriate Department Divisions. (For example, the addition of a raised median may involve staff from the Highway Division and the Motor Carrier Transportation Division.)

(3) If the Department determines that a Proposed Action would not result in a Reduction of Vehicle-Carrying Capacity, no further Division 12 review is required. The Department may continue with the Proposed Action using Department processes including other appropriate reviews not covered by this division.

(4) If a Proposed Action has the potential for a Reduction of Vehicle-Carrying Capacity, Department staff will notify the affected local agencies, and in the case of a development review, the affected applicant prior to proceeding with a Stakeholder Forum review.

Stat. Auth.: ORS 184.616, 184.619, 366.205  
Stats. Implemented: ORS 366.215  
Hist.: DOT 4-2013, f. & cert. ef. 8-26-13

## 731-012-0060

### Stakeholder Forum

(1) If Department staff identify that the Proposed Action has the potential for a Reduction of Vehicle-Carrying Capacity, a Stakeholder Forum will be convened.

(2) In preparation for a Stakeholder Forum meeting, Department staff will prepare a project description including any anticipated Safety Considerations and Access Considerations.

(3) Department staff will ask the Stakeholder Forum to review the project description of a Proposed Action and provide advice to the Director regarding whether or not the Proposed Action meets the definition of Reduction of Vehicle-Carrying Capacity. The Stakeholder Forum may advise the Department that a Proposed Action will not result in a Reduction of Vehicle-Carrying. Pursuant to 731-012-0020(10) the Stakeholder Forum may also record support for a Proposed Action regardless of any changes to horizontal or vertical clearance.

(4) Department staff will prepare documentation of Stakeholder Forum advice and recommendations. Documentation will include which elements of the Reduction of Vehicle-Carrying Capacity definition 731-012-0020(10) the Stakeholder Forum feels will result in the reduction.

(5) If agreement is reached by the Stakeholder Forum on a design that avoids any actual Reduction of Vehicle-Carrying Capacity or is supported by the Stakeholder Forum no further division 12 review is required." The Department may continue with the Proposed Action using Department processes including other appropriate reviews not covered by this division.

Stat. Auth.: ORS 184.616, 184.619, 366.205  
Stats. Implemented: ORS 366.215  
Hist.: DOT 4-2013, f. & cert. ef. 8-26-13

## 731-012-0070

### Stakeholder Forum Planning Input

(1) Planning documents that include Proposed Actions on Reduction Review Routes, and are subject to Commission adoption, approval, or

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acceptance must be presented to the Stakeholder Forum. The Stakeholder Forum presentation must include an opportunity for identification of the Vehicle-Carrying Capacity needs from the prospective of the members of the forum.

(2) In some cases, a Proposed Action may be located within a planning document such as a transportation system plan or facility plan. Depending on the time period covered by the planning document, and the scheduled start date of the conceptual Proposed Actions, the planning document may not contain sufficient detail to determine if a Reduction of Capacity will result from the Proposed Actions.

(3) If a planning document includes proposed actions on a Reduction Review Route, but does not contain sufficient detail to determine if a Reduction of Capacity will result from such actions, then the plan must include a record of all Reduction Review Routes in the area subject to the plan, and the document must indicate that proposed roadway dimensions (such as total road width, lane widths, median widths, bike lane widths, shoulder widths, etc) are subject to review of Vehicle-Carrying Capacity during future design.

(4) Planning documents that include documenting Stakeholder Forum comments and identification of the need for future Vehicle-Carrying Capacity review may be finalized without the Commission approving a reduction of capacity at the time of plan completion.

Stat. Auth.: ORS 184.616, 184.619, 366.205  
Stats. Implemented: ORS 366.215  
Hist.: DOT 4-2013, f. & cert. ef. 8-26-13

## 731-012-0080

### Proposed Actions for Access

(1) After consultation with the Stakeholder Forum, Department staff will identify if the Proposed Action is subject to OAR 734, division 51 (Access Management). All activities that are required for the Department's administration of OAR 734, division 51 or implementation of ORS 374.300 to 374.360, and §27, ch. 330, OL 2011 are not subject to this rule. The Department may continue with the Proposed Action using Department processes proscribed in OAR 734, division 51.

Stat. Auth.: ORS 184.616, 184.619, 366.205  
Stats. Implemented: ORS 366.215  
Hist.: DOT 4-2013, f. & cert. ef. 8-26-13

## 731-012-0090

### Proposed Actions for Safety

(1) After reviewing the Safety Considerations of a Proposed Action that has the potential to result in a Reduction of Vehicle-Carrying Capacity, Department staff may recommend a determination that the reduction is required by the Department for Safety purposes.

(2) Department staff will use engineering judgment supported by the documented record of Safety Consideration to determine if the Proposed Action is required for Safety.

(3) Any Department staff recommendation that a Proposed Action is required by the Department for Safety purposes will be forwarded to the Director and the Chief Engineer prior to Director Determination of Reduction of Vehicle-Carrying Capacity.

Stat. Auth.: ORS 184.616, 184.619, 366.205  
Stats. Implemented: ORS 366.215  
Hist.: DOT 4-2013, f. & cert. ef. 8-26-13

## 731-012-0100

### Director Determination of Reduction of Vehicle-Carrying Capacity

(1) If a Proposed Action has a potential for a Reduction of Vehicle-Carrying Capacity that cannot be resolved through the Stakeholder Forum, including affected local agencies, and is not needed for Access Considerations (731-012-0080) then the Director will determine if the Proposed Action would be a Reduction of Vehicle-Carrying Capacity.

(2) The Director will review the Department staff record for a Proposed Action (including potential Safety Considerations) and make a determination on whether or not the Proposed Action is a Reduction of Vehicle-Carrying Capacity.

(3) In making such determinations the Director may consider such information as:

- (a) The existing and proposed highway design and plans;
- (b) Previously approved Reduction of Vehicle-Carrying Capacity documented for the highway segment of the Proposed Action;
- (c) Existing limited Vehicle-Carrying Capacity at other locations within the highway system that limit the ability of a vehicle to get to the highway segment of the Proposed Action;
- (d) Stakeholder Forum meeting comments from stakeholders, affected local agencies and the public;

(e) Function of roadway for all transportation modes including freight, vehicle, transit, pedestrian, and bicycle;

(f) Reasonable alternate routes on the state highway system; and

(g) Consultation with Department staff, such as the Mobility Policy Committee, Traffic Engineer and Chief Engineer.

(4) The Director may determine that a Proposed Action will or will not be a Reduction of Vehicle-Carrying Capacity, or may direct Department staff to revise the Proposed Action and hold another Stakeholder Forum meeting pursuant to 731-012-0060. Department staff will provide notification of the Director's determination to the affected local agencies, stakeholder forum and in the case of a development review, the affected applicant. If the Director determines that the Proposed Action will result in a Reduction of Capacity, the Department will inform the affected local agency(ies) about their right to request an exemption of ORS 366.215 under 731-012-0120.

(5) If the Director determines the Proposed Action will not result in a Reduction of Vehicle-Carrying Capacity then the Department may continue with the Proposed Action using Department processes including other appropriate reviews not covered by this division.

Stat. Auth.: ORS 184.616, 184.619, 366.205  
Stats. Implemented: ORS 366.215  
Hist.: DOT 4-2013, f. & cert. ef. 8-26-13

## 731-012-0110

### Chief Engineer Certification

(1) If the Department staff has recommended that a Proposed Action should be required by the Department for Safety purposes and the Director determines there is a reduction of vehicle-carrying capacity, then the Chief Engineer will review the Proposed Action and certify (through a memo) that the Proposed Action will be required by the Department for Safety purposes. Prior to certifying the reduction, the Chief Engineer will review the documented Safety Considerations of the Proposed Action.

(2) Proposed Actions certified by the Chief Engineer required for Safety purposes will be presented to the Commission for approval.

Stat. Auth.: ORS 184.616, 184.619, 366.205  
Stats. Implemented: ORS 366.215  
Hist.: DOT 4-2013, f. & cert. ef. 8-26-13

## 731-012-0120

### Local Agency Exemption from Restrictions Prohibiting Reduction of Vehicle-Carrying Capacity

(1) At the request of an affected local agency, the Department region manager must direct Department staff to prepare a Commission agenda item for an exemption request. The local agency is responsible for providing analysis that documents the reason for the request and for demonstrating that the Proposed Action will not unreasonably impede the movement of freight.

(2) The local agency analysis may include, as appropriate to the proposed action, information such as:

- (a) Safety;
- (b) Access;
- (c) The interests of the state as identified in statute, rule, regulation or policy;
- (d) Approved plans covering the area of the Proposed Action;
- (e) Input from the Stakeholder Forum regarding the potential of the Proposed Action to unreasonably impede the movement of freight;
- (f) The assurance of alternative routes consisting of local streets and state and local highways; and
- (g) Function of roadway for all transportation modes, including freight, vehicle, transit, pedestrian, and bicycle.

Stat. Auth.: ORS 184.616, 184.619, 366.205  
Stats. Implemented: ORS 366.215  
Hist.: DOT 4-2013, f. & cert. ef. 8-26-13

## 731-012-0130

### Commission Decision

(1) When there has been a determination by the Director that a Proposed Action results in a Reduction of Vehicle-Carrying Capacity, and there has been a determination that the Proposed Action is needed or required for Safety Considerations, or a local government requests and exemption under ORS 366.215(3), the Commission will make the final determination and may authorize proceeding with the Proposed Action or granting the exemption.

(2) The Department staff will prepare meeting materials for the Commission that include a record of any Safety Considerations, Access Considerations, Stakeholder Forum advice, or Chief Engineer determination.

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(3) Any Commission approval of an exemption will include a determination that the exemption is in the best interest of the state and that the movement of freight will not be unreasonably impeded.

Stat. Auth.: ORS 184.616, 184.619, 366.205  
Stats. Implemented: ORS 366.215  
Hist.: DOT 4-2013, f. & cert. ef. 8-26-13

## 731-012-0140

### Record Keeping

(1) The Department will publish on a website and maintain for least ten years, a record of all Department, Director and Commission determinations regarding a Reduction of Vehicle-Carrying Capacity and of all Commission approved Reductions of Vehicle-Carrying Capacity.

(2) The Department record of determinations will include the following information:

- (a) The route number and Department highway number, mile-point range, (roadway 1 or 2);
- (b) Brief description of project;
- (c) Date of determination;
- (d) The approved minimum horizontal clearance;
- (e) The approved minimum vertical clearance;
- (f) Any other site-specific requirements identified in the determination;
- (g) If a subsequent review is required prior to construction;
- (h) Any Commission determination based on the best interest of the state; and
- (i) Any Commission determination that the movement of freight will not be unreasonably impeded.

(3) The Department will publish on a website and maintain for least ten years, a record of all Reduction of Vehicle-Carrying Capacity Stakeholder Forum discussions regarding proposed potential Reductions of Vehicle-Carrying Capacity. The Department record of Stakeholder Forum meetings will include the following information:

- (a) Stakeholders present;
- (b) Stakeholders invited to participate;
- (c) Brief description of project;
- (d) Date of discussion;
- (e) The signed route number and Department highway number, mile-point range (roadway 1 or 2);
- (f) Any site specific conditions identified by stakeholders including the identification of a potential for a permanent reduction in the horizontal or vertical clearance of a highway section;
- (g) Formal support of a Proposed Action despite any proposed changes to the horizontal or vertical clearance of a highway section;
- (h) Any recommendation that the Proposed Action would not result in a Reduction of Vehicle-Carrying Capacity; and
- (i) Any requests for additional information.

Stat. Auth.: ORS 184.616, 184.619, 366.205  
Stats. Implemented: ORS 366.215  
Hist.: DOT 4-2013, f. & cert. ef. 8-26-13

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

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

**Adm. Order No.:** HWD 3-2013

**Filed with Sec. of State:** 8-26-2013

**Certified to be Effective:** 8-26-13

**Notice Publication Date:** 7-1-2013

**Rules Amended:** 734-020-0070

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

mittee. The committee was established in ORS 802.350 to advise the Department on matters relating to the Sno-Park program.

**Rules Coordinator:** Lauri Kunze—(503) 986-3171

## 734-020-0070

### Fee for Issuance of Parking Permits

(1) The fee for parking permits in winter recreation parking areas (Sno-Parks) shall be as follows:

- (a) One day – \$4;
- (b) Three consecutive days – \$9;
- (c) Annual, beginning each November – \$25.

(2) Sno-Park permits may be issued by the Department or persons appointed by the Department as provided in ORS 811.595.

Stat. Auth.: ORS 184.616, 811.595 & 811.600

Stats. Implemented: ORS 811.600

Hist.: 1 OTC 23-1979(Temp), f. & ef. 9-24-79; 1 OTC 28-1979, f. & ef. 11-26-79; 2HD 4-1982, f. & ef. 10-5-82; 2HD 17-1983, f. & ef. 9-23-83; HWY 13-1992, f. & cert. ef. 10-20-92; HWY 7-1993, f. & cert. ef. 10-27-93; HWY 9-1997, f. & cert. ef. 9-22-97; TO 2-1999(Temp), f. & cert. ef. 9-3-99 thru 2-29-00; TO 1-2000, f. & cert. ef. 1-19-00; HWD 7-2007, f. & cert. ef. 10-17-07; HWD 7-2010, f. 7-30-10, cert. ef. 8-1-10; HWD 11-2011, f. & cert. ef. 10-26-11; HWD 3-2013, f. & cert. ef. 8-26-13

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

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

**Adm. Order No.:** MCTD 6-2013

**Filed with Sec. of State:** 8-26-2013

**Certified to be Effective:** 8-26-13

**Notice Publication Date:** 7-1-2013

**Rules Amended:** 740-100-0090

**Subject:** MCTD annually adopts the North American Standard Out-of-Service Criteria, published by Commercial Vehicle Safety Alliance. CVSA has maintained, updated and published the North American Standard Out-of-Service Criteria annually for more than twenty years. The April 1, 2013 revision of the North American Standard Out-of-Service Criteria amended the Driver Out of Service Criteria by removing the entry Driver Disqualification. CVSA's new out-of-service criteria provides that a driver whose driving privilege has been suspended or revoked is only placed out-of-service if the state that issued the CDL is aware of the license privilege withdrawal. This is in conflict with 49 CFR 391.15 which provides that a driver whose driving privileges are withdrawn in any jurisdiction is disqualified from driving a Commercial Motor Vehicle until the withdrawal is lifted. Oregon's statute, ORS 811.175, mirrors the federal regulation cited above.

OAR 740-100-0090 has been amended to create an exception from the CVSA Out-of-Service Criteria, which corrects the conflict between CVSA Out-of-Service Criteria and ORS 811.175, and meets the Motor Carrier Safety Assistance Program grant provisions that require Oregon to check CDL status. The exception allows for drivers found to be disqualified in Oregon or any other jurisdiction to be placed out-of-service until re-qualification is established as specified in 49 § CFR 391.15.

**Rules Coordinator:** Lauri Kunze—(503) 986-3171

## 740-100-0090

### North American Standard Driver Out-of-Service Criteria

(1) Except for any content that conflicts with requirements of section (2) of this rule, 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 by reference. 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.

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(2) Drivers found to be disqualified in this state or any other jurisdiction, as specified in 49 § CFR 391.15 will be placed Out-of-Service until re-qualification is established.

(3) 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; MCTD 6-2013, f. & cert. ef. 8-26-13

## Department of Veterans' Affairs Chapter 274

**Rule Caption:** Relating to fees that may be charged for ordinary Conservator services.

**Adm. Order No.:** DVA 7-2013(Temp)

**Filed with Sec. of State:** 8-29-2013

**Certified to be Effective:** 8-30-13 thru 1-3-14

**Notice Publication Date:**

**Rules Amended:** 274-015-0010

**Rules Suspended:** 274-015-0010(T)

**Subject:** The 77th Oregon Legislative Assembly - 2013 Regular Session passed House Bill 2044 which allows the Oregon Department of Veterans Affairs, when appointed as a conservator, to set forth by rule reasonable compensation for ordinary and unusual services. Allows Department to charge up to 7% of income to the estate for ordinary services.

**Rules Coordinator:** Nicole Hoeft—(503) 373-2386

### 274-015-0010

#### Conservatorship Fees

(1) The Director of Veterans' Affairs (DVA) may charge fees when acting as the Conservator of the estate of a protected person. The fees DVA may charge are as follows:

- (a) For ordinary services, up to 7% of income to the estate;
- (b) For unusual services:
  - (A) \$ 40 per hour for real property management;
  - (B) \$ Real property appraisal, actual cost;
  - (C) \$ 50 per real property inspection.

(2) The sources of income upon which DVA will impose a fee are as follows:

- (a) VA Compensation;
- (b) VA Pension;
- (c) VA Accumulated Benefits;
- (d) VA Death Indemnity Compensation (DIC);
- (e) VA Death Pension (Spouse, Child);
- (f) VA Education;
- (g) VA Rehabilitation;
- (h) Social Security;
- (i) State Retirement;
- (j) Federal Civil Service Retirement (CSA);
- (k) Worker's Compensation;
- (l) Railroad Retirement;
- (m) Union Pension;
- (n) Life Insurance Annuity;
- (o) Private Disability Insurance;
- (p) Military Retirement;
- (q) Wages;
- (r) Interest income earned through investments made by the State Treasurer.

(3) As used in applicable Oregon Law and this rule, unless otherwise required by context:

(a) "Ordinary services" means services performed routinely for or on behalf of protected persons for whom DVA acts as Conservator;

(b) "Unusual services" means services provided to protected persons that go beyond being ordinary or routine services. "Unusual services" include, but are not limited to, management of real property, real property appraisals, and real property inspections.

(4) In deciding whether all or a portion of the fees will be waived, the Director shall consider the following:

(a) Whether the protected person has at least \$2,000 in cash and investment assets;

(b) Whether, after payment of a fee, the protected person would have sufficient funds to pay all outstanding bills, and have money remaining to pay for such basic needs as food, shelter, clothing, and medical care;

(c) Whether the protected person receives public assistance;

(d) Whether all foreseeable expenses have been taken into account in deciding what the needs of the protected person will be.

Stat. Auth.: ORS 113.085, 406.030, 406.040, 406.050(5), 406.050(6) & 406.100  
Stats. Implemented: ORS 406.050, 406.100, 406.110 & 406.120

Hist.: DVA 9-1987, f. 11-25-87, ef. 12-1-87; DVA 4-1991, f. & cert. ef. 7-1-91; DVA 1-2012, f. & cert. ef. 2-22-12; DVA 3-2013(Temp), f. & cert. ef. 7-9-13 thru 1-3-14; DVA 7-2013(Temp), f. 8-29-13, cert. ef. 8-30-13 thru 1-3-14

**Rule Caption:** Procurement and contracting for the second Oregon Veterans' Home

**Adm. Order No.:** DVA 8-2013(Temp)

**Filed with Sec. of State:** 9-9-2013

**Certified to be Effective:** 9-9-13 thru 3-1-14

**Notice Publication Date:**

**Rules Adopted:** 274-042-0005, 274-042-0010, 274-042-0015, 274-042-0020, 274-042-0025, 274-042-0030, 274-042-0035, 274-042-0040

**Subject:** The purpose of this temporary rule is to set out the procedures for procurement and contracting with respect to the operations and management of the second Oregon Veterans' Home.

**Rules Coordinator:** Laurie Skillman—(503) 373-2016

### 274-042-0005

#### Purpose

The purpose of this Division is to establish the procedures for public contracts and procurements by the Department with respect to operation and management of the second Oregon Veterans' Home. With respect to such public contracts and procurements, the Department is exempt from ORS 279A.140 and 279B.235 pursuant to ORS 408.375. Accordingly, the Department hereby establishes relevant standards, considerations and procedures with respect to such procurement and contracting activities. To the degree, if any, that the provisions of this Division 42 conflict with the provisions of OAR chapter 274, Division 5, the provisions of this Division 42 shall prevail.

Stat. Auth.: ORS 406.005 & 408.375  
Stats. Implemented: ORS 408.365 – 408.380  
Hist.: DVA 8-2013(Temp), f. & cert. ef. 9-9-13 thru 3-1-14

### 274-042-0010

#### Definitions

(1) Terms used in this Division have meanings as defined in ORS chapters 406, 407, 408 and in this rule unless the context requires a different meaning.

(2) As used in these rules, unless otherwise indicated by the context:

(a) "Consultant" means an individual or firm that has been found qualified to do specified types of work for the agency and with whom the Department may contract;

(b) "Competitive Procurement" is a formal procurement method whereby proposals or applicants are requested from a number of sources and the Request for Proposals or other solicitation document is widely published or otherwise distributed;

(c) "Noncompetitive Procurement" is procurement through solicitation of a proposal from only one source or on a first-come first-served basis;

(d) "Small Purchase Procurement Procedures" are those relatively simple and informal procurement methods whereby price or rate quotations are obtained from a number of sources and selection made on the basis of costs and other applicable criteria.

Stat. Auth.: ORS 406.005 & 408.375  
Stats. Implemented: ORS 408.365 – 408.380  
Hist.: DVA 8-2013(Temp), f. & cert. ef. 9-9-13 thru 3-1-14

# ADMINISTRATIVE RULES

## 274-042-0015

### Basic Policy and Approach

(1) The model rules of the Attorney General adopted pursuant to ORS 279A.065 do not apply to the Department with respect to its public contracts and procurements regarding the operation and management of the second Oregon Veterans' Home. The Department will, however, consider the Attorney General's model rules for guidance in exercising its contracting and procurement discretion in this area. Other factors that the Department may consider include, but are not limited to:

(a) The subject matter of the proposed contract and appropriate means to ensure successful performance at competitive costs where practical;

(b) Specificity with respect to communication and reservation of rights in any procurement;

(c) Clarity in the naming and description of parties as well as consideration of appropriate preferences;

(c) Ascertaining and obtaining appropriate representations and warranties as to the qualifications of parties;

(d) Specificity with respect to consideration and applicable time periods;

(e) Specificity with respect to terms and covenants, particularly as to standards applicable to the performance of all work or delivery of goods;

(f) Identification of remedies and their suitability to protect Department and program interests;

(g) Identification of insurance and other risk mitigation terms and the appropriate balance of such measures with potential risks and costs;

(h) Requirements for compliance with applicable laws, including those applicable to funding sources and nondiscrimination;

(i) Use of appropriate terms with respect to standard provisions such as governing law, venue, waiver, exhibits, merger, etc.

(j) Applicable statutory provisions.

(2) Contracting and procurement procedures related to the second Oregon Veterans' Home that cannot practically be established, including with resort to the competitive contractor selection procedures of ORS 279B.050 to 279B.085, will be accomplished in consultation with financial advisors, legal counsel and other appropriate professionals. As a general standard, the Department will seek to employ procedures as are practical to introduce competitive efficiencies and sound selections given the particular circumstances, complex regulations and governing law applicable to the operation and management of a skilled nursing facility such as the second Oregon Veterans' Home.

(3) In contracting for consultant or other personal services, as well as goods or other services, the Department will consider factors including those described subsection (1) of this rule and employ the following procedures as applicable, except when the Director determines that an emergency or other good cause exists to excuse the Department from one or more of those procedures, such as when the personal services contract involves data processing services

(4) The Department will contract for consultant and other personal services when:

(a) The specialized skills, knowledge, and resources are not available within the Department; when the work cannot be done in a reasonable time within the Department's own work force;

(b) An independent and impartial evaluation of a situation is required by a consultant or other provider with recognized professional expertise and stature in a field;

(c) It will be less expensive to contract for the work;

(d) The Department is directed by statute or otherwise to contract for services; or

(e) The Department otherwise determines that contracting for a consultant or other personal services will best serve the purpose of fulfilling its statutory or other duties. The Department may contract for other goods and services necessary or appropriate for the operation and management of the second Oregon Veterans' Home. Contracts will be awarded only after the approval of the Director or his/her designee, subject to minimum limit exceptions.

(5) Agreements for the services of a contractor who is a member of the Public Employees' Retirement System and who is employed in another public department usually will be by interagency agreement. Exceptions may be granted by the Director or his/her designee when such an agreement is impractical and when the work will be done on the contractor's own time. Such exceptions normally will be processed as a personal services contract.

(6) The Department will seek to ensure competition and include performance standards to the extent it determines to be practicable when awarding personal services contracts or other agreements regarding the operation or management of the second Oregon Veterans' Home.

(7) In selecting between two or more equally qualified bidders, preference will be given to individuals residing in Oregon and businesses that have an office in Oregon.

Stat. Auth.: ORS 406.005 & 408.375

Stats. Implemented: ORS 408.365 – 408.380

Hist.: DVA 8-2013(Temp).f. & cert. ef. 9-9-13 thru 3-1-14

## 274-042-0020

### Procurement Method

(1) From September 9, 2013 through December 31, 2013, the Department will comply with the provisions of subsections (2) through (7) of this rule. Beginning January 1, 2014, the Department will comply with the provisions of subsections (8) through (13) of this rule.

(2) The department will comply with the requirements of ORS 200.035.

(3) The department may allow for preference of or limit competition for a public contract for goods and services or for any other public contract that does not exceed \$75,000, to contracting entities owned or controlled by persons described in ORS 279A.100(1).

(4) The department may participate in, sponsor, conduct, or administer cooperative procurements pursuant to ORS 279A.200 through 279A.225.

(5) Small purchase procurement procedures described in OAR 274-042-0030 may be used for the procurement of goods and services that do not exceed \$5,000 per agreement per fiscal year. Price or rate quotations will be sought from at least three qualified sources, if practical. This procedure does not govern program solicitations.

(6) Competitive procurement procedures as outlined in OAR 274-042-0025 will be used for goods and services, as well as personal service contracts that do not exceed \$5,000 per agreement per fiscal year. Competitive procurement procedures may be used for contracts that do not exceed \$5,000 whenever the Department determines that it would be prudent and advantageous to do so. Exceptions may be granted to accommodate one or more of the conditions described in section (3) of this rule with the approval of the Director.

(7) Noncompetitive procurement procedures may be used for goods and services, as well as personal services contracts if:

(a) The item or service is available only from a single source, or the sole source has special skills or special characteristics that are reasonably only available from that source or based upon the particular provider's expertise, experience or situation;

(b) Public need or emergency weighs against the delay incurred by competitive solicitation;

(c) After solicitation of a number of sources, competition is determined inadequate; or

(d) The contract is a renewal of an existing contract, subject to approval by all required parties.

(8) The department will comply with the requirements of ORS 200.035.

(9) The department may allow for preference of or limit competition for a public contract for goods and services or for any other public contract that does not exceed \$75,000, to contracting entities owned or controlled by persons described in ORS 279A.100(1).

(10) The department may participate in, sponsor, conduct, or administer cooperative procurements pursuant to ORS 279A.200 through 279A.225.

(11) Small purchase procurement procedures described in OAR 274-042-0030 may be used for the procurement of goods and services that does not exceed \$10,000 per agreement per fiscal year. Price or rate quotations will be sought from at least three qualified sources, if practical. This procedure does not govern program solicitations.

(12) Competitive procurement procedures as outlined in OAR 274-042-0025 will be used for goods and services, as well as personal service contracts that do not exceed \$10,000 per agreement per fiscal year. Competitive procurement procedures may be used for contracts that do not exceed \$10,000 whenever the Department determines that it would be prudent and advantageous to do so. Exceptions may be granted to accommodate one or more of the conditions described in section (3) of this rule with the approval of the Director.

(13) Noncompetitive procurement procedures may be used for goods and services, as well as personal services contracts if:

(a) The item or service is available only from a single source, or the sole source has special skills or special characteristics that are reasonably only available from that source or based upon the particular provider's expertise, experience or situation;

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(b) Public need or emergency weighs against the delay incurred by competitive solicitation;

(c) After solicitation of a number of sources, competition is determined inadequate; or

(d) The contract is a renewal of an existing contract, subject to approval by all required parties.

Stat. Auth.: ORS 406.005 & 408.375

Stats. Implemented: ORS 408.365 – 408.380

Hist.: DVA 8-2013(Temp), f. & cert. ef. 9-9-13 thru 3-1-14

## 274-042-0025

### Competitive Procurement Procedures

(1) A request for proposals (RFP) or similar solicitation (collectively, RFP) will be prepared for the contracts for which competitive procurement procedures will be used. The RFP will normally include, at a minimum, the following information:

(a) Date and hour by which proposals or other responses must be received;

(b) Return address where proposals or other responses must be received;

(c) Description of work;

(d) Evaluation criteria; and

(e) Department project manager's name, address and phone number.

(2) The Department will notify persons who have indicated a desire to be notified of contracting opportunities or that have indicated expertise in the subject area, and any other persons deemed necessary, of projects for which an RFP may be issued. Notification of the project for which an RFP may be issued may be announced to the public and may be advertised in appropriate periodicals. The RFP will be sent to all persons responding to the notification in the required manner.

(3) Exceptions to section (2) of this rule may be granted by the Director or his/her designee when the RFP is preceded by a request for information (RFI). When an RFI is widely distributed to solicit information and interest in a proposed contract, eligibility for the subsequent RFP may be limited to parties responding to the RFI.

(4) Proposals will be evaluated in accordance with the evaluation criteria included in the RFP. An objective rating system will be used in the evaluation process. Records pertaining to the procurement process and selection of the consultant shall be maintained in the Department's files.

(5) Exceptions to the notification procedures in sections (2) and (3) of this rule may be granted by the Director or his/her designee if warranted by time, cost, or other relevant considerations.

Stat. Auth.: ORS 406.005 & 408.375

Stats. Implemented: ORS 408.365 – 408.380

Hist.: DVA 8-2013(Temp), f. & cert. ef. 9-9-13 thru 3-1-14

## 274-042-0030

### Small Purchase Procurement Procedures

(1) A statement of work and request for price or rate quotation shall be developed and submitted to prospective contractors with which the Department has had previous successful experience or which are believed by the Department to be qualified to offer the needed services. The statement of work and request for quotation may be communicated orally or in writing.

(2) At least three price quotations shall be obtained from qualified sources unless there are fewer than three qualified sources interested in the contract.

(3) Contractor selection shall be made on the basis of the cost estimate and other pertinent information such as qualifications, experience, reference check and project approach.

Stat. Auth.: ORS 406.005 & 408.375

Stats. Implemented: ORS 408.365 – 408.380

Hist.: DVA 8-2013(Temp), f. & cert. ef. 9-9-13 thru 3-1-14

## 274-042-0035

### Contracting Procedure and Responsibility

The procedures for screening and selection of providers of goods or services, as well as personal service contractors, relating the responsible parties to their actions, are as follows:

(1) Contractor. Action required: Submit qualifications, credentials, costs estimates, project approach and other pertinent information relating to the project announcement.

(2) Department assigned personnel (may be contract officer). Action required:

(a) Determine that work on a project requires the services of a consultant;

(b) Prepare cost estimate for contract;

(c) Determine type of selection and screening process to be used to select a contractor and obtain approval of Director or his/her designee to begin contracting process for consultant services;

(d) Notify prospective contractors of matters for which competitive procurement or small purchase procurement procedures will be used as provided by OAR 274-042-0025 or 274-042-0030;

(e) Complete screening and selection procedure and tentatively select a contractor;

(f) Where different from assigned personnel, forward draft of contract to the Department's contract officer for approval;

(g) Forward proposed contract that totals \$100,000 or more to Attorney General for review and approval of legal sufficiency, unless contract form is subject to a group exemption and has previously been approved by Attorney General. The Department will forward proposed contracts for lesser amounts to the Attorney General for review where particular issues merit such review or there is an expectation that the contract amount may subsequently be amended to an aggregate amount at or over \$100,000; and

(h) When notified by the contract officer, authorize contractor to begin work.

(3) Director or designee, (may be contract officer). Action required:

(a) Approves/disapproves contract, particularly scope and budget, as well as use of the contracting process;

(b) Makes direct and emergency appointments and grants exceptions as necessary and in accordance with Department rules;

(c) Approves/disapproves all subsequent amendments; and

(d) Signs approved contracts.

(4) Department contract officer. Action required:

(a) Reviews contract and selection process for compliance with Department rules and other applicable state and federal rules and regulations;

(b) Maintains a file on the selection and screening of applicants for consultant services.

(c) Obtains contractor's signature on approved contract;

(d) Forwards one copy of final approved contract to contractor and retains a copy of the contract with original signatures for the Department's contract file;

(e) Notifies contract manager (if different from contract officer) when contractor may begin work.

Stat. Auth.: ORS 406.005 & 408.375

Stats. Implemented: ORS 408.365 – 408.380

Hist.: DVA 8-2013(Temp), f. & cert. ef. 9-9-13 thru 3-1-14

## 274-042-0040

### Discretionary Action

(1) As it deems necessary or appropriate for its purposes, the Department may waive or deviate from the foregoing provisions of this Division to the extent the Department's statutory authority to employ its own procurement and contracting procedures allow. Factors that the Department may consider in waiving or deviating from such provision or in determining what other procurement or contracting procedures it will apply in a particular circumstance may include, but are not limited to:

(a) Serving program or other Department purposes;

(b) Collaborating with reputable and effective partners;

(c) Leveraging resources, experience, or services;

(d) Efficiently and effectively using department resources;

(e) Addressing exigent or unusual circumstances;

(f) Advancing the Department's interests in the appropriate operation or management of the second Oregon Veterans' Home;

(g) Promoting the coordination of relevant skills, resources, and efforts;

(h) Educating persons and entities concerning services needs or opportunities for veterans; and

(k) Ensuring compliance with department or other applicable standards.

(2) Included within this authority to waive or deviate from such procedures, or to apply other procurement or contracting procedures in particular circumstances, the Department may amend an existing contract without additional competition, inter alia, to extend its term, to modify the compensation, to delete services, or to add any services or goods within the scope of the relevant procurement provided the amendment, in the Department's determination, is consistent with relevant factors identified in this Division or consistent with factors otherwise relevant to such action.

Stat. Auth.: ORS 406.005 & 408.375

Stats. Implemented: ORS 408.365 – 408.380

Hist.: DVA 8-2013(Temp), f. & cert. ef. 9-9-13 thru 3-1-14

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## Employment Department Chapter 471

**Rule Caption:** 2013 Claim Updates

**Adm. Order No.:** ED 2-2013(Temp)

**Filed with Sec. of State:** 8-22-2013

**Certified to be Effective:** 9-1-13 thru 2-26-14

**Notice Publication Date:**

**Rules Adopted:** 471-030-0058

**Rules Amended:** 471-030-0040, 471-030-0045, 471-030-0053

**Subject:** Updates to rules dealing with claimants:

0040 — Initial claims will no longer be backdated to a prior week, they will now be effective the week within which they are filed.

0045 — Claimants will have seven (7) days from the week ending date to claim a week when in continuous claim status.

0053 — Provides standards for waiver approval process, clarifies waiver collection, creates regular review period.

0058 — Rules for implementation of Treasury Offset Program to allow offset of federal tax returns on fraud UI debt.

**Rules Coordinator:** Courtney Brooks—(503) 947-1724

### 471-030-0040

#### Initial, Additional, and Reopened Claims

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

(a) “Claimant” is an individual who has filed an initial, additional, or reopened claim for unemployment insurance purposes within a benefit year or other eligibility period;

(b) An “initial claim” is a new claim that is a certification by a claimant completed as required by OAR 471-030-0025 to establish a benefit year or other eligibility period;

(c) “Additional claim” is a claim certification by a claimant completed as required by OAR 471-030-0025 that restarts a claim during an existing benefit year or other eligibility period and certifies to the end of a period of employment;

(d) “Reopened claim” is a certification by a claimant completed as required by OAR 471-030-0025 that restarts a claim during an existing benefit year or other eligibility period and certifies that there was no employment in any week since last reporting on this claim;

(e) “Backdating” occurs when an authorized representative of the Employment Department corrects, adjusts, resets or otherwise changes the effective date of an initial, additional or reopened claim to reflect filing in a prior week. Backdating may occur based upon evidence of the individual’s documented contact on the prior date with the Employment Department or with any other state Workforce agency, or as otherwise provided in this rule.

(2) For the purposes of filing an initial, additional, or reopened claim:

(a) When delivered in person to any Employment Department office in the state of Oregon, the date of filing shall be the date of delivery, as evidenced by the receipt date stamped or written by the public employee who receives the document;

(b) When filed by mail, the date of filing shall be the date of the postmark affixed by the United States Postal Service. In the absence of a postmarked date, the date of filing shall be the most probable date of mailing as determined by the Employment Department;

(c) When filed by fax, the date of filing shall be the encoded date on the fax document unless such date is absent, illegible, improbable or challenged, in which case the fax receipt date, if available, shall be the date of filing. If a filing date cannot otherwise be determined, the filing date shall be the most probable date of faxing as determined by the Employment Department;

(d) When filed by Internet, the date of filing shall be the initial date of transmission of the online claim; or

(e) When filed by telephone, the date of filing shall be the date recorded in the completed telephone initial claim record of the agency system or by an employee completing the filing of the claim record.

(f) An incomplete certification must be completed and returned within seven business days from the date of notification that the original was incomplete to preserve the original date of filing.

(3) An initial, additional, or reopened claim must be filed prior to or during the first week or series of weeks for which benefits, waiting week credit, or noncompensable credit is claimed and prior to or during the first week of any subsequent series thereafter. An initial claim is effective the Sunday of the calendar week in which it is filed. An authorized representative of the Employment Department will backdate an additional or

reopened claim to the calendar week immediately preceding the week in which the request to backdate was made when a claimant requests backdating of the additional or reopened claim.

(4) The provisions of this section do not apply to an individual claiming benefits as a “partially unemployed individual,” as defined in OAR 471-030-0060.

Stat. Auth.: ORS 657

Stats. Implemented: ORS 657.260

Hist.: IDE 150, f. & ef. 2-9-76; IDE 152, f. 9-28-77, ef. 10-4-77; IDE 1-1982, f. & ef. 6-30-82; ED 1-1987, f. & ef. 1-12-87; ED 14-2003, f. 12-12-03 cert. ef. 12-14-03; ED 2-2013(Temp), f. 8-22-13, cert. ef. 9-1-13 thru 2-26-14

### 471-030-0045

#### Continued Claims

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

(a) “Continued Claim” means an application that certifies to the claimant’s completion of one or more weeks of unemployment and to the claimant’s status during these weeks. The certification may request benefits, waiting week credit, or non-compensable credit for such week or weeks. A continued claim must follow the first effective week of an initial, additional or reopen claim, or the claimant’s continued claim for the preceding week;

(b) A “non-compensable credit week” is a week of unemployment for which benefits will not be allowed but which may qualify as a week allowed toward satisfying a disqualification as provided in ORS 657.215.

(2) A claimant, in order to obtain benefits, waiting week credit, or non-compensable credit for a week of unemployment, must file a continued claim for the week by any method approved by the Director.

(3) As directed by the Director, a continued claim must be filed:

(a) In person at any Employment Department office in the state of Oregon. When delivered in person to any Employment Department office in the state of Oregon, the date of filing shall be the date of delivery, as evidenced by the receipt date stamped or written by the public employee who receives the document;

(b) By United States mail. When filed by mail, the date of filing shall be the date of the postmark affixed by the United States Postal Service. In the absence of a postmarked date, the date of filing shall be the most probable date of mailing as determined by the Employment Department;

(c) By fax. When filed by fax, the date of filing shall be the encoded date on the fax document unless such date is absent, illegible, improbable or challenged, in which case the fax receipt date, if available, shall be the date of filing. If a filing date cannot otherwise be determined, the filing date shall be the most probable date of faxing as determined by the Employment Department;

(d) By Internet. When filed on line, the date of filing shall be the initial date of transmission of the on line continued claim; or

(e) By telephone. When filed by telephone, the date of filing shall be the date marked, stamped, or imprinted on the document by the agency system that records the oral request or by the employee accepting the continued claim.

(4) A continued claim must be filed no later than seven days following the end of the week for which benefits, waiting week credit, or non-compensable credit, or any combination of the foregoing is claimed, unless:

(a) The continued claim is for the first effective week of the benefit year, in which case the week must be claimed no later than 13 days following the end of the week for which waiting week credit is claimed, or

(b) The claimant routinely files weekly claims by submitting weekly paper certification forms, in which case the week is timely if it is filed to the Employment Department no later than seven days, as per Sections (3)(a)–(c) of this rule, after the Employment Department originally sent the paper certification form to the claimant.

(5) The Director may, with respect to individual claimants or groups of claimants, direct that continued claims be filed on any reporting schedule appropriate to existing facilities and conditions.

(6) The provisions of this rule do not apply to an individual claiming benefits as a “partially unemployed individual,” as defined in OAR 471-030-0060.

Stat. Auth.: ORS 183.335, 657.260, 657.265-270, 657.335, 657.610, 729 & OL 1993

Stats. Implemented: ORS 657.215 & 657.260

Hist.: IDE 150, f. & ef. 2-9-76; IDE 152, f. 9-28-77, ef. 10-4-77; IDE 3-1981, f. & ef. 2-16-81; IDE 1-1984, f. & ef. 3-21-84; ED 4-1993, f. & cert. ef. 11-22-93; ED 4-1994, f. & cert. ef. 9-2-94; ED 14-2003, f. 12-12-03 cert. ef. 12-14-03; ED 2-2013(Temp), f. 8-22-13, cert. ef. 9-1-13 thru 2-26-14

### 471-030-0053

#### Waiving Recovery of Overpayments

(1) This rule addresses waiving recovery of overpayments pursuant to ORS 657.317.



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(2) Recovering overpaid benefits is against equity and good conscience if the person requesting a waiver has total allowable household expenses that equal or exceed 90% of the total household income less unemployment benefits. The Employment Department will use the IRS Collection Financial Standards to determine maximum allowable household expenses.

(3) If a waiver is granted, the Department will stop collection activity of the overpaid benefits that are waived. The Department will give written notice of any waivers that are granted, indicating the amount of the overpaid benefits for which the waiver is granted, and the time period of the waiver.

(4) The amount of overpaid benefits that are waived will be removed from the balance of remaining benefits that the claimant has remaining on the claim during the duration of the waiver of recovery of benefits.

(5) Waivers are effective the Sunday of the week in which the request for waiver was filed with the Employment Department. The date of the post mark from the United States Postal Service, a date stamp from an Employment Department office, or an embedded fax date, whichever is earliest, will be used to determine the date of filing.

(6) If a request for waiver of recovery is denied, the claimant may submit another request for waiver of recovery if his or her situation changes significantly enough to establish that recovery of the benefits would be against equity and good conscience. No such subsequent request will be granted unless the claimant explains the significant change in financial situation in writing and provides supporting documentation.

(7) If a waiver is granted but the Employment Department then determines a hardship no longer exists, or that the person who received the waiver gave inaccurate or incomplete information in the request for waiver, the Employment Department may end the waiver.

(8) Overpaid benefits that have been recovered prior to the filing of a waiver request will not be waived.

(9) If a person is paid more than once for the same week(s), only the amount in excess of the final entitlement is eligible to be waived.

(10) In applying ORS 657.317(4), a waiver will not be granted if the overpayment is a result of willful misrepresentation or fraud as established in ORS 657.215.

(11) Overpayments caused by the negotiation of an original and a replacement check that were issued for the same period pursuant to OAR 471-030-0049 will not be waived.

(12) The determination to waive recovery of overpayments under ORS 657.317 and this rule shall be made by employees authorized by the Director.

Stat. Auth.: ORS 105 Sec. 7, ORS 183, 657.610, 657.266, 657.317 & 657.270  
Stats. Implemented: ORS 215  
Hist.: ED 2-1995, f. 8-29-95, cert. ef. 9-3-95; ED 4-2011(Temp), f. & cert. ef. 6-29-11 thru 12-15-11; ED 11-2011, f. & cert. ef. 12-5-11; ED 2-2013(Temp), f. 8-22-13, cert. ef. 9-1-13 thru 2-26-14

## 471-030-0058

### Offset of Unemployment Compensation Debt Through U.S. Treasury Offset Program

(1) The Oregon Employment Department may submit liquidated unemployment insurance overpayments for offset against federal tax refunds through the "Treasury Offset Program" under 31 USC 3716(h) and 31 CFR 285.6. For purposes of this rule, liquidated means legally enforceable because:

- (a) The liability is assessed by the department;
- (b) The department has made written demand for payment of the liability;
- (c) The claimant is not in bankruptcy; and
- (d) All relevant appeal periods for contesting the liability have expired.

(2) Notice of intent to offset. Before submitting an unemployment insurance overpayment to Financial Management Service, U.S. Treasury for offset against a federal refund, the Oregon Employment Department must send written notice of intent to offset to the claimant by mail.

(3) Disagreement procedures. If a claimant disagrees with the notice of intent to offset and wants reconsideration, the claimant must submit a letter of disagreement within 60 days of the date shown on the notice of intent to offset. The claimant must provide, and the department will limit consideration to, evidence that the overpayment scheduled for offset is not:

- (a) Past due; or
- (b) Legally enforceable.
- (4) If the claimant claims that the debt is not legally enforceable, the department will consider the merits of such a claim unless the issue has already been finally adjudicated by the Office of Administrative Hearings

or Employment Appeals Board in a proceeding to which the department is a party.

(5) Review of disagreement. For each letter of disagreement provided by the claimant, the department will:

- (a) Review evidence provided by the claimant, and
- (b) Remove claimant's name from the federal refund offset list for this debt if evidence supports the claimant's position that the debt is not past due or legally enforceable.

Stat. Auth.: ORS 657  
Stats. Implemented: ORS 657.255  
Hist.: ED 2-2013(Temp), f. 8-22-13, cert. ef. 9-1-13 thru 2-26-14

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**Rule Caption:** 2013 Unemployment Insurance rule updates from statute changes enacted in the 2013 legislative session

**Adm. Order No.:** ED 3-2013(Temp)

**Filed with Sec. of State:** 9-10-2013

**Certified to be Effective:** 10-1-13 thru 3-28-14

**Notice Publication Date:**

**Rules Amended:** 471-030-0052

**Subject:** Update to state fraud penalty assessed on claimants due to misrepresentation. Additional language added to increase penalties based on repeated misrepresentation occurrences. Clarifies when disqualification may be canceled.

**Rules Coordinator:** Janet Orton—(503) 947-1724

## 471-030-0052

### Misrepresentation Disqualification

(1) An authorized representative of the Employment Department shall determine the number of weeks of disqualification under ORS 657.215 according to the following criteria:

(a) When the disqualification is imposed because the individual failed to accurately report work and/or earnings, the number of weeks of disqualification shall be determined by dividing the total amount of benefits overpaid to the individual for the disqualifying act(s), by the maximum Oregon weekly benefit amount in effect during the first effective week of the initial claim in effect at the time of the individual's disqualifying act(s), rounding off to the nearest two decimal places, multiplying the result by four rounding it up to the nearest whole number.

(b) When the disqualification is imposed because the disqualifying act(s) under ORS 657.215 relates to the provisions of 657.176, the number of weeks of disqualification shall be the number of weeks calculated in the same manner as under subsection (a) above, or four weeks, whichever is greater.

(c) When the disqualification is imposed because the disqualifying act(s) relates to the provisions of ORS 657.155 (other than work and/or earnings), the number of weeks of disqualification shall be the number of weeks calculated in the same manner as under subsection (a) above, or the number of weeks in which a disqualifying act(s) occurred, whichever is greater.

(d) When the disqualification is imposed because the disqualifying act(s) under ORS 657.215 relates to the provisions of 657.176 and a failure to accurately report work and/or earnings, the number of weeks of disqualification shall be the number of weeks calculated in the manner set forth in subsection (a) plus four weeks.

(e) When the disqualification is imposed because the disqualifying act(s) relates to the provisions of ORS 657.155 (other than work and/or earnings) and a failure to accurately report work and/or earnings, the number of weeks of disqualification shall be the number of weeks calculated in the manner set forth in subsection (a) plus the number of weeks in which a disqualifying act(s) occurred relating to the provisions of 657.155 (other than work and earnings).

(2) The number of weeks of disqualification assessed under section (1) of this rule shall be doubled, but not to exceed 52 weeks, if the individual has one previous disqualification under ORS 657.215, and that prior disqualification determination has become final.

(3) Notwithstanding sections (1) and (2) of this rule, the number of weeks of disqualification under ORS 657.215 shall be 52 weeks if:

- (a) The disqualification under ORS 657.215 is because the individual committed forgery; or
- (b) The individual has two previous disqualifications under ORS 657.215, and those prior two disqualification determinations have become final.

(4) Notwithstanding Sections (1), (2) and (3), an authorized representative of the Employment Department may determine the number of weeks

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of disqualification according to the circumstances of the individual case, but not to exceed 52 weeks.

(5) All disqualifications imposed under ORS 657.215 shall be served consecutively.

(6) Any week of disqualification imposed under ORS 657.215 may be satisfied by meeting all of the eligibility requirements of Chapter 657, other than 657.155(1)(e).

(7) The department will review the number of occurrences of misrepresentation when applying the penalty as described in ORS 657.310 (2). An occurrence shall be counted each time an individual willfully makes a false statement or representation, or willfully fails to report a material fact to obtain benefits. The department shall use the date the individual failed to report a material fact or willfully made a false statement as the date of the occurrence. For an individual subject to disqualification by administrative action under ORS 657.215, the penalty will be:

(a) For the first or second occurrence within 5 years of the occurrence for which a penalty is being assessed, 15 percent of the total amount of benefits the individual received but to which the individual was not entitled.

(b) For the third or fourth occurrence within 5 years of the occurrence for which a penalty is being assessed, 20 percent of the total amount of benefits the individual received but to which the individual was not entitled.

(c) For the fifth or sixth occurrence within 5 years of the occurrence for which a penalty is being assessed, 25 percent of the total amount of benefits the individual received but to which the individual was not entitled.

(d) For the seventh or greater occurrence within 5 years of the occurrence for which a penalty is being assessed, 30 percent of the total amount of benefits the individual received but to which the individual was not entitled.

(e) In cases of forgery, 30 percent of the amount of benefits the individual received but to which the individual was not entitled.

(8)(a) Under ORS 657.215, the Director or an authorized representative of the Employment Department shall determine it is proper and equitable to cancel the disqualification if:

(A) All benefits, interest, penalties, fees, and court costs have been paid in full;

(B) Three or more years have passed since the decision assessing the number of weeks of disqualification was issued; and

(C) The department has issued only one decision assessing weeks of disqualification to the individual within the last 10 years from the date of the request to cancel.

(b) For the purposes of the section (c) of this rule, an "occurrence" is each time an individual willfully makes a false statement or representation, or willfully fails to report a material fact to obtain benefits within the same willful misrepresentation decision.

(c) The Director or an authorized representative of the Employment Department shall determine the amount of weeks applicable for cancellation under ORS 657.215 according to the following criteria:

(A) The individual has satisfied the requirements of subsection (a);

(B) When the individual has committed one occurrence of violating ORS 657.215 within the same willful misrepresentation decision, the director may cancel the remaining weeks of disqualification in whole.

(C) When the individual has committed two occurrences of violating ORS 657.215 within the same willful misrepresentation decision, the director may cancel half the weeks of disqualification.

(D) When the individual has committed three or more occurrences of violating ORS 657.215 within the same willful misrepresentation decision or the disqualification under 657.215 is because the individual committed forgery, weeks of disqualification shall not be cancelled.

(d) Weeks of disqualification served prior to the request for cancellation shall not be cancelled.

Stat. Auth.: ORS 657.610 & 657.155

Stats. Implemented: ORS 657.155, 657.215 & 657.310

Hist.: IDE 151, f. 9-28-77, ef. 10-4-77; ED 10-2003, f. 7-25-03, cert. ef. 7-27-03; ED 3-2008(Temp), f. & cert. ef. 2-15-08 thru 8-13-08; ED 8-2008, f. 5-20-08, cert. ef. 7-1-08; ED 3-2013(Temp), f. 9-10-13, cert. ef. 10-1-13 thru 3-28-14

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## Higher Education Coordinating Commission Chapter 715

**Rule Caption:** Delegating duties, and powers of the Higher Education Coordinating Commission relative to degree authorization.

**Adm. Order No.:** HECC 1-2013

**Filed with Sec. of State:** 8-21-2013

**Certified to be Effective:** 8-21-13

**Notice Publication Date:** 8-1-2013

**Rules Adopted:** 715-010-0000, 715-010-0015, 715-010-0025

**Subject:** These rules regard the delegation of duties, functions, and powers of the Higher Education Coordinating Commission relative to the Office of Degree Authorization. The Office needs to provide the functions described in temporary rules and the Higher Education Coordinating Commission is seeking to make the rules permanent

**Rules Coordinator:** Seth Allen—(503) 378-8213

### 715-010-0000

#### Implementing ORS 348.594 to 348.615 and 348.992

This rule implements Oregon Revised Statutes (ORS) 348.594 to 348.615 and 348.992 for the purpose of providing for the protection of the citizens of Oregon and their post-secondary schools by ensuring the quality of higher education offered to Oregon students and preserving the integrity of an academic degree as a public credential. The term "manager" as used in this rule means the employee in the position of responsibility for managing the programs and activities implemented by the aforementioned laws and these rules.

Stat. Auth.: 2012 SB 242

Stats. Implemented: 2012 SB 242

Hist.: HECC 1-2013, f. & cert. ef. 8-21-13

### 715-010-0015

#### Delegating the Duties

This rule is for the purpose of delegating the duties, functions, and powers of the Higher Education Coordinating Commission with respect to degree authorization, degree validation, and review of new academic programs under ORS 348.594 to 348.615 and 348.992 to the manager of these programs and activities.

(1) Degree authorization shall be the responsibility of the manager, who shall have final authority with regard to:

(a) Authorization of post-secondary schools to offer academic degree programs (under Oregon Administrative Rules 583-030);

(b) Authorization of approved degree-granting schools to offer academic programs leading to a certificate or diploma;

(c) Termination of any activities related to higher education by an education entity not authorized to offer degrees and post-secondary academic programs in Oregon and ineligible for exemption from authorization under Oregon statutes.

(2) Degree validation under OAR 583-050 shall be the responsibility of the manager, who shall have final authority with regard to:

(a) Validation of claims of degree possession and determination of appropriate degree use under Oregon law;

(b) Termination of substandard or fraudulent degree activities;

(c) Termination of activities of diploma mills operating in or from Oregon;

(d) Termination of any operation in or from Oregon of post-secondary accrediting bodies that are not recognized by the United States Department of Education.

Stat. Auth.: 2012 SB 242

Stats. Implemented: 2012 SB 242

Hist.: HECC 1-2013, f. & cert. ef. 8-21-13

### 715-010-0025

#### Establishing Fees for Public Record

A fee may be imposed on any school or person requesting services or information from the commission pertaining to the administration of its functions under ORS 348.594 to 348.615. The amount of the fee shall be established by the manager to recover designated expenses incurred by the commission in carrying out the administration of ORS 348.594 to 348.615. Any fees collected by the commission, for services that are the responsibility of the manager shall be deposited in the Degree Authorization Account established under ORS 348.601 and used exclusively for purposes directly related to the duties and functions of the commission under the authority of the manager as delegated by the commission.

Stat. Auth.: 2012 SB 242

Stats. Implemented: 2012 SB 242

Hist.: HECC 1-2013, f. & cert. ef. 8-21-13

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## Oregon Business Development Department Chapter 123

**Rule Caption:** These rules relate to programs within Office of Minority, Women and Emerging Small Business.

**Adm. Order No.:** OBDD 7-2013

**Filed with Sec. of State:** 9-3-2013

**Certified to be Effective:** 9-3-13

# ADMINISTRATIVE RULES

**Notice Publication Date:** 8-1-2013

**Rules Adopted:** 123-200-1400, 123-200-1500, 123-200-1600, 123-200-1700, 123-200-1800, 123-200-1900

**Rules Repealed:** 123-200-0030, 123-200-0050, 123-200-0060, 123-200-0070, 123-200-0080, 123-200-0100, 123-200-0120, 123-200-0130, 123-200-0140, 123-200-0150, 123-200-0160, 123-200-0170, 123-200-0200

**Rules Ren. & Amend:** 123-200-0005 to 123-200-1000, 123-200-0010 to 123-200-1100, 123-200-0020 to 123-200-1200, 123-200-0040 to 123-200-1300, 123-200-0090 to 123-200-2000, 123-200-0180 to 123-200-2100, 123-200-0190 to 123-200-2200

**Subject:** The certification procedures for Minority Business Enterprises, Women Business Enterprises and Emerging Small Business have been separated into their prospective. Definitions have been amended. The entire division has been renumbered beginning at 123-200-1000.

**Rules Coordinator:** Mindee Sublette—(503) 986-0036

## 123-200-1000

### Purpose

(1) The purpose of OAR 123-200-1000 to 123-200-2200 is to adopt a standard application form and procedure designed to provide complete documentation for certification of businesses as minority or woman owned firms or an Emerging Small Business and to adopt a procedure for handling complaints, investigations, and issuing sanctions. Minority Business Enterprises (MBE) and Woman Business Enterprises (WBE) shall be certified under the State of Oregon certification program based on ORS 200.055. Emerging Small Businesses (ESB) shall be certified under the State of Oregon certification program based on ORS 200.170. An enterprise certified by the Office of Minority, Women, and Emerging Small Business (OMWESB) pursuant to these rules shall be considered as certified by any public contracting agency as defined in ORS 279.011(5) in the State of Oregon. Certified firms are eligible to participate on state funded projects to meet commitment requirements. Any certified firm is eligible to participate in private or non-state funded projects. The OMWESB is the sole certification agency for the State of Oregon and all political subdivisions.

(2) “Disadvantaged Business Enterprise” or DBE means a business that meets the eligibility standards for participation in United States Department of Transportation (USDOT), federally-funded projects set out in 49 CFR parts 23 and 26 (2013 Edition).

(3) These rules also cover publication of a directory, ineligibility complaints, and representation of the OMWESB in contested case hearings.

Stat. Auth.: ORS 200.055

Stats. Implemented: ORS 200.055, ORS 200.170, ORS 279.011

Hist.: OBDD 17-2010, f. 4-30-10, cert. ef. 5-1-10; Renumbered from 123-200-0005, OBDD 7-2013, f. & cert. ef. 9-3-13

## 123-200-1100

### Definitions

As used in these rules, the following terms shall have the following definitions, unless the context requires otherwise:

(1) “Agency” means the Oregon Business Development Department.

(2) “Contribution” means a real and substantial contribution of money, tangible personal assets, and expertise to acquire ownership interest in the firm. Examples of insufficient contributions include a promise to contribute, an unsecured note payable to the firm or an owner who is not a disadvantaged individual, or mere participation in a firm’s activities as an employee.

(3) “Control” or “controlled” means that operational and managerial control of all aspects of the business is true, real, and exercised by one or more socially disadvantaged individual(s) as further defined in 49 CFR§ 26.71 (2013 Edition). Control must also be clearly documented in all legal documents and financial statements.

(a) In determining whether a certified firm is an independent business, the OMWESB must scrutinize relationships with non-certified firms in such areas as personnel, facilities, equipment, financial and/or bonding support, and other resources.

(b) The OMWESB must consider whether present or recent employer/employee relationships between the owner(s) of the certified firm and non-certified firms, or persons associated with non-certified firms, compromise the independence of the certified firm.

(A) The OMWESB must examine the certified firm’s relationship with prime contractors to determine whether a pattern of exclusive or primary dealings with a prime contractor compromises the independence of the certified firm.

(B) While reviewing factors related to the independence of a certified firm, the OMWESB must consider the consistency of relationships between the firm and non-certified firms with normal industry practice.

(C) Certified owners and/or firms must not be subject to any formal or informal restrictions, which limit the customary discretion of the certified owner(s). There can be no restrictions (i.e. through corporate charter provisions, by-laws, contracts, or any other formal or informal devices) preventing the certified owners from making any business decision for the firm without the cooperation or vote of any non-certified individual. This paragraph does not preclude a spousal co-signature on documents as provided for in 49 CFR § 26.69(j)(2) (2013 Edition).

(c) The certified owner(s) must possess the power to direct or cause the direction of the management and policies of the firm and to make day-to-day as well as long-term decisions on matters of management, policy, and operations.

(d) A certified owner must hold the highest officer position in the company (e.g. chief executive officer or president).

(A) In a corporation, the certified owner(s) must control the Board of Directors.

(B) In a partnership, one or more certified owner(s) must serve as general partners, with control over all partnership decisions.

(e) Individuals who are not socially disadvantaged may be involved in a MBE and WBE firm as owners, managers, employers, stockholders, officers, and/or directors. Such individuals must not, however, possess or exercise the power to control the firm or be disproportionately responsible for the operation of the firm.

(f) The certified owner(s) of the firm may delegate various areas of management, policymaking, or daily operations of the firm to other participants in the firm, regardless of whether these participants are socially disadvantaged individuals. Such delegation of authority must be revocable and the certified owner(s) must retain the power to hire and fire any person to whom they delegate such authority. The managerial role of the certified owner(s) in the firm’s overall affairs must be such that the recipient can reasonably conclude that the certified owner(s) actually exercise control over the firm’s operations, management, and policy.

(g) The certified owner(s) must have an overall understanding, managerial and technical competence, and experience directly related to the type of business in which the firm is engaged and the firm’s overall operations.

(h) If state or local law requires a person to have a particular license or other credential in order to own and/or control a certain type of firm, then the MBE, WBE, and/or ESB certified persons who own and control a firm of that type must possess the required license or credential.

(i) The OMWESB may consider differences in remuneration between the potentially certified owner(s) and other participants in the firm in determining whether to certify a firm. Such consideration shall be in the contract of the duties of the persons involved, normal industry practices, the firm’s policy, and practice concerning reinvestment of income, and any other explanations for the differences proffered by the firm.

(j) In considering a MBE and/or WBE where a non-disadvantaged individual formerly controlled the firm, the OMWESB may consider a difference between the remuneration of the former and current controller of the firm as a factor in determining control. Particularly in the circumstance where the non-disadvantaged individual remains involved with the firm and continues to receive greater compensation than the disadvantaged individual does.

(k) In order to be viewed as a controlling a firm, a certified owner(s) cannot engage in outside employment or other business interests that conflict with the management of the firm or prevent the individual from devoting sufficient time and attention to the affairs of the firm to control its activities.

(l) A socially disadvantaged individual may control a firm even though one or more of the individual’s immediate family members (who themselves are not socially disadvantaged individuals) participate in the firm as a manager, employee, owner, or in another capacity.

(m) If the OMWESB is unable to determine that the socially disadvantaged owner(s), as distinct from the family as a whole, control the firm, then the socially disadvantaged owner(s) have failed to carry their burden of proof concerning control even though they may participate significantly in the firm’s activities.

(n) Where a firm was formerly owned and/or controlled by a non-disadvantaged individual (whether or not an immediate family member), ownership and/or control were transferred to a socially disadvantaged individual, and the non-disadvantaged individual remains involved with the firm

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in any capacity, the disadvantaged individual now owning the firm must demonstrate to the OMWESB, by clear and convincing evidence, that:

(A) The transfer of ownership and/ or control to the disadvantaged individual was made for reasons other than obtaining certification; and

(B) The certified individual actually controls the management, policy, and operations of the firm, notwithstanding the continuing participation of a non-certified individual who formerly owned and/or controlled the firm.

(c) In determining whether a firm is controlled by its certified owner(s), the OMWESB may consider whether the firm owns equipment necessary to perform its work.

(p) The OMWESB must grant certification to a firm only for specific types of work in which the certified owner(s) have the ability to control the firm. To become certified in an additional type of work, the firm needs to demonstrate to the OMWESB only that its certified owners are able to control the firm with respect to that type of work.

(A) The types of work a firm can perform (whether on initial certification or when a new type of work is added) must be described in terms of the most specific available North American Industry Classification System (NAICS) code for that type of work.

(B) Firms and recipients must check carefully to make sure that the NAICS code cited in a certification are kept up-to-date and accurately reflect work, which the United Certification Program (UCP) has determined the firm's owners can control. The firm bears the burden of providing detailed company information the certifying agency needs to make an appropriate NAICS code designation.

(q) OMWESB may certify a business operating under a franchise or license agreement if it meets the standards in this subpart and the franchisor or licensor is not affiliated with the franchisee or licensee.

(r) In order for a partnership to be controlled by certified individuals, any non-certified partners must not have the power, without the specific written concurrence of the certified partner(s), to contractually bind the partnership or subject the partnership to contract or tort liability.

(s) The certified individuals controlling a firm may use an employee leasing company. The use of such a company does not preclude the certified individuals from controlling their firm if they continue to maintain an employer-employee relationship with the leased employees.

(4) "Emerging Small Business" or "ESB" means an independent business:

(a) With its principal place of business located in the State of Oregon;

(b) That qualifies as a tier one or tier two firm;

(c) That is properly licensed and legally registered in the State of Oregon; and

(d) That is not a subsidiary or parent company belonging to a group of firms owned and controlled by the same individuals if, in the aggregate, the group of firms does not qualify as a tier one or tier two firm.

(5) "Independence" or "Independent" means:

(a) The business must not be dependent upon any non-disadvantaged, non-minority or non-woman owned firm.

(b) The owner(s) of the business owns or leases equipment and resources necessary to perform the services provided. Leasing must be a normal industry practice and the lease must not involve a relationship with a prime contractor or non-disadvantaged individual that compromises the control and independence of the firm.

(6) "Management Control" or "Management" means that the socially disadvantaged individual(s) has responsibility for the critical areas of business operations and has the demonstrated ability to make independent and unilateral business decisions needed to guide the future of the business. When a firm contracts out the actual management of the business to individuals other than the owner or delegates the management to employees, those persons who have the power to hire and fire these managers exercise management control. Areas of control include, but are not limited to the following:

(a) The socially disadvantaged individual(s) must have training and/or experience in the primary field(s) of operation for which certification is sought. The socially disadvantaged individual(s) does not need to have hands on, direct control, or expertise in every aspect of the business' affairs so long as the owner is able to intelligently use and critically evaluate information presented by employees.

(b) The socially disadvantaged individual(s) must possess sufficient knowledge about the business to enable him or her to maintain day-to-day control over the operational aspects of the business. In order to determine that the socially disadvantaged individual(s) has the technical expertise and competence to maintain operational control, the socially disadvantaged individual(s) will be required to submit proof of expertise. An individual must document expertise:

(A) The socially disadvantaged individual(s) must submit a copy of his or her essential license(s). If an individual license (e.g. engineer, electrician, plumber, or contractor, etc.) is required to provide the goods or services in areas of work in which the firm seeks certification, the owner of the business must hold the license.

(B) The socially disadvantaged individual(s) must submit a copy of his or her resume.

(7)(a) "Minority" means a person who is a citizen or lawful permanent resident of the United States and who is a:

(A) Black American includes persons having origins in any of the Black racial groups of Africa;

(B) Hispanic American includes persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish or Portuguese culture or origin, regardless of race;

(C) Native American includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;

(D) Asian-Pacific American includes persons whose origin is from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the United States Trust Territories of the Pacific Islands, the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Tuvalu, Nauru, Federated States of Micronesia, or Hong Kong;

(E) Subcontinent Asian Americans includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal, or Sri Lanka;

(F) Any additional groups whose members are designated as socially disadvantaged by the Small Business Administration and/or as designated under 49 CFR Part 26 (2013 Edition).

(b) Bona fide minority group membership shall be established based on evidence to support the individual's claim he or she is a member of a minority group and is so regarded by the particular minority community. However, the OMWESB is not required to accept this claim if the agency determines it to be invalid. If the minority community does not exist in Oregon, the burden of proof shifts to the applicant to prove he or she is a socially and economically disadvantaged individual.

(8) "Minority Business Enterprise" or "MBE" means a business owned and operated by a minority who meets the eligibility standards set out in OAR 123-200-1200. Women are recognized as a separate group for the purposes of these rules and not as a "minority" group.

(9) "OMWESB" means the Office of Minority, Women and Emerging Small Business in the Oregon Business Development Department.

(10) "Ownership" or "Owned" has the meaning set out in 49 CFR § 26.69 (2013 Edition).

(a) In determining whether the socially disadvantaged participants in a firm own the firm, the OMWESB must consider all the facts in record viewed as a whole.

(b) To be an eligible MBE and/or WBE, a firm must be at least 51 percent owned by a socially disadvantaged individual(s).

(A) In the case of a corporation, such individuals must own at least 51 percent of each class of voting stock outstanding and 51 percent of the aggregate of all stock outstanding.

(B) In the case of a partnership, the socially disadvantaged individual(s) must own 51 percent of each class of partnership interest. Such ownership must be reflected in the firm's partnership agreement.

(C) In the case of a limited liability company, the socially disadvantaged individual(s) must own at least 51 percent of each class of member interest.

(c) The firm's ownership by socially disadvantaged individual(s) must be real, substantial, and continuing, going beyond pro forma ownership of the firm as reflected in ownership documents. The socially disadvantaged owner(s) must enjoy the customary incidents of ownership, and share in the risks and profits commensurate with their ownership interest, as demonstrated by the substance, not merely the form, or arrangements.

(d) All securities that constitute ownership of a firm shall be held directly by socially disadvantaged persons. Except as provided in this paragraph (d), no securities or assets held in trust, or by any guardian for a minor, are considered as held by the socially disadvantaged persons in determining the ownership of a firm. However, securities or assets held in trust are regarded as held by a socially disadvantaged individual for purposes of determining ownership of the firm, if:

(A) The beneficial owner of securities or assets held in trust is a socially disadvantaged individual and the trustee is the same or another such individual; or

(B) The beneficial owner of a trust is a socially disadvantaged individual who, rather than the trustee, exercises effective control over the

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management, policymaking, and daily operational activities of the firm. Assets held in a revocable living trust may be counted only in the situation where the same socially disadvantaged individual is the sole grantor, beneficiary, and trustee.

(e) The contributions of capital or expertise by the socially disadvantaged owner(s) to acquire their ownership interests must be real and substantial. Examples of insufficient contributions include a promise to contribute capital, an unsecured note payable to the firm or an owner who is not a socially disadvantaged individual, or mere participation in a firm's activities as an employee. Debt instruments from financial institutions or other organizations that lend funds in the normal course of their business do not render a firm ineligible, even if the debtor's ownership interest is security for the loan.

(f) The following requirements apply to situations in which expertise is relied upon as part of a socially disadvantaged owner's contribution to acquire ownership:

(A) The owner's expertise must be:

- (i) In a specialized field;
- (ii) Of outstanding quality;
- (iii) In areas critical to the firm's operations;
- (iv) Indispensable to the firm's potential success;
- (v) Specific to the type of work the firm performs; and
- (vi) Documented in the records of the firm. These records must clearly show the contribution of expertise and its value to the firm.

(B) The individual whose expertise is relied upon must have a significant financial investment in the firm.

(g) The OMWESB must always deem as held by a socially disadvantaged individual, for purposes of determining ownership, all interests in a business or other assets obtained by the individual:

(A) As the result of a final property settlement or court order in a divorce or legal separation, provided that no term or condition of the agreement or divorce decree is inconsistent with this section; or

(B) Through inheritance, or otherwise because of the death of the former owner.

(h) The OMWESB must presume as not being held by a socially disadvantaged individual, for purposes of determining ownership, all interests in a business or other assets obtained by the individual as the result of a gift or transfer without adequate consideration, from any non-socially disadvantaged individual or non-MBE and/or WBE firm who is:

(A) Involved in the same firm for which the individual is seeking certification or an affiliate of that firm;

(B) Involved in the same or a similar line of business; or

(C) Engaged in an ongoing business relationship with the firm or an affiliate of the firm for which the individual is seeking certification. To overcome this presumption and permit the interests or assets to be counted, the socially disadvantaged individual must demonstrate by clear and convincing evidence that:

(i) The gift or transfer to the socially disadvantaged individual was made for reasons other than obtaining certification as a MBE and/or WBE; and

(ii) The socially disadvantaged individual actually controls the management, policy, and operations of the firm, notwithstanding the continuing participation of a non-socially disadvantaged individual who provided the gift or transfer.

(i) In situations in which marital assets form a basis for ownership of a firm, the following apply:

(A) When marital assets (other than the assets of the business in question), held jointly or as community property by both spouses, are used to acquire the ownership interest asserted by one spouse, the OMWESB must deem the ownership interest in the firm to have been acquired by that spouse with his or her own individual resources, provided that the other spouse irrevocably renounces and transfers all rights in the ownership interest in the manner sanctioned by the laws of the state in which either spouse or the firm is domiciled. The OMWESB does not count a greater portion of joint or community property assets toward ownership than state law would recognize as belonging to the socially disadvantaged owner of the applicant firm.

(B) A copy of the document legally transferring and renouncing the other spouse's rights in the jointly owned or community asset used to acquire an ownership interest in the firm must be included as part of the firm's application for MBE and/or WBE certification.

(j) The OMWESB may consider the following factors in determining the ownership of a firm. However, the OMWESB must not regard a contribution of capital as failing to be real and substantial, or find a firm ineligible, solely because:

(A) A socially disadvantaged individual acquired his or her ownership interest as the result of a gift or transfer without adequate consideration, other than the types set forth in paragraph (h) of this section;

(B) There is a provision for the co-signature of a spouse who is not a socially disadvantaged individual on financing agreements, contracts for the purchase or sale of real or personal property, bank signature cards, or other documents; or

(C) Ownership of the firm in question or its assets is transferred for adequate consideration from a spouse who is not a socially disadvantaged individual to a spouse who is such an individual.

(11) "Principal place of business" means the place where the firm directs, controls, and coordinates its primary, high-level business activities. It is further defined by the address used to file Federal income taxes. If the firm uses a P.O. Box, the OMWESB may request additional documentation to verify location.

(12) "Small Business" means a small business as defined pursuant to 13 CFR part 121. A small business shall not include any concern or group of concerns controlled by the same socially disadvantaged individual or individuals that have average annual gross receipts in excess of the NAICS size limit over the previous three fiscal years.

(a) Firms seeking certification must also meet current Small Business Administration (SBA) business size standard limits for each type of work the firm seeks to perform not to exceed \$22,410,000. The OMWESB will utilize federal tax information, which must be submitted along with new and certification review applications, to determine annual gross receipts for the business.

(13) "Socially Disadvantaged Individuals" means individuals who are women, minorities or any other individuals found to be disadvantaged by the SBA pursuant to Section 8(a)(5) of the Small Business Act and has the meaning set out in 49 CFR § 26.5 (2013 Edition).

(a) It is a rebuttable presumption that minorities and women are socially and economically disadvantaged.

(b) The OMWESB may also determine on a case-by-case basis other individuals who are socially and disadvantaged. These individuals claiming disadvantaged status are required to submit a Socially Disadvantaged Questionnaire.

(c) Socially disadvantaged individuals are people subjected to racial or ethnic prejudice or cultural bias because of their identity as members of a group without regard to individual qualities.

(A) The social disadvantage must stem from the individual's color, national origin, gender, physical handicap, long-term residence in an environment isolated from the mainstream of American society, or other similar cause beyond the individual's control.

(B) The individual must demonstrate:

(i) He or she personally suffered the disadvantage because of treatment experienced in the United States; and

(ii) The disadvantage was chronic, long-standing, and substantial, not fleeting or insignificant.

(C) Social disadvantage does not include factors common to small business.

(14) "Timely notice" as used in ORS 200.035, shall mean at the time the state agency publicly releases the contract and bid request solicitations.

(15) "Woman Business Enterprise" or "WBE" means a business owned and operated by a woman who meets the eligibility standards set out in OAR 123-200-1200.

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

Stat. Auth.: ORS 200.005

Stats. Implemented: ORS 200.005

Hist.: OBDD 17-2010, f. 4-30-10, cert. ef. 5-1-10; Renumbered from 123-200-0010], OBDD 7-2013, f. & cert. ef. 9-3-13

## 123-200-1200 Eligibility Standards Minority and Women Business Enterprise Certification

(1) Applicants for certification as a DBE must meet the eligibility criteria set out in 49 CFR parts 23 and 26 and any written directives, administrative guidelines, and written decisions of the US Department of Transportation.

(2) To be eligible for MBE or WBE certification, a business must meet the following criteria:

(a) The business must be in existence, operational and in business for a profit.

(b) The business must be a small business and the average annual gross receipts must not exceed \$22,410,000.

(c) One or more socially disadvantaged individuals must own at least 51% of the business. OMWESB will apply the standards and criteria for ownership as set out in 49 CFR § 26.69 (2013 Edition).

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(d) The business must be controlled by one or more socially disadvantaged individual(s). OMWESB will apply the standards and criteria set out in 49 CFR § 26.71 (2013 Edition).

(e) The one or more socially disadvantaged individual(s) must have made a substantial contribution of capital to the business, which is commensurate with his or her ownership interest.

(f) The business must be independent, properly licensed and registered with the Secretary of State in the State of Oregon.

(g) The socially disadvantaged individual(s) must have training and/or experience in the primary field(s) of operation. The OMWESB will evaluate the training and experience of the individual based on the examples listed below. The OMWESB does not intend the list to be all-inclusive and will take additional training and experience into consideration when making a determination regarding the owner's qualifications.

(A) A college degree in the field of expertise.

(B) The individual currently holds the essential license in Oregon in the field in which the firm operates (e.g. electrician supervisor, plumber, engineer, or landscape architect, etc.).

(C) Experience and/or training in the primary field of expertise.

(D) Experience in project management in the primary field of expertise.

(E) The individual goes on-site, determines if work is proceeding in accordance with plans and is able to supervise field operations, resolve problems, and answer technical questions for subordinates.

(F) Can demonstrate knowledge during the interview process.

(G) Additional training and experience related specifically to construction firms;

(i) Has ability to read and interpret blueprints and specifications.

(ii) Has independently done take offs and can prepare estimates and bids.

(iii) Can operate necessary equipment (e.g. excavator, backhoe, dump truck, etc.)

(h) The business must also have or lease sufficient machinery, equipment, and employees to operate. In making this determination, the OMWESB shall compare the operations of the certified firm to a non-certified firm in the same or similar business. If leasing, it must be a normal industry practice and the lease must not involve a relationship with a prime contractor or non-disadvantaged individual that compromises the control or independence of the firm as referenced under 123-200-1100(2).

(A) The OMWESB will utilize OAR 123-200-1000 to 123-200-2200 to make a determination regarding eligibility for certification. In addition, the OMWESB will apply written directives of the administrative guidelines, Oregon Revised Statutes, 49 CFR part 26, and written appeal decisions regarding state certification so long as they are in accord with these rules.

(B) In making determinations under this section the OMWESB shall not consider whether the business has previously performed or would be able to perform a commercially useful function. Repeated failure by a business to perform a commercially useful function may indicate, however, that the business is not independent, owned, or controlled by a socially disadvantaged individual.

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

Stat. Auth.: ORS 200.005 & 200.055

Stats. Implemented: ORS 200.005 & 200.055

Hist.: OBDD 17-2010, f. 4-30-10, cert. ef. 5-1-10; Renumbered from 123-200-0020, OBDD 7-2013, f. & cert. ef. 9-3-13

## 123-200-1300

### Application and Procedure

(1) Businesses wishing to be certified must complete the Certification Application designed by the OMWESB.

(2) The completed application, together with all required supporting documentation, shall be submitted by mail or in person to the Office of Minority, Women and Emerging Small Business, 775 Summer St. NE, Suite 200, Salem OR 97301. Incomplete applications will not be processed until the applicant provides all information.

(3) The OMWESB will take action on completed applications as promptly as its resources permit. The order of priority for processing applications shall be the date the OMWESB receives the complete application including all supporting documentation.

(4) The OMWESB may conduct a phone interview or on-site investigation at the owner's place of business and/or jobsite if applicable. The purpose of the interview and/or site visit is to verify information submitted with the application and substantiate eligibility.

(5) The OMWESB shall make a determination based on the eligibility standards included in these rules, the Oregon Revised Statutes, and the Oregon Administrative Rules. As part of its investigation, the OMWESB

may require firms to provide information in addition to that requested on the application. The applicant has the burden of proving that he or she is eligible for certification. The applicant must also cooperate fully with the investigation and make available any additional information requested by the OMWESB. Applicants shall be promptly notified by mail after a decision has been made. When the OMWESB denies an application, the letter shall set forth the specific reasons for the denial.

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

Stat. Auth.: ORS 200.055

Stats. Implemented: ORS 200.055

Hist.: OBDD 17-2010, f. 4-30-10, cert. ef. 5-1-10; Renumbered from 123-200-0040, OBDD 7-2013, f. & cert. ef. 9-3-13

## 123-200-1400

### Certification Review

(1) Certification is valid for three years.

(2) A "no change" statement will be sent to firms annually, approximately 30 days prior to the one-year and two-year anniversaries of the certification date. The completed statement, along with federal tax information for the previous year and documentation of any changes, must be submitted prior to the anniversary date or the firm will be decertified.

(3) A certification review notice shall be sent to certified firms approximately two months prior to a firm's anniversary date. The firm shall promptly return the application along with any requested documentation (e.g. by-law amendments, evidence of changes in ownership, etc.). The signed application shall be reviewed by the OMWESB to determine continued eligibility. An on-site investigation may be conducted to verify information submitted.

(4) A firm owner must demonstrate that his or her business currently meets the qualifications as listed in this division. It is the responsibility of the firm to provide the information deemed necessary by the OMWESB to ascertain eligibility. Failure to return the certification review form and provide supporting documentation shall lead to decertification.

Stat. Auth.: ORS 200.005

Stats Implemented: ORS 200.006

Hist.: OBDD 7-2013, f. & cert. ef. 9-3-13

## 123-200-1500

### Denial and Decertification of Firms

(1) A firm may be denied certification or decertified at any time the OMWESB determines that the firm does not or no longer meets the eligibility standards set out in OAR 123-200-1200 and ORS 200.005. The procedure is as follows:

(a) In the case of denial of initial certification, the OMWESB will notify the applicant in writing of the denial and the reasons therefore.

(b) In the case of decertification, the OMWESB shall issue a Notice of Intent to Decertify the firm 21 days prior to the date of decertification and indicate the specific reasons.

(c) In the event of a denial or decertification, the applicant or certified firm has 21 calendar days from the date of notice in which to submit a written appeal to the manager of the OMWESB. Following the review of the applicant's written appeal, the manager of OMWESB will issue a decision.

(d) If the applicant or certified firm does not agree with the manager's decision, he or she may request a contested case hearing. Contested case hearings will be conducted in accordance with ORS 183.310 to 183.550. Following the contested case hearing, the Hearings Officer will forward a proposed order to the manager of the OMWESB for issuance of a final order.

(e) If the applicant or certified firm files an appeal in writing or requests a contested case hearing, the OMWESB will stay the denial or decertification pending the issuance of the final order. If the applicant or certified firm does not submit a written appeal or request for a contested case hearing to the OMWESB within the 21-day period, the denial or decertification shall be final. (2) A business firm may be decertified if the socially disadvantaged individual leaves the business or dies.

(3) An individual may withdraw his or her application or certification if he or she no longer wishes to participate in the program. The individual must complete a notarized withdrawal form provided by the OMWESB.

(4) Any business denied initial certification would be ineligible to reapply for a period of 12 months.

(5) OMWESB decisions regarding MBE/WBE firms are final.

Stat. Auth.: ORS 200.055

Stats. Implemented: ORS 200.005

Hist.: OBDD 7-2013, f. & cert. ef. 9-3-13

# ADMINISTRATIVE RULES

## 123-200-1600

### Eligibility Standards

(1) The ESB program is race and gender neutral. To be eligible for certification as an ESB, a business must meet the following criteria:

(a) A firm must be in existence, operational, and in business for a profit.

(b) Have its principal place of business located in the State or Oregon as determined by the address used to file federal income taxes. If the business uses a P.O. Box, the OMWESB may require additional documentation to verify location.

(c) Have average, annual gross receipts over the last three years not exceeding \$1,760,494.99 for tier one construction firms and \$704,197.99 for non-construction firms; and \$3,520,990.00 for tier two construction firms and \$1,173,663.33 for non-construction firms.

(d) The business must operate independently. A parent company, subsidiary, or affiliate is not eligible for ESB certification if the combined size of the business exceeds the monetary limits set in the ESB program.

(e) Be properly licensed and legally registered with the Secretary of State in the State of Oregon: (i.e. registered as a domestic corporation, limited liability corporation, partnership, or assumed business name, etc.).

(f) If state or local law requires a person to have a particular license or other credential in order to own and/or control a certain type of firm, then the MBE, WBE, and/or ESB certified persons who own and control a firm of that type must possess the required license or credential.

(g) If state or local law requires a person to have a particular license or other credential in order to own and/or control a certain type of firm, then the ESB certified persons who own and control a firm of that type must possess the required license or credential.

(h) The owner(s) must work a minimum of 20 hours per week for the business.

(i) The business must have 19 or fewer full-time employees to qualify to tier one or have 29 or fewer full-time employees to qualify to tier two. A full-time employee is calculated as follows:

(A) Hours worked by all employees (part-time, seasonal, or full-time) shall be converted into equivalent hours; dividing the total hours worked by 2080.

(B) The owners of the business shall not be considered in the calculation of the equivalent employees.

(C) The period of calculation shall be the same as the business' tax year.

Stat Auth.: ORS 200.055  
Stats. Implemented: ORS 200.055  
Hist.: OBDD 7-2013, f. & cert. ef. 9-3-13

## 123-200-1700

### Application Form and Procedure

(1) The OMWESB will utilize ORS 200.170 to review a business' eligibility for certification as an ESB.

(2) A firm wishing to apply for certification in the ESB program shall complete the application provided by the OMWESB.

(3) The completed application, together with all required supporting documentation, shall be submitted to the Office of Minority, Women and Emerging Small Business at 775 Summer Street NE, Suite 200, Salem, OR 97301. Incomplete applications will not be processed until the applicant provides all information.

(4) The OMWESB will conduct a review and take action on completed applications as promptly as resources permit. The order of priority for processing applications shall be the date the OMWESB receives the completed application with all supporting documentation. Incomplete applications will not be processed.

(5) The OMWESB shall make a determination based on the eligibility standards included in this division and the applicable laws of the State of Oregon. As part of its investigation, the OMWESB may require owners to provide information in addition to that requested on the application. The applicant has the burden of proving he or she is eligible for certification and meets all the requirements of the program. If the OMWESB certifies the firm, the agency will send a confirmation letter and certificate.

(6) The applicable emerging small business size standard for each applicant set out in ORS 123-200-1600 shall be determined by the business' primary area of work.

(7) Registration of the business with the Construction Contractors Board and/or Landscape Contractors Board will establish a firm as a construction firm. A construction-related trucking business will also be considered a construction firm for the purposes of this program.

Stat. Auth.: ORS 200.055  
Stats. Implemented: ORS 200.055, 200.170  
Hist.: OBDD 7-2013, f. & cert. ef. 9-3-13

## 123-200-1800

### Certification Review

(1) Certification as an ESB is valid for three years from the date of certification.

(2) An annual "no-change" statement will be sent to the firm approximately 30 days prior to the one-year and two-year anniversaries of the certification date. The completed affidavit, along with federal tax information for the previous year and documentation of any changes, must be submitted prior to the anniversary date or the firm will be decertified.

(3) The ESB shall notify the OMWESB within 30 days of any changes, which may affect its continued eligibility in the program. Failure to notify the OMWESB may result in denial or decertification.

(4) A certification review notice and application shall be sent to certified firms 60 days prior to expiration of current certification. The firm shall promptly return the completed application along with any requested documentation (i.e. evidence of change in ownership, federal tax returns for the last year, etc.). Continued certification is not automatic. The applicant must demonstrate that his or her business still meets the criteria set out in OAR 123-200-1600 through 123-200-1700.

(5) The OMWESB staff shall review the signed application to determine the firm's continued eligibility. The OMWESB may also request additional information to verify the firm's continued eligibility.

(6) Failure to return the completed review application by the expiration date shall result in decertification.

(7) Firms may only be certified as an ESB for a maximum of 12 consecutive years from the original certificate date. If a firm provides compelling information showing, in the judgment of the Oregon Business Development Department, that it has not been afforded an opportunity to bid on ESB projects during the 12 years of eligibility, the OMWESB will extend the certification of the firm for one additional year. A firm may receive the extension only once.

Stat Auth.: ORS 200.055  
Stats. Implemented: ORS 200.055  
Hist.: OBDD 7-2013, f. & cert. ef. 9-3-13

## 123-200-1900

### Denial and Decertification of Firms

(1) This rule applies only to the denial and decertification of a firm's ESB status under Oregon law. The OMWESB may deny certification or decertify a firm at any time if the agency determines that the firm no longer meets eligibility standards set out in OAR 123-200-1600. The procedure is as follows:

(a) In the case of denial of initial certification, the firm will be notified in writing of the denial and the reasons therefore.

(b) In the case of decertification, the OMWESB shall issue a Notice of Intent to Decertify the firm 21 days prior to the date of decertification, and indicate the specific reasons for the decision.

(c) In the event of a denial or decertification, the applicant or certified firm has 21 calendar days from the date of notice in which to submit a written appeal to the manager of the OMWESB. Following the review of the applicant's written appeal, the manager of OMWESB will issue a decision.

(d) If the applicant or certified firm does not agree with the manager's decision, he or she may request a contested case hearing. Contested case hearings will be conducted in accordance with ORS 183.310 to 183.550. Following the contested case hearing, the Hearings Officer will forward a proposed order to the manager of the OMWESB for issuance of a final order.

(e) If the applicant or certified firm files an appeal in writing or requests a contested case hearing, the OMWESB will stay the denial or decertification pending the issuance of the final order. If the applicant or certified firm does not submit a written appeal or request for a contested case hearing to the OMWESB within the 21-day period, the denial or decertification shall be final.

(2) An individual may withdraw his or her application or certification if he or she no longer wishes to participate in the program. The individual must complete a notarized withdrawal form provided by the OMWESB.

(3) Any business denied initial certification would be ineligible to reapply for a period of 12 months.

(4) OMWESB decisions regarding MBE/WBE firms are final.

Stat. Auth.: ORS 200.055  
Stats. Implemented: ORS 200.055, 183.310 - 183.550  
Hist.: OBDD 7-2013, f. & cert. ef. 9-3-13

# ADMINISTRATIVE RULES

## 123-200-2000

### Complaints of Ineligibility for All Programs

Complaints of Ineligibility regarding certification of an applicant or firm must be submitted to the OMWESB and will be processed according to the following procedure:

(1) Any individual or agency who believes that an applicant or certified firm does not qualify under the standards of eligibility for certification may file a complaint of ineligibility. The complainant(s) must fill out a formal complaint form provided by the OMWESB. The purpose of the complaint process is to maintain the transparency of all programs.

(2) The complaint must be submitted to the OMWESB in writing using the form provided and must set forth facts, which indicate that the applicant or certified firm is not eligible. The complaint must include copies of any supporting documents the complainant(s) may possess. The complainant(s) shall describe the facts in as much detail as possible.

(3) The OMWESB will only investigate complaints based on first-hand knowledge and those that contain allegations supported by evidence. The OMWESB will not investigate anonymous or third party complaints. Complaints based on hearsay (i.e. third person account, general assumption, word-of-mouth, and/or speculation) will not be investigated. The OMWESB does not accept general allegations. Complaints that are not properly supported or submitted will be returned to the complainant and will not be investigated.

(4) The OMWESB will notify the complainant(s) in writing when it refuses to investigate a complaint. The notification may include:

- (a) The initial complaint filed by the complainant(s);
- (b) Explanation of why the complaint is not being investigated; and
- (c) A request for additional information, when applicable.

(5) The complainant(s) may submit a revised complaint addressing the OMWESB's concerns.

(6) The complainant(s) must sign the complaint and give physical, mailing and email addresses and telephone number where he or she may be reached during the investigation. While responding to requests for information concerning any aspect of the programs, the OMWESB complies with provisions of the Federal Freedom of Information and Privacy Acts. The OMWESB may make available to the public any information concerning the programs not prohibited by federal or state law. Information submitted to the OMWESB is subject to public record law, ORS 192.410, 192.501, 192.502 and 192.505. Certain information in the agency's possession may be made available for public inspection. The information may include names of the complainant. Certain other records the OMWESB may keep confidential, under certain circumstances. These may include, but are not limited to: reports from creditors, employers, customers, suppliers, financial statements, tax returns, business records, employment history and other personal data submitted by the applicant, customer lists, bids, proposals, and contracting information, production, sales or cost data, and marketing strategy information. Although the agency will attempt to keep the information submitted confidential, it cannot guarantee confidentiality in all cases.

(7) The OMWESB may keep the identity of the complainant(s) confidential, at the complainant(s) election, throughout the course of the investigation. A complainant(s) may waive this privilege of confidentiality at any time. If such confidentiality will hinder the investigation, proceeding, hearing, or result in a denial of appropriate administrative due process to other parties, the OMWESB will advise the complainant(s) that, in some circumstances, failure to waive the privilege of confidentiality may result in the closure of the investigation or dismissal of the proceeding or hearing.

(8) The OMWESB will investigate each \ complaint as promptly as resources allow. If preliminary investigative results show good cause for in-depth investigation, the OMWESB will notify the applicant or certified firm identified in the complaint by certified mail. The notice will summarize the grounds for the challenge and will require the applicant or certified firm to provide to the OMWESB, within a reasonable period of time, information sufficient to permit the agency to evaluate the complaint and the application or certified firm's qualifications for the programs. The applicant, certified firm, and complainant(s) shall cooperate fully in the OMWESB's investigation.(9) After the investigation is complete, the OMWESB will issue a written decision in the form of a rejection of the complaint, Notice of Intent to Deny, or Notice of Intent to Decertify. The decision will address each issue raised in the complaint and throughout the investigation and the reasoning for the decision. The OMWESB will mail the written decision to the applicant or certified firm and to the complainant(s). The OMWESB will not deny or decertify a firm based on a complaint without first giving the firm an opportunity to respond.

(10) The applicant or certified firm has 21 calendar days from the date of Notice of Intent to Deny or Notice of Intent to Decertify in which to submit a written appeal to the manager of the OMWESB. Following the review of the applicant's written appeal, the manager of OMWESB will issue a decision .

(11) If the applicant or certified firm does not agree with the manager's decision, he or she may request a contested case hearing. Contested case hearings will be conducted in accordance with ORS 183.310 to 183.550. Following the contested case hearing, the Hearings Officer will forward a proposed order to the manager of the OMWESB for issuance of a final order.

(12) If the applicant or certified firm files an appeal in writing or requests a contested case hearing, the OMWESB will stay the denial or decertification pending the issuance of the final order. If the applicant or certified firm does not submit a written appeal or request for a contested case hearing to the OMWESB within the 21-day period, the denial or decertification shall be final.

(13) The OMWESB will not consider opposing information received about an applicant prior to the initial certification as a complaint, but will consider the information in the investigation of the application for certification.

Stat. Auth.: ORS 200.055

Stats. Implemented: ORS 200.055

Hist.: OBDD 17-2010, f. 4-30-10, cert. ef. 5-1-10; Renumbered from 123-200-0090, OBDD 7-2013, f. & cert. ef. 9-3-13

## 123-200-2100

### Directory

The OMWESB shall maintain a statewide-unified directory of certified firms as follows:

(1) Certified firms shall use the current business name as registered with the Secretary of State, Corporation Division. Businesses operating under the owner's individual name shall use the name listed on the business license. No other name may be used in contracting business. A firm may use an Assumed Business Name for contracting purposes, but only if the name is used in conjunction with the registered business name.

(2) The directory will be maintained in an electronic format and available on-line. The directory shall indicate the certification status of each firm for all programs. The directory shall also include the firm's telephone numbers, fax number, and mailing address and list the firm's capabilities.

(3) The OMWESB shall update the directory on a daily basis including changes in business and email addresses and phone number(s).

(4) It is the responsibility of the applicant and certified business to notify the OMWESB within 30 days of any changes in its ownership or management, which may affect eligibility. Failure to notify the OMWESB may result in denial or decertification.

Stat. Auth.: ORS 200.055

Stats. Implemented: ORS 200.055

Hist.: OBDD 17-2010, f. 4-30-10, cert. ef. 5-1-10; Renumbered from 123-200-0180, OBDD 7-2013, f. & cert. ef. 9-3-13

## 123-200-2200

### Representation of the OMWESB by Officer or Employee in Contested Case Hearings

(1) Subject to the approval of the Attorney General, an officer or employee of the OMWESB is authorized to appear on behalf of the OMWESB in contested case hearings.

(2) The OMWESB representative may not make legal argument on behalf of the OMWESB.

(a) "Legal argument" includes arguments on:

(A) The jurisdiction of the OMWESB to hear the contested case;

(B) The constitutionality of a statute, rule, or the application of a constitutional requirement to the OMWESB; and

(C) The application of court precedent to the facts of the particular contested case proceeding.

(b) "Legal argument" does not include presentation of evidence, examination and cross-examination of witnesses, presentation of factual arguments or arguments on:

(A) The application of the facts to the statutes or rules directly applicable to the issues in the contested case;

(B) Comparison of prior actions of the OMWESB in handling similar situations;

(C) The literal meaning of the statutes or rules directly applicable to the issues in the contested case; and

(D) The admissibility of evidence of the correctness of procedures followed.



# ADMINISTRATIVE RULES

(3) When an officer or employee of the OMWESB represents the agency, the presiding officer shall advise such representative of the manner in which objections may be made and matters preserved for appeal. Such advice is of a procedural nature and does not change applicable law on waiver of the duty to make timely objection. Where such objections involve legal argument, the presiding officer shall provide reasonable opportunity for the agency officer or employee to consult legal counsel and permit such legal counsel to file written legal argument within a reasonable time after conclusion of the hearing.

Stat. Auth.: ORS 183.450(7) & 183.450(8)

Stats. Implemented: ORS 183.450(7)(b)

Hist.: OBDD 17-2010, f. 4-30-10, cert. ef. 5-1-10; Renumbered from 123-200-0190, OBDD 7-2013, f. & cert. ef. 9-3-13

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

**Rule Caption:** Revises rules relating to food safety to conform to federal law.

**Adm. Order No.:** ODE 20-2013

**Filed with Sec. of State:** 8-28-2013

**Certified to be Effective:** 8-28-13

**Notice Publication Date:** 6-1-2013

**Rules Amended:** 581-051-0305, 581-051-0306

**Subject:** 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.

**Rules Coordinator:** Cindy Hunt—(503) 947-5651

## 581-051-0305

### Food Safety Inspection Definitions

(1) "Central Kitchen" means a foodservice site where food is prepared at a facility and then some or all of the food is delivered to a meal serving site(s) at a place(s) other than the preparation site.

(2) "CNP" means Child Nutrition Programs.

(3) "Competitive Food Sales" means any foods sold in competition with the NSLP and SBP in foodservice areas during the breakfast and lunch meal periods.

(4) "Competitive Food Sales vendor" means any person or organization selling competitive foods in the Sponsor's foodservice areas during the lunch and breakfast meal periods.

(5) "Critical Violation" means a Food Safety Inspection violation that is more likely than other Food Safety Inspection violations to cause food contamination, illness or an environmental health hazard. Priority and Priority Foundation item violations are critical violations.

(6) "Finishing Kitchen" means a foodservice site that receives prepared foods for reheating, assembling, portioning, and serving.

(7) "Food Safety Inspection Annual Report" means the report of completed Sponsor site(s) Food Safety Inspections. The Annual Report is prepared by the Sponsor and submitted to ODE CNP by June 30 each school year.

(8) "Food Safety Inspection document of findings" means any form used by the state or local public health authority to document a Food Safety Inspection.

(9) "Food Safety Inspection: National School Lunch Program and School Breakfast Program Requirements" means schools shall at least twice each school year obtain a Food Safety Inspection conducted by a state or local governmental agency responsible for food safety inspections. (7 CFR 210.13 and 7 CFR 220.7)

(10) "Foodservice Area" means any area on school premises where NSLP and SBP meals are both served and eaten as well as any other areas where programs meals are served and eaten. Areas where students eat NSLP and SBP meals that are completely separate from the serving area are also part of the foodservice area.

(11) "Notice of Non-Compliance" means documentation that a Critical violation(s) has not been corrected nor has the Sponsor or Competitive Food Sales vendor implemented an alternative plan, approved by the state or local public health authority.

(12) "NSLP" means the National School Lunch Program.

(13) "ODE" means the Oregon Department of Education.

(14) "On-site Preparation Kitchen" means a foodservice site where food is prepared and served at one location.

(15) "Person in Charge" means the person responsible for food safety and sanitation, and who is present at the food establishment during the NSLP, SBP, and Competitive Food Sales hours of operation. The Person in Charge is designated by Public and Private schools and RCCI Sponsors and Competitive Food Sales vendors for each meal site and each Competitive Food Sales site.

(16) "Priority Item" means a provision in the Food Code whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard. Priority items includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling and hand washing

(17) "Priority Foundation Item" means a provision in the Food Code whose application supports, facilitates or enables one or more priority items. Priority foundation items include an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factor that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, Hazard Analysis Critical Control Point plans, documentation or record keeping and labeling

(18) "Private School" means any entity, except as provided in ORS 339.030(1)(d) and (e), that:

(a) Is not supported with state funds;

(b) Is operated by a non-governmental, religious or non-religious group or organization;

(c) Provides educational services to students at any level, pre-K through grade 12;

(d) Has a teacher or teachers who provide instruction;

(e) Has an administrator or head teacher; and

(f) Occupies one or more buildings.

(19) "Program meals," means the National School Lunch Program meals and School Breakfast Program meals.

(20) "Public School" means any entity that has been recognized as a school by the district school board through a resolution adopted by the board or by the State Board of Education for a public charter school sponsored by the board and:

(a) Is supported with public funds;

(b) Is operated by a local education agency, education service district or state education agency;

(c) Provides educational services to students at any level, pre-K through grade 12;

(d) Has a teacher or teachers to provide instruction;

(e) Has an administrator or head teacher;

(f) Provides Oregon statewide assessment to its students; and

(g) Occupies one or more buildings.

(21) "Residential Child Care Institution (RCCI)" means any Public or Nonprofit Private Residential Child Care Institution, or distinct part of such institution, which operates principally for the care of children. An RCCI is considered a school. Private RCCIs must be licensed to provide Residential Child Care services under the appropriate licensing code by the state or a subordinate level of government.

(22) "Satellite Kitchen" means a foodservice site where food is received fully prepared from another location and is ready to serve.

(23) "SBP" means the School Breakfast Program.

(24) "School Year" means a period of 12 calendar months beginning July 1 of any year and ending June 30 of the following year.

(25) "Sponsor" means Public and Private Schools and RCCIs who participate in the NSLP and SBP.

(26) "State or local public health authority" means the state or local governmental authority responsible for conducting Sponsor and Competitive Food Sales vendor Food Safety Inspections.

(27) "USDA" means the United States Department of Agriculture.

(28) "Vended Meals" means meals prepared by a facility other than the Sponsor and sold for service at a Sponsor's meal site(s); or meals prepared by the Sponsor and sold to another food service operation.

Stat. Auth.: ORS 326.051

Stats. Implemented: 7 CFR210 & 7 CFR220.7

Hist.: EB 15-1987, f. & ef. 7-30-87; EB 2-1996, f. & cert. ef. 1-29-96; ODE 5-2002(Temp), f. & cert. ef. 2-1-02 thru 6-30-02; ODE 15-2002, f. & cert. ef. 6-10-02; ODE 3-2011, f. 1-31-11, cert. ef. 2-1-11; ODE 20-2013, f. & cert. ef. 8-28-13

# ADMINISTRATIVE RULES

## 581-051-0306

### Food Safety Inspection Requirements

(1) Sponsors must have at least two Food Safety Inspections for every kitchen and meal-serving site in their foodservice operation each school year.

(2) Vended Meal Sponsors must have at least two Food Safety Inspections for the receiving and sending food preparation and serving meal sites each school year.

(3) Competitive Food Sales vendors may be subject to a Food Safety Inspection every school year as determined by the state or local public health authority.

(4) The Food Safety Inspection standards are set forth in the School Food Safety Inspection Requirements, which shall be known as the Food Code for Public School Sponsors, Private School Sponsors and Residential Child Care Institution Sponsors of the USDA, NSLP and SBP are adopted by reference. The complete Food Code is available through Oregon Department of Education, Child Nutrition Program.

(5) The Sponsor "Person in Charge" requirements for Responsibility, Knowledge and Duties as stated in the School Food Safety Inspection Requirements will be effective July 1, 2003.

(6) The Competitive Food Sales vendor "Person in Charge" requirements for Responsibility, Knowledge and Duties as stated in the School Food Safety Inspection Requirements will be effective July 1, 2003.

(7) New Sponsors must have a Food Safety Inspection conducted by the state or local public health authority and must meet school food safety inspection requirements before starting the NSLP and SBP.

Stat. Auth.: ORS 326.051

Stats. Implemented: 7 CFR210 & 7 CFR220.7

Hist.: ODE 5-2002(Temp), f. & cert. ef. 2-1-02 thru 6-30-02; ODE 15-2002, f. & cert. ef. 6-10-02; ODE 3-2011, f. 1-31-11, cert. ef. 2-1-11; ODE 20-2013, f. & cert. ef. 8-28-13

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**Oregon Department of Education,  
Early Learning Division  
Chapter 414**

**Rule Caption:** Formation of Early Learning Hubs per HB 2013.

**Adm. Order No.:** ELD 1-2013(Temp)

**Filed with Sec. of State:** 8-16-2013

**Certified to be Effective:** 8-16-13 thru 2-12-14

**Notice Publication Date:**

**Rules Adopted:** 414-900-0005, 414-900-0010, 414-900-0015, 414-900-0020

**Subject:** The rules establish the early learning hubs to coordinate services for children ages zero through six in specific geographic areas or community of interest. The rules specify functions, reporting, and selection criteria for the hubs.

**Rules Coordinator:** Cindy Hunt—(503) 947-5651

## 414-900-0005

### Applicability of Rules

(1) OAR 414-900-0005 through 414-900-0020 set forth the purpose and functions of Early Learning Hubs (Hubs).

(2) OAR 414-900-0005 through 414-900-0020 set forth the criteria used by the Early Learning Council (ELC) to select Hubs.

Stat. Auth.: Sec. 4, Ch. 519, OL 2011

Stat. Implemented: Sec. 16, OL 2013 (Enrolled HB 2013)

Hist.: ELD 1-2013(Temp), f. & cert. ef. 8-16-13 thru 2-12-14

## 414-900-0010

### Definitions

(1) "Administrative Overhead" means any dollar that is not spent directly on services for children or on preparing and evaluating services for children. This is the cost of operating administrative functions within the Hub and its subcontractors and may include staff duties such as payroll processing and data entry and non-program related costs including space, supplies and phones.

(2) "Community of interest" means a special population not constrained by geography.

(3) "Early Learning Hub" means an existing or newly created entity designated by regional partners to coordinate early learning services designed to produce better outcomes for children: increase kindergarten readiness for at-risk children, to increase the stable and attached families and to ensure system coordination and efficiency in order to attain Oregon's 40-40-20 Educational Goal. Regional partners may include counties, cities, school districts, education service districts, community colleges, public

universities, private educational institutions, faith based organizations, non-profit service providers, and tribes.

Stat. Auth.: Sec. 4, Ch. 519, OL 2011

Stat. Implemented: Sec. 16, OL 2013 (Enrolled HB 2013)

Hist.: ELD 1-2013(Temp), f. & cert. ef. 8-16-13 thru 2-12-14

## 414-900-0015

### Early Learning Hubs Purpose and Functions

Hubs are established to coordinate services to children ages zero through six in a specific geographic area or community of interest, i.e. a special population not constrained by geography in order to produce better outcomes for children. Hubs are vested with the authority to distribute state and federal funds, coordinate services for children and purchase services for children and families. Hubs can leverage public and private funds in their efforts to attain results. Because Hubs are established to coordinate services with current service providers and, or purchase new services to support specific child centered outcomes, including kindergarten readiness, a Hub that provides direct services must meet additional criteria set forth in OAR 414-900-0020(1)(g)(F).

(1) Hubs must:

(a) Account for outcomes that benefit at-risk children within the Hub geographic area or community of interest by:

(A) Aligning service delivery focused on outcomes across five functional sectors and be able to prove that entities that represent the following five functional sectors are participating in the Hub:

(i) Health care services,

(ii) Human and social services,

(iii) Education services,

(iv) Early childhood services, and

(v) Business

(B) Ensuring that service providers which the Hub coordinates and contracts with are also accountable to the Hub for client-level outcomes supporting Oregon's 40-40-20 Educational Goal.

(b) Complete a community readiness to determine the readiness to effectively coordinate services to achieve outcomes by:

(A) Working with providers the Hub plans to contract with to ensure readiness to provider efficient, outcome focused services, and

(B) Using the community readiness assessment to connect services to outcomes and resources.

(c) Map and coordinate funding to maximize the return of the investment by

(A) Creating a comprehensive children's budget for the Hub territory modeled on the state level comprehensive children's budget,

(B) Mapping all local, state, federal and philanthropic dollars currently available or committed to the proposed service area and ensuring funders are willing to collaborate toward a set of shared outcomes advancing Oregon's 40-40-20 Educational Goal,

(C) Ensuring that contracted service providers are accountable for providing services in a cost efficient manner, and

(D)(i) Ensuring that no more than 15% of the total funds received from the ELC go toward administrative overhead by the end of the contract period.

(ii) If individuals spend more than 15% of their time on administrative functions, their salaries and expenses must be prorated between program and administrative overhead.

(d) Reporting to the ELC on making progress towards the following outcomes:

(A) Kindergarten readiness, in support of Oregon's 40-40-20 Educational Goal,

(B) Stable and attached families, and

(C) System coordination and efficiency.

(2) Reports shall be submitted by the Hub to appropriate interim legislative committee and the ELC by January 1, 2014.

Stat. Auth.: 2011 OL Ch. 519 Sec. 4

Stat. Implemented: 2013 OL Ch. \_\_\_ Sec. 16 (Enrolled HB 2013)

Hist.: ELD 1-2013(Temp), f. & cert. ef. 8-16-13 thru 2-12-14

## 414-900-0020

### Selection Criteria for Hub Contracts

The ELC may fund no more than seven Hub Demonstration Projects in fiscal year 2013-2014. The ELC will release a request for applications for Hubs in August 2013. A Hub may provide services to a geographic area or a community of interest. The ELC and Hubs, through either communities of geography or communities of interest, will serve no fewer than 50,000 at risk children in year one.

# ADMINISTRATIVE RULES

(1) The ELC will award Hub Demonstration Project contracts based on the degree to which any individual Hub demonstrates the following application criteria:

(a) Representation of the five functional sectors: health care services, human and social services, education services, early childhood services, and business in its governance;

(b) A defined service area and cross-sector coordination, including identifying a target population and high quality services for at-risk children and their families;

(c) Accountability for outcomes and return on investment, including improving the results for at-risk children by the ability to identify, evaluate and implement coordinated strategies for ensuring that a child is ready to succeed at school;

(d) Ability to coordinate the provision of early learning services across five functional sectors to the community served by the Hub through a governance model or community advisory body that was transparently selected and includes:

(A) Formal partnership agreements from the following sectors: early childhood education, K–12 education, coordinated care organizations and other local and tribal public health authorities, human services, the private sector and local governments within the proposed service area.

(B) Ability of governance body to initiate audits, recommend terms of contracts for service providers and provide outcome reports to the public and to the ELC.

(e) Ability to demonstrate that parents of at-risk children have meaningfully participated in the creation of Hub strategies and plans and will serve an ongoing role as part of the entity's governing structure and will be the foundation of Hub service design, reflecting the principle that children are best raised and supported in families.

(f)(A) Commitment and ability to serve at least 40% of the population of at-risk children in the entity's proposed service area by the end of year 2.

(B) Commitment to collect and track system and client level data using a unique identifier for each child served.

(g) Demonstration of business acumen and operational stability, including:

(A) Use of coordinated and transparent budgeting for all providers funded directly by the Hub,

(B) Documentation of previous financial audits and cash reserves, as well as liability insurance as required by state law,

(C) Ability to provide a match of 25% of funds distributed to the entity by the ELC,

(D) Ability to keep administrative overhead at or below 15% across the Early Learning System, and

(E) Ability to provide monthly financial reports to Early Learning Division staff

(F) Ability to identify with which federal, state or other funding streams if the lead applicant provides direct services to children covered by the Hub.

(i) Identify any financial, role or function conflict of interest

(ii) Provide a plan for how those conflicts will be managed

(iii) Provide evidence of financial and functional separation and risk independence of the lead applicant's direct service delivery function from the Hub function.

(2) Any application that does not meet the criteria is not eligible for the award of a Hub contract.

Stat. Auth.: 2011 OL Ch. 519 Sec. 4

Stat. Implemented: 2013 OL Ch. \_\_\_ Sec. 16 (Enrolled HB 2013)

Hist.: ELD 1-2013(Temp), f. & cert. ef. 8-16-13 thru 2-12-14

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**Rule Caption:** Early Learning Council rule adoption procedures.

**Adm. Order No.:** ELD 2-2013(Temp)

**Filed with Sec. of State:** 8-16-2013

**Certified to be Effective:** 8-16-13 thru 2-12-14

**Notice Publication Date:**

**Rules Adopted:** 414-002-0005, 414-002-0010

**Subject:** The rules establish the notice requirements for adoption of rules for the Early Learning Council (ELC). The rules also adopt the Attorney General's model rules of procedure to govern future rule adoption processes by the ELC.

**Rules Coordinator:** Cindy Hunt—(503) 947-5651

## 414-002-0005

### Notice of Proposed Rule

(1) Before permanently adopting, amending or repealing any rule, the Early Learning Council shall give notice of the proposed adoption, amendment or repeal:

(a) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days prior to the effective date of the rule to be adopted;

(b) By mailing or e-mailing, at least 28 days before the effective date of the rule, a copy of the notice to persons on the Council's mailing list established pursuant to ORS 183.335(8);

(c) By mailing or e-mailing a copy of the notice to the legislators specified in ORS 183.335(15) at least 49 days before the effective day of the rule; and,

(d) By mailing or e-mailing a copy of the notice to persons, organizations and publications identified by the Council and established educational, student and parent organizations that have submitted mailing or e-mailing addresses to the Council.

(2) Persons who wish to be placed on the Council's mailing or e-mailing list may request in writing or by e-mail that the Council send to the person copies of its notice of proposed rulemaking.

(3) The Council may update the mailing and e-mailing lists described in this rule annually by requesting persons to confirm that they wish to remain on the lists. If a person does not respond to a request for confirmation within 28 days of the date the Council sends the request, the Council will remove the person from the mailing and e-mailing lists. Any person removed from the mailing or e-mailing lists will be returned to the mailing or e-mailing list upon request, provided that the person provides a mailing address or e-mailing address to which notice may be sent.

Stat. Auth.: ORS 183.335 & 183.341(4)

Stats. Implemented: ORS 183.335

Hist.: ELD 2-2013(Temp), f. & cert. ef. 8-16-13 thru 2-12-14

## 414-002-0010

### Model Rules of Procedure

Pursuant to the provisions of ORS 183.341, the Early Learning Council adopts the Attorney General's Model Rules of Procedure under the Administrative Procedure Act in effect on January 1, 2012.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Oregon Education Investment Council.]

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.34

Hist.: ELD 2-2013(Temp), f. & cert. ef. 8-16-13 thru 2-12-14

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**Rule Caption:** Early Learning Council rule adoption procedures. Re-file due to clerical error.

**Adm. Order No.:** ELD 3-2013(Temp)

**Filed with Sec. of State:** 9-9-2013

**Certified to be Effective:** 9-9-13 thru 3-5-14

**Notice Publication Date:**

**Rules Adopted:** 414-002-0005, 414-002-0010

**Subject:** The rules establish the notice requirements for adoption of rules for the Early Learning Council (ELC). The rules also adopt the Attorney General's model rules of procedure to govern future rule adoption processes by the ELC.

Note: Rules are refiled on this date due to a clerical error with previous filing on 8-16-13.

**Rules Coordinator:** Cindy Hunt—(503) 947-5651

## 414-002-0005

### Notice of Proposed Rule

(1) Before permanently adopting, amending or repealing any rule, the Early Learning Council shall give notice of the proposed adoption, amendment or repeal:

(a) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days prior to the effective date of the rule to be adopted;

(b) By mailing or e-mailing, at least 28 days before the effective date of the rule, a copy of the notice to persons on the Council's mailing list established pursuant to ORS 183.335(8);

(c) By mailing or e-mailing a copy of the notice to the legislators specified in ORS 183.335(15) at least 49 days before the effective day of the rule; and,

(d) By mailing or e-mailing a copy of the notice to persons, organizations and publications identified by the Council and established educational, student and parent organizations that have submitted mailing or e-mailing addresses to the Council.

# ADMINISTRATIVE RULES

(2) Persons who wish to be placed on the Council's mailing or e-mailing list may request in writing or by e-mail that the Council send to the person copies of its notice of proposed rulemaking.

(3) The Council may update the mailing and e-mailing lists described in this rule annually by requesting persons to confirm that they wish to remain on the lists. If a person does not respond to a request for confirmation within 28 days of the date the Council sends the request, the Council will remove the person from the mailing and e-mailing lists. Any person removed from the mailing or e-mailing lists will be returned to the mailing or e-mailing list upon request, provided that the person provides a mailing address or e-mailing address to which notice may be sent.

Stat. Auth.: ORS 183.335 & 183.341(4)  
Stats. Implemented: ORS 183.335  
Hist.: ELD 2-2013(Temp), f. & cert. ef. 8-16-13 thru 2-12-14; ELD 3-2013(Temp), f. & cert. ef. 9-9-13 thru 3-5-14

## 414-002-0010

### Model Rules of Procedure

Pursuant to the provisions of ORS 183.341, the Early Learning Council adopts the Attorney General's Model Rules of Procedure under the Administrative Procedure Act in effect on January 1, 2012.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Oregon Education Investment Council.]

Stat. Auth.: ORS 183.341  
Stats. Implemented: ORS 183.341  
Hist.: ELD 2-2013(Temp), f. & cert. ef. 8-16-13 thru 2-12-14; ELD 3-2013(Temp), f. & cert. ef. 9-9-13 thru 3-5-14

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**Rule Caption:** Formation of Early Learning Hubs per HB 2013. Re-filing due to clerical error.

**Adm. Order No.:** ELD 4-2013(Temp)

**Filed with Sec. of State:** 9-9-2013

**Certified to be Effective:** 9-9-13 thru 3-5-14

**Notice Publication Date:**

**Rules Adopted:** 414-900-0005, 414-900-0010, 414-900-0015, 414-900-0020

**Subject:** The rules establish the early learning hubs to coordinate services for children ages zero through six in specific geographic areas or community of interest. The rules specify functions, reporting, and selection criteria for the hubs.

Note: This rule is being re-filed due to a clerical error.

**Rules Coordinator:** Cindy Hunt—(503) 947-5651

## 414-900-0005

### Applicability of Rules

(1) OAR 414-900-0005 through 414-900-0020 set forth the purpose and functions of Early Learning Hubs (Hubs).

(2) OAR 414-900-0005 through 414-900-0020 set forth the criteria used by the Early Learning Council (ELC) to select Hubs.

Stat. Auth.: 2011 OL Ch. 519 Sec. 4  
Stat. Implemented: 2013 OL Ch. \_\_\_ Sec. 16 (Enrolled HB 2013)  
Hist.: ELD 1-2013(Temp), f. & cert. ef. 8-16-13 thru 2-12-14; ELD 4-2013(Temp), f. & cert. ef. 9-9-13 thru 3-5-14

## 414-900-0010

### Definitions

(1) "Administrative Overhead" means any dollar that is not spent directly on services for children or on preparing and evaluating services for children. This is the cost of operating administrative functions within the Hub and its subcontractors and may include staff duties such as payroll processing and data entry and non-program related costs including space, supplies and phones.

(2) "Community of interest" means a special population not constrained by geography.

(3) "Early Learning Hub" means an existing or newly created entity designated by regional partners to coordinate early learning services designed to produce better outcomes for children: increase kindergarten readiness for at-risk children, to increase the stable and attached families and to ensure system coordination and efficiency in order to attain Oregon's 40-40-20 Educational Goal. Regional partners may include counties, cities, school districts, education service districts, community colleges, public universities, private educational institutions, faith based organizations, non-profit service providers, and tribes.

Stat. Auth.: 2011 OL Ch. 519 Sec. 4  
Stat. Implemented: 2013 OL Ch. \_\_\_ Sec. 16 (Enrolled HB 2013)  
Hist.: ELD 1-2013(Temp), f. & cert. ef. 8-16-13 thru 2-12-14; ELD 4-2013(Temp), f. & cert. ef. 9-9-13 thru 3-5-14

## 414-900-0015

### Early Learning Hubs Purpose and Functions

Hubs are established to coordinate services to children ages zero through six in a specific geographic area or community of interest, i.e. a special population not constrained by geography in order to produce better outcomes for children. Hubs are vested with the authority to distribute state and federal funds, coordinate services for children and purchase services for children and families. Hubs can leverage public and private funds in their efforts to attain results. Because Hubs are established to coordinate services with current service providers and, or purchase new services to support specific child centered outcomes, including kindergarten readiness, a Hub that provides direct services must meet additional criteria set forth in OAR 414-900-0020(1)(g)(F).

(1) Hubs must:

(a) Account for outcomes that benefit at-risk children within the Hub geographic area or community of interest by:

(A) Aligning service delivery focused on outcomes across five functional sectors and be able to prove that entities that represent the following five functional sectors are participating in the Hub:

- (i) Health care services,
- (ii) Human and social services,
- (iii) Education services,
- (iv) Early childhood services, and
- (v) Business

(B) Ensuring that service providers which the Hub coordinates and contracts with are also accountable to the Hub for client-level outcomes supporting Oregon's 40-40-20 Educational Goal.

(b) Complete a community readiness to determine the readiness to effectively coordinate services to achieve outcomes by:

(A) Working with providers the Hub plans to contract with to ensure readiness to provider efficient, outcome focused services, and

(B) Using the community readiness assessment to connect services to outcomes and resources.

(c) Map and coordinate funding to maximize the return of the investment by

(A) Creating a comprehensive children's budget for the Hub territory modeled on the state level comprehensive children's budget,

(B) Mapping all local, state, federal and philanthropic dollars currently available or committed to the proposed service area and ensuring funders are willing to collaborate toward a set of shared outcomes advancing Oregon's 40-40-20 Educational Goal,

(C) Ensuring that contracted service providers are accountable for providing services in a cost efficient manner, and

(D)(i) Ensuring that no more than 15% of the total funds received from the ELC go toward administrative overhead by the end of the contract period.

(ii) If individuals spend more than 15% of their time on administrative functions, their salaries and expenses must be prorated between program and administrative overhead.

(d) Reporting to the ELC on making progress towards the following outcomes:

(A) Kindergarten readiness, in support of Oregon's 40-40-20 Educational Goal,

(B) Stable and attached families, and

(C) System coordination and efficiency.

(2) Reports shall be submitted by the Hub to appropriate interim legislative committee and the ELC by January 1, 2014.

Stat. Auth.: 2011 OL Ch. 519 Sec. 4  
Stat. Implemented: 2013 OL Ch. \_\_\_ Sec. 16 (Enrolled HB 2013)  
Hist.: ELD 1-2013(Temp), f. & cert. ef. 8-16-13 thru 2-12-14; ELD 4-2013(Temp), f. & cert. ef. 9-9-13 thru 3-5-14

## 414-900-0020

### Selection Criteria for Hub Contracts

The ELC may fund no more than seven Hub Demonstration Projects in fiscal year 2013-2014. The ELC will release a request for applications for Hubs in August 2013. A Hub may provide services to a geographic area or a community of interest. The ELC and Hubs, through either communities of geography or communities of interest, will serve no fewer than 50,000 at risk children in year one.

(1) The ELC will award Hub Demonstration Project contracts based on the degree to which any individual Hub demonstrates the following application criteria:

(a) Representation of the five functional sectors: health care services, human and social services, education services, early childhood services, and business in its governance;

# ADMINISTRATIVE RULES

(b) A defined service area and cross-sector coordination, including identifying a target population and high quality services for at-risk children and their families;

(c) Accountability for outcomes and return on investment, including improving the results for at-risk children by the ability to identify, evaluate and implement coordinated strategies for ensuring that a child is ready to succeed at school;

(d) Ability to coordinate the provision of early learning services across five functional sectors to the community served by the Hub through a governance model or community advisory body that was transparently selected and includes:

(A) Formal partnership agreements from the following sectors: early childhood education, K-12 education, coordinated care organizations and other local and tribal public health authorities, human services, the private sector and local governments within the proposed service area.

(B) Ability of governance body to initiate audits, recommend terms of contracts for service providers and provide outcome reports to the public and to the ELC.

(e) Ability to demonstrate that parents of at-risk children have meaningfully participated in the creation of Hub strategies and plans and will serve an ongoing role as part of the entity's governing structure and will be the foundation of Hub service design, reflecting the principle that children are best raised and supported in families.

(f)(A) Commitment and ability to serve at least 40% of the population of at-risk children in the entity's proposed service area by the end of year 2.

(B) Commitment to collect and track system and client level data using a unique identifier for each child served.

(g) Demonstration of business acumen and operational stability, including:

(A) Use of coordinated and transparent budgeting for all providers funded directly by the Hub,

(B) Documentation of previous financial audits and cash reserves, as well as liability insurance as required by state law,

(C) Ability to provide a match of 25% of funds distributed to the entity by the ELC,

(D) Ability to keep administrative overhead at or below 15% across the Early Learning System, and

(E) Ability to provide monthly financial reports to Early Learning Division staff

(F) Ability to identify with which federal, state or other funding streams if the lead applicant provides direct services to children covered by the Hub.

(i) Identify any financial, role or function conflict of interest

(ii) Provide a plan for how those conflicts will be managed

(iii) Provide evidence of financial and functional separation and risk independence of the lead applicant's direct service delivery function from the Hub function.

(2) Any application that does not meet the criteria is not eligible for the award of a Hub contract.

Stat. Auth.: 2011 OL Ch. 519 Sec. 4

Stat. Implemented: 2013 OL Ch. \_\_\_ Sec. 16 (Enrolled HB 2013)

Hist.: ELD 1-2013(Temp), f. & cert. ef. 8-16-13 thru 2-12-14; ELD 4-2013(Temp), f. & cert. ef. 9-9-13 thru 3-5-14

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**Oregon Department of Education,  
Youth Development Division  
Chapter 423**

**Rule Caption:** Youth Development Council — Funding

**Adm. Order No.:** YDD 1-2013(Temp)

**Filed with Sec. of State:** 8-20-2013

**Certified to be Effective:** 8-20-13 thru 2-16-14

**Notice Publication Date:**

**Rules Adopted:** 423-009-0005, 423-009-0010, 423-009-0020

**Subject:** These rules specify the use of grant funds and requirements for budget allocations to counties and tribes.

**Rules Coordinator:** Cindy Hunt—(503) 947-5651

## 423-009-0005

### Use of Grant Funds

(1) Consistent with the purpose and restrictions of each grant, all budget allocations must comply with applicable State and Federal statute or rule.

(2) County or Tribe Indirect Cost Assessment: Counties and Tribes may assess indirect charges from a grant allocation at an assessment not

higher than 10 percent of the total annual allocation from the Division less funding streams expressly disallowed by State or Federal statute or rule.

(3) County or Tribe Direct Cost: All funds allocated to Counties and Tribes, not including the 10 percent maximum indirect assessment of the total annual allocation from the Division, are to be used for direct services to children, youth, and families in communities.

(4) Limitation on Usage:

(a) Consistent with the terms and conditions in the Intergovernmental Agreement, all budget allocations will be directly related to the purpose and restrictions of each program area and grant stream, and have measurable outcomes.

(b) Service provider contracts: Counties and Tribes may allocate funds to providers for the cost of services or activities to children and families.

(c) Services and programs funded by another Federal or State funding source cannot be funded with Youth Development Council funds when blending of those funds are not allowed by Federal or State agreements or when duplication will occur.

(5) Division Approval: Budget allocations effectuated pursuant to the Intergovernmental Agreement and amendments will be subject to Division review and approval.

Stat. Auth.: Sec. 4, ch. 623, OL 2013 (Enrolled HB 3231)

Stat. Implemented: ch. 623, OL 2013 (Enrolled HB 3231)

Hist.: YDD 1-2013(Temp), f. & cert. ef. 8-20-13 thru 2-16-14

## 423-009-0010

### Budgetary Allocations

(1) Release of Funds: The Division may disburse funds to Counties and Tribes in conjunction with the beginning of each biennium or periodically throughout the year pursuant to an Intergovernmental Agreement that has been fully executed by the Council and the County or Tribe. A County or Tribe will request funds on a form prescribed by the Division. The Division may withhold funds from a County or Tribe that is not in compliance with the requirements specified in these rules or the terms of the Intergovernmental Agreement including any amendments thereto. Any funds disbursed to a County or Tribe under an approved Intergovernmental Agreement will be used only for those services and purposes set forth in the Intergovernmental Agreement and these Administrative Rules.

(2) All applicable federal, state, and local laws including, but not limited to, OMB A-87 Cost Principles for State, Local, and Indian Tribal Governments, Single Audit Act of 1996, OMB A-133 Audits of State, Local Governments and Non-Profit Organizations, Title VI of the Civil Rights Act of 1964, and Title II of the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, and the Pro-Child Act of 1995 must be followed. Budget allocations and Intergovernmental agreements will be approved and monitored by the Division.

(3) The County or Tribe will sign an Intergovernmental Agreement document with the Division. The County or Tribe will not use the funds to reimburse any person or entity for expenditures made, or to pay for any expenses incurred, prior to the effective date of the Intergovernmental Agreement.

(4) Budget Amendments: A County or Tribe will notify the Division of any change in a budget previously approved by the Division by submitting a Budget Distribution in a format prescribed by the Division. The Budget Distribution will be approved in writing by the Division, the County or Tribe, and the Board of County Commissioners and Tribal Council before funds can be expended pursuant to the Intergovernmental Agreement.

(5) Reverting Funds: Any Grant funds, State or Federal, disbursed to a County or Tribe that are not obligated or expended in accordance with the Intergovernmental Agreement by the end of the 2014 fiscal year, must be returned to the Division unless the Division permits such funds to be carried over or extended as follows:

(a) The County or Tribe has submitted to the Division a Budget Distribution, and request for a carryover or extension in a format set by the Division, describing the proposed use of those monies; and

(b) The proposed use provides that the funds will be expended within the first 90 days of the 2015 fiscal year.

(c) The Division may deny a request for carryover or extension from a County or Tribe if the Division finds any of the following concerning the 2014 fiscal year activities or the proposed use(s):

(A) The County or Tribe is found to be using funds, or proposes to use the funds, for purposes other than those authorized pursuant to the Intergovernmental Agreement;

# ADMINISTRATIVE RULES

Stat. Implemented: ch. 623, OL 2013 (Enrolled HB 3231)  
Hist.: YDD 1-2013(Temp), f. & cert. ef. 8-20-13 thru 2-16-14

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(B) The County or Tribe failed to submit timely, accurate, or complete fiscal reports or activity reports; or failed to make timely corrections that remedied report deficiencies upon review and notice from the Division;

(C) The County or Tribe's operations failed to comply with federal or state statute, administrative rule or the Intergovernmental Agreement between itself and the Division;

(D) The County or Tribe's request for carryover or extension is in excess of 1/16 of the 2014 fiscal year funding allocation for that entity.

(d) Before submission to the Division, the Budget Distribution and request for carryover or extension must be approved and certified by the County or Tribe administrator and the Board of County Commissioners or Tribal Council.

(e) Funds not expended within the first 90 days of the 2015 fiscal year will be returned to the State. Federal funds will be re-allocated at a statewide level. General funds will revert to the State treasury.

(6) Contractual Agreements: For funds allocated to the County or Tribe by the Division, a County or Tribe will enter into a formal contractual agreement with any other Division, entity or person for expenditure of those funds. The contract for allocations should specify measurable outcomes that will measure success in achieving outcomes.

(7) Fiscal Reports and Activity Reports:

(a) For funds allocated to the County or Tribe by the Division, all public and private agencies and persons receiving funding allocations will file reports on the provider's fiscal and activity information as evidence of meeting the County or Tribe's contractual agreement. Reports will be submitted as required in the Intergovernmental Agreement.

(b) A request for a waiver, for the current reporting period, must be submitted in writing to the Division. The County or Tribe must remit a letter to include:

(A) Stating the hardship reason for the waiver (e.g. staff turnover, serious illness);

(B) Specifying the date reports will be sent to the Division; and

(C) Assurance the next reports will be in by the next reporting period due date. The Division must receive the request for waiver before the reporting due date. No funds will be released until all reports are received. Counties and Tribes that are unable to meet the due dates in at least three out of four consecutive reporting periods will receive funds on a reimbursement basis.

(c) The County or Tribe will send to the Division a fiscal and activity report on a form prescribed by the Division. The reports will be certified by the Board of County Commissioners or Tribal Council.

(d) The County or Tribe will file with the Division a final fiscal report for all funds received from the Division on a form prescribed by the Division. The final fiscal report must be certified by the Board of County Commissioners or Tribal Council.

(8) Records Management: All public and private agencies and persons receiving funding allocations from the Division will retain all fiscal and program monitoring records of a funded program for a period not less than specified in OAR chapter 166, divisions 40 and 100. Records will be available for Division, county and state audit upon request. A County or Tribe may be required to retain records for longer than specified in rule if an audit is in progress or discrepancies found in a previous audit have not been resolved. Such records will be subject to any applicable County or Tribe regulations concerning retention of records and auditing procedures.

(9) Withholding of funds: The Division may withhold funds from a County or Tribe that is not in compliance with the Federal, State, or local law or the Intergovernmental Agreement. Under the following conditions, the Division may withhold funds from Counties and Tribes:

(A) The County or Tribe is found to be using funds for purposes other than those authorized pursuant to the Intergovernmental Agreement;

(B) The County or Tribe failed to submit timely, accurate, or complete fiscal reports or activity reports;

(C) The County or Tribe's operations failed to comply with federal or state statute, administrative rule, or the Intergovernmental Agreement; or

(D) The County or Tribe activities have not achieved outcomes directly related to parameters of the grant stream.

Stat. Auth.: Sec. 4, ch. 623, OL 2013 (Enrolled HB 3231)

Stat. Implemented: ch. 623, OL 2013 (Enrolled HB 3231)

Hist.: YDD 1-2013(Temp), f. & cert. ef. 8-20-13 thru 2-16-14

## 423-009-0020

### Prohibition against Replacement of County Funds

Funds received by a County or Tribe from the Division will not be used to replace County or Tribal general funds or used to replace other State funding currently being used by the County or Tribe for existing programs for children, youth or families.

Stat. Auth.: Sec. 4, ch. 623, OL 2013 (Enrolled HB 3231)

## Rule Caption: Youth Development Council Rules and Definitions

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

Filed with Sec. of State: 8-20-2013

Certified to be Effective: 8-20-13 thru 2-16-14

Notice Publication Date:

Rules Amended: 423-001-0000, 423-001-0005, 423-001-0006

Subject: Specifies procedures to used to adopt rules. Specifies common definitions for YDC rules.

Rules Coordinator: Cindy Hunt—(503) 947-5651

## 423-001-0000

### Notice of Proposed Rule

(1) Except when adopting temporary rules pursuant to ORS 183.335(5), the Youth Development Council, prior to the adoption, amendment or repeal of any administrative rule under ORS Chapter 183, will give notice of the proposed action so interested citizens have a reasonable opportunity to be informed and to comment.

(2) The Youth Development Council will routinely send notices of proposed rule actions at least 28 days before the effective date of the rule to:

(a) All Boards of County Commissioners;

(b) All Tribal Councils;

(c) Persons on the Division's mailing list established pursuant to ORS 183;

(d) Anyone who requests such notices;

(e) The Secretary of State, for publication in the Secretary's Bulletin;

(f) The Associated Press, and the Capitol Press Room; and

(g) Other persons, agencies, or organizations that the Youth Development Council believes to have an interest in a particular rule or rule action.

(3) The Youth Development Council will send copies of the proposed rule to the legislators specified in ORS 183.335(14) at least 49 days before the effective date of the rule.

(4) The Youth Development Council will send copies of the proposed rule to interested persons as requested.

(5) When copies of rules or proposed rules are mailed, the Agency may charge fees to defray costs of one or more of the following:

(a) Maintenance of mailing lists;

(b) Materials; and

(c) Printing, handling and mailing of materials.

Stat. Auth.: Sec. 4, Ch. OL 2013, HB 3231

Stats. Implemented: Ch. OL 2013, HB 3231

Hist.: JSC 2-1980, f. & ef. 4-10-80; JSC 1-1982, f. & ef. 5-19-82; JSC 1-1984, f. 12-28-84, ef. 1-1-85; CCYS 3-1990, f. & cert. ef. 12-24-90 (and corrected 3-5-91); CCF 2-1994(Temp), f. & cert. ef. 3-10-94; CCF 3-1994, f. & cert. ef. 5-18-94; CCF 1-1995, f. & cert. ef. 8-11-95; OCCF 1-2002, f. & cert. ef. 1-14-02; OCCF 1-2004, f. & cert. ef. 9-15-04; YDD 2-2013(Temp), f. & cert. ef. 8-20-13 thru 2-16-14

## 423-001-0005

### Model Rules of Procedure

The Model Rules of Procedure under the Administrative Procedure Act promulgated by the Attorney General effective January 1, 2012 are hereby adopted as the rules of procedure of Youth Development Council.

[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 Youth Development Division.]

Stat. Auth.: Sec. 4, Ch. OL 2013, HB 3231

Stats. Implemented: Ch. OL 2013, HB 3231

Hist.: JSC 1-1980, f. & ef. 1-7-80; JSC 2-1982, f. & ef. 5-19-82; JSC 1-1984, f. 12-28-84, ef. 1-1-85; JSC 1-1986, f. & ef. 12-29-86; CCYS 3-1990, f. & cert. ef. 12-24-90 (and corrected 3-5-91); CCF 2-1994(Temp), f. & cert. ef. 3-10-94; CCF 3-1994, f. & cert. ef. 5-18-94; OCCF 1-2002, f. & cert. ef. 1-14-02; YDD 2-2013(Temp), f. & cert. ef. 8-20-13 thru 2-16-14

## 423-001-0006

### Definitions

As used in OAR chapter 423:

(1) "Best practice" or "proven practice of effectiveness" means evidence-based programs, practice-based programs, core components, and principles that have been shown to reliably produce measurable and sustainable improvements in productivity, efficiency, or effectiveness.

(2) "Board of County Commissioners" means the governing body of a county as defined in ORS 203.030 and includes a County Court as defined in ORS 203.111.

(3) "Budget allocation" means an allocation of funds from the Youth Development Council to a County or Tribe.

# ADMINISTRATIVE RULES

(4) "Budget distribution" means a budget created by County or Tribe staff in a format prescribed by the Division. The budget distribution demonstrates, by grant stream, the projected budget for all activities proposed by the County or Tribe and approved by the Board of County Commissioners or Tribal Council.

(4) Council means the Youth Development Council acting through the staff of the Youth Development Division as defined in Chapter 623 Oregon Laws 2013 (Enrolled HB3231).

(5) "County" means a county or two or more counties, which have combined to provide services to children, youth and families.

(6) "Direct costs" means those costs that can be identified specifically and directly with a particular program or project, such as a particular federal grant or a direct activity or program of the organization.

(7) "Direct Services" means those services provided directly to a child or family or group of children or families to maintain or enhance their well-being by a community based organization.

(8) "Division" means the Youth Development Division as defined in Chapter 623 Oregon Laws 2013 (Enrolled HB3231).

(9) "Expended" means the payment of goods delivered or services rendered or liquidation of an obligation.

(10) "Indirect Costs" means those costs that have been incurred for common or joint purposes and cannot be readily identified with or directly allocated to a particular program or project of the organization. Examples of indirect costs include building and equipment depreciation, rent and facilities maintenance costs, general and administrative expenses, and personnel administration and accounting where those costs are distributed to projects or programs through a formula or cost allocation method.

(11) "Innovative program or practice" means a program or practice that demonstrates success when outcomes are evaluated over time and draws on research-based principles and ideas from best programs and practices.

(12) "Layperson" means a person whose primary income is not derived from offering direct service to children and youth or from administering a program for children or youth.

(13) "Provider" means a program or service that has been approved for funding by the County or Tribe and the Board of County Commissioners or Tribal Council.

(14) "Provider allocation" means those funds awarded by a County or Tribe to a public or private entity or person to achieve an outcome.

(15) "Tribal Council" means the governing body of a Tribe as defined in ORS 182.162.

(16) "Tribe" means a federally recognized Indian tribe in Oregon as defined in ORS 182.162.

Stat. Auth.: Sec. 4, Ch. OL 2013, HB 3231  
Stats. Implemented: Ch. OL 2013, HB 3231  
Hist.: OCCF 1-2002, f. & cert. ef. 1-14-02; OCCF 1-2004, f. & cert. ef. 9-15-04; OCCF 1-2004, f. & cert. ef. 9-15-04; OCCF 3-2007(Temp), f. 5-8-07, cert. ef. 5-11-07 thru 9-7-07; Administrative correction 9-16-07; OCCF 4-2008(Temp), f. & cert. ef. 12-12-08 thru 6-11-09; Administrative correction 6-22-09; OCCF 1-2009, f. & cert. ef. 6-24-09; YDD 2-2013(Temp), f. & cert. ef. 8-20-13 thru 2-16-14

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**Rule Caption:** Youth Development Council — Program Purposes and Restrictions

**Adm. Order No.:** YDD 3-2013(Temp)

**Filed with Sec. of State:** 8-20-2013

**Certified to be Effective:** 8-20-13 thru 2-16-14

**Notice Publication Date:**

**Rules Adopted:** 423-008-0005

**Subject:** The rules establishes measurable outcomes and goals for the program area of youth development.

**Rules Coordinator:** Cindy Hunt—(503) 947-5651

**423-008-0005**

**Youth Investment**

(1) Activities and initiatives will have measurable outcomes and support goals adopted by the council. These outcomes will be reported using the format and timeline prescribed by the Division. It is the intent of the Council that activities and initiatives will be provided in a culturally competent and gender-specific manner that reflects the population, needs and resources of the county. The following purposes and restrictions will apply to county allocations:

(2) Program Area: Youth Investment:

(a) Age: Ages 13 through 18 years, although 11 and 12 year olds may be included where appropriate;

(b) Service Areas: Services to non-delinquent youth who are chronically acting out or are victims of neglect. Programs and services will pro-

mote outcomes identified by the Council. Youth are considered chronically acting out when they are exhibiting school behavior problems, are out of parental control, are runaway and homeless, or are exhibiting other risk factors. Youth are non-delinquent if they have no history of, or current involvement with, the juvenile justice system, or have been diverted from the juvenile justice system. Youth who have been referred to a juvenile department for a criminal activity, or who have been placed on an informal accountability agreement are not considered to be non-delinquent for purposes of this funding. These funds must support research-based services, systems, initiatives and programs.

Stat. Auth.: Sec. 4, Ch. OL 2013, HB 3231  
Stats. Implemented: Ch. OL 2013, HB 3231  
Hist.: YDD 3-2013(Temp) f. & cert. ef. 8-20-13 thru 2-16-14

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**Rule Caption:** Youth Development Council--Program Purposes and Restrictions (Note: Re-filing due to clerical error.)

**Adm. Order No.:** YDD 4-2013(Temp)

**Filed with Sec. of State:** 9-9-2013

**Certified to be Effective:** 9-9-13 thru 3-5-14

**Notice Publication Date:**

**Rules Adopted:** 423-008-0005

**Subject:** The rules establish measurable outcomes and goals for the program area of youth development.

Note: These rules are being re-filed due to clerical error.

**Rules Coordinator:** Cindy Hunt—(503) 947-5651

**423-008-0005**

**Youth Investment**

Activities and initiatives will have measurable outcomes and support goals adopted by the council. These outcomes will be reported using the format and timeline prescribed by the Division. It is the intent of the Council that activities and initiatives will be provided in a culturally competent and gender-specific manner that reflects the population, needs and resources of the county. The following purposes and restrictions will apply to county allocations: Program Area: Youth Investment:

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Stat. Auth.: 2013 OL Ch. 623 Sec. 4, Ch. OL 2013 (Enrolled HB 3231)  
Stats. Implemented: 2013 OL Ch. 623 (Enrolled HB 3231)  
Hist.: YDD 3-2013(Temp) f. & cert. ef. 8-20-13 thru 2-16-14; YDD 4-2013(Temp), f. & cert. ef. 9-9-13 thru 3-5-14

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**Rule Caption:** Youth Development Council Rules and Definitions (Note: Re-filing due to clerical error.)

**Adm. Order No.:** YDD 5-2013(Temp)

**Filed with Sec. of State:** 9-9-2013

**Certified to be Effective:** 9-9-13 thru 3-5-14

**Notice Publication Date:**

**Rules Amended:** 423-001-0000, 423-001-0005, 423-001-0006

**Subject:** Specifies procedures to be used to adopt rules. Specifies common definitions for YDC rules.

Note: Re-filing due to clerical error.

**Rules Coordinator:** Cindy Hunt—(503) 947-5651

**423-001-0000**

**Notice of Proposed Rule**

(1) Except when adopting temporary rules pursuant to ORS 183.335(5), the Youth Development Council, prior to the adoption, amendment or repeal of any administrative rule under ORS Chapter 183, will give notice of the proposed action so interested citizens have a reasonable opportunity to be informed and to comment.

# ADMINISTRATIVE RULES

(2) The Youth Development Council will routinely send notices of proposed rule actions at least 28 days before the effective date of the rule to:

- (a) All Boards of County Commissioners;
- (b) All Tribal Councils;
- (c) Persons on the Division's mailing list established pursuant to ORS 183;
- (d) Anyone who requests such notices;
- (e) The Secretary of State, for publication in the Secretary's Bulletin;
- (f) The Associated Press, and the Capitol Press Room; and
- (g) Other persons, agencies, or organizations that the Youth Development Council believes to have an interest in a particular rule or rule action.

(3) The Youth Development Council will send copies of the proposed rule to the legislators specified in ORS 183.335(14) at least 49 days before the effective date of the rule.

(4) The Youth Development Council will send copies of the proposed rule to interested persons as requested.

(5) When copies of rules or proposed rules are mailed, the Agency may charge fees to defray costs of one or more of the following:

- (a) Maintenance of mailing lists;
- (b) Materials; and
- (c) Printing, handling and mailing of materials.

Stat. Auth.: 2013 OL Ch. 623 Sec. 4 (Enrolled HB 3231)  
Stats. Implemented: 2013 OL Ch. 623 (Enrolled HB 3231)  
Hist.: JSC 2-1980, f. & ef. 4-10-80; JSC 1-1982, f. & ef. 5-19-82; JSC 1-1984, f. 12-28-84, f. 1-1-85; CCYS 3-1990, f. & ef. 12-24-90 (and corrected 3-5-91); CCF 2-1994(Temp), f. & cert. ef. 3-10-94; CCF 3-1994, f. & cert. ef. 5-18-94; CCF 1-1995, f. & cert. ef. 8-11-95; OCCF 1-2002, f. & cert. ef. 1-14-02; OCCF 1-2004, f. & cert. ef. 9-15-04; YDD 2-2013(Temp), f. & cert. ef. 8-20-13 thru 2-16-14; YDD 5-2013(Temp), f. & cert. ef. 9-9-13 thru 3-5-14

## 423-001-0005

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Hist.: JSC 1-1980, f. & ef. 1-7-80; JSC 2-1982, f. & ef. 5-19-82; JSC 1-1984, f. 12-28-84, f. 1-1-85; JSC 1-1986, f. & ef. 12-29-86; CCYS 3-1990, f. & ef. 12-24-90 (and corrected 3-5-91); CCF 2-1994(Temp), f. & cert. ef. 3-10-94; CCF 3-1994, f. & cert. ef. 5-18-94; OCCF 1-2002, f. & cert. ef. 1-14-02; YDD 2-2013(Temp), f. & cert. ef. 8-20-13 thru 2-16-14; YDD 5-2013(Temp), f. & cert. ef. 9-9-13 thru 3-5-14

## 423-001-0006

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(4) 'Budget distribution' means a budget created by County or Tribe staff in a format prescribed by the Division. The budget distribution demonstrates, by grant stream, the projected budget for all activities proposed by the County or Tribe and approved by the Board of County Commissioners or Tribal Council.

(4) Council means the Youth Development Council acting through the staff of Youth Development Division as defined in Chapter 623 Oregon Laws 2013 (Enrolled HB3231).

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(6) 'Direct costs' means those costs that can be identified specifically and directly with a particular program or project, such as a particular federal grant or a direct activity or program of the organization.

(7) 'Direct Services' means those services provided directly to a child or family or group of children or families to maintain or enhance their well-being by a community based organization.

(8) 'Division' means the Youth Development Division as defined in Chapter 623 Oregon Laws 2013 (Enrolled HB3231).

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(12) 'Layperson' means a person whose primary income is not derived from offering direct service to children and youth or from administering a program for children or youth.

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(14) 'Provider allocation' means those funds awarded by a County or Tribe to a public or private entity or person to achieve an outcome.

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Stat. Auth.: 2013 OL Ch. 623 Sec. 4 (Enrolled HB 3231)  
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Hist.: OCCF 1-2002, f. & cert. ef. 1-14-02; OCCF 1-2004, f. & cert. ef. 9-15-04; OCCF 1-2004, f. & cert. ef. 9-15-04; OCCF 3-2007(Temp), f. 5-8-07, cert. ef. 5-11-07 thru 9-7-07; Administrative correction 9-16-07; OCCF 4-2008(Temp), f. & cert. ef. 12-12-08 thru 6-11-09; Administrative correction 6-22-09; OCCF 1-2009, f. & cert. ef. 6-24-09; YDD 2-2013(Temp), f. & cert. ef. 8-20-13 thru 2-16-14; YDD 5-2013(Temp), f. & cert. ef. 9-9-13 thru 3-5-14

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**Rule Caption:** Youth Development Council - Funding (Note: Re-filing due to clerical error.)

**Adm. Order No.:** YDD 6-2013(Temp)

**Filed with Sec. of State:** 9-9-2013

**Certified to be Effective:** 9-9-13 thru 3-5-14

**Notice Publication Date:**

**Rules Adopted:** 423-009-0005, 423-009-0010, 423-009-0020

**Subject:** These rules specify the use of grant funds and requirements for budget allocations to counties and tribes.

Note: Re-filing due to clerical error.

**Rules Coordinator:** Cindy Hunt—(503) 947-5651

## 423-009-0005

### Use of Grant Funds

(1) Consistent with the purpose and restrictions of each grant, all budget allocations must comply with applicable State and Federal statute or rule.

(2) County or Tribe Indirect Cost Assessment: Counties and Tribes may assess indirect charges from a grant allocation at an assessment no higher than 10 percent of the total annual allocation from the Division less funding streams expressly disallowed by State or Federal statute or rule.

(3) County or Tribe Direct Cost: All funds allocated to Counties and Tribes, not including the 10 percent maximum indirect assessment of the total annual allocation from the Division, are to be used for direct services to children, youth, and families in communities.

(4) Limitation on Usage:

(a) Consistent with the terms and conditions in the Intergovernmental Agreement, all budget allocations will be directly related to the purpose and restrictions of each program area and grant stream, and have measurable outcomes.

(b) Service provider contracts: Counties and Tribes may allocate funds to providers for the cost of services or activities to children and families.

(c) Services and programs funded by another Federal or State funding source cannot be funded with Youth Development Council funds when blending of those funds are not allowed by Federal or State agreements or when duplication will occur.

(5) Division Approval: Budget allocations effectuated pursuant to the Intergovernmental Agreement and amendments will be subject to Division review and approval.

Stat. Auth.: 2013 OL Ch. 623 Sec. 4 (Enrolled HB 3231)  
Stats. Implemented: 2013 OL Ch. 623 (Enrolled HB 3231)



# ADMINISTRATIVE RULES

Hist.: YDD 1-2013(Temp), f. & cert. ef. 8-20-13 thru 2-16-14; YDD 6-2013(Temp), f. & cert. ef. 9-9-13 thru 3-5-14

## 423-009-0010

### Budgetary Allocations

(1) Release of Funds: The Division may disburse funds to Counties and Tribes in conjunction with the beginning of each biennium or periodically throughout the year pursuant to an Intergovernmental Agreement that has been fully executed by the Council and the County or Tribe. A County or Tribe will request funds on a form prescribed by the Division. The Division may withhold funds from a County or Tribe that is not in compliance with the requirements specified in these rules or the terms of the Intergovernmental Agreement including any amendments thereto. Any funds disbursed to a County or Tribe under an approved Intergovernmental Agreement will be used only for those services and purposes set forth in the Intergovernmental Agreement and these Administrative Rules.

(2) All applicable federal, state, and local laws including, but not limited to, OMB A-87 Cost Principles for State, Local, and Indian Tribal Governments, Single Audit Act of 1996, OMB A-133 Audits of State, Local Governments and Non-Profit Organizations, Title VI of the Civil Rights Act of 1964, and Title II of the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, and the Pro-Child Act of 1995 must be followed. Budget allocations and Intergovernmental agreements will be approved and monitored by the Division.

(3) The County or Tribe will sign an Intergovernmental Agreement document with the Division. The County or Tribe will not use the funds to reimburse any person or entity for expenditures made, or to pay for any expenses incurred, prior to the effective date of the Intergovernmental Agreement.

(4) Budget Amendments: A County or Tribe will notify the Division of any change in a budget previously approved by the Division by submitting a Budget Distribution in a format prescribed by the Division. The Budget Distribution will be approved in writing by the Division, the County or Tribe, and the Board of County Commissioners and Tribal Council before funds can be expended pursuant to the Intergovernmental Agreement.

(5) Reverting Funds: Any Grant funds, State or Federal, disbursed to a County or Tribe that are not obligated or expended in accordance with the Intergovernmental Agreement by the end of the 2014 fiscal year, must be returned to the Division unless the Division permits such funds to be carried over or extended as follows:

(a) The County or Tribe has submitted to the Division a Budget Distribution, and request for a carryover or extension in a format set by the Division, describing the proposed use of those monies; and

(b) The proposed use provides that the funds will be expended within the first 90 days of the 2015 fiscal year.

(c) The Division may deny a request for carryover or extension from a County or Tribe if the Division finds any of the following concerning the 2014 fiscal year activities or the proposed use(s):

(A) The County or Tribe is found to be using funds, or proposes to use the funds, for purposes other than those authorized pursuant to the Intergovernmental Agreement;

(B) The County or Tribe failed to submit timely, accurate, or complete fiscal reports or activity reports; or failed to make timely corrections that remedied report deficiencies upon review and notice from the Division;

(C) The County or Tribe's operations failed to comply with federal or state statute, administrative rule or the Intergovernmental Agreement between itself and the Division;

(D) The County or Tribe's request for carryover or extension is in excess of 1/16 of the 2014 fiscal year funding allocation for that entity.

(d) Before submission to the Division, the Budget Distribution and request for carryover or extension must be approved and certified by the County or Tribe administrator and the Board of County Commissioners or Tribal Council.

(e) Funds not expended within the first 90 days of the 2015 fiscal year will be returned to the State. Federal funds will be re-allocated at a statewide level. General funds will revert to the State treasury.

(6) Contractual Agreements: For funds allocated to the County or Tribe by the Division, a County or Tribe will enter into a formal contractual agreement with any other Division, entity or person for expenditure of those funds. The contract for allocations should specify measurable outcomes that will measure success in achieving outcomes.

(7) Fiscal Reports and Activity Reports:

(a) For funds allocated to the County or Tribe by the Division, all public and private agencies and persons receiving funding allocations will file reports on the provider's fiscal and activity information as evidence of

meeting the County or Tribe's contractual agreement. Reports will be submitted as required in the Intergovernmental Agreement.

(b) A request for a waiver, for the current reporting period, must be submitted in writing to the Division. The County or Tribe must remit a letter to include:

(A) Stating the hardship reason for the waiver (e.g. staff turnover, serious illness);

(B) Specifying the date reports will be sent to the Division; and

(C) Assurance the next reports will be in by the next reporting period due date. The Division must receive the request for waiver before the reporting due date. No funds will be released until all reports are received. Counties and Tribes that are unable to meet the due dates in at least three out of four consecutive reporting periods will receive funds on a reimbursement basis.

(c) The County or Tribe will send to the Division a fiscal and activity report on a form prescribed by the Division. The reports will be certified by the Board of County Commissioners or Tribal Council.

(d) The County or Tribe will file with the Division a final fiscal report for all funds received from the Division on a form prescribed by the Division. The final fiscal report must be certified by the Board of County Commissioners or Tribal Council.

(8) Records Management: All public and private agencies and persons receiving funding allocations from the Division will retain all fiscal and program monitoring records of a funded program for a period not less than specified in OAR chapter 166, divisions 40 and 100. Records will be available for Division, county and state audit upon request. A County or Tribe may be required to retain records for longer than specified in rule if an audit is in progress or discrepancies found in a previous audit have not been resolved. Such records will be subject to any applicable County or Tribe regulations concerning retention of records and auditing procedures.

(9) Withholding of funds: The Division may withhold funds from a County or Tribe that is not in compliance with the Federal, State, or local law or the Intergovernmental Agreement. Under the following conditions, the Division may withhold funds from Counties and Tribes:

(a) The County or Tribe is found to be using funds for purposes other than those authorized pursuant to the Intergovernmental Agreement;

(b) The County or Tribe failed to submit timely, accurate, or complete fiscal reports or activity reports;

(c) The County or Tribe's operations failed to comply with federal or state statute, administrative rule, or the Intergovernmental Agreement; or

(d) The County or Tribe activities have not achieved outcomes directly related to parameters of the grant stream.

Stat. Auth.: 2013 OL Ch. 623 Sec. 4 (Enrolled HB 3231)

Stats. Implemented: 2013 OL Ch. 623 (Enrolled HB 3231)

Hist.: YDD 1-2013(Temp), f. & cert. ef. 8-20-13 thru 2-16-14; YDD 6-2013(Temp), f. & cert. ef. 9-9-13 thru 3-5-14

## 423-009-0020

### Prohibition against Replacement of County Funds

Funds received by a County or Tribe from the Division will not be used to replace County or Tribal general funds or used to replace other State funding currently being used by the County or Tribe for existing programs for children, youth or families.

Stat. Auth.: 2013 OL Ch. 623 Sec. 4 (Enrolled HB 3231)

Stats. Implemented: 2013 OL Ch. 623 (Enrolled HB 3231)

Hist.: YDD 1-2013(Temp), f. & cert. ef. 8-20-13 thru 2-16-14; YDD 6-2013(Temp), f. & cert. ef. 9-9-13 thru 3-5-14

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## Oregon Health Authority Chapter 943

**Rule Caption:** Outlines conditions for contractor compliance with the business associate requirements of the HIPAA omnibus rule

**Adm. Order No.:** OHA 1-2013(Temp)

**Filed with Sec. of State:** 8-23-2013

**Certified to be Effective:** 8-23-13 thru 2-18-14

**Notice Publication Date:**

**Rules Adopted:** 943-014-0400, 943-014-0410, 943-014-0415, 943-014-0420, 943-014-0430, 943-014-0435, 943-014-0440, 943-014-0445, 943-014-0450, 943-014-0455, 943-014-0460, 943-014-0465

**Subject:** These rules set forth the requirements for the security and disclosure of protected health information by contractors who are business associates of the health care components of the Authority.

# ADMINISTRATIVE RULES

These rules comply with the business associate provisions of HIPAA, the implementing Privacy and Security Rules, and the HITECH Act.  
**Rules Coordinator:** Evonne Alderete—(503) 932-9663

## 943-014-0400

### Purpose

The purpose of these rules is to set forth the requirements that a contractor who is a business associate of the health care component of the Oregon Health Authority (Authority) must comply with in accordance with the business associate provisions of HIPAA and the implementing Privacy Rule and Security Rule and of the HITECH Act. The Privacy Rule and Security Rule, as amended by the HITECH Act, require a covered entity to obtain certain written assurances from a business associate, as that term is defined in the Privacy Rule and Security Rule, that the business associate must comply with the requirements set forth in 45 CFR 164.502(e) and 164.504(e). The Privacy Rule requires that a covered entity obtain certain written assurances before the business associate may create, receive, maintain or transmit protected health information.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 179.505, 192.553, 192.556-581, 413.032, 413.042 & 414.065 413.042

Hist.: OHA 1-2013(Temp), f. & cert. ef. 8-23-13 thru 2-18-14

## 943-014-0410

### Definitions

For purposes of these rules OAR 943-014-0400 through 943-014-0465, the following definitions apply. Terms not defined here shall have the same meaning given those terms in the Privacy Rule and the Security Rule and the HITECH Act, including, but not limited to, 42 USC Section 17938 and 45 CFR Section 160.103.

(1) "Authority" means the Oregon Health Authority.

(2) "Business Associate" has the meaning given that term in 45 CFR 160.103.

(3) "Contract" means the written agreement between the Authority and a Contractor setting forth the rights and obligations of the parties.

(4) "Covered Entity" has the meaning given that term in 45 CFR 160.103.

(5) "Electronic Media" means:

(a) Electronic storage media; and

(b) Transmission media used to exchange information already in electronic storage media.

(6) "Electronic Protected Health Information" (EPHI) has the meaning given that term in 45 CFR 160.103.

(7) "HIPAA" means the Health Insurance Portability and Accountability Act of 1996, 42 USC 1320d - 1320d-8, Public Law 104-191, sec. 262 and sec. 264.

(8) "HITECH Act" means the Health Information Technology for Economic and Clinical Health ("HITECH") Act, Title XIII of division A and Title IV of Division B of the American Recovery and Reinvestment Act of 2009 ("ARRA"), Public Law 111-5, including any implementing regulations.

(9) "Privacy Rule" means the Standards for Privacy of Individually Identifiable Health Information at 45 CFR part 160 and part 164, subparts A and E.

(10) "Protected Health Information"(PHI) has the meaning given that term in 45 CFR 160.103.

(11) "Required by law" has the meaning given that term in 45 CFR section 164.103.

(12) "Secretary" means the Secretary of Health and Human Services (HHS) or designee..

(13) "Security Rule" means the security standards for electronic protected health information found at 45 CFR Parts 160, 162, and 164.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 179.505, 192.553, 192.556-581, 413.032, 413.042 & 414.065 413.042

Hist.: OHA 1-2013(Temp), f. & cert. ef. 8-23-13 thru 2-18-14

## 943-014-0415

### General Business Associate Requirements

A Contractor who is a business associate of the Authority must:

(1) Not use or disclose protected health information or electronic protected health information other than as permitted or required by these rules and the contract, or as required by law.

(2) Use appropriate safeguards, and comply with Subpart C of 45 CFR Part 164 with respect to EPHI, to prevent use or disclosure of the PHI other than as provided for by these rules and the contract.

(3) Mitigate, to the extent practicable, any harmful effect that is known to business associate of a use or disclosure of protected health information or electronic protected health information by business associate in violation of the requirements of these rules and the contract.

(4) Report to the Authority, as promptly as possible, any use or disclosure of the protected health information or electronic protected health information not provided for by these rules and the contract of which it becomes aware.

(5) Ensure that any agent, including a subcontractor, to whom it provides protected health information or electronic protected health information created, received, maintained or transmitted by it on behalf of the Authority agrees to the same restrictions and conditions that apply through these rules and the contract to business associate with respect to such information.

(6) Provide access, at the request of the Authority, and in the time and manner designated by the Authority, to protected health information or electronic protected health information in a designated record set, to the Authority or, as directed by the Authority, to an individual in order to meet the requirements under 45 CFR 164.524.

(7) Make any amendment to protected health information or electronic protected health information in a designated record set that the Authority directs or agrees to pursuant to 45 CFR 164.526 at the request of the Authority or an individual, and in the time and manner designated by the Authority.

(8) Make available internal practices, books, and records, including policies and procedures relating to the use and disclosure of protected health information and electronic protected health information created, received, maintained or transmitted by business associate on behalf of the Authority. Such items must be available to the Authority and to the Secretary, in a time and manner designated by the Authority or the Secretary, for purposes of the Secretary determining the Authority's compliance with the Privacy Rule or Security Rule.

(9) Document disclosures of protected health information and electronic protected health information and information related to such disclosures as may be required for the Authority to respond to a request by an individual for an accounting of disclosures in accordance with 45 CFR 164.528.

(10) Provide the Authority or an individual, in a time and manner as designated by the Authority, information collected in accordance with OAR 943-014-0415(9) to permit the Authority to respond to an individual's request for an accounting of disclosures in accordance with 45 CFR 164.528.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 179.505, 192.553, 192.556-581, 413.032, 413.042 & 414.065 413.042

Hist.: OHA 1-2013(Temp), f. & cert. ef. 8-23-13 thru 2-18-14

## 943-014-0420

### Uses and Disclosures of Protected Health Information by Business Associate

(1) Except as otherwise limited or prohibited by the contract or these rules, a contractor who is a business associate of the Authority may:

(a) Use or disclose protected health information and electronic protected health information to perform functions, activities, or services as specified in the contract and these rules on behalf of the Authority. Such use or disclosure may not violate the Privacy Rule, Security Rule, the HITECH Act, or other applicable federal or state laws or regulations or the minimum necessary policies and procedures of the Authority. All other uses of protected health information and electronic protected health information are prohibited.

(b) Use protected health information and electronic protected health information for the proper management and administration of the business associate contract or to carry out the legal responsibilities of the business associate.

(c) Disclose protected health information and electronic protected health information for the proper management and administration of the business associate, provided disclosures are required by law.

(d) Disclose protected health information and electronic protected health information to a subcontractor if the business associate enters into a business associate agreement with a subcontractor that complies with this rule.

(e) Use protected health information and electronic protected health information to report violations of law to appropriate federal and state authorities, consistent with 45 CFR 164.502(j)(1).

(2) A contractor who is a business associate of the Authority may not aggregate or compile the Authority's protected health information or elec-

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tronic protected health information with the protected health information or electronic protected health information of other covered entities unless the contract permits data aggregation services. If the contract permits business associate to provide data aggregation services, business associate may use protected health information to provide data aggregation services requested by the Authority as permitted by 45 CFR 164.504(e)(2)(i)(B) and subject to any limitations contained in these rules. If the Authority requests data aggregation services, business associate may aggregate the Authority's protected health information with protected health information of other covered entities that the business associate has in its possession through its capacity as a business associate to other covered entities. This may only be done if the purpose of the aggregation is to provide the Authority with data analysis relating to the Authority's health care operations. Business associates may not disclose the Authority's protected health information to another covered entity without the Authority's express authorization.

Stat. Auth.: ORS 413.042  
Stats. Implemented: ORS 179.505, 192.553, 192.556-581, 413.032, 413.042 & 414.065  
413.042  
Hist.: OHA 1-2013(Temp), f. & cert. ef. 8-23-13 thru 2-18-14

## 943-014-0430

### Authority Obligations

(1) The Authority must notify business associate of any:

(a) Limitations in its notice of privacy practices in accordance with 45 CFR 164.520, to the extent that such limitation may affect business associate's use or disclosure of protected health information and electronic protected health information. The Authority may satisfy this obligation by providing business associate with the Authority's most current Notices of Privacy Practices.

(b) Changes in, or revocation of, permission by an individual to use or disclose protected health information or electronic protected health information, to the extent that such changes may affect business associate's use or disclosure of protected health information and electronic protected health information.

(c) Restriction to the use or disclosure of protected health information or electronic protected health information that the Authority has agreed to in accordance with 45 CFR 164.522, to the extent that such restriction may affect business associate's use or disclosure of protected health information or electronic protected health information.

(2) The Authority may not request business associate to use or disclose protected health information or electronic protected health information in any manner that may not be permissible under the Privacy Rule or Security Rule if done by Agency, except as permitted by OAR 943-014-0420.

Stat. Auth.: ORS 413.042  
Stats. Implemented: ORS 179.505, 192.553, 192.556-581, 413.032, 413.042 & 414.065  
413.042  
Hist.: OHA 1-2013(Temp), f. & cert. ef. 8-23-13 thru 2-18-14

## 943-014-0435

### Security Requirements

Contractors must comply with the Security Rule's business associate requirements for electronic protected health information and must comply with both the Privacy Rule and the Security Rule requirements applicable to a business associate. In addition the contractor must:

(1) Implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the electronic protected health information that it creates, receives, maintains, or transmits on behalf of the Authority, and develop and enforce related policies, procedure, and documentation standards (including designation of a security official).

(2) Enter into a business associate agreement with any agent or subcontractor to whom it provides electronic protected health information to ensure the agent or subcontractor agrees to implement reasonable and appropriate safeguards to protect the information.

Stat. Auth.: ORS 413.042  
Stats. Implemented: ORS 179.505, 192.553, 192.556-581, 413.032, 413.042 & 414.065  
413.042  
Hist.: OHA 1-2013(Temp), f. & cert. ef. 8-23-13 thru 2-18-14

## 943-014-0440

### Breach

(1) For purposes of this rule, the terms "breach" and "unsecured protected health information" have the meaning set forth in 45 CFR 164.402. A breach must be considered as "discovered" in accordance with 45 CFR 164.404(a)(2) and 45 CFR 164.410(2).

(2) In the event of discovery of a breach of unsecured protected health information a contractor must:

(a) Notify the Authority of the breach. The notification must be made as soon as possible and business associate shall confer with the Authority as soon as practicable thereafter. In no event shall notification to the Authority be later than 30 calendar days after the discovery of breach. Notification shall include identification of each individual whose unsecured protected health information has been, or is reasonably believed to have been accessed, acquired, or disclosed during the breach and any other information as may be reasonably required by the Authority for the Authority to meet its obligations;

(b) Confer with the Authority as to the preparation and issuance of an appropriate notice to each individual whose unsecured protected health information has been, or is reasonably believed to have been accessed, acquired or disclosed as a result of such breach;

(c) Confer with the Authority when the breach involves more than 500 individuals about the preparation and issuance of appropriate notice to prominent media outlets within the State or local jurisdictions;

(d) Make the appropriate notification to individuals affected by the breach and to media outlets as necessary; and

(e) Confer with the Authority about the preparation and issuance of notice to the Secretary of unsecured protected health information acquired or disclosed in a breach. If the breach was with respect to 500 or more individuals, the notice to the Secretary must be provided immediately. Any breach involving less than 500 individuals shall be documented in a log and the log provided to the Secretary annually.

(3) Except as set forth in section (4) of this rule, notifications required by this rule must be made without unreasonable delay and in no case later than 60 calendar days after the discovery of a breach. Any notice must be provided in the manner and content required by 45 CFR 164.404 through 164.410.

(4) Any notification required by this rule may be delayed by a law enforcement official in accordance with the HITECH Act, section 13402(g).

Stat. Auth.: ORS 413.042  
Stats. Implemented: ORS 179.505, 192.553, 192.556-581, 413.032, 413.042 & 414.065  
413.042  
Hist.: OHA 1-2013(Temp), f. & cert. ef. 8-23-13 thru 2-18-14

## 943-014-0445

### Violations

(1) When the Authority learns about a business associate's material breach of the requirements of these rules the Authority shall:

(a) Notify business associate of the breach and specify a reasonable opportunity in the notice for business associate to cure the breach or end the violation. The Authority may terminate the contract if business associate does not cure the breach or end the violation within the time specified by the Authority;

(b) Immediately terminate the contract if business associate has breached a material term of these rules and cure is not possible in the Authority's reasonable judgment; and

(c) Notify the Secretary of violations or terminations as required by HIPAA, the implementing Privacy and Security Rules or HITECH.

(2) The rights and remedies provided in these rules are in addition to the rights and remedies provided in the contract.

Stat. Auth.: ORS 413.042  
Stats. Implemented: ORS 179.505, 192.553, 192.556-581, 413.032, 413.042 & 414.065  
413.042  
Hist.: OHA 1-2013(Temp), f. & cert. ef. 8-23-13 thru 2-18-14

## 943-014-0450

### Termination of Contract

(1) Except as provided in section (2) of this rules, upon termination of the contract for any reason, business associate shall, at the Authority's option, return or destroy all protected health information and electronic protected health information received from the Authority, or created, maintained or received by business associate on the Authority's behalf. This provision shall apply to protected health information and electronic protected health information that is in the possession of subcontractors or agents of business associate. Business associate may not retain copies of the protected health information and electronic protected health information.

(2) If the business associate determines that returning or destroying the protected health information or electronic protected health information is infeasible, business associate shall provide to the Authority notification of the conditions that make return or destruction infeasible. Upon the Authority's written acknowledgement that return or destruction of protected health information or electronic protected health information is infeasible, business associate shall extend the protections to the information. Business associate shall limit further uses and disclosures of the informa-

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tion to those purposes that make the return or destruction infeasible, for as long as business associate maintains the protected information.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 179.505, 192.553, 192.556-581, 413.032, 413.042 & 414.065 413.042

Hist.: OHA 1-2013(Temp), f. & cert. ef. 8-23-13 thru 2-18-14

## 943-014-0455

### Order of Precedence

(1) These rules shall be interpreted as broadly as necessary to implement and comply with HIPAA, the Privacy Rule and the Security Rule, and the HITECH Act. Any ambiguity in these rules shall be resolved in favor of a meaning that complies and is consistent with HIPAA, the Privacy Rule and the Security Rule, and the HITECH Act.

(2) If a conflict between these rules and the provisions of the contract arises, these rules shall take precedence.

(3) If a conflict between the provisions of the contract and the Privacy Rule or the Security Rule or the HITECH Act arises, the Privacy Rule and the Security Rule and the HITECH Act shall take precedence.

(4) If there is conflict between these rules and the Privacy Rule or the Security Rule or the HITECH Act the Privacy Rule and the Security Rule and the HITECH Act shall control.

(5) The requirements set forth in this rule are in addition to any other provisions of law applicable to the contract. These rules shall not supersede any other federal or state law or regulation governing the legal relationship of the parties, or the confidentiality of records or information, except to the extent that HIPAA and the HITECH Act preempt those laws or regulations. Any ambiguity in the contract shall be resolved to permit the Authority and business associate to implement and comply with HIPAA, the HITECH Act, the Privacy Rule and the Security Rule.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 179.505, 192.553, 192.556-581, 413.032, 413.042 & 414.065 413.042

Hist.: OHA 1-2013(Temp), f. & cert. ef. 8-23-13 thru 2-18-14

## 943-014-0460

### Methods of Compliance

In addition to incorporating the business associate requirements contained in this rule in its contracts with business associates, the Authority may comply with these rules in any of the following ways:

(1) Memorandum of Understanding. If the Authority and business associate are government entities, the parties may enter into a memorandum of understanding that accomplishes the objectives of these rules and meets the business associate requirements of the privacy rule and Security rule.

(2) Amendment. The Authority may execute an amendment or rider that amends the Authority's contract and that contains the contract provisions required by these rules.

(3) Required by Law. If a business associate is required by law to perform a function or activity on the Authority's behalf or provide a service described in the definition of business associate to the Authority, the Authority may disclose protected health information to the business associate to the extent necessary to comply with the legal mandate without meeting the requirements of these rules. In those circumstances, the Authority shall attempt in good faith to obtain satisfactory assurances required by OAR 943-014-0453 45 CFR 164.502(e). If the attempt fails, document the attempt and the reasons that assurances cannot be obtained.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 179.505, 192.553, 192.556-581, 413.032, 413.042 & 414.065 413.042

Hist.: OHA 1-2013(Temp), f. & cert. ef. 8-23-13 thru 2-18-14

## 943-014-0465

### Standards in Individual Contracts

The Authority and business associate may enter into a contract that contains more stringent standards than those set forth in these rules as long as the standards do not violate the requirements of the Privacy Rule or the Security Rule or the HITECH Act, and the contract receives approval from the Oregon Department of Justice.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 179.505, 192.553, 192.556-581, 413.032, 413.042 & 414.065 413.042

Hist.: OHA 1-2013(Temp), f. & cert. ef. 8-23-13 thru 2-18-14

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

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

**Adm. Order No.:** DMAP 43-2013

**Filed with Sec. of State:** 8-16-2013

**Certified to be Effective:** 8-16-13

**Notice Publication Date:** 7-1-2013

**Rules Amended:** 410-121-0030, 410-121-0040

**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.

Acidinium bromide non-preferred.

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

All erythromycin products non-preferred.

Noroxin® non-preferred.

Omeprazole tablets non-preferred.

All OTC H2A products non-preferred.

Cimetidine non-preferred with indefinite grandfather.

All OTC antihistamine products non-preferred.

410-121-0040:

Proton Pump Inhibitors update criteria.

**Rules Coordinator:** Cheryl Peters—(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;

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(B) New drugs in classes already evaluated for the PDL shall be non-preferred until the new drug has been reviewed by the P&T;

(C) The Division shall make all changes or revisions to the PDL, using the rulemaking process and shall publish the changes on the Division's Pharmaceutical Services provider rules Web page.

(4) Relative cost and best possible price determination:

(a) The Division shall determine the relative cost of all drugs in each selected class that are Medicaid reimbursable and that the FDA has determined to be safe and effective;

(b) The Division may also consider dosing issues, patterns of use and compliance issues. The Division shall weigh these factors with any advice provided by the P&T in reaching a final decision;

(5) Pharmacy providers shall dispense prescriptions in the generic form, unless:

(a) The practitioner requests otherwise, subject to the regulations outlined in OAR 410-121-0155;

(b) The brand name medication is listed as preferred on the PDL.

(6) The exception process for obtaining non-preferred physical health drugs that are not on the PDL drugs shall be as follows:

(a) If the prescribing practitioner, in their professional judgment, wishes to prescribe a physical health drug not on the PDL, they may request an exception, subject to the requirements of OAR 410-121-0040;

(b) The prescribing practitioner must request an exception for physical health drugs not listed in the PDL subject to the requirements of OAR 410-121-0060;

(c) Exceptions shall be granted in instances:

(A) Where the prescriber in their professional judgment determines the non-preferred drug is medically appropriate after consulting with the Division or the Oregon Pharmacy Help Desk; or

(B) Where the prescriber requests an exception subject to the requirement of (6)(b) and fails to receive a report of PA status within 24 hours, subject to OAR 410-121-0060.

(7) Table 121-0030-1, PMPDP PDL dated May 1, 2013 is incorporated in rule by reference and is found on our Web page at [www.orpd.org](http://www.orpd.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 correction, 7-18-13; DMAP 43-2013, f. & cert. ef. 8-16-13

## 410-121-0040

### Prior Authorization Required for Drugs and Products

(1) Prescribing practitioners are responsible for obtaining prior authorization (PA) for the drugs and categories of drugs requiring PA in this rule, using the procedures required in OAR 410-121-0060.

(2) All drugs and categories of drugs, including but not limited to those drugs and categories of drugs that require PA as described in this rule, are subject to the following requirements for coverage:

(a) Each drug must be prescribed for conditions funded by Oregon Health Plan (OHP) in a manner consistent with the Oregon Health Services Commission's Prioritized List of Health Services (OAR 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; OMAP 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.

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& 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 correction, 7-18-13; DMAP 43-2013, f. & cert. ef. 8-16-13

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

**Adm. Order No.:** DMAP 44-2013(Temp)

**Filed with Sec. of State:** 8-21-2013

**Certified to be Effective:** 8-23-13 thru 1-28-14

**Notice Publication Date:**

**Rules Amended:** 410-120-0006

**Rules Suspended:** 410-120-0006(T)

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

**Rules Coordinator:** Cheryl Peters—(503) 945-6527

## 410-120-0006

### Medical Eligibility Standards

As the state Medicaid and CHIP agency, the Oregon Health Authority (Authority) is responsible for establishing and implementing eligibility policies and procedure consistent with applicable law. As outlined in 943-001-0020; the Authority, and the Department of Human Services (Department) work together to adopt rules to assure that medical assistance eligibility procedures and determinations are consistent across both agencies.

(1) The Authority adopts and incorporates by reference the rules established in OAR Chapter 461 and in effect August 23, 2013, for all medical eligibility requirements for medical assistance when the Authority conducts eligibility determinations.

(2) Any reference to OAR Chapter 461 in Oregon Administrative Rules or contracts of the Authority are deemed to be references to the requirements of this rule and shall be construed to apply to all eligibility policies, procedures and determinations by or through the Authority.

(3) For purposes of this rule, references in OAR chapter 461 to the Department or to the Authority shall be construed to be references to both agencies.

(4) Effective on or after July 1, 2011 the Authority shall conduct medical eligibility determinations using the OAR chapter 461 rules which are in effect on the date the Authority makes the medical eligibility determination.

(5) A request for a hearing resulting from a determination under this rule, made by the Authority shall be handled pursuant to the hearing procedures set out in division 25 of OAR Chapter 461. References to "the Administrator" in division 25 of chapter 461 or "the Department" are hereby incorporated as references to the "Authority."

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042 & 414.065

Hist.: DMAP 10-2011, f. 6-29-11, cert. ef. 7-1-11; DMAP 18-2011(Temp), f. & cert. ef. 7-15-11 thru 1-11-12; DMAP 21-2011(Temp), f. 7-29-11, cert. ef. 8-1-11 thru 1-11-12; DMAP 25-2011(Temp), f. 9-28-11, cert. ef. 10-1-11 thru 1-11-12; DMAP 36-2011, f. 12-13-11, cert. ef. 1-1-12; DMAP 1-2012(Temp), f. & cert. ef. 1-13-12 thru 7-10-12; DMAP 2-2012(Temp), f. & cert. ef. 1-26-12 thru 7-10-12; DMAP 3-2012(Temp), f. & cert. ef. 1-31-12 thru 2-1-12; DMAP 4-2012(Temp), f. 1-31-12, cert. ef. 2-1-12 thru 7-10-12; DMAP 9-2012(Temp), f. & cert. ef. 3-1-12 thru 7-10-12; DMAP 21-2012(Temp), f. 3-30-12, cert. ef. 4-1-12 thru 7-10-12; DMAP 25-2012(Temp), f. & cert. ef. 5-1-12 thru 7-10-12; Administrative correction 8-1-12; DMAP 35-2012(Temp), f. & cert. ef. 7-20-12 thru 1-15-13; DMAP 45-2012(Temp), f. & cert. ef. 10-5-12 thru 1-19-13; DMAP 50-2012, f. 10-31-12, cert. ef. 11-1-12; DMAP 53-2012(Temp), f. & cert. ef. 11-1-12 thru 4-29-13; DMAP 56-2012(Temp), f. 11-30-12, cert. ef. 12-1-12 thru 4-1-13; DMAP 60-2012, f. 12-27-12, cert. ef. 1-1-13; DMAP 65-2012(Temp), f. 12-28-12, cert. ef. 1-1-13 thru 6-29-13; DMAP 2-2013(Temp), f. & cert. ef. 1-8-13 thru 6-29-13; DMAP 3-2013(Temp), f. & cert. ef. 1-30-13 thru 6-29-13; DMAP 5-2013(Temp), f. & cert. ef. 2-20-13 thru 6-29-13; DMAP 7-2013(Temp), f. & cert. ef. 3-1-13 thru 6-29-13; DMAP 12-2013, f. 3-27-13, cert. ef. 4-1-13; DMAP 17-2013, f. & cert. ef. 4-10-13; DMAP 24-2013, f. & cert. ef. 5-29-13; DMAP 32-2013, f. & cert. ef. 6-27-13; DMAP 39-2013(Temp), f. 7-26-13, cert. ef. 8-1-13 thru 1-28-14; DMAP 44-2013(Temp), f. 8-21-13, cert. ef. 8-23-13 thru 1-28-14

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

**Adm. Order No.:** DMAP 45-2013

**Filed with Sec. of State:** 8-26-2013

**Certified to be Effective:** 8-26-13

**Notice Publication Date:** 6-1-2013

**Rules Amended:** 410-147-0360

**Subject:** 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—(503) 945-6527

## 410-147-0360

### Encounter Rate Determination

(1) The Division of Medical Assistance Programs (Division) will coincide enrollment of a Federally Qualified Health Center (FQHC) or Rural Health Clinic (RHC) with the calculation of a clinic's Prospective Payment System (PPS) encounter rate:

(a) DMAP will enroll a clinic as an FQHC or RHC effective the date DMAP determines the clinic's PPS encounter rate. The encounter rate may be used to bill for services provided on or after the coinciding effective dates of enrollment as an FQHC or RHC with the Division and determination of the clinic's encounter rate.

(b) Consistent with OAR 410-120-1260, Provider Enrollment, only enrolled providers can submit claims to the Division for providing specific care, item(s), or service(s) to Division clients. A clinic or individual provider needs to bill fee-for-service for services provided prior to enrollment as an FQHC or RHC with DMAP, according to applicable service program's enrollment and billing Oregon Administrative Rules (OARs).

(2) To determine the PPS encounter rate(s), an FQHC must submit all financial documents listed in OAR 410-147-0320 for each Medical, Dental and Mental Health/Substance Use Disorder Services.

(a) Effective October 1, 2004, for FQHCs only, the Division will calculate three separate PPS encounter rates for clinics newly enrolling as an FQHC with the Division:

- (i) Medical;
- (ii) Dental; and
- (iii) Mental Health/Substance Use Disorder services.

(b) FQHCs enrolled with the Division prior to October 1, 2004, with a single PPS medical encounter rate, will have a separate encounter rate calculated if the clinic adds a service category listed in either Section (2)(a)(ii) or (iii) of this rule. Refer also to Section (16) of this rule.

(3) To determine the PPS encounter rate, a RHC must submit all financial documents listed in OAR 410-147-0320.

(a) The Division will accept an uncertified Medicare Cost Report;

(b) If the clinic's Medicare Cost Report, provided to the Division, does not include all covered Medicaid costs provided by the clinic, the clinic must submit additional cost information. The Division will include these costs when determining the PPS encounter rate.

(c) The Division will remove the Medicare productivity screen and any other Medicare payment caps from the RHC's Medicare encounter rate;

(d) An RHC can submit the Division cost statement form 3027 as a substitute to the Medicare Cost Report.

(4) FQHCs or RHCs that have an additional clinic site(s) under the main FQHC or RHC designation, must file the required financial documentation for each clinic site unless specifically exempted in writing by the Division. If exempted from this requirement by the Division, an FQHC or RHC may file a consolidated cost report. See OAR 410-147-0340 regarding separate enrollment for multiple sites.

(5) FQHCs and RHCs cannot include costs associated with non-FQHC or non-RHC designated sites in the cost report.

(6) FQHCs and RHCs cannot include costs associated with non-covered Medicaid services. The Division does not allow the inclusion of indirect or direct costs for non-covered Medicaid services in the clinic's cost report/statement as allowed expenses. Refer to OAR 410-120-1200 Excluded Services and Limitations.

(7) An out-of-state FQHC or RHC will only include expenses associated with Medicaid covered services provided at clinic sites serving Division clients when completing the Cost Statement (DMAP 3027). For RHCs only, the Medicare Cost Report can only include financial documents for Medicaid-covered services provided at clinic sites that see Division clients. Do not include costs associated with non-FQHC or RHC designated sites, or clinic sites that do not serve Division clients in the Cost Statements (DMAP 3027) or Medicare Cost Reports for RHCs.

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(8) At any time, if the Division determines that the costs provided by the clinic for calculating the PPS encounter rate(s) were inflated, the Division may:

(a) Request corrected cost reports and any other financial documents in order to review and adjust the encounter rate(s); and

(b) Impose sanctions as defined in OARs 410-120-1400 Provider Sanctions, 410-120-1460 Type and Conditions of Sanctions; and 407-120-360 Consequences of Non-Compliance and Provider Sanctions.

(9) Effective January 1, 2001, DMAP determines FQHC and RHC encounter rates in compliance with 42 USC 1396a(bb). In general, the PPS encounter rate is calculated by dividing total costs of Medicaid covered services furnished by the FQHC/RHC during fiscal years 1999 and 2000 by the total number of clinic encounters during the two fiscal years.

(10) Clinics existing in 1999 and 2000, and enrolled with the Division as a FQHC or RHC as of January 1, 2001, receive payment from the Division for services rendered to Medicaid-eligible OHP clients per an all-inclusive PPS encounter rate (calculated on a per visit basis) that is equal to 100 percent of the average of the costs of the clinic for furnishing such services during fiscal years 1999 and 2000 which are reasonable and related to the cost of furnishing such services, or based on such other tests of reasonableness.

(11) Clinics first qualifying as an FQHC or RHC after fiscal year 2000, will receive payment from the Division for services rendered to Medicaid-eligible OHP clients per an all-inclusive PPS encounter rate (calculated on a per visit basis) that is equal to 100 percent of the average of the costs of the clinic for furnishing such services during the fiscal year the clinic first qualifies as an FQHC or RHC. Coinciding with enrollment as an FQHC or RHC with the Division, a clinic will have a PPS encounter rate:

(a) Established by reference to payments to other clinics located in the same or adjacent areas, and of similar caseload; or

(b) In the absence of such clinic, through cost reporting methods based on tests of reasonableness.

(12) Beginning in fiscal year 2002, and for each fiscal year thereafter, each FQHC/RHC is entitled to the PPS encounter rate(s) payment amount to which the clinic was entitled under Section 42 USC 1396a(bb) in the previous fiscal year, increased by the percentage increase in the Medicare Economic Index (MEI).

(13) For established, enrolled clinics with a change of ownership, the new owner can submit:

(a) A Cost Statement (DMAP 3027) or Medicare Cost Report within 30 days from the date of change of ownership for review by the Division to determine if a new PPS encounter rate will be calculated as otherwise described in this rule; or

(b) In writing, a letter advising adoption of the PPS encounter rate calculated under the former ownership, including notice if there is a change to the clinic's tax identification number;

(c) Failure to submit a cost statement (DMAP 3027) or Medicare Cost Report within 30 days of the change of ownership, will forfeit the opportunity for calculation of a PPS encounter rate(s) at a later date. The PPS encounter rate(s) calculated under the former ownership will be reassigned to the new ownership.

(14) The Centers for Medicare and Medicaid Services (CMS) defines a change in scope of services as one that affects the type, intensity, duration, and amount of services. Clinics must submit a request for change in scope to the Division for review.

(15) The Division may establish a separate PPS encounter rate if a FQHC adds Dental or Mental Health/Substance Use Disorder services. A separate PPS encounter rate will be calculated by the Division for the added service element if:

(a) Costs associated with the added service element were not included on the original cost statements for the initial PPS encounter rate determination;

(b) The addition of the service element has been approved by the Health Resources and Services Administration (HRSA) and is included in the notice of grant award issued by HRSA;

(c) The FQHC is certified by the Addictions and Mental Health Division (AMH) to provide mental health services (if mental health services are provided by un-licensed providers), or has a letter or licensure of approval by Addictions and Mental Health Division (AMH) former Office of Mental Health and Addictions Services (OMHAS) to provide substance use disorder services;

(i) Certification by AMH of an FQHC's outpatient mental health program is required if mental health services are provided by non-licensed providers. Refer to OAR 410-147-0320(3)(i) and (5)(h) for certification requirements

(iii) A letter of licensure or approval by AMH is required for FQHCs providing substance use disorder services. Refer to OAR 410-147-0320 (3)(j) and (5)(i);

(16) If an FQHC meets the criteria as outlined in Section (15) of this rule for the addition of Dental or Mental Health/Substance Use Disorder services, after the initial encounter rate determination, the Division will determine the PPS encounter rate for the newly added service element using the date the scope change was approved by HRSA. For example: the clinic submitted 1999 & 2000 cost reports. In 2001 the clinic added a dental clinic. The cost report would be from 2001 (the most appropriate months) with the MEI adjusted for 2002, 2003 and 2004.

(17) When an FQHC shares the same space for multiple services, then the Division will use square footage to determine the percent of the indirect cost associated with each encounter rate.

(18) A clinic may be exempt from this requirement if an FQHC has minimal utilization for a particular service such as "Look Alike" clinics and is located in an isolated area. Submit an exemption request with appropriate documentation to the Division FQHC Program Manager for consideration.

(19) For an FQHC approved by the Division to participate in an Alternate Payment Methodology (APM) pilot, the following will apply:

(a) APM converts the clinics current PPS rate into an equivalent per member per month (PMPM) rate using the clinic's historical patient utilization and the clinic's PPS cost base rate. The purpose of APM is to reimburse clinics an amount no less than what the clinic would have received if paid with PPS. The Division shall process quarterly reconciliations and if the APM issued is less than what the clinic would have received if paid using PPS, the Division shall reimburse the clinic the difference. The Division will perform a final annual reconciliation and remit payment within 120 days after the close of the calendar year.

(b) The Division shall have a memorandum of understanding to establish an effective date with each participating clinic.

(c) A clinic may request to return to its PPS rate by submitting written request to the Division. The Division shall return the clinic to their PPS rate within 30 business days after a clinics request has been received.

Stat. Auth.: ORS 413.042 & 414.065

Stat. Implemented: ORS 414.065

Hist.: OMAP 63-2002, f. & cert. ef. 10-1-02; OMAP 71-2003, f. 9-15-03, cert. ef. 10-1-03; OMAP 63-2004, f. 9-10-04, cert. ef. 10-1-04; OMAP 27-2006, f. 6-14-06, cert. ef. 7-1-06; DMAP 25-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 34-2008, f. 11-26-08, cert. ef. 12-1-08; DMAP 8-2013(Temp), f. & cert. ef. 3-1-13 thru 8-27-13; DMAP 45-2013, f. & cert. ef. 8-26-13

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**Rule Caption:** The Authority proposes to amend rules to be consistent with 42 CFR 438.408

**Adm. Order No.:** DMAP 46-2013

**Filed with Sec. of State:** 8-26-2013

**Certified to be Effective:** 8-26-13

**Notice Publication Date:** 8-1-2013

**Rules Amended:** 410-141-0262, 410-141-3262

**Subject:** Division 141, Oregon Health Plan rules govern policies and requirements for the Coordinated Care Organizations (CCO) under Oregon's Integrated and Coordinated Health Care Delivery System. The Authority proposes to amend rules to be consistent with 42 CFR 438.408.

**Rules Coordinator:** Cheryl Peters—(503) 945-6527

## 410-141-0262

### Prepaid Health Plan Appeal Procedures

(1) A Division of Medical Assistance Programs (Division) Member or their representative that disagrees with a Notice of Action may file a Prepaid Health Plan (PHP) level appeal or request a Division administrative hearing. Division members may not be required to go through a PHP level appeal in order to request a Division administrative hearing.

(2) The PHP must have a system in place for Division member which includes an appeal process when a Division member has requested a Division administrative hearing. For purposes of this rule, an appeal includes a request to the PHP for review of an Action upon notification from the Division.

(3) An appeal must be filed with the PHP no later than 45 calendar days from the date on the Notice of Action required under OAR 410-141-0263.

(4) If the Division member initiates an appeal directly with the PHP, it shall be documented in writing by the PHP and handled as an appeal consistent with this rule. The Division member or Division member's repre-

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sentative may file an appeal with the PHP either orally or in writing and, unless he or she requests expedited resolution, must follow an oral filing with a written and signed appeal.

(5) Each PHP must adopt written policies and procedures for handling appeals that, at a minimum, meet the following requirements:

(a) Give Division members any reasonable assistance in completing forms and taking other procedural steps related to filing and resolution of an appeal or administrative hearings request. This includes, but is not limited to, providing interpreter services and toll-free numbers that have adequate Tele Typewriter (TTY)/ Telecommunications Devices for the Deaf (TTD) and interpreter capacity;

(b) Address how the PHP will accept, process and respond to such appeals, including how the PHP will acknowledge receipt of each appeal;

(c) Ensuring that Division members who receive a Notice of Action described in OAR 410-141-0263 are informed of their right to file an appeal and an administrative hearing request and how to do so;

(d) Ensuring that each appeal is transmitted timely to staff having authority to act on it;

(e) Ensuring that each appeal is investigated and resolved in accordance with these rules; and

(f) Ensuring that the individuals who make decisions on appeals are individuals:

(A) Who were not involved in any previous level of review or decision making; and

(B) Who are health care professionals who have the appropriate clinical expertise in treating the Division member's condition or disease if an appeal of a denial is based on lack of medical appropriateness or if an appeal involves clinical issues;

(g) Include a requirement for appeals to be documented in the log to be maintained by the PHP that is in compliance with OAR 410-141-0266.

(6) The PHP shall assure Division members that appeals are handled in confidence consistent with ORS 411.320, 42 CFR 431.300 et seq, the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rules, and other applicable federal and state confidentiality laws and regulations. The PHP shall safeguard the Division member's right to confidentiality of information about the appeal as follows:

(a) PHPs shall implement and monitor written policies and procedures to ensure that all information concerning a Division member's appeal is kept confidential consistent with appropriate use or disclosure as treatment, payment, or health care operations of the PHP, as those terms are defined in 45 CFR 164.501. The PHP and any practitioner whose authorization, treatment, services, items, quality of care, or request for payment is alleged to be involved in the appeal have a right to use this information for purposes of resolving the appeal and for purposes of maintaining the log required in OAR 410-141-0266 and for health oversight purposes by Division, without a signed release from the Division member. The administrative hearing regarding the appeal without a signed release from the Division member, pursuant to 410-120-1360(4);

(b) Except as provided in subsection (a) or as otherwise authorized by all other applicable confidentiality laws, PHPs shall ask the Division member to authorize a release of information regarding the appeal to other individuals. Before any information related to the appeal is disclosed under this subsection, the PHP shall have an authorization for release of information documented in the appeal file.

(7) The process for appeals must:

(a) Provide that oral inquiries seeking to appeal an action are treated as appeals (to establish the earliest possible filing date for the appeal) and must be confirmed in writing, unless the Division member or Division member's representative requests expedited resolution;

(b) Provide the Division member a reasonable opportunity to present evidence and allegations of fact or law in person as well as in writing. (The PHP must inform the Division member or the Division member's representative of the limited time available in the case of an expedited resolution);

(c) Provide the Division member and/or the Division member's representative an opportunity, before and during the appeals process, to examine the Division member's file, including medical records and any other documents or records to be considered during the appeals process; and

(d) Include as parties to the appeal the Division member, the Division member's representative, or the legal representative of a deceased Division member's estate;

(8) The PHP must resolve each appeal and provide a client notice of the appeal resolution as expeditiously as the Division member's health condition requires and within the time frames in this section:

(a) For the standard resolution of appeals and client notices to the Division member or Division member's representative, the PHP shall

resolve the appeal and provide a client notice no later than 16 calendar days from the day the PHP receives the appeal.

(b) When the PHP has granted a request for expedited resolution of an appeal, the PHP shall resolve the appeal and provide a client notice no later than 3 working days after the PHP receives the appeal. This timeframe may be extended pursuant to subsection (c) of this section;

(c) In accordance with 42 CFR 438.408, the PHP may extend the timeframes from subsections (a) or (b) of this section by up to 14 calendar days if:

(A) The Division member or Division members representative requests the extension; or

(B) The PHP shows (to the satisfaction of the Division's Hearings Unit upon its request) that there is need for additional information and how the delay is in the Division member's interest;

(d) If the PHP extends the timeframes, it must, for any extension not requested by the Division member, give the Division member or Division member's representative a written notice of the reason for the delay.

(9) For all appeals, the PHP must provide written Notice of Appeal Resolution to the Division member or their representative. If the PHP knows that there is a representative, the PHP must send a copy of the Notice to the representative. For notice on an expedited resolution, the PHP must also make reasonable efforts to provide oral notice.

(10) The written Notice of Appeal Resolution must include the following:

(a) The results of the resolution process and the date it was completed; and

(b) For appeals not resolved wholly in favor of the Division member, the notice must also include the following information:

(A) Reasons for the resolution and a reference to the particular sections of the statutes and rules involved for each reason identified in the Notice of Appeal Resolution relied upon to deny the appeal;

(B) Unless the appeal was referred to the PHP from the Division as part of an administrative hearings process, the right to request a Division Administrative Hearing, and how to do so, which includes attaching the "Notice of Hearing Rights (DMAP 3030) and the Hearing Request form (DHS 443);

(C) The right to request to receive benefits while the hearing is pending, and how to make the request; and

(D) That the Division member may be held liable for the cost of those benefits if the hearing decision upholds the PHP's Action.

(11) Unless the appeal was referred to the PHP as part of an administrative hearing process, a Division member may request a Division administrative hearing not later than 45 calendar days from the date on the Notice of Appeal Resolution. The parties to the Division administrative hearing include the PHP as well as the Division member and/or Division member's representative, or the Representative of the deceased Division member's estate.

(12) Each PHP shall establish and maintain an expedited review process for appeals, consistent with OAR 410-141-0265.

(13) Each PHP shall maintain records of appeals, enter appeals and their resolution into a log, and address the appeals in the context of quality improvement activity (OAR 410-141-0200) as required in OAR 410-141-0266.

(14) Continuation of benefits pending appeal:

(a) As used in this section, "timely" filing means filing on or before the later of the following:

(A) Within 10 calendar days of the PHP mailing the Notice of Action;

or

(B) The intended effective date of the PHP's proposed Action;

(b) The PHP must continue the Division member's benefits if:

(A) The Division member or Division member's representative files the appeal or administrative hearing request timely;

(B) The appeal or administrative hearing request involves the termination, suspension, or reduction of a previously authorized course of treatment;

(C) The services were ordered by an authorized provider;

(D) The original period covered by the original authorization has not expired; and

(E) The Division member or representative requests extension of benefits;

(c) Continuation of benefits pending administrative hearing — If, at the Division member's request, the PHP continues or reinstates the Division member's benefits while the appeal or administrative hearing is pending, the benefits must be continued pending administrative hearing pursuant to OAR 410-141-0264.



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(15) If the final resolution of the appeal or administrative hearing is adverse to the Division member, that is, upholds the PHP's Action, the PHP may recover the cost of the services furnished to the Division member while the appeal or administrative hearing was pending, to the extent that they were furnished solely because of the requirements of this section and in accordance with the policy set forth in 42 CFR 431.230(b).

(16) If the PHP or a Division administrative hearing decision reverses a decision to deny, limit, or delay services that were not furnished while the appeal was pending, the PHP must authorize or provide the disputed services promptly, and as expeditiously as the Division member's health condition requires.

(17) If the PHP or the Division administrative hearing decision reverses a decision to deny authorization of services, and the Division member received the disputed services while the appeal was pending, the PHP or the Division must pay for the services in accordance with the Division policy and regulations.

(18) If the appeal was referred to the PHP from the Division as part of an administrative hearing process, the PHP must immediately (within two business days) transmit the Notice of Appeal Resolution and the complete record of the appeal to the Division Hearings Unit.

(19) If the appeal was made directly by the Division member or Representative, and if the Notice of Appeal Resolution was not favorable to the Division member, the PHP must: Retain a complete record of the appeal for not less than 45 days so that, if an administrative hearing is requested, the record can be submitted to the Division's Hearings Unit within two business days of the Division's request.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Hist.: HR 19-1996, f. & cert. ef. 10-1-96; HR 25-1997, f. & cert. ef. 10-1-97; OMAP 50-2003, f. 7-31-03 cert. ef. 8-1-03; OMAP 35-2004, f. 5-26-04 cert. ef. 6-1-04; DMAP 22-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 10-2013(Temp), f. & cert. ef. 3-1-13 thru 8-27-13; DMAP 16-2013(Temp), f. & cert. ef. 4-10-13 thru 8-27-13; DMAP 46-2013, f. & cert. ef. 8-26-13

## 410-141-3262

### Requirements for CCO Appeal

(1) A member, their representative or a subcontractor/provider, with the member's consent, who disagrees with a notice of action (notice) has the authority to file an appeal with their CCO.

(2) For purposes of this rule, an appeal includes a request from the Division to the CCO for review of action.

(3) The member may request an appeal either orally or in writing directly to their CCO for any action by the CCO unless the member requests an expedited resolution, the member must follow an oral filing with a written, signed and dated appeal. If the member files an oral appeal, the CCO must send the member an appeal request form.

(4) The member must file the appeal no later than 45 calendar days from the date on the notice.

(5) The CCO must have written policies and procedures for handling appeals that:

(a) Address how the CCO will accept, process and respond to such appeals, including how the CCO will acknowledge receipt of each appeal;

(b) Ensure that members who receive a notice are informed of their right to file an appeal and how to do so;

(c) Ensure that each appeal is transmitted timely to staff having authority to act on it;

(d) Consistent with confidentiality requirements, ensure that the CCO's staff person who is designated to receive appeals begins to obtain documentation of the facts concerning the appeal upon receipt of the appeal;

(e) Ensure that each appeal is investigated and resolved in accordance with these rules; and

(f) Ensure that the individuals who make decisions on appeals are:

(A) Not involved in any previous level of review or decision making; and

(B) Health care professionals who have the appropriate clinical expertise in treating the member's condition or disease if an appeal of a denial is based on lack of medical appropriateness; or if an appeal involves clinical issues.

(g) Include a provision that the CCO must document appeals in an appeals log maintained by the CCO that complies with OAR 410-141-3260 and consistent with contractual requirements.

(h) Ensure oral requests for appeal an action are treated as appeals to establish the earliest possible filing date for the appeal; and

(i) Ensure the member is informed that the member must in writing unless the person filing the appeal requests expedited resolution;

(j) Provide the member a reasonable opportunity to present evidence and allegations of fact or law in person as well as in writing;

(k) Provide the member an opportunity before and during the appeals process to examine the member's file, including medical records and any other documents or records to be considered during the appeals process.

(6) Parties to the appeal Include:

(a) The CCO;

(b) The member and the member's representative, if applicable;

(c) The legal representative of a deceased member's estate.

(7) The CCO must resolve each appeal and provide the member and their representative with a notice of appeal resolution as expeditiously as the member's health condition requires and within the following periods for:

(a) Standard resolution of appeal: no later than 16 calendar days from the day, the CCO receives the appeal;

(b) Expedited resolution of appeal (when granted by the CCO): no later than three working days from the date the CCO receives the appeal. In addition, the CCO must:

(A) Inform the member and their representative of the limited time available;

(B) Make reasonable efforts to call the member to tell them of the resolution within three calendar days after receiving the request; and

(C) Mail written confirmation of the resolution to the member within three calendar days.

(c) In accordance with 42 CFR 438.408, the CCO may extend these timeframes from subsections (a) or (b) of this section up to 14 calendar days if:

(A) The member or their representative requests the extension; or

(B) The CCO shows (to the satisfaction of the Division's Hearing Unit, upon its request) that there is need for additional information and how the delay is in the member's interest.

(C) If the CCO extends the timeframes; it must for any extension not requested by the Member, give the Member or their representative written notice of the reason for the delay.

(8) For all appeals, the CCO must provide written notice of appeal resolution to the member and also to their representative when the CCO knows there is a representative for the member.

(9) The written notice of appeal resolution must include the following information:

(a) The results of the resolution process and the date the CCO completed the resolution; and

(b) For appeals not resolved wholly in favor of the member:

(A) Reasons for the resolution and a reference to the particular sections of the statutes and rules involved for each reason identified in the Notice of Appeal Resolution relied upon to deny the appeal;

(B) Unless the appeal was referred to the CCO from the Division as part of a contested case hearings process, the right to request a hearing and how to do so;

(C) The right to request to receive benefits while the hearing is pending and how to do so; and

(D) That the member may be held liable for the cost of those benefits if the hearing decision upholds the CCO's Action.

(10) Unless the appeal was referred to the CCO as part of a contested case hearing process, a member may request a hearing not later than 45 calendar days from the date on the Notice of Appeal Resolution.

(11) If the appeal was referred to the CCO from the Division as part of a contested case hearing process, within two business days from the date of the appeal resolution, the CCO must transmit the:

(a) Notice of Appeal Resolution; and

(b) Complete record of the appeal to the Division's Hearings Unit.

(12) If the appeal was made directly by the member or their representative, and the Notice of Appeal Resolution was not favorable to the member, the CCO must, if a contested case hearing is requested, submit the record to the Division's Hearings Unit within two business days of the Division's request.

(13) Documentation:

(a) The CCO's records must include, at a minimum, a log of all appeals received by the CCO and contain the following information:

(A) Member's name and Medical Care ID number;

(B) Date of the Notice;

(C) Date and nature of the appeal;

(D) Whether continuing benefits were requested and provided; and

(E) Resolution and resolution date of the appeal.

(b) The CCO must maintain a complete record for each appeal included in the log for no less than 45 days to include:

(A) Records of the review or investigation; and

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(B) Resolution, including all written decisions and copies of correspondence with the member.

(c) The CCO must review the written appeals log on a monthly basis for:

- (A) Completeness;
- (B) Accuracy;
- (C) Timeliness of documentation;

(D) Compliance with written procedures for receipt, disposition and documentation of appeals; and

(E) Compliance with OHP rules.

(d) The CCO must address the analysis of appeals in the context of quality improvement activity consistent with OAR 410-141-3200 OHP CCO Quality Improvement System and 410-141-3260 General Requirements for CCO Grievance System;

(e) The CCO must have written policies and procedures for the review and analysis of all appeals received by the CCO. The analysis of the grievance system must be reviewed by the CCO's Quality Improvement Committee consistent with contractual requirements and comply with the quality improvement standards.

Stat. Auth.: ORS 413.032

Stat. Implemented: ORS 414.065

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 10-2013(Temp), f. & cert. ef. 3-1-13 thru 8-27-13; DMAP 16-2013(Temp), f. & cert. ef. 4-10-13 thru 8-27-13; DMAP 46-2013, f. & cert. ef. 8-26-13

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**Rule Caption:** Revise Health Care-Acquired Conditions policy to include Critical Access Hospitals

**Adm. Order No.:** DMAP 47-2013

**Filed with Sec. of State:** 8-29-2013

**Certified to be Effective:** 9-3-13

**Notice Publication Date:** 7-1-2013

**Rules Amended:** 410-125-0450

**Subject:** OAR 410-125-0450 revises the Health Care-Acquired Conditions policy to include Critical Access Hospitals for reporting the present on admission indicator on inpatient hospital claims.

**Rules Coordinator:** Cheryl Peters—(503) 945-6527

## 410-125-0450

### Provider Preventable Conditions

(1) Health Care-Acquired Conditions (HCAC):

(a) Formally known as Medicare's list of "hospital acquired conditions" (HAC) that apply to inpatient hospital settings with dates of admission on or after January 1, 2011 except those hospitals exempt from the reporting requirements.

(b) For inpatient hospital admissions on or after July 1, 2012, all in-state, contiguous and non-contiguous hospitals must report health care-acquired conditions.

(A) A HCAC is a condition that is reasonably preventable and was not present or identified at the hospital admission.

(B) A "present on admission" (POA) indicator is a status code the hospital uses on an inpatient claim that indicates if a condition was present at the time the order for inpatient admission occurs. A POA indicator can also identify a condition that developed during an outpatient encounter. This includes, but is not limited to the emergency department, observation, and outpatient surgery.

(C) The Division of Medical Assistance Program (Division) shall use the most recent list of conditions identified as non-payable by Medicare. The Division may revise through addition or deletion the selected conditions at any time during the fiscal year.

(D) Diagnosis-related groups (DRG) and percentage paid hospitals must submit a POA indicator for the principal diagnosis and every secondary diagnosis code. A valid POA indicator must be included all inpatient hospital claims. Claims without a valid POA indicator shall be denied.

(E) Critical Access Hospitals (CAH) must implement the POA reporting requirements by September 1, 2013.

(F) For a complete list of HCACs and billing instructions please see the hospital supplemental guide.

(2) Other Provider-Preventable Conditions (OPPC):

(a) Applies to any health care setting, including but not limited to inpatient and outpatient hospital settings.

(b) Effective July 1, 2012 the Agency shall no longer cover the following conditions identified by the National Coverage Determinations (NCD):

(A) Wrong surgical or other invasive procedure performed on a patient;

(B) Surgical or other invasive procedure performed on the wrong body part;

(C) Surgical or other invasive procedure performed on the wrong patient.

(c) To protect the access to care the Division requires:

(A) No reduction in payment for a Provider Preventable Conditions (PPC) will be imposed on a provider when an identified PPC for a client existed prior to the initiation of treatment for that client by that provider.

(B) Reductions in provider payment may be limited to the extent that the identified PPC would otherwise result in an increase in payment; and the Division reasonably isolate for nonpayment the portion of the payment directly related to treatment for, and related to the PPC.

(3) For clients with both Medicare and Medicaid (duals) the agency may not act as secondary payer for Medicare non-payment of HCAC.

Stat. Auth.: ORS 413.042

Stat. Implemented: ORS 414.065

Hist.: DMAP 32-2010, f. 12-15-10, cert. ef. 1-1-11; DMAP 49-2011(Temp), f. 12-23-11, cert. ef. 1-1-12 thru 6-25-12; DMAP 32-2012, f. 6-29-12, cert. ef. 7-1-12; DMAP 47-2013, f. 8-29-13, cert. ef. 9-3-13

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

**Adm. Order No.:** DMAP 48-2013

**Filed with Sec. of State:** 9-12-2013

**Certified to be Effective:** 9-12-13

**Notice Publication Date:** 5-1-2013

**Rules Amended:** 410-120-0025, 410-120-0045

**Subject:** 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—(503) 945-6527

## 410-120-0025

### Administration of Division of Medical Assistance Programs, Regulation and Rule Precedence

(1) The Oregon Health Authority (Authority) and its Division of Medical Assistance Programs (Division), may adopt reasonable and lawful policies, procedures, rules and interpretations to promote the orderly and efficient administration of medical assistance programs including the Oregon Health Plan pursuant to ORS 414.065 (generally, fee-for-service), 414.651(Coordinated Care Organizations), and 414.115 to 414.145 (services contracts) subject to the rulemaking requirements of Oregon Revised Statutes and Oregon Administrative Rule (OAR) procedures.

(2) In applying its policies, procedures, rules and interpretations, the Division shall construe them as much as possible to be complementary. In the event that Division policies, procedures, rules and interpretations may not be complementary, the Division shall apply the following order of precedence to guide its interpretation:

(a) For purposes of the provision of covered medical assistance to Division clients, including but not limited to authorization and delivery of service, or denials of authorization or services, the Division, clients, enrolled providers and the Prepaid Health Plans must apply the following order of precedence:

(A) Oregon Revised Statutes governing medical assistance programs;

(B) Consistent with ORS 413.071, those federal laws and regulations governing the operation of the medical assistance program and any waivers granted the Authority by the Centers for Medicare and Medicaid Services to operate medical assistance programs including the Oregon Health Plan;

(C) Generally for Prepaid Health Plans, requirements applicable to the provision of covered medical assistance to Division clients are provided in OAR 410-141-0000 through 410-141-0860, Oregon Health Plan Administrative Rules for Prepaid Health Plans, inclusive, and where applicable, Division General Rules, 410-120-0000 through 410-120-1980, and the provider rules applicable to the category of medical service;

(D) Generally for enrolled fee-for-service providers or other contractors, requirements applicable to the provision of covered medical assistance to Division clients are provided in Division General Rules, OAR 410-120-0000 through 410-120-1980, the Prioritized List and program coverage described in 410-141-0480 to 410-141-0520, and the provider rules applicable to the category of medical service;

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(E) Any other applicable duly promulgated rules issued by the Division and other offices or units within the Oregon Health Authority or Department of Human Services necessary to administer the State of Oregon's medical assistance programs, such as electronic data transaction rules in OAR 943-120-0100 to 943-120-0200; and

(F) The basic framework for provider enrollment in OAR 943-120-0300 through 943-120-0380 generally apply to providers enrolled with the Authority or Department, subject to more specific requirements applicable to the administration of the Oregon Health Plan and medical assistance programs administered by the Authority. For purposes of this rule, "more specific" means the requirements, laws and rules applicable to the provider type and covered services described in subsections (A) – (E) of this section.

(b) For purposes of contract administration solely as between the Authority and its Prepaid Health Plans, the terms of the applicable contract and the requirements in subsection (2)(a) of this rule applicable to the provision of covered medical assistance to Division clients.

(A) Nothing in this rule shall be deemed to incorporate into contracts provisions of law not expressly incorporated into such contracts, nor shall this rule be deemed to supersede any rules of construction of such contracts that may be provided for in such contracts.

(B) Nothing in this rule gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly or indirectly or otherwise, to any person or entity unless such person or entity is identified by name as a named party to the contract.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Hist.: OMAP 39-2005, f. 9-2-05, cert. ef. 10-1-05; DMAP 6-2008(Temp), f. & cert. ef. 3-14-08 thru 9-1-08; DMAP 11-2008, f. 4-29-08, cert. ef. 5-1-08; DMAP 28-2012, f. 6-21-12, cert. ef. 7-1-12; DMAP 48-2013, f. & cert. ef. 9-12-13

## 410-120-0045

### Applications for Medical Assistance at Provider locations

(1) The Oregon Health Authority (Authority) allows Division enrolled providers the opportunity to assist patients applying for public and private health coverage offered through OHA and Cover Oregon at the provider's practice site. Once the provider is determined eligible by the Authority, providers will receive an approval letter, unique assister identification number, training requirements and other information.

(2) For purposes of this rule, the provider's practice will be referred to as a site. Sites can be, but are not limited, to the following:

(a) Hospitals;

(b) Federally qualified health centers/rural health clinics (FQHC/RHCs);

(c) County health departments;

(d) Adult and youth alcohol and drug treatment centers;

(e) Tribal health clinics;

(f) Family Planning clinics;

(g) Other primary care clinics as approved by the Authority.

(3) The site shall send all employees that will be assisting to a mandatory Authority training session for application assistance certification. Employees must pass a test provided at that training session before initiating application assistance service. At least one trained employee must be a permanent employee of the site. Sites shall ensure that individuals performing application assistance are recertified at appropriate times as set forth by the Authority. For purposes of this rule, certified staff will be referred to as "application assisters."

(4) Application assisters will log in to the Cover Oregon portal to provide enrollment assistance. In the event that the client needs require the use of a paper application, the Application assister will write the date the application was started and the assister's assigned assister identification number in the appropriate space on the application. Assistance will support patients potentially eligible for public and private health coverage offered through OHA and Cover Oregon. Sites are not under an obligation to provide medical program or Cover Oregon application assistance to individuals other than those they are providing care to. The application assister shall establish a date of request for applicants by logging into the Cover Oregon portal or writing the assister's identification number on the paper application in the appropriate place with the date the applicant requests an application. Once written on the application, the date can never be changed, altered or backdated. The inscription must include the provider's assigned application assister site code number, in addition to the date.

(5) The application assister shall encourage applicants to provide accurate and truthful information, assist in completing the application and enrollment process and shall assure that the information contained on the application is complete. The application assister shall not attempt to pre-determine applicant eligibility or make any assurances regarding the eligi-

bility for public or private health coverage offered through OHA and Cover Oregon.

(6) The application assister shall provide information to applicants about public medical programs and Cover Oregon private insurance products so applicant can make an informed choice when enrolling into a health insurance product. Language (including sign language) translators must be available if requested by applicants.

(a) The information given to the applicant shall, at a minimum, include an explanation of the significance of the date of request on the hard copy application, review of public medical programs and Cover Oregon private insurance products that are available, provide unbiased health coverage choices using filters embedded in the online application and information provided by OHA or Cover Oregon during enrollment process,, answer questions and assist in filling out online or paper application forms. The information provided at these sessions may include, but is not limited to the following:

(A) General eligibility criteria for public and private coverage accessible through OHA and Cover Oregon;

(B) Health plan choices, criteria and how to enroll in public medical programs or Cover Oregon private insurance product choices.

(b) The application assister must make copies of the original eligibility verification documentation required to accompany the application, but not uploaded to the Cover Oregon portal.

(7) The site shall log into Cover Oregon portal to track applications with which they have assisted. If site uses a hard copy application, site will use reporting process provided by Authority.

(8) Providers, staff, contracted employees and volunteers are subject to all applicable provisions under General Rules OAR chapter 410, division 120.

(a) The application assister shall treat all information they obtain for public medical programs and Cover Oregon private insurance as confidential and privileged communications. The application assister shall not disclose such information without the written consent of the individual, his or her delegated authority, attorney, or responsible parent of a minor child or child's guardian. Nothing prohibits the disclosure of information in summaries, statistical or other form, which does not identify particular individuals;

(b) The Authority and sites will share information as necessary to effectively serve public medical programs and Cover Oregon eligible or potentially eligible individuals;

(c) Personally identifiable health information about applicants and recipients will be subject to the transaction, security and privacy provisions of the Health Insurance Portability and Accountability Act (HIPAA) and the administrative rules there under. Sites will cooperate with the Authority in the adoption of policies and procedures for maintaining the privacy and security of records and for conducting transactions pursuant to HIPAA requirements.

(9) The Authority will be responsible for the following:

(a) The Authority will provide training to application assisters on public medical programs and Cover Oregon private insurance products, eligibility and enrollment, application procedures and documentation requirements. The Authority will set dates and times for these additional training classes as needed, following changes in policy or procedure;

(b) The Authority will make available public medical programs and Cover Oregon application forms online and in hard copy (in English, translated languages and alternative formats), health insurance coverage options, assister identification number instructions, reporting guidance and other necessary forms;

(c) The Authority and Cover Oregon will process all applications in accordance with Authority and Cover Oregon standards;

(d) The Authority and Cover Oregon will process completed applications, which have satisfactory verification information, within the time requirements set forth in Authority and Cover Oregon policy. In the event of a change in policy, the time for completion of processing shall be changed to the new time requirements.

(10) The Authority and Cover Oregon will provide all necessary forms and applications as referenced above at no cost to the site. There are no monetary provisions in this rule for any payment for the performance of work by the site, except for those costs provided under OAR 410-147-0400 and 410-146-0460. However, the parties acknowledge the exchange and receipt of other valuable considerations in the spirit of cooperation to the benefit of all by collaborating and authorizing the performance of the work. The Authority does not guarantee a particular volume of business under these rules.

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(11) The provider may terminate enrollment at any time as outlined in OAR 410-120-1260(14).

Stat. Auth.: 4413.042

Statutes Implemented: 414.041

Hist.: DMAP 12-2010, f. 6-10-10, cert. ef. 7-1-10; DMAP 49-2012, f. 10-31-12, cert. ef. 11-1-12; DMAP 48-2013, f. & cert. ef. 9-12-13

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## Oregon Health Authority, Office for Oregon Health Policy and Research Chapter 409

**Rule Caption:** Amendments to Patient-Centered Primary Care Home Program Rules

**Adm. Order No.:** OHP 6-2013

**Filed with Sec. of State:** 8-23-2013

**Certified to be Effective:** 9-3-13

**Notice Publication Date:** 5-1-2013

**Rules Amended:** 409-055-0030

**Subject:** The Oregon Health Authority, Office for Oregon Health Policy and Research is proposing to make amendments relating to the application and recognition process for the Primary Care Home (PCPCH) Program.

**Rules Coordinator:** Zarie Haverkate—(503) 373-1574

### 409-055-0030

#### Practice Application and Recognition Process

(1) Practices or other entities on behalf of the practice shall submit a PCPCH Recognition Process Application electronically to the Authority via the Program's online application system found on the Program website. The application shall include data per OAR 409-055-0040.

(2) The Authority shall review the application for completed data and compliance with the criteria in OAR 409-055-0040.

(3) When the PCPCH applicant meets the criteria requirements, the Authority shall deem the applicant as a Recognized PCPCH Practice and assign a Tier level.

(4) The Authority shall keep instructions and criteria for submitting a PCPCH Recognition Process Application posted on the Program website.

(5) Practices shall be notified in writing or electronically of a PCPCHs Tier score or contacted for additional information within 60 days of application submission.

(6) A practice may be denied PCPCH recognition if it does not meet the criteria in OAR 409-055-0040.

(7) Practices must file a request for review with the Program within 90 days if the practice disagrees with the calculated Tier score.

(8) PCPCHs submitting applications on or after September 3, 2013 must apply to renew their recognition once every two years. Recognition will expire two years from the effective date of recognition that was issued by the Authority. At the Authority's discretion a 30-day grace period may be allowed for PCPCHs to submit their annual renewal application without having a lapse in recognition status. If during the year, a PCPCH believes that it meets the criteria to be recognized at a higher tier, it may request to have its tier status reassessed by re-submitting an application not more than once every six months. Currently recognized PCPCHs that are due to reapply between September 3, 2013 and December 31, 2013 will be granted a grace period until January 31, 2014 to submit a renewal application without having a lapse in recognition status.

(9) The effective recognition date identified by the Authority shall be the date on which the Authority has completed the application review process.

(10) The Authority reserves the right to identify a recognition date other than the date of application review process completion.

(11) It is the intent of the Program to refine the criteria per OAR 409-055-0040 during the first two years of implementation of the Program based on PCPCH provider and stakeholder feedback. After this time, the Authority intends to move to a recognition renewal process of once every three years.

(12) Recognition requests may be sent electronically or by mail to the address posted on the Program website.

[Tables: Tables reference are available from the agency.]

Stat. Auth: ORS 413.042, 414.655 & 442.210

Stats. Implemented: 413.042, 414.655 & 442.210

Hist.: OHP 6-2011(Temp), f. 9-29-11, cert. ef. 10-1-11 thru 3-15-12; OHP 2-2012, f. 2-29-12, cert. ef. 3-1-12; OHP 7-2012(Temp), f. & cert. ef. 10-4-12 thru 4-1-13; OHP 5-2013, f. 3-22-13, cert. ef. 4-1-13; OHP 6-2013, f. 8-23-13, cert. ef. 9-3-13

**Rule Caption:** Adoption of administrative rules governing the Medicaid Primary Care Provider Loan Repayment Program

**Adm. Order No.:** OHP 7-2013

**Filed with Sec. of State:** 9-4-2013

**Certified to be Effective:** 9-4-13

**Notice Publication Date:** 8-1-2013

**Rules Adopted:** 409-037-0000, 409-037-0010, 409-037-0020, 409-037-0030, 409-037-0040, 409-037-0050, 409-037-0060, 409-037-0070, 409-037-0080

**Subject:** These rules establish standards for the implementation of the new Medicaid Primary Care Loan Repayment Program as mandated by the 2013 Legislature, Senate Bill 440. The Program provides loan repayment supports to primary care providers who commit to serving Medicaid patients in underserved areas of the State. The Program supports the Affordable Care Act and Oregon's health system transformation efforts to ensure an adequate supply of primary care providers

**Rules Coordinator:** Zarie Haverkate—(503) 373-1574

### 409-037-0000

#### Purpose

The Medicaid Primary Care Loan Repayment Program (Program) is established in the Oregon Health Authority. The purpose of the Program is to provide loan repayment supports to primary care providers who commit to serving Medicaid patients in underserved areas of the State. The Program supports the Affordable Care Act and Oregon's health system transformation efforts to ensure an adequate supply of primary care providers.

Stat. Auth.: 2013 OL Ch. 177

Stats. Implemented: 2013 OL Ch. 177

Hist.: OHP 7-2013, f. & cert. ef. 9-4-13

### 409-037-0010

#### Definitions

The following definitions apply to OAR 409-037-0000 through 409-037-0080:

(1) "Authority" means the Oregon Health Authority.

(2) "Clinical Psychologist" means an individual licensed to practice psychology pursuant to ORS 675.010 to 675.090.

(3) "Clinical Social Worker" means an individual licensed to practice clinical social work pursuant to ORS 675.510 to 675.600.

(4) "Dentist" means any individual licensed to practice dentistry pursuant to ORS Chapter 679.

(5) "Eligible provider" means a practitioner in Oregon delivering health care services to patients in Oregon, who meets the provider participation requirements of OAR 409-037-0030 and who is:

(a) A dentist in general or pediatric practice;

(b) An expanded practice dental hygienist;

(c) A physician who practices or intends to practice in the specialties of family medicine, general practice, general internal medicine, geriatrics, pediatrics, or obstetrics and gynecology;

(d) A nurse practitioner who practices or intends to practice in the specialties of adult health, women's health care; geriatrics; pediatrics; psychiatric mental health; family practice, or nurse midwifery;

(e) A physician assistant who practices or intends to practice in the specialties of family medicine, general practice, general internal medicine, geriatrics, pediatrics or obstetrics and gynecology;

(f) A general, child and adolescent, or geriatric psychiatrist;

(g) A clinical psychologist;

(h) A clinical social worker; or

(i) A Marriage or Family Therapist.

(6) "Expanded Practice Hygienist" means an individual licensed to practice dental hygiene with an expanded practice dental hygienist permit issued under ORS 680.200.

(7) "Marriage and Family Therapist or Professional Counselor" has the meaning given that term in ORS 675.715 to 675.745.

(8) "Nurse Practitioner" means any individual licensed pursuant to ORS 678.375.

(9) "Physician" means any individual licensed pursuant to ORS 677.100 to 677.228.

(10) "Physician Assistant" means any individual licensed pursuant to ORS 677.495 to 677.545.

(11) "Practice full-time" means working at least 40 hours per week, with a minimum of 32 hours per week spent providing direct patient care, averaged over the month for a minimum of 45 weeks per service year.

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Patient charting is considered a component of offering direct patient care. Telemedicine may be considered direct patient care when both the originating site (location of the patient) and the distant site (the eligible site where the provider works) are located in Oregon.

(12) "Practice part-time" means working at least 20 hours per week, with a minimum of 16 hours per week spent providing direct patient care, averaged over the month for a minimum of 45 weeks per service year. Patient charting is considered a component of offering direct patient care. Telemedicine may be considered direct patient care when both the originating site (location of the patient) and the distant site (the eligible site where the provider works) are located in Oregon.

(13) "Qualifying Loan" means one or more government or commercial loans received solely to cover the cost of post-baccalaureate health professional training, or, in the case of an expanded practice dental hygienist, undergraduate educational training. This does not include credit card loans, lines of credit, and personal loans.

(14) "Qualifying practice site" means:

(a) A rural hospital as defined in ORS 442.470;

(b) A federally certified Rural Health Clinic;

(c) A Federally Qualified Community Health Center;

(d) A site providing primary care services in an area approved as a medical, dental or mental Health Professional Shortage Area (HPSA) as defined by the federal Health Resources and Services Administration; or

(e) Another site providing primary care services to an underserved population, as determined by the Authority.

(15) "Telemedicine" means the provision of health services to patients by physicians and health care practitioners from a distance using electronic communications.

Stat. Auth.: 2013 OL Ch. 177

Stats. Implemented: 2013 OL Ch. 177

Hist.: OHP 7-2013, f. & cert. ef. 9-4-13

## 409-037-0020

### Participation and Application Requirements

(1) Program participants must agree to serve Medicaid patients in the same approximate proportion of such patients in the county or other service area, up to a maximum requirement of 15 percent of patient mix.

(2) Program participants must commit to practice either:

(a) Full-time in a qualifying practice site for at least three years. Full-time participants may request, and the Authority may extend the service period to a total of five years, depending on available funds; or

(b) Part-time in a qualifying practice site for at least five years. Part-time participants may request, and the Authority may extend the service period to a total of seven years, depending on the available funds.

(3) To qualify for consideration in the Program, a primary care provider must submit an application that:

(a) Documents the individual having, or having applied for, an unrestricted license to practice in Oregon within their discipline;

(b) Includes a signed and dated statement certifying that the individual is not currently participating in the National Health Services Corps (NHSC), Nursing Corps, or State Loan Repayment Programs or the NHSC Scholarship Program; or

(c) Documents the individual having:

(A) An employment contract with a qualifying practice site that began within the previous 24 months or an agreement to begin practice with a qualifying practice site within 120 days from the date of the application, or

(B) A sole proprietorship, Limited Liability Corporation, Limited Liability Partnership, or Professional Corporation for the purpose of providing health care that meets the definition of a qualifying practice site and that was established within the previous 24 months or will be established with 120 days from the date of application.

(d) Attests that the individual is willing to make a service commitment of at least three years work in a qualifying practice site, during which time the individual agrees to serve Medicaid patients in the same approximate proportion of the patients in the county or other service area, up to a maximum of 15 percent of patient mix; and

(e) Provides all other information required by the Program.

(4) To make a primary care provider's application complete, the sole proprietor or the qualifying practice site at which the provider works or intends to work must submit a letter of support attesting that the site meets the definition set out in OAR 409-037-0010 (14) and providing other information as requested by the Authority.

Stat. Auth.: 2013 OL Ch. 177

Stats. Implemented: 2013 OL Ch. 177

Hist.: OHP 7-2013, f. & cert. ef. 9-4-13

## 409-037-0030

### Application and Review Process

(1) As of the effective date of the filing of this proposed rule, the Program is still developing application processes. When the Authority has finalized the process, the Authority shall provide application format and submission requirements at the Program website.

(2) The Authority shall review completed applications that meet all requirements of OAR 409-037-0020.

(a) The Authority shall return incomplete applications. Completed resubmitted applications shall be processed as of the new date of receipt.

(b) The Authority shall notify applicants of the status of their completed applications within 60 days of application submission.

(3) The following factors may be considered in determining whether to accept an eligible provider for participation in the program, including but not limited to:

(a) Provider type. Providers who may be counted as primary care medical, dental, or mental health providers for federal HPSA designations may be given priority consideration for Program participation.

(b) Determined need of the area. The Authority may prioritize applications from providers who apply to practice at a qualifying practice site with a HPSA score of 10 or higher, or that serves an area or special population with a HPSA score of 10 or higher. The Authority may also prioritize provider applications based on the number of new Medicaid eligibles in the area served by the qualifying practice site as of January 1, 2014.

(c) PCPCH status. The Authority may award priority to eligible providers who will provide services in, or in affiliation with, a Patient Centered Primary Care Home (PCPCH) recognized by the State of Oregon.

(d) Duration of time in practice site, or in Oregon. Priority may be given to providers based on the duration of time they have spent at their practice site or in the state, with a priority for new providers. No more than 20 percent of all awards shall be made to providers already practicing at a qualified practice site.

Stat. Auth.: 2013 OL Ch. 177

Stats. Implemented: 2013 OL Ch. 177

Hist.: OHP 7-2013, f. & cert. ef. 9-4-13

## 409-037-0040

### Maximum Award Amounts

Program participants are eligible for a maximum loan repayment award of:

(1) Twenty percent of the balance owed on qualifying loans upon program entry, up to an annual maximum amount of \$35,000 for each year of full-time service.

(2) Ten percent of the balance owed on qualifying loans upon program entry, up to an annual maximum amount of \$17,500 for each year of part-time service.

Stat. Auth.: 2013 OL Ch. 177

Stats. Implemented: 2013 OL Ch. 177

Hist.: OHP 7-2013, f. & cert. ef. 9-4-13

## 409-037-0050

### Transfer of Medicaid Loan Repayment Provider Service Obligation

(1) In the event of a practice failure or other extenuating circumstance, a participating provider may, with Authority approval, transfer his or her service obligation to another qualifying practice site. A written transfer request must be submitted to the Authority documenting the:

(a) Need or reason for the transfer;

(b) Proposed new qualifying practice site; and

(c) The name of the director at the proposed new practice site.

(2) Along with the written transfer request, the participating provider must submit:

(a) A letter from the original practice site releasing the eligible provider from any employment contract (if applicable) and providing an explanation for the termination of employment. The Authority may waive this requirement if the original practice site is in non-compliance with federal requirements, federal or state law, or these rules.

(b) An employment contract with the new qualifying practice site, a letter of intent from the new qualifying practice site to employ the provider, or documentation of the provider having established a sole proprietorship, Limited Liability Corporation, Limited Liability Partnership, or Professional Corporation that meets the definition of a qualifying practice site.

(3) The new practice site, in collaboration with the provider, must:

(a) Submit a letter of support documenting the site meets the definition in OAR 409-037-0010 (14) and providing other information as requested by the Authority.

# ADMINISTRATIVE RULES

(b) Provide confirmation that the site will cooperate with the provider to comply with the monitoring and follow-up requirements set forth in these rules.

Stat. Auth.: 2013 OL Ch. 177  
Stats. Implemented: 2013 OL Ch. 177  
Hist.: OHP 7-2013, f. & cert. ef. 9-4-13

## 409-037-0060

### Suspension or Waiver of Minimum Service Obligation

(1) The Authority may agree to suspend a participating provider's service obligation under circumstances it deems appropriate, including, but not limited to parental leave, medical leave, military service leave, or other factors beyond a provider's control. During the time of suspension, awards are also suspended.

(2) A participant requesting a suspension of minimum service obligation shall make a written request to the Authority, citing the reasons and providing documentation of the circumstances.

(3) The Authority may waive all or part of the minimum service obligation under the following circumstances:

(a) Upon receipt of written documentation acceptable to the Authority of the death of the participant;

(b) Upon receipt of written documentation acceptable to the Authority of the total and permanent disability of the participant; or

(c) Upon receipt of documentation of other significant changes in life circumstances that are out of the control of the participant and that the Authority determines warrant a waiver of service commitment.

(4) If all or part of the minimum service obligation is waived, the Authority may not impose any penalty for failure to meet the obligation.

Stat. Auth.: 2013 OL Ch. 177  
Stats. Implemented: 2013 OL Ch. 177  
Hist.: OHP 7-2013, f. & cert. ef. 9-4-13

## 409-037-0070

### Failure to Comply; Penalties

(1) A participant who fails to complete the minimum service obligation in a qualifying practice site and does not receive a waiver shall be considered to have breached the terms of the loan repayment program. The Authority shall impose a penalty on any such provider in an amount up to the sum of:

(a) The total paid on behalf of the participant for loan repayments for any periods of obligated service not served;

(b) \$7,500 for each month of the minimum service period not completed according to the terms of the obligation; and

(c) Interest on the above amounts at the maximum prevailing rate, as determined by the Oregon Department of Revenue, calculated from the date of breach until full repayment has been made.

(2) Any amount determined to be due under this section shall be collected by the Collections Unit in the Oregon Department of Revenue under ORS 293.250.

(3) A participant may appeal decisions made by the Authority under the provisions of ORS Chapter 183.

Stat. Auth.: 2013 OL Ch. 177  
Stats. Implemented: 2013 OL Ch. 177  
Hist.: OHP 7-2013, f. & cert. ef. 9-4-13

## 409-037-0080

### Monitoring and Follow-up Requirements

To maintain participation in the Program, an eligible provider must:

(1) Notify the Authority immediately upon beginning work at a qualifying practice site.

(2) Promptly submit semi-annual reports signed by the provider and the administrator of the qualifying practice site verifying the provider's employment, or licensed business, in the case of a sole provider, and providing any additional information as requested by the Authority, including but not limited to:

(a) Provider's caseload (panel size or equivalent);

(b) Provider's Medicaid caseload;

(c) Provider full time equivalent (FTE) status; and

(d) Number and percentage of practice site's patients who are Medicaid beneficiaries.

(3) The first report is due six months after employment begins, and every six months thereafter, until the term of the contract is complete.

(4) Notify the Authority immediately of any change in employment or practice status.

Stat. Auth.: 2013 OL Ch. 177  
Stats. Implemented: 2013 OL Ch. 177  
Hist.: OHP 7-2013, f. & cert. ef. 9-4-13

## Oregon Health Insurance Exchange Chapter 945

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

**Adm. Order No.:** OHIE 5-2013

**Filed with Sec. of State:** 8-19-2013

**Certified to be Effective:** 8-19-13

**Notice Publication Date:** 7-1-2013

**Rules Amended:** 945-030-0030, 945-030-0040

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

**Rules Coordinator:** Gregory Jolivet—(503) 373-9406

## 945-030-0030

### Annual Administrative Charge on Insurers

(1) Effective January 1, 2014, each health insurer offering qualified health plans through the Exchange shall pay a monthly administrative charge equal to \$9.38 times the number of members enrolled through the Exchange in that month.

(2) Effective January 1, 2014, each health insurer offering standalone dental plans through the Exchange shall pay a monthly administrative charge equal to \$0.93 times the number of members enrolled through the Exchange in that month.

(3) If the total charges collected exceeds the maximum amount permissible under ORS 741.105, Cover Oregon will return excess funds to carriers on a pro-rata basis no later than the end of the 2nd quarter of the next calendar year.

Stat. Auth.: ORS 741.002  
Stats. Implemented: ORS 741.105  
Hist.: OHIE 1-2013, f. & cert. ef. 3-18-13; OHIE 3-2013(Temp), f. & cert. ef. 5-28-13 thru 11-22-13; OHIE 5-2013, f. & cert. ef. 8-19-13

## 945-030-0040

### Assessment and Collection of Administrative Charge on Insurers

(1) The Exchange shall assess the administrative charge on or before the 10th business day of each month.

(2) Each insurer's monthly administrative charge will be based on the number of members enrolled through the Exchange in that month. The administrative charge will be adjusted for any changes to prior months enrollment.

(3) The administrative charge is due in full to the Exchange on the last business day of the month assessed.

(4) For any month in which the insurer does not make full payment within 10 days following the last business day of that month, the Exchange shall impose a late payment charge of 1 percent of the amount due.

(5) If an insurer fails to pay the administrative charge, the Board may:

(a) Close that insurer's Exchange plans to new enrollment until all outstanding charges are paid; and/or

(b) De-certify that insurer's qualified health plans and/or standalone dental plans.

Stat. Auth.: ORS 741.002  
Stats. Implemented: ORS 741.105  
Hist.: OHIE 1-2013, f. & cert. ef. 3-18-13; OHIE 3-2013(Temp), f. & cert. ef. 5-28-13 thru 11-22-13; OHIE 5-2013, f. & cert. ef. 8-19-13

## Oregon Health Licensing Agency Chapter 331

**Rule Caption:** Amend fee to decrease from \$700 to \$350 due to change in license renewal.

**Adm. Order No.:** HLA 13-2013(Temp)

**Filed with Sec. of State:** 8-21-2013

**Certified to be Effective:** 8-23-13 thru 2-19-14

**Notice Publication Date:**

**Rules Amended:** 331-440-0000

**Subject:** Amend initial and renewal license fee by decreasing fees from \$700 to \$350 due to license renewal date change from two years to one year. In July 2013 the Board of Denture Technology amended administrative rules changing license from a two-year license period to a one-year license period. Inadvertently the fee for initial licensure and renewal was not reduced by half.

**Rules Coordinator:** Samantha Patnode—(503) 373-1917

# ADMINISTRATIVE RULES

## 331-440-0000

### Fees

(1) Applicants and licensees are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding the payment of fees, penalties and charges.

(2) Fees established by the Oregon Health Licensing Agency are as follows:

(a) Application:

(A) License: \$350.

(B) License by reciprocity: \$450.

(C) Temporary license: \$50

(b) Examination:

(A) Oregon laws & rules: \$50.

(B) Written: \$350.

(C) Practical: \$650.

(c) Original issuance:

(A) License: \$350

(B) Temporary license: \$50

(d) Renewal:

(A) License: \$350

(B) Temporary license: \$50

(e) Delinquent (late) renewal of license: \$25 for the first month in expired status, and \$10 each month thereafter while in an expired status.

(f) Replacement of license, including name change: \$25.

(g) Duplicate license document: \$25 per copy with maximum of three.

(h) Affidavit of licensure: \$50.

(i) An additional \$25 Administrative Processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

Stat. Auth.: ORS 676.605, 676.615 & 680.525

Stats. Implemented: ORS 676.605, 676.615 & 680.525

Hist.: HD 11-1979(Temp), f. & ef. 8-23-79; HD 2-1980, f. & ef. 2-14-80; HD 11-1981(Temp), f. & ef. 7-15-81; HD 9-1985(Temp), f. & ef. 5-24-85; HD 15-1985, f. & ef. 9-4-85; HD 25-1988(Temp), f. & cert. ef. 11-1-88; HD 4-1989, f. & cert. ef. 6-1-89; HD 13-1991(Temp), f. & cert. ef. 9-30-91; HD 3-1992, f. & cert. ef. 3-25-92; HD 22-1993, f. 12-30-93, cert. ef. 1-1-94; HDLP 3-1998, f. 6-26-98, cert. ef. 7-1-98, Renumbered from 333-020-0035; HDLP 1-2001, f. 3-21-01, cert. ef. 4-1-01; HLO 3-2003, f. 5-6-03, cert. ef. 5-15-03; HLO 2-2004, f. 6-29-04, cert. ef. 7-1-04; HLO 2-2005, f. 12-15-05, cert. ef. 1-1-06; HLA 5-2008, f. 9-15-08, cert. ef. 10-1-08; Renumbered from 331-405-0030, HLA 9-2013, f. & cert. ef. 7-1-13; HLA 13-2013(Temp), f. 8-21-13, cert. ef. 8-23-13 thru 2-19-14

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## Oregon Housing and Community Services Department Chapter 813

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

**Adm. Order No.:** OHCS 17-2013

**Filed with Sec. of State:** 9-4-2013

**Certified to be Effective:** 9-4-13

**Notice Publication Date:** 7-1-2013

**Rules Amended:** 813-007-0005, 813-007-0040

**Rules Repealed:** 813-007-0005(T), 813-007-0040(T)

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

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

**Rules Coordinator:** Sandy McDonnell—(503) 986-2012

## 813-007-0005

### General Purpose

OAR chapter 813, division 007 is adopted to implement section 9, chapter 816, Oregon Laws 2009, and sections 2, 3 and 4, chapter 619, Oregon Laws 2005, as amended by sections 10 to 12, chapter 816, Oregon Laws 2009, and sections 19, and 21, chapter 503, Oregon Laws 2011 for the purpose of regulating manufactured dwelling parks. These rules pertain to:

- (1) Manufactured dwelling park advisory committee.
- (2) Annual registration procedures.
- (3) Annual registration charges.
- (4) Annual registration notification reminders.
- (5) Annual registration changes.
- (6) Manufactured dwelling park continuing education requirements.
- (7) Continuing education notification reminders.

(8) Approval of statewide nonprofit trade association trainers.

(9) Civil penalty assessment for noncompliance.

(10) Liens for noncompliance.

(11) Contested case hearings.

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

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

Hist.: OHCS 1-2010, f. & cert. ef. 1-7-10; OHCS 2-2013(Temp), f. & cert. ef. 3-21-13 thru 9-17-13; OHCS 17-2013, f. & cert. ef. 9-4-13

## 813-007-0040

### Manufactured Dwelling Park Continuing Education Requirements

(1) At least one person for each manufactured dwelling park who has authority to manage the premises of the park shall, every two years, complete four hours of continuing education satisfactory to the department relating to the management of manufactured dwelling parks. The training must be completed by personally attending classes and cannot be satisfied by remote, self-study or online training.

(2) The following apply for a person whose continuing education is required:

(a) If there is any manager or owner who lives in the park, the person completing the continuing education must be a manager or owner who lives in the park.

(b) If no manager or owner lives in the park, the person completing the continuing education must be a manager who lives outside the park, or if there is no manager, an owner of the park.

(c) A manager or owner may satisfy the continuing education requirement for more than one park that does not have a manager or owner who lives in the park.

(3) If a person becomes the manufactured dwelling park manager or owner who is responsible for completing continuing education, and the person does not have a current certificate of completion issued under 813-007-0040(4)(d), the person shall complete the continuing education requirement by taking the next regularly scheduled continuing education class or by taking a continuing education class held within 75 days.

(4) The department will ensure that:

(a) Continuing education classes are offered at least once every six months;

(b) Continuing education classes are offered by a statewide nonprofit trade association in Oregon representing manufactured housing interests and approved by the department;

(c) Continuing education classes have at least one-half of the class instruction on one or more of the provisions of ORS Chapter 90, 105.105 to 105.168, fair housing law or other law relating to landlords and tenants;

(d) Continuing education providers provide a certificate of completion to all attendees; and

(e) Continuing education providers provide the department with the following information:

(A) The name and title (owner or manager) of each person who attends a class;

(B) The name of the attendee's manufactured dwelling park;

(C) The city or county in which the attendee's park is located;

(D) The date of the class; and

(E) The names of the persons who taught the class.

(5) The department, a trade association or instructor is not responsible for the conduct of a manufactured dwelling park landlord, manager, owner or other person attending a continuing education class under this section. This section does not create a cause of action against the department, a trade association or instructor related to the continuing education class.

(6) The owner of a manufactured dwelling park is responsible for ensuring compliance with the continuing education requirements in this section.

Stat. Auth.: 2005 OL Ch. 619, Sec. 2, 3 & 4, 2009 OL Ch. 816 & 2011 OL Ch. 503, Sec. 19

Stats. Implemented: 2009 OL Ch. 816, 2011 OL Ch. 503 & 2011 OL Ch. 503, Sec. 19

Hist.: OHCS 1-2010, f. & cert. ef. 1-7-10; OHCS 2-2013(Temp), f. & cert. ef. 3-21-13 thru 9-17-13; OHCS 17-2013, f. & cert. ef. 9-4-13

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## Oregon Liquor Control Commission Chapter 845

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

**Adm. Order No.:** OLCC 6-2013

**Filed with Sec. of State:** 8-26-2013

**Certified to be Effective:** 9-1-13

**Notice Publication Date:** 6-1-2013

**Rules Adopted:** 845-015-0205

# ADMINISTRATIVE RULES

**Subject:** This new rule 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. In August of 2010, the Commission established a Satellite Liquor Stores Pilot Program. 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 a small, 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. This new rule provides a means of continuing these operations after the expiration of their respective Pilot Program Agent Agreements and establishing additional regular Satellite Liquor Stores in other locations.

**Rules Coordinator:** Annabelle Henry—(503) 872-5004

## 845-015-0205

### Satellite Liquor Stores

(1) Satellite Liquor Stores are non-exclusive retail liquor stores located in smaller communities where there is a fluctuating, seasonal demand for an additional small outlet due to tourism or other similar factors.

(2) A Satellite Retail Sales Agent is an agent who currently operates a retail liquor store (the Primary Liquor Store) in proximity to the community where a Satellite Liquor Store is located and who is appointed to operate the Satellite Liquor Store.

(3) Factors Considered when Siting Satellite Liquor Stores. The Commission will consider the following factors in determining the locations of Satellite Liquor Stores:

(a) Population fluctuations, changes in consumer traffic patterns, and/or increased demand within a community during seasonal or peak periods due to tourism or other similar factors;

(b) Distance of the proposed Satellite Liquor Store from existing liquor store(s);

(c) Community proximity of the proposed Satellite Liquor Store to the Primary Liquor Store;

(d) Sales volume of the Satellite Retail Sales Agent's Primary Liquor Store;

(e) Anticipated ability of the Satellite Liquor Store to accommodate seasonal, fluctuating demand (through operating days/hours, product mix, etc);

(f) Size of Satellite Liquor Store, including retail floor space and storage space. A Satellite Liquor Store may carry no more than 70 percent of the products carried in the Primary Liquor Store, as measured by SKUs;

(g) The ability of the Satellite Retail Sales Agent to negotiate acceptable terms for the Satellite Liquor Store location.

(4) All statutes and administrative rules governing retail sales agents will apply to a Satellite Liquor Store, with the following exceptions:

(a) OAR 845-015-0110 (1)(d) Establishment of a Retail Liquor Store;

(b) OAR 845-015-0120 Retail Sales Agent Selection Procedure;

(c) OAR 845-015-0140 Hours and Days of Operation;

(d) OAR 845-015-0190 Resignation Buy-Out Program for Retail Liquor Agents does not apply if a Satellite Liquor Store Agent ceases to operate the Satellite Liquor Store but continues to operate the Primary Liquor Store. However, if the agent resigns from both the Primary Liquor Store and the Satellite Liquor Store, the buy-out shall apply to both stores.

(5) The Retail Operations Manual, including any Satellite Liquor Store Appendix, and all other relevant Commission policies will apply to a Satellite Liquor Store unless otherwise provided in the Retail Sales Agent Agreement.

(6) Satellite Retail Sales Agents will promptly provide the Commission with any and all data related to the operation of the Satellite Liquor Store as specified in the Retail Sales Agent Agreement and the Retail Operations Manual.

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

Stats. Implemented: ORS 471.750

Hist.: OLCC 6-2013, f. 8-26-13, cert. ef. 9-1-13

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

**Adm. Order No.:** OLCC 7-2013

**Filed with Sec. of State:** 8-28-2013

**Certified to be Effective:** 10-1-13

**Notice Publication Date:** 6-1-2013

## Rules Amended: 845-009-0140

**Subject:** 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 section (3) or (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—(503) 872-5004

## 845-009-0140

### Age Verification Equipment

(1) As used in this rule: "Retail licensee" and "licensee" mean a retail licensee as defined in ORS 471.392;

(2) In order to qualify for the credit provided under section (3) or (4) of this rule, age verification equipment must meet all of the following standards:

(a) The equipment must trigger an age verification process or the equipment itself must verify the age. In either case, the equipment must indicate to the licensee or employee if the customer is of legal age to purchase alcoholic beverages;

(b) The equipment must have a memory function and must be capable of producing a hard copy printout of the results of any verification transaction within the last seven days, either directly from the equipment or through a computer;

(c) The equipment must be able to perform the age verification function for identification from all states in the United States, via either the equipment reading the identification automatically or manual entry of the information; and

(d) The equipment must have the capacity to be updated or upgraded.

(3) For the first or second violation of ORS 471.410(2) or 845-006-0335(1) in a two-year period, the licensee may choose to purchase age verification equipment in lieu of the standard first level Category III sanction, not to exceed 10 days of the suspension or \$1650 of the civil penalty. The licensee is responsible for paying or serving any portion of the sanction charged in excess of the standard sanction.

(4) For the first or second violation of ORS 471.410(2) or 845-006-0335(1) in a two-year period by a member of the Responsible Vendor Program, the licensee may choose to purchase age verification equipment in lieu of the standard Category III(a) sanction. The licensee is responsible for paying or serving any portion of the sanction charged in excess of the standard sanction.

(5) A licensee may choose this option only one time per license. If the licensee previously purchased equipment, the Commission may allow the licensee to use the purchase of the equipment in lieu of paying up to \$1650 of the civil penalty or serving up to 10 days of the suspension, if the licensee has not previously received this option.

(6) In order to receive the credit under this rule, the licensee must be using the age verification equipment within the timeframe specified in either the Request to Exercise Age Verification Equipment Option form or a settlement agreement; otherwise the licensee is responsible for the full sanction.

(7) A licensee who has received a credit under this rule for age verification equipment is expected to maintain the equipment in working order and to use the equipment to verify age as OAR 845-006-0335 requires.

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

Stats. Implemented: ORS 471.342

Hist.: OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01; OLCC 5-2003, f. 3-31-03 cert. ef. 4-1-03; OLCC 9-2006, f. 7-19-06, cert. ef. 8-1-06; OLCC 9-2011, f. & cert. ef. 11-1-11; OLCC 7-2013, f. 8-28-13, cert. ef. 10-1-13

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## Oregon State Lottery Chapter 177

**Rule Caption:** Revises probability of winning tables for the Division 2, 3, and 4 Megabucks prizes

**Adm. Order No.:** LOTT 3-2013(Temp)

**Filed with Sec. of State:** 8-29-2013

**Certified to be Effective:** 8-29-13 thru 2-14-14

**Notice Publication Date:**

**Rules Amended:** 177-075-0040



# ADMINISTRATIVE RULES

**Subject:** The proposed temporary rule revises the probability of winning tables for the Division 2, 3, and 4 Megabucks prize categories to make them more precise.

**Rules Coordinator:** Mark W. Hohlt—(503) 540-1417

**177-075-0040**

## **Probability of Winning**

(1) The following table sets forth the probability of winning and the probable distribution of winners in and among each prize category, based upon the total number of possible combinations of six drawn from a field of 48 numbers. [Table not included. See ED. NOTE.]

(2) In the event there is no Megabucks Division 2 or 3 prize winner, the Megabucks Plus Kicker Division 2 prize shall be \$3200 and the Division 3 prize shall be \$160.

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

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

Stats. Implemented: ORS 461.220

Hist.: SLC 11-1985(Temp), f. & ef. 10-24-85; SLC 6-1986, f. & ef. 3-5-86; SLC 12-1986, f. 5-28-86, ef. 6-1-86; LC 10-1989(Temp), f. 4-25-89, cert. ef. 4-30-89; LC 11-1989, f. & cert. ef. 7-6-89; LC 9-1990, f. 7-20-90, cert. ef. 8-5-90; LC 10-1990(Temp), f. & cert. ef. 8-21-90; LC 13-1990, f. & cert. ef. 11-1-90; LC 2-1993, f. & cert. ef. 2-25-93; LC 3-1995, f. & cert. ef. 4-27-95; LOTT 8-2001(Temp), f. & cert. ef. 5-18-01 thru 11-9-01; LOTT 11-2001, f. & cert. ef. 8-7-01; LOTT 3-2013(Temp), f. & cert. ef. 8-29-13 thru 2-14-13

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**Oregon University System,  
Eastern Oregon University  
Chapter 579**

**Rule Caption:** Repeal of the Eastern Oregon University Complaint and Grievance Procedures.

**Adm. Order No.:** EOU 4-2013

**Filed with Sec. of State:** 9-6-2013

**Certified to be Effective:** 9-6-13

**Notice Publication Date:** 8-1-2013

**Rules Repealed:** 579-010-0006, 579-010-0011, 579-010-0016, 579-010-0021, 579-010-0026, 579-010-0030, 579-010-0035, 579-010-0040

**Subject:** The proposed repeal of Eastern Oregon University (EOU) Grievance Procedures will allow EOU to establish a more clearly articulated student grievance procedure. Grievance procedures pertaining to employment are identified in both negotiated contracts and university handbook. Grievance procedures pertaining to discrimination, including sexual harassment is outlined in the EOU Affirmative Action plan and the Sexual Harassment policy.

**Rules Coordinator:** Teresa Carson-Mastrude—(541) 962-3773

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**Racing Commission  
Chapter 462**

**Rule Caption:** Temporary Rule to Govern the Show Pick N with Unique Ticket Jackpot Wager

**Adm. Order No.:** RC 1-2013(Temp)

**Filed with Sec. of State:** 8-20-2013

**Certified to be Effective:** 8-21-13 thru 2-17-14

**Notice Publication Date:**

**Rules Adopted:** 462-200-0635

**Subject:** Add OAR 462-200-0630 to describe the acceptable terms for a Show Pick N with Unique Ticket Jackpot wager

**Rules Coordinator:** Nancy A. Artmann—(971) 673-0211

**462-200-0635**

## **Show Pick N with Unique Ticket Jackpot**

(1) The Show Pick N with Unique Ticket Jackpot (hereinafter “Jackpot”) is a multi horse race mutuel wager consisting of a minimum of five (5) Jackpot races. Contests selected may include races from multiple race tracks. The official order of finish as posted shall determine the race outcome for purposes of this wager. The licensee offering the wager must obtain written approval from the Commission concerning the scheduling of Jackpot contests. Any changes to the approved Jackpot format require prior approval from the Commission.

(2) Wagers placed on the Jackpot shall be placed into two separate pools.

(a) Major Pool: The major pool shall receive 80% of the total amount wagered, subject to applicable takeout. The major pool shall be distributed to those selecting the first, second or third place finisher in all of the

Jackpot contests (Show Pick All). There is no carryover for the major pool. If there are no tickets correctly selecting a first, second or third place finisher in all of the Jackpot contests, the pool shall be distributed to those who selected a first, second or third place finisher in the greatest number of contests.

(b) Minor Pool: The minor pool shall receive 20% of the total amount wagered, subject to allowable takeout. The minor pool shall be distributed to the holder of a “Unique” ticket that selected the first place finisher in all of the Jackpot races. A “Unique” winning ticket shall exist when the total amount wagered on a winning combination selecting the first place finisher in each of the selected Jackpot races is equal to the minimum allowable wager. (e.g. 20 cents if the base wager is \$1.00) If there is not a “Unique” ticket for the minor pool, the net amount in the pool shall be added (carried over) to the minor pool offered at the next scheduled Jackpot event. A single ticket holder possessing multiple winning tickets, even if they are the only winning tickets, will not be deemed to have a “Unique” ticket and the Jackpot shall carryover as prescribed in these rules.

(3) If there is a dead heat for first in any of the Jackpot contests then both horses will be considered winners for Jackpot purposes. Any tickets including both dead heat winners will be considered two separate tickets for the purposes of identifying unique tickets for the Jackpot pool.

(4) If any betting interest is scratched, excused or determined to be a non-starter after the wager has been placed in the Jackpot, the actual favorite, as evidenced by the total amounts wagered in the Win pool at the host race meet licensee for the contest at the close of wagering for that contest, shall be substituted for the scratched betting interest for all purposes. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the favorite betting interest with the lowest program number.

(5) If there is a scratch after the first race in the Jackpot, the betting favorite as determined by the host track’s win pool will be substituted for the scratched horse. Any tickets including both the scratched horse and the betting favorite will be considered two separate, non-unique tickets for the purposes of identifying unique tickets for the Jackpot pool.

(6) The Jackpot pool shall be cancelled and all Jackpot wagers for the individual event shall be refunded if:

(a) If one or more races included in the Jackpot sequence is cancelled or declared “no contest”.

(b) If any of the races in the Jackpot scheduled after the first leg end up being priced and made official prior to the first leg in the Jackpot being priced and made official.

(7) Mandatory payout days: After the Jackpot carryover (Minor Pool) pool reaches \$500,000; the next Jackpot event will require a mandatory payout.

(8) When the Jackpot converts to a mandatory payout, the wager will convert to a traditional Pick 5 wager with no unique ticket provision nor any Show Pick All payout. The Jackpot pool will be distributed to the tickets selecting the winner in the greatest number of contests. In the rare occurrence that no tickets contained a winning horse, the wagering for that event will be refunded and the mandatory payout will carry over to the next Jackpot event.

(9) If any of the races in the Jackpot has a surface change (For example: a race switches from Turf to Dirt), the selections and results for that race remain regardless of whether the surface change occurs before or after the first race in the Jackpot.

Stat. Auth.: ORS 462.270(3)

State. Implemented: ORS 462.270(3)

Hist.: RC 1-2013(Temp), f. 8-20-13, cert. ef. 8-21-13 thru 2-17-14

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**Real Estate Agency  
Chapter 863**

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

**Adm. Order No.:** REA 3-2013

**Filed with Sec. of State:** 9-4-2013

**Certified to be Effective:** 10-1-13

**Notice Publication Date:** 7-1-2013

**Rules Amended:** 863-015-0215

**Subject:** The Agency filed a temporary rule that became effective on May 13, 2013. The Agency filed a Notice of Rulemaking hearing on June 14, 2013 that proposed amending the rule using the language in the temporary rule. The purpose of the amendments to the existing rule is to specify the contents of the initial agency disclosure

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sure pamphlet. Real estate brokers are required by statute to provide the pamphlet to certain individuals.

After receiving comments from the public, the Agency made changes to the proposed language contained in the temporary rule. The two most significant changes were: 1) to describe the individuals who must be given an initial agency disclosure pamphlet; and 2) to more clearly define when a real estate broker or principal real estate broker must provide the pamphlet to an individual.

Under the new rule, a broker must give the pamphlet to a person who is either a prospective party to a real property transaction or who is an unrepresented party seeking representation during the course of a real property transaction. The statute requires the pamphlet to be given to such an individual "at first contact." The rule defines "at first contact" as the time the agent has sufficient contact information about a person to be able to provide an initial agency disclosure pamphlet to that person.

**Rules Coordinator:** Laurie Skillman—(503) 378-4630

## 863-015-0215

### Initial Agency Disclosure Pamphlet

(1) For purposes of this rule, "at first contact" means at the time the agent has sufficient contact information about a person to be able to provide an initial agency disclosure pamphlet to that person. Contact with a person includes, but is not limited to contacts in person, by telephone, over the Internet, by electronic mail, or by similar methods.

(2) An agent shall provide a copy of the initial agency disclosure pamphlet, which complies with section (5) of this rule, at first contact with:

- (a) A prospective party to a real property transaction; or
- (b) An unrepresented party seeking representation during the course of a real property transaction.

(3) An agent must provide the initial agency disclosure pamphlet in a written format by electronic mail, over the Internet, by USPS mail, facsimile, hand delivery or similar delivery method.

(4) 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.

(5) The initial agency disclosure pamphlet must contain:

- (a) The following information, directed to the consumer:

(A) A licensed real estate broker or principal broker must give a copy of the initial agency disclosure pamphlet at first contact with a prospective party to a real property transaction or at first contact with an unrepresented party seeking representation during the course of a real property transaction.

(B) A licensed real estate broker or principal broker 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 broker.

(C) The pamphlet describes the legal relationship between a broker and a consumer when the broker acts as the consumer's agent; and

(D) 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.

(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."

(6) The Real Estate Agency will make available a sample of an initial agency disclosure pamphlet that complies with section (5) 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 2-2013(Temp), f. & cert. ef. 5-13-13 thru 11-9-13; REA 3-2013, f. 9-4-13, cert. ef. 10-1-13

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**Secretary of State,  
Corporation Division  
Chapter 160**

**Rule Caption:** Notaries Public

**Adm. Order No.:** CORP 2-2013

**Filed with Sec. of State:** 8-30-2013

**Certified to be Effective:** 9-1-13

**Notice Publication Date:** 7-1-2013

**Rules Adopted:** 160-100-0125

**Rules Amended:** 160-100-0000, 160-100-0010, 160-100-0020, 160-100-0030, 160-100-0040, 160-100-0100, 160-100-0110, 160-100-0120, 160-100-0130, 160-100-0140, 160-100-0150, 160-100-0160, 160-100-0170, 160-100-0200, 160-100-0210, 160-100-0220, 160-100-0230, 160-100-0240, 160-100-0301, 160-100-0310, 160-100-0320, 160-100-0330, 160-100-0340, 160-100-0350, 160-100-0360, 160-100-0400, 160-100-0410, 160-100-0420, 160-100-0430, 160-100-0500, 160-100-0510, 160-100-0600, 160-100-0610, 160-100-0620, 160-100-0700, 160-100-1000, 160-100-1010, 160-100-1020, 160-100-1030, 160-100-1040, 160-100-1050, 160-100-1060, 160-100-1070, 160-100-1080, 160-100-1090, 160-100-1100, 160-100-1105, 160-100-1110, 160-100-1120, 160-100-1130, 160-100-1140, 160-100-1150

**Subject:** These rules are updated to include electronic notarizations and electronic journals. These rules also update the notary name requirement to include the full legal name to be used for notarization, and the notary seal will be replaced with the stamping device and the stamp.

**Rules Coordinator:** Ginger Spotts—(503) 986-2333

## 160-100-0000

### Definitions

As used in chapter 219, Oregon Laws 2013, and OAR 160-100-0000 to 160-100-0700:

- (1) "Public Records Address" shall mean postal or street address.
- (2) "Days" means calendar days.
- (3) "Electronic notarial signature" means the electronic signature, as defined in section 2, ch. 219, Oregon Laws 2013, used by the notary to officially sign electronic records.
- (4) "Notary," as used in these rules, means "notary public."
- (5) "Oath of Office" in accordance with section 20, chapter 219, Oregon Laws 2013, a notary public shall keep on file an Oath of Office with the Secretary of State, affirming the notary's intent to follow the laws and constitutions of the United States of America and the State of Oregon.
- (6) "Official Misconduct" means the grounds to deny, revoke, suspend, or condition the commission of a notary public, as stated in section 22, chapter 219, Oregon Laws 2013.
- (7) "Official Stamp" or "Official Notary Stamp" means a physical image affixed to a tangible record that can be legibly reproduced by a photographic method, and that meets the description of OAR 160-100-0100; or information required under OAR 160-100-0100(3) that is attached to or logically associated with an electronic record. An official stamp does not include a stamping device, as defined in section 2, chapter 219, Oregon Laws 2013.
- (8) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- (9) "Secretary of State" means the Corporation Division of the Secretary of State's office.
- (10) "Venue" shall include both the jurisdiction of the Oregon notary public and the county in which the notarial act was performed.

Stat. Auth.: Sec. 26, ch. 219, OL 2013

Stats. Implemented: ch. 219, OL 2013

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0000; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0010

### Date of Mailing

Whenever chapter 219, Oregon Laws 2013 and OAR 160-100-0000 to 160-100-0620 require or permit a record or object to be mailed to the

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Secretary of State, the date of mailing shall be the date the record or object was actually received by the Secretary of State.

Stat. Auth.: Sec. 26, ch. 219, OL 2013  
Stats. Implemented: ch. 219, OL 2013  
Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0010; CORP 1-2007, f. 2-15-07, cert. ef. 3-1-07; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0020

### Name of Notary Public

(1) Whenever chapter 219, Oregon Laws 2013 and OAR 160-100-0000 to 160-100-1150 refer to the name of a notary public, the name shall be the legal name of the notary public as it appears on the notary public's current oath of office.

(2) For the purposes of this chapter, the legal name on the applicant's oath of office must be proven with satisfactory evidence per section 6 (2), chapter 219, Oregon Laws 2013. Unless proven otherwise, the name shall consist of the applicant's first personal name (first name), additional name(s) (middle name), and surname (family or last name).

**Example:** (a) Oregon Driver License reads, "John Alexander Smith" Applicant's name on the oath must read, "John Alexander Smith."

The applicant name may not read, "John A. Smith;" "J. Alexander Smith;" "John Smith;" "J.A. Smith;" "John Alexander;" "Smith;" "John;" "JAS;" "Alexander;" or some nickname, such as "Jack."

(b) U.S. Passport reads, "Susan M. Jones Smith."

Applicant's name must read, "Susan M. Jones Smith."

The applicant name may not read, "Susan M. J. Smith;" Susan Jones Smith;" "Sue M Jones Smith;" or other variant.

Stat. Auth.: Sec. 26, ch. 219, OL 2013

Stats. Implemented: ch. 219, OL 2013

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0020; CORP 5-2008, f. 9-15-08 cert. ef. 10-15-08; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0030

### Signature of Notary Public

(1) Whenever chapter 219, Oregon Laws 2013 and OAR 160-100-0000 to 160-100-0620 require or permit a notary public to sign his or her name, the notary public shall use the signature that is evidenced on the notary public's current oath of office, or, for electronic records, the electronic signature on file with the Secretary of State.

(2) For the purposes of this chapter, the legal signature on the notary public's oath of office must be proven with satisfactory evidence per section 6 (2), chapter 219, Oregon Laws 2013.

Stat. Auth.: Sec. 26, ch. 219, OL 2013

Stats. Implemented: ch. 219, OL 2013

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0030; CORP 5-2008, f. 9-15-08 cert. ef. 10-15-08; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0040

### Administrative Services Fees

The Secretary of State shall charge the following fees for performing the administrative services indicated:

(1) \$10 for each apostille or authentication certificate for a public official, including a notary public.

(2) \$10 for each notary public certificate of good standing.

(3) \$10 for each notarial act performed by a Corporation Division notary public.

(4) \$50 for each list of new notaries public.

(5) \$50 for each standard list of all active notaries public.

Stat. Auth.: Sec. 26, ch. 219, OL 2013

Stats. Implemented: ch. 219, OL 2013

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; Suspended by SOS-AD 2-1992(Temp), f. & cert. ef. 2-14-92; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0040; CORP 1-1994, f. 12-30-94, cert. ef. 1-1-95; CORP 7-2009, f. 12-22-09 cert. ef. 1-1-10; CORP 6-2010, f. 4-27-10, cert. ef. 5-3-10; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0100

### Description of Imprint of Official Seal

(1) The reasonably legible imprint of an official stamp of a notary public shall contain:

(a) The state seal, as described in ORS 186.020;

(b) The following words, in descending order, centered in the official stamp to the right of the state seal:

(A) The words "Official Stamp";

(B) The printed name of the notary public;

(C) The words "Notary Public — Oregon";

(D) The words "Commission No." immediately followed by the notary public's commission number;

(E) The words "My Commission Expires", immediately followed by the notary public's commission expiration date, expressed in terms of the month (spelled-out), two-digit date, and complete year.

(2) The imprint of an official stamp of a notary public on a tangible record shall be an imprint capable of being photocopied or reproduced.

(3) The official stamp of a notary public on an electronic record shall contain:

(a) The printed name of the notary public;

(b) The words "Notary Public — Oregon";

(c) The words "Commission No." immediately followed by the notary public's commission number;

(d) The words "My Commission Expires", immediately followed by the notary public's commission expiration date, expressed in terms of the month (spelled-out), two-digit date, and complete year.

**EXAMPLES:** [Examples not included. See ED. NOTE.]

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

Stat. Auth.: Sec. 26, ch. 219, OL 2013

Stats. Implemented: ch. 219, OL 2013

Hist.: SD 7-1978, f. & ef. 8-10-78; Renumbered from 165-027-0010; SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0100; CORP 2-2010, f. 1-22-10 cert. ef. 2-3-10; CORP 8-2010(Temp), f. 6-11-10, cert. ef. 7-1-10 thru 12-28-10; CORP 10-2010, f. 8-30-10, cert. ef. 9-1-10; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0110

### Use of Official Seal

(1) A notary public shall use the notary public's official stamp to perform a notarial act.

(2) A notary public shall use the notary public's official stamp

(a) For a tangible record, by placing a legible imprint of the official stamp on a notarial certificate at the time of the performance of the notarial act.

(b) For an electronic record, by attaching or logically associating it with the electronic record.

(3) A notary public shall not place an imprint of the notary public's official stamp over any signature in a record to be notarized or in a notarial certificate, or over any writing in a notarial certificate.

(4) When a notarial certificate is on a separate piece of paper attached to the tangible record to be notarized, or when there are attachments to the tangible record to be notarized, a notary public may use one additional imprint of the notary public's official stamp to mark for identification the tangible record or attachment, if the imprint does not make any part of the record or attachment illegible. The additional stamp will be partially stamped on the notarial certificate, and partially on the record or attachment to the notarized record.

(5) A notary public shall not use the notary public's official stamp for any purpose other than to perform a notarial act.

(6) A notary public shall not permit any other person to use the notary public's official stamp for any purpose.

(7) A notary public shall not use any other notary public's official stamp or any other object in lieu of the notary public's official stamp to perform a notarial act.

Stat. Auth.: Sec. 26, ch. 219, OL 2013

Stats. Implemented: ch. 219, OL 2013

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0110; CORP 8-2010(Temp), f. 6-11-10, cert. ef. 7-1-10 thru 12-28-10; CORP 10-2010, f. 8-30-10, cert. ef. 9-1-10; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0120

### Description of Official Seal Embosser

(1) Stamping device, as used in sections 2(17) and section 17, chapter 219, Oregon Laws 2013, does not include an ink-less embosser or crimper.

(2) A stamping device must be capable of affixing or logically associating the official stamp such that the record to which the official stamp is so affixed or associated may be copied, filmed, scanned, or otherwise legibly reproduced.

Stat. Auth.: Sec. 26, ch. 219, OL 2013

Stats. Implemented: ch. 219, OL 2013

Hist.: SD 7-1978, f. & ef. 8-10-78; Renumbered from 165-027-0005; SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0120; CORP 8-2010(Temp), f. 6-11-10, cert. ef. 7-1-10 thru 12-28-10; CORP 10-2010, f. 8-30-10, cert. ef. 9-1-10; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0125

### Certificate of Authorization

(1) Upon appointment as a notary public, the Secretary of State shall send to the person appointed a notarial commission certificate and a

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Certificate of Authorization with which the person appointed shall obtain an official stamp.

(2) Only upon presentation by the notary public of the Certificate of Authorization is a vendor authorized to provide the notary with the official stamp described in 160-100-0100 or an electronic stamp in described in 160-100-0140.

(3) Subject to the procedures set forth under ORS 194.980, any vendor of official stamps who furnishes an official stamp to any person in violation of section (2) of this rule may incur a civil penalty in the amount of \$500 per offense.

Stat. Auth.: Sec. 26, Sec. 51, Ch. 219, OL 2013  
Stats. Implemented: Sec. 26, Ch. 219, OL 2013  
Hist.: CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0130

### Use of an Embosser

(1) A notary public may use an embosser in the performance of a notarial act but only in addition to the notary public's official stamp.

(2) A notary public shall not place the embossment over any signature in a record to be notarized, or in a notarial certificate or over any writing in a notarial certificate.

(3) When a notarial certificate is on a separate piece of paper attached to the record to be notarized or when there are attachments to the record to be notarized, such as pictures, a notary public may use an embossment to mark for identification the record or attachment, if the embossment does not make any part of the record or attachment illegible.

(4) A notary public shall not use any other notary public's embosser or any other object in lieu of the notary public's official stamp to perform a notarial act.

Stat. Auth.: Sec. 26, ch. 219, OL 2013  
Stats. Implemented: ch. 219, OL 2013  
Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0130; Hist.: CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0140

### Notification of Secretary of State of the Use of Electronic Notarization

(1) A notary public who wishes to perform notarial acts with respect to electronic records shall file the following information with the Secretary of State before such notarization:

- (a) Commission name
- (b) Commission number
- (c) Public records address
- (d) Email address
- (e) Name of technology vendor
- (f) Contact information for vendor
- (g) Website for vendor

(h) A statement under penalty of perjury that the method of electronic notarization meets the July 13, 2011 National Electronic Notarization Standards adopted by the National Association of Secretaries of State. For the purposes of this statement, the notary may rely on a vendor's declaration that the technology does meet these standards.

(i) An exemplar of a notarized record that includes the notary's official stamp, the electronic notarial signature, and the electronic notarial certificate. The exemplar shall be a generic sample and not an actual notarized private record.

(2) The example provided in section 1 of this rule must be an electronic file submitted in a PDF format.

(3) In addition to any other technologies used in attaching the electronic notarial signature, the signature must include a graphic reproduction of the notary's handwritten signature on file with the Secretary of State.

(4) In addition to any other technologies and information the notary's official stamp, as evidenced by an official Certificate of Authorization issued by the Secretary of State, shall be logically associated with the notarial certificate and underlying record.

(5) The notice under this rule shall be emailed to the Secretary of State using the form provided to the notary public.

Stat. Auth.: Sec. 26, Sec. 51, Ch. 219, OL 2013  
Stats. Implemented: Sec. 26, Ch. 219, OL 2013  
Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0140; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0150

### Certificate of Authorization

(1) A Certificate of Authorization to obtain a stamp will be emailed to the notary in PDF form upon the acceptance of the notary's Oath of Office by the Secretary of State.

(a) In order to obtain a stamp for tangible and electronic records, the Certificate of Authorization shall be submitted by the notary to the stamp vendor, so that the vendor will know:

- (A) the notary is commissioned by the State of Oregon
- (B) the requirements of the stamp, and
- (C) the commission information required to be on the stamp.

(b) Except as provided in (1)(a), the notary public shall be required to keep the Certificate of Authorization secure from access by non-authorized persons.

(2) A notary public whose Certificate of Authorization to Obtain a Stamp is lost, misplaced, destroyed or otherwise unavailable may file with the Secretary of State a written request, under oath or affirmation, for a replacement Certificate of Authorization.

(3) The request shall set forth:

(a) A statement of whether the Certificate of Authorization is lost, misplaced, destroyed or in some other manner made unavailable;

(b) An explanation of how the Certificate of Authorization became unavailable;

(c) The date the notary public discovered that the Certificate of Authorization was unavailable;

(d) If lost or misplaced, a statement that the notary public does not possess the Certificate of Authorization and does not know who possesses it or where it is located;

(e) A request that the Secretary of State issue a new Certificate of Authorization to the notary public.

(4) The Secretary of State shall issue a replacement Certificate of Authorization to the notary public.

Stat. Auth.: Sec. 26, Sec. 51, Ch. 219, OL 2013  
Stats. Implemented: Sec. 26, Ch. 219, OL 2013  
Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0150; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0160

### Notification of Secretary of State That Stamping Device is Unavailable

(1) A notary public whose stamping device is lost, misplaced or stolen shall personally deliver or mail to the Secretary of State a written statement, under oath or affirmation, within ten days after the date the notary public discovers that the stamping device was lost, misplaced, stolen or is otherwise unavailable.

(2) The statement shall include:

(a) A statement of whether the stamping device is lost, misplaced, stolen or is otherwise unavailable;

(b) The date the notary public discovered that the official stamping device was unworkable;

(c) A statement that the notary public does not possess the stamping device and does not know who possesses it or where it is located;

(d) A statement that if the notary public subsequently reacquires possession of the lost, misplaced or stolen stamping device, then the notary public shall file a statement with the Secretary of State within ten days after the date the notary public reacquires possession of the lost, misplaced, or stolen stamping device;

(e) A request that the Secretary of State issue a replacement Certificate of Authorization to the notary public.

(3) If a notary public subsequently reacquires possession of a lost, misplaced, or stolen stamping device, then the notary public shall file with the Secretary of State a written statement of explanation within ten days after the date the notary public reacquires possession of the lost, misplaced or stolen stamping device.

Stat. Auth.: Sec. 26, Sec. 51, Ch. 219, OL 2013  
Stats. Implemented: Sec. 26, Ch. 219, OL 2013  
Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0160; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0170

### Notification of Secretary of State of Change in Information

(1) A notary public must notify the Secretary of State within 30 days of any change in the information on file with the Secretary of State, including the notary's:

- (a) Legal Name
- (b) Official Signature
- (c) Public Records Address
- (d) Electronic notarization technology, in accordance with OAR 160-100-0140.
- (e) State of residency
- (f) Place of employment or practice in Oregon, if not a resident.

# ADMINISTRATIVE RULES

(2) When a notary public changes the Legal Name on file with the Secretary of State, a notarized statement evidencing the name change must be submitted, using the form prescribed by the Secretary of State.

(3) When a notary public changes the Legal Signature on file with the Secretary of State, a notarized statement evidencing the signature change must be submitted, using the form prescribed by the Secretary of State.

Stat. Auth.: ORS 194.335

Stats. Implemented: ORS 194.031

Hist.: CORP 3-2005, f. & cert. ef. 11-1-05; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0200

### Form and Content of Notarial Journal

A paper notarial journal of a notary public may be in any form that meets the physical requirements set out in this rule and the entry requirements set out in section 18 (3), chapter 219, Oregon Laws 2013:

(1) The cover and pages inside the cover shall be bound together by any binding method that is designed to prevent the insertion or removal of the cover or a page;

(2) Each page shall be consecutively numbered from the beginning to the end of the journal. If a journal provides two pages on which to record the required information about the same notarial act, then both pages may be numbered with the same number or each page may be numbered with a different number. A page number shall be preprinted;

(3) Each line(or entry if the journal is designed with numbered entry blocks) shall be consecutively numbered from the beginning to the end of the page. If a line extends across two pages, the line shall be numbered with the same number on both pages. A line or entry number shall be preprinted;

(4) A notarial journal of a notary public shall contain on the inside of the front cover or on the first page the following information in any order:

- (a) The name of the notary public;
- (b) The notary public's commission number;
- (c) The notary public's commission expiration date;
- (d) The notary public's residence or business street or mailing address;

(e) The earliest date the journal may be destroyed, which shall be ten years after the date of the last act chronicled in the journal;

(f) One of the following statements:

(A) That, in the event of the decease of this notary public, the journal shall be delivered or mailed to the Secretary of State; or

(B) That, in the event the notary public has entered into a written agreement with his/her employer pursuant to OAR 160-100-0360, the date such written agreement was entered into, the name and address of the employer and instructions that the journal shall be delivered or mailed to the employer in the event of the decease of the notary public.

(g) The meaning of any not commonly abbreviated word or symbol used in recording a notarial act in the notarial journal;

(h) The signature of the notary public;

(i) At the respective time of entry, the dates of the first and last notarial acts recorded in the notarial journal.

**EXAMPLE:** First entry on July 6, 2009, last entry on January 7, 2013.

(5) If a notary public's name, commission number, commission expiration date, or address that is written in the notarial journal changes before the notary public ceases to use the notarial journal, the notary public shall draw a single line through the old information and write the new information to the side of the old information.

Stat. Auth.: Sec. 26, ch.219, OL 2013

Stats. Implemented: Sec. 18, ch. 219, OL 2013

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0200; CORP 2-2007, f. 12-14-07 cert. ef. 1-15-08; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0210

### Form and Content of an Electronic Notarial Journal

(1) A notary may record electronic acts in a paper notarial journal, an electronic notarial journal, or both.

(2) The entry requirements set out in Section 18 (3), chapter 219, Oregon Laws 2013 shall apply also to the electronic notarial journal.

(3) In an electronic notarial journal, the signature of the signer must be:

- (a) Attached to or logically associated with the electronic journal.
- (b) Linked to the data in such a manner that any subsequent alterations to the electronic notarial journal entry are detectable and may invalidate the electronic notarial journal entry.

(3) Entries from the notarial journal must be available upon demand by the Secretary of State in a PDF format.

(4) If submission of the journal is required under these rules, the electronic journal must be submitted in a single PDF file.

Stat. Auth.: Sec. 26, ch.219, OL 2013

Stats. Implemented: Sec. 18, ch. 219, OL 2013

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0210; CORP 3-2008, f. 4-15-08, cert. ef. 5-1-08; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0220

### Notification of Secretary of State of Lost or Stolen Journal

(1) A notary public whose notarial journal is lost, misplaced, destroyed or otherwise unusable may file a written notice, under oath or affirmation, with the Secretary of State.

(2) The notice shall set forth:

(a) A statement of whether the notarial journal is lost, misplaced, destroyed or in some other manner made unusable;

(b) An explanation of how the notarial journal became unusable.

(c) The date the notary public discovered that the notarial journal was unusable.

(d) A statement that the notary public does not possess the notarial journal and does not know who possesses it or where it is located.

Stat. Auth.: Sec. 26, ch.219, OL 2013

Stats. Implemented: Sec. 18, ch. 219, OL 2013

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0220; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0230

### Additional Notarial Acts That May Be Recorded in Notarial Journal

A notary public may, but is not required to, record in a notarial journal any information about the following notarial acts performed or records notarized by the notary public:

(1) Administering an oath or affirmation;

(2) Certifying or attesting a copy of a record;

(3) Affidavits;

(4) Billing statements for media advertising;

(5) Protests of commercial paper (to be recorded as provided in ORS 194.090 and 73.0505).

(6) Verifications upon oath or affirmation.

Stat. Auth.: Sec. 26, ch.219, OL 2013

Stats. Implemented: Sec. 18, ch. 219, OL 2013

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; SOS-AD 3-1990(Temp), f. & cert. ef. 7-2-90; SOS-AD 1-1991, f. & cert. ef. 1-7-91; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0230; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0240

### Information Required to Be Recorded in Record of Protests

A notary public shall maintain a record of information about each protest of commercial paper performed by the notary public consisting of copies of source originals.

Stat. Auth.: Sec. 26, ch.219, OL 2013

Stats. Implemented: Sec. 18, ch. 219, OL 2013

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0240; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0301

### Disposition of Notarial Records Upon Suspension of Commission

(1) A notary public whose commission was suspended shall arrange for the storage of his/her notarial records, except records of protests of commercial paper (see OAR 160-100-0350), in any form and at any location. The records or any reproduction of the records must be readable and the notary public must be able to obtain possession of such records within 15 days of receipt of a request for such records.

(2) A notary public shall store such records for a period of ten years after the date of the last act chronicled in the journal. After the ten-year period, the notary public may destroy such records.

Stat. Auth.: Sec. 26, ch.219, OL 2013

Stats. Implemented: Sec. 18, ch. 219, OL 2013

Hist.: CORP 4-2010, f. 2-22-10, cert. ef. 3-1-10; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0310

### Disposition of Notarial Records Upon Termination of Commission Due to Resignation

(1) A notary public whose commission was terminated because of resignation shall arrange for the storage of his/her notarial records, except records of protests of commercial paper (see OAR 160-100-0350), in any form and at any location. The records or any reproduction of the records must be readable and the notary public must be able to obtain possession of such records within 15 days of receipt of a request for such records.

(2) A notary public shall store such records for a period of 10 years after the performance of the last Notarial act. After the ten-year period, the notary public may destroy such records.

Stat. Auth.: Sec. 26, ch.219, OL 2013

Stats. Implemented: Sec. 18, ch. 219, OL 2013

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Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0310; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0320

### Disposition of Notarial Records Upon Termination of Commission Due to Expiration

(1) A notary public whose commission was terminated because of expiration, and who has not applied for a new commission within 30 days after the date of termination, shall arrange for the storage of his/her notarial records, except records of protests of commercial paper (see OAR 160-100-0350), in any form and at any location. The records or any reproduction of the records must be readable and the notary public must be able to obtain possession of such records within 15 days of receipt of a request for such records.

(2) A notary public shall store such records for a period of 10 years after the performance of the last Notarial act. After the ten-year period, the notary public may destroy such records.

Stat. Auth.: Sec. 26, ch.219, OL 2013

Stats. Implemented: Sec. 18, ch. 219, OL 2013

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0320; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0330

### Disposition of Notarial Records Upon Termination of Commission Due to Revocation

(1) A notary public whose commission was terminated because of revocation shall file his/her notarial records with the Secretary of State within 30 days after the date of revocation.

(2) At the same time that the notary public files such records with the Secretary of State, a notary public shall file with the Secretary of State the notary public's official stamping device.

(3) The Secretary of State shall store such records for a period of ten years after the date of revocation. After the ten-year period, the Secretary of State may destroy such records. The Secretary of State shall destroy the official stamping device.

Stat. Auth.: Sec. 26, ch.219, OL 2013

Stats. Implemented: Sec. 18, ch. 219, OL 2013

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0330; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0340

### Disposition of Notarial Records Upon Termination of Commission Due to Death or Incompetency

(1) After the termination of a notary public's commission as a result of death, or the adjudication of incompetency, the notary public's personal representative, guardian, conservator, or trustee shall file the notary public's notarial records with the Secretary of State, unless the notary public entered into a written agreement with his/her employer pursuant to OAR 160-100-0360.

(2) The personal representative, guardian, conservator, or trustee may file a statement with the Secretary of State. The statement may include:

- (a) The name of the notary public;
- (b) The notary public's commission number;
- (c) The notary public's commission expiration date;
- (d) The cause of termination of the notary public's commission, i.e., the notary public is deceased;
- (e) The notary public's date of death.

(3) At the same time that the notary public's personal representative, guardian, conservator, or trustee files such record and statement with the Secretary of State, the notary public's personal representative, guardian, conservator, or trustee shall render the notary public's official stamping device unusable by destroying, defacing, damaging, erasing the device or securing it against use.

(4) The Secretary of State shall store such records for a period of ten years after the date of the last act chronicled in the journal. After the ten-year period, the Secretary of State may destroy such records.

Stat. Auth.: Sec. 26, ch.219, OL 2013

Stats. Implemented: Sec. 18, ch. 219, OL 2013

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0340; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0350

### Record of Protests of Commercial Paper

(1) A notary public whose commission terminates because of expiration, resignation or revocation, shall file his/her records of protests of commercial paper and any other notarial record relating only to protests of commercial paper with the Secretary of State within 30 days after the date of termination.

(2) At the same time that the notary public files such records with the Secretary of State, a notary public shall file a statement with the Secretary of State. The statement shall include:

- (a) The name of the notary public;
- (b) The notary public's commission number;
- (c) The notary public's commission expiration date;
- (d) The cause of termination of the notary public's commission, i.e., expiration, resignation or revocation;
- (e) The notary public's commission termination date.

(3) The Secretary of State shall store such records for a period of ten years after the date of termination. After the ten-year period, the Secretary of State may destroy such records.

Stat. Auth.: Sec. 26, ch.219, OL 2013

Stats. Implemented: Sec. 18, ch. 219, OL 2013

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0350; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0360

### Notary Public's Responsibilities When Agreement Has Been Entered Into with Employer

A notary public who has entered into an agreement with his or her employer relating to the employer's retention and disposal of the notary public's notarial records following termination of employment pursuant to section 18, chapter 219, Oregon Laws 2013 shall retain a written copy of the agreement which may be examined by the Secretary of State upon request. The agreement shall contain at least the following information:

- (1) Date agreement was entered into;
- (2) Names of parties to agreement;
- (3) Terms of agreement, including retention of records by the employer for a period not less than ten years after the date of the last act chronicled in the journal;
- (4) Signatures of all parties to agreement.

Stat. Auth.: Sec. 26, ch.219, OL 2013

Stats. Implemented: Sec. 18, ch. 219, OL 2013

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0360; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0400

### Maximum Amount of Notary Fees Permitted to be Charged

(1) Notwithstanding section 2 of this rule, a notary public shall not charge, attempt to charge, or receive a notary fee that is more than \$10 per notarial act.

(2) In accordance with Ch. 219, 2013 Oregon Laws, Section 42, a notary may also charge a fee for traveling to perform a notarial act.

Stat. Auth.: Sec. 26, ch.219, OL 2013

Stats. Implemented: Sec. 18, ch. 219, OL 2013

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0400; CORP 7-2009, f. 12-22-09 cert. ef. 1-1-10; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0410

### Displaying List of Notary Fees

A notary public who charges a fee for a notarial act shall either display a list, in English, of notary fees specified in OAR 160-100-0400 in a conspicuous location in the notary public's place of business or give a copy of the notice to any person requesting a notarial act to read before having the notarial act performed. A place of business is the notary public's residence, business office or any other location in which the notary public performs a notarial act.

Stat. Auth.: Sec. 26, ch.219, OL 2013

Stats. Implemented: Sec. 18, ch. 219, OL 2013

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0410; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0420

### Filing Statement of Waiver of Notary Fees; Withdrawing Statement of Waiver

(1) A notary public may file with the Secretary of State a statement waiving the right to charge a notary fee.

(2) If a notary public files a written statement of waiver, then the notary public shall:

- (a) Not charge, attempt to charge or receive any notary fee for a notarial act performed after the date the notary public filed the statement of waiver;
- (b) Not display a list of notary fees otherwise required by OAR 160-100-0410.

(3) If a notary public who has filed a statement of waiver wants to charge a fee to perform a notarial act, then notary public shall file with the Secretary of State a written statement withdrawing the statement of waiver

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and shall comply with the requirements of OAR 160-100-0400 and 160-100-0410.

Stat. Auth.: Sec. 26, ch.219, OL 2013  
Stats. Implemented: Sec. 18, ch. 219, OL 2013  
Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0420; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0430

### Filing Complaint Against Notary Public; Investigation of Notary Public by Secretary of State

(1) A person may file a complaint against a notary public with the Secretary of State. A complaint shall be submitted on the standard form provided by the Secretary of State, signed and dated by the person filing the complaint. A complaint that does not comply with the requirements of this section shall not be filed, responded to or acted upon by the Secretary of State.

(2) The Secretary of State may commence an investigation of a notary public as a result of information received from any source.

(3) Complaint forms received by the Secretary of State are not exempt from disclosure under Public Records Law, and shall be available to the accused notary public and others under ORS 192.410 to 192.505.

(4) Notwithstanding section (3), personal information of the complainant revealed in a notary public complaint shall not be disclosed if:

(a) The complainant can show that public disclosure thereof would constitute an unreasonable invasion of privacy, unless;

(b) In the determination of the Secretary of State, the public interest by clear and convincing evidence requires disclosure in the particular instance.

(c) "Personal information" shall, in this context, include but not be limited to the residence address, phone number and identifying information, such as Social Security Number, or driver's license. The name of the complainant and incidental information do not fall within the definition of "personal information."

(5) An investigation of the Secretary of State under sections (1) and (2) of this rule may include:

(a) An initial request for information from the accused notary;

(b) A copy of the complaint forwarded to the accused; and

(c) A request for supporting documentation and other sources of information.

(6) A notary, upon request by the Secretary of State, shall disclose the contents of the notary's journal or journals, or any parts thereof, as part of the investigative process. The notary shall provide accurate, true and complete copies of the requested information, and/or shall provide the journal in question for examination by the Secretary of State.

(7) Upon a finding by the Secretary of State, copies of the finding shall be mailed to the complainant and the accused.

(8) Failure of an accused notary to comply with Secretary of State investigation directives shall result in revocation of the commission, subject to the provisions of ORS 183.413 to 183.470.

Stat. Auth.: Sec. 26, ch.219, OL 2013  
Stats. Implemented: Sec. 18, ch. 219, OL 2013  
Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0430; CORP 1-2001, f. 6-14-01, cert. ef. 7-1-01; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0500

### Notification of Secretary of State of Conviction

Within 30 days of the notification of conviction of any felony or crime involving fraud, dishonesty or deceit by a notary public, the Secretary of State shall conduct an investigation of the notary public, in accordance with OAR 160-100-0430(2) – (8).

Stat. Auth.: Sec. 26, ch.219, OL 2013  
Stats. Implemented: Sec. 18, ch. 219, OL 2013  
Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0500; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0510

### Conviction of a Lesser Offense Incompatible with the Duties of a Notary Public

"...(A) crime involving fraud, dishonesty or deceit" as cited section 22, chapter 219, Oregon Laws 2013 and OAR 160-100-610(9) shall mean having been convicted in any court of the State of Oregon or any other state or federal jurisdiction of one of the crimes listed below or any comparable crime:

- (1) 162.075 — False swearing;
- (2) 162.085 — Unsworn falsification;
- (3) 162.235 — Obstructing governmental or judicial administration;
- (4) 162.295 — Tampering with physical evidence;
- (5) 162.305 — Tampering with public records;

- (6) 162.335 — Compounding a felony;
- (7) 162.355 — Simulating legal process;
- (8) 162.365 — Criminal impersonation;
- (9) 162.375 — Initiating a false report;
- (10) 162.385 — Giving false information to police officer for a citation;

- (11) 162.425 — Misuse of confidential information;
- (12) 165.007 — Forgery in the 2nd degree;
- (13) 165.017 — Criminal possession of a forged instrument in the 2nd degree;

- (14) 165.037 — Criminal simulation;
- (15) 165.042 — Fraudulently obtaining a signature;
- (16) 165.080 — Falsifying business records;
- (17) 165.095 — Misapplication of entrusted property;
- (18) 165.100 — Issuing a false financial statement;
- (19) 165.102 — Obtaining execution of documents by deception;
- (20) Any conviction of the offenses listed in ORS 194.990;
- (21) Any other offense of a similar nature to the above listed crimes involving fraud, dishonesty or deceit.

Stat. Auth.: Sec. 26, ch.219, OL 2013  
Stats. Implemented: Sec. 18, ch. 219, OL 2013  
Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0510; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0600

### Refusal to Issue, Revocation, Suspension, Civil Penalties and Official Warning

(1) OAR 160-100-0610 identifies official misconduct, as defined in section 22, chapter 219, Oregon Laws 2013 and names sanctions that may be taken by the Secretary of State for first acts of official misconduct, including refusing to issue, revoking, or suspending a commission, assessing a civil penalty, or issuing an official warning.

(2) The Secretary of State may assess increasingly severe sanctions up to and including a \$1500 civil penalty and revocation of a notary public's commission, where applicable, for:

(a) Failure to correct or cease official misconduct within time periods specified by the Secretary of State in a final order (final notice of assessment) or Official Warning letter;

(b) A repeated act or acts of official misconduct which occur subsequent to any previous sanction assessed by the Secretary of State for the same type of misconduct;

(c) Accumulation of more than one different notary misconducts occurring during a seven-year period.

Stat. Auth.: Sec. 26, ch.219, OL 2013  
Stats. Implemented: Sec. 18, ch. 219, OL 2013  
Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0600; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0610

### Conduct Which Constitutes Official Misconduct

The following conduct constitutes official misconduct, as defined in section 22, chapter 219, Oregon Laws 2013, for purposes of refusing to issue, revoke or suspend a notary public's commission, assessing a civil penalty against a person pursuant to 194.980, or issuing an Official Warning to Cease Violation to a person pursuant to 194.985:

#### Relating to the Notary Public Status

(1) A person performed a notarial act within the state of Oregon when the person was not commissioned as a notary public or was otherwise authorized by statute. See ORS 194.990. Sanction for First Act of Misconduct: Refuse to commission or Class B Misdemeanor or both.

(2) A notary public performed a notarial act in another state pursuant to the authority of the notary public's Oregon commission. See section 10, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

(3) A notary public performed a notarial act using a name other than the current commission name on file with the Secretary of State. See OAR 160-0100-0020. Sanction for First Act of Misconduct: Official warning.

(4) A notary public made a representation that the notary public had powers, qualifications, rights or privileges that the notary public did not have. See section 22, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: \$500 civil penalty.

(5) A notary public failed to maintain the qualifications to be a notary public required under section 20, chapter 219, Oregon Laws 2013. See section 22, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Revocation of commission.

(6) A notary public purports to be a citizen of a country other than one officially recognized by the United States Department of State. See section

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24, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

#### Relating to Disqualifying Interest, Fraud, Dishonesty or Deceit

(7) A notary public or notary public applicant made a substantial and material misstatement or omission of fact in an application submitted to the Secretary of State. See section 22, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Revocation of commission or refusal to issue commission.

(8) A notary public committed an act involving dishonesty, fraud or deceit with the intent to substantially benefit the notary public or another or substantially injure another. See section 24, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Suspension of commission for a period of 90 days and \$1,000 civil penalty.

(9) A notary public or notary public applicant was convicted of a felony, or of any crime involving fraud, dishonesty or deceit. See section 22, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Revocation of commission or refusal to issue commission.

(10) A notary public or a notary public applicant had a finding against, or admission of liability in any legal proceeding or disciplinary action based on the notary's or applicant's fraud, dishonesty or deceit. See section 22, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Revocation of commission or refusal to issue commission.

(11) A notary public was judicially determined to be liable for damages in a suit for fraud or misrepresentation or in a suit for failing to discharge fully and faithfully the duties as a notary public. See section 22, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Revocation of commission.

(12) A notary public notarized a record in which the notary public or the notary public's spouse is a party. See section 3, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

(13) A notary public notarized a record in which the notary public or the notary public's spouse has a direct beneficial interest. See section 3, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

(14) A notary public performed an acknowledgment of an instrument executed to or by a business entity of which the notary public was a shareholder, director, officer, employee, member or partner at the time of the notarization when the notary public was a party to the record either in an individual or representative capacity. See section 36, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

(15) A notary public engaged in the unauthorized practice of law. See section 24, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Suspension of commission for a period of 90 days and \$1,000 civil penalty.

#### Relating to Advertisement

(16) A notary public used a false or misleading advertisement in which the notary public represented that the notary public had powers, qualifications, rights or privileges that the office of notary public does not have, including but not limited to the power to counsel on immigration matters. See section 24, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Suspension of commission for a period of 90 days and \$1,000 civil penalty.

(17) A notary public endorsed or promoted a product, service, contest or other offering by using the notary public's title or official stamp. See section 22, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: \$500 civil penalty.

(18) A notary public, who was not licensed to practice law in the state of Oregon and who advertised in a language other than English to perform a notarial act, did not include in the advertisement the statement: "I am not an attorney licensed to practice law. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities." See section 24, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

(19) A notary public, who was not licensed to practice law in the state of Oregon and who advertised in a language other than English to perform a notarial act, did not include in the advertisement a list of notarial fees specified in section 42, chapter 219, Oregon Laws 2013. See section 24, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

(20) A notary public, who was not licensed to practice law in the state of Oregon and who advertised in a language other than English to perform a notarial act, did not include in the advertisement and list of notarial fees required by section 42, chapter 219, Oregon Laws 2013 in a conspicuous place in the notary public's place of business. See section 24, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

(21) A notary public, other than an attorney licensed to practice law, used the term "notario publico" or "notario" in reference to the notary. See section 24, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

#### Relating to Proper Notification of the Secretary of State

(22) A notary public did not deliver or mail to the Secretary of State a written notice of change of name within 30 days after the date the notary public's name changed. See OAR 160-0100-0170. Sanction for First Act of Misconduct: Official warning.

(23) A notary public did not deliver or mail to the Secretary of State a written notice of change of address within 30 days after the date the notary public changed the notary public's public records address or employer's address or both. See OAR 160-0100-0170. Sanction for First Act of Misconduct: Official warning.

(24) A notary public, whose official stamp device was lost, misplaced, or stolen, did not personally deliver or mail to the Secretary of State a written notice of that fact within ten days after the date the notary public discovered that the notary public's official stamp device was lost, misplaced, or stolen. See section 17, chapter 219, Oregon Laws 2013 and OAR 160-100-0160(1). Sanction for First Act of Misconduct: Official warning.

(25) A notary public who subsequently reacquired possession of a lost, misplaced or stolen official stamp device did not file with the Secretary of State a written statement of explanation within ten days after the date the notary public reacquired possession of the lost or misplaced official stamp. See OAR 160-100-0160. Sanction for First Act of Misconduct: Official warning.

#### Relating to Vacancy of Office

(26) A notary public whose commission was terminated because of expiration and who was not recommissioned did not arrange for the storage of his/her notarial records. See section 18, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

(27) A notary public whose commission was terminated because of expiration did not destroy the notary public's official stamp device. See section 17, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

(28) A notary public whose commission was terminated because of resignation did not arrange for the storage of his/her notarial records. See section 18, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

(29) A notary public whose commission terminated because of resignation did not destroy the notary public's official stamp device. See section 17, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

(30) A notary public whose commission terminated because of revocation did not file his/her notarial records with the Secretary of State. See section 18, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: \$500.

(31) A notary public whose commission terminated because of revocation did not file the notary public's official stamp device with the Secretary of State. See section 17, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: \$500.

(32) A notary public whose commission was terminated because of expiration, resignation or revocation did not file with the Secretary of State the notary public's record of protests and any other notarial records relating only to protests of commercial paper in accordance with OAR 160-100-0350 within 30 days after the date of termination. See section 38, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

#### Relating to Identity and Appearance

(33) A notary public did not determine either from personal knowledge or from satisfactory evidence as defined in section 6, chapter 219, Oregon Laws 2013 that the person acknowledging a record in the presence of the notary public was the person whose signature was on the record. See section 4, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Suspension of commission for a period of 30 days.

(34) A notary public did not determine either from personal knowledge or from satisfactory evidence as defined in section 6, chapter 219, Oregon Laws 2013 that the person verifying a statement by oath or affirmation in the presence of the notary public is the person whose signature was on the statement. See section 4, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Suspension of commission for a period of 30 days.

(35) A notary public did not determine either from personal knowledge or from satisfactory evidence as defined in section 6, chapter 219, Oregon Laws 2013 that the signature on a record was the signature of the person signing the record in the presence of the notary public and named in



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the record. See section 4, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Suspension of commission for a period of 30 days.

(36) A notary public did not determine that the copy of a record presented to the notary public was a full, true and accurate transcription or reproduction of the record or item. See section 6, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Suspension of commission for a period of 30 days.

(37) A notary public did not require the physical presence of the signer at the time of notarization of a signature executed on a record. See section 5, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Suspension of commission for a period of 30 days and/or a \$500 civil penalty.

### Relating to Notarial Certificate

(38) A notary public did not evidence a notarial act, as defined in section 2, chapter 219, Oregon Laws 2013, by issuing a certificate of notarial act. See section 14, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

(39) A notary public did not include one or more of the following elements of the certificate of notarial act: the signature of the notary public, the title of the notary public, the date the notary public's commission expires, the date the notary public performed the notarial act, the venue in which the notarial act was performed, the official stamp of the notary public and the actions of the notary public sufficient to meet the requirements of the notarial act. See section 14, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official Warning.

(40) A notary public did not evidence a notarial act by a certificate of notarial act in a form permitted or prescribed by a law of the United States or of the State of Oregon or in a form designed by the notary public that describes the acts of the notary public and such acts meet all of the requisite elements of the notarial act. See section 15, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

(41) A notary public, through error or negligence, executed a notarial certificate that contained false information. See section 14, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official Warning.

(42) A notary public executed a notarial certificate that contained a statement known to the notary public to be false. See section 22, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Revocation of commission or refusal to issue commission.

### Relating to Stamp and Stamp Device

(43) A notary public used an official stamp that did not conform to section 16, chapter 219, Oregon Laws 2013 and OAR 160-100-0100 to perform a notarial act. See section 22, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

(44) A notary public used the notary public's official stamp for a purpose other than to perform a notarial act. See OAR 160-100-0110. Sanction for First Act of Misconduct: Official warning.

(45) A notary public did not use the notary public's official stamp in performing a notarial act. See section 14, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

(46) A notary public used as an official stamp device an object that was not a stamp device, or was a stamp device but the device was made of a substance that was incapable of making a legible imprint on paper or was incapable of making an imprint that could be legibly reproduced under a photographic method. See section 16, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

(47) A notary public used the notary public's official stamp device to perform a notarial act but placed the official stamp over a signature in a record to be notarized or in a notarial certificate or over any writing in a notarial certificate. See OAR 160-100-0110. Sanction for First Act of Misconduct: Official warning.

(48) A notary public permitted another person to use the notary public's official stamp device. See section 17, chapter 219, Oregon Laws 2013 and OAR 160-100-0110. Sanction for First Act of Misconduct: Suspension of commission for a period of 30 days or \$500 civil penalty or both.

(49) A notary public used another notary public's official stamp device, or an object in lieu of the notary public's official stamp device, to perform a notarial act. See OAR 160-100-0110(7). Sanction for First Act of Misconduct: Suspension of commission for a period of 30 days or \$500 civil penalty or both.

(50) A notary public used an embosser in lieu of the notary public's official stamp. See section 14, chapter 219, Oregon Laws 2013 and OAR 160-100-0130(1). Sanction for First Act of Misconduct: Official warning.

### Relating to Notarial Journal

(51) A notary public did not provide, keep, maintain or protect a chronological journal of notarial acts performed by the notary public dur-

ing the term of a commission. See section 18, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

(52) A notary public used a notarial journal that was not in the form required by section 18, chapter 219, Oregon Laws 2013. See OAR 160-100-0200 and 160-100-0210. Sanction for First Act of Misconduct: Suspension of commission for a period of 30 days or \$500 civil penalty or both.

(53) A notary public did not enter in a notarial journal the information about each notarial act performed by the notary public required by section 18, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

(54) A notary public recorded information about multiple notarial acts performed by the notary public in a notarial journal in a manner that did not comply with the requirements of section 18, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

(55) A notary public used a record of protests that did not contain the information about each certificate of dishonor issued by the notary public required by OAR 160-100-0240. See section 34, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

(56) A notary public who entered into an agreement with an employer relating to the employer's retention and disposal of the notary public's notarial records following termination of employment pursuant to section 18, chapter 219, Oregon Laws 2013 did not retain a written copy of the agreement or make such available upon request of the Secretary of State. See OAR 160-100-0360. Sanction for First Act of Misconduct: Official warning.

### Relating to Fees

(57) A notary public charged a notary fee that was more than the maximum fee specified in section 42, chapter 219, Oregon Laws 2013. See section 22, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: \$500 civil penalty.

(58) A notary public who charged a fee for traveling to perform a notarial act did not explain to the person who requested the notarial act that the traveling fee was in addition to the fee to perform the notarial act or was not required by law, or did not obtain in advance the agreement of the person who requested the notarial act to the amount of the traveling fee. See section 42, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

(59) A notary public, except a notary public who filed with the Secretary of State a statement waiving the right to charge a notary fee, did not comply with the fee display requirements specified in OAR 160-100-0410. See section 42, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

### Relating to Commercial Protests

(60) A notary public who does not meet the qualifications of section 32, chapter 219, Oregon Laws 2013 protested commercial paper, as provided in ORS 73.0505. Sanction for First Act of Misconduct: Official Warning.

(61) A notary public did not determine the identity of the negotiable instrument, that presentment was required and made, or that presentment was excused and not made and the reason why presentment was excused, that the instrument was dishonored by nonacceptance or nonpayment, or all or any combination of the above. See section 4, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Suspension of commission for a period of 30 days.

(62) A notary public issued a certificate of dishonor of a negotiable instrument (also known as a protest of commercial paper as defined in ORS 73.0505(2)) but in the certificate did not identify the negotiable instrument protested, certify that due presentment was made or the reason why presentment was excused, or certify that the instrument protested was dishonored by nonacceptance or nonpayment, as required by ORS 73.0505(2). Section 34, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

(63) A notary public did not keep a record of all certificates of dishonor (also known as a protest of commercial paper as defined in ORS 73.0505(2)) issued by the notary public during the term of a commission. See 194.090. Sanction for First Act of Misconduct: Official warning.

(64) A notary public issued a certificate of dishonor of a negotiable instrument (also known as a protest of commercial paper as defined in ORS 73.0505(2)) that was owned or held for collection by a financial institution, trust company or investment company when the notary public was a party to the commercial paper in an individual capacity. Section 32, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

(65) A notary public issued a certificate of dishonor (also known as a protest of commercial paper as defined in ORS 73.0505(2)) of a non-commercial or other record that does not fit the definition of negotiable instru-

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ment as defined in ORS 73.0104. See section 32, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

(66) A notary public issued a certificate of dishonor (also known as a protest of commercial paper as defined in ORS 73.0505(2) in a manner not in accordance with ORS 73.0505. See section 32, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official warning.

## Miscellaneous

(67) A notary public who submits the following types of records to the Secretary of State in reply to correspondence from the Secretary of State or other government agency or seeks to initiate proceedings through the following record types:

(a) Conditional Acceptance, or a similar record purporting to “conditionally accept” presentment of an official record, and demanding proof of a list of claims in order to fully accept the official record.

(b) Affidavit in Support of Conditional Acceptance, or a similar record purporting to attest to the facts of a record described in section (71)(1) and signed by the same notary public who is attesting.

(c) Notice of Dishonor, or a similar record purporting to give notice that a Conditional Acceptance (see section (71)(1)) has not been accepted by the government agency to which it was sent and thereby was dishonored.

(d) Accepted for Value, or similar stamp or certificate purporting to accept for a disclosed or undisclosed value an official record sent to the notary public by the Secretary of State or other governmental agency. The certificate claims to establish an amount of money payable or accrued to the signer of the certificate.

(e) Notice of Protest, or a similar record purporting to be a Protest of Commercial Paper that has been dishonored, when said Commercial Paper is not, in fact, a negotiable instrument under ORS Chapter 73 and subject to the laws stated therein regarding dishonor and protest.

(f) Other records attempting to apply ORS Chapter 73 to non-negotiable instruments or other records not included in the scope of said chapter.

(g) Other record type purporting to follow the Uniform Commercial Code (U.C.C.), and not related to an ORS Ch. 79 filing.

(h) Other record type purporting to be according to ORS Ch. 79 that does not constitute filing under ORS Ch. 79.0516. See section 22, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Revocation of commission or refusal to issue commission.

(68) A notary public engaged in any other act or omission involving any act prohibited or mandated by sections 1 to 50 of chapter 219, Oregon Laws 2013, or any rule adopted by the Secretary of State, or any other law governing notarization. See section 22, chapter 219, Oregon Laws 2013. Sanction for First Act of Misconduct: Official Warning.

Stat. Auth.: Sec. 26, ch.219, OL 2013

Stats. Implemented: Sec. 18, ch. 219, OL 2013

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0610; CORP 1-2003, f. 3-14-03, cert. ef. 4-1-03; CORP 6-2009, f. 12-22-09 cert. ef. 1-1-10; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

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### Appeal Process

In the event the Secretary of State sanctions a notary public for official misconduct or proposes to refuse to appoint or proposes to revoke or suspend a commission, an opportunity for a public hearing will be provided pursuant to section 22, chapter 219, Oregon Laws 2013, the contested case procedures set out in ORS 183.413 through 183.500 and the Attorney General's Model Rules of Procedure for Contested Cases.

Stat. Auth.: Sec. 26, ch.219, OL 2013

Stats. Implemented: Sec. 18, ch. 219, OL 2013

Hist.: SOS-AD 2-1990, f. 5-9-90, cert. ef. 7-1-90; CORP 1-1993, f. 12-29-93, cert. ef. 1-1-94, Renumbered from 164-100-0620; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-0700

### Satisfactory Evidence

For the purposes of section 6, chapter 219, Oregon Laws 2013:

(1) Temporary forms of the Oregon Driver License (ODL) or Oregon Identity Card shall be considered equivalent to the Oregon Driver License before their expiration in the following manner:

(a) An Instruction Permit will be satisfactory evidence in the same way as a permanent ODL or State ID card.

(b) A Provisional Driver License will be satisfactory evidence in the same way as a permanent ODL.

(c) A Hole-punched Driver License or Identity Card shall not be sufficient in itself, but may be used in conjunction with the Interim Driver License or Identity Card to establish identity,

(d) An Interim Driver License or Identity Card, which is good for no more than 30 days, is given to those awaiting the processing and arrival of their permanent ODL or State ID card, and may be used by itself or in addi-

tion to the Hole-punched Driver License or Identity Card. The Interim Driver License or Identity Card may only be so used while it is unexpired.

(e) A Limited Term Driver License or Identification Card, given to people temporarily in the United States, is noted by the words “Limited Term” in the bottom right corner of the ID and an expiration date between 1-8 years after the issuance date. A Limited Term ID will be satisfactory evidence in the same way as a permanent ODL or State ID card.

(2) “United States passport” means a U.S. passport and a U.S. passport card issued by the U.S. Department of State.

Stat. Auth.: Sec. 26, ch.219, OL 2013

Stats. Implemented: Sec. 18, ch. 219, OL 2013

Hist.: CORP 8-2009, f. 12-22-09 cert. ef. 1-1-10; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-1000

### Definitions

(1) Certificate of Approval. The Oregon Secretary of State Certificate of Approval (OAR 160-100-1010) signifies only that the provider named therein offers an education program curriculum similar to the education program curriculum offered by the Secretary of State and has complied with the requirements of these rules. The Certificate of Approval does not imply endorsement of the provider, nor any products or services offered by the provider.

(2) Certificate of Education. The Certificate of Education (OAR 160-100-1060) signifies that the person named therein has completed the approved education program provided by the provider.

(3) Course of study. For the purposes of this division, “course of study” applies only to a live classroom or on-line education.

(4) Notary public applicant. For the purposes of this division, a “notary public applicant” is a person who applies for a commission as an Oregon notary public, who does not already hold a current notary public commission, and who must attend a course of instruction in order to qualify for commission as a notary public.

(5) Provider. For purposes of this division, a “provider” is an individual or business entity that provides a notary public education course of study.

(6) Oregon business registration number. For the purposes of these rules, an Oregon business registration number is the number assigned by the Corporation Division to a business entity or assumed business name that indicates registration in the public record of the Division.

Stat. Auth.: Sec. 26, ch.219, OL 2013

Stats. Implemented: Sec. 18, ch. 219, OL 2013

Hist.: CORP 3-2006, f. & cert. ef. 6-19-06; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-1010

### Provider Certificate of Approval

Before offering any course of study pursuant to Oregon Revised Statute Chapter 194.028, a provider must obtain a Certificate of Approval from the Secretary of State for each course of study offered.

(1) To apply for a Certificate of Approval, a provider must submit to the Secretary of State a completed Notary Public Education Provider Application or Amendment form, hereby incorporated by reference, an active Oregon business registration number, and a lesson plan satisfying the requirements in OAR 160-100-1020.

(2) The Secretary of State will issue either a Certificate of Approval, in accordance with section (3), or a deficiency notice, in accordance with OAR 160-100-1030, within 90 days of receipt of an application and lesson plan.

(3) Upon approval of an application and lesson plan, the Secretary of State will send a Certificate of Approval to the provider by first class mail to the address listed on the Notary Public Education Provider Application or Amendment form.

(4) The Certificate of Approval will include the following:

(a) The name of the approved provider as listed on the Notary Public Education Provider Application or Amendment form.

(b) The address listed on the Notary Public Education Provider Application or Amendment form.

(c) The three letter provider identification code issued by the Secretary of State.

(d) The date the course of study was approved by the Secretary of State.

(5) An approved provider must not alter or substitute the lesson plan reviewed and approved by the Secretary of State, unless the revisions are approved by the Secretary of State in accordance with OAR 160-100-1050.

(6) For the purposes of this chapter, a provider must be authorized to transact business in Oregon in order to be certified. Authorization to transact business must be evidenced by an active Oregon business registration number.

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(7) For the purposes of this chapter, an approved provider is responsible for all employees, agents, instructors, contractors, and subcontractors providing or involved in providing an approved course of study on behalf of the approved provider and the acts of the employees, agents, instructors, contractors, and subcontractors will be deemed the acts of the approved provider.

(8) The Certificate of Approval will expire 3 years from the date of issuance, and it must be renewed to continue as a state-approved course of instruction. A provider may apply for renewal up to 90 days before the expiration of the Certificate. Upon expiration of the Certificate, the provider must submit a new application, not a renewal, in order to offer state-approved education.

(9) A Certificate of Approval is non-transferable and may not be conveyed to another provider or applied to another course of study.

Stat. Auth.: Sec. 26, ch.219, OL 2013

Stats. Implemented: Sec. 18, ch. 219, OL 2013

Hist.: CORP 3-2006, f. & cert. ef. 6-19-06; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-1020

### Lesson Plan

A lesson plan must meet the following requirements:

(1) The lesson plan must be based on the laws of Oregon concerning the functions and duties of a notary public. The lesson plan must cover at least the Oregon Notary Public Knowledge Statements, hereby incorporated by reference. The Oregon Notary Public Knowledge Statements may be obtained from the Secretary of State by request.

(2) The lesson plan must contain a table of contents, and the pages of the lesson plan must be consecutively numbered.

(3) The lesson plan must provide sufficient detail to enable the Secretary to evaluate the specific information to be presented and to determine the accuracy of the information to be presented.

(4) The lesson plan must contain the procedures to ensure that a person attending a course of study is present for the required time.

(5) The lesson plan must include a schedule of the time allotted for the following:

- (a) Break periods, if any;
- (b) Each major subject area;
- (c) Each audio visual aid to be used, if any;
- (d) Each student participation activity, if any.

(6) Completion, correction, and discussion of any practice tests used and the method of correction to be used, if any.

(7) If any movie or video is used for instruction, the lesson plan must include a brief synopsis of the information presented therein. The synopsis must detail the specific information presented by the movie or video. In addition, the provider must include the movie or video in the materials presented to the Secretary of State for review.

(8) Copies of any handout materials, workbooks, visuals aids, description of student participation exercises, and practice tests used during the course of study must be submitted for approval with the lesson plan.

(9) If the course provides for an evaluation by the students, time to complete the evaluation must not be included as part of the course of instruction.

(10) All materials submitted to the Secretary of State under this rule become the property of the Secretary of State and may be returned to the provider at the sole discretion of the Secretary.

Stat. Auth.: Sec. 26, ch.219, OL 2013

Stats. Implemented: Sec. 18, ch. 219, OL 2013

Hist.: CORP 3-2006, f. & cert. ef. 6-19-06; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-1030

### Deficient Application or Lesson Plan

(1) If the Secretary of State determines that a Notary Public Education Provider Application or Amendment form is incomplete, or that a lesson plan does not satisfy the requirements of ORS section 21, chapter 219, Oregon Laws 2013 or this chapter, the Secretary of State will issue a deficiency notice containing an itemized description of the deficiencies identified. The deficiency notice will be sent by first class mail to the provider's address listed on the Notary Public Education Provider Application or Amendment form.

(2) A provider has 30 days from the date on which the deficiency notice was mailed by the Secretary of State to submit documentation to the Secretary of State curing the deficiencies identified in the deficiency notice.

(3) The Secretary of State may issue more than one deficiency notice to a provider regarding the same Notary Public Education Provider Application or Amendment form and lesson plan at any time during the review process.

(4) The Secretary of State may disapprove a Notary Public Education Provider Application or Amendment form if the deficiencies are not cured in accordance with section (2).

(5) After the disapproval of a provider's application or amendment, the provider has the right to a hearing on the matter, and the proceeding will be conducted in accordance with the contested case procedures set out in ORS 184.313 through 183.500, and the Attorney General's Model Rules of Procedure for Contested Cases.

(6) Upon the effective date of a final order in a contested case, or if the final order is appealed, a final appellate judgment disapproving an application or amendment, a provider may cure the deficiencies identified in the decision by submitting a Notary Public Education Provider Application or Amendment form in accordance with OAR 160-100-1030.

Stat. Auth.: Sec. 21, ch.219, OL 2013

Stats. Implemented: Sec. 21, ch. 219, OL 2013

Hist.: CORP 3-2006, f. & cert. ef. 6-19-06; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-1040

### Notification of Changes of Approved Provider Information

Within 30 days of any changes in the information contained in the most recent application approved by the Secretary of State, an approved provider must submit to the Secretary of State a Notary Public Education Provider Application or Amendment form identifying the changes. An approved provider may confirm receipt by the Secretary of State by phone or e-mail.

Stat. Auth.: Sec. 21, ch.219, OL 2013

Stats. Implemented: Sec. 21, ch. 219, OL 2013

Hist.: CORP 3-2006, f. & cert. ef. 6-19-06; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-1050

### Lesson Plan Revisions

(1) Within 30 days of the effective date of a new Oregon law or rule concerning the duties and functions of notaries public, an approved provider must revise an approved lesson plan as necessary to ensure that the information provided in an approved course of study reflects the new Oregon law or rule.

(2) Any provider-initiated revisions to the contents or methods of instruction detailed in an approved lesson plan must be approved by the Secretary of State at least 30 days before implementing the proposed revisions in an approved course of study.

(3) To apply for a Certificate of Approval for a revised lesson plan, an approved provider must submit a completed Notary Public Education Provider Application or Amendment form, and a revised lesson plan in accordance with OAR 160-100-1020.

(4) The provisions in OAR 160-100-1010, 160-100-1020, and 160-100-1030 apply to a revised lesson plan.

(5) Upon approval of a revised lesson plan, the Secretary of State will issue a Certificate of Approval pursuant to OAR 160-100-1010.

(6) A provider may only follow the lesson plan corresponding to the most current Certificate of Approval.

Stat. Auth.: Sec. 21, ch.219, OL 2013

Stats. Implemented: Sec. 21, ch. 219, OL 2013

Hist.: CORP 3-2006, f. & cert. ef. 6-19-06; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-1060

### Certificate of Education

(1) An approved provider must issue a Certificate of Education to a notary public applicant upon completion of an approved course of study, as provided in section (3).

(2) The Certificate of Education shall be issued by the provider to a notary public applicant only after the person has completed the approved course of study.

(3) The Certificate of Education must consist of a certificate signed by an approved provider or an employee, agent, instructor, contractor, or subcontractor of an approved provider, which contains the following information:

(a) The name of the approved provider as it appears on the Certificate of Approval issued by the Secretary of State for the approved course of study.

(b) The name of the notary public applicant who completed the approved course of study.

(c) The date the notary public applicant completed the approved course of study.

(d) The Notary Education Identification Number, consisting of the Provider Identification Code and a unique six-digit number.

(e) The statements that:

(A) The Certificate of Education must be valid for a period of six months from the date of issuance; and

# ADMINISTRATIVE RULES

(B) The student must provide the Notary Education Identification Number on the notary public application when submitted to the Secretary of State.

(4) The Certificate of Education of an approved course of study is for six months from the date of issuance.

Stat. Auth.: Sec. 21, ch.219, OL 2013  
Stats. Implemented: Sec. 21, ch. 219, OL 2013  
Hist.: CORP 3-2006, f. & cert. ef. 6-19-06; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-1070

### List of Attendees

(1) An approved provider must maintain a list of persons who attend each session of an approved course of study.

(2) The List of Attendees must be maintained for a period of five years from the date of issuance of the Certificates of Education corresponding to that session.

(3) The list must include the following:

(a) The name of the approved provider as listed in the Certificate of Approval for the approved course of study.

(b) The provider identification code issued by the Secretary of State.

(c) The name of the instructor or instructors who taught the approved course of study.

(d) The date, time, and location of the approved course of study.

(e) The names of all the attendees in alphabetical order by the last name of the attendee.

(f) The Notary Education Identification Number corresponding to the attendee, if any.

(4) An approved provider must not collect the social security numbers of any attendees.

(5) Upon request, an approved provider must submit a list of attendees in a data format approved by the Secretary of State.

(6) An approved provider, former approved provider, or employee, agent, instructor, contractor, or subcontractor of an approved provider or former approved provider must not copy or release any list of attendees or any information contained therein to any person, except the Secretary of State, Attorney General, a district attorney, or a city attorney.

Stat. Auth.: Sec. 21, ch.219, OL 2013  
Stats. Implemented: Sec. 21, ch. 219, OL 2013  
Hist.: CORP 3-2006, f. & cert. ef. 6-19-06; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-1080

### Secretary of State Attending Approved Course of Study

An approved provider must permit the Secretary of State or representatives of the Secretary of State to attend any approved course of study, without prior notice and at no charge, for the purpose of observation, monitoring, auditing, and investigating the instruction given.

Stat. Auth.: Sec. 21, ch.219, OL 2013  
Stats. Implemented: Sec. 21, ch. 219, OL 2013  
Hist.: CORP 3-2006, f. & cert. ef. 6-19-06; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-1090

### Duty to Respond to a Written Request from the Secretary of State

An approved provider must respond in writing within 30 days of receiving a written request for information from the Secretary of State. A written request may be sent to the mailing address, facsimile number, or e-mail address listed on the most current Notary Public Education Provider Application or Amendment form filed pursuant to OAR 160-100-1020 or 160-100-1050.

Stat. Auth.: Sec. 21, ch.219, OL 2013  
Stats. Implemented: Sec. 21, ch. 219, OL 2013  
Hist.: CORP 3-2006, f. & cert. ef. 6-19-06; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-1100

### Cancellation or Delay of Scheduled Approved Course of Study

(1) Before charging any fees to a notary public applicant for an approved course of study, an approved provider must disclose the refund policy of the approved provider.

(2) An approved provider must refund all fees within 30 days of a scheduled course date to any notary public applicant who registered to attend an approved course of study if one of the following occurs:

(a) An instructor fails to appear at the scheduled time, date, or place of the approved course of study;

(b) An approved course of study is delayed in starting more than 15 minutes after the scheduled time, and a notary public applicant immediately informs the approved provider of his or her request for a refund, and the notary public applicant leaves the approved course of study before its start; or

(c) The provider does not hold a current Certificate of Approval from the Secretary of State.

Stat. Auth.: Sec. 21, ch.219, OL 2013  
Stats. Implemented: Sec. 21, ch. 219, OL 2013  
Hist.: CORP 3-2006, f. & cert. ef. 6-19-06; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-1105

### Complaints Against an Approved Provider

(1) A person may file a complaint against an approved provider with the Secretary of State. A complaint shall be submitted on the standard form provided by the Secretary of State, signed and dated by the person filing the complaint. A complaint that does not comply with the requirements of this section shall not be filed, responded to or acted upon by the Secretary of State.

(2) The Secretary of State may commence an investigation of an approved provider as a result of information received from any source.

(3) Complaint forms received by the Secretary of State are not exempt from disclosure under Public Records Law, and shall be available to the approved provider and others in conformity with ORS 192.410 to 192.505.

(4) An investigation of the Secretary of State under sections (1) and (2) of this section may include:

(a) An initial request for information from the accused provider;

(b) A copy of the complaint forwarded to the accused; and

(c) A request for supporting documentation and other sources of information.

(5) A provider, upon request by the Secretary of State, shall provide accurate, true and complete copies of the requested information.

(6) Upon a finding by the Secretary of State, copies of the finding shall be mailed to the complainant and the accused.

(7) Failure of an approved provider to comply with Secretary of State investigation directives shall result in revocation of the Certificate of Approval, subject to the provisions of ORS 183.413 to 183.470.

Stat. Auth.: Sec. 21, ch.219, OL 2013  
Stats. Implemented: Sec. 21, ch. 219, OL 2013  
Hist.: CORP 3-2006, f. & cert. ef. 6-19-06; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-1110

### List of Approved Providers

(1) The Secretary of State may also make a list of approved providers available online at the Corporation Division's website. The approved provider list may include the following information:

(a) The name of approved provider.

(b) Contact information — a mailing address; a telephone number; a fax number; an e-mail address; and a website address.

(2) The Secretary of State may only update the list of approved providers to add, delete, or amend approved provider information that is filed in accordance with OAR 160-100-1040. A list of approved providers may be updated by the first day of each month following the month during which there were additions, deletions, or amendments to the list of approved providers.

(3) The Secretary of State reserves the right to delete any information from the list compiled pursuant section 21, chapter 219, Oregon Laws 2013 or section (2) of this rule that the Secretary of State determines is misleading to the public or of an inappropriate nature.

Stat. Auth.: Sec. 21, ch.219, OL 2013  
Stats. Implemented: Sec. 21, ch. 219, OL 2013  
Hist.: CORP 3-2006, f. & cert. ef. 6-19-06; CORP 7-2010, f. & cert. ef. 6-1-10; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-1120

### Renewal of a Certificate of Approval

Ninety days before the certificate's expiration, the Secretary of State will notify a provider, by e-mail, fax, or written mail, of the need to renew the provider's Certificate of Approval.

Stat. Auth.: Sec. 21, ch.219, OL 2013  
Stats. Implemented: Sec. 21, ch. 219, OL 2013  
Hist.: CORP 3-2006, f. & cert. ef. 6-19-06; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-1130

### Grounds for Termination of a Certificate of Approval

The Secretary of State may terminate a Certificate of Approval upon any of the following grounds:

(1) Violation of any of the provisions of this chapter or ORS 194.028.

(2) Misrepresentation of the laws of Oregon concerning the duties and functions of a notary public.

(3) Deviation from the lesson plan for a course of study approved by the Secretary of State.

(4) Failure to respond to a request from the Secretary of State.

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(5) Representations by the provider that any product, goods, or services provided by the provider are endorsed, recommended or required by the Secretary of State. Certification only recognizes that the education program curriculum of the provider is similar to the state's curriculum.

Stat. Auth.: Sec. 21, ch.219, OL 2013  
Stats. Implemented: Sec. 21, ch. 219, OL 2013  
Hist.: CORP 3-2006, f. & cert. ef. 6-19-06; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-1140

### Termination of Certificate of Approval

(1) If the Secretary of State proposes to terminate the Certificate of Approval of a provider, opportunity for hearing shall be accorded as provided in the contested case procedures set out in ORS 183.413 through 183.500 and the Attorney General's Model Rules of Procedure for Contested Cases.

(2) If the provider does not request a hearing, termination shall be effective 21 days after the termination notice.

(3) The cancellation of the provider's Certificate of Approval does not bar the Secretary of State from instituting or continuing an investigation or disciplinary proceedings.

(4) Upon completion of the disciplinary proceedings, the Secretary of State may enter an order finding the facts and stating the conclusion that the fact would or would not have constituted grounds for termination of the Certificate of Approval if the Certificate of Approval had still been in effect.

Stat. Auth.: Sec. 21, ch.219, OL 2013  
Stats. Implemented: Sec. 21, ch. 219, OL 2013  
Hist.: CORP 3-2006, f. & cert. ef. 6-19-06; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

## 160-100-1150

### Cancellation of Certificate of Approval

(1) An approved provider may cancel its Certificate of Approval by submitting a written notice of cancellation to the Secretary of State. Unless otherwise stated in the notice of cancellation, the effective date of the cancellation of the Certificate of Approval is 30 days after receipt of the notice of cancellation. The provider may confirm receipt by the Secretary of State by phone or e-mail.

(2) Within 30 days of the effective date of a cancellation of a Certificate of Approval, a provider must refund all fees to all individuals who paid to take an approved course from a provider, if the course is scheduled after the effective date of the cancellation.

Stat. Auth.: Sec. 21, ch.219, OL 2013  
Stats. Implemented: Sec. 21, ch. 219, OL 2013  
Hist.: CORP 3-2006, f. & cert. ef. 6-19-06; CORP 2-2013, f. 8-30-13, cert. ef. 9-1-13

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## Teacher Standards and Practices Commission

### Chapter 584

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

**Adm. Order No.:** TSPC 3-2013

**Filed with Sec. of State:** 8-19-2013

**Certified to be Effective:** 8-19-13

**Notice Publication Date:** 6-1-2013

**Rules Amended:** 584-018-0205, 584-020-0041, 584-036-0055, 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, 584-100-0061

**Rules Repealed:** 584-100-0023

**Rules Ren. & Amend:** 584-100-0101 to 584-100-0007, 584-100-0106 to 584-100-0008

**Subject:** 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—(503) 378-6813

## 584-018-0205

### Educational Leadership for Administrator Licensure Standards

These standards align with the Educational Leadership Constituents Council (ELCC) standards for Educational Leadership. The knowledge and skill abilities required for each program standard are found within the full document of the standards. These standards are also aligned with the Interstate School Leader Licensure Consortium (ISLLC) recommended standards. Oregon programs must demonstrate integration of principles of cultural competency and equitable practice in each standard through the entire educational leadership and school administration licensure programs.

(1) Visionary Leadership: An educational leader integrates principles of cultural competency and equitable practice and promotes the success of every student by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by stakeholders. [ISLLC Standard 1] Educational Leaders:

(a) Collaboratively develop and implement a shared vision and mission;

(b) Collect and use data to identify goals, assess organizational effectiveness, and promote organizational learning;

(c) Create and implement plans to achieve goals;

(d) Promote continuous and sustainable improvement; and

(e) Monitor and evaluate progress and revise plans.

(2) Instructional Improvement: An educational leader integrates principles of cultural competency and equitable practice and promotes the success of every student by sustaining a positive school culture and instructional program conducive to student learning and staff professional growth. [ISLLC Standard 2] Educational Leaders:

(a) Nurture and sustain a culture of collaboration, trust, learning and high expectations;

(b) Create a comprehensive, rigorous and coherent curricular program;

(c) Create a personalized and motivating learning environment for students;

(d) Supervise and support instruction;

(e) Develop assessment and accountability systems to monitor student progress;

(f) Develop the instructional and leadership capacity of staff;

(g) Maximize time spent on quality instruction;

(h) Promote the use of the most effective and appropriate technologies to support teaching and learning; and

(i) Monitor and evaluate the impact of instruction.

(3) Effective Management: An educational leader integrates principles of cultural competency and equitable practice and promotes the success of every student by ensuring management of the organization, operation, and resources for a safe, efficient, and effective learning environment. [ISLLC Standard 3] Educational Leaders:

(a) Monitor and evaluate the management and operational systems;

(b) Obtain, allocate, align and efficiently use human, fiscal and technological resources;

(c) Promote and protect the welfare and safety of students and staff;

(d) Develop the capacity for adaptive leadership; and

(e) Ensure teacher and organizational time is focused to support quality instruction and student learning.

(4) Inclusive Practice: An educational leader integrates principles of cultural competency and equitable practice and promotes the success of every student by collaborating with faculty and community members, responding to diverse community interests and needs, and mobilizing community resources in order to demonstrate and promote ethical standards of democracy, equity, diversity, and excellence, and to promote communication among diverse groups. [ISLLC Standard 4] Educational leaders:

(a) Collect and analyze data pertinent to equitable outcomes;

(b) Understand and integrate the community's diverse cultural, social and intellectual resources;

(c) Build and sustain positive relationships with families and caregivers; and

(d) Build and sustain productive relationships with community partners.

(5) Ethical Leadership: An educational leader integrates principles of cultural competency and equitable practice and promotes the success of every student by acting with integrity, fairness, and in an ethical manner. [ISLLC Standard 5] Educational leaders:

(a) Ensure a system of accountability for every student's academic and social success;

(b) Model principles of self-awareness, reflective practice, transparency and ethical behavior;

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(c) Safeguard the values of democracy, equity and diversity;  
(d) Evaluate the potential ethical and legal consequences of decision-making; and

(e) Promote social justice and ensure that individual student needs inform all aspects of schooling.

(6) Socio-Political Context: An educational leader integrates principles of cultural competency and equitable practice and promotes the success of every student by understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context. [ISLLC Standard 6] Educational leaders:

(a) Advocate for children, families and caregivers;

(b) Act to influence local, district, state and national decisions affecting student learning; and

(c) Assess, analyze and anticipate emerging trends and initiatives in order to adapt leadership strategies.

(7) Practicum Experience: The practicum provides significant opportunities for candidates to synthesize and apply the knowledge and practice and develop the skills identified in Standards 1-6 through substantial, sustained, standards-based work in real settings, planned and guided cooperatively by the institution and school district personnel for graduate credit.

(a) The practicum will be substantial.

(b) The practicum will be sustained.

(c) The practicum will be standards-based.

(d) The practicum will be planned and guided cooperatively.

(e) The practicum may be for credit.

Stat. Auth.: ORS 342

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

Hist.: TSPC 3-2012, f. & cert. ef. 3-9-12; TSPC 5-2012, f. & cert. ef. 5-18-12; TSPC 1-2013, f. & cert. ef. 2-14-13; TSPC 3-2013, f. & cert. ef. 8-19-13

## 584-020-0041

### Misconduct Reporting Requirements

(1) For purposes of this rule, "chief administrator" means:

(a) The superintendent, head teacher, head administrator or person designated by a school district board as district school clerk under ORS 332.515, of a school district, education service district or charter school;

(b) The chief administrative officer of public schools administered by the Oregon Department of Education; or

(c) The chief administrative officer of a private elementary or secondary school, as long as the chief administrative officer is licensed by the Commission.

(2) A chief administrator will report educators described in this subsection regardless if the educator is employed in the chief administrator's district. Subject educators include:

(a) Any educator possessing a TSPC-issued license or certification;

(b) Any educator holding a charter school registration;

(c) Any pre-service candidate enrolled in a public or private school for purposes of program completion pursuant to any program described in division 17 of these administrative rules.

(3) A chief administrator will report to the Executive Director within thirty (30) days the name of any person described in subsection (2) above, when the chief administrator reasonably believes the person may have committed any act which may constitute any of the designated acts of gross neglect of duty under OAR 584-020-0040(4), subsections (a) to (s) or any of the designated acts of gross unfitness listed under OAR 584-020-0040(5), subsections (a) to (e).

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.143 & 342.175 - 342.190

Hist.: TS 4-1993, f. & cert. ef. 9-29-93; TS 4-1997, f. 9-25-97, cert. ef. 10-4-97; TSPC 5-1999(Temp), f. & cert. ef. 8-24-99 thru 2-19-00; TSPC 7-1999, f. & cert. ef. 10-8-99; TSPC 1-2001, f. & cert. ef. 1-17-01; TSPC 9-2006, f. & cert. ef. 6-15-06; TSPC 7-2007, f. & cert. ef. 12-14-07; TSPC 3-2013, f. & cert. ef. 8-19-13

## 584-036-0055

### Fees

(1) All fees are assessed for evaluation of the application and are not refundable.

(2) If the applicant is eligible for the license, registration, or certificate for which application is made and the license, registration or certificate is issued within 90 days of original application, the commission shall issue the license, without additional charge with the following exceptions:

(a) If the commission determines the application is incomplete and fails to notify the applicant in less than one calendar week, the commission will extend the 90 days by an amount equal to the number of days the commission delayed notifying the applicant of incomplete items.

(b) For renewable licenses with a 120 day grace period, the original application fee remains good throughout the 120 days.

(c) If the commission fails to issue the license within 90 days due to commission backlog, the fee shall remain good until the license is issued or 120 days, whichever is less.

(3) The fee for evaluating an initial application:

(a) Initial I License (3 years): \$100;

(b) Initial I Teaching License (18 months): \$50;

(c) Initial II Teaching License (3 years): \$100;

(d) Basic License (3 years): \$100;

(e) Continuing License (5 years): \$100;

(f) Standard License (5 years): \$100;

(g) Restricted Transitional License (1 year or 3 years): \$100;

(h) Limited License (3 years): \$100;

(i) American Indian Language License (3 years): \$100;

(j) Substitute License (3 years): \$100;

(k) Restricted Substitute License (3 years, 60 days per year): \$100;

(l) Exceptional Administrator License (3 years): \$100;

(m) Career and Technical Education I Teaching License (1 year): \$100;

(n) Career and Technical Education II Teaching License (3 years): \$100;

(o) Five-Year Career and Technical Education License (5 years): \$100;

(p) Emergency License (term at discretion of Executive Director): \$100;

(q) School Nurse Certification (3 years): \$100;

(r) International Visiting Teaching License (1 year): \$100;

(s) License for Conditional Assignment (1 to 3 years) \$25;

(t) Initial Administrator License (3 years): \$100;

(u) Initial School Psychologist License (3 years): \$100; and

(v) Initial School Social Worker License (3 years): \$100.

(4) The fee for evaluating all applications for a first Oregon license based on completion of an out-of-state educator preparation program or an out of state license is \$120 regardless of the license issued.

(5) The fee for registration of a charter school teacher or administrator is \$75 which includes the fee for required criminal records and fingerprinting costs.

(6) The fee for evaluating an application for renewal of any license or certification is \$100 except as follows:

(a) Renewal of a one-year Restricted Transitional Teaching License is \$25;

(b) Renewal of a charter school registration is \$25;

(c) Renewal of an International Visiting Teacher License is \$25;

(d) Renewal of Career and Technical Education I Teaching License is \$25; and

(e) Renewal of License for Conditional Assignment is \$25.

(7) The fee for each of the following circumstances is \$20:

(a) A duplicate license, registration, or certificate for any reason;

(b) An approved extension to a provisional license; and

(c) Adding a district to an existing restricted license requiring a co-applicant school district.

(8) The fee for evaluating an application to add one or more endorsements or authorization levels to a currently valid license is \$100. No additional fee is required to add an endorsement or authorization in conjunction with an application for renewal or reinstatement of a license.

(9) The fee to evaluate an application for reinstatement of an expired license or certificate is \$100 plus a late application fee of \$25 for each month or portion of a month that the license or certificate has been expired to a maximum of \$200 total.

(a) The reinstatement fee does not include any separate fingerprint fee that may be required if more than three years has elapsed from the date of the expired license, registration or school nurse certification.

(b) Late fees may only be imposed one time following the expiration of a license or school nurse certificate. If the applicant does not initially qualify for the license or certificate the applicant is seeking to reinstate, no additional late fees will be imposed upon application for subsequent licenses so long as the applicant has a current active license, registration or certification in effect at the time of application.

(c) In certain cases involving extenuating circumstances related to OAR 584-036-0057 Late Fee Waivers, the Executive Director may choose to waive this late fee.

(10) The fee for evaluating an application for reinstatement of a suspended license or certificate is \$100 in addition to the \$100 application fee for a total of \$200. The fee does not include any separate fingerprint fee that may be required if more than three years has elapsed from the date of the expired license or certificate.

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(11) The fee for evaluating an application for reinstatement of a suspended charter school registration is \$50 and does not include any separate fingerprint fee that may be required if more than three years has elapsed from the date of the expired registration.

(12) In addition to the application fees required by this rule, the Commission shall collect a late application fee not to exceed \$25 per month up to a maximum of \$125 from an applicant who fails to make timely application for renewal of the license, certificate or registration.

(13) The fee for evaluating an application for reinstatement of a revoked license or certificate is \$150 in addition to the \$100 application fee for a total of \$250. The reinstatement fee does not include any separate fingerprint fee that may be required if more than three years has elapsed from the date of the expired license, or school nurse certificate.

(14) The fee for evaluating an application for reinstatement of a revoked charter school registration is \$150 in addition to the \$25 application fee for a total of \$175. The reinstatement fee does not include any separate fingerprint fee that may be required if more than three years has elapsed from the date of the expired charter school registration.

(15) Forfeiture for a check which the applicant's bank will not honor is \$25, unrelated to any evaluation fees. The total amount due shall be paid in cash, credit, or Money Order at the Commission's office.

(16) The fee for evaluating licensure applications submitted on behalf of teachers participating in exchange programs or on Congressional appointment from foreign countries is \$100.

(17) The fee for expedited service for an emergency or other license, registration or certificate is \$99 plus the fee for the license registration or certificate application as defined in this administrative rule.

(18) The fee to evaluate an application for reinstatement of an expired charter school registration is \$25 plus a late application fee of \$25 for each month or portion of a month that the registration has been expired to a maximum of \$125 total. The reinstatement fee does not include any separate fingerprint fee that may be required if more than three years has elapsed from the date of the expired charter school registration.

(19) The fee for a criminal records check including fingerprinting is \$59.

(20) The fee for a "highly qualified teacher" evaluation is \$50.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 – 342.430; 342.455-342.495; 342.533

Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 2-1979, f. 8-21-79, ef. 1-1-80; TS 1-1982, f. & ef. 1-5-82; TS 3-1983, f. & ef. 5-16-83; TS 4-1983, f. 5-17-83, ef. 7-1-83; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 4-1985, f. 10-4-85, ef. 1-1-86; TS 7-1986, f. 10-15-86, ef. 1-15-87; TS 5-1988, f. 10-6-88, cert. ef. 1-15-89; TS 7-1989, f. & cert. ef. 12-13-89; TS 1-1992, f. & cert. ef. 1-15-92; TS 4-1994, f. 7-19-94, cert. ef. 10-15-94; TS 5-1994, f. 9-29-95, cert. ef. 10-15-94; TS 4-1997, f. 9-25-97, cert. ef. 10-4-97; TSPC 4-1999, f. & cert. ef. 8-2-99; TSPC 2-2000, f. & cert. ef. 5-15-00; TSPC 1-2003, f. & cert. ef. 1-13-03; TSPC 6-2004, f. & cert. ef. 8-25-04; TSPC 6-2005(Temp), f. & cert. ef. 8-16-05 thru 1-30-06; TSPC 9-2005, f. & cert. ef. 11-15-05; TSPC 11-2005(Temp), f. 11-18-05, cert. ef. 1-1-06 thru 6-29-06; TSPC 5-2006, f. & cert. ef. 2-10-06; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 5-2008, f. & cert. ef. 6-13-08; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 1-2009(Temp), f. & cert. ef. 2-27-09 thru 8-25-09; Administrative correction 9-29-09; TSPC 4-2009, f. & cert. ef. 9-22-09; TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 4-2010, f. & cert. ef. 7-15-10; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10; TSPC 9-2010, f. 12-15-10, cert. ef. 1-1-11; TSPC 5-2011, f. & cert. ef. 6-15-11; TSPC 2-2012, f. & cert. ef. 2-15-12; TSPC 6-2012, f. & cert. ef. 5-18-12; TSPC 9-2012, f. & cert. ef. 9-14-12; TSPC 3-2013, f. & cert. ef. 8-19-13

## 584-060-0002

### Definitions for Division 60

(1) "Application:" A request for an Oregon license authorizing service in public schools or a request for reinstatement or renewal of such license. As used in these rules, "application" includes the Application Form, C-1, the fee, and all supporting documents necessary for the evaluation for the license. A copy of the C-1 can be found on TSPC's Web page at: [www.Oregon.gov/TSPC](http://www.Oregon.gov/TSPC).

(2) "Appropriately Assigned:" Assignments for administrator, teacher, school counselor, school psychologist, school social worker or school nurse duties for which the person involved holds the proper license, certificate or endorsements and authorizations. (See OAR 584-060-0250 for License for Conditional Assignment.)

(3) "Approved Institution:" A U.S. regionally accredited institution of higher education approved to prepare licensed personnel by a U.S. governmental jurisdiction in which the institution is located. (See definition of "Regional Accrediting Associations" at OAR 584-005-0005.)

(4) "Approved Programs:" An Oregon program of educator preparation approved by TSPC and offered by a regionally accredited Oregon institution or other legally approved provider. As it applies to out-of-state programs, a program approved by the licensure body of any U.S. governmental jurisdiction or member of the National Association of State Directors of Teacher Education and Certification (NASDTEC) authorized to approve educator preparation programs.

(5) "Authorization Level:" The grade levels in which a person may teach, i.e., early childhood, elementary, middle level and high school as defined in OAR 584-060-0051.

(6) "Basic Skills Tests:" Tests of basic reading, writing and mathematics as approved by the commission. These tests may only be waived if the applicant possesses a regionally accredited master's degree, doctor's degree or was licensed in Oregon prior to 1985. The master's degree and doctor's degree must have been fully conferred prior to the educator's admission into the licensure program.

(7) "Completion of Approved Program:" The applicant has met the institution's academic requirements and any additional state or federal requirements and has obtained the institution's recommendation for licensure.

(8) "Endorsement:" The subject matter or specialty education field in which the individual is licensed to teach.

(9) "National Board for Professional Teaching Standards (NBPTS):" A professional board established to award a National Teaching Certificate or National Principal Certificate or National Teacher Leader Certificate to qualified educators.

(10) "Out of State Licenses or Certificates:" A certificate or license valid for full-time employment which is at least equivalent to the Oregon license being requested and is issued by one of the United States, a U.S. jurisdiction (American Samoa, Commonwealth of Northern Marianas, District of Columbia, Guam, Puerto Rico, and Virgin Islands), a Canadian province that is a member of the National Association of State Directors of Teacher Education and Certification (NASDTEC) or the U.S. Department of Defense.

(11) "Personal Qualifications:" Personal qualifications for licensure including attainment of at least eighteen years of age and possessing good moral character and mental and physical health necessary for employment as an educator.

(12) "Private Schools:" A privately funded school, preprimary through grade twelve, approved, regionally accredited or registered by another U.S. jurisdiction or government.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120–342.430; 342.455-342.495; 342.533

Hist.: TSPC 6-2004, f. & cert. ef. 8-25-04; TSPC 2-2008, f. & cert. ef. 4-15-08; TSPC 3-2009(Temp), f. & cert. ef. 5-15-09 thru 11-11-09; TSPC 5-2009, f. & cert. ef. 10-5-09; TSPC 5-2012, f. & cert. ef. 5-18-12; TSPC 3-2013, f. & cert. ef. 8-19-13

## 584-060-0012

### Initial I Teaching License Requirements

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant may be granted an Initial I Teaching License for three years. The first license will be issued for three years plus time to the applicant's birthday.

(2) The Initial I Teaching License is valid for regular teaching at one or more designated authorization levels in one or more designated specialties and for substitute teaching at any level in any specialty. (See 584-060-0051 and 584-060-0052 for Authorization Levels.)

(3) To be eligible for an Initial I Teaching License, an applicant must:

(a) Possess the personal qualifications for licensure including attainment of at least eighteen years of age and possessing good moral character and mental and physical health necessary for employment as an educator; and

(b) Hold a bachelor's degree or higher from a regionally accredited institution in the United States, or the foreign equivalent of such degree approved by the commission. A master's degree or a doctoral degree from a regionally accredited institution in the United States validates a non-regionally accredited bachelor's degree for licensure; and

(c) Complete an initial teacher education program approved by the commission in Oregon, or complete a state-approved teacher preparation program in any U.S. jurisdiction, or complete a foreign program evaluated as satisfactory by an Oregon institution approved to offer the corresponding program; and

(d) Receive a passing score as currently specified by the commission on each of one or more tests of subject mastery for license endorsement or authorization; (See, OAR 584-036-0080 Licensure Tests for more information.)

(e) Receive a passing score as currently specified by the commission on a test of basic verbal and computational skills; (See, OAR 584-015-0080 for qualifying Basic Skills Tests.)

(f) Obtain a passing score on a test of knowledge of U.S. and Oregon civil rights laws and professional ethics; and

(g) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application.

# ADMINISTRATIVE RULES

(4) Applicants who have completed programs from states other than Oregon will be required to submit:

- (a) A C-2 form from the institution granting program completion;
- (b) Transcripts, verifying completion of the teacher education program; and
- (c) A license from another state valid for unrestricted full time teaching.

(A) A teaching license issued by the U.S. Department of Defense will be considered as a license from another state.

(B) Completion of alternative route teaching programs resulting in licensure through school districts or other avenues are subject to Executive Director approval.

(5) The Initial I Teaching License may be renewed two times for three years upon showing progress toward completion of the Initial II eligibility requirements as described in OAR 584-060-0013 during the life of the Initial I Teaching License under the following conditions:

(a) The progress must meet or exceed the equivalent of 3 semester hours or 4.5 quarter hours of graduate coursework germane to the license or directly germane to public school employment.

(b) The educator must qualify for an Initial II Teaching License upon expiration of ten years following the date the first Initial or Initial I Teaching License is issued. A one-year unconditional extension may be obtained if the educator was issued an Initial Teaching License prior to October 13, 2003 and is unable to meet all requirements within the nine year period. (See, OAR 584-060-0013 Initial II Teaching License.)

(c) In circumstances not covered by subsection (b) above, the Executive Director may grant an extension to the Initial I Teaching License for a term determined by the director, if and only if extraordinary circumstances can be demonstrated that the teacher was unable to complete the requirements for the Initial II Teaching License during the life of the Initial I Teaching License.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.165 & 342.136

Hist.: TSPC 1-2005, f. & cert. ef. 1-21-05; TSPC 5-2005(Temp), f. & cert. ef. 7-1-05 thru 12-28-05; TSPC 7-2005, f. & cert. ef. 8-24-05; TSPC 1-2007(Temp), f. & cert. ef. 3-30-07 thru 9-26-07; Administrative correction 10-16-07; TSPC 7-2007, f. & cert. ef. 12-14-07; TSPC 2-2008, f. & cert. ef. 4-15-08; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 3-2009(Temp), f. & cert. ef. 5-15-09 thru 11-11-09; TSPC 6-2009, f. & cert. ef. 11-2-09; TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 3-2013, f. & cert. ef. 8-19-13

## 584-060-0062

### Adding Endorsements to Initial or Continuing Teaching Licenses

(1) An endorsement is the subject matter or specialty education field in which the educator is licensed to teach. Educators may only teach the subjects in which they are licensed in the grade levels authorized on the license (authorization level).

(2) A multiple subjects self-contained endorsement does not allow the teacher to teach: Adaptive Physical Education, Art, Communications Disorders, Early Intervention/Special Education, ESOL, ESOL/Bilingual, Hearing Impaired, Library Media, Music, Physical Education, Reading Specialist, Special Education, or Vision Impaired.

(3) Subject-Matter Competency: A new endorsement will be added to a new or existing Initial I, Initial II or Continuing Teaching License upon documentation of one of the following: (For Middle-Level Endorsement exceptions see subsection (5) below.)

(a) For endorsements where subject-matter mastery tests are required by the commission,

(b) For the endorsements where the commission has not approved subject-matter mastery tests including but not limited to: Drama, Japanese, Latin, Chinese, Russian, and Adaptive Physical Education:

(A) Completion of a program or demonstrated completion of required coursework; or

(B) A non-provisional out-of-state license showing endorsement in the subject-area.

(c) Special Exception for Out-of-State Applicants: For out-of-state applicants upon first licensure in Oregon. (See, OAR 584-036-0080 Licensure Tests.)

(4) Practicum Requirements: In addition to the requirements in subsection (3)(a) and (b) of this rule, one of the following practical experiences must be completed:

(a) A program-supervised practicum of two semester hours or three quarter hours, which except as specified below may or may not be part of a longer preparation that includes content or methods courses in the subject area, in an institution approved to prepare teachers for that endorsement;

(b) Verification of 60 hours or more of experience teaching the new subject-area at least one hour each day or the equivalent on either an

optional assignment of ten hours or less or an approved License for Conditional Assignment (LCA) as allowed by OAR 584-060-0250; or

(c) Completion of an approved program in the new subject-matter endorsement area.

(5) Adding Endorsements to the Middle-Level (ML) Authorization Level:

(a) Teachers holding an Initial, Initial I, Initial II, or Continuing Teaching License with a multiple subjects self-contained or a multiple subjects endorsement with either an elementary or middle-level authorization are not required to complete an additional subject-related practicum to add the endorsements specified in this subsection.

(b) To add the endorsements listed below, teachers qualifying under this section must pass the Commission-approved high school or middle school test or tests in the appropriate subject-matter area:

(A) Language Arts or middle-school Language Arts;

(B) Social Studies or middle-school Social Studies;

(C) Science or middle school science; or

(D) Basic or Advanced Math.

(c) A multiple subjects endorsement is also required to add all general education endorsements at the middle-level authorization except the following specialty endorsements:

(A) Adaptive Physical Education

(B) Art;

(C) ESOL;

(D) ESOL/Bilingual;

(E) Library Media Specialist;

(F) Music;

(G) Physical Education;

(H) Reading; and

(I) Special Education;

(J) Vision Impaired;

(K) Hearing Impaired;

(L) Communications Disorders;

(M) Early Intervention/Special Education.

(6) Grade Authorization Level: Some endorsement areas may require the completion of a new authorization level program prior to being added to the license. The applicant should obtain a check sheet of requirements from TSPC prior to pursuing adding a new endorsement to an existing license. (See, OAR 584-060-0052 Adding Authorization Levels to Existing Initial and Continuing Teaching Licenses.)

(7) When Programs are Required:

(a) An approved program including content courses, methods courses, and practica is always required as preparation for added endorsement in the following areas:

(A) All Special Education endorsements, including:

(i) Early Intervention/Special Education;

(ii) Hearing Impairment;

(iii) Vision Impairment;

(iv) Special Education; and

(v) Communication Disorders;

(B) English to Speakers of Other Languages (ESOL);

(C) Reading; or

(D) Subjects for which no subject mastery test has been required by the Commission for endorsement including but not limited to:

(i) Drama;

(ii) Japanese;

(iii) Latin;

(iv) Chinese;

(v) Russian; and

(vi) Adaptive Physical Education.

(b) Program evaluations for waiver of the subject matter test for out-of-state applicants requesting these endorsements must align with the requirements in division 38;

(c) Adding a Multiple Subjects or other General Education Endorsement to a License with Only a Specialty Endorsement: To add any general education endorsement to a license that holds a "specialty endorsement" only requires the following:

(A) Evidence of completion of a general education program at the grade levels at which the general education endorsement is sought; or

(B) A recommendation by C-2 form by an Oregon program approved to offer the endorsement.

(8) Specialty Endorsements: Adding specialty endorsements such as art, music, ESOL, ESOL/bilingual, reading, physical education, and library media specialists may involve additional course work. (See, OAR 584-060-0071 Endorsements Requiring Special Preparation.)

Stat. Auth.: ORS 342



# ADMINISTRATIVE RULES

Stats. Implemented: ORS 342.120 – 342.430; 342.455 – 342.495; 342.553  
Hist.: TSPC 3-2005(Temp), f. & cert. ef. 4-15-05 thru 9-30-05; TSPC 7-2005, f. & cert. ef. 8-24-05; TSPC 2-2007, f. & cert. ef. 4-23-07; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 4-2009, f. & cert. ef. 9-22-09; TSPC 2-2011, f. & cert. ef. 1-28-11; TSPC 6-2011, f. 8-15-11, cert. ef. 9-1-11; TSPC 4-2012, f. & cert. ef. 5-18-12; TSPC 3-2013, f. & cert. ef. 8-19-13

## 584-060-0220

### International Visiting Teacher License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified and eligible applicant may be granted an International Visiting Teacher License. The intent of this license is to provide up to a three-year cultural exchange of teachers and teaching strategies between Oregon and a participating country other than the United States.

(2) This license is issued for one year and is renewable up to two times.

(3) This license is valid for substitute teaching only at the grade authorization levels and subject-matter endorsement areas listed on the license.

(4) The International Visiting Teacher License is restricted to use within the district that has applied for it jointly with the teacher and is valid for teaching with the requesting employer only at the designated grade authorization levels and subject-matter endorsement areas requested by the employer and listed on the license. If the license is endorsed in a core academic area, the licensee may be considered to be “highly qualified” pursuant to federal law.

(5) To be eligible for the International Visiting Teacher License, the applicant must have not previously held any TSPC license and must co-apply with the requesting district and submit the following materials as part of the application packet:

(a) Evidence that the teacher is not a resident of the United States and is working here under a J-1 Visa;

(b) A letter from the co-applying district specifying the grade levels and subject-matter endorsement areas in which the district would like the applicant to teach and a brief description of the plan for supervision and mentoring the district has in place including the name of the mentor assigned to the applicant once licensed;

(c) Transcript evaluation or some other convincing evidence that the applicant holds the equivalent of a U.S. baccalaureate or higher degree and proof that the applicant has completed a professional teacher preparation program in their country. The transcript and other evidence submitted will be evaluated for subject-matter competency in the subject-area in which the license is being requested;

(d) Proof of passing scores on either Oregon subject-matter tests or tests passed in the applicant’s native country related to the curriculum being taught in the United States;

(e) A copy of all professional teaching credentials from a country other than the United States held by the applicant;

(f)(A) Evidence that the applicant has completed the equivalent of three full years, (not less than 27 months) of teaching experience in the applicant’s native country; or

(B) Proof of participation in the Cultural Exchange Program in a J-1 Visa status monitored by the Oregon Department of Education. Proof of participation must include verification from the Oregon Department of Education; and

(g) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission’s licensure application. (See also, OAR 584-036-0062 for Criminal Records Check Requirement.)

(6) To be eligible for a one-year renewal of the International Visiting Teaching License, an applicant must:

(a) Submit an application packet for renewal;

(b) A PEER form verifying the applicant’s assignment;

(c) A passing score on a commission-adopted test of knowledge of U.S. and Oregon civil rights laws and professional ethics; and

(d) Submit a letter from the co-applying school district attesting to the following:

(A) That the teacher’s assignment will remain within the scope of grades and subjects on the license;

(B) The plan for supervision and mentoring remains in place and update the name of the mentor if appropriate.

Stat. Auth.: ORS 342

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

Hist.: TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10; TSPC 8-2010(Temp), f. & cert. ef. 10-4-10 thru 12-31-10; TSPC 10-2010, f. 12-30-10, cert. ef. 1-1-11; TSPC 3-2011, f. & cert. ef. 3-15-11; TSPC 9-2012, f. & cert. ef. 9-14-12; TSPC 3-2013, f. & cert. ef. 8-19-13

## 584-060-0250

### License for Conditional Assignment

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a school district in Oregon may request a License for Conditional Assignment (LCA) for any educator holding an Initial, Continuing, Basic, Standard or pre-1965 Five-year License.

(2) The purpose of an LCA is to allow a school district to request mis-assignment for an educator to teach in an out-of-field subject-matter endorsement area or at grade-levels for which the educator is not authorized to teach, while the educator completes requirements necessary either to add the subject-matter endorsement or grade-level authorization to the underlying license or to obtain a new license type.

(3) The LCA is required when teaching out-of-field under any of the following circumstances:

(a) Teaching assignments for more than 10 hours weekly in one subject-matter area without the appropriate subject-matter endorsement;

(b) Assignment at any grade level not held on the underlying license;  
**EXAMPLE:** A high school authorized teacher teaching in grade 4 would require an LCA for any amount of time teaching outside of her grade level.

**EXAMPLE:** A physical education teacher without a health endorsement teaching health three periods of the day would require a LCA for health. If only teaching two periods a day; that would fall under the 10 hours per week threshold.

(c) Teaching in more than one unendorsed subject-matter endorsement area for any amount of time; or

**EXAMPLE:** If the physical education teacher above was teaching one period of health and one period of math; then an LCA would be required for both areas regardless of the 10 hours per week rule. The 10 hours per week rule applies to one subject only.

(d) Moving from one license to another;

**EXAMPLE:** A teacher moving to administration; an administrator moving to teaching (if educator does not hold a valid teaching license); a teacher moving to school psychology.

(4) Duration of the LCA: The LCA is a provisional license that provides temporary conditional approval to teach out-of-field under the following conditions:

(a) All LCAs will expire on June 30 following the date the LCA is issued.

(b) For endorsements that require only a test, experience or nine quarter hours or less of coursework, all endorsement requirements must be completed by June 30th following the date the LCA is issued.

(c) For endorsements requiring coursework exceeding nine quarter or six semester hours of coursework, the LCA will not exceed more than three academic years in total. The LCA for these endorsements will be issued as follows:

(A) The first LCA will expire on June 30th following the date the first LCA is issued;

(B) The second LCA will be reauthorized upon application by the educator and the school district upon evidence the educator has completed some coursework toward adding the endorsement and will expire on June 30th following the date the second LCA is issued;

(C) The third LCA will be reauthorized upon application by the educator and the school district and upon evidence the educator has substantially the coursework needed to add the endorsement and will expire on June 30th following the date the third LCA is issued.

(5) The LCA will not be “back dated.” Time spent on assignments where the district failed to request the LCA will be deducted from the allowable LCA total (either one year or three years).

(6) The LCA is not renewable and is not eligible for a 120 day grace period beyond its expiration date.

(7) The LCA is not a stand-alone or independent license. The underlying license must be kept current in order for the LCA to remain active. The LCA will not be issued for a duration that exceeds the expiration date of the underlying license. In cases where there is a lapse in the underlying license, the LCA may be re-activated for a time as determined by the Executive Director upon reinstatement of the underlying license.

(8) The district applying for an LCA is assumed to have informed the educator for which the LCA is being requested. Failure to inform the educator may result in an invalid LCA upon a finding by the Commission that the educator did not grant the district permission to add the LCA to the educator’s license.

(9) Licenses not eligible for an LCA include, but are not limited to the following provisional licenses:

(a) Any Restricted Transitional;

(b) Limited Teaching License;

(c) American Indian Language;

(d) Teaching Associate License;

(e) Career and Technical Education Teaching License;

(f) ESEA Alternative Route License;

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- (g) Substitute Teaching License
- (h) Restricted Substitute Teaching License;
- (i) Exceptional Administrator License; or
- (j) International Teaching License.

(10) Other Special LCA Limitations:

(a) An administrator, school counselor, or school psychologist who has never held a non-provisional teaching license in any state may not be issued an LCA to teach.

(b) An educator seeking conditional assignment as an administrator must hold a master's degree in education to be eligible for the LCA.

(c) Applying educators in either school counseling or school psychology must hold at least a bachelor's degree or master's degree in the respective field of counseling or psychology.

(d) Educators holding a Basic or Standard Teaching License must only seek a LCA for school counseling if the assignment exceeds .50 FTE.

(e) Licenses for Conditional Assignment will only be issued for special education assignments that are supplementary to highly qualified core academic subjects areas. The holder of the LCA must not be solely responsible for delivering direct instruction of core academic content matter to students on an IEP.

(f) Applying educators must never have held any one of the following licenses or permits endorsed in the subject-matter area or authorized grade-levels in which the educator is seeking to teach out-of-field:

- (A) Conditional assignment permit;
- (B) Restricted Transitional;
- (C) Emergency;
- (D) Transitional or out-of-state Initial Teaching License; or
- (E) Out of state license in the out-of-field subject-area or grade-levels.

(11) The LCA is restricted to use within the district that has applied for it. A new district may request to transfer the LCA so long as there is time remaining since the date the LCA was first issued.

(12) A district must:

(a) Apply for an LCA by October 31 for the fall term or otherwise within two weeks after the assignment has begun;

(b) Agree to provide professional assistance specific to the assignment for the educator during the first year of the conditional assignment; and

(c) Ensure that federal laws related to Highly Qualified Teachers are taken into account when applying for an LCA.

(13) After an LCA has expired, the educator must have completed all requirements necessary to add the appropriate endorsement, grade-level authorization or new licensure program in order to continue working in the area in which the educator held the LCA. Continuing to work in an out-of-field position on an expired LCA is a violation of licensure law and is unauthorized. The license-holder or the assigning administrator or both may be subject to sanctions by the commission pursuant to OAR 584-020-0040.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120-342.143, 342.153, 342.165, 342.223-342.232

Hist.: TSPC 8-2011, f. 12-15-11, cert. ef. 1-15-12; TSPC 3-2013, f. & cert. ef. 8-19-13

## 584-080-0161

### Exceptional Administrator License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, an unconventionally qualified applicant may be granted an Exceptional Administrator License at the sole discretion of the commission as permitted under ORS 342.200.

(2) The Exceptional Administrator License is issued for three years and renewable under conditions that the Executive Director may specify, is valid only for a designated position with a job description approved by the Executive Director.

(3) To be eligible for an Exceptional Administrator License the applicant must:

(a) Possess the personal qualifications for licensure including attainment of at least eighteen years of age and possessing good moral character and mental and physical health necessary for employment as an educator;

(b) Hold a master's or higher degree in the arts and sciences or an advanced degree in the professions from a regionally accredited institution or approved foreign equivalent;

(c) Demonstrate extraordinary professional experience that compensates for lack of experience in prekindergarten-12 schools;

(d) Submit a letter from the district consistent with subsection (5) below;

(e) Submit a recent résumé or curriculum vitae;

(f) Obtain a passing score on a commission-adopted test of knowledge of U.S. and Oregon civil rights and professional ethics; and

(g) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application. (See, OAR 584-036-0062 for Criminal Records Check Requirement.)

(4) The Exceptional Administrator License is valid for the position for which the district requested licensure so long as the position does not require supervising or evaluating teachers or working directly with students in Oregon public schools.

(5) The Exceptional Administrator License will be restricted to use in a district that has applied for it jointly with the administrator. Upon application, the district's superintendent or board chair must:

(a) Submit a letter that describes the district's particular need in relation to the co-applicant administrator's qualifications as summarized on the submitted résumé;

(b) Attest that no suitable candidate with any unrestricted administrator license is comparably qualified and available for the role to be filled; and

(c) Attests that the administrator will not be supervising or evaluating teachers or working directly with children.

(6) The Exceptional Administrator License may be renewed upon:

(a) Evidence of district support for the renewal; and

(b) A statement by the district that the administrator's position has not changed since the license was requested or last renewed; and

(c) Continuing professional development in accordance with OAR 584-090.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120-342.430, 342.455 - 342.495; 342.533

Hist.: TSPC 3-1999, f. & cert. ef. 7-15-99; TSPC 2-2007, f. & cert. ef. 4-23-07; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 3-2009(Temp), f. & cert. ef. 5-15-09 thru 11-11-09; Administrative correction 11-19-09; TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10; TSPC 9-2010, f. 12-15-10, cert. ef. 1-1-11; TSPC 4-2012, f. & cert. ef. 5-18-12; TSPC 3-2013, f. & cert. ef. 8-19-13

## 584-090-0100

### Professional Development Generally

(1) Professional development is required for renewal of most active licenses, registrations and certificates for public school or charter school teachers, administrators, school counselors, school psychologists, school social workers, school nurses.

(2) Continuing professional development (CPD) obligations are common to most professions. CPD is defined as a structured approach to learning to help ensure competence to practice, taking in knowledge, skills and practical experience. CPD can involve any relevant education learning activity, whether formal and structured or informal and self-directed.

(3) Educators seeking to reinstate a renewable license must demonstrate completion of all professional development requirements obtained after the date on which their last active license was issued by the Commission provided continuing professional development (CPD) is required for renewal.

(4) New out-of-state educators may submit professional development obtained prior to licensure in Oregon as a basis for licensure renewal so long as:

(a) The professional development was obtained within the five (5) years immediately preceding the date the first Oregon educator license, registration or certification was issued;

(b) The professional development is consistent with the requirements of this Division; and

(c) The professional development was obtained within the five years immediately preceding the expiration date on the license for which they are seeking renewal.

(5) Professional development is required for renewal of the following licenses, registrations or certificates for teaching, administration, personnel service, and school nursing:

(a) American Indian Language Teaching;

(b) Basic;

(c) Standard;

(d) Career and Technical Education II Teaching (See also, OAR 584-042-0051);

(e) Charter School registrations;

(f) Continuing;

(g) Five-Year Career and Technical Education Teaching;

(h) Five Year Teaching (pre-1965);

(g) Initial II;

(h) Limited;

(j) Substitute;

(k) Restricted Substitute;

(l) Distinguished Administrator;

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- (m) Exceptional Administrator;
- (n) Five Year Administrator (pre-1965);
- (o) Five Year Personnel Service (pre-1965); and
- (p) Professional School Nurse.

(6) Educators who hold dual licensure with other state professional licensing boards are encouraged to fulfill their CPD requirements by completing PDU's provided by those professional licensure areas.

(7) It is the sole responsibility of the licensed educator to ensure accurate completion of continuing professional development upon renewal. Failure to complete continuing professional development does not constitute an "emergency" for the purposes of receiving an Emergency License when CPD requirements have not been met.

(8) If employed during the life of the license, the supervisor or CPD advisor will verify that the educator has successfully completed all CPD requirements to the district superintendent or designee on the TSPC Professional Educational Experience Report (PEER) form prior to renewal of licensure.

Stat. Auth.: ORS 342  
Stats. Implemented: ORS 342.120-342.430; 342.455-342.495; 342.553  
Hist.: TSPC 6-2012, f. & cert. ef. 5-18-12; TSPC 3-2013, f. & cert. ef. 8-19-13

## 584-100-0002

### Purpose of Rules Related to Highly Qualified Teachers

(1) These rules establish requirements and procedures under the federal Elementary-Secondary Education Act (ESEA), formerly known as the No Child Left Behind Act that mandates all teachers in core academic areas meet the law's definition of "highly qualified" by the end of the 2005-2006 school year.

(2) Additionally, after the first day of the 2002-2003 school year, all teachers hired in all programs supported with ESEA Title IA funds or hired with ESEA Title IIA funds to specifically reduce class size must be "highly qualified."

(3) Teachers new to Oregon licensure must first be evaluated under the existing Oregon administrative rules to become licensed, and then meet the requirements for "highly qualified teacher" appropriate for the license with which they qualify.

(4) The rules in division 100 apply only to ESEA core academic subjects.

(5) These rules are advisory only as they relate to the consequences for not meeting the definition of "highly qualified teacher" as defined in the federal ESEA. The Commission has promulgated these rules to assist school districts and charter schools in making determinations whether teachers in core academic subjects meet the federal definition for "highly qualified teacher."

Stat. Auth.: ORS 342  
Stats. Implemented: ORS 342.125  
Hist.: TSPC 2-2004, f. & cert. ef. 3-17-04; TSPC 2-2006(Temp), f. & cert. ef. 2-3-06 thru 8-2-06; TSPC 8-2006, f. 5-15-06, cert. ef. 7-1-06; TSPC 2-2007, f. & cert. ef. 4-23-07; TSPC 3-2013, f. & cert. ef. 8-19-13

## 584-100-0006

### Definitions

These definitions apply only to division 100.

(1) "Advanced Credential or Advanced Certification" for teachers holding middle level or high school authorization levels:

- (a) A Continuing Teaching License; or
- (b) A Standard Teaching License with a Standard endorsement in the core academic subject; or
- (c) A certificate from the National Board for Professional Teaching Standards in the core academic subject area.

(2) "Bachelor's Degree":

- (a) A degree obtained from a regionally accredited institution in the United States; or
- (b) A degree from a foreign institution that is appropriately accredited as affirmed through the Oregon Office of Degree Authorization; or
- (c) A higher degree in the arts or sciences or an advanced degree in the professions from a regionally-accredited institution may validate a non-regionally accredited bachelor's degree.

(3) "Complete School Year": Any related teaching assignment for 135 instructional days in a school year. Exceptions may be appealed to the Executive Director pursuant to OAR 584-052-0027.

(4) "Core Academic Subjects":

- (a) English (Language Arts);
- (b) Reading or Language Arts (Reading or Language Arts)
- (c) Mathematics (Basic or Advanced Mathematics);
- (d) Science (Integrated Science, Biology, Chemistry, or Physics);
- (e) Foreign Languages (Spanish, French, German);

- (f) Civics and Government (Social Studies);
- (g) Economics (Social Studies);
- (h) Arts (Art or Music);
- (i) History (Social Studies);
- (j) Geography (Social Studies).

(5) "Elementary Classroom": Any combination of self-contained classrooms in grades preprimary through six in any school identified as an elementary school pursuant to OAR 581-022-0102(25).

(6) "Elementary Teacher": An educator teaching in a self-contained classroom grades preprimary through six.

(7) "Middle-level Classroom": Any classrooms in grades seven or eight.

(8) "New to the Profession": A teacher who has been teaching on an approved license in any U.S. jurisdiction in a public or regionally accredited private school less than three complete school years. (See definition of "Complete School Year" above)

(9) "Newly Hired Teacher": A teacher hired after the first day of the 2002-2003 school year in a Title IA program or Title IA school-wide program. The teacher is not considered "newly hired" if the teacher is already employed in the district and transferred into a Title IA program or Title IA school-wide program.

(10) "Not New to the Profession": A teacher who has been teaching on an approved license in any U.S. jurisdiction in a public or private school for a total of three or more complete school years. (See definition of "Complete School Year" above.)

(11) "Rigorous State Test":

- (a) The appropriate commission approved licensure subject-matter test for elementary, middle-level and high school; or
- (b) Another state's subject-matter licensure exam designated as a "rigorous state test."

(12) "Secondary School or high school":

- (a) A combination of grades ten through twelve in districts providing a junior high school containing grade nine; or
- (b) Any combination of grades seven through twelve organized as a separate unit; or
- (c) Grades seven through twelve housed with grades preprimary through twelve if grades seven and eight are departmentally organized.

(13) "Self-contained Classroom": An assignment for teaching in grades preprimary through six in which the teacher has full responsibility for the curriculum.

(14) "Subject-matter competency": Subject matter competency may be demonstrated through any one of the following:

- (a) Passing the appropriate "rigorous state test;" or
- (b) Having a major in the subject-matter area (does not apply to elementary endorsements or authorizations); or
- (c) Having coursework equivalent to a major in the subject-matter area (does not apply to elementary endorsements or authorizations); or
- (d) Having a graduate degree in the subject matter area (does not apply to elementary endorsements or authorizations); or
- (e) Satisfying the Highly Objective Uniform State Standard of Evaluation (HOUSSE) requirements set forth in these rules if the educator has taught three complete years or more.

(15) "Undergraduate Major or Coursework Equivalent to a Major": Thirty-four (34) quarter hours or twenty-three (23) semester hours of undergraduate or graduate coursework in core academic subject matter numbered 100 level or above, from a regionally accredited college or university. (See definition of "Bachelor's Degree" for undergraduate credits obtained from an unaccredited college or university.)

Stat. Auth.: ORS 342  
Stats. Implemented: ORS 342.120 - 342.430 & 342.985  
Hist.: TSPC 2-2004, f. & cert. ef. 3-17-04; TSPC 2-2006(Temp), f. & cert. ef. 2-3-06 thru 8-2-06; TSPC 8-2006, f. 5-15-06, cert. ef. 7-1-06; TSPC 13-2006, f. & cert. ef. 11-22-06; TSPC 4-2008(Temp), f. & cert. ef. 6-5-08 thru 11-30-08; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 2-2009, f. & cert. ef. 3-12-09; TSPC 3-2013, f. & cert. ef. 8-19-13

## 584-100-0007

### Licenses Considered "Full State Licensure"

The following Oregon Teaching Licenses are considered to meet "full state licensure" under the federal ESEA:

- (1) Basic Teaching License;
- (2) Standard Teaching License;
- (3) Initial, Initial I and Initial II Teaching Licenses;
- (4) Continuing Teaching License;
- (5) Five-Year Elementary Teaching License;
- (6) Five-Year Secondary Teaching License;
- (7) Approved ESEA Alternative Route Teaching License;
- (8) International Visiting Teacher; or

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(9) Charter School Registry.

Stat. Auth: ORS 342

Stats. Implemented: ORS 342.125

Hist.: TSPC 2-2004, f. & cert. ef. 3-17-04; TSPC 2-2006(Temp), f. & cert. ef. 2-3-06 thru 8-2-06; TSPC 8-2006, f. 5-15-06, cert. ef. 7-1-06; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 1-2013, f. & cert. ef. 2-14-13; Renumbered from 584-100-0101 by TSPC 3-2013, f. & cert. ef. 8-19-13

## 584-100-0008

### Licenses Not Considered to be “Full State Certification”

The following Oregon Teaching Licenses are not considered full state licensure under the federal Elementary and Secondary Education Act (ESEA):

- (1) Personnel Service License:
  - (a) School Counseling;
  - (b) School Psychologist;
  - (c) Supervisor; or
  - (d) School Social Worker
- (2) Limited Student Services License;
- (3) Restricted or unrestricted Transitional Counselor License;
- (4) Restricted or unrestricted School Psychologist License;
- (5) Teaching Associate License;
- (6) Substitute Teaching License;
- (7) American Indian Languages License;
- (8) Emergency Teaching License;
- (9) Restricted Transitional Teaching License (See OAR 584-100-0041 for possible *Approved ESEA Alternative Route Teaching License* eligibility.);
- (10) Limited Teaching License;
- (11) License for Conditional Assignment;
- (12) Any Career and Technical Education License; or
- (13) Any Administrative License.

Stat. Auth: ORS 342

Stats. Implemented: ORS 342.125

Hist.: TSPC 2-2004, f. & cert. ef. 3-17-04; TSPC 2-2006(Temp), f. & cert. ef. 2-3-06 thru 8-2-06; TSPC 8-2006, f. 5-15-06, cert. ef. 7-1-06; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 1-2013, f. & cert. ef. 2-14-13; Renumbered from 584-100-0106 by TSPC 3-2013, f. & cert. ef. 8-19-13

## 584-100-0011

### Highly Qualified Elementary Teacher New to the Profession

Teachers new to the profession teaching multiple subjects (elementary curriculum) in grades kindergarten (K) through six (6) in an Oregon elementary school must meet the following criteria in order to meet the federal definition of “highly qualified teacher.” The teacher must:

- (1) Hold a bachelor’s degree;
- (2) Hold a Basic, Initial, Initial I, or an *Approved ESEA Alternative Route Teaching License*;
- (3) Have passed a rigorous Commission-adopted multiple subjects elementary examination; and

(4) Be properly assigned in grades kindergarten (K) through six (6).

Stat. Auth: ORS 342

Stats. Implemented: ORS 342.125

Hist.: TSPC 2-2004, f. & cert. ef. 3-17-04; TSPC 2-2006(Temp), f. & cert. ef. 2-3-06 thru 8-2-06; TSPC 8-2006, f. 5-15-06, cert. ef. 7-1-06; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 5-2012, f. & cert. ef. 5-18-12; TSPC 3-2013, f. & cert. ef. 8-19-13

## 584-100-0016

### Highly Qualified Elementary Teacher Not New to the Profession

Teachers not new to the profession teaching multiple subjects in grades kindergarten (K) through six (6) must meet the following criteria in order to meet the federal definition of “highly qualified teacher.” The teacher must:

- (1) Hold a bachelor’s degree;
- (2) Hold a Basic, Standard, Initial, Continuing, Pre-1965 Five-Year Elementary Teaching License;
- (3) Demonstrate subject-matter competency by passing a rigorous Commission-adopted elementary education examination appropriate for grades kindergarten (K) through six (6); or
- (4) Demonstrate competency by meeting the following High Objective Uniform State Standards of Evaluation (HOUSSE):

(a) To qualify for HOUSSE, a teaching license must have been awarded prior to July 1, 2007 and a minimum of three years teaching experience in elementary education must have occurred prior to July 1, 2009; and

(b) Complete an approved elementary teacher education program or the coursework equivalent to sixty-quarter hours distributed as follows:

- (A) Eighteen quarter or twelve semester hours in language arts;
- (B) Twelve quarter or eight semester hours in mathematics;
- (C) Nine quarter or six semester hours in science;

(D) Nine quarter or six semester hours in U.S. history, cultural geography, and other social sciences;

(E) Three quarter or two semester hours in health education;

(F) Three quarter or two semester hours in physical education;

(G) Three quarter or two semester hours in music education; and

(H) Three quarter or two semester hours in art education; and

(5) Be properly assigned in grades kindergarten (K) through six (6).

Stat. Auth: ORS 342

Stats. Implemented: ORS 342.125

Hist.: TSPC 2-2004, f. & cert. ef. 3-17-04; TSPC 2-2006(Temp), f. & cert. ef. 2-3-06 thru 8-2-06; TSPC 8-2006, f. 5-15-06, cert. ef. 7-1-06; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 5-2012, f. & cert. ef. 5-18-12; TSPC 1-2013, f. & cert. ef. 2-14-13; TSPC 3-2013, f. & cert. ef. 8-19-13

## 584-100-0017

### Highly Qualified Elementary Teachers Teaching Title I or Remedial Reading

All full state licensed teachers assigned to teach Title I or remedial reading in grades K-6 must hold:

(1) Either a Basic or Standard Elementary Teaching License and be properly assigned to teach Title I or remedial reading at .49 FTE or less; or

(2) A Reading Specialist Endorsement.

Stat. Auth: ORS 342

Stats. Implemented: ORS 342.125

Hist.: TSPC 5-2012, f. & cert. ef. 5-18-12; TSPC 3-2013, f. & cert. ef. 8-19-13

## 584-100-0021

### Highly Qualified Middle Level Teacher New to the Profession

(1) Teachers new to the profession teaching core academic subjects in grades seven (7) and eight (8) in an Oregon middle, junior high school, or a high school that includes grades seven (7) and eight (8), must meet the following criteria in order to meet the federal definition of “highly qualified teacher.” The teacher must:

(a) Hold a Basic, Initial, or *Approved ESEA Alternative Route Teaching License* authorized to teach in any one of the core academic areas and satisfy one of the following:

(A) Pass a rigorous state exam in the core academic subject matter area; or

(B) Hold an undergraduate major in the subject core academic matter area; or

(C) Hold a graduate degree in the core academic subject matter area; or

(D) Complete coursework equivalent to an undergraduate major in the core academic subject; and

(b) Be properly assigned in the core academic subject matter area in grades seven (7) or eight (8).

(2) Teachers on an approved License for Conditional Assignment (LCA) for any core academic subject may be highly qualified based on completed coursework in the core academic subject area.

Stat. Auth: ORS 342

Stats. Implemented: ORS 342.125

Hist.: TSPC 2-2004, f. & cert. ef. 3-17-04; TSPC 2-2006(Temp), f. & cert. ef. 2-3-06 thru 8-2-06; TSPC 8-2006, f. 5-15-06, cert. ef. 7-1-06; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 5-2012, f. & cert. ef. 5-18-12; TSPC 3-2013, f. & cert. ef. 8-19-13

## 584-100-0026

### Highly Qualified Middle Level Teacher Not New to the Profession

Teachers not new to the profession teaching core academic subjects in grades seven (7) and eight (8) in an Oregon middle or junior high school must meet the following criteria in order to meet the federal definition of “highly qualified teacher.” The teacher must:

(1) Hold a Basic, Standard, Initial, Continuing, Five-Year Elementary, Five-Year Secondary, or an *Approved ESEA Alternative Route Teaching License* and satisfy one of the following:

(a) Pass the prescribed rigorous state exam in the core academic subject; or

(b) Hold an undergraduate major in the core academic subject area(s); or

(c) Hold a graduate degree in the core academic subject area(s); or

(d) Complete coursework equivalent to an undergraduate major in the core academic subject area; or

(e) Hold advanced certification or credentialing in the core academic subject area; or

(f) Meet the HOUSSE requirements as defined in OAR 584-100-0038; and

(g) Be properly assigned in the core academic subject area in grades seven (7) or eight (8).

(2) Teachers on an approved License for Conditional Assignment (LCA) for any core academic subject may be highly qualified based on

# ADMINISTRATIVE RULES

completed coursework in the core academic subject area pursuant to OAR 584-100-0038.

Stat. Auth: ORS 342  
Stats. Implemented: ORS 342.125  
Hist.: TSPC 2-2004, f. & cert. ef. 3-17-04; TSPC 4-2004(Temp), f. & cert. ef. 5-14-04 thru 11-9-04; TSPC 6-2004, f. & cert. ef. 8-25-04; TSPC 2-2006(Temp), f. & cert. ef. 2-3-06 thru 8-2-06; TSPC 8-2006, f. 5-15-06, cert. ef. 7-1-06; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 5-2012, f. & cert. ef. 5-18-12; TSPC 3-2013, f. & cert. ef. 8-19-13

## 584-100-0031

### Highly Qualified Secondary Teacher New to the Profession

(1) Teachers new to the profession teaching core academic subjects in grades nine (9) through twelve (12) in an Oregon high school must meet the following criteria in order to meet the federal definition of "highly qualified teacher." The teacher must:

(a) Hold a Basic, Initial, or an *Approved ESEA Alternative Route Teaching License* with an endorsement in the core academic subjects taught; and

(b) Be properly assigned in the core academic subject area in grades nine (9) through twelve (12).

(2) New secondary teachers on an approved License for Conditional Assignment (LCA) for any core academic subject may be highly qualified based on completed coursework in the core academic subject area if they have a major or coursework equivalent to a major in the core academic subject, but lack the endorsement on the license.

Stat. Auth: ORS 342  
Stats. Implemented: ORS 342.125  
Hist.: TSPC 2-2004, f. & cert. ef. 3-17-04; TSPC 2-2006(Temp), f. & cert. ef. 2-3-06 thru 8-2-06; TSPC 8-2006, f. 5-15-06, cert. ef. 7-1-06; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 5-2012, f. & cert. ef. 5-18-12; TSPC 3-2013, f. & cert. ef. 8-19-13

## 584-100-0038

### HOUSSE for Middle-Level and High School (Secondary) Teachers (7-12)

(1) Teachers may use a combination of coursework, professional development and experience to acquire points on a one-hundred (100) point scale to meet the federal definition of Highly Qualified Teacher (HQT) through Oregon's High Objective Uniform State Standard of Evaluation (HOUSSE).

(2) To qualify for HOUSSE, a teaching license must have been awarded prior to July 1, 2007 and a minimum of three years teaching experience in the subject to be evaluated must have occurred prior to July 1, 2009.

(3) To qualify for the HOUSSE, a total of one hundred (100) points of combined coursework, professional development and experience must be earned. Experience must meet a 30 point minimum. Experience may not count for more than 50 points.

(4) Teaching Off License in the Core Academic Subjects: Teachers who are conditionally assigned to teach the core academic subject more than 10 hours per week must apply for a License for Conditional Assignment (LCA) pursuant to Division 60 and must add the endorsement to teach the assignment within one to three years after the LCA is first issued. Unless the teacher meets the federal definition for HQT in the core academic subject, the district may not report the teacher as being highly qualified while holding the LCA.

(a) If the educator meets the federal definition for HQT under any circumstances, then the district may report the teacher as HQT for purposes of that core academic subject even if the teacher does not immediately qualify to add the endorsement to the teaching license and even if the teacher is teaching under a License for Conditional Assignment (LCA).

(b) If the educator meets the federal definition for HQT and is teaching less than 10 hours per week in the core academic subject, the district may report the teacher as highly qualified and the teacher does not have to add the core academic endorsement to the license.

(5) Experience: Experience may not exceed more than fifty (50) points in the HOUSSE calculation. Generally, the educator will be given ten (10) points of credit for each full academic year as defined by the district's contracted teacher year. Experience will be valued under the following conditions:

(a) One (1) instructional day is one (1) period or more teaching the core academic subject.

(b) The subject must have been taught at grade 6 or above in a departmentalized setting.

(c) One full instructional year equals 10 points.

(d) Partial instructional years will be calculated as the number of instructional days teaching the subject divided by the number of contracted days in one full instructional year times 10.

Example: 150 days taught/180 days in full instructional year = (5/6 x 10) = 8.3 points.

(e) An educator must have taught at least five complete school years in order to earn the full fifty (50) points.

(6) Academic Coursework in the Core Academic Subject: There is no limit to the number of points that may be obtained through academic coursework related to the core academic subject.

(a) Core academic coursework must be college transfer level or graduate credit and must have a course number of 100 or greater;

(b) Transcripts for core academic coursework must be from a regionally accredited college or university;

(c) Core academic coursework will be valued as follows:

(A) One (1) quarter hour of credit equals three (3) points.

(B) One (1) semester hour of credit equals four and one-half (4.5) points.

(7) Professional Development: Professional Development directly related to the core academic credit may be counted toward the one hundred (100) points needed to meet the state's HOUSSE. Professional Development points will be valued under the following conditions:

(a) One (1) hour of core academic professional development is equal to 0.15 points.

(b) School district personnel authorized to certify professional development must verify that the professional development is directly relevant to the core academic subject in which the teacher is seeking to meet the definition of being "highly qualified." "Directly relevant" means that upon scrutiny, the professional development is more content related than pedagogy related.

Stat. Auth: ORS 342  
Stats. Implemented: ORS 342.125  
Hist.: TSPC 2-2006(Temp), f. & cert. ef. 2-3-06 thru 8-2-06; TSPC 8-2006, f. 5-15-06, cert. ef. 7-1-06; TSPC 5-2012, f. & cert. ef. 5-18-12; TSPC 10-2012, f. & cert. ef. 11-19-12; TSPC 1-2013, f. & cert. ef. 2-14-13; TSPC 3-2013, f. & cert. ef. 8-19-13

## 584-100-0041

### Approved ESEA Alternative Route Teaching License

(1) Upon filing a correct and complete application in form and manner prescribed by the Commission, a qualified applicant shall be granted an *Approved ESEA Alternative Route Teaching License*.

(2) The application must be filed jointly by the hiring district and the teacher seeking the license.

(3) Districts hiring a highly qualified teacher based on the *Approved ESEA Alternative Route Teaching License* must ensure that the license has been obtained by the teacher prior to assignment within the district.

(4) The *Approved ESEA Alternative Route Teaching License* shall be restricted to use within the district that has jointly applied for it with the teacher.

(5) The license is not transferable to another district. Should the teacher seek to obtain another *Approved ESEA Alternative Route Teaching License* with another district, the license is only valid for the remainder of the three years from the initial date of the license.

(6) The district must submit an approved plan with the licensee's application that describes how the teacher will receive high-quality professional development that is sustained, intensive and classroom-focused before and while teaching in the district. The plan must also include how the teacher will be making progress toward completing full state licensure requirements in the next three years.

(7) The license will expire exactly three-years from the date of issue and is not subject to the 120-day grace period.

(8) To be eligible for an *Approved ESEA Alternative Route License*, the applicant must:

(a) Hold a bachelor's degree;

(b) Demonstrate core academic subject matter competency by:

(A) Passing the TSPC approved rigorous state test required for the grade-level and subject-matter area; or

(B) Holding an undergraduate major or coursework equivalent in the core academic subject in the teaching area (does not apply to elementary authorizations); or

(C) Holding a graduate degree in the core academic subject in the teaching area (does not apply to elementary authorizations).

(9) Per federal law:

(a) Teachers on the *Approved ESEA Alternative Route Teaching License* are considered highly qualified for only three years; and

(b) The license is not renewable and is not eligible for any extension.

(10) Teachers who have taught on a Restricted Transitional License for one-year or less, upon application with a district may be eligible for the *Approved ESEA Alternative Route Teaching License* provided the requirements of section (8)(a) and (b) of this rule are met. The *Approved ESEA Alternative Route License* will only be effective for three years from the date the Restricted Transitional Teaching License was first issued.

# ADMINISTRATIVE RULES

Stat. Auth: ORS 342  
Stats. Implemented: ORS 342.125  
Hist.: TSPC 2-2004, f. & cert. ef. 3-17-04; TSPC 2-2006(Temp), f. & cert. ef. 2-3-06 thru 8-2-06; TSPC 8-2006, f. 5-15-06, cert. ef. 7-1-06; TSPC 3-2013, f. & cert. ef. 8-19-13

## 584-100-0051

### Highly Qualified Career and Technical Education Teacher

All career and technical education (CTE) teachers who teach career and technical education courses that contain core academic subjects, for which students receive core academic credit, must meet the federal definitions for highly qualified secondary teachers for that particular core academic subject including holding full state licensure pursuant to OAR 584-100-0007.

Stat. Auth: ORS 342  
Stats. Implemented: ORS 342.125  
Hist.: TSPC 2-2004, f. & cert. ef. 3-17-04; TSPC 2-2006(Temp), f. & cert. ef. 2-3-06 thru 8-2-06; TSPC 8-2006, f. 5-15-06, cert. ef. 7-1-06; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 3-2013, f. & cert. ef. 8-19-13

## 584-100-0061

### Special Education Teachers Generally

(1) Special education teachers who are providing direct instruction in core academic subjects must meet the federal definition for “highly qualified teacher.”

(2) Special educators who do not provide direct instruction to special education students in any core academic subject, or who provide only consultation to highly qualified teachers of core academic subjects in adapting curricula, using behavioral supports and interventions, and selecting appropriate accommodations, are not required to meet the federal definitions for highly qualified teachers.

(3) A special education teacher would have to meet the federal definitions for highly qualified teacher including, but not limited to, when teaching under the following circumstances:

(a) Teaching life skills to students;

(b) Teaching elective credits in core academic areas;

(c) Providing direct instruction in a core academic subject in a resource room setting if not supplemental to instruction in the same subject being provided by another teacher meeting the definition of “highly qualified teacher”; and

(d) Providing the only direct instruction in a core academic subject in any setting.

(4) Direct instruction for the purposes of this rule is planning curriculum, delivering instruction, granting credit and evaluating the performance of the student in any core academic area.

Stat. Auth: ORS 342  
Stats. Implemented: ORS 342.125  
Hist.: TSPC 2-2004, f. & cert. ef. 3-17-04; TSPC 2-2006(Temp), f. & cert. ef. 2-3-06 thru 8-2-06; TSPC 8-2006, f. 5-15-06, cert. ef. 7-1-06; TSPC 3-2013, f. & cert. ef. 8-19-13

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111-010-0015	7-12-2013	Amend	8-1-2013	123-021-0010	11-20-2012	Amend(T)	1-1-2013
111-015-0001	12-19-2012	Amend	2-1-2013	123-021-0010	5-23-2013	Amend	7-1-2013
111-030-0001	7-12-2013	Suspend	8-1-2013	123-021-0015	11-20-2012	Amend(T)	1-1-2013
111-030-0005	7-12-2013	Suspend	8-1-2013	123-021-0015	5-23-2013	Amend	7-1-2013
111-030-0010	7-12-2013	Amend(T)	8-1-2013	123-021-0080	11-20-2012	Amend(T)	1-1-2013
111-030-0020	7-12-2013	Suspend	8-1-2013	123-021-0080	5-23-2013	Amend	7-1-2013
111-030-0025	7-12-2013	Suspend	8-1-2013	123-021-0090	11-20-2012	Amend(T)	1-1-2013
111-030-0046	7-12-2013	Amend(T)	8-1-2013	123-021-0090	5-23-2013	Amend	7-1-2013
111-030-0050	2-21-2013	Amend(T)	4-1-2013	123-021-0110	11-20-2012	Amend(T)	1-1-2013
111-030-0050	5-10-2013	Amend	6-1-2013	123-021-0110	5-23-2013	Amend	7-1-2013
111-040-0011	4-26-2013	Adopt	6-1-2013	123-024-0001	4-1-2013	Amend	5-1-2013
111-065-0010	4-22-2013	Amend(T)	6-1-2013	123-024-0011	4-1-2013	Amend	5-1-2013
111-065-0010	7-12-2013	Amend	8-1-2013	123-024-0021	4-1-2013	Amend	5-1-2013
111-065-0010(T)	7-12-2013	Repeal	8-1-2013	123-024-0031	4-1-2013	Amend	5-1-2013
111-065-0015	4-22-2013	Amend(T)	6-1-2013	123-024-0046	4-1-2013	Amend	5-1-2013
111-065-0015	7-12-2013	Amend	8-1-2013	123-056-0010	6-3-2013	Adopt(T)	7-1-2013
111-065-0015(T)	7-12-2013	Repeal	8-1-2013	123-056-0020	6-3-2013	Adopt(T)	7-1-2013
111-065-0025	4-22-2013	Amend(T)	6-1-2013	123-056-0030	6-3-2013	Adopt(T)	7-1-2013
111-065-0025	7-12-2013	Amend	8-1-2013	123-056-0035	6-3-2013	Adopt(T)	7-1-2013
111-065-0025(T)	7-12-2013	Repeal	8-1-2013	123-056-0040	6-3-2013	Adopt(T)	7-1-2013
111-065-0030	4-22-2013	Amend(T)	6-1-2013	123-094-0001	5-29-2013	Adopt(T)	7-1-2013
111-065-0030	7-12-2013	Amend	8-1-2013	123-094-0010	5-29-2013	Adopt(T)	7-1-2013
111-065-0030(T)	7-12-2013	Repeal	8-1-2013	123-094-0020	5-29-2013	Adopt(T)	7-1-2013
111-070-0005	7-12-2013	Amend(T)	8-1-2013	123-094-0030	5-29-2013	Adopt(T)	7-1-2013
111-070-0015	7-12-2013	Amend(T)	8-1-2013	123-094-0040	5-29-2013	Adopt(T)	7-1-2013
111-070-0050	7-12-2013	Amend(T)	8-1-2013	123-200-0005	9-3-2013	Am. & Ren.	10-1-2013
111-080-0055	7-12-2013	Adopt(T)	8-1-2013	123-200-0010	9-3-2013	Am. & Ren.	10-1-2013
121-001-0000	12-1-2012	Repeal	1-1-2013	123-200-0020	9-3-2013	Am. & Ren.	10-1-2013
121-001-0005	12-1-2012	Repeal	1-1-2013	123-200-0030	9-3-2013	Repeal	10-1-2013
121-020-0000	12-1-2012	Repeal	1-1-2013	123-200-0040	9-3-2013	Am. & Ren.	10-1-2013
121-020-0010	12-1-2012	Am. & Ren.	1-1-2013	123-200-0050	9-3-2013	Repeal	10-1-2013
121-020-0020	12-1-2012	Am. & Ren.	1-1-2013	123-200-0060	9-3-2013	Repeal	10-1-2013
121-020-0030	12-1-2012	Am. & Ren.	1-1-2013	123-200-0070	9-3-2013	Repeal	10-1-2013
121-020-0040	12-1-2012	Am. & Ren.	1-1-2013	123-200-0080	9-3-2013	Repeal	10-1-2013
121-020-0050	12-1-2012	Am. & Ren.	1-1-2013	123-200-0090	9-3-2013	Am. & Ren.	10-1-2013
121-030-0000	12-1-2012	Am. & Ren.	1-1-2013	123-200-0100	9-3-2013	Repeal	10-1-2013
121-030-0010	12-1-2012	Am. & Ren.	1-1-2013	123-200-0120	9-3-2013	Repeal	10-1-2013
121-030-0020	12-1-2012	Am. & Ren.	1-1-2013	123-200-0130	9-3-2013	Repeal	10-1-2013
121-030-0030	12-1-2012	Am. & Ren.	1-1-2013	123-200-0140	9-3-2013	Repeal	10-1-2013
121-030-0040	12-1-2012	Am. & Ren.	1-1-2013	123-200-0150	9-3-2013	Repeal	10-1-2013
121-030-0050	12-1-2012	Am. & Ren.	1-1-2013	123-200-0160	9-3-2013	Repeal	10-1-2013
121-030-0060	12-1-2012	Am. & Ren.	1-1-2013	123-200-0170	9-3-2013	Repeal	10-1-2013
121-030-0070	12-1-2012	Am. & Ren.	1-1-2013	123-200-0180	9-3-2013	Am. & Ren.	10-1-2013
121-030-0080	12-1-2012	Am. & Ren.	1-1-2013	123-200-0190	9-3-2013	Am. & Ren.	10-1-2013
121-030-0090	12-1-2012	Am. & Ren.	1-1-2013	123-200-0200	9-3-2013	Repeal	10-1-2013
121-040-0010	12-1-2012	Am. & Ren.	1-1-2013	123-200-1400	9-3-2013	Adopt	10-1-2013
122-001-0037	6-27-2013	Adopt(T)	8-1-2013	123-200-1500	9-3-2013	Adopt	10-1-2013
123-009-0060	1-2-2013	Amend	2-1-2013	123-200-1600	9-3-2013	Adopt	10-1-2013
123-009-0090	1-2-2013	Amend	2-1-2013	123-200-1700	9-3-2013	Adopt	10-1-2013
123-017-0015	7-1-2013	Amend	8-1-2013	123-200-1800	9-3-2013	Adopt	10-1-2013
123-017-0030	7-1-2013	Amend	8-1-2013	123-200-1900	9-3-2013	Adopt	10-1-2013
123-017-0035	7-1-2013	Amend	8-1-2013	125-021-0005	12-1-2012	Repeal	1-1-2013
123-017-0055	7-1-2013	Amend	8-1-2013	125-180-1000	12-17-2012	Adopt(T)	1-1-2013
123-017-0060	7-1-2013	Repeal	8-1-2013	125-180-1010	7-31-2013	Adopt	9-1-2013
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125-180-1050	7-31-2013	Adopt	9-1-2013	125-247-0600	12-1-2012	Amend	1-1-2013
125-180-1060	7-31-2013	Adopt	9-1-2013	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
125-246-0319	12-1-2012	Adopt	1-1-2013	137-050-0700	7-1-2013	Amend	6-1-2013
125-246-0321	12-1-2012	Amend	1-1-2013	137-050-0710	7-1-2013	Amend	6-1-2013
125-246-0322	12-1-2012	Amend	1-1-2013	137-050-0715	7-1-2013	Amend	6-1-2013
125-246-0323	12-1-2012	Amend	1-1-2013	137-050-0720	7-1-2013	Amend	6-1-2013
125-246-0333	12-1-2012	Amend	1-1-2013	137-050-0725	7-1-2013	Amend	6-1-2013
125-246-0335	12-1-2012	Amend	1-1-2013	137-050-0730	7-1-2013	Amend	6-1-2013
125-246-0345	12-1-2012	Amend	1-1-2013	137-050-0735	7-1-2013	Amend	6-1-2013
125-246-0350	12-1-2012	Amend	1-1-2013	137-050-0740	7-1-2013	Amend	6-1-2013
125-246-0351	12-1-2012	Amend	1-1-2013	137-050-0745	7-1-2013	Amend	6-1-2013
125-246-0353	12-1-2012	Amend	1-1-2013	137-050-0750	7-1-2013	Amend	6-1-2013
125-246-0360	12-1-2012	Amend	1-1-2013	137-050-0755	7-1-2013	Amend	6-1-2013
125-246-0400	12-1-2012	Amend	1-1-2013	137-050-0760	7-1-2013	Amend	6-1-2013
125-246-0410	12-1-2012	Repeal	1-1-2013	137-050-0765	7-1-2013	Amend	6-1-2013
125-246-0420	12-1-2012	Repeal	1-1-2013	137-055-2140	7-8-2013	Amend	8-1-2013
125-246-0430	12-1-2012	Repeal	1-1-2013	137-055-2160	7-8-2013	Amend	8-1-2013
125-246-0440	12-1-2012	Repeal	1-1-2013	137-055-3340	7-1-2013	Repeal	6-1-2013
125-246-0450	12-1-2012	Repeal	1-1-2013	137-055-3420	7-8-2013	Amend	8-1-2013
125-246-0460	12-1-2012	Repeal	1-1-2013	137-055-3430	7-8-2013	Amend	8-1-2013
125-246-0470	12-1-2012	Repeal	1-1-2013	137-055-4620	7-1-2013	Amend	6-1-2013
125-246-0500	12-1-2012	Amend	1-1-2013	137-110-0001	1-7-2013	Adopt	2-1-2013
125-246-0556	12-1-2012	Amend	1-1-2013	137-110-0001	8-4-2013	Suspend	9-1-2013
125-246-0560	12-1-2012	Repeal	1-1-2013	137-110-0001(T)	1-7-2013	Repeal	2-1-2013
125-246-0576	12-1-2012	Amend	1-1-2013	137-110-0005	1-7-2013	Adopt	2-1-2013
125-246-0800	12-1-2012	Amend	1-1-2013	137-110-0005	8-4-2013	Suspend	9-1-2013
125-247-0100	12-1-2012	Amend	1-1-2013	137-110-0005(T)	1-7-2013	Repeal	2-1-2013
125-247-0110	12-1-2012	Amend	1-1-2013	137-110-0010	1-7-2013	Adopt	2-1-2013
125-247-0165	12-1-2012	Amend	1-1-2013	137-110-0010	8-4-2013	Amend(T)	9-1-2013
125-247-0255	12-1-2012	Amend	1-1-2013	137-110-0010(T)	1-7-2013	Repeal	2-1-2013
125-247-0260	12-1-2012	Amend	1-1-2013	137-110-0020	1-7-2013	Adopt	2-1-2013
125-247-0265	12-1-2012	Amend	1-1-2013	137-110-0020	8-4-2013	Suspend	9-1-2013
125-247-0270	12-1-2012	Amend	1-1-2013	137-110-0020(T)	1-7-2013	Repeal	2-1-2013
125-247-0275	12-1-2012	Amend	1-1-2013	137-110-0110	1-7-2013	Adopt	2-1-2013
125-247-0280	12-1-2012	Amend	1-1-2013	137-110-0110	8-4-2013	Amend(T)	9-1-2013
125-247-0285	12-1-2012	Amend	1-1-2013	137-110-0110(T)	1-7-2013	Repeal	2-1-2013
125-247-0287	12-1-2012	Amend	1-1-2013	137-110-0200	1-7-2013	Adopt	2-1-2013
125-247-0288	12-1-2012	Amend	1-1-2013	137-110-0200	8-4-2013	Amend(T)	9-1-2013
125-247-0296	12-1-2012	Amend	1-1-2013	137-110-0200(T)	1-7-2013	Repeal	2-1-2013
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137-110-0210(T)	1-7-2013	Repeal	2-1-2013	141-090-0015	1-1-2013	Amend	1-1-2013
137-110-0300	8-4-2013	Adopt(T)	9-1-2013	141-090-0020	1-1-2013	Amend	1-1-2013
137-110-0410	1-7-2013	Adopt	2-1-2013	141-090-0025	1-1-2013	Amend	1-1-2013
137-110-0410	8-4-2013	Amend(T)	9-1-2013	141-090-0030	1-1-2013	Amend	1-1-2013
137-110-0410(T)	1-7-2013	Repeal	2-1-2013	141-090-0032	1-1-2013	Amend	1-1-2013
137-110-0420	1-7-2013	Adopt	2-1-2013	141-090-0035	1-1-2013	Amend	1-1-2013
137-110-0420	8-4-2013	Amend(T)	9-1-2013	141-090-0040	1-1-2013	Amend	1-1-2013
137-110-0420(T)	1-7-2013	Repeal	2-1-2013	141-090-0045	1-1-2013	Amend	1-1-2013
137-110-0430	1-7-2013	Adopt	2-1-2013	141-090-0050	1-1-2013	Amend	1-1-2013
137-110-0430	8-4-2013	Suspend	9-1-2013	141-090-0055	1-1-2013	Amend	1-1-2013
137-110-0430(T)	1-7-2013	Repeal	2-1-2013	150-291.349	1-1-2013	Amend	2-1-2013
137-110-0500	1-7-2013	Adopt	2-1-2013	150-291.349	3-28-2013	Amend	5-1-2013
137-110-0500	8-4-2013	Suspend	9-1-2013	150-294.187	1-1-2013	Amend	2-1-2013
137-110-0500(T)	1-7-2013	Repeal	2-1-2013	150-294.187	3-28-2013	Amend	5-1-2013
137-110-0510	1-7-2013	Adopt	2-1-2013	150-305.220(1)	1-1-2013	Amend	2-1-2013
137-110-0510	8-4-2013	Suspend	9-1-2013	150-305.220(1)	3-28-2013	Amend	5-1-2013
137-110-0510(T)	1-7-2013	Repeal	2-1-2013	150-305.220(2)	1-1-2013	Amend	2-1-2013
137-110-0520	1-7-2013	Adopt	2-1-2013	150-305.220(2)	3-28-2013	Amend	5-1-2013
137-110-0520	8-4-2013	Suspend	9-1-2013	150-305.265(14)-(A)	1-1-2013	Am. & Ren.	2-1-2013
137-110-0520(T)	1-7-2013	Repeal	2-1-2013	150-305.265(14)-(A)	3-28-2013	Am. & Ren.	5-1-2013
137-110-0600	1-7-2013	Adopt	2-1-2013	150-305.796	1-1-2013	Adopt	2-1-2013
137-110-0600	8-4-2013	Amend(T)	9-1-2013	150-305.796	3-28-2013	Adopt	5-1-2013
137-110-0600(T)	1-7-2013	Repeal	2-1-2013	150-306.115	1-1-2013	Amend	2-1-2013
137-110-0605	8-4-2013	Adopt(T)	9-1-2013	150-306.115	3-28-2013	Amend	5-1-2013
137-110-0610	1-7-2013	Adopt	2-1-2013	150-306.115-(A)	1-1-2013	Amend	2-1-2013
137-110-0610	8-4-2013	Amend(T)	9-1-2013	150-306.115-(A)	3-28-2013	Amend	5-1-2013
137-110-0610	8-22-2013	Amend(T)	10-1-2013	150-306.115-(C)	1-1-2013	Amend	2-1-2013
137-110-0610(T)	1-7-2013	Repeal	2-1-2013	150-306.115-(C)	3-28-2013	Amend	5-1-2013
137-110-0620	1-7-2013	Adopt	2-1-2013	150-309.110	1-1-2013	Repeal	2-1-2013
137-110-0620	8-4-2013	Amend(T)	9-1-2013	150-309.110	3-28-2013	Repeal	5-1-2013
137-110-0620(T)	1-7-2013	Repeal	2-1-2013	150-311.668(1)(a)-(A)	1-1-2013	Repeal	2-1-2013
137-110-0630	1-7-2013	Adopt	2-1-2013	150-311.668(1)(a)-(B)	1-1-2013	Repeal	2-1-2013
137-110-0630	8-4-2013	Amend(T)	9-1-2013	150-311.668(1)(a)(A)	3-28-2013	Repeal	5-1-2013
137-110-0630(T)	1-7-2013	Repeal	2-1-2013	150-311.668(1)(a)(B)	3-28-2013	Repeal	5-1-2013
137-110-0640	1-7-2013	Adopt	2-1-2013	150-311.670(1)	1-1-2013	Amend	2-1-2013
137-110-0640	8-4-2013	Amend(T)	9-1-2013	150-311.670(1)	3-28-2013	Amend	5-1-2013
137-110-0640(T)	1-7-2013	Repeal	2-1-2013	150-311.679(10)	1-1-2013	Repeal	2-1-2013
137-110-0650	1-7-2013	Adopt	2-1-2013	150-311.679(10)	3-28-2013	Repeal	5-1-2013
137-110-0650	8-4-2013	Amend(T)	9-1-2013	150-311.684	1-1-2013	Amend	2-1-2013
137-110-0650(T)	1-7-2013	Repeal	2-1-2013	150-311.684	3-28-2013	Amend	5-1-2013
137-110-0660	1-7-2013	Adopt	2-1-2013	150-311.706	1-1-2013	Repeal	2-1-2013
137-110-0660	8-4-2013	Suspend	9-1-2013	150-311.706	3-28-2013	Repeal	5-1-2013
137-110-0660(T)	1-7-2013	Repeal	2-1-2013	150-311.706(1)	1-1-2013	Repeal	2-1-2013
137-110-0670	1-7-2013	Adopt	2-1-2013	150-311.706(1)	3-28-2013	Repeal	5-1-2013
137-110-0670	8-4-2013	Amend(T)	9-1-2013	150-311.806-(A)	1-1-2013	Amend	2-1-2013
137-110-0670(T)	1-7-2013	Repeal	2-1-2013	150-311.806-(A)	3-28-2013	Amend	5-1-2013
137-120-0010	1-7-2013	Adopt	2-1-2013	150-314.781	1-1-2013	Amend	2-1-2013
137-120-0010	8-4-2013	Suspend	9-1-2013	150-314.781	3-28-2013	Amend	5-1-2013
137-120-0010(T)	1-7-2013	Repeal	2-1-2013	150-315.068	6-5-2013	Amend(T)	7-1-2013
137-120-0020	1-7-2013	Adopt	2-1-2013	150-316.871(3)	1-1-2013	Repeal	2-1-2013
137-120-0020	8-4-2013	Amend(T)	9-1-2013	150-316.871(3)	3-28-2013	Repeal	5-1-2013
137-120-0020(T)	1-7-2013	Repeal	2-1-2013	150-316.873	1-1-2013	Repeal	2-1-2013
141-067-0310	3-1-2013	Amend	3-1-2013	150-316.873	3-28-2013	Repeal	5-1-2013
141-088-0055	9-1-2013	Adopt	9-1-2013	150-316.874	1-1-2013	Repeal	2-1-2013
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150-316.876	3-28-2013	Repeal	5-1-2013	160-100-0140	9-1-2013	Amend	10-1-2013
150-316.877	1-1-2013	Repeal	2-1-2013	160-100-0150	9-1-2013	Amend	10-1-2013
150-316.877	3-28-2013	Repeal	5-1-2013	160-100-0160	9-1-2013	Amend	10-1-2013
150-316.878	1-1-2013	Repeal	2-1-2013	160-100-0170	9-1-2013	Amend	10-1-2013
150-316.878	3-28-2013	Repeal	5-1-2013	160-100-0200	9-1-2013	Amend	10-1-2013
150-316.879	1-1-2013	Repeal	2-1-2013	160-100-0210	9-1-2013	Amend	10-1-2013
150-316.879	3-28-2013	Repeal	5-1-2013	160-100-0220	9-1-2013	Amend	10-1-2013
150-316.882	1-1-2013	Repeal	2-1-2013	160-100-0230	9-1-2013	Amend	10-1-2013
150-316.882	3-28-2013	Repeal	5-1-2013	160-100-0240	9-1-2013	Amend	10-1-2013
150-316.884	1-1-2013	Repeal	2-1-2013	160-100-0301	9-1-2013	Amend	10-1-2013
150-316.884	3-28-2013	Repeal	5-1-2013	160-100-0310	9-1-2013	Amend	10-1-2013
150-323.160(1)	1-1-2013	Amend	2-1-2013	160-100-0320	9-1-2013	Amend	10-1-2013
150-323.160(1)	3-28-2013	Amend	5-1-2013	160-100-0330	9-1-2013	Amend	10-1-2013
150-323.160(2)	1-1-2013	Amend	2-1-2013	160-100-0340	9-1-2013	Amend	10-1-2013
150-323.160(2)	3-28-2013	Amend	5-1-2013	160-100-0350	9-1-2013	Amend	10-1-2013
150-323.220-(A)	1-1-2013	Amend	2-1-2013	160-100-0360	9-1-2013	Amend	10-1-2013
150-323.220-(B)	1-1-2013	Adopt	2-1-2013	160-100-0400	9-1-2013	Amend	10-1-2013
150-323.220(A)	3-28-2013	Amend	5-1-2013	160-100-0410	9-1-2013	Amend	10-1-2013
150-323.220(B)	3-28-2013	Adopt	5-1-2013	160-100-0420	9-1-2013	Amend	10-1-2013
150-457.440(9)	7-15-2013	Amend(T)	8-1-2013	160-100-0430	9-1-2013	Amend	10-1-2013
160-040-0100	8-1-2013	Amend	9-1-2013	160-100-0500	9-1-2013	Amend	10-1-2013
160-040-0101	8-1-2013	Amend	9-1-2013	160-100-0510	9-1-2013	Amend	10-1-2013
160-040-0103	8-1-2013	Amend	9-1-2013	160-100-0600	9-1-2013	Amend	10-1-2013
160-040-0104	8-1-2013	Amend	9-1-2013	160-100-0610	9-1-2013	Amend	10-1-2013
160-040-0106	8-1-2013	Amend	9-1-2013	160-100-0620	9-1-2013	Amend	10-1-2013
160-040-0107	8-1-2013	Amend	9-1-2013	160-100-0700	9-1-2013	Amend	10-1-2013
160-040-0203	8-1-2013	Amend	9-1-2013	160-100-1000	9-1-2013	Amend	10-1-2013
160-040-0204	8-1-2013	Amend	9-1-2013	160-100-1010	9-1-2013	Amend	10-1-2013
160-040-0300	8-1-2013	Amend	9-1-2013	160-100-1020	9-1-2013	Amend	10-1-2013
160-040-0301	8-1-2013	Amend	9-1-2013	160-100-1030	9-1-2013	Amend	10-1-2013
160-040-0302	8-1-2013	Amend	9-1-2013	160-100-1040	9-1-2013	Amend	10-1-2013
160-040-0304	8-1-2013	Amend	9-1-2013	160-100-1050	9-1-2013	Amend	10-1-2013
160-040-0305	8-1-2013	Amend	9-1-2013	160-100-1060	9-1-2013	Amend	10-1-2013
160-040-0306	8-1-2013	Amend	9-1-2013	160-100-1070	9-1-2013	Amend	10-1-2013
160-040-0307	8-1-2013	Amend	9-1-2013	160-100-1080	9-1-2013	Amend	10-1-2013
160-040-0310	8-1-2013	Amend	9-1-2013	160-100-1090	9-1-2013	Amend	10-1-2013
160-040-0311	8-1-2013	Amend	9-1-2013	160-100-1100	9-1-2013	Amend	10-1-2013
160-040-0312	8-1-2013	Amend	9-1-2013	160-100-1105	9-1-2013	Amend	10-1-2013
160-040-0400	8-1-2013	Amend	9-1-2013	160-100-1110	9-1-2013	Amend	10-1-2013
160-040-0401	8-1-2013	Amend	9-1-2013	160-100-1120	9-1-2013	Amend	10-1-2013
160-040-0402	8-1-2013	Amend	9-1-2013	160-100-1130	9-1-2013	Amend	10-1-2013
160-040-0501	8-1-2013	Amend	9-1-2013	160-100-1140	9-1-2013	Amend	10-1-2013
160-040-0502	8-1-2013	Amend	9-1-2013	160-100-1150	9-1-2013	Amend	10-1-2013
160-040-0503	8-1-2013	Amend	9-1-2013	161-002-0000	1-31-2013	Amend	3-1-2013
160-040-0505	8-1-2013	Amend	9-1-2013	161-003-0020	1-31-2013	Amend	3-1-2013
160-040-0506	8-1-2013	Amend	9-1-2013	161-006-0025	1-31-2013	Amend	3-1-2013
160-100-0000	9-1-2013	Amend	10-1-2013	161-006-0025	7-1-2013	Amend(T)	7-1-2013
160-100-0010	9-1-2013	Amend	10-1-2013	161-006-0155	1-31-2013	Adopt	3-1-2013
160-100-0020	9-1-2013	Amend	10-1-2013	161-006-0160	1-31-2013	Amend	3-1-2013
160-100-0030	9-1-2013	Amend	10-1-2013	161-010-0010	1-31-2013	Amend	3-1-2013
160-100-0040	9-1-2013	Amend	10-1-2013	161-010-0020	1-31-2013	Amend	3-1-2013
160-100-0100	9-1-2013	Amend	10-1-2013	161-010-0035	1-31-2013	Amend	3-1-2013
160-100-0110	9-1-2013	Amend	10-1-2013	161-010-0045	1-31-2013	Amend	3-1-2013
160-100-0120	9-1-2013	Amend	10-1-2013	161-010-0065	1-31-2013	Adopt	3-1-2013
160-100-0125	9-1-2013	Adopt	10-1-2013	161-010-0080	1-31-2013	Amend	3-1-2013

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161-010-0080	7-1-2013	Amend(T)	8-1-2013	177-010-0003	2-1-2013	Amend(T)	3-1-2013
161-015-0000	1-31-2013	Amend	3-1-2013	177-010-0003	7-1-2013	Amend	8-1-2013
161-015-0010	1-31-2013	Amend	3-1-2013	177-010-0003(T)	7-1-2013	Repeal	8-1-2013
161-015-0025	1-31-2013	Amend	3-1-2013	177-010-0003(T)	7-1-2013	Repeal	8-1-2013
161-015-0025	7-1-2013	Amend(T)	8-1-2013	177-040-0017	1-1-2013	Amend	2-1-2013
161-015-0030	1-31-2013	Amend	3-1-2013	177-040-0050	2-1-2013	Amend(T)	3-1-2013
161-015-0030	7-1-2013	Amend(T)	8-1-2013	177-040-0050	7-1-2013	Amend	8-1-2013
161-020-0005	1-31-2013	Amend	3-1-2013	177-040-0050(T)	7-1-2013	Repeal	8-1-2013
161-020-0055	1-31-2013	Amend	3-1-2013	177-040-0050(T)	7-1-2013	Repeal	8-1-2013
161-020-0110	1-31-2013	Amend	3-1-2013	177-040-0200	2-1-2013	Amend(T)	3-1-2013
161-025-0025	1-31-2013	Amend	3-1-2013	177-040-0200	7-1-2013	Amend	8-1-2013
161-025-0030	1-31-2013	Amend	3-1-2013	177-040-0200	7-1-2013	Amend	8-1-2013
161-025-0050	1-31-2013	Amend	3-1-2013	177-040-0200(T)	7-1-2013	Repeal	8-1-2013
161-050-0000	1-31-2013	Amend	3-1-2013	177-040-0200(T)	7-1-2013	Repeal	8-1-2013
161-050-0040	1-31-2013	Amend	3-1-2013	177-046-0015	2-1-2013	Amend(T)	3-1-2013
161-050-0050	1-31-2013	Amend	3-1-2013	177-046-0015	7-1-2013	Amend	8-1-2013
161-050-0050	7-1-2013	Suspend	8-1-2013	177-046-0015(T)	7-1-2013	Repeal	8-1-2013
161-510-0010	1-31-2013	Amend	3-1-2013	177-046-0015(T)	7-1-2013	Repeal	8-1-2013
161-510-0030	1-31-2013	Repeal	3-1-2013	177-046-0080	2-1-2013	Amend(T)	3-1-2013
161-520-0010	1-31-2013	Amend	3-1-2013	177-046-0080	7-1-2013	Amend	8-1-2013
161-520-0030	1-31-2013	Amend	3-1-2013	177-046-0080(T)	7-1-2013	Repeal	8-1-2013
161-520-0035	1-31-2013	Adopt	3-1-2013	177-046-0080(T)	7-1-2013	Repeal	8-1-2013
161-520-0045	1-31-2013	Amend	3-1-2013	177-046-0100	2-1-2013	Amend(T)	3-1-2013
161-520-0050	1-31-2013	Amend	3-1-2013	177-046-0100	7-1-2013	Amend	8-1-2013
161-530-0010	1-31-2013	Amend	3-1-2013	177-046-0100(T)	7-1-2013	Repeal	8-1-2013
161-570-0025	1-31-2013	Adopt	3-1-2013	177-046-0100(T)	7-1-2013	Repeal	8-1-2013
161-570-0030	1-31-2013	Amend	3-1-2013	177-046-0110	2-1-2013	Amend(T)	3-1-2013
161-570-0045	1-31-2013	Repeal	3-1-2013	177-046-0110	7-1-2013	Amend	8-1-2013
161-570-0055	1-31-2013	Adopt	3-1-2013	177-046-0110(T)	7-1-2013	Repeal	8-1-2013
161-570-0060	1-31-2013	Adopt	3-1-2013	177-046-0110(T)	7-1-2013	Repeal	8-1-2013
162-050-0020	11-27-2012	Adopt	1-1-2013	177-046-0140	2-1-2013	Amend(T)	3-1-2013
165-013-0010	2-4-2013	Amend	3-1-2013	177-046-0140	7-1-2013	Amend	8-1-2013
165-014-0148	7-10-2013	Adopt(T)	8-1-2013	177-046-0140(T)	7-1-2013	Repeal	8-1-2013
165-018-0005	6-4-2013	Repeal	7-1-2013	177-046-0140(T)	7-1-2013	Repeal	8-1-2013
165-018-0010	6-4-2013	Repeal	7-1-2013	177-050-0002	2-1-2013	Amend(T)	3-1-2013
165-018-0015	6-4-2013	Repeal	7-1-2013	177-050-0002	7-1-2013	Amend	8-1-2013
165-018-0020	6-4-2013	Repeal	7-1-2013	177-050-0002(T)	7-1-2013	Repeal	8-1-2013
165-018-0030	6-4-2013	Repeal	7-1-2013	177-050-0024	2-1-2013	Amend(T)	3-1-2013
165-020-0050	6-4-2013	Amend	7-1-2013	177-050-0024	7-1-2013	Amend	8-1-2013
165-020-0060	6-4-2013	Repeal	7-1-2013	177-050-0024(T)	7-1-2013	Repeal	8-1-2013
165-020-0440	11-29-2012	Adopt	1-1-2013	177-050-0025	2-1-2013	Amend(T)	3-1-2013
165-020-2032	3-19-2013	Adopt(T)	5-1-2013	177-050-0025	7-1-2013	Amend	8-1-2013
170-040-0020	4-2-2013	Amend	5-1-2013	177-050-0025(T)	7-1-2013	Repeal	8-1-2013
170-040-0030	4-2-2013	Amend	5-1-2013	177-050-0100	2-1-2013	Amend(T)	3-1-2013
170-040-0040	4-2-2013	Amend	5-1-2013	177-050-0100	7-1-2013	Amend	8-1-2013
170-040-0050	4-2-2013	Amend	5-1-2013	177-050-0100(T)	7-1-2013	Repeal	8-1-2013
170-040-0070	4-2-2013	Amend	5-1-2013	177-051-0000	2-1-2013	Amend(T)	3-1-2013
170-040-0080	4-2-2013	Amend	5-1-2013	177-051-0000	7-1-2013	Amend	8-1-2013
170-040-0090	4-2-2013	Amend	5-1-2013	177-051-0000(T)	7-1-2013	Repeal	8-1-2013
170-040-0100	4-2-2013	Amend	5-1-2013	177-051-0010	2-1-2013	Amend(T)	3-1-2013
170-040-0110	4-2-2013	Amend	5-1-2013	177-051-0010	7-1-2013	Amend	8-1-2013
170-061-0015	12-14-2012	Amend(T)	1-1-2013	177-051-0010(T)	7-1-2013	Repeal	8-1-2013
170-061-0015	4-24-2013	Amend	6-1-2013	177-051-0030	2-1-2013	Amend(T)	3-1-2013
170-062-0000	11-19-2012	Amend(T)	1-1-2013	177-051-0030	7-1-2013	Amend	8-1-2013
173-006-0005	7-1-2013	Amend(T)	7-1-2013	177-051-0030(T)	7-1-2013	Repeal	8-1-2013
173-008-0005	7-1-2013	Amend(T)	7-1-2013	177-051-0030(T)	7-1-2013	Repeal	8-1-2013

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177-051-0035	7-1-2013	Amend	8-1-2013	213-018-0012	8-7-2013	Adopt(T)	9-1-2013
177-051-0035	7-1-2013	Amend	8-1-2013	213-018-0013	8-7-2013	Adopt(T)	9-1-2013
177-051-0035(T)	7-1-2013	Repeal	8-1-2013	213-018-0036	8-7-2013	Adopt(T)	9-1-2013
177-051-0040	2-1-2013	Amend(T)	3-1-2013	213-019-0008	8-7-2013	Amend(T)	9-1-2013
177-051-0040	7-1-2013	Amend	8-1-2013	230-020-0002	4-15-2013	Amend(T)	5-1-2013
177-051-0040(T)	7-1-2013	Repeal	8-1-2013	230-020-0002	7-10-2013	Amend(T)	8-1-2013
177-051-0120	2-1-2013	Amend(T)	3-1-2013	230-020-0330	2-21-2013	Amend	4-1-2013
177-051-0120	7-1-2013	Amend	8-1-2013	230-020-0330	7-10-2013	Amend(T)	8-1-2013
177-051-0120(T)	7-1-2013	Repeal	8-1-2013	230-020-0330	7-10-2013	Amend(T)	8-1-2013
177-051-0130	2-1-2013	Amend(T)	3-1-2013	250-020-0141	4-1-2013	Amend	5-1-2013
177-051-0130	7-1-2013	Amend	8-1-2013	250-020-0221	4-12-2013	Amend(T)	5-1-2013
177-051-0130(T)	7-1-2013	Repeal	8-1-2013	250-020-0280	5-8-2013	Amend(T)	6-1-2013
177-052-0000	2-1-2013	Amend(T)	3-1-2013	250-020-0280	6-28-2013	Amend	8-1-2013
177-052-0000	7-1-2013	Amend	8-1-2013	250-020-0280	7-1-2013	Amend(T)	8-1-2013
177-052-0000(T)	7-1-2013	Repeal	8-1-2013	250-020-0280	7-1-2013	Amend(T)	8-1-2013
177-052-0010	2-1-2013	Amend(T)	3-1-2013	250-020-0280(T)	6-28-2013	Repeal	8-1-2013
177-052-0010	7-1-2013	Amend	8-1-2013	255-030-0010	3-1-2013	Amend	4-1-2013
177-052-0010	7-1-2013	Amend	8-1-2013	255-030-0013	3-1-2013	Amend	4-1-2013
177-052-0010(T)	7-1-2013	Repeal	8-1-2013	255-030-0021	3-1-2013	Amend	4-1-2013
177-052-0020	2-1-2013	Amend(T)	3-1-2013	255-030-0023	3-1-2013	Amend	4-1-2013
177-052-0020	7-1-2013	Amend	8-1-2013	255-030-0024	3-1-2013	Amend	4-1-2013
177-052-0020	7-1-2013	Amend	8-1-2013	255-030-0025	3-1-2013	Amend	4-1-2013
177-052-0020(T)	7-1-2013	Repeal	8-1-2013	255-030-0025	6-10-2013	Amend	7-1-2013
177-052-0030	2-1-2013	Amend(T)	3-1-2013	255-030-0026	3-1-2013	Amend	4-1-2013
177-052-0030	7-1-2013	Amend	8-1-2013	255-030-0026	6-10-2013	Amend	7-1-2013
177-052-0030	7-1-2013	Amend	8-1-2013	255-030-0027	3-1-2013	Amend	4-1-2013
177-052-0030(T)	7-1-2013	Repeal	8-1-2013	255-030-0032	3-1-2013	Amend	4-1-2013
177-052-0040	2-1-2013	Amend(T)	3-1-2013	255-030-0035	3-1-2013	Amend	4-1-2013
177-052-0040	7-1-2013	Amend	8-1-2013	255-030-0040	3-1-2013	Amend	4-1-2013
177-052-0040	7-1-2013	Amend	8-1-2013	255-030-0046	3-1-2013	Adopt	4-1-2013
177-052-0040(T)	7-1-2013	Repeal	8-1-2013	255-030-0055	3-1-2013	Amend	4-1-2013
177-052-0050	2-1-2013	Amend(T)	3-1-2013	255-060-0011	6-25-2013	Amend	8-1-2013
177-052-0050	7-1-2013	Amend	8-1-2013	255-060-0016	6-25-2013	Amend	8-1-2013
177-052-0050	7-1-2013	Amend	8-1-2013	255-062-0016	2-15-2013	Amend	3-1-2013
177-052-0050(T)	7-1-2013	Repeal	8-1-2013	259-005-0015	4-1-2013	Amend	5-1-2013
177-052-0060	2-1-2013	Amend(T)	3-1-2013	259-008-0005	12-27-2012	Amend	2-1-2013
177-052-0060	7-1-2013	Amend	8-1-2013	259-008-0010	7-23-2013	Amend	9-1-2013
177-052-0060	7-1-2013	Amend	8-1-2013	259-008-0011	7-23-2013	Amend	9-1-2013
177-052-0060(T)	7-1-2013	Repeal	8-1-2013	259-008-0025	3-8-2013	Amend	4-1-2013
177-052-0070	2-1-2013	Amend(T)	3-1-2013	259-008-0025	6-25-2013	Amend	8-1-2013
177-052-0070	7-1-2013	Amend	8-1-2013	259-008-0060	12-27-2012	Amend	2-1-2013
177-052-0070	7-1-2013	Amend	8-1-2013	259-008-0064	12-27-2012	Amend	2-1-2013
177-052-0070(T)	7-1-2013	Repeal	8-1-2013	259-008-0065	12-27-2012	Amend	2-1-2013
177-070-0005	2-1-2013	Amend(T)	3-1-2013	259-008-0066	12-27-2012	Amend	2-1-2013
177-070-0005	7-1-2013	Amend	8-1-2013	259-008-0067	6-5-2013	Amend(T)	7-1-2013
177-070-0005	7-1-2013	Amend	8-1-2013	259-008-0070	12-14-2012	Amend(T)	1-1-2013
177-070-0005(T)	7-1-2013	Repeal	8-1-2013	259-008-0070	1-22-2013	Amend	3-1-2013
177-075-0040	8-29-2013	Amend(T)	10-1-2013	259-008-0070(T)	1-22-2013	Repeal	3-1-2013
177-094-0080	12-16-2012	Amend	1-1-2013	259-008-0075	6-24-2013	Amend	8-1-2013
177-094-0080(T)	12-16-2012	Repeal	1-1-2013	259-008-0075	7-23-2013	Amend	9-1-2013
177-094-0085	12-16-2012	Amend	1-1-2013	259-008-0076	12-27-2012	Amend	2-1-2013
177-094-0085(T)	12-16-2012	Repeal	1-1-2013	259-008-0080	7-23-2013	Amend	9-1-2013
213-017-0005	8-7-2013	Amend(T)	9-1-2013	259-008-0100	6-24-2013	Amend	8-1-2013
213-017-0006	8-7-2013	Amend(T)	9-1-2013	259-009-0005	3-26-2013	Amend	5-1-2013
213-017-0008	8-7-2013	Amend(T)	9-1-2013	259-009-0062	3-26-2013	Amend	5-1-2013

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259-009-0070	3-26-2013	Amend	5-1-2013	274-042-0025	9-9-2013	Adopt(T)	10-1-2013
259-009-0080	3-26-2013	Amend	5-1-2013	274-042-0030	9-9-2013	Adopt(T)	10-1-2013
259-012-0005	1-24-2013	Amend	3-1-2013	274-042-0035	9-9-2013	Adopt(T)	10-1-2013
259-015-0000	1-30-2013	Repeal	3-1-2013	274-042-0040	9-9-2013	Adopt(T)	10-1-2013
259-015-0005	1-30-2013	Repeal	3-1-2013	274-045-0001	7-8-2013	Amend	8-1-2013
259-015-0010	1-30-2013	Repeal	3-1-2013	274-045-0001	7-23-2013	Amend(T)	9-1-2013
259-020-0010	12-26-2012	Amend	2-1-2013	291-009-0005	8-20-2013	Amend	10-1-2013
259-020-0015	12-26-2012	Amend	2-1-2013	291-009-0010	8-20-2013	Amend	10-1-2013
259-020-0030	12-26-2012	Amend	2-1-2013	291-009-0015	8-20-2013	Amend	10-1-2013
259-020-0031	12-26-2012	Repeal	2-1-2013	291-013-0010	6-21-2013	Amend	8-1-2013
259-060-0010	12-24-2012	Amend	2-1-2013	291-013-0055	6-21-2013	Amend	8-1-2013
259-060-0010	6-24-2013	Amend	8-1-2013	291-013-0070	6-21-2013	Amend	8-1-2013
259-060-0015	12-24-2012	Amend	2-1-2013	291-013-0104	6-21-2013	Amend	8-1-2013
259-060-0015	6-24-2013	Amend	8-1-2013	291-013-0110	6-21-2013	Amend	8-1-2013
259-060-0020	6-24-2013	Amend	8-1-2013	291-013-0130	6-21-2013	Amend	8-1-2013
259-060-0025	6-24-2013	Amend	8-1-2013	291-013-0140	6-21-2013	Amend	8-1-2013
259-060-0030	6-24-2013	Amend	8-1-2013	291-013-0206	6-21-2013	Amend	8-1-2013
259-060-0060	6-24-2013	Amend	8-1-2013	291-013-0215	6-21-2013	Amend	8-1-2013
259-060-0090	6-24-2013	Amend	8-1-2013	291-053-0010	1-17-2013	Amend	3-1-2013
259-060-0120	6-24-2013	Amend	8-1-2013	291-053-0075	1-17-2013	Amend	3-1-2013
259-060-0135	6-24-2013	Amend	8-1-2013	291-053-0085	1-17-2013	Amend	3-1-2013
259-060-0300	6-24-2013	Amend	8-1-2013	291-053-0095	1-17-2013	Amend	3-1-2013
259-060-0450	6-24-2013	Amend	8-1-2013	291-053-0105	1-17-2013	Amend	3-1-2013
259-060-0500	6-24-2013	Amend	8-1-2013	291-053-0115	1-17-2013	Amend	3-1-2013
259-060-0600	12-26-2012	Amend	2-1-2013	291-053-0125	1-17-2013	Amend	3-1-2013
259-061-0010	1-2-2013	Amend	2-1-2013	291-053-0135	1-17-2013	Amend	3-1-2013
259-061-0015	1-2-2013	Repeal	2-1-2013	291-078-0005	2-28-2013	Amend	4-1-2013
259-061-0020	1-2-2013	Amend	2-1-2013	291-078-0005(T)	2-28-2013	Repeal	4-1-2013
259-061-0020	6-24-2013	Amend	8-1-2013	291-078-0010	2-28-2013	Amend	4-1-2013
259-061-0030	1-2-2013	Repeal	2-1-2013	291-078-0010(T)	2-28-2013	Repeal	4-1-2013
259-061-0050	1-2-2013	Repeal	2-1-2013	291-078-0020	2-28-2013	Amend	4-1-2013
259-061-0055	1-2-2013	Repeal	2-1-2013	291-078-0020(T)	2-28-2013	Repeal	4-1-2013
259-061-0060	1-2-2013	Repeal	2-1-2013	291-078-0026	2-28-2013	Adopt	4-1-2013
259-061-0070	1-2-2013	Repeal	2-1-2013	291-078-0026(T)	2-28-2013	Repeal	4-1-2013
259-061-0080	1-2-2013	Repeal	2-1-2013	291-078-0031	2-28-2013	Adopt	4-1-2013
259-061-0090	1-2-2013	Repeal	2-1-2013	291-078-0031(T)	2-28-2013	Repeal	4-1-2013
259-070-0020	12-24-2012	Amend	2-1-2013	291-093-0005	4-15-2013	Amend	5-1-2013
274-001-0005	5-15-2013	Amend	6-1-2013	291-097-0005	12-28-2012	Am. & Ren.(T)	2-1-2013
274-010-0100	7-8-2013	Amend	8-1-2013	291-097-0005	6-1-2013	Am. & Ren.	7-1-2013
274-012-0001	7-8-2013	Amend	8-1-2013	291-097-0010	12-28-2012	Am. & Ren.(T)	2-1-2013
274-015-0010	7-9-2013	Amend(T)	8-1-2013	291-097-0010	6-1-2013	Am. & Ren.	7-1-2013
274-015-0010	8-30-2013	Amend(T)	10-1-2013	291-097-0015	12-28-2012	Am. & Ren.(T)	2-1-2013
274-015-0010(T)	8-30-2013	Suspend	10-1-2013	291-097-0015	6-1-2013	Am. & Ren.	7-1-2013
274-020-0200	7-8-2013	Amend	8-1-2013	291-097-0020	12-28-2012	Am. & Ren.(T)	2-1-2013
274-020-0200	7-23-2013	Amend(T)	9-1-2013	291-097-0020	6-1-2013	Am. & Ren.	7-1-2013
274-020-0265	7-23-2013	Amend(T)	9-1-2013	291-097-0023	12-28-2012	Suspend	2-1-2013
274-020-0280	7-23-2013	Amend(T)	9-1-2013	291-097-0023	6-1-2013	Repeal	7-1-2013
274-020-0285	7-23-2013	Amend(T)	9-1-2013	291-097-0025	12-28-2012	Am. & Ren.(T)	2-1-2013
274-020-0290	7-23-2013	Amend(T)	9-1-2013	291-097-0025	6-1-2013	Am. & Ren.	7-1-2013
274-020-0348	7-23-2013	Amend(T)	9-1-2013	291-097-0030	12-28-2012	Am. & Ren.(T)	2-1-2013
274-030-0625	7-24-2013	Adopt(T)	9-1-2013	291-097-0030	6-1-2013	Am. & Ren.	7-1-2013
274-030-0630	7-24-2013	Amend(T)	9-1-2013	291-097-0031	12-28-2012	Suspend	2-1-2013
274-042-0005	9-9-2013	Adopt(T)	10-1-2013	291-097-0031	6-1-2013	Repeal	7-1-2013
274-042-0010	9-9-2013	Adopt(T)	10-1-2013	291-097-0040	12-28-2012	Am. & Ren.(T)	2-1-2013
274-042-0015	9-9-2013	Adopt(T)	10-1-2013	291-097-0040	6-1-2013	Am. & Ren.	7-1-2013

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291-097-0050	12-28-2012	Am. & Ren.(T)	2-1-2013	291-130-0020(T)	2-22-2013	Repeal	4-1-2013
291-097-0050	6-1-2013	Am. & Ren.	7-1-2013	291-130-0080	2-22-2013	Amend	4-1-2013
291-097-0060	12-28-2012	Am. & Ren.(T)	2-1-2013	291-130-0080(T)	2-22-2013	Repeal	4-1-2013
291-097-0060	6-1-2013	Am. & Ren.	7-1-2013	291-153-0005	8-29-2013	Amend	10-1-2013
291-097-0070	12-28-2012	Am. & Ren.(T)	2-1-2013	291-153-0020	8-29-2013	Amend	10-1-2013
291-097-0070	6-1-2013	Am. & Ren.	7-1-2013	291-153-0025	8-29-2013	Adopt	10-1-2013
291-097-0080	12-28-2012	Am. & Ren.(T)	2-1-2013	291-207-0100	1-1-2013	Adopt	2-1-2013
291-097-0080	6-1-2013	Am. & Ren.	7-1-2013	309-011-0024	12-28-2012	Adopt	2-1-2013
291-097-0090	12-28-2012	Am. & Ren.(T)	2-1-2013	309-011-0026	12-28-2012	Adopt	2-1-2013
291-097-0090	6-1-2013	Am. & Ren.	7-1-2013	309-011-0028	12-28-2012	Adopt	2-1-2013
291-097-0100	12-28-2012	Am. & Ren.(T)	2-1-2013	309-011-0030	12-28-2012	Adopt	2-1-2013
291-097-0100	6-1-2013	Am. & Ren.	7-1-2013	309-011-0032	12-28-2012	Adopt	2-1-2013
291-097-0120	12-28-2012	Am. & Ren.(T)	2-1-2013	309-011-0034	12-28-2012	Adopt	2-1-2013
291-097-0120	6-1-2013	Am. & Ren.	7-1-2013	309-011-0036	12-28-2012	Adopt	2-1-2013
291-097-0130	12-28-2012	Am. & Ren.(T)	2-1-2013	309-011-0120	12-28-2012	Amend	2-1-2013
291-097-0130	6-1-2013	Am. & Ren.	7-1-2013	309-011-0125	12-28-2012	Amend	2-1-2013
291-097-0140	12-28-2012	Am. & Ren.(T)	2-1-2013	309-011-0130	12-28-2012	Amend	2-1-2013
291-097-0140	6-1-2013	Am. & Ren.	7-1-2013	309-011-0135	12-28-2012	Repeal	2-1-2013
291-097-0200(T)	6-1-2013	Repeal	7-1-2013	309-011-0140	12-28-2012	Repeal	2-1-2013
291-097-0210(T)	6-1-2013	Repeal	7-1-2013	309-016-0605	6-5-2013	Amend	7-1-2013
291-097-0215(T)	6-1-2013	Repeal	7-1-2013	309-016-0825	1-7-2013	Adopt(T)	2-1-2013
291-097-0220	12-28-2012	Adopt(T)	2-1-2013	309-016-0825	6-5-2013	Adopt	7-1-2013
291-097-0220	6-1-2013	Adopt	7-1-2013	309-016-0825(T)	6-5-2013	Repeal	7-1-2013
291-097-0220(T)	6-1-2013	Repeal	7-1-2013	309-016-0830	6-5-2013	Adopt	7-1-2013
291-097-0225	12-28-2012	Adopt(T)	2-1-2013	309-016-0835	6-5-2013	Adopt	7-1-2013
291-097-0225	6-1-2013	Adopt	7-1-2013	309-016-0837	6-5-2013	Adopt	7-1-2013
291-097-0225(T)	6-1-2013	Repeal	7-1-2013	309-016-0840	6-5-2013	Adopt	7-1-2013
291-097-0230	12-28-2012	Adopt(T)	2-1-2013	309-016-0845	6-5-2013	Adopt	7-1-2013
291-097-0230	6-1-2013	Adopt	7-1-2013	309-016-0850	6-5-2013	Adopt	7-1-2013
291-097-0230(T)	6-1-2013	Repeal	7-1-2013	309-016-0855	6-5-2013	Adopt	7-1-2013
291-097-0235	12-28-2012	Adopt(T)	2-1-2013	309-018-0100	8-9-2013	Adopt(T)	9-1-2013
291-097-0235	6-1-2013	Adopt	7-1-2013	309-018-0105	8-9-2013	Adopt(T)	9-1-2013
291-097-0235(T)	6-1-2013	Repeal	7-1-2013	309-018-0110	8-9-2013	Adopt(T)	9-1-2013
291-097-0240(T)	6-1-2013	Repeal	7-1-2013	309-018-0115	8-9-2013	Adopt(T)	9-1-2013
291-097-0245	12-28-2012	Adopt(T)	2-1-2013	309-018-0120	8-9-2013	Adopt(T)	9-1-2013
291-097-0245	6-1-2013	Adopt	7-1-2013	309-018-0125	8-9-2013	Adopt(T)	9-1-2013
291-097-0245(T)	6-1-2013	Repeal	7-1-2013	309-018-0130	8-9-2013	Adopt(T)	9-1-2013
291-097-0250(T)	6-1-2013	Repeal	7-1-2013	309-018-0135	8-9-2013	Adopt(T)	9-1-2013
291-097-0255(T)	6-1-2013	Repeal	7-1-2013	309-018-0140	8-9-2013	Adopt(T)	9-1-2013
291-097-0260(T)	6-1-2013	Repeal	7-1-2013	309-018-0145	8-9-2013	Adopt(T)	9-1-2013
291-097-0265(T)	6-1-2013	Repeal	7-1-2013	309-018-0150	8-9-2013	Adopt(T)	9-1-2013
291-097-0270(T)	6-1-2013	Repeal	7-1-2013	309-018-0155	8-9-2013	Adopt(T)	9-1-2013
291-097-0275(T)	6-1-2013	Repeal	7-1-2013	309-018-0160	8-9-2013	Adopt(T)	9-1-2013
291-097-0280(T)	6-1-2013	Repeal	7-1-2013	309-018-0165	8-9-2013	Adopt(T)	9-1-2013
291-097-0285(T)	6-1-2013	Repeal	7-1-2013	309-018-0170	8-9-2013	Adopt(T)	9-1-2013
291-097-0290(T)	6-1-2013	Repeal	7-1-2013	309-018-0175	8-9-2013	Adopt(T)	9-1-2013
291-097-0295(T)	6-1-2013	Repeal	7-1-2013	309-018-0180	8-9-2013	Adopt(T)	9-1-2013
291-097-0300(T)	6-1-2013	Repeal	7-1-2013	309-018-0185	8-9-2013	Adopt(T)	9-1-2013
291-097-0305(T)	6-1-2013	Repeal	7-1-2013	309-018-0190	8-9-2013	Adopt(T)	9-1-2013
291-104-0111	4-15-2013	Amend	5-1-2013	309-018-0195	8-9-2013	Adopt(T)	9-1-2013
291-130-0006	2-22-2013	Amend	4-1-2013	309-018-0200	8-9-2013	Adopt(T)	9-1-2013
291-130-0006(T)	2-22-2013	Repeal	4-1-2013	309-018-0205	8-9-2013	Adopt(T)	9-1-2013
291-130-0011	2-22-2013	Amend	4-1-2013	309-018-0210	8-9-2013	Adopt(T)	9-1-2013
291-130-0011(T)	2-22-2013	Repeal	4-1-2013	309-018-0215	8-9-2013	Adopt(T)	9-1-2013
291-130-0016	2-22-2013	Amend	4-1-2013	309-018-0220	8-9-2013	Adopt(T)	9-1-2013
291-130-0020	2-22-2013	Amend	4-1-2013	309-018-0225	8-9-2013	Adopt(T)	9-1-2013

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309-019-0105	8-9-2013	Adopt(T)	9-1-2013	309-032-1510	8-9-2013	Suspend	9-1-2013
309-019-0110	8-9-2013	Adopt(T)	9-1-2013	309-032-1515	8-9-2013	Suspend	9-1-2013
309-019-0115	8-9-2013	Adopt(T)	9-1-2013	309-032-1520	8-9-2013	Suspend	9-1-2013
309-019-0120	8-9-2013	Adopt(T)	9-1-2013	309-032-1525	2-11-2013	Amend(T)	3-1-2013
309-019-0125	8-9-2013	Adopt(T)	9-1-2013	309-032-1525	8-9-2013	Suspend	9-1-2013
309-019-0130	8-9-2013	Adopt(T)	9-1-2013	309-032-1530	2-11-2013	Amend(T)	3-1-2013
309-019-0135	8-9-2013	Adopt(T)	9-1-2013	309-032-1530	8-9-2013	Suspend	9-1-2013
309-019-0140	8-9-2013	Adopt(T)	9-1-2013	309-032-1535	2-11-2013	Amend(T)	3-1-2013
309-019-0145	8-9-2013	Adopt(T)	9-1-2013	309-032-1535	8-9-2013	Suspend	9-1-2013
309-019-0150	8-9-2013	Adopt(T)	9-1-2013	309-032-1540	2-11-2013	Amend(T)	3-1-2013
309-019-0155	8-9-2013	Adopt(T)	9-1-2013	309-032-1540	8-9-2013	Suspend	9-1-2013
309-019-0160	8-9-2013	Adopt(T)	9-1-2013	309-032-1545	8-9-2013	Suspend	9-1-2013
309-019-0165	8-9-2013	Adopt(T)	9-1-2013	309-032-1550	8-9-2013	Suspend	9-1-2013
309-019-0170	8-9-2013	Adopt(T)	9-1-2013	309-032-1555	8-9-2013	Suspend	9-1-2013
309-019-0175	8-9-2013	Adopt(T)	9-1-2013	309-032-1560	8-9-2013	Suspend	9-1-2013
309-019-0180	8-9-2013	Adopt(T)	9-1-2013	309-032-1565	8-9-2013	Suspend	9-1-2013
309-019-0185	8-9-2013	Adopt(T)	9-1-2013	309-034-0400	8-9-2013	Suspend	9-1-2013
309-019-0190	8-9-2013	Adopt(T)	9-1-2013	309-034-0410	8-9-2013	Suspend	9-1-2013
309-019-0195	8-9-2013	Adopt(T)	9-1-2013	309-034-0420	8-9-2013	Suspend	9-1-2013
309-019-0200	8-9-2013	Adopt(T)	9-1-2013	309-034-0430	8-9-2013	Suspend	9-1-2013
309-019-0205	8-9-2013	Adopt(T)	9-1-2013	309-034-0440	8-9-2013	Suspend	9-1-2013
309-019-0210	8-9-2013	Adopt(T)	9-1-2013	309-034-0450	8-9-2013	Suspend	9-1-2013
309-019-0215	8-9-2013	Adopt(T)	9-1-2013	309-034-0460	8-9-2013	Suspend	9-1-2013
309-019-0220	8-9-2013	Adopt(T)	9-1-2013	309-034-0470	8-9-2013	Suspend	9-1-2013
309-022-0100	8-9-2013	Adopt(T)	9-1-2013	309-034-0480	8-9-2013	Suspend	9-1-2013
309-022-0105	8-9-2013	Adopt(T)	9-1-2013	309-034-0490	8-9-2013	Suspend	9-1-2013
309-022-0110	8-9-2013	Adopt(T)	9-1-2013	309-034-0500	8-9-2013	Suspend	9-1-2013
309-022-0115	8-9-2013	Adopt(T)	9-1-2013	309-039-0700	6-5-2013	Repeal	7-1-2013
309-022-0120	8-9-2013	Adopt(T)	9-1-2013	309-039-0710	6-5-2013	Repeal	7-1-2013
309-022-0125	8-9-2013	Adopt(T)	9-1-2013	309-039-0720	6-5-2013	Repeal	7-1-2013
309-022-0130	8-9-2013	Adopt(T)	9-1-2013	309-039-0730	6-5-2013	Repeal	7-1-2013
309-022-0135	8-9-2013	Adopt(T)	9-1-2013	309-039-0740	6-5-2013	Repeal	7-1-2013
309-022-0140	8-9-2013	Adopt(T)	9-1-2013	309-039-0750	6-5-2013	Repeal	7-1-2013
309-022-0145	8-9-2013	Adopt(T)	9-1-2013	309-039-0760	6-5-2013	Repeal	7-1-2013
309-022-0150	8-9-2013	Adopt(T)	9-1-2013	309-039-0770	6-5-2013	Repeal	7-1-2013
309-022-0155	8-9-2013	Adopt(T)	9-1-2013	309-039-0780	6-5-2013	Repeal	7-1-2013
309-022-0160	8-9-2013	Adopt(T)	9-1-2013	309-039-0790	6-5-2013	Repeal	7-1-2013
309-022-0165	8-9-2013	Adopt(T)	9-1-2013	309-090-0005	12-26-2012	Amend	2-1-2013
309-022-0170	8-9-2013	Adopt(T)	9-1-2013	309-090-0025	12-26-2012	Amend	2-1-2013
309-022-0175	8-9-2013	Adopt(T)	9-1-2013	309-112-0000	1-23-2013	Amend(T)	3-1-2013
309-022-0180	8-9-2013	Adopt(T)	9-1-2013	309-112-0005	1-23-2013	Amend(T)	3-1-2013
309-022-0185	8-9-2013	Adopt(T)	9-1-2013	309-112-0010	1-23-2013	Amend(T)	3-1-2013
309-022-0190	8-9-2013	Adopt(T)	9-1-2013	309-112-0015	1-23-2013	Amend(T)	3-1-2013
309-022-0192	8-9-2013	Adopt(T)	9-1-2013	309-112-0017	1-23-2013	Amend(T)	3-1-2013
309-022-0195	8-9-2013	Adopt(T)	9-1-2013	309-112-0020	1-23-2013	Amend(T)	3-1-2013
309-022-0200	8-9-2013	Adopt(T)	9-1-2013	309-112-0025	1-23-2013	Amend(T)	3-1-2013
309-022-0205	8-9-2013	Adopt(T)	9-1-2013	309-112-0030	1-23-2013	Amend(T)	3-1-2013
309-022-0210	8-9-2013	Adopt(T)	9-1-2013	309-112-0035	1-23-2013	Amend(T)	3-1-2013
309-022-0215	8-9-2013	Adopt(T)	9-1-2013	325-005-0015	4-25-2013	Amend	6-1-2013
309-022-0220	8-9-2013	Adopt(T)	9-1-2013	325-005-0015	7-3-2013	Amend	8-1-2013
309-022-0225	8-9-2013	Adopt(T)	9-1-2013	330-070-0010	1-1-2013	Amend	2-1-2013
309-022-0230	8-9-2013	Adopt(T)	9-1-2013	330-070-0013	1-1-2013	Amend	2-1-2013
309-032-1500	8-9-2013	Suspend	9-1-2013	330-070-0014	1-1-2013	Amend	2-1-2013
309-032-1505	2-11-2013	Amend(T)	3-1-2013	330-070-0019	1-1-2013	Amend	2-1-2013
309-032-1505	8-9-2013	Suspend	9-1-2013	330-070-0020	1-1-2013	Amend	2-1-2013

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330-070-0021	1-1-2013	Amend	2-1-2013	330-135-0048	1-1-2013	Adopt	2-1-2013
330-070-0022	1-1-2013	Amend	2-1-2013	330-135-0050	1-1-2013	Amend	2-1-2013
330-070-0024	1-1-2013	Amend	2-1-2013	330-135-0055	1-1-2013	Amend	2-1-2013
330-070-0025	1-1-2013	Amend	2-1-2013	331-405-0020	7-1-2013	Amend	8-1-2013
330-070-0026	1-1-2013	Amend	2-1-2013	331-405-0030	7-1-2013	Am. & Ren.	8-1-2013
330-070-0027	1-1-2013	Amend	2-1-2013	331-405-0045	7-1-2013	Repeal	8-1-2013
330-070-0029	1-1-2013	Amend	2-1-2013	331-407-0000	7-1-2013	Am. & Ren.	8-1-2013
330-070-0040	1-1-2013	Amend	2-1-2013	331-410-0010	7-1-2013	Repeal	8-1-2013
330-070-0045	1-1-2013	Amend	2-1-2013	331-410-0012	7-1-2013	Adopt	8-1-2013
330-070-0048	1-1-2013	Amend	2-1-2013	331-410-0015	7-1-2013	Adopt	8-1-2013
330-070-0055	1-1-2013	Amend	2-1-2013	331-410-0020	7-1-2013	Amend	8-1-2013
330-070-0059	1-1-2013	Amend	2-1-2013	331-410-0025	7-1-2013	Adopt	8-1-2013
330-070-0060	1-1-2013	Amend	2-1-2013	331-410-0030	7-1-2013	Amend	8-1-2013
330-070-0062	1-1-2013	Amend	2-1-2013	331-410-0035	7-1-2013	Adopt	8-1-2013
330-070-0063	1-1-2013	Amend	2-1-2013	331-410-0040	7-1-2013	Repeal	8-1-2013
330-070-0064	1-1-2013	Amend	2-1-2013	331-410-0045	7-1-2013	Adopt	8-1-2013
330-070-0070	1-1-2013	Amend	2-1-2013	331-410-0050	7-1-2013	Amend	8-1-2013
330-070-0073	1-1-2013	Amend	2-1-2013	331-410-0055	7-1-2013	Adopt	8-1-2013
330-070-0089	1-1-2013	Amend	2-1-2013	331-410-0060	7-1-2013	Amend	8-1-2013
330-070-0091	1-1-2013	Amend	2-1-2013	331-410-0065	7-1-2013	Amend	8-1-2013
330-090-0133	5-13-2013	Amend	6-1-2013	331-410-0080	7-1-2013	Amend	8-1-2013
330-090-0140	11-16-2012	Amend(T)	1-1-2013	331-410-0090	7-1-2013	Amend	8-1-2013
330-090-0140	5-13-2013	Amend	6-1-2013	331-415-0000	7-1-2013	Repeal	8-1-2013
330-090-0140(T)	5-13-2013	Repeal	6-1-2013	331-415-0010	7-1-2013	Amend	8-1-2013
330-090-0150	5-13-2013	Amend	6-1-2013	331-415-0020	7-1-2013	Amend	8-1-2013
330-090-0160	11-16-2012	Amend(T)	1-1-2013	331-420-0000	7-1-2013	Amend	8-1-2013
330-090-0160	5-13-2013	Amend	6-1-2013	331-420-0010	7-1-2013	Amend	8-1-2013
330-090-0160(T)	5-13-2013	Repeal	6-1-2013	331-420-0020	7-1-2013	Amend	8-1-2013
330-110-0005	12-20-2012	Amend	2-1-2013	331-425-0010	7-1-2013	Repeal	8-1-2013
330-110-0010	12-20-2012	Amend	2-1-2013	331-430-0030	7-1-2013	Amend	8-1-2013
330-110-0015	12-20-2012	Amend	2-1-2013	331-440-0000	8-23-2013	Amend(T)	10-1-2013
330-110-0016	12-20-2012	Amend	2-1-2013	331-705-0072	6-1-2013	Repeal	7-1-2013
330-110-0020	12-20-2012	Repeal	2-1-2013	331-705-0080	4-1-2013	Amend(T)	4-1-2013
330-110-0025	12-20-2012	Amend	2-1-2013	331-705-0080	6-1-2013	Amend	7-1-2013
330-110-0030	12-20-2012	Amend	2-1-2013	331-710-0040	6-1-2013	Repeal	7-1-2013
330-110-0035	12-20-2012	Amend	2-1-2013	331-710-0050	4-1-2013	Amend	4-1-2013
330-110-0036	12-20-2012	Amend	2-1-2013	331-710-0080	11-19-2012	Amend(T)	1-1-2013
330-110-0040	12-20-2012	Amend	2-1-2013	331-710-0080	4-1-2013	Amend	4-1-2013
330-110-0040	6-17-2013	Amend(T)	8-1-2013	331-710-0090	11-19-2012	Amend(T)	1-1-2013
330-110-0042	12-20-2012	Amend	2-1-2013	331-710-0090	4-1-2013	Amend	4-1-2013
330-110-0045	12-20-2012	Amend	2-1-2013	331-718-0020	11-19-2012	Amend(T)	1-1-2013
330-110-0046	12-20-2012	Adopt	2-1-2013	331-718-0020	4-1-2013	Amend	4-1-2013
330-110-0047	12-20-2012	Adopt	2-1-2013	331-900-0000	1-16-2013	Amend	3-1-2013
330-110-0048	12-20-2012	Adopt	2-1-2013	331-900-0005	1-16-2013	Amend	3-1-2013
330-110-0050	12-20-2012	Repeal	2-1-2013	331-900-0010	1-16-2013	Amend	3-1-2013
330-110-0055	12-20-2012	Amend	2-1-2013	331-900-0020	1-16-2013	Amend(T)	3-1-2013
330-135-0010	1-1-2013	Amend	2-1-2013	331-900-0020	3-15-2013	Amend	4-1-2013
330-135-0015	1-1-2013	Amend	2-1-2013	331-900-0025	1-16-2013	Amend(T)	3-1-2013
330-135-0018	1-1-2013	Adopt	2-1-2013	331-900-0025	3-15-2013	Amend	4-1-2013
330-135-0020	1-1-2013	Amend	2-1-2013	331-900-0035	1-16-2013	Amend	3-1-2013
330-135-0025	1-1-2013	Amend	2-1-2013	331-900-0040	1-16-2013	Amend	3-1-2013
330-135-0030	1-1-2013	Amend	2-1-2013	331-900-0050	1-16-2013	Amend(T)	3-1-2013
330-135-0035	1-1-2013	Amend	2-1-2013	331-900-0050	3-15-2013	Amend	4-1-2013
330-135-0040	1-1-2013	Amend	2-1-2013	331-900-0055	1-16-2013	Amend(T)	3-1-2013
330-135-0045	1-1-2013	Amend	2-1-2013	331-900-0055	3-15-2013	Amend	4-1-2013
330-135-0047	1-1-2013	Adopt	2-1-2013	331-900-0065	1-16-2013	Amend	3-1-2013



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331-900-0085	1-16-2013	Amend	3-1-2013	331-910-0050	1-16-2013	Amend	3-1-2013
331-900-0090	1-16-2013	Amend	3-1-2013	331-910-0060	1-16-2013	Amend	3-1-2013
331-900-0095	1-16-2013	Amend	3-1-2013	331-910-0070	1-16-2013	Amend	3-1-2013
331-900-0097	1-16-2013	Amend	3-1-2013	331-910-0080	1-16-2013	Amend	3-1-2013
331-900-0098	1-16-2013	Amend	3-1-2013	331-910-0085	1-16-2013	Amend	3-1-2013
331-900-0105	1-16-2013	Amend	3-1-2013	331-915-0000	1-16-2013	Amend	3-1-2013
331-900-0115	1-16-2013	Amend	3-1-2013	331-915-0015	1-16-2013	Amend	3-1-2013
331-900-0120	1-16-2013	Amend	3-1-2013	331-915-0020	1-16-2013	Amend	3-1-2013
331-900-0125	1-16-2013	Amend	3-1-2013	331-915-0025	1-16-2013	Amend	3-1-2013
331-900-0130	1-16-2013	Amend	3-1-2013	331-915-0035	1-16-2013	Amend	3-1-2013
331-905-0000	1-16-2013	Amend	3-1-2013	331-915-0050	1-16-2013	Amend	3-1-2013
331-905-0000	4-1-2013	Amend(T)	5-1-2013	331-915-0055	1-16-2013	Amend	3-1-2013
331-905-0000	7-1-2013	Amend	8-1-2013	331-915-0060	1-16-2013	Amend	3-1-2013
331-905-0005	1-16-2013	Amend	3-1-2013	331-915-0065	1-16-2013	Amend	3-1-2013
331-905-0005	4-1-2013	Amend(T)	5-1-2013	331-915-0070	1-16-2013	Amend	3-1-2013
331-905-0005	7-1-2013	Amend	8-1-2013	331-915-0075	1-16-2013	Amend	3-1-2013
331-905-0010	1-16-2013	Amend	3-1-2013	331-915-0080	1-16-2013	Amend	3-1-2013
331-905-0010	4-1-2013	Amend(T)	5-1-2013	331-915-0085	1-16-2013	Amend	3-1-2013
331-905-0010	7-1-2013	Amend	8-1-2013	331-920-0000	1-16-2013	Amend	3-1-2013
331-905-0011	1-16-2013	Amend(T)	3-1-2013	331-920-0005	1-16-2013	Amend	3-1-2013
331-905-0011	3-15-2013	Amend	4-1-2013	331-925-0000	1-16-2013	Amend	3-1-2013
331-905-0012	1-16-2013	Amend	3-1-2013	331-925-0005	1-16-2013	Amend	3-1-2013
331-905-0013	1-16-2013	Amend(T)	3-1-2013	331-925-0010	1-16-2013	Amend	3-1-2013
331-905-0013	3-15-2013	Amend	4-1-2013	331-925-0015	1-16-2013	Amend	3-1-2013
331-905-0014	1-16-2013	Amend	3-1-2013	331-925-0020	1-16-2013	Amend	3-1-2013
331-905-0015	1-16-2013	Amend	3-1-2013	331-925-0025	1-16-2013	Amend	3-1-2013
331-905-0025	1-16-2013	Amend	3-1-2013	331-925-0030	1-16-2013	Amend	3-1-2013
331-905-0035	1-16-2013	Amend	3-1-2013	331-925-0035	1-16-2013	Amend	3-1-2013
331-905-0040	1-16-2013	Amend	3-1-2013	331-925-0040	1-16-2013	Amend	3-1-2013
331-905-0040	4-1-2013	Amend(T)	5-1-2013	331-925-0050	1-16-2013	Amend	3-1-2013
331-905-0040	7-1-2013	Amend	8-1-2013	331-940-0000	7-1-2013	Amend(T)	7-1-2013
331-905-0045	1-16-2013	Amend	3-1-2013	331-940-0000	7-9-2013	Amend	8-1-2013
331-905-0050	1-16-2013	Amend	3-1-2013	331-950-0010	1-16-2013	Amend	3-1-2013
331-905-0050	4-1-2013	Amend(T)	5-1-2013	331-950-0020	1-16-2013	Amend	3-1-2013
331-905-0050	7-1-2013	Amend	8-1-2013	331-950-0040	1-16-2013	Amend	3-1-2013
331-905-0052	1-16-2013	Amend	3-1-2013	332-020-0010	7-12-2013	Amend(T)	8-1-2013
331-905-0055	1-16-2013	Amend	3-1-2013	333-002-0300	2-4-2013	Adopt(T)	3-1-2013
331-905-0058	1-16-2013	Amend	3-1-2013	333-002-0305	2-4-2013	Adopt(T)	3-1-2013
331-905-0060	1-16-2013	Amend	3-1-2013	333-002-0310	2-4-2013	Adopt(T)	3-1-2013
331-905-0070	4-1-2013	Suspend	5-1-2013	333-002-0315	2-4-2013	Adopt(T)	3-1-2013
331-905-0070	7-1-2013	Repeal	9-1-2013	333-002-0320	2-4-2013	Adopt(T)	3-1-2013
331-905-0075	1-16-2013	Amend	3-1-2013	333-002-0325	2-4-2013	Adopt(T)	3-1-2013
331-905-0080	1-16-2013	Amend	3-1-2013	333-002-0327	2-4-2013	Adopt(T)	3-1-2013
331-905-0080	4-1-2013	Amend(T)	5-1-2013	333-002-0340	2-4-2013	Adopt(T)	3-1-2013
331-905-0080	7-1-2013	Amend	8-1-2013	333-002-0345	2-4-2013	Adopt(T)	3-1-2013
331-905-0085	1-16-2013	Amend	3-1-2013	333-002-0350	2-4-2013	Adopt(T)	3-1-2013
331-905-0090	1-16-2013	Amend	3-1-2013	333-002-0355	2-4-2013	Adopt(T)	3-1-2013
331-905-0095	1-16-2013	Amend	3-1-2013	333-002-0360	2-4-2013	Adopt(T)	3-1-2013
331-905-0100	1-16-2013	Amend	3-1-2013	333-002-0370	2-4-2013	Adopt(T)	3-1-2013
331-905-0105	1-16-2013	Amend	3-1-2013	333-002-0375	2-4-2013	Adopt(T)	3-1-2013
331-905-0110	1-16-2013	Amend	3-1-2013	333-002-0380	2-4-2013	Adopt(T)	3-1-2013
331-905-0115	1-16-2013	Amend	3-1-2013	333-004-0000	12-26-2012	Amend	2-1-2013
331-905-0120	1-16-2013	Amend	3-1-2013	333-004-0010	12-26-2012	Amend	2-1-2013
331-910-0010	1-16-2013	Amend	3-1-2013	333-004-0020	12-26-2012	Amend	2-1-2013
331-910-0025	1-16-2013	Amend	3-1-2013	333-004-0030	12-26-2012	Amend	2-1-2013

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333-004-0040	12-26-2012	Amend	2-1-2013	333-012-0400	2-4-2013	Am. & Ren.	3-1-2013
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333-004-0060	12-26-2012	Amend	2-1-2013	333-022-0205	2-4-2013	Adopt	3-1-2013
333-004-0070	12-26-2012	Amend	2-1-2013	333-022-0210	2-4-2013	Adopt	3-1-2013
333-004-0080	12-26-2012	Amend	2-1-2013	333-022-0300	2-4-2013	Adopt	3-1-2013
333-004-0100	12-26-2012	Amend	2-1-2013	333-022-0305	2-4-2013	Adopt	3-1-2013
333-004-0110	12-26-2012	Amend	2-1-2013	333-022-0310	2-4-2013	Adopt	3-1-2013
333-004-0120	12-26-2012	Amend	2-1-2013	333-022-0315	2-4-2013	Adopt	3-1-2013
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
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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	333-055-0100	7-1-2013	Adopt(T)	8-1-2013
333-012-0310	2-4-2013	Renumber	3-1-2013	333-055-0105	7-1-2013	Adopt(T)	8-1-2013
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333-012-0340	2-4-2013	Am. & Ren.	3-1-2013	333-061-0030	1-25-2013	Amend	3-1-2013
333-012-0350	2-4-2013	Renumber	3-1-2013	333-061-0032	1-25-2013	Amend	3-1-2013
333-012-0360	2-4-2013	Renumber	3-1-2013	333-061-0034	1-25-2013	Amend	3-1-2013
333-012-0370	2-4-2013	Renumber	3-1-2013	333-061-0036	1-25-2013	Amend	3-1-2013
333-012-0380	2-4-2013	Renumber	3-1-2013	333-061-0040	1-25-2013	Amend	3-1-2013
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333-061-0050	1-25-2013	Amend	3-1-2013	333-123-0055	1-29-2013	Adopt	3-1-2013
333-061-0058	1-25-2013	Repeal	3-1-2013	333-123-0060	1-29-2013	Adopt	3-1-2013
333-061-0065	1-25-2013	Amend	3-1-2013	333-123-0065	1-29-2013	Adopt	3-1-2013
333-061-0070	1-25-2013	Amend	3-1-2013	333-123-0070	1-29-2013	Adopt	3-1-2013
333-061-0071	1-25-2013	Amend	3-1-2013	333-123-0075	1-29-2013	Adopt	3-1-2013
333-061-0072	1-25-2013	Amend	3-1-2013	333-123-0080	1-29-2013	Adopt	3-1-2013
333-061-0073	1-25-2013	Amend	3-1-2013	333-123-0085	1-29-2013	Adopt	3-1-2013
333-061-0074	1-25-2013	Amend	3-1-2013	333-123-0090	1-29-2013	Adopt	3-1-2013
333-061-0077	1-25-2013	Amend	3-1-2013	333-123-0095	1-29-2013	Adopt	3-1-2013
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

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333-265-0011	1-25-2013	Adopt	3-1-2013	335-060-0010	5-17-2013	Amend(T)	7-1-2013
333-265-0014	1-25-2013	Amend	3-1-2013	335-060-0010	7-1-2013	Amend(T)	8-1-2013
333-265-0015	1-25-2013	Amend	3-1-2013	335-070-0010	5-1-2013	Repeal	5-1-2013
333-265-0023	1-25-2013	Amend	3-1-2013	335-070-0020	5-1-2013	Amend	5-1-2013
333-265-0024	1-25-2013	Adopt	3-1-2013	335-070-0020	5-17-2013	Amend(T)	7-1-2013
333-265-0025	1-25-2013	Amend	3-1-2013	335-070-0030	5-1-2013	Repeal	5-1-2013
333-265-0050	1-25-2013	Amend	3-1-2013	335-070-0040	5-1-2013	Amend	5-1-2013
333-265-0060	1-25-2013	Amend	3-1-2013	335-070-0050	5-1-2013	Amend	5-1-2013
333-265-0085	1-25-2013	Amend	3-1-2013	335-070-0050	5-17-2013	Amend(T)	7-1-2013
333-265-0105	1-25-2013	Amend	3-1-2013	335-070-0055	5-1-2013	Repeal	5-1-2013
333-265-0110	1-25-2013	Amend	3-1-2013	335-070-0060	5-1-2013	Repeal	5-1-2013
333-265-0160	1-25-2013	Amend	3-1-2013	335-070-0065	5-1-2013	Repeal	5-1-2013
333-265-0190	1-25-2013	Repeal	3-1-2013	335-070-0070	5-1-2013	Repeal	5-1-2013
333-500-0005	1-1-2013	Amend	2-1-2013	335-070-0075	5-1-2013	Repeal	5-1-2013
333-500-0010	1-1-2013	Amend	2-1-2013	335-070-0080	5-1-2013	Amend	5-1-2013
333-500-0031	1-1-2013	Amend	2-1-2013	335-070-0080	5-17-2013	Amend(T)	7-1-2013
333-500-0032	1-1-2013	Amend	2-1-2013	335-070-0085	5-1-2013	Repeal	5-1-2013
333-500-0038	1-1-2013	Amend	2-1-2013	335-080-0005	12-14-2012	Amend	1-1-2013
333-505-0001	1-1-2013	Amend	2-1-2013	335-080-0005	5-1-2013	Amend	5-1-2013
333-505-0005	1-1-2013	Amend	2-1-2013	335-080-0010	12-14-2012	Amend	1-1-2013
333-505-0007	1-1-2013	Amend	2-1-2013	335-080-0010	5-1-2013	Amend	5-1-2013
333-505-0010	1-1-2013	Amend	2-1-2013	335-080-0015	12-14-2012	Amend	1-1-2013
333-505-0030	1-1-2013	Amend	2-1-2013	335-080-0015	5-1-2013	Amend	5-1-2013
333-505-0033	1-1-2013	Amend	2-1-2013	335-080-0025	12-14-2012	Amend	1-1-2013
333-505-0050	1-1-2013	Amend	2-1-2013	335-080-0025	5-1-2013	Amend	5-1-2013
333-505-0060	1-1-2013	Amend	2-1-2013	335-085-0010	7-1-2013	Adopt(T)	8-1-2013
333-505-0080	1-1-2013	Amend	2-1-2013	335-085-0010	9-13-2013	Adopt(T)	10-1-2013
333-510-0020	1-1-2013	Amend	2-1-2013	335-085-0010(T)	9-13-2013	Suspend	10-1-2013
333-510-0040	1-1-2013	Amend	2-1-2013	335-095-0010	9-13-2013	Amend(T)	10-1-2013
333-520-0035	1-1-2013	Amend	2-1-2013	335-095-0030	12-14-2012	Amend	1-1-2013
333-520-0050	1-1-2013	Amend	2-1-2013	335-095-0030	5-1-2013	Amend	5-1-2013
333-520-0060	1-1-2013	Amend	2-1-2013	335-095-0030	9-13-2013	Amend(T)	10-1-2013
333-520-0070	1-1-2013	Amend	2-1-2013	335-095-0040	12-14-2012	Amend	1-1-2013
333-525-0010	1-1-2013	Repeal	2-1-2013	335-095-0050	12-14-2012	Amend	1-1-2013
334-001-0012	7-1-2013	Amend	7-1-2013	337-010-0026	1-1-2014	Amend	9-1-2013
334-001-0060	1-1-2013	Amend	1-1-2013	337-010-0026	1-1-2014	Amend	9-1-2013
334-010-0005	7-1-2013	Amend	7-1-2013	337-010-0030	7-1-2013	Amend	5-1-2013
334-010-0015	7-1-2013	Amend	7-1-2013	340-041-0007	6-21-2013	Adopt	8-1-2013
334-010-0027	1-1-2013	Amend	1-1-2013	340-041-0028	6-21-2013	Adopt	8-1-2013
334-010-0027	7-1-2013	Amend	7-1-2013	340-041-0061	6-21-2013	Adopt	8-1-2013
334-010-0029	1-1-2013	Amend	1-1-2013	340-048-0055	1-16-2013	Amend	3-1-2013
334-010-0029	7-1-2013	Amend	7-1-2013	340-048-0055	3-25-2013	Amend(T)	5-1-2013
334-010-0046	1-1-2013	Amend	1-1-2013	340-049-0010	3-1-2013	Amend	3-1-2013
334-040-0010	1-1-2013	Amend	1-1-2013	340-049-0015	3-1-2013	Amend	3-1-2013
334-040-0010	7-1-2013	Amend	7-1-2013	340-049-0020	3-1-2013	Amend	3-1-2013
335-005-0010	12-14-2012	Amend	1-1-2013	340-049-0025	3-1-2013	Amend	3-1-2013
335-005-0020	5-1-2013	Amend	5-1-2013	340-049-0030	3-1-2013	Amend	3-1-2013
335-060-0005	12-14-2012	Amend	1-1-2013	340-049-0035	3-1-2013	Amend	3-1-2013
335-060-0005	5-1-2013	Amend	5-1-2013	340-049-0040	3-1-2013	Amend	3-1-2013
335-060-0005	7-1-2013	Amend(T)	8-1-2013	340-049-0055	3-1-2013	Amend	3-1-2013
335-060-0006	12-14-2012	Adopt	1-1-2013	340-049-0060	3-1-2013	Amend	3-1-2013
335-060-0006	5-1-2013	Amend	5-1-2013	340-049-0065	3-1-2013	Amend	3-1-2013
335-060-0006	5-17-2013	Amend(T)	7-1-2013	340-049-0085	3-1-2013	Amend	3-1-2013
335-060-0007	12-14-2012	Adopt	1-1-2013	340-054-0005	12-14-2012	Amend	1-1-2013
335-060-0007	5-1-2013	Amend	5-1-2013	340-054-0010	12-14-2012	Amend	1-1-2013

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340-054-0011	12-14-2012	Adopt	1-1-2013	340-096-0190	8-29-2013	Adopt	10-1-2013
340-054-0015	12-14-2012	Amend	1-1-2013	340-096-0200	8-29-2013	Adopt	10-1-2013
340-054-0020	12-14-2012	Repeal	1-1-2013	340-097-0001	8-29-2013	Amend	10-1-2013
340-054-0021	12-14-2012	Repeal	1-1-2013	340-097-0110	8-29-2013	Amend	10-1-2013
340-054-0022	12-14-2012	Amend	1-1-2013	340-097-0120	8-29-2013	Amend	10-1-2013
340-054-0023	12-14-2012	Repeal	1-1-2013	340-102-0011	8-14-2013	Amend(T)	9-1-2013
340-054-0024	12-14-2012	Repeal	1-1-2013	340-200-0020	3-27-2013	Amend	5-1-2013
340-054-0025	12-14-2012	Amend	1-1-2013	340-200-0040	12-10-2012	Amend	1-1-2013
340-054-0026	12-14-2012	Adopt	1-1-2013	340-200-0040	12-11-2012	Amend	1-1-2013
340-054-0027	12-14-2012	Adopt	1-1-2013	340-200-0040	3-27-2013	Amend	5-1-2013
340-054-0035	12-14-2012	Repeal	1-1-2013	340-204-0010	12-11-2012	Amend	1-1-2013
340-054-0036	12-14-2012	Adopt	1-1-2013	340-210-0100	3-27-2013	Amend	5-1-2013
340-054-0055	12-14-2012	Repeal	1-1-2013	340-216-0020	3-27-2013	Amend	5-1-2013
340-054-0056	12-14-2012	Adopt	1-1-2013	340-216-0060	3-27-2013	Amend	5-1-2013
340-054-0060	12-14-2012	Amend	1-1-2013	340-216-0062	3-27-2013	Amend	5-1-2013
340-054-0065	12-14-2012	Amend	1-1-2013	340-216-0064	3-27-2013	Amend	5-1-2013
340-054-0085	12-14-2012	Repeal	1-1-2013	340-216-0066	3-27-2013	Amend	5-1-2013
340-054-0087	12-14-2012	Repeal	1-1-2013	340-216-0068	3-27-2013	Adopt	5-1-2013
340-054-0090	12-14-2012	Repeal	1-1-2013	340-220-0030	12-11-2012	Amend	1-1-2013
340-054-0093	12-14-2012	Repeal	1-1-2013	340-220-0040	12-11-2012	Amend	1-1-2013
340-054-0095	12-14-2012	Repeal	1-1-2013	340-220-0050	12-11-2012	Amend	1-1-2013
340-054-0097	12-14-2012	Repeal	1-1-2013	340-225-0090	12-11-2012	Amend	1-1-2013
340-054-0098	12-14-2012	Repeal	1-1-2013	340-228-0602	3-27-2013	Amend	5-1-2013
340-054-0100	12-14-2012	Amend	1-1-2013	340-228-0606	3-27-2013	Amend	5-1-2013
340-054-0102	12-14-2012	Amend	1-1-2013	340-228-0609	3-27-2013	Amend	5-1-2013
340-054-0104	12-14-2012	Amend	1-1-2013	340-228-0611	3-27-2013	Repeal	5-1-2013
340-054-0106	12-14-2012	Amend	1-1-2013	340-228-0613	3-27-2013	Repeal	5-1-2013
340-054-0108	12-14-2012	Amend	1-1-2013	340-228-0615	3-27-2013	Repeal	5-1-2013
340-064-0015	8-29-2013	Amend	10-1-2013	340-228-0617	3-27-2013	Repeal	5-1-2013
340-064-0022	8-29-2013	Amend	10-1-2013	340-228-0619	3-27-2013	Repeal	5-1-2013
340-064-0035	8-29-2013	Amend	10-1-2013	340-228-0621	3-27-2013	Repeal	5-1-2013
340-064-0055	8-29-2013	Amend	10-1-2013	340-228-0623	3-27-2013	Repeal	5-1-2013
340-093-0030	8-29-2013	Amend	10-1-2013	340-228-0625	3-27-2013	Repeal	5-1-2013
340-093-0050	8-29-2013	Amend	10-1-2013	340-228-0627	3-27-2013	Repeal	5-1-2013
340-093-0070	8-29-2013	Amend	10-1-2013	340-228-0629	3-27-2013	Repeal	5-1-2013
340-093-0105	8-29-2013	Amend	10-1-2013	340-228-0631	3-27-2013	Repeal	5-1-2013
340-093-0110	8-29-2013	Amend	10-1-2013	340-228-0633	3-27-2013	Repeal	5-1-2013
340-093-0115	8-29-2013	Amend	10-1-2013	340-228-0635	3-27-2013	Amend	5-1-2013
340-095-0090	8-29-2013	Amend	10-1-2013	340-228-0637	3-27-2013	Amend	5-1-2013
340-095-0095	8-29-2013	Amend	10-1-2013	340-232-0085	3-27-2013	Amend	5-1-2013
340-096-0001	8-29-2013	Amend	10-1-2013	340-238-0040	3-27-2013	Amend	5-1-2013
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340-096-0040	8-29-2013	Amend	10-1-2013	340-240-0010	12-11-2012	Amend	1-1-2013
340-096-0060	8-29-2013	Amend	10-1-2013	340-240-0030	12-11-2012	Amend	1-1-2013
340-096-0070	8-29-2013	Amend	10-1-2013	340-240-0500	12-11-2012	Adopt	1-1-2013
340-096-0080	8-29-2013	Amend	10-1-2013	340-240-0510	12-11-2012	Adopt	1-1-2013
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340-096-0100	8-29-2013	Amend	10-1-2013	340-240-0530	12-11-2012	Adopt	1-1-2013
340-096-0110	8-29-2013	Amend	10-1-2013	340-240-0540	12-11-2012	Adopt	1-1-2013
340-096-0120	8-29-2013	Amend	10-1-2013	340-240-0550	12-11-2012	Adopt	1-1-2013
340-096-0130	8-29-2013	Amend	10-1-2013	340-240-0560	12-11-2012	Adopt	1-1-2013
340-096-0140	8-29-2013	Amend	10-1-2013	340-240-0570	12-11-2012	Adopt	1-1-2013
340-096-0150	8-29-2013	Amend	10-1-2013	340-240-0580	12-11-2012	Adopt	1-1-2013
340-096-0160	8-29-2013	Adopt	10-1-2013	340-240-0610	12-11-2012	Adopt	1-1-2013
340-096-0170	8-29-2013	Adopt	10-1-2013	340-240-0620	12-11-2012	Adopt	1-1-2013
340-096-0180	8-29-2013	Adopt	10-1-2013	340-240-0630	12-11-2012	Adopt	1-1-2013

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340-244-0210	3-27-2013	Amend	5-1-2013	407-007-0275	8-1-2013	Amend	9-1-2013
340-244-0220	3-27-2013	Amend	5-1-2013	407-007-0277	8-1-2013	Amend	9-1-2013
340-244-0230	3-27-2013	Repeal	5-1-2013	407-007-0280	8-1-2013	Amend	9-1-2013
340-244-0234	3-27-2013	Amend	5-1-2013	407-007-0290	2-5-2013	Amend(T)	3-1-2013
340-244-0238	3-27-2013	Amend	5-1-2013	407-007-0290	8-1-2013	Amend	9-1-2013
340-244-0239	3-27-2013	Adopt	5-1-2013	407-007-0290(T)	8-1-2013	Repeal	9-1-2013
340-244-0240	3-27-2013	Amend	5-1-2013	407-007-0320	8-1-2013	Amend	9-1-2013
340-244-0242	3-27-2013	Amend	5-1-2013	407-035-0000	8-1-2013	Repeal	9-1-2013
340-244-0244	3-27-2013	Amend	5-1-2013	407-035-0005	8-1-2013	Repeal	9-1-2013
340-244-0246	3-27-2013	Amend	5-1-2013	407-035-0010	8-1-2013	Repeal	9-1-2013
340-244-0248	3-27-2013	Amend	5-1-2013	407-035-0015	8-1-2013	Repeal	9-1-2013
340-244-0250	3-27-2013	Amend	5-1-2013	409-021-0130	2-1-2013	Amend	3-1-2013
340-253-0000	12-11-2012	Adopt	1-1-2013	409-025-0160	2-1-2013	Amend	3-1-2013
340-253-0040	12-11-2012	Adopt	1-1-2013	409-035-0020	2-1-2013	Amend	3-1-2013
340-253-0060	12-11-2012	Adopt	1-1-2013	409-037-0000	9-4-2013	Adopt	10-1-2013
340-253-0100	12-11-2012	Adopt	1-1-2013	409-037-0010	9-4-2013	Adopt	10-1-2013
340-253-0200	12-11-2012	Adopt	1-1-2013	409-037-0020	9-4-2013	Adopt	10-1-2013
340-253-0250	12-11-2012	Adopt	1-1-2013	409-037-0030	9-4-2013	Adopt	10-1-2013
340-253-0310	12-11-2012	Adopt	1-1-2013	409-037-0040	9-4-2013	Adopt	10-1-2013
340-253-0320	12-11-2012	Adopt	1-1-2013	409-037-0050	9-4-2013	Adopt	10-1-2013
340-253-0330	12-11-2012	Adopt	1-1-2013	409-037-0060	9-4-2013	Adopt	10-1-2013
340-253-0340	12-11-2012	Adopt	1-1-2013	409-037-0070	9-4-2013	Adopt	10-1-2013
340-253-0400	12-11-2012	Adopt	1-1-2013	409-037-0080	9-4-2013	Adopt	10-1-2013
340-253-0450	12-11-2012	Adopt	1-1-2013	409-055-0030	4-1-2013	Amend	5-1-2013
340-253-0500	12-11-2012	Adopt	1-1-2013	409-055-0030	9-3-2013	Amend	10-1-2013
340-253-0600	12-11-2012	Adopt	1-1-2013	409-055-0030(T)	4-1-2013	Repeal	5-1-2013
340-253-0630	12-11-2012	Adopt	1-1-2013	409-060-0100	2-1-2013	Adopt	3-1-2013
340-253-0650	12-11-2012	Adopt	1-1-2013	409-060-0110	2-1-2013	Adopt	3-1-2013
340-253-1000	12-11-2012	Adopt	1-1-2013	409-060-0120	2-1-2013	Adopt	3-1-2013
340-253-1010	12-11-2012	Adopt	1-1-2013	409-060-0130	2-1-2013	Adopt	3-1-2013
340-253-1020	12-11-2012	Adopt	1-1-2013	409-060-0140	2-1-2013	Adopt	3-1-2013
340-253-1030	12-11-2012	Adopt	1-1-2013	409-060-0150	2-1-2013	Adopt	3-1-2013
340-253-3000	12-11-2012	Adopt	1-1-2013	410-050-0861	4-1-2013	Amend(T)	5-1-2013
340-253-3010	12-11-2012	Adopt	1-1-2013	410-050-0861	8-1-2013	Amend	9-1-2013
340-253-3020	12-11-2012	Adopt	1-1-2013	410-050-0861(T)	8-1-2013	Repeal	9-1-2013
340-253-3030	12-11-2012	Adopt	1-1-2013	410-120-0000	7-1-2013	Amend(T)	8-1-2013
340-253-3040	12-11-2012	Adopt	1-1-2013	410-120-0006	12-1-2012	Amend(T)	1-1-2013
340-253-3050	12-11-2012	Adopt	1-1-2013	410-120-0006	1-1-2013	Amend	2-1-2013
340-262-1000	12-11-2012	Adopt	1-1-2013	410-120-0006	1-1-2013	Amend(T)	2-1-2013
340-264-0040	12-11-2012	Amend	1-1-2013	410-120-0006	1-8-2013	Amend(T)	2-1-2013
340-264-0078	12-11-2012	Amend	1-1-2013	410-120-0006	1-30-2013	Amend(T)	3-1-2013
340-264-0080	12-11-2012	Amend	1-1-2013	410-120-0006	2-20-2013	Amend(T)	4-1-2013
340-264-0100	12-11-2012	Amend	1-1-2013	410-120-0006	3-1-2013	Amend(T)	4-1-2013
340-264-0175	12-11-2012	Adopt	1-1-2013	410-120-0006	4-1-2013	Amend	5-1-2013
345-029-0060	1-28-2013	Amend	3-1-2013	410-120-0006	4-10-2013	Amend	5-1-2013
345-060-0004	1-28-2013	Amend	3-1-2013	410-120-0006	5-29-2013	Amend	7-1-2013
345-060-0007	1-28-2013	Amend	3-1-2013	410-120-0006	6-27-2013	Amend	8-1-2013
345-060-0025	1-28-2013	Amend	3-1-2013	410-120-0006	8-1-2013	Amend(T)	9-1-2013
407-007-0200	8-1-2013	Amend	9-1-2013	410-120-0006	8-23-2013	Amend(T)	10-1-2013
407-007-0210	2-5-2013	Amend(T)	3-1-2013	410-120-0006(T)	12-1-2012	Suspend	1-1-2013
407-007-0210	8-1-2013	Amend	9-1-2013	410-120-0006(T)	1-1-2013	Repeal	2-1-2013
407-007-0210(T)	8-1-2013	Repeal	9-1-2013	410-120-0006(T)	1-1-2013	Suspend	2-1-2013
407-007-0220	8-1-2013	Amend	9-1-2013	410-120-0006(T)	1-8-2013	Suspend	2-1-2013
407-007-0230	8-1-2013	Amend	9-1-2013	410-120-0006(T)	1-30-2013	Suspend	3-1-2013
407-007-0240	8-1-2013	Amend	9-1-2013	410-120-0006(T)	2-20-2013	Suspend	4-1-2013

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410-120-0006(T)	8-23-2013	Suspend	10-1-2013	410-136-0030	7-1-2013	Repeal	8-1-2013
410-120-0025	9-12-2013	Amend	10-1-2013	410-136-0040	7-1-2013	Repeal	8-1-2013
410-120-0045	9-12-2013	Amend	10-1-2013	410-136-0045	7-1-2013	Repeal	8-1-2013
410-120-1160	7-1-2013	Amend(T)	8-1-2013	410-136-0050	7-1-2013	Repeal	8-1-2013
410-120-1200	7-1-2013	Amend(T)	8-1-2013	410-136-0060	7-1-2013	Repeal	8-1-2013
410-120-1210	1-1-2013	Amend(T)	2-1-2013	410-136-0070	7-1-2013	Repeal	8-1-2013
410-120-1210	6-27-2013	Amend	8-1-2013	410-136-0080	7-1-2013	Repeal	8-1-2013
410-120-1210	7-1-2013	Amend(T)	8-1-2013	410-136-0100	7-1-2013	Repeal	8-1-2013
410-120-1340	3-29-2013	Amend(T)	5-1-2013	410-136-0120	7-1-2013	Repeal	8-1-2013
410-120-1855	7-1-2013	Amend(T)	8-1-2013	410-136-0140	7-1-2013	Repeal	8-1-2013
410-121-0030	1-1-2013	Amend	2-1-2013	410-136-0160	7-1-2013	Repeal	8-1-2013
410-121-0030	2-21-2013	Amend(T)	4-1-2013	410-136-0180	7-1-2013	Repeal	8-1-2013
410-121-0030	5-1-2013	Amend(T)	6-1-2013	410-136-0200	7-1-2013	Repeal	8-1-2013
410-121-0030	8-16-2013	Amend	10-1-2013	410-136-0220	7-1-2013	Repeal	8-1-2013
410-121-0030(T)	1-1-2013	Repeal	2-1-2013	410-136-0240	7-1-2013	Repeal	8-1-2013
410-121-0030(T)	5-1-2013	Suspend	6-1-2013	410-136-0245	7-1-2013	Repeal	8-1-2013
410-121-0033	1-1-2013	Amend	2-1-2013	410-136-0260	7-1-2013	Repeal	8-1-2013
410-121-0033(T)	1-1-2013	Repeal	2-1-2013	410-136-0280	7-1-2013	Repeal	8-1-2013
410-121-0040	1-1-2013	Amend	2-1-2013	410-136-0300	7-1-2013	Repeal	8-1-2013
410-121-0040	2-21-2013	Amend(T)	4-1-2013	410-136-0320	7-1-2013	Repeal	8-1-2013
410-121-0040	5-1-2013	Amend(T)	6-1-2013	410-136-0340	7-1-2013	Repeal	8-1-2013
410-121-0040	8-16-2013	Amend	10-1-2013	410-136-0350	7-1-2013	Repeal	8-1-2013
410-121-0040(T)	1-1-2013	Repeal	2-1-2013	410-136-0360	7-1-2013	Repeal	8-1-2013
410-121-0040(T)	5-1-2013	Suspend	6-1-2013	410-136-0420	7-1-2013	Repeal	8-1-2013
410-121-0100	1-1-2013	Amend	2-1-2013	410-136-0440	7-1-2013	Repeal	8-1-2013
410-121-0100(T)	1-1-2013	Repeal	2-1-2013	410-136-0800	7-1-2013	Repeal	8-1-2013
410-121-0111	1-1-2013	Adopt	2-1-2013	410-136-0820	7-1-2013	Repeal	8-1-2013
410-121-0111	8-1-2013	Amend(T)	9-1-2013	410-136-0840	7-1-2013	Repeal	8-1-2013
410-121-0111(T)	1-1-2013	Repeal	2-1-2013	410-136-0860	7-1-2013	Repeal	8-1-2013
410-121-0190	12-28-2012	Amend(T)	2-1-2013	410-136-3000	7-1-2013	Adopt	8-1-2013
410-121-0190	6-25-2013	Amend	8-1-2013	410-136-3020	7-1-2013	Adopt	8-1-2013
410-122-0186	12-27-2012	Amend	2-1-2013	410-136-3040	7-1-2013	Adopt	8-1-2013
410-122-0325	12-27-2012	Amend	2-1-2013	410-136-3060	7-1-2013	Adopt	8-1-2013
410-123-1060	4-1-2013	Amend	5-1-2013	410-136-3080	7-1-2013	Adopt	8-1-2013
410-123-1160	4-1-2013	Amend	5-1-2013	410-136-3100	7-1-2013	Adopt	8-1-2013
410-123-1160	7-1-2013	Amend(T)	8-1-2013	410-136-3120	7-1-2013	Adopt	8-1-2013
410-123-1200	4-1-2013	Amend	5-1-2013	410-136-3140	7-1-2013	Adopt	8-1-2013
410-123-1220	4-1-2013	Amend	5-1-2013	410-136-3160	7-1-2013	Adopt	8-1-2013
410-123-1240	4-1-2013	Amend	5-1-2013	410-136-3180	7-1-2013	Adopt	8-1-2013
410-123-1260	4-1-2013	Amend	5-1-2013	410-136-3200	7-1-2013	Adopt	8-1-2013
410-123-1260	7-1-2013	Amend(T)	8-1-2013	410-136-3220	7-1-2013	Adopt	8-1-2013
410-123-1490	4-1-2013	Amend	5-1-2013	410-136-3240	7-1-2013	Adopt	8-1-2013
410-123-1490	7-1-2013	Amend(T)	8-1-2013	410-136-3260	7-1-2013	Adopt	8-1-2013
410-123-1600	7-1-2013	Amend(T)	8-1-2013	410-136-3280	7-1-2013	Adopt	8-1-2013
410-123-1620	4-1-2013	Amend	5-1-2013	410-136-3300	7-1-2013	Adopt	8-1-2013
410-125-0450	9-3-2013	Amend	10-1-2013	410-136-3320	7-1-2013	Adopt	8-1-2013
410-127-0020	6-27-2013	Amend	8-1-2013	410-136-3340	7-1-2013	Adopt	8-1-2013
410-127-0040	6-27-2013	Amend	8-1-2013	410-136-3360	7-1-2013	Adopt	8-1-2013
410-127-0060	6-27-2013	Amend	8-1-2013	410-138-0390	4-26-2013	Amend	6-1-2013
410-127-0080	6-27-2013	Amend	8-1-2013	410-141-0262	3-1-2013	Amend(T)	4-1-2013
410-130-0005	3-29-2013	Adopt(T)	5-1-2013	410-141-0262	4-10-2013	Amend(T)	5-1-2013
410-130-0180	12-28-2012	Amend(T)	2-1-2013	410-141-0262	8-26-2013	Amend	10-1-2013
410-130-0180	6-25-2013	Amend	8-1-2013	410-141-0520	3-21-2013	Amend	5-1-2013
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410-141-3060	6-27-2013	Amend	8-1-2013	411-015-0015	7-1-2013	Amend(T)	8-1-2013
410-141-3060	7-9-2013	Amend(T)	8-1-2013	411-015-0100	7-1-2013	Amend(T)	8-1-2013
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410-141-3080	4-23-2013	Amend	6-1-2013	411-020-0002(T)	11-28-2012	Repeal	1-1-2013
410-141-3080	6-11-2013	Amend	7-1-2013	411-020-0030	11-28-2012	Amend	1-1-2013
410-141-3080	7-9-2013	Amend(T)	8-1-2013	411-020-0030(T)	11-28-2012	Repeal	1-1-2013
410-141-3160	1-4-2013	Amend(T)	2-1-2013	411-020-0085	11-28-2012	Amend	1-1-2013
410-141-3160	6-27-2013	Amend	8-1-2013	411-020-0085(T)	11-28-2012	Repeal	1-1-2013
410-141-3220	7-9-2013	Amend(T)	8-1-2013	411-020-0123	11-28-2012	Adopt	1-1-2013
410-141-3260	4-26-2013	Amend	6-1-2013	411-020-0123(T)	11-28-2012	Repeal	1-1-2013
410-141-3262	3-1-2013	Amend(T)	4-1-2013	411-020-0126	11-28-2012	Adopt	1-1-2013
410-141-3262	4-10-2013	Amend(T)	5-1-2013	411-020-0126(T)	11-28-2012	Repeal	1-1-2013
410-141-3262	8-26-2013	Amend	10-1-2013	411-028-0000	7-1-2013	Adopt(T)	8-1-2013
410-141-3420	7-9-2013	Amend(T)	8-1-2013	411-028-0010	7-1-2013	Adopt(T)	8-1-2013
410-142-0020	5-1-2013	Amend(T)	5-1-2013	411-028-0020	7-1-2013	Adopt(T)	8-1-2013
410-142-0020	6-27-2013	Amend	8-1-2013	411-028-0030	7-1-2013	Adopt(T)	8-1-2013
410-142-0290	5-1-2013	Amend(T)	5-1-2013	411-028-0040	7-1-2013	Adopt(T)	8-1-2013
410-142-0290	6-27-2013	Amend	8-1-2013	411-028-0050	7-1-2013	Adopt(T)	8-1-2013
410-147-0360	3-1-2013	Amend(T)	4-1-2013	411-030-0002	5-23-2013	Amend(T)	7-1-2013
410-147-0360	8-26-2013	Amend	10-1-2013	411-030-0020	5-23-2013	Amend(T)	7-1-2013
410-147-0400	1-1-2013	Amend(T)	2-1-2013	411-030-0020	7-1-2013	Amend(T)	8-1-2013
410-147-0400	3-1-2013	Amend(T)	4-1-2013	411-030-0020(T)	7-1-2013	Suspend	8-1-2013
410-147-0400	6-27-2013	Amend	8-1-2013	411-030-0033	5-23-2013	Amend(T)	7-1-2013
410-147-0400(T)	3-1-2013	Suspend	4-1-2013	411-030-0040	5-23-2013	Amend(T)	7-1-2013
410-165-0000	4-26-2013	Amend(T)	6-1-2013	411-030-0050	5-23-2013	Amend(T)	7-1-2013
410-165-0020	4-26-2013	Amend(T)	6-1-2013	411-030-0055	5-23-2013	Amend(T)	7-1-2013
410-165-0040	4-26-2013	Amend(T)	6-1-2013	411-030-0070	7-1-2013	Amend(T)	8-1-2013
410-165-0060	4-26-2013	Amend(T)	6-1-2013	411-030-0080	3-26-2013	Amend	5-1-2013
410-165-0080	4-26-2013	Amend(T)	6-1-2013	411-030-0080	5-23-2013	Amend(T)	7-1-2013
410-165-0100	4-26-2013	Amend(T)	6-1-2013	411-030-0080(T)	3-26-2013	Repeal	5-1-2013
410-165-0120	4-26-2013	Amend(T)	6-1-2013	411-030-0090	5-23-2013	Amend(T)	7-1-2013
410-165-0140	4-26-2013	Amend(T)	6-1-2013	411-030-0100	7-1-2013	Amend(T)	8-1-2013
410-180-0300	8-2-2013	Adopt(T)	9-1-2013	411-031-0020	3-26-2013	Amend	5-1-2013
410-180-0305	8-2-2013	Adopt(T)	9-1-2013	411-031-0020	7-1-2013	Amend(T)	8-1-2013
410-180-0310	8-2-2013	Adopt(T)	9-1-2013	411-031-0020(T)	3-26-2013	Repeal	5-1-2013
410-180-0312	8-2-2013	Adopt(T)	9-1-2013	411-031-0030	3-26-2013	Amend	5-1-2013
410-180-0315	8-2-2013	Adopt(T)	9-1-2013	411-031-0040	3-26-2013	Amend	5-1-2013
410-180-0320	8-2-2013	Adopt(T)	9-1-2013	411-031-0040	7-1-2013	Amend(T)	8-1-2013
410-180-0325	8-2-2013	Adopt(T)	9-1-2013	411-031-0040(T)	3-26-2013	Repeal	5-1-2013
410-180-0327	8-2-2013	Adopt(T)	9-1-2013	411-031-0050	3-26-2013	Amend	5-1-2013
410-180-0340	8-2-2013	Adopt(T)	9-1-2013	411-032-0000	7-1-2013	Amend	7-1-2013
410-180-0345	8-2-2013	Adopt(T)	9-1-2013	411-032-0001	7-1-2013	Amend	7-1-2013
410-180-0350	8-2-2013	Adopt(T)	9-1-2013	411-032-0005	7-1-2013	Amend	7-1-2013
410-180-0355	8-2-2013	Adopt(T)	9-1-2013	411-032-0010	7-1-2013	Amend	7-1-2013
410-180-0360	8-2-2013	Adopt(T)	9-1-2013	411-032-0013	7-1-2013	Repeal	7-1-2013
410-180-0370	8-2-2013	Adopt(T)	9-1-2013	411-032-0015	7-1-2013	Amend	7-1-2013
410-180-0375	8-2-2013	Adopt(T)	9-1-2013	411-032-0020	7-1-2013	Amend	7-1-2013
410-180-0380	8-2-2013	Adopt(T)	9-1-2013	411-032-0044	7-1-2013	Amend	7-1-2013
411-001-0500	4-2-2013	Adopt	5-1-2013	411-034-0000	7-1-2013	Amend(T)	8-1-2013
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411-001-0510	7-1-2013	Amend(T)	8-1-2013	411-034-0030	7-1-2013	Amend(T)	8-1-2013
411-001-0520	4-2-2013	Adopt	5-1-2013	411-034-0035	7-1-2013	Amend(T)	8-1-2013
411-001-0520	6-1-2013	Amend	7-1-2013	411-034-0040	7-1-2013	Amend(T)	8-1-2013
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411-034-0090	7-1-2013	Amend(T)	8-1-2013	411-050-0490	9-1-2013	Repeal	10-1-2013
411-040-0000	7-1-2013	Amend(T)	8-1-2013	411-050-0491	9-1-2013	Am. & Ren.	10-1-2013
411-045-0010	7-1-2013	Amend(T)	8-1-2013	411-050-0662	9-1-2013	Adopt	10-1-2013
411-045-0050	7-1-2013	Amend(T)	8-1-2013	411-065-0000	7-1-2013	Amend(T)	8-1-2013
411-048-0000	4-15-2013	Repeal	5-1-2013	411-070-0005	3-1-2013	Amend	4-1-2013
411-048-0010	4-15-2013	Repeal	5-1-2013	411-070-0005(T)	3-1-2013	Repeal	4-1-2013
411-048-0020	4-15-2013	Repeal	5-1-2013	411-070-0033	7-1-2013	Amend(T)	8-1-2013
411-048-0030	4-15-2013	Repeal	5-1-2013	411-070-0091	3-1-2013	Amend	4-1-2013
411-048-0040	4-15-2013	Repeal	5-1-2013	411-070-0091(T)	3-1-2013	Repeal	4-1-2013
411-048-0050	4-15-2013	Repeal	5-1-2013	411-070-0140	5-1-2013	Amend(T)	6-1-2013
411-048-0060	4-15-2013	Repeal	5-1-2013	411-070-0452	7-1-2013	Amend(T)	8-1-2013
411-048-0070	4-15-2013	Repeal	5-1-2013	411-070-0470	1-1-2013	Amend(T)	2-1-2013
411-048-0080	4-15-2013	Repeal	5-1-2013	411-070-0470	5-1-2013	Amend	5-1-2013
411-048-0100	4-15-2013	Repeal	5-1-2013	411-070-0470(T)	5-1-2013	Repeal	5-1-2013
411-048-0120	4-15-2013	Repeal	5-1-2013	411-300-0110	7-1-2013	Amend(T)	8-1-2013
411-048-0130	4-15-2013	Repeal	5-1-2013	411-300-0120	7-1-2013	Amend(T)	8-1-2013
411-048-0150	4-15-2013	Adopt	5-1-2013	411-300-0130	7-1-2013	Amend(T)	8-1-2013
411-048-0150	7-1-2013	Amend(T)	8-1-2013	411-300-0140	7-1-2013	Amend(T)	8-1-2013
411-048-0160	4-15-2013	Adopt	5-1-2013	411-300-0150	7-1-2013	Amend(T)	8-1-2013
411-048-0160	7-1-2013	Amend(T)	8-1-2013	411-308-0010	7-1-2013	Amend(T)	8-1-2013
411-048-0170	4-15-2013	Adopt	5-1-2013	411-308-0020	7-1-2013	Amend(T)	8-1-2013
411-048-0170	7-1-2013	Amend(T)	8-1-2013	411-308-0030	7-1-2013	Amend(T)	8-1-2013
411-048-0180	4-15-2013	Adopt	5-1-2013	411-308-0050	7-1-2013	Amend(T)	8-1-2013
411-048-0190	4-15-2013	Adopt	5-1-2013	411-308-0060	7-1-2013	Amend(T)	8-1-2013
411-048-0200	4-15-2013	Adopt	5-1-2013	411-308-0070	7-1-2013	Amend(T)	8-1-2013
411-048-0210	4-15-2013	Adopt	5-1-2013	411-308-0080	7-1-2013	Amend(T)	8-1-2013
411-048-0220	4-15-2013	Adopt	5-1-2013	411-308-0100	7-1-2013	Amend(T)	8-1-2013
411-048-0230	4-15-2013	Adopt	5-1-2013	411-308-0120	7-1-2013	Amend(T)	8-1-2013
411-048-0240	4-15-2013	Adopt	5-1-2013	411-320-0020	7-1-2013	Amend(T)	8-1-2013
411-048-0250	4-15-2013	Adopt	5-1-2013	411-320-0030	7-1-2013	Amend(T)	8-1-2013
411-050-0400	9-1-2013	Am. & Ren.	10-1-2013	411-320-0040	7-1-2013	Amend(T)	8-1-2013
411-050-0401	9-1-2013	Am. & Ren.	10-1-2013	411-320-0060	7-1-2013	Amend(T)	8-1-2013
411-050-0405	5-23-2013	Amend(T)	7-1-2013	411-320-0070	7-1-2013	Amend(T)	8-1-2013
411-050-0405	9-1-2013	Am. & Ren.	10-1-2013	411-320-0090	7-1-2013	Amend(T)	8-1-2013
411-050-0405(T)	9-1-2013	Repeal	10-1-2013	411-320-0100	7-1-2013	Amend(T)	8-1-2013
411-050-0408	9-1-2013	Am. & Ren.	10-1-2013	411-320-0110	7-1-2013	Amend(T)	8-1-2013
411-050-0410	9-1-2013	Am. & Ren.	10-1-2013	411-320-0120	7-1-2013	Amend(T)	8-1-2013
411-050-0412	9-1-2013	Am. & Ren.	10-1-2013	411-320-0130	7-1-2013	Amend(T)	8-1-2013
411-050-0415	9-1-2013	Am. & Ren.	10-1-2013	411-320-0175	4-2-2013	Amend	5-1-2013
411-050-0420	9-1-2013	Am. & Ren.	10-1-2013	411-325-0020	7-1-2013	Amend(T)	8-1-2013
411-050-0430	9-1-2013	Am. & Ren.	10-1-2013	411-325-0390	7-1-2013	Amend(T)	8-1-2013
411-050-0435	9-1-2013	Am. & Ren.	10-1-2013	411-325-0400	7-1-2013	Amend(T)	8-1-2013
411-050-0440	9-1-2013	Am. & Ren.	10-1-2013	411-325-0440	7-1-2013	Amend(T)	8-1-2013
411-050-0443	9-1-2013	Am. & Ren.	10-1-2013	411-328-0560	7-1-2013	Amend(T)	8-1-2013
411-050-0444	9-1-2013	Am. & Ren.	10-1-2013	411-328-0790	7-1-2013	Amend(T)	8-1-2013
411-050-0445	9-1-2013	Am. & Ren.	10-1-2013	411-328-0800	7-1-2013	Amend(T)	8-1-2013
411-050-0447	9-1-2013	Am. & Ren.	10-1-2013	411-330-0020	1-4-2013	Amend	2-1-2013
411-050-0450	9-1-2013	Am. & Ren.	10-1-2013	411-330-0020	7-1-2013	Amend(T)	8-1-2013
411-050-0455	9-1-2013	Am. & Ren.	10-1-2013	411-330-0020(T)	1-4-2013	Repeal	2-1-2013
411-050-0460	9-1-2013	Am. & Ren.	10-1-2013	411-330-0030	7-1-2013	Amend(T)	8-1-2013
411-050-0465	9-1-2013	Am. & Ren.	10-1-2013	411-330-0040	7-1-2013	Amend(T)	8-1-2013
411-050-0480	9-1-2013	Am. & Ren.	10-1-2013	411-330-0050	7-1-2013	Amend(T)	8-1-2013
411-050-0481	9-1-2013	Am. & Ren.	10-1-2013	411-330-0060	7-1-2013	Amend(T)	8-1-2013
411-050-0483	9-1-2013	Am. & Ren.	10-1-2013	411-330-0065	1-4-2013	Adopt	2-1-2013

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411-330-0070	7-1-2013	Amend(T)	8-1-2013	413-040-0024	1-15-2013	Amend	2-1-2013
411-330-0080	7-1-2013	Amend(T)	8-1-2013	413-040-0032	1-15-2013	Amend	2-1-2013
411-330-0090	7-1-2013	Amend(T)	8-1-2013	413-040-0210	1-15-2013	Amend	2-1-2013
411-330-0110	7-1-2013	Amend(T)	8-1-2013	413-040-0215	1-15-2013	Amend	2-1-2013
411-340-0020	4-1-2013	Amend(T)	5-1-2013	413-040-0240	1-15-2013	Amend	2-1-2013
411-340-0020	7-2-2013	Amend(T)	8-1-2013	413-040-0270	1-15-2013	Amend	2-1-2013
411-340-0020	7-22-2013	Amend	9-1-2013	413-040-0290	1-15-2013	Amend	2-1-2013
411-340-0020	8-1-2013	Amend(T)	9-1-2013	413-040-0300	1-15-2013	Amend	2-1-2013
411-340-0020(T)	7-2-2013	Suspend	8-1-2013	413-070-0524	1-15-2013	Amend	2-1-2013
411-340-0020(T)	7-22-2013	Repeal	9-1-2013	413-070-0536	1-15-2013	Amend	2-1-2013
411-340-0100	7-1-2013	Amend(T)	8-1-2013	413-070-0551	1-15-2013	Amend	2-1-2013
411-340-0110	7-1-2013	Amend(T)	8-1-2013	413-070-0552	1-15-2013	Amend	2-1-2013
411-340-0120	7-1-2013	Amend(T)	8-1-2013	413-070-0556	1-15-2013	Amend	2-1-2013
411-340-0125	7-1-2013	Amend(T)	8-1-2013	413-070-0565	1-15-2013	Amend	2-1-2013
411-340-0130	7-1-2013	Amend(T)	8-1-2013	413-070-0620	1-15-2013	Amend	2-1-2013
411-340-0150	7-1-2013	Amend(T)	8-1-2013	413-070-0625	1-15-2013	Amend	2-1-2013
411-345-0020	7-1-2013	Amend(T)	8-1-2013	413-070-0630	1-15-2013	Amend	2-1-2013
411-345-0140	7-1-2013	Amend(T)	8-1-2013	413-070-0640	1-15-2013	Amend	2-1-2013
411-346-0110	7-1-2013	Amend(T)	8-1-2013	413-080-0040	1-15-2013	Amend	2-1-2013
411-346-0180	7-1-2013	Amend(T)	8-1-2013	413-080-0050	1-15-2013	Amend	2-1-2013
411-350-0020	7-2-2013	Amend(T)	8-1-2013	413-080-0052	1-15-2013	Amend	2-1-2013
411-350-0030	7-2-2013	Amend(T)	8-1-2013	413-080-0054	1-15-2013	Adopt	2-1-2013
411-350-0040	7-2-2013	Amend(T)	8-1-2013	413-080-0055	1-15-2013	Amend	2-1-2013
411-350-0050	7-2-2013	Amend(T)	8-1-2013	413-080-0059	1-15-2013	Amend	2-1-2013
411-355-0010	7-2-2013	Amend(T)	8-1-2013	413-080-0063	1-15-2013	Repeal	2-1-2013
411-355-0020	7-2-2013	Amend(T)	8-1-2013	413-080-0067	1-15-2013	Amend	2-1-2013
411-355-0030	7-2-2013	Amend(T)	8-1-2013	413-120-0860	1-15-2013	Amend	2-1-2013
411-355-0040	7-2-2013	Amend(T)	8-1-2013	414-002-0005	8-16-2013	Adopt(T)	10-1-2013
411-360-0090	4-1-2013	Amend(T)	5-1-2013	414-002-0005	9-9-2013	Adopt(T)	10-1-2013
413-020-0236	1-15-2013	Amend	2-1-2013	414-002-0010	8-16-2013	Adopt(T)	10-1-2013
413-020-0245	1-15-2013	Amend	2-1-2013	414-002-0010	9-9-2013	Adopt(T)	10-1-2013
413-030-0000	1-15-2013	Amend	2-1-2013	414-900-0005	8-16-2013	Adopt(T)	10-1-2013
413-030-0003	1-15-2013	Amend	2-1-2013	414-900-0005	9-9-2013	Adopt(T)	10-1-2013
413-030-0006	1-15-2013	Amend	2-1-2013	414-900-0010	8-16-2013	Adopt(T)	10-1-2013
413-030-0009	1-15-2013	Amend	2-1-2013	414-900-0010	9-9-2013	Adopt(T)	10-1-2013
413-030-0013	1-15-2013	Amend	2-1-2013	414-900-0015	8-16-2013	Adopt(T)	10-1-2013
413-030-0016	1-15-2013	Amend	2-1-2013	414-900-0015	9-9-2013	Adopt(T)	10-1-2013
413-030-0019	1-15-2013	Amend	2-1-2013	414-900-0020	8-16-2013	Adopt(T)	10-1-2013
413-030-0023	1-15-2013	Amend	2-1-2013	414-900-0020	9-9-2013	Adopt(T)	10-1-2013
413-030-0026	1-15-2013	Amend	2-1-2013	415-012-0000	1-14-2013	Amend(T)	2-1-2013
413-030-0030	1-15-2013	Amend	2-1-2013	415-012-0000	5-3-2013	Amend	6-1-2013
413-030-0405	1-15-2013	Amend	2-1-2013	415-012-0010	1-14-2013	Amend(T)	2-1-2013
413-030-0410	1-15-2013	Amend	2-1-2013	415-012-0010	5-3-2013	Amend	6-1-2013
413-030-0445	1-15-2013	Amend	2-1-2013	415-012-0020	1-14-2013	Amend(T)	2-1-2013
413-030-0449	1-15-2013	Amend	2-1-2013	415-012-0020	5-3-2013	Amend	6-1-2013
413-030-0454	1-15-2013	Amend	2-1-2013	415-012-0030	1-14-2013	Amend(T)	2-1-2013
413-030-0456	1-15-2013	Adopt	2-1-2013	415-012-0030	5-3-2013	Amend	6-1-2013
413-040-0005	1-15-2013	Amend	2-1-2013	415-012-0032	5-3-2013	Adopt	6-1-2013
413-040-0006	1-15-2013	Amend	2-1-2013	415-012-0035	5-3-2013	Adopt	6-1-2013
413-040-0008	1-15-2013	Amend	2-1-2013	415-012-0040	5-3-2013	Amend	6-1-2013
413-040-0009	1-15-2013	Amend	2-1-2013	415-012-0050	5-3-2013	Amend	6-1-2013
413-040-0010	1-15-2013	Amend	2-1-2013	415-012-0055	5-3-2013	Adopt	6-1-2013
413-040-0011	1-15-2013	Amend	2-1-2013	415-012-0060	5-3-2013	Amend	6-1-2013
413-040-0013	1-15-2013	Amend	2-1-2013	415-012-0065	5-3-2013	Adopt	6-1-2013
413-040-0016	1-15-2013	Amend	2-1-2013	415-012-0067	5-3-2013	Adopt	6-1-2013

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415-012-0080	5-3-2013	Amend	6-1-2013	415-050-0090(T)	8-1-2013	Repeal	9-1-2013
415-012-0090	5-3-2013	Amend	6-1-2013	415-050-0095	8-1-2013	Amend	9-1-2013
415-020-0005	6-7-2013	Amend	7-1-2013	416-465-0000	2-25-2013	Repeal	4-1-2013
415-020-0015	6-7-2013	Amend	7-1-2013	416-465-0010	2-25-2013	Repeal	4-1-2013
415-020-0017	6-7-2013	Adopt	7-1-2013	416-465-0020	2-25-2013	Repeal	4-1-2013
415-020-0053	1-14-2013	Amend(T)	2-1-2013	416-465-0030	2-25-2013	Repeal	4-1-2013
415-020-0053	6-7-2013	Amend	7-1-2013	416-465-0040	2-25-2013	Repeal	4-1-2013
415-020-0060	6-7-2013	Amend	7-1-2013	416-800-0080	7-29-2013	Amend	9-1-2013
415-020-0075	6-7-2013	Amend	7-1-2013	423-001-0000	8-20-2013	Amend(T)	10-1-2013
415-020-0085	6-7-2013	Amend	7-1-2013	423-001-0000	9-9-2013	Amend(T)	10-1-2013
415-050-0000	2-4-2013	Amend(T)	3-1-2013	423-001-0005	8-20-2013	Amend(T)	10-1-2013
415-050-0000	8-1-2013	Amend	9-1-2013	423-001-0005	9-9-2013	Amend(T)	10-1-2013
415-050-0000(T)	8-1-2013	Repeal	9-1-2013	423-001-0006	8-20-2013	Amend(T)	10-1-2013
415-050-0005	2-4-2013	Amend(T)	3-1-2013	423-001-0006	9-9-2013	Amend(T)	10-1-2013
415-050-0005	8-1-2013	Amend	9-1-2013	423-008-0005	8-20-2013	Adopt(T)	10-1-2013
415-050-0005(T)	8-1-2013	Repeal	9-1-2013	423-008-0005	9-9-2013	Adopt(T)	10-1-2013
415-050-0010	8-1-2013	Amend	9-1-2013	423-009-0005	8-20-2013	Adopt(T)	10-1-2013
415-050-0015	2-4-2013	Amend(T)	3-1-2013	423-009-0005	9-9-2013	Adopt(T)	10-1-2013
415-050-0015	8-1-2013	Amend	9-1-2013	423-009-0010	8-20-2013	Adopt(T)	10-1-2013
415-050-0015(T)	8-1-2013	Repeal	9-1-2013	423-009-0010	9-9-2013	Adopt(T)	10-1-2013
415-050-0020	8-1-2013	Amend	9-1-2013	423-009-0020	8-20-2013	Adopt(T)	10-1-2013
415-050-0025	2-4-2013	Amend(T)	3-1-2013	423-009-0020	9-9-2013	Adopt(T)	10-1-2013
415-050-0025	8-1-2013	Amend	9-1-2013	436-001-0003	12-28-2012	Amend	1-1-2013
415-050-0025(T)	8-1-2013	Repeal	9-1-2013	436-001-0004	12-28-2012	Amend	1-1-2013
415-050-0030	8-1-2013	Amend	9-1-2013	436-001-0005	12-28-2012	Amend	1-1-2013
415-050-0035	2-4-2013	Amend(T)	3-1-2013	436-001-0009	12-28-2012	Amend	1-1-2013
415-050-0035	8-1-2013	Amend	9-1-2013	436-001-0019	12-28-2012	Amend	1-1-2013
415-050-0035(T)	8-1-2013	Repeal	9-1-2013	436-001-0023	12-28-2012	Amend	1-1-2013
415-050-0040	2-4-2013	Amend(T)	3-1-2013	436-001-0170	12-28-2012	Amend	1-1-2013
415-050-0040	8-1-2013	Amend	9-1-2013	436-001-0225	12-28-2012	Amend	1-1-2013
415-050-0040(T)	8-1-2013	Repeal	9-1-2013	436-001-0246	12-28-2012	Amend	1-1-2013
415-050-0045	2-4-2013	Amend(T)	3-1-2013	436-001-0300	12-28-2012	Repeal	1-1-2013
415-050-0045	8-1-2013	Amend	9-1-2013	436-001-0410	12-28-2012	Amend	1-1-2013
415-050-0045(T)	8-1-2013	Repeal	9-1-2013	436-001-0420	12-28-2012	Amend	1-1-2013
415-050-0050	2-4-2013	Amend(T)	3-1-2013	436-001-0430	12-28-2012	Amend	1-1-2013
415-050-0050	8-1-2013	Amend	9-1-2013	436-009-0004	4-1-2013	Amend	4-1-2013
415-050-0050(T)	8-1-2013	Repeal	9-1-2013	436-009-0010	4-1-2013	Amend	4-1-2013
415-050-0055	2-4-2013	Amend(T)	3-1-2013	436-009-0020	4-1-2013	Amend	4-1-2013
415-050-0055	8-1-2013	Amend	9-1-2013	436-009-0025	4-1-2013	Amend	4-1-2013
415-050-0055(T)	8-1-2013	Repeal	9-1-2013	436-009-0030	4-1-2013	Amend	4-1-2013
415-050-0060	2-4-2013	Amend(T)	3-1-2013	436-009-0050	4-1-2013	Amend	4-1-2013
415-050-0060	8-1-2013	Amend	9-1-2013	436-009-0070	4-1-2013	Amend	4-1-2013
415-050-0060(T)	8-1-2013	Repeal	9-1-2013	436-009-0110	4-1-2013	Amend	4-1-2013
415-050-0065	2-4-2013	Amend(T)	3-1-2013	436-009-0135	4-1-2013	Amend	4-1-2013
415-050-0065	8-1-2013	Amend	9-1-2013	436-009-0175	4-1-2013	Amend	4-1-2013
415-050-0065(T)	8-1-2013	Repeal	9-1-2013	436-009-0177	4-1-2013	Amend	4-1-2013
415-050-0070	2-4-2013	Amend(T)	3-1-2013	436-009-0180	4-1-2013	Amend	4-1-2013
415-050-0070	8-1-2013	Amend	9-1-2013	436-009-0207	4-1-2013	Amend	4-1-2013
415-050-0070(T)	8-1-2013	Repeal	9-1-2013	436-009-0260	4-1-2013	Amend	4-1-2013
415-050-0075	2-4-2013	Amend(T)	3-1-2013	436-009-0290	4-1-2013	Amend	4-1-2013
415-050-0075	8-1-2013	Amend	9-1-2013	436-010-0210	4-1-2013	Amend	4-1-2013
415-050-0075(T)	8-1-2013	Repeal	9-1-2013	436-010-0230	4-1-2013	Amend	4-1-2013
415-050-0080	8-1-2013	Amend	9-1-2013	436-010-0265	4-1-2013	Amend	4-1-2013
415-050-0085	8-1-2013	Amend	9-1-2013	436-010-0330	4-1-2013	Amend	4-1-2013
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436-035-0002	1-1-2013	Amend	1-1-2013	437-003-0001	9-13-2013	Amend	10-1-2013
436-035-0003	1-1-2013	Amend	1-1-2013	437-003-0128	4-1-2013	Repeal	3-1-2013
436-035-0005	1-1-2013	Amend	1-1-2013	437-003-0134	4-1-2013	Adopt	3-1-2013
436-035-0007	1-1-2013	Amend	1-1-2013	437-005-0001	12-14-2012	Amend	1-1-2013
436-035-0008	1-1-2013	Amend	1-1-2013	437-005-0001	7-19-2013	Amend	9-1-2013
436-035-0009	1-1-2013	Amend	1-1-2013	437-005-0002	12-14-2012	Amend	1-1-2013
436-035-0011	1-1-2013	Amend	1-1-2013	437-005-0003	12-14-2012	Amend	1-1-2013
436-035-0012	1-1-2013	Amend	1-1-2013	438-005-0015	4-1-2013	Amend	3-1-2013
436-035-0017	1-1-2013	Amend	1-1-2013	438-009-0005	4-1-2013	Amend	3-1-2013
436-035-0018	1-1-2013	Amend	1-1-2013	438-009-0020	4-1-2013	Amend	3-1-2013
436-035-0030	1-1-2013	Amend	1-1-2013	438-011-0010	4-1-2013	Amend	3-1-2013
436-035-0040	1-1-2013	Amend	1-1-2013	438-011-0045	4-1-2013	Amend	3-1-2013
436-035-0110	1-1-2013	Amend	1-1-2013	438-012-0001	4-1-2013	Amend	3-1-2013
436-035-0230	1-1-2013	Amend	1-1-2013	438-012-0020	4-1-2013	Amend	3-1-2013
436-035-0235	1-1-2013	Amend	1-1-2013	438-012-0031	4-1-2013	Amend	3-1-2013
436-035-0255	1-1-2013	Amend	1-1-2013	438-012-0035	4-1-2013	Amend	3-1-2013
436-035-0260	1-1-2013	Amend	1-1-2013	438-012-0036	4-1-2013	Amend	3-1-2013
436-035-0265	1-1-2013	Amend	1-1-2013	438-012-0050	4-1-2013	Amend	3-1-2013
436-035-0340	1-1-2013	Amend	1-1-2013	438-012-0060	4-1-2013	Amend	3-1-2013
436-035-0350	1-1-2013	Amend	1-1-2013	438-012-0062	4-1-2013	Amend	3-1-2013
436-035-0370	1-1-2013	Amend	1-1-2013	438-016-0005	4-1-2013	Amend	3-1-2013
436-035-0380	1-1-2013	Amend	1-1-2013	438-019-0010	4-1-2013	Amend	3-1-2013
436-035-0385	1-1-2013	Amend	1-1-2013	438-020-0010	4-1-2013	Amend	3-1-2013
436-035-0390	1-1-2013	Amend	1-1-2013	438-022-0005	4-1-2013	Amend	3-1-2013
436-035-0395	1-1-2013	Amend	1-1-2013	441-505-3090	1-23-2013	Adopt	3-1-2013
436-035-0400	1-1-2013	Amend	1-1-2013	441-505-3090(T)	1-23-2013	Repeal	3-1-2013
436-035-0410	1-1-2013	Amend	1-1-2013	441-710-0270	2-1-2013	Amend(T)	2-1-2013
436-035-0420	1-1-2013	Amend	1-1-2013	441-710-0270	7-19-2013	Amend	9-1-2013
436-035-0430	1-1-2013	Amend	1-1-2013	441-710-0270(T)	7-19-2013	Repeal	9-1-2013
436-035-0440	1-1-2013	Amend	1-1-2013	442-005-0000	1-1-2013	Amend	2-1-2013
436-035-0450	1-1-2013	Amend	1-1-2013	442-005-0010	1-1-2013	Amend	2-1-2013
436-035-0500	1-1-2013	Amend	1-1-2013	442-005-0020	1-1-2013	Amend	2-1-2013
436-050-0003	1-23-2013	Amend(T)	3-1-2013	442-005-0030	1-1-2013	Amend	2-1-2013
436-050-0003	7-22-2013	Amend	8-1-2013	442-005-0040	1-1-2013	Amend	2-1-2013
436-050-0175	1-1-2013	Amend	1-1-2013	442-005-0050	1-1-2013	Amend	2-1-2013
436-050-0300	1-23-2013	Amend(T)	3-1-2013	442-005-0070	1-1-2013	Amend	2-1-2013
436-050-0300	7-22-2013	Amend	8-1-2013	442-005-0080	1-1-2013	Amend	2-1-2013
436-070-0002	4-1-2013	Amend	1-1-2013	442-005-0090	1-1-2013	Amend	2-1-2013
436-070-0003	4-1-2013	Amend	1-1-2013	442-005-0100	1-1-2013	Amend	2-1-2013
436-070-0010	4-1-2013	Amend	1-1-2013	442-005-0110	1-1-2013	Amend	2-1-2013
436-105-0003	7-1-2013	Amend	5-1-2013	442-005-0130	1-1-2013	Amend	2-1-2013
436-105-0520	7-1-2013	Amend	5-1-2013	442-005-0140	1-1-2013	Amend	2-1-2013
436-110-0150	6-7-2013	Adopt	7-1-2013	442-005-0150	1-1-2013	Amend	2-1-2013
437-002-0005	12-14-2012	Amend	1-1-2013	442-005-0160	1-1-2013	Amend	2-1-2013
437-002-0020	4-1-2013	Amend	3-1-2013	442-005-0170	1-1-2013	Amend	2-1-2013
437-002-0023	4-1-2013	Adopt	3-1-2013	442-005-0180	1-1-2013	Amend	2-1-2013
437-002-0100	7-19-2013	Amend	9-1-2013	442-005-0190	1-1-2013	Amend	2-1-2013
437-002-0120	12-14-2012	Amend	1-1-2013	442-005-0200	1-1-2013	Amend	2-1-2013
437-002-0134	4-1-2013	Amend	3-1-2013	442-005-0210	1-1-2013	Amend	2-1-2013
437-002-0240	12-14-2012	Amend	1-1-2013	442-005-0220	1-1-2013	Amend	2-1-2013
437-002-0360	7-18-2013	Amend	9-1-2013	442-005-0230	1-1-2013	Amend	2-1-2013
437-002-0360	7-19-2013	Amend	9-1-2013	442-005-0235	1-1-2013	Adopt	2-1-2013
437-003-0001	12-14-2012	Amend	1-1-2013	442-005-0240	1-1-2013	Amend	2-1-2013
437-003-0001	2-14-2013	Amend	3-1-2013	442-005-0260	1-1-2013	Amend	2-1-2013

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442-005-0270	1-1-2013	Amend	2-1-2013	461-025-0301(T)	4-1-2013	Repeal	5-1-2013
442-005-0280	1-1-2013	Amend	2-1-2013	461-025-0310	7-1-2013	Amend(T)	8-1-2013
442-005-0290	1-1-2013	Amend	2-1-2013	461-025-0315	7-1-2013	Amend(T)	8-1-2013
442-005-0300	1-1-2013	Amend	2-1-2013	461-101-0010	8-23-2013	Amend(T)	10-1-2013
442-005-0310	1-1-2013	Amend	2-1-2013	461-110-0210	7-1-2013	Amend(T)	8-1-2013
442-005-0320	1-1-2013	Amend	2-1-2013	461-110-0430	4-10-2013	Amend(T)	5-1-2013
442-005-0330	1-1-2013	Amend	2-1-2013	461-115-0016	1-1-2013	Amend	2-1-2013
442-005-0340	1-1-2013	Amend	2-1-2013	461-115-0016(T)	1-1-2013	Repeal	2-1-2013
442-005-0350	1-1-2013	Repeal	2-1-2013	461-115-0050	8-1-2013	Amend(T)	9-1-2013
442-010-0010	1-1-2013	Amend	2-1-2013	461-115-0430	1-1-2013	Amend	2-1-2013
442-010-0020	1-1-2013	Amend	2-1-2013	461-115-0430	7-1-2013	Amend	8-1-2013
442-010-0030	1-1-2013	Amend	2-1-2013	461-120-0210	5-29-2013	Amend(T)	7-1-2013
442-010-0040	1-1-2013	Amend	2-1-2013	461-120-0340	12-29-2012	Amend	2-1-2013
442-010-0050	1-1-2013	Amend	2-1-2013	461-120-0340	4-1-2013	Amend	5-1-2013
442-010-0055	1-1-2013	Amend	2-1-2013	461-125-0050	4-1-2013	Amend	5-1-2013
442-010-0060	1-1-2013	Amend	2-1-2013	461-125-0830	1-1-2013	Amend(T)	2-1-2013
442-010-0070	1-1-2013	Amend	2-1-2013	461-125-0830	4-1-2013	Amend	5-1-2013
442-010-0075	1-1-2013	Amend	2-1-2013	461-125-0830(T)	4-1-2013	Repeal	5-1-2013
442-010-0080	1-1-2013	Amend	2-1-2013	461-130-0310	1-1-2013	Amend(T)	2-1-2013
442-010-0085	1-1-2013	Amend	2-1-2013	461-130-0310	4-1-2013	Amend	5-1-2013
442-010-0090	1-1-2013	Amend	2-1-2013	461-130-0310	7-1-2013	Amend	8-1-2013
442-010-0100	1-1-2013	Amend	2-1-2013	461-130-0310(T)	4-1-2013	Repeal	5-1-2013
442-010-0110	1-1-2013	Repeal	2-1-2013	461-130-0330	1-1-2013	Amend	2-1-2013
442-010-0120	1-1-2013	Amend	2-1-2013	461-130-0335	1-1-2013	Amend	2-1-2013
442-010-0140	1-1-2013	Amend	2-1-2013	461-135-0070	7-1-2013	Amend	8-1-2013
442-010-0150	1-1-2013	Amend	2-1-2013	461-135-0089	1-1-2013	Amend	2-1-2013
442-010-0160	1-1-2013	Amend	2-1-2013	461-135-0400	1-1-2013	Amend(T)	2-1-2013
442-010-0170	1-1-2013	Amend	2-1-2013	461-135-0400	7-1-2013	Amend	8-1-2013
442-010-0180	1-1-2013	Amend	2-1-2013	461-135-0407	1-1-2013	Adopt	2-1-2013
442-010-0190	1-1-2013	Amend	2-1-2013	461-135-0407	5-15-2013	Amend(T)	6-1-2013
442-010-0210	1-1-2013	Amend	2-1-2013	461-135-0407(T)	1-1-2013	Repeal	2-1-2013
442-010-0215	1-1-2013	Amend	2-1-2013	461-135-0570	5-1-2013	Amend(T)	6-1-2013
442-010-0220	1-1-2013	Amend	2-1-2013	461-135-0726	7-1-2013	Amend(T)	8-1-2013
442-010-0230	1-1-2013	Amend	2-1-2013	461-135-0750	7-1-2013	Amend(T)	8-1-2013
442-010-0240	1-1-2013	Amend	2-1-2013	461-135-0780	1-1-2013	Amend(T)	2-1-2013
442-010-0260	1-1-2013	Amend	2-1-2013	461-135-0780	4-1-2013	Amend	5-1-2013
442-010-0270	1-1-2013	Amend	2-1-2013	461-135-0780(T)	4-1-2013	Repeal	5-1-2013
442-010-0280	1-1-2013	Repeal	2-1-2013	461-135-0832	7-1-2013	Amend(T)	8-1-2013
459-005-0040	1-25-2013	Amend	3-1-2013	461-135-0835	7-1-2013	Amend(T)	8-1-2013
459-005-0400	12-5-2012	Adopt	1-1-2013	461-135-0900	7-1-2013	Amend	8-1-2013
459-005-0525	3-29-2013	Amend	5-1-2013	461-135-1100	7-1-2013	Amend(T)	8-1-2013
459-005-0545	3-29-2013	Amend	5-1-2013	461-135-1100	8-23-2013	Amend(T)	10-1-2013
459-009-0200	1-25-2013	Amend	3-1-2013	461-135-1100(T)	8-23-2013	Suspend	10-1-2013
459-013-0060	7-26-2013	Amend	9-1-2013	461-135-1101	7-1-2013	Amend(T)	8-1-2013
459-017-0060	3-29-2013	Amend	5-1-2013	461-135-1101	8-23-2013	Amend(T)	10-1-2013
459-035-0001	12-5-2012	Amend	1-1-2013	461-135-1101(T)	8-23-2013	Suspend	10-1-2013
459-035-0200	12-5-2012	Repeal	1-1-2013	461-135-1102	12-1-2012	Amend(T)	1-1-2013
459-035-0220	12-5-2012	Repeal	1-1-2013	461-135-1102	4-1-2013	Amend	5-1-2013
459-075-0200	3-29-2013	Amend	5-1-2013	461-135-1102	8-1-2013	Amend(T)	9-1-2013
459-080-0500	3-29-2013	Amend	5-1-2013	461-135-1102(T)	4-1-2013	Repeal	5-1-2013
461-001-0000	8-23-2013	Amend(T)	10-1-2013	461-135-1125	8-23-2013	Amend(T)	10-1-2013
461-001-0015	4-1-2013	Amend	5-1-2013	461-140-0296	7-1-2013	Amend(T)	8-1-2013
461-001-0030	7-1-2013	Amend(T)	8-1-2013	461-145-0080	12-29-2012	Amend	2-1-2013
461-025-0300	4-1-2013	Amend	5-1-2013	461-145-0220	1-1-2013	Amend(T)	2-1-2013
461-025-0300(T)	4-1-2013	Repeal	5-1-2013	461-145-0220	4-1-2013	Amend	5-1-2013
461-025-0301	4-1-2013	Adopt	5-1-2013	461-145-0220(T)	4-1-2013	Repeal	5-1-2013

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461-145-0260	1-1-2013	Amend	2-1-2013	461-160-0040	7-1-2013	Amend	8-1-2013
461-145-0260	1-1-2013	Amend(T)	2-1-2013	461-160-0055	1-1-2013	Amend	2-1-2013
461-145-0260	4-1-2013	Amend	5-1-2013	461-160-0055	4-1-2013	Amend	5-1-2013
461-145-0260(T)	1-1-2013	Repeal	2-1-2013	461-160-0055	7-1-2013	Amend(T)	8-1-2013
461-145-0260(T)	4-1-2013	Repeal	5-1-2013	461-160-0055(T)	1-1-2013	Repeal	2-1-2013
461-145-0540	7-1-2013	Amend(T)	8-1-2013	461-160-0193	4-1-2013	Amend	5-1-2013
461-145-0580	1-1-2013	Amend	2-1-2013	461-160-0410	4-1-2013	Amend	5-1-2013
461-145-0580	7-1-2013	Amend(T)	8-1-2013	461-160-0415	4-1-2013	Amend	5-1-2013
461-145-0580(T)	1-1-2013	Repeal	2-1-2013	461-160-0420	4-1-2013	Amend	5-1-2013
461-150-0055	8-1-2013	Amend(T)	9-1-2013	461-160-0430	4-1-2013	Amend	5-1-2013
461-150-0055	8-23-2013	Amend(T)	10-1-2013	461-160-0540	7-1-2013	Amend(T)	8-1-2013
461-150-0055(T)	8-23-2013	Suspend	10-1-2013	461-160-0550	7-1-2013	Amend(T)	8-1-2013
461-150-0060	7-1-2013	Amend	8-1-2013	461-160-0551	7-1-2013	Amend(T)	8-1-2013
461-150-0060	8-1-2013	Amend(T)	9-1-2013	461-160-0580	1-1-2013	Amend	2-1-2013
461-155-0020	7-1-2013	Amend(T)	8-1-2013	461-160-0610	7-1-2013	Amend(T)	8-1-2013
461-155-0150	1-1-2013	Amend(T)	2-1-2013	461-160-0620	1-1-2013	Amend	2-1-2013
461-155-0150	7-1-2013	Amend	8-1-2013	461-160-0620	7-1-2013	Amend(T)	8-1-2013
461-155-0180	1-30-2013	Amend	3-1-2013	461-165-0010	2-6-2013	Amend	3-1-2013
461-155-0180	2-1-2013	Amend(T)	3-1-2013	461-165-0060	1-1-2013	Amend	2-1-2013
461-155-0180	7-1-2013	Amend	8-1-2013	461-165-0100	7-1-2013	Amend(T)	8-1-2013
461-155-0180	8-23-2013	Amend(T)	10-1-2013	461-165-0160	4-1-2013	Amend	5-1-2013
461-155-0180(T)	7-1-2013	Repeal	8-1-2013	461-165-0180	4-1-2013	Amend	5-1-2013
461-155-0225	8-23-2013	Amend(T)	10-1-2013	461-165-0190	4-1-2013	Repeal	5-1-2013
461-155-0235	1-30-2013	Amend	3-1-2013	461-175-0222	7-1-2013	Amend	8-1-2013
461-155-0250	1-1-2013	Amend(T)	2-1-2013	461-175-0230	7-1-2013	Amend(T)	8-1-2013
461-155-0250	4-1-2013	Amend	5-1-2013	461-180-0010	8-1-2013	Amend(T)	9-1-2013
461-155-0250(T)	4-1-2013	Repeal	5-1-2013	461-180-0044	7-1-2013	Amend(T)	8-1-2013
461-155-0270	1-1-2013	Amend(T)	2-1-2013	461-180-0070	4-1-2013	Amend	5-1-2013
461-155-0270	1-8-2013	Amend(T)	2-1-2013	461-180-0090	8-1-2013	Amend(T)	9-1-2013
461-155-0270	4-1-2013	Amend	5-1-2013	461-180-0100	1-1-2013	Amend	2-1-2013
461-155-0270	7-1-2013	Amend(T)	8-1-2013	461-185-0050	7-1-2013	Amend(T)	8-1-2013
461-155-0270(T)	1-8-2013	Suspend	2-1-2013	461-190-0211	1-1-2013	Amend(T)	2-1-2013
461-155-0270(T)	4-1-2013	Repeal	5-1-2013	461-190-0211	1-23-2013	Amend(T)	3-1-2013
461-155-0290	3-1-2013	Amend	4-1-2013	461-190-0211	4-1-2013	Amend	5-1-2013
461-155-0291	3-1-2013	Amend	4-1-2013	461-190-0211	7-1-2013	Amend(T)	8-1-2013
461-155-0295	3-1-2013	Amend	4-1-2013	461-190-0211(T)	1-1-2013	Suspend	2-1-2013
461-155-0300	1-1-2013	Amend(T)	2-1-2013	461-190-0211(T)	1-23-2013	Suspend	3-1-2013
461-155-0300	4-1-2013	Amend	5-1-2013	461-190-0211(T)	4-1-2013	Repeal	5-1-2013
461-155-0300(T)	4-1-2013	Repeal	5-1-2013	461-193-0320	7-1-2013	Amend	8-1-2013
461-155-0530	7-1-2013	Amend(T)	8-1-2013	461-195-0501	3-25-2013	Amend(T)	5-1-2013
461-155-0575	4-1-2013	Amend	5-1-2013	461-195-0521	7-1-2013	Amend	8-1-2013
461-155-0575	7-1-2013	Amend(T)	8-1-2013	461-195-0521	7-1-2013	Amend(T)	8-1-2013
461-155-0575	8-1-2013	Amend(T)	9-1-2013	461-195-0541	3-25-2013	Amend(T)	5-1-2013
461-155-0575(T)	4-1-2013	Repeal	5-1-2013	461-195-0541	7-1-2013	Amend	8-1-2013
461-155-0575(T)	8-1-2013	Suspend	9-1-2013	461-195-0541	7-1-2013	Amend(T)	8-1-2013
461-155-0580	7-1-2013	Amend(T)	8-1-2013	461-195-0541(T)	7-1-2013	Repeal	8-1-2013
461-155-0630	7-1-2013	Amend(T)	8-1-2013	461-195-0601	3-25-2013	Amend(T)	5-1-2013
461-155-0640	7-1-2013	Amend(T)	8-1-2013	461-195-0621	3-25-2013	Amend(T)	5-1-2013
461-155-0660	7-1-2013	Amend(T)	8-1-2013	462-130-0010	12-31-2012	Amend	2-1-2013
461-155-0710	7-1-2013	Amend	8-1-2013	462-200-0635	8-21-2013	Adopt(T)	10-1-2013
461-160-0010	4-10-2013	Amend(T)	5-1-2013	471-020-0010	7-16-2013	Amend(T)	9-1-2013
461-160-0015	1-1-2013	Amend	2-1-2013	471-020-0035	7-16-2013	Amend(T)	9-1-2013
461-160-0015	1-1-2013	Amend(T)	2-1-2013	471-030-0040	9-1-2013	Amend(T)	10-1-2013
461-160-0015	4-1-2013	Amend	5-1-2013	471-030-0045	9-1-2013	Amend(T)	10-1-2013
461-160-0015(T)	4-1-2013	Repeal	5-1-2013	471-030-0052	10-1-2013	Amend(T)	10-1-2013

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471-030-0053	9-1-2013	Amend(T)	10-1-2013	576-056-0020	1-1-2013	Adopt	2-1-2013
471-030-0058	9-1-2013	Adopt(T)	10-1-2013	576-056-0030	1-1-2013	Adopt	2-1-2013
571-004-0020	3-4-2013	Amend	4-1-2013	576-056-0040	1-1-2013	Adopt	2-1-2013
571-004-0025	3-4-2013	Amend	4-1-2013	576-056-0050	1-1-2013	Adopt	2-1-2013
571-004-0030	3-4-2013	Amend	4-1-2013	576-056-0060	1-1-2013	Adopt	2-1-2013
571-004-0037	3-4-2013	Adopt	4-1-2013	576-056-0070	1-1-2013	Adopt	2-1-2013
571-004-0050	3-4-2013	Amend	4-1-2013	576-056-0080	1-1-2013	Adopt	2-1-2013
571-004-0055	3-4-2013	Amend	4-1-2013	576-056-0090	1-1-2013	Adopt	2-1-2013
571-050-0011	8-9-2013	Amend	9-1-2013	576-056-0100	1-1-2013	Adopt	2-1-2013
571-060-0005	3-6-2013	Amend	4-1-2013	576-056-0110	1-1-2013	Adopt	2-1-2013
571-060-0005	6-27-2013	Amend	8-1-2013	576-056-0120	1-1-2013	Adopt	2-1-2013
573-040-0005	5-7-2013	Amend	6-1-2013	576-056-0130	1-1-2013	Adopt	2-1-2013
573-050-0015	6-20-2013	Amend	8-1-2013	577-042-0010	3-20-2013	Amend(T)	5-1-2013
573-050-0016	6-20-2013	Amend	8-1-2013	577-042-0010	7-29-2013	Amend	9-1-2013
573-050-0025	6-20-2013	Amend	8-1-2013	577-060-0020	5-30-2013	Amend	7-1-2013
573-050-0030	6-20-2013	Amend	8-1-2013	578-041-0030	9-16-2013	Amend	7-1-2013
573-050-0040	6-20-2013	Amend	8-1-2013	578-072-0030	9-16-2013	Amend	7-1-2013
573-076-0040	6-20-2013	Amend	8-1-2013	579-010-0006	9-6-2013	Repeal	10-1-2013
573-076-0050	6-20-2013	Amend	8-1-2013	579-010-0011	9-6-2013	Repeal	10-1-2013
573-076-0060	6-20-2013	Amend	8-1-2013	579-010-0016	9-6-2013	Repeal	10-1-2013
573-076-0070	6-20-2013	Amend	8-1-2013	579-010-0021	9-6-2013	Repeal	10-1-2013
573-076-0080	6-20-2013	Amend	8-1-2013	579-010-0026	9-6-2013	Repeal	10-1-2013
573-076-0090	6-20-2013	Amend	8-1-2013	579-010-0030	9-6-2013	Repeal	10-1-2013
573-076-0100	6-20-2013	Amend	8-1-2013	579-010-0035	9-6-2013	Repeal	10-1-2013
573-076-0110	6-20-2013	Amend	8-1-2013	579-010-0040	9-6-2013	Repeal	10-1-2013
573-076-0120	6-20-2013	Amend	8-1-2013	579-020-0006	5-28-2013	Amend	7-1-2013
573-076-0130	6-20-2013	Amend	8-1-2013	579-040-0005	8-6-2013	Amend(T)	9-1-2013
574-050-0005	1-28-2013	Amend	3-1-2013	579-040-0007	8-6-2013	Amend(T)	9-1-2013
574-050-0005	7-24-2013	Amend	9-1-2013	579-040-0010	8-6-2013	Amend(T)	9-1-2013
576-005-0032	7-1-2013	Amend	7-1-2013	579-040-0013	8-6-2013	Amend(T)	9-1-2013
576-005-0035	3-1-2013	Repeal	4-1-2013	579-040-0015	8-6-2013	Amend(T)	9-1-2013
576-005-0040	3-1-2013	Repeal	4-1-2013	579-040-0020	8-6-2013	Suspend	9-1-2013
576-010-0000	1-1-2013	Amend	2-1-2013	579-040-0030	8-6-2013	Amend(T)	9-1-2013
576-010-0000	7-1-2013	Amend	7-1-2013	579-040-0035	8-6-2013	Amend(T)	9-1-2013
576-026-0005	1-1-2013	Repeal	2-1-2013	579-040-0045	8-6-2013	Amend(T)	9-1-2013
576-026-0010	1-1-2013	Repeal	2-1-2013	579-070-0005	12-20-2012	Amend	2-1-2013
576-050-0015	1-1-2013	Amend	2-1-2013	579-070-0005	2-22-2013	Amend	4-1-2013
576-055-0000	1-16-2013	Adopt	3-1-2013	579-070-0010	2-22-2013	Amend	4-1-2013
576-055-0010	1-16-2013	Adopt	3-1-2013	579-070-0015	2-22-2013	Amend	4-1-2013
576-055-0020	1-16-2013	Adopt	3-1-2013	579-070-0030	2-22-2013	Amend	4-1-2013
576-055-0030	1-16-2013	Adopt	3-1-2013	579-070-0035	2-22-2013	Amend	4-1-2013
576-055-0040	1-16-2013	Adopt	3-1-2013	579-070-0041	2-22-2013	Amend	4-1-2013
576-055-0050	1-16-2013	Adopt	3-1-2013	579-070-0042	2-22-2013	Amend	4-1-2013
576-055-0060	1-16-2013	Adopt	3-1-2013	579-070-0043	2-22-2013	Amend	4-1-2013
576-055-0070	1-16-2013	Adopt	3-1-2013	579-070-0045	2-22-2013	Amend	4-1-2013
576-055-0080	1-16-2013	Adopt	3-1-2013	580-040-0040	7-24-2013	Amend	9-1-2013
576-055-0090	1-16-2013	Adopt	3-1-2013	580-060-0000	4-10-2013	Amend(T)	5-1-2013
576-055-0100	1-16-2013	Adopt	3-1-2013	580-060-0010	4-10-2013	Amend(T)	5-1-2013
576-055-0110	1-16-2013	Adopt	3-1-2013	580-060-0015	4-10-2013	Amend(T)	5-1-2013
576-055-0120	1-16-2013	Adopt	3-1-2013	580-060-0020	4-10-2013	Amend(T)	5-1-2013
576-055-0130	1-16-2013	Adopt	3-1-2013	580-060-0025	4-10-2013	Amend(T)	5-1-2013
576-055-0140	1-16-2013	Adopt	3-1-2013	580-060-0035	4-10-2013	Amend(T)	5-1-2013
576-055-0150	1-16-2013	Adopt	3-1-2013	580-060-0040	4-10-2013	Amend(T)	5-1-2013
576-055-0160	1-16-2013	Adopt	3-1-2013	580-060-0045	4-10-2013	Amend(T)	5-1-2013
576-056-0000	1-1-2013	Adopt	2-1-2013	580-060-0050	4-10-2013	Amend(T)	5-1-2013
576-056-0010	1-1-2013	Adopt	2-1-2013	580-060-0055	4-10-2013	Amend(T)	5-1-2013

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580-060-0060	4-10-2013	Suspend	5-1-2013	581-017-0020	8-15-2013	Adopt(T)	9-1-2013
580-061-0000	4-10-2013	Amend(T)	5-1-2013	581-017-0100	8-15-2013	Adopt(T)	9-1-2013
580-061-0005	4-10-2013	Amend(T)	5-1-2013	581-017-0105	8-15-2013	Adopt(T)	9-1-2013
580-061-0010	4-10-2013	Amend(T)	5-1-2013	581-017-0110	8-15-2013	Adopt(T)	9-1-2013
580-061-0015	4-10-2013	Amend(T)	5-1-2013	581-017-0115	8-15-2013	Adopt(T)	9-1-2013
580-061-0020	4-10-2013	Amend(T)	5-1-2013	581-018-0005	8-15-2013	Adopt(T)	9-1-2013
580-061-0025	4-10-2013	Amend(T)	5-1-2013	581-018-0010	8-15-2013	Adopt(T)	9-1-2013
580-061-0030	4-10-2013	Amend(T)	5-1-2013	581-018-0020	8-15-2013	Adopt(T)	9-1-2013
580-061-0035	4-10-2013	Amend(T)	5-1-2013	581-018-0100	8-15-2013	Adopt(T)	9-1-2013
580-061-0040	4-10-2013	Amend(T)	5-1-2013	581-018-0105	8-15-2013	Adopt(T)	9-1-2013
580-061-0045	4-10-2013	Amend(T)	5-1-2013	581-018-0110	8-15-2013	Adopt(T)	9-1-2013
580-061-0050	4-10-2013	Amend(T)	5-1-2013	581-018-0115	8-15-2013	Adopt(T)	9-1-2013
580-061-0055	4-10-2013	Amend(T)	5-1-2013	581-018-0120	8-15-2013	Adopt(T)	9-1-2013
580-061-0060	4-10-2013	Amend(T)	5-1-2013	581-018-0125	8-15-2013	Adopt(T)	9-1-2013
580-061-0065	4-10-2013	Amend(T)	5-1-2013	581-018-0200	8-15-2013	Adopt(T)	9-1-2013
580-061-0070	4-10-2013	Amend(T)	5-1-2013	581-018-0205	8-15-2013	Adopt(T)	9-1-2013
580-061-0075	4-10-2013	Amend(T)	5-1-2013	581-018-0210	8-15-2013	Adopt(T)	9-1-2013
580-061-0080	4-10-2013	Amend(T)	5-1-2013	581-018-0215	8-15-2013	Adopt(T)	9-1-2013
580-061-0085	4-10-2013	Amend(T)	5-1-2013	581-018-0220	8-15-2013	Adopt(T)	9-1-2013
580-061-0090	4-10-2013	Amend(T)	5-1-2013	581-018-0225	8-15-2013	Adopt(T)	9-1-2013
580-061-0095	4-10-2013	Amend(T)	5-1-2013	581-021-0500	1-17-2013	Amend	3-1-2013
580-061-0100	4-10-2013	Amend(T)	5-1-2013	581-021-0500(T)	1-17-2013	Repeal	3-1-2013
580-061-0105	4-10-2013	Amend(T)	5-1-2013	581-022-1060	7-11-2013	Amend	8-1-2013
580-061-0110	4-10-2013	Amend(T)	5-1-2013	581-022-1065	1-15-2013	Repeal	2-1-2013
580-061-0115	4-10-2013	Amend(T)	5-1-2013	581-022-1440	4-10-2013	Amend	5-1-2013
580-061-0120	4-10-2013	Amend(T)	5-1-2013	581-022-1670	2-20-2013	Amend	4-1-2013
580-061-0125	4-10-2013	Amend(T)	5-1-2013	581-022-2130	4-5-2013	Adopt	5-1-2013
580-061-0130	4-10-2013	Amend(T)	5-1-2013	581-045-0003	1-15-2013	Amend	2-1-2013
580-061-0135	4-10-2013	Amend(T)	5-1-2013	581-045-0586	1-17-2013	Amend	3-1-2013
580-061-0140	4-10-2013	Amend(T)	5-1-2013	581-045-0586(T)	1-17-2013	Repeal	3-1-2013
580-061-0145	4-10-2013	Amend(T)	5-1-2013	581-051-0305	8-28-2013	Amend	10-1-2013
580-061-0150	4-10-2013	Amend(T)	5-1-2013	581-051-0306	8-28-2013	Amend	10-1-2013
580-061-0155	4-10-2013	Amend(T)	5-1-2013	584-005-0005	2-14-2013	Amend	3-1-2013
580-061-0160	4-10-2013	Amend(T)	5-1-2013	584-017-0005	4-30-2013	Repeal	6-1-2013
580-062-0010	4-10-2013	Amend(T)	5-1-2013	584-017-0010	4-30-2013	Repeal	6-1-2013
580-062-0015	4-10-2013	Amend(T)	5-1-2013	584-017-0020	4-30-2013	Repeal	6-1-2013
580-062-0020	4-10-2013	Amend(T)	5-1-2013	584-017-0025	4-30-2013	Repeal	6-1-2013
581-001-0016	1-15-2013	Adopt	2-1-2013	584-017-0030	4-30-2013	Repeal	6-1-2013
581-002-0090	1-15-2013	Adopt	2-1-2013	584-017-0035	4-30-2013	Repeal	6-1-2013
581-015-2030	4-9-2013	Amend(T)	5-1-2013	584-017-0040	4-30-2013	Repeal	6-1-2013
581-015-2030	7-11-2013	Amend	8-1-2013	584-017-0042	4-30-2013	Repeal	6-1-2013
581-015-2090	4-25-2013	Amend(T)	6-1-2013	584-017-0045	4-30-2013	Repeal	6-1-2013
581-015-2090	5-30-2013	Amend	7-1-2013	584-017-0050	4-30-2013	Repeal	6-1-2013
581-015-2110	1-17-2013	Amend	3-1-2013	584-017-0055	4-30-2013	Repeal	6-1-2013
581-015-2310	4-25-2013	Amend(T)	6-1-2013	584-017-0057	4-30-2013	Repeal	6-1-2013
581-015-2310	5-30-2013	Amend	7-1-2013	584-017-0060	4-30-2013	Repeal	6-1-2013
581-015-2530	4-25-2013	Amend(T)	6-1-2013	584-017-0070	4-30-2013	Repeal	6-1-2013
581-015-2530	5-30-2013	Amend	7-1-2013	584-017-0075	4-30-2013	Repeal	6-1-2013
581-015-2735	4-25-2013	Amend(T)	6-1-2013	584-017-0080	4-30-2013	Repeal	6-1-2013
581-015-2735	5-30-2013	Amend	7-1-2013	584-017-0085	4-30-2013	Repeal	6-1-2013
581-015-2745	4-25-2013	Amend(T)	6-1-2013	584-017-0090	4-30-2013	Repeal	6-1-2013
581-015-2745	5-30-2013	Amend	7-1-2013	584-017-0100	4-30-2013	Repeal	6-1-2013
581-015-2885	4-25-2013	Amend(T)	6-1-2013	584-017-0115	4-30-2013	Repeal	6-1-2013
581-015-2885	5-30-2013	Amend	7-1-2013	584-017-0120	4-30-2013	Repeal	6-1-2013
581-017-0005	8-15-2013	Adopt(T)	9-1-2013	584-017-0130	4-30-2013	Repeal	6-1-2013
581-017-0010	8-15-2013	Adopt(T)	9-1-2013	584-017-0140	4-30-2013	Repeal	6-1-2013



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584-017-0150	4-30-2013	Repeal	6-1-2013	584-018-0220	11-19-2012	Adopt	1-1-2013
584-017-0160	4-30-2013	Repeal	6-1-2013	584-018-0305	2-14-2013	Amend	3-1-2013
584-017-0170	4-30-2013	Repeal	6-1-2013	584-020-0041	8-19-2013	Amend	10-1-2013
584-017-0175	4-30-2013	Repeal	6-1-2013	584-036-0055	8-19-2013	Amend	10-1-2013
584-017-0180	4-30-2013	Repeal	6-1-2013	584-036-0082	11-19-2012	Repeal	1-1-2013
584-017-0182	4-30-2013	Repeal	6-1-2013	584-052-0030	11-19-2012	Repeal	1-1-2013
584-017-0185	4-30-2013	Repeal	6-1-2013	584-052-0031	11-19-2012	Repeal	1-1-2013
584-017-0190	4-30-2013	Repeal	6-1-2013	584-052-0032	11-19-2012	Repeal	1-1-2013
584-017-0200	4-30-2013	Repeal	6-1-2013	584-052-0033	11-19-2012	Repeal	1-1-2013
584-017-0201	4-30-2013	Repeal	6-1-2013	584-060-0002	8-19-2013	Amend	10-1-2013
584-017-0210	4-30-2013	Repeal	6-1-2013	584-060-0012	8-19-2013	Amend	10-1-2013
584-017-0220	4-30-2013	Repeal	6-1-2013	584-060-0062	8-19-2013	Amend	10-1-2013
584-017-0230	4-30-2013	Repeal	6-1-2013	584-060-0220	8-19-2013	Amend	10-1-2013
584-017-0240	4-30-2013	Repeal	6-1-2013	584-060-0250	8-19-2013	Amend	10-1-2013
584-017-0251	4-30-2013	Repeal	6-1-2013	584-066-0015	2-14-2013	Adopt	3-1-2013
584-017-0261	4-30-2013	Repeal	6-1-2013	584-070-0411	2-14-2013	Amend	3-1-2013
584-017-0270	4-30-2013	Repeal	6-1-2013	584-080-0031	11-19-2012	Amend	1-1-2013
584-017-0280	4-30-2013	Repeal	6-1-2013	584-080-0161	8-19-2013	Amend	10-1-2013
584-017-0282	4-30-2013	Repeal	6-1-2013	584-090-0001	4-30-2013	Repeal	6-1-2013
584-017-0290	4-30-2013	Repeal	6-1-2013	584-090-0005	4-30-2013	Repeal	6-1-2013
584-017-0300	4-30-2013	Repeal	6-1-2013	584-090-0010	4-30-2013	Repeal	6-1-2013
584-017-0310	4-30-2013	Repeal	6-1-2013	584-090-0020	4-30-2013	Repeal	6-1-2013
584-017-0320	4-30-2013	Repeal	6-1-2013	584-090-0030	4-30-2013	Repeal	6-1-2013
584-017-0330	4-30-2013	Repeal	6-1-2013	584-090-0040	4-30-2013	Repeal	6-1-2013
584-017-0340	4-30-2013	Repeal	6-1-2013	584-090-0060	4-30-2013	Repeal	6-1-2013
584-017-0351	4-30-2013	Repeal	6-1-2013	584-090-0100	8-19-2013	Amend	10-1-2013
584-017-0355	4-30-2013	Repeal	6-1-2013	584-090-0115	11-19-2012	Amend	1-1-2013
584-017-0360	4-30-2013	Repeal	6-1-2013	584-100-0002	8-19-2013	Amend	10-1-2013
584-017-0370	4-30-2013	Repeal	6-1-2013	584-100-0006	8-19-2013	Amend	10-1-2013
584-017-0380	4-30-2013	Repeal	6-1-2013	584-100-0011	8-19-2013	Amend	10-1-2013
584-017-0390	4-30-2013	Repeal	6-1-2013	584-100-0016	2-14-2013	Amend	3-1-2013
584-017-0400	4-30-2013	Repeal	6-1-2013	584-100-0016	8-19-2013	Amend	10-1-2013
584-017-0410	4-30-2013	Repeal	6-1-2013	584-100-0017	8-19-2013	Amend	10-1-2013
584-017-0420	4-30-2013	Repeal	6-1-2013	584-100-0021	8-19-2013	Amend	10-1-2013
584-017-0430	4-30-2013	Repeal	6-1-2013	584-100-0023	8-19-2013	Repeal	10-1-2013
584-017-0441	4-30-2013	Repeal	6-1-2013	584-100-0026	8-19-2013	Amend	10-1-2013
584-017-0451	4-30-2013	Repeal	6-1-2013	584-100-0031	8-19-2013	Amend	10-1-2013
584-017-0455	4-30-2013	Repeal	6-1-2013	584-100-0038	11-19-2012	Amend	1-1-2013
584-017-0460	4-30-2013	Repeal	6-1-2013	584-100-0038	2-14-2013	Amend	3-1-2013
584-017-0462	4-30-2013	Repeal	6-1-2013	584-100-0038	8-19-2013	Amend	10-1-2013
584-017-0465	4-30-2013	Repeal	6-1-2013	584-100-0041	8-19-2013	Amend	10-1-2013
584-017-0470	4-30-2013	Repeal	6-1-2013	584-100-0061	8-19-2013	Amend	10-1-2013
584-017-0480	4-30-2013	Repeal	6-1-2013	584-100-0091	11-19-2012	Amend	1-1-2013
584-017-0500	4-30-2013	Repeal	6-1-2013	584-100-0096	11-19-2012	Amend	1-1-2013
584-017-0510	4-30-2013	Repeal	6-1-2013	584-100-0101	2-14-2013	Amend	3-1-2013
584-017-0520	4-30-2013	Repeal	6-1-2013	584-100-0101	8-19-2013	Am. & Ren.	10-1-2013
584-017-0530	4-30-2013	Repeal	6-1-2013	584-100-0106	2-14-2013	Amend	3-1-2013
584-017-0541	4-30-2013	Repeal	6-1-2013	584-100-0106	8-19-2013	Am. & Ren.	10-1-2013
584-017-0551	4-30-2013	Repeal	6-1-2013	585-001-0007	12-17-2012	Adopt	2-1-2013
584-017-0555	4-30-2013	Repeal	6-1-2013	585-001-0009	12-17-2012	Adopt	2-1-2013
584-017-0560	4-30-2013	Repeal	6-1-2013	589-002-0100	12-26-2012	Amend	2-1-2013
584-017-0570	4-30-2013	Repeal	6-1-2013	589-002-0100	6-11-2013	Amend	7-1-2013
584-017-0580	4-30-2013	Repeal	6-1-2013	589-002-0110	12-26-2012	Adopt	2-1-2013
584-017-1028	4-30-2013	Amend	6-1-2013	589-002-0110	6-11-2013	Adopt	7-1-2013
584-018-0205	2-14-2013	Amend	3-1-2013	589-002-0120	12-26-2012	Adopt	2-1-2013
584-018-0205	8-19-2013	Amend	10-1-2013	589-002-0120	6-11-2013	Adopt	7-1-2013

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589-002-0130	12-26-2012	Adopt	2-1-2013	603-052-0075	3-1-2013	Amend	4-1-2013
589-002-0130	6-11-2013	Adopt	7-1-2013	603-052-0114	3-1-2013	Amend	4-1-2013
589-007-0200	6-25-2013	Amend	8-1-2013	603-052-0116	3-1-2013	Amend	4-1-2013
589-007-0500	5-31-2013	Amend(T)	7-1-2013	603-052-0127	3-1-2013	Amend	4-1-2013
589-007-0600	5-31-2013	Amend	7-1-2013	603-052-0129	3-1-2013	Amend	4-1-2013
589-007-0700	12-26-2012	Amend	2-1-2013	603-052-0347	4-26-2013	Amend	6-1-2013
603-013-0905	2-7-2013	Adopt	3-1-2013	603-052-0850	2-6-2013	Repeal	3-1-2013
603-013-0910	2-7-2013	Adopt	3-1-2013	603-052-0852	2-6-2013	Repeal	3-1-2013
603-013-0920	2-7-2013	Adopt	3-1-2013	603-052-0860	2-6-2013	Amend	3-1-2013
603-013-0932	2-7-2013	Adopt	3-1-2013	603-052-0861	2-6-2013	Adopt	3-1-2013
603-017-0900	2-7-2013	Adopt	3-1-2013	603-052-0862	2-6-2013	Adopt	3-1-2013
603-017-0910	2-7-2013	Adopt	3-1-2013	603-052-0870	2-6-2013	Amend	3-1-2013
603-017-0920	2-7-2013	Adopt	3-1-2013	603-052-0880	2-6-2013	Amend	3-1-2013
603-017-0930	2-7-2013	Adopt	3-1-2013	603-052-0882	2-6-2013	Adopt	3-1-2013
603-021-0900	2-7-2013	Adopt	3-1-2013	603-052-0884	2-6-2013	Adopt	3-1-2013
603-021-0910	2-7-2013	Adopt	3-1-2013	603-052-0886	2-6-2013	Adopt	3-1-2013
603-021-0920	2-7-2013	Adopt	3-1-2013	603-052-0888	2-6-2013	Adopt	3-1-2013
603-021-0930	2-7-2013	Adopt	3-1-2013	603-052-0901	2-6-2013	Adopt	3-1-2013
603-022-0900	2-7-2013	Adopt	3-1-2013	603-052-0921	2-6-2013	Adopt	3-1-2013
603-022-0910	2-7-2013	Adopt	3-1-2013	603-052-1080	12-3-2012	Adopt	1-1-2013
603-022-0920	2-7-2013	Adopt	3-1-2013	603-052-1090	12-3-2012	Adopt	1-1-2013
603-022-0930	2-7-2013	Adopt	3-1-2013	603-052-1200	3-1-2013	Amend	4-1-2013
603-024-0017	4-26-2013	Amend	6-1-2013	603-052-1206	12-12-2012	Adopt	1-1-2013
603-024-0019	4-26-2013	Amend	6-1-2013	603-052-1209	12-12-2012	Adopt	1-1-2013
603-024-0041	4-26-2013	Amend	6-1-2013	603-052-1211	12-12-2012	Adopt	1-1-2013
603-024-0211	4-26-2013	Amend	6-1-2013	603-052-1230	3-1-2013	Amend	4-1-2013
603-024-0589	4-26-2013	Amend	6-1-2013	603-052-1320	3-1-2013	Amend	4-1-2013
603-024-0592	4-26-2013	Amend	6-1-2013	603-057-0386	6-27-2013	Adopt(T)	8-1-2013
603-024-0605	4-26-2013	Amend	6-1-2013	603-100-0900	2-7-2013	Adopt	3-1-2013
603-024-0613	4-26-2013	Amend	6-1-2013	603-100-0910	2-7-2013	Adopt	3-1-2013
603-024-0640	4-26-2013	Amend	6-1-2013	603-100-0920	2-7-2013	Adopt	3-1-2013
603-024-0900	2-7-2013	Adopt	3-1-2013	603-100-0930	2-7-2013	Adopt	3-1-2013
603-024-0910	2-7-2013	Adopt	3-1-2013	611-010-0010	7-16-2013	Amend	9-1-2013
603-024-0920	2-7-2013	Adopt	3-1-2013	611-030-0040	7-16-2013	Amend	9-1-2013
603-024-0930	2-7-2013	Adopt	3-1-2013	629-035-0055	7-1-2013	Amend	7-1-2013
603-025-0030	1-1-2013	Amend	2-1-2013	629-600-0050	9-1-2013	Adopt	8-1-2013
603-025-0190	9-4-2013	Amend	10-1-2013	629-600-0100	9-1-2013	Amend	8-1-2013
603-025-0900	2-7-2013	Adopt	3-1-2013	629-605-0150	9-1-2013	Amend	8-1-2013
603-025-0910	2-7-2013	Adopt	3-1-2013	629-605-0160	9-1-2013	Amend	8-1-2013
603-025-0920	2-7-2013	Adopt	3-1-2013	629-605-0170	9-1-2013	Amend	8-1-2013
603-025-0930	2-7-2013	Adopt	3-1-2013	629-605-0173	9-1-2013	Amend	8-1-2013
603-028-0900	2-7-2013	Adopt	3-1-2013	629-605-0180	9-1-2013	Amend	8-1-2013
603-028-0910	2-7-2013	Adopt	3-1-2013	629-610-0000	9-1-2013	Amend	8-1-2013
603-028-0920	2-7-2013	Adopt	3-1-2013	629-610-0020	9-1-2013	Amend	8-1-2013
603-028-0930	2-7-2013	Adopt	3-1-2013	629-610-0070	9-1-2013	Amend	8-1-2013
603-047-0010	12-21-2012	Adopt	2-1-2013	629-610-0090	9-1-2013	Amend	8-1-2013
603-047-0100	12-21-2012	Adopt	2-1-2013	629-615-0100	9-1-2013	Amend	8-1-2013
603-047-0200	12-21-2012	Adopt	2-1-2013	629-615-0300	9-1-2013	Amend	8-1-2013
603-047-0300	12-21-2012	Adopt	2-1-2013	629-620-0000	9-1-2013	Amend	8-1-2013
603-047-0400	12-21-2012	Adopt	2-1-2013	629-623-0100	9-1-2013	Amend	8-1-2013
603-047-0500	12-21-2012	Adopt	2-1-2013	629-623-0200	9-1-2013	Amend	8-1-2013
603-051-0855	3-1-2013	Amend	4-1-2013	629-623-0400	9-1-2013	Amend	8-1-2013
603-051-0856	3-1-2013	Amend	4-1-2013	629-625-0000	9-1-2013	Amend	8-1-2013
603-051-0857	3-1-2013	Amend	4-1-2013	629-625-0500	9-1-2013	Amend	8-1-2013
603-051-0858	3-1-2013	Amend	4-1-2013	629-625-0600	9-1-2013	Amend	8-1-2013
603-051-0859	3-1-2013	Amend	4-1-2013	629-625-0650	9-1-2013	Amend	8-1-2013

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629-635-0100	9-1-2013	Amend	8-1-2013	632-010-0170	3-21-2013	Amend	5-1-2013
629-635-0130	9-1-2013	Repeal	8-1-2013	632-010-0172	3-21-2013	Amend	5-1-2013
629-635-0200	9-1-2013	Amend	8-1-2013	632-010-0174	3-21-2013	Amend	5-1-2013
629-640-0000	9-1-2013	Amend	8-1-2013	632-010-0176	3-21-2013	Amend	5-1-2013
629-640-0100	9-1-2013	Amend	8-1-2013	632-010-0178	3-21-2013	Amend	5-1-2013
629-640-0105	9-1-2013	Amend	8-1-2013	632-010-0182	3-21-2013	Amend	5-1-2013
629-640-0200	9-1-2013	Amend	8-1-2013	632-010-0184	3-21-2013	Amend	5-1-2013
629-645-0000	9-1-2013	Amend	8-1-2013	632-010-0186	3-21-2013	Amend	5-1-2013
629-645-0030	9-1-2013	Amend	8-1-2013	632-010-0188	3-21-2013	Amend	5-1-2013
629-645-0040	9-1-2013	Amend	8-1-2013	632-010-0190	3-21-2013	Amend	5-1-2013
629-645-0050	9-1-2013	Amend	8-1-2013	632-010-0192	3-21-2013	Amend	5-1-2013
629-650-0000	9-1-2013	Amend	8-1-2013	632-010-0194	3-21-2013	Amend	5-1-2013
629-650-0005	9-1-2013	Adopt	8-1-2013	632-010-0196	3-21-2013	Amend	5-1-2013
629-660-0050	9-1-2013	Amend	8-1-2013	632-010-0198	3-21-2013	Amend	5-1-2013
629-665-0230	9-1-2013	Amend	8-1-2013	632-010-0205	3-21-2013	Amend	5-1-2013
629-670-0214	9-1-2013	Amend	8-1-2013	632-010-0210	3-21-2013	Amend	5-1-2013
629-680-0020	9-1-2013	Amend	8-1-2013	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
632-010-0150	3-21-2013	Amend	5-1-2013	632-020-0035	3-21-2013	Amend	5-1-2013
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632-010-0152	3-21-2013	Amend	5-1-2013	632-020-0045	3-21-2013	Repeal	5-1-2013
632-010-0154	3-21-2013	Amend	5-1-2013	632-020-0055	3-21-2013	Repeal	5-1-2013
632-010-0156	3-21-2013	Amend	5-1-2013	632-020-0060	3-21-2013	Amend	5-1-2013
632-010-0157	3-21-2013	Amend	5-1-2013	632-020-0065	3-21-2013	Amend	5-1-2013
632-010-0159	3-21-2013	Amend	5-1-2013	632-020-0070	3-21-2013	Amend	5-1-2013
632-010-0161	3-21-2013	Amend	5-1-2013	632-020-0090	3-21-2013	Amend	5-1-2013
632-010-0162	3-21-2013	Amend	5-1-2013	632-020-0095	3-21-2013	Amend	5-1-2013
632-010-0163	3-21-2013	Amend	5-1-2013	632-020-0100	3-21-2013	Amend	5-1-2013
632-010-0164	3-21-2013	Amend	5-1-2013	632-020-0105	3-21-2013	Amend	5-1-2013
632-010-0165	3-21-2013	Amend	5-1-2013	632-020-0110	3-21-2013	Amend	5-1-2013
632-010-0166	3-21-2013	Amend	5-1-2013	632-020-0115	3-21-2013	Amend	5-1-2013
632-010-0167	3-21-2013	Amend	5-1-2013	632-020-0117	3-21-2013	Amend	5-1-2013
632-010-0168	3-21-2013	Amend	5-1-2013	632-020-0125	3-21-2013	Amend	5-1-2013

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632-020-0135	3-21-2013	Amend	5-1-2013	635-006-0225	7-3-2013	Amend(T)	8-1-2013
632-020-0138	3-21-2013	Amend	5-1-2013	635-006-0232	1-14-2013	Amend	2-1-2013
632-020-0140	3-21-2013	Amend	5-1-2013	635-006-1025	5-14-2013	Amend	6-1-2013
632-020-0145	3-21-2013	Amend	5-1-2013	635-006-1075	5-14-2013	Amend	6-1-2013
632-020-0150	3-21-2013	Amend	5-1-2013	635-008-0120	7-26-2013	Amend(T)	9-1-2013
632-020-0154	3-21-2013	Amend	5-1-2013	635-008-0120	8-5-2013	Amend	9-1-2013
632-020-0155	3-21-2013	Amend	5-1-2013	635-008-0151	5-10-2013	Amend	6-1-2013
632-020-0156	3-21-2013	Amend	5-1-2013	635-008-0151	8-5-2013	Amend	9-1-2013
632-020-0157	3-21-2013	Amend	5-1-2013	635-008-0151(T)	5-10-2013	Repeal	6-1-2013
632-020-0159	3-21-2013	Amend	5-1-2013	635-008-0175	1-1-2013	Amend	2-1-2013
632-020-0160	3-21-2013	Repeal	5-1-2013	635-011-0100	1-1-2013	Amend	2-1-2013
632-020-0170	3-21-2013	Amend	5-1-2013	635-011-0102	1-1-2013	Amend	2-1-2013
632-020-0175	3-21-2013	Amend	5-1-2013	635-013-0003	1-1-2013	Amend	2-1-2013
632-020-0180	3-21-2013	Amend	5-1-2013	635-013-0003	5-1-2013	Amend(T)	6-1-2013
635-003-0003	5-1-2013	Amend(T)	6-1-2013	635-013-0003	5-14-2013	Amend	6-1-2013
635-003-0003	5-14-2013	Amend	6-1-2013	635-013-0003(T)	5-14-2013	Repeal	6-1-2013
635-003-0003(T)	5-14-2013	Repeal	6-1-2013	635-013-0004	1-1-2013	Amend	2-1-2013
635-004-0215	5-14-2013	Amend	6-1-2013	635-013-0007	7-1-2013	Amend	7-1-2013
635-004-0220	1-1-2013	Amend	2-1-2013	635-013-0009	7-1-2013	Amend	7-1-2013
635-004-0275	1-3-2013	Amend	2-1-2013	635-014-0080	1-1-2013	Amend	2-1-2013
635-004-0275	9-1-2013	Amend(T)	10-1-2013	635-014-0090	1-1-2013	Amend	2-1-2013
635-004-0310	1-1-2013	Amend	2-1-2013	635-014-0090	4-1-2013	Amend(T)	5-1-2013
635-004-0350	1-1-2013	Amend	2-1-2013	635-014-0090	6-1-2013	Amend(T)	7-1-2013
635-004-0355	1-1-2013	Amend	2-1-2013	635-014-0090	6-30-2013	Amend(T)	8-1-2013
635-004-0355	9-9-2013	Amend(T)	10-1-2013	635-014-0090	7-1-2013	Amend	7-1-2013
635-004-0375	6-19-2013	Amend	8-1-2013	635-014-0090(T)	6-1-2013	Suspend	7-1-2013
635-004-0375	8-22-2013	Amend(T)	10-1-2013	635-014-0090(T)	7-1-2013	Repeal	7-1-2013
635-004-0465	1-1-2013	Amend	2-1-2013	635-016-0080	1-1-2013	Amend	2-1-2013
635-004-0485	5-14-2013	Amend	6-1-2013	635-016-0090	1-1-2013	Amend	2-1-2013
635-004-0585	5-14-2013	Amend	6-1-2013	635-016-0090	1-1-2013	Amend(T)	2-1-2013
635-005-0320	5-14-2013	Amend	6-1-2013	635-016-0090	4-1-2013	Amend(T)	5-1-2013
635-005-0355	6-15-2013	Amend(T)	7-1-2013	635-016-0090	7-1-2013	Amend	7-1-2013
635-005-0410	1-1-2013	Amend	2-1-2013	635-016-0090(T)	4-1-2013	Suspend	5-1-2013
635-005-0430	5-14-2013	Amend	6-1-2013	635-016-0090(T)	7-1-2013	Repeal	7-1-2013
635-005-0465	12-12-2012	Amend(T)	1-1-2013	635-017-0080	1-1-2013	Amend	2-1-2013
635-005-0465(T)	12-12-2012	Suspend	1-1-2013	635-017-0090	1-1-2013	Amend	2-1-2013
635-005-0480	1-1-2013	Amend	2-1-2013	635-017-0090	7-11-2013	Amend(T)	8-1-2013
635-005-0585	1-1-2013	Amend	2-1-2013	635-017-0095	1-1-2013	Amend	2-1-2013
635-005-0605	5-14-2013	Amend	6-1-2013	635-017-0095	2-14-2013	Amend(T)	3-1-2013
635-005-0660	5-14-2013	Amend	6-1-2013	635-017-0095	2-28-2013	Amend(T)	4-1-2013
635-005-0665	5-14-2013	Amend	6-1-2013	635-017-0095	4-1-2013	Amend(T)	5-1-2013
635-005-0740	1-1-2013	Amend	2-1-2013	635-017-0095	7-25-2013	Amend(T)	9-1-2013
635-005-0745	5-14-2013	Amend	6-1-2013	635-017-0095	10-19-2013	Amend(T)	10-1-2013
635-005-0760	5-14-2013	Amend	6-1-2013	635-017-0095(T)	4-1-2013	Suspend	5-1-2013
635-005-0800	1-1-2013	Amend	2-1-2013	635-017-0095(T)	7-25-2013	Suspend	9-1-2013
635-005-0820	5-14-2013	Amend	6-1-2013	635-017-0095(T)	10-19-2013	Suspend	10-1-2013
635-005-0825	5-14-2013	Amend	6-1-2013	635-018-0080	1-1-2013	Amend	2-1-2013
635-006-0001	1-1-2013	Amend	2-1-2013	635-018-0090	1-1-2013	Amend	2-1-2013
635-006-0001	5-14-2013	Amend	6-1-2013	635-018-0090	4-15-2013	Amend(T)	4-1-2013
635-006-0165	5-14-2013	Amend	6-1-2013	635-018-0090	8-1-2013	Amend(T)	8-1-2013
635-006-0200	1-1-2013	Amend	2-1-2013	635-019-0080	1-1-2013	Amend	2-1-2013
635-006-0210	1-1-2013	Amend	2-1-2013	635-019-0090	1-1-2013	Amend	2-1-2013
635-006-0211	1-1-2013	Amend	2-1-2013	635-019-0090	1-1-2013	Amend(T)	2-1-2013
635-006-0212	7-3-2013	Amend(T)	8-1-2013	635-019-0090	5-16-2013	Amend(T)	6-1-2013
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635-019-0090	7-19-2013	Amend(T)	8-1-2013	635-039-0085	6-28-2013	Amend(T)	8-1-2013
635-019-0090(T)	5-24-2013	Suspend	7-1-2013	635-039-0085	7-23-2013	Amend(T)	9-1-2013
635-019-0090(T)	6-1-2013	Suspend	7-1-2013	635-039-0085	8-8-2013	Amend(T)	9-1-2013
635-019-0090(T)	7-5-2013	Suspend	8-1-2013	635-039-0085(T)	7-23-2013	Suspend	9-1-2013
635-019-0090(T)	7-19-2013	Suspend	8-1-2013	635-039-0085(T)	8-8-2013	Suspend	9-1-2013
635-021-0080	1-1-2013	Amend	2-1-2013	635-039-0090	1-1-2013	Amend	2-1-2013
635-021-0090	1-1-2013	Amend	2-1-2013	635-039-0090	1-1-2013	Amend(T)	2-1-2013
635-021-0090	7-1-2013	Amend(T)	8-1-2013	635-039-0090	4-1-2013	Amend(T)	5-1-2013
635-021-0090	8-24-2013	Amend(T)	10-1-2013	635-039-0090	5-14-2013	Amend	6-1-2013
635-021-0090(T)	8-24-2013	Suspend	10-1-2013	635-039-0090(T)	4-1-2013	Suspend	5-1-2013
635-023-0080	1-1-2013	Amend	2-1-2013	635-039-0090(T)	5-14-2013	Repeal	6-1-2013
635-023-0090	1-1-2013	Amend	2-1-2013	635-041-0020	1-1-2013	Amend	2-1-2013
635-023-0095	1-1-2013	Amend	2-1-2013	635-041-0045	2-1-2013	Amend(T)	3-1-2013
635-023-0095	1-1-2013	Amend(T)	2-1-2013	635-041-0045	3-6-2013	Amend(T)	4-1-2013
635-023-0095	2-28-2013	Amend(T)	3-1-2013	635-041-0045	6-16-2013	Amend(T)	7-1-2013
635-023-0095	4-1-2013	Amend(T)	5-1-2013	635-041-0045	8-12-2013	Amend(T)	9-1-2013
635-023-0095	6-14-2013	Amend(T)	7-1-2013	635-041-0045(T)	3-6-2013	Suspend	4-1-2013
635-023-0095	6-21-2013	Amend(T)	8-1-2013	635-041-0045(T)	6-16-2013	Suspend	7-1-2013
635-023-0095	6-29-2013	Amend(T)	8-1-2013	635-041-0045(T)	8-12-2013	Suspend	9-1-2013
635-023-0095	10-19-2013	Amend(T)	10-1-2013	635-041-0063	5-24-2013	Amend(T)	7-1-2013
635-023-0095(T)	2-28-2013	Suspend	3-1-2013	635-041-0065	2-1-2013	Amend(T)	3-1-2013
635-023-0095(T)	4-1-2013	Suspend	5-1-2013	635-041-0065	2-27-2013	Amend(T)	4-1-2013
635-023-0095(T)	6-14-2013	Suspend	7-1-2013	635-041-0065	3-6-2013	Amend(T)	4-1-2013
635-023-0095(T)	6-21-2013	Suspend	8-1-2013	635-041-0065	5-21-2013	Amend(T)	7-1-2013
635-023-0095(T)	6-29-2013	Suspend	8-1-2013	635-041-0065	6-8-2013	Amend(T)	7-1-2013
635-023-0095(T)	10-19-2013	Suspend	10-1-2013	635-041-0065(T)	2-27-2013	Suspend	4-1-2013
635-023-0125	1-1-2013	Amend	2-1-2013	635-041-0065(T)	3-6-2013	Suspend	4-1-2013
635-023-0125	2-28-2013	Amend(T)	3-1-2013	635-041-0065(T)	5-21-2013	Suspend	7-1-2013
635-023-0125	4-5-2013	Amend(T)	5-1-2013	635-041-0065(T)	6-8-2013	Suspend	7-1-2013
635-023-0125	5-25-2013	Amend(T)	7-1-2013	635-041-0065(T)	6-16-2013	Suspend	7-1-2013
635-023-0125	6-8-2013	Amend(T)	7-1-2013	635-041-0075	8-12-2013	Amend(T)	9-1-2013
635-023-0125(T)	4-5-2013	Suspend	5-1-2013	635-041-0075	8-19-2013	Amend(T)	9-1-2013
635-023-0125(T)	5-25-2013	Suspend	7-1-2013	635-041-0075	9-10-2013	Amend(T)	10-1-2013
635-023-0125(T)	6-8-2013	Suspend	7-1-2013	635-041-0075	9-16-2013	Amend(T)	10-1-2013
635-023-0128	1-1-2013	Amend	2-1-2013	635-041-0075(T)	8-19-2013	Suspend	9-1-2013
635-023-0128	6-16-2013	Amend(T)	7-1-2013	635-041-0075(T)	9-10-2013	Suspend	10-1-2013
635-023-0128	6-27-2013	Amend(T)	8-1-2013	635-041-0075(T)	9-16-2013	Suspend	10-1-2013
635-023-0128	7-13-2013	Amend(T)	8-1-2013	635-041-0076	6-16-2013	Amend(T)	7-1-2013
635-023-0128(T)	6-27-2013	Suspend	8-1-2013	635-041-0076	6-29-2013	Amend(T)	8-1-2013
635-023-0128(T)	7-13-2013	Suspend	8-1-2013	635-041-0076	7-6-2013	Amend(T)	8-1-2013
635-023-0130	1-1-2013	Amend	2-1-2013	635-041-0076	7-15-2013	Amend(T)	8-1-2013
635-023-0130	8-1-2013	Amend(T)	9-1-2013	635-041-0076	7-22-2013	Amend(T)	9-1-2013
635-023-0130	8-23-2013	Amend(T)	10-1-2013	635-041-0076(T)	6-29-2013	Suspend	8-1-2013
635-023-0130	9-13-2013	Amend(T)	10-1-2013	635-041-0076(T)	7-6-2013	Suspend	8-1-2013
635-023-0130(T)	8-23-2013	Suspend	10-1-2013	635-041-0076(T)	7-15-2013	Suspend	8-1-2013
635-023-0130(T)	9-13-2013	Suspend	10-1-2013	635-041-0076(T)	7-22-2013	Suspend	9-1-2013
635-023-0134	1-1-2013	Amend	2-1-2013	635-042-0022	4-9-2013	Amend(T)	5-1-2013
635-023-0134	5-4-2013	Amend(T)	6-1-2013	635-042-0022	5-15-2013	Amend(T)	6-1-2013
635-023-0134	7-21-2013	Amend(T)	9-1-2013	635-042-0022	5-22-2013	Amend(T)	7-1-2013
635-023-0134(T)	7-21-2013	Suspend	9-1-2013	635-042-0022	5-29-2013	Amend(T)	7-1-2013
635-023-0134	9-1-2013	Amend(T)	10-1-2013	635-042-0022(T)	5-22-2013	Suspend	7-1-2013
635-023-0134(T)	9-1-2013	Suspend	10-1-2013	635-042-0022(T)	5-29-2013	Suspend	7-1-2013
635-039-0080	1-3-2013	Amend	2-1-2013	635-042-0027	6-16-2013	Amend(T)	7-1-2013
635-039-0080	5-1-2013	Amend(T)	5-1-2013	635-042-0027	7-15-2013	Amend(T)	8-1-2013

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635-042-0031	8-11-2013	Amend(T)	9-1-2013	635-065-0740	1-1-2013	Amend	2-1-2013
635-042-0031	8-25-2013	Amend(T)	10-1-2013	635-065-0760	1-1-2013	Amend	2-1-2013
635-042-0031	8-28-2013	Amend(T)	10-1-2013	635-065-0765	2-1-2013	Amend	2-1-2013
635-042-0031	9-15-2013	Amend(T)	10-1-2013	635-065-0765	2-7-2013	Amend	3-1-2013
635-042-0031(T)	8-25-2013	Suspend	10-1-2013	635-065-0765(T)	2-7-2013	Repeal	3-1-2013
635-042-0031(T)	8-28-2013	Suspend	10-1-2013	635-066-0000	1-1-2013	Amend	2-1-2013
635-042-0031(T)	9-15-2013	Suspend	10-1-2013	635-066-0010	1-1-2013	Amend	2-1-2013
635-042-0135	1-31-2013	Amend(T)	3-1-2013	635-066-0020	1-1-2013	Amend	2-1-2013
635-042-0145	2-11-2013	Amend(T)	3-1-2013	635-067-0000	1-1-2013	Amend	2-1-2013
635-042-0145	3-13-2013	Amend(T)	4-1-2013	635-067-0000	6-10-2013	Amend	7-1-2013
635-042-0145	5-15-2013	Amend(T)	6-1-2013	635-067-0004	1-1-2013	Amend	2-1-2013
635-042-0145	5-22-2013	Amend(T)	7-1-2013	635-068-0000	3-1-2013	Amend	3-1-2013
635-042-0145	5-29-2013	Amend(T)	7-1-2013	635-068-0000	6-10-2013	Amend	7-1-2013
635-042-0145	7-31-2013	Amend(T)	9-1-2013	635-069-0000	2-1-2013	Amend	2-1-2013
635-042-0145	8-9-2013	Amend(T)	9-1-2013	635-069-0000	6-10-2013	Amend	7-1-2013
635-042-0145(T)	3-13-2013	Suspend	4-1-2013	635-070-0000	4-1-2013	Amend	4-1-2013
635-042-0145(T)	5-15-2013	Suspend	6-1-2013	635-070-0000	6-10-2013	Amend	7-1-2013
635-042-0145(T)	5-22-2013	Suspend	7-1-2013	635-070-0020	2-7-2013	Amend	3-1-2013
635-042-0145(T)	5-29-2013	Suspend	7-1-2013	635-071-0000	4-1-2013	Amend	4-1-2013
635-042-0145(T)	8-9-2013	Suspend	9-1-2013	635-071-0000	6-10-2013	Amend	7-1-2013
635-042-0160	2-11-2013	Amend(T)	3-1-2013	635-072-0000	1-1-2013	Amend	2-1-2013
635-042-0160	3-21-2013	Amend(T)	5-1-2013	635-073-0000	2-1-2013	Amend	2-1-2013
635-042-0160	8-26-2013	Amend(T)	10-1-2013	635-073-0000	6-10-2013	Amend	7-1-2013
635-042-0160(T)	3-21-2013	Suspend	5-1-2013	635-073-0065	2-1-2013	Amend	2-1-2013
635-042-0170	2-11-2013	Amend(T)	3-1-2013	635-073-0070	2-1-2013	Amend	2-1-2013
635-042-0170	5-15-2013	Amend(T)	6-1-2013	635-075-0005	3-11-2013	Amend(T)	4-1-2013
635-042-0170	8-26-2013	Amend(T)	10-1-2013	635-075-0005	6-10-2013	Amend	7-1-2013
635-042-0170(T)	5-15-2013	Suspend	6-1-2013	635-075-0005(T)	6-10-2013	Repeal	7-1-2013
635-042-0180	2-11-2013	Amend(T)	3-1-2013	635-078-0011	1-1-2013	Amend	2-1-2013
635-042-0180	3-21-2013	Amend(T)	5-1-2013	635-095-0125	12-31-2012	Amend(T)	2-1-2013
635-042-0180	8-26-2013	Amend(T)	10-1-2013	635-095-0125	6-10-2013	Amend	7-1-2013
635-042-0180(T)	3-21-2013	Suspend	5-1-2013	635-095-0125(T)	6-10-2013	Repeal	7-1-2013
635-043-0051	6-10-2013	Amend	7-1-2013	635-110-0009	5-23-2013	Adopt(T)	7-1-2013
635-045-0000	1-1-2013	Amend	2-1-2013	635-110-0010	5-23-2013	Amend(T)	7-1-2013
635-045-0000	8-5-2013	Amend	9-1-2013	635-110-0010	7-12-2013	Amend	8-1-2013
635-045-0002	1-1-2013	Amend	2-1-2013	635-110-0010(T)	7-12-2013	Repeal	8-1-2013
635-050-0050	6-10-2013	Amend	7-1-2013	635-110-0020	5-23-2013	Amend(T)	7-1-2013
635-051-0000	8-5-2013	Amend	9-1-2013	635-110-0020	7-12-2013	Amend	8-1-2013
635-052-0000	8-5-2013	Amend	9-1-2013	635-110-0020(T)	7-12-2013	Repeal	8-1-2013
635-053-0000	8-5-2013	Amend	9-1-2013	635-170-0001	8-5-2013	Amend	9-1-2013
635-053-0035	1-23-2013	Amend(T)	3-1-2013	635-180-0001	8-5-2013	Amend	9-1-2013
635-054-0000	8-5-2013	Amend	9-1-2013	635-500-6650	1-14-2013	Adopt	2-1-2013
635-056-0050	12-18-2012	Amend	2-1-2013	635-500-6700	1-1-2013	Adopt	2-1-2013
635-056-0075	12-18-2012	Amend	2-1-2013	635-500-6705	1-1-2013	Adopt	2-1-2013
635-060-0000	8-5-2013	Amend	9-1-2013	635-500-6710	1-1-2013	Adopt	2-1-2013
635-060-0005	1-23-2013	Amend	3-1-2013	635-500-6715	1-1-2013	Adopt	2-1-2013
635-060-0040	3-11-2013	Amend(T)	4-1-2013	635-500-6720	1-1-2013	Adopt	2-1-2013
635-065-0001	1-1-2013	Amend	2-1-2013	635-500-6725	1-1-2013	Adopt	2-1-2013
635-065-0011	1-1-2013	Adopt	2-1-2013	635-500-6730	1-1-2013	Adopt	2-1-2013
635-065-0011	2-7-2013	Amend	3-1-2013	635-500-6735	1-1-2013	Adopt	2-1-2013
635-065-0015	1-1-2013	Amend	2-1-2013	635-500-6740	1-1-2013	Adopt	2-1-2013
635-065-0090	1-1-2013	Amend	2-1-2013	635-500-6745	1-1-2013	Adopt	2-1-2013
635-065-0401	1-1-2013	Amend	2-1-2013	635-500-6750	1-1-2013	Adopt	2-1-2013
635-065-0625	1-1-2013	Amend	2-1-2013	635-500-6755	1-1-2013	Adopt	2-1-2013
635-065-0625	7-26-2013	Amend(T)	9-1-2013	635-500-6760	1-1-2013	Adopt	2-1-2013

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645-010-0015	7-5-2013	Amend	8-1-2013	695-045-0065	1-30-2013	Repeal	3-1-2013
645-040-0010	7-5-2013	Amend	8-1-2013	695-045-0070	1-30-2013	Repeal	3-1-2013
647-010-0010	5-10-2013	Amend	6-1-2013	695-045-0080	1-30-2013	Repeal	3-1-2013
658-030-0020	7-3-2013	Amend	8-1-2013	695-045-0090	1-30-2013	Repeal	3-1-2013
660-006-0005	2-1-2013	Amend	3-1-2013	695-045-0100	1-30-2013	Repeal	3-1-2013
660-006-0025	2-1-2013	Amend	3-1-2013	695-045-0110	1-30-2013	Repeal	3-1-2013
660-024-0040	12-10-2012	Amend	1-1-2013	695-045-0120	1-30-2013	Repeal	3-1-2013
660-024-0045	12-10-2012	Adopt	1-1-2013	695-045-0130	1-30-2013	Repeal	3-1-2013
660-033-0130	1-29-2013	Amend	3-1-2013	695-045-0140	1-30-2013	Repeal	3-1-2013
660-044-0000	1-1-2013	Amend	1-1-2013	695-045-0150	1-30-2013	Repeal	3-1-2013
660-044-0005	1-1-2013	Amend	1-1-2013	695-045-0160	1-30-2013	Adopt	3-1-2013
660-044-0040	1-1-2013	Adopt	1-1-2013	695-045-0165	1-30-2013	Adopt	3-1-2013
660-044-0045	1-1-2013	Adopt	1-1-2013	695-045-0170	1-30-2013	Adopt	3-1-2013
660-044-0050	1-1-2013	Adopt	1-1-2013	695-045-0175	1-30-2013	Adopt	3-1-2013
660-044-0055	1-1-2013	Adopt	1-1-2013	695-045-0180	1-30-2013	Adopt	3-1-2013
660-044-0060	1-1-2013	Adopt	1-1-2013	695-045-0185	1-30-2013	Adopt	3-1-2013
661-010-0075	5-1-2013	Amend(T)	6-1-2013	695-045-0190	1-30-2013	Adopt	3-1-2013
668-010-0010	5-15-2013	Amend	6-1-2013	695-045-0195	1-30-2013	Adopt	3-1-2013
668-030-0010	7-16-2013	Amend	9-1-2013	695-045-0200	1-30-2013	Adopt	3-1-2013
690-022-0005	7-1-2013	Adopt(T)	8-1-2013	695-045-0205	1-30-2013	Adopt	3-1-2013
690-022-0010	7-1-2013	Adopt(T)	8-1-2013	695-045-0210	1-30-2013	Adopt	3-1-2013
690-022-0015	7-1-2013	Adopt(T)	8-1-2013	695-045-0215	1-30-2013	Adopt	3-1-2013
690-501-0005	12-12-2012	Amend	1-1-2013	695-046-0010	6-19-2013	Amend	8-1-2013
690-501-0010	12-12-2012	Amend	1-1-2013	695-046-0020	6-19-2013	Amend	8-1-2013
690-501-0020	12-12-2012	Repeal	1-1-2013	695-046-0025	6-19-2013	Repeal	8-1-2013
690-501-0030	12-12-2012	Amend	1-1-2013	695-046-0030	6-19-2013	Repeal	8-1-2013
690-515-0000	12-12-2012	Amend	1-1-2013	695-046-0040	6-19-2013	Repeal	8-1-2013
690-515-0010	12-12-2012	Amend	1-1-2013	695-046-0050	6-19-2013	Repeal	8-1-2013
690-515-0020	12-12-2012	Amend	1-1-2013	695-046-0060	6-19-2013	Repeal	8-1-2013
690-515-0030	12-12-2012	Amend	1-1-2013	695-046-0070	6-19-2013	Repeal	8-1-2013
690-515-0040	12-12-2012	Amend	1-1-2013	695-046-0080	6-19-2013	Repeal	8-1-2013
690-515-0050	12-12-2012	Amend	1-1-2013	695-046-0090	6-19-2013	Repeal	8-1-2013
690-515-0060	12-12-2012	Amend	1-1-2013	695-046-0100	6-19-2013	Repeal	8-1-2013
690-516-0005	12-12-2012	Amend	1-1-2013	695-046-0110	6-19-2013	Repeal	8-1-2013
690-516-0010	12-12-2012	Amend	1-1-2013	695-046-0120	6-19-2013	Repeal	8-1-2013
690-516-0020	12-12-2012	Repeal	1-1-2013	695-046-0130	6-19-2013	Repeal	8-1-2013
690-516-0030	12-12-2012	Amend	1-1-2013	695-046-0140	6-19-2013	Repeal	8-1-2013
690-517-0000	12-12-2012	Amend	1-1-2013	695-046-0150	6-19-2013	Repeal	8-1-2013
690-517-0020	12-12-2012	Amend	1-1-2013	695-046-0160	6-19-2013	Repeal	8-1-2013
690-517-0030	12-12-2012	Amend	1-1-2013	695-046-0170	6-19-2013	Repeal	8-1-2013
690-517-0040	12-12-2012	Amend	1-1-2013	695-046-0175	6-19-2013	Adopt	8-1-2013
690-517-0050	12-12-2012	Repeal	1-1-2013	695-046-0180	6-19-2013	Adopt	8-1-2013
690-518-0010	12-12-2012	Amend	1-1-2013	695-046-0185	6-19-2013	Adopt	8-1-2013
690-518-0030	12-12-2012	Amend	1-1-2013	695-046-0190	6-19-2013	Adopt	8-1-2013
690-518-0040	12-12-2012	Repeal	1-1-2013	695-046-0195	6-19-2013	Adopt	8-1-2013
690-518-0050	12-12-2012	Amend	1-1-2013	695-046-0200	6-19-2013	Adopt	8-1-2013
695-045-0010	1-30-2013	Amend	3-1-2013	695-046-0205	6-19-2013	Adopt	8-1-2013
695-045-0020	1-30-2013	Amend	3-1-2013	695-046-0210	6-19-2013	Adopt	8-1-2013
695-045-0025	1-30-2013	Repeal	3-1-2013	695-046-0215	6-19-2013	Adopt	8-1-2013
695-045-0030	1-30-2013	Repeal	3-1-2013	695-046-0220	6-19-2013	Adopt	8-1-2013
695-045-0035	1-30-2013	Repeal	3-1-2013	695-046-0225	6-19-2013	Adopt	8-1-2013
695-045-0040	1-30-2013	Repeal	3-1-2013	695-046-0230	6-19-2013	Adopt	8-1-2013
695-045-0045	1-30-2013	Repeal	3-1-2013	705-010-0070	5-2-2013	Amend	6-1-2013
695-045-0050	1-30-2013	Repeal	3-1-2013	715-010-0000	8-21-2013	Adopt	10-1-2013
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715-010-0025	8-21-2013	Adopt	10-1-2013	735-048-0080	4-22-2013	Amend	6-1-2013
731-001-0000	5-17-2013	Amend	7-1-2013	735-050-0100	5-23-2013	Amend	7-1-2013
731-005-0780	7-18-2013	Amend	9-1-2013	735-050-0120	6-21-2013	Amend(T)	8-1-2013
731-012-0010	8-26-2013	Adopt	10-1-2013	735-062-0080	2-1-2013	Amend	3-1-2013
731-012-0020	8-26-2013	Adopt	10-1-2013	735-064-0005	3-22-2013	Amend	5-1-2013
731-012-0030	8-26-2013	Adopt	10-1-2013	735-064-0020	3-22-2013	Amend	5-1-2013
731-012-0040	8-26-2013	Adopt	10-1-2013	735-064-0060	3-22-2013	Amend	5-1-2013
731-012-0050	8-26-2013	Adopt	10-1-2013	735-064-0100	3-22-2013	Amend	5-1-2013
731-012-0060	8-26-2013	Adopt	10-1-2013	735-064-0110	3-22-2013	Amend	5-1-2013
731-012-0070	8-26-2013	Adopt	10-1-2013	735-070-0006	11-19-2012	Adopt	1-1-2013
731-012-0080	8-26-2013	Adopt	10-1-2013	735-070-0080	5-23-2013	Amend	7-1-2013
731-012-0090	8-26-2013	Adopt	10-1-2013	735-070-0085	6-21-2013	Amend(T)	8-1-2013
731-012-0100	8-26-2013	Adopt	10-1-2013	735-072-0020	5-1-2013	Amend	6-1-2013
731-012-0110	8-26-2013	Adopt	10-1-2013	735-072-0023	5-1-2013	Amend	6-1-2013
731-012-0120	8-26-2013	Adopt	10-1-2013	735-164-0000	5-23-2013	Amend	7-1-2013
731-012-0130	8-26-2013	Adopt	10-1-2013	735-164-0010	5-23-2013	Amend	7-1-2013
731-012-0140	8-26-2013	Adopt	10-1-2013	735-164-0020	5-23-2013	Amend	7-1-2013
731-070-0050	6-21-2013	Amend	8-1-2013	736-010-0005	7-19-2013	Amend	9-1-2013
733-001-0000	4-15-2013	Amend	5-1-2013	736-010-0015	7-19-2013	Amend	9-1-2013
733-001-0005	4-15-2013	Amend	5-1-2013	736-010-0020	7-19-2013	Amend	9-1-2013
733-001-0010	4-15-2013	Adopt	5-1-2013	736-010-0022	7-19-2013	Amend	9-1-2013
733-001-0015	4-15-2013	Adopt	5-1-2013	736-010-0025	7-19-2013	Amend	9-1-2013
733-001-0025	4-15-2013	Adopt	5-1-2013	736-010-0026	7-19-2013	Amend	9-1-2013
733-001-0030	4-15-2013	Adopt	5-1-2013	736-010-0027	7-19-2013	Amend	9-1-2013
733-001-0035	4-15-2013	Adopt	5-1-2013	736-010-0030	7-19-2013	Amend	9-1-2013
734-010-0220	11-21-2012	Amend	1-1-2013	736-010-0035	7-19-2013	Amend	9-1-2013
734-010-0290	11-21-2012	Amend	1-1-2013	736-010-0040	7-19-2013	Amend	9-1-2013
734-010-0300	11-21-2012	Amend	1-1-2013	736-010-0050	7-19-2013	Amend	9-1-2013
734-010-0310	11-21-2012	Repeal	1-1-2013	736-010-0055	7-19-2013	Amend	9-1-2013
734-010-0320	11-21-2012	Amend	1-1-2013	736-010-0060	11-16-2012	Amend	1-1-2013
734-010-0330	11-21-2012	Amend	1-1-2013	736-010-0060	7-19-2013	Amend	9-1-2013
734-010-0340	11-21-2012	Amend	1-1-2013	736-010-0065	7-19-2013	Amend	9-1-2013
734-010-0350	11-21-2012	Amend	1-1-2013	736-015-0006	11-16-2012	Amend	1-1-2013
734-010-0370	11-21-2012	Repeal	1-1-2013	736-015-0015	11-16-2012	Amend	1-1-2013
734-010-0380	11-21-2012	Amend	1-1-2013	736-018-0045	12-31-2012	Amend	1-1-2013
734-020-0070	8-26-2013	Amend	10-1-2013	736-021-0010	2-1-2013	Amend	2-1-2013
734-030-0005	3-1-2013	Amend	3-1-2013	736-021-0020	2-1-2013	Amend	2-1-2013
734-030-0010	3-1-2013	Amend	3-1-2013	736-021-0030	2-1-2013	Amend	2-1-2013
734-030-0015	3-1-2013	Amend	3-1-2013	736-021-0040	2-1-2013	Amend	2-1-2013
734-030-0016	3-1-2013	Adopt	3-1-2013	736-021-0050	2-1-2013	Amend	2-1-2013
734-059-0100	11-20-2012	Amend	1-1-2013	736-021-0060	2-1-2013	Amend	2-1-2013
734-073-0090	12-21-2012	Repeal	2-1-2013	736-021-0065	2-1-2013	Adopt	2-1-2013
734-075-0010	5-16-2013	Amend	7-1-2013	736-021-0070	2-1-2013	Amend	2-1-2013
734-075-0011	5-16-2013	Amend	7-1-2013	736-021-0080	2-1-2013	Amend	2-1-2013
735-001-0050	3-22-2013	Amend	5-1-2013	736-021-0090	2-1-2013	Amend	2-1-2013
735-001-0062	1-1-2013	Adopt	2-1-2013	736-021-0100	2-1-2013	Amend	2-1-2013
735-001-0062	5-3-2013	Adopt	6-1-2013	736-021-0110	2-1-2013	Repeal	2-1-2013
735-012-0000	11-19-2012	Amend	1-1-2013	736-021-0120	2-1-2013	Amend	2-1-2013
735-012-0000(T)	11-19-2012	Repeal	1-1-2013	736-021-0130	2-1-2013	Amend	2-1-2013
735-048-0000	4-22-2013	Amend	6-1-2013	736-021-0140	2-1-2013	Amend	2-1-2013
735-048-0020	4-22-2013	Amend	6-1-2013	736-021-0150	2-1-2013	Amend	2-1-2013
735-048-0030	4-22-2013	Amend	6-1-2013	736-021-0160	2-1-2013	Amend	2-1-2013
735-048-0040	4-22-2013	Amend	6-1-2013	736-045-0006	12-13-2012	Adopt	1-1-2013
735-048-0050	4-22-2013	Amend	6-1-2013	736-045-0011	12-13-2012	Adopt	1-1-2013
735-048-0060	4-22-2013	Amend	6-1-2013	736-045-0100	12-13-2012	Adopt	1-1-2013
735-048-0070	4-22-2013	Amend	6-1-2013	736-045-0200	12-13-2012	Adopt	1-1-2013



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736-045-0305	12-13-2012	Adopt	1-1-2013	740-060-0040	1-18-2013	Amend(T)	3-1-2013
736-045-0310	12-13-2012	Adopt	1-1-2013	740-060-0040	6-20-2013	Amend	8-1-2013
736-045-0320	12-13-2012	Adopt	1-1-2013	740-060-0040(T)	6-20-2013	Repeal	8-1-2013
736-045-0330	12-13-2012	Adopt	1-1-2013	740-060-0045	6-20-2013	Amend	8-1-2013
736-045-0340	12-13-2012	Adopt	1-1-2013	740-060-0055	6-20-2013	Amend	8-1-2013
736-045-0400	12-13-2012	Adopt	1-1-2013	740-060-0060	6-20-2013	Amend	8-1-2013
736-045-0405	12-13-2012	Adopt	1-1-2013	740-060-0070	6-20-2013	Amend	8-1-2013
736-045-0410	12-13-2012	Adopt	1-1-2013	740-060-0080	1-18-2013	Amend(T)	3-1-2013
736-045-0412	12-13-2012	Adopt	1-1-2013	740-060-0080	6-20-2013	Amend	8-1-2013
736-045-0414	12-13-2012	Adopt	1-1-2013	740-060-0080(T)	6-20-2013	Repeal	8-1-2013
736-045-0416	12-13-2012	Adopt	1-1-2013	740-060-0085	6-20-2013	Adopt	8-1-2013
736-045-0418	12-13-2012	Adopt	1-1-2013	740-060-0090	6-20-2013	Adopt	8-1-2013
736-045-0420	12-13-2012	Adopt	1-1-2013	740-060-0100	6-20-2013	Amend	8-1-2013
736-045-0422	12-13-2012	Adopt	1-1-2013	740-060-0110	6-20-2013	Amend	8-1-2013
736-045-0424	12-13-2012	Adopt	1-1-2013	740-100-0010	4-22-2013	Amend	6-1-2013
736-045-0426	12-13-2012	Adopt	1-1-2013	740-100-0065	4-22-2013	Amend	6-1-2013
736-045-0428	12-13-2012	Adopt	1-1-2013	740-100-0070	4-22-2013	Amend	6-1-2013
736-045-0430	12-13-2012	Adopt	1-1-2013	740-100-0080	4-22-2013	Amend	6-1-2013
736-045-0432	12-13-2012	Adopt	1-1-2013	740-100-0085	4-22-2013	Amend	6-1-2013
736-045-0434	12-13-2012	Adopt	1-1-2013	740-100-0090	4-22-2013	Amend	6-1-2013
736-045-0436	12-13-2012	Adopt	1-1-2013	740-100-0090	8-26-2013	Amend	10-1-2013
736-045-0438	12-13-2012	Adopt	1-1-2013	740-110-0010	4-22-2013	Amend	6-1-2013
736-045-0440	12-13-2012	Adopt	1-1-2013	740-200-0010	1-17-2013	Amend	3-1-2013
736-045-0442	12-13-2012	Adopt	1-1-2013	740-200-0020	1-17-2013	Amend	3-1-2013
736-045-0444	12-13-2012	Adopt	1-1-2013	740-200-0040	1-17-2013	Amend	3-1-2013
736-045-0446	12-13-2012	Adopt	1-1-2013	800-001-0020	2-1-2013	Amend	2-1-2013
736-045-0448	12-13-2012	Adopt	1-1-2013	800-010-0020	2-1-2013	Amend	2-1-2013
736-045-0500	12-13-2012	Adopt	1-1-2013	800-010-0030	2-1-2013	Amend	2-1-2013
736-045-0505	12-13-2012	Adopt	1-1-2013	800-015-0010	2-1-2013	Amend	2-1-2013
736-053-0100	7-19-2013	Amend	9-1-2013	800-020-0015	2-1-2013	Amend	2-1-2013
736-053-0105	7-19-2013	Amend	9-1-2013	800-020-0025	8-5-2013	Amend(T)	9-1-2013
736-053-0110	7-19-2013	Amend	9-1-2013	800-020-0030	2-1-2013	Amend	2-1-2013
736-053-0115	7-19-2013	Amend	9-1-2013	800-020-0035	2-1-2013	Amend	2-1-2013
736-053-0120	7-19-2013	Amend	9-1-2013	800-030-0025	2-1-2013	Amend	2-1-2013
736-053-0125	7-19-2013	Amend	9-1-2013	801-001-0035	1-8-2013	Amend	2-1-2013
736-053-0130	7-19-2013	Amend	9-1-2013	804-001-0002	7-1-2013	Amend	7-1-2013
736-053-0135	7-19-2013	Amend	9-1-2013	804-003-0000	6-20-2013	Amend(T)	8-1-2013
736-053-0140	7-19-2013	Amend	9-1-2013	804-010-0000	11-21-2012	Amend	1-1-2013
736-053-0200	7-19-2013	Amend	9-1-2013	804-010-0000(T)	11-21-2012	Repeal	1-1-2013
736-053-0205	7-19-2013	Amend	9-1-2013	804-020-0001	11-21-2012	Amend	1-1-2013
736-053-0210	7-19-2013	Amend	9-1-2013	804-020-0001(T)	11-21-2012	Repeal	1-1-2013
736-053-0215	7-19-2013	Amend	9-1-2013	804-020-0003	11-21-2012	Amend	1-1-2013
736-053-0220	7-19-2013	Amend	9-1-2013	804-020-0003(T)	11-21-2012	Repeal	1-1-2013
736-053-0225	7-19-2013	Amend	9-1-2013	804-020-0010	11-21-2012	Amend	1-1-2013
736-053-0230	7-19-2013	Amend	9-1-2013	804-020-0010(T)	11-21-2012	Repeal	1-1-2013
736-053-0235	7-19-2013	Amend	9-1-2013	804-020-0015	11-21-2012	Amend	1-1-2013
736-053-0300	7-19-2013	Amend	9-1-2013	804-020-0015(T)	11-21-2012	Repeal	1-1-2013
736-053-0305	7-19-2013	Amend	9-1-2013	804-020-0030	11-21-2012	Amend	1-1-2013
736-053-0315	7-19-2013	Amend	9-1-2013	804-020-0030(T)	11-21-2012	Repeal	1-1-2013
736-053-0325	7-19-2013	Amend	9-1-2013	804-020-0040	11-21-2012	Amend	1-1-2013
740-055-0035	5-16-2013	Adopt	7-1-2013	804-020-0040(T)	11-21-2012	Repeal	1-1-2013
740-060-0010	6-20-2013	Amend	8-1-2013	804-020-0045	11-21-2012	Amend	1-1-2013
740-060-0020	6-20-2013	Amend	8-1-2013	804-020-0045(T)	11-21-2012	Repeal	1-1-2013
740-060-0030	1-18-2013	Amend(T)	3-1-2013	804-020-0065	11-21-2012	Amend	1-1-2013
740-060-0030	6-20-2013	Repeal	8-1-2013	804-020-0065(T)	11-21-2012	Repeal	1-1-2013

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804-022-0005	6-20-2013	Amend(T)	8-1-2013	813-005-0005	6-21-2013	Amend(T)	8-1-2013
804-022-0010	6-20-2013	Amend(T)	8-1-2013	813-005-0016	6-21-2013	Amend(T)	8-1-2013
804-025-0010	6-20-2013	Amend(T)	8-1-2013	813-005-0020	6-21-2013	Adopt(T)	8-1-2013
804-040-0000	11-21-2012	Amend	1-1-2013	813-005-0030	6-21-2013	Adopt(T)	8-1-2013
804-040-0000(T)	11-21-2012	Repeal	1-1-2013	813-005-0040	6-21-2013	Adopt(T)	8-1-2013
806-001-0003	7-1-2013	Amend	5-1-2013	813-005-0050	6-21-2013	Adopt(T)	8-1-2013
806-010-0090	12-31-2012	Amend	2-1-2013	813-005-0060	6-21-2013	Adopt(T)	8-1-2013
806-010-0105	2-12-2013	Amend	3-1-2013	813-005-0070	6-21-2013	Adopt(T)	8-1-2013
808-001-0008	7-1-2013	Amend	8-1-2013	813-006-0005	6-21-2013	Amend(T)	8-1-2013
808-002-0020	12-4-2012	Amend	1-1-2013	813-006-0010	6-21-2013	Amend(T)	8-1-2013
808-002-0755	2-1-2013	Adopt	3-1-2013	813-006-0015	6-21-2013	Amend(T)	8-1-2013
808-003-0045	6-1-2013	Amend	7-1-2013	813-006-0020	6-21-2013	Amend(T)	8-1-2013
808-003-0060	6-1-2013	Amend	7-1-2013	813-006-0025	6-21-2013	Amend(T)	8-1-2013
808-005-0020	12-4-2012	Amend	1-1-2013	813-006-0030	6-21-2013	Amend(T)	8-1-2013
808-040-0025	12-4-2012	Amend	1-1-2013	813-006-0035	6-21-2013	Amend(T)	8-1-2013
808-040-0050	12-4-2012	Amend	1-1-2013	813-006-0040	6-21-2013	Adopt(T)	8-1-2013
808-040-0060	12-4-2012	Amend	1-1-2013	813-007-0005	3-21-2013	Amend(T)	5-1-2013
809-001-0000	12-21-2012	Amend	1-1-2013	813-007-0005	9-4-2013	Amend	10-1-2013
809-001-0020	12-21-2012	Repeal	1-1-2013	813-007-0005(T)	9-4-2013	Repeal	10-1-2013
809-001-0025	12-21-2012	Repeal	1-1-2013	813-007-0040	3-21-2013	Amend(T)	5-1-2013
809-001-0030	12-21-2012	Repeal	1-1-2013	813-007-0040	9-4-2013	Amend	10-1-2013
809-010-0025	12-21-2012	Amend	1-1-2013	813-007-0040(T)	9-4-2013	Repeal	10-1-2013
809-010-0025	7-1-2013	Amend	7-1-2013	813-055-0001	6-21-2013	Amend(T)	8-1-2013
809-020-0030	12-21-2012	Amend	1-1-2013	813-055-0010	6-21-2013	Amend(T)	8-1-2013
809-055-0000	12-21-2012	Amend	1-1-2013	813-055-0020	6-21-2013	Amend(T)	8-1-2013
811-010-0093	6-6-2013	Amend	7-1-2013	813-055-0030	6-21-2013	Renumber	8-1-2013
811-015-0002	8-2-2013	Amend	9-1-2013	813-055-0040	6-21-2013	Amend(T)	8-1-2013
811-015-0080	11-28-2012	Adopt	1-1-2013	813-055-0050	6-21-2013	Amend(T)	8-1-2013
812-002-0640	5-1-2013	Amend	6-1-2013	813-055-0060	6-21-2013	Suspend	8-1-2013
812-005-0180	5-1-2013	Amend	6-1-2013	813-055-0065	6-21-2013	Adopt(T)	8-1-2013
812-006-0100	5-1-2013	Amend	6-1-2013	813-055-0070	6-21-2013	Renumber	8-1-2013
812-006-0150	5-1-2013	Amend	6-1-2013	813-055-0075	6-21-2013	Amend(T)	8-1-2013
812-006-0200	5-1-2013	Amend	6-1-2013	813-055-0080	6-21-2013	Renumber	8-1-2013
812-006-0250	5-1-2013	Amend	6-1-2013	813-055-0085	6-21-2013	Amend(T)	8-1-2013
812-006-0300	5-1-2013	Amend	6-1-2013	813-055-0090	6-21-2013	Renumber	8-1-2013
812-006-0350	5-1-2013	Amend	6-1-2013	813-055-0095	6-21-2013	Adopt(T)	8-1-2013
812-006-0400	5-1-2013	Amend	6-1-2013	813-055-0100	6-21-2013	Suspend	8-1-2013
812-006-0450	5-1-2013	Amend	6-1-2013	813-055-0105	6-21-2013	Amend(T)	8-1-2013
813-001-0007	6-21-2013	Amend(T)	8-1-2013	813-055-0110	6-21-2013	Suspend	8-1-2013
813-004-0001	3-28-2013	Adopt	5-1-2013	813-055-0115	6-21-2013	Amend(T)	8-1-2013
813-004-0001(T)	3-28-2013	Repeal	5-1-2013	813-090-0005	6-21-2013	Amend(T)	8-1-2013
813-004-0002	3-28-2013	Adopt	5-1-2013	813-090-0010	6-21-2013	Amend(T)	8-1-2013
813-004-0002(T)	3-28-2013	Repeal	5-1-2013	813-090-0015	6-21-2013	Amend(T)	8-1-2013
813-004-0200	1-4-2013	Adopt	2-1-2013	813-090-0025	6-21-2013	Renumber	8-1-2013
813-004-0210	1-4-2013	Adopt	2-1-2013	813-090-0027	6-21-2013	Suspend	8-1-2013
813-004-0220	1-4-2013	Adopt	2-1-2013	813-090-0029	6-21-2013	Renumber	8-1-2013
813-004-0230	1-4-2013	Adopt	2-1-2013	813-090-0030	6-21-2013	Renumber	8-1-2013
813-004-0240	1-4-2013	Adopt	2-1-2013	813-090-0031	6-21-2013	Suspend	8-1-2013
813-004-0250	1-4-2013	Adopt	2-1-2013	813-090-0035	6-21-2013	Amend(T)	8-1-2013
813-004-0260	1-4-2013	Adopt	2-1-2013	813-090-0036	6-21-2013	Suspend	8-1-2013
813-004-0270	1-4-2013	Adopt	2-1-2013	813-090-0037	6-21-2013	Amend(T)	8-1-2013
813-004-0280	1-4-2013	Adopt	2-1-2013	813-090-0039	6-21-2013	Amend(T)	8-1-2013
813-004-0290	1-4-2013	Adopt	2-1-2013	813-090-0040	6-21-2013	Amend(T)	8-1-2013
813-004-0300	1-4-2013	Adopt	2-1-2013	813-090-0045	6-21-2013	Adopt(T)	8-1-2013
813-004-0310	1-4-2013	Adopt	2-1-2013	813-090-0048	6-21-2013	Adopt(T)	8-1-2013
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813-090-0070	6-21-2013	Renumber	8-1-2013	813-130-0080	6-21-2013	Amend(T)	8-1-2013
813-090-0075	6-21-2013	Adopt(T)	8-1-2013	813-130-0090	6-21-2013	Amend(T)	8-1-2013
813-090-0080	6-21-2013	Amend(T)	8-1-2013	813-130-0100	6-21-2013	Amend(T)	8-1-2013
813-090-0090	6-21-2013	Adopt(T)	8-1-2013	813-130-0110	6-21-2013	Amend(T)	8-1-2013
813-090-0095	6-21-2013	Amend(T)	8-1-2013	813-130-0120	6-21-2013	Amend(T)	8-1-2013
813-090-0100	6-21-2013	Adopt(T)	8-1-2013	813-130-0130	6-21-2013	Suspend	8-1-2013
813-110-0005	6-21-2013	Amend(T)	8-1-2013	813-130-0140	6-21-2013	Suspend	8-1-2013
813-110-0010	6-21-2013	Amend(T)	8-1-2013	813-130-0150	6-21-2013	Amend(T)	8-1-2013
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813-110-0013	6-21-2013	Suspend	8-1-2013	813-205-0010	6-21-2013	Suspend	8-1-2013
813-110-0015	6-21-2013	Amend(T)	8-1-2013	813-205-0020	6-21-2013	Amend(T)	8-1-2013
813-110-0020	6-21-2013	Amend(T)	8-1-2013	813-205-0030	6-21-2013	Amend(T)	8-1-2013
813-110-0021	6-21-2013	Amend(T)	8-1-2013	813-205-0040	6-21-2013	Amend(T)	8-1-2013
813-110-0022	6-21-2013	Amend(T)	8-1-2013	813-205-0050	6-21-2013	Amend(T)	8-1-2013
813-110-0023	6-21-2013	Suspend	8-1-2013	813-205-0051	6-21-2013	Amend(T)	8-1-2013
813-110-0024	6-21-2013	Adopt(T)	8-1-2013	813-205-0052	6-21-2013	Amend(T)	8-1-2013
813-110-0025	6-21-2013	Amend(T)	8-1-2013	813-205-0060	6-21-2013	Amend(T)	8-1-2013
813-110-0027	6-21-2013	Adopt(T)	8-1-2013	813-205-0070	6-21-2013	Amend(T)	8-1-2013
813-110-0030	6-21-2013	Amend(T)	8-1-2013	813-205-0080	6-21-2013	Amend(T)	8-1-2013
813-110-0032	6-21-2013	Adopt(T)	8-1-2013	813-205-0082	6-21-2013	Adopt(T)	8-1-2013
813-110-0033	6-21-2013	Suspend	8-1-2013	813-205-0085	6-21-2013	Amend(T)	8-1-2013
813-110-0034	6-21-2013	Adopt(T)	8-1-2013	813-205-0100	6-21-2013	Amend(T)	8-1-2013
813-110-0035	6-21-2013	Amend(T)	8-1-2013	813-205-0110	6-21-2013	Amend(T)	8-1-2013
813-110-0037	6-21-2013	Adopt(T)	8-1-2013	813-205-0120	6-21-2013	Amend(T)	8-1-2013
813-110-0040	6-21-2013	Amend(T)	8-1-2013	813-205-0130	6-21-2013	Amend(T)	8-1-2013
813-110-0045	6-21-2013	Adopt(T)	8-1-2013	813-205-0140	6-21-2013	Suspend	8-1-2013
813-110-0050	6-21-2013	Suspend	8-1-2013	813-205-0145	6-21-2013	Adopt(T)	8-1-2013
813-120-0001	6-21-2013	Amend(T)	8-1-2013	813-205-0150	6-21-2013	Adopt(T)	8-1-2013
813-120-0010	6-21-2013	Amend(T)	8-1-2013	813-250-0000	12-6-2012	Amend(T)	1-1-2013
813-120-0015	6-21-2013	Adopt(T)	8-1-2013	813-250-0000	6-4-2013	Amend	7-1-2013
813-120-0020	6-21-2013	Suspend	8-1-2013	813-250-0000(T)	6-4-2013	Repeal	7-1-2013
813-120-0025	6-21-2013	Amend(T)	8-1-2013	813-250-0010	12-6-2012	Suspend	1-1-2013
813-120-0032	6-21-2013	Amend(T)	8-1-2013	813-250-0010	6-4-2013	Repeal	7-1-2013
813-120-0035	6-21-2013	Amend(T)	8-1-2013	813-250-0020	12-6-2012	Amend(T)	1-1-2013
813-120-0040	6-21-2013	Suspend	8-1-2013	813-250-0020	6-4-2013	Amend	7-1-2013
813-120-0045	6-21-2013	Amend(T)	8-1-2013	813-250-0020(T)	6-4-2013	Repeal	7-1-2013
813-120-0047	6-21-2013	Amend(T)	8-1-2013	813-250-0030	12-6-2012	Amend(T)	1-1-2013
813-120-0050	6-21-2013	Amend(T)	8-1-2013	813-250-0030	6-4-2013	Amend	7-1-2013
813-120-0060	6-21-2013	Suspend	8-1-2013	813-250-0030(T)	6-4-2013	Repeal	7-1-2013
813-120-0070	6-21-2013	Renumber	8-1-2013	813-250-0040	12-6-2012	Amend(T)	1-1-2013
813-120-0080	6-21-2013	Renumber	8-1-2013	813-250-0040	6-4-2013	Amend	7-1-2013
813-120-0090	6-21-2013	Renumber	8-1-2013	813-250-0040(T)	6-4-2013	Repeal	7-1-2013
813-120-0105	6-21-2013	Renumber	8-1-2013	813-250-0050	12-6-2012	Suspend	1-1-2013
813-120-0110	6-21-2013	Amend(T)	8-1-2013	813-250-0050	6-4-2013	Repeal	7-1-2013
813-120-0120	6-21-2013	Amend(T)	8-1-2013	818-001-0002	7-1-2013	Amend	6-1-2013
813-120-0130	6-21-2013	Amend(T)	8-1-2013	818-001-0087	7-1-2013	Amend	6-1-2013
813-120-0140	6-21-2013	Suspend	8-1-2013	818-012-0005	7-1-2013	Amend	6-1-2013
813-120-0142	6-21-2013	Adopt(T)	8-1-2013	818-026-0000	7-1-2013	Amend	6-1-2013
813-130-0000	6-21-2013	Amend(T)	8-1-2013	818-026-0020	7-1-2013	Amend	6-1-2013
813-130-0010	6-21-2013	Amend(T)	8-1-2013	818-026-0060	7-1-2013	Amend	6-1-2013
813-130-0020	6-21-2013	Amend(T)	8-1-2013	818-026-0065	7-1-2013	Amend	6-1-2013
813-130-0030	6-21-2013	Amend(T)	8-1-2013	818-026-0070	7-1-2013	Amend	6-1-2013
813-130-0040	6-21-2013	Amend(T)	8-1-2013	818-026-0140	7-1-2013	Adopt(T)	8-1-2013
813-130-0050	6-21-2013	Amend(T)	8-1-2013	818-035-0020	7-1-2013	Amend	6-1-2013

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818-035-0072	7-1-2013	Amend	6-1-2013	833-040-0041	2-1-2013	Amend	2-1-2013
818-042-0090	7-1-2013	Amend	6-1-2013	833-050-0081	8-15-2013	Amend	9-1-2013
818-042-0095	7-1-2013	Amend	6-1-2013	836-011-0000	2-6-2013	Amend	3-1-2013
818-042-0110	7-1-2013	Amend	6-1-2013	836-031-0765	2-6-2013	Amend	3-1-2013
820-001-0020	9-11-2013	Amend	10-1-2013	836-053-0064	6-17-2013	Adopt(T)	8-1-2013
820-001-0025	3-13-2013	Adopt	4-1-2013	836-053-0065	6-17-2013	Amend(T)	8-1-2013
820-010-0010	9-11-2013	Amend	10-1-2013	836-053-0471	6-17-2013	Amend(T)	8-1-2013
820-010-0200	3-13-2013	Amend	4-1-2013	836-053-1404	12-20-2012	Amend(T)	2-1-2013
820-010-0204	3-13-2013	Amend	4-1-2013	836-053-1404	6-17-2013	Amend	7-1-2013
820-010-0205	3-13-2013	Amend	4-1-2013	836-053-1405	12-20-2012	Amend(T)	2-1-2013
820-010-0206	3-13-2013	Amend	4-1-2013	836-053-1405	6-17-2013	Amend	7-1-2013
820-010-0207	3-13-2013	Amend	4-1-2013	837-085-0030	6-26-2013	Amend	8-1-2013
820-010-0208	3-13-2013	Amend	4-1-2013	837-085-0040	2-1-2013	Amend	3-1-2013
820-010-0210	8-13-2013	Amend(T)	9-1-2013	837-085-0040	6-26-2013	Amend	8-1-2013
820-010-0212	3-13-2013	Amend	4-1-2013	837-085-0070	2-1-2013	Amend	3-1-2013
820-010-0213	3-13-2013	Amend	4-1-2013	837-085-0080	2-1-2013	Amend	3-1-2013
820-010-0214	3-13-2013	Amend	4-1-2013	837-085-0080	6-26-2013	Amend	8-1-2013
820-010-0215	3-13-2013	Amend	4-1-2013	837-085-0300	6-26-2013	Amend	8-1-2013
820-010-0217	8-13-2013	Adopt(T)	9-1-2013	837-090-1030	7-1-2013	Amend	8-1-2013
820-010-0219	8-13-2013	Adopt(T)	9-1-2013	837-090-1145	6-30-2013	Amend	8-1-2013
820-010-0225	3-13-2013	Amend	4-1-2013	837-120-0080	7-1-2013	Amend	8-1-2013
820-010-0225	7-10-2013	Amend(T)	8-1-2013	839-009-0335	11-21-2012	Amend	1-1-2013
820-010-0226	3-13-2013	Amend	4-1-2013	839-009-0390	11-21-2012	Amend	1-1-2013
820-010-0226	7-10-2013	Amend(T)	8-1-2013	839-009-0410	11-21-2012	Amend	1-1-2013
820-010-0227	9-11-2013	Amend	10-1-2013	839-025-0700	1-1-2013	Amend	2-1-2013
820-010-0228	9-11-2013	Amend	10-1-2013	839-025-0700	3-25-2013	Amend	5-1-2013
820-010-0260	9-11-2013	Repeal	10-1-2013	845-006-0335	7-15-2013	Amend(T)	8-1-2013
820-010-0305	9-11-2013	Amend	10-1-2013	845-006-0345	4-1-2013	Amend	4-1-2013
820-010-0325	6-17-2013	Amend	8-1-2013	845-006-0347	4-1-2013	Amend	4-1-2013
820-010-0415	3-13-2013	Amend	4-1-2013	845-006-0392	7-15-2013	Amend(T)	8-1-2013
820-010-0425	3-13-2013	Amend	4-1-2013	845-006-0396	7-15-2013	Amend(T)	8-1-2013
820-010-0427	3-13-2013	Amend	4-1-2013	845-009-0010	5-10-2013	Amend(T)	6-1-2013
820-010-0442	9-11-2013	Amend	10-1-2013	845-009-0015	5-10-2013	Amend(T)	6-1-2013
820-010-0480	3-13-2013	Amend	4-1-2013	845-009-0140	10-1-2013	Amend	10-1-2013
820-010-0520	3-13-2013	Amend	4-1-2013	845-015-0170	1-1-2013	Amend	2-1-2013
820-010-0620	9-11-2013	Amend	10-1-2013	845-015-0205	9-1-2013	Adopt	10-1-2013
820-010-0621	9-11-2013	Amend	10-1-2013	847-001-0035	7-12-2013	Adopt	8-1-2013
820-010-0635	3-13-2013	Amend	4-1-2013	847-001-0040	7-15-2013	Adopt(T)	8-1-2013
820-010-0720	3-13-2013	Amend	4-1-2013	847-005-0005	4-5-2013	Amend	5-1-2013
820-015-0026	3-13-2013	Amend	4-1-2013	847-005-0005	7-15-2013	Amend(T)	8-1-2013
820-020-0040	3-13-2013	Amend	4-1-2013	847-005-0005(T)	4-5-2013	Repeal	5-1-2013
820-050-0001	3-18-2013	Adopt(T)	5-1-2013	847-008-0003	7-15-2013	Adopt(T)	8-1-2013
820-050-0001	6-17-2013	Adopt	8-1-2013	847-008-0040	1-11-2013	Amend(T)	2-1-2013
820-050-0001(T)	6-17-2013	Repeal	8-1-2013	847-008-0040	4-5-2013	Amend	5-1-2013
820-050-0010	3-13-2013	Adopt	4-1-2013	847-008-0040(T)	4-5-2013	Repeal	5-1-2013
830-001-0000	3-29-2013	Amend	5-1-2013	847-008-0065	1-11-2013	Amend	2-1-2013
830-020-0030	3-29-2013	Amend	5-1-2013	847-008-0068	7-15-2013	Amend(T)	8-1-2013
830-020-0040	3-29-2013	Amend	5-1-2013	847-010-0063	7-15-2013	Amend(T)	8-1-2013
830-030-0000	3-29-2013	Amend	5-1-2013	847-012-0000	4-5-2013	Amend	5-1-2013
830-030-0070	3-29-2013	Amend	5-1-2013	847-020-0100	4-5-2013	Amend	5-1-2013
830-030-0100	3-29-2013	Amend	5-1-2013	847-020-0110	4-5-2013	Amend	5-1-2013
830-040-0005	3-29-2013	Amend	5-1-2013	847-020-0115	4-5-2013	Am. & Ren.	5-1-2013
830-040-0050	3-29-2013	Amend	5-1-2013	847-020-0120	4-5-2013	Amend	5-1-2013
833-020-0051	2-1-2013	Amend	2-1-2013	847-020-0130	4-5-2013	Amend	5-1-2013
833-020-0081	2-1-2013	Amend	2-1-2013	847-020-0140	4-5-2013	Amend	5-1-2013

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847-020-0160	4-5-2013	Amend	5-1-2013	851-054-0060(T)	4-1-2013	Repeal	4-1-2013
847-020-0165	8-3-2013	Adopt(T)	9-1-2013	851-054-0100	4-1-2013	Amend	4-1-2013
847-020-0170	4-5-2013	Amend	5-1-2013	851-054-0100(T)	4-1-2013	Repeal	4-1-2013
847-020-0180	4-5-2013	Repeal	5-1-2013	851-062-0100	4-1-2013	Amend	4-1-2013
847-020-0182	4-5-2013	Amend	5-1-2013	851-070-0005	4-1-2013	Amend	4-1-2013
847-020-0183	4-5-2013	Amend	5-1-2013	851-070-0030	4-1-2013	Amend	4-1-2013
847-020-0190	4-5-2013	Amend	5-1-2013	851-070-0040	4-1-2013	Amend	4-1-2013
847-035-0011	4-5-2013	Amend	5-1-2013	851-070-0050	4-1-2013	Amend	4-1-2013
847-035-0030	4-5-2013	Amend	5-1-2013	851-070-0100	4-1-2013	Amend	4-1-2013
847-050-0022	8-3-2013	Adopt(T)	9-1-2013	852-001-0001	1-3-2013	Amend	2-1-2013
847-050-0027	1-11-2013	Amend	2-1-2013	852-001-0002	1-3-2013	Amend	2-1-2013
847-050-0027	7-15-2013	Amend(T)	8-1-2013	852-005-0005	1-3-2013	Amend	2-1-2013
847-050-0041	1-11-2013	Amend	2-1-2013	852-005-0015	1-3-2013	Amend	2-1-2013
847-050-0041(T)	1-11-2013	Repeal	2-1-2013	852-005-0030	1-3-2013	Amend	2-1-2013
847-050-0042	7-15-2013	Amend(T)	8-1-2013	852-005-0040	1-3-2013	Repeal	2-1-2013
847-050-0065	1-11-2013	Amend	2-1-2013	852-010-0005	1-3-2013	Amend	2-1-2013
847-050-0065(T)	1-11-2013	Repeal	2-1-2013	852-010-0015	1-3-2013	Amend	2-1-2013
847-065-0015	8-3-2013	Amend(T)	9-1-2013	852-010-0020	1-3-2013	Amend	2-1-2013
847-065-0025	8-3-2013	Amend(T)	9-1-2013	852-010-0022	1-3-2013	Amend	2-1-2013
847-065-0035	8-3-2013	Amend(T)	9-1-2013	852-010-0023	1-3-2013	Amend	2-1-2013
847-065-0055	8-3-2013	Amend(T)	9-1-2013	852-010-0030	1-3-2013	Amend	2-1-2013
847-065-0060	8-3-2013	Amend(T)	9-1-2013	852-010-0035	1-3-2013	Amend	2-1-2013
847-065-0065	8-3-2013	Amend(T)	9-1-2013	852-010-0051	1-3-2013	Amend	2-1-2013
847-070-0024	8-3-2013	Adopt(T)	9-1-2013	852-010-0080	1-3-2013	Amend	2-1-2013
847-070-0050	7-12-2013	Amend	8-1-2013	852-020-0029	1-3-2013	Amend	2-1-2013
847-080-0002	7-12-2013	Amend	8-1-2013	852-020-0031	1-3-2013	Amend	2-1-2013
847-080-0010	7-12-2013	Amend	8-1-2013	852-020-0035	1-3-2013	Amend	2-1-2013
847-080-0013	7-12-2013	Amend	8-1-2013	852-020-0045	1-3-2013	Amend	2-1-2013
847-080-0016	8-3-2013	Adopt(T)	9-1-2013	852-020-0050	1-3-2013	Amend	2-1-2013
847-080-0017	7-12-2013	Amend	8-1-2013	852-020-0060	1-3-2013	Amend	2-1-2013
847-080-0018	7-12-2013	Amend	8-1-2013	852-020-0070	1-3-2013	Amend	2-1-2013
847-080-0021	7-12-2013	Adopt	8-1-2013	852-050-0001	1-3-2013	Amend	2-1-2013
847-080-0022	7-12-2013	Amend	8-1-2013	852-050-0005	1-3-2013	Amend	2-1-2013
847-080-0028	7-12-2013	Adopt	8-1-2013	852-050-0006	1-3-2013	Amend	2-1-2013
847-080-0030	7-12-2013	Amend	8-1-2013	852-050-0012	1-3-2013	Amend	2-1-2013
848-005-0010	7-1-2013	Amend	7-1-2013	852-050-0013	1-3-2013	Amend	2-1-2013
848-005-0020	1-1-2013	Amend(T)	1-1-2013	852-050-0014	1-3-2013	Amend	2-1-2013
850-001-0015	4-12-2013	Amend	5-1-2013	852-050-0016	1-3-2013	Amend	2-1-2013
850-030-0035	4-12-2013	Amend	5-1-2013	852-050-0018	1-3-2013	Amend	2-1-2013
850-035-0230	4-12-2013	Amend	5-1-2013	852-050-0021	1-3-2013	Amend	2-1-2013
851-050-0000	4-1-2013	Amend	4-1-2013	852-050-0022	1-3-2013	Adopt	2-1-2013
851-050-0000(T)	4-1-2013	Repeal	4-1-2013	852-050-0025	1-3-2013	Amend	2-1-2013
851-050-0005	6-1-2013	Amend	6-1-2013	852-060-0025	1-3-2013	Amend	2-1-2013
851-050-0006	6-1-2013	Amend	6-1-2013	852-060-0027	1-3-2013	Amend	2-1-2013
851-050-0008	6-1-2013	Amend	6-1-2013	852-060-0060	1-3-2013	Amend	2-1-2013
851-050-0009	4-1-2013	Amend	4-1-2013	852-060-0065	1-3-2013	Amend	2-1-2013
851-050-0009(T)	4-1-2013	Repeal	4-1-2013	852-060-0070	1-3-2013	Amend	2-1-2013
851-050-0138	6-1-2013	Amend	6-1-2013	852-070-0005	1-3-2013	Amend	2-1-2013
851-052-0020	6-1-2013	Amend	6-1-2013	852-070-0010	1-3-2013	Amend	2-1-2013
851-052-0030	6-1-2013	Amend	6-1-2013	852-070-0016	1-3-2013	Amend	2-1-2013
851-052-0040	4-1-2013	Amend	4-1-2013	852-070-0020	1-3-2013	Amend	2-1-2013
851-052-0040(T)	4-1-2013	Repeal	4-1-2013	852-070-0025	1-3-2013	Amend	2-1-2013
851-054-0040	6-1-2013	Amend	6-1-2013	852-070-0030	1-3-2013	Amend	2-1-2013
851-054-0050	6-1-2013	Amend	6-1-2013	852-070-0035	1-3-2013	Amend	2-1-2013
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852-070-0055	1-3-2013	Amend	2-1-2013	855-041-6410	12-21-2012	Amend	2-1-2013
852-070-0060	1-3-2013	Am. & Ren.	2-1-2013	855-060-0004	3-7-2013	Amend(T)	4-1-2013
852-080-0020	1-3-2013	Amend	2-1-2013	855-060-0004	8-29-2013	Amend	10-1-2013
852-080-0025	1-3-2013	Amend	2-1-2013	855-065-0005	12-13-2012	Amend	1-1-2013
852-080-0030	1-3-2013	Amend	2-1-2013	855-110-0005	4-5-2013	Amend(T)	5-1-2013
852-080-0040	1-3-2013	Amend	2-1-2013	855-110-0005	7-1-2013	Amend(T)	8-1-2013
855-041-0005	12-17-2012	Am. & Ren.	2-1-2013	855-110-0005	7-9-2013	Amend(T)	8-1-2013
855-041-0007	12-17-2012	Repeal	2-1-2013	855-110-0007	12-13-2012	Amend	1-1-2013
855-041-0010	12-17-2012	Renumber	2-1-2013	855-110-0007	7-1-2013	Amend(T)	8-1-2013
855-041-0015	12-17-2012	Am. & Ren.	2-1-2013	855-110-0007	7-9-2013	Amend(T)	8-1-2013
855-041-0016	12-17-2012	Renumber	2-1-2013	855-110-0010	7-1-2013	Amend(T)	8-1-2013
855-041-0017	12-17-2012	Renumber	2-1-2013	855-110-0010	7-9-2013	Amend(T)	8-1-2013
855-041-0020	12-17-2012	Renumber	2-1-2013	856-010-0003	8-15-2013	Amend(T)	9-1-2013
855-041-0025	12-17-2012	Renumber	2-1-2013	856-010-0006	8-15-2013	Adopt(T)	9-1-2013
855-041-0026	12-17-2012	Am. & Ren.	2-1-2013	856-010-0016	7-1-2013	Amend	8-1-2013
855-041-0030	12-17-2012	Repeal	2-1-2013	856-030-0045	1-31-2013	Adopt	3-1-2013
855-041-0035	12-17-2012	Am. & Ren.	2-1-2013	858-010-0010	2-5-2013	Amend	3-1-2013
855-041-0036	12-17-2012	Renumber	2-1-2013	858-010-0010	7-15-2013	Amend	8-1-2013
855-041-0037	12-17-2012	Renumber	2-1-2013	858-010-0010(T)	2-5-2013	Repeal	3-1-2013
855-041-0040	12-17-2012	Renumber	2-1-2013	858-010-0015	2-5-2013	Amend	3-1-2013
855-041-0055	12-17-2012	Renumber	2-1-2013	858-010-0015(T)	2-5-2013	Repeal	3-1-2013
855-041-0056	12-17-2012	Renumber	2-1-2013	858-010-0016	11-20-2012	Amend(T)	1-1-2013
855-041-0057	12-17-2012	Renumber	2-1-2013	858-010-0016	2-5-2013	Amend	3-1-2013
855-041-0060	12-17-2012	Am. & Ren.	2-1-2013	858-010-0016(T)	2-5-2013	Repeal	3-1-2013
855-041-0060	12-17-2012	Am. & Ren.	2-1-2013	858-010-0017	11-20-2012	Amend(T)	1-1-2013
855-041-0060	12-17-2012	Am. & Ren.	2-1-2013	858-010-0017	2-5-2013	Amend	3-1-2013
855-041-0061	12-17-2012	Renumber	2-1-2013	858-010-0017(T)	11-20-2012	Suspend	1-1-2013
855-041-0065	12-17-2012	Am. & Ren.	2-1-2013	858-010-0017(T)	2-5-2013	Repeal	3-1-2013
855-041-0065	12-17-2012	Am. & Ren.	2-1-2013	858-010-0030	2-5-2013	Amend	3-1-2013
855-041-0065	12-17-2012	Am. & Ren.	2-1-2013	858-010-0030(T)	2-5-2013	Repeal	3-1-2013
855-041-0065	12-17-2012	Am. & Ren.	2-1-2013	858-010-0050	11-19-2012	Amend	1-1-2013
855-041-0075	12-17-2012	Renumber	2-1-2013	858-020-0025	2-5-2013	Amend	3-1-2013
855-041-0080	12-17-2012	Renumber	2-1-2013	858-020-0025(T)	2-5-2013	Repeal	3-1-2013
855-041-0086	12-17-2012	Renumber	2-1-2013	859-070-0010	3-1-2013	Amend(T)	4-1-2013
855-041-0095	12-17-2012	Renumber	2-1-2013	859-070-0010	6-20-2013	Amend	8-1-2013
855-041-0103	12-17-2012	Renumber	2-1-2013	859-070-0010(T)	6-20-2013	Repeal	8-1-2013
855-041-0135	12-17-2012	Am. & Ren.	2-1-2013	859-070-0015	3-1-2013	Amend(T)	4-1-2013
855-041-0140	12-17-2012	Renumber	2-1-2013	859-070-0015	6-20-2013	Amend	8-1-2013
855-041-0145	12-17-2012	Am. & Ren.	2-1-2013	859-070-0015(T)	6-20-2013	Repeal	8-1-2013
855-041-0160	12-17-2012	Am. & Ren.	2-1-2013	860-021-0015	8-7-2013	Amend	9-1-2013
855-041-0162	12-17-2012	Am. & Ren.	2-1-2013	860-021-0170	2-14-2013	Adopt	3-1-2013
855-041-0164	12-17-2012	Renumber	2-1-2013	860-024-0020	5-30-2013	Amend	7-1-2013
855-041-0165	12-17-2012	Am. & Ren.	2-1-2013	860-024-0021	5-30-2013	Amend	7-1-2013
855-041-0170	12-17-2012	Renumber	2-1-2013	860-027-0015	3-21-2013	Amend	5-1-2013
855-041-0173	12-17-2012	Renumber	2-1-2013	860-027-0050	5-17-2013	Amend	7-1-2013
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855-041-0300	12-17-2012	Renumber	2-1-2013	860-033-0005	6-28-2013	Amend(T)	8-1-2013
855-041-0350	12-17-2012	Renumber	2-1-2013	860-033-0006	6-28-2013	Amend(T)	8-1-2013
855-041-0355	12-17-2012	Renumber	2-1-2013	860-033-0007	6-28-2013	Amend(T)	8-1-2013
855-041-0360	12-17-2012	Am. & Ren.	2-1-2013	860-033-0010	6-28-2013	Amend(T)	8-1-2013
855-041-0365	12-17-2012	Renumber	2-1-2013	860-033-0030	6-28-2013	Amend(T)	8-1-2013
855-041-0600	12-17-2012	Renumber	2-1-2013	860-033-0035	6-28-2013	Amend(T)	8-1-2013
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860-033-0050	6-28-2013	Amend(T)	8-1-2013	877-030-0025	1-1-2013	Amend	1-1-2013
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860-033-0530	6-28-2013	Amend(T)	8-1-2013	918-020-0090	8-1-2013	Amend(T)	9-1-2013
860-033-0535	6-28-2013	Amend(T)	8-1-2013	918-030-0100	12-22-2012	Amend(T)	2-1-2013
860-033-0536	6-28-2013	Amend(T)	8-1-2013	918-030-0100	4-1-2013	Amend	5-1-2013
860-033-0537	6-28-2013	Amend(T)	8-1-2013	918-030-0120	12-22-2012	Amend(T)	2-1-2013
860-033-0540	6-28-2013	Amend(T)	8-1-2013	918-030-0120	4-1-2013	Amend	5-1-2013
860-034-0393	5-17-2013	Amend	7-1-2013	918-030-0125	12-22-2012	Amend(T)	2-1-2013
860-034-0730	5-17-2013	Amend	7-1-2013	918-030-0125	4-1-2013	Amend	5-1-2013
863-015-0215	5-13-2013	Amend(T)	6-1-2013	918-030-0130	12-22-2012	Amend(T)	2-1-2013
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863-020-0005	2-1-2013	Amend	2-1-2013	918-030-0135	4-1-2013	Amend	5-1-2013
863-020-0007	2-1-2013	Amend	2-1-2013	918-098-1000	2-2-2013	Amend(T)	3-1-2013
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863-020-0015	2-1-2013	Amend	2-1-2013	918-098-1530(T)	1-1-2013	Repeal	2-1-2013
863-020-0020	2-1-2013	Amend	2-1-2013	918-098-1550	1-1-2013	Amend	2-1-2013
863-020-0025	2-1-2013	Amend	2-1-2013	918-098-1550(T)	1-1-2013	Repeal	2-1-2013
863-020-0030	2-1-2013	Amend	2-1-2013	918-100-0125	3-1-2013	Adopt(T)	4-1-2013
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863-020-0040	2-1-2013	Amend	2-1-2013	918-305-0105	1-1-2013	Amend(T)	1-1-2013
863-020-0045	2-1-2013	Amend	2-1-2013	918-305-0105	5-1-2013	Amend	5-1-2013
863-020-0050	2-1-2013	Amend	2-1-2013	918-305-0105(T)	1-1-2013	Suspend	1-1-2013
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863-022-0015	2-1-2013	Amend	2-1-2013	943-014-0415	8-23-2013	Adopt(T)	10-1-2013
863-022-0020	2-1-2013	Amend	2-1-2013	943-014-0420	8-23-2013	Adopt(T)	10-1-2013
863-022-0022	2-1-2013	Adopt	2-1-2013	943-014-0430	8-23-2013	Adopt(T)	10-1-2013
863-022-0025	2-1-2013	Amend	2-1-2013	943-014-0435	8-23-2013	Adopt(T)	10-1-2013
863-022-0030	2-1-2013	Amend	2-1-2013	943-014-0440	8-23-2013	Adopt(T)	10-1-2013
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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				