

OREGON BULLETIN

Supplements the 2013 *Oregon Administrative Rules Compilation*

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KATE BROWN
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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EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 13 - 09

PROCLAMATION OF STATE OF EMERGENCY DUE TO IMMINENT THREAT OF WILDFIRE

Pursuant to ORS 401.165, I find that the State of Oregon is in a critical fire danger situation. Much of the state is now in extreme fire danger and red flag warnings have been issued for hot, dry, windy conditions and thunderstorms. Other parts of the country continue to experience fires and similar fire weather. The extended forecast in Oregon calls for continued warm and dry conditions over many parts of the State. The imminent threat of fire exists over a broad area of the State. Fires across the state have resulted in multiple evacuations and are threatening hundreds of structures.

With Oregon Department of Forestry Incident Management Teams having been deployed and regional compacts having been utilized, and with the threat of new ignitions in the near future, there is a need for immediate access to Oregon National Guard resources including firefighting helicopters. This threat is not likely to recede in the near future. It is critically important that National Guard resources can be positioned to respond adequately and effectively to this dangerous and dynamic situation.

Therefore, subject to the limitations described below, I hereby declare a statewide **State of Emergency** due to the imminent threat of wildfire.

NOW, THEREFORE, IT IS DIRECTED AND ORDERED:

1. The Oregon Military Department through its Office of Emergency Management and the Oregon Department of Forestry is authorized to coordinate the use of personnel and equipment to perform any activity designed to prevent or mitigate loss of life or property due to wildfires in Oregon with National Guard resources.
2. This determination of a fire emergency is statewide. It is not to be construed as a comprehensive declaration or proclamation of emergency for other purposes. It is limited to the use of state resources and personnel for fire management required by the emergency. Any local government requests for state resources must be submitted through county governing bodies to the Office of Emergency Management pursuant to ORS Chapter 401.
3. This order shall remain in effect until the threat is significantly relieved or the fire season ends.
4. This order was made by verbal proclamation at 4:44 pm on the 29th day of July, 2013.

Done at Salem, Oregon this 3rd day of August, 2013.

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

ATTEST

/s/ Kate Brown
Kate Brown
SECRETARY OF STATE

EXECUTIVE ORDER NO. 13 - 10

DETERMINATION OF A STATE OF DROUGHT EMERGENCY IN MORROW COUNTY DUE TO DROUGHT AND LOW WATER CONDITIONS.

Pursuant to ORS 401.165 and ORS 536.740, I find that ongoing drought and low water conditions and weather patterns have caused local adverse natural and economic disaster conditions in Morrow

County. Projected climatic patterns are not expected to significantly alleviate these conditions and drought conditions will continue. These conditions are expected to have significant economic impact on Morrow County's agricultural, livestock, and natural resources.

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

A timely response to this situation being vital to the well being and economic security of the citizens and businesses of Morrow County, I am therefore declaring a "state of drought emergency" in Morrow County and directing the following activities;

NOW, THEREFORE, IT IS HEREBY ORDERED AND DIRECTED:

1. The Oregon Department of Agriculture is directed to coordinate and provide assistance in seeking federal resources available to mitigate conditions and affect agricultural recovery in Morrow County.
2. The Department of Water Resources is directed to coordinate and provide assistance and regulation in Morrow County as it determines is necessary in accordance with ORS 536.700 to 536.780.
3. The Office of Emergency Management is directed to coordinate and assist as needed with assessment and mitigation activities to address current and projected conditions in Morrow County.
4. All other departments are directed to coordinate with the above agencies and to provide appropriate state resources as determined essential to assist affected political subdivisions in Morrow County.
5. This Executive Order expires on December 31, 2013.

Done at Salem, Oregon this 14th day of August, 2013.

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

ATTEST

/s/ Kate Brown
Kate Brown
SECRETARY OF STATE

EXECUTIVE ORDER NO. 13 - 11

DETERMINATION OF A STATE OF EMERGENCY IN DOUGLAS AND JOSEPHINE COUNTIES DUE TO EXTREME FIRE

Pursuant to ORS 476.510 through 476.610, I find that an extreme fire has caused and immediately threatens to cause local adverse natural and economic disaster in conditions in Douglas County. The fire was one of several started through lightning strikes in the area. The conditions have resulted in threats to numerous structures, evacuations of several homes, and broad impacts to timber lands.

The high temperatures and erratic winds caused the fire to grow quickly. Approximately 4000 acres were burned. Professional and volunteer firefighters are to be commended for their fire defense efforts and success in limiting damages and protecting life and property under challenging conditions.

The conditions resulting from the Douglas Complex Fire threaten significant economic loss to Douglas County, as well as to the county's agricultural and natural resource land bases.

EXECUTIVE ORDERS

A timely response to this situation is vital to the well being and economic security of the citizens and businesses in the region. I am therefore declaring a state of emergency in Douglas County and direct the following activities:

IT IS HEREBY ORDERED AND DIRECTED:

1. The Oregon State Fire Marshal shall activate an Incident Management Team to deploy Command and General Staff elements to the fire
2. The Oregon State Fire Marshal shall activate all necessary Task Forces to assist with containment
3. All other departments are directed to coordinate with the above agency and to provide appropriate state resources as determined essential to assist affected political subdivisions in Douglas County

This emergency is declared only for Douglas County and expires on December 31, 2013

These findings were made verbally on July 27, 2013 at 7:09 p.m.

FURTHERMORE

The conditions that exist in Douglas County listed above are also present in Josephine County. The Douglas Complex Fire has spread into Josephine County and threatens several thousand acres, as well as structures, natural resources, and agricultural assets.

IT IS FURTHER HEREBY ORDERED AND DIRECTED:

1. The Oregon State Fire Marshal shall activate an Incident Management Team to deploy Command and General Staff elements to the fire
2. The Oregon State Fire Marshal shall activate all necessary Task Forces to assist with containment
3. All other departments are directed to coordinate with the above agency and to provide appropriate state resources as determined essential to assist affected political subdivisions in Josephine County

This emergency is declared only for Josephine County and expires on December 31, 2013

These findings were made verbally on July 29, 2013 at 12:43 p.m.

Done at Salem, Oregon this 27th day of August, 2013.

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

ATTEST

/s/ Kate Brown
Kate Brown
SECRETARY OF STATE

EXECUTIVE ORDER NO. 13 - 12

DETERMINATION OF A STATE OF EMERGENCY IN GRANT COUNTY DUE TO EXTREME FIRE

Pursuant to ORS 476.510 through 476.610, I find that an extreme fire has caused and immediately threatens to cause local adverse natural and economic disaster in conditions in Grant County. The fire known as the "Grouse Mountain Complex Fire" is burning in Grant County.

The resources necessary for protecting life and property from the Grouse Mountain Complex Fire are beyond local capabilities. Assistance with life, safety, and structural fire protection was requested by the John Day Fire Chief. The State Fire Marshal concurs with that request.

In accordance with ORS 476.510 through 476.610, I have determined that a threat to life, safety, and property exists due to a fire known as the Grouse Mountain Complex Fire in Grant County and the threat exceeds the firefighting capabilities of local firefighting personnel and equipment. Accordingly, I have invoked the Emergency Conflagration Act.

These findings were made at 10:26 p.m. on August 8, 2013, and I now confirm them with this Executive Order.

IT IS HEREBY ORDERED AND DIRECTED:

1. The Oregon State Police and the Office of State Fire Marshal shall mobilize fire resources statewide and coordinate with all appropriate Fire Defense Chiefs for the use of personnel and equipment in accordance with the Emergency Conflagration Act to suppress and contain this fire. Resources responding to the Grouse Mountain Complex Fire, burning near John Day may be redistributed by the State Fire Marshal.
2. This emergency is declared only for the Grouse Mountain Complex Fire threatening structures in Grant County and the city of John Day.
3. This order was made by verbal proclamation at 10:26 p.m. the 8th day of August, 2013.

Done at Salem, Oregon this 27th day of August, 2013.

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

ATTEST

/s/ Kate Brown
Kate Brown
SECRETARY OF STATE

EXECUTIVE ORDER NO. 13 - 13

DETERMINATION OF A STATE OF EMERGENCY IN WASCO AND HOOD RIVER COUNTIES DUE TO EXTREME FIRE

Pursuant to ORS 476.510 through 476.610, I find that an extreme fire has caused and immediately threatens to cause local adverse natural and economic disaster in conditions in Wasco and Hood River Counties. The fire known as the "Government Flat Complex Fire" is burning in Wasco and Hood River Counties.

The resources necessary for protecting life and property from the Government Flat Complex Fire are beyond local capabilities. Assistance with life, safety, and structural fire protection was requested by the Wasco County Fire Defense Board Chief. The State Fire Marshal concurs with that request.

In accordance with ORS 476.510 through 476.610, I have determined that a threat to life, safety, and property exists due to a fire known as the Government Flat Complex Fire in Wasco and Hood River Counties and the threat exceeds the firefighting capabilities of local firefighting personnel and equipment. Accordingly, I have invoked the Emergency Conflagration Act.

EXECUTIVE ORDERS

These findings were made at 7:36 p.m. on August 17, 2013, and I now confirm them with this Executive Order.

IT IS HEREBY ORDERED AND DIRECTED:

1. The Oregon State Police and the Office of State Fire Marshal shall mobilize fire resources statewide and coordinate with all appropriate Fire Defense Chiefs for the use of personnel and equipment in accordance with the Emergency Conflagration Act to suppress and contain this fire. Resources responding to the Government Flat Complex Fire, burning near The Dalles may be redistributed by the State Fire Marshal.
2. This emergency is declared only for the Government Flat Complex Fire threatening structures in Wasco and Hood River Counties and the city of The Dalles.
3. This order was made by verbal proclamation at 7:36 p.m. the 17th day of August, 2013.

Done at Salem, Oregon this 27th day of August, 2013.

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

ATTEST

/s/ Kate Brown
Kate Brown
SECRETARY OF STATE

OTHER NOTICES

REQUEST FOR COMMENTS PROPOSED APPROVAL OF ENVIRONMENTAL CLEANUP AT TUALATIN HILLS PARK AND RECREATION DISTRICT AT FORMER FARMINGTON TEXACO

COMMENTS DUE: 5 p.m., Sept. 30, 2013

PROJECT LOCATION: 13660 SW Farmington Road, Beaverton, Oregon

PROPOSAL: As required by ORS 465.320 and ORS 465.325(10)(b), the Department of Environmental Quality invites public comment on the remedial action completed at the former Farmington Texaco site and DEQ's proposal to issue a Conditional No Further Action determination and Certificate of Completion for the site.

HIGHLIGHTS: The site operated as a gas station from 1963 to 1993. Several environmental investigations performed between 1991 and 2010 documented a release of petroleum contamination in soil, groundwater, and soil vapor above DEQ cleanup standards. Remedial actions were performed in October 2012 under the terms of a Consent Judgment Prospective Purchaser Agreement between DEQ and the property owner, Tualatin Hills Park and Recreation District. The district plans to redevelop the property for expansion of the adjacent Eichler Park.

The remedial actions included: filing of an Easement and Equitable Servitude restricting groundwater use and construction of habitable structures on the property, disposal of 550 tons of petroleum-contaminated soil, and disposal of 4,500 gallons of petroleum-contaminated groundwater from the northeast corner of the site. An oxygen releasing compound was applied to subsurface soils.

Levels of petroleum remaining at the site soil are below protective levels for recreational park users and park workers. Risk to excavation workers associated with remaining levels of petroleum impacted groundwater and to construction workers from elevated levels of arsenic in subsurface soils in the former waste oil tank area will be managed through adherence to a contaminated media management plan. Soil and groundwater management will also be conducted in accordance with the protocols presented in the plan.

DEQ has concluded that no further action is required at the site under Oregon Environmental Cleanup Law, ORS 465.200 et seq. unless additional information becomes available in the future which warrants further investigation. DEQ proposes to issue and file with the court a Certification of Completion as provided in ORS 465.320 and 465.325(10)(b) confirming satisfactory completion and release from liability to the State of Oregon and third parties.

HOW TO COMMENT: Send comments by 5 p.m., Monday, Sept. 30, 2013 to DEQ Project Manager Rebecca Wells-Albers at 503-229-5585, wells-albers.rebecca@deq.state.or.us, or fax to 503-229-6899. To review the project file, call Dawn Weinberger at 503-229-6729 for a file review appointment. To access site summary information and other documents in the DEQ Environmental Cleanup Site Information database, go to <http://www.deq.state.or.us/lq/ECSI/ecsi.htm>, then enter ECSI# 5546 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled ECSI # 5546 in the Site ID/Info column.

THE NEXT STEP: DEQ will consider all public comments and the DEQ Cleanup Program Administrator will make a final decision after consideration of any comments.

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

REQUEST FOR COMMENTS PROPOSED CONDITIONAL NO FURTHER ACTION FOR THE ODESSA MARKET SITE

COMMENTS DUE: 5 p.m., September 30, 2013

PROJECT LOCATION: 28200 Highway 140, Klamath Falls, Oregon

PROPOSAL: The Oregon Department of Environmental Quality's Cleanup Program proposes to issue a conditional no further action determination for the Odessa Mercantile (Market) property (Site) located at 28200 Highway 140 in Klamath County, Oregon. DEQ issues a no further action determination when a cleanup has met regulatory standards.

HIGHLIGHTS: The Site is a retail market and petroleum dispensing facility which had historic releases of petroleum from historic underground storage tanks (USTs). Subsequent work removed and replaced the USTs with above ground tanks ASTs, removed contaminated soil, and treated groundwater at the Site. While limited petroleum contamination is present in shallow soil and groundwater at the Site, the detected concentrations are below applicable exposure pathway levels and are protective of human health and the environment. A recordation of a deed notice institutional control and review and oversight by state agencies will manage any future exposures or development at the property. The Site will remain listed on the DEQ's Confirmed Release List and Inventory of Hazardous Substances.

To access Site summary information and other documents in DEQ's Leaking Underground Storage Tank (LUST) database, go to: <http://www.deq.state.or.us/lq/tanks/lust/LustPublicLookup.asp>, enter 18-093-0063 in the LUST number box and click "Lookup" at the bottom of the page. Next, click the Log Number. To review the project file, contact the project manager below for a file review appointment. How to comment: Send comments by 5 p.m., October 30, 2012, to DEQ Project Manager David Anderson by phone at 541-633-2012, by mail at 475 NE Bellevue Dr, Suite 110, Bend OR 97701, by e-mail at anderson.david@deq.state.or.us, or by fax at 541-388-8283. **THE NEXT STEP:** DEQ will consider all public comments received before making a final decision on the proposed no further action determination. DEQ will provide written responses to all public comments received.

ACCESSIBILITY INFORMATION: DEQ is committed to accommodating people with disabilities. If you need information in another format, please contact DEQ toll free in Oregon at 866-863-6668, email at deqinfo@deq.state.or.us, or 711 for people with hearing impairments.

PUBLIC NOTICE — CLEANUP APPROVAL FORMER TIME OIL NW TERMINAL, CENTRAL PROPERTY

PROJECT LOCATION AND DESCRIPTION: The 52-acre former Time Oil Company Northwest Terminal is located at 10350 North Time Oil Road in north Portland. The 13.5-acre Central Property, within the former terminal, is located 400 to 1000 feet inland from the Willamette River. The property was used primarily for fuel storage and distribution from 1943 to 2001, and is currently vacant.

DEQ DECISION: The Department of Environmental Quality has determined that no further action is needed at the Central Property after reviewing soil cleanup results, and other soil and groundwater data from the Time Oil site and the adjoining off-site property. DEQ determined that residual contamination at the Time Oil Central Property is below risk-based concentrations for humans, fish and wildlife.

This soil cleanup approval and no further action decision for the Central Property is conditioned on maintaining the existing industrial zoning for the site and prohibiting groundwater use. DEQ will prepare an Easement and Equitable Servitude document to be filed with the property deed outlining these conditions.

DEQ considered comments received during the June 2013 public comment period prior to making this determination. This conditional no further action determination does not constitute a Portland Harbor Source Control Decision, which DEQ will evaluate separately.

The project file can be reviewed by appointment at DEQ's Northwest Region office at 2020 SW 4th Ave., Suite 400, Portland, Oregon 97201. For a file review appointment call 503-229-6729.

OTHER NOTICES

To access site summary information and other documents in the DEQ Environmental Cleanup Site Information database, go to: <http://www.deq.state.or.us/Webdocs/Forms/Output/FPCController.ashx?SourceId=170&SourceIdType=11>

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

NOTICES OF PROPOSED RULEMAKING

Notices of Proposed Rulemaking and Proposed Rulemaking Hearings

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

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

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

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

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

Board of Chiropractic Examiners
Chapter 811

Rule Caption: Amend OAR 811-010-0086 Annual Registration and OAR 811-010-0110 Chiropractic Assistants

Date: 9-28-13 **Time:** 10:30 a.m. **Location:** Tolovana Inn
3400 S Hemlock, Tolovana Park
Cannon Beach, OR 97145

Hearing Officer: Dave McTeague

Stat. Auth.: ORS 684

Stats. Implemented: ORS 684.155(1)(b), 684.090 & 684.092

Proposed Amendments: 811-010-0086, 811-010-0110

Last Date for Comment: 9-28-13, Close of Hearing

Summary: SB 106 removed license fee maximums from statute. Doctor and Assistant fees are increasing slightly. SB 106 also creates a 30 day grace period for CA renewal similar to that which the DCs have.

Rules Coordinator: Kelly J. Beringer

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

Telephone: (503) 373-1573

Rule Caption: Second hearing for new OAR 811-010-0125 "Master of the Ship"

Date: 11-21-13 **Time:** 1:30 p.m. **Location:** OBCE Office
Morrow Crane Bldg.
3218 Pringle Rd. SE
Salem, OR 97302

Hearing Officer: Dave McTeague

Stat. Auth.: ORS 684

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

Proposed Adoptions: 811-010-0125

Last Date for Comment: 11-21-13, 1:30 p.m.

Summary: New 811-010-0125 proposes to provide chiropractic clinic owners share responsibility for employee/associate compliance.

Rules Coordinator: Kelly J. Beringer

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

Telephone: (503) 373-1573

Rule Caption: Second hearing for OAR 811-015-0005 Records

Date: 11-21-13 **Time:** 1:30 p.m. **Location:** OBCE Office
Morrow Crane Bldg.
3218 Pringle Rd. SE
Salem, OR 97302

Hearing Officer: Dave McTeague

Stat. Auth.: ORS 684

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

Proposed Amendments: 811-015-0005

Last Date for Comment: 11-21-13, Close of Hearing

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

Rules Coordinator: Kelly J. Beringer

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

Telephone: (503) 373-1573

Board of Medical Imaging
Chapter 337

Rule Caption: Create a post-primary temporary license category for current licensees to add modalities to their licenses.

Stat. Auth.: ORS 688.555

Stats. Implemented: ORS 688.520

Proposed Amendments: 337-010-0045

Last Date for Comment: 9-23-13, 4:30 p.m.

Summary: This rule will add a category of post-primary temporary licensure to allow persons who are already licensed in one modality to obtain a temporary license in a different modality, to allow licensees to work under supervision in the different modality in order to complete clinical requirements necessary to sit for a national credentialing examination. This new post-primary temporary license will be valid for a maximum of 24 months.

Rules Coordinator: Ed Conlow

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

Telephone: (971) 673-0216

Board of Psychologist Examiners
Chapter 858

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

Date: 9-16-13 **Time:** 10 a.m. **Location:** 3218 Pringle Rd. SE, Suite 130
Salem, OR 97302

Hearing Officer: LaRee Felton

Stat. Auth.: ORS 675.010-675.150

Stats. Implemented: ORS 675.030, 675.045, 675.070 & 675.110

Proposed Amendments: 858-010-0001, 858-010-0005, 858-010-0012, 858-010-0013, 858-010-0017, 858-010-0020, 858-010-0025, 858-010-0030, 858-010-0036, 858-010-0037, 858-010-0050, 858-010-0060, 858-010-0080, 858-020-0015, 858-020-0025, 858-020-0035, 858-020-0045, 858-020-0055, 858-020-0085, 858-020-0105, 858-030-0005

Last Date for Comment: 9-23-13, 12 p.m.

Summary: The proposed amendment reorganizes and adds general definitions; makes various clarifying language and grammar housekeeping changes; makes some clarifying changes to the supervised work experience requirements; creates a retention period of

NOTICES OF PROPOSED RULEMAKING

three years for a residency supervisor's records and notes; adds a requirement that the residency supervisor notify the board within fourteen days of any significant interruption or expected termination of a resident supervision contract; modifies and adds definitions to the process for application review; updates the examination procedures; adds a clear definition of inactive status; specifies that a license will revert to inactive status if a licensee fails to pay the prorated reactivation fee in 30 days.

Rules Coordinator: LaReé Felton

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

Telephone: (503) 373-1196

.....
Commission for the Blind
Chapter 585

Rule Caption: Modify Public Records Rule

Stat. Auth.: ORS 346.150

Other Auth.: ORS 183.341

Stats. Implemented: ORS 346.150

Proposed Amendments: 585-001-0007, 585-001-0008

Proposed Repeals: 585-001-0009

Last Date for Comment: 9-27-13, 5 p.m.

Summary: 585-001-0007 and 585-001-0008: Requests of Department Public Records and Fees for Public Records and Other Services — amending this rule will provide additional detail in regards to its public records requests.

585-001-0009: Release of Public Records — this rule will be repealed.

Rules Coordinator: Dacia Johnson

Address: Commission for the Blind, 535 SE 12th Ave., Portland, OR 97214

Telephone: (971) 673-1588

.....
Department of Agriculture
Chapter 603

Rule Caption: Harmonizes Oregon's hop disease quarantine with Washington's and adds civil penalties for quarantine violations.

Stat. Auth.: ORS 561 & 570.305

Stats. Implemented: ORS 561.190, 561.510-561.561.600 & 570.305

Proposed Amendments: 603-052-1020

Last Date for Comment: 9-24-13, 5 p.m.

Summary: The proposed amendments would harmonize Oregon's hop disease quarantine with Washington's. Washington's hop disease quarantine includes arabis mosaic viruses, hop stunt viroid, ilarviruses, and Verticillium wilt caused by hop strains of Verticillium albo-atrum, as well as hop powdery mildew. The proposed amendments adds these pathogens to Oregon's quarantine. Also, a requirement to clean used hop farming equipment entering the state has been added to the section on Commodities Covered, the language in the section for Special Permits has been amended to match existing regulatory language, and the authority to invoke Civil Penalties has been added to the section on Disposition of Commodities in Violation of Quarantine. The Civil Penalty authority was added at the Oregon Hop Commission's request.

Rules Coordinator: Sue Gooch

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

Telephone: (503) 986-4583

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Rule Caption: Amends rule governing the Willamette Valley Protected District to comport with HB 2427 (2013).

Stat. Auth.: ORS 561.190, 570.405, 570.412, 570.415, 570.450 & HB 2427 (2013)

Other Auth.: ORS 561.280

Stats. Implemented: HB 2427 (2013), ORS 570.405, 570.410, 570.412, 570.415 & 570.450

Proposed Amendments: 603-052-0861, 603-052-0862, 603-052-0870, 603-052-0880, 603-052-0901, 603-052-0921

Proposed Repeals: 603-052-0882

Last Date for Comment: 9-24-13, 5 p.m.

Summary: The proposed changes to the rules governing Rapeseed Production Districts comport with HB 2427 from 2013 Oregon Legislative Session. This proposal repeals the rules governing The Willamette Valley Protected District. The Department will rely on the clear legislative directive in HB 2427 (2013 Legislative Session) for the administration of the Willamette Valley Protected District.

Other amendments to this rule assure the definition of rapeseed is compatible with the definition of "canola" in HB 2427 (2013 Legislative Session), delete the link to a pdf file with a map of the former Willamette Valley Protected District, specify the Willamette Valley Protected District is governed by HB 2427 (2013 Legislative Session) rather than the rules of the Oregon Department of Agriculture, and delete references to rapeseed production contracts.

Rules Coordinator: Sue Gooch

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

Telephone: (503) 986-4583

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Department of Consumer and Business Services,
Director's Office
Chapter 440

Rule Caption: 2014 Workers' Compensation Premium Assessment Rates

Date:

9-24-13

Time:

2 p.m.

Location:

Labor & Industries Bldg.

350 Winter St. NE,

Conference Rm. F

Salem, OR 97301

Hearing Officer: Fred Bruyns

Stat. Auth.: ORS 705.135, 656.726 & 656.612

Stats. Implemented: ORS 656.612 & 656.614

Proposed Amendments: 440-045-0020, 440-045-0025

Last Date for Comment: 9-27-13, 5 p.m.

Summary: Each year DCBS adopts by rule the workers' compensation premium assessment rate that is paid by employers to fund workers' compensation and workplace safety and health programs. The rule also adopts the rate for an additional amount that is collected from all self-insured employers and self-insured employer groups to fund the Self-Insured Employers Adjustment Reserve and the Self-Insured Employer Group Adjustment Reserve. These funds ensure worker benefits are available in the event of a financial failure of a self-insured employer or self-insured employer group. Before recommending the 2014 rate, the department must analyze this financial data and review and authorize a proposed workers' compensation pure premium rate filing filed by the National Council on Compensation Insurance. We expect the recommendation for the 2014 premium assessment rates to be announced in mid-September 2013.

Text of the proposed rule as well as the other rulemaking documents can be found at <http://www.oregon.gov/DCBS/DIR/rules.shtml>.

Address questions to Jenny Craig, Rules Coordinator; phone 503-947-7866, fax 503-378-6444, or e-mail jenny.m.craig@state.or.us.

Rules Coordinator: Jenny Craig

Address: Department of Consumer and Business Services, Director's Office, PO Box 14480, Salem, OR 97309-0405

Telephone: (503) 947-7866

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

Rule Caption: Adopt federal OSHA amendments to Cranes and Derricks in Construction: Underground Construction and Demolition

NOTICES OF PROPOSED RULEMAKING

Stat. Auth.: ORS 654.025(2) & 656.726(4)

Stats. Implemented: ORS 654.001–654.295

Proposed Amendments: 437-003-0001

Proposed Repeals: 437-003-0080

Last Date for Comment: 9-30-13, Close of Business

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

Oregon OSHA is proposing to amend 29 CFR 1926.800 Under-
ground Construction, in Division 3/S; 1926.856 Removal of walls,
floors, and material with equipment, in Division 3/T; and 1926.858
Removal of steel construction, also in Division 3/T, with changes as
published in the April 23, 2013 Federal Register. With this rule-
making, Federal OSHA has clarified text in the demolition standard
and applies the cranes and derricks standard to underground con-
struction work and demolition work.

Oregon OSHA proposes to repeal 437-003-0080 Wind Velocity
Device. We inadvertently left this rule in the former Division 3/DD.
Subdivision DD was removed in Oregon earlier this year with rule-
making from the August 17, 2012 Federal Register. The substance
of 437-003-0080 is addressed now in Cranes and Derricks in
Construction, subdivision CC.

Oregon OSHA proposes to make these changes in Division 3,
Construction (Subdivisions S and T).

Please visit our website: www.orosha.org

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

Rules Coordinator: Sue C. Joye

Address: Department of Consumer and Business Services, Oregon
Occupational Safety and Health Division, 350 Winter St. NE, Salem,
OR 97301-3882

Telephone: (503) 947-7449

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

Rule Caption: OAR Chapter 438 provisions regarding Hearings
Division, technology/response, and Claim Disposition Agreement
concepts.

Date:	Time:	Location:
10-4-13	10 a.m.	2601 25th St. SE, Suite. 150 Salem, OR 97302

Hearing Officer: Debra L. Young

Stat. Auth.: ORS 656.291(4), 656.307, 656.388, 656.593 &
656.726(5)

Stats. Implemented: ORS 656.012(2), 656.236, 656.262(4),
656.268(8), 656.283(4), (5)(a), (8), (9), 656.287, 656.283(8),
656.291, 656.307, 656.310(2), 656.388, 656.593, 656.724(4) &
656.726(2)(c), (5)

Proposed Amendments: 438-005-0035, 438-005-0046, 438-006-
0020, 438-006-0031, 438-006-0036, 438-006-0045, 438-006-0062,
438-006-0075, 438-007-0005, 438-007-0018, 438-007-0020, 438-
009-0020

Proposed Repeals: 438-006-0105

Last Date for Comment: 10-4-13, 5 p.m.

Summary: The Board proposes to: (1) Amend OAR 438-005-0035,
438-006-0031, 438-006-0036, and 438-006-0045 to provide the
Board's policy to promote full and complete disclosure of parties'
positions regarding issues raised, relief sought, and responses to such
issues/relief (but without creating binding admissions on any party)
and to provide "motion for clarification" procedures to achieve such
disclosure policy; (2) Amend OAR 438-005-0046 and 438-006-0036
to allow parties to file/serve electronic "responses" to issues raised
in a hearing request; (3) Amend OAR 438-006-0020 to provide for
the exceptions under ORS 656.283(4)(b) to the 60-day notice of hear-
ing requirement under ORS 656.283(4)(a); (4) Amend OAR 438-
006-0062 to list the purposes for prehearing conferences in section
(1), to provide more flexibility in scheduling prehearing conferences
in section (2), to allow only the claimant to participate in a prehear-

ing conference without an attorney in section (3), and to delete
sections [(3)], (4) and (5); (5) Amend OAR 438-006-0075(1) for clar-
ity and readability purposes; (6) Repeal OAR 438-006-0105, which
conflicts with ORS 656.283(3)(a)(B); (7) Amend OAR 438-007-
0005 to delete section (1); (8) Amend OAR 438-007-0018 to add a
new section (4) specifying that filing exhibits at hearing does not
establish that the carrier is the sponsor of such documents and that
the claimant is automatically entitled to cross-examine the author of
documents filed by the carrier; (9) Amend OAR 438-007-0020(6)(b)
to correct the Ombudsman's title and phone number and the Board's
phone number in the subpoena appeal notice; and (10) amend OAR
438-009-0020(3) to add "or Administrative Law Judge who medi-
ated the agreement" to the first signature line of the CDA approval
paragraph.

Rules Coordinator: Karen Burton

Address: Department of Consumer and Business Services, Workers'
Compensation Board, 2601 25th St. SE, Suite 150, Salem, OR 97302

Telephone: (503) 934-0123

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

Rule Caption: Amendment of rules governing electronic data inter-
change (EDI) for reporting medical bill data

Date:	Time:	Location:
9-24-13	9 a.m.	Labor & Industries Bldg., Rm. F 350 Winter St. NE Salem, OR

Hearing Officer: Fred Bruyns

Stat. Auth.: ORS 656.264 & 656.726(4)

Stats. Implemented: ORS 84, 656.264 & 656.726(4)

Proposed Adoptions: Rules in 436-160

Proposed Amendments: Rules in 436-160, 436-160-0001, 436-160-
0004, 436-160-0005, 436-160-0040, 436-160-0060, 436-160-0405,
436-160-0410, 436-160-0415, 436-160-0420, 436-160-0430, 436-
160-0440, 436-160-0445

Proposed Repeals: Rules in 436-160, 436-160-0002, 436-160-0003,
436-160-0006, 436-160-0010, 436-160-0020, 436-160-0030, 436-
160-0050, 436-160-0070, 436-160-0090

Last Date for Comment: 9-27-13, Close of Business

Summary: Proposed amendments include:

- Consolidation of rules regarding authority, application, purpose,
and administration;
- Adoption of the
 - International Association of Industrial Accident Boards and
Commissions, EDI Implementation Guide for Medical Bill Payment
Records, Release 2.0, dated Feb 1, 2013, and the
 - ASC (Accredited Standards Committee) X12 Implementation
Acknowledgment for Health Care Insurance (999), dated February
2011;
- Definition of terms relevant to existing and updated reporting
standards;
- Repeal of obsolete reporting standards and standards applicable
to proof-of-coverage reporting;
- Requirements for use of Form 4015, the Medical Billing Data
EDI Trading Partner Profile;
- Criteria for successful testing, to include an acceptance rate of
90%;
- Explanation that a list of insurers required to report medical bill
data is published in Bulletin 359 and that other insurers may volun-
tarily report medical bill data;
- Expanded tables of data elements and reporting criteria; and
- Plain-wording changes to improve clarity and consistency.

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

NOTICES OF PROPOSED RULEMAKING

Department of Corrections Chapter 291

Rule Caption: Non-Cash Incentives for Inmates in Department of Corrections Institutions

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

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

Proposed Amendments: 291-077-0035

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

Summary: The department has developed non-cash incentives to encourage pro-social behavior among inmates and to motivate inmates toward positive institutional behavior and program compliance. These modifications are necessary to update the privileges and services available to inmates to increase the effectiveness of the use of incentives in managing inmate behavior.

Rules Coordinator: Janet R. Worley

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

Telephone: (503) 945-0933

Department of Energy Chapter 330

Rule Caption: Amending EIP rules to increase the application fee, final review fee and pass-through fee.

Date:	Time:	Location:
9-23-13	9 a.m.	Oregon Department of Energy 625 Marion St. NE Salem, OR 97301

Hearing Officer: Elizabeth Ross

Stat. Auth.: ORS 469.040, 469B.164, 469B.259, 469B.265, 469B.294, 469B.306, 469B.335 & 469B.347

Stats. Implemented: ORS 469B.130–469B.347, 315.331, 315.336 & 315.354–315.357

Proposed Amendments: 330-090-0150, 330-200-0040, 330-210-0040, 330-220-0040, 330-225-0040

Last Date for Comment: 9-23-13, 5 p.m.

Summary: The above referenced statutes direct the Oregon Department of Energy to estimate the total cost of the energy incentive programs and set fees to recover the anticipated cost of administering and enforcing the program. The fees are designed not to exceed the total cost estimated by the department. Recently with changes in the program and complexity of applications, the department has not collected fees sufficient to recover the actual cost of the program. The proposed energy incentive program fees were explained and included in the budget approved by the legislature as part of the 2013–2015 budget process. The rule amendments propose adoption of the fee increases for the application, final review and pass-through fees for the renewable energy development grant, energy conservation tax credit and transportation tax credits. The rule amendments also remove the re-inspection fee for tax credits and grants. The planned effective date for the proposed rules and change in fees is October 2, 2013.

A call-in number is available for the public hearing, please see website for details: http://www.oregon.gov/energy/CONS/Pages/Rulemaking-Energy_Incentive_Program.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: Updating Oregon's Civil Penalty Rules

Date:	Time:	Location:
9-17-13	2 p.m.	DEQ 811 SW Sixth Ave. Portland OR

Hearing Officer: Jenny Root

Stat. Auth.: ORS 183.335, 183.341, 183.452, 192.410-505, 195.305, 454, 454.050, 454.625, 459.045, 459.376, 459.995, 459A.585, 459A.590, 465.280, 465.400-410, 466, 466.070-080, 466.625, 466.720, 466.746, 466.882, 466.858-994, 467, 467.030, 468.020, 468.065, 468.090-140, 468.996, 468A, 468A.025, 468A.045, 468A.327, 468B, 468B.015, 468B.035, 468B.350 & 783.620-992

Stats. Implemented: ORS 183.025, 183.090, 183.335, 183.341, 183.390, 183.410, 183.413, 183.415, 183.425, 183.440, 183.450, 183.452, 183.457, 183.460, 183.464, 183.470, 183.480, 183.482, 183.484, 183.745, 183.090, 192.410-440, 192.501, 192.502, 197.352, 454, 454.635, 454.645, 459, 459.205, 459.376, 459.705-790, 459.992, 459.995, 459A.580-585, 459A.590, 459A.665, 459A.660, 459A.685, 465, 465.021, 465.210, 465.900, 465.992, 466, 466.210, 466.255, 466.265-270, 466.530, 466.635-680, 466.706-835, 466.858-895, 466.990-994, 467.050, 467.990, 468, 468.020, 468.035, 468.070, 468.090-140, 468.996, 468A, 468A.020, 468A.025, 468A.060, 468A.990, 468A.992, 468B, 468B.025, 468B.220, 468B.305, 468B.450, 783.620 & 783.992

Proposed Amendments: 340-011-0005, 340-011-0010, 340-011-0024, 340-011-0029, 340-011-0046, 340-011-0053, 340-011-0061, 340-011-0310, 340-011-0330, 340-011-0340, 340-011-0360, 340-011-0370, 340-011-0380, 340-011-0390, 340-011-0500, 340-011-0510, 340-011-0515, 340-011-0520, 340-011-0525, 340-011-0530, 340-011-0535, 340-011-0540, 340-011-0545, 340-011-0550, 340-011-0555, 340-011-0565, 340-011-0570, 340-011-0573, 340-011-0575, 340-011-0580, 340-011-0585, 340-012-0026, 340-012-0027, 340-012-0028, 340-012-0030, 340-012-0038, 340-012-0041, 340-012-0045, 340-012-0053, 340-012-0054, 340-012-0055, 340-012-0060, 340-012-0065, 340-012-0066, 340-012-0067, 340-012-0068, 340-012-0071, 340-012-0072, 340-012-0073, 340-012-0074, 340-012-0079, 340-012-0081, 340-012-0082, 340-012-0083, 340-012-0097, 340-012-0130, 340-012-0135, 340-012-0140, 340-012-0145, 340-012-0150, 340-012-0155, 340-012-0160, 340-012-0162, 340-012-0165, 340-012-0170, 340-200-0040

Proposed Repeals: 340-011-0605

Last Date for Comment: 9-20-13, 5 p.m.

Summary: DEQ proposes the following changes to chapter 340 of the Oregon Administrative Rules.

- Division 011 amendments would:

- Align with the Oregon Attorney General Model Rules under OAR 340-003-0501 through 0690. The Model Rules that apply to Environmental Quality Commission proceedings became effective Jan. 31, 2012.

- Address procedures for filing and service of documents in contested cases and other general contested case proceedings.

- Establish a new fee for onsite septic system program public records requests. This would allow DEQ to recover the costs of fulfilling such requests.

- Repeal OAR 340-011-0605 that became obsolete in 2007 with the passage of Measure 49. Measure 49 substantially reduced the impact of Measure 37 and the required director's review.

- Make minor housekeeping changes.

- Division 012 amendments would implement 2009 Oregon legislation that increased DEQ's civil penalty statutory maximums, many last updated in 1973. To implement the enhanced penalty authority, DEQ must amend Division 012 rules. Other proposed changes include aligning violation classification and magnitudes with DEQ program priorities, providing greater mitigating credit for correcting violations, and housekeeping that includes eliminating duplicative text.

- Division 200 amendments would update the Oregon Clean Air Act State Implementation Plan. Section 110 of the Clean Air Act, 42 U.S.C. §7410, requires state and local air pollution control agencies to adopt federally approved control strategies to minimize air pollution. The resulting body of regulations is a State Implementation Plan or "SIP". By incorporating updated civil penalties and violations, these proposed rules would be a revision to Oregon's SIP. DEQ

NOTICES OF PROPOSED RULEMAKING

must submit rule changes to EPA and EPA must approve the rules as meeting the requirements of the Clean Air Act. After the Oregon Environmental Quality Commission amends the proposed rule, DEQ will submit SIP revisions to EPA for approval.

If approved, this proposal would:

Civil penalty matrices (OAR 340-012-0140)

- Increase the top base penalty in the current \$8,000 penalty matrix to \$12,000

- Increase the top base penalty in the current \$6,000 penalty matrix to \$8,000

- Increase the top base penalty in the current \$2,500 penalty matrix to \$3,000

- No changes to the current \$1,000 penalty matrix

Change to factors in the civil penalty formula (OAR 340-012-0145) by:

- Increasing credit for the “C” factor to apply mitigating credit for a violator’s efforts to correct violations

- Expanding the use of the “M” factor to assign a broader range of penalty aggravation when considering the mental state of the violator

Increase additional or alternate penalties for violations that pose an extreme hazard to public health or cause extensive environmental damage (OAR 340-012-0155)

Base penalties in this category would increase from \$50,000 to \$100,000 to a new range of \$100,000 to \$200,000 depending on whether violations are caused intentionally, recklessly or flagrantly.

Increase administrative penalty maximums to \$100,000 for certain spill violations of oil or hazardous materials

Penalties for intentionally or negligently spilling oil or hazardous materials into waters of the state, or intentionally or negligently failing to clean up such spills would increase from a maximum of \$20,000 to a maximum of \$100,000. In addition, a final penalty would be determined according to a new formula and additional factors not in the current rule.

Establish a base fee for onsite septic system program public records requests

Currently DEQ may only charge for public records requests if they require more than 15 minutes of staff time. DEQ estimates that public records requests in the onsite septic system program require 50 to 75 hours of staff time per month. Few requests exceed the 15-minute threshold; therefore, DEQ receives little revenue to cover the costs for this work. This amendment would allow DEQ to recover the costs for fulfilling these public records requests.

Rules Coordinator: Maggie Vandehey

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

Telephone: (503) 229-6878

Rule Caption: Corrections and Clarifications to Toxics Water Quality Standards

Date:	Time:	Location:
9-18-13	6 p.m.	DEQ 811 SW Sixth Ave. Portland, OR

Hearing Officer: DEQ staff

Stat. Auth.: ORS 468.020, 468B.030, 468B.035 & 468B.048

Stats. Implemented: ORS 468B.030, 468B.035 & 468B.048

Proposed Amendments: 340-041-0033, 340-041-0009, 340-040-0020, 340-040-0080

Last Date for Comment: 9-30-13, 5 p.m.

Summary: DEQ proposes revisions to the water quality standards rules for toxic substances to correct and clarify the standards. Revisions to water quality standards require EPA approval before the revisions become effective for Clean Water Act programs. The proposed rules correct several toxic pollutant criteria that EPA recently disapproved and address other minor revisions to the Toxic Substances rule. EPA disapproved criteria for 11 pesticides based on potentially conflicting information in regards to how the frequency

and duration components of these criteria are expressed. DEQ expects that clarifying this aspect of the criteria will lead to EPA approval of 36 pesticide criteria values associated with 11 pesticides. DEQ also proposes to correct an error in the expression of freshwater selenium criteria and is re-proposing freshwater and saltwater arsenic criteria and chromium VI saltwater criteria that were inadvertently left off the criteria table during a 2007 rulemaking. DEQ is also correcting typographical errors made during the 2011 Human Health Toxics Rulemaking.

In addition, DEQ proposes to move all effective aquatic life criteria from Tables 20, 33A, and 33B into a new aquatic life criteria table, Table 30, and to refer to the new table in the Toxic Substances rule language. As a result, Tables 20, 33A, and 33B are no longer needed and would be repealed under this proposal. DEQ also proposes to delete aluminum from Table 30 to reflect EPA’s disapproval of the freshwater criteria for aluminum because the disapproval renders the criteria ineffective and there are no other criteria for aluminum. DEQ anticipates adopting revised freshwater criteria for aluminum in a future rulemaking process.

DEQ anticipates that EPA will take action on the following water quality standard revisions proposed in this rulemaking before they become effective under the Clean Water Act: (1) revisions to pesticides and selenium criteria; (2) reinstatement of arsenic and chromium VI criteria and the associated conversion factors; (3) deletion of aluminum criteria; and (4) revisions to the Toxic Substances rule in OAR 340-041-0033. EPA will likely take an action on the editorial and formatting changes in this proposal, but not on the underlying criteria that were previously approved. Ultimately, EPA will determine which water quality standards it must formally approve or disapprove.

Rules Coordinator: Maggie Vandehey

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

Telephone: (503) 229-6878

Department of Fish and Wildlife Chapter 635

Rule Caption: Establish 2014 Seasons and Regulations for Game Mammals; Implement Oregon Landowner Damage Program

Date:	Time:	Location:
10-4-13	8 a.m.	Hallmark Resort 744 SW Elizabeth St. Newport, OR 97365

Hearing Officer: Oregon Fish & Wildlife Commission

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & HB 2027 (2013)

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & HB 2027 (2013)

Proposed Amendments: Rules in 635-008, 635-010, 635-043, 635-045, 635-060, 635-065, 635-066, 635-067, 635-068, 635-069, 635-070, 635-071, 635-072, 635-073, 635-075, 635-078, 635-080

Last Date for Comment: 10-4-13, Close of Business

Summary: Establish 2014 hunting regulations for game mammals, including season dates, open areas, location of cooperative travel management areas, wildlife areas, and other rules including, but not limited to, general hunting, and controlled hunt regulation. Adopt rules to implement HB 2027 (2013) which creates the Oregon Landowner Damage Program.

Rules Coordinator: Therese Kucera

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

Telephone: (503) 947-6033

Rule Caption: Amend Rules for Delays to Start of Commercial Ocean Dungeness Crab Fishery Seasons

NOTICES OF PROPOSED RULEMAKING

Date: 10-4-13
Time: 8 a.m.
Location: Hallmark Inn
744 SW Elizabeth St.
Newport, OR 97365

Hearing Officer: Oregon Fish & Wildlife Commission
Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.109, 506.129 & 508.306
Proposed Adoptions: Rules in 635-005
Proposed Amendments: Rules in 635-005
Last Date for Comment: 10-4-13, 8 a.m.

Summary: This rule amendment will implement, by Oregon Administrative Rule, changes to the Pre-Season Testing Protocol for the Commercial Dungeness Crab Fishery (Protocol). The Protocol is a written agreement between the states of Washington, Oregon, and California fish and wildlife agencies, describing the process and criteria for coordinating delays in the start date of the commercial ocean Dungeness crab fishery beyond December 1st in the area from Point Arena, CA up to the US/Canada border. Changes to the protocol were recommended by industry advisors and mutually agreed to by the three agencies' representatives at the May 2013 meeting of the Coastal Dungeness Crab Tri-State Committee. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

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

Rule Caption: Columbia River Basin Salmon, Steelhead and Sturgeon Recreational Fishing Endorsement Fees

Date: 10-4-13
Time: 8 a.m.
Location: Hallmark Inn
744 SW Elizabeth St.
Newport, OR 97365

Hearing Officer: Oregon Fish & Wildlife Commission
Stat. Auth.: ORS 496.138, 496.146, 506.045, 506.119, 509.230
Stats. Implemented: ORS 496.162, 506.109, 506.129, 509.230, SB 830 (2013)
Proposed Adoptions: Rules in 635-011, 635-013, 635-014, 635-017, 635-018, 635-019, 635-023
Proposed Amendments: Rules in 635-011, 635-013, 635-014, 635-017, 635-018, 635-019, 635-023
Last Date for Comment: 10-4-13, 8 a.m.

Summary: The rule amendments will implement, by Oregon Administrative Rule, changes to the fees charged for recreational fishing licenses for waters within the Columbia River Basin. The passage of SB 830 (2013) required additional license fees, in the form of an endorsement, be charged when fishing for salmon, steelhead or sturgeon within the Columbia River Basin. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

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

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

Rule Caption: Adoption of Integrated Employment Services to Individuals with Intellectual and Developmental Disabilities

Date: 9-16-13
Time: 1:30 p.m.
Location: Human Services Bldg., Rm. 457
500 Summer St. NE
Salem, OR 97301

Hearing Officer: Jennifer Bittel
Stat. Auth.: ORS 409.050
Stats. Implemented: ORS 409.050
Proposed Adoptions: 407-025-0000 – 407-025-0120

Last Date for Comment: 9-23-13, 5 p.m.
Summary: On April 16, 2013, Governor Kitzhaber issued Executive Order No. 13-04 (EO 13-04), Providing Employment Services to Individuals with Intellectual and Developmental Disabilities (I/DD). Executive Order 13-04 prescribes an array of strategies and desired outcomes related to improving employment services for individuals with I/DD. These rules (OAR 407-025-0000 to 407-025-0120) effectuate the Executive Order and describe the strategies the Department shall implement to support achieving desired outcomes related to improving employment services for individuals with I/DD. Proposed rules are available on the Department of Human Services website: <http://www.oregon.gov/DHS/admin/dwssrules/index.shtml>. For hardcopy requests, call: (503) 947-5250.

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

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

Rule Caption: Hospice Services in Medicaid Nursing Facilities

Date: 9-16-13
Time: 10:30 a.m.
Location: Human Services Bldg.
500 Summer St. NE, Rm. 160
Salem, OR 97301

Hearing Officer: Staff
Stat. Auth.: ORS 410.070 & 414.065
Other Auth.: 42 USC 1396A & 1905
Stats. Implemented: ORS 410.070 & 414.065
Proposed Amendments: 411-070-0140
Proposed Repeals: 411-070-0140(T)
Last Date for Comment: 9-23-13, 5 p.m.

Summary: The Department of Human Services (Department) is proposing to amend OAR 411-070-0140 to make permanent the changes adopted by temporary rule effective May 1, 2013 that changed the rate paid to Medicare certified hospice providers for services provided in Medicaid certified nursing facilities to be in compliance with 42 USC 1396A and 1905.

Effective May 1, 2013, hospice providers were paid a rate equal to 100 percent of the rate that the nursing facility would otherwise receive. The hospice provider is then solely responsible for reimbursing the nursing facility.

Rules Coordinator: Christina Hartman
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: Adult Foster Homes for Individuals with Intellectual or Developmental Disabilities

Date: 9-16-13
Time: 11 a.m.
Location: Human Services Bldg.
500 Summer St. NE, Rm. 160
Salem, OR 97301

Hearing Officer: Staff
Stat. Auth.: ORS 409.050, 410.070, 443.725, 443.730, 443.735, 443.738, 443.742, 443.760, 443.765, 443.767, 443.775 & 443.790
Other Auth.: 42 CFR 455 & 489, ORS 127.520, 181.534, 181.537, 430.735 & 443.004
Stats. Implemented: ORS 443.705–443.825
Proposed Adoptions: 411-360-0055
Proposed Amendments: 411-360-0010, 411-360-0020, 411-360-0030, 411-360-0040, 411-360-0050, 411-360-0060, 411-360-0070, 411-360-0080, 411-360-0090, 411-360-0110, 411-360-0120, 411-360-0130, 411-360-0140, 411-360-0160, 411-360-0170, 411-360-0180, 411-360-0190, 411-360-0200, 411-360-0210, 411-360-0220,

NOTICES OF PROPOSED RULEMAKING

411-360-0230, 411-360-0240, 411-360-0250, 411-360-0260, 411-360-0270, 411-360-0275, 411-360-0280, 411-360-0290, 411-360-0300, 411-360-0310

Proposed Repeals: 411-360-0090(T), 411-360-0100, 411-360-0150
Last Date for Comment: 9-23-13, 5 p.m.

Summary: The Department of Human Services (Department) is proposing to update the rules for adult foster homes for individuals with intellectual or developmental disabilities (AFH-DD) in OAR chapter 411, division 360.

The proposed rules:

- Make permanent the April 1, 2013 temporary rulemaking that aligned the background check requirements with the annual background check requirements for foster homes for children with intellectual or developmental disabilities and foster homes for older adults and adults with physical disabilities;

- Clarify Medicaid Provider Enrollment Agreements, the circumstances for denial or termination of enrollment, and the service requirements for individuals who are or become eligible for Medicaid services;

- Specify that any providers may not be listed on the Office of Inspector General's or General Services Administration's Exclusion Lists;

- Define ownership interest and indirect ownership interest;

- Clarify access to an AFH-DD and resident records by the Centers for Medicare and Medicaid Services (CMS);

- Require carbon monoxide alarms and CPR and First Aid certification;

- Comply with Oregon Fire Code requirements related to fire and life safety;

- Comply with ORS 305.385 relating to the effect of the Department of Revenue's determination on taxpayer status; and

- Include changes to the definitions, financial information required by an applicant or licensee, classification and capacity of a home, portability of background check approvals, qualification and training requirements, respite services, and correction of violations to provide clarification, reflect current practices, improve readability, and establish consistency with other Department rules.

Rules Coordinator: Christina Hartman

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

Telephone: (503) 945-6398

Department of Human Services, Child Welfare Programs Chapter 413

Rule Caption: Changing OARs affecting Child Welfare programs

Date:	Time:	Location:
9-23-13	8:30 a.m.	500 Summer St. NE, Rm. 254 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 409.050, 418.005 & 418.240

Stats. Implemented: ORS 409.010, 418.205–418.325 & 418.990–418.998

Proposed Adoptions: 413-215-0918, 413-215-0992

Proposed Amendments: 413-215-0911, 413-215-0916, 413-215-0921, 413-215-0926, 413-215-0931, 413-215-0936, 413-215-0941, 413-215-0946, 413-215-0951, 413-215-0961, 413-215-0976, 413-215-0981, 413-215-0996, 413-215-1006, 413-215-1011, 413-215-1016, 413-215-1026, 413-215-1031

Last Date for Comment: 9-24-13, 5 p.m.

Summary: These rules about licensing outdoor youth programs are being amended to recognize the treatment value of the outdoor youth wilderness experience and ensure additional safety elements are in place, including gathering additional information about each youth as well as recognizing and treating issues which may arise. OAR 413-215-0911 about definitions is being amended to modify the definition of an outdoor youth program. OAR 413-215-0916 about

administration is being amended to modify what is required to be in the file on each youth in the program. OAR 413-215-0918 about consents, disclosures, and authorizations is being adopted to establish consent, disclosure, and authorization requirements for outdoor youth programs. OAR 413-215-0921 about participant clothing, equipment, and supplies is being amended to take a more pragmatic approach to the change of clothing requirements. OAR 413-215-0926 about water requirements is being amended to require documentation when water from a natural source is sanitized and set out requirements for use of electrolytes. OAR 413-215-0931 about nutritional requirements is being amended to establish restrictions on the use of food must not be used for behavior modification purposes and requirements about uninterrupted time for each meal. OAR 413-215-0936 about safety is being amended to require outdoor youth programs to follow their safety policies and procedures, and to have and follow policies and procedures about health, nutrition, hydration, and physical stress management. OAR 413-215-0941 about potential weapons is being amended to revise the supervision requirements when youth are using potential weapons. OAR 413-215-0946 about contraband is being amended to revise the requirements concerning possession of these items by staff of an outdoor youth program. OAR 413-215-0951 about searches is being amended so the rule does not regulate searches of staff members nor set requirements unique to initial intake inspections. OAR 413-215-0961 about health services is being amended to revise its requirements concerning the required physical examination to participate in outdoor youth program activities, the required medical information staff in the field must have with them, the storage requirements for medications in the field, and to require policies and procedures about contingency planning in the event of medications being lost or destroyed in the field. OAR 413-215-0976 about physical activity limits and requirements is being amended to add additional requirements to ensure that physical activity does not exceed the physical capability of a youth and additional requirements concerning acclimation to the environment. OAR 413-215-0981 about staff training is being amended to provide more specific training requirements for behavior management and wilderness health issues. OAR 413-215-0992 about referral and initial evaluation of youth is being adopted to establish the requirements of outdoor youth programs for policies about referral and exclusion, and incorporate the policy about initial evaluation which is being relocated from OAR 413-215-0996. OAR 413-215-0996 about program services is being amended to revise its requirements for admissions assessments of youth with mental health issues, remove requirements being relocated to OAR 413-215-0992, and set out additional requirements for service planning. OAR 413-215-1006 about field outdoor youth program activities is being amended to include additional requirements about debriefing of outdoor youth program staff after they return from the field. OAR 413-215-1011 about communication is being amended to reduce the amount of time a field group from an outdoor youth program may be away from the ability to make contact with emergency services. OAR 413-215-1016 about work is being amended to place additional restrictions on outdoor youth programs on their use of non-vocational work assignments. OAR 413-215-1026 about solo experiences in outdoor youth programs is being amended to revise its requirements about emergency plans for these experiences. OAR 413-215-1031 about behavior management is being amended to place additional requirements on the use of time outs by outdoor youth programs.

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 September 24, 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

NOTICES OF PROPOSED RULEMAKING

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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Rule Caption: Changing OARs affecting Child Welfare programs

Date:	Time:	Location:
9-23-13	10 a.m.	500 Summer St. NE, Rm. 254 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 409.050, 418.005, 418.240 & 418.327

Stats. Implemented: ORS 409.010, 418.005, 418.240 & 418.327

Proposed Repeals: 413-200-0000, 413-200-0010, 413-200-0020,
413-200-0030, 413-200-0040, 413-200-0050

Last Date for Comment: 9-24-13, 5 p.m.

Summary: OAR 413-200-0000 about the purpose of response to assessment of child abuse reports in private child care agencies and private residential schools, OAR 413-200-0010 about the definitions used in these rules, OAR 413-200-0020 about the assessment of abuse, OAR 413-200-0030 about the reports of assessment of findings of abuse, OAR 413-200-0040 about protective actions during assessment of abuse, and OAR 413-200-0050 about maintaining confidentiality during the course of assessment of an allegation of abuse in licensed child caring agencies are being repealed because these assessments are no longer completed by branch caseworkers, but are conducted through the Office of Adult Abuse Prevention and Investigation under OAR 407-045-0800 through 407-045-0970.

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 September 24, 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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Rule Caption: Changing OARs affecting Child Welfare programs

Date:	Time:	Location:
9-23-13	10 a.m.	500 Summer St. NE, Rm. 254 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 409.050 & 418.005

Stats. Implemented: ORS 409.010 & 418.005

Proposed Repeals: 413-080-0200, 413-080-0205, 413-080-0210,
413-080-0220, 413-080-0240, 413-080-0250, 413-080-0260, 413-
080-0270

Last Date for Comment: 9-24-13, 5 p.m.

Summary: OAR 413-080-0200 about the purpose of Residential Services and OAR 413-080-0205 about the definitions used in these rules are being repealed because the Department no longer limits its placement services to residential agencies when making decisions for children and young adults in the Department's custody.

OAR 413-080-0210 about the decision and timing of residential placements is being repealed because the process and procedures followed by Department staff no longer follows these rules, as contracted placement services have greatly expanded to use therapeutic foster care as an alternative to residential care.

OAR 413-080-0220 about the requirements for referral to residential placement is being repealed because the Department uses a variety of placement settings and intervention services to allow a child to remain in the community prior to residential care, and placement in residential care requires additional identification of a child's debilitating behaviors.

OAR 413-080-0240 about the process for referral to a residential service is being repealed as these forms are no longer utilized in the Department and the referral process has changed.

OAR 413-080-0250 about service planning is being repealed because service plans as described in this rule no longer apply, the services of the residential provider are guided by Medicaid requirements for behavioral rehabilitation services, and case planning for the child is the primary responsibility of the caseworker. In addition contact and review requirements have been changed both in federal law for caseworkers and in the Medicaid requirements for the various types of service planning for behavioral rehabilitation services.

OAR 413-080-0260 about the caseworker's role is being repealed because the casework responsibilities for comprehensive case and service planning for the child and family are contained in other child welfare rules.

OAR 413-080-0270 about responsibilities for handling disagreements is being repealed as the process for addressing such problems is outlined in the contract with the residential provider.

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 September 24, 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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Rule Caption: Changing OARs affecting Child Welfare programs

Date:	Time:	Location:
9-23-13	10 a.m.	500 Summer St. NE, Rm. 254 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 409.050 & 418.005

Stats. Implemented: ORS 409.010 & 418.005

Proposed Repeals: 413-210-0300, 413-210-0310, 413-210-0320,
413-210-0330, 413-210-0340

Last Date for Comment: 9-24-13, 5 p.m.

Summary: OAR 413-210-0300 about the purpose of the Department's rules to consider rate classification requests and OAR 413-210-0310 definition of key terms used in these rules are being repealed because the Department no longer utilizes a rate classification committee in making rate structure decisions for payments to licensed child caring agencies. OAR 413-210-0320 about the policy to consider rate classification requests is being repealed as the Department no longer utilizes a Rate Committee to determine payments to licensed child caring agencies. OAR 413-210-0330 about the procedures to present a request for a rate classification and OAR 413-210-0340 about exceptions to the procedures to request a rate classification are being repealed as the Department no longer utilizes a Rate Committee and sets payment rates for contracts with licensed child caring agencies through contracts with the agencies for a particular type of behavior rehabilitation service (BRS) in conjunction with the Medicaid state plan and in alignment with other state agencies who utilize residential BRS services.

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 September 24, 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.

NOTICES OF PROPOSED RULEMAKING

Rules Coordinator: Annette Tesch
Address: Department of Human Services, Child Welfare Programs,
500 Summer St. NE, E-48, Salem, OR 97301-1066
Telephone: (503) 945-6067

Rule Caption: Changing OARs affecting Child Welfare programs
Date: 9-23-13 **Time:** 10 a.m. **Location:** 500 Summer St. NE, Rm. 254
Salem, OR

Hearing Officer: Annette Tesch
Stat. Auth.: ORS 181.534, 181.537, 409.050 & 418.005
Stats. Implemented: ORS 181.534, 181.537, 409.010 & 418.005
Proposed Repeals: 413-050-0000, 413-050-0005, 413-050-0010, 413-050-0020, 413-050-0030, 413-050-0040, 413-050-0050, 413-050-0200, 413-050-0210, 413-050-0220, 413-050-0230, 413-050-0235, 413-050-0280, 413-060-0100, 413-060-0110, 413-060-0120, 413-060-0130, 413-060-0140, 413-060-0150, 413-060-0200, 413-060-0210, 413-060-0220, 413-060-0230, 413-060-0240, 413-060-0300, 413-060-0310, 413-060-0320, 413-060-0330, 413-060-0340, 413-060-0350, 413-060-0360, 413-060-0370

Last Date for Comment: 9-24-13, 5 p.m.
Summary: The Department is repealing OAR 413-050-0000, 413-050-0005, 413-050-0010, 413-050-0020, 413-050-0030, 413-050-0040, and 413-050-0050 about housekeeper services; OAR 413-050-0200, 413-050-0210, 413-050-0220, 413-050-0230, 413-050-0235, and 413-050-0280 about supportive or remedial day care; OAR 413-060-0100, 413-060-0110, 413-060-0120, 413-060-0130, 413-060-0140, and 413-060-0150 about family treatment services; OAR 413-060-0200, 413-060-0210, 413-060-0220, 413-060-0230, and 413-060-0240 about parenting program/parent training services; and OAR 413-060-0300, 413-060-0310, 413-060-0320, 413-060-0330, 413-060-0340, 413-060-0350, 413-060-0360, and 413-060-0370 about family sexual abuse treatment. These rules are being repealed because service eligibility is covered in other rules that set out eligibility for Child Protective Services and Family Support Services, some items are procedural, and do not need to be in rules, and some items are outdated, including specific services (Supportive Remedial Day Care and Housekeeper Services) no longer utilized.

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 September 24, 2013 at 5:00 p.m. Written comments may be submitted via e-mail to Annette.Tesch@state.or.us, faxed to 503-373-7032, or mailed to Annette Tesch, Rules Coordinator, DHS - Child Welfare Programs, 500 Summer Street NE, E-48, Salem, Oregon, 97301. The Department provides the same consideration to written comment as it does to any oral or written testimony provided at the public hearing.

Rules Coordinator: Annette Tesch
Address: Department of Human Services, Child Welfare Programs,
500 Summer St. NE, E-48, Salem, OR 97301-1066
Telephone: (503) 945-6067

Department of Human Services, Self-Sufficiency Programs Chapter 461

Rule Caption: Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients

Date: 9-23-13 **Time:** 11 a.m. **Location:** 500 Summer St. NE, Rm. 254
Salem, OR

Hearing Officer: Annette Tesch
Stat. Auth.: ORS 411.816
Other Auth.: 7 USC 2014, 7 CFR 273.9(d)(6)(iii)
Stats. Implemented: ORS 411.816 & 411.825
Proposed Amendments: 461-155-0190
Last Date for Comment: 9-24-13, 5 p.m.

Summary: OAR 461-155-0190 about the SNAP income and payment standards is being amended to reflect the sunset of the American Recovery and Reinvestment Act of 2009 (ARRA) by reducing the payment standards for the Thrifty Food Plan in the SNAP program as of November 1, 2013.

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

Written comments may be submitted until September 24, 2013 at 5:00 p.m. Written comments may be e-mailed to Annette.Tesch@state.or.us, faxed to 503-373-7032, or mailed to Annette Tesch, Rules Coordinator, DHS - Self-Sufficiency Programs, 500 Summer Street NE, E-48, Salem, Oregon, 97301. The Department provides the same consideration to written comment as it does to any oral or written testimony provided at the public hearing.

Rules Coordinator: Annette Tesch
Address: Department of Human Services, Self-Sufficiency Programs,
500 Summer St. NE, E-48, Salem, OR 97301
Telephone: (503) 945-6067

Department of Public Safety Standards and Training Chapter 259

Rule Caption: Update NFPA Fire Fighter Professional Qualifications.

Stat. Auth.: ORS 181.640 & 181.660
Stats. Implemented: ORS 181.640 & 181.660
Proposed Amendments: 259-009-0005, 259-009-0062
Last Date for Comment: 9-21-13, 5 p.m.

Summary: This proposed rule will update the Fire Fighter professional qualifications to meet the standard set in the NFPA 1001 Standard for Fire Fighter Professional Qualifications, 2013 Edition.

Rules Coordinator: Linsay Hale
Address: Department of Public Safety Standards and Training, 4190
Aumsville Hwy SE, Salem, OR 97317
Telephone: (503) 378-2431

Rule Caption: Clarify the minimum education standards for Private Security providers.

Stat. Auth.: ORS 181.875, 181.878 & 181.883
Stats. Implemented: ORS 181.875 & 181.878
Proposed Amendments: 259-060-0020
Last Date for Comment: 9-21-13, 5 p.m.

Summary: A minimum education standard for private security providers was added to rule on November 1, 2012. The rule was written to exempt individuals certified or licensed on or before November 1, 2012 from the requirement. This proposed rule update clarifies that this exemption applies only to individuals certified on or before November 1, 2012 who have held certification or licensure continuously. Individuals who were previously certified or licensed, but whose certification or license has expired, been surrendered or revoked must meet the minimum education requirement. The update also clarifies that applicants aren't required to provide documentary evidence of meeting the minimum education requirement at the time of application, but allows for the Department to request it.

Rules Coordinator: Linsay Hale
Address: Department of Public Safety Standards and Training, 4190
Aumsville Hwy SE, Salem, OR 97317
Telephone: (503) 378-2431

Rule Caption: Housekeeping: To correct typographical errors, ambiguous language and provide consistency and clarity.

Stat. Auth.: ORS 181.610, 181.630, 181.640, 181.644, 181.650, 181.651, 181.652, 181.653, 181.654, 181.660, 181.661, 181.662, 181.664, 181.665, 181.667 & 183.341
Stats. Implemented: ORS 181.610, 181.630, 181.640, 181.644, 181.650, 181.651, 181.652, 181.653, 181.654, 181.660, 181.661, 181.662, 181.664, 181.665 & 181.667

NOTICES OF PROPOSED RULEMAKING

Proposed Amendments: 259-009-0000, 259-009-0005, 259-009-0010, 259-009-0020, 259-009-0025, 259-009-0035, 259-009-0059, 259-009-0062, 259-009-0063, 259-009-0065, 259-009-0067, 259-009-0070, 259-009-0085, 259-009-0087, 259-009-0090, 259-009-0100

Proposed Repeals: 259-009-0030

Last Date for Comment: 9-21-13, 5 p.m.

Summary: The rule set was reviewed for typographical errors and ambiguous language; as well as consistency and clarity. Additionally, this proposed rule repeals OAR 259-009-0030 (Fire Policy Committee) to eliminate redundancy.

Rules Coordinator: Linsay Hale

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

Telephone: (503) 378-2431

Rule Caption: Update the discretionary disqualifying crimes list and presumptive categories.

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

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

Proposed Amendments: 259-008-0070

Last Date for Comment: 9-21-13, 5 p.m.

Summary: This proposed rule update contains additions to the discretionary disqualifying crimes list and the presumptive categories. Additionally, because all criminal convictions meet the definition of Misconduct, crimes with a presumptive category of Misconduct (Category V) are not included on the discretionary list and any crime previously determined to be Misconduct only are removed. Language is added to allow for summary staff disposition or administrative closure for crimes with a presumptive category of only Misconduct (Category V) if the conviction occurred over seven years prior to the date of review and it represents the sole criminal conviction in the officer's history.

Rules Coordinator: Linsay Hale

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

Telephone: (503) 378-2431

Rule Caption: Insert omitted word relating to lapsed certification; Corrects error. Housekeeping.

Stat. Auth.: ORS 181.652, 181.653 & 181.667

Stats. Implemented: ORS 181.652, 181.653 & 181.667

Proposed Amendments: 259-008-0067

Last Date for Comment: 9-21-13, 5 p.m.

Summary: This rule update corrects an error caused by the inadvertent omission of a word and ensures that the rules language matches the Department's procedure and intent for lapsing law enforcement certifications. Housekeeping changes made for clarity.

Rules Coordinator: Linsay Hale

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

Telephone: (503) 378-2431

Department of Transportation, Rail Division Chapter 741

Rule Caption: Amendment of Highway-Rail Crossing Rules

Stat. Auth.: ORS 184.616, 184.619, 823.011, 824.202 & 824.212

Stats. Implemented: ORS 824.200

Proposed Amendments: 741-100-0005, 741-100-0020, 741-100-0030, 741-100-0040, 741-110-0030, 741-110-0040, 741-110-0050, 741-110-0060, 741-110-0070, 741-110-0080, 741-115-0010, 741-115-0020, 741-115-0030, 741-115-0040, 741-115-0060, 741-115-0070, 741-120-0020, 741-120-0040, 741-120-0050, 741-125-0030, 741-200-0020, 741-200-0050, 741-200-0060

Last Date for Comment: 9-23-13, Close of Business

Summary: ODOT is amending its rules regarding highway-rail crossings. Certain sections are added to provide new definitions and clarification of regulations. Other rules are being amended to comply with the Manual on Uniform Traffic Control Devices, 2009 Edition (MUTCD). Certain figures relating to the current rules are being removed because they are unnecessary as the result of ODOT's adoption of MUTCD.

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, Rail Division, 355 Capitol St. NE, MS 51, Salem, OR 97301

Telephone: (503) 986-3171

Landscape Architect Board Chapter 804

Rule Caption: Inactive Status and Continuing Education Exemptions for military service, illness, or other circumstances

Stat. Auth.: For 804-003-0000: ORS 183.335(5), 670.310 & 671.415; For 804-025-0010: ORS 183.335(5), 670.310, 671.376, 671.395 & 671.415

Stats. Implemented: For 804-003-0000: ORS 671.310-671.459; for 804-025-0010: ORS 671.376 & 671.395

Proposed Amendments: 804-003-0000, 804-025-0010

Last Date for Comment: 9-23-13, Close of Business

Summary: Amends the definition of "in good standing" to clarify that a registrant must be in compliance with continuing education (CE) requirements to be eligible for inactive status under ORS 671.376(4) as opposed to needing to have completed all CE for that renewal cycle. This change thereby allows a registrant who has not completed all CE requirements and suddenly has the need for being exempt from those requirements under OAR 804-025-0010(1) to qualify to request inactive status under ORS 671.376(4) without having to first complete all professional development hours of CE for that renewal cycle. Clarifies in the continuing education requirements rule that the registrant may request inactive status and specifies parameters related to inactive status.

Rules Coordinator: Christine Valentine

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

Telephone: (503) 589-0093

Rule Caption: Updates to rules for initial registration and registration by reciprocity

Stat. Auth.: For 804-022-0005: ORS 183.335(5), 670.310, 671.325, 671.335 & 671.415; For 804-022-0010: ORS 183.335(5), 670.310, 671.325, 671.335 & 671.415

Stats. Implemented: For 804-022-0005: ORS 671.316, 671.325, 671.335; For 804-022-0010: ORS 671.345

Proposed Amendments: 804-022-0005, 804-022-0010

Last Date for Comment: 9-23-13, Close of Business

Summary: Amendments to the rules for initial registration and registration by reciprocity are needed to increase clarity for prospective Board registrants (i.e., applicants). The amendments also address an unintended disconnect between Board rules that set forth requirements for examination applicants to obtain approval of alternative paths to licensure (OAR 804-010-0010 and 804-010-0020) and its registration rules (OAR 804-022-0005 and 804-022-0010). The amendments clarify that OSLAB does in fact offer paths to registration for applicants without a Landscape Architect Accreditation Board (LAAB) accredited degree or any degree, regardless of whether such individuals obtained approval of alternative education and/or experience from OSLAB prior to taking national exams. To this end, the Board proposes to delete existing rule language in full and replace it with language that the Board finds to be more complete, clear, and better organized. The amendments were previously adopted by the Board as temporary rules.

NOTICES OF PROPOSED RULEMAKING

Rules Coordinator: Christine Valentine
Address: Landscape Architect Board, 707 13th St. SE, Suite 114, Salem, OR 97301
Telephone: (503) 589-0093

Oregon Board of Naturopathic Medicine
Chapter 850

Rule Caption: Correct late fee in 850-030-0195 to agree with 850-030-0035.

Stat. Auth.: ORS 685.125

Stats. Implemented: ORS 685.100

Proposed Amendments: 850-030-0195

Last Date for Comment: 9-25-13, 3 p.m.

Summary: OAR 850-030-00195(8) needs to be corrected to \$100, as it is in 850-030-0035 fees.

Rules Coordinator: Anne Walsh

Address: Oregon Board of Naturopathic Medicine, 800 NE Oregon St., Suite 407, Portland, OR 97232

Telephone: (971) 673-0193

Oregon Education Investment Board
Chapter 705

Rule Caption: Regarding Achievement Compacts

Date:	Time:	Location:
9-16-13	4 p.m.	775 Court St. Large Conference Rm. Salem, OR 97301

Hearing Officer: Seth Allen

Stat. Auth.: HB 3070 & HB 3120

Stats. Implemented: HB 3070 & HB 3120

Proposed Adoptions: 705-010-0072

Proposed Amendments: 705-010-0030, 705-010-0035, 705-010-0045, 705-010-0055, 705-010-0070

Last Date for Comment: 9-16-13, 5 p.m.

Summary: ADOPT: 705-010-0072 — Regarding Achievement Compact Advisory Committees for Community College Districts and Public Universities

AMEND:

705-010-0030 — Regarding Distribution of Compacts to Education Entities 705-010-0035 — Regarding Completion and Execution of Achievement Compacts

705-010-0045 — Regarding Communications

705-010-0055 — Regarding Receipt and Acceptance of Achievement Compacts

705-010-0070 — Regarding Achievement Compact Advisory Committees

Rules Coordinator: Seth Allen

Address: Oregon Education Investment Board, 155 Cottage St. NE, 3rd Floor, Salem, OR 97301

Telephone: (503) 378-8213

Oregon Health Authority,
Division of Medical Assistance Programs
Chapter 410

Rule Caption: Amend rules governing payment for Medicaid EHR Incentive Program

Date:	Time:	Location:
9-17-13	10:30 a.m.	500 Summer St. NE, Rm. 137C Salem, OR 97301

Hearing Officer: Cheryl Peters

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042 & 414.033

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

Last Date for Comment: 9-19-13, 5 p.m.

Summary: The Division needs to amend these rules because new federal legislation from the Centers for Medicare and Medicaid Services (CMS) affects how providers are eligible for the Medicaid EHR

Incentive Program. These amended rules incorporate these changes including how a key eligibility criterion, Medicaid patient volume (or for some providers, needy individual patient volume), is determined and calculated.

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: Increase payment for certain primary care practitioners and increase the VFC administration fee

Date:	Time:	Location:
9-17-13	10:30 a.m.	500 Summer St. NE, Rm. 137C Salem, OR 97301

Hearing Officer: Cheryl Peters

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.025, 414.033, 414.065, 414.095, 414.705, 414.727, 414.728, 414.742 & 414.743

Proposed Adoptions: 410-130-0005

Proposed Amendments: 410-130-0255, 410-120-1340

Last Date for Comment: 9-19-13, 5 p.m.

Summary: The Division of Medical Assistance Programs (Division) General Rules, administrative rules govern payments for services provided to certain eligible clients. The Division proposed adoption of OAR 410-130-0005 and proposed amendment of OAR 410-130-0255, 410-120-1340 to implement changes required by the Affordable Care Act.

OAR 410-120-1340 establishes the federally required payment increase to be effective on or after Jan. 1, 2013. Rule 410-130-0005 establishes the self-attestation process required for the Division to identify providers subject to the federally required payment increase. Rule 410-130-0255 clarifies the procedure codes for the Vaccine For Children program.

Rules Coordinator: Cheryl Peters

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

Telephone: (503) 945-6527

Oregon Health Authority,
Public Employees' Benefit Board
Chapter 101

Rule Caption: Amends rules for conformance with federal health-care reform and Board By-Laws; clarifies language.

Date:	Time:	Location:
9-23-13	4 p.m.	PEBB/OEBB Board Room. 1225 Ferry St. SE Suite B Salem, OR 97301

Hearing Officer: Cherie Taylor

Stat. Auth.: ORS 243.061–243.302, 659A.060–659A.069, 743.600–743.602 & 743.707

Stats. Implemented: ORS 243.061–243.302 & 2007 OL Ch. 99

Proposed Amendments: 101-010-0005, 101-020-0020, 101-020-0025, 101-020-0066, 101-030-0005, 101-030-0070

Last Date for Comment: 9-23-13, 5 p.m.

Summary: Amends rules for conformance with federal healthcare reform and Board By-Laws; clarifies language.

Rules Coordinator: Cherie Taylor

Address: Oregon Health Authority, Public Employees' Benefit Board, 1225 Ferry St. SE, Suite B, Salem, OR 97301

Telephone: (503) 378-6296

NOTICES OF PROPOSED RULEMAKING

Oregon Health Authority, Public Health Division Chapter 333

Rule Caption: WIC Participant Administration

Date: 9-26-13	Time: 2 p.m.	Location: Portland State Office Bldg. 800 NE Oregon St., Rm. 815 Portland, OR 97232
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Hearing Officer: Jana Fussell

Stat. Auth.: ORS 413.500

Other Auth.: 7 CFR 246, Public Law 108-265, Public Law 111-296

Stats. Implemented: ORS 413.500

Proposed Adoptions: 333-053-0075

Proposed Amendments: 333-053-0030, 333-053-0040, 333-053-0050, 333-053-0060, 333-053-0080, 333-053-0100, 333-053-0110

Proposed Repeals: 333-053-0070, 333-053-0090

Last Date for Comment: 9-27-13, 5 p.m.

Summary: The Oregon Health Authority, Public Health Division is proposing to permanently adopt, amend and repeal administrative rules in chapter 333, division 53 as they pertain to WIC participants. These amendments are clarifications and adjustments to definitions, eligibility, participant information, violations, claims, and administrative review language which reflect program participant administration practices in an Electronic Benefit Transfer (EBT) system.

Rules Coordinator: Brittany Sande

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

Telephone: (971) 673-1291

Rule Caption: WIC Vendor and Farmer Administration

Date: 9-26-13	Time: 2 p.m.	Location: Portland State Office Bldg. 800 NE Oregon St., Rm. 815 Portland, OR 97232
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Hearing Officer: Jana Fussell

Stat. Auth.: ORS 413.500

Other Auth.: 7 CFR 246.12, Public Law 108-265, Public Law 111-296

Stats. Implemented: ORS 413.500

Proposed Adoptions: 333-054-0033

Proposed Amendments: 333-054-0000, 333-054-0010, 333-054-0020, 333-054-0025, 333-054-0027, 333-054-0030, 333-054-0035, 333-054-0040, 333-054-0050, 333-054-0055, 333-054-0060, 333-054-0065, 333-054-0070

Last Date for Comment: 9-27-13, 5 p.m.

Summary: The Oregon Health Authority, Public Health Division is proposing to permanently adopt and amend administrative rules in chapter 333, division 54 as they pertain to vendors and farmers that are authorized by the Oregon WIC Program. These amendments are clarifications and adjustments to definitions, authorization requirements, agreements, incentive items, monitoring specifications, and violations and sanctions language which reflect program vendor and farmer administration practices in an Electronic Benefit Transfer (EBT) system.

Rules Coordinator: Brittany Sande

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

Telephone: (971) 673-1291

Oregon Liquor Control Commission Chapter 845

Rule Caption: Inserts a statutory exemption that excuses a specific Commissioner from compliance with its provisions.

Date: 9-23-13	Time: 10 a.m.	Location: 9079 SE McLoughlin Blvd. Portland, OR 97222
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Hearing Officer: Annabelle Henry

Stat. Auth.: ORS 471, 471.030, 471.710, 471.730(1) & (5)

Stats. Implemented: ORS 471.710

Proposed Amendments: 845-004-0001

Last Date for Comment: 10-7-13, 5 p.m.

Summary: ORS 471.710(2) sets forth the interests that an individual is prohibited from holding while serving as a commissioner or an employee of the Commission. This rule defines and describes these interests. However, it omits the statutory exemption that excuses the commissioner designated as the food and alcoholic beverage retail industry representative from compliance with its prohibitions. The proposed amendments correct this omission and also improve the rule's clarity by alphabetizing the terms in section (1) and revising the language in section (2).

Rules Coordinator: Annabelle Henry

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

Telephone: (503) 872-5004

Rule Caption: Amended to define additional terms.

Date: 9-24-13	Time: 10 a.m.	Location: 9079 SE McLoughlin Blvd. Portland, OR 97222
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Hearing Officer: Annabelle Henry

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

Stats. Implemented: ORS 471.398

Proposed Amendments: 845-013-0001

Last Date for Comment: 10-8-13, 5 p.m.

Summary: Manufacturers and wholesalers are generally prohibited from giving services and other gifts to retailers. This rule defines and explains some of the exceptions to this general prohibition. The proposed amendments define additional terms in section (2) of the current rule.

Rules Coordinator: Annabelle Henry

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

Telephone: (503) 872-5004

Rule Caption: Amends two rules as a package regulating direct shipment of malt beverages, wine and cider.

Date: 9-25-13	Time: 10 a.m.	Location: 9079 SE McLoughlin Blvd. Portland, OR 97222
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Hearing Officer: Steve Brinkhoff

Stat. Auth.: ORS 471, 471.030, 471.040, 471.186 & 471.730(1) & (5)

Stats. Implemented: 471.186, 471.282, 471.305 & 473

Proposed Amendments: 845-006-0392, 845-006-0396

Last Date for Comment: 10-9-13, 5 p.m.

Summary: OAR 845-006-0392 defines when retailers may make same and next-day delivery of wine and cider. OAR 845-006-0396 defines when retailers may make same and next-day delivery of malt beverages. The Commission amended both rules in 2012. However, due to a technical error both amendments were recently invalidated. To restore the 2012 amendments, the Commission adopted temporary rules on July 12, 2013. On the same day, the Commission initiated permanent rulemaking to amend both rules. The proposed amendments allow a retailer to accept an order for the delivery of wine, cider and/or malt beverages to a resident of Oregon until 9:00 p.m., and to deliver that order before 10:00 p.m. on the same day.

Rules Coordinator: Annabelle Henry

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

Telephone: (503) 872-5004

NOTICES OF PROPOSED RULEMAKING

Oregon Medical Board Chapter 847

Rule Caption: Licensure for military spouses or domestic partners
Stat. Auth.: ORS 677.265, 677.820 & HB 2037 (2013)

Stats. Implemented: ORS 677.010, 677.100, 677.265, 677.275, 677.512, 677.759, 677.820, 677.825, 677.830 & HB 2037 (2013)

Proposed Adoptions: 847-020-0165, 847-050-0022, 847-070-0024, 847-080-0016

Proposed Repeals: 847-020-0165(T), 847-050-0022(T), 847-070-0024(T), 847-080-0016(T)

Last Date for Comment: 9-23-13, Close of Business

Summary: The proposed rule adoptions implement an augmented process for licensure of military spouses or domestic partners as required by 2013 House Bill 2037. Four rules are included (broken down by appropriate division of the administrative rules) for medical and osteopathic physicians, physician assistants, acupuncturists, and podiatric physicians. Specifically, each rule defines "military spouse or domestic partner," provides the qualifications for this augmented process, provides the documents that will be accepted in lieu of other documents, lists any information that the Board will obtain on behalf of the applicant, and specifies the additional documents that will be required as part of this augmented application process.

Rules Coordinator: Nicole Krishnaswami

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

Telephone: (971) 673-2667

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Rule Caption: Legislative updates to the Health Professionals' Services Program

Stat. Auth.: ORS 676.185-676.200 & 677.265

Stats. Implemented: ORS 676.185-676.200 & 677.265

Proposed Amendments: 847-065-0015, 847-065-0025, 847-065-0035, 847-065-0055, 847-065-0060, 847-065-0065

Proposed Repeals: 847-065-0015(T), 847-065-0025(T), 847-065-0035(T), 847-065-0055(T), 847-065-0060(T), 847-065-0065(T)

Last Date for Comment: 9-23-13, Close of Business

Summary: The proposed rule amendments reflect changes made by 2013 House Bill 2124 regarding the Health Professionals' Services Program. Specifically, the rule amendments refer to the new statutory location for the definition of "substantial noncompliance," remove the term "successful completion" from the definitions and add the substantive information to the rule on Completion Requirements, clarify the purpose of the investigation into the licensee's practice that occurs prior to full enrollment in the program, clearly establish the ability for licensees to self-refer to the program, exempt enrolled licensees with solely a mental health disorder from random drug or alcohol testing unless otherwise required by the Board, require the Board to assess the licensee's compliance with the monitoring agreement to complete the program or the contractor to assess compliance if the licensee is self-referred, specify that civil commitments for mental illness are considered substantial noncompliance rather than all admissions for mental health treatment, and allow the Board to review reports from the program for substantial noncompliance rather than mandating investigation of all reports.

Rules Coordinator: Nicole Krishnaswami

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

Telephone: (971) 673-2667

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Oregon Public Employees Retirement System Chapter 459

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

Date:	Time:	Location:
10-22-13	3 p.m.	PERS Boardroom 11410 SW 68th Pkwy. Tigard, OR 97223

Hearing Officer: Daniel Rivas
Stat. Auth.: ORS 238.650 & 238.715

Stats. Implemented: ORS 238.715

Proposed Amendments: 459-005-0610

Last Date for Comment: 10-29-13, 5 p.m.

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

Rules Coordinator: Daniel Rivas

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

Telephone: (503) 603-7713

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

Date:	Time:	Location:
10-22-13	3 p.m.	PERS Boardroom 11410 SW 68th Pkwy. Tigard, OR 97223

Hearing Officer: Daniel Rivas

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

Stats. Implemented: ORS 238.360, 238.575 & 238A.210

Proposed Adoptions: 459-005-0520

Last Date for Comment: 10-29-13, 5 p.m.

Summary: Clarify provisions of Senate Bill 822 relating to cost-of-living increase.

Rules Coordinator: Daniel Rivas

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

Telephone: (503) 603-7713

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Rule Caption: Clarify administration of Judge Member death benefits and the election of beneficiaries before death.

Date:	Time:	Location:
10-22-13	3 p.m.	PERS Boardroom 11410 SW 68th Pkwy. Tigard, OR 97223

Hearing Officer: Daniel Rivas

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 238.565

Proposed Amendments: 459-040-0060, 459-040-0070

Last Date for Comment: 10-29-13, 5 p.m.

Summary: These rules clarify the administration of death benefits for Judge Members and the election of one or more beneficiaries before death under the provisions of Senate Bill 771.

Rules Coordinator: Daniel Rivas

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

Telephone: (503) 603-7713

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Rule Caption: Clarifies the requirements of a court ordered divorce award.

Date:	Time:	Location:
10-22-13	3 p.m.	PERS Boardroom 11410 SW 68th Pkwy. Tigard, OR 97223

Hearing Officer: Daniel Rivas

Stat. Auth.: ORS 238.465 & 238.650

Stats. Implemented: ORS 238.465

Proposed Amendments: 459-045-0010

Last Date for Comment: 10-29-13, 5 p.m.

Summary: This rule will clarify the requirements of a court ordered divorce award.

Rules Coordinator: Daniel Rivas

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

Telephone: (503) 603-7713

NOTICES OF PROPOSED RULEMAKING

Rule Caption: Clarify administration of data verifications and Notices of Dispute.

Date: 10-22-13
Time: 3 p.m.
Location: PERS Boardroom
11410 SW 68th Pkwy.
Tigard, OR 97223

Hearing Officer: Daniel Rivas

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

Stats. Implemented: ORS 183.413–183.470, 238.285

Proposed Amendments: 459-001-0030, 459-005-0040

Last Date for Comment: 10-29-13, 5 p.m.

Summary: Clarify administration of data verifications and Notices of Dispute.

Rules Coordinator: Daniel Rivas

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

Telephone: (503) 603-7713

Oregon State Lottery
Chapter 177

Rule Caption: Amends Powerball game rules, including Power Play multiplier; prize accounts; pari-mutuel prizes and calculation

Date: 9-16-13
Time: 2:30 p.m.
Location: Oregon Lottery
500 Airport Rd. SE
Salem, OR

Hearing Officer: Larry Trott

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

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

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

Proposed Amendments: 177-085-0005, 177-085-0020, 177-085-0025, 177-085-0035, 177-085-0050, 177-085-0065

Last Date for Comment: 9-16-13, 3 p.m.

Summary: The Oregon Lottery proposes to amend the above referenced administrative rules for the Powerball game. These changes are necessary to implement the changes to the Powerball game rules made by the Multi-State Lottery Association (MUSL), the national organization that administers the multi-state Powerball game and to make Division 85 rules consistent with the MUSL Powerball game rules.

Amendments to these rules return the Power Play option to a random multiplier option, which will multiply a set prize amount by 2, 3, 4, or 5, depending on the multiplier randomly selected. Neither the Grand Prize nor the Match 5 prize will be multiplied when the Power Play option is purchased as an add-on to a Powerball play.

Other amendments provide for the creation of new prize reserve and prize pool accounts for funding of the various prizes and clarify the calculation of the set prizes when the set prizes become pari-mutuel.

Other amendments to the Division 85 rules make Lottery's rules consistent with the MUSL Powerball game rules.

Rules Coordinator: Mark W. Hohlt

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

Telephone: (503) 540-1417

Oregon State Marine Board
Chapter 250

Rule Caption: Move the western deadline of the wake-enhancing device exclusion zone on the Willamette River.

Date: 9-25-13
Time: 7 p.m.
Location: George Fox University
Hoover Academic Bldg., Rm. 102
414 N. Meridian St.
Newberg, OR 97132

Hearing Officer: Rachel Bullene

Stat. Auth.: ORS 830.110 & 830.175

Stats. Implemented: ORS 830.110 & 830.175

Proposed Amendments: 250-020-0032, 250-020-0385

Last Date for Comment: 9-30-13, Close of Business

Summary: Current regulation prohibits the operation of motorboats in excess of 5 mph slow-no-wake within 100 feet of private docks, boathouses, or moorages legally permitted by the Oregon Department of State Lands and the use of wake enhancing devices on the Willamette River from Highway 219 Bridge at River Mile 48.5 to the upper end of Willow Island at River Mile 31.5. The proposed amendment to the rules will move the west end of the exclusion zone downstream 2.5 miles to Champoeg Park at River Mile 46.

Rules Coordinator: June LeTarte

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

Telephone: (503) 378-2617

Rule Caption: Amend Division 014 to implement SB 26 statutory changes.

Stat. Auth.: ORS 830.110

Other Auth.: ORS 147, 2013 OL effective 01/01/2014

Stats. Implemented: ORS 830.110 & 830.150

Proposed Amendments: 250-014-0001, 250-014-0002, 250-014-0003, 250-014-0005

Last Date for Comment: 9-30-13, Close of Business

Summary: The proposed rule amendment clarifies the authority of the Marine Board to apply for federal Boating Infrastructure Grants and allows federal agencies to apply for Boating Facility Grants. These rules also make minor clarifications in rule language.

Rules Coordinator: June LeTarte

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

Telephone: (503) 378-2617

Rule Caption: Prohibits the use of internal combustion motor boats and sea planes on Waldo Lake

Stat. Auth.: ORS 830.110 & 830.175

Stats. Implemented: ORS 830.175

Proposed Amendments: 250-020-0221, 250-030-0030

Last Date for Comment: 9-30-13, Close of Business

Summary: These rules will prohibit the use of combustion motor boats and the operation of sea planes on Waldo Lake in compliance with the 2013 Oregon Legislative Session statutory revisions.

Rules Coordinator: June LeTarte

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

Telephone: (503) 378-2617

Secretary of State,
Elections Division
Chapter 165

Rule Caption: Amends account submission and circulator registration and certification methods, clarifies signature verification processes.

Stat. Auth.: ORS 246.150, 248.008, 249.008, 250.048, 250.105, 250.215, 250.315, 255.175, 260.262 & 2013 OL Ch. 519

Stats. Implemented: ORS 249.008, 249.008, 249.875, 250.048, 250.105, 250.215, 250.315, 255.175, 260.262 & 2013 OL Ch. 519

Proposed Amendments: 165-014-0030, 165-014-0100, 165-014-0110, 165-014-0270, 165-014-0280

Last Date for Comment: 10-3-13, Close of Business

Summary: OAR 165-014-0030 and 165-014-0110 are proposed for amendment to clarify that statistical sampling will only be conducted on additional submission of signatures if the number of unverified signatures accepted for inclusion in the sample are equal to or greater than the remaining required number of signatures. Additionally reference is added to specify that the handwriting characteristics and factors set forth in the Vote by Mail Procedures Manual adopted under OAR 165-007-0030 will be used to evaluate and determine

NOTICES OF PROPOSED RULEMAKING

whether the signature on a petition matches signatures contained in the voter's registration record.

OAR 165-014-0100 designates which accounts need to be turned in on a monthly basis, removing the requirement that copies of paid petition sheets submitted for verification must also be submitted monthly for the purposes of accounts. Clarifies that authorized agent may sign SEL 320 on behalf of chief petitioner(s).

OAR 165-014-0270 is proposed for amendment to adopt the Circulator Certification Matrix contained in Appendix A. Minor revisions are proposed to the standards used to determine if the circulator certification is sufficient.

OAR 165-014-0280 is proposed for amendment to permanently adopt the requirement that any person who will be paid to gather signatures on a state initiative, referendum, recall or prospective petition to submit their Criminal History Report as provided by the Oregon State Police Open Records Section when registering as a circulator. Additionally the training paid circulators are required to take is proposed for revision to incorporate changes proposed in other administrative rule amendments.

Rules Coordinator: Brenda Bayes

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

Telephone: (503) 986-1518

ADMINISTRATIVE RULES

Board of Chiropractic Examiners Chapter 811

Rule Caption: Amend Pre-paid treatment plans rule

Adm. Order No.: BCE 2-2013

Filed with Sec. of State: 8-2-2013

Certified to be Effective: 8-2-13

Notice Publication Date: 7-1-2013

Rules Amended: 811-015-0002

Subject: More explicit language was needed for refund provisions when care is terminated pre-paid plans.

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

811-015-0002

Pre-Paid and Contracted Treatment Plans

A Pre-Paid Plan is a package of services and/or products that are purchased by patients at a reduced or discounted cost than if the services were purchased individually.

(1) Chiropractic physicians may accept pre-payment for services planned but not yet delivered only if they do so in such a way that it does not constitute the practice of insurance.

(a) "Insurance" is defined as a contract whereby one undertakes to indemnify another or pay or allow a specified or ascertainable amount or benefit upon determinable risk contingencies (ORS 731.102).

(b) Chiropractic physicians or clinics who are certified by the Oregon Department of Insurance as Medical Retainer Plans are exempted from this section.

(c) These plans must not be in violation of OAR 811-015-0000 (Fees).

(2) Pre-Paid and Contracted Treatment Plans must include the following, in writing:

(a) The total costs/fees that the patient will incur and the method and timing of payment(s).

(b) Description of what services and products are included and excluded — If nutritional products or other hard goods including braces, supports or patient aids are to be used during the proposed treatment plan, the patient documents must state whether these items are included in the gross treatment costs or if they constitute a separate and distinct service and fee. Any additional fees must be explained to the patient in advance and noted in the chart notes.

(c) Description of the time frame which the plan covers.

(d) How special circumstances, such as extended absences, new injury or illness are handled.

(e) Statement that there is no claim or representation of a guarantee of results, outcome, or the cure of a particular condition.

(3) Early Termination of Care:

(a) The pre-payment plan must include a written explanation on how the unused portion of funds are calculated or prorated should the patient complete care early or discontinue care due to the patient's choice, doctor's choice, moving, or new injury, or condition. The written explanation must be clearly labeled "Refund Policy" and explained in plain language that is understood by the patient. The explanation must include a table of calculations that illustrates the amount of refunds or amount owed in the event of the pre-paid plan's early termination.

(b) The patient may have the right to terminate the Pre-Pay Plan at any time: In event of early termination of a pre-paid treatment plan by the patient, the maximum fee charged cannot exceed the chiropractor's usual and customary fee cash pay (including any time of service discount) for the services rendered.

(c) The chiropractic physician may terminate the Pre-Pay Plan at any time, for good and sufficient cause, except licensee must ensure that patient abandonment does not occur. In event of early termination of a pre-paid treatment plan by the chiropractic physician or clinic, the maximum fee charged cannot exceed pro-rated fees as agreed upon in the pre-paid treatment plan.

(4) Pre-Pay Plans must be in compliance with all other applicable State or Federal Laws.

Stat. Auth.: ORS 684

Stats. Implemented:

Hist.: BCE 3-2010, f. & cert. ef. 6-15-10; BCE 2-2013, f. & cert. ef. 8-2-13

Board of Examiners for Engineering and Land Surveying Chapter 820

Rule Caption: Adopt language allowing the Board to approve applicants for CBT examinations held in January.

Adm. Order No.: BEELS 5-2013(Temp)

Filed with Sec. of State: 8-13-2013

Certified to be Effective: 8-13-13 thru 2-7-14

Notice Publication Date:

Rules Adopted: 820-010-0217, 820-010-0219

Rules Amended: 820-010-0210

Subject: OAR 820-010-0210 — Amends language to include the timeframe in which an applicant may sit for a CBT examination based upon when the application is received and approved.

OAR 820-010-0217 — Adopts language to consider applications based on accredited degrees for the FE and FLS examinations.

OAR 820-010-0219 — Adopts language to consider applications for the FE and FLS examinations when the applicant is currently enrolled in the senior year of an accredited program.

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

820-010-0210

Application for Enrollment as an Engineering Intern (EI) and Land Surveying Intern (LSI)

Applicants for enrollment as an EI or LSI must submit documentation, compliant with OAR 820-010-0215.

(1) Applications for admission to examination based on educational qualifications must include:

(a) Application for the Fundamentals of Engineering/Fundamentals of Land Surveying examination.

(b) Official transcripts or evaluation of degree credentials demonstrating completion of a curriculum satisfactory to the Board as defined in OAR 820-010-0225 or 820-010-0226.

(2) Applications for admission to examination based on experience or based on a combination of educational and experience qualifications must include:

(a) Application for the Fundamentals of Engineering/Fundamentals of Land Surveying examination.

(b) Official transcripts or evaluation of degree credentials for those degrees not from an ABET accredited program, if applicable.

(c) Experience Details form.

(d) Three references that meet the requirements of the OAR 820-010-0255;

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

(B) References must be submitted on the Board approved Reference Details form.

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

(3) The fee for this application is \$0.00.

(4) The fee for an application for readmission is \$0.00.

(5) NCEES will be notified of approved applications as follows:

(a) Applications received and approved from June 2 to September 1 will be considered for the October and November examination window.

(b) Applications received and approved from September 2 to December 1 will be considered for the January and February examination window.

(c) Applications received and approved from December 2 to March 1 will be considered for the April and May examination window.

(d) Applications received and approved from March 2 to June 1 will be considered for the July and August examination window.

(6) Completed applications and official transcripts must arrive in the same package to be considered.

(7) Notwithstanding the reapplication requirements in these rules, applicants may not take the examination more than three times in a twelve month period.

Stat. Auth.: ORS 670.310, 672.105, 672.118 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: EE 13, f. 3-29-72, ef. 4-15-72; EE 20, f. & ef. 12-15-77; EE 1-1995, f. 8-15-95, cert. ef. 9-1-95; BEELS 2-1999, f. & cert. ef. 9-15-99; BEELS 2-2007, f. & cert. ef. 4-5-07; BEELS 1-2011, f. & cert. ef. 1-14-11; BEELS 2-2012, f. & cert. ef. 5-10-12; BEELS 5-2013(Temp), f. & cert. ef. 8-13-13 thru 2-7-14

820-010-0217

Applications for First and Second Attempts for the Fundamentals of Engineering (FE) and the Fundamentals of Land Surveying (FLS) Examinations with Accredited Degrees

Notwithstanding, OAR 820-010-0210, 820-010-0215, 820-010-0225, 820-010-0226, and 820-010-0442, applicants for first and second attempts

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for FE and FLS examinations administered on or after January 1, 2014, based on ABET or ACCE accredited Baccalaureate degree qualification, shall apply to sit for such examinations as follows:

- (1) Applications must be made on a form prescribed by the Board.
- (2) FE applications must include official transcripts documenting the degree and date awarded, demonstrating completion of an engineering curriculum satisfactory to the Board as described below:

- (a) Graduation from an EAC of ABET accredited engineering program;
- (b) Graduation from a TAC of ABET baccalaureate engineering program;
- (c) Graduation from an ACCE accredited four-year baccalaureate construction engineering management program.

- (3) FLS applications must include official transcripts documenting the degree and date awarded, demonstrating completion of a land surveying curriculum satisfactory to the Board as described below:

- (a) Graduation from a TAC of ABET accredited four-year baccalaureate land surveying program;
- (b) Graduation from an EAC of ABET accredited four-year baccalaureate land surveying program;
- (c) Graduation from an ASAC of ABET accredited four-year baccalaureate land surveying program.

- (4) The fee for this application is \$0.00.
- (5) NCEES will be notified of approved applications as follows:

- (a) Applications received and approved from June 2 to September 1 will be considered for the October and November examination window.

- (b) Applications received and approved from September 2 to December 1 will be considered for the January and February examination window.

- (c) Applications received and approved from December 2 to March 1 will be considered for the April and May examination window.

- (d) Applications received and approved from March 2 to June 1 will be considered for the July and August examination window.

- (6) Completed applications and official transcripts must arrive in the same package to be considered.

- (7) Notwithstanding the reapplication requirements in these rules, applicants may not take the examination more than three times in a twelve month period.

Stat. Auth.: ORS 670.310, 672.105, 672.118 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 5-2013(Temp), f. & cert. ef. 8-13-13 thru 2-7-14

820-010-0219

Application for Fundamentals of Engineering (FE) and Fundamentals of Land Surveying (FLS) Examinations – Verification of Enrollment

Notwithstanding OAR 820-010-0210, 820-010-0215, and 820-010-0242, applicants for FE and FLS examinations administered on or after January 1, 2014, based on the applicant's official school verification of current enrollment in the senior year of an ABET accredited qualifying baccalaureate program, shall apply to sit for such examinations as follows:

- (1) Applications must be made on a form prescribed by the Board;
- (2) FE applications must include an official school verification, completed on a form and in the manner prescribed by the Board, verifying that the applicant is currently enrolled in and, if the applicant graduates timely, will complete within 10 months of the exam for which the applicant sits, an engineering curriculum satisfactory to the Board, as described below:

- (a) Graduation from an EAC of ABET accredited engineering program;
- (b) Graduation from a TAC of ABET baccalaureate engineering program; or

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

- (3) FLS applications must include an official school verification, completed on a form and in the manner prescribed by the Board, verifying that the applicant is currently enrolled in and, if the applicant graduates timely, will complete within 10 months of the exam for which the applicant sits, a land surveying curriculum satisfactory to the Board, as described below:

- (a) Graduation from an EAC of ABET accredited four-year baccalaureate land surveying program;
- (b) Graduation from an ASAC of ABET accredited four-year baccalaureate land surveying program; or
- (c) Graduation from a TAC of ABET accredited four-year baccalaureate land surveying program.

- (4) The fee for this application is \$0.00.
- (5) NCEES will be notified of approved applications as follows:

- (a) Applications received and approved from June 2 to September 1 will be considered for the October and November examination window.

- (b) Applications received and approved from September 2 to December 1 will be considered for the January and February examination window.

- (c) Applications received and approved from December 2 to March 1 will be considered for the April and May examination window.

- (d) Applications received and approved from March 2 to June 1 will be considered for the July and August examination window.

- (6) The completed application and official school verification form must be submitted in the same packet to be considered.

- (7) Notwithstanding the reapplication requirements in these rules, applicants may not take the examination more than three times in a twelve month period.

Stat. Auth.: ORS 670.310, 672.105, 672.118 & 672.255

Stats. Implemented: ORS 672.002 - 672.325

Hist.: BEELS 5-2013(Temp), f. & cert. ef. 8-13-13 thru 2-7-14

Board of Licensed Professional Counselors and Therapists Chapter 833

Rule Caption: Distance supervision of registered interns

Adm. Order No.: BLPCT 2-2013

Filed with Sec. of State: 8-7-2013

Certified to be Effective: 8-15-13

Notice Publication Date: 7-1-2013

Rules Amended: 833-050-0081

Subject: Changes distance supervision requirements for registered interns; changes the role of the supervisor.

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

833-050-0081

Supervision

- (1) Supervision of direct client contact must take place within the same calendar month as the completed direct client contact hours.

- (2) Supervision meetings must take place at least twice per month, and in different weeks.

- (3) Supervision meetings must be no less than one hour, defined as no less than 50 minutes.

- (4) Supervision each month must total at least:

- (a) Two (2) hours for months in which 45 or fewer hours of direct client contact are completed; or

- (b) Three (3) hours for months in which 46 or more hours of direct client contact are completed.

- (5) In addition to all other reporting requirements, during the first three months of supervision:

- (a) At least 25% of the reported monthly supervision hours must be conducted in a professional setting, and in person.

- (b) Up to 75% of the reported monthly supervision hours may be conducted through confidential electronic communications.

- (6) For the remaining required supervision hours:

- (a) At least 25% of the remaining reported supervision hours must be conducted in a professional setting and in person;

- (b) Up to 75% of the remaining reported supervision hours may be conducted through confidential electronic communications.

- (7) At least 50% of the required number of monthly supervision hours must be individual supervision 1-to-1.

- (8) Group supervision must meet the following requirements at each meeting.

- (a) Include no more than six (6) supervisees;

- (b) Have leadership that does not shift from one supervisor to another; and

- (c) Not be a staff or team meeting, intensive training seminar, discussion group, consultation session, or quality assurance or review group.

- (9) If in any month an intern does not receive the minimum supervision hours required, no client contact hours would be credited for that month.

- (10) Interns must take steps to ensure consistency in supervision throughout the internship. The intern must request approval from the Board to change supervisors more than three times during the internship and provide steps taken to ensure consistency when changing supervisors.

- (11) An approved plan for a single practice, such as private practice or employment by one agency offering services at one or more sites, may have no more than two supervisors at any given time.

- (12) The supervisor must:

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(a) Review and evaluate appropriateness of client population and caseload, individual charts, case records, and methodologies for keeping client confidentiality; and

(b) Recommend that the intern to refer clients to other therapists when client needs are outside the intern's scope of practice; and

(13) The supervisor of interns, at the time of supervision must:

(a) Be someone other than a spouse or relative by blood or marriage or a person with whom the intern has or had a personal relationship; and

(b) Meet registered intern supervisor qualifications as required in OAR chapter 833, division 130.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 3-2010, f. 4-30-10, cert. ef. 5-3-10;

BLPCT 5-2010, f. 6-15-10, cert. ef. 7-1-10; BLPCT 6-2010, f. 12-13-10, cert. ef. 1-1-11;

BLPCT 2-2013, f. 8-7-13, cert. ef. 8-15-13

Board of Medical Imaging Chapter 337

Rule Caption: Establish requirements for limited permit holders expired for 24 months to renew their permits

Adm. Order No.: BMI 2-2013

Filed with Sec. of State: 7-26-2013

Certified to be Effective: 1-1-14

Notice Publication Date: 6-1-2013

Rules Amended: 337-010-0026

Subject: Limited X-Ray Permit holders who have allowed their limited permits to be expired for 24 continuous months will be required to pass the limited examinations (CORE plus current anatomic areas) to renew their limited permits.

Rules Coordinator: Ed Conlow—(971) 673-0216

337-010-0026

LXMO Permit Renewal

(1) LXMO permit holders must submit evidence of continuing education at the time they file an application for license renewal. An initial permanent LXMO permit that is prorated for a period of less than 24 months includes the requirement of an average of one hour of continuing education per month, depending on the number of anatomic areas in a limited permit.

(2) LXMO permit holders must obtain a minimum of continuing education hours according to the following schedule:

(a) One to three anatomic areas: 9 hours per year.

(b) Four or more anatomic areas: 12 hours per year.

(3) The Board may require LXMO permit holders to produce documents verifying continuing education activities for purposes of an audit by the Board. LXMO permit holders are required to retain verification documents for a period of two years following the renewal date. At any time during that two years the Board may require LXMO permit holders to produce those documents for purposes of an audit by the Board.

(4) Verification Documents for LXMO Renewal Applicants include:

(a) A completed OBMI worksheet, listing all continuing education activities performed during the immediately preceding licensing period.

(b) All renewal applicants are subject to audit of their Continuing Education hours by the Board.

(5) Acceptable Types of Continuing Education Activities:

(a) Any independent reading, video or audiocassette must include a pre-approved post-test to be acceptable for meeting OMBI's continuing education requirements.

(b) Acceptable forms of continuing education activities for LXMO permit holders (no maximum) include, with one hour of credit for each hour spent in the activity:

(A) Attendance at meetings of professional organizations that are directly related to radiography (educational portions of the meetings only).

(B) Directed reading of professional and scientific journals and newsletters related to radiography, listening to or viewing video recordings related to radiography, all of which include a post-test.

(C) Symposia, workshops, lectures, refresher courses, correspondence courses, etc. pertaining to radiography.

(D) In-service education when related to radiography.

(E) A minimum of one hour of education in one permit area is required per year and 2 hours of either radiation use and safety or radiographic technique is required per year.

(6) LXMO permit renewal requirements following 24-month lapse:

(a) A LXMO permit holder whose permit is expired for a period in excess of 24 continuous months must pass the ARRT examination in any specific anatomic area which is on their most recent expired permit and

which they wish to be reauthorized to practice in. All applicants under this paragraph, except bone densitometry applicants, must also pass the CORE examination.

(b) The application process and fee structure under this paragraph is the same as for first-time permanent permit applicants under OAR 337-01-0030. Time frame for passing the limited examination: the expired permit holder can re-test in any authorized area up to three times within one year from the date the applicant submits the first application to re-test. Passing score is 70 percent.

(c) Passing the CORE exam and an anatomic area exam will result in reinstatement of a permit for that anatomic area.

(d) For CORE or any anatomic area exam not passed within the maximum time period, the applicant will need to follow the same procedures under OAR 337-010-0030 as a new permanent permit applicant.

(e) Failure to pass CORE within the maximum time period will negate a passing grade on any anatomic area exams taken in accordance with this paragraph.

(f) Under this paragraph, limited permit holders who received their permits under the pre-2007 radiographic positioning can only be reinstated to practice using the current Board-approved radiographic positions, as follows: [Table not included. See ED. NOTE.]

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

Stat. Auth.: ORS 688.555(1)

Stats. Implemented: ORS 688.445 & 688.505

Hist.: BRT 1-2010, f. & cert. ef. 6-15-10; BMI 2-2013, f. 7-26-13, cert. ef. 1-1-14

Board of Tax Practitioners Chapter 800

Rule Caption: Temporary Rule Filing for decrease in preparer and business registration fees

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

Filed with Sec. of State: 7-22-2013

Certified to be Effective: 8-5-13 thru 2-1-14

Notice Publication Date:

Rules Amended: 800-020-0025

Subject: Temporary Rule Filing for a \$10 decrease in preparer and business registration fees due to an unexpected and temporary revenue surplus.

Rules Coordinator: Monica J. Walker—(503) 378-4860

800-020-0025

Fees

The fees for licenses and registrations issued, renewed, reactivated or otherwise, shall be prescribed by the State Board of Tax Practitioners by rule but shall not exceed the following:

(1) The fee for application for examination for a tax preparer's license is \$50.

(2) The fee for application for examination for a tax consultant's license is \$85.

(3) The fee for issuance of a tax preparer's initial license is \$50.

(4) The fee for a combination tax preparer's initial license/tax preparation business registration is \$100.

(5) The fee for renewal of a tax preparer's active license is \$70.

(6) The fee for issuance or renewal of a tax consultant's active license is \$95.

(7) The fee for an initial consultant license, if an applicant holds an active preparer's license is \$55.

(8) The fee for a combination tax consultant's initial license/tax preparation business registration, if an applicant holds an active preparer's license is \$115.

(9) The fee to place a tax preparer's license in inactive status is \$35.

(10) The fee to place a tax consultant's license in inactive status is \$50.

(11) The fee for reactivation of a tax preparer license in inactive status is \$70.

(12) The fee for reactivation of a tax consultant license in inactive status is \$95.

(13) The fee to reactivate a tax preparer or tax consultant license in lapsed status is \$35, plus payment of all unpaid renewal fees.

(14) The fee for a duplicate practitioner's license is \$10.

(15) The fee for a duplicate business registration is \$10.

(16) The fee for a replacement tax consultant's certificate is \$15.

(17) The fee for issuance or renewal of a tax preparation business registration is \$100.

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(18) As provided by subsection (a) and (b) of this section, the fee for renewal of a combination tax consultant's or tax preparer's license and tax preparation business registration is \$145:

(a) For Consultants — If postmarked on or before June 15th.

(b) For Preparers — If postmarked on or before October 15th.

(19) The fee for issuance or renewal of a branch office registration is \$20.

(20) The nonrefundable processing fee retained for all refunds issued is \$10.

(21) Dishonored Check or Electronic Payment. Pursuant to ORS 30.701, whenever a bank check, credit or debit transaction in payment of an obligation due for fees, penalties, copies of records or materials, or other services to the agency, is dishonored by the bank upon which the check is drawn, the applicant or authorization holder will be assessed and must pay an administrative processing fee in the amount of \$25. The Board may take any other disciplinary action against an authorization holder or payer and may seek other legal remedies in pursuing to effect collection of the returned items. If a check is returned for Non-Sufficient Fund (NSF) or uncollected funds the Board will attempt to collect payment by other means.

Stat. Auth.: ORS 673.730

Stats. Implemented: ORS 673.685

Hist.: TSE 4(Temp), f. & ef. 11-20-75 through 3-19-76; TSE 8, f. & ef. 5-19-76; TSE 14, f. 10-25-77, ef. 11-1-77; TSE 1-1979, f. 6-14-79, ef. 6-15-79; TSE 3-1979, f. 11-28-79, ef. 11-30-79; TSE 1-1985, f. & ef. 1-15-85; TSE 2-1986, f. & ef. 7-14-86; TSE 1-1987(Temp), f. 6-30-87, ef. 7-1-87; TSE 5-1987, f. & ef. 10-2-87; TSE 7-1987(Temp), f. & ef. 11-17-87; TSE 1-1988, f. & cert. ef. 2-19-88; TSE 4-1990, f. & cert. ef. 5-3-90; TSE 3-1991(Temp), f. 8-14-91, cert. ef. 9-29-91; TSE 5-1991, f. & cert. ef. 10-28-91; TSE 12-1991(Temp), f. & cert. ef. 11-25-91; TSE 3-1992, f. 5-15-92, cert. ef. 6-1-92; TSE 3-1997, f. & cert. ef. 9-4-97; BTSE 1-2001, f. & cert. ef. 4-19-01; BTSE 1-2002(Temp), f. & cert. ef. 8-6-02 thru 1-1-03; Administration correction 4-16-03; BTP 1-2003, f. & cert. ef. 9-23-03; BTP 3-2005, f. 8-31-05, cert. ef. 9-1-05; BTP 3-2007, f. 7-30-07, cert. ef. 8-1-07; BTP 1-2008, f. 1-14-08, cert. ef. 2-1-08; BTP 1-2009, f. & cert. ef. 2-5-09; BTP 1-2010, f. 1-19-10, cert. ef. 2-1-10; BTP 1-2011, f. 1-24-11, cert. ef. 2-1-11; BTP 2-2011, f. 2-7-11, cert. ef. 7-1-11; BTP 1-2012, f. 1-30-12, cert. ef. 2-1-12; BTP 2-2013(Temp), f. 7-22-13, cert. ef. 8-5-13 thru 2-1-14

Department of Administrative Services Chapter 125

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

Adm. Order No.: DAS 1-2013

Filed with Sec. of State: 7-31-2013

Certified to be Effective: 7-31-13

Notice Publication Date: 6-1-2013

Rules Adopted: 125-180-1010, 125-180-1020, 125-180-1030, 125-180-1040, 125-180-1050, 125-180-1060

Subject: The Shared Service Fund Program was created by SB 954 (2007) and initiates a payment distribution to Oregon counties providing property tax relief to business firms with eligible Strategic Investment Program (SIP) projects. The purpose of SB 954 is to help reimburse counties for loss of revenues associated with economic development activities to create and retain jobs. The department is promulgating permanent rules in order to make payments associated with this program.

Rules Coordinator: Janet Chambers—(503) 378-5522

125-180-1010

Purpose

These rules implement procedures for transferring moneys from the Shared Services Fund pursuant to ORS 285C.635 and 285C.639.

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

Stats. Implemented: ORS 285C.600 - 285C.626 & 285C.635

Hist.: DAS 1-2013, f. & cert. ef. 7-31-13

125-180-1020

Definitions

(1) "Average Eligible Worker" means the average worker reported by Business Oregon as a new hire or retained employee on a Strategic Investment Program (SIP) project.

(2) "Eligible Project" is a project described in ORS 285C.600(2) for which the Oregon Business Development Commission has reported new hires or retained employees.

Stat. Auth.: ORS 184.340, 285C.615(7)

Stats. Implemented: ORS 285C.600 - 285C.626

Hist.: DAS 1-2013, f. & cert. ef. 7-31-13

125-180-1030

Employment Verification

(1) The Department of Administrative Services may perform a verification of employment associated with Strategic Investment Projects compiled by Business Oregon under ORS 285C.615.

(2) The Department verification process may include determination of project related employment through other Oregon agencies:

(a) Department of Revenue,

(b) Employment Department, and

(c) Any other relevant agencies.

(3) Projects are eligible for consideration in the income tax calculation and county fund transfer only to the extent that employment information is verifiable.

Stat. Auth.: ORS 285C.615(7)

Stats. Implemented: ORS 285C.600 - 285C.626

Hist.: DAS 1-2013, f. & cert. ef. 7-31-13

125-180-1040

Personal Income Tax Estimate

(1) The personal income tax estimate is derived from:

(a) Reported number of workers hired or retained as a result of investment in an eligible project under the Strategic Investment Program ORS 285C.615; and

(b) The Department of Revenue's annual Oregon Personal Income Tax Statistics (150-101-406) report.

(2) A tax rate is determined based on the reported average pay per average eligible worker.

(3) Labor earnings are multiplied by the project tax rate for an income level equal to that of the wages paid to the average eligible worker.

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

Stats. Implemented: ORS 285C.600 - 285C.626 & 285C.635

Hist.: DAS 1-2013, f. & cert. ef. 7-31-13

125-180-1050

Funds Transfer Request Form

Counties with an approved Strategic Investment Project must submit a request for fund transfer, in an Agency approved format, to the Department of Administrative Services not later than July 1 following the completion of the relevant property tax year. The request for fund transfer must be delivered from the county commission chair or designee and shall include (unless otherwise provided in prior requests):

(1) Qualifying project name(s)

(2) Original Strategic Investment Program agreement(s), and

(3) Local taxing district distribution by percentage.

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

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

Hist.: DAS 1-2013, f. & cert. ef. 7-31-13

125-180-1060

Funds Distribution

(1) The department shall distribute moneys from the Shared Services Fund to the eligible county annually.

(2) Counties shall transfer funds to local taxing districts according to the percentages derived from the personal income tax estimate provided in rule 125-180-1040.

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

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

Hist.: DAS 1-2013, f. & cert. ef. 7-31-13

Department of Agriculture, Oregon Raspberry and Blackberry Commission Chapter 611

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

Adm. Order No.: ORBC 1-2013

Filed with Sec. of State: 7-16-2013

Certified to be Effective: 7-16-13

Notice Publication Date: 6-1-2013

Rules Amended: 611-030-0040

Subject: Amend OAR 611-030-0040 to add a Secretary-Treasurer officer position to the Oregon Raspberry and Blackberry Commission, pursuant to ORS 576.285.

This proposed rule change will add a Secretary-Treasurer officer position to the commission. The Secretary-Treasurer of the commission acts as custodian of all the monies, property, securities, fidelity bonds, and the books, records, and accounts maintained by

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the commodity commission. This officer is also responsible for promptly depositing all monies and securities of the commission into the appropriate banking institutions. These duties may be delegated to the Administrator. In the absence of the Chair or Vice Chair, the Secretary-Treasurer may perform his or her duties.

Rules Coordinator: Rachel Denué—(541) 758-4043

611-030-0040

Chair and Other Officers

(1) Annually, at the last regular meeting of the Commission at the end of the fiscal year, the Oregon Raspberry & Blackberry Commission will elect from its members a Chair, Vice Chair, and a Secretary-Treasurer who will serve until their successors are elected and qualified. The Chair, Vice Chair or Secretary-Treasurer may resign as such or may be removed from that position by vote of five or majority of the Commissioners. If the Chair, Vice Chair or Secretary-Treasurer ceases to be a Commissioner, the office will be vacant and a successor will be elected at the next regular meeting of the Commission.

(2) The Chair will preside over all meetings, call special meetings, and generally supervise the business affairs of the commodity commission committees.

(3) The Vice Chair will act in lieu of the Chair when the Chair is unable to perform the duties of the office of Chair or while the office is vacant. Under normal circumstances, the Vice Chair assists in the completion of the duties of the Chair.

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

Stat. Auth.: ORS 576

Stats. Implemented: ORS 576.285

Hist.: ORBC 1-2004, f. & cert. ef. 1-15-04; ORBC 1-2013, f. & cert. ef. 7-16-13

Rule Caption: Clarify assessment requirements for producers.

Adm. Order No.: ORBC 2-2013

Filed with Sec. of State: 7-16-2013

Certified to be Effective: 7-16-13

Notice Publication Date: 6-1-2013

Rules Amended: 611-010-0010

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

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

Rules Coordinator: Rachel Denué—(541) 758-4043

611-010-0010

Assessments

(1) Any first purchaser shall deduct and withhold an assessment of 1 percent of the gross value of the raw product of the berries delivered to a processor before any deductions from the price paid to the producer thereof, after July 6, 1987, for all caneberries grown in Oregon. (See definition of "First Purchaser".)

(2) Any producer who sells directly to a retailer or sells directly at farmers' markets or farmstands is obligated to pay the assessment.

(3) All casual sales of caneberries shall be exempt from the assessment. (See definition of "Casual Sale".)

(4) An organic producer will be exempt from assessment if the producer presents the following information to the commission by December 15th of each year:

(a) Either:

(A) A current certificate from a certifying agent under the Organic Foods Production Act, 7 U.S.C. § 6501-6522 and its implementing regulations; or

(B) A statement of exemption from certification under the Organic Foods Production Act, 7 U.S.C. § 6501-6522 and its implementing regulations; and

(b) A production report signed by the producer containing the producer's name, mailing address, species of berries, and pounds and price for each species.

Stat. Auth.: ORS 576

Stats. Implemented: ORS 576.325 & 576.335

Hist.: OCC 2-1981, f. 7-22-81, ef. 7-23-81; OCC 2-1987, f. & ef. 7-6-87; OCC 3-1987(Temp), f. & ef. 7-30-87; OCC 4-1987, f. & ef. 12-1-87; ORCB 1-2001, f. & cert. ef. 2-20-01; ORBC 1-2002, f. & cert. ef. 5-17-02; ORBC 1-2003, f. & cert. ef. 5-12-03; ORBC 2-2013, f. & cert. ef. 7-16-13

Department of Agriculture, Oregon Strawberry Commission Chapter 668

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

Adm. Order No.: SBY 2-2013

Filed with Sec. of State: 7-16-2013

Certified to be Effective: 7-16-13

Notice Publication Date: 6-1-2013

Rules Amended: 668-030-0010

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

This proposed rule change will allow the commissioners the option to serve on the commission for as many consecutive terms as they apply and are appointed for by the Oregon Department of Agriculture. There will be no limit of consecutive terms that can be served.

Rules Coordinator: Rachel Denué—(541) 758-4043

668-030-0010

Number of Commissioners and Terms

The Oregon Strawberry Commission will consist of seven commissioners appointed by the Director of the Oregon Department of Agriculture for a term or three years or, if for a term following a prior term for that person, ending three years from the date of expiration of any prior term.

Stat. Auth.: 2003 OL Ch. 604 & ORS 576

Stats. Implemented: 2003 OL Ch. 604 & ORS 576

Hist.: SBY 1-2004, f. & cert. ef. 1-15-04; SBY 2-2013, f. & cert 7-16-13

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

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

Adm. Order No.: BCD 7-2013(Temp)

Filed with Sec. of State: 7-26-2013

Certified to be Effective: 8-1-13 thru 12-31-13

Notice Publication Date:

Rules Amended: 918-020-0090, 918-098-1010

Subject: This 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—(503) 373-7559

918-020-0090

Program Standards

The division and every municipality that administers and enforces a building inspection program must establish and maintain the minimum standards, policies, and procedures set forth in this section.

(1) Administrative Standards. A building inspection program must:

(a) Provide adequate funds, equipment, and other resources necessary to administer and enforce the building inspection program in conformance with an approved operating plan;

(b) Document in writing the authority and responsibilities of the building official, plan reviewers, and inspectors based on an ordinance or resolution that authorizes the building official on behalf of the municipality to administer and enforce a building inspection program;

(c) Establish a local process to review appeals of technical and scientific determinations made by the building official regarding any provision

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of the specialty codes the municipality administers and enforces, to include a method to identify the local building official or designee and notify the aggrieved persons of the provisions of ORS 455.475;

(d) Account for all revenues collected and expenditures made relating to administration and enforcement of the building inspection program, and account for the electrical program revenues and expenditures separately when administered by the municipality.

(A) Prepare income and expense projections for each code program it will administer and enforce during the reporting period; and

(B) Describe how general administrative overhead costs and losses or surpluses, if any, will be allocated.

(e) Establish policies and procedures for the retention and retrieval of records relating to the administration and enforcement of the specialty codes it administers and enforces;

(f) Make its operating plan available to the public;

(g) Establish a process to receive public inquiries, comments, and complaints;

(h) Adopt a process to receive and respond to customers' questions regarding permitting, plan review, and inspections;

(i) Set reasonable time periods between 7 a.m. and 6 p.m. on days its permit office is open, weekends and holidays excluded, when it will receive and respond to customers' questions;

(j) Post its jurisdictional boundary, types of permits sold and hours of operation at each permit office it operates; and

(k) Identify all persons in addition to the building official to whom notices issued pursuant to these rules should be sent.

(2) Permitting Standards. A building inspection program must:

(a) Provide at least one office within its jurisdictional boundary where permits may be purchased;

(b) Set reasonable time periods between 7 a.m. and 6 p.m. on days its permit office is open, weekends and holidays excluded, when it will make permits available for purchase;

(c) Establish policies and procedures for receiving permit applications, determining whether permit applications are complete and notifying applicants what information, if any, is required to complete an application;

(d) Set reasonable time periods within which the municipality will:

(A) Advise permit applicants whether an application is complete or requires additional information; and

(B) Generally issue a permit after an application has been submitted and approved.

(e) Establish policies and procedure for issuing permits not requiring plan review, emergency permits, temporary permits, master permits, and minor labels;

(f) Provide a means to receive permit applications via facsimile; and

(g) Require proof of licensing, registration, and certification of any person who proposes to engage in any activity regulated by ORS chapters 446, 447, 455, 479, 693, and 701 prior to issuing any permit.

(3) Plan Review Standards. A building inspection program must:

(a) Establish policies and procedures for its plan review process to:

(A) Assure compliance with the specialty codes it is responsible for administering and enforcing, including any current interpretive rulings adopted pursuant to ORS 455.060 or 455.475;

(B) Make available checklists or other materials at each permitting office it operates that reasonably apprise persons of the information required to constitute a complete permit application or set of plans;

(C) Inform applicants within three working days of receiving an application, whether or not the application is complete and if it is for a simple residential plan. For the purposes of this rule and ORS 455.467, a "complete application" is defined by the division, taking into consideration the regional procedures in OAR chapter 918, division 50. If deemed a simple residential plan, the jurisdiction must also inform the applicant of the time period in which the plan review will generally be completed;

(D) Establish a process that includes phased permitting and deferred submittals for plan review of commercial projects for all assumed specialty codes, taking into consideration the regional procedures in OAR chapter 918, division 50. The process may not allow a project to proceed beyond the level of approval authorized by the building official. The process must:

(i) Require the building official to issue permits in accordance with the state building code as defined in ORS 455.010 provided that adequate information and detailed statements have been submitted and approved with pertinent requirements of the appropriate code. Permits may include, but not be limited to: excavation, shoring, grading and site utilities, construction of foundations, structural frame, shell, or any other part of a building or structure.

(ii) Allow deferred submittals to be permitted within each phase with the approval of the building official; and

(iii) Require the applicant to be notified of the estimated timelines for phased plan reviews and that the applicant is proceeding without assurance that a permit for the entire structure will be granted when a phased permit is issued.

(E) Verify that all plans have been stamped by a registered design professional and licensed plan reviewer where required;

(F) Verify for those architects and engineers requesting the use of alternative one and two family dwelling plan review program that all plans have been stamped by a registered professional who is also a residential plans examiner. This process must require the building official to:

(i) Establish policies and procedures in their operating plan for this process;

(ii) Waive building inspection program plan review requirements for conventional light frame construction for detached one and two family dwellings; and

(iii) Establish an appropriate fee for processing plans submitted under this rule.

(G) Establish a process for plan review if non-certified individuals will be reviewing permit applications under OAR 918-098-1010.

(b) Employ or contract with a person licensed, registered, or certified to provide consultation and advice on plan reviews as deemed necessary by the building official based on the complexity and scope of its customers' needs;

(c) Maintain a list of all persons it employs or contracts with to provide plan review services including licenses, registrations, and certifications held by each plan reviewer and evidence of compliance with all applicable statutory or professional continuing education requirements;

(d) Designate at least three licensed plan reviewers from whom the municipality will accept plan reviews when the time periods in subsection (e) of this section cannot be met; and

(e) Allow an applicant to use a plan reviewer licensed under OAR 918-090-0210 and approved by the building official when the time period for review of "simple one- or two-family dwelling plans" exceeds 10 days where the population served is less than 300,000, or 15 days where the population served is 300,000 or greater.

(4) For the purposes of these rules, "simple one- or two-family dwelling plans" must:

(a) Comply with the requirements for prescriptive construction under the Oregon Residential Specialty Code; or

(b) Comply with the Oregon Manufactured Dwelling Installation Specialty Code and the requirements in OAR chapter 918, division 500; and

(c) Be a structure of three stories or less with an enclosed total floor space of 4,500 square feet or less, inclusive of multiple stories and garage(s).

(5) "Simple one- or two-family dwelling plans" may:

(a) Include pre-engineered systems listed and approved by nationally accredited agencies in accordance with the appropriate specialty code, or by state interpretive rulings approved by the appropriate specialty board, that require no additional analysis; and

(b) Be designed by an architect or engineer and be considered a simple one- and two-family dwelling if all other criteria in this rule are met.

(6) The following are considered "simple one- or two-family dwelling plans":

(a) Master plans approved by the division or municipality or under ORS 455.685, which require no additional analysis; and

(b) Plans that include an engineering soil report if the report allows prescriptive building construction and requires no special systems or additional analysis.

(7) A plan that does not meet the definition of "simple" in this rule is deemed "complex". In order to provide timely customer service, a building official may accept a plan review performed by a licensed plan reviewer for a complex one- or two-family dwelling.

(8) Inspection Standards. A building inspection program must:

(a) Set reasonable time periods between 7 a.m. and 6 p.m. on days its permit office is open, weekends and holidays excluded, when it will provide inspection services or alternative inspection schedules agreed to by the municipality and permittee;

(b) Unless otherwise specified by statute or specialty code, establish reasonable time periods when inspection services will be provided following requests for inspections;

(c) Establish policies and procedures for inspection services;

(d) Leave a written copy of the inspection report on site;

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(e) Make available any inspection checklists;
(f) Maintain a list of all persons it employs or contracts with to provide inspection services including licenses, registrations, and certifications held by persons performing inspection services and evidence of compliance with all applicable statutory or professional continuing education requirements;

(g) Vest the building official with authority to issue stop work orders for failure to comply with the specialty codes the municipality is responsible for administering and enforcing; and

(h) Require inspectors to perform license enforcement inspections as part of routine installation inspections.

(i) Where a municipality investigates and enforces violations under ORS 455.156 or in accordance with the municipality's local compliance program, the municipality's inspectors must require proof of compliance with the licensing, permitting, registration, and certification requirements of persons engaged in any activity regulated by ORS Chapters 446, 447, 455, 479, 693, and 701. Inspectors must report any violation of a licensing, permitting, registration, or certification requirement to the appropriate enforcement agency.

(9) Compliance Programs. A municipality administering a building inspection program may enact local regulations to create its own enforcement program with local procedures and penalties; utilize the division's compliance program by submitting compliance reports to the division; elect to act as an agent of a division board pursuant to ORS 455.156; or develop a program that may include, but not be limited to, a combination thereof. A building inspection program must establish in its operating plan:

(a) Procedures to respond to public complaints regarding work performed without a license or permit or in violation of the specialty codes the municipality is responsible for administering and enforcing;

(b) Procedures requiring proof of licensure for work being performed under the state building code utilizing the approved citation process and procedures in OAR 918-020-0091.

(c) Policies and procedures to implement their compliance program;

(d) Policies and procedures regarding investigation of complaints, where the municipality chooses to investigate and enforce violations pursuant to ORS 455.156; and

(e) Policies and procedures regarding issuance of notices of proposed assessments of civil penalties, where the municipality chooses to act as an agent of a board pursuant to ORS 455.156. Penalties under such a program are subject to the limitations set in 455.156 and 455.895.

(10) Electrical Programs. Municipalities that administer and enforce an electrical program must demonstrate compliance with all applicable electrical rules adopted pursuant to ORS 479.855.

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

Stat. Auth.: ORS 455.030, 455.467, 455.469, 455.156 & 2013 OL Ch. 528

Stats. Implemented: ORS 455.150, 455.467, 455.469, 455.156 & 2013 OL Ch. 528

Hist.: BCD 9-1996, f. 7-1-96, cert. ef. 10-1-96; BCD 14-1998, f. 9-30-98, cert. ef. 10-1-98; BCD 11-2000, f. 6-23-00, cert. ef. 7-1-00; BCD 10-2002(Temp), f. 5-14-02, cert. ef. 5-15-02 thru 11-10-02; BCD 16-2002, f. & cert. ef. 7-1-02; BCD 27-2002, f. & cert. ef. 10-1-02; BCD 6-2004, f. 5-21-04, cert. ef. 7-1-04; BCD 11-2004, f. 8-13-04, cert. ef. 10-1-04; BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05; BCD 31-2005, f. 12-30-05, cert. ef. 1-1-06; BCD 1-2010, f. 3-1-10, cert. ef. 4-1-10; BCD 7-2013(Temp), f. 7-26-13, cert. ef. 8-1-13 thru 12-31-13

918-098-1010

Certification Requirements

(1) Unless otherwise stated in this rule, every person who performs building official duties, building code inspections, or plan reviews must possess a valid Oregon Inspector Certification and either:

(a) A valid appropriate Oregon Code Certification for the work being performed, or

(b) A valid appropriate International Code Council certification for the work being performed and the minimum level of experience as follows:

(A) Two years of construction or inspection-related experience or its equivalent;

(B) An approved one year inspection-related education program and one year of construction or inspection-related experience;

(C) A degree from an approved two year inspection-related education program or its equivalent; or

(D) Be a registered Oregon architect, a certified Oregon professional engineer, or have a Bachelor's or Master's degree in architecture or civil or structural engineering.

(2) Notwithstanding section (1)(b) of this rule, a person may perform the duties of a building official with only the Oregon Inspector Certification providing it is valid and the person passes the International Code Council Certified Building Official Legal Management examination within six months of hire.

(3) Plan review certification is not required for individuals reviewing permit applications as a part of their permit issuance responsibilities for the following as they relate to one- and two-family dwellings:

(a) First floor decks attached to a dwelling that:

(A) Extend not more than 12 feet from the dwelling but not closer than three feet to a property line;

(B) Are not more than 8 feet above grade;

(C) Will not exceed a 70 PSF live load and not a combined live and dead load of 80 PSF; and

(D) Are not in excess of a 2 horizontal 1 vertical ground slope.

(b) Car ports with a single slope that:

(A) Have a rafter span extending not more than 12 feet from a dwelling;

(B) Are attached to the dwelling for the full length not to exceed 30 feet;

(C) Have a maximum overhang of two feet that is not closer than three feet to a property line; and

(D) Will not exceed a combined 80 PSF live and dead load.

(c) Patio covers that:

(A) Have a single slope roof;

(B) Have a rafter span extending not more than 12 feet from the dwelling;

(C) Are attached to the dwelling the full length not to exceed 30 feet;

(D) Have a maximum overhang of two feet that is not closer than three feet to a property line; and

(E) Will not exceed a combined 80 PSF live and dead load.

(d) Fences not greater than 8 feet in height.

(e) Garage conversions as an accessory to a one- or two-family dwelling with no new cut openings in the existing wall.

(f) Window, door, or bathroom remodels where there are no load-bearing or lateral-bracing wall penetrations.

(g) Pole or manufactured steel structures with a maximum of 3,000 square feet that:

(A) Have a maximum 14-foot eave height;

(B) Are not closer than three feet to the property line and at least 6 feet from all other buildings on the same lot; and

(C) Fully engineered, including foundation where applicable.

(h) Mechanical equipment for the purposes of determining setback requirements have been met.

(4) Plan review certification is not required for individuals reviewing permit applications as part of their permit issuance responsibilities for buildings or structures that have plans and specifications provided by the department or a municipality under 2013 Oregon Laws Chapter 528 (2013 SB 582 Section 4).

(5) The building official is responsible for ensuring that persons performing permit reviews under this section utilize a division-approved checklist to perform reviews.

(6) The building official may determine based on unusual features, characteristics or other complicating circumstances that a certified individual must review a permit application.

(7) Where a jurisdiction routinely performs permit reviews for a type of project determined by the building official to be similar in complexity to the types of projects listed in sections (3) and (4) of this rule, the building official may submit a checklist to the division for approval. If approved, the jurisdiction may utilize the checklist in the same manner as section (5).

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

Stat. Auth.: ORS 455.030, 455.055, 455.110, 455.720, 455.730 & 2013 OL Ch. 528

Stats. Implemented: ORS 455.030, 455.055, 455.110, 455.720, 455.730 & 2013 OL Ch. 528

Hist.: BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; BCD 24-2005, f. 9-30-05, cert. ef. 10-1-05; BCD 4-2006, f. 3-31-06, cert. ef. 4-1-06; BCD 18-2006, f. 12-29-06, cert. ef. 1-1-07; BCD 6-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 7-2011, f. & cert. ef. 3-11-11; BCD 24-2011, f. 7-26-11, cert. ef. 10-1-11; BCD 7-2013(Temp), f. 7-26-13, cert. ef. 8-1-13 thru 12-31-13

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

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

Adm. Order No.: FCS 3-2013

Filed with Sec. of State: 7-19-2013

Certified to be Effective: 7-19-13

Notice Publication Date: 6-1-2013

Rules Amended: 441-710-0270

Rules Repealed: 441-710-0270(T)

ADMINISTRATIVE RULES

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

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

441-710-0270

Investment in Premises

(1) When real property is acquired for future expansion, at least partial utilization should be accomplished within a reasonable period, which shall not exceed three years unless otherwise approved in writing by the Director.

(2) When a credit union acquires unimproved real property for future expansion, the credit union shall at least partially utilize the property within a reasonable period of time, not to exceed six years unless otherwise approved in writing by the Director.

(3) After real property acquired for future expansion under sections (1) or (2) of this rule has been held for one year, a board resolution with definitive plans for utilization must be available for inspection by the Director's examiners.

(4) Investments in premises will be recorded on the credit union's books in accordance with generally accepted accounting principles. The cost of land shall be carried on the books of the credit union in an account separate from the cost of improvements thereon.

Stat. Auth.: ORS 723.102

Stats. Implemented: ORS 723.152

Hist.: BB 4-1982, f. 8-24-82, ef. 9-1-82; Renumbered from 805-072-0320; FCS 2-2005, f. & cert. ef. 8-25-05; FCS 1-2013(Temp), f. 1-4-13, cert. ef. 2-1-13 thru 7-31-13; FCS 3-2013, f. & cert. ef. 7-19-13

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

Rule Caption: Adopt federal OSHA technical amendment to Occupational Exposure to Hazardous Chemicals in Laboratories (Non-Mandatory Appendix)

Adm. Order No.: OSHA 3-2013

Filed with Sec. of State: 7-18-2013

Certified to be Effective: 7-18-13

Notice Publication Date: 6-1-2013

Rules Amended: 437-002-0360

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

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

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

Please visit our web site www.orosha.org

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

Rules Coordinator: Sue C. Joye—(503) 947-7449

437-002-0360

Adoption by Reference

In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following federal regulations printed as part of the Code of Federal Regulations, 29 CFR 1910, in the Federal Register:

(1) (Reserved) 29 CFR 1910.1000 Air contaminants.

NOTE: 29 CFR 1910.1000 was repealed on 11/15/93 by OR OSHA. In Oregon, OAR 437-002-0382 applies.

(2) 29 CFR 1910.1001 Asbestos, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(3) 29 CFR 1910.1002 Coal tar pitch volatiles, interpretation of term, published 1/21/83, Federal Register, vol. 43, p. 2768.

(4) 29 CFR 1910.1003 13 Carcinogens, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(5) 29 CFR 1910.1004 See §1910.1003, 13 Carcinogens.

(6) Reserved for 29 CFR 1910.1005.

(7) 29 CFR 1910.1006 See §1910.1003, 13 Carcinogens.

(8) 29 CFR 1910.1007 See §1910.1003, 13 Carcinogens.

(9) 29 CFR 1910.1008 See §1910.1003, 13 Carcinogens.

(10) 29 CFR 1910.1009 See §1910.1003, 13 Carcinogens.

(11) 29 CFR 1910.1010 See §1910.1003, 13 Carcinogens.

(12) 29 CFR 1910.1011 See §1910.1003, 13 Carcinogens.

(13) 29 CFR 1910.1012 See §1910.1003, 13 Carcinogens.

(14) 29 CFR 1910.1013 See §1910.1003, 13 Carcinogens.

(15) 29 CFR 1910.1014 See §1910.1003, 13 Carcinogens.

(16) 29 CFR 1910.1015 See §1910.1003, 13 Carcinogens.

(17) 29 CFR 1910.1016 See §1910.1003, 13 Carcinogens.

(18) 29 CFR 1910.1017 Vinyl chloride, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(19) 29 CFR 1910.1018 Inorganic arsenic, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(20) 29 CFR 1910.1020 Access to Employee Exposure and Medical Records, published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590. Appendix A Sample Authorization Letter. Appendix B Availability of NIOSH RTECS.

(21) 29 CFR 1910.1025 Lead, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(22) 29 CFR 1910.1026 Chromium (VI), published 3/26/12, FR vol. 77, no. 58, p. 17574.

(23) 29 CFR 1910.1027 Cadmium, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(24) 29 CFR 1910.1028 Benzene, and Appendices A, B, C, D, and E, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(25) 29 CFR 1910.1029 Coke oven emissions, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(26) 29 CFR 1910.1030 Bloodborne pathogens, published 6/8/11, Federal Register, vol. 76, no. 110, P. 33590.

(27) 29 CFR 1910.1043 Cotton dust, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(28) 29 CFR 1910.1044 1,2-dibromo-3-chloropropane, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(29) 29 CFR 1910.1045 Acrylonitrile, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(30) 29 CFR 1910.1047 Ethylene oxide, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(31) 29 CFR 1910.1048 Formaldehyde, and Appendices A, B, C, D and E, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(32) 29 CFR 1910.1050 Methylenedianiline (MDA), published 3/26/12, FR vol. 77, no. 58, p. 17574.

(33) 29 CFR 1910.1051 1,3-Butadiene, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(34) 29 CFR 1910.1052 Methylene Chloride, published 3/26/12, FR vol. 77, no. 58, p. 17574.

NOTE: 29 CFR 1910.1101 Asbestos, was repealed by Federal Register, vol. 57, no. 110, issued 6/8/92, p. 24330.)

(35) 29 CFR 1910.1096 Ionizing radiation, published 6/20/96, FR vol. 61, no. 46, p. 31427.

(36) 29 CFR 1910.1200 Hazard communication, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(37) 29 CFR 1910.1201 Retention of DOT Markings, Placards and Labels, published 7/19/94, Federal Register, vol. 59, p. 36700.

(38) 29 CFR 1910.1450 Occupational Exposure to Hazardous Chemicals in Laboratories, published 1/22/13, FR vol. 78, no. 14, p. 4324.

(39) 29 CFR 1910.1499 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9245.

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(40) 29 CFR 1910.1500 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9245.

These standards are available at the Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, and the United States Government Printing Office.

Stat. Auth.: ORS 654.025(2) & 656.726(4)

Stats. Implemented: ORS 654.001 - 654.295

Hist.: APD 13-1988, f. & ef. 8-2-88 & ef. 8-2-88; APD 14-1988, f. & ef. 9-12-88; APD 18-1988, f. & ef. 11-17-88; APD 4-1989(Temp), f. 3-31-89, ef. 5-1-89; APD 6-1989(Temp), f. 4-20-89, ef. 5-1-89; APD 9-1989, f. & ef. 7-7-89; APD 11-1989, f. 7-14-89, ef. 8-14-89; APD 13-1989, f. & ef. 7-17-89; OSHA 1-1990(Temp), f. & ef. 1-11-90; OSHA 3-1990(Temp), f. & ef. 1-19-90; OSHA 6-1990, f. & ef. 3-2-90; OSHA 7-1990, f. & ef. 3-2-90; OSHA 9-1990, f. 5-8-90, ef. 8-8-90; OSHA 11-1990, f. 6-7-90, ef. 7-1-90; OSHA 13-1990(Temp), f. 6-28-90, ef. 8-1-90; OSHA 14-1990, f. 6-28-90, ef. 8-1-90; OSHA 19-1990, f. & ef. 8-31-90; OSHA 20-1990, f. & ef. 9-18-90; OSHA 21-1990, f. & ef. 9-18-90; OSHA 7-1991, f. & cert. ef. 4-25-91; OSHA 13-1991, f. & cert. ef. 10-10-91; OSHA 15-1991, f. & cert. ef. 12-13-91; OSHA 1-1992, f. & cert. ef. 1-22-92; OSHA 4-1992, f. & cert. ef. 4-16-92; OSHA 5-1992, f. 4-24-92, cert. ef. 7-1-92; OSHA 6-1992, f. & cert. ef. 5-18-92; OSHA 9-1992(Temp), f. & cert. ef. 9-24-92; OSHA 11-1992, f. & cert. ef. 10-9-92; OSHA 12-1992, f. & cert. ef. 10-13-92; OSHA 14-1992, f. & cert. ef. 12-7-92; OSHA 15-1992, f. & cert. ef. 12-30-92; OSHA 1-1993, f. & cert. ef. 1-22-93; OSHA 6-1993(Temp), f. & cert. ef. 5-17-93; OSHA 12-1993, f. 8-20-93, cert. ef. 11-1-93; OSHA 17-1993, f. & cert. ef. 11-15-93; OSHA 4-1994, f. & cert. ef. 8-4-94; OSHA 1-1995, f. & cert. ef. 1-19-95; OSHA 4-1995, f. & cert. ef. 3-29-95; OSHA 5-1995, f. & cert. ef. 4-6-95; OSHA 8-1995, f. & cert. ef. 8-25-95; OSHA 4-1996, f. & cert. ef. 9-13-96; OSHA 6-1996, f. & cert. ef. 11-29-96; OSHA 4-1997, f. & cert. ef. 4-2-97; OSHA 6-1997, f. & cert. ef. 5-2-97; OSHA 8-1997, f. & cert. ef. 11-14-97; OSHA 1-1998, f. & cert. ef. 2-13-98; OSHA 3-1998, f. & cert. ef. 7-7-98; OSHA 1-1999, f. & cert. ef. 3-22-99; OSHA 2-1999, f. & cert. ef. 4-30-99; OSHA 6-2001, f. & cert. ef. 5-15-01; OSHA 10-2001, f. 9-14-01, cert. ef. 10-18-01; OSHA 12-2001, f. & cert. ef. 10-26-01; OSHA 1-2005, f. & cert. ef. 4-12-05; OSHA 4-2006, f. & cert. ef. 7-24-06; OSHA 6-2006, f. & cert. ef. 8-30-06; OSHA 10-2006, f. & cert. ef. 11-30-06; OSHA 5-2009, f. & cert. ef. 5-29-09; OSHA 3-2010, f. 6-10-10, cert. ef. 6-15-10; OSHA 4-2011, f. & cert. ef. 12-8-11; OSHA 5-2011, f. 12-8-11, cert. ef. 7-1-12; OSHA 1-2012, f. & cert. ef. 4-10-12; OSHA 5-2012, f. & cert. ef. 9-25-12; OSHA 3-2013, f. & cert. ef. 7-18-13

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Rule Caption: Adopt federal OSHA corrections/technical amendments to Hazard Communication.

Adm. Order No.: OSHA 4-2013

Filed with Sec. of State: 7-19-2013

Certified to be Effective: 7-19-13

Notice Publication Date: 6-1-2013

Rules Amended: 437-002-0100, 437-002-0360, 437-003-0001, 437-005-0001

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

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

Oregon OSHA adopts these amendments in general industry, construction, and shipyard employment.

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

Rules Coordinator: Sue C. Joye—(503) 947-7449

437-002-0100

Adoption by Reference

In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following federal regulations printed as part of the Code of Federal Regulations, 29 CFR 1910, in the Federal Register:

(1) 29 CFR 1910.101 Compressed gases (General requirements), published 3/7/96, FR vol. 61, no. 46, p. 9236.

(2) 29 CFR 1910.102 Acetylene. Repealed. Oregon OSHA Admin. Order 1-2010, f. 2/19/10, ef. 2/19/10. In Oregon, OAR 437-002-2102 applies.

(3) 29 CFR 1910.103 Hydrogen, published 12/14/07, FR vol. 72, no. 240, p. 71061.

(4) 29 CFR 1910.104 Oxygen, published 3/7/96, FR vol. 61, no. 46, p. 9237.

(5) 29 CFR 1910.105 Nitrous oxide, published 3/7/96, FR vol. 61, no. 46, p. 9237.

(6) 29 CFR 1910.106 Flammable and combustible liquids, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(7) 29 CFR 1910.107 Spray finishing using flammable and combustible materials, amended with AO 3-2003, removed 1910.107, and Oregon note added, f. and ef. 4/21/03.

(8) 29 CFR 1910.108 Reserved. Published 3/23/99, Federal Register, vol. 64, no. 55, p. 13909.

(9) 29 CFR 1910.109 Explosives and blasting agents, published 6/18/98, FR vol. 63, no. 117, p. 33466.

(10) 29 CFR 1910.110 Storage and handling of liquefied petroleum gases, published 12/14/07, FR vol. 72, no. 240, p. 71061.

(11) 29 CFR 1910.111 Storage and handling of anhydrous ammonia, published amended with AO 12-2001, Oregon note added, f. and ef. 10/26/01; 12/14/07, FR vol. 72, no. 240, p. 71061.

(12) Reserved for 29 CFR 1910.112 (Reserved).

(13) Reserved for 29 CFR 1910.113 (Reserved).

(14) 29 CFR 1910.114 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9238.

(15) 29 CFR 1910.115 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9238.

(16) 29 CFR 1910.116 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9238.

(17) 29 CFR 1910.119 Process safety management of highly hazardous chemicals, amended 2/8/13, FR vol. 78, no. 27, p. 9311.

(18) 29 CFR 1910.120 Hazardous waste operations and emergency response, amended 2/8/13, FR vol. 78, no. 27, p. 9311.

(19) 29 CFR 1910.121 Reserved. Published 3/23/99, Federal Register, vol. 64, no. 55, p. 13909.

(20) 29 CFR 1910.122 Table of contents. Repealed with OR-OSHA Admin. Order 9-2007, f. and ef. 12/3/07.

(21) 29 CFR 1910.123 Dipping and coating operations: Coverage and definitions. Repealed with OR-OSHA Admin. Order 9-2007, f. and ef. 12/3/07.

(22) 29 CFR 1910.124 General requirements for dipping and coating operations. Repealed with OR-OSHA Admin. Order 9-2007, f. and ef. 12/3/07.

(23) 29 CFR 1910.125 Additional requirements for dipping and coating operations that use flammable or combustible liquids. Repealed with OR-OSHA Admin. Order 9-2007, f. and ef. 12/3/07.

(24) 29 CFR 1910.126 Additional requirements for special dipping and coating applications. Repealed with OR-OSHA Admin. Order 9-2007, f. and ef. 12/3/07.

These standards are on file with the Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, and the United States Government Printing Office.

Stat. Auth.: ORS 654.025(2) & 656.726(4)

Stats. Implemented: ORS 654.001 - 654.295

Hist.: APD 19-1988, f. & ef. 11-17-88; APD 12-1989, f. & ef. 7-14-89; OSHA 22-1990, f. 9-28-90, cert. ef. 10-1-90; OSHA 3-1992, f. & cert. ef. 2-6-92; OSHA 3-1993, f. & cert. ef. 2-23-93; OSHA 6-1994, f. & cert. ef. 9-30-94; OSHA 3-1995, f. & cert. ef. 2-22-95; OSHA 4-1997, f. & cert. ef. 4-2-97; OSHA 3-1998, f. & cert. ef. 7-7-98; OSHA 2-1999, f. & cert. ef. 4-30-99; OSHA 8-1999, f. & cert. ef. 8-6-99; OSHA 12-2001, f. & cert. ef. 10-26-01; OSHA 4-2002, f. & cert. ef. 5-30-02; OSHA 3-2003, f. & cert. ef. 4-21-03; OSHA 4-2004, f. & cert. ef. 9-15-04; OSHA 4-2005, f. & cert. ef. 12-14-05; OSHA 4-2006, f. & cert. ef. 7-24-06; OSHA 9-2007, f. & cert. ef. 12-3-07; OSHA 7-2008, f. & cert. ef. 5-30-08; OSHA 1-2010, f. & cert. ef. 2-19-10; OSHA 5-2012, f. & cert. ef. 9-25-12; OSHA 6-2012, f. 9-28-12, cert. ef. 4-1-13; OSHA 4-2013, f. & cert. ef. 7-19-13

437-002-0360

Adoption by Reference

In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following federal regulations printed as part of the Code of Federal Regulations, 29 CFR 1910, in the Federal Register:

(1) (Reserved) 29 CFR 1910.1000 Air contaminants.

NOTE: 29 CFR 1910.1000 was repealed on 11/15/93 by OR OSHA. In Oregon, OAR 437-002-0382 applies.

(2) 29 CFR 1910.1001 Asbestos, published 2/8/13, FR vol. 78, no. 27, p. 9311.

(3) 29 CFR 1910.1002 Coal tar pitch volatiles, interpretation of term, published 1/21/83, Federal Register, vol. 43, p. 2768.

(4) 29 CFR 1910.1003 13 Carcinogens, published 3/26/12, FR vol. 77, no. 58, p. 17574.

(5) 29 CFR 1910.1004 See §1910.1003, 13 Carcinogens.

(6) Reserved for 29 CFR 1910.1005.

(7) 29 CFR 1910.1006 See §1910.1003, 13 Carcinogens.

(8) 29 CFR 1910.1007 See §1910.1003, 13 Carcinogens.

(9) 29 CFR 1910.1008 See §1910.1003, 13 Carcinogens.

(10) 29 CFR 1910.1009 See §1910.1003, 13 Carcinogens.

(11) 29 CFR 1910.1010 See §1910.1003, 13 Carcinogens.

(12) 29 CFR 1910.1011 See §1910.1003, 13 Carcinogens.

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- (13) 29 CFR 1910.1012 See §1910.1003, 13 Carcinogens.
(14) 29 CFR 1910.1013 See §1910.1003, 13 Carcinogens.
(15) 29 CFR 1910.1014 See §1910.1003, 13 Carcinogens.
(16) 29 CFR 1910.1015 See §1910.1003, 13 Carcinogens.
(17) 29 CFR 1910.1016 See §1910.1003, 13 Carcinogens.
(18) 29 CFR 1910.1017 Vinyl chloride, published 3/26/12, FR vol. 77, no. 58, p. 17574.
(19) 29 CFR 1910.1018 Inorganic arsenic, published 3/26/12, FR vol. 77, no. 58, p. 17574.
(20) 29 CFR 1910.1020 Access to Employee Exposure and Medical Records, published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590.
Appendix A Sample Authorization Letter.
Appendix B Availability of NIOSH RTECS.
(21) 29 CFR 1910.1025 Lead, published 3/26/12, FR vol. 77, no. 58, p. 17574.
(22) 29 CFR 1910.1026 Chromium (VI), published 3/26/12, FR vol. 77, no. 58, p. 17574.
(23) 29 CFR 1910.1027 Cadmium, published 3/26/12, FR vol. 77, no. 58, p. 17574.
(24) 29 CFR 1910.1028 Benzene, and Appendices A, B, C, D, and E, published 3/26/12, FR vol. 77, no. 58, p. 17574.
(25) 29 CFR 1910.1029 Coke oven emissions, published 3/26/12, FR vol. 77, no. 58, p. 17574.
(26) 29 CFR 1910.1030 Bloodborne pathogens, published 6/8/11, Federal Register, vol. 76, no. 110, P. 33590.
(27) 29 CFR 1910.1043 Cotton dust, published 3/26/12, FR vol. 77, no. 58, p. 17574.
(28) 29 CFR 1910.1044 1,2 dibromo-3 chloropropane, published 2/8/13, FR vol. 78, no. 27, p. 9311.
(29) 29 CFR 1910.1045 Acrylonitrile, published 3/26/12, FR vol. 77, no. 58, p. 17574.
(30) 29 CFR 1910.1047 Ethylene oxide, published 3/26/12, FR vol. 77, no. 58, p. 17574.
(31) 29 CFR 1910.1048 Formaldehyde, and Appendices A, B, C, D and E, published 2/8/13, FR vol. 78, no. 27, p. 9311.
(32) 29 CFR 1910.1050 Methyleneedianiline (MDA), published 3/26/12, FR vol. 77, no. 58, p. 17574.
(33) 29 CFR 1910.1051 1,3-Butadiene, published 2/8/13, FR vol. 78, no. 27, p. 9311.
(34) 29 CFR 1910.1052 Methylene Chloride, published 2/8/13, FR vol. 78, no. 27, p. 9311.
(NOTE: 29 CFR 1910.1101 Asbestos, was repealed by Federal Register, vol. 57, no. 110, issued 6/8/92, p. 24330.)
(35) 29 CFR 1910.1096 Ionizing radiation, published 6/20/96, FR vol. 61, no. 46, p. 31427.
(36) 29 CFR 1910.1200 Hazard communication, published 2/8/13, FR vol. 78, no. 27, p. 9311.
(37) 29 CFR 1910.1201 Retention of DOT Markings, Placards and Labels, published 7/19/94, Federal Register, vol. 59, p. 36700.
(38) 29 CFR 1910.1450 Occupational Exposure to Hazardous Chemicals in Laboratories, published 1/22/13, FR vol. 78, no. 14, p. 4324.
(39) 29 CFR 1910.1499 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9245.
(40) 29 CFR 1910.1500 Removed. Published 3/7/96, Federal Register, vol. 61, no. 46, p. 9245.

These standards are available at the Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, and the United States Government Printing Office.

Stat. Auth.: ORS 654.025(2) & 656.726(4)

Stats. Implemented: ORS 654.001 - 654.295

Hist.: APD 13-1988, f. 8-2-88 & ef. 8-2-88; APD 14-1988, f. & ef. 9-12-88; APD 18-1988, f. & ef. 11-17-88; APD 4-1989(Temp), f. 3-31-89, ef. 5-1-89; APD 6-1989(Temp), f. 4-20-89, ef. 5-1-89; APD 9-1989, f. & ef. 7-7-89; APD 11-1989, f. 7-14-89, ef. 8-14-89; APD 13-1989, f. & ef. 7-17-89; OSHA 1-1990(Temp), f. & ef. 1-11-90; OSHA 3-1990(Temp), f. & ef. 1-19-90; OSHA 6-1990, f. & ef. 3-2-90; OSHA 7-1990, f. & ef. 3-2-90; OSHA 9-1990, f. 5-8-90, ef. 8-8-90; OSHA 11-1990, f. 6-7-90, ef. 7-1-90; OSHA 13-1990(Temp), f. 6-28-90, ef. 8-1-90; OSHA 14-1990, f. 6-28-90, ef. 8-1-90; OSHA 19-1990, f. & ef. 8-31-90; OSHA 20-1990, f. & ef. 9-18-90; OSHA 21-1990, f. & ef. 9-18-90; OSHA 7-1991, f. & cert. ef. 4-25-91; OSHA 13-1991, f. & cert. ef. 10-10-91; OSHA 15-1991, f. & cert. ef. 12-13-91; OSHA 1-1992, f. & cert. ef. 1-22-92; OSHA 4-1992, f. & cert. ef. 4-16-92; OSHA 5-1992, f. 4-24-92, cert. ef. 7-1-92; OSHA 6-1992, f. & cert. ef. 5-18-92; OSHA 9-1992(Temp), f. & cert. ef. 9-24-92; OSHA 11-1992, f. & cert. ef. 10-9-92; OSHA 12-1992, f. & cert. ef. 10-13-92; OSHA 14-1992, f. & cert. ef. 12-7-92; OSHA 15-1992, f. & cert. ef. 12-30-92; OSHA 1-1993, f. & cert. ef. 1-22-93; OSHA 6-1993(Temp), f. & cert. ef. 5-17-93; OSHA 12-1993, f. 8-20-93, cert. ef. 11-1-93; OSHA 17-1993, f. & cert. ef. 11-15-93; OSHA 4-1994, f. & cert. ef. 8-4-94; OSHA 1-1995, f. & cert. ef. 1-19-95; OSHA 4-1995, f. & cert. ef. 3-29-95; OSHA 5-1995, f. & cert. ef. 4-6-95; OSHA 8-1995, f. & cert. ef. 8-25-95; OSHA 4-1996, f. & cert. ef. 9-13-96; OSHA 6-1996, f. & cert. ef. 11-29-96; OSHA 4-1997, f. & cert. ef. 4-2-97; OSHA 6-1997, f. & cert. ef. 5-2-97; OSHA 8-1997, f. & cert. ef. 11-14-97; OSHA 1-1998, f. & cert. ef. 2-13-98; OSHA 3-1998, f. & cert. ef. 7-7-98; OSHA 1-1999, f. & cert. ef. 3-22-99; OSHA 2-1999, f. & cert. ef. 4-30-99; OSHA 6-2001, f. & cert. ef. 5-15-01; OSHA 10-2001, f. 9-14-01, cert. ef. 10-18-01; OSHA 12-2001, f. & cert. ef. 10-26-01; OSHA 1-2005,

f. & cert. ef. 4-12-05; OSHA 4-2006, f. & cert. ef. 7-24-06; OSHA 6-2006, f. & cert. ef. 8-30-06; OSHA 10-2006, f. & cert. ef. 11-30-06; OSHA 5-2009, f. & cert. ef. 5-29-09; OSHA 3-2010, f. 6-10-10, cert. ef. 6-15-10; OSHA 4-2011, f. & cert. ef. 12-8-11; OSHA 5-2011, f. 12-8-11, cert. ef. 7-1-12; OSHA 1-2012, f. & cert. ef. 4-10-12; OSHA 5-2012, f. & cert. ef. 9-25-12; OSHA 3-2013, f. & cert. ef. 7-18-13; OSHA 4-2013, f. & cert. ef. 7-19-13

437-003-0001

Adoption by Reference

In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following federal regulations printed as part of the Code of Federal Regulations, in the Federal Register:

(1) Subdivision A — GENERAL.

(a) 29 CFR 1926.1 Purpose and Scope, published 4/6/79, FR vol. 44, p. 20940.

(b) 29 CFR 1926.2 Variances from safety and health standards, published 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.3 Inspections — right of entry, published 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.4 Rules of practice for administrative adjudications for enforcement of safety and health standards, published 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.6 Incorporation by reference, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(2) Subdivision B — GENERAL INTERPRETATIONS.

(a) 29 CFR 1926.10 Scope of subpart, published 4/6/79, FR vol. 44, p. 20940.

(b) 29 CFR 1926.11 Coverage under section 103 of the act distinguished, published 4/6/79, FR vol. 44, p. 20940.

(c) 29 CFR 1926.12 Reorganization plan No. 14 of 1950, published 4/6/79, FR vol. 44, p. 20940.

(d) 29 CFR 1926.13 Interpretation of statutory terms, published 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.14 Federal contracts for 'mixed' types of performance, published 4/6/79, FR vol. 44, p. 20940.

(f) 29 CFR 1926.15 Relationship to the service contract act; Walsh-Healey Public Contracts Act, published 4/6/79, FR vol. 44, p. 20940.

(g) 29 CFR 1926.16 Rules of construction, published 4/6/79, FR vol. 44, p. 20940.

(3) Subdivision C — GENERAL SAFETY AND HEALTH PROVISIONS.

(a) 29 CFR 1926.20 General safety and health provisions, published 12/12/08, FR vol. 73, no. 240, pp. 75568-75589.

(b) 29 CFR 1926.21 Safety training and education, published 4/6/79, FR vol. 44, p. 20940; amended with Oregon OSHA AO 6-2012, repealed (b)(6), f. 9/28/12, ef. 4/1/13.

(c) 29 CFR 1926.22 Recording and reporting of injuries (Reserved)

(d) 29 CFR 1926.23 First aid and medical attention, published 4/6/79, FR vol. 44, p. 20940.

(e) 29 CFR 1926.24 Fire protection and prevention, published 4/6/79, FR vol. 44, p. 20940.

(f) 29 CFR 1926.25 Housekeeping, published 4/6/79, FR vol. 44, p. 20940.

(g) 29 CFR 1926.26 Illumination, published 4/6/79, FR vol. 44, p. 20940.

(h) 29 CFR 1926.27 Sanitation, published 4/6/79, FR vol. 44, p. 20940.

(i) 29 CFR 1926.28 Personal protective equipment. 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.

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(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.

(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.

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- (d) 29 CFR 1926.453 Aerial lifts, published 11/25/96, FR vol. 61, no. 228, p. 59832.
- (e) 29 CFR 1926.454 Training, published 8/30/96, FR vol. 61, no. 170, p. 46117.
- (f) Appendix A to Subpart L Scaffold Specifications, published 8/30/96, FR vol. 61, no. 170, p. 46117.
- (g) Appendix B to Subpart L Criteria for determining the feasibility of providing safe access and fall protection for scaffold erectors and dismantlers (Reserved), published 8/30/96, FR vol. 61, no. 170, p. 46122.
- (h) Appendix C to Subpart L List of National Consensus Standards, published 8/30/96, FR vol. 61, no. 170, p. 46122.
- (i) Appendix D to Subpart L List of training topics for scaffold erectors and dismantlers, published 8/30/96, FR vol. 61, no. 170, p. 46122.
- (j) Appendix E to Subpart L Drawing and illustrations, published 11/25/96, FR vol. 61, no. 228, p. 59832.
- (13) Subdivision M — FALL PROTECTION.
- (a) 29 CFR 1926.500 Scope, application, and definitions applicable to this subpart, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (b) 29 CFR 1926.501 Duty to have fall protection, published 8/9/94, FR vol. 59, no. 152, p. 40732-40733; amended with AO 6-2002, f. and ef. 7/19/02.
- (c) 29 CFR 1926.502 Fall protection systems criteria and practices, published 8/9/94, FR vol. 59, no. 152, p. 40733-40738; amended with AO 6-2002, f. and ef. 7/19/02.
- (d) 29 CFR 1926.503 Training requirements. REPEALED with AO 6-2002, f. and ef. 7/19/02, replaced with OI.
- (e) Appendix A to Subpart M Determining Roof Widths, published 8/9/94, FR vol. 59, no. 152, p. 40738-40742.
- (f) Appendix B to Subpart M Guardrail Systems, published 8/9/94, FR vol. 59, no. 152, p. 40743.
- (g) Appendix C to Subpart M Personal Fall Arrest Systems, published 8/9/94, FR vol. 59, no. 152, p. 40743-40746.
- (h) Appendix D to Subpart M Positioning Device Systems, published 8/9/94, FR vol. 59, no. 152, p. 40746.
- (14) Subdivision N — HELICOPTERS, HOISTS, ELEVATORS, AND CONVEYORS.
- (a) 29 CFR 1926.550 (Reserved).
- (b) 29 CFR 1926.551 Helicopters, published 4/6/79, FR vol. 44, p. 20940.
- (c) 29 CFR 1926.552 Material hoists, personnel hoists, and elevators, published 4/6/79, FR vol. 44, p. 20940.
- (d) 29 CFR 1926.553 Base-mounted drum hoist, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (e) 29 CFR 1926.554 Overhead hoists, published 4/6/79, FR vol. 44, p. 20940.
- (f) 29 CFR 1926.555 Conveyors, published 4/6/79, FR vol. 44, p. 20940.
- (15) Subdivision O — MOTOR VEHICLES, MECHANIZED EQUIPMENT, AND MARINE OPERATIONS.
- (a) 29 CFR 1926.600 Equipment, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (b) 29 CFR 1926.601 Motor vehicles, REPEALED by OR-OSHA Admin. Order 6-2007, f. 9/26/07, ef. 9/26/07.
- (c) 29 CFR 1926.602 Material handling equipment, published 12/1/98, FR vol. 63, no. 230, p. 66274; amended by AO 7-2003, f. 12/5/03, ef. 12/5/03.
- (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.

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- (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.
- (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 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (d) 29 CFR 1926.953 Material handling, published 4/6/79, FR vol. 44, p. 20940.
- (e) 29 CFR 1926.954 Grounding for protection of employees, published 4/6/79, FR vol. 44, p. 20940.
- (f) 29 CFR 1926.955 Overhead lines, published 4/6/79, FR vol. 44, p. 20940.
- (g) 29 CFR 1926.956 Underground lines, published 4/6/79, FR vol. 44, p. 20940.
- (h) 29 CFR 1926.957 Construction in energized substations, published 4/6/79, FR vol. 44, p. 20940.
- (i) 29 CFR 1926.958 External load helicopters, published 4/6/79, FR vol. 44, p. 20940.
- (j) 29 CFR 1926.959 Lineman's body belts, safety straps, and lanyards, published 4/6/79, FR vol. 44, p. 20940.
- (k) 29 CFR 1926.960 Definitions applicable to this subpart, published 4/6/79, FR vol. 44, p. 20940.
- (23) Subdivision W — ROLLOVER PROTECTIVE STRUCTURES: OVERHEAD PROTECTION.
- (a) 29 CFR 1926.1000 Rollover protective structures (ROPS) for material handling equipment, published 4/6/79, FR vol. 44, p. 20940.
- (b) 29 CFR 1926.1001 Minimum performance criteria for rollover protective structure for designated scrapers, loaders, dozers, graders, and crawler tractors, published 4/6/79, FR vol. 44, p. 20940.
- (c) 29 CFR 1926.1002 Protective frame (ROPS) test procedures and performance requirements for wheel-type agricultural and industrial tractors used in construction, published 7/20/06, FR vol. 71, no. 139, p. 41127..
- (d) 29 CFR 1926.1003 Overhead protection for operators of agricultural and industrial tractors, published 2/28/06, FR vol. 71, no. 39, p. 9909.
- (24) Subdivision X — STAIRWAYS AND LADDERS.
- (a) 29 CFR 1926.1050 Scope, application and definitions applicable to this Subdivision, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (b) 29 CFR 1926.1051 General requirements, published 11/14/90, FR vol. 55, no. 220, p. 47688.
- (c) 29 CFR 1926.1052 Stairways, published 8/23/91, FR vol. 56, no. 164, pp. 41793-41794.
- (d) 29 CFR 1926.1053 Ladders, published 8/23/91, FR vol. 56, no. 164, pp. 41793-41794.
- (e) 29 CFR 1926.1054 (Reserved).
- (f) 29 CFR 1926.1055 (Reserved).
- (g) 29 CFR 1926.1056 (Reserved).
- (h) 29 CFR 1926.1057 (Reserved).
- (i) 29 CFR 1926.1058 (Reserved).
- (j) 29 CFR 1926.1059 (Reserved).
- (k) 29 CFR 1926.1060 Training requirements, published 11/14/90, FR vol. 55, no. 220, p. 47691.
- (25) Subdivision Z — TOXIC AND HAZARDOUS SUBSTANCES.
- (a) 29 CFR 1926.1101 Asbestos, published 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 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (b) 29 CFR 1926.1401 Definitions, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (c) 29 CFR 1926.1402 Ground conditions, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (d) 29 CFR 1926.1403 Assembly/Disassembly — selection of manufacturer or employer procedures, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (e) 29 CFR 1926.1404 Assembly/Disassembly — general requirements (applies to all assembly and disassembly operations), published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (f) 29 CFR 1926.1405 Disassembly — additional requirements for dismantling of booms and jibs (applies to both the use of manufacturer procedures and employer procedures), published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (g) 29 CFR 1926.1406 Assembly/Disassembly — employer procedures — general requirements, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (h) 29 CFR 1926.1407 Power line safety (up to 350 kV) — assembly and disassembly, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.
- (i) 29 CFR 1926.1408 Power line safety (up to 350 kV) — equipment operations, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

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(j) 29 CFR 1926.1409 Power line safety (over 35 kV), published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(k) 29 CFR 1926.1410 Power line safety (all voltages) — equipment operations closer than the Table A zone, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(l) 29 CFR 1926.1411 Power line safety — while traveling, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(m) 29 CFR 1926.1412 Inspections, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(n) 29 CFR 1926.1413 Wire rope — inspection, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(o) 29 CFR 1926.1414 Wire rope — selection and installation criteria, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(p) 29 CFR 1926.1415 Safety devices, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(q) 29 CFR 1926.1416 Operational aids, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(r) 29 CFR 1926.1417 Operation, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(s) 29 CFR 1926.1418 Authority to stop operation, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(t) 29 CFR 1926.1419 Signals — general requirements, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(u) 29 CFR 1926.1420 Signals — radio, telephone or other electronic transmission of signals, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(v) 29 CFR 1926.1421 Signals — voice signals — additional requirements, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

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

(x) 29 CFR 1926.1423 Fall protection, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(y) 29 CFR 1926.1424 Work area control, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

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

(aa) 29 CFR 1926.1426 Free fall and controlled load lowering, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(bb) 29 CFR 1926.1427 Operator qualification and certification, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(cc) 29 CFR 1926.1428 Signal person qualifications, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(dd) 29 CFR 1926.1429 Qualifications of maintenance & repair employees, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(ee) 29 CFR 1926.1430 Training, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(ff) 29 CFR 1926.1431 Hoisting personnel, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(gg) 29 CFR 1926.1432 Multiple-crane/derrick lifts — supplemental requirements, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

(hh) 29 CFR 1926.1433 Design, construction and testing, published 8/9/10, FR vol. 75, no. 152, pp. 47906-48177.

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

(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

437-005-0001

Adoption by Reference

In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following federal regulations printed as part of the Code of Federal Regulations, 29 CFR 1915, in the Federal Register:

(1) Subdivision A.

(a) 29 CFR 1915.1. Purpose and authority, published 4/20/82, Federal Register (FR) vol. 47, p. 16984.

(b) 29 CFR 1915.2. Scope and application, published 4/20/82, FR vol. 47, p. 16984.

(c) 29 CFR 1915.3. Responsibility, published 4/20/82, FR vol. 47, p. 16984.

(d) 29 CFR 1915.4. Definitions, published 7/3/02, FR vol. 67, no. 128, p. 44541.

(e) 29 CFR 1915.5. Incorporation by reference, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.

(f) 29 CFR 1915.6. Commercial diving operations, published 4/20/82, FR vol. 47, p. 16984.

(g) 29 CFR 1915.7. Competent person, published 7/25/94, FR vol. 59, p. 37856.

(h) 29 CFR 1915.9. Compliance duties owed to each employee, published 12/12/08, FR vol. 73, no. 240, pp. 75568-75589.

(2) Subdivision B.

(a) 29 CFR 1915.11. Scope, application and definitions applicable to this Subpart, published 7/25/94, FR vol. 59, p. 37857.

(b) 29 CFR 1915.12. Precautions before entering confined and enclosed spaces and other dangerous atmospheres, published 3/16/95, FR vol. 60, no. 51, p. 14218.

(c) 29 CFR 1915.13. Cleaning and other cold work, published 7/25/94, FR vol. 59, p. 37859.

(d) 29 CFR 1915.14. Hot work, published 7/3/02, FR vol. 67, no. 128, p. 44541.

(e) 29 CFR 1915.15. Maintenance of safe conditions, published 6/22/12, FR vol. 77, no. 121, p. 37587.

(f) 29 CFR 1915.16. Warning signs and labels, published 7/25/94, FR vol. 59, p. 37861. Appendix A to Subpart B published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590. Appendix B to Subpart B published 7/25/94, FR vol. 59, p. 37816.

(3) Subdivision C.

(a) 29 CFR 1915.31. Scope & application of subdivision, published 4/20/82, FR vol. 47, p. 16984.

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- (b) 29 CFR 1915.32. Toxic cleaning solvents, published 5/24/96, FR vol. 61, no. 102, p. 26351.
- (c) 29 CFR 1915.33. Chemical paint & preservative remover, published 5/24/96, FR vol. 61, no. 102, p. 26351.
- (d) 29 CFR 1915.34. Mechanical paint removers, published 5/24/96, FR vol. 61, no. 102, p. 26351.
- (e) 29 CFR 1915.35. Painting, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (f) 29 CFR 1915.36. Flammable liquids, published 4/20/82, FR vol. 47, p. 16984.
- (4) Subdivision D.
- (a) 29 CFR 1915.51. Ventilation & protection in welding, cutting and heating, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (b) 29 CFR 1915.52. Fire prevention. REMOVED 9/15/04, FR vol. 69, p. 55667.
- (c) 29 CFR 1915.53. Welding, cutting and heating of hollow metal containers & structure not covered by 1915.12, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (d) 29 CFR 1915.55. Gas welding & cutting, published 4/20/82, FR vol. 47, p. 16984.
- (e) 29 CFR 1915.56. Arc welding and cutting, published 4/20/82, FR vol. 47, p. 16984.
- (f) 29 CFR 1915.57. Uses of fissionable material in ship repairing and shipbuilding, published 4/20/82, FR vol. 47, p. 16984.
- (5) Subdivision E.
- (a) 29 CFR 1915.71. Scaffolds or staging, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (b) 29 CFR 1915.72. Ladders, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (c) 29 CFR 1915.73. Guarding of deck openings and edges, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (d) 29 CFR 1915.74. Access to vessels, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (e) 29 CFR 1915.75. Access to and guarding of dry docks and marine railways, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (f) 29 CFR 1915.76. Access to cargo spaces and confined spaces, published 4/20/82, FR vol. 47, p. 16984.
- (g) 29 CFR 1915.77. Working surfaces, published amended 7/3/02, FR vol. 67, no. 128, p. 44541.
- (6) Subdivision F.
- (a) 29 CFR 1915.80. Scope, application, definitions and effective dates, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (b) 29 CFR 1915.81. Housekeeping, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (c) 29 CFR 1915.82. Lighting, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (d) 29 CFR 1915.83. Utilities, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (e) 29 CFR 1915.84. Working alone, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (f) 29 CFR 1915.85. Vessel radar and communication systems, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (g) 29 CFR 1915.86. Lifeboats, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (h) 29 CFR 1915.87. Medical services and first aid, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (i) 29 CFR 1915.88. Sanitation, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (j) 29 CFR 1915.89. Control of hazardous energy (lockout/tagout), published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (k) 29 CFR 1915.90. Safety color code for marking physical hazards, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (l) 29 CFR 1915.91. Accident prevention signs and tags, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (m) 29 CFR 1915.92. Retention of DOT markings, placards, and labels, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (n) 29 CFR 1915.93. Motor vehicle safety equipment, operation, and maintenance, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (o) 29 CFR 1915.94. Servicing of multi-piece and single-piece rim wheels, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (7) Subdivision G.
- (a) 29 CFR 1915.111. Inspection, published 4/20/ 82, FR vol. 47, p. 16984.
- (b) 29 CFR 1915.112. Ropes, chains and slings, published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590.
- (c) 29 CFR 1915.113. Shackles and hooks, published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590.
- (d) 29 CFR 1915.114. Chain falls and pull lifts, published 4/20/82, FR vol. 47, p. 16984.
- (e) 29 CFR 1915.115. Hoisting and hauling equipment, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (f) 29 CFR 1915.116. Use of gear, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (g) 29 CFR 1915.117. Qualifications of operators, published 4/20/82, FR vol. 47, p. 16984.
- (h) 29 CFR 1915.118. Tables, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (8) Subdivision H.
- (a) 29 CFR 1915.131. General precautions, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (b) 29 CFR 1915.132. Portable electric tools, published 4/20/82, FR vol. 47, p. 16984.
- (c) 29 CFR 1915.133. Hand tools, published 4/20/ 82, FR vol. 47, p. 16984.
- (d) 29 CFR 1915.134. Abrasive wheels, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (e) 29 CFR 1915.135. Powder actuated fastening tools, published 5/24/96, FR vol. 61, no. 102, p. 26351.
- (f) 29 CFR 1915.136. Internal combustion engines other than ship's equipment, published 4/20/82, FR vol. 47, p. 16984.
- (9) Subdivision I.
- (a) 29 CFR 1915.151. Scope, application and definitions, published 5/24/96, FR vol. 61, no. 102, p. 26352.
- (b) 29 CFR 1915.152. General requirements, published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590.
- (c) 29 CFR 1915.153. Eye and face protection, published 9/9/09, FR vol. 74, no. 173, pp. 46350-46361.
- (d) 29 CFR 1915.154. Respiratory protection, published 5/24/96, FR vol. 61, no. 102, p. 26354.
- (e) 29 CFR 1915.155. Head protection, published 6/22/12, FR vol. 77, no. 121, p. 37587.
- (f) 29 CFR 1915.156. Foot protection, published 9/9/09, FR vol. 74, no. 173, pp. 46350-46361.
- (g) 29 CFR 1915.157. Hand and body protection, published 5/24/96, FR vol. 61, no. 102, p. 26354.
- (h) 29 CFR 1915.158. Lifesaving equipment, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (i) 29 CFR 1915.159. Personal fall arrest systems (PFAS), published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (j) 29 CFR 1915.160. Positioning device systems, published 7/3/02, FR vol. 67, no. 128, p. 44541. Appendix A to Subpart I, published 7/3/02, FR vol. 67, no. 128, p. 44541. Appendix B to Subpart I, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (10) Subdivision J.
- (a) 29 CFR 1915.161. Scope and application of subdivision, published 4/20/ 82, FR vol. 47, p. 16984.
- (b) 29 CFR 1915.162. Ship's boilers, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (c) 29 CFR 1915.163. Ship's piping systems, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (d) 29 CFR 1915.164. Ship's propulsion machinery, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (e) 29 CFR 1915.165. Ship's decking machinery, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (11) Subdivision K.
- (a) 29 CFR 1915.171. Scope and application of subdivision, published 4/20/ 82, FR vol. 47, p. 16984.
- (b) 29 CFR 1915.172. Portable air receiver and other unfired pressure vessels, published 7/3/02, FR vol. 67, no. 128, p. 44541.
- (c) 29 CFR 1915.173. Drums and containers, published 4/20/82, FR vol. 47, p. 16984.
- (12) Subdivision L.
- (a) 29 CFR 1915.181. Electrical circuits and distribution boards, published 5/2/11, Federal Register vol. 76, no. 84, p. 24576.
- (13) Subdivisions M–O (Reserved).
- (14) Subdivision P.
- (a) 29 CFR 1915.501. General provisions, published 9/15/04, FR vol. 69, p. 55667.
- (b) 29 CFR 1915.502. Fire safety plan, published 9/15/04, FR vol. 69, p. 55667.

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(c) 29 CFR 1915.503. Precautions for hot work, published 9/15/04, FR vol. 69, p. 55667.

(d) 29 CFR 1915.504. Fire watches, published 9/15/04, FR vol. 69, p. 55667.

(e) 29 CFR 1915.505. Fire response, published 10/17/06, FR vol. 71, no. 200, p. 60843.

(f) 29 CFR 1915.506. Hazards of fixed extinguishing systems on board vessels and vessel sections, published 9/15/04, FR vol. 69, p. 55667.

(g) 29 CFR 1915.507. Land-side fire protection systems, published 10/17/06, FR vol. 71, no. 200, p. 60843.

(h) 29 CFR 1915.508. Training, published 9/15/04, FR vol. 69, p. 55667.

(i) 29 CFR 1915.509. Definitions applicable to this subpart, published 9/15/04, FR vol. 69, p. 55667.

Appendix A to Subpart P, published 9/15/04, FR vol. 69, p. 55667.

(15) Subdivision Q–Y (Reserved).

(16) Subdivision Z.

(a) 29 CFR 1915.1000. Air Contaminants, published 12/27/11, FR vol. 76, no. 248, p. 80735.

(b) 29 CFR 1915.1001. Asbestos, published 2/8/13, FR vol. 78, no. 27, p. 9311. Appendix A to 1915.1001, published 6/29/95, FR vol. 60, p. 33972. Appendix B to 1915.1001, published 6/29/95, FR vol. 60, p. 33972. Appendix C to 1915.1001, published 6/8/11, Federal Register, vol. 76, no. 110, p. 33590. Appendix D to 1915.1001, published 8/10/94, FR vol. 59, p. 40964. Appendix E to 1915.1001, published 6/29/95, FR vol. 60, p. 33972. Appendix F to 1915.1001, published 6/29/95, FR vol. 60, p. 33972. Appendix G to 1915.1001, published 8/10/94, FR vol. 59, p. 40964. Appendix H to 1915.1001, published 6/29/95, FR vol. 60, p. 33972. Appendix I to 1915.1001, published 8/10/94, FR vol. 59, p. 40964. Appendix J to 1915.1001, published 8/10/94, FR vol. 59, p. 40964. Appendix K to 1915.1001, published 6/29/95, FR vol. 60, p. 33972. Appendix L to 1915.1001, published 8/23/96, FR vol. 61, p. 43454.

(c) 29 CFR 1915.1002. Coal tar pitch volatiles; interpretation of term, published 6/20/96, FR vol. 61, p. 31427.

(d) 29 CFR 1915.1003. 13 Carcinogens (4 Nitrophenyl, etc.), published 6/20/96, FR vol. 61, p. 31427.

(e) 29 CFR 1915.1004. alpha Naphthylamine, published 6/20/96, FR vol. 61, p. 31427.

(f) 29 CFR 1915.1005. (Reserved)

(g) 29 CFR 1915.1006. Methyl chloromethyl ether, published 6/20/96, FR vol. 61, p. 31427.

(h) 29 CFR 1915.1007. 3,3'-Dichlorobenzidene (and its salts), published 6/20/96, FR vol. 61, p. 31427.

(i) 29 CFR 1915.1008. bis Chloromethyl ether, published 6/20/96, FR vol. 61, p. 31427.

(j) 29 CFR 1915.1009. beta Naphthylamine, published 6/20/96, FR vol. 61, p. 31427.

(k) 29 CFR 1915.1010. Benzidine, published 6/20/96, FR vol. 61, p. 31427.

(l) 29 CFR 1915.1011. 4 Aminodiphenyl, published 6/20/96, FR vol. 61, p. 31427.

(m) 29 CFR 1915.1012. Ethyleneimine, published 6/20/96, FR vol. 61, p. 31427.

(n) 29 CFR 1915.1013. beta Propiolactone, published 6/20/96, FR vol. 61, p. 31427.

(o) 29 CFR 1915.1014. 2 Acetylamino fluorene, published 6/20/96, FR vol. 61, p. 31427.

(p) 29 CFR 1915.1015. 4 Dimethylaminoazobenzene, published 6/20/96, FR vol. 61, p. 31427.

(q) 29 CFR 1915.1016. N Nitrosodimethylamine, published 6/20/96, FR vol. 61, p. 31427.

(r) 29 CFR 1915.1017. Vinyl chloride, published 6/20/96, FR vol. 61, p. 31427.

(s) 29 CFR 1915.1018. Inorganic arsenic, published 6/20/96, FR vol. 61, p. 31427.

(t) 29 CFR 1915.1020 Access to employee exposure and medical records, published 6/20/96, FR vol. 61, p. 31427.

(u) 29 CFR 1915.1025. Lead, published 6/20/96, FR vol. 61, p. 31427.

(v) 29 CFR 1915.1026 Chromium (VI), published 3/26/12, FR vol. 77, no. 58, p. 17574.

(w) 29 CFR 1915.1027. Cadmium, published 6/20/96, FR vol. 61, p. 31427.

(x) 29 CFR 1915.1028. Benzene, published 6/20/96, FR vol. 61, p. 31427.

(y) 29 CFR 1915.1030. Bloodborne pathogens, published 6/20/96, FR vol. 61, p. 31427.

(z) 29 CFR 1915.1044. 1,2 dibromo 3 chloropropane, published 6/20/96, FR vol. 61, p. 31427.

(aa) 29 CFR 1915.1045. Acrylonitrile, published 6/20/96, FR vol. 61, p. 31427.

(bb) 29 CFR 1915.1047. Ethylene oxide, published 6/20/96, FR vol. 61, p. 31427.

(cc) 29 CFR 1915.1048. Formaldehyde, published 6/20/96, FR vol. 61, p. 31427.

(dd) 29 CFR 1915.1050. Methylenedianiline, published 6/20/96, FR vol. 61, p. 31427.

(ee) 29 CFR 1915.1052 Methylene Chloride, published 1/10/97, Federal Register, vol. 62, no. 7, p. 1619.

(ff) 29 CFR 1915.1120 Access to employee exposure and medical records has been redesignated to §1915.1020.

NOTE: 29 CFR 1915.99, Hazard Communication was redesignated as 1915.1200 on 7/1/93, FR vol. 58, no. 125, p. 35514.

(gg) 29 CFR 1915.1200. Hazard communication, published 6/20/96, FR vol. 61, p. 31427.

(hh) 29 CFR 1915.1450. Occupational exposure to hazardous chemicals in laboratories, published 6/20/96, FR vol. 61, p. 31427.

Stat. Auth.: ORS 654.025(2) & 656.726(4)
Stats. Implemented: ORS 654.001 - 654.295
Hist.: OSHA 10-1992, f. 9-24-92, cert. ef. 11-1-92; OSHA 1-1993, f. & cert. ef. 1-22-93; OSHA 19-1993, f. & cert. ef. 12-29-93; OSHA 4-1994 f. & cert. ef. 8-4-94; OSHA 1-1995, f. & cert. ef. 1-19-95; OSHA 2-1995, f. & cert. ef. 1-25-95; OSHA 4-1995, f. & cert. ef. 3-29-95; OSHA 5-1995, f. & cert. ef. 4-6-95; OSHA 8-1995, f. & cert. ef. 8-25-95; OSHA 5-1996, f. & cert. ef. 11-29-96; OSHA 6-1996, f. & cert. ef. 11-29-96; OSHA 3-1997, f. & cert. ef. 3-28-97; OSHA 4-1997, f. & cert. ef. 4-2-97; OSHA 6-1997, f. & cert. ef. 5-2-97; OSHA 7-1998, f. & cert. ef. 12-18-98; OSHA 6-1999, f. & cert. ef. 5-26-99; OSHA 4-2001, f. & cert. ef. 2-5-01; OSHA 4-2003, f. & cert. ef. 5-6-03; OSHA 8-2004, f. & cert. ef. 12-30-04; OSHA 1-2005, f. & cert. ef. 4-12-05; OSHA 4-2006, f. & cert. ef. 7-24-06; OSHA 6-2006, f. & cert. ef. 8-30-06; OSHA 10-2006, f. & cert. ef. 11-30-06; OSHA 1-2007, f. 1-9-07 cert. ef. 1-16-07; OSHA 5-2008, f. 5-1-08, cert. ef. 5-15-08; OSHA 5-2009, f. & cert. ef. 5-29-09; OSHA 2-2010, f. & cert. ef. 2-25-10; OSHA 3-2010, f. 6-10-10, cert. ef. 6-15-10; OSHA 3-2011, f. & cert. ef. 11-1-11; OSHA 4-2011, f. & cert. ef. 12-8-11; OSHA 1-2012, f. & cert. ef. 4-10-12; OSHA 5-2012, f. & cert. ef. 9-25-12; OSHA 7-2012, f. & cert. ef. 12-14-12; OSHA 4-2013, f. & cert. ef. 7-19-13

Department of Environmental Quality Chapter 340

Rule Caption: Hazardous Waste F Listing of Demilitarization Residue — Temporary

Adm. Order No.: DEQ 6-2013(Temp)

Filed with Sec. of State: 8-14-2013

Certified to be Effective: 8-14-13 thru 2-10-14

Notice Publication Date:

Rules Amended: 340-102-0011

Subject: DEQ proposes a temporary rulemaking to modify when the hazardous waste “F” listing applies to demilitarization residue that is determined to be free of blister and nerve agents as determined in accordance with the facility permit.

Rules Coordinator: Maggie Vandehey—(503) 229-6878

340-102-0011

Hazardous Waste Determination

(1) The provisions of this rule replace the requirements of 40 CFR 262.11.

(2) A person who generates a residue as defined in OAR 340-100-0010 must determine if that residue is a hazardous waste using the following method:

(a) Persons should first determine if the waste is excluded from regulation under 40 CFR 261.4 or OAR 340-101-0004;

(b) Persons must then determine if the waste is listed as a hazardous waste in Subpart D of 40 CFR Part 261;

(c) Persons must then determine if the waste is listed under the following listings:

(A) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products or manufacturing intermediates identified in 340-102-0011(2)(c)(A)(i) and (ii) are added to and made a part of the list in 40 CFR 261.33(e).

(i) P998...Blister agents (such as Mustard agent)

(ii) P999...Nerve agents (such as GB (Sarin) and VX); or

(B) Hazardous waste identified in 340-102-0011(2)(c)(B)(i) and (ii) are added to and made a part of the list in 40 CFR 261.31.

(i) F998...Residues from demilitarization, treatment, and testing of blister agents (such as Mustard agent).

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(ii) F999...Residues from demilitarization, treatment, and testing of nerve agents (such as GB (Sarin) and VX).

NOTE: Even if the waste is listed, the generator still has an opportunity under OAR 340-100-0022 to demonstrate to the Commission that the waste from his/her particular facility or operation is not a hazardous waste.

(C) Notwithstanding OAR 340-100-0010(2)(g) and 340-102-0011(2)(c)(B)(i) and (ii), debris, as defined in 40 CFR 268.2(g), generated from demolition during closure processes and activities at the Umatilla Chemical Agent Disposal Facility (ORQ 000009431) is not F998 or F999 hazardous waste until containerized, provided the following conditions are met:

(i) The debris is free of blister and nerve agent, as determined in accordance with the facility permit;

(ii) The debris does not contain hazardous constituents at levels above otherwise applicable treatment standards; and

(iii) The debris is containerized before leaving the facility.

(d) Regardless of whether a hazardous waste is listed through application of subsections (2)(b) or (2)(c) of this rule, persons must also determine whether the waste is hazardous under Subpart C of 40 CFR Part 261 by either:

(A) Testing the waste according to the methods set forth in Subpart C of 40 CFR 261, or according to an equivalent method approved by the Department under OAR 340-100-0021.

NOTE: In most instances, the Department will not consider approving a test method until it has been approved by EPA.

(B) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.

(e) If the waste is determined to be hazardous, the generator must refer to Divisions 100-106 and 40 CFR Parts 264, 265, 268 and 273 for possible exclusions or restrictions pertaining to management of his/her specific waste.

NOTE: 40 CFR 268.3 prohibits dilution of a hazardous waste to meet Land Disposal Restriction treatment standards. Diluting waste without a permit to meet any hazardous waste standard is prohibited.

(f) If the waste is not identified as hazardous by application of subsection (2)(b) or (2)(c), and/or (2)(d) of this rule, persons must determine if the waste is listed under OAR 340-101-0033.

(3) A person who generates a residue, as defined in OAR 340-100-0010(2)(ee), must keep a copy of the documentation used to determine whether the residue is a hazardous waste, under section (2) of this rule, for a minimum of three years after the waste stream is no longer generated, or as prescribed in 40 CFR 262.40(c). If no documentation is created in making the wastestream determination, then no new documentation need be created.

Stat. Auth.: ORS 466.020 & 466.180

Stats. Implemented: ORS 466.015 & 466.195

Hist.: DEQ 8-1985, f. & ef. 7-25-85; DEQ 4-1991, f. & cert. ef. 3-15-91 (and corrected 6-20-91); DEQ 24-1992, f. 10-23-92, cert. ef. 11-1-92; DEQ 6-1994, f. & cert. ef. 3-22-94; DEQ 10-2000, f. & cert. ef. 7-21-00; DEQ 13-2002, f. & cert. ef. 10-9-02; DEQ 13-2003, f. & cert. ef. 10-24-03; DEQ 6-2013(Temp), f. & cert. ef. 8-14-13 thru 2-10-14

Department of Fish and Wildlife Chapter 635

Rule Caption: Snake River Recreational Spring Chinook Fishery Below Hells Canyon Dam Closes

Adm. Order No.: DFW 76-2013(Temp)

Filed with Sec. of State: 7-16-2013

Certified to be Effective: 7-21-13 thru 9-30-13

Notice Publication Date:

Rules Amended: 635-023-0134

Rules Suspended: 635-023-0134(T)

Subject: This amended rule closes the recreational spring Chinook salmon fishery on the Snake River in the area from the Dug Bar Boat Ramp upstream to the deadline below Hells Canyon Dam effective at 11:59 p.m. Sunday, July 21, 2013. This closure coincides with the State of Idaho's closure of this fishery, which was effective July 19, 2013.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-023-0134

Snake River Fishery

(1) The **2013 Oregon Sport Fishing Regulations** provide requirements for the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the **2013 Oregon Sport Fishing Regulations**.

(2) Notwithstanding, all other specifications and restrictions as outlined in the **2013 Oregon Sport Fishing Regulations**, the following conditions apply:

(a) The Snake River from Dug Bar boat ramp upstream to the deadline below Hell's Canyon Dam is open seven (7) days per week, effective Saturday, May 4, 2013 until 11:59 p.m. Sunday, July 21, 2013.

(b) Daily bag limit is four (4) adipose fin-clipped spring Chinook salmon per day, of which no more than two (2) can be adults in excess of 24 inches in length. Anglers must cease fishing for salmon for the day when either four (4) salmon or two (2) adult salmon have been retained, whichever comes first.

(c) Barbless hooks are required.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 47-2005(Temp), f. 5-19-05, cert. ef. 5-21-05 thru 6-20-05; Administrative correction 7-20-05; DFW 31-2006(Temp), f. 5-18-06, cert. ef. 5-20-06 thru 6-19-06; Administrative correction 7-21-06; DFW 31-2007(Temp), f. 5-9-07, cert. ef. 5-11-07 thru 6-18-07; DFW 43-2007(Temp), f. 6-14-07, cert. ef. 6-19-07 thru 7-2-07; Administrative correction 2-8-08; DFW 43-2008(Temp), f. 4-25-08, cert. ef. 4-26-08 thru 7-20-08; DFW 64-2008(Temp), f. 6-18-08, cert. ef. 6-21-08 thru 7-31-08; Administrative correction 8-21-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 58-2009(Temp), f. 5-27-09, cert. ef. 5-30-09 thru 7-12-09; DFW 80-2009(Temp), f. 6-30-09, cert. ef. 7-1-09 thru 7-17-09; Administrative correction 7-21-09; DFW 128-2009(Temp), f. 10-12-09, cert. ef. 10-18-09 thru 4-15-10; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 42-2010(Temp), f. 4-13-10, cert. ef. 4-24-10 thru 7-31-10; DFW 107-2010(Temp), f. 7-26-10, cert. ef. 7-31-10 thru 8-4-10; Administrative correction, 8-18-10; DFW 119-2010(Temp), f. 8-18-10, cert. ef. 9-1-10 thru 12-31-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 29-2011(Temp), f. 4-12-11, cert. ef. 4-23-11 thru 10-19-11; DFW 118-2011(Temp), f. 8-23-11, cert. ef. 9-1-11 thru 12-31-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 35-2012(Temp), f. 4-16-12, cert. ef. 4-22-12 thru 9-30-12; DFW 93-2012(Temp), f. 7-24-12, cert. ef. 8-5-12 thru 9-30-12; DFW 109-2012(Temp), f. 8-21-12, cert. ef. 9-1-12 thru 12-31-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 29-2013(Temp), f. 4-25-13, cert. ef. 5-4-13 thru 9-30-13; DFW 76-2013(Temp), f. 7-16-13, cert. ef. 7-21-13 thru 9-30-13

Rule Caption: Columbia River Commercial Treaty Indian Summer Chinook Fisheries Modified.

Adm. Order No.: DFW 77-2013(Temp)

Filed with Sec. of State: 7-18-2013

Certified to be Effective: 7-22-13 thru 7-31-13

Notice Publication Date:

Rules Amended: 635-041-0076

Rules Suspended: 635-041-0076(T)

Subject: This amended rule authorizes a 3.5 day Treaty Indian Summer Chinook commercial gill net fishery in Zone 6 of the Columbia River from 6:00 a.m. Monday, July 22 through 6:00 p.m. Thursday, July 25, 2013 (3.5 days). Rule modifications suspend sales of fish caught after 6:00 p.m. July 27, 2013 in the Tribal platform hook-and-line fisheries both above and below Bonneville Dam and in Yakama Nation tributary fisheries. Fish caught during open periods may be sold at any time or retained for subsistence. Revisions are consistent with action taken July 17, 2013 by the Columbia River Compact agencies, the states of Oregon and Washington in cooperation with the Columbia River Treaty Tribes.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0076

Summer Salmon Season

(1) Commercial sales of gill net caught fish from Zone 6 of the mainstem Columbia River is allowed for fish harvested during the following periods: 6:00 a.m. Monday, July 1 through 6:00 p.m. Wednesday, July 3, 2013 (2.5 days); 6:00 a.m. Monday, July 8 to 6:00 p.m. Thursday, July 11, 2013 (3.5 days); 6:00 a.m. Monday, July 15 to 6:00 p.m. Thursday, July 18, 2013 (3.5 days); and 6:00 a.m. Monday, July 22 to 6:00 p.m. Thursday, July 25, 2013 (3.5 days).

(a) Salmon, steelhead, shad, yellow perch, bass, walleye, catfish and carp landed during any open gill net fishing period may be sold at any time or retained for subsistence purposes. Sturgeon may not be sold. However, white sturgeon between 43 and 54 inches in fork length taken from The Dalles and John Day pools and white sturgeon between 38 and 54 inches in fork length taken from the Bonneville Pool may be kept for subsistence purposes.

(b) Gear is restricted to gill nets. A seven-inch minimum mesh size restriction is in effect through July 21, 2013. No minimum mesh size required effective July 22, 2013.

(2) Effective 12:01 a.m. Saturday, June 29 through 5:59 p.m. Saturday, July 27, 2013, salmon, steelhead, sockeye, coho, walleye, shad, carp, bass, catfish and yellow perch caught in platform hook-and-line fisheries in all of Zone 6 and tribal fisheries downstream of Bonneville Dam

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may be sold or retained for subsistence. Fish harvested after 6:00 p.m. on Saturday, July 27 in platform hook-and-line fisheries in all of Zone 6 and tribal fisheries downstream of Bonneville Dam may not be sold but may be retained for subsistence purposes.

(a) Retention of sturgeon caught downstream of Bonneville Dam is prohibited and sturgeon may not be sold or retained for ceremonial or subsistence purposes.

(b) 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 only.

(3) Closed areas in Zone 6, except the Spring Creek sanctuary, are as set forth in OAR 635-041-0045 and remain in effect.

(4) Commercial sales of salmon, steelhead, walleye, shad, catfish, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Yakima River; Klickitat River; Wind River; and Drano Lake are allowed for Yakama Nation members during those days and hours when these tributaries are open under lawfully enacted Yakama Nation fishing periods through 5:59 p.m. Saturday, July 27, 2013. Fish harvested after 6:00 p.m. Saturday, July 27, 2013 may not be sold but may be retained for subsistence purposes. Sturgeon retention is prohibited and may not be sold or retained for ceremonial or subsistence purposes.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: DFW 5-2006, f. & cert. ef. 2-15-06; DFW 39-2006(Temp), f. & cert. ef. 6-8-06 thru 7-31-06; DFW 46-2006(Temp), f. & cert. ef. 6-20-06 thru 7-31-06; DFW 49-2006(Temp), f. 6-26-06, cert. ef. 6-27-06 thru 7-31-06; DFW 56-2006(Temp), f. 6-30-06, cert. ef. 7-3-06 thru 7-31-06; DFW 58-2006(Temp), f. 7-6-06, cert. ef. 7-10-06 thru 7-31-06; Administrative correction 8-22-06; DFW 46-2007(Temp), f. 6-15-07, cert. ef. 6-16-07 thru 9-13-07; DFW 49-2007(Temp), f. 6-22-07, cert. ef. 6-26-07 thru 9-13-07; DFW 53-2007(Temp), f. & cert. ef. 7-6-07 thru 7-31-07; Administrative correction 9-16-07; DFW 45-2008(Temp), f. 5-2-08, cert. ef. 5-5-08 thru 7-31-08; DFW 47-2008(Temp), f. 5-9-08, cert. ef. 5-11-08 thru 7-31-08; DFW 62-2008(Temp), f. 6-13-08, cert. ef. 6-16-08 thru 8-31-08; DFW 68-2008(Temp), f. 6-20-08, cert. ef. 6-21-08 thru 8-31-08; DFW 71-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 8-31-08; DFW 80-2008(Temp), f. & cert. ef. 7-10-08 thru 8-31-08; DFW 87-2008(Temp), f. & cert. ef. 7-25-08 thru 8-31-08; DFW 94-2008(Temp), f. & cert. ef. 8-14-08 thru 9-30-08; Administrative correction 10-21-08; DFW 50-2009(Temp), f. 5-14-09, cert. ef. 5-16-09 thru 7-31-09; DFW 56-2009(Temp), f. 5-26-09, cert. ef. 5-27-09 thru 7-31-09; DFW 71-2009(Temp), f. 6-15-09, cert. ef. 6-16-09 thru 7-31-09; DFW 76-2009(Temp), f. 6-26-09, cert. ef. 6-30-09 thru 7-31-09; DFW 82-2009(Temp), f. 7-6-09, cert. ef. 7-8-09 thru 7-31-09; DFW 84-2009(Temp), f. 7-13-09, cert. ef. 7-15-09 thru 7-31-09; Administrative correction 8-21-09; DFW 48-2010(Temp), f. 4-26-10, cert. ef. 4-27-10 thru 7-31-10; DFW 51-2010(Temp), f. & cert. ef. 4-29-10 thru 7-31-10; DFW 56-2010(Temp), f. 5-10-10, cert. ef. 5-11-10 thru 7-31-10; DFW 68-2010(Temp), f. 5-18-10, cert. ef. 5-19-10 thru 7-31-10; DFW 71-2010(Temp), f. 5-19-10, cert. ef. 5-21-10 thru 6-16-10; DFW 74-2010(Temp), f. & cert. ef. 6-2-10 thru 7-31-10; DFW 80-2010(Temp), f. 6-14-10, cert. ef. 6-16-10 thru 7-31-10; DFW 87-2010(Temp), f. 6-25-10, cert. ef. 6-29-10 thru 7-31-10; DFW 97-2010(Temp), f. 7-8-10, cert. ef. 7-13-10 thru 7-31-10; DFW 101-2010(Temp), f. 7-19-10, cert. ef. 7-20-10 thru 7-31-10; DFW 105-2010(Temp), f. 7-23-10, cert. ef. 7-26-10 thru 7-31-10; Administrative correction 8-18-10; DFW 43-2011(Temp), f. & cert. ef. 5-10-11 thru 10-31-11; DFW 66-2011(Temp), f. 6-14-11, cert. ef. 6-16-11 thru 10-31-11; DFW 75-2011(Temp), f. 6-24-11, cert. ef. 6-27-11 thru 10-31-11; DFW 84-2011(Temp), f. 7-1-11, cert. ef. 7-5-11 thru 10-31-11; DFW 88-2011(Temp), f. 7-8-11, cert. ef. 7-10-11 thru 10-31-11; DFW 94-2011(Temp), f. 7-14-11, cert. ef. 7-18-11 thru 10-31-11; DFW 98-2011(Temp), f. 7-20-11, cert. ef. 7-25-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 66-2012(Temp), f. 6-14-12, cert. ef. 6-18-12 thru 7-31-12; DFW 81-2012(Temp), f. 6-29-12, cert. ef. 7-3-12 thru 8-31-12; [DFW 87-2012(Temp), f. 7-11-12, cert. ef. 7-12-12 thru 8-31-12; Temporary Suspended by DFW 94-2012(Temp), f. & cert. ef. 7-27-12 thru 10-31-12]; DFW 57-2013(Temp), f. 6-12-13, cert. ef. 6-16-13 thru 7-31-13; DFW 63-2013(Temp), f. 6-27-13, cert. ef. 6-29-13 thru 7-31-13; DFW 69-2013(Temp), f. 7-5-13, cert. ef. 7-6-13 thru 7-31-13; DFW 71-2013(Temp), f. 7-11-13, cert. ef. 7-15-13 thru 7-31-13; DFW 77-2013(Temp), f. 7-18-13, cert. ef. 7-22-13 thru 7-31-13

Rule Caption: Pacific Halibut Nearshore Sport Season Closes from Cape Falcon to Humbug Mountain

Adm. Order No.: DFW 78-2013(Temp)

Filed with Sec. of State: 7-23-2013

Certified to be Effective: 7-23-13 thru 10-31-13

Notice Publication Date:

Rules Amended: 635-039-0085

Rules Suspended: 635-039-0085(T)

Subject: Amended rule closes the nearshore (inside 40 fathom) sport fishery for Pacific halibut in the area between Cape Falcon and Humbug Mountain, Oregon at 11:59 p.m. on Tuesday, July 23, except for Friday, July 26, 2013 to allow attainment of the pre-season quota of 23,038 pounds. This rule is consistent with regulations previously implemented by the federal government and the International Pacific Halibut Commission for the 2013 Oregon sport fishery for Pacific halibut.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-039-0085

Halibut Seasons

(1) The Pacific halibut sport fishery in Oregon is regulated by the federal government and the International Pacific Halibut Commission (IPHC). OAR chapter 635, division 39 incorporates into Oregon Administrative Rules, by reference:

(a) Title 50 of the Code of Federal Regulations, Part 300, Subpart E (October 1, 2012 ed.), as amended; and

(b) Federal Register Vol. 78, No. 51, dated March 15, 2013 (78FR 16423).

(2) Therefore, persons must consult all publications referenced in this rule in addition to Division 039 to determine applicable halibut fishing seasons.

(3) Effective 11:59 p.m., Friday, June 28, 2013 the Central Oregon Coast Subarea (Cape Falcon to Humbug Mountain) spring all-depth season is closed to the retention of Pacific halibut.

(4) Effective 11:59 p.m., Tuesday, July 23, 2013, the Central Oregon Coast Subarea (Cape Falcon to Humbug Mountain) nearshore season is closed to the retention of Pacific halibut except for Friday, July 26, 2013.

Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119, 506.129

Stats. Implemented: ORS 496.162, 506.129

Hist.: DFW 56-2005, f. 6-21-05, cert. ef. 7-1-05; DFW 89-2005(Temp), f. & cert. ef. 8-12-05 thru 12-12-05; DFW 107-2005(Temp), f. 9-14-05, cert. ef. 9-15-05 thru 10-31-05; DFW 121-2005(Temp), f. 10-12-05, cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-19-06; DFW 34-2006(Temp), f. 5-25-06, cert. ef. 5-27-06 thru 8-3-06; Administrative correction 8-22-06; DFW 3-2007, f. & cert. ef. 1-12-07; DFW 35-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 8-2-07; DFW 67-2007(Temp), f. 8-9-07, cert. ef. 8-12-07 thru 9-30-07; DFW 76-2007(Temp), f. 8-17-07, cert. ef. 8-24-07 thru 9-30-07; DFW 84-2007(Temp), f. 9-5-07, cert. ef. 9-15-07 thru 9-30-07; DFW 87-2007(Temp), f. 9-10-07, cert. ef. 9-14-07 thru 10-28-07; DFW 90-2007(Temp), f. 9-19-07, cert. ef. 9-20-07 thru 10-31-07; Administrative correction 11-17-07; DFW 57-2008(Temp), f. 5-30-08, cert. ef. 6-1-08 thru 7-31-08; DFW 81-2008(Temp), f. 7-11-08, cert. ef. 8-2-08 thru 9-30-08; DFW 92-2008(Temp), f. & cert. ef. 8-11-08 thru 9-30-08; DFW 101-2008(Temp), f. 8-25-08, cert. ef. 8-29-08 thru 9-30-08; DFW 107-2008(Temp), f. 9-5-08, cert. ef. 9-7-08 thru 12-31-08; DFW 111-2008(Temp), f. & cert. ef. 9-16-08 thru 12-31-08; DFW 120-2008(Temp), f. & cert. ef. 9-27-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 39-2009, f. & cert. ef. 4-27-09; DFW 55-2009(Temp), f. & cert. ef. 5-22-09 thru 8-6-09; DFW 94-2009(Temp), f. 8-14-09, cert. ef. 8-16-09 thru 12-31-09; Administrative correction 1-25-10; DFW 32-2010, f. & cert. ef. 3-15-10; DFW 37-2010, f. 3-30-10, cert. ef. 4-1-10; DFW 100-2010(Temp), f. 7-15-10, cert. ef. 7-17-10 thru 10-31-10; DFW 118-2010(Temp), f. & cert. ef. 8-13-10 thru 10-31-10; Administrative correction 11-23-10; DFW 24-2011, f. & cert. ef. 3-22-11; DFW 58-2011(Temp), f. 5-27-11, cert. ef. 6-4-11 thru 8-4-11; DFW 82-2011(Temp), f. 6-30-11, cert. ef. 7-1-11 thru 8-4-11; DFW 85-2011(Temp), f. 7-5-11, cert. ef. 7-6-11 thru 10-31-11; DFW 114-2011(Temp), f. & cert. ef. 8-12-11 thru 10-31-11; DFW 135-2011(Temp), f. 9-21-11, cert. ef. 10-1-11 thru 12-31-11; DFW 39-2012, f. & cert. ef. 4-24-12; DFW 84-2012(Temp), f. & cert. ef. 7-5-12 thru 8-2-12; DFW 91-2012(Temp), f. 7-19-12, cert. ef. 7-22-12 thru 10-31-12; DFW 111-2012(Temp), f. 8-23-12, cert. ef. 8-24-12 thru 12-31-12; DFW 123-2012(Temp), f. 9-19-12, cert. ef. 9-24-12 thru 10-31-12; Administrative correction 11-23-12; DFW 65-2013(Temp), f. 6-27-13, cert. ef. 6-28-13 thru 8-2-13; DFW 78-2013(Temp), f. & cert. ef. 7-23-13 thru 10-31-13

Rule Caption: Willamette River Below Falls, Including Multnomah Channel and Gilbert River Opens July 25 for Sturgeon Adm. Order No.: DFW 79-2013(Temp)

Filed with Sec. of State: 7-23-2013

Certified to be Effective: 7-25-13 thru 12-31-13

Notice Publication Date:

Rules Amended: 635-017-0095

Rules Suspended: 635-017-0095(T)

Subject: This amended rule authorizes a recreational fishery for white sturgeon in the Willamette River below the falls, including Multnomah Channel and the Gilbert River, beginning Thursday, July 25 through Sunday, July 28, 2013. Revisions are consistent with Oregon State action taken July 22, 2013.

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; or until the harvest guideline of 1,733 fish is met.

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4-24-08; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 103-2012, f. & cert. ef. 8-6-12; DFW 80-2013(Temp), f. 7-25-13, cert. ef. 7-26-13 thru 1-21-14

(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

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Rule Caption: Amend Rules to Allow Big Game Hunting on Ladd Marsh Wildlife Area

Adm. Order No.: DFW 80-2013(Temp)

Filed with Sec. of State: 7-25-2013

Certified to be Effective: 7-26-13 thru 1-21-14

Notice Publication Date:

Rules Amended: 635-008-0120, 635-065-0625

Subject: Amend rules to allow big game hunting north and east of foothill road on Ladd Marsh Wildlife Area as authorized by the Department .

Rules Coordinator: Therese Kucera—(503) 947-6033

635-008-0120

Ladd Marsh Wildlife Area

The Ladd Marsh Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2008 Ladd Marsh Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

(1) An entry permit is required except during the authorized upland game bird and waterfowl seasons and on that portion of Ladd Marsh Wildlife Area west of Foothill Road, the nature trail and Long Pine Viewpoint.

(2) All land north and east of Foot Hill Road is closed to big game hunting except for youth deer hunts 652T1 and 652T2. Big game hunting will be allowed on Ladd Marsh Wildlife Area as authorized by the Department.

(3) Discharging firearms is prohibited except as authorized during game bird and big game hunting seasons, or by permit.

(4) Camping is prohibited.

(5) Running or training of dogs is prohibited April 1 through July 31.

(6) No person shall possess or use any shot other than federally-approved nontoxic shot at any time, except for big game hunters using buckshot.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats.Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(11); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 38-2008, f. & cert. ef.

635-065-0625

Regulations on State Wildlife Areas, Refuges and Special Areas

State wildlife areas, refuges and special areas shall be open to hunting during authorized seasons, subject to the following special regulations and exceptions:

(1) Bear Valley National Wildlife Refuge (Klamath County): Closed to all public entry except walk-in deer hunting prior to November 1.

(2) Bridge Creek Wildlife Area (Umatilla County): Open to public access and hunting. Motorized vehicle travel restricted to open roads. Entry is by permit only December 1 through April 14.

(3) Cascade Head — Lincoln City Area: The Cascade Head — Lincoln City Area is closed to hunting with centerfire rifles, muzzleloaders, or handguns. Hunting is restricted to archery and shotguns only during authorized seasons, except for Department approved emergency hunts. Hunters using shotguns for elk shall use slugs (single projectile) only. The Cascade Head — Lincoln City Area boundaries shall be defined as follows: Beginning at the Pacific Ocean and Siletz River mouth, east along the north shoreline of the Siletz River to Drift Cr. Rd. (mile post 1 on Hwy 229); north on Drift Cr. Rd. to Anderson Cr. Rd.; north on Anderson Cr. Rd. to Schooner Cr. Rd.; west on Schooner Cr. Rd. to Forest Rd. 2200; north and east on FR 2200 to FR 1726; west on FR 1726 to FR 2100; northeast on FR 2100 to the power line crossing; north along the power line to State Hwy. 18; west on Hwy 18 to Old Scenic Hwy 101; north on Old Scenic Hwy 101 to Three Rocks Rd.; west on Three Rocks Rd. to U.S. Hwy 101; north on Hwy 101 to FR 1861; west on FR 1861 to Harts Cove trailhead; west on Harts Cove trail to the Pacific Ocean; south along the coastline to the Siletz River, point of beginning.

(4) Cold Springs Refuge (Umatilla County): The Cold Springs Refuge shall be closed to deer and elk hunting.

(5) Dean Creek Elk Viewing Area (Douglas County): All Bureau of Land Management lands within or contiguous to BLM lands within T22S R11W (including Spruce Reach Island located adjacent to Hwy. 38 and between the outlets of Koapke and Hinsdale Sloughs) are closed to hunting. Also, other lands located within the following boundary are closed to hunting during all elk and deer seasons that pertain to this area: beginning at the intersection of Schofield Rd. and Hwy. 38, south on Schofield Rd. to its intersection with Hakki Ridge Rd., east on Hakki Ridge Rd. to the crest of Hakki Ridge, east along the crest of Hakki Ridge to its intersection with the BLM boundary located in T22S, R11W Section 4, easterly along the BLM boundary to Hwy. 38, west on Hwy 38 to point of beginning.

(6) Denman Wildlife Area (Jackson County): The Denman Wildlife Area shall be open to hunting only during game mammal and game bird seasons. Use of rifles and handguns is prohibited at all times.

(7) Dunes National Recreational Area: Use of rifles and handguns is prohibited for all hunting in that portion of the Siuslaw Unit west of Highway 101 and north of Tahkenitch Creek.

(8) North Bank Habitat Management Area (NBHMA; previously known as the Dunning Ranch Area in Douglas County): 6,500 acres located approximately eight miles northeast of Roseburg. Area: All BLM lands located in T25S, R5W, Sections 35, 36; T26S, R5W, Sections 1, 2, 11, 12, 13, 14; T25S, R4W, Sections 31, 32, 33; T26S, R4W, Sections 4, 5, 6, 7, 8, 18. This area is closed to all big game hunting except for and during controlled hunts specific to the management area NBHMA by hunters possessing a controlled hunt tag for the area. Elk hunting will be allowed by hunters who possess a valid NBHMA controlled hunt tag in addition to a valid elk tag. The use of bait for hunting game mammals is prohibited on NBHMA. All BLM lands located in T25S, R5W, Sections 35, 36; T26S, R5W, Sections 1, 2, 11, 12, 13, 14; T25S, R4W, Sections 31,32, 33; T26S, R4W, Sections 4, 5, 6, 7, 8, 18 (6,500 acres located approximately 8 miles northeast of Roseburg).

(9) E.E. Wilson Wildlife Area (Benton County): This area is open to deer hunting during authorized seasons, except closed to bowhunting for deer when juvenile pheasant hunts are in progress. Rabbit hunting is permitted from November 1 through February each year. Hunting is by permit only. Permits are available at area headquarters and shall be filled out and returned each day hunted. Use of rifles, handguns, and crossbows shall be prohibited at all times.

(10) Elkhorn Wildlife Area (Baker/Union counties): Closed to all entry December 1 through April 10 annually. The Roth Tract is closed to all hunting. The Roth Tract is closed to public entry except by entry permit; an entry permit is required at all times of the year.

(11) Enterprise Wildlife Area (Wallowa County): Open to hunting seven days a week. No entry permit is required. Posted portions of the area

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lying south of the Union Pacific Railroad line and the entire Marr Tract are closed to all hunting.

(12) Fern Ridge Wildlife Area (Lane County): Open to black-tailed deer hunting during authorized seasons; see current Oregon Game Bird Regulations for open areas. A free daily hunting permit is required for East Coyote, West Coyote, Fisher Butte, Royal Amazon and Kirk Park units. Permits are available at check stations located at area access points. Hunters are limited to shotguns and archery equipment only. The discharging of rifles and handguns within the wildlife area is prohibited.

(13) William Finley National Wildlife Refuge (Benton County):

(a) Portions of the refuge shall be open to deer hunting August 24 through September 22, 2013 under the regulations for bowhunting seasons.

(b) Portions of the refuge are open to deer hunting by hunters with a 615 controlled hunt tag using only archery equipment during September 1–September 22, 2013 and using shotguns or archery from September 23–November 1, 2013.

(c) Portions of the refuge shall be open to deer hunting September 28 through November 1, 2013 under regulations for the general western Oregon deer buck season. Use of rifles or muzzleloaders is prohibited.

(d) All hunters shall obtain a refuge permit and check in and out of the refuge daily. Information on open areas and special regulations are available at the refuge.

(14) Gods Valley Wildlife Area (Clatsop County): Vehicles shall be restricted to travel only on county roads.

(15) Government Island State Recreation Area (Multnomah County): Use of rifles, handguns, and shotguns with slugs or buckshot, and bows is prohibited at all times.

(16) Irrigon, Coyote Springs, Power City, and Boardman wildlife management areas (Morrow and Umatilla counties): Use of rifles and handguns is prohibited at all times.

(17) Hart Mountain National Antelope Refuge (Lake County): Portions of the refuge shall be open for hunting as prescribed under chukar season, controlled pronghorn antelope and bighorn sheep hunts, deer bowhunting season, and muzzleloader deer season. The refuge is open for pronghorn antelope Mandatory Reporting Incentive tag holders, and pronghorn antelope and bighorn sheep auction and raffle tag holders but is closed for Access and Habitat deer and elk auction and raffle and Mandatory Reporting Incentive tag holders.

(18) Heppner Regulated Hunt Area: bowhunting; open fires and camping prohibited in posted areas. Approximately 63 square miles in Townships 2, 3, 4, and 5 South, Ranges 25, 26, 27 and 28 East;

(19) Jewell Meadows Wildlife Area (Clatsop County): The Beneke Tract and the Humbug Tract shall be open to hunting only during authorized game mammal and game bird seasons. The Beneke Tract is closed to all public entry during any open Saddle Mountain elk season, except that a hunter may enter that tract for black-tailed deer hunting only during the general western Oregon firearms season if the hunter holds a valid unused tag. It is unlawful to shoot rifles and bows from or across open fields during any open Wilson Unit elk seasons. The Fishhawk Tract is closed to public access. Posted lands of Cavenham Forest Industries, Inc., in T5N, R7W, Sections 2, 3 and 4, 9, 10 and 11 and T6N, R7W, Sections 33 and 34, are closed to all hunting. All areas posted as Refuge are closed to public access. Entry for other purposes is only by permit obtained at the Jewell Wildlife Area Headquarters.

(20) John Day Fossil Beds National Monument: Those parts of the National Monument in the Grizzly, Biggs, Fossil, and Northside Units are closed to all hunting and trapping.

(21) John Day River Refuge: Includes all land within 1/4 mile of the John Day River mean high water line from the Columbia River upstream to Thirty Mile Creek. Within this area, from the Columbia Rvr upstream to Rock Cr, the area shall be open to hunting of upland game birds during authorized seasons only between September 1 and October 31 annually but closed to all waterfowl hunting. The remaining area from Rock Cr upstream to Thirty Mile Cr is open to the hunting of all game birds during authorized seasons. Hunting of big game is allowed during authorized seasons.

(22) Klamath Wildlife Area (Klamath County): This area is closed to all deer hunting.

(23) Klamath Marsh National Wildlife Refuge: This area is closed to all deer and elk hunting.

(24) Ladd Marsh Wildlife Area (Union County): All land north and east of Foothill Road is closed to all deer and elk hunting except during controlled youth deer hunts. Big game hunting will be allowed on Ladd Marsh Wildlife Area as authorized by the Department, and closed to all rifle and handgun shooting. All lands west of Foothill Road shall be closed to all entry February 1 — March 31, except by permit.

(25) Long Ranch (Linn County): Forty-eight acres in T13S, R4E, and S32 are closed to all hunting.

(26) Lost Valley Ranch RHA: Open to public access and hunting from August 1 to March 31. Camping, horseback riding, and open fires are prohibited. Closed to all motor vehicle use unless posted otherwise. (Approximately 9 square miles in T5 and 6S, and R22 and 23E).

(27) Lower Deschutes Wildlife Area: Open to hunting big game, game birds and waterfowl during authorized seasons and by permit; except that discharge of firearms is prohibited within the scenic waterway boundary from the third Saturday in May through August 31. Discharge of firearms prohibited the remainder of the year. Access by foot, boat or bicycle only.

(28) Malheur National Wildlife Refuge (Harney County): Portions of the refuge in Blitzen Valley lying west of State Highway 205 is open during authorized rifle and bow deer and pronghorn antelope seasons.

(29) McDonald Forest-Dunn Forest Area (Benton County): The area is closed to all hunting except during controlled hunts as authorized by the commission.

(30) McKay Creek Refuge (Umatilla County): This refuge is closed to deer and elk hunting.

(31) Metolius Wildlife Refuge (Jefferson County): All hunting, injuring, taking, killing, or destroying any wild bird or mammal on public land is prohibited on public lands within T12 and T13S, R9E, bounded by USFS road 1420 and 1419 on the west; road 1400 on the south and east; and road 1420-400, Metolius River, and posted boundary from the Metolius River to road 1400 on the north (approximately five square miles). 36 CFR 261.58(v).

(32) Mill Creek Watershed (Umatilla County): This watershed is closed to all access and hunting except by holders of a Mill Creek Watershed controlled elk tag or a Mill Creek Watershed controlled deer tag and a Forest Service entry permit.

(33) Newberry Crater Wildlife Refuge (Deschutes County): All hunting, injuring, taking, killing, or destroying any wild bird or mammal is prohibited on public lands within the rim of Newberry Crater in: T21S, R12E; T22S, R12E; T21S, R13E; T22S, R13E (approximately 15 square miles).

(34) Prineville Reservoir Wildlife Area: Open to hunting (big game, game birds, waterfowl) and trapping (furbearers) during authorized seasons. Discharge of firearms is prohibited the remainder of the year. Motorized vehicle travel restricted to designated open roads. All roads closed seasonally from November 15 or December 1 (as posted at each gate) through April 15 annually.

(35) Rimrock Springs Wildlife Area (Grizzly Unit): This area is closed to all hunting.

(36) Rogue River Area:

(a) All land within one mile of the Rogue River between Grave Creek and Lobster Creek is closed to bear hunting.

(b) All land within 1/4 mile of the Rogue River in the wild river section from Grave Creek downstream to Watson Creek is closed to all hunting except during authorized seasons.

(37) Saddle Mountain Unit (White-tailed Deer Area): That portion of Saddle Mountain Wildlife Unit north of Burlington Northern railroad tracks to Astoria is closed to all deer hunting.

(38) Sauvie Island Wildlife Area (Multnomah-Columbia counties): This area shall be open to bowhunting for black-tailed deer August 25 through September 23, 2012, except Oak Island (Multnomah-Columbia Cos) is closed to deer hunting and Sturgeon LK Refuge is closed to all hunting. Daily permits are required. Hunters shall check in and out daily. This area shall be closed to deer hunting after September 23, 2012. Closed to hunting for furbearers, predators, unprotected and protected wildlife (except black-tail deer, rabbit, and game birds). Use of rifles, handguns and crossbows shall be prohibited at all times. Parking permits are required.

(39) Phillip W. Schneider Wildlife Area (Grant County): Open to public access and hunting April 15 through January 31. Motorized vehicle travel restricted to open roads. Some roads closed seasonally from December 1 through April 14. Entry by permit only February 1 through April 14 including BLM land within the exterior boundaries of the Wildlife Area.

(40) Snake River Islands (Malheur County): Closed to hunting with centerfire rifles and centerfire handguns.

(41) South Slough National Estuarine Reserve: Specific areas are closed to hunting due to public health and safety. Contact reserve headquarters office for specific closures.

(42) Starkey Experimental Forest Enclosure (Union County): That portion of The Starkey Experimental Forest within the eight foot high elk-proof fence enclosure is closed to all hunting during deer and elk season except for persons possessing a controlled hunt tag for the area. A posted

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1/4 mile buffer zone on the National Forest lands surrounding the enclosure is closed to all hunting with a centerfire rifle or bow. The enclosure is open to deer and elk hunting only by permit during controlled hunts. The main study area is open to hunting of other species during authorized seasons. The 12-foot right-of-way along each side of all eight foot-high perimeter and internal game fences is closed to all motorized travel. Public entry is allowed only through the main gate. The Experimental Forest is closed to all public entry during the winter closure, which runs from the day after the controlled antlerless elk hunt until May 1 annually. Access and Habitat auction or raffle tag holders are not eligible to hunt in the Starkey Experimental Forest enclosure.

(43) Summer Lake Wildlife Area (Lake County): Open to public access and hunting during authorized mule deer and game bird hunting seasons. Closed to deer hunting during any pheasant, quail or waterfowl hunting seasons east of state Hwy 31 and posted refuge areas are closed to hunting. Motorized vehicle travel restricted to open roads. Some roads may be closed seasonally from March 15–August 15 and seven days prior to and during waterfowl hunting seasons. Hunters must obtain a daily hunting permit and check out at the end of the day. Permits and Area maps are available at Headquarters (1.3 mi. south of the town of Summer Lake). It is unlawful to discharge firearms except during deer and game bird hunting seasons or by permit. Centerfire rifles and handguns are prohibited for deer hunting.

(44) Umatilla Refuge (Morrow County): This refuge is closed to deer and elk hunting except during controlled hunts specific to the refuge and emergency hunts as provided in OAR chapter 635, division 078.

(45) Wallowa Lake (Wallowa County): All land on or within 1/4 mile of the Wallowa River from Wallowa Lake upstream to the falls and within 1/4 mile along the west side of Wallowa Lake from the Wallowa Lake State Park to the Wallowa River outlet is closed to all big game hunting.

(46) Wenaha Wildlife Area (Union County): Open to public access and hunting. Motorized vehicle travel restricted to open roads.

(47) Willamette River Greenway Corridor: Hunting is permitted with shotguns or bows and arrows only during authorized season on Willamette River Greenway parcels, except in those parcels where hunting is prohibited.

(48) White River Wildlife Area: Open to hunting during authorized seasons.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 123, f. & cert. 6-9-77; FWC 33-1978, f. & cert. 6-30-78; FWC 28-1979, f. & cert. 2-79; FWC 33-1980, f. & cert. 6-30-80; FWC 6-1981, f. & cert. 1-23-81; FWC 11-1981, f. & cert. 3-31-81; FWC 20-1981, f. & cert. 6-19-81; FWC 37-1982, f. & cert. 6-25-82; FWC 28, f. & cert. 7-8-83; FWC 34-1984, f. & cert. 7-24-84; FWC 43-1985, f. & cert. 8-22-85; FWC 35-1986, f. & cert. 8-7-86; FWC 41-1987, f. & cert. 7-6-87; FWC 38-1988, f. & cert. 6-13-88; FWC 94-1988(Temp), f. & cert. 9-19-88; FWC 15-1989, f. & cert. 3-28-89; FWC 63-1989, f. & cert. 8-15-89; FWC 24-1990, f. & cert. 3-21-90; FWC 55-1990, f. & cert. 6-21-90; FWC 20-1991, f. & cert. 3-12-91; FWC 58-1991, f. & cert. 6-24-91; FWC 36-1993, f. & cert. 6-14-93; FWC 18-1994, f. 3-30-94, cert. 5-1-94; FWC 4-1995, f. 1-23-95, cert. 7-1-95; FWC 18-1996, f. 4-10-96, cert. 8-1-96; FWC 9-1997, f. & cert. 2-27-97; FWC 38-1997, f. & cert. 6-17-97; FWC 71-1997, f. & cert. 12-29-97; DFW 49-1998, f. & cert. 6-22-98; DFW 1-1999, f. & cert. 1-14-99; DFW 47-1999, f. & cert. 6-16-99; DFW 92-1999, f. 12-8-99, cert. 1-1-00; DFW 30-2000, f. & cert. 6-14-00; DFW 82-2000, f. 12-21-00, cert. 1-1-01; DFW 121-2001, f. 12-24-01, cert. 1-1-02; DFW 2-2003, f. & cert. 1-17-03; DFW 9-2003(Temp), f. & cert. 1-28-03 thru 6-16-03; DFW 118-2003, f. 12-4-03, cert. 1-1-04; DFW 122-2004, f. 12-21-04, cert. 1-1-05; DFW 128-2005, f. 12-1-05, cert. 1-1-06; DFW 127-2006, f. 12-7-06, cert. 1-1-07; DFW 118-2007, f. 10-31-07, cert. 1-1-08; DFW 150-2008, f. 12-18-08, cert. 1-1-09; DFW 140-2009, f. 11-3-09, cert. 1-1-10; DFW 168-2010, f. 12-29-10, cert. 1-1-11; DFW 159-2011, f. 12-14-11, cert. 1-1-12; DFW 147-2012, f. 12-18-12, cert. 1-1-13; DFW 80-2013(Temp), f. 7-25-13, cert. 1-1-13 thru 1-21-14

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Rule Caption: 2013 Columbia River Fall Recreational Chinook Seasons Set

Adm. Order No.: DFW 81-2013(Temp)

Filed with Sec. of State: 7-26-2013

Certified to be Effective: 8-1-13 thru 12-31-13

Notice Publication Date:

Rules Amended: 635-023-0130

Subject: This amended rule sets the 2013 Fall recreational Chinook salmon season regulations for the mainstem Columbia River, effective on August 1, 2013. Modifications were based on 2013 Non-Indian Columbia River Summer/Fall Fishery Allocation Agreement that was developed during the Pacific Fisheries Management Council (PFMC) and North of Falcon (NOF) meetings in March and April 2013 and are consistent with the July 25, 2013 Columbia River Compact hearing by the agencies of Oregon and Washington. 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.

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). 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. Retention of Chinook salmon is prohibited during September 2 through September 30. 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. 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) 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. 4-22-04, cert. 5-1-04; DFW 92-2004(Temp), f. 9-2-04 cert. 9-6-04 thru 12-31-04; DFW 96-2004(Temp), f. 9-20-04, cert. 9-30-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. 1-1-05; DFW 25-2005, f. & cert. 4-15-05; DFW 84-2005(Temp), f. & cert. 8-1-05 thru 12-31-05; DFW 108-2005(Temp), f. 9-15-05, cert. 9-17-05 thru 12-31-05; DFW 112-2005(Temp), f. 9-28-05, cert. 9-30-05 thru 12-31-05; DFW 123-2005(Temp), f. 10-18-05, cert. 10-20-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. 1-1-06; DFW 26-2006(Temp), f. 4-20-06, cert. 5-1-06 thru 10-27-06; DFW 79-2006, f. 8-11-06, cert. 1-1-07; DFW 100-2006(Temp), f. & cert. 9-14-06 thru 12-31-06; DFW 109-2006(Temp), f. 9-29-06, cert. 9-30-06 thru 12-31-06; DFW 113-2006(Temp), f. 10-12-06, cert. 10-13-06 thru 12-31-06; DFW 24-2007, f. 4-16-07, cert. 5-1-07; DFW 92-2007(Temp), f. 9-18-07, cert. 9-19-07 thru 12-31-07; DFW 96-2007(Temp), f. 9-21-07, cert. 9-22-07 thru 12-31-07; DFW 101-2007(Temp), f. 9-28-07, cert. 9-29-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. 1-1-08; DFW 36-2008, f. 4-21-08, cert. 5-1-08; DFW 99-2008(Temp), f. 8-22-08, cert. 8-25-08 thru 12-31-08; DFW 104-2008(Temp), f. 8-29-08, cert. 8-31-08 thru 12-31-08; DFW 115-2008(Temp), f. & cert. 9-18-08 thru 12-31-08; DFW 118-2008(Temp), f. 9-24-08, cert. 9-25-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. 1-1-09; DFW 52-2009, f. & cert. 5-18-09; DFW 133-2009(Temp), f. 10-20-09, cert. 10-21-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. 1-1-10; DFW 77-2010, f. 6-8-10, cert. 6-16-10, DFW 131-2010(Temp), f. 9-21-10, cert. 9-22-10 thru 10-31-10; DFW 145-2010(Temp), f. 10-13-10, cert. 10-15-10 thru 12-31-10; DFW 171-2010, f. 12-30-10, cert. 1-1-11; DFW 100-2011(Temp), f. 7-27-11, cert. 8-1-11 thru 12-31-11; DFW 127-2011(Temp), f. 9-14-11, cert. 9-16-11 thru 12-31-11; DFW 163-2011, f. 12-27-11, cert. 1-1-12; DFW 100-2012(Temp), f. 7-31-12, cert. 8-1-12 thru 12-31-12; DFW 149-2012, f. 12-27-12, cert. 1-1-13; DFW 81-2013(Temp), f. 7-26-13, cert. 8-1-13 thru 12-31-13

ADMINISTRATIVE RULES

Rule Caption: Fall Commercial Gillnet Fisheries Set for Youngs Bay Select Area of the Columbia River

Adm. Order No.: DFW 82-2013(Temp)

Filed with Sec. of State: 7-29-2013

Certified to be Effective: 7-31-13 thru 10-31-13

Notice Publication Date:

Rules Amended: 635-042-0145

Subject: Rule amendments set the Fall commercial gillnet fishery in the Youngs Bay Select Area of the Columbia River. The first authorized fishing period is from 7:00 a.m. Wednesday, July 31 through 7:00 p.m. Thursday, August 1, 2013. Further amendments authorize various fishing periods through noon Thursday, October 31, 2013. Modifications are consistent with the action taken July 25, 2013 by the State of Oregon.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0145

Youngs Bay Salmon Season

(1) Salmon, white sturgeon and shad may be taken for commercial purposes in those waters of Youngs Bay.

(a) Fall seasons are as follows:

7:00 a.m. Wednesday, July 31 to 7:00 p.m. Thursday, August 1, 2013 (36 hours);
7:00 a.m. Wednesday, August 7 to 7:00 p.m. Thursday, August 8, 2013 (36 hours);
7:00 a.m. Wednesday, August 14 to 7:00 p.m. Thursday, August 15, 2013 (36 hours);
7:00 a.m. Wednesday, August 21 to 7:00 p.m. Thursday, August 22, 2013 (36 hours);
7:00 p.m. Monday, August 26 to 7:00 a.m. Friday, August 30, 2013 (3.5 days);
7:00 p.m. Monday, September 2 to Noon Thursday, October 31, 2013 (59 days).

(b) Area: Youngs Bay fishing area includes all waters from the new Highway 101 Bridge upstream to the upper boundary markers at Battle Creek Slough; including the lower Walluski River upstream to the Highway 202 Bridge and the lower Lewis and Clark River upstream to the overhead power lines immediately upstream of Barrett slough. All waters are under State of Oregon jurisdiction and are open to Oregon and Washington fishers who possess the appropriate licenses.

(c) Gear: Legal gear is restricted to 9.75-inch maximum mesh size through August 22 and 6-inch maximum mesh size thereafter; 250 fathoms maximum net length and weight on the leadline not to exceed two pounds on any one fathom. Use of additional weights or anchors attached directly to the leadline is allowed between markers located approximately 200 yards upstream of the mouth of the Walluski River and the upper deadline at Battle Creek Slough. Red corks are required at 25-fathom intervals and red corks must be in contrast to corks used in the remainder of the net. Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. 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 away from the boat is required.

(d) Allowable sales include: Salmon, white sturgeon and shad.

(2) A maximum of two (2) white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fisheries are open. During the fishing periods identified in subsection (1)(a) the weekly white sturgeon limit applies to combined possessions and sales for all open Select Area fisheries.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 32-1979, f. & cert. 8-22-79; FWC 28-1980, f. & cert. 6-23-80; FWC 42-1980(Temp), f. & cert. 8-22-80; FWC 30-1981, f. & cert. 8-14-81; FWC 42-1981(Temp), f. & cert. 11-5-81; FWC 54-1982, f. & cert. 8-17-82; FWC 37-1983, f. & cert. 8-18-83; FWC 61-1983(Temp), f. & cert. 10-19-83; FWC 42-1984, f. & cert. 8-20-84; FWC 39-1985, f. & cert. 8-15-85; FWC 37-1986, f. & cert. 8-11-86; FWC 72-1986(Temp), f. & cert. 10-31-86; FWC 64-1987, f. & cert. 8-7-87; FWC 73-1988, f. & cert. 8-19-88; FWC 55-1989(Temp), f. 8-7-89, cert. 8-20-89; FWC 82-1990(Temp), f. 8-14-90, cert. 8-19-90; FWC 86-1991, f. 8-7-91, cert. 8-18-91; FWC 123-1991(Temp), f. & cert. 10-21-91; FWC 30-1992(Temp), f. & cert. 4-27-92; FWC 35-1992(Temp), f. 5-22-92, cert. 5-25-92; FWC 74-1992 (Temp), f. 8-10-92, cert. 8-16-92; FWC 28-1993(Temp), f. & cert. 4-26-93; FWC 48-1993, f. 8-6-93, cert. 8-9-93; FWC 21-1994(Temp), f. 4-22-94, cert. 4-25-94; FWC 51-1994, f. 8-19-94, cert. 8-22-94; FWC 64-1994(Temp), f. 9-14-94, cert. 9-15-94; FWC 66-1994(Temp), f. & cert. 9-20-94; FWC 27-1995, f. 3-29-95, cert. 4-1-95; FWC 48-1995(Temp), f. & cert. 6-5-95; FWC 66-1995, f. 8-22-95, cert. 8-27-95; FWC 69-1995, f. 8-25-95, cert. 8-27-95; FWC 8-1995, f. 2-28-96, cert. 3-1-96; FWC 37-1996(Temp), f. 6-11-96, cert. 6-12-96; FWC 41-1996, f. & cert. 8-12-96; FWC 45-1996(Temp), f. 8-16-96, cert. 8-19-96; FWC 54-1996(Temp), f. & cert. 9-23-96; FWC 4-1997, f. & cert. 1-30-97; FWC 47-1997, f. & cert. 8-15-97; FWC 8-1998(Temp), f. & cert. 2-5-98 thru 2-28-98; FWC 14-1998, f. & cert. 3-3-98; FWC 18-1998(Temp), f. 3-9-98, cert. 3-11-98 thru 3-31-98; FWC 60-1998(Temp), f. & cert. 8-7-98 thru 8-21-98; FWC 67-1998, f. & cert. 8-24-98; FWC 10-1999, f. & cert. 2-26-99; FWC 52-1999(Temp), f. & cert. 8-2-99 thru 8-6-99; FWC 55-1999, f. & cert. 8-12-99; FWC 9-2000, f. & cert. 2-25-00; FWC

42-2000, f. & cert. 8-3-00; DFW 3-2001, f. & cert. 2-6-01; DFW 66-2001(Temp), f. 8-2-01, cert. 8-6-01 thru 8-14-01; DFW 76-2001(Temp), f. & cert. 8-20-01 thru 10-31-01; DFW 106-2001(Temp), f. & cert. 10-26-01 thru 12-31-01; DFW 15-2002(Temp), f. & cert. 2-20-02 thru 8-18-02; DFW 82-2002(Temp), f. 8-5-02, cert. 8-7-02 thru 9-1-02; DFW 96-2002(Temp), f. & cert. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. 2-14-03; DFW 17-2003(Temp), f. 2-27-03, cert. 3-1-03 thru 8-1-03; DFW 32-2003(Temp), f. & cert. 4-23-03 thru 8-1-03; DFW 34-2003(Temp), f. & cert. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. 5-1-03 thru 10-1-03; DFW 37-2003(Temp), f. & cert. 5-7-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. 2-13-04; DFW 19-2004(Temp), f. & cert. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & cert. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. 4-8-04, cert. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. 5-5-04, cert. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. 8-3-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. 2-14-05; DFW 15-2005(Temp), f. & cert. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & cert. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. 5-10-05 thru 10-16-05; DFW 46-2005(Temp), f. 5-17-05, cert. 5-18-05 thru 10-16-05; DFW 73-2005(Temp), f. 7-8-05, cert. 7-11-05 thru 7-31-05; DFW 77-2005(Temp), f. 7-14-05, cert. 7-18-05 thru 7-31-05; DFW 85-2005(Temp), f. 8-1-05, cert. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. 2-15-06; DFW 14-2006(Temp), f. 3-15-06, cert. 3-16-06 thru 7-27-06; DFW 15-2006(Temp), f. & cert. 3-23-06 thru 7-27-06; DFW 17-2006(Temp), f. 3-29-06, cert. 3-30-06 thru 7-27-06; DFW 29-2006(Temp), f. & cert. 5-16-06 thru 7-31-06; DFW 32-2006(Temp), f. & cert. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. 5-30-06 thru 7-31-06; DFW 52-2006(Temp), f. & cert. 6-28-06 thru 7-27-06; DFW 73-2006(Temp), f. 8-1-06, cert. 8-2-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. 2-14-07; DFW 13-2007(Temp), f. & cert. 3-6-07 thru 9-1-07; DFW 16-2007(Temp), f. & cert. 3-14-07 thru 9-9-07; DFW 25-2007(Temp), f. 4-17-07, cert. 4-18-07 thru 7-26-07; DFW 45-2007(Temp), f. 6-15-07, cert. 6-25-07 thru 7-31-07; DFW 50-2007(Temp), f. 6-29-07, cert. 7-4-07 thru 7-31-07; DFW 61-2007(Temp), f. 7-30-07, cert. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. 10-14-07 thru 12-31-07; Administrative correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. 3-2-08 thru 8-28-08; DFW 30-2008(Temp), f. 3-27-08, cert. 3-30-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. 2-15-09 thru 7-31-09; DFW 24-2009(Temp), f. 3-10-09, cert. 3-11-09 thru 7-31-09; DFW 49-2009(Temp), f. 5-14-09, cert. 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; DFW 17-2010(Temp), f. & cert. 2-22-10 thru 7-31-10; DFW 20-2010(Temp), f. & cert. 2-26-10 thru 7-31-10; DFW 30-2010(Temp), f. 3-11-10, cert. 3-14-10 thru 7-31-10; DFW 35-2010(Temp), f. 3-23-10, cert. 3-24-10 thru 7-31-10; DFW 40-2010(Temp), f. & cert. 4-1-10 thru 7-31-10; DFW 46-2010(Temp), f. & cert. 4-21-10 thru 7-31-10; DFW 53-2010(Temp), f. & cert. 5-4-10 thru 7-31-10; DFW 57-2010(Temp), f. & cert. 5-11-10 thru 7-31-10; DFW 69-2010(Temp), f. & cert. 5-18-10 thru 7-31-10; DFW 113-2010(Temp), f. 8-2-10, cert. 8-4-10 thru 10-31-10; DFW 129-2010(Temp), f. & cert. 9-10-10 thru 10-31-10; Administrative correction 11-23-10; DFW 12-2011(Temp), f. 2-10-11, cert. 2-13-11 thru 7-29-11; DFW 23-2011, f. & cert. 3-21-11; DFW 32-2011(Temp), f. 4-20-11, cert. 4-21-11 thru 7-29-11; DFW 35-2011(Temp), f. & cert. 4-28-11 thru 7-29-11; DFW 46-2011(Temp), f. & cert. 5-12-11 thru 7-29-11; DFW 52-2011(Temp), f. & cert. 5-18-11 thru 7-29-11; DFW 76-2011(Temp), f. 6-24-11, cert. 6-27-11 thru 7-29-11; DFW 106-2011(Temp), f. 8-2-11, cert. 8-3-11 thru 10-31-11; DFW 121-2011(Temp), f. 8-29-11, cert. 9-5-11 thru 10-31-11; Administrative correction 11-18-11; DFW 12-2012(Temp), f. 2-8-12, cert. 2-12-12 thru 7-31-12; DFW 24-2012(Temp), f. 3-15-12, cert. 3-18-12 thru 7-31-12; DFW 26-2012(Temp), f. 3-20-12, cert. 3-21-12 thru 7-31-12; DFW 27-2012(Temp), f. 3-27-12, cert. 3-29-12 thru 7-31-12; DFW 28-2012(Temp), f. 3-30-12, cert. 4-1-12 thru 7-31-12; DFW 30-2012(Temp), f. 4-4-12, cert. 4-5-12 thru 7-31-12; DFW 36-2012(Temp), f. 4-16-12, cert. 4-19-12 thru 7-31-12; DFW 82-2012(Temp), f. 6-29-12, cert. 7-2-12 thru 7-31-12; DFW 96-2012(Temp), f. 7-30-12, cert. 8-1-12 thru 10-31-12; Administrative correction 11-23-12; DFW 11-2013(Temp), f. 2-8-13, cert. 2-11-13 thru 7-31-13; DFW 22-2013(Temp), f. 3-12-13, cert. 3-13-13 thru 7-31-13; DFW 34-2013(Temp), f. 5-14-13, cert. 5-15-13 thru 7-31-13; DFW 36-2013(Temp), f. & cert. 5-22-13 thru 7-31-13; DFW 44-2013(Temp), f. & cert. 5-29-13 thru 7-31-13; DFW 82-2013(Temp), f. 7-29-13, cert. 7-31-13 thru 10-31-13

Rule Caption: Early Fall Commercial Drift Gill Net Seasons Set for the Mainstem Columbia River

Adm. Order No.: DFW 83-2013(Temp)

Filed with Sec. of State: 7-29-2013

Certified to be Effective: 8-11-13 thru 8-31-13

Notice Publication Date:

Rules Amended: 635-042-0031

Subject: Amended rule sets the 2013 fall commercial salmon drift gill net season for the Columbia River mainstem in Zones 4 through 5. The first authorized fishing period begins at 9:00 p.m. Sunday, August 11, 2013 with further fishing periods scheduled through 6:00 a.m. Friday, August 23, 2013. Authorized sales include salmon and white sturgeon.

Rules Coordinator: Therese Kucera—(503) 947-6033

ADMINISTRATIVE RULES

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);
9:00 p.m. Tuesday, August 20 to 6:00 a.m. Wednesday, August 21 (9 hours); and
9:00 p.m. Thursday, August 22 to 6:00 a.m. Friday, August 23 (9 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 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. 8-28-89, 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. 8-21-00 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. 8-23-01 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. 8-16-02, 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. & 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. 8-24-05, cert. ef. 8-25-05 thru 12-31-05; Administrative correction 1-19-06; DFW 72-2006(Temp), f. & cert. ef. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 82-2006(Temp), f. & cert. ef. 8-13-06 thru 12-31-06; DFW 88-2006(Temp), f. & cert. ef. 8-18-06, 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. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 72-2007(Temp), f. & cert. ef. 8-17-07, 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. 8-3-09, 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. 9-21-11, 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. & 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

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

Adm. Order No.: DFW 84-2013

Filed with Sec. of State: 8-5-2013

Certified to be Effective: 8-5-13

Notice Publication Date:

Rules Amended: 635-170-0001, 635-180-0001

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

Rules Coordinator: Therese Kucera—(503) 947-6033

635-170-0001

Black Bear Management Plan Content and Purpose

(1) The Commission adopted the Black Bear Management Plan on July 17, 1987, and adopted the first revisions to the Plan on March 17, 1993. Copies of the Plan are available through the Oregon Department of Fish and Wildlife. This document provides program direction, and identifies objectives and strategies to fulfill management, research, habitat, and status survey needs. The Plan is also intended as an informational document to assist resource management agencies with their wildlife programs.

(2) To the extent practicable, at least once every five years the department shall review the black bear management plan and make recommendations to the Commission for any changes to the plan. Review of the plan should include incorporation of the best available science and should also seek comments from other scientific experts in Oregon and other western states.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 55-1987, f. & cert. ef. 7-23-87; FWC 25-1993, f. & cert. ef. 3-31-93; DFW 84-2013, f. & cert. ef. 8-5-13

635-180-0001

Cougar Management Plan Content and Purpose

(1) The 2006 Oregon Cougar Management Plan establishes state policy and direction for Oregon's cougar management program. The 2006 Plan replaces previous plans. Chapters V (Cougar Management Objectives) and VI (Adaptive Management Process) of that 2006 Plan, as well as its Appendix I (Glossary), are incorporated here by reference as administrative rule. Copies may be obtained at the Salem headquarters office of the Oregon Department of Fish and Wildlife, 3406 Cherry Avenue NE, Salem, OR 97303. The 2006 Plan also serves as an informational and historical document for the Department.

(2) To the extent practicable, at least once every five years the department shall review the cougar management plan and make recommendations to the Commission for any changes to the plan. Review of the plan should include incorporation of the best available science and should also seek comments from other scientific experts in Oregon and other western states.

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

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 108-1987, f. & cert. ef. 12-28-87; FWC 26-1993, f. & cert. ef. 3-31-93; DFW 38-2006, f. & cert. ef. 6-6-06; DFW 84-2013, f. & cert. ef. 8-5-13

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

Adm. Order No.: DFW 85-2013

Filed with Sec. of State: 8-5-2013

Certified to be Effective: 8-5-13

Notice Publication Date:

Rules Amended: 635-008-0120, 635-008-0151, 635-045-0000, 635-051-0000, 635-052-0000, 635-053-0000, 635-054-0000, 635-060-0000

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

Rules Coordinator: Therese Kucera—(503) 947-6033

635-008-0120

Ladd Marsh Wildlife Area

The Ladd Marsh Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2008 Ladd Marsh Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

ADMINISTRATIVE RULES

(1) The area is closed to all entry between 10:00 p.m. and 4:00 a.m. At all other times an entry permit is required.

(2) All land north and east of Foothill Road is closed to big game hunting except for youth deer hunts 652T1 and 652T2. Big game hunting will be allowed on Ladd Marsh Wildlife Area as authorized by the Department.

(3) Discharging firearms is prohibited except when lawfully hunting during authorized game bird and big game hunting seasons, or by permit. Discharge of all handgun and centerfire or rimfire rifles is prohibited east of Foothill Road. Discharge of air guns, BB guns, and paintball guns is prohibited at all times.

(4) Camping is prohibited.

(5) Running or training of dogs is prohibited April 1 through July 31.

(6) No person shall possess or use any shot other than federally-approved nontoxic shot at any time, except for big game hunters using buckshot.

(7) Horses are prohibited east of Foothill Road.

(8) Access to areas posted as closed requires written permission from wildlife area staff.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(11); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 38-2008, f. & cert. ef. 4-24-08; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 103-2012, f. & cert. ef. 8-6-12; DFW 80-2013(Temp), f. 7-25-13, cert. ef. 7-26-13 thru 1-21-14; DFW 85-2013, f. & cert. ef. 8-5-13

635-008-0151

Procedures for Issuance and Enforcement of Parking Permits for Department Wildlife Areas

The Oregon Department of Fish and Wildlife hereby adopts the following procedures relating to issuance and enforcement of parking permits for certain vehicles in Department Wildlife Area parking areas:

(1) Parking is permitted only in designated parking areas. A parking permit is required at all times for all fee parking areas.

(2) Fee parking areas are designated by the following signs:

(a) "Entering ODFW Wildlife Area — Parking Permit Required Beyond This Point";

(b) "Parking allowed only in designated areas — ODFW Wildlife Area Parking Permit Required".

(3) There are two separate permits: an annual permit and a daily permit.

(4) The fee for parking permits is \$5.00 (plus \$2.00 agent fee) for permits issued on a daily basis or \$20.00 (plus \$2.00 agent fee) for permits issued on an annual basis beginning each January 1. Beginning with 2012 licenses, any hunting license (including Combination and Sports Pac), and/or purchase of the Habitat Conservation Stamp will include a free annual parking permit.

(5) Permits are issued by selected local agents, Department offices that sell licenses and the Department's Online License Sales website to a party upon payment and may be transferred from vehicle to vehicle.

(6) The permits must be visible from outside the vehicle and be displayed in the front or rear window of the vehicle.

(7) No parking permits will be required for those vehicles which are owned or operated by government agencies. Notwithstanding paragraph (5), the Department reserves the right to issue free administrative parking permits for private vehicles used by volunteers while participating in official Department-related activities. Parking permits will not be required for individuals arriving in private vehicles to address fire, health or safety emergencies.

(8)(a) A person who operates or parks a motor-propelled vehicle in violation of restrictions established and posted under OAR 635-008-0146 through 635-008-0151 commits an offense punishable as provided in ORS 496.992;

(b) The procedure for a peace officer (or other person authorized to enforce the wildlife laws) to follow upon finding a non government vehicle parked in a designated fee parking area without a permit shall consist of the issuance of a citation which shall be either delivered to the defendant or placed in a conspicuous place upon the vehicle in the violation.

(c) A person who is the registered owner of an unattended motor-propelled vehicle parked in violation of the restrictions established and posted under OAR 635-008-0146 through 635-008-0151 shall be presumed to have violated 635-008-0151(8)(a). It is an affirmative defense to a prosecution of the registered owner of a vehicle under subsection (8)(a) of this section that the use was not authorized by the owner, either expressly or by implication [or the owner was not present when the vehicle was parked.]

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 497.071

Stats. Implementation: ORS 496.012, 496.138, 496.146 & 497.071

Hist.: FWC 12-1990, f. & cert. ef. 2-2-90; FWC 8-1993, f. & cert. ef. 2-8-93; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 74-2003(Temp), f. 8-1-03, cert. ef. 8-3-03 thru 8-7-03; Administrative correction 1-12-04; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10; DFW 3-2011, f. & cert. ef. 1-14-11; DFW 54-2011, f. & cert. ef. 5-24-11; DFW 6-2012(Temp), f. & cert. ef. 2-6-12 thru 8-1-12; DFW 57-2012, f. & cert. ef. 6-11-12; DFW 144-2012(Temp), f. & cert. ef. 11-13-12 thru 5-10-13; DFW 30-2013, f. & cert. ef. 5-10-13; DFW 85-2013, f. & cert. ef. 8-5-13

635-045-0000

Purpose

(1) The purpose of these rules is to list definitions pursuant to hunting seasons for big game and game birds.

(2) The documents entitled "2013–2014 Oregon Game Bird Regulations", and "2013 Oregon Big Game Regulations", are incorporated by reference into these rules. These documents are available at hunting license vendors and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

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

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 36-1988, f. & cert. ef. 6-13-88; FWC 47-1989, f. & cert. ef. 7-25-89; FWC 14-1990, f. & cert. ef. 2-2-90; FWC 91-1990, f. & cert. ef. 9-4-90; FWC 42-1996, f. & cert. ef. 8-12-96; FWC 53-1997, f. & cert. ef. 9-3-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 118-2007, f. 10-31-07, cert. ef. 1-1-08; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 150-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; DFW 117-2010, f. & cert. ef. 8-13-10; DFW 140-2010(Temp), f. & cert. ef. 10-6-10 thru 12-31-10; Administrative correction 1-25-11; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 103-2012, f. & cert. ef. 8-6-12; DFW 147-2012, f. 12-18-12, cert. ef. 1-1-13; DFW 85-2013, f. & cert. ef. 8-5-13

635-051-0000

Purpose

(1) The purpose of these rules is to establish dates, areas and other restrictions for hunting game birds pursuant to ORS Chapter 496.

(2) The document entitled "2013–2014 Oregon Game Bird Regulations," is incorporated by reference into these rules.

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

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 8-1988, f. & cert. ef. 9-2-88; FWC 45-1997, f. & cert. ef. 8-13-97; FWC 53-1997, f. & cert. ef. 9-3-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-98; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 84-2003(Temp), f. & cert. ef. 8-26-03 thru 2-20-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 117 2010, f. & cert. ef. 8-13-10; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 103-2012, f. & cert. ef. 8-6-12; DFW 85-2013, f. & cert. ef. 8-5-13

635-052-0000

Purpose

(1) The purpose of these rules is to establish season dates, areas and bag limits for migratory upland game birds pursuant to ORS Chapter 496.

(2) The document entitled "2013–2014 Oregon Game Bird Regulations," is incorporated by reference into these rules.

[Publications: Publications

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

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 61-1988, f. & cert. ef. 7-28-88; FWC 45-1997, f. & cert. ef. 8-13-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 82-1999(Temp), f. & cert. ef. 10-25-99 thru 2-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 117 2010, f. & cert. ef. 8-13-10; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 103-2012, f. & cert. ef. 8-6-12; DFW 85-2013, f. & cert. ef. 8-5-13

635-053-0000

Purpose

(1) The purpose of these rules is to establish season dates, bag limits, areas and other restrictions for hunting upland game birds pursuant to ORS Chapter 496.

(2) The document entitled "2013–2014 Oregon Game Bird Regulations," is incorporated by reference into these rules.

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

ADMINISTRATIVE RULES

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 81-1988, f. & cert. ef. 9-2-88; FWC 33-1996, f. & cert. ef. 6-7-96; FWC 45-1997, f. & cert. ef. 8-13-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-98; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 82-1999(Temp), f. & cert. ef. 10-25-99 thru 2-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 2-2004(Temp), f. 1-13-04, cert. ef. 1-16-04 thru 1-31-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 117 2010, f. & cert. ef. 8-13-10; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 103-2012, f. & cert. ef. 8-6-12; DFW 85-2013, f. & cert. ef. 8-5-13

635-054-0000

Purpose

(1) The purpose of these rules is to establish season dates, bag limits, areas and other restrictions for hunting ducks, geese, coots, Wilson's snipe and crow pursuant to ORS Chapter 496.

(2) The document entitled "2013-2014 Oregon Game Bird Regulations," is incorporated by reference into these rules.

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

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 82-1988, f. & cert. ef. 9-2-88; FWC 45-1997, f. & cert. ef. 8-13-97; FWC 53-1997, f. & cert. ef. 9-3-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-98; DFW 95-1998(Temp), f. & cert. ef. 12-1-98 thru 12-18-98; DFW 98-1998(Temp), f. & cert. ef. 12-18-98 thru 2-28-99; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 82-1999(Temp), f. & cert. ef. 10-25-99 thru 2-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 99-2001(Temp), f. & cert. ef. 10-12-01 thru 4-10-02; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 87-2004(Temp), f. & cert. ef. 8-18-04 thru 9-16-04; Administrative correction 10-25-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 117 2010, f. & cert. ef. 8-13-10; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 103-2012, f. & cert. ef. 8-6-12; DFW 85-2013, f. & cert. ef. 8-5-13

635-060-0000

Purpose and General Information

(1) The purpose of these rules is to describe the requirements and procedures for controlled hunts pursuant to ORS 496.162.

(2) The documents entitled "2013-2014 Oregon Game Bird Regulations", and "2013 Oregon Big Game Regulations," are incorporated by reference into these rules. These documents are available at hunting license agents and regional, district, and headquarters offices of the Oregon Department of Fish and Wildlife.

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

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 118, f. & cert. ef. 6-3-77; FWC 25-1978, f. & cert. ef. 5-26-78; FWC 32-1978, f. & cert. ef. 6-30-78; FWC 29-1979, f. & cert. ef. 8-24-79; FWC 33-1980, f. & cert. ef. 6-30-80; FWC 7-1981, f. 2-18-81, f. 6-1-81; FWC 10-1981, f. & cert. ef. 3-31-81; FWC 22-1981, f. & cert. ef. 6-29-81; FWC 21-1982, f. & cert. ef. 3-31-82; FWC 38-1982, f. & cert. ef. 6-25-82; FWC 34-1984, f. & cert. ef. 7-24-84; FWC 16-1985, f. & cert. ef. 4-11-85; FWC 43-1985, f. & cert. ef. 8-22-85; FWC 35-1986, f. & cert. ef. 8-7-86; FWC 11-1987, f. & cert. ef. 3-6-87; FWC 40-1987, f. & cert. ef. 7-6-87; FWC 12-1988, f. & cert. ef. 3-10-88; FWC 37-1988, f. & cert. ef. 6-13-88; FWC 14-1989, f. & cert. ef. 3-28-89; FWC 48-1989, f. & cert. ef. 7-25-89; FWC 23-1990, f. & cert. ef. 3-21-90; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 28-2002(Temp), f. 4-1-02, cert. ef. 4-2-02 thru 9-28-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 118-2007, f. 10-31-07, cert. ef. 1-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 150-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; DFW 117-2010, f. & cert. ef. 8-13-10; DFW 140-2010(Temp), f. & cert. ef. 10-6-10 thru 12-31-10; Administrative correction 1-25-11; DFW 108-2011, f. & cert. ef. 8-5-11; DFW 103-2012, f. & cert. ef. 8-6-12; DFW 85-2013, f. & cert. ef. 8-5-13

Rule Caption: Pacific Halibut Summer All-Depth Sport Season Closes from Cape Falcon to Humbug Mountain

Adm. Order No.: DFW 86-2013(Temp)

Filed with Sec. of State: 8-8-2013

Certified to be Effective: 8-8-13 thru 10-31-13

Notice Publication Date:

Rules Amended: 635-039-0085

Rules Suspended: 635-039-0085(T)

Subject: Amended rule closes the summer all-depth sport fishery for Pacific halibut in the area between Cape Falcon and Humbug Mountain, Oregon at 11:59 p.m. on Thursday, August 8, 2013. The pre-sea-

son quota of total all-depth quota of 168,942 pounds has been attained. This rule is consistent with regulations previously implemented by the federal government and the International Pacific Halibut Commission for the 2013 Oregon sport fishery for Pacific halibut.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-039-0085

Halibut Seasons

(1) The Pacific halibut sport fishery in Oregon is regulated by the federal government and the International Pacific Halibut Commission (IPHC). OAR Chapter 635, division 39 incorporates into Oregon Administrative Rules, by reference:

(a) Title 50 of the Code of Federal Regulations, Part 300, Subpart E (October 1, 2012 ed.), as amended; and

(b) Federal Register Vol. 78, No. 51, dated March 15, 2013 (78FR 16423).

(2) Therefore, persons must consult all publications referenced in this rule in addition to Division 039 to determine applicable halibut fishing seasons.

(3) Effective 11:59 p.m., Friday, June 28, 2013 the Central Oregon Coast Subarea (Cape Falcon to Humbug Mountain) spring all-depth season is closed to the retention of Pacific halibut.

(4) Effective 11:59 p.m., Tuesday July 23, 2013 the Central Oregon Coast Subarea (Cape Falcon to Humbug Mountain) nearshore season is closed to the retention of Pacific halibut except for Friday, July 26, 2013.

(5) Effective 11:59 p.m., Thursday, August 8, 2013 the Central Oregon Coast Subarea (Cape Falcon to Humbug Mountain) summer all-depth season is closed to the retention of Pacific halibut.

Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119, 506.129

Stats. Implemented: ORS 496.162, 506.129

Hist.: DFW 56-2005, f. 6-21-05, cert. ef. 7-1-05; DFW 89-2005(Temp), f. & cert. ef. 8-12-05 thru 12-12-05; DFW 107-2005(Temp), f. 9-14-05, cert. ef. 9-15-05 thru 10-31-05; DFW 121-2005(Temp), f. 10-12-05, cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-19-06; DFW 34-2006(Temp), f. 5-25-06, cert. ef. 5-27-06 thru 8-3-06; Administrative correction 8-22-06; DFW 3-2007, f. & cert. ef. 1-12-07; DFW 35-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 8-2-07; DFW 67-2007(Temp), f. 8-9-07, cert. ef. 8-12-07 thru 9-30-07; DFW 76-2007(Temp), f. 8-17-07, cert. ef. 8-24-07 thru 9-30-07; DFW 84-2007(Temp), f. 9-5-07, cert. ef. 9-15-07 thru 9-30-07; DFW 87-2007(Temp), f. 9-10-07, cert. ef. 9-14-07 thru 10-28-07; DFW 90-2007(Temp), f. 9-19-07, cert. ef. 9-20-07 thru 10-31-07; Administrative correction 11-17-07; DFW 57-2008(Temp), f. 5-30-08, cert. ef. 6-1-08 thru 7-31-08; DFW 81-2008(Temp), f. 7-11-08, cert. ef. 8-2-08 thru 9-30-08; DFW 92-2008(Temp), f. & cert. ef. 8-11-08 thru 9-30-08; DFW 101-2008(Temp), f. 8-25-08, cert. ef. 8-29-08 thru 9-30-08; DFW 107-2008(Temp), f. 9-5-08, cert. ef. 9-7-08 thru 12-31-08; DFW 111-2008(Temp), f. & cert. ef. 9-16-08 thru 12-31-08; DFW 120-2008(Temp), f. 9-25-08, cert. ef. 9-27-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 39-2009, f. & cert. ef. 4-27-09; DFW 55-2009(Temp), f. & cert. ef. 5-22-09 thru 8-6-09; DFW 94-2009(Temp), f. 8-14-09, cert. ef. 8-16-09 thru 12-31-09; Administrative correction 1-25-10; DFW 32-2010, f. & cert. ef. 3-15-10; DFW 37-2010, f. 3-30-10, cert. ef. 4-1-10; DFW 100-2010(Temp), f. 7-15-10, cert. ef. 7-17-10 thru 10-31-10; DFW 118-2010(Temp), f. & cert. ef. 8-13-10 thru 10-31-10; Administrative correction 11-23-10; DFW 24-2011, f. & cert. ef. 3-22-11; DFW 58-2011(Temp), f. 5-27-11, cert. ef. 6-4-11 thru 8-4-11; DFW 82-2011(Temp), f. 6-30-11, cert. ef. 7-1-11 thru 8-4-11; DFW 85-2011(Temp), f. 7-5-11, cert. ef. 7-6-11 thru 10-31-11; DFW 114-2011(Temp), f. & cert. ef. 8-12-11 thru 10-31-11; DFW 135-2011(Temp), f. 9-21-11, cert. ef. 10-1-11 thru 12-31-11; DFW 39-2012, f. & cert. ef. 4-24-12; DFW 84-2012(Temp), f. & cert. ef. 7-5-12 thru 8-2-12; DFW 91-2012(Temp), f. 7-19-12, cert. ef. 7-22-12 thru 10-31-12; DFW 111-2012(Temp), f. 8-23-12, cert. ef. 8-24-12 thru 12-31-12; DFW 123-2012(Temp), f. 9-19-12, cert. ef. 9-24-12 thru 10-31-12; Administrative correction 11-23-12; DFW 65-2013(Temp), f. 6-27-13, cert. ef. 6-28-13 thru 8-2-13; DFW 78-2013(Temp), f. & cert. ef. 7-23-13 thru 10-31-13; DFW 86-2013(Temp), f. & cert. ef. 8-8-13 thru 10-31-13

Rule Caption: 2013 Young's Bay Salmon Season

Adm. Order No.: DFW 87-2013(Temp)

Filed with Sec. of State: 8-9-2013

Certified to be Effective: 8-9-13 thru 10-31-13

Notice Publication Date:

Rules Amended: 635-042-0145

Rules Suspended: 635-042-0145(T)

Subject: This amended rule modifies previously adopted gear regulations for the fall Youngs Bay Select area commercial fishery to allow the use of additional weights and/or anchors attached directly to the leadline in the lower Lewis and Clark River from the Alternate Highway 101 Bridge upstream to the powerlines, upstream of Barrett Slough and in the lower Walluski River From Fastabend's Dock upstream to the Highway 202 Bridge.

Rules Coordinator: Therese Kucera—(503) 947-6033

ADMINISTRATIVE RULES

635-042-0145

Youngs Bay Salmon Season

(1) Salmon, white sturgeon and shad may be taken for commercial purposes in those waters of Youngs Bay.

(a) Fall seasons are as follows:

7:00 a.m. Wednesday, July 31 to 7:00 p.m. Thursday, August 1, 2013 (36 hours);
7:00 a.m. Wednesday, August 7 to 7:00 p.m. Thursday, August 8, 2013 (36 hours);
7:00 a.m. Wednesday, August 14 to 7:00 p.m. Thursday, August 15, 2013 (36 hours);
7:00 a.m. Wednesday, August 21 to 7:00 p.m. Thursday, August 22, 2013 (36 hours);
7:00 p.m. Monday, August 26 to 7:00 a.m. Friday, August 30, 2013 (3.5 days);
7:00 p.m. Monday, September to Noon Thursday, October 31, 2012 (59 days).

(b) Area: Youngs Bay fishing area includes all waters from the new Highway 101 Bridge upstream to the upper boundary markers at Battle Creek Slough; including the lower Walluski River upstream to the Highway 202 Bridge and the lower Lewis and Clark River upstream to the overhead power lines immediately upstream of Barrett slough. All waters are under State of Oregon jurisdiction and are open to Oregon and Washington fishers who possess the appropriate licenses.

(c) Gear: Legal gear is restricted to 9.75-inch maximum mesh size through August 22 and 6-inch maximum mesh size thereafter; 250 fathoms maximum net length and weight on the headline not to exceed two pounds on any one fathom. Use of additional weights and/or anchors attached directly to the headline is allowed between markers located approximately 200 yards upstream of the mouth of the Walluski River and the upper headline at Battle Creek Slough, in the lower Lewis and Clark River from the Alternate Highway 101 Bridge upstream to the powerlines, upstream of Barrett Slough and in the lower Walluski River from Fastabend's Dock upstream to the Highway 202 Bridge. Red corks are required at 25-fathom intervals and red corks must be in contrast to corks used in the remainder of the net. Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. 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 away from the boat is required.

(d) Allowable sales include: Salmon, white sturgeon and shad.

(2) A maximum of two (2) white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fisheries are open. During the fishing periods identified in subsection[s] (1)(a) the weekly white sturgeon limit applies to combined possessions and sales for all open Select Area fisheries.]

Stat. Auth.: ORS 183.325, 506.109 & 506.119
Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 32-1979, f. & ef. 8-22-79; FWC 28-1980, f. & ef. 6-23-80; FWC 42-1980(Temp), f. & ef. 8-22-80; FWC 30-1981, f. & ef. 8-14-81; FWC 42-1981(Temp), f. & ef. 11-5-81; FWC 54-1982, f. & ef. 8-17-82; FWC 37-1983, f. & ef. 8-18-83; FWC 61-1983(Temp), f. & ef. 10-19-83; FWC 42-1984, f. & ef. 8-20-84; FWC 39-1985, f. & ef. 8-15-85; FWC 37-1986, f. & ef. 8-11-86; FWC 72-1986(Temp), f. & ef. 10-31-86; FWC 64-1987, f. & ef. 8-7-87; FWC 73-1988, f. & ef. 8-19-88; FWC 55-1989(Temp), f. & ef. 8-7-89, cert. ef. 8-20-89; FWC 82-1990(Temp), f. & ef. 8-14-90, cert. ef. 8-19-90; FWC 86-1991, f. & ef. 8-7-91, cert. ef. 8-18-91; FWC 123-1991(Temp), f. & ef. 10-21-91; FWC 30-1992(Temp), f. & ef. 4-27-92; FWC 35-1992(Temp), f. & ef. 5-22-92, cert. ef. 5-25-92; FWC 74-1992 (Temp), f. & ef. 8-10-92, cert. ef. 8-16-92; FWC 28-1993(Temp), f. & ef. 4-26-93; FWC 48-1993, f. & ef. 8-6-93, cert. ef. 8-9-93; FWC 21-1994(Temp), f. & ef. 4-22-94, cert. ef. 4-25-94; FWC 51-1994, f. & ef. 8-19-94, cert. ef. 8-22-94; FWC 64-1994(Temp), f. & ef. 9-14-94, cert. ef. 9-15-94; FWC 66-1994(Temp), f. & ef. 9-20-94; FWC 27-1995, f. & ef. 3-29-95, cert. ef. 4-1-95; FWC 48-1995(Temp), f. & ef. 6-5-95; FWC 66-1995, f. & ef. 8-22-95, cert. ef. 8-27-95; FWC 69-1995, f. & ef. 8-25-95, cert. ef. 8-27-95; FWC 8-1995, f. & ef. 2-28-96, cert. ef. 3-1-96; FWC 37-1996(Temp), f. & ef. 6-11-96, cert. ef. 6-12-96; FWC 41-1996, f. & ef. 8-12-96; FWC 45-1996(Temp), f. & ef. 8-16-96, cert. ef. 8-19-96; FWC 54-1996(Temp), f. & ef. 9-23-96; FWC 4-1997, f. & ef. 1-30-97; FWC 47-1997, f. & ef. 8-15-97; FWC 8-1998(Temp), f. & ef. 2-5-98 thru 2-28-98; FWC 14-1998, f. & ef. 3-3-98; FWC 18-1998(Temp), f. & ef. 3-9-98, cert. ef. 3-11-98 thru 3-31-98; FWC 60-1998(Temp), f. & ef. 8-7-98 thru 8-21-98; FWC 67-1998, f. & ef. 8-24-98; FWC 10-1999, f. & ef. 2-26-99; FWC 52-1999(Temp), f. & ef. 8-2-99 thru 8-6-99; FWC 55-1999, f. & ef. 8-12-99; FWC 9-2000, f. & ef. 2-25-00; FWC 42-2000, f. & ef. 8-3-00; FWC 3-2001, f. & ef. 2-6-01; FWC 66-2001(Temp), f. & ef. 8-2-01, cert. ef. 8-6-01 thru 8-14-01; FWC 76-2001(Temp), f. & ef. 8-20-01 thru 10-31-01; FWC 106-2001(Temp), f. & ef. 10-26-01 thru 12-31-01; FWC 15-2002(Temp), f. & ef. 2-20-02 thru 8-18-02; FWC 82-2002(Temp), f. & ef. 8-5-02, cert. ef. 8-7-02 thru 9-1-02; FWC 96-2002(Temp), f. & ef. 8-26-02 thru 12-31-02; FWC 12-2003, f. & ef. 2-14-03; FWC 17-2003(Temp), f. & ef. 2-27-03, cert. ef. 3-1-03 thru 8-1-03; FWC 32-2003(Temp), f. & ef. 4-23-03 thru 8-1-03; FWC 34-2003(Temp), f. & ef. 4-24-03 thru 10-1-03; FWC 36-2003(Temp), f. & ef. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; FWC 37-2003(Temp), f. & ef. 5-7-03 thru 10-1-03; FWC 75-2003(Temp), f. & ef. 8-1-03 thru 12-31-03; FWC 89-2003(Temp), f. & ef. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; FWC 11-2004, f. & ef. 2-13-04; FWC 19-2004(Temp), f. & ef. 3-12-04 thru 3-31-04; FWC 22-2004(Temp), f. & ef. 3-18-04 thru 3-31-04; FWC 28-2004(Temp), f. & ef. 4-8-04 cert. ef. 4-12-04 thru 4-15-04; FWC 39-2004(Temp), f. & ef. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; FWC 44-2004(Temp), f. & ef. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; FWC 79-2004(Temp), f. & ef. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; FWC 109-2004(Temp), f. & ef. 10-19-04 thru 12-31-04; FWC 6-2005, f. & ef. 2-14-05; FWC 15-2005(Temp), f. & ef. 3-10-05 thru 7-31-05; FWC 18-2005(Temp), f. & ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; FWC 27-2005(Temp), f. & ef. 4-20-05 thru 6-15-05; FWC 28-2005(Temp), f. & ef. 4-28-05 thru 6-16-05; FWC 37-2005(Temp), f. & ef. 5-5-05 thru 10-16-05; FWC 40-2005(Temp), f. & ef. 5-10-05 thru 10-16-05; FWC 46-2005(Temp), f. & ef. 5-17-05, cert. ef. 5-18-05 thru 10-16-05;

DFW 73-2005(Temp), f. & ef. 7-8-05, cert. ef. 7-11-05 thru 7-31-05; DFW 77-2005(Temp), f. & ef. 7-14-05, cert. ef. 7-18-05 thru 7-31-05; DFW 85-2005(Temp), f. & ef. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. & ef. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & ef. 2-15-06; DFW 14-2006(Temp), f. & ef. 3-15-06, cert. ef. 3-16-06 thru 7-27-06; DFW 15-2006(Temp), f. & ef. 3-23-06 thru 7-27-06; DFW 17-2006(Temp), f. & ef. 3-29-06, cert. ef. 3-30-06 thru 7-27-06; DFW 29-2006(Temp), f. & ef. 5-16-06 thru 7-31-06; DFW 32-2006(Temp), f. & ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & ef. 5-30-06 thru 7-31-06; DFW 52-2006(Temp), f. & ef. 6-28-06 thru 7-27-06; DFW 73-2006(Temp), f. & ef. 8-2-06 thru 12-31-06; DFW 103-2006(Temp), f. & ef. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. & ef. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & ef. 2-14-07; DFW 13-2007(Temp), f. & ef. 3-6-07 thru 9-1-07; DFW 16-2007(Temp), f. & ef. 3-14-07 thru 9-9-07; DFW 25-2007(Temp), f. & ef. 4-18-07, cert. ef. 4-18-07 thru 7-26-07; DFW 45-2007(Temp), f. & ef. 6-15-07, cert. ef. 6-25-07 thru 7-31-07; DFW 50-2007(Temp), f. & ef. 6-29-07, cert. ef. 7-4-07 thru 7-31-07; DFW 61-2007(Temp), f. & ef. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. & ef. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative correction 1-24-08; DFW 6-2008(Temp), f. & ef. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. & ef. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 30-2008(Temp), f. & ef. 3-27-08, cert. ef. 3-30-08 thru 8-28-08; DFW 48-2008(Temp), f. & ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. & ef. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. & ef. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. & ef. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 24-2009(Temp), f. & ef. 3-10-09, cert. ef. 3-11-09 thru 7-31-09; DFW 49-2009(Temp), f. & ef. 5-14-09, cert. ef. 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. & ef. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. & ef. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; DFW 17-2010(Temp), f. & ef. 2-22-10 thru 7-31-10; DFW 20-2010(Temp), f. & ef. 2-26-10 thru 7-31-10; DFW 30-2010(Temp), f. & ef. 3-11-10, cert. ef. 3-14-10 thru 7-31-10; DFW 35-2010(Temp), f. & ef. 3-23-10, cert. ef. 3-24-10 thru 7-31-10; DFW 40-2010(Temp), f. & ef. 4-1-10 thru 7-31-10; DFW 46-2010(Temp), f. & ef. 4-21-10 thru 7-31-10; DFW 53-2010(Temp), f. & ef. 5-4-10 thru 7-31-10; DFW 57-2010(Temp), f. & ef. 5-11-10 thru 7-31-10; DFW 69-2010(Temp), f. & ef. 5-18-10 thru 7-31-10; DFW 113-2010(Temp), f. & ef. 8-2-10, cert. ef. 8-4-10 thru 10-31-10; DFW 129-2010(Temp), f. & ef. 9-10-10 thru 10-31-10; Administrative correction 11-23-10; DFW 12-2011(Temp), f. & ef. 2-10-11, cert. ef. 2-13-11 thru 7-29-11; DFW 23-2011, f. & ef. 3-21-11; DFW 32-2011(Temp), f. & ef. 4-20-11, cert. ef. 4-21-11 thru 7-29-11; DFW 35-2011(Temp), f. & ef. 4-28-11 thru 7-29-11; DFW 46-2011(Temp), f. & ef. 5-12-11 thru 7-29-11; DFW 52-2011(Temp), f. & ef. 5-18-11 thru 7-29-11; DFW 76-2011(Temp), f. & ef. 6-24-11, cert. ef. 6-27-11 thru 7-29-11; DFW 106-2011(Temp), f. & ef. 8-2-11, cert. ef. 8-3-11 thru 10-31-11; DFW 121-2011(Temp), f. & ef. 8-29-11, cert. ef. 9-5-11 thru 10-31-11; Administrative correction 11-18-11; DFW 12-2012(Temp), f. & ef. 2-8-12, cert. ef. 2-12-12 thru 7-31-12; DFW 24-2012(Temp), f. & ef. 3-15-12, cert. ef. 3-18-12 thru 7-31-12; DFW 26-2012(Temp), f. & ef. 3-20-12, cert. ef. 3-21-12 thru 7-31-12; DFW 27-2012(Temp), f. & ef. 3-27-12, cert. ef. 3-29-12 thru 7-31-12; DFW 28-2012(Temp), f. & ef. 3-30-12, cert. ef. 4-1-12 thru 7-31-12; DFW 30-2012(Temp), f. & ef. 4-4-12, cert. ef. 4-5-12 thru 7-31-12; DFW 36-2012(Temp), f. & ef. 4-16-12, cert. ef. 4-19-12 thru 7-31-12; DFW 82-2012(Temp), f. & ef. 6-29-12, cert. ef. 7-2-12 thru 7-31-12; DFW 96-2012(Temp), f. & ef. 7-30-12, cert. ef. 8-1-12 thru 10-31-12; Administrative correction 11-23-12; DFW 11-2013(Temp), f. & ef. 2-8-13, cert. ef. 2-11-13 thru 7-31-13; DFW 22-2013(Temp), f. & ef. 3-12-13, cert. ef. 3-13-13 thru 7-31-13; DFW 34-2013(Temp), f. & ef. 5-14-13, cert. ef. 5-15-13 thru 7-31-13; DFW 36-2013(Temp), f. & ef. 5-22-13 thru 7-31-13; DFW 44-2013(Temp), f. & ef. 5-29-13 thru 7-31-13; DFW 82-2013(Temp), f. & ef. 7-29-13, cert. ef. 7-31-13 thru 10-31-13; DFW 87-2013(Temp), f. & ef. 8-9-13 thru 10-31-13

Rule Caption: 2013 Treaty Indian Fall Commercial Fisheries

Adm. Order No.: DFW 88-2013(Temp)

Filed with Sec. of State: 8-9-2013

Certified to be Effective: 8-12-13 thru 12-31-13

Notice Publication Date:

Rules Amended: 635-041-0045, 635-041-0075

Rules Suspended: 635-041-0045(T)

Subject: Amended rules allow commercial sales of fish caught during the Treaty Indian Fall salmon platform and hook-and-line fisheries in the Columbia River and its Washington tributaries. The fall platform and hook-and-line fisheries begin at 6:00 a.m. August 12, 2013. Implementation is consistent with action taken August 8, 2013 by the Columbia River Compact agencies of Oregon and Washington in cooperation with the Columbia River Treaty Tribes.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0045

Closed Commercial Fishing Areas

Unless otherwise specified in this rule and OAR 635-041-0063, the following waters are closed to commercial fishing:

(1) All Oregon tributaries of the Columbia River.

(2) The Columbia River westerly and downstream of the Bridge of the Gods except:

(a) Fisheries conducted by the Yakama, Warm Springs and Umatilla tribes downstream of Bonneville Dam (bank fishing only) under provisions of the agreements with the states of Oregon and Washington are open until further notice.

(A) Effective 6:00 a.m. Monday, August 12, 2013 commercial sales of Salmon, steelhead, walleye, shad, yellow perch, catfish, bass and carp are allowed whenever sales are authorized for platform and hook-and-line

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fisheries in the remainder of Zone 6. Sturgeon caught in the tribal fisheries below Bonneville Dam may not be retained or sold. Fish may not be sold on USACE property below Bonneville Dam, but may be caught and transported off USACE property for sale.

(B) Gear is restricted to bank fishing with hoopnets, dipnets, set bag nets, and rod and reel with hook-and-line.

(b) Platform and hook-and-line fisheries from the Bridge of the Gods downstream to the subsistence fishing deadline as described in OAR 635-041-0020(1) are open to commercial sales whenever sales are authorized for platform and hook-and-line fisheries in the remainder of Bonneville Pool.

(3) The Columbia River easterly and upstream of a line extending at a right angle across the thread of the river from a deadline marker one mile downstream of McNary Dam.

(4) The Columbia River between a line extending at a right angle across the thread of the river from a deadline marker at the west end of 3-Mile Rapids located approximately 1.8 miles below The Dalles Dam, upstream to a line from a deadline marker on the Oregon shore located approximately 3/4 mile above The Dalles Dam east fishway exit, thence at a right angle to the thread of the river to a point in midriver, thence downstream to Light "1" on the Washington shore; except that dip nets, bag nets, and hoop nets are permitted during commercial salmon and shad fishing seasons at the Lone Pine Indian fishing site located immediately above The Dalles Interstate Bridge.

(5) The Columbia River between a line extending at a right angle across the thread of the river from a deadline marker at Preachers Eddy light below the John Day Dam and a line approximately 4.3 miles upstream extending from a marker on the Oregon shore approximately one-half mile above the upper easterly bank of the mouth of the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, thence turning downstream to a marker located on the Washington shore approximately opposite the mouth of the John Day River.

(6) The Columbia River within areas at and adjacent to the mouths of the Deschutes River and the Umatilla River. The closed areas are along the Oregon side of the Columbia River and extend out to the midstream from a point one-half mile above the intersection of the upper bank of the tributary with the Columbia River to a point one mile downstream from the intersection of the lower bank of the tributary with the Columbia River. All such points are posted with deadline markers.

(7) The Columbia River within an area and adjacent to the mouth of the Big White Salmon River. The closed area is along the Washington side of the Columbia River and extends out to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

(8) The Columbia River within an area at and adjacent to the mouth of Drano Lake (Little White Salmon River). The closed area is along the Washington side of the Columbia River and extends out to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upriver of the outlet of Drano Lake.

(9) The Columbia River within an area and adjacent to the mouth of the Wind River. The closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between markers located 1-1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

(10) The Columbia River within areas at and adjacent to the mouth of Hood River. The closed area is along the Oregon side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at end of the breakwall at the west end of the Port of Hood River and 1/2 mile upriver from the east bank.

(11) The Columbia River within a radius of 150 feet of the Spring Creek Hatchery fishway, except that during the period of August 25-September 20 inclusive the closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between a marker located 1-1/2 miles downriver of the Spring Creek Hatchery fishway up to the downstream marker of the Big White Salmon sanctuary located approximately 1/2 mile upriver of the Spring Creek Hatchery fishway.

(12) Herman Creek upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(13) The Columbia River within an area and adjacent to the mouth of the Klickitat River. The closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of

the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1-1/8 miles downstream from the west bank.

Stat. Auth.: ORS 183.325, 506.109 & 506.119
Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 89, f. & ef. 1-28-77; FWC 133, f. & ef. 8-4-77; FWC 149(Temp), f. & ef. 9-21-77 thru 1-18-78; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0045; FWC 6-1980, f. & ef. 1-28-80; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 4-1984, f. & ef. 1-31-84; FWC 55-1985(Temp), f. & ef. 9-6-85; FWC 4-1986 (Temp), f. & ef. 1-28-86; FWC 25-1986(Temp), f. & ef. 6-25-86; FWC 42-1986, f. & ef. 8-15-86; FWC 2-1987, f. & ef. 1-23-87; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 54-1989 (Temp), f. & cert. ef. 8-7-89; FWC 90-1989, f. & cert. ef. 9-6-89; FWC 80-1990(Temp), f. & cert. ef. 8-7-90, cert. ef. 8-8-90; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 40-2011(Temp), f. & cert. ef. 5-5-11 thru 10-31-11; DFW 43-2011(Temp), f. & cert. ef. 5-10-11 thru 10-31-11; DFW 60-2011(Temp), f. & cert. ef. 6-2-11 thru 10-31-11; DFW 63-2011(Temp), f. & cert. ef. 6-8-11, cert. ef. 6-9-11 thru 10-31-11; DFW 66-2011(Temp), f. & cert. ef. 6-14-11, cert. ef. 6-16-11 thru 10-31-11; DFW 88-2011(Temp), f. & cert. ef. 7-8-11, cert. ef. 7-10-11 thru 10-31-11; DFW 119-2011(Temp), f. & cert. ef. 8-29-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 5-2012(Temp), f. & cert. ef. 1-30-12, cert. ef. 2-1-12 thru 3-31-12; DFW 18-2012(Temp), f. & cert. ef. 2-29-12 thru 6-15-12; DFW 46-2012(Temp), f. & cert. ef. 5-14-12, cert. ef. 5-15-12 thru 6-30-12; DFW 74-2012(Temp), f. & cert. ef. 7-1-12 thru 10-31-12; DFW 87-2012(Temp), f. & cert. ef. 7-11-12, cert. ef. 7-12-12 thru 8-31-12; DFW 94-2012(Temp), f. & cert. ef. 7-27-12 thru 10-31-12; DFW 119-2012(Temp), f. & cert. ef. 9-10-12, cert. ef. 9-11-12 thru 10-31-12; DFW 143-2012(Temp), f. & cert. ef. 11-7-12, cert. ef. 11-8-12 thru 1-29-13; DFW 8-2013(Temp), f. & cert. ef. 1-31-13, cert. ef. 2-13-13 thru 3-31-13; DFW 18-2013(Temp), f. & cert. ef. 3-5-13, cert. ef. 3-6-13 thru 6-15-13; DFW 57-2013(Temp), f. & cert. ef. 6-12-13, cert. ef. 6-16-13 thru 7-31-13; DFW 88-2013(Temp), f. & cert. ef. 8-9-13, cert. ef. 8-12-13 thru 12-31-13

635-041-005

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) 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. & 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. 8-12-91; FWC 96-1991, f. & cert. ef. 9-9-91; FWC 101-1991(Temp), f. & cert. ef. 9-10-91; FWC 103-1991(Temp), f. & cert. ef. 9-17-91, cert. ef. 9-18-91; FWC 110-1991(Temp), f. & cert. ef. 9-27-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 86-1992(Temp), f. & cert. ef. 9-1-92, cert. ef. 9-2-92; FWC 87-1992(Temp), f. & cert. ef. 9-4-92, cert. ef. 9-7-92; FWC 91-1992(Temp), f. & cert. ef. 9-16-92, cert. ef. 9-17-92; FWC 96-1992(Temp), f. & cert. ef. 9-22-92, cert. ef. 9-23-92; FWC 105-1992(Temp), f. & cert. ef. 10-2-92, cert. ef. 10-5-92; FWC 107-1992 (Temp), f. & cert. ef. 10-9-92; FWC 47-1993, f. & cert. ef. 8-9-93; FWC 52-1993, f. & cert. ef. 8-30-93; FWC 57-1993(Temp), f. & cert. ef. 9-13-93; FWC 59-1993(Temp), f. & cert. ef. 9-17-93, cert. ef. 9-20-93; FWC 61-1993(Temp), f. & cert. ef. 9-24-93; FWC 55-1994(Temp), f. & cert. ef. 8-26-94, cert. ef. 8-29-94; FWC 61-1994(Temp), f. & cert. ef. 9-7-94, cert. ef. 9-8-94; FWC 74-1994(Temp), f. & cert. ef. 10-12-94; FWC 68-1995(Temp), f. & cert. ef. 8-25-95, cert. ef. 8-29-95; FWC 72-1995(Temp), f. & cert. ef. 9-1-95; FWC 75-1995(Temp), f. & cert. ef. 9-12-95, cert. ef. 9-13-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1996(Temp), f. & cert. ef. 8-29-96, cert. ef. 9-2-96; FWC 51-1996(Temp), f. & cert. ef. 9-6-96, cert. ef. 9-9-96; FWC 53-

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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; 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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

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Rule Caption: Columbia River Treaty Indian Commercial Gill Net Salmon Seasons Set

Adm. Order No.: DFW 89-2013(Temp)

Filed with Sec. of State: 8-14-2013

Certified to be Effective: 8-19-13 thru 12-31-13

Notice Publication Date:

Rules Amended: 635-041-0075

Rules Suspended: 635-041-0075(T)

Subject: Amended rule allows commercial sales of fish caught during the Treaty Indian commercial fall salmon gill net fishery in the Columbia River and its Washington tributaries. The first period (2.5 days) of the fall gill net fishery is scheduled to begin at 6:00 a.m. Monday, August 19, 2013. Modifications are consistent with action taken August 13, 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: 1) 6:00 a.m. on Monday, August 19 through 6:00 p.m. Wednesday, August 21, 2013 (2.5 days); 2) 6:00 a.m. Monday, August 26 through 6:00 p.m. Friday, August 30, 2013 (4.5 days); and 3) 6:00 a.m. Tuesday, September 3 through 6:00 p.m. Saturday, September 7, 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. 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. 8-7-90, cert. ef. 8-8-90; FWC 90-1990, f. & cert. ef. 8-31-90; FWC 96-1990(Temp), f. 9-7-90, cert. ef. 9-10-90; FWC 98-1990(Temp), f. 9-14-90, cert. ef. 9-17-90; FWC 85-1991, f. 8-7-91, cert. ef. 8-12-91; FWC 96-1991, f. & cert. ef. 9-9-91; FWC 101-1991(Temp), f. & cert. ef. 9-10-91; FWC 103-1991(Temp), f. 9-17-91, cert. ef. 9-18-91; FWC 110-1991(Temp), f. & cert. ef. 9-27-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 86-1992(Temp), f. 9-1-92, cert. ef. 9-2-92; FWC 87-1992(Temp), f. 9-4-92, cert. ef. 9-7-92; FWC 91-1992(Temp), f. 9-16-92, cert. 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.

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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

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

Rule Caption: Repeal of Health Care Delivery Grant Program Rules

Adm. Order No.: DHSD 2-2013

Filed with Sec. of State: 8-1-2013

Certified to be Effective: 8-1-13

Notice Publication Date: 7-1-2013

Rules Repealed: 407-035-0000, 407-035-0005, 407-035-0010, 407-035-0015

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

Rules Coordinator: Jennifer Bittel—(503) 947-5250

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

Adm. Order No.: DHSD 3-2013

Filed with Sec. of State: 8-1-2013

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Notice Publication Date: 7-1-2013

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

Rules Repealed: 407-007-0210(T), 407-007-0290(T)

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

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

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

Rules Coordinator: Jennifer Bittel—(503) 947-5250

407-007-0200

Purpose and Scope

(1) The purpose of these rules, OAR 407-007-0200 to 407-007-0370, is to provide for the reasonable screening under ORS 181.534, 181.537, and 409.027 of subject individuals (SIs) to determine if they have a history of criminal or abusive behavior such that they should not be allowed to work, volunteer, be employed, reside, or otherwise perform in positions covered by these rules.

(2) These rules apply to evaluating criminal records and potentially disqualifying conditions of an SI when conducting fitness determinations based upon such information. The fact that an SI is approved does not guarantee employment or placement. These rules do not apply to individuals subject to OAR 407-007-0000 to 407-007-0100 or 407-007-0400 to 407-007-0460.

(3) Providers for the Department of Human Services (Department) and the Oregon Health Authority (Authority) are subject to criminal records and abuse checks. The Authority authorizes the Department to act on its behalf in carrying out criminal and abuse checks associated with programs or activities administered by the Authority. References in these rules to the Department or Authority shall be construed to be references to either or both agencies.

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

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

Hist.: OMAP 8-2004, f. 2-26-04, cert. ef. 3-1-04; Renumbered from 410-007-0200, DHSD 8-2007, f. 8-31-07, cert. ef. 9-1-07; DHSD 10-2008, f. 12-26-08, cert. ef. 1-1-09; DHSD 2-2009, f. & cert. ef. 4-1-09; DHSD 7-2009, f. & cert. ef. 10-1-09; DHSD 10-2009, f. 12-31-09, cert. ef. 1-1-10; DHSD 10-2010, f. 10-29-10, cert. ef. 10-31-10; DHSD 1-2011(Temp) f. & cert. ef. 4-15-11 thru 10-11-11; DHSD 7-2011(Temp), f. & cert. ef. 10-12-11 thru 11-1-11; DHSD 8-2011, f. 10-28-11, cert. ef. 11-1-11; DHSD 2-2012(Temp), f. & cert. ef. 2-27-12 thru 8-24-12; DHSD 4-2012, f. & cert. ef. 8-1-12; DHSD 3-2013, f. & cert. ef. 8-1-13

407-007-0210

Definitions

As used in OAR 407-007-0200 to 407-007-0370 the following definitions apply:

(1) "Abuse" has the meaning given in the administrative rules promulgated by the Department or Authority corresponding to the setting in which the abuse was alleged or investigated.

(2) "Abuse check" means obtaining and reviewing abuse allegations, abuse investigation reports, and associated exhibits and documents for the purpose of determining whether an SI has a history as a perpetrator of potentially disqualifying abuse (a potentially disqualifying condition) as described in OAR 407-007-0290(11).

(3) "Abuse investigation report" means a written report completed after an investigation into suspected abuse and retained by the Department or the Authority pursuant to ORS 124.085, 419B.030, or 430.757, or a similar report filed in another state agency or by another state.

(4) "Appointing authority" means an individual designated by the qualified entity (QE) who is responsible for appointing QE designees

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(QEDs). Examples include but are not limited to human resources staff with the authority to offer and terminate employment, a business owner, a member of the board of directors, a director, or a program administrator.

(5) "Approved" means that an SI, following a final fitness determination, is fit to work, volunteer, be employed, or otherwise perform in the position listed in the background check request.

(6) "Approved with restrictions" means an approval in which some restriction is made including but not limited to an SI, an SI's environment, the type or number of clients for whom an SI may provide care, or the information to which an SI has access.

(7) "Authority" means the Oregon Health Authority.

(8) "Background check" means a criminal records check and an abuse check under these rules.

(9) "Background Check Unit (BCU)" means the Background Check Unit conducting background checks for the Department and the Authority.

(10) "Care" means the provision of care, treatment, education, training, instruction, supervision, placement services, recreation, or support to children, the elderly, or individuals with disabilities (see ORS 181.537).

(11) "Client" means any individual who receives services, care, or funding for care through the Department or Authority.

(12) "Closed case" means a background check request that has been closed without a final fitness determination.

(13) "Criminal records check" means obtaining and reviewing criminal records as required by these rules and includes any or all of the following:

(a) An Oregon criminal records check where criminal offender information is obtained from the Oregon State Police (OSP) using the Law Enforcement Data System (LEDS). The Oregon criminal records check may also include a review of other criminal records information.

(b) A national criminal records check where records are obtained from the Federal Bureau of Investigation (FBI) through the use of fingerprint cards sent to OSP and other identifying information. The national criminal records check may also include a review of other criminal records information.

(c) A state-specific criminal records check where records are obtained from law enforcement agencies, courts, or other criminal records information resources located in, or regarding, a state or jurisdiction outside Oregon.

(14) "Criminal Information Management System (CRIMS)" means the electronic records system used to process and maintain background check records under these rules.

(15) "Criminal offender information" means records, including fingerprints and photographs, received, compiled, and disseminated by OSP for purposes of identifying criminal offenders and alleged offenders and maintained as part of an individual's records of arrest, the nature and disposition of criminal charges, sentencing, confinement, and release, but does not include the retention by OSP of records of transfer of inmates between penal institutions or other correctional facilities. It also includes the OSP Computerized Criminal History System (see OAR 257-010-0015).

(16) "Denied" means that an SI, following a fitness determination including a weighing test, is not fit to work, volunteer, be employed, reside, or otherwise hold the position listed on the background check request.

(17) "Department" means the Department of Human Services.

(18) "Fitness determination" means the decision in a case that is not closed and includes:

(a) The decision regarding a background check request and preliminary review (a preliminary fitness determination); or

(b) The decision regarding a background check request, completed background check, including gathering other information as necessary, and a final review by BCU (a final fitness determination).

(19) "Founded or substantiated" has the meaning given in the Department or Authority's administrative rules corresponding to the setting in which the abuse was alleged or investigated.

(20) "Good cause" means a valid and sufficient reason for not complying with established time frames during the background check process or contested case hearing process that includes but is not limited to an explanation of circumstances beyond a SI's reasonable control.

(21) "Hearing representative" means a Department employee representing the Department in a contested case hearing.

(22) "Hired on a preliminary basis" means a condition in which a QE allows an SI to work, volunteer, be trained, or reside in an environment following the submission of a background check request. Hired on a preliminary basis may also be called probationary status.

(23) "Ineligible due to ORS 443.004" means BCU has determined that an SI, subject to ORS 443.004 and either OAR 407-007-0275 or 407-

007-0277, has one or more convictions that prohibits the SI from holding the position listed in the background check request.

(24) "Office of Adult Abuse Prevention and Investigations (OAAPI)" means the Office of Adult Abuse Prevention and Investigations, formerly the Office of Investigation and Training, a shared service of the Department and Authority.

(25) "Other criminal records information" means information obtained and used in the criminal records check process that is not criminal offender information from OSP. Other criminal records information includes but is not limited to police investigations and records, information from local or regional criminal records information systems, justice records, court records, information from the Oregon Judicial Information Network, sexual offender registration records, warrants, Oregon Department of Corrections records, Oregon Department of Transportation's Driver and Motor Vehicle Services Division information, information provided on the background check requests, disclosures by a SI, and any other information from any jurisdiction obtained by or provided to the Department for the purpose of conducting a fitness determination.

(26) "Position" means the position listed in the background check request which determines whether the individual is a SI under these rules, Department program rules, or Authority program rules.

(27) "Qualified entity (QE)" means a community mental health or developmental disability program, local health department, or an individual, business, or organization, whether public, private, for-profit, non-profit, or voluntary, that provides care, including a business or organization that licenses, certifies, or registers others to provide care (see ORS 181.537).

(28) "QE designee (QED)" means an individual appointed by the QE's appointing authority to handle background checks on behalf of the QE.

(29) "QE Initiator (QEI)" means an approved SI who BCU has granted access to CRIMS for one QE for the purpose of entering background check request data.

(30) "Subject individual (SI)" means an individual on whom BCU conducts a criminal records check and an abuse check, and from whom BCU may require fingerprints for the purpose of conducting a national criminal records check.

(a) An SI includes any of the following:

(A) An individual who is licensed, certified, registered, or otherwise regulated or authorized for payment by the Department or Authority and who provides care.

(B) An employee, contractor, temporary worker, or volunteer who provides care or has access to clients, client information, or client funds within or on behalf of any entity or agency licensed, certified, registered, or otherwise regulated by the Department or Authority.

(C) Any individual who is paid directly or indirectly with public funds who has or will have contact with recipients of:

(i) Services within an adult foster home (defined in ORS 443.705); or

(ii) Services within a residential facility (defined in ORS 443.400).

(D) Any individual who works in a facility and provides care or has access to clients, client information, or client funds secured by any residential care or assisted living facility through the services of a personnel services or staffing agency.

(E) Any individual who works in a facility and provides care, or has access to clients, client information, or client funds secured by any nursing facility through the services of a personnel services or staffing agency.

(F) Except as excluded in section (30)(b)(C) and (D) of this rule, an individual who lives in a facility that is licensed, certified, registered, or otherwise regulated by the Department to provide care. The position of this SI includes but is not limited to resident manager, household member, or boarder.

(G) An individual working or volunteering for a private licensed child caring agency; an In-Home Safety and Reunification Services (ISRS) program, a Strengthening, Preserving and Reunifying Families (SPRF) provider, or system of care contractor providing child welfare services pursuant to ORS chapter 418.

(H) A homemaker as defined in ORS 410.600, a personal support worker as defined in ORS 410.600, a personal care services provider, or an independent provider employed by a Department or Authority client who provides care to the client if the Department or Authority helps pay for the services.

(I) A child care provider and their employees reimbursed through the Department's child care program and other individuals in child care facilities that are exempt from certification or registration by the Child Care Division of the Oregon Employment Department (OED). This includes all individuals listed in OAR 461-165-0180(4).

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(J) An appointing authority, QED, or QEI associated with any entity or agency licensed, certified, registered, otherwise regulated by the Department, or subject to these rules.

(K) An individual providing on the job certified nursing assistant classes to staff within a long term care facility.

(L) A student enrolled in a Board of Nursing approved nursing assistant training program in which the instruction and training occurs solely in a nursing facility.

(M) A student or intern who provides care or has access to clients, client information, or client funds within or on behalf of the following entities or agencies. The QED for the entity or agency shall submit and monitor the background checks for the student or intern.

(i) Any facility licensed or certified by the Authority's Addictions and Mental Health Division to provide mental health services.

(ii) Any facility licensed or certified by the Department to provide services for individuals with developmental disabilities.

(N) Any individual serving as an owner, operator, or manager of a room and board facility pursuant to OAR chapter 411, division 68.

(O) An employee providing care to clients of the Department's Aging and People with Disabilities (APD) programs who works for an in-home care agency as defined by ORS 443.305 which has a contract with the Department's APD programs.

(P) Any individual who is required to complete a background check pursuant to Department or Authority program rules or a contract with the Department or Authority, if the requirement is within the Department or Authority's statutory authority. Specific statutory authority or reference to these rules and the positions under the contract subject to a criminal records check must be specified in the contract. The exceptions in section (30)(b) do not apply to these SIs.

(b) An SI does not include:

(A) Any individual under 16 years of age.

(B) A student or intern in a placement at a clinical training setting subject to administrative rules implemented under ORS 413.435. The only circumstance in which BCU shall allow a check to be performed on a student or intern pursuant to this paragraph is if the student or intern falls within the definition of "subject individual" as listed in sections (30)(a)(L) or (30)(a)(M) of this rule. The individual may not be considered a volunteer under these rules. QEs must ensure that all students or interns have passed a substantially equivalent background check process or are:

(i) Actively supervised at all times as defined in OAR 407-007-0315; and

(ii) Not allowed to have unsupervised access to vulnerable individuals.

(C) Department, Authority, or QE clients. The only circumstance in which BCU shall allow a check to be performed on a client pursuant to this paragraph is if the client falls within the definition of "subject individual" as listed in sections (30)(a)(A)-(E) and (30)(a)(G)-(P) of this rule, or if the facility is dually licensed for different populations of vulnerable individuals.

(D) Individuals working in child care facilities certified or registered by the OED.

(E) Individuals employed by a private business that provides services to clients and the general public and is not regulated by the Department or Authority.

(F) Individuals employed by a business that provides appliance or structural repair for clients and the general public and who are temporarily providing these services in a licensed or certified QE. The QE shall ensure active supervision of these individuals while on QE property and the QE may not allow unsupervised contact with QE clients or residents. This exclusion does not apply to a business that receives funds from the Department or Authority for care provided by an employee of the business.

(G) Individuals employed by a private business in which a client of the Department or Authority is working as part of a Department- or Authority-sponsored employment service program. This exclusion does not apply to an employee of a business that receives funds from the Department or Authority for care provided by the employee.

(H) Employees, contractors, students, interns, and volunteers working in hospitals, ambulatory surgical centers, outpatient renal dialysis facilities, and freestanding birthing centers, as defined in ORS 442.015, and special inpatient care facilities as defined by the Authority in administrative rule.

(I) Volunteers, who are not under the direction and control of a licensed, certified, registered, or otherwise regulated QE.

(J) Individuals employed or volunteering in a Medicare-certified health care business which is not subject to licensure or certification by the State of Oregon.

(K) Individuals working in restaurants or at public swimming pools.

(L) Hemodialysis technicians.

(M) Employees, contractors, temporary workers, or volunteers who provide care, or have access to clients, client information, or client funds of an alcohol and drug program that is certified, licensed, or approved by the Authority's Addictions and Mental Health Division to provide prevention, evaluation, or treatment services. This exclusion does not apply to programs specifically required by other Authority program rules to conduct criminal records checks in accordance with these rules.

(N) Individuals working for a transit service provider which conducts background checks pursuant to ORS 267.237.

(O) Individuals being certified by the Department as interpreters pursuant to ORS 409.623. This exclusion does not apply to Department-certified interpreters when being considered for a specific position.

(P) Emergency medical technicians and first responders certified by the Authority's Emergency Medical Services and Trauma Systems program.

(Q) Employees, contractors, temporary workers, or volunteers of continuing care retirement communities registered under OAR chapter 411, division 67.

(R) Individuals hired by or on behalf of a resident in a QE to provide care privately to the resident.

(31) "Weighing test" means a process in which BCU considers available information to make a fitness determination when an SI has potentially disqualifying convictions or conditions.

Stat. Auth.: ORS 181.537, 409.027 & 409.050

Stats. Implemented: ORS 181.534, 181.537, 409.010, 409.027 & 443.004

Hist.: OMAP 8-2004, f. 2-26-04, cert. ef. 3-1-04; OMAP 77-2004(Temp), f. & cert. ef. 10-1-04 thru 3-29-05; OMAP 22-2005, f. & cert. ef. 3-29-05; Renumbered from 410-007-0210, DHSD 8-2007, f. 8-31-07, cert. ef. 9-1-07; Hist.: DHSD 2-2008(Temp), f. & cert. ef. 3-31-08 thru 9-26-08; DHSD 7-2008, f. 8-29-08, cert. ef. 9-1-08; DHSD 10-2008, f. 12-26-08, cert. ef. 1-1-09; DHSD 2-2009, f. & cert. ef. 4-1-09; DHSD 7-2009, f. & cert. ef. 10-1-09; DHSD 10-2009, f. 12-31-09, cert. ef. 1-1-10; DHSD 8-2010(Temp), f. & cert. ef. 8-12-10 thru 2-7-11; DHSD 10-2010, f. 10-29-10, cert. ef. 10-31-10; DHSD 1-2011(Temp), f. & cert. ef. 4-15-11 thru 10-11-11; DHSD 7-2011(Temp), f. & cert. ef. 10-12-11 thru 11-1-11; DHSD 8-2011, f. 10-28-11, cert. ef. 11-1-11; DHSD 2-2012(Temp), f. & cert. ef. 2-27-12 thru 8-24-12; DHSD 4-2012, f. & cert. ef. 8-1-12; DHSD 1-2013(Temp), f. & cert. ef. 2-5-13 thru 8-2-13; DHSD 3-2013, f. & cert. ef. 8-1-13

407-007-0220

Background Check Required

(1) BCU shall conduct criminal records checks on all SIs through LEDS maintained by OSP in accordance with ORS chapter 181 and the rules adopted thereto (see OAR chapter 257, division 15).

(2) If a national criminal records check is necessary, OSP shall provide BCU results of national criminal records checks conducted pursuant to ORS 181.534, including fingerprint identification, through the FBI.

(3) BCU shall conduct abuse checks using available abuse investigation reports and associated documents.

(4) SIs must have a background check in the following circumstances:

(a) An individual who becomes an SI on or after the effective date of these rules.

(b) The SI changes employers to a different QE.

(c) Except as provided in section (6) of this rule, the individual, whether previously considered an SI or not, changes positions under the same QE, and the new position requires a background check.

(d) The individual, whether previously considered an SI or not, changes Department or Authority-issued licenses, certifications, or registrations, and the license, certification, or registration requires a background check under these rules.

(e) For a student enrolled in a long term care facility nursing assistant training program for employment at the facility, a new background check is required when the student becomes an employee at the facility. A new background check is not required by the Department or the Authority at graduation from the training program or at the granting of certification by the Board of Nursing unless the Department, the Authority, or the QE have reason to believe that a background check is justified.

(f) A background check is required by federal or state laws or regulations, other Department or Authority administrative rules, or by contract with the Department or Authority.

(g) When BCU or the QE has reason to believe that a background check is justified. Examples include but are not limited to:

(A) Any indication of possible criminal or abusive behavior by an SI.

(B) A lapse in working or volunteering in a position under the direction and control of the QE but the SI is still considered in the position. For example, an extended period of leave by an SI. The QE determines the need for a background check.

ADMINISTRATIVE RULES

(C) Quality assurance monitoring by the Department or Authority of a previously conducted criminal records check or abuse check.

(5) If the SI is subject to a background check due to involvement with the foster or adoptive placement of a child and:

(a) Is subject to the Interstate Compact on Placement of Children (ORS 417.200 and OAR 413-040-0200 to 413-040-0330), the background check must comply with Interstate Compact requirements.

(b) Is subject to the Intercountry Adoption Act of 2000 (42 USC 14901 et seq.), the background check must comply with federal requirements and ORS 417.262.

(6) If QEs, Department program rules, or Authority program rules require an SI to report any new arrests, charges, or convictions, the QE may determine if personnel action is required if the SI does not report. Personnel action may include a new background check.

(7) A background check is not required under the following circumstances:

(a) A homecare worker, as defined in ORS 410.600, has a Department background check notice of final fitness determination dated within the recheck period according to Department program rules showing that the homecare worker has been approved or approved with restrictions, and listing a worksite of "various," "various clients," "statewide," or similar wording.

(b) A personal support worker, personal care services provider, Lifespan Respite or other respite care provider, or an independent provider paid with Department or Authority funds who changes or adds clients within the same QE, Department, or Authority district, and the prior, documented criminal records check or abuse check conducted within the previous 24 months through the Department or Authority has been approved without restrictions.

(c) The SI is a child care provider as described in OAR 461-165-0180 who changes or adds clients and who has been approved without restrictions within the required recheck period according to Department program rules.

(d) The SI remains with a QE in the same position listed on the background check request while the QE merges with another QE, is sold to another QE, or changes names. The changes may be noted in documentation attached to the notice of fitness determination but do not warrant a background check.

(8) Background checks are completed on SIs who otherwise meet the qualifications of the position listed on the background check request. A background check may not be used to screen applicants for a position.

Stat. Auth.: ORS 181.537, 409.027 & 409.050

Stats. Implemented: ORS 181.534, 181.537, 409.010, 409.027 & 443.004

Hist.: OMAP 8-2004, f. 2-26-04, cert. ef. 3-1-04; OMAP 77-2004(Temp), f. & cert. ef. 10-1-04 thru 3-29-05; OMAP 22-2005, f. & cert. ef. 3-29-05; Renumbered from 410-007-0220, DHSD 8-2007, f. 8-31-07, cert. ef. 9-1-07; DHSD 10-2008, f. 12-26-08, cert. ef. 1-1-09; DHSD 2-2009, f. & cert. ef. 4-1-09; DHSD 7-2009, f. & cert. ef. 10-1-09; DHSD 10-2009, f. 12-31-09, cert. ef. 1-1-10; DHSD 10-2010, f. 10-29-10, cert. ef. 10-31-10; DHSD 1-2011(Temp), f. & cert. ef. 4-15-11 thru 10-11-11; DHSD 7-2011(Temp), f. & cert. ef. 10-12-11 thru 11-1-11; DHSD 8-2011, f. 10-28-11, cert. ef. 11-1-11; DHSD 2-2012(Temp), f. & cert. ef. 2-27-12 thru 8-24-12; DHSD 3-2012(Temp), f. & cert. ef. 4-13-12 thru 8-24-12; DHSD 4-2012, f. & cert. ef. 8-1-12; DHSD 3-2013, f. & cert. ef. 8-1-13

407-007-0230

Qualified Entity

(1) A QE and its appointing authority must be approved in writing by the Department or Authority pursuant to these rules in order to appoint a QED. Documentation of a current and valid license, certification, or letter of approval from the Department or Authority are considered proof of approval. Unless specifically indicated otherwise in these rules, all QEs and appointing authorities discussed in these rules are considered approved.

(2) A QE shall ensure the completion of background checks for all SIs who are the QE's employees, volunteers, or other SIs under the direction or control of the QE.

(3) BCU may allow a QE's appointing authority or QED to appoint one or more QEIs based on the needs of the QE and the volume of SIs under the QE.

(4) A QE's appointing authority shall appoint QEDs as needed to remain in compliance with these rules and shall communicate any changes regarding QEDs or QEIs to BCU.

(5) If for any reason a QE no longer has any QEDs, the QE or appointing authority shall ensure that the confidentiality and security of background check records by immediately providing all background check related documents to BCU or to another QE as determined by BCU.

(6) BCU shall provide QEs with periodic training and on-going technical assistance.

(7) Any decisions made by BCU in regard to these rules are final and may not be overturned by any QE.

Stat. Auth.: ORS 181.537, 409.027 & 409.050

Stats. Implemented: ORS 181.534, 181.537, 409.010, 409.027 & 443.004

Hist.: OMAP 8-2004, f. 2-26-04, cert. ef. 3-1-04; OMAP 77-2004(Temp), f. & cert. ef. 10-1-04 thru 3-29-05; OMAP 85-2004(Temp), f. & cert. ef. 11-4-04 thru 3-29-05; OMAP 22-2005, f. & cert. ef. 3-29-05; Renumbered from 410-007-0230, DHSD 8-2007, f. 8-31-07, cert. ef. 9-1-07; DHSD 10-2008, f. 12-26-08, cert. ef. 1-1-09; DHSD 2-2009, f. & cert. ef. 4-1-09; DHSD 7-2009, f. & cert. ef. 10-1-09; DHSD 10-2009, f. 12-31-09, cert. ef. 1-1-10; DHSD 10-2010, f. 10-29-10, cert. ef. 10-31-10; DHSD 1-2011(Temp), f. & cert. ef. 4-15-11 thru 10-11-11; DHSD 7-2011(Temp), f. & cert. ef. 10-12-11 thru 11-1-11; DHSD 8-2011, f. 10-28-11, cert. ef. 11-1-11; DHSD 2-2012(Temp), f. & cert. ef. 2-27-12 thru 8-24-12; DHSD 4-2012, f. & cert. ef. 8-1-12; DHSD 3-2013, f. & cert. ef. 8-1-13

407-007-0240

QE Designees and QE Initiators

(1) All requirements in this section must be completed within 90 calendar days. To receive BCU approval, a QED must meet the following requirements:

(a) A QED must be one of the following:

(A) Employed by the agency for which the QED will handle criminal records check information.

(B) Contracted with the QE to perform as a QED.

(C) Employed by another similar QE or a parent QE. For example, an assisted living facility QED may act as QED for another assisted living facility.

(b) A QED must be an approved SI with a record in CRIMS within the past three years for at least one of the QEs for which the QED will manage background checks.

(c) A QED must have:

(A) Competency in computer skills for accessing CRIMS online and managing background check records in CRIMS;

(B) Work-related access to the internet; and

(C) A work-related email account .

(d) A QED must complete a certification program and successfully pass any BCU required testing.

(e) An appointing authority must appoint a QED. The applicant QED must complete and submit required documents and information to BCU for processing and registration.

(2) BCU shall deny the individual's status as a QED if the individual does not meet QED requirements. Once denied, the individual may no longer perform the duties of a QED. There are no exceptions for individuals who fail to meet QED requirements.

(3) An approved QED shall have the following responsibilities:

(a) Demonstrate understanding of and adherence to these rules in all actions pertaining to the background check process.

(b) Act as the Department's designee in any action pursuant to these rules and the background check process. A QED may not advocate for an SI during any part of the background check process, including contesting a fitness determination.

(c) Ensure that adequate measures are taken to protect the confidentiality of the records and documents required by these rules. A QED may not view criminal offender information. A QED may not view abuse investigation reports and associated abuse investigation exhibits or documents as part of the background check process.

(d) A QED shall verify the SI's identity or ensure that the same verification requirements are understood by each individual responsible for verifying identity. The QE may verify identity at any time during the hiring or placement process up to the submission of the background check request.

(A) If conducting a background check on the SI for the first time or at rehire of the SI, a QED shall verify identity or ensure identity is verified by using methods which include but are not limited to reviewing the SI's current and valid government-issued photo identification and confirming the information on the photo identification with the SI, the information included in the background check request, and the information written on the fingerprint card if a national criminal records check is conducted.

(B) If an SI is being rechecked for the same QE without any break in placement, service, or employment, review of government-issued photo identification may not be necessary. The QED shall verify the SI's name, current address, and any aliases or previous names, or ensure this information is verified.

(e) Ensure that an SI is not permitted to work, volunteer, reside, or otherwise hold any position covered by these rules before the submission of the background check request to BCU.

(f) Ensure that the result of the preliminary fitness determination granting the QE to hire the SI on a preliminary basis, or prohibiting the QE from hiring the SI on a preliminary basis, is followed.

(g) Ensure that when an SI is hired on a preliminary basis, the need for active supervision is understood by each individual responsible for providing active supervision.

ADMINISTRATIVE RULES

(h) Ensure that if an SI is removed from working on a preliminary basis, the SI is immediately removed from the position and remains removed until BCU reinstates hired on a preliminary basis or the completion of a final fitness determination allowing the SI to resume the position.

(i) Ensure that the SI has a fingerprint card and understands what is needed to get a fingerprint card completed if a national background check is required.

(j) Notify BCU of any changes regarding an SI who still has a background check in process, including but not limited to address or employment status changes.

(k) Monitor the status of background check applications and investigate any delays in processing.

(L) Ensure that documentation required by these rules is processed and maintained in accordance with these rules.

(m) Notify BCU immediately if arrested, charged, or convicted of any crime, or if found responsible for abuse by the Department or Authority.

(4) A QED may make preliminary fitness determinations:

(a) A QED shall review the SI's completed background check request to ensure completeness of the information, verify identity, and to determine if the SI has any disclosed criminal history.

(b) A QED shall adhere to OAR 407-007-0315(4) when making a preliminary fitness determination.

(c) If the SI has adverse criminal history within the five year period from the date the SI manually or electronically signed the background check request, the QED may request in writing that BCU make a preliminary fitness determination requiring a weighing test.

(5) BCU may change QED status in the following circumstances which include but are not limited to:

(a) When the position with the QE ends or when the QE terminates the appointment. The QE shall notify BCU immediately upon the end of the position or termination of the appointment and BCU shall inactivate QED status

(b) If a QED fails to comply with responsibilities or fails to continue to meet the requirements for QED status, as applicable. After suspending or revoking the appointment, the QE must immediately notify the BCU in writing. If BCU takes the action to suspend or revoke the appointment, it must immediately notify the QE in writing.

(c) If a QED fails to recertify, BCU shall revoke QED status.

(6) Any changes to QED status are not subject to appeal rights unless the denial or termination results in immediate loss of employment or position. A QED losing employment or position has the same hearing rights as other SIs under these rules.

(7) If a QED leaves employment or position with the QE for any reason, BCU shall inactivate QED status. If the individual finds employment with another QE, BCU shall determine the requirement for reactivation of QED status.

(8) BCU shall review and recertify appointments of QEDs, up to and including a new application, background check, and additional training under the following circumstances:

(a) Every three years; or

(b) At any time BCU has reason to believe the individual no longer meets QED requirements including but not limited to indication of criminal or abusive behavior or noncompliance with these rules.

(9) With BCU approval, QEs may appoint QEIs to enter background check request into CRIMS. QEIs must:

(a) Be currently approved SIs for the QE;

(b) Possess competency in computer skills for accessing CRIMS online and entering background check records into CRIMS;

(c) Maintain internet access and working email accounts to access CRIMS; and

(d) Meet other criteria as determined by BCU and the QE.

Stat. Auth.: ORS 181.537, 409.027 & 409.050

Stats. Implemented: ORS 181.534, 181.537, 409.010, 409.027 & 443.004

Hist.: OMAP 8-2004, f. 2-26-04, cert. ef. 3-1-04; OMAP 22-2005, f. & cert. ef. 3-29-05; Renumbered from 410-007-0240, DHSD 8-2007, f. 8-31-07, cert. ef. 9-1-07; DHSD 10-2008, f. 12-26-08, cert. ef. 1-1-09; DHSD 2-2009, f. & cert. ef. 4-1-09; DHSD 7-2009, f. & cert. ef. 10-1-09; DHSD 10-2009, f. 12-31-09, cert. ef. 1-1-10; DHSD 10-2010, f. 10-29-10, cert. ef. 10-31-10; DHSD 1-2011(Temp) f. & cert. ef. 4-15-11 thru 10-11-11; DHSD 7-2011(Temp), f. & cert. ef. 10-12-11 thru 11-1-11; DHSD 8-2011, f. 10-28-11, cert. ef. 11-1-11; DHSD 2-2012(Temp), f. & cert. ef. 2-27-12 thru 8-24-12; DHSD 4-2012, f. & cert. ef. 8-1-12; DHSD 3-2013, f. & cert. ef. 8-1-13

407-007-0250

Background Check Process

(1) A QE and SI shall use CRIMS to request a background check which shall include the following information regarding an SI:

(a) Name and aliases;

(b) Date of birth;

(c) Address and recent residency information;

(d) Driver license or identification card information;

(e) Position for which the SI is completing the background check request;

(f) Disclosure of all criminal history;

(A) The SI must disclose all arrests, charges, and convictions regardless of outcome or when the arrests, charges, or convictions occurred.

(B) The disclosed crimes and the dates must reasonably match the SI's criminal offender information and other criminal records information, as determined by BCU.

(g) Disclosure of other information to be considered in the event of a weighing test.

(2) The background check request shall include the following notices to the SI:

(a) A notice regarding disclosure of Social Security number indicating that:

(A) The SI's disclosure is voluntary; and

(B) The Department requests the Social Security number solely for the purpose of positively identifying the SI during the criminal records check process.

(b) A notice that the SI may be subject to fingerprinting as part of a criminal records check.

(c) A notice that BCU shall conduct an abuse check on the SI. Unless required by program rule, an SI is not required to disclose any history of potentially disqualifying abuse, but may provide BCU with mitigating or other information.

(3) Using identifying information submitted in a background check request, BCU shall conduct an abuse check to determine if the subject individual has potentially disqualifying abuse.

(4) BCU shall conduct an Oregon criminal records check. Using information submitted on the background check request, BCU may obtain criminal offender information from LEDS and may request other criminal records information as needed.

(5) BCU shall handle criminal offender information in accordance with applicable OSP requirements in ORS chapter 181 and the rules adopted pursuant thereto (see OAR chapter 257, division 15).

(6) BCU may conduct a fingerprint-based national criminal records check.

(a) A fingerprint-based national criminal records check may be completed under any of the following circumstances:

(A) The SI has been outside Oregon:

(i) For 60 or more consecutive days during the previous 18 months and the SI is a child care provider or other individual included in OAR 461-165-0180(4).

(ii) For 60 or more consecutive days during the previous five years for all other SIs.

(B) The LEDS check, SI disclosures, or any other criminal records information obtained by BCU indicate there may be criminal records outside of Oregon.

(C) The SI has an out-of-state driver license or out-of-state identification card.

(D) BCU or the QE has reason to question the identity of the SI or the information on the criminal record found in LEDS.

(E) A fingerprint-based criminal records check is required by federal or state laws or regulations, other Department or Authority rules, or by contract with the Department or Authority.

(F) Any SI applying to be or renewing the position with regard to child adoption or children in foster care licensed by the Department or private licensed child caring agencies Renewing SIs do not need a fingerprint-based criminal records check if BCU has a record of a previous fingerprint-based criminal records checks that is within BCU's retention schedule. Applicable SI positions include:

(i) A relative caregiver, foster parent, or adoptive parent in Oregon;

(ii) An adult household member in an adoptive or child foster home 18 years of age and over;

(iii) A household member in an adoptive or child foster home under 18 years of age if there is reason to believe that the household member may pose a risk to children placed in the home; or

(iv) A respite care provider in an adoptive or child foster home.

(G) BCU has reason to believe that fingerprints are needed to make a final fitness determination.

(b) BCU must receive consent from the parent or guardian to obtain fingerprints from an SI under 18 years of age.

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(c) The SI shall complete and submit a fingerprint card when requested by BCU. BCU shall send the request to the QE and the QED shall notify the SI.

(A) The SI shall use a fingerprint card provided by BCU or an official fingerprint card for employment from the FBI or fingerprinting vendor. BCU shall give the SI notice regarding the Social Security number as set forth in section (2)(a) of this rule.

(B) The SI shall submit the fingerprint card to BCU within 21 calendar days of the request.

(i) BCU may close the application, making it a closed case, if the fingerprint card is not received within 21 calendar days. When a case is closed, the SI may not be allowed to work, volunteer, be employed, or otherwise perform in positions covered by these rules, and shall be immediately terminated and removed from the position.

(ii) BCU may extend the time allowed due to processing requirements or for good cause provided by the SI or QE.

(C) BCU may require new fingerprint cards if previous cards are rejected by OSP or the FBI.

(7) BCU may also conduct a state-specific criminal records check instead of or in addition to a national criminal records check. Reasons for a state-specific criminal records check include but are not limited to:

(a) When BCU has reason to believe that out-of-state criminal records may exist and a national criminal records check cannot be accomplished.

(b) When BCU has been unable to complete a national criminal records check due to illegible fingerprints.

(c) When the national criminal records check results show incomplete information about charges or criminal records without final disposition.

(d) When there is indication of residency or criminal records in a state that does not submit all criminal records to the FBI.

(e) When, based on available information, BCU has reason to believe that a state-specific criminal records check is necessary.

(8) In order to complete a background check and fitness determination, BCU may require additional information from the SI including but not limited to additional criminal, judicial, other background information, or proof of identity.

(9) BCU may conduct a background check in situations of imminent danger.

(a) If the Department or Authority determines there is indication of criminal or abusive behavior that could more likely than not pose an immediate risk to vulnerable individuals, BCU shall conduct a new criminal records check on an SI without the completion of a new background check request.

(b) If BCU determines that a fitness determination based on the new background check would be adverse to the SI, BCU shall provide the SI, if available, the opportunity to disclose criminal records, potentially disqualifying conditions, and other information as indicated in OAR 407-007-0300 before completion of the fitness determination.

(10) All criminal records checks conducted under this rule shall be documented.

Stat. Auth.: ORS 181.537, 409.027 & 409.050

Stats. Implemented: ORS 181.534, 181.537, 409.010

Hist.: OMAP 8-2004, f. 2-26-04, cert. ef. 3-1-04; OMAP 22-2005, f. & cert. ef. 3-29-05; Renumbered from 410-007-0250, DHSD 8-2007, f. 8-31-07, cert. ef. 9-1-07; DHSD 10-2008, f. 12-26-08, cert. ef. 1-1-09; DHSD 2-2009, f. & cert. ef. 4-1-09; DHSD 7-2009, f. & cert. ef. 10-1-09; DHSD 10-2009, f. 12-31-09, cert. ef. 1-1-10; DHSD 10-2010, f. 10-29-10, cert. ef. 10-31-10; DHSD 1-2011(Temp) f. & cert. ef. 4-15-11 thru 10-11-11; DHSD 7-2011(Temp), f. & cert. ef. 10-12-11 thru 11-1-11; DHSD 8-2011, f. 10-28-11, cert. ef. 11-1-11; DHSD 2-2012(Temp), f. & cert. ef. 2-27-12 thru 8-24-12; DHSD 4-2012, f. & cert. ef. 8-1-12; DHSD 3-2013, f. & cert. ef. 8-1-13

407-007-0275

Disqualifying Convictions Under ORS 443.004 for Aging and People with Disabilities Programs

(1) Section (2) of this rule applies to an SI who works exclusively with clients who are 65 years of age or older and is one of the following:

(a) An individual who is paid directly or indirectly with public funds who has or will have contact with recipients of services within:

(A) An adult foster home (defined in ORS 443.705); or

(B) A residential facility (defined in ORS 443.400).

(b) Any direct care staff secured by any residential care or assisted living facility through the services of a personnel services or staffing agency and the direct care staff works in the facility.

(c) A homecare worker as defined in ORS 410.600, a personal support worker as defined in ORS 410.600, a personal care services provider, or an independent provider employed by a Department client who provides care to the client if the Department helps pay for the services.

(d) An employee providing care to Department APD program clients who works for an in-home care agency as defined by ORS 443.305 which has a contract with the Department APD programs.

(e) An individual in a position specified as being subject in relevant Oregon statutes or Oregon Administrative Rules.

(2) Public funds may not be used to support, in whole or in part, the employment of an SI identified in section (1) in any capacity who has been convicted:

(a) Within five years of the date of hire noted in the background check request, of any of the following crimes:

(A) ORS 163.465, Public indecency

(B) ORS 163.467, Private indecency

(C) ORS 163.700, Invasion of personal privacy

(D) ORS 164.055, Theft I

(E) ORS 164.125, Theft of services, if charged as a felony

(F) ORS 164.377, Computer crime, if charged as a felony

(b) Within 10 years of the date the background check request was manually or electronically signed by the SI or the date BCU conducted a criminal records check due to imminent risk, a crime involving the delivery or manufacture of a controlled substance; or

(c) Of any of the following crimes:

(A) ORS 163.095, Aggravated murder

(B) ORS 163.115, Murder

(C) ORS 163.118, Manslaughter I

(D) ORS 163.125, Manslaughter II

(E) ORS 163.145, Criminally negligent homicide

(F) ORS 163.149, Aggravated vehicular homicide

(G) ORS 163.165, Assault III

(H) ORS 163.175, Assault II

(I) ORS 163.185, Assault I

(J) ORS 163.187, Strangulation

(K) ORS 163.200, Criminal mistreatment II

(L) ORS 163.205, Criminal mistreatment I

(M) ORS 163.225, Kidnapping II

(N) ORS 163.235, Kidnapping I

(O) ORS 163.263, Subjecting another person to involuntary servitude II

(P) ORS 163.264, Subjecting another person to involuntary servitude I

(Q) ORS 163.266, Trafficking in persons

(R) ORS 163.275, Coercion

(S) ORS 163.355, Rape III

(T) ORS 163.365, Rape II

(U) ORS 163.375, Rape I

(V) ORS 163.385, Sodomy III

(W) ORS 163.395, Sodomy II

(X) ORS 163.405, Sodomy I

(Y) ORS 163.408, Unlawful sexual penetration II

(Z) ORS 163.411, Unlawful sexual penetration I

(AA) ORS 163.415, Sexual abuse III

(BB) ORS 163.425, Sexual abuse II

(CC) ORS 163.427, Sexual abuse I

(DD) ORS 163.432, Online sexual corruption of a child II, if the offender reasonably believed the child to be more than five years younger than the offender

(EE) ORS 163.433, Online sexual corruption of a child I, if the offender reasonably believed the child to be more than five years younger than the offender

(FF) ORS 163.435, Contributing to the sexual delinquency of a minor

(GG) ORS 163.445, Sexual misconduct, if the offender is at least 18 years of age

(HH) ORS 163.525, Incest with a child victim

(II) ORS 163.535, Abandonment of a child

(JJ) ORS 163.537, Buying or selling a person under 18 years of age

(KK) ORS 163.547, Child neglect I

(LL) ORS 163.670, Using a child in display of sexually explicit conduct

(MM) ORS 163.680, Paying for viewing a child's sexually explicit conduct

(NN) ORS 163.684, Encouraging child sexual abuse I

(OO) ORS 163.686, Encouraging child sexual abuse II

(PP) ORS 163.687, Encouraging child sexual abuse III

(QQ) ORS 163.688, Possession of materials depicting sexually explicit conduct of a child I

ADMINISTRATIVE RULES

(RR) ORS 163.689, Possession of materials depicting sexually explicit conduct of a child II

(SS) ORS 164.057, Aggravated theft I

(TT) ORS 164.098, Organized retail theft

(UU) ORS 164.215, Burglary II

(VV) ORS 164.225, Burglary I

(WW) ORS 164.325, Arson I

(XX) ORS 164.405, Robbery II

(YY) ORS 164.415, Robbery I

(ZZ) ORS 165.013, Forgery I

(AAA) ORS 165.022, Criminal possession of a forged instrument I

(BBB) ORS 165.032, Criminal possession of a forgery device

(CCC) ORS 165.800, Identity theft

(DDD) ORS 165.803, Aggravated identity theft

(EEE) ORS 167.012, Promoting prostitution

(FFF) ORS 167.017, Compelling prostitution

(GGG) ORS 167.057, Luring a minor

(HHH) ORS 167.320, Animal abuse I

(III) ORS 167.322, Aggravated animal abuse I

(JJJ) ORS 181.594, Sex crimes, including transporting child pornography into the state

(d) Of an attempt, conspiracy, or solicitation to commit a crime described in section (2)(a) to (2)(c) of this rule; or

(e) Of a crime in another jurisdiction that is substantially equivalent to a crime described in section (2)(a) to (2)(d) of this rule.

(3) Individuals identified in section (1) of this rule who are employees and hired prior to July 28, 2009 are exempt from section (2) of this rule provided that the individual remains in the same position working for the same employer after July 28, 2009. This exemption is not applicable to licensees.

(4) Section (6) of this rule applies to a subject individual who works with clients who are receiving services through the Department's Developmental Disabilities (DD) programs who are under 65 years of age.

(5) Section (6) of this rule applies to a subject individual who works with clients with physical disabilities under 65 years of age and who is:

(a) Paid directly or indirectly with public funds who has or will have contact with recipients of:

(A) Services within an adult foster home (defined in ORS 443.705);

or

(B) Services within a residential facility (defined in ORS 443.400).

(b) Any direct care staff secured by any residential care facility or assisted living facility through the services of a personnel services or staffing agency and the direct care staff works in the facility.

(c) A homecare worker as defined in ORS 410.600, a personal support worker as defined in ORS 410.600, a personal care services provider, or an independent provider employed by a Department client who provides care to the client if the Department helps pay for the services.

(d) An employee providing care to Department APD program clients who works for an in-home care agency as defined by ORS 443.305 which has a contract with the Department APD programs.

(e) An individual in a position specified as being subject in relevant Oregon statutes or Oregon Administrative Rules.

(6) Public funds may not be used to support, in whole or in part, the employment of a subject individual identified in section (4) or section (5) of this rule in any capacity who has been convicted:

(a) In the last 10 years of a crime involving the delivery or manufacture of a controlled substance; or

(b) Of any of the following crimes:

(A) ORS 163.095, Aggravated murder

(B) ORS 163.115, Murder

(C) ORS 163.118, Manslaughter I

(D) ORS 163.125, Manslaughter II

(E) ORS 163.145, Criminally negligent homicide

(F) ORS 163.149, Aggravated vehicular homicide

(G) ORS 163.165, Assault III

(H) ORS 163.175, Assault II

(I) ORS 163.185, Assault I

(J) ORS 163.187, Strangulation

(K) ORS 163.200, Criminal mistreatment II

(L) ORS 163.205, Criminal mistreatment I

(M) ORS 163.225, Kidnapping II

(N) ORS 163.235, Kidnapping I

(O) ORS 163.263, Subjecting another person to involuntary servitude II

(P) ORS 163.264, Subjecting another person to involuntary servitude I

(Q) ORS 163.266, Trafficking in persons

(R) ORS 163.275, Coercion

(S) ORS 163.355, Rape III

(T) ORS 163.365, Rape II

(U) ORS 163.375, Rape I

(V) ORS 163.385, Sodomy III

(W) ORS 163.395, Sodomy II

(X) ORS 163.405, Sodomy I

(Y) ORS 163.408, Unlawful sexual penetration II

(Z) ORS 163.411, Unlawful sexual penetration I

(AA) ORS 163.415, Sexual abuse III

(BB) ORS 163.425, Sexual abuse II

(CC) ORS 163.427, Sexual abuse I

(DD) ORS 163.432, Online sexual corruption of a child II, if the offender reasonably believed the child to be more than five years younger than the offender

(EE) ORS 163.433, Online sexual corruption of a child I, if the offender reasonably believed the child to be more than five years younger than the offender

(FF) ORS 163.435, Contributing to the sexual delinquency of a minor

(GG) ORS 163.445, Sexual misconduct, if the offender is at least 18 years of age

(HH) ORS 163.465, Public indecency

(II) ORS 163.467, Private indecency

(JJ) ORS 163.525, Incest with a child victim

(KK) ORS 163.535, Abandonment of a child

(LL) ORS 163.537, Buying or selling a person under 18 years of age

(MM) ORS 163.547, Child neglect I

(NN) ORS 163.670, Using a child in display of sexually explicit conduct

(OO) ORS 163.680, Paying for viewing a child's sexually explicit conduct

(PP) ORS 163.684, Encouraging child sexual abuse I

(QQ) ORS 163.686, Encouraging child sexual abuse II

(RR) ORS 163.687, Encouraging child sexual abuse III

(SS) ORS 163.688, Possession of materials depicting sexually explicit conduct of a child I

(TT) ORS 163.689, Possession of materials depicting sexually explicit conduct of a child II

(UU) ORS 163.700, Invasion of personal privacy

(VV) ORS 164.055, Theft I

(WW) ORS 164.057, Aggravated theft I

(XX) ORS 164.098, Organized retail theft

(YY) ORS 164.125, Theft of services, if charged as a felony

(ZZ) ORS 164.215, Burglary II

(AAA) ORS 164.225, Burglary I

(BBB) ORS 164.325, Arson I

(CCC) ORS 164.377, Computer crime, if charged with a felony

(DDD) ORS 164.405, Robbery II

(EEE) ORS 164.415, Robbery I

(FFF) ORS 165.013, Forgery I

(GGG) ORS 165.022, Criminal possession of a forged instrument I

(HHH) ORS 165.032, Criminal possession of a forgery device

(III) ORS 165.800, Identity theft

(JJJ) ORS 165.803, Aggravated identity theft

(KKK) ORS 167.012, Promoting prostitution

(LLL) ORS 167.017, Compelling prostitution

(MMM) ORS 167.057, Luring a minor

(NNN) ORS 167.320, Animal abuse I

(OOO) ORS 167.322, Aggravated animal abuse I

(PPP) ORS 181.594, Sex crimes, including transporting child pornography into the state

(c) Of an attempt, conspiracy, or solicitation to commit a crime described in section (6)(b) to (6)(b) of this rule; or

(d) Of a crime in another jurisdiction that is substantially equivalent to a crime described in section (6)(a) to (6)(b) of this rule.

(7) Subject individuals identified in section (4) and section (5) of this rule who are employees and hired prior to July 28, 2009 are exempt from section (6) of this rule provided that the employee remains in the same position working for the same employer after July 28, 2009. This exemption is not applicable to licensees.

(8) If BCU determines that an individual is subject to this rule and has a conviction listed in this rule, BCU shall make the determination of "inel-

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igible due to ORS 443.004.” A fitness determination with a weighing test is not required regardless of any other potentially disqualifying convictions and conditions the SI has.

(9) A determination of “ineligible due to ORS 443.004” is not subject to appeal rights under OAR 407-007-0330, 407-007-0335, 943-007-0335, or 943-007-0501.

Stat. Auth.: ORS 181.534 & 409.050
Stats. Implemented: ORS 181.534 & 443.004
Hist.: DHSD 3-2010(Temp), f. & cert. ef. 5-5-10 thru 10-31-10; DHSD 10-2010, f. 10-29-10, cert. ef. 10-31-10; DHSD 2-2012(Temp), f. & cert. ef. 2-27-12 thru 8-24-12; DHSD 3-2012(Temp), f. & cert. ef. 4-13-12 thru 8-24-12; DHSD 4-2012, f. & cert. ef. 8-1-12; DHSD 3-2013, f. & cert. ef. 8-1-13

407-007-0277

Disqualifying Convictions Under ORS 443.004 for Mental Health or Alcohol and Drug Programs

(1) This rule applies to subject individuals who are mental health or substance abuse treatment providers defined under ORS 443.004(8).

(2) Public funds may not be used to support, in whole or in part, the employment of an individual in any capacity who has been convicted:

(a) Of any of the following crimes:

(A) ORS 163.095, Aggravated murder

(B) ORS 163.115, Murder

(C) ORS 163.375, Rape I

(D) ORS 163.405, Sodomy I

(E) ORS 163.411, Unlawful sexual penetration I

(F) ORS 163.427, Sexual abuse I

(b) Of an attempt, conspiracy, or solicitation to commit a crime described in section (2)(a) of this rule.

(3) If BCU determines that an individual is subject to this rule and has a conviction listed in this rule, BCU shall make the determination of “ineligible due to ORS 443.004.” A fitness determination with a weighing test is not required regardless of any other potentially disqualifying convictions and conditions the SI has.

(4) A determination of “ineligible due to ORS 443.004” is not subject to appeal rights under OAR 943-007-0335 or 943-007-0501.

Stat. Auth.: ORS 181.534 & 409.050
Stats. Implemented: ORS 181.534 & 443.004
Hist.: DHSD 3-2012(Temp), f. & cert. ef. 4-13-12 thru 8-24-12; DHSD 4-2012, f. & cert. ef. 8-1-12; DHSD 3-2013, f. & cert. ef. 8-1-13

407-007-0280

Potentially Disqualifying Convictions

A conviction of any of the following crimes is potentially disqualifying. Offenses or convictions that are classified as less than a misdemeanor, such as violations or infractions, are not potentially disqualifying (see ORS 161.505 to 161.565).

(1) The crimes listed in this section are permanent review crimes which require that a fitness determination with a weighing test be completed regardless of date of conviction.

(a) ORS 162.155, Escape II

(b) ORS 162.165, Escape I

(c) ORS 162.285, Tampering with a witness

(d) ORS 162.325, Hindering prosecution

(e) ORS 163.005, Criminal homicide

(f) ORS 163.095, Aggravated murder

(g) ORS 163.115, Murder

(h) ORS 163.118, Manslaughter I

(i) ORS 163.125, Manslaughter II

(j) ORS 163.145, Criminally negligent homicide

(k) ORS 163.149, Aggravated vehicular homicide

(L) ORS 163.160, Assault IV

(m) ORS 163.165, Assault III

(n) ORS 163.175, Assault II

(o) ORS 163.185, Assault I

(p) ORS 163.187, Strangulation

(q) ORS 163.190, Menacing

(r) ORS 163.200, Criminal mistreatment II

(s) ORS 163.205, Criminal mistreatment I

(t) ORS 163.207, Female genital mutilation

(u) ORS 163.208, Assault of public safety officer

(v) ORS 163.213, Unlawful use of an electrical stun gun, tear gas, or mace I

(w) ORS 163.225, Kidnapping II

(x) ORS 163.235, Kidnapping I

(y) ORS 163.245, Custodial interference II

(z) ORS 163.257, Custodial interference I

(aa) ORS 163.263, Subjecting another person to involuntary servitude in the second degree

(bb) ORS 163.264, Subjecting another person to involuntary servitude in the first degree

(cc) ORS 163.266, Trafficking in persons

(dd) ORS 163.275, Coercion

(ee) ORS 163.355, Rape III

(ff) ORS 163.365, Rape II

(gg) ORS 163.375, Rape I

(hh) ORS 163.385, Sodomy III

(ii) ORS 163.395, Sodomy II

(jj) ORS 163.405, Sodomy I

(kk) ORS 163.408, Unlawful sexual penetration II

(LL) ORS 163.411, Unlawful sexual penetration I

(mm) ORS 163.415, Sexual abuse III

(nn) ORS 163.425, Sexual abuse II

(oo) ORS 163.427, Sexual abuse I

(pp) ORS 163.432, Online sexual corruption of a child in the second degree

(qq) ORS 163.433, Online sexual corruption of a child in the first degree

(rr) ORS 163.435, Contributing to the sexual delinquency of a minor

(ss) ORS 163.445, Sexual misconduct

(tt) ORS 163.452, Custodial sexual misconduct I

(uu) ORS 163.454, Custodial sexual misconduct II

(vv) ORS 163.465, Public indecency

(ww) ORS 163.467, Private indecency

(xx) ORS 163.476, Unlawfully being in a location where children regularly congregate

(yy) ORS 163.479, Unlawful contact with a child

(zz) ORS 163.515, Bigamy

(aaa) ORS 163.525, Incest

(bbb) ORS 163.535, Abandonment of a child

(ccc) ORS 163.537, Buying or selling a person under 18 years of age

(ddd) ORS 163.545, Child neglect II

(eee) ORS 163.547, Child neglect I

(fff) ORS 163.555, Criminal nonsupport

(ggg) ORS 163.575, Endangering the welfare of a minor

(hhh) ORS 163.670, Using child in display of sexually explicit conduct

(iii) ORS 163.680, Paying for viewing a child’s sexually explicit conduct

(jjj) ORS 163.684, Encouraging child sexual abuse I

(kkk) ORS 163.686, Encouraging child sexual abuse II

(LLL) ORS 163.687, Encouraging child sexual abuse III

(mmm) ORS 163.688, Possession of materials depicting sexually explicit conduct of a child I

(nnn) ORS 163.689, Possession of materials depicting sexually explicit conduct of a child II

(ooo) ORS 163.693, Failure to report child pornography

(ppp) ORS 163.700, Invasion of personal privacy

(qqq) ORS 163.732, Stalking

(rrr) ORS 163.750, Violating court’s stalking protective order

(sss) ORS 164.055, Theft I

(ttt) ORS 164.057, Aggravated theft I

(uuu) ORS 164.075, Theft by extortion

(vvv) ORS 164.085, Theft by deception

(www) ORS 164.098, Organized retail theft

(xxx) ORS 164.125, Theft of services

(yyy) ORS 164.135, Unauthorized use of a vehicle

(zzz) ORS 164.170, Laundering a monetary instrument

(aaaa) ORS 164.215, Burglary II

(bbbb) ORS 164.225, Burglary I

(cccc) ORS 164.315, Arson II

(dddd) ORS 164.325, Arson I

(eeee) ORS 164.365, Criminal mischief I

(ffff) ORS 164.377, Computer crime

(gggg) ORS 164.395, Robbery III

(hhhh) ORS 164.405, Robbery II

(iiii) ORS 164.415, Robbery I

(jjjj) ORS 165.013, Forgery I

(kkkk) ORS 165.022, Criminal possession of a forged instrument I

(LLLL) ORS 165.032, Criminal possession of a forged device

(mmmm) ORS 165.055, Fraudulent use of a credit card

(nnnn) ORS 165.065, Negotiating a bad check

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- (oooo) ORS 165.581, Cellular counterfeiting I
(pppp) ORS 165.800, Identity theft
(qqqq) ORS 165.803, Aggravated identity theft
(rrrr) ORS 165.810, Unlawful possession of a personal identification device
(ssss) ORS 166.005, Treason
(tttt) ORS 166.070 Aggravated harassment
(uuuu) ORS 166.085, Abuse of corpse II
(vvvv) ORS 166.087, Abuse of corpse I
(wwww) ORS 166.155, Intimidation II
(xxxx) ORS 166.165, Intimidation I
(yyyy) ORS 166.220, Unlawful use of weapon
(zzzz) ORS 166.270, Possession of weapons by certain felons
short-barreled firearms and firearm silencers
(bbbb) ORS 166.275, Possession of weapons by inmates of institutions
(cccc) ORS 166.370, Possession of firearm or dangerous weapon in public building or court facility; exceptions; discharging firearm at school
(dddd) ORS 166.382, Possession of destructive device prohibited
(eeee) ORS 166.384, Unlawful manufacture of destructive device
(ffff) ORS 166.429, Firearms used in felony
(gggg) ORS 166.450, Obliteration or change of identification number on firearms
(hhhh) ORS 166.720, Racketeering activity unlawful
(iiii) ORS 167.012, Promoting prostitution
(jjjj) ORS 167.017, Compelling prostitution
(kkkk) ORS 167.054, Furnishing sexually explicit material to a child
(LLLL) ORS 167.057, Luring a minor
(mmmm) ORS 167.062, Sadomasochistic abuse or sexual conduct in live show
(nnnn) ORS 167.075, Exhibiting an obscene performance to a minor
(oooo) ORS 167.080, Displaying obscene materials to minors
(pppp) ORS 167.212, Tampering with drug records
(qqqq) ORS 167.262, Adult using minor in commission of controlled substance offense
(rrrr) ORS 167.315, Animal abuse II
(ssss) ORS 167.320, Animal abuse I
(tttt) ORS 167.322, Aggravated animal abuse I
(uuuu) ORS 167.333, Sexual assault of animal
(vvvv) ORS 167.339, Assaulting law enforcement animal
(wwww) ORS 181.594, Sex crimes including transporting child pornography into the state
(xxxx) ORS 181.599, Failure to report as sex offender
(yyyy) ORS 433.010, Spreading disease (willfully) prohibited
(zzzz) ORS 475.525, Sale of drug paraphernalia prohibited
(aaaaa) ORS 475.752, Prohibited acts generally (regarding drug crimes; formerly ORS 475.840, 2005-2011; formerly ORS 475.992, 1977-2005)
(bbbbbb) ORS 475.805, Providing hypodermic device to minor prohibited
(cccccc) ORS 475.840, Prohibited acts generally (regarding drug crimes formerly ORS 475.992; renumbered to ORS 475.752 in 2011)
(dddddd) ORS 475.846, Unlawful manufacture of heroin
(eeeeee) ORS 475.848, Unlawful manufacture of heroin within 1,000 feet of school
(ffffff) ORS 475.850, Unlawful delivery of heroin
(gggggg) ORS 475.852, Unlawful delivery of heroin within 1,000 feet of school
(hhhhhh) ORS 475.854, Unlawful possession of heroin
(iiiiii) ORS 475.856, Unlawful manufacture of marijuana
(jjjjjj) ORS 475.858, Unlawful manufacture of marijuana within 1,000 feet of school
(kkkkkk) ORS 475.860, Unlawful delivery of marijuana
(LLLLLL) ORS 475.862, Unlawful delivery of marijuana within 1,000 feet of school
(mmmmmm) ORS 475.864, Unlawful possession of marijuana
(nnnnnn) ORS 475.866, Unlawful manufacture of 3,4-methylenedioxymethamphetamine
(oooooo) ORS 475.868, Unlawful manufacture of 3,4-methylenedioxymethamphetamine within 1,000 feet of school
(pppppp) ORS 475.870, Unlawful delivery of 3,4-methylenedioxymethamphetamine
(qqqqqq) ORS 475.872, Unlawful delivery of 3,4-methylenedioxymethamphetamine within 1,000 feet of school
(rrrrrr) ORS 475.874, Unlawful possession of 3,4-methylenedioxymethamphetamine
(ssssss) ORS 475.876, Unlawful manufacture of cocaine
(tttttt) ORS 475.878, Unlawful manufacture of cocaine within 1,000 feet of school
(uuuuuu) ORS 475.880, Unlawful delivery of cocaine
(vvvvvv) ORS 475.882, Unlawful delivery of cocaine within 1,000 feet of school
(wwwwww) ORS 475.884, Unlawful possession of cocaine
(xxxxxx) ORS 475.886, Unlawful manufacture of methamphetamine
(yyyyyy) ORS 475.888, Unlawful manufacture of methamphetamine within 1,000 feet of school
(zzzzzz) ORS 475.890, Unlawful delivery of methamphetamine
(aaaaaaa) ORS 475.892, Unlawful delivery of methamphetamine within 1,000 feet of school
(bbbbbbb) ORS 475.894, Unlawful possession of methamphetamine
(ccccccc) ORS 475.904, Unlawful delivery of controlled substance within 1,000 feet of school
(ddddddd) ORS 475.906, Penalties for distribution to minors
(eeeeeee) ORS 475.908, Causing another person to ingest a controlled substance
(fffffft) ORS 475.910, Application of controlled substance to the body of another person
(ggggggg) ORS 475.914, Prohibited acts for registrants (with the Oregon State Board of Pharmacy)
(hhhhhhh) ORS 475.967, Possession of precursor substance with intent to manufacture controlled substance
(iiiiiii) ORS 475.990, Commercial drug offense
(jjjjjjj) ORS 677.080, Prohibited acts (regarding the practice of medicine)
(kkkkkkk) ORS 685.990, Penalties (pertaining to naturopathic medicine)
(LLLLLLL) ORS 689.527 Prohibited practices; rules (pertaining to pharmacy technicians and practitioners)
(mmmmmmm) Any federal crime
(nnnnnnn) Any U.S. military crime
(oooooooo) Any unclassified felony defined in Oregon Revised Statutes not listed in this rule
(ppppppp) Any other felony in Oregon Revised Statutes not listed in this rule that is serious and indicates behavior that poses a threat or jeopardizes the safety of vulnerable persons, as determined by BCU
(qqqqqqq) Any felony in a jurisdiction outside Oregon that is not the substantial equivalent of any of the Oregon crimes listed in this section but that is serious and indicates behavior that poses a threat or jeopardizes the safety of vulnerable individuals, as determined by BCU
(rrrrrrr) Any crime of attempt, solicitation, or conspiracy to commit a crime listed in this section pursuant to ORS 161.405, 161.435, or 161.450, including any crime based on criminal liability for conduct of another pursuant to ORS 161.155
(sssssss) Any crime in any other jurisdiction that is the substantial equivalent of any of the Oregon crimes listed in section (1) of this rule, as determined by BCU
(ttttttt) Any crime that is no longer codified in Oregon or other jurisdiction but that is the substantial equivalent of any of the crimes listed in section (1) of this rule, as determined by BCU
(2) The crimes listed in this section are ten-year review crimes which require that a fitness determination with a weighing test be completed if the date of conviction is within ten years of the date the background check request was electronically submitted to BCU through CRIMS or the date BCU conducted a criminal records check due to imminent risk.
(a) ORS 033.045, Contempt of court
(b) ORS 109.311, Prohibited fees-adoption
(c) ORS 133.076, Failure to appear on criminal citation
(d) ORS 133.310(3), Violation of restraining order
(e) ORS 135.290, Punishment by contempt of court (violation of release agreement)
(f) ORS 162.015, Bribe giving
(g) ORS 162.025, Bribe receiving
(h) ORS 162.065, Perjury
(i) ORS 162.075, False swearing
(j) ORS 162.117, Public investment fraud
(k) ORS 162.145, Escape III
(L) ORS 162.175, Unauthorized departure
(m) ORS 162.185, Supplying contraband
(n) ORS 162.195, Failure to appear II

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- (o) ORS 162.205, Failure to appear I
(p) ORS 162.247, Interfering with a peace officer
(q) ORS 162.257, Interfering with a firefighter or emergency medical technician
(r) ORS 162.265, Bribing a witness
(s) ORS 162.275, Bribe receiving by a witness
(t) ORS 162.295, Tampering with physical evidence
(u) ORS 162.305, Tampering with public records
(v) ORS 162.315, Resisting arrest
(w) ORS 162.335, Compounding
(x) ORS 162.355, Simulating legal process
(y) ORS 162.365, Criminal impersonation
(z) ORS 162.367, Criminal impersonation of peace officer
(aa) ORS 162.369, Possession of false law enforcement identification card
(bb) ORS 162.375, Initiating a false report
(cc) ORS 162.385, Giving false information to police officer for a citation
(dd) ORS 162.405, Official misconduct II
(ee) ORS 162.415, Official misconduct I
(ff) ORS 162.425, Misuse of confidential information
(gg) ORS 163.195, Recklessly endangering another person
(hh) ORS 163.196, Aggravated driving while suspended or revoked
(ii) ORS 163.212, Unlawful use of an electrical stun gun, tear gas, or mace II
(jj) ORS 164.043, Theft III
(kk) ORS 164.045, Theft II
(LL) ORS 164.095, Theft by receiving
(mm) ORS 164.138, Criminal possession of a rented or leased motor vehicle
(nn) ORS 164.140, Criminal possession of rented or leased personal property
(oo) ORS 164.162, Mail theft or receipt of stolen mail
(pp) ORS 164.235, Possession of a burglary tool or theft device
(qq) ORS 164.255, Criminal trespass I
(rr) ORS 164.265, Criminal trespass while in possession of firearm
(ss) ORS 164.272, Unlawful entry into motor vehicle
(tt) ORS 164.354, Criminal mischief II
(uu) ORS 165.007, Forgery II
(vv) ORS 165.017, Criminal possession of a forged instrument II
(ww) ORS 165.037, Criminal simulation
(xx) ORS 165.042, Fraudulently obtaining a signature
(yy) ORS 165.070, Possessing fraudulent communications device
(zz) ORS 165.074, Unlawful factoring of credit card transaction
(aaa) ORS 165.080, Falsifying business records
(bbb) ORS 165.085, Sports bribery
(ccc) ORS 165.090, Sports bribe receiving
(ddd) ORS 165.095, Misapplication of entrusted property
(eee) ORS 165.100, Issuing a false financial statement
(fff) ORS 165.102, Obtaining execution of documents by deception
(ggg) ORS 165.540, Obtaining contents of communication
(hhh) ORS 165.543, Interception of communications
(iii) ORS 165.570, Improper use of 9-1-1 emergency reporting system
(jjj) ORS 165.572, Interference with making a report
(kkk) ORS 165.577, Cellular counterfeiting III
(LLL) ORS 165.579, Cellular counterfeiting II
(mmm) ORS 165.692, Making false claim for health care payment
(nnn) ORS 166.015, Riot
(ooo) ORS 166.023, Disorderly conduct I
(ppp) ORS 166.025, Disorderly conduct II
(qqq) ORS 166.065, Harassment
(rrr) ORS 166.076, Abuse of a memorial to the dead
(sss) ORS 166.090, Telephonic harassment
(ttt) ORS 166.116, Interfering with public transportation
(uuu) ORS 166.180, Negligently wounding another
(vvv) ORS 166.190, Pointing firearm at another
(www) ORS 166.240, Carrying of concealed weapon
(xxx) ORS 166.250, Unlawful possession of firearms
(yyy) ORS 166.470, Limitations and conditions for sales of firearms
(zzz) ORS 166.480, Sale or gift of explosives to children
(aaaa) ORS 166.649, Throwing an object off an overpass II
(bbbb) ORS 166.651, Throwing an object off an overpass I
(cccc) ORS 166.660, Unlawful paramilitary activity
(dddd) ORS 167.007, Prostitution
(eeee) ORS 167.090, Publicly displaying nudity or sex for advertising purposes
(ffff) ORS 167.122, Unlawful gambling in the second degree
(gggg) ORS 167.127, Unlawful gambling in the first degree
(hhhh) ORS 167.167, Cheating
(iiii) ORS 167.222, Frequenting a place where controlled substances are used
(jjjj) ORS 167.325, Animal neglect II
(kkkk) ORS 167.330, Animal neglect I
(LLLL) ORS 167.337, Interfering with law enforcement animal
(mmmm) ORS 167.340, Animal abandonment
(nnnn) ORS 167.352, Interfering with assistance, search and rescue or therapy animal
(oooo) ORS 167.355, Involvement in animal fighting
(pppp) ORS 167.365, Dogfighting
(qqqq) ORS 167.370, Participation in dogfighting
(rrrr) ORS 167.428, Cockfighting
(ssss) ORS 167.431, Participation in cockfighting
(tttt) ORS 167.808(5)(b), Unlawful possession of inhalants, misdemeanor
(uuuu) ORS 167.820, Concealing the birth of an infant
(vvvv) ORS 192.865, Criminal penalty (pertaining to Address Confidentiality Program)
(wwww) ORS 314.075, Evading requirements of law prohibited (tax evasion)
(xxxx) ORS 411.630, Unlawfully obtaining public assistance
(yyyy) ORS 411.640, Unlawfully receiving public assistance
(zzzz) ORS 411.675, Submitting wrongful claim or payment (e.g., public assistance)
(aaaaa) ORS 411.840, Unlawfully obtaining or disposing of food stamp benefits
(bbbbb) ORS 412.074, Unauthorized use and custody of records of temporary assistance for needy families program
(ccccc) ORS 412.099, Sharing assistance prohibited
(ddddd) ORS 417.990, Penalty for placement of children in violation of compact
(eeeee) ORS 471.410, Providing liquor to persons under 21 or to intoxicated persons; allowing consumption by minor on property
(fffff) ORS 475.912, Unlawful delivery of imitation controlled substance
(ggggg) ORS 475.916, Prohibited acts involving records and fraud
(hhhhh) ORS 475.918, Falsifying drug test results
(iiiiii) ORS 475.950, Failure to report precursor substances transaction
(jjjjj) ORS 475.955, Failure to report missing precursor substances
(kkkkk) ORS 475.960, Illegally selling drug equipment
(LLLLL) ORS 475.965, Providing false information on precursor substances report
(mmmmm) ORS 803.230, Forging, altering or unlawfully producing or using title or registration
(nnnnn) ORS 807.620, Giving false information to police officer
(ooooo) ORS 811.060, Vehicular assault of bicyclist or pedestrian
(ppppp) ORS 811.140, Reckless driving
(qqqqq) ORS 811.540, Fleeing or attempting to elude police officer
(rrrrr) ORS 811.700, Failure to perform duties of driver when property is damaged
(sssss) ORS 811.705, Failure to perform duties of driver to injured persons
(ttttt) ORS 819.300, Possession of a stolen vehicle
(uuuuu) ORS 830.475, Failure to perform the duties of an operator (boat)
(vvvvv) Any unclassified misdemeanor defined in Oregon Revised Statutes not listed elsewhere in this rule
(wwwww) Any other misdemeanor in Oregon Revised Statutes or a local Oregon jurisdiction not listed in this rule that is serious and indicates behavior that poses a threat or jeopardizes the safety of vulnerable individuals, as determined by BCU
(xxxxx) Any misdemeanor in a jurisdiction outside Oregon that is not the substantial equivalent of any of the Oregon crimes listed in section (2) of this rule but that is serious and indicates behavior that poses a threat or jeopardizes the safety of vulnerable persons, as determined by BCU. If a misdemeanor in a jurisdiction outside Oregon is similar to a violation in Oregon, then it may not be considered potentially disqualifying under this section.
(yyyyy) Any crime of attempt, solicitation, or conspiracy to commit a crime listed in this section pursuant to ORS 161.405 or 161.435, including

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any conviction based on criminal liability for conduct of another pursuant to ORS 161.155

(zzzzz) Any crime in any other jurisdiction which is the substantial equivalent of any of the Oregon crimes listed in section (2) of this rule, as determined by BCU

(aaaaa) Any crime which is no longer codified in Oregon, but which is the substantial equivalent of any of the crimes listed in section (2) of this rule, as determined by BCU

(3) The crimes listed in this section are five-year review crimes which require that a fitness determination with a weighing test be completed if the date of conviction is within five years of the date the background check request was electronically submitted to BCU through CRIMS or the date BCU conducted a criminal records check due to imminent risk.

(a) ORS 162.085, Unsworn falsification

(b) ORS 162.235, Obstructing governmental or judicial administration

(c) ORS 164.245, Criminal trespass II

(d) ORS 164.335, Reckless burning

(e) ORS 164.345, Criminal mischief III

(f) ORS 165.555, Unlawful telephone solicitation of contributions for charitable purposes

(g) ORS 165.813, Unlawful possession of fictitious identification

(h) ORS 166.075, Abuse of venerated objects

(i) ORS 166.095, Misconduct with emergency telephone calls

(j) ORS 811.182, Criminal driving while suspended or revoked

(k) ORS 813.010, Driving under the influence of intoxicants (DUII)

(L) ORS 830.315, Reckless operation of a boat

(m) ORS 830.325, Operating boat while under influence of intoxicating liquor or controlled substance

(n) ORS 830.730, False information to peace officer or Oregon State Marine Board

(o) Any conviction for attempt, solicitation or conspiracy to commit a crime listed in this section pursuant to ORS 161.405 or 161.435, including any conviction based on criminal liability for conduct of another pursuant to ORS 161.155

(p) Any crime in any other jurisdiction which is the substantial equivalent of any of the Oregon crimes listed in section (3) of this rule, as determined by BCU

(q) Any crime which is no longer codified in Oregon, but which is the substantial equivalent of any of the crimes listed in section (3) of this rule, as determined by BCU

(4) Evaluations of crimes may be based on Oregon laws and laws in other jurisdictions in effect at the time of the fitness determination, regardless of the jurisdiction in which the conviction occurred.

(5) An SI may not be denied under these rules due to the existence or contents of a juvenile record that has been expunged pursuant to ORS 419A.260 to 419A.262.

(6) An SI may not be denied under these rules due to the existence or contents of an adult record that has been set aside pursuant to ORS 137.225.

Stat. Auth.: ORS 181.537 & 409.050

Stats. Implemented: ORS 181.534, 181.537 & 409.010

Hist.: OMAP 8-2004, f. 2-26-04, cert. ef. 3-1-04; OMAP 22-2005, f. & cert. ef. 3-29-05; Renumbered from 410-007-0280, DHSD 8-2007, f. 8-31-07, cert. ef. 9-1-07; DHSD 10-2008, f. 12-26-08, cert. ef. 1-1-09; DHSD 2-2009, f. & cert. ef. 4-1-09; DHSD 7-2009, f. & cert. ef. 10-1-09; DHSD 10-2009, f. 12-31-09, cert. ef. 1-1-10; DHSD 10-2010, f. 10-29-10, cert. ef. 10-31-10; DHSD 2-2012(Temp), f. & cert. ef. 2-27-12 thru 8-24-12; DHSD 4-2012, f. & cert. ef. 8-1-12; DHSD 3-2013, f. & cert. ef. 8-1-13

407-007-0290

Other Potentially Disqualifying Conditions

The following are potentially disqualifying conditions:

(1) The SI makes a false statement to the QE, Department, or Authority, including the provision of materially false information, false information regarding criminal records, or failure to disclose information regarding criminal records. Nondisclosure of violation or infraction charges may not be considered a false statement.

(2) The SI is a registered sex offender in any jurisdiction. There is a rebuttable presumption that an SI is likely to engage in conduct that would pose a significant risk to vulnerable individuals if the SI has been designated a predatory sex offender in any jurisdiction under ORS 181.585 or found to be a sexually violent dangerous offender under ORS 144.635 (or similar statutes in other jurisdictions).

(3) The SI has an outstanding warrant for any crime in any jurisdiction.

(4) The SI has a deferred sentence, conditional discharge, or is participating in a diversion program for any crime in any jurisdiction.

(5) The SI is currently on probation, parole, or post-prison supervision for any crime in any jurisdiction, regardless of the original conviction date (or date of guilty or no contest plea if there is no conviction date).

(6) The SI has been found in violation of post-prison supervision, parole, or probation for any crime in any jurisdiction, regardless of the original conviction date (or date of guilty or no contest plea if there is no conviction date) within five years from the date the background check request was electronically submitted to BCU through CRIMS or the date BCU conducted a criminal records check due to imminent danger.

(7) The SI has an unresolved arrest, charge, or a pending indictment for any crime in any jurisdiction.

(8) The SI has been arrested in any jurisdiction as a fugitive from another state or a fugitive from justice, regardless of the date of arrest.

(9) The SI has an adjudication in a juvenile court in any jurisdiction, finding that the SI was responsible for a potentially disqualifying crime that would result in a conviction if committed by an adult. Subsequent adverse rulings from a juvenile court, such as probation violations, shall also be considered potentially disqualifying if within five years from the date the background check request was signed or the date BCU conducted a criminal records check due to imminent danger.

(10) The SI has a finding of "guilty except for insanity," "guilty except by reason of insanity," "not guilty by reason of insanity," "responsible except for insanity," "not responsible by reason of mental disease or defect," or similarly worded disposition in any jurisdiction regarding a potentially disqualifying crime, unless the local statutes indicate that such an outcome is considered an acquittal.

(11) Potentially disqualifying abuse as determined from abuse investigation reports which have an outcome of founded, substantiated, or valid and in which the SI is determined to have been responsible for the abuse.

(a) For SIs associated with child foster homes licensed by the Department's DD programs, child foster homes licensed through the Department's Child Welfare Division, child foster homes licensed through a private licensed child caring agency, adoptive families through a private licensed child caring agency, or adoptive families through the Department's Child Welfare Division, potentially disqualifying abuse includes:

(A) Child protective services history held by the Department or OAAPI regardless of the date of initial report or outcome;

(B) Child protective services history reviewed pursuant to the federal Adam Walsh Act requirements, determined by BCU ADs to be potentially disqualifying; and

(C) Adult protective services investigations of physical abuse, sexual abuse, or financial exploitation initiated on or after January 1, 2010, as provided to BCU by OAAPI and APD programs based on severity.

(b) For staff, volunteers, or contractors of a private licensed child caring agency, an ISRS program, a SPRF provider, or a System of Care contractor providing child welfare services pursuant to ORS chapter 418:

(A) Child protective services history held by the Department or OAAPI regardless of the date of initial report or outcome; and

(B) Adult protective services investigations of physical abuse, sexual abuse, or financial exploitation initiated on or after January 1, 2010, as provided to BCU by OAAPI and APD based on severity.

(c) For child care providers and associated subject individuals defined in OAR 407-007-0210(30)(a)(H):

(A) Child protective services history held by the Department or OAAPI regardless of the date of initial report, date of outcome, and considered potentially disqualifying pursuant to OAR 461-165-0420; and

(B) Adult protective services investigations of physical abuse, sexual abuse, or financial exploitation initiated on or after January 1, 2010, as provided to BCU by the OAAPI and APD programs based on severity.

(d) For all other SIs, potentially disqualifying abuse includes founded or substantiated adult protective services investigations of physical abuse, sexual abuse, or financial exploitation initiated on or after January 1, 2010, as provided to the BCU by OAAPI and APD programs based on severity.

(12) Child protective services investigations open or pending through the Department or OAAPI as of the date the background check request was electronically submitted to BCU through CRIMS or the date BCU conducted a criminal records check due to imminent danger. This potentially disqualifying condition only applies to:

(a) SIs associated with child foster homes licensed by the Department's DD programs, child foster homes licensed through the Department's Child Welfare Division, child foster homes licensed through a private licensed child caring agency, adoptive families through a private licensed child caring agency, or adoptive families through the Department's Child Welfare Division;

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(b) Staff, volunteers or contractors of a private licensed child caring agency, an ISRS program, a SPRF provider, or a System of Care contractor, providing child welfare services pursuant to ORS chapter 418; or

(c) Child care providers and associated subject individuals defined in OAR 407-007-0210(30)(a)(H).

Stat. Auth.: ORS 181.537, 409.027 & 409.050

Stats. Implemented: ORS 181.534, 181.537, 409.010, 409.027 & 418b.035

Hist.: OMAP 8-2004, f. 2-26-04, cert. ef. 3-1-04; OMAP 22-2005, f. & cert. ef. 3-29-05; Renumbered from 410-007-0290, DHSD 8-2007, f. 8-31-07, cert. ef. 9-1-07; DHSD 10-2008, f. 12-26-08, cert. ef. 1-1-09; DHSD 2-2009, f. & cert. ef. 4-1-09; DHSD 7-2009, f. & cert. ef. 10-1-09; DHSD 10-2009, f. 12-31-09, cert. ef. 1-1-10; DHSD 10-2010, f. 10-29-10, cert. ef. 10-31-10; DHSD 1-2011(Temp) f. & cert. ef. 4-15-11 thru 10-11-11; DHSD 7-2011(Temp), f. & cert. ef. 10-12-11 thru 11-1-11; DHSD 8-2011, f. 10-28-11, cert. ef. 11-1-11; DHSD 2-2012(Temp), f. & cert. ef. 2-27-12 thru 8-24-12; DHSD 4-2012, f. & cert. ef. 8-1-12; DHSD 1-2013(Temp), f. & cert. ef. 2-5-13 thru 8-2-13; DHSD 3-2013, f. & cert. ef. 8-1-13

407-007-0320

Final Fitness Determinations

BCU shall make a final fitness determination after all necessary background checks have been received and a weighing test, if necessary, has been completed. BCU may obtain and consider additional information as necessary to complete the final fitness determination.

(1) The final fitness determination results in one of the following outcomes:

(a) BCU may approve an SI if:

(A) The SI has no potentially disqualifying convictions or potentially disqualifying conditions; or

(B) The SI has potentially disqualifying convictions or potentially disqualifying conditions and, after a weighing test, BCU determines that more likely than not, the SI poses no risk to the physical, emotional, or financial well-being of vulnerable individuals.

(b) BCU may approve an SI with restrictions if BCU determines that more likely than not, the SI poses no risk to the physical, emotional, or financial well-being of vulnerable individuals if certain restrictions are placed on the SI. Restrictions may include but are not limited to restrictions to one or more specific clients, job duties, or environments. A new background check and fitness determination shall be completed on the SI before removing a restriction.

(c) BCU shall deny an SI who the BCU determines, after a weighing test, more likely than not poses a risk to the physical, emotional, or financial well-being of vulnerable individuals.

(2) Upon completion of a final fitness determination, BCU or the QE shall provide notice to the SI.

(a) If approved, BCU shall provide notice to the QE through CRIMS. The QE shall provide the SI a copy of the notice or CRIMS documentation.

(b) If the final fitness determination is a denial based on potentially disqualifying abuse under OAR 407-007-0290(11)(d) and there are no other potentially disqualifying convictions or conditions, BCU shall issue a Notice of Intent to Deny and provide the SI hearing rights under OAR 407-007-0335.

(c) Except as required by section (4)(c) of this rule, if denied or approved with restrictions, BCU shall issue a notice of fitness determination to the SI which includes the potentially disqualifying convictions or conditions that the outcome was based upon, information regarding appeal rights, and the notice becoming a final order in the event of a withdrawal or failure to appear at the hearing.

(d) The effective date of action shall be recorded on the notice or CRIMS documentation.

(3) BCU shall provide the QE notification of the final fitness determination when the SI is being denied or approved with restrictions.

(4) When an SI is denied, the SI shall not be allowed to work, volunteer, be employed, or otherwise perform in the position listed on the background check request. A denial applies only to the position and application in question. A denial shall result in immediate termination, dismissal, or removal of the SI.

(5) When an SI is approved with restrictions, the SI shall only be allowed to work, volunteer, be employed, or otherwise perform in the position listed on the background check request and only under the stated restrictions. A restricted approval applies only to the position and application in question. A restricted approval shall result in immediate implementation of the restrictions.

(6) BCU shall maintain any documents obtained or created during the background check process.

(7) BCU shall make new fitness determinations for each background check request. The outcome of previous fitness determinations does not set a precedent for subsequent fitness determinations.

Stat. Auth.: ORS 181.537, 409.027 & 409.050

Stats. Implemented: ORS 181.534, 181.537, 409.010, 409.027 & 443.004

Hist.: OMAP 8-2004, f. 2-26-04, cert. ef. 3-1-04; OMAP 22-2005, f. & cert. ef. 3-29-05; Renumbered from 410-007-0320, DHSD 8-2007, f. 8-31-07, cert. ef. 9-1-07; DHSD 10-2008, f. 12-26-08, cert. ef. 1-1-09; DHSD 2-2009, f. & cert. ef. 4-1-09; DHSD 7-2009, f. & cert. ef. 10-1-09; DHSD 10-2009, f. 12-31-09, cert. ef. 1-1-10; DHSD 10-2010, f. 10-29-10, cert. ef. 10-31-10; DHSD 1-2011(Temp) f. & cert. ef. 4-15-11 thru 10-11-11; DHSD 7-2011(Temp), f. & cert. ef. 10-12-11 thru 11-1-11; DHSD 8-2011, f. 10-28-11, cert. ef. 11-1-11; DHSD 2-2012(Temp), f. & cert. ef. 2-27-12 thru 8-24-12; DHSD 4-2012, f. & cert. ef. 8-1-12; DHSD 3-2013, f. & cert. ef. 8-1-13

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

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

Adm. Order No.: SPD 31-2013

Filed with Sec. of State: 7-22-2013

Certified to be Effective: 8-1-13

Notice Publication Date: 6-1-2013

Rules Amended: 411-340-0020

Rules Repealed: 411-340-0020(T)

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

Rules Coordinator: Christina Hartman—(503) 945-6398

411-340-0020

Definitions

As used in OAR chapter 411, division 340:

(1) “Abuse” means abuse of an adult as defined in OAR 407-045-0260.

(2) “Abuse Investigation and Protective Services” means reporting and investigation activities as required by OAR 407-045-0300 and any subsequent services or supports necessary to prevent further abuse as required by OAR 407-045-0310.

(3) “Activities of Daily Living (ADL)” mean the self-care activities accomplished by an individual for continued well-being.

(4) “Adaptive Behavior” means the degree to which an individual meets the standards of personal independence and social responsibility expected for age and culture group.

(5) “Administration of Medication” means the act of placing a medication in, or on, an individual’s body by a person responsible for the individual’s care and employed by or under contract to the individual, the individual’s legal representative, or a provider organization.

(6) “Administrative Review” means the formal process that is used when the individual or the individual’s legal representative is not satisfied with the decision made by the brokerage about a complaint involving the provision of services or a provider.

(7) “Administrator” means the Administrator of the Department, or that person’s designee. The term “Administrator” is synonymous with “Assistant Director”.

(8) “Adult” means an individual 18 years or older with developmental disabilities.

(9) “Alternative Resources” mean possible resources, not including support services, for the provision of supports to meet an individual’s needs. Alternative resources includes but is not limited to private or public insurance, vocational rehabilitation services, supports available through the Oregon Department of Education, or other community supports.

(10) “Basic Benefit” means the type and amount of support services available to each eligible individual, specifically:

(a) Access to the brokerage services listed in OAR 411-340-0120(1); and if required

(b) Access to an amount of support services funds used to assist with the purchase of supports listed in OAR 411-340-0130(6).

(11) “Basic Supplement” means an amount of support services funds in excess of the basic benefit to which an individual may have access in order to purchase necessary supports based on demonstration of extraordinary long-term need on the Basic Supplement Criteria Inventory, Form DHS 0203.

(12) “Basic Supplement Criteria Inventory (Form DHS 0203)” means the written inventory of an individual’s circumstances that is completed and

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scored by the brokerage to determine whether the individual is eligible for a basic supplement.

(13) "Benefit Level" means the total annual amount of support service funds for which an individual is eligible. The benefit level includes the basic benefit and any exceptions to the basic benefit financial limits.

(14) "Certificate" means a document issued by the Department to a brokerage, or to a provider organization requiring certification under OAR 411-340-0170(2), that certifies the brokerage or provider organization is eligible to receive state funds for support services.

(15) "Choice" means the individual's expression of preference, opportunity for, and active role in decision-making related to the selection of assessments, services, providers, goals and activities, and verification of satisfaction with these services. Choice may be communicated verbally, through sign language, or by other communication methods.

(16) "Chore Services" mean services needed to maintain a clean, sanitary, and safe environment in an individual's home. Chore services include heavy household chores such as washing floors, windows, and walls, tacking down loose rugs and tiles, and moving heavy items of furniture for safe access and egress.

(17) "Client Process Monitoring System (CPMS)" means the Department's computerized system for enrolling and terminating services for individuals with developmental disabilities.

(18) "Community Developmental Disability Program (CDDP)" means an entity that is responsible for planning and delivery of services for individuals with developmental disabilities according to OAR chapter 411, division 320. A CDDP operates in a specific geographic service area of the state under a contract with the Department, Local Mental Health Authority, or other entity as contracted by the Department.

(19) "Community Living and Inclusion Supports" mean services that facilitate independence and promote community integration by supporting the individual to gain or maintain skills to live as independently as possible in the type of home the individual chooses. Community living and inclusion supports provide support for the individual to participate in activities in integrated settings that promote community inclusion and contribution.

(a) Community living and inclusion supports include supports designed to develop or maintain skills for self-care, ability to direct supports, care of the immediate environment, and may include instruction in skills an individual wishes to acquire, retain, or improve that enhance independence, productivity, integration, or maintain the individual's physical and mental skills. Community living and inclusion supports include supports in the following areas:

(A) Personal skills, which includes eating, bathing, dressing, personal hygiene, and mobility;

(B) Socialization, which includes development or maintenance of self-awareness and self-control, social responsiveness, social amenities, and interpersonal skills;

(C) Community participation, recreation, or leisure, which includes the development or maintenance of skills to use available community services, facilities, or businesses;

(D) Communication, which includes development or maintenance of expressive and receptive skills in verbal and non-verbal language and the functional application of acquired reading and writing skills; and

(E) Personal environmental skills, which includes development or maintenance of skills such as planning and preparing meals, budgeting, laundry, and housecleaning.

(b) Community living and inclusion supports may or may not be work related.

(20) "Complaint" means a verbal or written expression of dissatisfaction with services or providers.

(21) "Comprehensive Services" mean a package of developmental disability services and supports that include one of the following living arrangements regulated by the Department alone or in combination with any associated employment or community inclusion program regulated by the Department:

(a) Twenty-four hour residential services including but not limited to services provided in a group home, foster home, or through a supported living program; or

(b) In-home supports provided to an individual in the individual or family home costing more than the individual cost limit.

(c) Comprehensive services do not include support services for adults enrolled in brokerages or for children enrolled in long-term supports or children's intensive in-home services.

(22) "Cost Effective" means being responsible and accountable with Department resources by offering less costly alternatives when providing choices that adequately meet an individual's support needs. Less costly

alternatives include other programs available from the Department, the utilization of assistive devices, natural supports, architectural modifications, and alternative resources. Less costly alternatives may include resources not paid for by the Department.

(23) "Crisis" means:

(a) A situation that may result in civil court commitment under ORS 427.215 to 427.306 and for which no appropriate alternative resources are available; or

(b) Risk factors described in OAR 411-320-0160 are present for which no appropriate alternative resources are available.

(24) "Crisis Diversion Services" mean the services authorized and provided according to OAR 411-320-0160 that are intended to maintain an individual at home or in the family home while an individual is in emergent status. Crisis diversion services may include short-term residential placement services indicated on an individual's Support Services Brokerage Plan of Care Crisis Addendum, as well as additional support as described in an Individual Support Plan.

(25) "Department" means the Department of Human Services (DHS). The term "Department" is synonymous with "Division (SPD)".

(26) "Developmental Disability" means a neurological condition that originates in the developmental years, that is likely to continue, and significantly impacts adaptive behavior as diagnosed and measured by a qualified professional as described in OAR 411-320-0080.

(27) "Emergent Status" means an individual has been determined to be eligible for crisis diversion services according to OAR 411-320-0160..

(28) "Employer-Related Supports" mean activities that assist individuals and, when applicable, their family members with fulfilling roles and obligations as employers as described in the Individual Support Plan. Supports to the employer include but are not limited to:

(a) Education about employer responsibilities;

(b) Orientation to basic wage and hour issues;

(c) Use of common employer-related tools such as job descriptions;

and

(d) Fiscal intermediary services.

(29) "Entry" means admission to a Department-funded developmental disability service provider.

(30) "Environmental Accessibility Adaptations" mean physical adaptations that are necessary to ensure the health, welfare, and safety of the individual in the home, or that enable the individual to function with greater independence in the home.

(a) Environmental accessibility adaptations include but are not limited to:

(A) Environmental modification consultation to determine the appropriate type of adaptation;

(B) Installation of shatter-proof windows;

(C) Hardening of walls or doors;

(D) Specialized, hardened, waterproof, or padded flooring;

(E) An alarm system for doors or windows;

(F) Protective covering for smoke detectors, light fixtures, and appliances;

(G) Sound and visual monitoring systems;

(H) Fencing;

(I) Installation of ramps, grab-bars, and electric door openers;

(J) Adaptation of kitchen cabinets and sinks;

(K) Widening of doorways;

(L) Handrails;

(M) Modification of bathroom facilities;

(N) Individual room air conditioners for an individual whose temperature sensitivity issues create behaviors or medical conditions that put the individual or others at risk;

(O) Installation of non-skid surfaces;

(P) Overhead track systems to assist with lifting or transferring;

(Q) Specialized electric and plumbing systems that are necessary to accommodate the medical equipment and supplies necessary for the welfare of the individual; or

(R) Modifications to a vehicle to meet the unique needs of the individual (lift, interior alterations such as seats, head and leg rests and belts, special safety harnesses, or other unique modifications to keep the individual safe in the vehicle).

(b) Environmental accessibility adaptations exclude:

(A) Adaptations or improvements to the home that are of general utility and are not of direct medical or remedial benefit to the individual, such as carpeting, roof repair, and central air conditioning; and

(B) Adaptations that add to the total square footage of the home.

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(31) "Environmental Modification Consultant" means either an independent provider, provider organization, or general business paid with support services funds, to provide advice to an individual, the individual's legal representative, or the individual's personal agent about the environmental accessibility adaptation required to meet the individual's needs.

(32) "Exit" means either termination from a Department-funded developmental disability service provider or transfer from one Department-funded service provider to another.

(33) "Family" for determining individual eligibility for brokerage services as a resident in the family home and for determining who may receive family training, means a unit of two or more persons that include at least one individual with developmental disabilities where the primary caregiver is:

(a) Related to the individual with developmental disabilities by blood, marriage, or legal adoption; or

(b) In a domestic relationship where partners share:

(A) A permanent residence;

(B) Joint responsibility for the household in general (e.g. child-rearing, maintenance of the residence, basic living expenses); and

(C) Joint responsibility for supporting a member of the household with developmental disabilities and the individual with developmental disabilities is related to one of the partners by blood, marriage, or legal adoption.

(34) "Family Training" means training and counseling services for the family of an individual that increase the family's capacity to care for, support, and maintain the individual in the home. Family training includes:

(a) Instruction about treatment regimens and use of equipment specified in the Individual Support Plan;

(b) Information, education, and training about the individual's developmental disability, medical, and behavioral conditions; and

(c) Counseling for the family to relieve the stress associated with caring for an individual with developmental disabilities.

(35) "Fiscal Intermediary" means a person or entity that receives and distributes support services funds on behalf of an individual who employs persons to provide services, supervision, or training in the home or community according to the Individual Support Plan.

(36) "Founded Reports" means the Department's or Law Enforcement Authority's (LEA) determination, based on the evidence, that there is reasonable cause to believe that conduct in violation of the child abuse statutes or rules has occurred and such conduct is attributable to the person alleged to have engaged in the conduct.

(37) "General Business Provider" means an organization or entity selected by an individual or the individual's legal representative, and paid with support services funds that:

(a) Is primarily in business to provide the service chosen by the individual to the general public;

(b) Provides services for the individual through employees, contractors, or volunteers; and

(c) Receives compensation to recruit, supervise, and pay the persons who actually provide support for the individual.

(38) "Habilitation Services" mean services designed to assist individuals in acquiring, retaining, and improving the self-help, socialization, and adaptive skills necessary to reside successfully in home and community-based settings. Habilitation services include supported employment and community living and inclusion supports.

(39) "Hearing" means the formal process following an action that would terminate, suspend, reduce, or deny a service. This is a formal process required by federal law (42 CFR 431.200-250). A hearing is also known as a Medicaid Fair Hearing and contested case hearing.

(40) "Home" means an individual's primary residence that is not under contract with the Department to provide services to an individual as a licensed or certified foster home, residential care facility, assisted living facility, nursing facility, or other residential support program site.

(41) "Homemaker Services" mean the general household activities such as meal preparation and routine household services required to maintain a clean, sanitary, and safe environment in an individual's home.

(42) "Incident Report" means a written report of any unusual incident involving an individual.

(43) "Independence" means the extent to which individuals with developmental disabilities exert control and choice over their own lives.

(44) "Independent Provider" means a person selected by an individual or the individual's legal representative and paid with support services funds that personally provide services to the individual.

(45) "Individual" means an adult with developmental disabilities for whom services are planned and provided.

(46) "Individual Cost Limit" means the maximum annual benefit level available under the Support Services Waiver.

(47) "Individual Support Plan (ISP)" means the written details of the supports, activities, and resources required for an individual to achieve personal goals. The type of service supports needed, how supports are delivered, and the frequency of provided supports are included in the ISP. The ISP is developed at minimum annually to reflect decisions and agreements made during a person-centered process of planning and information gathering. The ISP is the individual's plan of care for Medicaid purposes.

(48) "Integration" as defined in ORS 427.005 means:

(a) The use by individuals with developmental disabilities of the same community resources used by and available to other persons;

(b) Participation by individuals with developmental disabilities in the same community activities in which persons without a developmental disability participate, together with regular contact with persons without a developmental disability; and

(c) Individuals with developmental disabilities reside in homes or home-like settings that are in proximity to community resources and foster contact with persons in their community.

(49) "Legal Representative" means an attorney at law who has been retained by or for an individual, or a person or agency authorized by the court to make decisions about services for the individual.

(50) "Mandatory Reporter" means any public or private official as defined in OAR 407-045-0260 who, while acting in an official capacity, comes in contact with and has reasonable cause to believe an adult with developmental disabilities has suffered abuse, or comes in contact with any person whom the official has reasonable cause to believe abused an adult with developmental disabilities. Nothing contained in ORS 40.225 to 40.295 shall affect the duty to report imposed by this section of this rule, except that a psychiatrist, psychologist, clergy, or attorney is not required to report if the communication is privileged under ORS 40.225 to 40.295.

(51) "Medication" means any drug, chemical, compound, suspension, or preparation in suitable form for use as a curative or remedial substance taken either internally or externally by any person.

(52) "Natural Supports" or "Natural Support System" means the resources available to an individual from their relatives, friends, significant others, neighbors, roommates, and the community. Services provided by natural supports are resources that are not paid for by the Department.

(53) "Nurse" means a person who holds a current license from the Oregon Board of Nursing as a registered nurse or licensed practical nurse pursuant to ORS chapter 678.

(54) "Nursing Care Plan" means a plan developed by a registered nurse that describes the medical, nursing, psychosocial, and other needs of the individual and how those needs shall be met. The Nursing Care Plan includes which tasks shall be taught, assigned, or delegated to the qualified provider or family.

(55) "Occupational Therapy" means the services provided by a professional licensed under ORS 675.240 that are defined under the approved State Medicaid Plan, except that the amount, duration, and scope specified in the State Medicaid Plan do not apply.

(56) "OSIP-M" means Oregon Supplemental Income Program Medical.

(57) "Personal Agent" means a person who works directly with individuals and families to provide or arrange for support services as described in the Support Services Waiver and these rules, is a case manager for the provision of targeted case management services, meets the qualifications set forth in OAR 411-340-0150(5), and is:

(a) A trained employee of a brokerage; or

(b) A person who has been engaged under contract to the brokerage to allow the brokerage to meet responsibilities in geographic areas where personal agent resources are severely limited.

(58) "Personal Emergency Response Systems" mean electronic devices required by certain individuals to secure help in an emergency for safety in the community.

(59) "Person-Centered Planning" means:

(a) A process, either formal or informal, for gathering and organizing information that helps an individual:

(A) Determine and describe choices about personal goals, activities, and lifestyle preferences;

(B) Design strategies and networks of support to achieve goals and a preferred lifestyle using individual strengths, relationships, and resources; and

(C) Identify, use, and strengthen naturally occurring opportunities for support at home and in the community.

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(b) The methods for gathering information vary, but all are consistent with individual needs and preferences.

(60) "Physical Therapy" means the services provided by a professional licensed under ORS 688.020 that are defined under the approved State Medicaid Plan, except that the amount, duration, and scope specified in the State Medicaid Plan do not apply.

(61) "Plan Year" means 12 consecutive months used to calculate an individual's annual benefit level. Unless otherwise set according to the conditions of OAR 411-340-0120, the initial plan year begins on the start date specified on the individual's first authorized Individual Support Plan (ISP) after entry to a brokerage. Subsequent plan years begin on the anniversary of the start date of the initial ISP.

(62) "Positive Behavioral Theory and Practice" means a proactive approach to individual behavior and behavior interventions that:

(a) Emphasizes the development of functional alternative behavior and positive behavior intervention;

(b) Uses the least intervention possible;

(c) Ensures that abusive or demeaning interventions are never used; and

(d) Evaluates the effectiveness of behavior interventions based on objective data.

(63) "Prescription Medication" means any medication that requires a physician prescription before it may be obtained from a pharmacist.

(64) "Primary Caregiver" means the person identified in an Individual Support Plan as providing the majority of service and support for an individual in the individual's home.

(65) "Productivity" as defined in ORS 427.005 means:

(a) Engagement in income-producing work by an individual with developmental disabilities that is measured through improvements in income level, employment status, or job advancement; or

(b) Engagement by an individual with developmental disabilities in work contributing to a household or community.

(66) "Protection" and "Protective Services" mean necessary actions taken as soon as possible to prevent subsequent abuse or exploitation of an individual, to prevent self-destructive acts, and to safeguard an individual's person, property, and funds.

(67) "Provider Organization" means an entity selected by an individual or the individual's legal representative, and paid with support services funds that:

(a) Is primarily in business to provide supports for individuals with developmental disabilities;

(b) Provides supports for the individual through employees, contractors, or volunteers; and

(c) Receives compensation to recruit, supervise, and pay the persons who actually provide support for the individual.

(68) "Provider Organization Director" means the employee of a provider organization, or the employee's designee, responsible for administration and provision of services according to these rules.

(69) "Psychotropic Medication" means a medication the prescribed intent of which is to affect or alter thought processes, mood, or behavior including but not limited to anti-psychotic, antidepressant, anxiolytic (anti-anxiety), and behavior medications. The classification of a medication depends upon its stated, intended effect when prescribed.

(70) "Quality Assurance" means a systematic procedure for assessing the effectiveness, efficiency, and appropriateness of services.

(71) "Rate Ranges" mean the rates and limits paid for some support services. The Department's support services rate ranges as of April 1, 2013 are maintained on the Department's website (<http://www.dhs.state.or.us/spd/tools/dd/bpa/rate-guidelines-040113.pdf>). Printed copies may be obtained by contacting the Department of Human Services, Developmental Disabilities, ATTN: Rule Coordinator, 500 Summer Street NE, E-10, Salem, Oregon 97301.

(72) "Regional Crisis Diversion Program" means the regional coordination of the management of crisis diversion services for a group of designated counties that is responsible for the management of the following developmental disability services:

(a) Crisis intervention services;

(b) Evaluation of requests for new or enhanced services for certain groups of individuals eligible for developmental disability services; and

(c) Other developmental disability services that the counties comprising the region agree are more effectively or automatically delivered on a regional basis.

(73) "Respite" means intermittent services provided on a periodic basis for the relief of, or due to the temporary absence of, persons normally providing the supports to individuals unable to care for themselves.

(74) "Restraint" means any physical hold, device, or chemical substance that restricts, or is meant to restrict, the movement or normal functioning of an individual.

(75) "Self-Administration of Medication" means the individual manages and takes his or her own medication, identifies his or her medication and the times and methods of administration, places the medication internally in or externally on his or her own body without staff assistance upon written order of a physician, and safely maintains the medication without supervision.

(76) "Self-Determination" means a philosophy and process by which individuals with developmental disabilities are empowered to gain control over the selection of support services that meet their needs. The basic principles of self-determination are:

(a) Freedom. The ability for an individual with a developmental disability, together with freely-chosen family and friends, to plan a life with necessary support services rather than purchasing a predefined program;

(b) Authority. The ability for an individual with a developmental disability, with the help of a social support network if needed, to control a certain sum of resources in order to purchase support services;

(c) Autonomy. The arranging of resources and personnel, both formal and informal, that shall assist an individual with a developmental disability to live a life in the community rich in community affiliations; and

(d) Responsibility. The acceptance of a valued role in an individual's community through competitive employment, organizational affiliations, personal development, and general caring for others in the community, as well as accountability for spending public dollars in ways that are life-enhancing for individuals with developmental disabilities.

(77) "Social Benefit" means a service or financial assistance solely intended to assist an individual with a developmental disability to function in society on a level comparable to that of a person who does not have such a developmental disability.

(a) Social benefits may not:

(A) Duplicate benefits and services otherwise available to persons regardless of developmental disability;

(B) Provide financial assistance with food, clothing, shelter, and laundry needs common to persons with or without developmental disabilities; or

(C) Replace other governmental or community services available to an individual.

(b) Financial assistance provided as a social benefit may not exceed the actual cost of the support required by an individual to be supported in the individual's home and must be either:

(A) Reimbursement for an expense previously authorized in an Individual Support Plan (ISP); or

(B) An advance payment in anticipation of an expense authorized in a previously authorized ISP.

(78) "Special Diet" means specially prepared food or particular types of food, ordered by a physician and periodically monitored by a dietician, specific to an individual's medical condition or diagnosis that are needed to sustain an individual in the individual's home. Special diets are supplements and are not intended to meet an individual's complete daily nutritional requirements. Special diets may include:

(a) High caloric supplements;

(b) Gluten-free supplements; and

(c) Diabetic, ketogenic, or other metabolic supplements.

(79) "Specialized Medical Equipment and Supplies" mean devices, aids, controls, supplies, or appliances that enable individuals to increase their abilities to perform activities of daily living or to perceive, control, or communicate with the environment in which they live. Specialized medical equipment and supplies include items necessary for life support, ancillary supplies and equipment necessary to the proper functioning of such items, and durable and non-durable medical equipment not available under the State Medicaid Plan. Specialized medical equipment and supplies may not include items not of direct medical or remedial benefit to the individual. Specialized medical equipment and supplies must meet applicable standards of manufacture, design, and installation.

(80) "Specialized Supports" mean treatment, training, consultation, or other unique services necessary to achieve outcomes in the Individual Support Plan that are not available through State Medicaid Plan services or other support services listed in OAR 411-340-0130(6). Typical supports include the services of a behavior consultant, a licensed nurse, or a social or sexual consultant to:

(a) Assess the needs of the individual and family, including environmental factors;

(b) Develop a plan of support;

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9-28-13; SPD 30-2013(Temp), f. & cert. ef. 7-2-13 thru 9-28-13; SPD 31-2013, f. 7-22-13, cert. ef. 8-1-13

- (c) Train caregivers to implement the plan of support;
- (d) Monitor implementation of the plan of support; and
- (e) Revise the plan of support as needed.

(81) "Speech and Language Therapy" means the services provided by a professional licensed under ORS 681.250 that are defined under the approved State Medicaid Plan, except that the amount, duration, and scope specified in the State Medicaid Plan do not apply.

(82) "Substantiated" means an abuse investigation has been completed by the Department or the Department's designee and the preponderance of the evidence establishes the abuse occurred.

(83) "Support" means assistance that individuals require, solely because of the affects of developmental disability, to maintain or increase independence, achieve community presence and participation, and improve productivity. Support is flexible and subject to change with time and circumstances.

(84) "Supported Employment Services" means provision of job training and supervision available to assist an individual who needs intensive ongoing support to choose, get, and keep a job in a community business setting. Supported employment is a service planned in partnership with public vocational assistance agencies and school districts and through Social Security Work Incentives when available.

(85) "Support Services" mean the services of a brokerage listed in OAR 411-340-0120(1) as well as the uniquely determined activities and purchases arranged through the brokerage support services that:

- (a) Complement the existing formal and informal supports that exist for an individual living in the individual's own home or family home;
- (b) Are designed, selected, and managed by the individual or the individual's legal representative;
- (c) Are provided in accordance with an Individual Support Plan; and
- (d) May include purchase of supports as a social benefit required for an individual to live in the individual's home or the family home.

(86) "Support Services Brokerage" or "Brokerage" means an entity, or distinct operating unit within an existing entity, that uses the principles of self-determination to perform the functions listed in OAR 411-340-0120(1) associated with planning and implementation of support services for individuals with developmental disabilities.

(87) "Support Services Brokerage Director" or "Brokerage Director" means the employee of a publicly or privately-operated brokerage, or that person's designee, who is responsible for administration and provision of services according to these rules.

(88) "Support Services Brokerage Plan of Care Crisis Addendum" means the short-term plan that is required by the Department to be added to an Individual Support Plan to describe crisis diversion services an individual is to receive while the individual is in emergent status in a short-term residential placement.

(89) "Support Services Brokerage Policy Oversight Group" or "Policy Oversight Group" means the group that meets the requirements of OAR 411-340-0150(1) that is formed to provide consumer-based leadership and advice to each brokerage regarding issues such as development of policy, evaluation of services, and use of resources.

(90) "Support Services Expenditure Guideline" means a publication of the Department that describes allowable uses for support services funds.

(91) "Support Services Funds" mean public funds designated by the brokerage for assistance with the purchase of supports according to each Individual Support Plan.

(92) "These Rules" mean the rules in OAR chapter 411, division 340.

(93) "Transportation" means services that allow individuals to gain access to community services, activities, and resources that are not medical in nature.

(94) "Unusual Incident" means incidents involving serious illness or accidents, death of an individual, injury or illness of an individual requiring inpatient or emergency hospitalization, suicide attempts, a fire requiring the services of a fire department, an act of physical aggression, or any incident requiring an abuse investigation.

(95) "Volunteer" means any person assisting a service provider without pay to support the services provided to an individual.

Stat. Auth.: ORS 409.050 & 410.070 Stat. Auth.: ORS 409.050 & 410.070; other HB 3618, 2010 SS

Stats. Implemented: ORS 427.005, 427.007, 430.610 - 430.695
Hist.: MHD 9-2001(Temp), f. 8-30-01, cert. ef. 9-1-01 thru 2-27-02; MHD 5-2002, f. 2-26-02 cert. ef. 2-27-02; MHD 4-2003(Temp), f. & cert. ef. 7-1-03 thru 12-27-03; Renumbered from 309-041-1760, SPD 22-2003, f. 12-22-03, cert. ef. 12-28-03; SPD 38-2004(Temp), f. 12-30-04, cert. ef. 1-1-05 thru 6-30-05; SPD 8-2005, f. & cert. ef. 6-23-05; SPD 17-2006, f. 4-26-06, cert. ef. 5-1-06; SPD 21-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-29-08; SPD 8-2008, f. 6-27-08, cert. ef. 6-29-08; SPD 8-2009, f. & cert. ef. 7-1-09; SPD 25-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SPD 5-2010, f. 6-29-10, cert. ef. 7-1-10; SPD 27-2011, f. & cert. ef. 12-28-11; SPD 3-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru

Rule Caption: Support Services for Adults with Intellectual or Developmental Disabilities — Definitions

Adm. Order No.: SPD 32-2013(Temp)

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Rules Amended: 411-340-0020

Subject: The Department of Human Services (Department) is immediately amending OAR 411-340-0020 to update the definitions for support services for adults with intellectual or developmental disabilities to reflect changes made as a result of the Community First Choice State Plan.

Rules Coordinator: Christina Hartman—(503) 945-6398

411-340-0020

Definitions

Unless the context indicates otherwise, the following definitions apply to the rules in OAR chapter 411, division 340:

(1) "Abuse" means abuse of an adult as defined in OAR 407-045-0260.

(2) "Abuse Investigation and Protective Services" means reporting and investigation activities as required by OAR 407-045-0300 and any subsequent services or supports necessary to prevent further abuse as required by OAR 407-045-0310.

(3) "Activities of Daily Living (ADL)" mean those personal, functional activities required by an individual for continued well-being that are essential for health and safety.

(4) "Adaptive Behavior" means the degree to which an individual meets the standards of personal independence and social responsibility expected for age and culture group.

(5) "Administration of Medication" means the act of placing a medication in, or on, an individual's body by a person responsible for the individual's care and employed by or under contract to the individual, the individual's legal representative, or a provider organization.

(6) "Administrative Review" means the formal process that is used when the individual or the individual's legal representative is not satisfied with the decision made by the brokerage about a complaint involving the provision of services or a provider.

(7) "Administrator" means the Administrator of the Department, or that person's designee. The term "Administrator" is synonymous with "Assistant Director".

(8) "Adult" means an individual 18 years or older with intellectual developmental disabilities.

(9) "Alternative Resources" mean possible resources, not including support services, for the provision of supports to meet an individual's needs. Alternative resources includes but is not limited to private or public insurance, vocational rehabilitation services, supports available through the Oregon Department of Education, or other community supports.

(10) "Alternatives to Employment - Habilitation" means assistance with acquisition, retention, or improvement in self-help, socialization, and adaptive skills that takes place in a non-residential setting, separate from the home in which an individual with an intellectual or developmental disability resides.

(11) "Annual Plan" means a written summary the personal agent completes for an individual 18 years or older who is not receiving support services

(12) "Basic Benefit" means the type and amount of support services available to each eligible individual, specifically:

(a) Access to the brokerage services listed in OAR 411-340-0120(1); and if required

(b) For individuals whose entry into support services occurred prior to October 1, 2013, access to an amount of support services funds used to assist with the purchase of supports listed in OAR 411-340-0130(6).

(13) "Basic Supplement" means an amount of support services funds in excess of the basic benefit to which an individual whose entry into support services occurred prior to October 1, 2013 may have access in order to purchase necessary supports based on demonstration of extraordinary long-term need on the Basic Supplement Criteria Inventory, Form DHS 0203.

(14) "Basic Supplement Criteria Inventory (Form DHS 0203)" means the written inventory of an individual's circumstances that is completed and scored by the brokerage to determine whether the individual whose entry

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into support services occurred prior to October 1, 2103 is eligible for a basic supplement.

(15) "Behavior Support Plan (BSP)" means a written strategy based on person-centered planning and a functional assessment that outlines specific instructions for a provider to follow, to cause a child's challenging behaviors to become unnecessary, and to change the provider's own behavior, adjust environment, and teach new skills.

(16) "Behavior Support Services" mean services that are provided to assist with behavioral challenges due to an individual's intellectual or developmental disability that prevents the individual from accomplishing activities of daily living, instrumental activities of daily living, and health related tasks.

(17) "Benefit Level" means the total annual amount of support service funds for which an individual whose entry into support services occurred prior to October 1, 2013, is eligible. The benefit level includes the basic benefit and any exceptions to the basic benefit financial limits.

(18) "Case Management" means an organized service to assist individuals to select, obtain, and utilize resources and services.

(19) "Certificate" means a document issued by the Department to a brokerage, or to a provider organization requiring certification under OAR 411-340-0170(2), that certifies the brokerage or provider organization is eligible to receive state funds for support services.

(20) "Choice" means an individual's expression of preference, opportunity for, and active role in decision-making related to services received and from whom, including but not limited to case management, service providers, and service settings. Personal outcomes, goals, and activities are supported in the context of balancing an individual's rights, risks, and personal choices. Individuals are supported in opportunities to make changes when so expressed. Choice may be communicated verbally, through sign language, or by other communication methods.

(21) "Chore Services" mean the services described in OAR 411-340-0130 needed to maintain a clean, sanitary, and safe environment in an individual's home. Chore services include heavy household chores such as washing floors, windows, and walls, tacking down loose rugs and tiles, and moving heavy items of furniture for safe access and egress. Chore services may include yard hazard abatement to ensure the outside of the home is safe for the individual to traverse and enter and exit the home.

(22) "Client Process Monitoring System (CPMS)" means the Department's computerized system for enrolling and terminating services for individuals with intellectual or developmental disabilities.

(23) "Community Developmental Disability Program (CDDP)" means an entity that is responsible for planning and delivery of services for individuals with intellectual or developmental disabilities according to OAR chapter 411, division 320. A CDDP operates in a specific geographic service area of the state under a contract with the Department, Local Mental Health Authority, or other entity as contracted by the Department.

(24) "Community First Choice State Plan" means Oregon's state plan amendment authorized under section 1915(k) of the Social Security Act.

(25) "Community Living and Inclusion Supports" mean services designed to assist individuals in acquiring, retaining, and improving the self-help, socialization, and non-activities of daily living or instrumental activities of daily living skills necessary to reside successfully in home and community-based settings. Community living and inclusion supports assist individuals in acquiring, retaining, and improving skills around socialization, recreation and leisure, communication, participation in the community, and ability to direct supports.

(a) Support with socialization includes assisting participants in acquiring, retaining and improving self-awareness and self control, social responsiveness, social amenities, and interpersonal skills.

(b) Support with community participation, recreation, or leisure includes assisting individuals in acquiring, retaining, and improving skills to use available community services, facilities, or businesses.

(c) Support with communication includes assisting individuals in acquiring, retaining, and improving expressive and receptive skills in verbal and non-verbal language and the functional application of acquired reading and writing skills.

(d) Supports may be work-related and include instruction in skills an individual wishes to acquire, retain, or improve that enhance independence, productivity, integration, or maintain the individual's physical and cognitive skills.

(26) "Community Nursing Services" mean the services described in OAR 411-340-0130 that include nurse delegation and care coordination for an individual living in his or her own home. Community nursing services do not include direct nursing care and are not covered by other Medicaid spending authorities

(27) "Complaint" means a verbal or written expression of dissatisfaction with services or providers.

(28) "Comprehensive Services" mean developmental disability services and supports that include 24-hour residential services provided in a group home, foster home, or through a supported living program. Comprehensive services are regulated by the Department alone or in combination with an associated Department-regulated employment or community inclusion program. Comprehensive services are in-home services provided to an individual with an intellectual or developmental disability when the individual receives case management services from a community developmental disability program. Comprehensive services do not include support services for adults with intellectual or developmental disabilities enrolled in brokerages.

(29) "Cost Effective" means being responsible and accountable with Department resources by offering less costly alternatives when providing choices that adequately meet an individual's support needs. Less costly alternatives include other programs available from the Department, the utilization of assistive devices, natural supports, architectural modifications, and alternative resources. Less costly alternatives may include resources not paid for by the Department.

(30) "Crisis" means:

(a) A situation that may result in civil court commitment under ORS 427.215 to 427.306 and for which no appropriate alternative resources are available; or

(b) Risk factors described in OAR 411-320-0160 are present for which no appropriate alternative resources are available.

(31) "Crisis Diversion Services" mean the services authorized and provided according to OAR 411-320-0160 that are intended to maintain an individual at home or in the family home while an individual is in emergent status. Crisis diversion services may include short-term residential placement services indicated on an individual's Support Services Brokerage Plan of Care Crisis Addendum, as well as additional support as described in an Individual Support Plan.

(32) "Department" means the Department of Human Services (DHS). The term "Department" is synonymous with "Division (SPD)".

(33) "Developmental Disability" means a neurological condition that originates in the developmental years, that is likely to continue, and significantly impacts adaptive behavior as diagnosed and measured by a qualified professional as described in OAR 411-320-0080.

(34) "Emergent Status" means an individual has been determined to be eligible for crisis diversion services according to OAR 411-320-0160.

(35) "Employer-Related Supports" mean activities that assist individuals and, when applicable, their family members with fulfilling roles and obligations as employers as described in the Individual Support Plan. Supports to the employer include but are not limited to:

(a) Education about employer responsibilities;

(b) Orientation to basic wage and hour issues;

(c) Use of common employer-related tools such as job descriptions;

and

(d) Fiscal intermediary services.

(36) "Entry" means admission to a Department-funded developmental disability service provider.

(37) "Environmental Accessibility Adaptations" mean physical adaptations as described in OAR 411-340-0130 that are necessary to ensure the health, welfare, and safety of the individual in the home, or that enable the individual to function with greater independence in the home.

(38) "Environmental Modification Consultant" means either an independent provider, provider organization, or general business paid with support services funds, to provide advice to an individual, the individual's legal representative, or the individual's personal agent about the environmental accessibility adaptation required to meet the individual's needs.

(39) "Exit" means termination or discontinuance of:

(a) Services from a service provider; or

(b) Department-funded developmental disability services.

(40) "Family" for determining individual eligibility for brokerage services as a resident in the family home and for determining who may receive family training, means a unit of two or more persons that include at least one individual with an intellectual or developmental disability where the primary caregiver is:

(a) Related to the individual with an intellectual or developmental disability by blood, marriage, or legal adoption; or

(b) In a domestic relationship where partners share:

(A) A permanent residence;

(B) Joint responsibility for the household in general (e.g. child-rearing, maintenance of the residence, basic living expenses); and

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(C) Joint responsibility for supporting the individual with an intellectual or developmental disability when the individual is related to one of the partners by blood, marriage, or legal adoption.

(41) "Family Training" means training and counseling services for the family of an individual that increase the family's capacity to care for, support, and maintain the individual in the home as described in OAR 411-340-0130. Family training includes:

(a) Instruction about treatment regimens and use of equipment specified in the Individual Support Plan;

(b) Information, education, and training about the individual's intellectual or developmental disability, medical, and behavioral conditions; and

(c) Counseling for the family to relieve the stress associated with caring for an individual with intellectual or developmental disabilities.

(42) "Fiscal Intermediary" means a person or entity that receives and distributes support services funds on behalf of an individual who employs persons to provide services, supervision, or training in the home or community according to the Individual Support Plan.

(43) "Founded Reports" means the Department's or Law Enforcement Authority's (LEA) determination, based on the evidence, that there is reasonable cause to believe that conduct in violation of the child abuse statutes or rules has occurred and such conduct is attributable to the person alleged to have engaged in the conduct.

(44) "Functional Needs Assessment (FNAT)" means an assessment that documents the level of need, accommodates an individual's participation in service planning, and includes --

(a) Completing a comprehensive and holistic assessment;

(b) Surveying physical, mental, and social functioning; and

(c) Identifying risk factors, choices and preferences, and service needs.

(45) "General Business Provider" means an organization or entity selected by an individual or the individual's legal representative, and paid with support services funds that:

(a) Is primarily in business to provide the service chosen by the individual to the general public;

(b) Provides services for the individual through employees, contractors, or volunteers; and

(c) Receives compensation to recruit, supervise, and pay the persons who actually provide support for the individual.

(46) "Habilitation Services" mean services designed to assist individuals in acquiring, retaining, and improving the self-help, socialization, and adaptive skills necessary to reside successfully in home and community-based settings.

(47) "Hearing" means the formal process following an action that would terminate, suspend, reduce, or deny a service. This is a formal process required by federal law (42 CFR 431.200-250). A hearing is also known as a Medicaid Fair Hearing and contested case hearing.

(48) "Home" means an individual's primary residence that is not under contract with the Department to provide services to an individual as a licensed or certified foster home, residential care facility, assisted living facility, nursing facility, or other residential support program site.

(49) "Home and Community-Based Waivered Services" mean the services approved by the Centers for Medicare and Medicaid Services in accordance with Sections 1915(c) and 1115 of the Social Security Act.

(50) "Incident Report" means a written report of any unusual incident involving an individual.

(51) "Independence" means the extent to which individuals with intellectual or developmental disabilities exert control and choice over their own lives.

(52) "Independent Provider" means a person selected by an individual or the individual's legal representative and paid with support services funds that personally provide services to the individual.

(53) "Individual" means an adult with intellectual or developmental disabilities for whom services are planned and provided.

(54) "Individual Cost Limit" means the maximum annual benefit level available under the Support Services Waiver version OR.0375.R02.03. The support services waiver may be obtained by contacting the Department of Human Services, Developmental Disabilities, ATTN: Rule Coordinator, 500 Summer Street NE, E-10, Salem, Oregon 97301.

(55) "Individual Support Plan (ISP)" means the written details of the supports, activities, costs, and resources required for an individual to achieve personal outcomes and be supported by the family in the family home. An individual's support needs are identified through a functional needs assessment. The manner in which services are delivered, service providers, and the frequency of services are reflected in an ISP. The ISP is developed at minimum annually to reflect decisions and agreements made

during a person-centered process of planning and information gathering. An individual's ISP is the only plan of care required by the Department for an individual receiving in-home supports.

(56) "Instrumental Activities of Daily Living (IADL)" mean those activities, other than activities of daily living, required to continue independent living.

(57) "Integration" as defined in ORS 427.005 means:

(a) The use by individuals with intellectual or developmental disabilities of the same community resources used by and available to other persons;

(b) Participation by individuals with intellectual or developmental disabilities in the same community activities in which persons without an intellectual or developmental disability participate, together with regular contact with persons without an intellectual or developmental disability; and

(c) Individuals with intellectual or developmental disabilities reside in homes or home-like settings that are in proximity to community resources and foster contact with persons in their community.

(58) "Intellectual Disability" has the meaning set forth in OAR 411-320-0020 and described in 411-320-0080.

(59) "Legal Representative" means an attorney at law who has been retained by or for an individual or a person or agency authorized by the court to make decisions about services for the individual.

(60) "Level of Care" means an assessment completed by a services coordinator has determined an individual meets institutional level of care. An individual meets institutional level of care for an intermediate care facility for individuals with intellectual or developmental disabilities if;

(a) The individual has a condition of an intellectual disability or a developmental disability as defined in OAR 411-320-0020 and meets the eligibility criteria for developmental disability services as described in OAR 411-320-0080; and

(b) The individual has a significant impairment in one or more areas of adaptive functioning. Areas of adaptive functioning include self direction, self care, home living, community use, social, communication, mobility, or health and safety.

(61) "Mandatory Reporter" means any public or private official as defined in OAR 407-045-0260 who, while acting in an official capacity, comes in contact with and has reasonable cause to believe an adult with an intellectual or developmental disability has suffered abuse, or comes in contact with any person whom the official has reasonable cause to believe abused an adult with an intellectual or developmental disability. Nothing contained in ORS 40.225 to 40.295 affects the duty to report imposed by this section of this rule, except that a psychiatrist, psychologist, clergy, or attorney is not required to report if the communication is privileged under ORS 40.225 to 40.295.

(62) "Medication" means any drug, chemical, compound, suspension, or preparation in suitable form for use as a curative or remedial substance taken either internally or externally by any person.

(63) "Natural Supports" or "Natural Support System" means the resources available to an individual from their relatives, friends, significant others, neighbors, roommates, and the community. Services provided by natural supports are resources that are not paid for by the Department.

(64) "Nurse" means a person who holds a current license from the Oregon Board of Nursing as a registered nurse or licensed practical nurse pursuant to ORS chapter 678.

(65) "Nursing Care Plan" means a plan developed by a registered nurse that describes the medical, nursing, psychosocial, and other needs of the individual and how those needs are met. The Nursing Care Plan includes the tasks that are taught, assigned, or delegated to the qualified provider or family.

(66) "Occupational Therapy" means the services described in OAR 411-340-0130 provided by a professional licensed under ORS 675.240 that are defined under the approved State Medicaid Plan, except that the amount, duration, and scope specified in the State Medicaid Plan do not apply.

(67) "OSIP-M" means Oregon Supplemental Income Program-Medical as defined in OAR 461-101-0010. OSIPM is Oregon Medicaid insurance coverage for individuals who meet eligibility criteria as described in OAR chapter 461.

(68) "Personal Agent" means a person who works directly with individuals and families to provide or arrange for support services as described in these rules, is a case manager for the provision of case management services, meets the qualifications set forth in OAR 411-340-0150(5), and is:

(a) A trained employee of a brokerage; or

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(b) A person who has been engaged under contract to the brokerage to allow the brokerage to meet responsibilities in geographic areas where personal agent resources are severely limited.

(69) "Personal Care Services" means assistance with activities of daily living, instrumental activities of daily living, and health-related tasks through cueing, monitoring, reassurance, redirection, set-up, hands-on, standby assistance, and reminding.

(70) "Personal Support Worker":

(a) Means a person:

(A) Who is hired by an individual with an intellectual or developmental disability or the individual's legal representative;

(B) Who receives money from the Department for the purpose of providing personal care services to the individual in the individual's home or community; and

(C) Whose compensation is provided in whole or in part through the Department or community developmental disability program.

(b) This definition of personal support worker is intended to reflect the term as defined in ORS 410.600.

(71) "Person-Centered Planning" means:

(a) A process, either formal or informal, for gathering and organizing information that helps an individual:

(A) Determine and describe choices about personal goals, activities, and lifestyle preferences;

(B) Design strategies and networks of support to achieve goals and a preferred lifestyle using individual strengths, relationships, and resources; and

(C) Identify, use, and strengthen naturally occurring opportunities for support at home and in the community.

(b) The methods for gathering information vary, but all are consistent with individual needs and preferences.

(72) "Physical Therapy" means the services described in OAR 411-340-0130 provided by a professional licensed under ORS 688.020 that are defined under the approved State Medicaid Plan, except that the amount, duration, and scope specified in the State Medicaid Plan do not apply.

(73) "Plan Year" means 12 consecutive months that, unless otherwise set according to the conditions of OAR 411-340-0120, begins on the start date specified on the individual's first authorized Individual Support Plan (ISP) after entry to a brokerage. Subsequent plan years begin on the anniversary of the start date of the initial ISP.

(74) "Positive Behavioral Theory and Practice" means a proactive approach to individual behavior and behavior interventions that:

(a) Emphasizes the development of functional alternative behavior and positive behavior intervention;

(b) Uses the least intervention possible;

(c) Ensures that abusive or demeaning interventions are never used; and

(d) Evaluates the effectiveness of behavior interventions based on objective data.

(75) "Prescription Medication" means any medication that requires a physician prescription before it may be obtained from a pharmacist.

(76) "Prevocational Services" are services described in OAR 411-340-0130 that are not job-task oriented that are aimed at preparing an individual with an intellectual or developmental disability for paid or unpaid employment. Prevocational services include teaching such concepts as compliance, attendance, task completion, problem solving, and safety. Prevocational services are provided to individuals not expected to be able to join the general work force or participate in a transitional sheltered workshop within one year.

(77) "Primary Caregiver" means the person identified in an Individual Support Plan as providing the majority of service and support for an individual in the individual's home.

(78) "Productivity" as defined in ORS 427.005 means:

(a) Engagement in income-producing work by an individual with intellectual or developmental disabilities that is measured through improvements in income level, employment status, or job advancement; or

(b) Engagement by an individual with intellectual or developmental disabilities in work contributing to a household or community.

(79) "Protection" and "Protective Services" mean necessary actions taken as soon as possible to prevent subsequent abuse or exploitation of an individual, to prevent self-destructive acts, and to safeguard an individual's person, property, and funds.

(80) "Provider Organization" means an entity selected by an individual or the individual's representative, and paid with support services funds that:

(a) Is primarily in business to provide supports for individuals with intellectual or developmental disabilities;

(b) Provides supports for the individual through employees, contractors, or volunteers; and

(c) Receives compensation to recruit, supervise, and pay the persons who actually provide support for the individual.

(81) "Provider Organization Director" means the employee of a provider organization, or the employee's designee, responsible for administration and provision of services according to these rules.

(82) "Psychotropic Medication" means a medication the prescribed intent of which is to affect or alter thought processes, mood, or behavior including but not limited to anti-psychotic, antidepressant, anxiolytic (anti-anxiety), and behavior medications. The classification of a medication depends upon its stated, intended effect when prescribed.

(83) "Quality Assurance" means a systematic procedure for assessing the effectiveness, efficiency, and appropriateness of services.

(84) "Rate Guidelines" mean the guidelines for rates and limits paid for some support services. The Department's support services rate guidelines as of April 1, 2013 are maintained on the Department's website (<http://www.dhs.state.or.us/spd/tools/dd/bpa/rate-guidelines-040113.pdf>). Printed copies may be obtained by contacting the Department of Human Services, Developmental Disabilities, ATTN: Rule Coordinator, 500 Summer Street NE, E-10, Salem, Oregon 97301.

(85) "Regional Crisis Diversion Program" means the regional coordination of the management of crisis diversion services for a group of designated counties that is responsible for the management of the following developmental disability services:

(a) Crisis intervention services;

(b) Evaluation of requests for new or enhanced services for certain groups of individuals eligible for developmental disability services; and

(c) Other developmental disability services that the counties comprising the region agree are more effectively or automatically delivered on a regional basis.

(86) "Representative" means a person selected by an individual or the individual's legal representative to act on the individual's behalf to direct the individual's Individual Support Plan.

(87) "Respite" means intermittent services as described in OAR 411-340-0130 provided on a periodic basis, but not more than 14 consecutive days, for the relief of, or due to the temporary absence of, a person normally providing supports to an individual with an intellectual or developmental disability unable to care for him or herself.

(88) "Restraint" means any physical hold, device, or chemical substance that restricts, or is meant to restrict, the movement or normal functioning of an individual.

(89) "Self-Administration of Medication" means the individual manages and takes his or her own medication, identifies his or her medication and the times and methods of administration, places the medication internally in or externally on his or her own body without staff assistance upon written order of a physician, and safely maintains the medication without supervision.

(90) "Self-Determination" means a philosophy and process by which individuals with intellectual or developmental disabilities are empowered to gain control over the selection of support services that meet their needs. The basic principles of self-determination are:

(a) Freedom. The ability for an individual with an intellectual or developmental disability, together with freely-chosen family and friends, to plan a life with necessary support services rather than purchasing a predefined program;

(b) Authority. The ability for an individual with an intellectual or developmental disability, with the help of a social support network if needed, to control a certain sum of resources in order to purchase support services;

(c) Autonomy. The arranging of resources and personnel, both formal and informal, that assists an individual with an intellectual or developmental disability to live a life in the community rich in community affiliations; and

(d) Responsibility. The acceptance of a valued role in an individual's community through competitive employment, organizational affiliations, personal development, and general caring for others in the community, as well as accountability for spending public dollars in ways that are life-enhancing for individuals with intellectual or developmental disabilities.

(91) "Skills Training" means activities intended to increase an individual's independence through training, coaching, and prompting the individual to accomplish activities of daily living, instrumental activities of daily living, and health-related skills as described in OAR 411-340-0130.

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(92) "Social Benefit" means a service or financial assistance solely intended to assist an individual with an intellectual or developmental disability to function in society on a level comparable to that of a person who does not have such an intellectual or developmental disability. Social benefits are pre-authorized by an individual's personal agent and provided according to the description and financial limits written in an Individual Support Plan.

(a) Social benefits may not:

(A) Duplicate benefits and services otherwise available to persons regardless of intellectual or developmental disability;

(B) Provide financial assistance with food, clothing, shelter, and laundry needs common to persons with or without intellectual or developmental disabilities; or

(C) Replace other governmental or community services available to an individual.

(b) Financial assistance provided as a social benefit may not exceed the actual cost of the support required by an individual to be supported in the individual's home and must be either:

(A) Reimbursement for an expense previously authorized in an Individual Support Plan (ISP); or

(B) An advance payment in anticipation of an expense authorized in a previously authorized ISP.

(93) "Special Diet" means specially prepared food or particular types of food, ordered by a physician and periodically monitored by a dietician, specific to an individual's medical condition or diagnosis that are needed to sustain an individual in the individual's home. Special diets are supplements and are not intended to meet an individual's complete daily nutritional requirements. Special diets may include:

(a) High caloric supplements;

(b) Gluten-free supplements; and

(c) Diabetic, ketogenic, or other metabolic supplements.

(94) "Specialized Equipment and Supplies" mean the devices, aids, controls, supplies, or appliances that enable individuals to increase their abilities to perform activities of daily living or to perceive, control, or communicate with the environment in which they live as described in OAR 411-340-0130. Specialized medical equipment and supplies include items necessary for life support, ancillary supplies and equipment necessary to the proper functioning of such items, and durable and non-durable medical equipment not available under the State Medicaid Plan. Specialized medical equipment and supplies may not include items not of direct medical or remedial benefit to the individual. Specialized medical equipment and supplies must meet applicable standards of manufacture, design, and installation.

(95) "Specialized Supports" mean treatment, training, consultation, or other unique services provided by a social or sexual consultant to achieve outcomes in an Individual Support Plan that are not available through State Medicaid Plan services or other support services listed in OAR 411-340-0130. Specialized supports include:

(a) Assessing the needs of the individual and family, including environmental factors;

(b) Developing a plan of support;

(c) Training caregivers to implement the plan of support;

(d) Monitoring implementation of the plan of support; and

(e) Revising the plan of support as needed.

(96) "Speech, Hearing, and Language Services" mean the services as described in OAR 411-340-0130 provided by a professional licensed under ORS 681.250 that are defined under the approved State Medicaid Plan, except that the amount, duration, and scope specified in the State Medicaid Plan do not apply.

(97) "Substantiated" means an abuse investigation has been completed by the Department or the Department's designee and the preponderance of the evidence establishes the abuse occurred.

(98) "Support" means the assistance that an individual requires, solely because of the affects of intellectual or developmental disability, to maintain or increase independence, achieve community presence and participation, and improve productivity. Support is flexible and subject to change with time and circumstances.

(99) "Supported Employment Services" means provision of job training and supervision available to assist an individual who needs intensive ongoing support to choose, get, and keep a job in a community business setting. Supported employment is a service planned in partnership with public vocational assistance agencies and school districts and through Social Security Work Incentives when available.

(100) "Support Services" mean the services of a brokerage listed in OAR 411-340-0120 as well as the uniquely determined activities and purchases arranged through the brokerage support services that:

(a) Complement the existing formal and informal supports that exist for an individual living in the individual's own home or family home;

(b) Are designed, selected, and managed by the individual or the individual's representative;

(c) Are provided in accordance with an Individual Support Plan; and

(d) May include purchase of supports as a social benefit required for an individual to live in the individual's home or the family home.

(101) "Support Services Brokerage" or "Brokerage" means an entity, or distinct operating unit within an existing entity, that uses the principles of self-determination to perform the functions listed in OAR 411-340-0120(1) associated with planning and implementation of support services for individuals with intellectual or developmental disabilities.

(102) "Support Services Brokerage Director" or "Brokerage Director" means the employee of a publicly or privately-operated brokerage, or that person's designee, who is responsible for administration and provision of services according to these rules.

(103) "Support Services Brokerage Plan of Care Crisis Addendum" means the short-term plan that is required by the Department to be added to an Individual Support Plan to describe crisis diversion services an individual is to receive while the individual is in emergent status in a short-term residential placement.

(104) "Support Services Brokerage Policy Oversight Group" or "Policy Oversight Group" means the group that meets the requirements of OAR 411-340-0150(1) that is formed to provide consumer-based leadership and advice to each brokerage regarding issues such as development of policy, evaluation of services, and use of resources.

(105) "Support Services Expenditure Guideline" means a publication of the Department that describes allowable uses for support services funds.

(106) "Support Services Funds" mean public funds designated by the brokerage for assistance with the purchase of supports according to each Individual Support Plan.

(107) "These Rules" mean the rules in OAR chapter 411, division 340.

(108) "Transition Costs" mean expenses such as rent and utility deposits, first month's rent and utilities, bedding, basic kitchen supplies, and other necessities required for an individual to make the transition from a nursing facility or intermediate care facility for the intellectually disabled to a community-based home setting where the individual resides as described in OAR 411-340-0130.

(109) "Transportation" means services as described in OAR 411-340-0130 that allow individuals to gain access to community services, activities, and resources that are not medical in nature.

(110) "Unusual Incident" means incidents involving serious illness or accidents, death of an individual, injury or illness of an individual requiring inpatient or emergency hospitalization, suicide attempts, a fire requiring the services of a fire department, an act of physical aggression, or any incident requiring an abuse investigation.

(111) "Volunteer" means any person assisting a service provider without pay to support the services provided to an individual.

Stat. Auth.: ORS 409.050 & 410.070

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

Hist.: MHD 9-2001(Temp), f. 8-30-01, cert. ef. 9-1-01 thru 2-27-02; MHD 5-2002, f. 2-26-02 cert. ef. 2-27-02; MHD 4-2003(Temp); f. & cert. ef. 7-1-03 thru 12-27-03; Renumbered from 309-041-1760, SPD 22-2003, f. 12-22-03, cert. ef. 12-28-03; SPD 38-2004(Temp), f. 12-30-04, cert. ef. 1-1-05 thru 6-30-05; SPD 8-2005, f. & cert. ef. 6-23-05; SPD 17-2006, f. 4-26-06, cert. ef. 5-1-06; SPD 21-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-29-08; SPD 8-2008, f. 6-27-08, cert. ef. 6-29-08; SPD 8-2009, f. & cert. ef. 7-1-09; SPD 25-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; SPD 5-2010, f. 6-29-10, cert. ef. 7-1-10; SPD 27-2011, f. & cert. ef. 12-28-11; SPD 3-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-28-13; SPD 30-2013(Temp), f. & cert. ef. 7-2-13 thru 9-28-13; SPD 31-2013, f. 7-22-13, cert. ef. 8-1-13; SPD 32-2013(Temp), f. 7-22-13, cert. ef. 8-1-13 thru 12-28-13

Department of Human Services, Self-Sufficiency Programs Chapter 461

Rule Caption: Changing OARs affecting public assistance, medical assistance, or Supplemental Nutrition Assistance Program clients

Adm. Order No.: SSP 18-2013(Temp)

Filed with Sec. of State: 7-31-2013

Certified to be Effective: 8-1-13 thru 12-28-13

Notice Publication Date:

Rules Amended: 461-155-0575

ADMINISTRATIVE RULES

Rules Suspended: 461-155-0575(T)

Subject: OAR 461-155-0575 about in-home supplementation in the Oregon Supplemental Income Program Medical (OSIPM) which was amended by temporary rule on July 1, 2013 is being further amended to reduce the monthly payment from \$30 to \$15 effective September 1, 2013.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-155-0575

Special Need; In-home Supplement; OSIPM

In the OSIPM program:

(1) The Department may provide a monthly supplementary payment for a client who meets the requirements of all of the following subsections:

(a) The client must receive SSI as his or her only source of income.

(b) The client must receive home and community-based care (see OAR 461-001-0030) in-home services or State Plan Personal Care Services authorized under chapter 411, division 034 of Oregon Administrative Rules.

(2) An eligible client (under section (1) of this rule) receives a \$30 monthly payment through August 31, 2013. Effective September 1, 2013 the monthly payment will be \$15. The payment is considered reimbursement for uncovered assistance needs.

Stat. Auth.: ORS 411.060, 411.070, 411.404 & 411.706

Stats. Implemented: ORS 411.060, 411.070, 411.083, 411.404, 411.704 & 411.706

Hist.: SSP 11-2011(Temp), f. 3-31-11, cert. ef. 4-1-11 thru 9-28-11; SSP 17-2011, f. & cert. ef. 7-1-11; SSP 21-2011(Temp), f. & cert. ef. 7-15-11 thru 1-11-12; SSP 31-2011(Temp), f. & cert. ef. 12-1-11 thru 1-11-12; Administrative correction, 2-6-12; SSP 33-2012(Temp), f. 10-31-12, cert. ef. 11-1-12 thru 4-30-13; SSP 8-2013, f. & cert. ef. 4-1-13; SSP 17-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SSP 18-2013(Temp), f. 7-31-13, cert. ef. 8-1-13 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 19-2013(Temp)

Filed with Sec. of State: 7-31-2013

Certified to be Effective: 8-1-13 thru 1-28-14

Notice Publication Date:

Rules Amended: 461-115-0050, 461-135-1102, 461-150-0055, 461-150-0060, 461-180-0010, 461-180-0090

Subject: OAR 461-115-0050 about when an application must be filed, OAR 461-135-1102 about effective dates for the OHP-OPU program, OAR 461-150-0055 about eligibility and budgeting for HKC and OHP, OAR 461-180-0010 about effective dates for adding a new person to an open case, and OAR 461-180-0090 about effective dates for initial month of medical benefits are being amended to allow usage of only the initial budget month and the month following the initial budget month in determining eligibility for Substitute and Adoptive Care (for children in behavioral and rehabilitation services and psychiatric residential treatment), Medical Assistance Assumed, Medical Assistance to Families, Oregon Health Plan (including CAWEM related to OHP-OPU), and Healthy KidsConnect medical programs. These amendments also allow, if determined eligible, starting medical benefits no later than the last day of the month following the month of application without requiring a new application (instead of 45 days from the date of request). OAR 461-115-0050 is also being amended to remove the specific situation where a new application is not required for children under age 19 with a date of request from July 1, 2009 through December 31, 2009 who were denied for medical other than failure to complete the application requirements when the Department chooses to redetermine the child's eligibility for rules in effect October 1, 2009 and January 1, 2010 because this situation is no longer applicable.

OAR 461-150-0060 about prospective budgeting and eligibility is being amended to clarify that actual income is used when there is a new or terminated source of income in the initial month of eligibility for the Temporary Assistance for Needy Families (TANF) and Refugee programs.

Rules Coordinator: Annette Tesch—(503) 945-6067

461-115-0050

When an Application Must Be Filed

(1) A client must file an application, or may amend a completed application, as a prerequisite to receiving benefits as follows:

(a) A client may apply for the TA-DVS program as provided in OAR 461-135-1220.

(b) In all programs except the TA-DVS program:

(A) Except as provided otherwise in this rule, a client wishing to apply for program benefits must submit a complete application on a form approved by the Department.

(B) An application is complete if all of the following requirements are met:

(i) All information necessary to determine the individual's eligibility and benefit amount is provided on the application for each individual in the filing group.

(ii) The applicant, even if homeless, provides a mailing address.

(iii) The application is signed. An individual required but unable to sign the application may sign with a mark, witnessed by another individual.

(iv) The application is received by the Department, except an electronic application (see OAR 461-001-0000) meets the requirements of this paragraph only when submitted to and received by the Department with an electronic signature.

(2) A new application is not required in the following situations:

(a) In the SNAP program, when a single application can be used both to determine a client is ineligible in the month of application and to determine the client is eligible the next month. This can be done when:

(A) Anticipated changes make the filing group (see OAR 461-110-0370) eligible the second month; or

(B) The filing group provides verification between 30 and 60 days following the filing date (see OAR 461-115-0040), under OAR 461-180-0080.

(b) In all programs except the HKC, MAA, MAF, OHP, SAC, and SNAP programs, when a single application can be used both to determine a client is ineligible on the date of request (see OAR 461-115-0030) and to determine the client is eligible when anticipated changes make the filing group eligible within 45 days from the date of request.

(c) In the HKC, MAA, MAF, OHP, and SAC programs, when a single application can be used both to determine a client is ineligible in the month of application and to determine the applicant is eligible the following month.

(d) When the case is closed and reopened during the same calendar month.

(e) When benefits were suspended for one month because of the level of income, and the case is reopened the month following the month of suspension.

(f) When reinstating medical benefits for a pregnant woman covered by OAR 461-135-0950, notwithstanding subsection (g) of this section.

(g) In the BCCM, CEC, CEM, EXT, GAM, MAA, MAF, OHP, OSIPM, QMB, and SAC programs, when a client's medical benefits are suspended because the client lives in a public institution (see OAR 461-135-0950), if the inmate is released within 12 months of admission and the inmate provides notification to the Department within 10 days of the release.

(3) When a client establishes a new date of request (see OAR 461-115-0030) prior to the end of the month following the month of case closure, unless the Department determines a new application is required, a new application is not required in the following situations:

(a) In the OSIPM program, when the client's case closed due to failure to make a liability payment required under OAR 461-160-0610.

(b) In the OSIPM-EPD program, when the client's case closed due to failure to make a participant fee payment required under OAR 461-160-0800.

(4) A new application is required to add a newborn child to a benefit group (see OAR 461-110-0750) according to the following requirements:

(a) For the REF and TANF programs:

(A) A new application is not required if the child is listed on the application as "unborn" and there is sufficient information about the child to establish its eligibility.

(B) A new application is required if the child is not included on the application as "unborn."

(b) In the CEC, CEM, EXT, HKC, MAA, MAF, OHP, and REFM programs, no additional application is required to add a newborn to a benefit group receiving benefits from one of the listed programs if eligibility can be determined without submission of a new application.

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(c) In the CEC, CEM, EXT, GAM, HKC, MAA, MAF, OHP, OSIPM, QMB, REFM, and SAC programs, no additional application is required to add an assumed eligible newborn to a benefit group currently receiving Department medical program benefits.

(d) In the ERDC and SNAP programs, an application is not required to add the child to the benefit group.

(e) In all programs other than CEC, CEM, ERDC, EXT, GAM, HKC, MAA, MAF, OHP, QMB, REF, REFM, SAC, SNAP, and TANF, an application is required.

(5) A new application is required to add an individual, other than a newborn child, to a benefit group according to the following requirements:

(a) In the ERDC and SNAP programs, a new application is not required.

(b) In the EXT, HKC, MAA, MAF, OHP, REF, REFM, SAC, and TANF programs, an individual may be added by amending a current application if the information is sufficient to determine eligibility; otherwise a new application is required.

(c) In all programs other than the ERDC, EXT, HKC, MAA, MAF, OHP, REF, REFM, SAC, SNAP, and TANF programs, a new application is required.

(6) A client whose TANF grant is closing may request ERDC orally or in writing.

(7) Except for an applicant for the SNAP program, a client may change between programs administered by the Department using the current application if the following conditions are met:

(a) The client makes an oral or written request for the change.

(b) The Department has sufficient evidence to determine eligibility and benefit level for the new program without a new application.

(c) The program change can be effected while the client is eligible for the first program.

(8) In the CEC, CEM, EXT, HKC, MAA, MAF, OHP, OSIP, OSIPM, and QMB programs, a new application is not required to redetermine eligibility if the following conditions are met:

(a) The client currently is receiving benefits from one of these programs; and

(b) The Department has sufficient evidence to redetermine eligibility for the same program or determine eligibility for the new program without a new application or by amending the current application.

Stat. Auth: ORS 409.050, 411.060, 411.070, 411.404, 411.704, 411.706, 411.816, 412.049, 414.025, 414.231, 414.826, 414.839

Stats. Implemented: ORS 409.050, 411.060, 411.070, 411.117, 411.404, 411.704, 411.706, 411.816, 412.049, 414.025, 414.231, 414.826, 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 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 3-1991(Temp), f. & cert. ef. 1-17-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 27-1996, f. 6-27-1996, cert. ef. 7-1-96; AFS 36-1996, f. 10-31-96, cert. ef. 11-1-96; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 13-1997, f. 8-28-97, cert. ef. 9-1-97; AFS 4-1998, f. 2-25-98, cert. ef. 3-1-98; AFS 5-1998(Temp), f. & cert. ef. 3-11-98 thru 5-31-98; AFS 8-1998, f. 4-28-98, cert. ef. 5-1-98; AFS 17-1998, f. & cert. ef. 10-1-98; AFS 2-1999, f. 3-26-99, cert. ef. 4-1-99; AFS 1-2000, f. 1-13-00, cert. ef. 2-1-00; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 19-2001, f. 8-31-01, cert. ef. 9-1-01; AFS 21-2001(Temp), f. & cert. ef. 10-1-01 thru 12-31-01; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 27-2001, f. 12-21-01, cert. ef. 1-1-02; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 7-2007, f. 6-29-07, cert. ef. 7-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 2-2008(Temp), f. & cert. ef. 1-28-08 thru 6-30-08; SSP 17-2008, f. & cert. ef. 7-1-08; SSP 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 13-2009, f. & cert. ef. 7-1-09; SSP 17-2009(Temp), f. 7-29-09, cert. ef. 8-1-09 thru 1-28-10; SSP 22-2009(Temp), f. & cert. ef. 8-28-09 thru 1-28-10; 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 26-2011(Temp), f. 9-30-11, cert. ef. 10-1-11 thru 3-29-12; SSP 35-2011, f. 12-27-11, cert. ef. 1-1-12; SSP 19-2013(Temp), f. 7-31-13, cert. ef. 8-1-13 thru 1-28-14

461-135-1102

OHP-OPU; Effective Dates for the Program

(1) Effective July 1, 2004, the OHP-OPU program is closed to new applicants other than an OHP Reservation List Applicant permitted under OAR 461-135-1125. Except as provided in sections (2) to (3) of this rule, a new applicant is an individual with a date of request (see OAR 461-115-0030) after June 30, 2004. A new applicant cannot be found eligible for the OHP-OPU program.

(2) An individual is not a new applicant if the Department determines that the individual is continuously eligible for medical assistance as follows:

(a) The individual is eligible for and receiving benefits under the OHP-OPU program on June 30, 2004, or after that date pursuant to subsections (b) to (e) of this section, and the Department determines that the individual continues after that date to meet the eligibility requirements for the OHP-OPU program.

(b) The individual is eligible for and receiving benefits under the CAWEM program on June 30, 2004, and is eligible for the CAWEM program based on the OHP-OPU program, and the Department determines that the individual continues to meet the eligibility requirements for the OHP-OPU program except for citizenship or alien status requirements.

(c) The eligibility of the individual ends under the BCCM, CEC, CEM, EXT, GAM, HKC, MAA, MAF, OHP-CHP, OHP-OPC, OHP-OPP, OSIPM, REFM, or SAC program, or the related CAWEM program; or because the individual has left the custody of the Oregon Youth Authority (OYA); and at that time the Department determines that the individual meets the eligibility requirements for the OHP-OPU program.

(d) The individual is a child in the custody of the Department whose eligibility for Medicaid ends because of the child's age and at that time the Department determines that the individual meets the eligibility requirements for the OHP-OPU program.

(e) The Department determines that the individual was continuously eligible for the OHP-OPU program on or after June 30, 2004 under subsections (a) to (d) of this section.

(3) An individual who is not continuously eligible under section (2) of this rule is not a new applicant if the individual:

(a) Has eligibility end under the BCCM, CEC, CEM, EXT, GAM, HKC, MAA, MAF, OHP-CHP, OHP-OPP, OHP-OPU, OSIPM, REFM, or SAC program, or the related CAWEM program; because the individual has left the custody of the OYA; or is a child in the custody of the Department whose eligibility for Medicaid ends due to the child's age;

(b) Established a date of request prior to the eligibility ending date in subsection (a) of this section; and

(c) Meets the eligibility requirements for the OHP-OPU program or the related CAWEM program within either the month of the date of request or, if ineligible in the month of the date of request, the following month.

(4) An individual who is not continuously eligible under section (2) of this rule is not a new applicant if the individual is a Family Health Insurance Assistance Program (FHIAP) recipient who:

(a) Is notified by FHIAP that the recipient's subsidy will end on or after November 30, 2012 due to budget shortfalls;

(b) Is determined by FHIAP to be eligible for OHP-OPU; and

(c) Indicates to FHIAP that the recipient agrees to move to OHP-OPU.

(5) Except as provided in section (2) of this rule, an individual who loses eligibility for a medical assistance program and applies or reapplies for medical assistance is treated as a new applicant for purposes of the OHP-OPU program.

(6) The Department intends that effective July 1, 2004, all other rules related to application, certification, recertification, or eligibility for the OHP-OPU program be applied and construed to achieve the purpose of this rule and that in the event of any ambiguity this rule controls.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404, 414.712 & 414.826

Stats. Implemented: ORS 409.010, 411.060, 411.070, 411.404, 414.712, 414.826, 414.831, 414.839, 420.014 & 420.054

Hist.: SSP 17-2004, f. & cert. ef. 7-1-04; SSP 4-2005, f. & cert. ef. 4-1-05; SSP 2-2008(Temp), f. & cert. ef. 1-28-08 thru 6-30-08; 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 26-2008, f. 12-31-08, cert. ef. 1-1-09; SSP 10-2010(Temp), f. & cert. ef. 4-21-10 thru 10-18-10; SSP 32-2010, f. & cert. ef. 10-1-10; SSP 35-2012(Temp), f. 11-30-12, cert. ef. 12-1-12 thru 5-30-13; SSP 8-2013, f. & cert. ef. 4-1-13; SSP 19-2013(Temp), f. 7-31-13, cert. ef. 8-1-13 thru 1-28-14

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.

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(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 HKC, OHP-CHP, and OHP-OPC programs, when the Department uses a finding made during an ELE determination and the child meets all other HKC, 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) A child is deemed eligible for the HKC, 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 under 201 percent of the FPL, the Department deems the child eligible for OHP-CHP.

(C) If the income of the need group is at or above 201 percent of the FPL, the Department deems the child eligible for HKC.

(b) If the income of the need group is above 301 percent of the FPL, the Department determines eligibility using the standard medical assistance eligibility determination processes.

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

461-150-0060

Prospective or Retrospective Eligibility and Budgeting; ERDC, MAA, MAF, REF, REFM, SNAP, TANF

In the ERDC, MAA, MAF, REF, REFM, SNAP, and TANF programs, the Department determines how and when to use prospective or retrospective eligibility (see OAR 461-001-0000) and budgeting (see OAR 461-001-0000) as follows:

(1) For the initial month (see OAR 461-001-0000):

(a) In the ERDC program, income is budgeted so the anticipated amount is the same for each month, including the initial month.

(b) For an MAA and MAF case, or a SNAP case in CRS, the Department uses actual income (see subsection (h) of this section) in the initial month.

(c) For a SNAP program case in SRS, actual income is used in the initial month if that income is not reflective of ongoing monthly income due to a new or terminated source or a significant change in ongoing income. All other income is processed under section (3) of this rule.

(d) In the REF and TANF programs, ongoing income, processed under section (2) of this rule, is used in the initial month, except when the source of income is a new or terminated source. When there is a new or terminated source of income, actual income is used in the initial month.

(e) In the REFM program:

(A) When a client has moved to Oregon from the client's original resettlement state, see OAR 461-135-0010.

(B) For a client not assumed eligible under paragraph (A) of this subsection and OAR 461-135-0010, the Department uses only the initial month for eligibility and budgeting.

(f) The Department uses prospective eligibility and budgeting under OAR 461-150-0020 for cases not covered under subsections (a) to (e) of this section, including for a client who leaves a filing group because of domestic violence (see OAR 461-001-0000) and enters a domestic violence shelter (see OAR 461-001-0000) or safe home (see OAR 461-001-0000).

(g) No supplement is issued based on incorrectly anticipated information.

(h) "Actual income" is the income already received in the initial month plus all the income that reasonably may be expected to be received within the initial month.

(2) Income is budgeted so that the anticipated amount is the same for each month. The type of income is determined and calculated as follows:

(a) Income that must be annualized is calculated under OAR 461-150-0090 to arrive at a monthly figure.

(b) Educational income (see OAR 461-145-0150) is assigned to the months it is intended to cover, regardless of when it is received. The income is prorated over these months.

(c) Ongoing stable income (see OAR 461-001-0000) is anticipated under OAR 461-150-0070.

(d) Ongoing variable income (see OAR 461-001-0000) is anticipated under OAR 461-150-0080.

(e) Periodic income (see OAR 461-001-0000) is anticipated under OAR 461-140-0100 and 461-140-0110.

(f) Lump-sum income (see OAR 461-001-0000) is anticipated under OAR 461-140-0100, 461-140-0200, and 461-140-0123.

(g) In the ERDC program, for temporary income and other situations when the child care need will last two consecutive months or less, the income is anticipated to be received in the months of child care need and calculated under OAR 461-150-0080.

(3) For an ongoing month (see OAR 461-001-0000):

(a) For a benefit group (see OAR 461-110-0750), the Department uses prospective eligibility and budgeting. The type of income is determined and calculated under section (2) of this rule.

(b) If the budgeting method changes from prospective to retrospective, the Department treats income from a terminated source that was counted prospectively as follows:

(A) If the actual amount received was less than or equal to the anticipated amount, the income is excluded.

(B) If the actual amount received was greater than the anticipated amount, the Department counts the difference between actual and anticipated amounts.

(4) When an individual is added to an ongoing filing and benefit group, prospective budgeting is used to determine eligibility.

(5) In the ERDC and SNAP programs, income reported on the Interim Change Report form under OAR 461-170-0011 and 461-170-0102 is used to determine eligibility and benefit level. Income for the fifth month of the SNAP program certification period (see OAR 461-001-0000) is used to determine the income for the seventh and following months in the certification period if the client anticipates it will remain the same throughout the period. If the client anticipates the income will change, the client and the Department jointly estimate the income for the remaining months of the certification period. For a client who had self-employment income annualized, no change is made unless there is a substantial change in the revenue of the business.

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.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 30-1990, f. 12-31-90, cert. ef. 1-1-91; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 6-1994, f. & cert. ef. 4-1-94; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 3-1997, f. 3-31-97, cert. ef. 4-1-97; AFS 9-1997, f. & cert. ef. 7-1-97; AFS 3-2000, f. 1-31-00, cert. ef. 2-1-00; AFS 6-2001, f. 3-30-01, cert. ef. 4-1-01; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 13-2009, f. & cert. ef. 7-1-09; SSP 5-2010, f. & cert. ef. 4-1-10; SSP 13-2013, f. & cert. ef. 7-1-13; SSP 19-2013(Temp), f. 7-31-13, cert. ef. 8-1-13 thru 1-28-14

461-180-0010

Effective Dates; Adding a New Person to an Open Case

(1) In the following programs, the effective date for adding an individual (other than an assumed eligible newborn) to the benefit group (see OAR 461-110-0750) is one of the following:

(a) In the GAM, OSIPM, and REFM programs, it is whichever occurs first:

(A) The date the client requests benefits, if the client was eligible as of that date.

(B) The date all eligibility requirements are met.

ADMINISTRATIVE RULES

(b) In the MAA, MAF, OHP, and SAC programs, it is whichever occurs first:

(A) The date the client requests benefits, if the client was eligible as of that date.

(B) The first day following the date of request (see OAR 461-115-0030) that all eligibility requirements are met within the month of the date of request or the following month.

(c) In the HKC program, it is the date a child (see OAR 461-001-0000) is determined eligible for a referral to the HKC program. The Office of Private Health Partnerships (OPHP) determines the effective date for enrolling an eligible child in one of the HKC program categories of coverage.

(d) In the SNAP program:

(A) If adding the individual increases benefits, it is the first of the month after the filing group (see OAR 461-110-0370) reports the person has joined the household group (see OAR 461-110-0210). If verification is requested, the effective date for the change is:

(i) The first of the month following the date the change was reported if verification is received by the Department no later than the due date for the verification.

(ii) The first of the month following the date the verification is received by the Department, if received after the verification due date.

(B) If adding the individual reduces benefits, it is the first of the month following the month in which the notice period ends (see OAR 461-175-0050).

(e) In the GA, OSIP, REF, SFPSS, and TANF programs, it is the date on which all eligibility requirements are met and verified. If benefits have been issued for the month and adding the new person would reduce benefits, the person is added the first of the month following the month in which the notice period ends (see OAR 461-175-0050).

(f) In the QMB-BAS and QMB-DW programs, it is the first of the month after the new individual has been determined to meet all QMB eligibility criteria and the Department receives the required verification.

(g) In the QMB-SMB program, it is the first of the month in which the new individual has been determined to meet all QMB-SMB eligibility criteria and the Department receives the required verification.

(h) In the SFPSS and TANF programs, for adding a child to be covered by a provider-direct child care payment, it is the first of the month in which the child is added to the benefit group.

(2) In the following programs, the effective date for adding an assumed eligible newborn to the benefit group is one of the following:

(a) In the EXT, GAM, MAA, MAF, OHP, OSIPM, REFM, and SAC programs, it is the date of birth if all the following paragraphs are true. If any of the following paragraphs is not true, the newborn is added to the benefit group in accordance with section (1) of this rule.

(A) A request for benefits is made within one year of the birth. For purposes of this paragraph, a telephone call from the attending physician, another licensed practitioner, a hospital, or the family is considered a request for benefits.

(B) The newborn has continuously lived with the mother since the date of birth.

(C) The mother was receiving EXT, GAM, MAA, MAF, OHP, OSIPM, or SAC on the date of birth, even if she is not currently eligible for benefits.

(b) In the SFPSS and TANF programs, it is:

(A) The date of birth, if all eligibility requirements are met and verified within 45 days after the birth; or

(B) The date all eligibility factors are met and verified, if the verification is completed more than 45 days after the date of birth.

(3) In the ERDC program, the effective date for adding an individual to the need group (see OAR 461-110-0630) or benefit group is as follows:

(a) If adding the individual to the need group will decrease the copay, the effective date is the first of the month after the client reports the person has joined the household.

(b) If adding the individual to the need group increases the copay's for instance, because the individual receives income the effective date is the first of the month following the end of the decision notice period (see OAR 461-175-0050).

(c) The effective date for adding a child to the benefit group's that is, covering the cost of the child's care's is the earliest of the following:

(A) For newborns, the date of birth, if all eligibility requirements are met and verified within 45 days after the birth.

(B) For all other children, the first of the month in which the change is reported, if all eligibility requirements are met and verified within 45 days.

(C) For newborns and other children, if eligibility cannot be verified within 45 days, the effective date is the first of the month in which all eligibility factors are met and verified.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 414.042, 412.049, 2007 OL 861

Stats. Implemented: ORS 411.060, 411.070, 411.816, 414.042, 412.049, 2007 OL 861

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 23-1990, f. 9-28-90, cert. ef. 10-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 2-1992, f. 1-30-92, cert. ef. 2-1-92; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 20-1992, f. 7-31-92, cert. ef. 8-1-92; AFS 12-1993, f. & cert. ef. 7-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 22-1995, f. 9-20-95, cert. ef. 10-1-95; AFS 36-1996, f. 10-31-96, cert. ef. 11-1-96; AFS 19-1997, f. & cert. ef. 10-1-97; SSP 7-2003, f. & cert. ef. 4-1-03; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 4-2007, f. 3-30-07, cert. ef. 4-1-07; SSP 11-2007(Temp), f. & cert. ef. 10-1-07 thru 3-29-08; SSP 5-2008, f. 2-29-08, cert. ef. 3-1-08; SSP 19-2013(Temp), f. 7-31-13, cert. ef. 8-1-13 thru 1-28-14

461-180-0090

Effective Dates; Initial Month Medical Benefits

The effective date for starting medical benefits for an eligible client is as follows:

(1) In the CEC and CEM programs, it is the first of the month following the month that eligibility for Child Welfare medical, EXT, MAA, MAF, OHP, OHP-CHP, OSIPM, or SAC program benefits ends.

(2) In the EXT program, it is the first of the month following the month that MAA or MAF program eligibility ends.

(3) In the GAM, OSIPM, QMB-DW, and REFM programs:

(a) Except as provided for in subsections (b) and (c) of this section:

(A) If the client meets all eligibility requirements on the date of request (see OAR 461-115-0030), it is the date of request. An OSIPM program client who is assumed eligible under OAR 461-135-0010(7) meets "all eligibility requirements" for the purposes of this section as follows:

(i) Effective the first day of the month of the initial SSI payment if the client is age 21 or older.

(ii) Effective the first day of the month prior to the month of the initial SSI payment if the client is under the age of 21.

(B) If the client does not meet all eligibility requirements on the date of request, it is the first day following the date of request that all eligibility requirements are met.

(b) If the client does not complete the application within the time period described in OAR 461-115-0190 (including the authorized extension), the determination of an effective date requires a new date of request.

(c) Except for OSIPM long-term care services eligibility, if an HKC program client meets all eligibility requirements for the OSIPM program, it is the first of the month following the month in which the Department makes the eligibility determination.

(4) In the MAA, MAF, OHP, and SAC programs:

(a) Except as provided otherwise in subsections (b) and (c) of this section:

(A) If the client meets all eligibility requirements on the date of request, it is the date of request.

(B) If the client does not meet all eligibility requirements on the date of request, it is the first day following the date of request that all eligibility requirements are met within the month of the date of request or the following month.

(b) If the client does not complete the application within the time period described in OAR 461-115-0190 (including the authorized extension), the determination of an effective date requires a new date of request.

(c) If an HKC program client meets all eligibility requirements for the MAA, MAF, OHP, or SAC program, it is the first of the month following the month in which the Department makes the eligibility determination.

(5) In the HKC program, the Office of Private Health Partnerships (OPHP) determines the effective date for enrolling an eligible child in one of the HKC program categories of coverage.

(6) In the QMB-BAS program, it is the first of the month after the benefit group (see OAR 461-110-0750) has been determined to meet all QMB-BAS program eligibility criteria and the Department receives the required verification.

(7) In the QMB-SMB and QMB-SMF programs, it is:

(a) The first of the month in which the benefit group meets all program eligibility criteria and the Department receives the required verification; or

(b) The first of the month in which the Low Income Subsidy (LIS) information is received by the Social Security Administration (SSA), if the SMB or SMF program application was generated by the electronic transmission of LIS data from the SSA and the benefit group meets all program eligibility criteria.

(8) Retroactive eligibility is authorized under certain circumstances in some medical programs (see paragraph (3)(a)(A) of this rule, OAR 461-135-0875, and 461-180-0140).

ADMINISTRATIVE RULES

Stat. Auth.: ORS 409.010, 409.050, 411.060, 411.070, 411.404, 411.704, 411.706, 414.025, 414.231, 414.826, 414.831, 414.839
Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.404, 411.704, 411.706, 414.025, 414.231, 414.826, 414.831, 414.839
Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 20-1990, f. 8-17-90, cert. ef. 9-1-90; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 1-1993, f. & cert. ef. 2-1-93; AFS 2-1994, f. & cert. ef. 2-1-94; AFS 10-1995, f. 3-30-95, cert. ef. 4-1-95; AFS 5-2000, f. 2-29-00, cert. ef. 3-1-00; SSP 5-2003, f. 2-26-03, cert. ef. 3-1-03; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 17-2004, f. & cert. ef. 7-1-04; SSP 24-2004, f. 12-30-04, cert. ef. 1-1-05; SSP 7-2005, f. & cert. ef. 7-1-05; SSP 15-2006, f. 12-29-06, cert. ef. 1-1-07; SSP 10-2007, f. & cert. ef. 10-1-07; 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 1-2010(Temp), f. & cert. ef. 1-26-10 thru 6-30-10; SSP 18-2010, f. & cert. ef. 7-1-10; SSP 20-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; SSP 32-2010, f. & cert. ef. 10-1-10; SSP 19-2013(Temp), f. 7-31-13, cert. ef. 8-1-13 thru 1-28-14

Department of Justice Chapter 137

Rule Caption: Amends Rules Required by 2013 Legislation to Implement Foreclosure Avoidance Mediation Program

Adm. Order No.: DOJ 6-2013(Temp)

Filed with Sec. of State: 7-22-2013

Certified to be Effective: 8-4-13 thru 1-31-14

Notice Publication Date:

Rules Adopted: 137-110-0300, 137-110-0605

Rules Amended: 137-110-0010, 137-110-0110, 137-110-0200, 137-110-0210, 137-110-0410, 137-110-0420, 137-110-0600, 137-110-0610, 137-110-0620, 137-110-0630, 137-110-0640, 137-110-0650, 137-110-0670

Rules Suspended: 137-110-0001, 137-110-0005, 137-110-0020, 137-110-0430, 137-110-0500, 137-110-0510, 137-110-0520, 137-110-0660

Subject: These rules implement the Foreclosure Avoidance Mediation Program established by Oregon Laws 2013, chapter 304. These rules provide:

- The minimum training, qualifications and experience required of program mediators;
- The fees that must be paid by the parties, the time of fee payments, and the requirements for obtaining a waiver by low-income grantors;
- The contents of the notices that will be issued by the service provider;
- The form for, and contents of, an affidavit exempting a beneficiary from the requirement to enter into a facilitation conference with a grantor
- The guidelines that provide for the role of program facilitators; the contents of the notices that will be issued by the service provider; documents required of both parties; procedures for rescheduling mediation sessions; role of interpreters; means of executing agreements; The form for, and contents of the certificate of compliance or notice that no certificate of compliance will be issued to a beneficiary.

Rules Coordinator: Carol Riches—(503) 947-4700

137-110-0001

Purpose

These division 110 rules govern the foreclosure avoidance mediation program created by Oregon Laws 2012, chapter 112.

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

Stats. Implemented: OL 2012 Ch. 112

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; Suspended by DOJ 6-2013(Temp), f. 7-22-13, cert. ef. 8-4-13 thru 1-31-14

137-110-0005

Application

These division 110 rules apply to any mediation resulting from the issuance of a notice of mediation by a beneficiary seeking to foreclose a residential trust deed pursuant to ORS 86.735 and to an at-risk grantor's request to enter into foreclosure avoidance mediation with respect to a residential trust deed.

Stat. Auth.: 2012 OL Ch. 112, Sec. 2(5) & 2(7)

Stats. Implemented: 2012 OL Ch. 112

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; Suspended by DOJ 6-2013(Temp), f. 7-22-13, cert. ef. 8-4-13 thru 1-31-14

137-110-0010

Definitions

As used in these division 110 rules:

(1) "Foreclosure avoidance facilitator roster" means the roster of qualified facilitators maintained by the service provider.

(2) "Oregon Foreclosure Avoidance Program" means the resolution conference program established under Oregon Laws 2013, chapter 304.

(3) "Party" means the grantor, the beneficiary and the beneficiary's agent if the beneficiary authorizes the agent to appear on the beneficiary's behalf at resolution conference.

(4) "Service provider website" means an internet-based system maintained by the service provider at <http://www.foreclosuremediationor.org> and designed to facilitate the exchange of necessary program-related documents and other information.

Stat. Auth.: 2013 OL Ch. 304, Sec. 6(1)

Stats. Implemented: 2013 OL Ch. 304, Sec. 1-8

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

137-110-0020

Notice to Attorney General

For the purposes of these division 110 rules and the Foreclosure Avoidance Mediation Program, any requirement or option to mail a copy of a notice to or otherwise notify the Attorney General may be met through either one of the following means:

(1) By U.S. mail addressed to Attorney General of Oregon, Foreclosure Avoidance Mediation Program, 1162 Court St. NE, Salem, OR 97301-4096; or

(2) By electronic mail addressed to DOJ@foreclosuremediationOR.org. Electronic mail notifications may be accomplished using the web-based computer program provided by the mediation service provider to the extent that such functionality is available for a particular notice or form.

Stat. Auth.: 2012 OL Ch. 112, Sec. 4a(4)

Stats. Implemented: 2012 OL Ch. 112, Sec. 4a(2), (3) & (4)

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; Suspended by DOJ 6-2013(Temp), f. 7-22-13, cert. ef. 8-4-13 thru 1-31-14

137-110-0110

Mediator Qualifications, Training and Experience

(1) A facilitator conducting a resolution conference under the Oregon Foreclosure Avoidance Program shall:

(a) Have conducted at least 20 mediations or resolution conferences of any type or subject matter as a mediator or facilitator. Work performed as an assistant or apprentice under the supervision of a lead mediator or facilitator may also be counted toward the 20-resolution conference requirement. Observations of sessions may not count toward work performed as an assistant or apprentice;

(b) Provide evidence of at least 100 hours of mediation or resolution conference experience as a mediator or facilitator or as an assistant or apprentice mediator or facilitator. Work that a mediator or facilitator performs to prepare for and schedule the mediation or resolution conference or to prepare the parties for a mediation or resolution conference, may be counted towards this 100-hour requirement. Observations of sessions may not count toward the 100-hour requirement;

(c) Disclose to the service provider the professional standards to which the facilitator subscribes;

(d) Have successfully participated in at least 30 hours of training that is consistent with the curriculum found in section 3.2 of the Oregon Judicial Department Court Connected Mediator Qualification Rules effective August 1, 2005;

(e) Provide evidence of successful participation in at least 16 hours of training on foreclosure avoidance programs and the substantive law and legal processes regarding foreclosures in Oregon including ORS Chapter 86; and

(f) Provide evidence of successful participation in at least 8 hours of training on the procedures, practices and policies of the Oregon Foreclosure Avoidance Program. This training shall include some interactive instruction, such as role-playing.

(2) The service provider may grant a waiver from the training requirements in subsections 1(d) and (f) of this rule upon a showing by the facilitator of significant and related education or experience.

(3) The service provider shall decide whether or not an individual:

(a) Meets the minimum qualifications as a facilitator under these rules;

(b) Is included on the foreclosure avoidance resolution conference roster; or

(c) Is assigned to a resolution conference.

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(4) An individual who meets the minimum qualifications as a facilitator under these rules or who is added to the foreclosure avoidance resolution conference roster may not represent that fact as license or certification of their competency for anything other than their role in the Oregon Foreclosure Avoidance Program.

Stat. Auth.: 2013 OL Ch. 304 Sec. 6(1)(e)
Stats. Implemented: 2013 OL Ch. 304 Sec. 6(1)(e)
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

137-110-0200

Fees Paid by the Grantor, Fee Waiver

(1) The grantor shall pay a fee of \$175 to the service provider at the time required by Or Laws 2013, chapter 304, section 3(2)(a). If there are joint or multiple grantors, only one grantor must pay this fee.

(2) The grantor may apply for a waiver of \$125 of the fee described in section (1) of this rule at the time the grantor is required by Or Laws 2013, chapter 304, section 3(2)(a) to pay the fee. The grantor shall pay \$50 at the time of the fee waiver request.

(3) A grantor's application for a fee waiver under section (2) of this rule shall be granted if the grantor is able to provide satisfactory evidence to the service provider that the grantor's annual household income is less than:

- (a) \$ 22,980 for a household of one;
- (b) \$ 31,020 for a household of two;
- (c) \$ 39,060 for a household of three;
- (d) \$ 47,100 for a household of four;
- (e) \$ 55,140 for a household of five;
- (f) \$ 63,180 for a household of six;
- (g) \$ 71,220 for a household of seven;
- (h) \$ 79,260 for a household of eight;
- (i) \$ 87,300 for a household of nine; or
- (j) \$ 95,340 for a household of ten or more.

(4) The service provider shall decide whether to grant a grantor's application for a fee waiver made under section (2) of this rule within 10 days of receiving the application.

(5) If the service provider denies a grantor's application for a fee waiver made under section (2) of this rule, the grantor shall pay the remaining \$125 within 15 days of receiving the service provider's determination not to grant a fee waiver but never later than the date of the scheduled resolution conference.

(6) Failure by a grantor to timely pay fees will result in cancellation of the resolution conference.

Stat. Auth.: 2013 OL Ch. 304, Sec. 3(2)(a), 6(1)(d) & 6(1)(g)
Stats. Implemented: 2013 OL Ch. 304, Sec. 3(2)(a) & 6(1)(d)
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

137-110-0210

Fees Paid by Beneficiary

(1) If a beneficiary requests a resolution conference, the beneficiary shall pay a \$200 processing fee to the service provider at the time of making the request. The beneficiary shall pay an additional \$325 to the service provider within 25 days after the service provider makes the grantor's documents available to the beneficiary, as required by Or Laws 2013, chapter 304, section 3(4)(a).

(2) If a grantor requests a resolution conference, the beneficiary or the beneficiary's agent shall pay a fee of \$525 to the service provider within 25 days after the service provider makes the grantor's documents available to the beneficiary, as required by Or Laws 2013, chapter 304, section 3(4)(a).

(3) A junior lienholder that participates in a resolution conference is not required to pay a fee under this rule.

(4) A beneficiary that is otherwise exempt from the requirement to participate in a resolution conference with a grantor pursuant to Or Laws 2013, chapter 304, section 2(1)(b) may participate in a resolution conference by paying \$325 and by following the resolution conference guidelines set forth in OAR 137-110-0600 to 137-110-0670.

(5) The service provider and beneficiary may enter into an agreement allowing the fees described in sections (1)-(4) of this rule to be paid in regular lump sums.

Stat. Auth.: 2013 OL Ch. 304, Sec. 2(2), 3(4)(a), 6(1)(d) & 6(1)(g)
Stats. Implemented: 2013 OL Ch. 304, Sec. 2(2), 3(4)(a) & 6(1)(d)
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

137-110-0300

Beneficiary Exemptions

Beneficiaries claiming an exemption from the requirement to participate in a resolution conference with a grantor under Or Laws 2013, chapter 304, section 2(1)(b), shall submit an affidavit that substantially complies with the model form provided in Appendix A to these division 110 rules and available as "Form 300" at http://www.doj.state.or.us/consumer/foreclosure_mediation.shtml. The affidavit may be submitted to the Attorney General either:

(1) By U.S. mail addressed to Attorney General of Oregon, Foreclosure Avoidance Mediation Program, 1162 Court St. NE, Salem, OR 97301-4096; or

(2) By electronic mail addressed to DOJ@foreclosuremediation.ORG.

Stat. Auth.: 2013 OL Ch. 304, Sec. 2(1)(b) & 6(1)(g)
Stats. Implemented: 2013 OL Ch. 304, Sec. 2(1)(b)
Hist.: DOJ 6-2013(Temp), f. 7-22-13, cert. ef. 8-4-13 thru 1-31-14

137-110-0410

Beneficiary Request for Resolution Conference

(1) A beneficiary may request a resolution conference under Or Laws 2013, chapter 304, section 2(2), by submitting the request, applicable fees, and required information to the service provider using the service provider website or by facsimile or mail. The beneficiary's request under this rule must identify the residential trust deed that the beneficiary intends to foreclose and list the name, title, address, telephone number and other available contact information for:

- (a) The beneficiary;
- (b) Any agent of the beneficiary that will attend the resolution conference;

(c) Any person other than a person identified in paragraph (a) or (b) of Or Laws 2013, chapter 304, section 2(2), that will receive, on the beneficiary's behalf, notices or other communications related to the resolution conference; and

(d) The grantor.

(2) If the information provided in section (1) of this rule changes prior to the resolution conference, the beneficiary shall update that information with the service provider.

Stat. Auth.: 2013 OL Ch. 304, Sec. 2(2), 6(1)(f) & 6(1)(g)
Stats. Implemented: 2013 OL Ch. 304, Sec. 2(2) & 6(1)(f)
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

137-110-0420

Grantor Request for Resolution Conference

(1) A grantor may request a resolution conference either:

(a) Through a housing counselor who may request a resolution conference on behalf of the grantor by using the service provider website to certify that the grantor is more than 30 days in default on the obligation that the residential trust deed secures or, if the grantor is not in default, that the grantor has a financial hardship that the housing counselor believes may qualify the grantor for a foreclosure avoidance measure.

(b) By submitting a request to the service provider electronically via email or the service provider website, by facsimile, or by mail. The request shall include a certification by a housing counselor that the grantor is more than 30 days in default on the obligation that the residential trust deed secures or, if the grantor is not in default, that the grantor has a financial hardship that the housing counselor believes may qualify the grantor for a foreclosure avoidance measure.

Stat. Auth.: 2013 OL Ch. 304, Sec. 2(3), 3(2), 3(3) & 6(1)(g)
Stats. Implemented: 2013 OL Ch. 304, Sec. 2(3), 3(2) & 3(3)
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

137-110-0430

Grantor Requirements

If the grantor wishes to participate in mediation, the following requirements apply:

(1) On or before the date specified by the mediation service provider in its mediation scheduling notice, the grantor shall confirm with the mediation service provider that the grantor wishes to enter into mediation.

(2) The grantor shall consult with housing counseling with a United States Department of Housing and Urban Development-approved housing counselor prior to the mediation session.

(3) The requirement in section (2) of this rule does not apply if the grantor notifies the mediation service provider that the grantor has been unable to obtain an appointment to consult with a qualified housing coun-

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selor within 30 days after receiving the notice of mediation and executes an affidavit including:

- (a) The name of the grantor;
- (b) The name of the beneficiary;
- (c) The address of the property; and

(d) A statement that the grantor of the named property has been unable to obtain an appointment to consult with a qualified housing counselor within 30 days after receiving the notice of mediation.

(4) The affidavit described in section (3) shall substantially comply with the model form provided in Appendix C to these division 110 rules and available as "Form 430" at http://www.doj.state.or.us/consumer/foreclosure_mediation.shtml.

(5) The grantor shall comply with the mediation guidelines set out in OAR 137-110-600 to 137-110-670.

Stat. Auth.: 2012 OL Ch. 112, Sec. 2(3) & 2a(3)
Stats. Implemented: 2012 OL Ch. 112, Sec. 2(3) & 2a
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; Suspended by DOJ 6-2013(Temp), f. 7-22-13, cert. ef. 8-4-13 thru 1-31-14

137-110-0500

Grantor Requirements

(1) A grantor who is at risk of default may request mediation with their beneficiary. The grantor may use a paper or web-based computer form available for this purpose from the mediation service provider. The grantor must deliver this request to the beneficiary or trustee or the beneficiary's agent or trustee's agent.

(2) A grantor that requests mediation may notify the mediation service provider and the Attorney General of the request. A request for mediation made using the web-based computer form available from the mediation service provider shall be sufficient notice to the mediation service provider and the Attorney General.

(3) A grantor shall consult with housing counseling with a United States Department of Housing and Urban Development-approved housing counselor prior to the mediation session.

(4) The grantor shall comply with the mediation guidelines set out in OAR 137-110-600 to 137-110-670.

Stat. Auth.: 2012 OL Ch. 112, Sec. 2(5)
Stats. Implemented: 2012 OL Ch. 112, Sec. 2(5) & 2(7)
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; Suspended by DOJ 6-2013(Temp), f. 7-22-13, cert. ef. 8-4-13 thru 1-31-14

137-110-0510

Beneficiary or Trustee Requirements

(1) Within 15 days of receiving a request for mediation from an at-risk grantor, the beneficiary or trustee or the beneficiary's or trustee's agent shall respond to the grantor's request, and this response shall include contact information for the Attorney General and the mediation service provider.

(2) Within 15 days of receiving a request for mediation from an at-risk grantor, the beneficiary or trustee or the beneficiary's or trustee's agent shall notify the Attorney General and the mediation service provider of the grantor's request and the beneficiary's response by:

- (a) Mailing notice to the mediation service provider; or
- (b) By electronic means using the web-based computer program provided by the mediation service provider.

(3) At the time of providing the notice required by section (2) of this rule, the beneficiary shall pay the fee required by OAR 137-110-0210(2).

(4) The beneficiary shall comply with the mediation guidelines set out in OAR 137-110-600 to 137-110-670.

Stat. Auth.: 2012 OL Ch. 112, Sec. 2(5)
Stats. Implemented: 2012 OL Ch. 112, Sec. 2(5) & 2(7)
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; Suspended by DOJ 6-2013(Temp), f. 7-22-13, cert. ef. 8-4-13 thru 1-31-14

137-110-0520

Mediation Service Provider Requirements

Within 10 days after receiving a beneficiary's notification of a request for mediation by an at-risk grantor, the mediation service provider shall send a mediation scheduling notice to the grantor and the beneficiary that, with the exception of the deadline by which such notice must be sent out, complies with the requirements of OAR 137-110-420.

Stat. Auth.: 2012 OL Ch. 112, Sec. 2(3) & 2(7)
Stats. Implemented: 2012 OL Ch. 112, Sec. 2(3) & 2(2)(7)
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; Suspended by DOJ 6-2013(Temp), f. 7-22-13, cert. ef. 8-4-13 thru 1-31-14

137-110-0600

Facilitator Authority and Role

(1) The facilitator has no authority to impose a settlement on the grantor or the beneficiary or to render any decisions on any substantive issue or make any legal determinations.

(2) The facilitator may rely on assertions made in the documents provided by the parties and need not make an independent inquiry.

(3) The facilitator shall:

(a) Act as an impartial intermediary and not as an advocate for the beneficiary or the grantor;

(b) Make appropriate disclosures to the parties about the facilitator's skills and the specific resolution conference approaches the facilitator uses;

(c) Support the ability of the parties to make informed decisions regarding the resolution conference process and outcomes by ensuring that parties are provided with information regarding the resolution conference process and that relevant documents are available to the parties;

(d) Conduct resolution conferences fairly, diligently, even-handedly, and with no personal stake in the outcome;

(e) Avoid actual, potential, or perceived conflicts of interest that can arise from a facilitator's relationships or experiences that reasonably raise a question about the facilitator's impartiality;

(f) Affirmatively disclose to the service provider and the parties any actual, potential or perceived conflicts of interest that could raise a question about the facilitator's impartiality;

(g) Where a party, the facilitator or the service provider questions the facilitator's ability to act impartially, and the issue cannot be resolved to the satisfaction of the questioner, the facilitator shall decline to serve or withdraw if already serving as the facilitator in a particular resolution conference. Having questioned a facilitator's impartiality, and that facilitator having declined to serve, the ability of a party to exclude any subsequent facilitator shall be at the discretion of the service provider;

(h) Not engage in any other services, other than the resolution conference, for any of the parties involving the same or significantly related issues, unless the parties agree in writing; and

(i) Preserve the grantor's and the beneficiary's desired levels of confidentiality.

Stat. Auth.: 2013 OL Ch. 304, Sec. 6(1)(e) & 6(1)(f)
Stats. Implemented: 2013 OL Ch. 304, Sec. 6(1)(e) & 6(1)(f)
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

137-110-0605

Resolution Conference Scheduling

(1) Within 10 days after the date on which the beneficiary or grantor requested a resolution conference as provided in Or Laws 2013, chapter 304, section 2, the service provider shall send a Notice of Resolution Conference to the grantor and beneficiary. The notice must:

(a) Specify a range of dates within which and a location at which the resolution conference will occur;

(b) State that the beneficiary and the grantor each must pay the facilitator's fees for the resolution conference;

(c) List and describe the documents that the beneficiary and grantor must submit to the service provider;

(d) State that the grantor must consult a housing counselor before attending the resolution conference unless the grantor notifies the service provider that the grantor could not obtain an appointment with a housing counselor before the date of the resolution conference;

(e) State that the grantor may have an attorney or housing counselor present to represent the grantor at the resolution conference, and that the grantor must attend the resolution conference in person unless there are compelling circumstances that prevent attendance in person;

(f) Provide contact information for:

(A) The Oregon State Bar's Lawyer Referral Service;

(B) Service agencies or other providers that offer free or low-cost legal services; and

(C) A list of not-for-profit housing counselors approved by the Oregon Housing and Community Services Department.

(2) Within 5 days after receiving the grantor's fee, the service provider shall send a written notice to the grantor and the beneficiary that specifies the date, time and location of the resolution conference.

Stat. Auth.: 2013 OL Ch. 304, Sec. 3(1), 3(2), 3(4) & 6(1)(g)
Stats. Implemented: 2013 OL Ch. 304, Sec. 3(1), 3(2), 3(4) & 6(1)(g)
Hist.: DOJ 6-2013(Temp), f. 7-22-13, cert. ef. 8-4-13 thru 1-31-14

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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 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.

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

137-110-0620

Documents Required of the Beneficiary

(1) Within 25 days after the service provider makes the information the grantor provided under Or Laws 2013, chapter 304 and OAR 137-110-0610 available to the beneficiary, the beneficiary shall provide the following documents to the service provider for provision to the grantor:

(a) Copies of:

(A) The residential trust deed; and

(B) The promissory note that is evidence of the obligation that the residential trust deed secures and that the beneficiary of beneficiary's agent certifies is a true copy;

(b) The name and address of the person that owns the obligation that is secured by the residential trust deed;

(c) A record of the grantor's payment history for the longer of the preceding 12 months or since the beneficiary last deemed the grantor current on the obligation;

(d) An itemized statement that shows:

(A) The amount the grantor owes on the obligation, itemized to reflect the principal, interest, fees, charges and any other amounts included within the obligation; and

(B) The amount the grantor must pay to cure the grantor's default;

(e) A document that identifies:

(A) The input values for each net present value model that the beneficiary or the beneficiary's agent uses in this transaction; and

(B) The output values that each net present value model produces;

(f) The appraisal or price opinion the beneficiary relied on most recently to determine the value of the property that is the subject of the residential trust deed;

(g) The portion of any pooling agreement, servicing agreement or other agreement that the beneficiary cites as a limitation or prohibition on modifying the terms of the obligation, together with a statement that describes the extent to which the beneficiary sought to have the limitation or prohibition waived;

(h) A description of any additional documents the beneficiary requires to evaluate the grantor's eligibility for a foreclosure avoidance measure.

(2) Nothing in section (1)(e) of this rule requires a beneficiary or the beneficiary's agent to disclose the algorithmic formula of the net present value model used by the beneficiary or the beneficiary's agent.

(3) If a beneficiary fails to timely provide documents as required by section (1) of this rule, the grantor and the beneficiary shall nevertheless appear at the first scheduled resolution conference. A beneficiary who fails to provide a document required by this rule is at risk of the resolution conference concluding without the beneficiary receiving a certificate of compliance.

Stat. Auth.: 2013 OL Ch. 304, Sec. 3(4)(b) & 6(1)(g)

Stats. Implemented: 2013 OL Ch. 304, Sec. 3(4)(b) & 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

137-110-0630

Rescheduling the Resolution conference

(1) All parties shall attend the scheduled resolution conference unless the resolution conference is rescheduled in accordance with the provisions of this rule.

(2) The resolution conference may be rescheduled upon written notice that the beneficiary and grantor have agreed to a new date not more than 30 days after the original date scheduled for the resolution conference. Notice of such agreement shall be provided by facsimile, electronic mail, regular mail or by use of a web-based computer program provided by the service provider.

(3) A request to reschedule the resolution conference for good cause shall be in writing and delivered to the service provider and the other party. The request shall set forth the circumstances demonstrating good cause with particularity. If the request is granted, the new date may not be more than 30 days after the original date scheduled for the resolution conference.

(4) If the service provider grants rescheduling, the service provider shall issue a notice that provides the new date, time, and location of resolution conference within 10 days of the request for rescheduling.

Stat. Auth.: 2013 OL Ch. 304, Sec. 6(1)(f) & 6(1)(g)

Stats. Implemented: 2013 OL Ch. 304, Sec. 3(5), 6(1)(f) & 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

137-110-0640

Confidentiality

No videotaping, transcription or other recording of resolution conferences is permitted except by written agreement of the parties and the facilitator.

Stat. Auth.: 2013 OL Ch. 304, Sec. 6(1)(f) & 6(1)(g)

Stats. Implemented: 2013 OL Ch. 304, Sec. 3(5), 6(1)(f) & 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

137-110-0650

Participation in the Resolution Conference

(1) Any party wishing to participate in a resolution conference, including otherwise-exempt beneficiaries or junior lienholders, shall do so in accordance with all other provisions of OAR 137-110-0001 to 137-110-0670.

(2) If a trust deed includes joint or multiple grantors, and fewer than all grantors confirm participation in the resolution conference, the resolution conference may nevertheless occur with the consent of the beneficiary.

(3) The grantor, or any individual that a court appoints to act on the grantor's behalf, must attend the resolution conference in person unless there are compelling circumstances that prevent attendance in person.

(4) The service provider may assist the parties in obtaining an interpreter. However, if the service provider is unable to provide an interpreter, the party needing an interpreter is responsible for securing and paying for the interpreter. The manner of participation of a language interpreter during a resolution conference will be determined by the facilitator.

(5) Any mediator or facilitator wishing to observe a resolution conference for training purposes may only do so with the consent of all participants.

Stat. Auth.: 2013 OL Ch. 304, Sec. 6(1)(f) & 6(1)(g)

Stats. Implemented: 2013 OL Ch. 304, Sec. 6(1)(f) & 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

137-110-0660

Agreements

(1) In the event the foreclosure issues are resolved before the scheduled mediation session, the parties shall advise the mediation service provider of their settlement using paper or web-based forms provided by the mediation service provider.

(2) Any agreement reached as a result of mediation shall be reduced to writing.

Stat. Auth.: 2012 OL Ch. 112, Sec. 2(5)

Stats. Implemented: 2012 OL Ch. 112, Sec. 2(5)

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; Suspended by DOJ 6-2013(Temp), f. 7-22-13, cert. ef. 8-4-13 thru 1-31-14

137-110-0670

Certificate of Compliance

(1) The service provider shall issue a certificate of compliance if:

(a) The grantor fails to timely pay the fee required by Or Laws 2013, chapter 304, section 3(2)(a) and OAR 137-110-200; or

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(b) The service provider receives a report from the facilitator that states the resolution conference has concluded and the service provider's records demonstrate that the beneficiary has:

(A) Submitted the materials required under section 3(4) of Oregon Laws 2013, chapter 304, to the service provider;

(B) Appeared in person at, or sent an agent to, the resolution conference with complete authority to negotiate on the beneficiary's behalf and commit the beneficiary to a foreclosure avoidance measure, or if the beneficiary or agent did not have complete authority, required the participation by remote communication of a person with complete authority to negotiate on the beneficiary's behalf and commit the beneficiary to a foreclosure avoidance measure; and

(C) Signed a document that sets forth the terms of any foreclosure avoidance measure to which the beneficiary and the grantor agreed.

(D) Complied with sections 2, 3, and 4 of Oregon Laws 2013, chapter 304.

(2) The certificate of compliance that has been signed and notarized by the service provider shall be issued to the beneficiary or the beneficiary's agent no later than five days following:

(a) The due date by which the grantor was required to pay applicable fees if the certificate is issued pursuant to section (1)(a) of this rule.

(b) The conclusion of the resolution conference if the certificate is issued pursuant to section (1)(b) of this rule.

(3) The certificate of compliance shall include:

(a) The name of the grantor;

(b) The name of the beneficiary;

(c) The address of the property at issue;

(d) Reference to the recording information of the trust deed at issue;

(e) A certification that either:

(A) The beneficiary or its agent appeared at resolution conference and complied with the requirements of Or Laws 2013, chapter 304, section 5(1)(a); or

(B) The grantor failed timely pay the fee required by Or Laws 2013, chapter 304, section 3(2)(a) and OAR 137-110-200.

(4) The certificate of compliance described in this rule shall substantially comply with the model form provided in Appendix C to these division 110 rules and available as "Form 670" at http://www.doj.state.or.us/consumer/foreclosure_mediation.shtml.

(5) The certificate of compliance described in this rule shall be submitted via hard copy to the beneficiary(ies) by U.S. mail, or in person. A copy of the certificate shall be submitted to grantor(s) by facsimile machine, by U.S. mail, or in person. In addition, the service provider may make the certificate of compliance available to the grantor and the beneficiary via the service provider website.

(6) If a beneficiary failed to meet a requirement to which the beneficiary was subject under section 2, 3 or 4 of Or Laws 2013, chapter 304, the service provider shall issue a notice explaining why the service provider will not issue a certificate of compliance. This notice shall substantially comply with the model form provided in Appendix D to these division 110 rules and available as "Form 670a" http://www.doj.state.or.us/consumer/foreclosure_mediation.shtml. The notice described in this rule shall be submitted via hard copy to the beneficiary(ies) by U.S. mail, or in person. A copy of the certificate shall be submitted to grantor(s) by facsimile machine, by U.S. mail, or in person. In addition, the service provider may make the notice available to the grantor and the beneficiary via the service provider website.

Stat. Auth.: 2013 OL Ch. 304, Sec. 6(1)(f) & 6(1)(g)

Stats. Implemented: 2013 OL Ch. 304, Sec. 5, 6(1)(f) & 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

Rule Caption: Amends Rules to Implement 2013 Legislation Regarding Foreclosure Avoidance Measure Notices

Adm. Order No.: DOJ 7-2013(Temp)

Filed with Sec. of State: 7-22-2013

Certified to be Effective: 8-4-13 thru 1-31-14

Notice Publication Date:

Rules Amended: 137-120-0020

Rules Suspended: 137-120-0010

Subject: These amended rules implement the foreclosure avoidance measure notice provisions of Or Laws 2013, chapter 304. They specify the form and content of the notice issued by a beneficiary when the beneficiary determines that a grantor is not eligible for any foreclosure avoidance measure or that the grantor has not complied with the terms of a foreclosure avoidance measure to which the grantor

has agreed. They also provide the address to which a copy of the notice must be sent to the Attorney General.

Rules Coordinator: Carol Riches—(503) 947-4700

137-120-0010

Application

These division 120 rules apply to any beneficiary seeking to foreclose a residential trust deed pursuant to ORS 86.705 to 86.795.

Stat. Auth.: 2012 OL Ch. 112, Sec. 4a

Stats. Implemented: 2012 OL Ch. 112, Sec. 4a

Hist.: DOJ 11-2012(Temp), f. 7-6-12, cert. ef. 7-11-12 thru 1-6-13; DOJ 1-2013, f. 1-3-13, cert. ef. 1-7-13; Suspended by DOJ 7-2013(Temp), f. 7-22-13, cert. ef. 8-4-13 thru 1-31-14

137-120-0020

Determination of Grantor Ineligibility for or Noncompliance With Foreclosure Avoidance Measure

(1) If a beneficiary determines that a grantor is not eligible for any foreclosure avoidance measure or that the grantor has not complied with the terms of a foreclosure avoidance measure to which the grantor has agreed, the beneficiary or the beneficiary's agent shall mail a written notice to the grantor within 10 days of making that determination that includes:

(a) The name of the grantor;

(b) The name of the beneficiary;

(c) The address of the property at issue;

(d) A statement that the beneficiary has either:

(A) Determined that the grantor is not eligible for a foreclosure avoidance measure, stating each foreclosure avoidance measure considered. The basis for the beneficiary's determination must be described with specificity in plain language; or

(B) Determined that the grantor is not in compliance with the terms of an agreement for forbearance, a temporary or permanent loan modification, a short sale, a deed-in-lieu of foreclosure, or another foreclosure avoidance measure. The basis for the beneficiary's determination must be described with specificity in plain language;

(e) The date specified for the property's trustee sale if a trustee's sale is pending; and

(f) Provide contact information for low-cost legal service providers and the Oregon State Bar.

(2) The notice described in section (1) of this rule shall substantially comply with the model form provided in the Appendix to these division 120 rules and available as "Form 20" at http://www.doj.state.or.us/consumer/foreclosure_mediation.shtml.

(3) A copy of the notice described in section (1) of this rule shall be submitted to the Attorney General of Oregon at 1162 Court St. NE, Salem OR, 97301 or foreclosureavoidance@doj.state.or.us.

Stat. Auth.: 2013 OL Ch. 304, Sec. 6(1)(g)

Stats. Implemented: 2013 OL Ch. 304, Sec. 9

Hist.: DOJ 11-2012(Temp), f. 7-6-12, cert. ef. 7-11-12 thru 1-6-13; DOJ 1-2013, f. 1-3-13, cert. ef. 1-7-13; DOJ 7-2013(Temp), f. 7-22-13, cert. ef. 8-4-13 thru 1-31-14

Department of Public Safety Standards and Training

Chapter 259

Rule Caption: Housekeeping; Clarifies length of instructor certification.

Adm. Order No.: DPSST 17-2013

Filed with Sec. of State: 7-23-2013

Certified to be Effective: 7-23-13

Notice Publication Date: 7-1-2013

Rules Amended: 259-008-0080

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

Rules Coordinator: Linsay Hale—(503) 378-2431

259-008-0080

Certification of Instructors

(1) The Department will certify instructors deemed qualified to teach in any of the certified training courses.

(2) Instructors will be certified on the basis of minimum qualifications as established by the Department in the areas of education, training, and experience. It is the continuing responsibility of the Department to see that instructors are assigned only topics which they are qualified to teach and the instruction is evaluated on a regular basis to insure that excellence is maintained.

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(3) Instructors for corrections, parole and probation, police, telecommunications, or emergency medical dispatch, must have a minimum of three years experience in their respective professions or possess other qualifying professional experience.

(4) Review and approval of instructors will be the responsibility of the Department.

(5) Applications for instructor certification must be submitted on an Instructor Certification Application (BPSST Form F-9) and must be accompanied by a detailed resume of individual qualifications.

(6) If certification is denied, the requesting agency will be notified in writing and advised of the reasons for denial.

(7) Instructor certification is not required for teaching assignments in non-Department certified courses.

(8) Review of instructor certification may be initiated upon the request of a department head, staff, or other reliable source.

(9) Instructor certification is valid for a maximum of two years.

[ED. NOTE: Form referenced is available from the agency.]

Stat. Auth.: ORS 181.640 & 181.650

Stats. Implemented: ORS 181.640 & 181.650

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1983, f. & ef. 12-15-83; Renumbered from 259-010-0060, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98, BPSST 22-2002, f. & cert. ef. 11-18-02, DPSST 17-2013, f. & cert. ef. 7-23-13

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

Adm. Order No.: DPSST 18-2013

Filed with Sec. of State: 7-23-2013

Certified to be Effective: 7-23-13

Notice Publication Date: 7-1-2013

Rules Amended: 259-008-0010, 259-008-0011, 259-008-0075

Subject: The Department has renamed the standard from a reading/writing standard to an academic proficiency standard. This rule update still requires that hiring agencies administer some form of proficiency test prior to officers being allowed entry into academy, but the Department is no longer involved in approving testing vendors, allowing agencies to choose whichever test best fits their budgetary needs and the unique needs of their agency.

Rules Coordinator: Linsay Hale — (503) 378-2431

259-008-0010

Minimum Standards for Employment as a Law Enforcement Officer

(1) Citizenship.

(a) A person may not be employed as a corrections officer for more than one year unless the person is a citizen of the United States.

(b) A person may not be employed as a police or parole and probation officer for more than 18 months unless the person is a citizen of the United States.

(2) Age. No law enforcement unit in this state may employ any person under the age of 21 years as a police officer, corrections officer or parole and probation officer.

(3) Fingerprints. On or within 90 days prior to the date of employment, each police, corrections, or parole and probation officer must be fingerprinted on standard applicant fingerprint cards. The hiring agency is responsible for fingerprinting and must forward two (2) cards to the Oregon State Police Identification Services Section for processing and assignment of identification number.

(a) Applicant's fingerprints will be retained and kept on file with the Oregon State Police Identification Services Section.

(b) The Oregon State Police Identification Services Section will notify the Department and the employing agency of any criminal record disclosed through processing the applicant's fingerprint card.

(c) If any procedural change is made by either the Federal Bureau of Investigation or the Oregon State Police Identification Services Section the Department must comply with the most current requirements.

(d) If the fingerprint clearance has not been obtained prior to submission of the application for certification, a criminal history affidavit provided by the Department must be completed and returned to the Department by the applicant pending fingerprint clearance.

(4) Criminal Records. No police, corrections, or parole and probation officer may have been convicted:

(a) In this state or any other jurisdiction, of a crime designated under the law where the conviction occurred as being punishable as a felony or as

a crime for which a maximum term of imprisonment of more than one (1) year may be imposed;

(b) Of violating any law involving the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug;

(c) In this state of violating any law subject to denial or revocation as identified in OAR 259-008-0070 or has been convicted of violating the statutory counterpart of any of those offenses in any other jurisdiction.

(5) Notification of Conviction:

(a) A law enforcement officer or instructor who is convicted of a crime, as identified in OAR 259-008-0070, while employed by a public or private safety agency must notify the agency head within 72 hours of the conviction.

(b) When an agency receives notification of a conviction from its employee, or another source, they must notify the Department within five (5) business days. The notification to the Department must be in writing and include the specific charges of the conviction, the county and state where the conviction occurred, the investigating agency and the date of the conviction.

(6) Moral Fitness (Professional Fitness). All law enforcement officers must be of good moral fitness. For purposes of this standard, lack of good moral fitness includes, but is not limited to:

(a) Mandatory disqualifying misconduct as described in OAR 259-008-0070(3); or

(b) Discretionary disqualifying misconduct as described in OAR 259-008-0070(4).

(7) Education:

(a) Applicants for the position of a law enforcement officer will be required to furnish documentary evidence of one of the following:

(A) High School diploma;

(B) Successful completion of the General Educational Development (GED) Test; or

(C) A four-year, post-secondary degree issued by an accredited, degree-granting college or university recognized by the Oregon Office of Degree Authorization under the provisions of ORS 348.604.

(i) For the purpose of determining high school graduation level as required by these rules, the applicant must have achieved a score no less than that required by the Oregon Board of Education before issuing an Oregon GED certificate.

(ii) Applicants holding a GED from another state may be required to obtain an Oregon certificate at the discretion of the Department.

(b) Evidence of the above must consist of official transcripts, diplomas, or GED test report forms. Other documentation may be accepted, at the discretion of the Department.

(c) Academic Proficiency Standard. Before beginning basic police training, challenging basic police training, or beginning the police career officer development course, each applicant must provide evidence to DPSST that the applicant possesses the academic tools necessary to successfully complete basic police training.

(A) The hiring agency is responsible for ensuring a law enforcement proficiency test or validated written test designed to evaluate predictors of job-related skills and behaviors has been administered. The hiring agency must verify the completion of the test and report the date of completion to the Department on a Form F-5 (Application for Training) prior to the applicant being admitted to basic police training.

(B) Individuals submitting transcripts verifying that they possess at least a four-year academic degree from an institution recognized by the Department under the provisions of OAR 259-008-0045 are exempt from this testing requirement.

(8) Physical Examination. All law enforcement officers and applicants must be examined by a licensed physician or surgeon.

(a) The medical examination must be completed not more than 180 days prior to initial offer of employment, nor more than 90 days after initial offer of employment, and must conform to applicable standards of the Americans with Disabilities Act (ADA), Title 42 USC 12101.

(b) Individuals who have had a successfully completed physical examination (while at the same employer) and are selected for a certifiable position in a discipline in which the individual is not yet certified must complete and pass a new physical examination.

(c) Except as provided in (e) below, the Department will not require a new physical examination when a law enforcement officer obtains employment, or re-employment, in the same discipline if the officer:

(A) Has had a successfully completed a physical examination; and

(B) Is currently certified; or

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(C) Is an officer currently employed full-time in another jurisdiction who has successfully completed a comparable physical examination in that jurisdiction.

(d) Notwithstanding subsection (c), a medical examination may be required by a hiring agency at its discretion.

(e) Notwithstanding subsection (c), any law enforcement officer who is separated from employment for a reason related to a physical inability to perform an essential task of a law enforcement officer must successfully complete a physical examination prior to obtaining re-employment in a certifiable position.

(f) Police, Corrections, and Parole and Probation applicants must meet the following criteria:

(A) Visual Acuity. Corrected vision must be at least 20/30 (Snellen) in each eye. Due to the demonstrated likelihood of dislodgment or breakage, candidates who are able to wear only glasses with frames must meet an uncorrected standard not worse than 20/100 (Snellen) in each eye. Those candidates who use soft contact lenses (SCLs) must have vision correctable to at least 20/30 in each eye, with no uncorrected standard, provided the employing agency will monitor compliance. Replacement glasses or lenses (as appropriate) must be on the person or readily available at all times during each work shift.

(B) Color Vision. Red or green deficiencies may be acceptable, providing the applicant can read at least nine (9) of the first thirteen (13) plates of the Ishihara Test (24 Plate Edition). Applicants who fail the Ishihara test can meet the color vision standard by demonstrating that they can correctly discriminate colors via a field test conducted by the employer and approved by DPSST.

(C) Depth Perception. Depth Perception must be sufficient to demonstrate stereopsis adequate to perform the essential tasks of the job. The recommended test is the Random Stereo Test with 60 seconds of arc.

(D) Peripheral Vision. Visual Field Performance must be 140 degrees in the horizontal meridian combined.

(E) Night Blindness. A history of night blindness should be evaluated to determine applicant's capacity to perform essential tasks at night or in dark or low light settings.

(g) Applicants for the position of police or corrections officer must have sufficient hearing in both ears to perform essential tasks without posing a direct threat to themselves or others. The applicant must have no average loss greater than 25 decibels (db) at the 500, 1,000, 2,000 and 3,000-Hertz levels in either ear with no single loss in excess of 40 db.

(h) Applicants for the position of parole and probation officer must have sufficient hearing in both ears to perform essential tasks without posing a direct threat to themselves or others. The applicant must have no average loss greater than 35 decibels (db) at the 500, 1000, 2000, and 3000 Hertz levels in either ear with no single loss in excess of 45 db.

(i) If amplification device(s) is (are) necessary to meet the criteria in (g) or (h) above, or if applicant cannot meet the above criteria and wishes to pursue application, applicant must:

(A) Obtain a hearing evaluation by a licensed audiologist or otorhinolaryngologist (ear, nose, throat) to determine current hearing aid requirement; and

(B) Achieve a Speech Reception Threshold (SRT) of no greater than 25 db for each ear;

(C) Police, corrections and parole and probation officers must achieve a Speech Discrimination test score of no less than 90% utilizing a standard 50-word presentation at 60 db Hearing Threshold Level (HTL). The Department may require an applicant to have another examination by a licensed audiologist or otorhinolaryngologist (ear, nose, and throat) designated by the Department to verify that the applicant's hearing meets the Board's minimum hearing standard. The verification examination will be at the expense of the applicant or the applicant's employing agency. The equipment utilized for all of these evaluations must be calibrated annually using current ANSI standards.

(D) Hearing amplification devices used to meet the hearing standard must be the type that protects the applicant from further hearing degradation due to amplification of loud sounds.

(j) Applicants for the position of police, corrections, or parole and probation officer must be able to use vocal chords and have significant speaking ability to perform speaking-related essential tasks. For police and corrections officers abnormalities of the nose, throat or mouth must not interfere with the applicant's breathing or proper fitting of gas mask or similar device.

(k) Applicants for the position of police, corrections, or parole and probation officer who have a history of organic cardio-vascular disease or

a finding during the medical examination of organic cardio-vascular disease will necessitate further medical evaluation.

(A) Resting blood pressure must be less than or equal to 140 mmHg systolic and 90 mmHg diastolic on three successive readings.

(B) Applicants must not have a functional and therapeutic cardiac classification greater than the Heart Association's Class A.

(C) Failure to meet guidelines (k), (A) and (B) will require further medical evaluation.

(D) If the applicant has controlled hypertension not exceeding the above standards and is on medication with side effect profiles, which do not interfere with performance of duty, then the condition may not be excludable.

(E) Functional Capacity I patients with cardiac disease may not be excludable, if they have no limitations of physical activity and ordinary physical activity does not cause discomfort and they do not have symptoms of cardiac insufficiency, nor experience angina pain.

(F) Therapeutic Classification A patients with cardiac disease, whose physical activity is restricted, should be evaluated thoroughly.

(G) If further medical examination is required under (k), it will be at the expense of the applicant or hiring authority.

(I) All law enforcement applicants must submit a current-version DPSST Medical Examination Report (DPSST Form F2), or a medical report completed by a licensed physician containing at a minimum the information on Form F2 and a signed statement by the examining physician that the applicant does not have any condition, physical, mental, or emotional, which, in his/her opinion, suggests further examination. This Report will be furnished to the examining physician by the hiring agency. The physician must indicate that the applicant is or is not physically able to perform the duties of a law enforcement officer as prescribed by DPSST.

(m) A copy of the Medical Examination Report must be sent to the Department prior to acceptance into a basic course, or any course where such report is required by the Department.

(n) The Department may require an applicant offered conditional employment to take a subsequent examination by a licensed physician of the Department's choice at the expense of the applicant or the hiring authority.

(o) The Board may waive any physical requirement where, in its judgment, the waiver would not be detrimental to the performance of an officer's duties, including the protection of the public and the safety of co-workers. The applicant may be required to demonstrate the ability to perform the essential functions of the job.

(p) A person or department head requesting a waiver of any physical requirement set forth in section (8) of this rule shall submit the request to the Department in writing, accompanied by supporting documents or pertinent testimony which would justify the action requested. The supporting documents must include information pertinent to the waiver request. The Board or Department may require additional documentation or testimony by the person or department head requesting the waiver if clarification is needed. Any expense associated with providing documentation or testimony will be borne by the person requesting the waiver or the requesting agency. If the person requesting the waiver does not obtain employment within one (1) year from the date a waiver is granted, the waiver will be considered void.

(A) If the Board grants a waiver, it will be recorded on the certification and any subsequent certification unless removed by the Board upon proof that the condition prompting the waiver no longer exists.

(B) If the Board denies a request for a waiver of any physical requirement set forth in section (8) of this rule, the Department will issue Notice and proceed as provided in section (9) of this rule.

(9) Contested Case Hearing Process for Denial of Waiver.

(a) Initiation of Proceedings: Upon determination that the reason for denial of a waiver is supported by factual data meeting the statutory and administrative rule requirements, a contested case notice will be prepared.

(b) Contested Case Notice: All contested case notice will be prepared in accordance with the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

(c) Response Time: A party who has been served with a "Contested Case Notice of Intent to Deny a Waiver" has 60 days from the date of mailing or personal service of the notice in which to file a written request for a hearing with the Department.

(d) Default Order: If a timely request for a hearing is not received, the Contested Case Notice will become a final order denying the requested waiver pursuant to OAR 137-003-00672.

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(e) Hearing Request: If a timely request for a hearing is received, the Department will refer the matter to the Office of Administrative Hearings in accordance with OAR 137-003-0515.

(f) Proposed and Final Orders: In cases in which a hearing was requested, proposed orders, exceptions, and final orders will be issued pursuant to the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

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

Stat. Auth.: ORS 181.640, 181.644 & 183.341

Stats. Implemented: ORS 181.640, 181.644 & 183.341

Hist.: PS 12, f. & ef. 12-19-77; PS 1-1981, f. 9-26-81, ef. 11-2-81; PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; PS 1-1987, f. & ef. 10-26-87; Renumbered from 259-010-0015, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 2-1996, f. 5-15-96, cert. ef. 5-20-96; PS 4-1997, f. 3-20-97, cert. ef. 3-25-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 1-1999, f. & cert. ef. 3-9-99; BPSST 9-2000, f. 11-13-00, cert. ef. 11-15-00; BPSST 3-2001, f. & cert. ef. 8-22-01; BPSST 12-2001(Temp), f. & cert. ef. 10-26-01 thru 4-5-02; BPSST 5-2002(Temp), f. 4-3-02, cert. ef. 4-6-02 thru 8-1-02; BPSST 16-2002, f. & cert. ef. 7-5-2002; BPSST 20-2002, f. & cert. ef. 11-21-02; DPSST 3-2003, f. & cert. ef. 1-22-03; DPSST 6-2003, f. & cert. ef. 4-11-03; DPSST 8-2003, f. & cert. ef. 4-18-03; DPSST 14-2003, f. & cert. ef. 12-22-03; DPSST 3-2006, f. & cert. ef. 2-28-06; DPSST 12-2006, f. & cert. ef. 10-13-06; DPSST 10-2007, f. & cert. ef. 10-15-07; DPSST 13-2007(Temp), f. & cert. ef. 11-1-07 thru 4-18-08; DPSST 1-2008(Temp), f. & cert. ef. 1-15-08 thru 4-18-08; DPSST 4-2008, f. & cert. ef. 4-15-08; DPSST 21-2008, f. 12-15-08, cert. ef. 1-1-09; DPSST 10-2009, f. & cert. ef. 9-21-09; DPSST 9-2011, f. & cert. ef. 6-28-11; DPSST 14-2011, f. 9-26-11, cert. ef. 10-1-11; DPSST 18-2012, f. & cert. ef. 8-27-12; DPSST 19-2012, f. & cert. ef. 8-31-12; DPSST 18-2013, f. & cert. ef. 7-23-13

259-008-0011

Minimum Standards for Employment as a Telecommunicator and Emergency Medical Dispatcher

(1) Fingerprints. On or before the date of employment, each telecommunicator and emergency medical dispatcher must be fingerprinted on standard applicant fingerprint cards.

(a) The hiring agency, if a public agency, is responsible for fingerprinting and will forward two (2) cards to the Oregon State Police Identification Services Section for processing and assignment of identification number.

(b) If the hiring agency is a private agency it is responsible for fingerprinting and will forward two (2) cards to the Department along with the appropriate fee.

(A) Applicant's fingerprints will be retained and kept on file with the Oregon State Police Identification Services Section.

(B) The Oregon State Police Identification Services Section will notify the Department and the employing agency of any criminal record disclosed through processing the applicant's fingerprint card.

(C) If any procedural change is made by either the Federal Bureau of Investigation or the Oregon State Police Identification Services Section, the Department will comply with the most current requirements.

(D) If the fingerprint clearance has not been obtained prior to submission of the application for certification, a criminal history affidavit provided by the Department will be completed and returned to the Department by the applicant pending fingerprint clearance.

(2) Criminal Records. No telecommunicator or emergency medical dispatcher will have been convicted:

(a) In this state or any other jurisdiction, of a crime designated under the law where the conviction occurred as being punishable as a felony or as a crime for which a maximum term of imprisonment of more than one (1) year may be imposed;

(b) Of violating any law involving the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug;

(c) In this state of violating any law subject to denial or revocation as identified in OAR 259-008-0070 or has been convicted of violating the statutory counterpart of any of those offenses in any other jurisdiction.

(3) Notification of Conviction:

(a) A telecommunicator or emergency medical dispatcher who is convicted of a crime as identified in OAR 259-008-0070 while employed by a public or private public safety agency must notify the agency head within 72 hours of conviction.

(b) When an agency receives notification of a conviction from its employee or another source, they must notify the Department within five (5) business days. The notification to the Department must be in writing and include the specific charges of the conviction, the county and state where the conviction occurred, the investigating agency and the date of conviction.

(4) Moral Fitness (Professional Fitness). All telecommunicators and emergency medical dispatchers must be of good moral fitness. For purposes

of this standard, lack of good moral fitness includes, but is not limited to:

(a) Mandatory disqualifying misconduct as described in OAR 259-008-0070(3); or

(b) Discretionary disqualifying misconduct as described in OAR 259-008-0070(4).

(5) Education:

(a) Applicants for the position of a telecommunicator or emergency medical dispatcher will be required to furnish documentary evidence of one of the following:

(A) High School diploma;

(B) Successful completion of the General Educational Development (GED) Test; or

(C) A four-year, post-secondary degree issued by a degree-granting college or university accredited by a recognized national or regional accrediting body, or recognized by the Oregon Office of Degree Authorization under the provisions of ORS 348.604.

(i) For the purpose of determining high school graduation level as required by these rules, the applicant must have achieved a score no less than that required by the Oregon Board of Education before issuing an Oregon GED certificate.

(ii) Applicants holding a GED from another state may be required to obtain an Oregon certificate at the discretion of the Department.

(b) Evidence of the above must consist of official transcripts, diplomas, or GED test report forms. Other documentation may be accepted, at the discretion of the Department.

(6) Academic Proficiency Standard. Before beginning basic telecommunicator or Emergency Medical Dispatcher (EMD) training or challenging basic telecommunicator training, each applicant must provide evidence to DPSST that the applicant possesses the academic tools necessary to successfully complete basic telecommunicator or EMD training.

(a) The hiring agency is responsible for ensuring a telecommunicator/EMD proficiency test or validated written test designed to evaluate predictors of job-related skills and behavior has been administered. The hiring agency must verify the completion of the test and report the date of completion to the Department on a Form F-5 (Application for Training) prior to the applicant being admitted to basic telecommunicator or EMD training.

(b) Individuals submitting transcripts verifying that they possess at least a four-year academic degree from an institution recognized by DPSST under the provisions of OAR 259-008-0045 are exempt from this testing requirement.

(7) Physical Examination. All Telecommunicators and Emergency Medical Dispatcher applicants must be examined by a licensed health professional.

(a) The medical examination must be completed not more than 180 days prior to initial offer of employment, and not more than 90 days after the initial offer of employment.

(b) The examination must conform to applicable standards of the Americans with Disabilities Act (ADA), Title 42 USC 12101.

(c) Individuals who have successfully completed a physical examination (while at the same employer) and are selected for a certifiable position in a discipline in which the individual is not yet certified must complete and pass a new physical examination.

(d) The Department will not require a new physical examination when a Telecommunicator or Emergency Medical Dispatcher obtains employment or re-employment in the same discipline if the Telecommunicator or Emergency Medical Dispatcher:

(A) Has had a successfully completed a physical examination, and

(B) Is currently certified; or

(C) Is currently employed full-time in another jurisdiction and has successfully completed a comparable physical examination in that jurisdiction.

(e) Notwithstanding subsection (d), a medical examination may be required by a hiring agency at its discretion.

(f) Telecommunicator and Emergency Medical Dispatcher applicants must meet the following criteria:

(A) Visual Acuity. Corrected vision must be at least 20/30 (Snellen) when tested using both eyes together.

(B) Color Vision. Red or green deficiencies may be acceptable, providing the applicant can read at least nine (9) of the first thirteen (13) plates of the Ishihara Test (24 Plate Edition). Applicants who fail the Ishihara test can meet the color vision standard by demonstrating that they can correctly discriminate colors via a field test conducted by the employer and approved by DPSST. The results of the field test and the methods for testing must be maintained by the employing agency.

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(i) Any employing agency that conducts a field test to meet the color vision standard must also complete a Department approved affidavit attesting that the applicant can either correctly discriminate colors or is able to successfully perform the required tasks of a Telecommunicator or Emergency Medical Dispatcher, notwithstanding the applicant's inability to correctly discriminate colors.

(ii) Any affidavit required by (i), that the Department receives and accepts, is non-transferable to any subsequent employer and may not be used by any other entity for certification purposes.

(iii) Notwithstanding subsection (d) of this rule, each employer must complete an agency-specific field test and a Department approved affidavit as described in subsection (i) of this section for any Telecommunicator or Emergency Medical Dispatcher who previously met the color vision standard by completing a field test.

(C) Peripheral Vision. Visual Field Performance must be 120 degrees in the horizontal meridian combined.

(g) Applicants for the position of Telecommunicator or Emergency Medical Dispatcher must have sufficient hearing in both ears to perform essential tasks without posing a direct threat to themselves or others.

(A) The applicant must meet National Emergency Number Association (NENA) hearing standard 54-002 (June 10, 2006).

(B) If the applicant cannot meet the identified hearing standard without correction, the applicant may utilize hearing amplification devices to meet the hearing standard. The Department may require an applicant to have another examination by a licensed audiologist or otorhinolaryngologist (ear, nose, throat) designated by the Department to verify that the applicant's corrected hearing meets the Board's minimum hearing standard.

(h) Applicants for the position of Telecommunicator or Emergency Medical Dispatcher must be able to use vocal cords and exhibit normal speech patterns, sufficient to perform speaking-related essential tasks.

(8) If further medical examination is required, it will be at the expense of the applicant or the hiring authority.

(9) All Telecommunicator and Emergency Medical Dispatcher applicants must submit a current-version Medical Examination Report for Telecommunicators and Emergency Medical Dispatchers (DPSST Form F-2T) or a signed medical report completed by a licensed health professional identified by the Department containing, at a minimum, the information on Form F-2T prior to the acceptance into a basic course or any course where such a report is required by the Department. The Form F-2T will be furnished to the examining health professional by the hiring agency.

(10) The Department may require an applicant offered conditional employment to take a subsequent examination by a licensed physician of the Department's choice at the expense of the applicant or the hiring authority.

(11) The Board may waive any physical requirement where, in its judgment, the waiver would not be detrimental to the performance of a Telecommunicator or Emergency Medical Dispatcher's duties. The applicant may be required to demonstrate the ability to perform the essential functions of the job.

(12) A person or department head requesting a waiver of any physical requirement set forth in section (11) of this rule must submit the request to the Department in writing, accompanied by supporting documents or pertinent testimony which would justify the action requested. The supporting documents must include information pertinent to the waiver request.

(a) The Board or Department may require additional documentation or testimony by the person or department head requesting the waiver if clarification is needed.

(b) Any expense associated with providing documentation or testimony will be borne by the person requesting the waiver or the requesting agency.

(c) If the person requesting the waiver does not obtain employment within one (1) year from the date a waiver is granted, the waiver will be considered void.

(d) If the Board grants a waiver, it will be recorded on the certification and any subsequent certification unless removed by the Board upon proof that the condition prompting the waiver no longer exists.

(e) If the Board denies a request for a waiver of any physical requirement set forth in section (7) of this rule, the Department will issue Notice and proceed as provided in section (13) of this rule.

(13) Contested Case Hearing Process for Denial of Waiver.

(a) Initiation of Proceedings: Upon determination that the reason for denial of a waiver is supported by factual data meeting the statutory and administrative rule requirements, a contested case notice will be prepared.

(b) Contested Case Notice: All contested case notice will be prepared in accordance with the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

(c) Response Time: A party who has been served with a "Contested Case Notice of Intent to Deny a Waiver" has 60 days from the date of mailing or personal service of the notice in which to file a written request for a hearing with the Department.

(d) Default Order: If a timely request for a hearing is not received, the Contested Case Notice will become a final order denying the requested waiver pursuant to OAR 137-003-0672.

(e) Hearing Request: If a timely request for a hearing is received, the Department will refer the matter to the Office of Administrative Hearings in accordance with OAR 137-003-0515.

(f) Proposed and Final Orders: In cases in which a hearing was requested, proposed orders, exceptions, and final orders will be issued pursuant to the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

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

Stat. Auth.: ORS 181.640, 181.644 & 183.341

Stats. Implemented: ORS 181.640, 181.644 & 183.341

Hist.: BPSST 1-2002, f. & cert. ef. 2-6-02; DPSST 1-2004, f. 1-16-04, cert. ef. 1-20-04; DPSST 5-2004, f. & cert. ef. 4-23-04; DPSST 3-2007, f. & cert. ef. 1-12-07; DPSST 10-2007, f. & cert. ef. 10-15-07; DPSST 5-2008, f. & cert. ef. 4-15-08; DPSST 21-2008, f. 12-15-08, cert. ef. 1-1-09; DPSST 6-2009, f. & cert. ef. 7-13-09; DPSST 9-2010(Temp), f. & cert. ef. 10-15-10 thru 4-12-11; DPSST 13-2010, f. & cert. ef. 12-23-10; DPSST 9-2011, f. & cert. ef. 6-28-11; DPSST 14-2011, f. 9-26-11, cert. ef. 10-1-11; DPSST 5-2012, f. & cert. ef. 3-26-12; DPSST 19-2012, f. & cert. ef. 8-31-12; DPSST 18-2013, f. & cert. ef. 7-23-13

259-008-0075

Eligibility for Candidacy for Office of Sheriff

(1) A person is not eligible to be a candidate for election or appointment to the office of sheriff unless at the time in which an eligibility determination is being requested the person:

(a) Is 21 years of age or older;

(b) Has at least four years experience as a full-time law enforcement officer or at least two years experience as a full-time law enforcement officer with at least two years post-high school education; and

(c) Has not been convicted of a felony or any other crime that would prevent the person from being certified as a police officer under ORS 181.610 to 181.670.

(2) As used in section (1) of this rule, "two years post-high school education" means four semesters or six quarters of classroom education in a formal course of study undertaken after graduation from high school in any accredited college or university. The term does not include apprenticeship or on-the-job training.

(3) The procedure for determining whether an individual is eligible to be a candidate for election to the office of sheriff is:

(a) After filing a nominating petition or declaration of candidacy with the county clerk or county official in charge of elections, a potential candidate for sheriff must submit an Application for Determination of Eligibility to Be Sheriff (DPSST Form F-25) and Criminal History Affidavit (DPSST Form F-26) to the Department;

(b) The Department will make an eligibility determination file a copy of its determination on an individual's eligibility to be a candidate for election to the office of sheriff with the county clerk or county official in charge of elections not later than the 61st day before the date of an election;

(c) The Department will notify the applicant in writing of the determination and decision concerning the eligibility of the applicant by certified mail, mailed to the applicant and postmarked at not later than the 61st day before the date of an election.

(4) If the person is not certified as a police officer by the Department at the time of accepting appointment or filing as a candidate, a person elected or appointed to the office of sheriff must:

(a) Obtain certification not later than one year after taking office;

(b) File a copy of the certification with the County Clerk or the county official in charge of elections within one year after taking office.

(5) Prior to attending any Department-approved training course, a person elected or appointed to the office of Sheriff must comply with the minimum standards for employment and training specified in OAR 259-008-0010 and 259-008-0025. This includes, but is not limited to the following categories:

(a) Citizenship;

(b) Age;

(c) Fingerprints;

(d) Criminal Records;

(e) Notification of Conviction;

(f) Moral Fitness (Professional Fitness);

(g) Education;

ADMINISTRATIVE RULES

(h) Physical Examination:

(A) Any written request for a waiver of any physical requirement must be submitted to the Department as described in OAR 259-008-0010(8)(o);

(B) Any request for a waiver of any physical requirement must be approved by a Policy Committee and Board; and

(C) Any expense associated with providing documentation or testimony shall be borne by the person requesting the waiver.

(i) Submitting an Application for Training (DPSST Form F-5) to the Department providing evidence that a law enforcement proficiency test or validated written test designed to evaluate predictors of job-related skills and behaviors has been completed as required in OAR 259-008-0010;

(j) Submitting a current Medical Examination Report (DPSST Form F-2) completed by a licensed physician; and

(k) Completion of a Basic Course and Field Training Manual, unless a written request for a waiver of this requirement is received and approved by the Department.

(6) Prior to obtaining certification as a police officer, a person elected or appointed to the office of Sheriff must comply with the minimum standards for certification specified in OAR 259-008-0060 which include, but are not limited to:

(a) Full-time employment;

(b) Submission of a Criminal Justice Code of Ethics (DPSST Form F 11);

(c) Submission of an Application for Certification (DPSST Form F-7) with all applicable sections of the form completed; and

(d) Valid First Aid and cardiopulmonary resuscitation (CPR) cards.

(7) Any newly elected or appointed public safety professional must submit a Personnel Action Report (DPSST Form F-4) to the Department within ten (10) business days after taking office or appointment, as provided in OAR 259-008-0020.

(8) For complete information relating to employment, training and certification requirements, refer to the full text of the statutes and rules referenced in subsections (1) through (6) above.

(9) The Department may deny approval, revoke or rescind any approval previously given if any falsification is made on the application or documents submitted in support of the application.

(10) The Department will provide a copy of this rule to all persons requesting an evaluation of their eligibility to be a candidate for sheriff, upon request.

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

Stat. Auth.: ORS 206.015

Stats. Implemented: ORS 206.015

Hist.: PS 1-1981, f. 9-26-81, ef. 11-2-81; PS 1-1982, f. & ef. 7-2-82; PS 2-1982, f. & ef. 9-7-82; PS 1-1983, f. & ef. 12-15-83; PS 2-1987, f. & ef. 10-26-87; Renumbered from 259-010-0057, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; DPSST 9-2007, f. & cert. ef. 8-15-07; DPSST 3-2010, f. 4-12-10, cert. ef. 5-1-10; DPSST 11-2013, f. & cert. ef. 6-24-13; DPSST 18-2013, f. & cert. ef. 7-23-13

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Department of State Lands Chapter 141

Rule Caption: Limiting Use of Motorized Vehicles in the Chetco River Owned by the State of Oregon

Adm. Order No.: DSL 2-2013

Filed with Sec. of State: 8-12-2013

Certified to be Effective: 9-1-13

Notice Publication Date: 12-1-2012

Rules Adopted: 141-088-0055

Subject: This rulemaking will amend the Department's public recreational use rules relative to state-owned submerged and submersible land in the Chetco River. On October 20, 2011, the Department received a petition for rulemaking from the Chetco River Watershed Council, pursuant to ORS 183.390 and OAR 137-001-0070. The petition sought adoption of a rule limiting use of motorized vehicles in the wetted channel of the Chetco River, subject to certain exceptions. The petition asserted that use of motorized vehicles within the wetted river channel "poses a significant risk of harm and damage to the natural resource of the land and to the public." The Department recommended to the State Land Board that it grant the petition and authorize the Department to initiate rulemaking to impose additional restrictions on the public recreational use of state-owned land on the Chetco River as part of the Department's rules on "Public Recreational Use of State-Owned Property" found in Oregon Adminis-

trative Rules at OAR 141-088. The State Land Board approved this request at the December 13, 2011 meeting.

The Chetco River Watershed Council petition proposed a rule that provided:

All state-owned land that is under the jurisdiction of the Department that is between the line of ordinary high water and the line of ordinary low water on the Chetco River, and all state-owned land that is managed by the Department that is also in the vicinity of, or that comprises the Chetco River, is subject to the following prohibition:

(1) The driving in, across, or through the wetted channel of the river by motorized vehicles for recreational purposes is prohibited.

Excepted from the closure are government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats, public and private utility vehicles performing company business, and vehicles operating in activities under permit, vehicles involved in rescue or emergency activities, and permitted vehicles engaged in repair of fences and placement of bank protection material.

Although the Department supports the adoption of a rule that limits use of motorized vehicles in the wetted channel of the Chetco River, subject to certain exceptions, the Department has identified a number of deficiencies in the form of the rule proposed by the Chetco River Watershed Council. First, although the proposed rule prohibits certain uses within the "wetted channel" of the Chetco River, the term "wetted channel" is not defined. Second, the proposed rule fails to identify with specificity the geographic limits of the state's ownership of the Chetco River and improperly includes "all state-owned land that is managed by the Department that is also in the vicinity of, or that comprises the Chetco River." Finally, the form of the proposed rule is inconsistent with the form of similar rules in Division 88 that limit recreational use in other state-owned waterways.

The Department convened a rule advisory committee (RAC) on October 30, 2012. The RAC included a number of stakeholders, including the petitioners of the rule. The RAC recommended rule language that clarified the focus of the rule on the main channel, or stem of the river, as opposed to small side channels that may need to be crossed in order to access gravel bars.

In order to correct these deficiencies, and meet the recommendations of the RAC, the Department is proposing adoption of an alternative rule that will accomplish the objectives sought by the Chetco River Watershed Council petition for rulemaking.

Rules Coordinator: Tiana Teeters—(503) 986-5239

141-088-0055

Restrictions on Use of Motorized Vehicles in the State-Owned Bed and Banks of the Chetco River

(1) All state-owned land that is below the line of ordinary high water on the Chetco River from the Highway 101 Bridge to River Mile 11 (about one mile upstream from the mouth of Elk Creek) is closed to any and all use by motor vehicles within the wetted channel of the main stem of the river. Excepted from the closure are Government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching or the retrieving of boats, vehicles operating under an authorization issued by the Department, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.

(2) For the purposes of this rule, "wetted channel of the main stem" means state-owned submerged and/or submersible land of the primary segment of the river that is inundated by the waterway at the time of use.

Stat. Auth.: ORS 183, 273 & 274

Stats. Implemented: ORS 273 & 274

Hist.: DSL 2-2013, f. 8-12-13, cert. ef. 9-1-13

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Department of Transportation Chapter 731

Rule Caption: Records, Maintenance, Right to Audit Records

Adm. Order No.: DOT 3-2013

Filed with Sec. of State: 7-18-2013

ADMINISTRATIVE RULES

Certified to be Effective: 7-18-13
Notice Publication Date: 6-1-2013
Rules Amended: 731-005-0780

Subject: Under previous rules and contract specifications, contractors on ODOT public improvement projects were to maintain certain records and allow ODOT access to them for inspection and audit. ODOT's expectation has been that records retained by contractors should include bidding records and contractor job-cost records. However, ODOT's obtaining access from contractors to retained records was a reactive process that was, for the most part, completely dependent on the goodwill and discretion of the contractor. Recent claims disputes have demonstrated a need to clarify contractors' legal obligations related to recordkeeping and claims substantiation and solidify ODOT's legal authority to access contractor business records to ensure that the public contracting process remains transparent and competitive. Accordingly, ODOT has revised its administrative rules and, eventually, its standard contract specifications to specifically identify those records contractors must maintain in order to substantiate contractor claims. The revisions to ODOT's rules are intended to provide ODOT with authority to obtain access to these contractor records.

Rules Coordinator: Lauri Kunze—(503) 986-3171

731-005-0780

Records Maintenance; Right to Audit Records

(1) Contractors; all subcontractors at all tiers; all material suppliers at all tiers of aggregates, asphalt cement concrete, Portland cement concrete, and the supply and fabrication of structural steel items; and all Related Entities as defined by this rule, (collectively referred to in this Rule as "Record Keepers") shall maintain all records, including fiscal records, regardless of when created, relating to their:

- (a) Performance of the Contract or a subcontract;
- (b) Ability to continue performance of the Contract or a subcontract;

and

- (c) Claims arising from or relating to performance under the Contract or a subcontract.

(2) Records to be maintained shall include, but are not limited to the following:

- (a) Bidding estimates, worksheets, tabulations or similar documents;
- (b) Job cost detail reports, including monthly totals;
- (c) Payroll records (including without limitation, the ledger or register, and tax forms) and all documents which establish the time periods, individuals involved, the hours for the individuals and the rates for the individuals;

- (d) Records that identify the equipment used by the Contractor and subcontractors at all tiers in the performance of Contract or subcontracts, including without limitation, equipment lists, rental contracts, and any records used in setting rental rates;

- (e) Invoices from vendors, rental agencies, subcontractors, and lower tier subcontractors;

- (f) Material quotes, invoices, purchase orders and requisitions;
- (g) Contracts with subcontractors at all tiers and with suppliers;
- (h) Contracts or documents of other arrangements with any Related

Entity;

- (i) General ledger;
- (j) Trial Balance;
- (k) Any financial statements kept or maintained (e.g., balance sheet, income statement, statement of cash flows and financial statement notes);
- (L) Income tax returns;

- (m) All worksheets used to prepare bids or claims, or to establish the cost components for the Pay Items, including without limitation, the labor, benefits and insurance, materials, equipment and subcontractors; and

- (n) Other records further identified in the Contract.

(3) Such records must be maintained in accordance with generally accepted accounting principles or other accounting principles, that are accepted accounting principles and practices for the subject industry, and that satisfy all applicable state and federal tax law and regulation.

(4) Record Keepers shall maintain the records and keep the records accessible and available at reasonable times and places for a minimum period of three years from the date of final payment under the Contract, or until the conclusion of any audit, controversy, administrative proceeding or litigation arising out of or related to the Contract or a subcontract, whichever

date is later, unless a shorter period is otherwise authorized in writing by the ODOT Contract Administration Engineer.

(5) Record Keepers are responsible for maintaining their own records and records relating to their own performance, their own ability to continue performance, and their own claims. Contractors submitting disputes or contract claims to ODOT shall provide ODOT access to records supporting such dispute or claims, or that are otherwise relevant to a dispute or claim, whether maintained by the Contractor, subcontractors, material suppliers or Related Entities.

(6) Except to the extent limited by section (9) of this Rule, ODOT and its authorized representatives shall, at reasonable times and places, have access to and an opportunity to inspect, examine, copy, and audit the Records identified in section (2) of this rule, or shall be provided a copy of such records upon request. Except for Records requested in connection with a dispute or contract claim issue, ODOT shall pay copy costs according to the rates used for public records requests under OAR 731-001-0025. Where such records are stored electronically, ODOT may request, and the Record Keeper shall promptly provide, access to or a copy of the electronically stored records and, if necessary to access or read such records, access to or use of software, as needed to allow ODOT to efficiently audit, inspect or copy the records.

(7) A "Related Entity," as referred to in this rule, is an entity that furnishes any goods or services in fulfillment of any obligation of the Contractor under the Contract with ODOT, regardless of whether the entity qualifies as a subcontractor or a material supplier otherwise required to maintain records and provide access to said records under this rule, and

- (a) Where 10% or more of the stock, partnership interest, beneficial interest or voting rights of the Entity are held by a Contractor; or

- (b) Where a separate Entity holds 10% or more of the stock, partnership interest, beneficial interest or voting rights of a Contractor.

(8) Confidentiality of Communications

- (a) Nothing in this Rule is intended to operate as a waiver of the confidentiality of any communications privileged under the Oregon Evidence Code. Nothing in this Rule limits records or documents that can be obtained by legal process.

- (b) If records, identified in section (2) and provided under this rule, contain any information that may be considered exempt from disclosure as a trade secret under either ORS 192.501(2) or 646.461(4), or under other grounds specified in Oregon Public Records Law, ORS 192.410 through 192.505, the Record Keeper must clearly designate on or with the records those portions that the Record Keeper believes are exempt from disclosure, along with a justification and citation to the authority relied upon. To the extent allowed by the Oregon Public Records Law or some other applicable law related to the disclosure of public records, ODOT will not disclose records or portions of records the Record Keeper has designated as trade secrets to a third party, who is not a representative of ODOT, to the extent the records are exempt from disclosure as trade secrets under the Oregon Public Records Law or other applicable law, except to the extent ODOT is ordered to disclose in accordance with the Oregon Public Records Law or by a court of competent jurisdiction. Application of the Oregon Public Records Law or other applicable law shall determine whether any record or portion thereof is actually exempt from disclosure.

(9) An ODOT Project Manager's authority to request or require access to the records identified in this rule shall be limited to items under section (2)(a) through (h), and (n) for purposes of reviewing a dispute or claim under the Contract, and performance and contract compliance issues. The ODOT Contract Administration Engineer (CAE), or the CAE's designee, shall have access to all items under section (2) of this rule for purposes of reviewing a dispute or claim, performance under the Contract or a subcontract, contract compliance, general auditing, checking for collusive bidding, and reviewing qualifications.

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

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

Hist.: DOT 2-2005, f. 2-16-05, cert. ef. 3-1-05; DOT 3-2013, f. & cert. ef. 7-18-13

Department of Veterans' Affairs Chapter 274

Rule Caption: Relating to on loans made by the Oregon Department of Veterans Affairs.

Adm. Order No.: DVA 4-2013(Temp)

Filed with Sec. of State: 7-23-2013

Certified to be Effective: 7-23-13 thru 1-19-14

Notice Publication Date:

Rules Amended: 274-020-0200, 274-020-0265, 274-020-0280, 274-020-0285, 274-020-0290, 274-020-0348, 274-045-0001

ADMINISTRATIVE RULES

Subject: The 77th Oregon Legislative Assembly - 2013 Regular Session passed SB 34 and SB 35, increasing the number of home loans Oregon veterans are eligible to receive from the Oregon Department of Veterans' Affairs and increasing the loan-to-value the Department is able to lend to. These bills were effective upon passage.

Rules Coordinator: Nicole Hoeft—(503) 373-2386

274-020-0200

Definitions for OAR 274-020-0200–274-020-0450

As used in these regulations or any amendments to them, or any blank form, document, publication, or written instrument of any kind prescribed, provided, published, issued, or used by the director or any of his duly authorized agents or employees in connection with the administration of the provisions of Article XI A of the Oregon Constitution and ORS chapter 407, providing for the loaning of money to qualified persons who served in the Armed Forces of the United States, unless otherwise required by context:

(1) "Armed Forces" means and includes:

- (a) Army;
- (b) Navy;
- (c) Marines;
- (d) Air Force;
- (e) Coast Guard;
- (f) WAC (Since July 1, 1943);
- (g) Waves;
- (h) Women Marines;
- (i) WAFS;
- (j) Spars;
- (k) Women's Air Force Service Pilots (WASP);

(l) Commissioned Officers of the Public Health Service. Service with Coast Guard between December 23, 1941, and November 10, 1943, inclusive. Service with the Army, Navy, Marine Corps, or Coast Guard between November 11, 1943, and July 28, 1945, inclusive. Eligible by executive order between July 29, 1945, and July 3, 1952, inclusive. Since July 3, 1952, when serving with the Armed Forces;

(m) Active service of commissioned officers of the National Oceanic and Atmospheric Administration or its predecessor organization, the Coast and Geodetic Survey, after July 29, 1945. Coast and Geodetic Survey officers while serving with the Army or Navy before July 29, 1945.

(2) "Active Duty" means that status in the Armed Forces in which the person on "active duty" is under the command of and subject to discipline and on active duty pay status in the respective branch of the Armed Forces in which the person is serving:

(a) Members of the reserve components; persons on a retired status from the Armed Forces; cadets at West Point, the United States Coast Guard Academy, the United States Air Force Academy, and Midshipmen at Annapolis, were on active duty only after reporting for active duty;

(b) Members of the National Guard were on active duty only after having entered active Federal Service for duty other than training.

(3) "Honorably Discharged" means that the official documents of discharge, service, or separation issued upon the termination of the veteran's service with the Armed Forces are characterized as "Honorable" or "Under Honorable Conditions".

(4) "Separated" means the termination of active duty with the Armed Forces.

(5) "Domicile" means the legal residence of a veteran and consists of actual or inchoate residence in conjunction with the intention to maintain that residence, or the home of the veteran, where, when temporarily away, he has the intention of returning:

(a) Temporary absence from the state, such as vacation, military leave, or reasons of health, will not destroy the domicile;

(b) Temporary presence in the state without an intention to establish a permanent home will not support a domicile in the state;

(c) Domicile of an unemancipated minor shall be governed by his legal parent, (if the parents are divorced, the one having custody controls);

(d) Domicile of an emancipated minor shall be determined by choice.

(6) "Acquisition" means:

(a) The purchase and improvement of a home or farm; or

(b) The payment of the balance of a purchase price and interest on purchase contract of a home or farm and its improvements; or

(c) The refinancing of an existing purchase money security instrument on a home or farm or an instrument in the nature thereof, and the improvement of the property purchased; or

(d) Improvements of a home or farm.

(7) "Improvements" means any new construction, or any necessary or beneficial additions, alterations, or changes appurtenant to the house which add to the appraised value of the premises.

(8) "Security" means all of the real property, mobile home, or floating home that is to be acquired for a home and for which purpose the loan is requested.

(9) "Home" means any residential type structure, including outbuildings and the real property in connection with it, if any, including long term leaseholds, which is established, maintained, and used primarily as a principal residence by the veteran.

(10) "Farm" includes:

(a) "Home"; and

(b) A parcel of land being used to obtain a profit in money by utilizing accepted farming practices to raise crops or livestock or poultry or dairying or combinations thereof.

(11) "Security Instrument" means a mortgage, deed of trust, or similar document used to perfect the lien on the security by the Director of Veterans' Affairs (ODVA). The lien will be a first lien on the home, except:

(a) As otherwise required by Oregon law, or allowed by Oregon law and approved in writing by ODVA; or

(b) When an ALTA mortgagee's title insurance policy is in force insuring the state against the usual losses covered by an ALTA policy as well as any loss from any prior encumbrance, and the encumbrance is acceptable to both the veteran and ODVA.

(12) "Minor" means any single person under the age of 18 years, but any person shall be deemed to have arrived at the age of majority upon their marriage.

(13) "Transfer" means a change of ownership, either by operation of law, act of the parties, or both, such as deed, contract, certificate, court decree, property settlement, foreclosure, easement, condemnation, or adverse possession of the premises.

(14) "Lease" means the giving of possession and use of profits of secured property for a period of time in return for compensation.

(15) "Possession" means exclusive dominion and physical control of the secured property but occupancy is not necessary.

(16) "Lease Option" means a lease of real property with an option to purchase the property within a stipulated period of time.

(17) "Rent" means the giving of possession of secured property for occupancy for a specific period of time in return for a stipulated amount of compensation.

(18) "Underwriter/Designated Loan Officers" means those employees of the Department whose paramount responsibility shall be the approval or rejection of all applications for loans.

(19) "Department" means the Oregon Department of Veterans' Affairs (ODVA).

(20) "Net Appraised Value" is also known as loan value," and both terms mean the lesser of the appraised value or the Purchase Price. The "appraised value" is the value established by an appraisal obtained by or at the direction of ODVA, or an appraisal approved by ODVA.

(21) "Loan to Value Ratio" is the loan amount or balance divided by the net appraised value.

(22) "Original Loan" means: The first loan the veteran receives; or

(23) "Subsequent Loan" means any loan or loans granted after the original loan and are in these categories:

(a) Additional loan;

(b) Veterans' Home Improvement loan.

(24) "Veteran" means any person eligible to receive a loan under the provisions of Article XI A of the Oregon Constitution and sections (1) through (6) of this rule.

Stat. Auth.: ORS 406.030 & 407.115
Stats. Implemented: ORS 40

Hist.: DVA 22, f. 11-15-57, ef. 11-14-57; DVA 26, f. 12-13-60; DVA 29, f. 7-3-63, ef. 9-2-63; DVA 32, f. 12-2-65, ef. 10-25-65; DVA 33, f. 12-7-66, ef. 1-11-67; DVA 35, f. 12-19-68, ef. 1-11-69; DVA 38, f. 5-10-71, ef. 6-11-71; DVA 43, f. 3-2-73, ef. 3-29-73; DVA 45, f. & ef. 12-1-75; DVA 47, f. & ef. 4-20-76; DVA 48, f. & ef. 1-3-77; DVA 50, f. 11-16-77, ef. 12-1-77; DVA 1-1980, f. & ef. 1-15-80; DVA 4-1980, f. & ef. 12-1-80; DVA 3-1990, f. & cert. ef. 5-1-90; DVA 10-1995, f. 9-11-95, cert. ef. 9-22-95; DVA 12-1995, f. & cert. ef. 9-22-95; DVA 5-1997, f. & cert. ef. 10-22-97; DVA 2-2005, f. & cert. ef. 4-22-05; DVA 2-2013, f. & cert. ef. 7-8-13; DVA 4-2013(Temp), f. & cert. ef. 7-23-13 thru 1-19-14

274-020-0265

Evidence Required to Establish Eligibility

The applicant shall submit to the Director the following evidence to establish eligibility:

(1) Evidence of separation such as a photostat of Discharge or a Certificate of Satisfactory Service and a photostat of Notice or Report of Separation, Transfer, or Discharge.

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(2) Certificate of Service and Casualty Report when applicant is the unremarried spouse of a person who died on active duty.

(3) Proof of any change in name since discharge:

(a) Where legally changed, proof shall be by a certified copy of the Court Order, or a marriage certificate, or a divorce decree;

(b) Where not legally changed, proof shall be by an affidavit from the veteran and affidavits from at least two disinterested persons.

Stat. Auth.: ORS 406

Stats. Implemented: ORS 406.030, 407.075, 407.115 & 407.125

Hist.: DVA 22, f. 11-15-57, ef. 11-14-57; DVA 1-1980, f. & ef. 1-15-80; DVA 4-2013(Temp), f. & cert. ef. 7-23-13 thru 1-19-14

274-020-0280

Number of Applications Permitted

(1) A veteran may have only one application for a loan pending at any time.

(2) A veteran may make application for another loan if conditions exist which entitle him to another loan.

(3) A veteran may make an application for an additional loan if he presently has a state loan.

(4) A veteran may make application for an advance for improvements provided the security for the loan is the primary residence.

Stat. Auth.: ORS 406

Stats. Implemented: ORS 407.205

Hist.: DVA 29, f. 7-3-63, ef. 9-2-63; DVA 32, f. 12-2-65, ef. 10-25-65; DVA 1-1980, f. & ef. 1-15-80; DVA 4-2013(Temp), f. & cert. ef. 7-23-13 thru 1-19-14

274-020-0285

Replacement Loans

A veteran may receive this type of subsequent loan to replace an existing home unit on the existing ODVA security with a new home unit when the existing home unit was destroyed by fire or other natural hazard, condemnation, or other compelling reason by no fault of the applicant. The total funds for this loan shall not exceed the maximum allowable single-family loan limit set by Fannie Mae (federal National Mortgage Association) for the State of Oregon.

Stat. Auth.: ORS 406

Stats. Implemented: ORS 407.205 & 407.265

Hist.: DVA 22, f. 11-15-57, ef. 11-14-57; DVA 29, f. 7-3-63, ef. 9-2-63; DVA 42, f. 3-2-73, ef. 3-20-73; DVA 5-1997, f. & cert. ef. 10-22-97; DVA 4-2013(Temp), f. & cert. ef. 7-23-13 thru 1-19-14

274-020-0290

Additional Loans

Before an additional loan may be granted:

(1) The repayment shall have been satisfactory; and

(2) The amount shall not exceed the maximum single-family loan limit set by Fannie Mae (federal National Mortgage Association) for the State of Oregon.

Stat. Auth.: ORS 406

Stats. Implemented: ORS 407.205 & 407.265

Hist.: DVA 22, f. 11-15-57, ef. 11-14-57; DVA 29, f. 7-3-63, ef. 9-2-63; DVA 36, f. 7-25-69, ef. 8-25-69; DVA 42, f. 3-2-73, ef. 3-20-73; DVA 45, f. & ef. 12-1-75; DVA 4-2013(Temp), f. & cert. ef. 7-23-13 thru 1-19-14

274-020-0348

Grounds for Refusing to Make a Loan

The Director may refuse to make a loan to any applicant if he finds any of the following:

(1) Prior loan experience with an applicant was unsatisfactory, including, but not limited to, late payment or nonpayment on loan and impairment of security.

(2) The applicant did not disclose all debts or obligations as required under the terms of the loan credit application.

(3) The applicant has a negative cash flow.

(4) The applicant has declared bankruptcy within the last three years unless:

(a) The applicant or the applicant's spouse has been regularly employed, other than self-employed, since the discharge; and

(b) The applicant has established credit since the bankruptcy and made timely and satisfactory payments on obligations; and

(c) The bankruptcy was caused by circumstances beyond the applicant's control, such as uninsured medical expense, layoff, strike, or divorce.

(5) The applicant has declared bankruptcy between three and five years prior to application for a loan, unless: The applicant has reestablished credit since the bankruptcy.

(6) Business bankruptcies will not be grounds for refusing to make a loan if:

(a) The applicant was self-employed and the bankruptcy was not due to misconduct; and

(b) There is no evidence of derogatory credit information prior to the self-employment or after the bankruptcy; and

(c) The applicant has subsequently obtained a permanent position with reliable income.

(7) Chapter 13 bankruptcies will not be grounds for refusing to make a loan if: The applicant has made satisfactory payment of at least three-fourths of the total payments due the trustee.

(8) The applicant's ability to repay the loan is insufficient, as determined by the Department of Veterans' Affairs (Department) by applying relevant industry standards.

(9) The applicant is an unsatisfactory credit risk, as determined by the underwriting analysis of the credit rating agency selected by the Director. In that case, the Director shall advise the applicant of his refusal on this basis and supply to the applicant the name and address of any consumer reporting agency which provided the Director with information on the applicant. If the applicant requests in writing within 60 days after being notified of the refusal, the Director shall provide the applicant with the name of any person other than a consumer reporting agency who provided information which was, wholly or in part, a basis of such refusal.

(10) The applicant is involved in the following type of transactions:

(a) The purchase of property from a spouse where the amount which the applicant seeks to borrow from the Department exceeds the unpaid balance on loans used to acquire or improve the property;

(b) The purchase from a corporation wholly or substantially owned by the applicant;

(11) The applicant has or has had any interest, within the past three years, either title or contractual, in the property being purchased, except it will not be grounds for refusing to make a loan:

(a) If the applicant is purchasing a one-half interest from a divorced spouse. The sum shall be stated in the divorce decree;

(b) If the applicant acquired an interest in property by inheritance and is purchasing the interest which co-heirs have in the same property;

(c) If the application is for an improvement or additional loan;

(d) If the application is for a rehabilitation loan or a loan to pay off a bridge loan. A "bridge loan" is temporary financing obtained for the purpose of financing the purchase of a home pending the sale of a home owned by the borrower and listed with a real estate broker or advertised for sale;

(e) If the application is for a loan to pay off an interim loan whose term does not exceed 24 months (not renewable);

(f) If the application is for a loan to pay off a construction period loan obtained not more than 24 months, and the construction was completed not more than 18 months, before submitting an application to the Director;

(g) If the application is for amount spent on the purchase of, or the value of, land only (whichever is less) and construction commences within 24 months of land acquisition and the loan is funded within 18 months of the start of construction.

(12) The applicant does not meet the applicable underwriting or industry property standards as determined by the Department.

(13) Effective with applications received after May 15, 1984, except for farm loans and loans for multi-family dwellings, if the applicant will use the property offered as security for the loan for a purpose that would jeopardize the tax-exempt status of interest to holders of Bonds issued by the Director of Veterans' Affairs:

(a) Specifically excluded uses are:

(A) As an investment;

(B) As a recreational home;

(C) As a principal place of business for any trade or business of the applicant.

(b) Examples of excluded uses (if a portion of the property is used regularly and exclusively in connection with a trade or business) are:

(A) Using any portion of the residence as a place to meet patients, clients, or customers in the normal course of business;

(B) Storage of inventory in a separate and identifiable fixed location and kept for the wholesale or retail selling of products as a part of the applicant's trade or business which would entitle the applicant to a "Business Use of the Home" income tax deduction;

(C) Providing care for children, for the elderly, or for handicapped persons, if the nature and character of the care entitles the property owner to a "Business Use of the Home" income tax deduction.

(c) Any use of a residence which does not qualify for a "Business Use of the Home" income tax deduction shall not be considered as a use in a trade or business. Examples of such permitted uses are:

(A) Storage of inventory for the benefit of an employer or in conduct of a direct selling business, if the use is not exclusive of any personal use of that part of the residence;

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(B) Babysitting, if the nature and character of the babysitting does not entitle the property owner to a "Business Use of the Home" income tax deduction;

(C) Engaging in person-to-person sales of consumer products to customers in the home, such as Tupperware, Amway, Avon, wicker, crystal, or similar products;

(D) Foster home established by Court Order, or designated by a Government Agency with jurisdiction to make such a designation;

(E) Using part of the residence to write legal briefs, prepare tax returns, read financial periodicals and reports, clip bond coupons, or engage in similar work, if the use is not exclusive of any personal use of that part of the residence.

Stat. Auth.: ORS 183, 286, 406.030, 407.115, 407.135, 407.145, 407.275, 407.305 & 407.375
Stats. Implemented: ORS 407.115, 407.125, 407.179 & 407.225
Hist.: DVA 7-1982, f. & ef. 3-15-82; DVA 8-1983, f. & ef. 6-1-83; DVA 3-1984, f. 5-2-84, ef. 5-15-84; DVA 6-1984, f. 7-25-84, ef. 8-1-84; DVA 3-1991, f. 5-30-91, cert. ef. 6-3-91; DVA 5-1993, f. 3-16-93, cert. ef. 3-21-93; DVA 7-1995, f. & cert. ef. 7-21-95; DVA 8-2001, f. & cert. ef. 11-23-01; DVA 6-2005, f. & cert. ef. 10-24-05; DVA 4-2013(Temp), f. & cert. ef. 7-23-13 thru 1-19-14

274-045-0001

Definitions for OAR 274-045-0001 to 274-045-0480

As used in these regulations or any amendments to them, or any blank form, document, publication, or written instrument of any kind prescribed, provided, published, issued, or used by the director or any of his duly authorized agents or employees in connection with the administration of the provisions of Article XI-A of the Oregon Constitution and ORS Chapter 407, providing for the loaning of money to qualified persons who served in the Armed Forces of the United States, unless otherwise required by context:

(1) "Armed Forces" means and includes:

- (a) Army;
- (b) Navy;
- (c) Marines;
- (d) Air Force;
- (e) Coast Guard;
- (f) National Guard;
- (g) Federal Reserve Forces;

(2) "Active Duty" means that status in the Armed Forces in which the person on "active duty" is under the command of and subject to discipline and on active duty pay status in the respective branch of the Armed Forces in which the person is serving:

(a) Members of the reserve components; persons on a retired status from the Armed Forces; cadets at the United States Military Academy, and the United States Air Force Academy, and Midshipmen at the United States Naval Academy and the United States Coast Guard Academy, were on active duty only after reporting for active duty;

(b) Members of the National Guard were on active duty only after having entered active Federal Service for duty other than training.

(3) "Acquisition" means:

- (a) The purchase and improvement of a home; or
- (b) The payment of the balance of a purchase price and interest on purchase contract of a home and its improvements; or
- (c) The refinancing of an existing purchase money security instrument on a home or an instrument in the nature thereof, and the improvement of the property purchased; or
- (d) Improvements of a home.

(4) "Agreement" means the contract between the Oregon Department of Veterans' Affairs (ODVA) and the approved lender, setting forth the terms and conditions under which program loans made by the approved lender will be purchased by the ODVA.

(5) "ALTA Mortgagee's Title Insurance" means a title insurance policy issued in American Land Title Insurance form by a title insurer licensed by the State of Oregon.

(6) "Approved Lender" means any "Lending Institution" as defined in ORS 407.177(8) that has entered into an agreement with ODVA to originate residential loans acceptable to ODVA or to act as a conduit for the origination of residential loans acceptable to ODVA. In determining whether or not to contract with a Lending Institution, ODVA may consider factors including, but not limited to the following:

(a) ODVA's need for additional Approved Lenders, either on a statewide basis or in a specific geographical area,

(b) Whether or not the Lending Institution has had any complaints filed against it or against any of its employees, agents, officers, directors, owners, or affiliates through the Consumer and Business Services Department of the State of Oregon, through any other regulatory agency or otherwise.

(c) Whether or not representatives of the Lending Institution have attended any ODVA-sponsored training.

(d) The reputation of the Lending Institution, including its employees, agents, officers, directors, owners or affiliates.

(e) The number and experience of Lending Institution employees and other personnel available to originate loans or to act as a conduit for the origination of residential loans acceptable to ODVA.

(f) Status and character of the institution's loan policies and procedures.

(g) The financial capability of the Lending Institution to originate loans or to act as a conduit for the origination of loans.

(h) The Lending Institution's qualification as a loan originator or a seller/servicer for the Federal National Mortgage Association, the Federal Home Loan Mortgage Association, or the United States Department of Veterans' Affairs.

(i) Whether or not the deposits of the Lending Institution are insured by FDIC or some other federal agency or corporation.

(j) The experience, efficiency and performance of the Lending Institution in the area of residential lending and any other area of the Lending Institution's business.

(k) The willingness and commitment of the Lending Institution to accept and to fulfill the terms of an ODVA proposed contract.

(l) The result of any references which are checked as part of the application process.

(7) "Commitment" means a promise made by the ODVA to an Approved Lender or veteran, evidenced by a written commitment letter, setting forth the terms upon which the ODVA will purchase, originate, or accept by underwriting and closing a specific program loan made or processed by the Approved Lender or ODVA pursuant to a reservation of funds.

(8) "Department" means the Oregon Department of Veterans' Affairs.

(9) "Director" means the Director of Veterans' Affairs for the State of Oregon.

(10) "Domicile" means the legal residence of a veteran and consists of actual or inchoate residence in conjunction with the intention to maintain that residence, or the home of the veteran, where, when temporarily away, he or she has the intention of returning:

(a) Temporary absence from the State, such as vacation, military leave, or reasons of health, will not destroy the domicile;

(b) Temporary presence in the State without an intention to establish a permanent home will not support a domicile in the State;

(c) Domicile of an unemancipated minor shall be governed by his legal parent, (if the parents are divorced, the one having custody controls);

(d) Domicile of an emancipated minor shall be determined by choice.

(11) "Home" means any house or dwelling, including outbuildings, and the real property in connection with it, where the veteran has, or will, establish domicile.

(12) "Honorably Discharged" means that the official documents of discharge, service, or separation issued upon the termination of the veteran's service with the Armed Forces are characterized as "Honorable" or "Under Honorable Conditions".

(13) "Improvements" means any new construction, or any necessary or beneficial additions, alterations, or changes appurtenant to the house, which add to the appraised value of the premises.

(14) "Lease" means the giving of possession and use of profits of secured property for a period of time in return for compensation.

(15) "Lease Option" means a lease of real property with an option to purchase the property within a stipulated period of time.

(16) "Lending Institution" means an entity which is licensed, or otherwise legally authorized, to conduct business in the State of Oregon exclusively or in part as a mortgage lender or a conduit for mortgage loans and that, in the judgment of ODVA, is capable of meeting the needs of ODVA in carrying out the purposes of ORS Chapter 407. In determining whether or not an entity that is licensed, or otherwise legally authorized, to conduct business in Oregon exclusively or in part as a mortgage lender or a conduit for mortgage loans is capable of meeting the needs of ODVA in carrying out the purposes of ORS Chapter 407, ODVA may consider factors including, but not limited to the following:

(a) Whether or not the entity qualifies as a "Banking Institution" or similar entity including, but, not limited to an "Extranational Institution," a "Federal Bank," a "Federal Savings Bank," or a "Financial Institution" under ORS 706.005, 706.008, 707.744, or 723.042.

(b) Whether or not the entity qualifies as a "mortgage broker" under ORS 59.840 through 59.965 for a period of three years.

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f. & cert. ef. 9-25-07; DVA 2-2013, f. & cert. ef. 7-8-13; DVA 4-2013(Temp), f. & cert. ef. 7-23-13 thru 1-19-14

(c) Whether or not the representatives of the entity have attended any ODVA-sponsored training.

(d) The reputation of the entity or of any of its employees, agents, officers, directors, affiliates or owners.

(e) The financial capability of the entity to originate loans or to act as a conduit for the origination of loans.

(f) The entity's qualification as a loan originator or a seller/servicer for the Federal National Mortgage Association, the Federal Home Loan Mortgage Association, or the United States Department of Veterans Affairs.

(g) The experience, efficiency, and performance of the entity in the areas of residential lending and any other area of the entity's business.

(17) "Loan Origination Guide/Mortgage Loan Origination Guide" means the manual containing the origination instructions for the Post Vietnam Era Veterans' Home Loan Program, and any subsequent changes as they are effected.

(18) "Loan to Value Ratio" is the loan amount or balance divided by the net appraised value.

(19) "Minor" means any single person under the age of 18 years, but any person shall be deemed to have arrived at the age of majority upon their marriage.

(20) "Net Appraised Value" is also known as "loan value," and both terms mean the lesser of the appraised value or the purchase price. The "appraised value" is the value established by an appraisal obtained by or at the direction of ODVA, or an appraisal approved by ODVA.

(21) "ODVA" means the Oregon Department of Veterans' Affairs acting by and through the director as defined in ORS 407.085(2)(b).

(22) "Original Loan" means:

(a) The first loan the veteran receives; or

(b) The first loan based on a restored loan right.

(23) "Possession" means exclusive dominion and physical control of the secured property but occupancy is not necessary.

(24) "Post Vietnam Era Veterans' Home Loan Program" means all home loans originated under this Division.

(25) "Qualified Insurer" means private mortgage insurance company(ies) licensed to do business in Oregon and with which ODVA has agreed to accept mortgage insurance coverage. When an ALTA mortgagee's title insurance policy is in force insuring the State against the usual losses covered by an ALTA policy as well as any loss from any prior encumbrance, and the encumbrance is acceptable to both the veteran and ODVA.

(26) "Rent" means the giving of possession of secured property for occupancy for a specific period of time in return for a stipulated amount of compensation.

(27) "Reservation of Funds" (Rate Lock) means the setting aside of specific funds at a designated interest rate for a specific period of time.

(28) "Security" means all of the real property that is to be acquired for a home and for which purpose the program loan is requested.

(29) "Security Instrument" means a mortgage, deed of trust, or similar document used to perfect the lien on the security by the ODVA. The lien will be a first lien on the home, except:

(a) As otherwise required by Oregon law, or allowed by Oregon law and approved in writing by ODVA; or

(b) When an ALTA mortgagee's title insurance policy is in force insuring the State against the usual losses covered by an ALTA policy as well as any loss from any prior encumbrance, and the encumbrance is acceptable to both the veteran and ODVA.

(30) "Separated" means the termination of active duty with the Armed Forces.

(31) "Subsequent Loan" means any loan or loans granted after the original loan and are in these categories:

(a) Replacement loan;

(b) Additional loan; and

(c) Veterans' Home Improvement loan.

(32) "Transfer" means a change of ownership, either by operation of law, act of the parties, or both, such as deed, contract, certificate, court decree, property settlement, foreclosure, easement, condemnation, or adverse possession of the premises.

(33) "Underwriter/Designated Loan Officers" means those employees of ODVA whose paramount responsibility shall be the approval or rejection of all applications for loans.

(34) "Veteran" means any eligible veteran as described in OAR 274-045-0001 through 274-045-0001(2)(b) eligible to receive a loan under the provisions of Article XI-A of the Oregon Constitution.

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

Stat. Auth.: ORS 406.030 & 407.115

Stats. Implemented: ORS 407

Hist.: DVA 2-2001, f. & cert. ef. 5-23-01; DVA 3-2001(Temp), f. & cert. ef. 6-15-01 thru 12-11-01; DVA 9-2001, f. & cert. ef. 11-23-01; DVA 2-2005, f. & cert. ef. 4-22-05; DVA 3-2007,

Rule Caption: Relating to the creation of the Veterans' Extended Outreach Grant Program.

Adm. Order No.: DVA 5-2013(Temp)

Filed with Sec. of State: 7-24-2013

Certified to be Effective: 7-24-13 thru 1-20-14

Notice Publication Date:

Rules Adopted: 274-030-0625

Subject: For the 2013–2015 biennium, the Oregon Legislature approved approximately \$1 million in one-time monies to be used to create the Veterans' Extended Outreach Grant Program (VEOGP). Each of the 34 counties with a county veteran service officer is to receive \$10,000 as a base amount from the grant program for the biennium. At least \$600,000 must be awarded in the form of competitive grants to the counties with a county veteran service officer. Only those counties that successfully apply for and are approved for funding by the grant committee will receive a portion of the \$600,000.

The Oregon Department of Veterans' Affairs shall administer the VEOGP as outlined in the agency's budget note for its 2013–2015 biennium budget. The intent of the VEOGP is to increase outreach to veterans statewide to greatest effect, to inform them of their benefits, and to file claims on their behalf. It is the Legislature's intent that the additional investment shall supplement and not supplant existing services to veterans provided by counties, and that from the additional investment, accountability and measurable outcomes result.

Rules Coordinator: Nicole Hoeft—(503) 373-2386

274-030-0625

Veterans' Extended Outreach Grant Program

(1) For the 2013–2015 biennium, the Oregon Legislature approved approximately \$1 million in one-time monies to be used to create the Veterans' Extended Outreach Grant Program (VEOGP).

(2) The intent of VEOGP is to serve veterans statewide to greatest effect, to improve outreach to veterans, to inform them of their benefits, and to file claims on their behalf.

(3) The Oregon Department of Veterans' Affairs shall administer the VEOGP as outlined in the agency's budget note for its 2013–2015 biennium budget.

(4) The Oregon Department of Veterans' Affairs shall develop the grant application with clear instructions as to the grants requirements, including but not limited to:

(a) Target outreach population.

(b) Strategic plan to reach that population, including a detailed proposed budget.

(c) How the county will measure outcomes and success of their grant program.

(d) Reporting requirements for both outreach outcomes and financial expenditures.

(e) Application deadlines and other administrative procedures.

(5) Each county with a county veteran service officer is:

(a) To receive \$10,000 as a base amount from the VEOGP for the biennium; and

(b) Eligible to submit a grant application for additional funds through a competitive grant process.

(6) The Director shall appoint a five-member grant committee consisting of:

(a) Two members from the Oregon Department of Veterans Affairs; and

(b) Two county veteran service officer representing one urban and one rural region in consultation with the County Veteran Service Officer Association; and

(c) One member of the Veterans' Affairs Advisory Committee to the Director of Veterans' Affairs, selected by the Chair.

(7) The Director may appoint ad hoc, non-voting grant committee members.

(8) The grant committee shall review submitted grant application and determine appropriations based on criteria including but not limited to:

(a) Target outreach population; and

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(b) Maximum return on investment which includes increased Power of Attorneys, increased new claims, increase federal dollar recoveries.

(c) Measurable outcomes that include program analytics to determine effectiveness of grant.

(9) The grant committee may approve part or all of a grant application or may deny a grant application due to insufficiency, not meeting program goals, limitation of funds, or any other reasonable criteria determined by the grant committee.

(10) The grant committee shall send a letter to the county veteran service officer explaining its decision for approval, partial approval, or denial of a grant request.

(11) The grant committee may revoke a grant and withhold funds in accordance with OAR 274-030-0630 should the grantee not implement its proposal in accordance with their application.

(12) A grantee may request of the grant committee to amend its proposal but may do so only with the approval of the grant committee.

(13) If a grant is approved, funds will be released in accordance with Legislative guidance and the needs of the grant proposal.

(14) A minimum of \$600,000 will be expended on successful grant applications approved by the grant committee defined in these rules.

(15) Distribution of funds available for this grant purposes will be made upon approval of grant application

Stat. Auth.: ORS 406.030 & 406.050

Stats. Implemented:

Hist.: DVA 5-2013(Temp), f. & cert. ef. 7-24-13 thru 1-20-14

Rule Caption: Relating to County Veteran Services.

Adm. Order No.: DVA 6-2013(Temp)

Filed with Sec. of State: 7-24-2013

Certified to be Effective: 7-24-13 thru 1-20-14

Notice Publication Date:

Rules Amended: 274-030-0630

Subject: Requires funds retained by Director of Veterans' Affairs out of distribution to county without county veteran service officer to be spent to provide veterans services in that county in a manner deemed appropriate by director until such time as the county appoints or reinstates a county veterans services to veterans, spouses, dependents and survivors of veterans. Also adds to the criteria for withholding funds from a county governing body the necessary purchase and coordination of a statewide computer system or other technology to facilitate efficient claims and appeals development and processing for veterans.

Rules Coordinator: Nicole Hoeft—(503) 373-2386

274-030-0630

Withholding Funds

(1) Funds may be withheld by the Department due, but not limited, to the following conditions:

(a) Reports are not submitted in the timeline established in OAR 274-030-0620, Quarterly Reports and Audits.

(b) Reports do not contain accurate or verifiable information.

(c) Lack of evidence that previous funds were used in a manner established in OAR 274-030-0602, County Responsibilities.

(d) Lack of evidence that acceptable progress has been made in accomplishing the timelines, goals, and objectives as contained in the county's approved plan.

(e) If a county governing body has not appointed a County Veteran Service Officer the funds for that county may be retained by the Agency to provide veteran services in that county.

(f) To the purchase and coordination of a statewide computer system or other technology or both to facilitate efficient claims and appeals development and processing for veterans, spouses, dependents, and survivors of veterans.

(g) The determination that a county is supplanting funds.

(A) Establishment of a Baseline. For purposes of the Expansion and Enhancement Program, county funding for the fiscal year ending on June 30, 2005, will be considered the minimum level of funding that a county must maintain for their Service Officer Program in order for the county to receive state expansion and enhancement appropriations. Exceptions may be granted by the Department for one-time county funding made in fiscal year 2005, such as funds used to purchase a vehicle for transportation of veterans, or other extenuation circumstances.

(B) Except as outlined in ORS 406.460, counties must annually fund their County Veterans' Service Program at or above the established baseline to avoid supplanting.

(C) Noncompliance. The amount of supplanted monies will be withheld dollar for dollar from that county's expansion and enhancement funds. When sufficient evidence has been received by the Department showing supplanted funds have been restored to the County Veterans' Service Program, withheld funds will be released to the county, subject to budgetary limitations and if all required reports were in a current received status at the time supplanting was discovered.

(2) Withheld funds will be released at the conclusion of the quarter following the Department's receipt of:

(a) Prior quarterly reports and supporting documentation.

(b) Amended reports with accurate and verifiable information.

(c) Sufficient evidence that funds were used in the manner established in ORS 406.450 and OAR 274-030-0602(2), County Responsibilities.

(d) Sufficient evidence has been received that acceptable progress has been made in accomplishing the timelines, goals, and objectives as outlined in the county plan.

(3) In order for any withheld expansion and enhancement funds to be released, the current quarter's reports and any required attachments must be received within the timeframe outlined in OAR 274-030-0620

(4) Unless otherwise legislatively restricted, funds withheld by the Department at the conclusion of the biennium may be disbursed to all remaining qualified counties as determined by the Director, with the advice of the Advisory Committee.

Stat. Auth.: ORS 406.030, 406.050, 406.310 - 406.340, 406.450 - 406.462 & 408.410

Stats. Implemented: ORS 406.030, 406.050, 406.450 - 406.462 & 408.410

Hist.: DVA 7-2005(Temp), f. 12-22-05, cert. ef. 12-23-05 thru 6-21-06; DVA 6-2006, f. & cert. ef. 6-16-06; DVA 1-2007(Temp), f. & cert. ef. 7-25-07 thru 1-18-08; DVA 4-2007, f. 12-20-07, cert. ef. 1-1-08; DVA 6-2013(Temp), f. & cert. ef. 7-24-13 thru 1-20-14

Employment Department

Chapter 471

Rule Caption: Automated Job Listings

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

Filed with Sec. of State: 7-16-2013

Certified to be Effective: 7-16-13 thru 12-31-13

Notice Publication Date:

Rules Amended: 471-020-0010, 471-020-0035

Subject: Update restrictions on Employment Department job listings to provide a richer job listing service to customers, while working in conjunction with partner staff and staying in compliance with all applicable state and federal regulations.

Rules Coordinator: Courtney Brooks—(503) 947-1724

471-020-0010

Definitions

As used in OAR 471-020-0010 to 471-020-0035, unless the context requires otherwise:

(1) "Accepted" means a job listing is reviewed and managed by authorized Employment Department or partner staff.

(2) "Active Status" means a period beginning when an individual is eligible to receive and is being paid unemployment insurance benefits pursuant to OAR 471-030-0036, and ending at Saturday midnight of the third week following the week in which the most recent benefit payment was issued to the individual.

(3) "Enrollment" means entry of information provided under ORS 657.159, 657.715, 657.720 or OAR 471-020-0020 into the Business & Employment Services online job match system.

(4) "Job attached" means:

(a) An individual with a definite return-to-work date; or

(b) An individual who obtains all work assignments through a closed union hiring hall.

(5) "Matching process" means the process of comparing an individual's knowledge, skills and abilities for referral to an employer's job opening.

(6) "Qualified" means the individual's skills and experience meet or exceed the employer's job requirements.

(7) "Profiled" means the application of a ranking system, using criteria established in OAR 471-030-0034, to establish the relative likelihood of a claimant exhausting the maximum benefit amount available in a benefit year.

(8) "Reemployment Services" may include any of the services listed in ORS 657.156(1)(b) and includes subsidized employment.

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(9) "Stream" means an electronic transfer or exchange of information or data.

(10) "Subsidized" means a job listing or employment that meets the requirements of ORS 411.892.

(11) "Suitable" means the factors listed in ORS 657.190 and 657.195.
Stat. Auth.: ORS 657.610
Stats. Implemented: ORS 657.156 & 657.159
Hist.: ED 1-1999(Temp), f. & cert. ef. 1-8-99 thru 7-6-99; ED 4-1999, f. 6-29-99, cert. ef. 7-4-99; ED 6-2004, f. 8-5-04 cert. ef. 8-8-04; ED 8-2005, f. 12-23-05, cert. ef. 12-25-05; ED 1-2013(Temp), f. & cert. ef. 7-16-13 thru 12-31-13

471-020-0035

Job Listings

(1) All job listings accepted by authorized Employment Department or partner staff must:

(a) Be for an identifiable current job opening, or an identifiable future job opening;

(b) Establish an employer-employee relationship;

(c) Pay at least minimum wage, unless exempted by state or federal law; and

(d) Not contain terms or conditions of employment contrary to state or federal law.

(2) The Employment Department will not list job listings replacing workers that are out of work due to a labor dispute, as defined in OAR 471-030-0097.

(3) No job listing will be accepted that charges a fee to candidates, unless:

(a) The fee is for a drug test and is charged only to individuals who have been offered work contingent on passing the drug test;

(b) The fee is for a physical examination to determine that the job offered is within the physical capabilities of the applicant and is only charged to individuals who have been offered work contingent upon passing the physical examination; or

(c) The fee is for a license, test or check (such as a background check) that is required by statute or law and is charged only to individuals who have been offered work contingent on obtaining the required license or passing the required test or check.

(4) Unless the conditions of any job listing can reasonably be shown to be a "bona fide occupational requirement" (BFOQ), as determined by the Department, all employers making use of the Employment Department's job listing system will abide by all state and federal laws relating to Equal Employment Opportunity, including prohibition against discrimination on the basis of:

(a) Race, color, or ethnicity;

(b) Religion;

(c) National origin;

(d) Sex;

(e) Age;

(f) Physical or mental disability; or

(g) Marital status.

(5) Job listings streamed from outside sources that are not staff accepted may be immediately made available to customers. If any of these listings are found to be out of compliance with Federal and State laws and rules, the agency will take necessary action to remedy.

(6) The Employment Department shall evaluate all requests to accept job listings streamed from outside sources. If the agency finds a request to be viable, the agency shall enter in a written agreement prior to data exchange.

Stat. Auth.: ORS 657.610

Stats. Implemented: ORS 657.610 & 657.705 - 657.725

Hist.: ED 3-2003, f. 2-14-03, cert. ef. 2-16-03; ED 6-2003, f. 4-25-03, cert. ef. 4-27-03; ED 6-2004, f. 8-5-04 cert. ef. 8-8-04; ED 1-2013(Temp), f. & cert. ef. 7-16-13 thru 12-31-13

Oregon Criminal Justice Commission

Chapter 213

Rule Caption: Amends Oregon Sentencing Guidelines to implement SB 6 (2013) and HB 3194 (2013).

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

Filed with Sec. of State: 8-7-2013

Certified to be Effective: 8-7-13 thru 2-2-14

Notice Publication Date:

Rules Adopted: 213-018-0012, 213-018-0013, 213-018-0036

Rules Amended: 213-017-0005, 213-017-0006, 213-017-0008, 213-017-0009, 213-019-0008

Subject: Under ORS 137.667(1), the Oregon Criminal Justice Commission (the Commission) is required to review legislation creating

new crimes and modifying existing crimes, and adopt any necessary changes to the sentencing guidelines. First, SB 6 (2013) became effective August 1, 2013. That bill contains a directive to the Commission to classify felony Animal Abuse in the First Degree as crime category 6 of the sentencing guidelines grid. Section 2, SB 6 (2013). The bill also requires the Commission to classify Aggravated Animal Abuse in the First Degree as crime category 6 of the sentencing guidelines grid. Section 3, SB 6 (2013). Moreover, the bill requires the Commission to classify felony Animal Neglect in the Second Degree as a crime category 6 if 11 to 40 animals were the subject of the neglect, and as a crime category 7 if more than 40 animals were the subject of the neglect or if the offense is a felony because of circumstances described in ORS 167.325(3)(a) or (3)(c). Section 4, SB 6 (2013). Finally, the bill requires the Commission to classify felony Animal Neglect in the First Degree as a crime category 6 if 10 to 40 animals were the subject of the neglect, and at a crime category 7 if more than 40 animals were the subject of the neglect or if the offense is a felony because of circumstances described in ORS 167.330(3)(a) or (3)(c). Section 5, SB 6 (2013). Second, HB 3194 became effective July 25, 2013, and applies to sentences imposed on or after August 1, 2013. That bill contains a directive to the Commission to classify a felony offense of Driving while Suspended or Revoked under ORS 811.182 as a crime category 4 of the sentencing guidelines. Section 3, HB 3194 (2013). Additionally, the bill also requires the Commission to maintain the classification of felony Driving while Suspended or Revoked under ORS 811.182 as a crime category 6 of the sentencing guidelines if the if the suspension or revocation resulted from either a) any degree of Murder, Manslaughter or Criminally Negligent Homicide or an Assault that causes serious physical injury, resulting from the operation of a motor vehicle, or b) Aggravated Vehicular Homicide or Aggravated Driving while Suspended or Revoked. The bill also removes certain Delivery to Minors offenses from Crime Category 8 of the sentencing guidelines. These temporary rules are needed to implement these legislative directives.

Rules Coordinator: Craig Prins—(503) 378-4830

213-017-0005

Crime Category 7

The following offenses are classified at crime category 7 on the Crime Seriousness Scale:

(1) ORS 162.165 — ESCAPE I — (B).

(2) ORS 162.185 — SUPPLYING CONTRABAND — (C).

If the contraband includes one or more firearms; otherwise CC 4, 5 or 6.

(3) ORS 163.196 — AGGRAVATED DRIVING WHILE SUSPENDED OR REVOKED — (C).

(4) ORS 163.205 — CRIMINAL MISTREATMENT I — (C).

(5) ORS 163.275 — COERCION — (C).

If threat of physical injury; otherwise CC 6.

(6) ORS 163.425 — SEXUAL ABUSE II — (C). (If not CC 8.)

(7) ORS 163.452 — CUSTODIAL SEXUAL MISCONDUCT I — (C).

(8) ORS 163.479 — UNLAWFUL CONTACT WITH A CHILD — (C).

(9) ORS 163.535 — ABANDON CHILD — (C).

If child is placed in immediate physical danger; otherwise CC 3.

(10) ORS 164.075 — THEFT BY EXTORTION — (B).

If threat of physical injury; otherwise CC 2, 3, 4, 5 or 6.

(11) ORS 164.225 — BURGLARY I — (A).

If the offense cannot be ranked at CC 8 or 9.

(12) ORS 164.325 — ARSON I — (A).

If the offense cannot be ranked at CC 8, 9 or 10.

(13) ORS 166.275 — INMATE IN POSSESSION OF WEAPON — (A).

If firearm CC 8.

(14) ORS 166.429 — FURNISHING FIREARM IN FURTHERANCE OF FELONY — (B).

(15) ORS 167.325 — ANIMAL NEGLECT II (FELONY) — (C).

If more than 40 animals were the subject of the neglect or if the offense is a felony because of circumstances described in ORS 167.325(3)(a) or (3)(c).

(16) ORS 167.330 — ANIMAL NEGLECT I (FELONY) — (C).

If more than 40 animals were the subject of the neglect or if the offense is a felony because of circumstances described in ORS 167.330(3)(a) or (3)(c).

(17) ORS 323.482 — UNLAWFUL DISTRIB. CIGARETTES — (B) < 120,000.

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(18) ORS 323.632 — UNLAWFUL DISTRIB. TOBACCO PRODUCTS — (B) < \$10,000.

Stat. Auth.: ORS 137.667, 2003 OL Ch. 453 & 804, Sec. 30 & 58
Stats. Implemented: ORS 137.667 - 137.669, 2003 OL Ch. 453 & 804, 2009 OL Ch. 783, 876; SB 6 (2013)
Hist.: CJC 1-1999, f. & cert. ef. 11-1-99; CJC 2-2003, f. 12-31-03, cert. ef. 1-1-04; CJC 1-2006, f. & cert. ef. 4-12-06; CJC 7-2009, f. 12-31-09, cert. ef. 1-1-10; CJC 1-2013(Temp), f. & cert. ef. 8-7-13 thru 2-2-14

213-017-0006

Crime Category 6

The following offenses are classified at crime category 6 on the Crime Seriousness Scale:

(1) Chapter 59 — BLUE SKY LAWS & SECURITIES LAWS* — (C).

(2) MAJOR DRUG OFFENSES (See division 19.)

(3) ORS 162.015 — BRIBERY — (B).

(4) ORS 162.025 — BRIBE RECEIVING — (B).

(5) ORS 162.065 — PERJURY — (C).

(6) ORS 162.117 — PUBLIC INVESTMENT FRAUD — (B).

(7) ORS 162.155 — ESCAPE II — (C).

(8) ORS 162.185 — SUPPLYING CONTRABAND — (C).

The contraband involves a dangerous weapon not a firearm CC 7; Otherwise CC 4 or 5.

(9) ORS 162.265 — BRIBING A WITNESS — (C).

(10) ORS 162.275 — BRIBE RECEIVING BY WITNESS — (C).

(11) ORS 162.285 — TAMPERING W/ WITNESS — (C).

(12) ORS 162.325 — HINDERING PROSECUTION — (C).

(13) ORS 163.160(3) — DOMESTIC ASSAULT (FELONY) — (C).

(14) ORS 163.165 — ASSAULT III — (C).

If the offense cannot be ranked at CC 8.

(15) ORS 163.187(4) — STRANGULATION (FELONY) — (C).

(16) ORS 163.208 — ASSAULT OF A PUBLIC SAFETY OFFICER — (C).

(17) ORS 163.213 — USE OF A STUN GUN, TEAR GAS, MACE I — (C).

(18) ORS 163.257 — CUSTODIAL INTERFERENCE I — (C).

(19) ORS 163.264 — SUBJECTING ANOTHER PERSON TO INVOLUNTARY SERVITUDE I — (B).

If offender physically restrained or threatened to physically restrain a person; otherwise CC 9.

(20) ORS 163.275 — COERCION — (C).

No threat of physical injury; otherwise CC 7.

(21) ORS 163.355 — RAPE III — (C).

(22) ORS 163.385 — SODOMY III — (C).

(23) ORS 163.432 — ONLINE SEXUAL CORRUPTION OF A CHILD II — (C).

(24) ORS 163.465 — PUBLIC INDECENCY (FELONY) — (C).

(25) ORS 163.525 — INCEST — (C).

If one of the participants is under the age of 18; otherwise CC 1.

(26) ORS 163.547 — CHILD NEGLECT IN THE FIRST DEGREE — (B).

(27) ORS 163.688 — POSSESSION OF MATERIAL DEPICTING SEX. EXPLICIT CONDUCT OF A CHILD I — (B).

(28) ORS 164.055 — THEFT I* — (C).

(29) ORS 164.057 — AGGRAVATED THEFT — (B).

Economic loss was greater than \$50,000; otherwise CC 5.

(30) ORS 164.065 — THEFT OF LOST/MISLAID PROPERTY* — (C).

(31) ORS 164.075 — THEFT BY EXTORTION* — (B).

(32) ORS 164.085 — THEFT BY DECEPTION* — (C).

(33) ORS 164.125 — THEFT OF SERVICES* — (C).

(34) ORS 164.135 — UNAUTHORIZED USE OF VEHICLE* — (C).

(35) ORS 164.138 — CRIMINAL POSSESSION OF A RENTED OR LEASED MOTOR VEHICLE* — (C).

(36) ORS 164.140(4) — POSSESSION OF RENTED PROPERTY* — (C).

(37) ORS 164.162 — MAIL THEFT OR RECEIPT OF STOLEN MAIL — (C).

For sentences imposed prior to February 15, 2010, and for sentences imposed for crimes committed on or after January 1, 2012; otherwise a Class A misdemeanor.

(38) ORS 164.215 — BURGLARY II* — (C).

(39) ORS 164.315 — ARSON II* — (C).

(40) ORS 164.365 — CRIMINAL MISCHIEF I* — (C).

(41) ORS 164.377 — COMPUTER FRAUD (LOTTERY)* — (C).

(42) ORS 164.377(3) — COMPUTER CRIME* — (C).

(43) ORS 164.868 — UNLAWFUL LABEL SOUND RECORDING* — (C).

(44) ORS 164.869 — UNLAWFUL RECORD LIVE PERFORMANCE* — (C).

(45) ORS 164.872 — UNLAWFUL LABEL VIDEOTAPE* — (C).

(46) ORS 164.877(1) — TREE-SPIKING — (C).

(47) ORS 164.889 — INTERFERE W/ AGRICULTURAL RESEARCH* — (C).

(48) ORS 165.013 — FORGERY I* — (C).

(49) ORS 165.022 — CRIMINAL POSSESSION OF FORGED INSTRUMENT I* — (C).

(50) ORS 165.055(3)(A) — CREDIT CARD FRAUD* — (C).

(51) ORS 165.065 — NEGOTIATING BAD CHECKS* — (C).

(52) ORS 165.074 — UNLAWFUL FACTORING PAYMENT CARD* v (C).

(53) ORS 165.692 — FILING A FALSE CLAIM FOR HEALTH CARE PAYMENT — (C).

(54) ORS 165.800 — IDENTITY THEFT* — (C).

(55) ORS 166.015 — RIOT — (C).

(56) ORS 166.070 — AGGRAVATED HARRASSMENT — (C).

(57) ORS 166.165 — INTIMIDATION I — (C).

(58) ORS 166.220 — UNLAWFUL USE OF WEAPON — (C).

(59) ORS 166.270 — EX-CON IN POSSESSION OF FIREARM — (C).

(60) ORS 166.272 — UNLAWFUL POSSESSION OF FIREARM — (B).

(61) ORS 166.370(1) — INTENT POSS. FIREARM OR DANG. WEAP. IN and (5)(a) — PUBLIC BUILDING; DISCHARGE FIREARM IN SCHOOL — (C).

(62) ORS 166.382 — POSSESSION OF DESTRUCTIVE DEVICE — (C).

(63) ORS 166.384 — UNLAWFUL MANUFACTURE OF DESTRUCTIVE DEVICE — (C).

(64) ORS 166.410 — ILLEGAL MANUFACTURE, IMPORTATION OR TRANSFER OF FIREARMS — (B).

(65) ORS 166.643 — UNLAWFUL POSSESS SOFT BODY ARMOR — (B).

If offender committed or was attempting to commit a person felony or misdemeanor involving violence, otherwise CC 4.

(66) ORS 167.057 — LURING A MINOR — (C).

(67) ORS 167.320 — ANIMAL ABUSE I (FELONY) — (C).

(68) ORS 167.322 — AGGRAVATED ANIMAL ABUSE I — (C).

(69) ORS 167.325 — ANIMAL NEGLECT II (FELONY) — (C).

If 11 to 40 animals were the subject of the neglect.

(70) ORS 167.330 — ANIMAL NEGLECT I (FELONY) — (C).

If 10 to 40 animals were the subject of the neglect.

(71) ORS 167.339 — ASSAULT OF A LAW ENFORCEMENT ANIMAL — (C).

(72) ORS 167.388 — INTERFERE LIVESTOCK PRODUCTION* — (C).

(73) ORS 647.145 — TRADEMARK COUNTERFEITING II* — (C).

(74) ORS 647.150 — TRADEMARK COUNTERFEITING I* — (B).

(75) ORS 811.182 — DRIVING WHILE SUSPENDED/REVOKED (FELONY) — (C).

If the suspension or revocation resulted from (a) any degree of murder, manslaughter, criminally negligent homicide, or an assault that caused serious physical injury, resulting from the operation of a motor vehicle, or (b) aggravated vehicular homicide or aggravated driving while suspended or revoked.

(76) ORS 811.705 — HIT & RUN VEHICLE (INJURY) — (C).

(77) ORS 813.010(5) — DRIVING UNDER THE INFLUENCE (FELONY) — (C).

(78) ORS 819.300 — POSSESSION OF STOLEN VEHICLE* — (C).

(79) ORS 819.310 — TRAFFICKING IN STOLEN VEHICLES — (C).

If part of an organized operation or if value of property taken from one or more victims was greater than \$50,000; otherwise CC 5.

(80) ORS 830.475 — HIT AND RUN BOAT — (C).

* Property offenses marked with an asterisk shall be ranked at Crime Category 6 if the value of the property stolen or destroyed was \$50,000 or more, excluding the theft of a motor vehicle used primarily for personal rather than commercial transportation.

Stat. Auth.: ORS 137.667, 2003 OL Ch. 453, & 2009 OL Ch. 660
Stats. Implemented: ORS 137.667 - 137.669, 2001 OL Ch. 147, 635, 828 2003 2001 OL Ch. 383, 453, 543, 2005 OL Ch. 708, 2007 OL Ch. 684, 811, 869, 876, SB 1087 (2008), Ballot Measure 57 (2008), & 2009 OL Ch. 660 & HB 3508 (2009) & 2009 OL Ch. 783; 2011 OL Ch. 3 Sec. 1; 2011 OL Ch. 598; 2011 OL Ch. 666; SB 6 (2013); HB 3194 (2013)
Hist.: CJC 1-1999, f. & cert. ef. 11-1-99; CJC 2-2001, f. 12-26-01, cert. ef. 1-1-02; CJC 2-2003, f. 12-31-03, cert. ef. 1-1-04; CJC 1-2005(Temp), f. & cert. ef. 10-14-05 thru 4-12-06; CJC 1-2006, f. & cert. ef. 4-12-06; CJC 3-2007, f. 12-31-07 & cert. ef. 1-1-08; CJC 2-2008(Temp), f. 12-31-08, cert. ef. 1-1-09 thru 6-29-09; CJC 2-2009(Temp), f. 3-24-09, cert. ef. 1-1-10 thru 6-29-10; CJC 3-2009(Temp), f. & cert. ef. 6-17-09 thru 12-13-09; CJC 4-

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2009(Temp), f. & cert. ef. 9-16-09 thru 3-14-10; CJC 5-2009, f. 12-11-09, cert. ef. 12-13-09; CJC 7-2009, f. 12-31-09, cert. ef. 1-1-10; CJC 3-2010(Temp), f. & cert. ef. 6-30-10 thru 12-26-10; CJC 5-2010, f. 12-13-10, cert. ef. 12-26-10; CJC 1-2011(Temp), f. & cert. ef. 11-1-11 thru 4-27-12; CJC 2-2011(Temp), f. 12-30-11, cert. ef. 1-1-12 thru 4-27-12; CJC 2-2012, f. & cert. ef. 4-27-12; CJC 1-2013(Temp), f. & cert. ef. 8-7-13 thru 2-2-14

213-017-0008

Crime Category 4

The following offenses are classified at crime category 4 on the Crime Seriousness Scale:

- (1) Chapter 59 — BLUE SKY LAWS & SECURITIES LAWS* — (C).
- (2) DRUG OFFENSES (See division 19).
- (3) ORS 97.982 — ALTERATION OF A DOCUMENT OF GIFT — (C).
- (4) ORS 162.185 — SUPPLYING CONTRABAND — (C).
If offense cannot be ranked at CC 5, 6 or 7.
- (5) ORS 162.205 — FAILURE TO APPEAR I — (C).
- (6) ORS 163.245 — CUSTODIAL INTERFERENCE II — (C).
- (7) ORS 163.689 — POSSESSION OF MATERIAL DEPICTING SEX. EXPLICIT CONDUCT OF CHILD II — (C).
- (8) ORS 164.055 — THEFT I* — (C).
- (9) ORS 164.065 — THEFT OF LOST/MISLAID PROPERTY* — (C).
- (10) ORS 164.075 — THEFT BY EXTORTION* — (B).
- (11) ORS 164.085 — THEFT BY DECEPTION* — (C).
- (12) ORS 164.098 — ORGANIZED RETAIL THEFT — (B).
- (13) ORS 164.125 — THEFT OF SERVICES* — (C).
- (14) ORS 164.135 — UNAUTHORIZED USE OF VEHICLE* — (C).
- (15) ORS 164.138 — CRIMINAL POSSESSION OF A RENTED OR LEASED MOTOR VEHICLE* — (C).
- (16) ORS 164.140(4) — POSSESSION OF RENTED PROPERTY* — (C).
- (17) ORS 164.215 — BURGLARY II* — (C).
- (18) ORS 164.315 — ARSON II* — (C).
- (19) ORS 164.365 — CRIMINAL MISCHIEF I* — (C).
Except ORS 164.365(1)(e).
- (20) ORS 164.377(5) — COMPUTER FRAUD (LOTTERY)* — (C).
- (21) ORS 164.377(5) — COMPUTER CRIME* — (C).
- (22) ORS 164.868 — UNLAWFUL LABEL SOUND RECORDING* — (C).
- (23) ORS 164.869 — UNLAWFUL RECORD LIVE PERFORMANCE* — (C).
- (24) ORS 164.872 — UNLAWFUL LABEL VIDEOTAPE* — (C).
- (25) ORS 165.013 — FORGERY I* — (C).
- (26) ORS 165.022 — CRIMINAL POSSESSION OF FORGED INSTRUMENT I* — (C).
- (27) ORS 165.032 — CRIMINAL POSSESSION OF FORGERY DEVICE — (C).
- (28) ORS 165.055(3)(A) — CREDIT CARD FRAUD* — (C).
- (29) ORS 165.065 — NEGOTIATING BAD CHECKS* — (C).
- (30) ORS 165.074 — UNLAWFUL FACTORING PAYMENT CARD* — (C).
- (31) ORS 165.581 — CELLULAR COUNTERFEITING I — (B).
- (32) ORS 165.800 — IDENTITY THEFT* — (C).
- (33) ORS 165.810 — UNLAWFUL POSSESSION PERSONAL ID DEVICE. — (C).
- (34) ORS 166.023 — DISORDERLY CONDUCT I — (C).
- (35) ORS 166.643 — UNLAWFUL POSSESS SOFT BODY ARMOR — (B). (If not categorized at CC 6)
- (36) ORS 167.262 — USING A MINOR IN CONTROLLED SUBSTANCE OFFENSE — (A).
CC 8 if minor 3 or more yrs. Younger than offender.
- (37) ORS 167.388 — INTERFERE LIVESTOCK PRODUCTION* — (C).
- (38) ORS 181.599 — FAIL/REPORT SEX OFFENDER — (C).
- (39) ORS 647.145 — TRADEMARK COUNTERFEITING II* — (C).
- (40) ORS 647.150 — TRADEMARK COUNTERFEITING I* — (B).
- (41) ORS 811.182 — DRIVING WHILE SUSPENDED/REVOKED (FELONY) — (C).
If the offense cannot be ranked at CC 6.
- (42) ORS 813.011 — DRIVING UNDER THE INFLUENCE (FELONY) — (C).

- (43) ORS 819.300 — POSSESSION OF STOLEN VEHICLE* — (C).

* Property offenses marked with an asterisk shall be ranked at Crime Category 4 if either of the following factors was included in the commission of the offense:

- (a) The value of the property stolen or destroyed was \$5,000 or more but less than \$10,000; or
 - (b) The property stolen was a vehicle valued at \$10,000 or more and used primarily for personal rather than commercial transportation.
- Stat. Auth.: ORS 137.667 & 2003 OL Ch. 453
Stats. Implemented: ORS 137.667 - 137.669, 164.889, 166.643 & 2003 OL Ch. 383, 453, 543, 632, 2005 OL Ch. 708, 2007 OL Ch. 498, 681 & 684; 2011 OL Ch. 311; 2011 OL Ch. 598; HB 3194 (2013)
Hist.: CJC 1-1999, f. & cert. ef. 11-1-99; CJC 2-2001, f. 12-26-01, cert. ef. 1-1-02; CJC 2-2003, f. 12-31-03, cert. ef. 1-1-04; CJC 1-2005(Temp), f. & cert. ef. 10-14-05 thru 4-12-06; CJC 1-2006, f. & cert. ef. 4-12-06; CJC 3-2007, f. 12-31-07 & cert. ef. 1-1-08; CJC 1-2011(Temp), f. & cert. ef. 11-1-11 thru 4-27-12; CJC 2-2012, f. & cert. ef. 4-27-12; CJC 1-2013(Temp), f. & cert. ef. 8-7-13 thru 2-2-14

213-017-0009

Crime Category 3

The following offenses are classified at crime category 3 on the Crime Seriousness Scale:

- (1) ORS Chapter 59 — BLUE SKY LAWS & SECURITIES LAWS* — (C).
- (2) ORS 162.305(2)(b) — TAMPER LOTTERY RECORDS — (C).
- (3) ORS 162.355 — SIMULATING LEGAL PROCESS — (C).
- (4) ORS 162.365(3)(b) — CRIMINAL IMPERSONATION OF PEACE OFFICER, JUDGE OR JUSTICE OF THE PEACE — (C).
- (5) ORS 162.367 — FALSE LAW ENFORCEMENT ID — (C).
- (6) ORS 163.535 — ABANDON CHILD — (C). (If not ranked at CC 5.)
- (7) ORS 163.555 — CRIMINAL NONSUPPORT — (C).
- (8) ORS 164.055 — THEFT I* — (C).
- (9) ORS 164.065 — THEFT OF LOST/MISLAID PROPERTY* — (C).
- (10) ORS 164.075 — THEFT BY EXTORTION* — (B).
- (11) ORS 164.085 — THEFT BY DECEPTION* — (C).
- (12) ORS 164.095 — THEFT BY RECEIVING — (C). (If not ranked at CC 5.)
- (13) ORS 164.125 — THEFT OF SERVICES* — (C).
- (14) ORS 164.135 — UNAUTHORIZED USE OF VEHICLE* — (C).
- (15) ORS 164.138 — CRIMINAL POSSESSION OF A RENTED OR LEASED MOTOR VEHICLE* — (C).
- (16) ORS 164.140(4) — POSSESSION OF RENTED PROPERTY* — (C).
- (17) ORS 164.215 — BURGLARY II* — (C).
- (18) ORS 164.315 — ARSON II* — (C).
- (19) ORS 164.365 — CRIMINAL MISCHIEF I* — (C).
- (20) ORS 164.377(5) — COMPUTER FRAUD (LOTTERY)* — (C).
- (21) ORS 164.377(5) — COMPUTER CRIME* — (C).
- (22) ORS 164.868 — UNLAWFUL LABEL SOUND RECORDING* — (C).
- (23) ORS 164.869 — UNLAWFUL RECORD LIVE PERFORMANCE* — (C).
- (24) ORS 164.872 — UNLAWFUL LABEL VIDEOTAPE* — (C).
- (25) ORS 164.889 — INTERFERE W/ AGRICULTURAL RESEARCH* — (C).
- (26) ORS 165.013 — FORGERY I* — (C).
- (27) ORS 165.022 — CRIMINAL POSSESSION OF FORGED INSTRUMENT I* — (C).
- (28) ORS 165.055(4)(B) — CREDIT CARD FRAUD* — (C).
- (29) ORS 165.065 — NEGOTIATING BAD CHECKS* — (C).
- (30) ORS 165.070 — POSSESSION OF FAKE COMMUNICATIONS DEVICE — (C).
- (31) ORS 165.074 — UNLAWFUL FACTORING PAYMENT CARD* — (C).
- (32) ORS 165.800 — IDENTITY THEFT* — (C).
- (33) ORS 166.085 — ABUSE OF CORPSE II — (C).
- (34) ORS 167.062(4) — PROMOTING LIVE SEX SHOW - (C).
- (35) ORS 167.137 — UNLAWFUL GAMBLING I — (C).
- (36) ORS 167.137 — POSSESSION OF GAMBLING RECORDS I — (C).
- (37) ORS 167.388 — INTERFERE LIVESTOCK PRODUCTION* — (C).
- (38) ORS 647.145 — TRADEMARK COUNTERFEITING II* — (C).

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- (39) ORS 647.150 — TRADEMARK COUNTERFEITING I* — (B).
- (40) ORS 819.300 — POSSESSION OF STOLEN VEHICLE* — (C).
- (41) ORS 323.482 — UNLAWFUL DISTRIB. CIGARETTES — (C) < 60,000.
- (42) ORS 323.632 — UNLAWFUL DISTRIB. TOBACCO PRODUCTS — (C) < \$5,000.

* Property offenses marked with an asterisk shall be ranked at Crime Category 3 if either of the following factors was included in the commission of the offense:

- (a) The value of the property stolen or destroyed was \$1,000 or more but less than \$5,000; or
- (b) The property stolen was a vehicle valued at more than \$1,000 but less than \$10,000 and used primarily for personal rather than commercial transportation.

Stat. Auth.: ORS 137.667 & 2003 OL Ch. 453
Stats. Implemented: ORS 137.667 - 137.669, 164.889, 166.642, 2003 OL Ch. 383, 453, 550, 632, 633, & 2007 OL Ch. 684; SB 6 (2013)
Hist.: CJC 1-1999, f. & cert. ef. 11-1-99; CJC 2-2001, f. 12-26-01, cert. ef. 1-1-02; CJC 2-2003, f. 12-31-03, cert. ef. 1-1-04; CJC 3-2007, f. 12-31-07 & cert. ef. 1-1-08; [CJC 2-2009(Temp), f. 3-24-09, cert. ef. 1-1-10 thru 6-29-10; Suspended by CJC 6-2009(Temp), f. 12-11-09, cert. ef. 1-1-10 thru 6-29-10; CJC 3-2009(Temp), f. & cert. ef. 6-17-09 thru 12-13-09; CJC 1-2013(Temp), f. & cert. ef. 8-7-13 thru 2-2-14

213-018-0012

Animal Neglect II (Felony) (ORS 167.325)

(1) CRIME CATEGORY 7: Animal Neglect II (Felony) shall be ranked at Crime Category 7 if more than 40 animals were the subject of the neglect or if the offense is a felony because of circumstances described in ORS 167.325(3)(a) or (3)(c).

(2) CRIME CATEGORY 6: Animal Neglect II (Felony) shall be ranked at Crime Category 6 if 11 to 40 animals were the subject of the neglect.

Stat. Auth.: ORS 137.667
Stats. Implemented: ORS 137.667; SB 6 (2013)
Hist.: CJC 1-2013(Temp), f. & cert. ef. 8-7-13 thru 2-2-14

213-018-0013

Animal Neglect I (Felony) (ORS 167.330)

(1) CRIME CATEGORY 7: Animal Neglect I (Felony) shall be ranked at Crime Category 7 if more than 40 animals were the subject of the neglect or if the offense is a felony because of circumstances described in ORS 167.330(3)(a) or (3)(c).

(2) CRIME CATEGORY 6: Animal Neglect I (Felony) shall be ranked at Crime Category 6 if 10 to 40 animals were the subject of the neglect.

Stat. Auth.: ORS 137.667
Stats. Implemented: ORS 137.667; SB 6 (2013)
Hist.: CJC 1-2013(Temp), f. & cert. ef. 8-7-13 thru 2-2-14

213-018-0036

Driving While Suspended/Revoked (Felony) (ORS 811.182)

(1) CRIME CATEGORY 6: Driving While Suspended/Revoked (Felony) shall be ranked at Crime Category 6 if the suspension or revocation resulted from (a) any degree of murder, manslaughter, criminally negligent homicide, or an assault that caused serious physical injury, resulting from the operation of a motor vehicle, or (b) aggravated vehicular homicide or aggravated driving while suspended or revoked.

(2) CRIME CATEGORY 4: Driving While Suspended/Revoked (Felony) shall be ranked at Crime Category 4 if it cannot be ranked at Crime Category 6.

Stat. Auth.: ORS 137.667
Stats. Implemented: ORS 137.667; HB 3194 (2013)
Hist.: CJC 1-2013(Temp), f. & cert. ef. 8-7-13 thru 2-2-14

213-019-0008

Crime Category 8 — Aggravated Drug Offenses

(1) MANUFACTURE OR DELIVERY OF CONTROLLED SUBSTANCE WITHIN 1000 FEET OF SCHOOL — ORS 475.900(1)(c) is incorporated herein by reference.

(2) DELIVERY TO MINORS — ORS 475.860(4)(a) and ORS 475.906(1) or (2) — ORS 475.900(1)(e) is incorporated herein by reference.

(3) ORS 167.262 USING A MINOR IN A CONTROLLED SUBSTANCE OFFENSE: Using a minor in a drug offense shall be ranked in Crime Category 8 unless the minor is less than three (3) years younger than the offender, in which case the offense will be ranked in Crime Category 4.

(4) MANUFACTURE AND DELIVERY OF A CONTROLLED SUBSTANCE — SUBSTANTIAL QUALITIES: ORS 475.900(1)(a) is incorporated herein by reference.

(5) COMMERCIAL DRUG OFFENSE: ORS 475.900(1)(b) is incorporated herein by reference.

(6) CAUSING ANOTHER TO INGEST A CONTROLLED SUBSTANCE: ORS 475.902(1) is incorporated herein by reference.

(7) UNLAWFUL ADMINISTRATION OF A CONTROLLED SUBSTANCE: ORS 475.910(1)(b) is incorporated herein by reference.

(8) MANUFACTURE OF METHAMPHETAMINE: ORS 475.900(1)(d) is incorporated herein by reference.

(9) DISTRIBUTION OF EQUIPMENT, SOLVENT, REAGENT, OR PRECURSOR SUBSTANCE WITH THE INTENT TO FACILITATE THE MANUFACTURE OF A CONTROLLED SUBSTANCE: Violation of ORS 475.962 shall be classified at Crime Category 8.

Stat. Auth.: ORS 137.667, 475.986, 475.998 & 2003 OL, Ch. 453
Stats. Implemented: ORS 137.667 - 137.669, 475.986, 475.998, 2003 OL, Ch. 453, 2005 OL, Ch. 706 (HB 2485), 2005 OL, Ch. 708 (SB 907); HB 3194 (2013)
Hist.: CJC 1-1999, f. & cert. ef. 11-1-99; CJC 2-2001, f. 12-26-01, cert. ef. 1-1-02, Renumbered from 213-019-0001; CJC 2-2003, f. 12-31-03, cert. ef. 1-1-04; CJC 1-2005(Temp), f. & cert. ef. 10-14-05 thru 4-12-06; CJC 1-2006, f. & cert. ef. 4-12-06; CJC 1-2013(Temp), f. & cert. ef. 8-7-13 thru 2-2-14

Oregon Department of Education Chapter 581

Rule Caption: Strategic Investments — Guiding Principles

Adm. Order No.: ODE 15-2013(Temp)

Filed with Sec. of State: 8-15-2013

Certified to be Effective: 8-15-13 thru 2-11-14

Notice Publication Date:

Rules Adopted: 581-017-0005, 581-017-0010, 581-017-0020

Subject: The rules establish common definitions to be used in the grant programs established to implement the three strategic investments in the provisions of HB 3232: Oregon Early Reading Program, Guidance and Support for Postsecondary Aspirations Program, and Connecting to the World of Work Program.

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-017-0005

Definitions

The following definitions apply to Oregon Administrative Rules in division 17, chapter 581 that implement strategic investments as part of the Oregon Early Reading Program, Guidance and Support for Post-Secondary Aspirations Program and Connecting to the World of Work Program:

(1) “40-40-20 goal” means the mission of Oregon’s education system as described in ORS 351.009.

(2) “Achievement gap” means the gap in achievement that often exists between students who are economically disadvantaged, students learning English as a second language, African American, Hispanic or Native American and their peers.

(3) “Network” means the Network of Quality Teaching and Learning established by chapter 661, Oregon Law 2013 (Enrolled House Bill 3233).

(4) “Students who are economically disadvantaged” means students who are eligible for free or reduced price school meals.

Stat. Auth.: 2013 OL Ch. 660, Sec. 1 (Enrolled HB 3232)
Stat. Implemented: 2013 OL Ch. 660, Sec. 1 (Enrolled HB 3232)
Hist.: ODE 15-2013(Temp), f. & cert. ef. 8-15-13 thru 2-11-14

581-017-0010

Equity Lens

(1) The Department of Education will apply the Equity Lens adopted by the Oregon Education Investment Board when administering the strategic investments including when determining resource allocation and making strategic investments.

(2) Specifically the Department shall consider the following:

(a) Who are the racial or ethnic and underserved groups affected? What is the potential impact of the resource allocation and strategic investment to these groups?

(b) Does the decision being made ignore or worsen existing disparities or produce other unintended consequences? What is the impact on eliminating the opportunity gap?

(c) How does the resource allocation or strategic investment advance the 40-40-20 goal?

(d) What are the barriers to more equitable outcomes? (e.g. mandated, political, emotional, financial, programmatic or managerial)

(e) How has the Department intentionally involved stakeholders who are also members of the communities affected by the resource allocation or strategic investment? How does the Department validate its assessment in paragraphs (a), (b) and (c) of this subsection?

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(f) How will the Department modify or enhance the strategic investment to ensure each learner and communities' individual and cultural needs are met?

(g) How is the Department collecting data on race, ethnicity, and native language relating to the strategic investments?

(h) What is the Department's commitment to P-20 professional learning for equity? What resources is the Department allocating for training in cultural responsive instruction?

Stat. Auth.: 2013 OL Ch. 660, Sec. 1 (Enrolled HB 3232)
Stat. Implemented: 2013 OL Ch. 660, Sec. 1 (Enrolled HB 3232)
Hist.: ODE 15-2013(Temp), f. & cert. ef. 8-15-13 thru 2-11-14

581-017-0020

Timelines and Performance Measures

Recipients of strategic investment grant funds shall meet timelines, performance measures and other requirements related to the accumulation and evaluation of data collected as required by the Oregon Education Investment Board and the Oregon Department of Education.

Stat. Auth.: 2013 OL Ch. 660, Sec. 1 (Enrolled HB 3232)
Stat. Implemented: 2013 OL Ch. 660, Sec. 1 (Enrolled HB 3232)
Hist.: ODE 15-2013(Temp), f. & cert. ef. 8-15-13 thru 2-11-14

Rule Caption: Network for Quality Teaching and Learning Guiding Principles

Adm. Order No.: ODE 16-2013(Temp)

Filed with Sec. of State: 8-15-2013

Certified to be Effective: 8-15-13 thru 2-11-14

Notice Publication Date:

Rules Adopted: 581-018-0005, 581-018-0010, 581-018-0020

Subject: The rules establish common definitions to be used in the grant programs established as part of the Network of Quality Teaching and Learning. The rules also incorporate the Equity Lens adopted by the Oregon Education Investment Board and direct the Department of Education to apply the Equity Lens when determining resource allocation and awarding grants and contracts.

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-018-0005

Definitions

The following definitions apply to Oregon Administrative Rules in division 18, chapter 581 that implement the Network of Quality Teaching and Learning:

(1) "40-40-20 goal" means the mission of Oregon's education system as described in ORS 351.009

(2) "Achievement gap" means the gap in achievement that often exists between students who are economically disadvantaged, students learning English as a second language, African American, Hispanic or Native American and their peers.

(3) "Network" means the Network of Quality Teaching and Learning established by chapter 661, Oregon Law 2013 (Enrolled House Bill 3233).

(4) "Students who are economically disadvantaged" means students who are eligible for free or reduced price school meals.

Stat. Auth.: 2013 OL Ch. 661, Sec. 1 (Enrolled HB 3233)
Stat. Implemented: 2013 OL Ch. 661, Sec. 1 (Enrolled HB 3233)
Hist.: ODE 16-2013(Temp), f. & cert. ef. 8-15-13 thru 2-11-14

581-018-0010

Equity Lens

(1) The Department of Education will apply the Equity Lens adopted by the Oregon Education Investment Board when administering the network including when determining resource allocation and awarding grants and contracts.

(2) Specifically the Department shall consider the following:

(a) Who are the racial or ethnic and underserved groups affected? What is the potential impact of the resource allocation and grant or contract award to these groups?

(b) Does the decision being made ignore or worsen existing disparities or produce other unintended consequences? What is the impact on eliminating the opportunity gap?

(c) How does the resource allocation or grant or contract award advance the 40-40-20 goal?

(d) What are the barriers to more equitable outcomes? (e.g. mandated, political, emotional, financial, programmatic or managerial)

(e) How has the Department intentionally involved stakeholders who are also members of the communities affected by the resource allocation or

grant or contract? How does the Department validate its assessment in paragraphs (a), (b) and (c) of this subsection?

(f) How will the Department modify or enhance the grant or contract to ensure each learner and communities' individual and cultural needs are met?

(g) How is the Department collecting data on race, ethnicity, and native language relating to the grants and contracts?

(h) What is the Department's commitment to P-20 professional learning for equity? What resources is the Department allocating for training in cultural responsive instruction?

Stat. Auth.: 2013 OL Ch. 661, Sec. 1 (Enrolled HB 3233)
Stat. Implemented: 2013 OL Ch. 661, Sec. 1 (Enrolled HB 3233)
Hist.: ODE 16-2013(Temp), f. & cert. ef. 8-15-13 thru 2-11-14

581-018-0020

Timelines and Performance Measures

Recipients of network grant or contract funds shall meet timelines, performance measures and other requirements related to the accumulation and evaluation of data collected as required by the Oregon Education Investment Board and the Oregon Department of Education.

Stat. Auth.: 2013 OL Ch. 661, Sec. 1 (Enrolled HB 3233)
Stat. Implemented: 2013 OL Ch. 661, Sec. 1 (Enrolled HB 3233)
Hist.: ODE 16-2013(Temp), f. & cert. ef. 8-15-13 thru 2-11-14

Rule Caption: Implement the provisions of HB 3233 by establishing a Dual-Language/Two-Way Bilingual Grant Program.

Adm. Order No.: ODE 17-2013(Temp)

Filed with Sec. of State: 8-15-2013

Certified to be Effective: 8-15-13 thru 2-11-14

Notice Publication Date:

Rules Adopted: 581-018-0200, 581-018-0205, 581-018-0210, 581-018-0215, 581-018-0220, 581-018-0225

Subject: HB 3233 established a Network of Quality Teaching and Learning, and provides funding for a comprehensive system of support for educators that creates a culture of leadership, professionalism, continuous improvement and excellence for teachers and leaders across the P-20 system. One of the purposes of the network is to distribute funding to school districts, nonprofit organizations and postsecondary institutions for the purpose of closing the achievement gaps by providing and improving the effectiveness of professional development, implementing data-driven decision making, supporting practice communities and implementing culturally competent practices.

The rules establish a Dual-Language/Two-Way Bilingual Grant program as one of the methods to address this specific direction in HB 3233. The purpose of the grant program is to support school districts and public charter schools to design, implement and improve dual language/two-way bilingual programs.

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-018-0200

Definitions

The following definitions apply to OAR 581-018-0200 to 581-018-0225:

(1) "Dual-Language/Two-Way Bilingual Grant" means the Grant established in OAR 581-018-0205 to implement section 1(3)(f), chapter 661, Oregon Laws 2013 (Enrolled House Bill 3233).

(2) "Dual-Language" means instruction in English and a targeted language.

(3) "Two-Way Bilingual" means two-way programs that have the demographics to invite native-English-speaking students to join their bilingual and English Language Learner peers in an integrated bilingual classroom.

Stat. Auth.: 2013 OL Ch. 661, Sec. 1 (Enrolled HB 3233)
Stat. Implemented: 2013 OL Ch. 661, Sec. 1 (Enrolled HB 3233)
Hist.: ODE 17-2013(Temp), f. & cert. ef. 8-15-13 thru 2-11-14

581-018-0205

Establishment

(1) There is established the Dual-Language/Two-Way Bilingual Grant to support school districts and public charter schools to design, implement and improve dual language/two-way bilingual programs. The programs assist students in becoming academically proficient in two languages by providing research based enrichment schooling that closes the academic

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achievement gap in English and continues to develop a student's first language.

(2) Subject to available funds, the grants will be awarded for three years and in three phases:

- (a) Planning phase.
- (b) Implementation phase.
- (c) Program evaluation phase.

Stat. Auth.: 2013 OL Ch. 661, Sec. 1 (Enrolled HB 3233)
Stat. Implemented: 2013 OL Ch. 661, Sec. 1 (Enrolled HB 3233)
Hist.: ODE 17-2013(Temp), f. & cert. ef. 8-15-13 thru 2-11-14

581-018-0210

Eligibility

(1) The following entities shall be eligible to receive the Dual-Language/Two-Way Bilingual Grant:

- (a) School districts;
- (b) Public charter schools; and
- (c) Consortium of school districts, public charter schools, non-profit organizations or post-secondary institutions. Each consortium must have at least one school district or public charter school as a member.

(2) A single grant proposal may include more than one eligible applicant, but the fiscal agent must be one of the eligible applicants identified in subsection (1)(a) or (b) of this rule.

Stat. Auth.: 2013 OL Ch. 661, Sec. 1 (Enrolled HB 3233)
Stat. Implemented: 2013 OL Ch. 661, Sec. 1 (Enrolled HB 3233)
Hist.: ODE 17-2013(Temp), f. & cert. ef. 8-15-13 thru 2-11-14

581-018-0215

Criteria

(1) The Oregon Department of Education shall establish a request for proposal solicitation and approval process to be conducted each biennium for which the Dual-Language/Two-Way Bilingual grant funds are available. All proposals must comply with the requirements of section 1, chapter 661, Oregon Laws 2013 (Enrolled House Bill 3233) and rules adopted to implement that section.

(2) Grants shall be awarded based on the following criteria:

(a) Whether the grant application identifies how the funds will be used to reach the 40-40-20 goal and improve education outcomes identified by the Oregon Education Investment Board as contained in the achievement compact of the applicant.

(b) Whether the grant application demonstrates school district or public charter school support, commitment and readiness to design a Dual Language/Two-Way Bilingual Grant program.

(3) The Department shall give priority to proposals that meet the minimum criteria and:

(a) Provide a sustainability plan to continue the program for at least two additional years after the third year of the grant.

(b) The extent to which the applicant clearly documents its capacity to implement and carry out the Dual-Language/Two-Way Bilingual program, including demonstrated intentions to work in a collaborative way with other grantees.

(4) The Department of Education shall allocate funds for the grant program based on the evaluation of the grant application and the following considerations:

(a) Geographic location of district to insure geographic diversity within the recipients of grant program funds throughout the state;

(b) Districts who have achievement gap between subgroup populations;

(c) Districts who have a high level of students who are economically disadvantaged; and

(d) Give preference to entities that have demonstrated success in improving student outcomes.

Stat. Auth.: 2013 OL Ch. 661, Sec. 1 (Enrolled HB 3233)
Stat. Implemented: 2013 OL Ch. 661, Sec. 1 (Enrolled HB 3233)
Hist.: ODE 17-2013(Temp), f. & cert. ef. 8-15-13 thru 2-11-14

581-018-0220

Funding

(1) Each grantee may receive up to \$120,000 which shall be awarded as following:

(a) 25 percent of the grant amount in year one for the planning phase.

(b) 50 percent of the grant amount in year two for the implementation phase.

(c) 25 percent of the grant amount in year three for the program evaluation phase.

(2) Grantees shall use funds received for the planning phase to engage administrators, teachers, parents and the community in the planning of the

program with a focus on building school and school district capacity to sustain efforts.

(3) Grantees must be able to expend the funds for allowable purposes specified in the request for proposal within the grant timeline according to acceptable accounting procedures.

Stat. Auth.: 2013 OL Ch. 661, Sec. 1 (Enrolled HB 3233)
Stat. Implemented: 2013 OL Ch. 661, Sec. 1 (Enrolled HB 3233)
Hist.: ODE 17-2013(Temp), f. & cert. ef. 8-15-13 thru 2-11-14

581-018-0225

Reporting

The Oregon Department of Education shall provide to grant recipients a template for an interim and final grant report. Grantees are required to submit a final report prior to receiving their final request for funds.

Stat. Auth.: 2013 OL Ch. 661, Sec. 1 (Enrolled HB 3233)
Stat. Implemented: 2013 OL Ch. 661, Sec. 1 (Enrolled HB 3233)
Hist.: ODE 17-2013(Temp), f. & cert. ef. 8-15-13 thru 2-11-14

Rule Caption: Implement the provisions of HB 3233 (2013) relating to school district collaboration grants.

Adm. Order No.: ODE 18-2013(Temp)

Filed with Sec. of State: 8-15-2013

Certified to be Effective: 8-15-13 thru 2-11-14

Notice Publication Date:

Rules Adopted: 581-018-0100, 581-018-0105, 581-018-0110, 581-018-0115, 581-018-0120, 581-018-0125

Subject: These temporary rules implement the collaboration grant as part of the Network on Quality Teaching and Learning established by HB 3233 (2013).

The purpose of the grant is to improve student achievement through the voluntary collaboration of teachers and administrators to design and implement new approaches in career/pathways, evaluation processes, compensation models, and enhanced professional development opportunities.

The rules specify eligibility, award criteria, funding amounts and reporting.

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-018-0100

Definitions

The following definitions apply to 581-018-0100 to 581-018-0125:

(1) "Blueprints" means a description of the components of a school district's strategies for implementation and integration of the four areas: career pathways, evaluation processes, compensation models and enhanced professional development for teachers and administrators.

(2) "Career pathways" means descriptions of professional career achievement and advancement (e.g. Novice, Emerging Professional, Master Teacher) or specialized roles (e.g. Mentor Teacher, Master Teacher), and opportunities to increase professional responsibilities.

(3) "Compensation models" means alternative salary advancement systems based on a variety of elements aside from seniority (e.g. weighed systems based on professional involvement, increased expertise).

(4) "Design grants" means grants intended for districts or consortia of districts to create blueprints for implementation that integrate the four areas of: career pathways, evaluation processes, compensation models and enhanced professional development.

(5) "Enhanced professional development" means professional learning opportunities that are ongoing, collaborative in nature, and aligned to the needs of educators identified through the evaluation process and student data.

(6) "Evaluation processes" means an educator performance evaluation system based on collaboration, that includes, but is not limited to standards of professional practice, four-level rubrics, multiple measures of professional practice, professional responsibilities and student learning and growth, an evaluation and growth cycle and professional learning aligned to student and educator performance data.

(7) "Implementation Grants" means grants intended for districts or consortia of districts to implement their blueprint designs.

Stat. Auth.: ORS 329.838
Stats. Implemented: ORS 329.838
Hist.: ODE 18-2013(Temp), f. & cert. ef. 8-15-13 thru 2-11-14

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581-018-0105

Eligibility

(1) The following shall be eligible to receive a School District Collaboration Grant:

- (a) School districts;
- (b) Consortium of school districts.
- (2) To be eligible for a design or implementation grant:
 - (a) Districts must not have received a federal Teacher Incentive Fund (TIF) grant; and

(b) Districts must not have received Creative Leadership Achieves Student Success (CLASS) grants or District Collaboration Grants for more than four years; and

(c) Districts must not be receiving CLASS grant dollars during the school year for which the funds received under the application for a design or implementation grant would be expended.

Stat. Auth.: ORS 329.838
Stats. Implemented: ORS 329.838
Hist.: ODE 18-2013(Temp), f. & cert. ef. 8-15-13 thru 2-11-14

581-018-0110

Criteria

(1) The Oregon Department of Education shall establish a request for proposal solicitation and approval process to be conducted each biennium for when District Implementation and Design Collaboration grant funds are available. The Department shall notify eligible applicants of the proposal process and the due dates, and make available necessary guidelines and application forms.

(2) All proposals must comply with the requirements of ORS 329.838, section 1, chapter 661, Oregon Laws 2013 (Enrolled House Bill 3233) and rules adopted to implement those laws. Grants shall be awarded based on the following generally applicable criteria: Whether the grant application identifies how the funds will be used to improve education outcomes identified by the Oregon Investment Board, contained in achievement compact or set forth in ORS 351.009.

(3) Prior to applying for a grant, the school district must receive the approval to apply for the grant from:

- (a) The exclusive bargaining representative for the teachers of the school districts, or if the teachers are not represented by an exclusive bargaining representative, from the teachers of the school districts;
- (b) The chairperson of the school district board; and
- (c) The superintendent of the school district.

(4) Districts shall establish a collaborative leadership team to oversee the design and implementation process. The collaborative leadership team shall include the exclusive bargaining representative for the teachers of the school district or, if the teachers are not represented by an exclusive bargaining representative, the teachers of the school district.

(5) Districts shall display readiness and eligibility for an implementation grant by submitting detailed blueprints, developed collaboratively by teachers, administrators, and the teacher bargaining unit, in the four required areas:

- (a) Career pathways processes for teachers and administrators;
- (b) Evaluation processes for teachers and administrators;
- (c) Compensation models for teachers and administrators, and
- (d) Enhanced professional development opportunities for teachers and administrators.

(6) The Department of Education shall award design and implementation grants based on the evaluation of the district application, eligibility criteria, and the following considerations:

- (a) Geographic location of districts to insure geographic diversity within the recipients of grant program funds throughout the state
- (b) Districts that have an achievement gap as defined in 581-018-0005

(c) Districts that have a high level of economically disadvantaged students as defined in 581-018-0005

Stat. Auth.: ORS 329.838
Stats. Implemented: ORS 329.838
Hist.: ODE 18-2013(Temp), f. & cert. ef. 8-15-13 thru 2-11-14

581-018-0115

Design Grant Funding

(1) The Department of Education shall determine for each fiscal year the portion of the funds available for the School District Collaboration Grant Program that will be distributed as design grants.

(2) Based on the review of grant applications, the Department may not award a design grant to each district that is less than \$20,000 or exceeds \$50,000.

Stat. Auth.: ORS 329.838
Stats. Implemented: ORS 329.838
Hist.: ODE 18-2013(Temp), f. & cert. ef. 8-15-13 thru 2-11-14

581-018-0120

Implementation Grant Funding

(1) The Department of Education shall determine for each fiscal year the total amount available for distribution to school districts as implementation grants.

(2) The Department of Education shall determine the grant amount to be awarded to each district that is eligible to receive a grant based on the following formula:

Grant Amount = school district ADMw x (the total amount available for distribution for an implementation grant in a fiscal year through the School District Collaboration Grant Program / the total ADMw of the School Districts that receive an implementation grant for the fiscal year.
Stat. Auth.: ORS 329.838
Stats. Implemented: ORS 329.838
Hist.: ODE 18-2013(Temp), f. & cert. ef. 8-15-13 thru 2-11-14

581-018-0125

Reporting

(1) Districts shall meet timelines, performance measures and other requirements related to the accumulation and evaluation of data collected as required by the Oregon Investment Board and the Oregon Department of Education.

(2) Districts shall submit interim and final grant reports describing progress toward grant requirements and goals as defined by the Department of Education.

(3) Districts shall share lessons learned and school district models on the design and implementation of the four blueprint areas.

(4) The Department of Education shall disseminate best practices from the grant districts to districts statewide.

Stat. Auth.: ORS 329.838
Stats. Implemented: ORS 329.838
Hist.: ODE 18-2013(Temp), f. & cert. ef. 8-15-13 thru 2-11-14

Rule Caption: Expanded Reading Opportunities Grant

Adm. Order No.: ODE 19-2013(Temp)

Filed with Sec. of State: 8-15-2013

Certified to be Effective: 8-15-13 thru 2-11-14

Notice Publication Date:

Rules Adopted: 581-017-0100, 581-017-0105, 581-017-0110, 581-017-0115

Subject: Under the Early Reading Program, a strategic investment was designated by the Legislature and the Department of Education for the purpose of extending or expanding reading opportunities in public schools that meet criteria established by the Board by providing adult support, programs offered during non-school hours, or increased access to technology.

The rules establish the Expanded Reading Opportunities Grant. These grants are designated for focus and priority schools that serve students in grade kindergarten through 3.

Rules Coordinator: Cindy Hunt—(503) 947-5651

581-017-0100

Definitions

The following definitions apply to 581-017-0100 to 581-017-0115:

(1) “CAP (Comprehensive Achievement Plan)” means the plan for program improvement that all Focus and Priority Schools are required to develop and implement. It describes the school’s goals, tasks necessary to achieve those goals, and who is responsible for completion of each activity with anticipated due dates. The CAP is the vehicle for communication between the school and the Oregon Department of Education outlining the actions a school takes to implement interventions prescribed by the School Appraisal Team. The CAP, developed collaboratively by the district, school, and a team of educators and community members, commits the school to evidence-based interventions and fixed improvement goals.

(2) “Focus Schools” are those ranked in the fifth to the fifteenth percentile in overall rating and are:

(a) Within-School Gap: Title I schools with the largest within school achievement or graduation gaps, or

(b) With Low Achieving Subgroup: Title I schools with a subgroup or subgroups with low achievement in reading and mathematics, combined, or a subgroup with low graduation, or

(c) With Low Graduation Rate: Title I high schools with graduation rates under 60 percent that were not already identified as Priority Schools.

(3) “Focus and Priority Schools” means schools that were identified using the Department of Education’s overall rating system that analyzed 2011–2012 student achievement data and graduation rates.

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(4) "Priority Schools" are those schools satisfying at least one of the following:

(a) School Improvement Grant (SIG): A Tier I or Tier II school receiving funding under the SIG program.

(b) Low Graduation Rate: A Title I-participating high school with a graduation rate of less than 60 percent.

(c) Low Achievement: Among the lowest five percent of Title I schools in the state based on the percent of students meeting state benchmarks in reading and mathematics combined for 2010–11 and 2011-12 that is not a high-progress school.

(5) "SIG Schools" means the schools that have received the 3-year School Improvement Program Grant and whom begun their work during the 2010–2011 (Cohort 1) or 2011-2012 (Cohort 2) school years.

Stat. Auth.: 2013 OL Ch. 660, Sec. 1 (Enrolled HB 3232)

Stat. Implemented: 2013 OL Ch. 660, Sec. 1 (Enrolled HB 3232)

Hist.: ODE 19-2013(Temp), f. & cert. ef. 8-15-13 thru 2-11-14

581-017-0105

Establishment

(1) The Expanded Reading Opportunities Grant is established as part of the Early Reading Program Strategic Investment.

(2) The purposes of the program are to:

(a) Extend and expand reading opportunities in public schools; and

(b) Improve the reading proficiency of students by the time the students complete the third grade.

Stat. Auth.: 2013 OL Ch. 660, Sec. 1 (Enrolled HB 3232)

Stat. Implemented: 2013 OL Ch. 660, Sec. 1 (Enrolled HB 3232)

Hist.: ODE 19-2013(Temp), f. & cert. ef. 8-15-13 thru 2-11-14

581-017-0110

Eligibility

The Department of Education shall allocate funds for the Expanded Reading Opportunities Grant to schools based on the following eligibility criteria:

(1) Schools must be a designated Focus or Priority School.

(2) Schools must serve students in at least one grade from kindergarten through grade 3.

(3) Schools must not have received a SIG grant.

(4) Schools must use the funds in alignment with their CAP.

(5) Schools must use the funds to extend or expand reading opportunities by:

(a) Providing adult support;

(b) Offering programs during non-school hours; or

(c) Increasing access to technology.

Stat. Auth.: 2013 OL Ch. 660, Sec. 1 (Enrolled HB 3232)

Stat. Implemented: 2013 OL Ch. 660, Sec. 1 (Enrolled HB 3232)

Hist.: ODE 19-2013(Temp), f. & cert. ef. 8-15-13 thru 2-11-14

581-017-0115

Implementation Grant Funding

The Department of Education may award at least \$40,000 for the 2013–2014 school year to each eligible Focus and Priority School that applies and meets the criteria.

(1) For the 2014–2015 school year each eligible Focus and Priority School that applied may be awarded an equal amount based on the amount available.

(2) The Department may not award more than \$4 million dollars in total per biennium for Expanded Reading Opportunities Grants.

(3) School that receive funds under the grant program may not use those funds for administrative costs.

Stat. Auth.: 2013 OL Ch. 660, Sec. 1 (Enrolled HB 3232)

Stat. Implemented: 2013 OL Ch. 660, Sec. 1 (Enrolled HB 3232)

Hist.: ODE 19-2013(Temp), f. & cert. ef. 8-15-13 thru 2-11-14

Oregon Health Authority, Addictions and Mental Health Division: Addiction Services Chapter 415

Rule Caption: Permanent amendments to OAR 415-050, entitled Standards For Substance Use Disorder Detoxification Services.

Adm. Order No.: ADS 6-2013

Filed with Sec. of State: 8-1-2013

Certified to be Effective: 8-1-13

Notice Publication Date: 5-1-2013

Rules Amended: 415-050-0000, 415-050-0005, 415-050-0010, 415-050-0015, 415-050-0020, 415-050-0025, 415-050-0030, 415-050-0035, 415-050-0040, 415-050-0045, 415-050-0050, 415-050-0055,

415-050-0060, 415-050-0065, 415-050-0070, 415-050-0075, 415-050-0080, 415-050-0085, 415-050-0090, 415-050-0095

Rules Repealed: 415-050-0005(T), 415-050-0025(T), 415-050-0035(T), 415-050-0040(T), 415-050-0045(T), 415-050-0050(T), 415-050-0055(T), 415-050-0060(T), 415-050-0065(T), 415-050-0070(T), 415-050-0075(T), 415-050-0090(T), 415-050-0000(T), 415-050-0015(T)

Subject: These rules prescribe standards for the development and operation of substance use disorder detoxification programs and services approved by the Addictions and Mental Health Division (AMH).

Rules Coordinator: Nola Russell—(503) 945-7652

415-050-0000

Purpose

These rules prescribe standards for the development and operation of substance use detoxification programs and services approved by the Addictions and Mental Health Division.

Stat. Auth.: ORS 413.042 & 430.256

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f.

7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(1) & (2); ADAP 3-1993, f. & cert.

ef. 12-6-93, Renumbered from 309-050-0000; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 3-

2013(Temp), f. & cert. ef. 2-4-13 thru 8-2-13; ADS 6-2013, f. & cert. ef. 8-1-13

415-050-0005

Definitions

(1) "Alcohol and Other Drug Treatment Staff" means a person certified or licensed by a health or allied provider agency to provide alcohol and other drug treatment services that include assessment, development of an Individual Service and Support Plan (ISSP), and individual, group and family counseling.

(a) For treatment staff holding certification in addiction counseling, qualifications for the certificate must have included at least:

(A) 750 hours of supervised experience in substance use counseling;

(B) 150 contact hours of education and training in substance use related subjects; and

(C) Successful completion of a written objective examination or portfolio review by the certifying body.

(b) For treatment staff holding a health or allied provider license, the license or registration must have been issued by one of the following state bodies and the person must possess documentation of at least 60 contact hours of academic or continuing professional education in alcohol and other drug treatment:

(A) Board of Medical Examiners;

(B) Board of Psychologist Examiners;

(C) Board of Licensed Social Workers;

(D) Board of Licensed Professional Counselors and Therapists; or

(E) Board of Nursing.

(2) "ASAM PPC-2R" means American Society of Addictions Medicine (ASAM) Patient Placement Criteria for the Treatment of Substance Related Disorders, Second Edition. ASAM PPC-2R is a multidimensional clinical guide to be used in matching patients to appropriate levels of care. (4) "Biennial Plan" means the document prepared by the Community Mental Health Program (CMHP) or direct contractor and submitted to the Division.

(3) "Client" means a person receiving services under these rules.

(4) "Community Mental Health Program" (CMHP) means an entity that is responsible for planning and delivery of services for individuals with substance use or mental illness diagnoses, operated in a specific geographic area of the state under an intergovernmental agreement or a direct contract with the Addictions and Mental Health Division (AMH).

(5) "Coordinated Care Organization (CCO)" means a corporation, governmental agency, public corporation or other legal entity that is certified as meeting the criteria adopted by the Oregon Health Authority under ORS 414.625 to be accountable for care management and to provide integrated and coordinated health care for each of the organization's members.

(6) "County" means the board of county commissioners or its representatives.

(7) "Detoxification Technician" means a person who supports program staff in the promotion of maintaining a safe and orderly subacute environment and may include direct patient care.

(8) "Division" means the Addictions and Mental Health Division of the Oregon Health Authority.

(9) "Clinically Managed Residential Detoxification" means clinically managed residential detoxification in a non-medical or social detoxification setting. This level emphasizes peer and social support and is intended for

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individuals whose intoxication is sufficient to warrant 24-hour support or whose withdrawal symptoms are sufficiently severe to require primary medical nursing care services.

(10) "Individual" means a person receiving services under these rules.

(11) "Licensed Medical Practitioner (LMP)" means a person who meets the following minimum qualifications as documented by the Local Mental Health Authority (LMHA) or designee:

- (a) Physician licensed to practice in the State of Oregon; or
- (b) Nurse practitioner licensed to practice in the State of Oregon; or
- (c) Physician's Assistant licensed to practice in the State of Oregon;

and

(d) Whose training, experience and competence demonstrate the ability to conduct a mental health assessment and provide medication management.

(e) For ICTS and ITS providers, LMP means a board-certified or board-eligible child and adolescent psychiatrist licensed to practice in the State of Oregon.

(12) "Local Alcohol and Drug Planning Committee" (LADCP) means a committee appointed or designated by a board of county commissioners. The committee must identify needs and establish priorities for substance use services in the county. Members of the committee must be representative of the geographic area and include a number of minority members which reasonably reflect the proportion of the need for substance use treatment and rehabilitation services of minorities in the community.

(13) "Local Mental Health Authority (LMHA)" means one of the following entities:

(a) The board of county commissioners of one or more counties that establishes or operates a CMHP;

(b) The tribal council, in the case of a federally recognized tribe of Native Americans that elects to enter into an agreement to provide mental health services; or

(c) A regional local mental health authority comprised of two or more boards of county commissioners.

(14) "Medically Monitored Detoxification" means an inpatient setting that provides medically managed intensive inpatient treatment services, labeled by ASAM as "Level III.7-D", and automatically also certifies for the provision of Level III.2.D services.

(15) "Medical Assessment" means a comprehensive survey outlining the information about the individual to aid in proper diagnosing and treatment of his or her presenting physical symptoms.

(16) "Program" means an organized system of services designed to address the treatment needs of patients.

(17) "Psycho-Social Assessment" means an evaluation of an individual's mental, physical, and emotional health.(14) "Rehabilitation" means those services to assist in overcoming problems associated with a substance use disorder that enable the individual to function at his or her highest potential.

(18) "Skilled Nursing Staff" means all nurses working within the scope of their license.

(19) "Substance Use Disorders" means disorders related to the taking of a drug of abuse including alcohol; to the side effects of a medication; and to a toxin exposure. The disorders include substance use disorders such as substance dependence and substance abuse; substance-induced disorders, including substance intoxication, withdrawal, delirium, and dementia; as well as substance induced psychotic disorder, mood disorder, etc., as defined in DSM criteria.

(20) "Treatment" means the specific medical and non-medical therapeutic techniques employed to assist the individual in recovering from a substance use disorder.

(21) "Treatment Staff" means paid staff directly responsible for client care and treatment.

Stat. Auth.: ORS 413.042 & 430.256

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(3); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0005; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 3-2013(Temp), f. & cert. ef. 2-4-13 thru 8-2-13; ADS 6-2013, f. & cert. ef. 8-1-13

415-050-0010

Program Approval

(1) Letter of Approval. In order to receive a Letter of Approval from the Division under the process set forth in OAR 415-012, a program must meet the standards set forth in these rules, those provisions of OAR 309-014 which are applicable, and any other administrative rule applicable to the program. A Letter of Approval issued to a program must be effective for two years from the date of issue and may be renewed or revoked by the Division in the manner set forth in OAR 415-012.

(2) A program seeking approval under these rules must establish to the satisfaction of the Division that the local alcohol and drug planning committee was actively involved in the planning and review of the program as it relates to the community mental health program plan.

(3) Inspection of a program. The Division must inspect at least every two years each program under these rules.

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(4), (5), & (6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0010; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 6-2013, f. & cert. ef. 8-1-13

415-050-0015

Management of Detoxification Centers

(1) Compliance with the sections of OAR 309-013, which address general administrative standards for community mental health contractors. In addition to the policy issues required in OAR 309-014, the program's personnel policies must include:

(a) The Program's philosophical approach to stabilization;

(b) Rules of employee conduct, including ethical standards; and

(c) Standards for employee use and abuse of alcohol and other drugs.

(2) Compliance with the Civil Rights Act of 1964, as amended in 1972, the Equal Pay Act of 1963, Age Discrimination in Employment Act of 1967, and any subsequent amendments.

(3) Implementation of a policy and procedure prohibiting client abuse which is consistent with OAR 407-045.

(4) Implementation of a policy and procedure for resolving employee performance problems, which must specify the sequence of steps to be taken when performance problems arise, and identify the resources to be used in assisting employees to deal with problems which interfere with job performance.

(5) Maintenance of personnel records for each member of the Program's staff. The personnel record must:

(a) Contain the employee's resume and/or employment application, wage and salary information, and the employee's formal performance appraisals;

(b) Contain documentation of training/development needs of the employee and identify specific methods for meeting those needs;

(c) Contain documentation of any formal corrective actions taken due to employee performance problems;

(d) Contain documentation of any actions of commendation taken for the employee; and

(e) Be maintained and utilized in such a way as to insure employee confidentiality. Records must be retained for a period of three years following the departure of an employee.

(6) Implementation of personnel performance appraisal procedures that must:

(a) Be based on pre-established performance criteria in terms of specific responsibilities of the position as stated in the job description;

(b) Be conducted at least annually;

(c) Require employees to review and discuss their performance appraisals with their supervisors, as evidenced by their signature on the appraisal document;

(d) Require that when the results of performance appraisal indicates there is a discrepancy between the actual performance of an employee and the criteria established for optimum job performance, the employee must be informed of the specific deficiencies involved, in writing; and

(e) Require documentation that when deficiencies in employee performance have been found in an appraisal, a remedial plan is developed and implemented with the employee.

(7) Implementation of a development plan which addresses continuing training for staff members.

Stat. Auth.: ORS 413.042 & 430.256

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0015; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 3-2013(Temp), f. & cert. ef. 2-4-13 thru 8-2-13; ADS 6-2013, f. & cert. ef. 8-1-13

415-050-0020

Client Rights

Each Program must provide individuals the following rights and protection in addition to those described in OAR 309-016-0760.:

(1) Individuals must give written informed consent to treatment. If informed consent is not a possibility due to the inability of the individuals to understand his or her rights, this fact must be recorded in the individual's file.

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(2) The Program must have established and implemented controls on individuals labor within the program. Work done as part of the individual's stabilization plan or standard program expectations must be agreed to, in writing, by the individuals.

(3) The Program must develop, implement and inform individuals of a policy and procedure regarding grievances which providing for:

(a) Receipt of written grievances from individuals or persons acting on their behalf;

(b) Investigation of the facts supporting or disproving the written grievance;

(c) The taking of necessary action on substantiated grievances within 72 hours; and

(d) Documentation in the individuals's record of the receipt, investigation, and any action taken regarding the written grievance.

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15-1983, f. 7-27-83, ef. 10-25-83; ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0020; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 6-2013, f. & cert. ef. 8-1-13

415-050-0025

Admission of Clients

Each Program must meet the following standards pertaining to admission of Individuals:

(1) The Program must have written criteria for admission and for rejecting admission requests which includes observation for symptoms of withdrawal. The criteria must be available to Individuals, staff, and the community and be in compliance with ORS 430.397 through 430.401.

(2) The Program must utilize a written intake procedure. The procedure must include:

(a) A determination that the Program's services are appropriate to the needs of the Individual;

(b) Steps for making referrals of individuals not admitted to the Program;

(c) Steps for accepting referrals from outside agencies;

(d) A specific time limit within which the initial client assessment must be completed on each Individual; and

(e) Steps for coordinating care with payers and entities responsible for care coordination.

(3) The Program must make available, for Individuals and others, program orientation information. The orientation information must include:

(a) The Program's philosophical approach to stabilization;

(b) Information on Individuals' rights and responsibilities while receiving services from the Program;

(c) A written description of the Program's services; and

(d) Information on the rules governing Individual's behavior and those infractions, if any, that may result in discharge or other actions.

(4) In addition to the information required by the Division's data system, the following information must be recorded in each Individual's record at the time of admission:

(a) Name, address, and telephone number;

(b) Who to contact in case of an emergency;

(c) Name of individual completing intake; and

(d) Identification of Individual's family and social support, if any.

Stat. Auth.: ORS 413.042 & 430.256

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0025; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 3-2013(Temp), f. & cert. ef. 2-4-13 thru 8-2-13; ADS 6-2013, f. & cert. ef. 8-1-13

415-050-0030

Individual Assessment and Evaluation

Each Program must meet the following standards pertaining to Individual assessment and evaluation:

(1) The program must develop and implement a written procedure for assessing medical and psycho-social factors and evaluating each individual's stabilization needs as soon as the individual is able.

(2) The procedure must specify that the assessment and evaluation be the responsibility of a member of the treatment staff.

Stat. Auth.: ORS 413.042, 430.256

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0030; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 6-2013, f. & cert. ef. 8-1-13

415-050-0035

Stabilization Services

Each Program must meet the following stabilization standards:

(1) The Program must provide individual or group motivational counseling sessions and individual advocacy and case management services; all of which must be documented in individual files.

(2) The Program must encourage individuals to remain in services for an appropriate duration as determined by the service plan. Also, the Program must encourage all individuals to enter programs for ongoing recovery.

(3) The Program must refer individuals to self-help groups when clinically indicated and to the extent available in the community.

(4) Individuals fluent in the language and sensitive to the special needs of the population served must be provided as necessary to assist in the delivery of services.

(5) The Program must develop an individualized stabilization plan for each individual accepted for stabilization following clinical assessments for substance use and medical needs. The stabilization plan must be appropriate to the length of stay and condition of the individual and consider safe detoxification, care transition, and medical issue to be addressed. The stabilization plan must include progress notes that:

(a) Identify the problems from the individual assessment and evaluation;

(b) Specify objectives for the stabilization of each identified individual problem;

(c) Specify the stabilization methods and activities to be utilized to achieve the specific objectives desired;

(d) Specify the necessary frequency of contact for the individual services and activities;

(e) Specify the participation of significant others in the stabilization planning process and the specified interventions where appropriate;

(f) Document the individual's participation in developing the content of the stabilization plan and any modifications by, at a minimum, including the individual's signature; and

(g) Document any efforts to encourage the individual to remain in the program's services, and efforts to encourage the individual to accept referral for ongoing treatment.

(6) The individual record must document the individual's involvement in stabilization activities and progress toward achieving objectives contained in the individual's stabilization plan. The documentation must be kept current, dated, be legible, and signed by the individual making the entry.

(7) The program must conduct and document in the individual's record transition planning for individuals who complete stabilization. The transition plan must include:

(a) Referrals made to other services or agencies at the time of transition;

(b) The individual's plan for follow-up, aftercare, or other post-stabilization services; and

(c) Document participation by the individual in the development of the transition plan.

(8) At transition a stabilization summary and final evaluation of the individual's progress toward treatment objectives must be entered in the individual's record.

Stat. Auth.: ORS 413.042 & 430.256

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0035; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 3-2013(Temp), f. & cert. ef. 2-4-13 thru 8-2-13; ADS 6-2013, f. & cert. ef. 8-1-13

415-050-0040

Medical Services

Each Program must meet the following standards for medical services:

(1) The Program must have written procedures for providing immediate transportation for individuals to a general hospital in case of a medical emergency.

(2) The Program must have a written description of its medical policies and procedures. The description must:

(a) Specify the level of medical care provided; and

(b) Include a written policy and procedure, developed by the Medical Director, for determining the individual's need for medical evaluation.

(3) The Medical Director's involvement in the development and review of medical operating procedures, quarterly reviews of physicians' standing orders, and consultation in any medical emergencies must be documented.

(4) In clinically managed environments, individuals must have access to intensive inpatient treatment services, as follows:

(a) Transfer to medically monitored services as necessary;

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(b) Medical evaluation and consultation is available 24 hours a day by appropriately credentialed persons who are trained and competent to implement physician-approved protocols;

(c) Medical evaluation and consultation must be available 24 hours a day, in accordance with treatment/transfer practice guidelines;

(d) The initial assessment must be conducted by appropriately credentialed personnel.

(e) Appropriately licensed and credentialed staff must be available to administer medications in accordance with physician orders. (5) In medically monitored environments, individuals must have access to services which provide intensive inpatient treatment services, as follows:

(f) LMPs must be available 24 hours a day by telephone;

(g) An individual must be seen by an LMP within 24 hours of admission, or sooner if medically necessary;

(h) An LMP must be available to provide onsite monitoring of care and further evaluation on a daily basis;

(i) The initial assessment must be conducted by a skilled nursing staff.

(j) On-site skilled nursing care must be provided twenty-four (24) hours per day, seven (7) days per week; and

(k) Appropriately licensed and credentialed staff must be available to administer medications in accordance with physician orders.

Stat. Auth.: ORS 413.042 & 430.256

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0040; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 3-2013(Temp), f. & cert. ef. 2-4-13 thru 8-2-13; ADS 6-2013, f. & cert. ef. 8-1-13

415-050-0045

Management of Medications

Each Program must have:

(1) A written order signed by a physician, a physician's standing order, or a physician's order received by phone and signed by the physician at the earliest opportunity before any medication is administered to, or self-administered by any individual.

(2) Assurances that medications prescribed for one individual must not be administered to, or self-administered by another individual or employee.

(3) A policy that no unused, outdated, or recalled drugs must be kept in the Program. All unused, outdated, or recalled drugs must be disposed of in a manner that assures that they cannot be retrieved, except that drugs under the control of the Food and Drug Administration must be mailed with the appropriate forms by express, prepaid, or registered mail, every 30 days to the Oregon Board of Pharmacy. A written record of all disposals of drugs must be maintained in the Program and must include:

(a) A description of the drug, including the amount;

(b) The individual for whom the medication was prescribed;

(c) The reason for disposal; and

(d) The method of disposal including:

(A) Drugs that are outdated, damaged, deteriorated, misbranded, or adulterated shall be quarantined and physically separated from other drugs until they are destroyed or returned to their supplier.

(B) Controlled substances which are expired, deteriorated or unwanted shall be disposed of in conformance with 21 CFR 1307.21.

(C) Expired, deteriorated, discontinued, or unwanted controlled substances in a long-term care facility shall be destroyed and the destruction jointly witnessed on the premises by any two of the following:

(i) The consultant pharmacist or registered nurse designee;

(ii) The Director of Nursing Services or supervising nurse designee;

(iii) The administrator of the facility or an administrative designee; or

(iv) A Registered Nurse employed by the facility.

(D) The destruction shall be documented and signed by the witnesses and the document retained at the facility for a period of at least three years.

(4) A policy that all prescription drugs stored in the Program must be kept in a locked stationary container. Only those medications requiring refrigeration must be stored in a refrigerator.

(5) A policy for program stored not yet prescribed controlled substance including records and maintain inventories in conformance with 21 U.S.C. Section 827; 21CFR 1304.02 through 1304.11; 1304.21 through 1304.26; 1304.31 through 1304.33; except that a written inventory of all controlled substances shall be taken by registrants annually within 365 days of the last written inventory. All such records shall be maintained for a period of three years.

(6) A policy that in the case where a individual self-administers his or her own medication, self-administration must be recommended by the Program, approved in writing by the Medical Director, and closely monitored by the treatment staff.

(7) Individual records which must be kept for each individual for any prescription drugs administered to, or self-administered by any individual. This written record must include:

(a) Individual's name;

(b) Prescribing physician's name;

(c) Description of medication, including prescribed dosage;

(d) Verification in writing by staff that the medication was taken and the times and dates administered, or self-administered;

(e) Method of administration;

(f) Any adverse reactions to the medication; and

(g) Continuing evaluation of the individual's ability to self-administer the medication.

Stat. Auth.: ORS 413.042 & 430.256

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0045; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 3-2013(Temp), f. & cert. ef. 2-4-13 thru 8-2-13; ADS 6-2013, f. & cert. ef. 8-1-13

415-050-0050

Staffing Pattern

(1) Each Program must be in staffing compliance with ASAM Patient Placement Criteria 2R as follows:

(a) Clinically Managed Programs must be staffed by:

(A) Appropriately credentialed personnel who are trained and competent to implement physician-approved protocols for patient observation and supervision, determination of appropriate level of care, and facilitation of patient's transition to continuing care;

(B) Medical evaluation and consultation must be available 24 hours a day, in accordance with stabilization and transfer practice guidelines; and

(C) Staff who assess and treat patients must be able to obtain and interpret information regarding the needs of these patients. Such knowledge includes the signs and symptoms of alcohol and other drug intoxication and withdrawal, as well as the appropriate stabilization and monitoring of those conditions and how to facilitate entry into ongoing care.

(b) Medically Monitored Programs must be staffed by:

(A) LMPs who are available 24 hours a day by telephone, available to assess the patient within 24 hours of admission, or earlier, (if medically necessary), and available to provide on-site monitoring of care and further evaluation on a daily basis;

(B) A licensed and credentialed nurse must be available to conduct a nursing assessment upon admission and to oversee the monitoring of the patient's progress and medication administration on an hourly basis, if needed;

(C) Appropriately licensed and credentialed staff must be available to administer medications in accordance with physician orders; and

(D) The level of nursing care must be appropriate to the severity of patient needs.

(2) The Program must maintain a minimum ratio of paid full-time staff to bed capacity as follows:

(a) 1 through 8 beds — 1 staff person on duty;

(b) 9 through 18 beds — 2 staff persons on duty;

(c) 19 through 30 beds — 3 staff persons on duty;

(d) 31 beds and above — One additional staff person beyond the three staff required above for each additional 15 beds or part thereof.

(3) The Program's must written staffing plan must address the provision of appropriate and adequate staff coverage during emergency and high demand situations.

(4) The Program must provide a minimum of one hour per month of personal clinical supervision and consultation for each staff person and volunteer who is responsible for the delivery of treatment services. The clinical supervision must relate to the individual's skill level with the objective of assisting staff and volunteers to increase their treatment skills and quality of services to individuals.

Stat. Auth.: ORS 413.042 & 430.256

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0050; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 3-2013(Temp), f. & cert. ef. 2-4-13 thru 8-2-13; ADS 6-2013, f. & cert. ef. 8-1-13

415-050-0055

Management Staff Qualifications

Each Program must be directed by a person with the following qualifications at the time of hire:

(1) For an individual recovering from a substance-use disorder, continuous sobriety for the immediate past two years.

(2) Education and/or work experience as follows:

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- (a) Five years of paid full-time experience in the field of substance use disorders, with at least one year in a paid administrative capacity; or
- (b) A Bachelor's degree in a relevant field and four years of paid full-time experience with at least one year in a paid administrative capacity; or
- (c) A Master's degree in a relevant field and three years of paid full-time experience with at least one year in a paid administrative capacity.

(3) Knowledge and experience demonstrating competence in planning and budgeting, fiscal management, supervision, personnel management, employee performance assessment, data collection, and reporting.

Stat. Auth.: ORS 413.042 & 430.256

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0055; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 3-2013(Temp), f. & cert. ef. 2-4-13 thru 8-2-13; ADS 6-2013, f. & cert. ef. 8-1-13

415-050-0060

Staff Qualifications

Each Program must have:

(1) An identified clinical supervisor who has the following qualifications at the time of hire:

(a) For an individual recovering a substance-use disorder, continuous sobriety for the immediate past two years;

(b) Education and/or work experience as follows:

(A) Five years of paid full-time experience in the field of substance use with a minimum of two years of direct substance use treatment experience; or

(B) A Bachelor's degree in a relevant field and four years of paid full-time experience, with a minimum of two years of direct substance abuse treatment experience; or

(C) A Master's degree in a relevant field and three years of paid full-time experience with a minimum of two years of direct substance use treatment experience.

(c) Knowledge and experience demonstrating competence in the treatment of the disease of substance use, including the management of substance withdrawal, individual evaluation; motivational, individual, group, family and other counseling techniques; clinical supervision, including staff development, service planning and case management; and utilization of community resources including Alcoholics Anonymous, Al-Anon, and Alateen.

(2) If the Program's director meets the qualifications of the clinical supervisor, the director may be the Program's clinical supervisor.

(3) The Program's treatment staff must:

(a) For individuals recovering from a substance-use disorder, have maintained continuous sobriety for the immediate past two years at the time of hire;

(b) Have training knowledge and/or experience demonstrating competence in the treatment of the disease of substance use, including the management of substance withdrawal; individual evaluation; motivational counseling techniques; and the taking and recording of vital signs;

(c) Within six weeks of employment, be currently certified or in process of certification in first aid methods including cardiopulmonary resuscitation.

(4) The Program's medical staff must:

(a) For an individual recovering a substance-use disorder, continuous sobriety for the immediate past two years;

(b) Operate within the scope of their practice;

(c) Be appropriately credentialed and certified by the appropriate board or body; and

(d) Knowledge and experience treating the disease of substance abuse.

(5) Detoxification Technicians, when employed by a program, must:

(a) For an individual recovering a substance-use disorder, continuous sobriety for the immediate past two years; and

(b) Knowledge and experience treating the disease of substance abuse.

Stat. Auth.: ORS 413.042 & 430.256

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0060; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 3-2013(Temp), f. & cert. ef. 2-4-13 thru 8-2-13; ADS 6-2013, f. & cert. ef. 8-1-13

415-050-0065

Use of Volunteers

Each Program utilizing volunteers must have the following standards for volunteers:

(1) A written policy regarding the use of volunteers that must include:

- (a) Philosophy, goals, and objectives of the volunteer program;
- (b) Specific responsibilities and tasks of volunteers;
- (c) Procedures and criteria used in selecting volunteers, including sobriety requirements for individuals recovering from a substance use disorder;
- (d) Terms of service of volunteers;
- (e) Specific accountability and reporting requirements of volunteers;
- (f) Specific procedure for reviewing the performance of volunteers and providing direct feedback to them; and
- (g) Specific procedure for discontinuing a volunteer's participation in the program.

(2) There must be documentation that volunteers complete an orientation and training program specific to their responsibilities before they participate in assignments. The orientation and training for volunteers must:

(a) Include a thorough review of the Program's philosophical approach to stabilization;

(b) Include information on confidentiality regulations and individual's rights;

(c) Specify how volunteers are to respond to and follow procedures for unusual incidents;

(d) Explain the Program's channels of communication and reporting requirements and the accountability requirements for volunteers;

(e) Explain the procedure for reviewing the volunteer's performance and providing feedback to the volunteer; and

(f) Explain the procedure for discontinuing a volunteer's participation.

Stat. Auth.: ORS 413.042 & 430.256

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15-1983, f. 7-27-83, ef. 10-25-83; ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0065; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 3-2013(Temp), f. & cert. ef. 2-4-13 thru 8-2-13; ADS 6-2013, f. & cert. ef. 8-1-13

415-050-0070

Building Requirements

In addition to the building requirements for outpatient Alcohol and Other Drug treatment programs, detoxification programs must meet the following standards:

(1) Prior to construction of a new building or major alteration of or addition to an existing building:

(a) One set of plans and specifications must be submitted to the State Fire Marshal for approval;

(b) Plans must be in accordance with the State of Oregon Structural Specialty Code and Fire and Life Safety Regulations;

(c) Plans for construction containing 4,000 square feet or more must be prepared and bear the stamp of an Oregon licensed architect or engineer; and

(d) The water supply, sewage, and garbage disposal system must be approved by the agency having jurisdiction.

(2) Interiors: All rooms used by individuals must have floors, walls, and ceilings that meet the interior finish requirements of the State of Oregon Structural Specialty Code and Fire and Life Safety Regulations:

(a) A separate dining room or area must be provided for exclusive use of individuals, program staff, and invited guests, and must:

(A) Seat at least one-half of the individuals at a time with a minimum of 15 square feet per occupant; and

(B) Be provided with adequate ventilation.

(b) A separate living room or lounge area must be provided for the exclusive use of individuals, program staff, and invited guests and must:

(A) Provide a minimum of 15 square feet per occupant; and

(B) Be provided with adequate ventilation.

(c) Sleeping areas must be provided for all individuals and must:

(A) Be separate from the dining, living, multi-purpose, laundry, kitchen, and storage areas;

(B) Be an outside room with a window that can be opened, and is at least the minimum required by the State Fire Marshal;

(C) Have a ceiling height of at least seven feet, six inches;

(D) Provide a minimum of 60 square feet per individual, with at least three feet between beds;

(E) Provide permanently wired light fixtures located and maintained to give light to all parts of the room; and

(F) Provide a curtain or window shade at each window to assure privacy.

(d) Bathrooms must be provided and conveniently located in each building containing a bedroom and must:

(A) Provide a minimum of one toilet and one hand-washing sink for each eight individuals, and one bathtub or shower for each ten individuals;

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(B) Provide one hand-washing sink convenient to every room containing a toilet;

(C) Provide permanently wired light fixtures located and maintained to give adequate light to all parts of the room;

(D) Provide arrangements for personal privacy for individuals;

(E) Provide a privacy screen at each window;

(F) Provide a mirror; and

(G) Be provided with adequate ventilation.

(e) A supply of hot and cold water installed and maintained in compliance with rules of, the Authority, Health Services, Office of Public Health Systems, must be distributed to taps conveniently located throughout the detoxification program;

(f) All plumbing must comply with applicable codes;

(g) Laundry facilities, when provided, must be separate from:

(A) Resident living areas, including bedrooms;

(B) Kitchen and dining areas; and

(C) Areas used for the storage of unrefrigerated perishable foods.

(h) Storage areas must be provided appropriate to the size of the detoxification program. Separate storage areas must be provided for:

(A) Food, kitchen supplies, and utensils;

(B) Clean linens;

(C) Soiled linens and clothing;

(D) Cleaning compounds and equipment; and

(E) Poisons, chemicals, insecticides, and other toxic materials, which must be properly labeled, stored in the original container, and kept in a locked storage area.

(i) Effective July 1, 2012, programs both licensed and funded by AMH must not allow tobacco use in program facilities and on program grounds.

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

Stat. Auth.: ORS 413.042 & 430.256

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0070; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 3-2013(Temp), f. & cert. ef. 2-4-13 thru 8-2-13; ADS 6-2013, f. & cert. ef. 8-1-13

415-050-0075

Client Furnishings and Linens

(1) Each Program must provide furniture for each individual which must include:

(a) A bed with a frame and a clean mattress and pillow;

(b) A private dresser or similar storage area for personal belongings which is readily accessible to the individual; and

(c) Access to a closet or similar storage area for clothing and

(2) Linens must be provided for each individual and must include:

(a) Sheets and pillowcases;

(b) Blankets, appropriate in number and type for the season and the individual's comfort; and

(c) Towel and washcloth.

(3) A locked area not readily accessible to individuals for safe storage of such items as money and jewelry.

Stat. Auth.: ORS 413.042 & 430.256

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0075; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 3-2013(Temp), f. & cert. ef. 2-4-13 thru 8-2-13; ADS 6-2013, f. & cert. ef. 8-1-13

415-050-0080

Safety

The program must meet the following safety requirements:

(1) At no time must the number of individuals served exceed the approved capacity;

(2) A written emergency plan must be developed and posted next to the telephone used by program staff and must include:

(a) Instructions for the program staff or designated resident in the event of fire, explosion, accident, death, or other emergency and the telephone numbers of the local fire department, law enforcement agencies, hospital emergency rooms, and the detoxification program's designated physician and on-call back-up program staff;

(b) The telephone number of the administrator or clinical supervisor and other persons to be contacted in case of emergency; and

(c) Instructions for the evacuation of individuals and program staff in the event of fire, explosion, or other emergency.

(3) The detoxification program must provide fire safety equipment appropriate to the number of individuals served, and meeting the requirements of the State of Oregon Structural Specialty Code and Fire and Life Safety Regulations:

(a) Fire detection and protection equipment must be inspected as required by the State Fire Marshal;

(b) All flammable and combustible materials must be properly labeled and stored in the original container in accordance with the rules of the State Fire Marshal; and

(c) The detoxification program must conduct unannounced fire evacuation drills at least monthly. At least once every three months the monthly drill must occur between 10 p.m. and 6 a.m. Written documentation of the dates and times of the drills, time elapsed to evacuate, and program staff conducting the drills must be maintained.

(4) At least one program staff who is trained in First Aid and CPR must be onsite at all times

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

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0080; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 6-2013, f. & cert. ef. 8-1-13

415-050-0085

Sanitation

Each Program must comply with the following sanitation standards:

(1) All floors, walls, ceilings, window, furniture, and equipment must be kept in good repair, clean, neat, orderly, and free from odors;

(2) Each bathtub, shower, hand-washing sink, and toilet must be kept clean and free from odors;

(3) The water supply in the detoxification program must meet the requirements of the rules of the Health Division governing domestic water supplies;

(4) Soiled linens and clothing must be stored in an area separate from kitchens, dining areas, clean linens and clothing and unrefrigerated food;

(5) All measures necessary to prevent the entry into the program of mosquitoes and other insects must be taken;

(6) All measures necessary to control rodents must be taken;

(7) The grounds of the program must be kept orderly and free of litter, unused articles, and refuse;

(8) Garbage and refuse receptacles must be clean, durable, water-tight, insect- and rodent proof and kept covered with a tight-fitting lid;

(9) All garbage solid waste must be disposed of at least weekly and in compliance with the rules of the Department of Environmental Quality; and

(10) Sewage and liquid waste must be collected, treated and disposed of in compliance with the rules of the Department of Environmental Quality.

Stat. Auth.: ORS 413.042, 430.256

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0085; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 6-2013, f. & cert. ef. 8-1-13

415-050-0090

Food Service

The detoxification program must meet the requirements of the State of Oregon Sanitary Code for Eating and Drinking Establishments relating to the preparation, storage, and serving of food. At minimum:

(1) Menus must be prepared in advance to provide a sufficient variety of foods served in adequate amounts for each resident at each meal;

(2) Records of menus as served must be filed and maintained in the detoxification program records for at least 30 days;

(3) All modified or special diets must be ordered by an LMP;

(4) At least three meals must be provided daily;

(5) Supplies of staple foods for a minimum of one week and of perishable foods for a minimum of a two-day period must be maintained on the premises;

(6) Food must be stored and served at proper temperature;

(7) All utensils, including dishes, glassware, and silverware used in the serving or preparation of drink or food for individuals must be effectively washed, rinsed, sanitized, and stored after each individual use to prevent contamination in accordance with Health Division standards; and

(8) Raw milk and home-canned vegetables, meats, and fish must not be served or stored in a residential program.

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

Stat. Auth.: ORS 409.410

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(6); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0090; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 3-2013(Temp), f. & cert. ef. 2-4-13 thru 8-2-13; ADS 6-2013, f. & cert. ef. 8-1-13

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415-050-0095

Variations

Requirements and standards for requesting and granting variations or exceptions are found in OAR 415-012-0090.

Stat. Auth.: ORS 413.042, 430.256

Stats. Implemented: ORS 430.306 & 430.345 - 430.375

Hist.: MHD 15(Temp), f. 1-16-74, ef. 2-1-74; MHD 45, f. & ef. 7-20-77; MHD 15-1983, f. 7-27-83, ef. 10-25-83, Renumbered from 309-052-0000(7); ADAP 3-1993, f. & cert. ef. 12-6-93, Renumbered from 309-050-0095; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 6-2013, f. & cert. ef. 8-1-13

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

Rule Caption: Temporary rules entitled Outpatient Addictions and Mental Health Services.

Adm. Order No.: MHS 6-2013(Temp)

Filed with Sec. of State: 8-8-2013

Certified to be Effective: 8-9-13 thru 2-5-14

Notice Publication Date:

Rules Adopted: 309-019-0100, 309-019-0105, 309-019-0110, 309-019-0115, 309-019-0120, 309-019-0125, 309-019-0130, 309-019-0135, 309-019-0140, 309-019-0145, 309-019-0150, 309-019-0155, 309-019-0160, 309-019-0165, 309-019-0170, 309-019-0175, 309-019-0180, 309-019-0185, 309-019-0190, 309-019-0195, 309-019-0200, 309-019-0205, 309-019-0210, 309-019-0215, 309-019-0220

Subject: These rules prescribe minimum standards for services and supports provided by addictions and mental health providers approved by the Addictions and Mental Health Division of the Oregon Health Authority.

Rules Coordinator: Nola Russell—(503) 945-7652

309-019-0100

Purpose and Scope

(1) Purpose: These rules prescribe minimum standards for services and supports provided by addictions and mental health providers approved by the Addictions and Mental Health Division of the Oregon Health Authority.

(2) Scope: In addition to applicable requirements in OAR 410-120-0000 through 410-120-1980 and 943-120-0000 through 943-120-1550, these rules specify standards for addictions and mental health services and supports provided in:

(a) Outpatient Community Mental Health Services and Supports for Children and Adults;

(b) Outpatient Substance Use Disorders Treatment Services; and

(c) Outpatient Problem Gambling Treatment Services.

Stat. Auth.: ORS 161.390, 413.042, 430.256, 428.205 - 428.270, 430.640

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 413.520 - 413.522, 430.010, 430.205-430.210, 430.240 - 430.640, 430.850 - 430.955, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 6-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-019-0105

Definitions

(1) "Abuse of an adult" means the circumstances defined in OAR 407-045-0260 for abuse of an adult with mental illness.

(2) "Abuse of a child" means the circumstances defined in ORS 419B.005.

(3) "Addictions and Mental Health Services and Supports" means all services and supports including but not limited to, Outpatient Community Mental Health Services and Supports for Children and Adults, Intensive Treatment Services for Children, Outpatient and Residential Substance Use Disorders Treatment Services and Outpatient and Residential Problem Gambling Treatment Services.

(4) "Adolescent" means an individual from 12 through 17 years of age, or those individuals who are determined to be developmentally appropriate for youth services.

(5) "Adult" means a person 18 years of age or older, or an emancipated minor. An individual with Medicaid eligibility, who is in need of services specific to children, adolescents, or young adults in transition, must be considered a child until age 21 for the purposes of these rules. Adults who are between the ages of 18 and 21, who are considered children

for purposes of these rules, must have all rights afforded to adults as specified in these rules.

(6) "Assessment" means the process of obtaining sufficient information, through a face-to-face interview to determine a diagnosis and to plan individualized services and supports.

(7) "ASAM PPC-2R" means the American Society of Addiction Medicine Patient Placement Criteria for the Treatment of Substance-related Disorders, Second Edition Revised, April 2001, which is a clinical guide used in matching individuals to appropriate levels of care, and incorporated by reference in these rules.

(8) "Authority" means the Oregon Health Authority.

(9) "Behavioral Health" means mental health, mental illness, addictive health and addiction disorders.

(10) "Behavior Support Plan" means the individualized proactive support strategies that are used to support positive behavior.

(11) "Behavior Support Strategies" means proactive supports designed to replace challenging behavior with functional, positive behavior. The strategies address environmental, social, neuro-developmental and physical factors that affect behavior.

(12) "Care Coordination" means a process-oriented activity to facilitate ongoing communication and collaboration to meet multiple needs. Care coordination includes facilitating communication between the family, natural supports, community resources, and involved providers and agencies; organizing, facilitating and participating in team meetings; and providing for continuity of care by creating linkages to and managing transitions between levels of care and transitions for young adults in transition to adult services.

(13) "Case Management" means the services provided to assist individuals, who reside in a community setting, or are transitioning to a community setting, in gaining access to needed medical, social, educational, entitlement and other applicable services.

(14) "Child" means a person under the age of 18. An individual with Medicaid eligibility, who is in need of services specific to children, adolescents, or young adults in transition, must be considered a child until age 21 for purposes of these rules.

(15) "Child and Family Team" means those persons who are responsible for creating, implementing, reviewing, and revising the service coordination section of the Service Plan in ICTS programs. At a minimum, the team must be comprised of the family, care coordinator, and child when appropriate. The team should also include any involved child-serving providers and agencies and any other natural, formal, and informal supports as identified by the family.

(16) "Clinical Supervision" means oversight by a qualified Clinical Supervisor of addictions and mental health services and supports provided according to this rule, including ongoing evaluation and improvement of the effectiveness of those services and supports.

(17) "Clinical Supervisor" means a person qualified to oversee and evaluate addictions or mental health services and supports.

(18) "Co-occurring substance use and mental health disorders (COD)" means the existence of a diagnosis of both a substance use disorder and a mental health disorder.

(19) "Community Mental Health Program (CMHP)" means an entity that is responsible for planning and delivery of services for persons with substance use disorders or a mental health diagnosis, operated in a specific geographic area of the state under an intergovernmental agreement or direct contract with the Division.

(20) "Conditional Release" means placement by a court or the Psychiatric Security Review Board (PSRB), of a person who has been found eligible under ORS 161.327(2)(b) or 161.336, for supervision and treatment in a community setting.

(21) "Court" means the last convicting or ruling court unless specifically noted.

(22) "Criminal Records Check" means the Oregon Criminal Records Check and the processes and procedures required by OAR 407-007-0000 through 407-007-0370.

(23) "Crisis" means either an actual or perceived urgent or emergent situation that occurs when an individual's stability or functioning is disrupted and there is an immediate need to resolve the situation to prevent a serious deterioration in the individual's mental or physical health or to prevent referral to a significantly higher level of care.

(24) "Cultural Competence" means the process by which people and systems respond respectfully and effectively to people of all cultures, languages, classes, races, ethnic backgrounds, disabilities, religions, genders, sexual orientations and other diversity factors in a manner that recognizes,

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affirms, and values the worth of individuals, families and communities and protects and preserves the dignity of each.

(25) “Culturally Specific Program” means a program that is designed to meet the unique service needs of a specific culture and that provides services to a majority of individuals representing that culture.

(26) “Declaration for Mental Health Treatment” means a written statement of an individual’s preferences concerning his or her mental health treatment. The declaration is made when the individual is able to understand and legally make decisions related to such treatment. It is honored, as clinically appropriate, in the event the individual becomes unable to make such decisions.

(27) “Deputy Director” means the Deputy Director of the Addictions and Mental Health Division, or that person’s designee.

(28) “Diagnosis” means the principal mental health, substance use or problem gambling diagnosis listed in the Diagnostic and Statistical Manual of Mental Disorders (DSM). The diagnosis is determined through the assessment and any examinations, tests, or consultations suggested by the assessment, and is the medically appropriate reason for services.

(29) “Director” means the Director of the Addictions and Mental Health Division, or that person’s designee.

(30) “Division” means the Addictions and Mental Health Division.

(31) “DSM” means the most recent version of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association.

(32) “Driving Under the Influence of Intoxicants (DUII) Substance Use Disorders Rehabilitation Program” means a program of treatment and therapeutically oriented education services for an individual who is either:

(a) A violator of ORS 813.010 Driving Under the Influence of Intoxicants; or

(b) A defendant who is participating in a diversion agreement under ORS 813.200.

(33) “Emergent” means the onset of symptoms requiring attention within 24 hours to prevent serious deterioration in mental or physical health or threat to safety.

(34) “Enhanced Care Services (ECS)” and “Enhanced Care Outreach Services (ECOS)” means mental health services and supports provided to adults residing in programs licensed by DHS, Office of Licensing and Regulatory Oversight.

(35) “Entry” means the act or process of acceptance and enrollment into services regulated by this rule.

(36) “Evaluation Specialist” means a person who possesses valid certification issued by the Division to conduct DUII evaluations.

(37) “Family” means the biological or legal parents, siblings, other relatives, foster parents, legal guardians, spouse, domestic partner, caregivers and other primary relations to the individual whether by blood, adoption, legal or social relationships. Family also means any natural, formal or informal support persons identified as important by the individual.

(38) “Family Support” means the provision of supportive services to persons defined as family to the individual. It includes support to caregivers at community meetings, assistance to families in system navigation and managing multiple appointments, supportive home visits, peer support, parent mentoring and coaching, advocacy, and furthering efforts to develop natural and informal community supports.

(39) “Gender Identity” means a person’s self-identification of gender, without regard to legal or biological identification, including, but not limited to persons identifying themselves as male, female, transgender and transsexual.

(40) “Gender Presentation” means the external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, mannerisms, speech patterns and social interactions.

(41) “Grievance” means a formal complaint submitted to a provider verbally, or in writing, by an individual, or the individual’s chosen representative, pertaining to the denial or delivery of services and supports.

(42) “Guardian” means a person appointed by a court of law to act as guardian of a minor or a legally incapacitated person.

(43) “HIPAA” means the federal Health Insurance Portability and Accountability Act of 1996 and the regulations published in Title 45, parts 160 and 164, of the Code of Federal Regulations (CFR).

(44) “Individual” means any person being considered for or receiving services and supports regulated by these rules.

(45) “Informed Consent for Services” means that the service options, risks and benefits have been explained to the individual and guardian, if applicable, in a manner that they comprehend, and the individual and guardian, if applicable, have consented to the services on, or prior to, the first date of service.

(46) “Intensive Outpatient Substance Use Disorders Treatment Services” means structured nonresidential evaluation, treatment, and continued care services for individuals with substance use disorders who need a greater number of therapeutic contacts per week than are provided by traditional outpatient services. Intensive outpatient services may include, but are not limited to, day treatment, correctional day treatment, evening treatment, and partial hospitalization.

(47) “Intensive Community-based Treatment and Support Services (ICTS)” means a specialized set of comprehensive in-home and community-based supports and mental health treatment services, including care coordination as defined in these rules, for children that are developed by the child and family team and delivered in the most integrated setting in the community.

(48) “Interim Referral and Information Services” means services provided by a substance use disorders treatment provider to individuals on a waiting list, and whose services are funded by the Substance Abuse Prevention and Treatment (SAPT) Block Grant, to reduce the adverse health effects of substance use, promote the health of the individual and reduce the risk of disease transmission.

(49) “Intern” or “Student” means a person who provides a paid or unpaid program service to complete a credentialed or accredited educational program recognized by the state of Oregon.

(50) “Juvenile Psychiatric Security Review Board (JPSRB)” means the entity described in ORS 161.385.

(51) “Level of Care” means the range of available services provided from the most integrated setting to the most restrictive and most intensive in an inpatient setting.

(52) “Level of Service Intensity Determination.” means the Division approved process by which children and young adults in transition are assessed for ITS and ICTS services.

(53) “Licensed Health Care Professional” means a practitioner of the healing arts, acting within the scope of his or her practice under State law, who is licensed by a recognized governing board in Oregon.

(54) “Licensed Medical Practitioner (LMP)” means a person who meets the following minimum qualifications as documented by the Local Mental Health Authority (LMHA) or designee:

(a) Physician licensed to practice in the State of Oregon; or

(b) Nurse practitioner licensed to practice in the State of Oregon; or

(c) Physician’s Assistant licensed to practice in the State of Oregon;

and

(d) Whose training, experience and competence demonstrate the ability to conduct a mental health assessment and provide medication management.

(e) For ICTS and ITS providers, LMP means a board-certified or board-eligible child and adolescent psychiatrist licensed to practice in the State of Oregon.

(55) “Local Mental Health Authority (LMHA)” means one of the following entities:

(a) The board of county commissioners of one or more counties that establishes or operates a CMHP;

(b) The tribal council, in the case of a federally recognized tribe of Native Americans that elects to enter into an agreement to provide mental health services; or

(c) A regional local mental health authority comprised of two or more boards of county commissioners.

(56) “Mandatory Reporter” means any public or private official, as defined in ORS 419B.005(3), who comes in contact with or has reasonable cause to believe that an individual has suffered abuse, or that any person with whom the official comes in contact with, has abused the individual. Pursuant to 430.765(2) psychiatrists, psychologists, clergy and attorneys are not mandatory reporters with regard to information received through communications that are privileged under 40.225 to 40.295.

(57) “Medicaid” means the federal grant-in-aid program to state governments to provide medical assistance to eligible persons, under Title XIX of the Social Security Act.

(58) “Medical Director” means a physician licensed to practice medicine in the State of Oregon and who is designated by a substance use disorders treatment program to be responsible for the program’s medical services, either as an employee or through a contract.

(59) “Medical Supervision” means an LMP’s review and approval, at least annually, of the medical appropriateness of services and supports identified in the Service Plan for each individual receiving mental health services for one or more continuous years.

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(60) “Medically Appropriate” means services and medical supplies required for prevention, diagnosis or treatment of a physical or behavioral health condition, or injuries, and which are:

(a) Consistent with the symptoms of a health condition or treatment of a health condition;

(b) Appropriate with regard to standards of good health practice and generally recognized by the relevant scientific community and professional standards of care as effective;

(c) Not solely for the convenience of an individual or a provider of the service or medical supplies; and

(d) The most cost effective of the alternative levels of medical services or medical supplies that can be safely provided to an individual.

(61) “Oregon Health Authority” means the Oregon Health Authority of the State of Oregon.

(62) “Outpatient Substance Use Disorders Treatment Program” means a program that provides assessment, treatment, and rehabilitation on a regularly scheduled basis or in response to crisis for individuals with alcohol or other drug use disorders and their family members, or significant others.

(63) “Outpatient Community Mental Health Services and Supports” means all outpatient mental health services and supports provided to children, youth and adults.

(64) “Outpatient Problem Gambling Treatment Services” means all outpatient treatment services and supports provided to individuals with gambling related problems and their families.

(65) “Outreach” means the delivery of behavioral health services, referral services and case management services in non-traditional settings, such as, but not limited to, the individual’s residence, shelters, streets, jails, transitional housing sites, drop-in centers, single room occupancy hotels, child welfare settings, educational settings or medical settings. It also refers to attempts made to engage or re-engage an individual in services by such means as letters or telephone calls.

(66) “Peer” means any person supporting an individual, or a family member of an individual, who has similar life experience, either as a current or former recipient of addictions or mental health services, or as a family member of an individual who is a current or former recipient of addictions or mental health services.

(67) “Peer Delivered Services” means an array of agency or community-based services and supports provided by peers, and peer support specialists, to individuals or family members with similar lived experience, that are designed to support the needs of individuals and families as applicable.

(68) “Peer Support Specialist” means a person providing peer delivered services to an individual or family member with similar life experience, under the supervision of a qualified Clinical Supervisor. A Peer Support Specialist must complete a Division approved training program and be:

(a) A self-identified person currently or formerly receiving mental health services; or

(b) A self-identified person in recovery from a substance use or gambling disorder, who meets the abstinence requirements for recovering staff in substance use disorders or gambling treatment programs; or

(c) A family member of an individual who is a current or former recipient of addictions or mental health services.

(69) “Problem Gambling Treatment Staff” means a person certified or licensed by a health or allied provider agency to provide problem gambling treatment services that include assessment, development of a Service Plan, group and family counseling.

(70) “Program” means a particular type or level of service that is organizationally distinct.

(71) “Program Administrator” or “Program Director” means a person with appropriate professional qualifications and experience, who is designated to manage the operation of a program.

(72) “Program Staff” means an employee or person who, by contract with the program, provides a service and who has the applicable competencies, qualifications or certification, required in this rule to provide the service.

(73) “Provider” means an organizational entity, or qualified person, that is operated by or contractually affiliated with, a community mental health program, or contracted directly with the Division, for the direct delivery of addictions, problem gambling or mental health services and supports.

(74) “Psychiatric Security Review Board (PSRB)” means the entity described in ORS 161.295 through 161.400.

(75) “Psychiatrist” means a physician licensed pursuant to ORS 677.010 to 677.228 and 677.410 to 677.450 by the Board of Medical Examiners for the State of Oregon and who has completed an approved residency training program in psychiatry.

(76) “Psychologist” means a psychologist licensed by the Oregon Board of Psychologist Examiners.

(77) “Publicly Funded” means financial support, in part or in full, with revenue generated by a local, state or federal government.

(78) “Qualified Mental Health Associate (QMHA)” means a person delivering services under the direct supervision of a QMHP who meets the minimum qualifications as authorized by the LMHA, or designee, and specified in 309-019-0125(7).

(79) “Qualified Mental Health Professional (QMHP)” means a LMP or any other person meeting the minimum qualifications as authorized by the LMHA, or designee, and specified in 309-019-0125(8).

(80) “Qualified Person” means a person who is a QMHP, or a QMHA, and is identified by the PSRB and JPSRB in its Conditional Release Order. This person is designated by the provider to deliver or arrange and monitor the provision of the reports and services required by the Conditional Release Order.

(81) “Quality Assessment and Performance Improvement” means the structured, internal monitoring and evaluation of services to improve processes, service delivery and service outcomes.

(82) “Recovery” means a process of healing and transformation for a person to achieve full human potential and personhood in leading a meaningful life in communities of his or her choice.

(83) “Representative” means a person who acts on behalf of an individual, at the individual’s request, with respect to a grievance, including, but not limited to a relative, friend, employee of the Division, attorney or legal guardian.

(84) “Resilience” means the universal capacity that a person uses to prevent, minimize, or overcome the effects of adversity. Resilience reflects a person’s strengths as protective factors and assets for positive development.

(85) “Respite care” means planned and emergency supports designed to provide temporary relief from care giving to maintain a stable and safe living environment. Respite care can be provided in or out of the home. Respite care includes supervision and behavior support consistent with the strategies specified in the Service Plan.

(86) “Screening” means the process to determine whether the individual needs further assessment to identify circumstances requiring referrals or additional services and supports.

(87) “Service Plan” means a comprehensive plan for services and supports provided to or coordinated for an individual and his or her family, as applicable, that is reflective of the assessment and the intended outcomes of service.

(88) “Service Note” means the written record of services and supports provided, including documentation of progress toward intended outcomes, consistent with the timelines stated in the Service Plan.

(89) “Service Record” means the documentation, written or electronic, regarding an individual and resulting from entry, assessment, orientation, services and supports planning, services and supports provided, and transfer.

(90) “Services” means those activities and treatments described in the Service Plan that are intended to assist the individual’s transition to recovery from a substance use disorder, problem gambling disorder or mental health condition, and to promote resiliency, and rehabilitative and functional individual and family outcomes.

(91) “Signature” means any written or electronic means of entering the name, date of authentication and credentials of the person providing a specific service or the person authorizing services and supports. Signature also means any written or electronic means of entering the name and date of authentication of the individual receiving services, the guardian of the individual receiving services, or any authorized representative of the individual receiving services.

(92) “Skills Training” means providing information and training to individuals and families designed to assist with the development of skills in areas including, but not limited to, anger management, stress reduction, conflict resolution, self-esteem, parent-child interactions, peer relations, drug and alcohol awareness, behavior support, symptom management, accessing community services and daily living.

(93) “Substance Abuse Prevention and Treatment Block Grant” or “SAPT Block Grant” means the federal block grants for prevention and treatment of substance abuse under Public Law 102-321 (31 U.S.C. 7301-

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7305) and the regulations published in Title 45 Part 96 of the Code of Federal Regulations.

(94) "Substance Use Disorders" means disorders related to the taking of a drug of abuse including alcohol, to the side effects of a medication, and to a toxin exposure. The disorders include substance use disorders such as substance dependence and substance abuse, and substance-induced disorders, including substance intoxication, withdrawal, delirium, and dementia, as well as substance induced psychotic disorder, mood disorder, etc., as defined in DSM criteria.

(95) "Substance Use Disorders Treatment and Recovery Services" means outpatient, intensive outpatient, and residential services and supports for individuals with substance use disorders.

(96) "Substance Use Disorders Treatment Staff" means a person certified or licensed by a health or allied provider agency to provide substance use disorders treatment services that include assessment, development of a Service Plan, and individual, group and family counseling.

(97) "Successful DUII Completion" means that the DUII program has documented in its records that for the period of service deemed necessary by the program, the individual has:

- (a) Met the completion criteria approved by the Division; and
- (b) Met the terms of the fee agreement between the provider and the individual.

(98) "Supports" means activities, referrals and supportive relationships designed to enhance the services delivered to individuals and families for the purpose of facilitating progress toward intended outcomes.

(99) "Transfer" means the process of assisting an individual to transition from the current services to the next appropriate setting or level of care.

(100) "Trauma Informed Services" means services that are reflective of the consideration and evaluation of the role that trauma plays in the lives of people seeking mental health and addictions services, including recognition of the traumatic effect of misdiagnosis and coercive treatment. Services are responsive to the vulnerabilities of trauma survivors and are delivered in a way that avoids inadvertent re-traumatization and facilitates individual direction of services.

(101) "Treatment" means the planned, medically appropriate, individualized program of medical, psychological, and rehabilitative procedures, experiences and activities designed to remediate symptoms of a DSM diagnosis, that are included in the Service Plan.

(102) "Urinalysis Test" means an initial test and, if positive, a confirmatory test:

(a) An initial test must include, at a minimum, a sensitive, rapid, and inexpensive immunoassay screen to eliminate "true negative" specimens from further consideration.

(b) A confirmatory test is a second analytical procedure used to identify the presence of a specific drug or metabolite in a urine specimen. The confirmatory test must be by a different analytical method from that of the initial test to ensure reliability and accuracy.

(c) All urinalysis tests must be performed by laboratories meeting the requirements of OAR 333-024-0305 to 333-024-0365.

(103) "Urgent" means the onset of symptoms requiring attention within 48 hours to prevent a serious deterioration in an individual's mental or physical health or threat to safety.

(104) "Variance" means an exception from a provision of these rules, granted in writing by the Division, upon written application from the provider. Duration of a variance is determined on a case-by-case basis.

(105) "Volunteer" means an individual who provides a program service or who takes part in a program service and who is not an employee of the program and is not paid for services. The services must be non-clinical unless the individual has the required credentials to provide a clinical service.

(106) "Wellness" means an approach to healthcare that emphasizes good physical and mental health, preventing illness, and prolonging life.

(107) "Young Adult in Transition" means an individual who is developmentally transitioning into independence, sometime between the ages of 14 and 25.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 428.205 - 428.270, 430.640
Stats. Implemented: ORS 109.675, 161.390 - 161.400, 409.430 - 409.435, 430.010, 430.205-430.210, 430.240 - 430.640, 430.850 - 430.955, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270
Hist.: MHS 6-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-019-0110

Provider Policies

(1) Personnel Policies: All providers must develop and implement written personnel policies and procedures, compliant with these rules, including:

- (a) Personnel Qualifications and Credentialing;

(b) Mandatory abuse reporting, compliant with ORS 430.735-430.768 and 407-045-0250 through 407-045-0360;

(c) Criminal Records Checks, compliant with ORS 181.533 through 181.575 and 407-007-0000 through 407-007-0370; and

(d) Fraud, waste and abuse in Federal Medicaid and Medicare programs compliant with OAR 410-120-1380 and 410-120-1510.

(2) Service Delivery Policies: All providers must develop and implement written policies and procedures consistent with these rules.

(a) Policies must be available to individuals and family members upon request; and

(b) Service delivery policies and procedures must include, at a minimum:

- (A) Fee agreements;
- (B) Confidentiality and compliance with HIPAA, Federal Confidentiality Regulations (42 CFR, Part 2), and State confidentiality regulations as specified in ORS 179.505 and 192.518 through 192.530;
- (C) Compliance with Title 2 of the Americans with Disabilities Act of 1990 (ADA);
- (D) Grievances and Appeals;
- (E) Individual Rights;
- (F) Quality Assessment and Performance Improvement;
- (G) Crisis Prevention and Response; and
- (H) Incident Reporting.

(3) Behavior Support Policies: Providers of ECS Services must develop policies consistent with 309-019-0155 (3) of these rules.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 428.205 - 428.270, 430.640
Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270
Hist.: MHS 6-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-019-0115

Individual Rights

(1) In addition to all applicable statutory and constitutional rights, every individual receiving services has the right to:

(a) Choose from available services and supports, those that are consistent with the Service Plan, culturally competent, provided in the most integrated setting in the community and under conditions that are least restrictive to the individual's liberty, that are least intrusive to the individual and that provide for the greatest degree of independence;

(b) Be treated with dignity and respect;

(c) Participate in the development of a written Service Plan, receive services consistent with that plan and participate in periodic review and reassessment of service and support needs, assist in the development of the plan, and to receive a copy of the written Service Plan;

(d) Have all services explained, including expected outcomes and possible risks;

(e) Confidentiality, and the right to consent to disclosure in accordance with ORS 107.154, 179.505, 179.507, 192.515, 192.507, 42 CFR Part 2 and 45 CFR Part 205.50.

(f) Give informed consent in writing prior to the start of services, except in a medical emergency or as otherwise permitted by law. Minor children may give informed consent to services in the following circumstances:

(A) Under age 18 and lawfully married;

(B) Age 16 or older and legally emancipated by the court; or

(C) Age 14 or older for outpatient services only. For purposes of informed consent, outpatient service does not include service provided in residential programs or in day or partial hospitalization programs;

(g) Inspect their Service Record in accordance with ORS 179.505;

(h) Refuse participation in experimentation;

(i) Receive medication specific to the individual's diagnosed clinical needs;

(j) Receive prior notice of transfer, unless the circumstances necessitating transfer pose a threat to health and safety;

(k) Be free from abuse or neglect and to report any incident of abuse or neglect without being subject to retaliation;

(l) Have religious freedom;

(m) Be free from seclusion and restraint;

(n) Be informed at the start of services, and periodically thereafter, of the rights guaranteed by this rule;

(o) Be informed of the policies and procedures, service agreements and fees applicable to the services provided, and to have a custodial parent, guardian, or representative, assist with understanding any information presented;

(p) Have family and guardian involvement in service planning and delivery;

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(q) Make a declaration for mental health treatment, when legally an adult;

(r) File grievances, including appealing decisions resulting from the grievance;

(s) Exercise all rights set forth in ORS 109.610 through 109.697 if the individual is a child, as defined by these rules;

(t) Exercise all rights set forth in ORS 426.385 if the individual is committed to the Authority; and

(u) Exercise all rights described in this rule without any form of reprisal or punishment.

(2) Notification of Rights: The provider must give to the individual and, if appropriate, the guardian, a document that describes the applicable individual's rights as follows:

(a) Information given to the individual must be in written form or, upon request, in an alternative format or language appropriate to the individual's need;

(b) The rights, and how to exercise them, must be explained to the individual, and if appropriate, to her or his guardian; and

(c) Individual rights must be posted in writing in a common area.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380-426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 6-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-019-0120

Licensing and Credentialing

Program staff in the following positions must meet applicable credentialing or licensing standards, including those outlined in these rules:

(1) Substance Use Disorders Treatment Staff;

(2) Clinical Supervisors;

(3) LMPs;

(4) Medical Directors;

(5) Peer Support Specialists;

(6) Problem Gambling Treatment Staff;

(7) QMHAs; and

(8) QMHPs.

Stat. Auth.: ORS 428.205 - 428.270, 430.256, 430.640

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 6-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-019-0125

Specific Staff Qualifications and Competencies

(1) Program Administrators or Program Directors must demonstrate competence in leadership, program planning and budgeting, fiscal management, supervision of program staff, personnel management, program staff performance assessment, use of data, reporting, program evaluation, quality assurance, and developing and coordinating community resources.

(2) Clinical Supervisors in all programs must demonstrate competence in leadership, wellness, oversight and evaluation of services, staff development, service planning, case management and coordination, utilization of community resources, group, family and individual therapy or counseling, documentation and rationale for services to promote intended outcomes and implementation of all provider policies.

(3) Clinical supervisors in mental health programs must meet QMHP requirements and have completed two years of post-graduate clinical experience in a mental health treatment setting.

(4) Clinical Supervisors in substance use disorders treatment programs must be certified or licensed by a health or allied provider agency as follows:

(a) For supervisors holding a certification or license in addiction counseling, qualifications for the certificate or license must have included at least:

(A) 4000 hours of supervised experience in substance use counseling;

(B) 300 contact hours of education and training in substance use related subjects; and

(C) Successful completion of a written objective examination or portfolio review by the certifying body.

(b) For supervisors holding a health or allied provider license, the license or registration must have been issued by one of the following state bodies and the supervisor must possess documentation of at least 120 contact hours of academic or continuing professional education in the treatment of substance use disorders:

(A) Board of Medical Examiners;

(B) Board of Psychologist Examiners;

(C) Board of Licensed Social Workers;

(D) Board of Licensed Professional Counselors and Therapists; or

(E) Board of Nursing.

(c) Additionally, clinical supervisors in substance use disorders programs must have one of the following qualifications:

(A) Five years of paid full-time experience in the field of substance use disorders counseling; or

(B) A Bachelor's degree and four years of paid full-time experience in the social services field, with a minimum of two years of direct substance use disorders counseling experience; or

(C) A Master's degree and three years of paid full-time experience in the social services field with a minimum of two years of direct substance use disorders counseling experience;

(5) Clinical Supervisors in problem gambling treatment programs must meet the requirements for clinical supervisors in either mental health or substance use disorders treatment programs, and have completed 10 hours of gambling specific training within two years of designation as a problem gambling services supervisor.

(6) Substance use disorders treatment staff must:

(a) Demonstrate competence in treatment of substance-use disorders including individual assessment and individual, group, family and other counseling techniques, program policies and procedures for service delivery and documentation, and identification, implementation and coordination of services identified to facilitate intended outcomes; and

(b) Be certified or licensed by a health or allied provider agency, as defined in these rules, to provide addiction treatment within two years of the first hire date and must make application for certification no later than six months following that date. The two years is not renewable if the person ends employment with a provider and becomes re-employed with another provider.

(c) For treatment staff holding certification in addiction counseling, qualifications for the certificate must have included at least:

(A) 750 hours of supervised experience in substance use counseling;

(B) 150 contact hours of education and training in substance use related subjects; and

(C) Successful completion of a written objective examination or portfolio review by the certifying body.

(d) For treatment staff holding a health or allied provider license, the license or registration must have been issued by one of the following state bodies and the person must possess documentation of at least 60 contact hours of academic or continuing professional education in substance use disorders treatment:

(A) Board of Medical Examiners;

(B) Board of Psychologist Examiners;

(C) Board of Licensed Social Workers;

(D) Board of Licensed Professional Counselors and Therapists; or

(E) Board of Nursing.

(6) Problem gambling treatment staff must demonstrate competence in treatment of problem gambling including individual assessment and individual, group, family and other counseling techniques, program policies and procedures for service delivery and documentation, and identification, implementation and coordination of services identified to facilitate intended outcomes.

(a) For treatment staff holding certification in problem gambling counseling, qualifications for the certificate must have included at least:

(A) 100 hours of supervised experience in problem gambling counseling;

(B) 30 contact hours of education and training in problem gambling related subjects; and

(C) Successful completion of a written objective examination or portfolio review by the certifying body.

(b) For treatment staff holding a health or allied provider license, the license or registration must have been issued by one of the following state bodies and the person must possess documentation of at least 60 contact hours of academic or continuing professional education in problem gambling treatment:

(A) Board of Medical Examiners;

(B) Board of Psychologist Examiners;

(C) Board of Licensed Social Workers;

(D) Board of Licensed Professional Counselors and Therapists; or

(E) Board of Nursing.

(7) QMHAs must demonstrate the ability to communicate effectively, understand mental health assessment, treatment and service terminology and apply each of these concepts, implement skills development strategies,

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and identify, implement and coordinate the services and supports identified in a Service Plan.

(a) QMHAs must meet the follow minimum qualifications:

(A) Bachelor's degree in a behavioral sciences field; or

(B) A combination of at least three years of relevant work, education, training or experience.

(8) QMHPs must demonstrate the ability to conduct an assessment, including identifying precipitating events, gathering histories of mental and physical health, substance use, past mental health services and criminal justice contacts, assessing family, cultural, social and work relationships, and conducting a mental status examination, complete a five-axis DSM diagnosis, write and supervise the implementation of a Service Plan and provide individual, family or group therapy within the scope of their training.

(a) QMHPs must meet the following minimum qualifications:

(A) Bachelor's degree in nursing and licensed by the State or Oregon;

(B) Bachelor's degree in occupational therapy and licensed by the State of Oregon;

(C) Graduate degree in psychology;

(D) Graduate degree in social work;

(E) Graduate degree in recreational, art, or music therapy; or

(F) Graduate degree in a behavioral science field.

(9) Peer support specialists must demonstrate knowledge of approaches to support others in recovery and resiliency, and demonstrate efforts at self-directed recovery.

(10) Recovering Staff: Program staff, contractors, volunteers and interns recovering from a substance use disorder, providing treatment services or peer support services in substance use disorders treatment programs, must be able to document continuous abstinence under independent living conditions or recovery housing for the immediate past two years.

Stat. Auth.: ORS 161.390, 413.042, 428.205 - 428.270, 430.256, 430.640

Stats. Implemented: ORS 109.675, 413.520 - 413.522, 426.380, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 6-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-019-0130

Personnel Documentation, Training and Supervision

(1) Providers must maintain personnel records for each program staff which contains all of the following documentation:

(a) Where required, verification of a criminal record check consistent with OAR 943-007;

(b) A current job description that includes applicable competencies;

(c) Copies of relevant licensure or certification, diploma, or certified transcripts from an accredited college, indicating that the program staff meets applicable qualifications;

(d) Periodic performance appraisals;

(e) Staff orientation documentation; and

(f) Disciplinary documentation.

(2) Providers utilizing contractors, interns or volunteers must maintain the following documentation, as applicable:

(a) A contract or written agreement;

(b) A signed confidentiality agreement;

(c) Orientation documentation; and

(d) For subject individuals, verification of a criminal records check consistent with OAR 943-007.

(3) Training: Providers must ensure that program staff receives training applicable to the specific population for whom services are planned, delivered, or supervised as follows:

(a) Orientation training: The program must document appropriate orientation training for each program staff, or person providing services, within 30 days of the hire date. At minimum, orientation training for all program staff must include, but not be limited to,

(A) A review of crisis prevention and response procedures;

(B) A review of emergency evacuation procedures;

(C) A review of program policies and procedures;

(D) A review of rights for individuals receiving services and supports;

(E) Mandatory abuse reporting procedures;

(F) HIPAA, and Fraud, Waste and Abuse; and

(G) For Enhanced Care Services, positive behavior support training.

(4) Clinical Supervision: Persons providing direct services must receive supervision by a qualified Clinical Supervisor, as defined in these rules, related to the development, implementation and outcome of services.

(a) Clinical supervision must be provided to assist program staff and volunteers to increase their skills, improve quality of services to individuals, and supervise program staff and volunteers' compliance with program policies and procedures, including:

(b) Documentation of two hours per month of supervision for each person supervised. The two hours must include one hour of individual face-to-face contact for each person supervised, or a proportional level of supervision for part-time program staff. Individual face-to-face contact may include real time, two-way audio visual conferencing; or

(c) Documentation of two hours of quarterly supervision for program staff holding a health or allied provider license, including at least one hour of individual face-to-face contact for each person supervised.

Stat. Auth.: ORS 161.390, 413.042, 428.205 - 428.270, 430.256, 430.640

Stats. Implemented: ORS 109.675, 413.520 - 413.522, 426.380, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 6-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-019-0135

Entry and Assessment

(1) Entry Process: The program must utilize an entry procedure to ensure the following:

(a) Individuals must be considered for entry without regard to race, ethnicity, gender, gender identity, gender presentation, sexual orientation, religion, creed, national origin, age, except when program eligibility is restricted to children, adults or older adults, familial status, marital status, source of income, and disability.

(b) Individuals must receive services in the most timely manner feasible consistent with the presenting circumstances.

(c) Written informed consent for services must be obtained from the individual or guardian, if applicable, prior to the start of services. If such consent is not obtained, the reason must be documented and further attempts to obtain informed consent must be made as appropriate.

(d) The provider must develop and maintain adequate clinical records and other documentation which supports the specific care, items, or services for which payment has been requested.

(e) The provider must report the entry of all individuals on the mandated state data system.

(f) In accordance with ORS 179.505 and HIPAA, an authorization for the release of information must be obtained for any confidential information concerning the individual being considered for, or receiving, services.

(g) Orientation: At the time of entry, the program must offer to the individual and guardian if applicable, written program orientation information. The written information must be in a language understood by the individual and must include:

(A) An opportunity to complete a declaration for mental health treatment with the individual's participation and informed consent;

(B) A description of individual rights consistent with these rules;

(C) Policies concerning grievances;

(D) Notice of privacy practices; and

(E) An opportunity to register to vote.

(3) Assessment:

(a) At the time of entry, an assessment must be completed.

(b) The assessment must be completed by qualified program staff as follows:

(A) A QMHP in mental health programs. A QMHA may assist in the gathering and compiling of information to be included in the assessment.

(B) Supervisory or treatment staff in substance use disorders treatment programs, and

(C) Supervisory or treatment staff in problem gambling treatment programs.

(c) Each assessment must include sufficient information and documentation to justify the presence of a diagnosis that is the medically appropriate reason for services.

(d) When the assessment process determines the presence of co-occurring substance use and mental health disorders, or any significant risk to health and safety, all providers must document referral for further assessment, planning and intervention from an appropriate professional, either with the same provider or with a collaborative community provider.

(e) Providers must periodically update assessments as applicable, when there are changes in clinical circumstances; and

(f) Any individual continuing to receive mental health services for one or more continuous years, must receive an annual assessment by a QMHP.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 428.205 - 428.270, 430.640

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 409.430 - 409.435, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 6-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

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309-019-0140

Service Plan and Service Notes

(1) The Service Plan must be a written, individualized plan to improve the individual's condition to the point where the individual's continued participation in the program is no longer necessary. The Service Plan is included in the individual's service records and must:

(a) Be completed prior to the start of services;
(b) Reflect the assessment and the level of care to be provided;
(c) Include the participation of the individual and family members, as applicable;

(d) Be completed by qualified program staff as follows:

(A) A QMHP in mental health programs;
(B) Supervisory or treatment staff in substance use disorders treatment programs, and
(C) Supervisory or treatment staff in problem gambling treatment programs.

(e) For mental health services, a QMHP, who is also a licensed health care professional, must recommend the services and supports by signing the Service plan within ten (10) business days of the start of services; and

(f) A LMP must approve the Service Plan at least annually for each individual receiving mental health services for one or more continuous years. The LMP may designate annual clinical oversight by documenting the designation to a specific licensed health care professional.

(2) At minimum, each Service Plan must include:

(a) Individualized treatment objectives;
(b) The specific services and supports that will be used to meet the treatment objectives;

(c) A projected schedule for service delivery, including the expected frequency and duration of each type of planned therapeutic session or encounter;

(d) The type of personnel that will be furnishing the services; and

(e) A projected schedule for re-evaluating the Service Plan.

(3) Service Notes:

(a) Providers must document each service and support. A Service Note, at minimum, must include:

(A) The specific services rendered

(B) The date, time of service, and the actual amount of time the services were rendered;

(C) Who rendered the services;

(D) The setting in which the services were rendered;

(E) The relationship of the services to the treatment regimen described in the Service Plan; and

(F) Periodic Updates describing the individual's progress.

(4) Decisions to transfer individuals must be documented, including the reason for the transfer.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 428.205 - 428.270, 430.640

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 409.430 - 409.435, 430.010, 430.205-430.210, 430.240 - 430.640, 430.850 - 430.955, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 6-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-019-0145

Co-Occurring Mental Health and Substance Use Disorders (COD)

Providers approved and designated to provide services and supports for individuals diagnosed with COD must provide concurrent service and support planning and delivery for substance use and mental health diagnosis, including integrated assessment, Service Plan and Service Record.

Stat. Auth.: ORS 430.640

Stats. Implemented: ORS 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955

Hist.: MHS 6-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-019-0150

Outpatient Mental Health Services to Children and Adults

(1) Crisis services must be provided directly or through linkage to a local crisis services provider and must include the following:

(a) 24 hours, seven days per week telephone or face-to-face screening to determine an individual's need for immediate community mental health services; and

(b) 24 hour, seven days per week capability to conduct, by or under the supervision of a QMHP, an assessment resulting in a Service Plan that includes the crisis services necessary to assist the individual and family to stabilize and transition to the appropriate level of care.

(2) Available case management services must be provided, including the following:

(a) Assistance in applying for benefits to which the individual may be entitled. Program staff must assist individuals in gaining access to, and maintaining, resources such as Social Security benefits, general assistance,

food stamps, vocational rehabilitation, and housing. When needed, program staff must arrange transportation or accompany individuals to help them apply for benefits; and

(b) Referral and coordination to help individuals gain access to services and supports identified in the Service Plan;

(3) When significant health and safety concerns are identified, program staff must assure that necessary services or actions occur to address the identified health and safety needs for the individual.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 428.205 - 428.270, 430.640

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 409.430 - 409.435, 430.010, 430.205-430.210, 430.240 - 430.640, 430.850 - 430.955, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 6-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-019-0155

Enhanced Care Services

(1) Enhanced care services must be provided in DHS' APD licensed facilities that have a multipurpose room, an area providing an environment with low stimulation, an accessible outdoor space with a covered area, a refrigerator, a microwave conveniently located for program activities, space for interdisciplinary meetings, space for mental health treatment and space for storage of records. A minimum of one private room is required in facilities opened after January 1, 1994.

(2) Services must include:

(a) 12 hours per week of mental health services available during evening and weekend shifts provided or arranged for by the contracted mental health provider;

(b) Weekly interdisciplinary team meetings to develop the Service Plan, review the behavior support plan and to coordinate care planning with the APD licensed provider staff and related professionals, including a QMHP, prescriber, APD direct care staff, APD case manager, APD facility RN and APD facility administrator;

(c) Quarterly mental health in-service trainings delivered to the APD provider and related program staff providing service to recipients of ECS;

(d) A crisis service staffed by a QMHP or the local CMHP available to the provider and facility direct care staff 24-hours per day; and

(e) Behavior support services that are proactive, recovery-oriented, individualized, and designed to facilitate positive alternatives to challenging behavior, as well as to assist the individual in developing adaptive and functional living skills.

(3) Providers of ECS services must:

(a) Develop and implement individual behavior support strategies, based on a functional or other clinically appropriate assessment of challenging behavior;

(b) Document the behavior support strategies and measures for tracking progress as a behavior support plan in the Service Plan;

(c) Establish a framework which assures individualized positive behavior support practices throughout the program and articulates a rationale consistent with the philosophies supported by the Division, including the Division's Trauma-informed Services Policy;

(d) Obtain informed consent from the guardian, when applicable, in the use of behavior support strategies and communicate both verbally and in writing the information to the individual and guardian in a language understood by the individual and in a developmentally appropriate manner;

(e) Establish outcome-based tracking methods to measure the effectiveness of behavior support strategies in:

(A) Reducing or eliminating the use of emergency safety interventions; and

(B) Increasing positive behavior.

(f) Require all program staff to receive annual training in Collaborative Problem Solving, Positive Behavior Support or other Evidence-based Practice to promote positive behavior support; and

(g) Review and update behavior support policies, procedures, and practices annually.

(4) ECOS services must be delivered according to the individual's needs and do not require the services listed under OAR 309-019-0155 of this rule.

Stat. Auth.: ORS 161.390, 413.042, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 430.010, 430.205 - 430.210, 430.240-430.640, 430.850 - 430.955, 743A.168, 813.010 - 813.052

Hist.: MHS 6-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-019-0160

Psychiatric Security Review Board and Juvenile Psychiatric Security Review Board

(1) Services and supports must include all appropriate services determined necessary to assist the individual in maintaining community place-

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ment and which are consistent with Conditional Release Orders and the Agreement to Conditional Release.

(2) Providers of PSRB and JPSRB services acting through the designated Qualified Person, must submit reports to the PSRB or JPSRB as follows:

(a) Orders for Evaluation: For individuals under the jurisdiction of the PSRB or the JPSRB, providers must take the following action upon receipt of an Order for Evaluation:

(A) Within 15 days of receipt of the Order, schedule an interview with the individual for the purpose of initiating or conducting the evaluation;

(B) Appoint a QMHP to conduct the evaluation and to provide an evaluation report to the PSRB or JPSRB;

(C) Within 30 days of the evaluation interview, submit the evaluation report to the PSRB or JPSRB responding to the questions asked in the Order for Evaluation; and

(D) If supervision by the provider is recommended, notify the PSRB or JPSRB of the name of the person designated to serve as the individual's Qualified Person, who must be primarily responsible for delivering or arranging for the delivery of services and the submission of reports under these rules.

(b) Monthly reports consistent with PSRB or JPSRB reporting requirements as specified in the Conditional Release Order that summarize the individual's adherence to Conditional Release requirements and general progress; and

(c) Interim reports, including immediate reports by phone, if necessary, to ensure the public or individual's safety including:

(A) At the time of any significant change in the individual's health, legal, employment or other status which may affect compliance with Conditional Release orders;

(B) Upon noting major symptoms requiring psychiatric stabilization or hospitalization;

(C) Upon noting any other major change in the individual's Service Plan;

(D) Upon learning of any violations of the Conditional Release Order; and

(E) At any other time when, in the opinion of the Qualified Person, such an interim report is needed to assist the individual.

(3) PSRB and JPSRB providers must submit copies of all monthly reports and interim reports to both the PSRB or JPSRB and the Division.

(4) When the individual is under the jurisdiction of the PSRB or JPSRB, providers must include the following additional documentation in the Service Record:

(a) Monthly reports to the PSRB or JPSRB;

(b) Interim reports, as applicable;

(c) The PSRB or JPSRB Initial Evaluation; and

(d) A copy of the Conditional Order of Release.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380-426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991

Hist.: MHS 6-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-019-0165

Intensive Community-Based Treatment and Support Services (ICTS) for Children

(1) ICTS services may be delivered at a clinic, facility, home, school, other provider or allied agency location or other setting as identified by the child and family team. In addition to services specified by the Service Plan and the standards for outpatient mental health services, ICTS services must include:

(a) Care coordination provided by a QMHP or a QMHA supervised by a QMHP;

(b) A child and family team, as defined in these rules;

(c) Service coordination planning, to be developed by the child and family team;

(d) Review of progress at child and family team meetings to occur at a frequency determined by the child and family team and consistent with needs;

(e) A Proactive safety and crisis plan developed by the child and family team, including:

(A) Strategies designed to facilitate positive alternatives to challenging behavior and to assist the individual in developing adaptive and functional living skills;

(B) Strategies to avert potential crisis without placement disruptions;

(C) Professional and natural supports to provide 24 hours, seven days per week flexible response; and

(D) Documented informed consent from the parent or guardian.

(2) ICTS providers must include the following additional documentation in the Service Record:

(a) Level of Service Intensity Determination;

(b) Names and contact information of the members of the child and family team;

(c) Documented identification of strengths and needs;

(d) A summary and review of service coordination planning by the participating team members; and

(e) A proactive safety and crisis plan.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 428.205 - 428.270, 430.640

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 430.010, 430.205 - 430.210, 430.240-430.640, 430.850 - 430.955

Hist.: MHS 6-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-019-0170

Outpatient Problem Gambling Treatment Services

These services include group, individual and family treatment consistent with the following requirements:

(1) The first offered service appointment must be five business days or less from the date of request for services;

(2) Service sessions must address the challenges of the individual as they relate, directly or indirectly, to the problem gambling behavior;

(3) Telephone counseling: Providers may provide telephone counseling when person-to-person contact would involve an unwise delay, as follows:

(a) Individual must be currently enrolled in the problem gambling treatment program;

(b) Phone counseling must be provided by a qualified program staff within their scope of practice;

(c) Service Notes for phone counseling must follow the same criteria as face-to-face counseling and identify the session was conducted by phone and the clinical rationale for the phone session;

(d) Telephone counseling must meet HIPAA and 42 CFR standards for privacy; and

(e) There must be an agreement of informed consent for phone counseling that is discussed with the individual and documented in the individual's service record.

(4) Family Counseling: Family counseling includes face-to-face or non face-to-face service sessions between a program staff member delivering the service and a family member whose life has been negatively impacted by gambling.

(a) Service sessions must address the problems of the family member as they relate directly or indirectly to the problem gambling behavior; and

(b) Services to the family must be offered even if the individual identified as a problem gambler is unwilling, or unavailable to accept services.

(5) 24-hour crisis response accomplished through agreement with other crisis services, on-call program staff or other arrangement acceptable to the Division.

(6) A financial assessment must be included in the entry process and documented in the assessment; and

(7) The service plan must include a financial component, consistent with the financial assessment.

Stat. Auth.: ORS 161.390, 428.205 - 428.270, 430.640, 461.549

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380-426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549

Hist.: MHS 6-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-019-0175

Outpatient Substance Use Disorders Treatment and Recovery Services

(1) Interim Referral and Information Services: Pregnant women or other individuals using substances intravenously, whose services are funded by the SAPT Block Grant, must receive interim referrals and information prior to entry, to reduce the adverse health effects of substance use, promote the health of the individual, and reduce the risk of transmission of disease. At a minimum, interim referral and informational services must include:

(a) Counseling and education about blood borne pathogens including Hepatitis, HIV, STDs and Tuberculosis (TB); the risks of needle and paraphernalia sharing and the likelihood of transmission to sexual partners and infants;

(b) Counseling and education about steps that can decrease the likelihood of Hepatitis, HIV, STD, and TB transmission;

(c) Referral for Hepatitis, HIV, STD and TB testing, vaccine or care services if necessary; and

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(d) For pregnant women, counseling on the likelihood of blood borne pathogen transmission as well as the effects of alcohol, tobacco and other drug use on the fetus and referral for prenatal care.

(2) Culturally Specific Services: Programs approved and designated as culturally specific programs must meet the following criteria:

(a) Serve a majority of individuals representing culturally specific populations;

(b) Maintain a current demographic and cultural profile of the community;

(c) Ensure that individuals from the identified cultural group receive effective and respectful care that is provided in a manner compatible with their cultural health beliefs, practices, and preferred language;

(d) Implement strategies to recruit, retain, and promote a diverse staff at all levels of the organization that are representative of the population being served;

(e) Ensure that staff at all levels and across all disciplines receive ongoing education and training in culturally and linguistically appropriate service delivery;

(f) Providers should ensure that a majority of the substance use disorders treatment staff be representative of the specific culture being served;

(g) Ensure that individuals are offered customer satisfaction surveys that address all areas of service and that the results of the surveys are used for quality improvement;

(h) Consider race, ethnicity, and language data in measuring customer satisfaction;

(i) Develop and implement cultural competency policies;

(j) Ensure that data on individual's race, ethnicity, and spoken and written language are collected in health records, integrated into the organization's management information systems, and periodically updated;

(k) Develop and maintain a Governing or Advisory Board as follows:

(A) Have a majority representation of the culturally specific group being served;

(B) Receive training concerning the significance of culturally relevant services and supports;

(C) Meet at least quarterly; and

(D) Monitor agency quality improvement mechanisms and evaluate the ongoing effectiveness and implementation of culturally relevant services (CLAS) and supports within the organization.

(l) Maintain accessibility to culturally specific populations including:

(A) The physical location of the program must be within close proximity to the culturally specific populations;

(B) Where available, public transportation must be within close proximity to the program; and

(C) Hours of service, telephone contact, and other accessibility issues must be appropriate for the population.

(m) The physical facility where the culturally specific services are delivered must be psychologically comfortable for the group including:

(A) Materials displayed must be culturally relevant; and

(B) Mass media programming (radio, television, etc.) must be sensitive to cultural background;

(n) Other cultural differences must be considered and accommodated when possible, such as the need or desire to bring family members to the facility, play areas for small children and related accommodations; and

(o) Ensure that grievance processes are culturally and linguistically sensitive and capable of identifying, preventing and resolving cross-cultural conflicts or complaints.

Stat. Auth.: ORS 413.042, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991

Hist.: MHS 6-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-019-0180

Outpatient Adolescent Substance Use Disorders Treatment and Recovery Services

Programs approved to provide adolescent substance use disorders treatment services or those with adolescent-designated service funding must meet the following standards:

(1) Development of Service Plans and case management services must include participation of parents, other family members, schools, children's services agencies, and juvenile corrections, as appropriate;

(2) Services, or appropriate referrals, must include:

(a) Family counseling;

(b) Community and social skills training; and

(c) Smoking cessation service.

(3) Continuing care services must be of appropriate duration and designed to maximize recovery opportunities. The services must include:

(a) Reintegration services and coordination with family and schools;

(b) Youth dominated self-help groups where available;

(c) Linkage to emancipation services when appropriate; and

(d) Linkage to physical or sexual abuse counseling and support services when appropriate.

Stat. Auth.: ORS 161.390, 413.042, 428.205 - 428.270, 430.640

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 6-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-019-0185

Outpatient Women's Substance Use Disorders Treatment and Recovery Programs

(1) Programs approved to provide women's substance use disorders treatment services or those with women-specific designated service funding must meet the following standards:

(a) The Assessment must contain an evaluation that identifies and assesses needs specific to women's issues in service such as social isolation, self-reliance, parenting issues, domestic violence, women's physical health, housing and financial considerations;

(b) The service plan must address all areas identified in the assessment and applicable service coordination details to address the identified needs;

(c) The program must provide or coordinate services and supports that meet the special access needs of women such as childcare, mental health services, and transportation, as indicated; and

(d) The program must provide, or coordinate, the following services and supports unless clinically contraindicated:

(A) Gender-specific services and supports;

(B) Family services, including therapeutic services for children in the custody of women in treatment;

(C) Reintegration with family;

(D) Peer delivered supports;

(E) Smoking cessation;

(F) Housing; and

(G) Transportation.

(2) Services must include the participation of family and other agencies as appropriate, such as social service, child welfare, or corrections agencies;

(3) Referral Services: The program must coordinate services with the following, if indicated:

(a) Agencies providing services to women who have experienced physical abuse, sexual abuse or other types of domestic violence; and

(b) Parenting training; and

(c) Continuing care treatment services must be consistent with the ASAM PPC-2R and must include referrals to female dominated support groups where available; and

(4) Programs that receive SAPT Block Grant funding must provide or coordinate the following services for pregnant women and women with dependent children, including women who are attempting to regain custody of their children:

(a) Primary medical care for women, including referral for prenatal care and, while the women are receiving such services, child care;

(b) Primary pediatric care, including immunizations for their children;

(c) Gender specific substance abuse treatment and other therapeutic interventions for women which may include, but are not limited to:

(A) Relationship issues;

(B) Sexual and physical abuse;

(C) Parenting;

(D) Access to child care while the women are receiving these services; and

(E) Therapeutic interventions for children in the custody of women in treatment which may include, but are not limited to:

(i) Their developmental needs;

(ii) Any issues concerning sexual and physical abuse, and neglect; and

(iii) Sufficient case management and transportation to ensure that women and their children have access to services.

Stat. Auth.: ORS 161.390, 413.042, 428.205 - 428.270, 430.640

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 6-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-019-0190

Community-Based Substance Use Treatment Programs for Individuals in the Criminal Justice System

(1) These services and supports are for individuals who are under the supervision of a probation officer or on parole or post-prison supervision or

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participating in a drug treatment court program or otherwise under the direct supervision of the court.

(2) Services and supports must incorporate interventions and strategies that target criminogenic risk factors and include:

- (a) Cognitive behavioral interventions;
- (b) Motivational interventions;
- (c) Relapse prevention; and
- (d) Healthy relationships education;

(3) Providers must demonstrate coordination of services with criminal justice partners through written protocols, program staff activities, and individual record documentation.

(4) Program Directors or clinical supervisors must have experience in community-based offender treatment programs and have specific training and experience applying effective, evidence-based clinical strategies and services for individuals receiving community-based substance use disorders treatment services to individuals in the criminal justice system;

(5) Within the first six months of hire, program staff must:

(a) Receive training on effective principles of evidenced-based practices for individuals with criminogenic risk factors; and

(b) Have documented knowledge, skills, and abilities demonstrating treatment strategies for individuals with criminogenic risk factors.

Stat. Auth.: ORS 161.390, 413.042, 428.205 - 428.270, 430.640
Stats. Implemented: ORS 109.675, 161.390 - 161.400, 430.010, 430.205 - 430.210, 430.240-430.640, 430.850 - 430.955, 743A.168, 813.010 - 813.052 & 813.200 - 813.270
Hist.: MHS 6-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-019-0195

DUII Rehabilitation Programs

In addition to the general standards for substance use disorders treatment programs, those programs approved to provide DUII rehabilitation services must meet the following standards:

(1) DUII rehabilitation programs must assess individuals referred for treatment by the evaluation specialist. Placement, continued stay and transfer of individuals must be based on the criteria described in the ASAM PPC-2R, subject to the following additional terms and conditions:

(a) Abstinence: Individuals must demonstrate continuous abstinence for a minimum of 90 days prior to completion as documented by urinalysis tests and other evidence;

(b) Treatment Completion: Only DUII rehabilitation programs may certify treatment completion;

(c) Residential Treatment: Using the criteria from the ASAM PPC-2R, the DUII program's assessment may indicate that the individual requires treatment in a residential program. When the individual is in residential treatment, it is the responsibility of the DUII program to:

(A) Monitor the case carefully while the individual is in residential treatment;

(B) Provide or monitor outpatient and follow-up services when the individual is transferred from the residential program; and

(C) Verify completion of residential treatment and follow-up outpatient treatment.

(2) Urinalysis Testing: A minimum of one urinalysis sample per month must be collected during the period of service, the total number deemed necessary to be determined by an individual's DUII rehabilitation program:

(a) Using the process defined in these rules, the samples must be tested for at least five controlled drugs;

(b) At least one of the samples is to be collected and tested in the first two weeks of the program and at least one is to be collected and tested in the last two weeks of the program;

(c) If the first sample is positive, two or more samples must be collected and tested, including one sample within the last two weeks before completion; and

(d) Programs may use methods of testing for the presence of alcohol and other drugs in the individual's body other than urinalysis tests if they have obtained the prior review and approval of such methods by the Division.

(3) Reporting: The program must report:

(a) To the Division on forms prescribed by the Division;

(b) To the evaluation specialist within 30 days from the date of the referral by the specialist. Subsequent reports must be provided within 30 days of completion or within 10 days of the time that the individual enters noncompliant status; and

(c) To the appropriate evaluation specialist, case manager, court, or other agency as required when requested concerning individual cooperation, attendance, treatment progress, utilized modalities, and fee payment.

(4) Certifying Completion: The program must send a numbered Certificate of Completion to the Department of Motor Vehicles to verify the completion of convicted individuals. Payment for treatment may be considered in determining completion. A certificate of completion must not be issued until the individual has satisfied the abstinence requirements of 309-032-1540(f)(A)(i).

(5) Records: The DUII rehabilitation program must maintain in the permanent Service Record, urinalysis results and all information necessary to determine whether the program is being, or has been, successfully completed.

(6) Separation of Evaluation and Rehabilitation Functions: Without the approval of the Director, no agency or person may provide DUII rehabilitation to an individual who has also been referred by a Judge to the same agency or person for a DUII evaluation. Failure to comply with this rule will be considered a violation of ORS chapter 813. If the Director finds such a violation, the Director may deny, suspend, revoke, or refuse to renew a letter of approval.

Stat. Auth.: ORS 161.390, 413.042, 428.205 - 428.270, 430.640 & 443.450
Stats. Implemented: ORS 161.390 - 161.400, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 743A.168, 813.010 - 813.052 & 813.200 - 813.270
Hist.: MHS 6-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-019-0200

Medical Protocols in Outpatient Substance Use Disorders Treatment and Recovery Programs

Medical protocols must be approved by a medical director under contract with a program or written reciprocal agreement with a medical practitioner under managed care. The protocols must:

(1) Require a medical history be included in the Assessment;

(2) Designate those medical symptoms that, when found, require further investigation, physical examinations, service, or laboratory testing;

(3) Require that individuals admitted to the program who are currently injecting or intravenously using a drug, or have injected or intravenously used a drug within the past 30 days, or who are at risk of withdrawal from a drug, or who may be pregnant, must be referred for a physical examination and appropriate lab testing within 30 days of entry to the program. This requirement may be waived by the medical director if these services have been received within the past 90 days and documentation is provided;

(4) Require pregnant women be referred for prenatal care within two weeks of entry to the program;

(5) Require that the program provide HIV and AIDS, TB, sexually transmitted disease, Hepatitis and other infectious disease information and risk assessment, including any needed referral, within 30 days of entry; and

(6) Specify the steps for follow up and coordination with physical health care providers in the event the individual is found to have an infectious disease or other major medical problem.

Stat. Auth.: ORS 428.205 - 428.270, 430.640 & 443.450
Stats. Implemented: ORS 109.675, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850-430.955, 443.400 - 443.460, 443.991
Hist.: MHS 6-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-019-0205

Building Requirements in Outpatient Substance Use Disorders Treatment Programs

All substance use disorders treatment programs must:

(1) Comply with all applicable state and local building, electrical, plumbing, fire, safety, and zoning codes;

(2) Maintain up-to-date documentation verifying that they meet applicable local business license, zoning and building codes and federal, state and local fire and safety regulations. It is the responsibility of the program to check with local government to make sure all applicable local codes have been met;

(3) Provide space for services including but not limited to intake, assessment, counseling and telephone conversations that assures the privacy and confidentiality of individuals and is furnished in an adequate and comfortable fashion including plumbing, sanitation, heating, and cooling;

(4) Provide rest rooms for individuals, visitors, and staff that are accessible to persons with disabilities pursuant to Title II of the Americans with Disabilities Act if the program receives any public funds or Title III of the Act if no public funds are received;

(5) Adopt and implement emergency policies and procedures, including an evacuation plan and emergency plan in case of fire, explosion, accident, death or other emergency. The policies and procedures and emergency plans must be current and posted in a conspicuous area; and

(6) Tobacco Use: Outpatient programs must not allow tobacco use in program facilities and on program grounds.

Stat. Auth.: ORS 413.042, 428.205 - 428.270, 430.640 & 443.450

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Stats. Implemented: ORS 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991
Hist.: MHS 6-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-019-0210

Quality Assessment and Performance Improvement

Providers must develop and implement a structured and ongoing process to assess, monitor, and improve the quality and effectiveness of services provided to individuals and their families.

Stat. Auth.: ORS 430.640
Stats. Implemented: ORS 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955
Hist.: MHS 6-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-019-0215

Grievances and Appeals

(1) Any individual receiving services, or the parent or guardian of the individual receiving services, may file a grievance with the provider, the individual's managed care plan or the Division.

(2) For individuals whose services are funded by Medicaid, grievance and appeal procedures outlined in OAR 410-141-0260 through 410-141-0266, must be followed.

(3) For individuals whose services are not funded by Medicaid, providers must:

(a) Notify each individual, or guardian, of the grievance procedures by reviewing a written copy of the policy upon entry;

(b) Assist individuals and parents or guardians, as applicable, to understand and complete the grievance process; and notify them of the results and basis for the decision;

(c) Encourage and facilitate resolution of the grievance at the lowest possible level;

(d) Complete an investigation of any grievance within 30 calendar days;

(e) Implement a procedure for accepting, processing and responding to grievances including specific timelines for each;

(f) Designate a program staff person to receive and process the grievance;

(g) Document any action taken on a substantiated grievance within a timely manner; and

(h) Document receipt, investigation and action taken in response to the grievance.

(4) Grievance Process Notice. The provider must have a Grievance Process Notice, which must be posted in a conspicuous place stating the telephone number of:

- (a) The Division;
- (b) The CMHP;
- (c) Disability Rights Oregon; and
- (d) The applicable managed care organization.

(5) Expedited Grievances: In circumstances where the matter of the grievance is likely to cause harm to the individual before the grievance procedures outlined in these rules are completed, the individual, or guardian of the individual, may request an expedited review. The program administrator must review and respond in writing to the grievance within 48 hours of receipt of the grievance. The written response must include information about the appeal process.

(6) Retaliation: A grievant, witness or staff member of a provider must not be subject to retaliation by a provider for making a report or being interviewed about a grievance or being a witness. Retaliation may include, but is not limited to, dismissal or harassment, reduction in services, wages or benefits, or basing service or a performance review on the action.

(7) Immunity: The grievant is immune from any civil or criminal liability with respect to the making or content of a grievance made in good faith.

(8) Appeals: Individuals and their legal guardians, as applicable, must have the right to appeal entry, transfer and grievance decisions as follows:

(a) If the individual or guardian, if applicable, is not satisfied with the decision, the individual or guardian may file an appeal in writing within ten working days of the date of the program administrator's response to the grievance or notification of denial for services as applicable. The appeal must be submitted to the CMHP Director in the county where the provider is located or to the Division as applicable;

(b) If requested, program staff must be available to assist the individual;

(c) The CMHP Director or Division, must provide a written response within ten working days of the receipt of the appeal; and

(d) If the individual or guardian, if applicable, is not satisfied with the appeal decision, he or she may file a second appeal in writing within ten working days of the date of the written response to the Director.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 428.205 - 428.270, 430.640
Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270
Hist.: MHS 6-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-019-0220

Variations

(1) Criteria for a Variance: Variances may be granted to a LMHA, CMHP or provider holding a certificate directly with the Division, by the Division:

(a) If there is a lack of resources to implement the standards required in these rules; or

(b) If implementation of the proposed alternative services, methods, concepts or procedures would result in improved outcomes for the individual.

(2) Application for a Variance:

(a) CMHPs and other providers may submit their variance request directly to the Division;

(b) Providers who hold Certificates of Approval jointly with CMHP's and the Division must submit their variance requests to the CMHP. The CMHP must then submit the variance request, along with the CMHP's written recommendation;

(c) The LMHA, CMHP or provider requesting a variance must submit a written application to the Deputy Director; and

(d) Variance requests must contain the following:

(A) The section of the rule from which the variance is sought;

(B) The reason for the proposed variance;

(C) The alternative practice, service, method, concept or procedure proposed;

(D) A proposal for the duration of the variance; and

(E) A plan and timetable for compliance with the section of the rule for which the variance applies.

(3) Division Review and Notification: The Deputy Director of the Division must approve or deny the request for a variance and must notify the LMHA, CMHP or provider in writing of the decision to approve or deny the requested variance, within 30 days of receipt of the variance. The written notification must include the specific alternative practice, service, method, concept or procedure that is approved and the duration of the approval.

(4) Appeal Application: Appeal of the denial of a variance request must be made in writing to the Director of the Division, whose decision will be final and must be provided in writing within 30 days of receipt of the appeal.

(5) Written Approval: The LMHA, CMHP or provider may implement a variance only after written approval from the Division.

(6) Duration of Variance: It is the responsibility of the LMHA, CMHP or the provider to submit a request to extend a variance in writing prior to a variance expiring. Extension must be approved in writing by the Division.

(7) Granting a variance for one request does not set a precedent that must be followed by the Division when evaluating subsequent requests for variance.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 428.205 - 428.270, 430.640
Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270
Hist.: MHS 6-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

Rule Caption: Temporary suspension to OAR 309-032-1500 through 309-032-1565 entitled "Integrated Services and Supports."

Adm. Order No.: MHS 7-2013(Temp)

Filed with Sec. of State: 8-8-2013

Certified to be Effective: 8-9-13 thru 2-5-14

Notice Publication Date:

Rules Suspended: 309-032-1500, 309-032-1505, 309-032-1510, 309-032-1515, 309-032-1520, 309-032-1525, 309-032-1530, 309-032-1535, 309-032-1540, 309-032-1545, 309-032-1550, 309-032-1555, 309-032-1560, 309-032-1565

Subject: These rules prescribe minimum standards for the services and supports provided by addictions and mental health providers approved by the Addictions and Mental Health Division of the Oregon Health Authority. These rules:

(a) Promote recovery, resiliency, wellness, independence and safety for individuals receiving addictions and mental health services and supports;

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(b) Specify standards for services and supports that are person-directed, youth guided, family-driven, culturally competent, trauma-informed and wellness-informed; and

(c) Promote functional and rehabilitative outcomes for individuals that are developmentally appropriate.

Rules Coordinator: Nola Russell—(503) 945-7652

309-032-1500

Purpose and Scope

(1) Purpose: These rules prescribe minimum standards for the services and supports provided by addictions and mental health providers approved by the Addictions and Mental Health Division of the Oregon Health Authority. These rules:

(a) Promote recovery, resiliency, wellness, independence and safety for individuals receiving addictions and mental health services and supports;

(b) Specify standards for services and supports that are person-directed, youth guided, family-driven, culturally competent, trauma-informed and wellness-informed; and

(c) Promote functional and rehabilitative outcomes for individuals that are developmentally appropriate.

(2) Scope: In addition to applicable requirements in OAR 410-120-0000 through 410-120-1980 and 943-120-0000 through 943-120-0350, these rules specify standards for addictions and mental health services and supports provided in:

(a) Outpatient Community Mental Health Services and Supports for Children and Adults;

(b) Intensive Community-based Treatment and Support Services (ICTS) for Children;

(c) Intensive Treatment Services (ITS) for Children;

(d) Outpatient and Residential Alcohol and Other Drug Treatment Services; and

(e) Outpatient and Residential Problem Gambling Treatment Services.

Stat. Auth.: ORS 161.390, 413.042, 430.256, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 4-2010, f. & cert. ef. 3-4-10; MHS 15-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-29-12; MHS 8-2012, f. & cert. ef. 6-15-12; Suspended by MHS 7-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-032-1505

Definitions

(1) "Abuse of an adult" means the circumstances defined in OAR 943-045-0260 for abuse of an adult with mental illness.

(2) "Abuse of a child" means the circumstances defined in ORS 419B.005.

(3) "Addictions and Mental Health Services and Supports" means all services and supports that are regulated by this rule, including, but not limited to, Outpatient Community Mental Health Services and Supports for Children and Adults, ICTS for Children, ITS for Children, Outpatient and Residential Alcohol and Other Drug Treatment Services and Outpatient and Residential Problem Gambling Treatment Services.

(4) "Adolescent" means an individual from 12 through 17 years of age, or those individuals who are determined to be developmentally appropriate for youth services.

(5) "Adult" means a person 18 years of age or older, or an emancipated minor. An individual with Medicaid eligibility, who is in need of services specific to children, adolescents, or young adults in transition, must be considered a child until age 21 for the purposes of these rules. Adults who are between the ages of 18 and 21, who are considered children for purposes of these rules, must have all rights afforded to adults as specified in these rules.

(6) "Alcohol and Other Drug Treatment and Recovery Services" means outpatient, intensive outpatient, and residential services and supports for individuals with substance use disorders.

(7) "Alcohol and Other Drug Treatment Staff" means a person certified or licensed by a health or allied provider agency to provide alcohol and other drug treatment services that include assessment, development of an Individual Service and Support Plan (ISSP), and individual, group and family counseling.

(a) For treatment staff holding certification in addiction counseling, qualifications for the certificate must have included at least:

(A) 750 hours of supervised experience in substance use counseling;

(B) 150 contact hours of education and training in substance use related subjects; and

(C) Successful completion of a written objective examination or portfolio review by the certifying body.

(b) For treatment staff holding a health or allied provider license, the license or registration must have been issued by one of the following state bodies and the person must possess documentation of at least 60 contact hours of academic or continuing professional education in alcohol and other drug treatment:

(A) Board of Medical Examiners;

(B) Board of Psychologist Examiners;

(C) Board of Licensed Social Workers;

(D) Board of Licensed Professional Counselors and Therapists; or

(E) Board of Nursing.

(8) "Assessment" means the process of obtaining sufficient biopsychosocial information, through a face-to-face interview to determine a diagnosis and to plan individualized services and supports.

(9) "ASAM PPC-2R" means the American Society of Addiction Medicine Patient Placement Criteria for the Treatment of Substance-related Disorders, Second Edition Revised, April 2001, which is a clinical guide used in matching individuals to appropriate levels of care, and incorporated by reference in these rules.

(10) "Authority" means the Oregon Health Authority.

(11) "Behavior Support Plan" means the individualized proactive support strategies, consistent with OAR 309-032-1540(8), documented in the ISSP that are used by the provider and family when applicable, to support positive behavior.

(12) "Behavior Support Strategies" means proactive supports designed to replace challenging behavior with functional, positive behavior. The strategies address environmental, social, neurodevelopmental and physical factors that affect behavior.

(13) "Biopsychosocial Information" means the relevant physical, psychological, social, environmental and cultural factors that inform the individual's diagnosis.

(14) "Care Coordination" means a process-oriented activity to facilitate ongoing communication and collaboration to meet multiple needs. Care coordination includes facilitating communication between the family, natural supports, community resources, and involved providers and agencies; organizing, facilitating and participating in team meetings; and providing for continuity of care by creating linkages to and managing transitions between levels of care and transitions for transition-age young adults to adult services.

(15) "Case Management" means the services provided to assist individuals, who reside in a community setting, or are transitioning to a community setting, in gaining access to needed medical, social, educational, entitlement and other applicable services.

(16) "Chemical Restraint" means the administration of medication for the acute management of potentially harmful behavior. Chemical restraint is prohibited in the services regulated by these rules.

(17) "Child" means a person under the age of 18. An individual with Medicaid eligibility, who is in need of services specific to children, adolescents, or young adults in transition, must be considered a child until age 21 for purposes of these rules.

(18) "Child and Family Team" means those persons who are responsible for creating, implementing, reviewing, and revising the service coordination section of the ISSP in ICTS programs. At a minimum, the team must be comprised of the family, care coordinator, and child when appropriate. The team should also include any involved child-serving providers and agencies and any other natural, formal, and informal supports as identified by the family.

(19) "Children's Emergency Safety Intervention Specialist (CESIS)" means a Qualified Mental Health Professional (QMHP) who is licensed to order, monitor, and evaluate the use of seclusion and restraint in accredited and certified facilities providing intensive mental health treatment services to individuals under 21 years of age.

(20) "Clinical Supervision" means oversight by a qualified Clinical Supervisor of addictions and mental health services and supports provided according to this rule, including ongoing evaluation and improvement of the effectiveness of those services and supports.

(21) "Clinical Supervisor" means a person qualified to oversee and evaluate addictions or mental health services and supports.

(a) For supervisors in alcohol and other drug treatment programs, holding a certification or license in addiction counseling, qualifications for the certificate or license must have included at least:

(A) 4000 hours of supervised experience in substance use counseling;

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(B) 300 contact hours of education and training in substance use related subjects; and

(C) Successful completion of a written objective examination or portfolio review by the certifying body.

(b) For supervisors, in alcohol and other drug treatment programs, holding a health or allied provider license, such license or registration must have been issued by one of the following state bodies and the supervisor must possess documentation of at least 120 contact hours of academic or continuing professional education in the treatment of alcohol and other drug-related disorders:

(A) Board of Medical Examiners;

(B) Board of Psychologist Examiners;

(C) Board of Licensed Social Workers;

(D) Board of Licensed Professional Counselors and Therapists; or

(E) Board of Nursing.

(22) "Co-occurring substance use and mental health disorders (COD)" means the existence of a diagnosis of both a substance use disorder and a mental health disorder.

(23) "Community Mental Health Program (CMHP)" means an entity that is responsible for planning and delivery of services for persons with substance use disorders or a mental health diagnosis, operated in a specific geographic area of the state under an intergovernmental agreement or direct contract with the Division.

(24) "Conditional Release" means placement by a court or the Psychiatric Security Review Board (PSRB), of a person who has been found eligible under ORS 161.327(2)(b) or 161.336, for supervision and treatment in a community setting.

(25) "Court" means the last convicting or ruling court unless specifically noted.

(26) "Criminal Records Check" means the Oregon Criminal Records Check and the processes and procedures required by OAR 943-007.

(27) "Crisis" means either an actual or perceived urgent or emergent situation that occurs when an individual's stability or functioning is disrupted and there is an immediate need to resolve the situation to prevent a serious deterioration in the individual's mental or physical health or to prevent referral to a significantly higher level of care.

(28) "Cultural Competence" means the process by which people and systems respond respectfully and effectively to people of all cultures, languages, classes, races, ethnic backgrounds, disabilities, religions, genders, sexual orientations and other diversity factors in a manner that recognizes, affirms, and values the worth of individuals, families and communities and protects and preserves the dignity of each.

(29) "Culturally Specific Program" means a program that is designed to meet the unique service needs of a specific culture and that provides services to a majority of individuals representing that culture.

(30) "Declaration for Mental Health Treatment" means a written statement of an individual's preferences concerning his or her mental health treatment. The declaration is made when the individual is able to understand and legally make decisions related to such treatment. It is honored, as clinically appropriate, in the event the individual becomes unable to make such decisions.

(31) "Deputy Director" means the Deputy Director of the Addictions and Mental Health Division, or that person's designee.

(32) "Developmentally Appropriate" means services and supports that match emotional, social and cognitive development rather than chronological age.

(33) "Diagnosis" means the principal mental health, substance use or problem gambling diagnosis listed in the Diagnostic and Statistical Manual of Mental Disorders (DSM). The diagnosis is determined through the assessment and any examinations, tests, or consultations suggested by the assessment, and is the medically appropriate reason for services.

(34) "Director" means the Director of the Addictions and Mental Health Division, or that person's designee.

(35) "Division" means the Addictions and Mental Health Division.

(36) "DSM" means the Diagnostic and Statistical Manual of Mental Disorders-IV-R, published by the American Psychiatric Association.

(37) "DSM Five-axis Diagnosis" means the multi-axial diagnosis, consistent with the current version of the Diagnostic and Statistical Manual of Mental Disorders (DSM), resulting from the assessment.

(38) "Driving Under the Influence of Intoxicants (DUI) Alcohol and Other Drug Rehabilitation Program" means a program of treatment and therapeutically oriented education services for an individual who is either:

(a) A violator of ORS 813.010 Driving Under the Influence of Intoxicants; or

(b) A defendant who is participating in a diversion agreement under ORS 813.200.

(39) "Emergency Safety Intervention" means the use of seclusion or personal restraint under OAR 309-032-1540(9) of these rules, as an immediate response to an unanticipated threat of violence or injury to an individual, or others.

(40) "Emergent" means the onset of symptoms requiring attention within 24 hours to prevent serious deterioration in mental or physical health or threat to safety.

(41) "Enhanced Care Services (ECS)" and "Enhanced Care Outreach Services (ECOS)" means mental health services and supports provided to individuals residing in licensed Aging and People with Disabilities (APD) facilities.

(42) "Entry" means the act or process of acceptance and enrollment into services regulated by this rule.

(43) "Evaluation Specialist" means a person who possesses valid certification issued by the Division to conduct DUI evaluations.

(44) "Family" means the biological or legal parents, siblings, other relatives, foster parents, legal guardians, spouse, domestic partner, caregivers and other primary relations to the individual whether by blood, adoption, legal or social relationships. Family also means any natural, formal or informal support persons identified as important by the individual.

(45) "Family Support" means the provision of supportive services to persons defined as family to the individual. It includes support to caregivers at community meetings, assistance to families in system navigation and managing multiple appointments, supportive home visits, peer support, parent mentoring and coaching, advocacy, and furthering efforts to develop natural and informal community supports.

(46) "Fully Capitated Health Plan (FCHP)" means a prepaid health plan under contract with the Division of Medical Assistance Programs to provide capitated physical or behavioral health services.

(47) "Gender Identity" means a person's self-identification of gender, without regard to legal or biological identification, including, but not limited to persons identifying themselves as male, female, transgender and transsexual.

(48) "Gender Presentation" means the external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, mannerisms, speech patterns and social interactions.

(49) "Grievance" means a formal complaint submitted to a provider verbally, or in writing, by an individual, or the individual's chosen representative, pertaining to the denial or delivery of services and supports.

(50) "Guardian" means a person appointed by a court of law to act as guardian of a minor or a legally incapacitated person.

(51) "HIPAA" means the federal Health Insurance Portability and Accountability Act of 1996 and the regulations published in Title 45, parts 160 and 164, of the Code of Federal Regulations (CFR).

(52) "Incident Report" means a written description of any incident involving an individual, occurring on the premises of a program, or involving program staff or an ISSP activity, including, but not limited to, injury, major illness, accident, act of physical aggression, medication error, suspected abuse or neglect, or any other unusual incident that presents a risk to health and safety.

(53) "Individual" means any person being considered for or receiving services and supports regulated by these rules.

(54) "Individual Service and Support Plan" (ISSP) means a comprehensive plan for services and supports provided to or coordinated for an individual and his or her family, as applicable, that is reflective of the assessment and the intended outcomes of service.

(55) "Individual Service Note" means the written record of services and supports provided, including documentation of progress toward intended outcomes, consistent with the timelines stated in the ISSP.

(56) "Individual Service Record" means the documentation, written or electronic, regarding an individual and resulting from entry, assessment, orientation, service and support planning, services and supports provided, and transfer.

(57) "Informed Consent for Services" means that the service options, risks and benefits have been explained to the individual and guardian, if applicable, in a manner that they comprehend, and the individual and guardian, if applicable, have consented to the services on, or prior to, the first date of service.

(58) "Intensive Outpatient Alcohol and Other Drug Treatment Services" means structured nonresidential evaluation, treatment, and continued care services for individuals with substance use disorders who need a greater number of therapeutic contacts per week than are provided by traditional outpatient services. Intensive outpatient services may include, but

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are not limited to, day treatment, correctional day treatment, evening treatment, and partial hospitalization.

(59) "Intensive Community-based Treatment and Support Services (ICTS)" means a specialized set of comprehensive in-home and community-based supports and mental health treatment services, including care coordination as defined in these rules, for children that are developed by the child and family team and delivered in the most integrated setting in the community.

(60) "Intensive Treatment Services (ITS)" means the range of services in the system of care comprised of Psychiatric Residential Treatment Facilities (PRTF) and Psychiatric Day Treatment Services (PDTS), or other services as determined by the Division, that provide active psychiatric treatment for children with severe emotional disorders and their families.

(61) "Interim Referral and Information Services" means services provided by an alcohol and other drug treatment provider to individuals on a waiting list, and whose services are funded by the Substance Abuse Prevention and Treatment (SAPT) Block Grant, to reduce the adverse health effects of alcohol and other drug use, promote the health of the individual and reduce the risk of disease transmission.

(62) "Interdisciplinary Team" means the group of people designated to advise in the planning and provision of services and supports to individuals receiving ITS services or ECS services and may include multiple disciplines or agencies. For Psychiatric Residential Treatment Facilities (PRTF), the composition of the interdisciplinary team must be consistent with the requirements of 42 CFR Part 441.156.

(63) "Intern" or "Student" means a person who provides a paid or unpaid program service to complete a credentialed or accredited educational program recognized by the state of Oregon.

(64) "Juvenile Psychiatric Security Review Board (JPSRB)" means the entity described in ORS 161.385.

(65) "Level of Care" means the range of available services provided from the most integrated setting to the most restrictive and most intensive in an inpatient setting.

(66) "Level of Service Intensity Determination." means the Division approved process by which children and young adults in transition are assessed for ITS and ICTS services.

(67) "Licensed Health Care Professional" means a practitioner of the healing arts, acting within the scope of his or her practice under State law, who is licensed by a recognized governing board in Oregon.

(68) "Licensed Medical Practitioner (LMP)" means a person who meets the following minimum qualifications as documented by the Local Mental Health Authority (LMHA) or designee:

- (a) Physician licensed to practice in the State of Oregon; or
- (b) Nurse practitioner licensed to practice in the State of Oregon; or
- (c) Physician's Assistant licensed to practice in the State of Oregon;

and

(d) Whose training, experience and competence demonstrate the ability to conduct a mental health assessment and provide medication management.

(e) For ICTS and ITS providers, LMP means a board-certified or board-eligible child and adolescent psychiatrist licensed to practice in the State of Oregon.

(69) "Local Mental Health Authority (LMHA)" means one of the following entities:

- (a) The board of county commissioners of one or more counties that establishes or operates a CMHP;
- (b) The tribal council, in the case of a federally recognized tribe of Native Americans that elects to enter into an agreement to provide mental health services; or
- (c) A regional local mental health authority comprised of two or more boards of county commissioners.

(70) "Mandatory Reporter" means any public or private official, as defined in ORS 419B.005(3), who comes in contact with or has reasonable cause to believe that an individual has suffered abuse, or that any person with whom the official comes in contact with, has abused the individual. Pursuant to 430.765(2) psychiatrists, psychologists, clergy and attorneys are not mandatory reporters with regard to information received through communications that are privileged under 40.225 to 40.295.

(71) "Mechanical Restraint" means the use of any physical device to involuntarily restrain the movement of all or a portion of an individual's body as a means of controlling his or her physical activities in order to protect the individual or other persons from injury. Mechanical restraint is prohibited in the services regulated by these rules.

(72) "Medicaid" means the federal grant-in-aid program to state governments to provide medical assistance to eligible persons, under Title XIX of the Social Security Act.

(73) "Medical Director" means a physician licensed to practice medicine in the State of Oregon and who is designated by an alcohol and other drug treatment program to be responsible for the program's medical services, either as an employee or through a contract.

(74) "Medical Supervision" means an LMP's review and approval, at least annually, of the assessment and the medical appropriateness of services and supports identified in the ISSP for each individual receiving mental health services for one or more continuous years.

(75) "Medically Appropriate" means services and medical supplies required for prevention, diagnosis or treatment of a physical or mental health condition, or injuries, and which are:

(a) Consistent with the symptoms of a health condition or treatment of a health condition;

(b) Appropriate with regard to standards of good health practice and generally recognized by the relevant scientific community and professional standards of care as effective;

(c) Not solely for the convenience of an individual or a provider of the service or medical supplies; and

(d) The most cost effective of the alternative levels of medical services or medical supplies that can be safely provided to an individual.

(76) "Medication Administration Record" means the documentation of the administration of written or verbal orders for medication, laboratory and other medical procedures issued by a LMP employed by, or under contract with, the provider and acting within the scope of his or her license.

(77) "Mental Health Organization (MHO)" means an approved organization that manages most mental health services through a capitated payment mechanism under the Oregon Health Plan. MHOs can be fully capitated health plans, community mental health programs, private mental health organizations or combinations thereof.

(78) "Older Adult" means an individual who is 60 years of age or older.

(79) "Older Adult Services" means age-appropriate services designed for older adults and provided by professionals trained in geriatrics. The services are preventative and include primary prevention efforts including suicide prevention, early identification services, early intervention services and comprehensive local planning for older adult mental health services.

(80) "Oregon Health Authority" means the Oregon Health Authority of the State of Oregon.

(81) "Outpatient Alcohol and Other Drug Treatment Program" means a publicly or privately operated program that provides assessment, treatment, and rehabilitation on a regularly scheduled basis or in response to crisis for individuals with alcohol or other drug use disorders and their family members, or significant others, consistent with Level I or Level II of the ASAM PPC-2R.

(82) "Outpatient Community Mental Health Services and Supports" means all outpatient mental health services and supports provided to children, youth and adults.

(83) "Outpatient Problem Gambling Treatment Services" means all outpatient treatment services and supports provided to individuals with gambling related problems and their families.

(84) "Outreach" means the delivery of addictions, problem gambling or mental health services, referral services and case management services in non-traditional settings, such as, but not limited to, the individual's residence, shelters, streets, jails, transitional housing sites, drop-in centers, single room occupancy hotels, child welfare settings, educational settings or medical settings. It also refers to attempts made to engage or re-engage an individual in services by such means as letters or telephone calls.

(85) "Peer" means any person supporting an individual, or a family member of an individual, who has similar life experience, either as a current or former recipient of addictions or mental health services, or as a family member of an individual who is a current or former recipient of addictions or mental health services.

(86) "Peer Delivered Services" means an array of agency or community-based services and supports provided by peers, and peer support specialists, to individuals or family members with similar lived experience, that are designed to support the needs of individuals and families as applicable.

(87) "Peer Support Specialist" means a person providing peer delivered services to an individual or family member with similar life experience, under the supervision of a qualified Clinical Supervisor. A Peer Support Specialist must complete a Division approved training program and be:

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(a) A self-identified person currently or formerly receiving mental health services; or

(b) A self-identified person in recovery from a substance use or gambling disorder, who meets the abstinence requirements for recovering staff in alcohol and other drug or gambling treatment programs; or

(c) A family member of an individual who is a current or former recipient of addictions or mental health services.

(88) "Performance Improvement Plan" means a plan that describes the provider's quality assessment and performance improvement strategies and measurements.

(89) "Person-directed" means the individual, and others involved in supporting the treatment and recovery of the individual, are actively involved in assessment, planning and revising services and supports and intended outcomes. Individuals are empowered through this process to regain their health, safety and independence to the greatest extent possible and in a manner that is holistic and specific to the individual, including culturally, developmentally, age and gender appropriate.

(90) "Personal Restraint" means the application of physical force without the use of any device, for the purpose of restraining the free movement of an individual's body to protect the individual, or others, from immediate harm. Personal restraint does not include briefly holding without undue force an individual to calm or comfort him or her, or holding an individual's hand to safely escort him or her from one area to another. Personal restraint can be used only in approved ITS programs as an emergency safety intervention under OAR 309-032-1540(9).

(91) "Problem Gambling Treatment Staff" means a person certified or licensed by a health or allied provider agency to provide problem gambling treatment services that include assessment, development of an Individual Service and Support Plan (ISSP), and an individual, group and family counseling.

(a) For treatment staff holding certification in problem gambling counseling, qualifications for the certificate must have included at least:

(A) 100 hours of supervised experience in problem gambling counseling;

(B) 30 contact hours of education and training in problem gambling related subjects; and

(C) Successful completion of a written objective examination or portfolio review by the certifying body.

(b) For treatment staff holding a health or allied provider license, the license or registration must have been issued by one of the following state bodies and the person must possess documentation of at least 60 contact hours of academic or continuing professional education in problem gambling treatment:

(A) Board of Medical Examiners;

(B) Board of Psychologist Examiners;

(C) Board of Licensed Social Workers;

(D) Board of Licensed Professional Counselors and Therapists; or

(E) Board of Nursing.

(92) "Program" means a particular type or level of service that is organizationally distinct.

(93) "Program Administrator" or "Program Director" means a person with appropriate professional qualifications and experience, who is designated to manage the operation of a program.

(94) "Program Staff" means an employee or person who, by contract with the program, provides a service and who has the applicable competencies, qualifications or certification, required in this rule to provide the service.

(95) "Provider" means an organizational entity, or qualified person, that is operated by or contractually affiliated with, a community mental health program, or contracted directly with the Division, for the direct delivery of addictions, problem gambling or mental health services and supports.

(96) "Psychiatric Day Treatment Services (PDTs)" means the comprehensive, interdisciplinary, non-residential, community-based program certified under this rule consisting of psychiatric treatment, family treatment and therapeutic activities integrated with an accredited education program.

(97) "Psychiatric Residential Treatment Facility (PRTF)" means facilities that are structured residential treatment environments with daily 24-hour supervision and active psychiatric treatment including Psychiatric Residential Treatment Services (PRTS), Secure Children's Inpatient Treatment Programs (SCIP), Secure Adolescent Inpatient Treatment Programs (SAIP), and Sub-acute psychiatric treatment for children who require active treatment for a diagnosed mental health condition in a 24-hour residential setting.

(98) "Psychiatric Residential Treatment Services (PRTS)" means services delivered in a PRTF that include 24-hour supervision for children who have serious psychiatric, emotional or acute mental health conditions that require intensive therapeutic counseling and activity and intensive staff supervision, support and assistance.

(99) "Psychiatric Security Review Board (PSRB)" means the entity described in ORS 161.295 through 161.400.

(100) "Psychiatrist" means a physician licensed pursuant to ORS 677.010 to 677.228 and 677.410 to 677.450 by the Board of Medical Examiners for the State of Oregon and who has completed an approved residency training program in psychiatry.

(101) "Psychologist" means a psychologist licensed by the Oregon Board of Psychologist Examiners.

(102) "Qualified Mental Health Associate (QMHA)" means a person delivering services under the direct supervision of a QMHP and meeting the following minimum qualifications as authorized by the LMHA or designee:

(a) Bachelor's degree in a behavioral sciences field; or

(b) A combination of at least three years relevant work, education, training or experience.

(103) "Qualified Mental Health Professional (QMHP)" means a LMP or any other person meeting one or more of the following minimum qualifications as authorized by the LMHA or designee:

(a) Bachelor's degree in nursing and licensed by the State of Oregon;

(b) Bachelor's degree in occupational therapy and licensed by the State of Oregon;

(c) Graduate degree in psychology;

(d) Graduate degree in social work;

(e) Graduate degree in recreational, art, or music therapy; or

(f) Graduate degree in a behavioral science field.

(104) "Qualified Person" means a person who is a QMHP, or a QMHA, and is identified by the PSRB in its Conditional Release Order. This person is designated by the provider to deliver or arrange and monitor the provision of the reports and services required by the Conditional Release Order.

(105) "Quality Assessment and Performance Improvement" means the structured, internal monitoring and evaluation of services to improve processes, service delivery and service outcomes.

(106) "Recovery" means a process of healing and transformation for a person to achieve full human potential and personhood in leading a meaningful life in communities of his or her choice.

(107) "Representative" means a person who acts on behalf of an individual, at the individual's request, with respect to a grievance, including, but not limited to a relative, friend, employee of the Division, attorney or legal guardian.

(108) "Reportable Incident" means a serious incident involving an individual in an ITS program that must be reported in writing to the Division within 24 hours of the incident, including, but not limited to, serious injury or illness, act of physical aggression that results in injury, suspected abuse or neglect, involvement of law enforcement or emergency services, or any other serious incident that presents a risk to health and safety.

(109) "Residential Alcohol and Other Drug Treatment Program" means a publicly or privately operated program as defined in ORS 430.010 that provides assessment, treatment, rehabilitation, and twenty-four hour observation and monitoring for individuals with alcohol and other drug dependence, consistent with Level III of ASAM PCC-2R.

(110) "Residential Problem Gambling Treatment Program" means a publicly or privately operated program that is licensed in accordance with OAR 309-032-1540(11), that provides assessment, treatment, rehabilitation, and twenty-four hour observation and monitoring for individuals with gambling related problems.

(111) "Residential Transition Program" means an Alcohol and Other Drug residential program that provides a drug-free supportive living environment and provides clinical services consistent with Level III of the ASAM PCC-2R.

(112) "Resilience" means the universal capacity that a person uses to prevent, minimize, or overcome the effects of adversity. Resilience reflects a person's strengths as protective factors and assets for positive development.

(113) "Respite care" means planned and emergency supports designed to provide temporary relief from care giving to maintain a stable and safe living environment. Respite care can be provided in or out of the home. Respite care includes supervision and behavior support consistent with the strategies specified in the ISSP.

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(114) "Screening" means the process to determine whether the individual needs further assessment to identify circumstances requiring referrals or additional services and supports.

(115) "Seclusion" means the involuntary confinement of an individual to an area or room from which the individual is physically prevented from leaving. Seclusion can be used only in approved ITS programs as an emergency safety intervention specified in OAR 309-032-1540(9).

(116) "Secure Children's Inpatient Programs (SCIP) and Secure Adolescent Inpatient Programs (SAIP)" means ITS programs that are designed to provide inpatient psychiatric stabilization and treatment services to children up to age 14 for SCIP services and individuals under the age of 21 for SAIP services, who require a secure intensive treatment setting.

(117) "Services" means those activities and treatments described in the ISSP that are intended to assist the individual's transition to recovery from a substance use disorder, problem gambling disorder or mental health condition, and to promote resiliency, and rehabilitative and functional individual and family outcomes.

(118) "Signature" means any written or electronic means of entering the name, date of authentication and credentials of the person providing a specific service or the person authorizing services and supports. Signature also means any written or electronic means of entering the name and date of authentication of the individual receiving services, the guardian of the individual receiving services, or any authorized representative of the individual receiving services.

(119) "Skills Training" means providing information and training to individuals and families designed to assist with the development of skills in areas including, but not limited to, anger management, stress reduction, conflict resolution, self-esteem, parent-child interactions, peer relations, drug and alcohol awareness, behavior support, symptom management, accessing community services and daily living.

(120) "Sub-Acute Psychiatric Care" means services that are provided by nationally accredited providers to children who need 24-hour intensive mental health services and supports, provided in a secure setting to assess, evaluate, stabilize or resolve the symptoms of an acute episode that occurred as the result of a diagnosed mental health condition.

(121) "Substance Abuse Prevention and Treatment Block Grant" or "SAPT Block Grant" means the federal block grants for prevention and treatment of substance abuse under Public Law 102-321 (31 U.S.C. 7301-7305) and the regulations published in Title 45 Part 96 of the Code of Federal Regulations.

(122) "Substance Use Disorders" means disorders related to the taking of a drug of abuse including alcohol, to the side effects of a medication, and to a toxin exposure. The disorders include substance use disorders such as substance dependence and substance abuse, and substance-induced disorders, including substance intoxication, withdrawal, delirium, and dementia, as well as substance induced psychotic disorder, mood disorder, etc, as defined in DSM criteria.

(123) "Successful DUII Completion" means that the DUII program has documented in its records that for the period of service deemed necessary by the program, the individual has:

- (a) Met the completion criteria approved by the Division; and
- (b) Met the terms of the fee agreement between the provider and the individual.

(124) "Supports" means activities, referrals and supportive relationships designed to enhance the services delivered to individuals and families for the purpose of facilitating progress toward intended outcomes.

(125) "Systems Integration" means the efforts by providers to work collaboratively with other service systems including, but not limited to, schools, corrections, child welfare and physical health providers, in order to coordinate and enhance services and supports and reduce barriers to service delivery.

(126) "Time out" means the restriction of a child for a period of time to a designated area from which he or she is not physically prevented from leaving, for the purpose of providing him or her an opportunity to regain self-control. When time out is documented as a behavior support strategy in the ISSP, it must be tracked for effectiveness in increasing positive behavior.

(127) "Transfer" means the process of assisting an individual to transition from the current services to the next appropriate setting or level of care.

(128) "Trauma Informed Services" means services that are reflective of the consideration and evaluation of the role that trauma plays in the lives of people seeking mental health and addictions services, including recognition of the traumatic effect of misdiagnosis and coercive treatment. Services are responsive to the vulnerabilities of trauma survivors and are

delivered in a way that avoids inadvertent re-traumatization and facilitates individual direction of services.

(129) "Treatment" means the planned, medically appropriate, individualized program of medical, psychological, and rehabilitative procedures, experiences and activities designed to remediate symptoms of a DSM diagnosis, that are included in the ISSP.

(130) "Urinalysis Test" means an initial test and, if positive, a confirmatory test:

(a) An initial test must include, at a minimum, a sensitive, rapid, and inexpensive immunoassay screen to eliminate "true negative" specimens from further consideration.

(b) A confirmatory test is a second analytical procedure used to identify the presence of a specific drug or metabolite in a urine specimen. The confirmatory test must be by a different analytical method from that of the initial test to ensure reliability and accuracy.

(c) All urinalysis tests must be performed by laboratories meeting the requirements of OAR 333-024-0305 to 333-024-0365.

(131) "Urgent" means the onset of symptoms requiring attention within 48 hours to prevent a serious deterioration in an individual's mental or physical health or threat to safety.

(132) "Variance" means an exception from a provision of these rules, granted in writing by the Division, upon written application from the provider. Duration of a variance is determined on a case-by-case basis.

(133) "Volunteer" means an individual who provides a program service or who takes part in a program service and who is not an employee of the program and is not paid for services. The services must be non-clinical unless the individual has the required credentials to provide a clinical service.

(134) "Wellness" means an approach to healthcare that emphasizes good physical and mental health, preventing illness, and prolonging life.

(135) "Young Adult in Transition" means an individual who is developmentally transitioning into independence, sometime between the ages of 14 and 25.

Stat. Auth.: ORS 161.390, 413.042, 426.490 - 426.500, 428.205 - 428.270, 430.256, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 4-2010, f. & cert. ef. 3-4-10; MHS 15-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-29-12; MHS 8-2012, f. & cert. ef. 6-15-12; MHS 3-2013(Temp), f. & cert. ef. 2-11-13 thru 8-9-13; Suspended by MHS 7-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-032-1510

Provider Policies

(1) Personnel Policies: All providers must develop and implement written personnel policies and procedures, compliant with these rules, including:

- (a) Personnel Qualifications and Credentialing;
- (b) Mandatory abuse reporting, compliant with ORS 430.735-430.768 and 943-045-0250 through 943-045-0370;
- (c) Criminal Records Checks, compliant with ORS 181.533 through 181.575 and 943-007; and
- (d) Fraud, waste and abuse in Federal Medicaid and Medicare programs compliant with OAR 410-120-1380 and 410-120-1510.

(2) Service Delivery Policies: All providers must develop and implement written policies and procedures, consistent with these rules, describing the provider's approach to services and supports and the procedures for the delivery of services and supports.

- (a) Policies must be available to individuals and family members upon request; and
- (b) Service delivery policies and procedures must include, at a minimum:

- (A) Fee agreements;
- (B) Confidentiality and compliance with HIPAA, Federal Confidentiality Regulations (42 CFR, Part 2), and State confidentiality regulations as specified in ORS 179.505 and 192.518 through 192.530;

(C) Compliance with Title 2 of the Americans with Disabilities Act of 1990 (ADA);

- (D) Grievances and Appeals;
- (E) Individual Rights;
- (F) Quality Assessment and Performance Improvement; and
- (G) Crisis Prevention and Response, and Incident Reporting;

(3) Residential Program Policies: In addition to the personnel and service delivery policies required of all providers, residential program providers must develop and implement written policies and procedures for the following:

- (a) Medical Protocols and Medical Emergencies;

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- (b) Medication Administration, Storage and Disposal;
 - (c) Facility standards for Alcohol and Other Drug Residential Treatment Programs, including the standards under these rules;
 - (d) General Safety and Emergency Procedures; and
 - (e) Emergency Safety Interventions in ITS Programs.
- (f) Alcohol and Other Drug Residential Treatment programs must establish written policies that prohibit:

- (A) Physical or other forms of aversive action to discipline an individual;
 - (B) Seclusion, personal restraint, mechanical restraint and chemical restraint;
 - (C) Withholding shelter, regular meals, clothing or aids to physical functioning; and
 - (D) Discipline of one individual by another.
- (4) Behavior Support Policies: Applicable providers, as specified below, must develop behavior support policies including:
- (a) ITS and ICTS Services: policies consistent with 309-032-1540 (8) of these rules.
 - (b) ECS Services: policies consistent with 309-032-1540 (8) of these rules.

Stat. Auth.: ORS 161.390, 413.042, 426.490 - 426.500, 428.205 - 428.270, 430.256, 430.640 & 443.450
Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270
Hist.: MHS 4-2010, f. & cert. ef. 3-4-10; MHS 15-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-29-12; MHS 8-2012, f. & cert. ef. 6-15-12; MHS 3-2013(Temp), f. & cert. ef. 2-11-13 thru 8-9-13; Suspended by MHS 7-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-032-1515 Individual Rights

(1) In addition to all applicable statutory and constitutional rights, every individual receiving services has the right to:

- (a) Choose from available services and supports, those that are consistent with the ISSP and provided in the most integrated setting in the community and under conditions that are least restrictive to the individual's liberty, that are least intrusive to the individual and that provide for the greatest degree of independence;
- (b) Be treated with dignity and respect;
- (c) Participate in the development of a written ISSP, receive services consistent with that plan and participate in periodic review and reassessment of service and support needs, assist in the development of the plan, and to receive a copy of the written ISSP;
- (d) Have all services explained, including expected outcomes and possible risks;
- (e) Confidentiality, and the right to consent to disclosure in accordance with ORS 107.154, 179.505, 179.507, 192.515, 192.507, 42 CFR Part 2 and 45 CFR Part 205.50.
- (f) Give informed consent in writing prior to the start of services, except in a medical emergency or as otherwise permitted by law. Minor children may give informed consent to services in the following circumstances:
 - (A) Under age 18 and lawfully married;
 - (B) Age 16 or older and legally emancipated by the court; or
 - (C) Age 14 or older for outpatient services only. For purposes of informed consent, outpatient service does not include service provided in residential programs or in day or partial hospitalization programs;
- (g) Inspect their Individual Service Record in accordance with ORS 179.505;
- (h) Refuse participation in experimentation;
- (i) Receive medication specific to the individual's diagnosed clinical needs;
- (j) Receive prior notice of transfer, unless the circumstances necessitating transfer pose a threat to health and safety;
- (k) Be free from abuse or neglect and to report any incident of abuse or neglect without being subject to retaliation;
- (l) Have religious freedom;
- (m) Be free from seclusion and restraint, except as regulated in OAR 309-032-1540(9).

(n) Be informed at the start of services, and periodically thereafter, of the rights guaranteed by this rule;

(o) Be informed of the policies and procedures, service agreements and fees applicable to the services provided, and to have a custodial parent, guardian, or representative, assist with understanding any information presented;

(p) Have family and guardian involvement in service planning and delivery;

(q) Make a declaration for mental health treatment, when legally an adult;

(r) File grievances, including appealing decisions resulting from the grievance;

(s) Exercise all rights set forth in ORS 109.610 through 109.697 if the individual is a child, as defined by these rules;

(t) Exercise all rights set forth in ORS 426.385 if the individual is committed to the Authority; and

(u) Exercise all rights described in this rule without any form of reprisal or punishment.

(2) In addition to the rights specified in (1) of this rule, every individual receiving residential services has the right to:

(a) A safe, secure and sanitary living environment;

(b) A humane service environment that affords reasonable protection from harm, reasonable privacy and daily access to fresh air and the outdoors;

(c) Keep and use personal clothing and belongings, and to have an adequate amount of private, secure storage space. Reasonable restriction of the time and place of use, of certain classes of property may be implemented if necessary to prevent the individual or others from harm, provided that notice of this restriction is given to individuals and their families, if applicable, upon entry to the program, documented, and reviewed periodically;

(d) Express sexual orientation, gender identity and gender presentation;

(e) Have access to and participate in social, religious and community activities;

(f) Private and uncensored communications by mail, telephone and visitation, subject to the following restrictions:

(A) This right may be restricted only if the provider documents in the individual's record that there is a court order to the contrary, or that in the absence of this restriction, significant physical or clinical harm will result to the individual or others. The nature of the harm must be specified in reasonable detail, and any restriction of the right to communicate must be no broader than necessary to prevent this harm; and

(B) The individual and his or her guardian, if applicable, must be given specific written notice of each restriction of the individual's right to private and uncensored communication. The provider must ensure that correspondence can be conveniently received and mailed, that telephones are reasonably accessible and allow for confidential communication, and that space is available for visits. Reasonable times for the use of telephones and visits may be established in writing by the provider;

(g) Communicate privately with public or private rights protection programs or rights advocates, clergy, and legal or medical professionals;

(h) Have access to and receive available and applicable educational services in the most integrated setting in the community;

(i) Participate regularly in indoor and outdoor recreation;

(j) Not be required to perform labor;

(k) Have access to adequate food and shelter; and

(l) A reasonable accommodation if, due to a disability, the housing and services are not sufficiently accessible.

(3) Notification of Rights: The provider must give to the individual and, if appropriate, the guardian, a document that describes the applicable individual's rights as follows:

(a) Information given to the individual must be in written form or, upon request, in an alternative format or language appropriate to the individual's need;

(b) The rights, and how to exercise them, must be explained to the individual, and if appropriate, to her or his guardian; and

(c) Individual rights must be posted in writing in a common area.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 4-2010, f. & cert. ef. 3-4-10; MHS 15-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-29-12; MHS 8-2012, f. & cert. ef. 6-15-12; Suspended by MHS 7-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-032-1520 Personnel

(1) Licensing and Credentialing: All program staff must meet applicable credentialing or licensing standards, including those outlined in these rules, for the following:

(a) Alcohol and Other Drug Treatment Staff;

(b) CESIS;

(c) Clinical Supervisor;

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- (d) LMP;
- (e) Medical Director;
- (f) Peer Support Specialist;
- (g) Problem Gambling Treatment Staff;
- (h) QMHA; and
- (i) QMHP.

(2) Specific Program Staff Competencies: At minimum, competencies for the following specified program staff must include:

(a) Program Administrators or Program Directors must demonstrate competence in leadership, program planning and budgeting, fiscal management, supervision of program staff, personnel management, program staff performance assessment, use of data, reporting, program evaluation, quality assurance, and developing and coordinating community resources;

(b) Clinical Supervisors in addictions and mental health programs must demonstrate competence in leadership, wellness, oversight and evaluation of services, staff development, individual service and support planning, case management and coordination, utilization of community resources, group, family and individual therapy or counseling, documentation and rationale for services to promote intended outcomes and implementation of all provider policies. In addition:

(A) Clinical Supervisors in alcohol and other drug treatment programs must be certified or licensed by a health or allied provider agency, as defined in these rules, to provide addiction treatment, and have one of the following qualifications:

(i) Five years of paid full-time experience in the field of alcohol and other drug counseling; or

(ii) A Bachelor's degree and four years of paid full-time experience in the social services field, with a minimum of two years of direct alcohol and other drug counseling experience; or

(iii) A Master's degree and three years of paid full-time experience in the social services field with a minimum of two years of direct alcohol and other drug counseling experience;

(B) Clinical Supervisors in mental health programs must meet QMHP requirements and have completed two years of post-graduate clinical experience in a mental health treatment setting; and

(C) Clinical Supervisors in problem gambling treatment programs must meet the requirements for clinical supervisors in either mental health or alcohol and other drug treatment programs, and have completed 10 hours of gambling specific training within two years of designation as a problem gambling services supervisor.

(c) Alcohol and other drug treatment staff must:

(A) Be certified or licensed by a health or allied provider agency, as defined in these rules, to provide addiction treatment within two years of the first hire date and must make application for certification no later than six months following that date. The two years is not renewable if the person ends employment with a provider and becomes re-employed with another provider.

(B) Demonstrate competence in treatment of substance-use disorders including individual assessment and individual, group, family and other counseling techniques, program policies and procedures for service delivery and documentation, and identification, implementation and coordination of services identified to facilitate intended outcomes.

(d) Problem gambling treatment staff must demonstrate competence in treatment of problem gambling including individual assessment and individual, group, family and other counseling techniques, program policies and procedures for service delivery and documentation, and identification, implementation and coordination of services identified to facilitate intended outcomes.

(e) QMHAs must demonstrate the ability to communicate effectively, understand mental health assessment, treatment and service terminology and apply each of these concepts, implement skills development strategies, and identify, implement and coordinate the services and supports identified in an ISSP.

(f) QMHPs must demonstrate the ability to conduct an assessment, including identifying precipitating events, gathering histories of mental and physical health, alcohol and other drug use, past mental health services and criminal justice contacts, assessing family, cultural, social and work relationships, and conducting a mental status examination, complete a five-axis DSM diagnosis, write and supervise the implementation of a ISSP and provide individual, family or group therapy within the scope of their training.

(g) Peer support specialists must demonstrate knowledge of approaches to support others in recovery and resiliency, and demonstrate efforts at self-directed recovery.

(3) Recovering Staff: Program staff, contractors, volunteers and interns recovering from a substance-use disorder, providing treatment serv-

ices or peer support services in alcohol and other drug treatment programs, must be able to document continuous abstinence under independent living conditions or recovery housing for the immediate past two years.

(4) Personnel Documentation: Providers must maintain personnel records for each program staff that contains all of the following documentation:

(a) An employment application;

(b) Where required, verification of a criminal record check consistent with OAR 943-007;

(c) A current job description that includes applicable competencies;

(d) Copies of relevant licensure or certification, diploma, or certified transcripts from an accredited college, indicating that the program staff meets applicable qualifications;

(e) Periodic performance appraisals;

(f) Staff orientation and development activities;

(g) Program staff incident reports;

(h) Disciplinary documentation;

(i) Reference checks;

(j) Emergency contact information; and

(k) Information from subsection (6) of this rule, if applicable.

(5) For providers utilizing contractors, interns or volunteers, providers must maintain the following documentation, as applicable:

(a) A contract, or written agreement, if applicable;

(b) A signed confidentiality agreement;

(c) Service-specific orientation documentation; and

(d) For subject individuals, verification of a criminal records check consistent with OAR 943-007.

(6)(a) Program Specific Personnel Documentation: In addition to general program staff documentation requirements, providers must maintain additional documentation as applicable.

(b) For all program staff and volunteers providing residential services to children or adults: Results of a Tuberculosis screening as per OAR 333-071-0057.

(7)(a) Training: Providers must ensure that program staff receives training applicable to the specific population for whom services are planned, delivered, or supervised as follows:

(B) Orientation training: The program must document appropriate orientation training for each program staff, or person providing services, within 30 days of the hire date. At minimum, orientation training for all program staff must include, but not be limited to,

(A) A review of individual crisis response procedures;

(B) A review of emergency procedures;

(C) A review of program policies and procedures;

(D) A review of rights for individuals receiving services and supports; and

(E) Mandatory abuse reporting procedures;

(F) For ICTS, ITS and Enhanced Care Services, positive behavior support training consistent with 309-032-1540(8).

(8) Supervision: Persons providing services to individuals in accordance with this rule must receive supervision by a qualified Clinical Supervisor, as defined in these rules, related to the development, implementation and outcome of services.

(a) Clinical supervision must be provided to assist program staff and volunteers to increase their skills, improve quality of services to individuals, and supervise program staff and volunteers' compliance with program policies and procedures, including:

(A) Documentation of supervision for each person supervised, of no less than two hours per month. The two hours must include one hour of face-to-face contact for each person supervised, or a proportional level of supervision for part-time program staff. Face-to-face contact may include real time, two-way audio visual conferencing; and

(B) Documentation of two hours of quarterly supervision for program staff holding a health or allied provider license, including at least one hour of face-to-face contact for each person supervised.

(b) Medical supervision must be secured, when required, through a current written agreement, job description, or similar type of binding arrangement between a LMP and the provider, which describes the LMP's responsibility in reviewing and approving the assessment and services and supports identified in the ISSP for each individual receiving mental health services for one or more continuous years.

Stat. Auth.: ORS 161.390, 413.042, 430.256, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

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Hist.: MHS 4-2010, f. & cert. ef. 3-4-10; MHS 15-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-29-12; MHS 8-2012, f. & cert. ef. 6-15-12; Suspended by MHS 7-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-032-1525

Entry and Assessment

(1) Entry Process: The program must utilize a written entry procedure to ensure the following:

(a) Individuals must be considered for entry without regard to race, ethnicity, gender, gender identity, gender presentation, sexual orientation, religion, creed, national origin, age, except when program eligibility is restricted to children, adults or older adults, familial status, marital status, source of income, and disability.

(b) Individuals must receive services in the most timely manner feasible consistent with the presenting circumstances.

(c) For individuals receiving services funded by the SAPT Block Grant, entry of pregnant women to services must occur no later than 48 hours from the date of first contact, and no less than 14 days after the date of first contact for individuals using substances intravenously. If services are not available within the required timeframe, the provider must document the reason and provide interim referral and informational services as defined in these rules, within 48 hours.

(d) Written informed consent for services must be obtained from the individual or guardian, if applicable, prior to the start of services. If such consent is not obtained, the reason must be documented and further attempts to obtain informed consent must be made as appropriate.

(e) The provider must establish an Individual Service Record for each individual on the date of entry.

(f) The provider must report the entry of all individuals on the mandated state data system.

(g) In accordance with ORS 179.505 and HIPAA, an authorization for the release of information must be obtained for any confidential information concerning the individual being considered for, or receiving, services.

(h) Orientation: At the time of entry, the program must offer to the individual and guardian if applicable, written program orientation information. The written information must be in a language understood by the individual and must include:

- (A) A description of individual rights consistent with these rules; and
- (B) Policies concerning grievances and confidentiality.

(2) Entry Priority:

(a) Entry of adults and older adults, in community-based mental health programs, whose services are not funded by Medicaid, must be prioritized in the following order:

(A) Individuals who, in accordance with the assessment of professionals in the field of mental health, are at immediate risk of hospitalization for the treatment of mental health conditions or are in need of continuing services to avoid hospitalization or pose a hazard to the health and safety of themselves, including the potential for suicide;

(B) Individuals who, because of the nature of their diagnosis, their geographic location or their family income, are least capable of obtaining assistance from the private sector; and

(C) Individuals who, in accordance with the assessment of professionals in the field of mental health, are experiencing mental health conditions but will not require hospitalization in the foreseeable future.

(b) Entry of children in community-based mental health services, whose services are not funded by Medicaid, must be prioritized in the following order:

(A) Children who are at immediate risk of psychiatric hospitalization or removal from home due to emotional and mental health conditions;

(B) Children who have severe mental health conditions;

(C) Children who exhibit behavior which indicates high risk of developing conditions of a severe or persistent nature; and

(D) Any other child who is experiencing mental health conditions which significantly affect the child's ability to function in everyday life but not requiring hospitalization or removal from home in the near future.

(c) Entry of individuals whose services are funded by the SAPT Block Grant, must be prioritized in the following order:

(A) Women who are pregnant and using substances intravenously;

(B) Women who are pregnant;

(C) Individuals who are using substances intravenously; and

(D) Women with dependent children.

(3) Assessment:

(a) When an individual is admitted for services, an assessment must be completed prior to development of the ISSP.

(b) The assessment must be completed by qualified program staff as follows:

(A) A QMHP in mental health programs. A QMHA may assist in the gathering and compiling of information to be included in the assessment.

(B) Supervisory or treatment staff in alcohol and other drug treatment programs, and

(C) Supervisory or treatment staff in problem gambling treatment programs.

(c) Each assessment must include:

(A) Sufficient biopsychosocial information and documentation to justify the presence of a DSM diagnosis that is the medically appropriate reason for services.

(B) Suicide potential must be assessed and individual service records must contain follow-up actions and referrals when an individual reports symptoms indicating risk of suicide.

(d) When the assessment process determines the presence of co-occurring substance use and mental health disorders, all providers must document referral for further assessment, planning and intervention from an appropriate professional, either with the same provider or with a collaborative community provider.

(e) In addition to periodic assessment updates based on changes in the clinical circumstance, any individual continuing to receive mental health services for one or more continuous years, must receive an annual assessment by a QMHP.

(f) Addiction treatment services meeting ASAM level II and higher must be justified by documenting ASAM criteria following the format of the ASAM decision tree.

(g) The requirements in OAR 309-032-1525(3)(d)(A), 309-032-1525(3)(e) and 309-032-1525(3)(f) are minimum requirements to meet Medicaid auditing standards and may result in financial findings when not met. The requirements in 309-032-1525(3)(d)(B) through 309-032-1525(3)(d) are quality standards and may result in limitations, or revocation of, certification when not met. Failure to maintain certification may result in exclusion or limited participation in the Medicaid program.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 4-2010, f. & cert. ef. 3-4-10; MHS 15-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-29-12; MHS 8-2012, f. & cert. ef. 6-15-12; MHS 3-2013(Temp), f. & cert. ef. 2-11-13 thru 8-9-13; Suspended by MHS 7-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-032-1530

Individual Service and Support Planning and Coordination

(1) Individual Services and Supports: The provider must deliver or coordinate, for each individual, appropriate services and supports to collaboratively facilitate intended service outcomes as identified by the individual, and family, when applicable.

(a) Qualified program staff must facilitate a planning process, resulting in an ISSP that reflects the assessment and the level of care to be provided.

(b) An ISSP must be completed prior to the start of services. For mental health services, a QMHP, who is also a licensed health care professional, must recommend the services and supports by signing the ISSP.

(c) Individuals, and family members, as applicable, must be collaboratively included in the development of the ISSP.

(d) Providers must fully inform the individual and guardian when applicable, of the proposed services and supports, in developmentally and culturally appropriate language, obtain informed consent for all proposed services, and give the individual and guardian when applicable, a written copy of the ISSP.

(e) Providers must collaborate with community partners to coordinate or deliver services and supports identified in the ISSP.

(f) Providers must request authorization to exchange information with any applicable physical health care providers or Fully Capitated Health Plans, for the individual, to collaborate in promoting regular and adequate health care.

(g) When there are barriers to services due to culture, gender, language, illiteracy, or disability, the provider must take measures to address or overcome those barriers including: Providing supports including, but not limited to, the provision of interpreters to provide translation services, at no additional cost to the individual.

(2) Individual Service and Support Plan (ISSP):

(a) The ISSP must document the specific services and supports to be provided, arranged or coordinated to assist the individual and his or her family, if applicable, to achieve intended outcomes.

(b) At minimum, each ISSP must include:

(A) Measurable or observable intended outcomes;

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(B) Specific services and supports to be provided;

(C) Applicable service and support delivery details including frequency and duration of each service; and

(D) For ITS programs, the interdisciplinary team must conduct a review of progress and transfer criteria at least every 30 days from the date of entry and must document members present, progress and changes made. For Psychiatric Day Treatment Services, the review must be conducted every 30 days and the LMP must participate in the review at least every 90 days.

(c) For ICTS and ITS programs, the ISSP must include:

(A) Proactive safety and crisis planning; and

(B) A behavior support plan, consistent with OAR 309-032-1540(8) of these rules.

(d) A QMHP, who is also a licensed health care professional, must recommend the services and supports by signing the ISSP for each individual receiving mental health services within ten (10) business days of the development of the ISSP;

(e) A LMP must approve the ISSP at least annually for each individual receiving mental health services for one or more continuous years. The LMP may designate oversight activities by documenting the designation to a specific licensed health care professional.

(f) The requirements in OAR 309-032-1530(2)(a) through 309-032-1530(2)(e) are minimum requirements to meet both Medicaid auditing and quality standards and may result in financial findings or limitations or both, or revocation of certification when not met. Failure to maintain certification may result in exclusion or limited participation in the Medicaid program.

(3) Individual Service Notes:

(a) A written individual service note must be recorded each time a service is provided.

(b) Individual Service Notes must document the:

(A) Specific service provided;

(B) Duration of the service provided;

(C) Date on which the service was provided;

(D) Location of service; and

(E) Date of authentication and name, signature, and credentials, of the person who provided the service.

(c) Individual service notes must also include:

(A) Periodic reviews of progress toward intended outcomes;

(B) Any significant events or changes in the individual's life circumstances, including mental status, treatment response and recovery status; and

(C) Any decisions to transfer an individual from service.

(d) The requirements in OAR 309-032-1530(3)(a) and 309-032-1530(3)(b)(A) through 309-032-1530(3)(b)(E) are minimum requirements to meet Medicaid auditing standards and may result in financial findings when not met. The requirements in 309-032-1530(3)(c)(A) through 309-032-1530(3)(c)(C) are quality standards and may result in limitations, or revocation of, certification when not met. Failure to maintain certification may result in exclusion or limited participation in the Medicaid program.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 4-2010, f. & cert. ef. 3-4-10; MHS 15-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-29-12; MHS 8-2012, f. & cert. ef. 6-15-12; MHS 3-2013(Temp), f. & cert. ef. 2-11-13 thru 8-9-13; Suspended by MHS 7-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-032-1535

Individual Service Record

(1) Documentation Standards: Documentation must be appropriate in quality and quantity to meet professional standards applicable to the provider and any additional standards for documentation in the provider's policies and any pertinent contracts.

(2) General Requirements for Individual Service Record: All providers must develop and maintain an Individual Service Record for each individual upon entry. The record must, at a minimum, include:

(a) Identifying information, or documentation of attempts to obtain the information, including:

(A) The individual's name, address, telephone number, date of birth, gender, and for adults, marital status and military status;

(B) Name, address, and telephone number of the parent or legal guardian, primary care giver or emergency contact;

(C) Contact information for medical and dental providers;

(b) Informed Consent for Service, including medications, or documentation explaining why the provider could not obtain consent by the individual or guardian as applicable;

(c) Written refusal of any services and supports offered, including medications;

(d) A signed fee agreement, when applicable;

(e) Assessment and updates to the assessment;

(f) An ISSP, including any applicable behavior support or crisis intervention planning;

(g) Individual service notes;

(h) A Transfer Summary, when required;

(i) Other plans as made available, such as, but not limited to recovery plans, wellness action plans, education plans, and advance directives for physical and mental health care; and

(j) Applicable signed consents for release of information.

(3) Medical Service Records: When medical services are provided, the following documents must be part of the Individual Service Record as applicable:

(a) Medication Administration Records as per these rules;

(b) Laboratory reports; and

(c) LMP orders for medication, protocols or procedures.

(4) Documentation in Residential Programs: In addition to the requirements for Individual Service Records in subsection 309-032-1535(2), PRTS and Alcohol and Other Drug Residential Treatment providers must include the following documentation in the Individual Service Record:

(a) A personal belongings inventory created upon entry and updated whenever an item of significant value is added or removed, or on the date of transfer;

(b) Documentation indicating that the individual and guardian, as applicable, were provided with the required orientation information upon entry;

(c) Background information including strengths and interests, all available previous mental health or substance use assessments, previous living arrangements, service history, behavior support considerations, education service plans if applicable, and family and other support resources;

(d) Medical information including a brief history of any health conditions, documentation from a LMP or other qualified health care professional of the individual's current physical health, and a written record of any prescribed or recommended medications, services, dietary specifications, and aids to physical functioning;

(e) Copies of documents relating to guardianship or any other legal considerations, as applicable;

(f) A copy of the individual's most recent ISSP, if applicable, or in the case of an emergency or crisis-respite entry, a summary of current addictions or mental health services and any applicable behavior support plans;

(g) Documentation of the individual's ability to evacuate the home consistent with the program's evacuation plan developed in accordance with the Oregon Structural Specialty Code and Oregon Fire Code;

(h) Documentation of any safety risks; and

(i) Incident reports, when required, including:

(A) The date of the incident, the persons involved, the details of the incident, and the quality and performance actions taken to initiate investigation of the incident and correct any identified deficiencies; and

(B) Any child abuse reports made by the provider to law enforcement or to the DHS Children, Adults and Families Division, documenting the date of the incident, the persons involved and, if known, the outcome of the reports.

(5) Additional documentation in ITS Programs: In addition to OAR 309-032-1535(2), 309-032-1535(3) and 309-032-1535(4), ITS providers must include the following documentation in the Individual Service Record:

(a) Level of Service Intensity Determination;

(b) Names and contact information of the members of the interdisciplinary team;

(c) Documentation by the interdisciplinary team that the child's ISSP has been reviewed, the services provided are medically appropriate for the specific level of care, and changes in the plan recommended by the interdisciplinary team, as indicated by the child's service and support needs, have been implemented;

(d) Emergency safety intervention records, in a separate section or in a separate format, documenting each incident of personal restraint or seclusion, signed and dated by the qualified program staff directing the intervention and, if required, by the psychiatrist or clinical supervisor authorizing the intervention; and

(e) A copy of the written transition instructions provided to the child and family on the date of transfer.

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(6) Additional documentation in ICTS Programs: In addition to OAR 309-032-1535(2), ICTS providers must include the following documentation in the Individual Service Record:

- (a) Level of Service Intensity Determination;
- (b) Names and contact information of the members of the child and family team;
- (c) Documented identification of strengths and needs; and
- (d) A summary and review of service coordination planning in all relevant life domains by the participating team members.

(7) PSRB and JPSRB Documentation: When the individual is under the jurisdiction of the PSRB or JPSRB, providers must include the following additional documentation in the Individual Service Record:

- (a) Monthly reports to the PSRB or JPSRB;
- (b) Interim reports, as applicable;
- (c) The PSRB Initial Evaluation; and
- (d) For PSRB and JPSRB services, a copy of the Conditional Order of Release.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 4-2010, f. & cert. ef. 3-4-10; MHS 15-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-29-12; MHS 8-2012, f. & cert. ef. 6-15-12; MHS 3-2013(Temp), f. & cert. ef. 2-11-13 thru 8-9-13; Suspended by MHS 7-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-032-1540

Program Specific Service Standards

In addition to individualized service and support planning and coordination, providers of each of the following program-specific service areas must ensure the following requirements listed for that service are met.

(1) Co-Occurring Mental Health and Substance Use Disorders (COD): Providers approved and designated to provide services and supports for individuals diagnosed with COD must provide concurrent service and support planning and delivery for substance use and mental health diagnosis, including integrated assessment, ISSP and individual service record

(2) Outpatient Mental Health Services to Children, Adults and Older Adults:

(a) Crisis services must be provided directly or through linkage to a local crisis services provider and must include the following:

(A) 24 hours, seven days per week telephone or face-to-face screening to determine an individual's need for immediate community mental health services; and

(B) 24 hour, seven days per week capability to conduct, by or under the supervision of a QMHP, an assessment resulting in an ISSP that includes the crisis services necessary to assist the individual and family to stabilize and transition to the appropriate level of care.

(b) Individual, family and group therapy provided by a QMHP;

(c) Psychiatric services including medication management as applicable, provided by a LMP who is either an employee of the provider or is a contracted provider; and

(d) Available case management services including the following:

(A) Assistance in applying for benefits to which the individual may be entitled. Program staff must assist individuals in gaining access to, and maintaining, resources such as Social Security benefits, general assistance, food stamps, vocational rehabilitation, and housing. When needed, program staff must arrange transportation or accompany individuals to help them apply for benefits;

(B) Assistance with completion of a declaration for mental health treatment with the individual's participation and informed consent;

(C) Referral and coordination to help individuals gain access to services and supports identified in the ISSP;

(D) When an individual receives residential services, program staff must collaborate with the residential program and family to coordinate services;

(E) When an individual resides in an Adult Foster Home, program staff must assist in the development of a Personal Care Plan. Program staff must also evaluate the appropriateness of services in relation to the individual's assessed need and review the Personal Care Plan every 180 days;

(F) When an individual is admitted to a hospital or non-hospital facility, program staff must make contact in person or by telephone with the individual within one working day of entry and be actively involved with transition planning from the hospital or non-hospital facility;

(G) If an individual is receiving treatment in a state funded long-term care psychiatric facility, program staff must, from the point of entry, be actively involved with transitioning the individual from long term care;

(H) When significant health and safety concerns are identified, program staff must assure that necessary services or actions occur to address the identified health and safety needs for the individual; and

(I) For children and youth, program staff must create linkages to and ongoing communication with other involved child-serving providers and agencies such as child welfare, education, primary care and juvenile justice, and make referrals for additional services and supports as indicated.

(e) Skills training as indicated;

(f) Peer delivered supports, as indicated; and

(g) Older adult services, including preventative mental health services, when applicable.

(3) Enhanced Care Services:

(a) Enhanced care services must be provided in DHS' APD licensed facilities that have a multipurpose room, an area providing an environment with low stimulation, an accessible outdoor space with a covered area, a refrigerator, a microwave conveniently located for program activities, space for interdisciplinary meetings, space for mental health treatment and space for storage of records. A minimum of one private room is required in facilities opened after January 1, 1994.

(b) Services must include:

(A) 12 hours per week of mental health services available during evening and weekend shifts provided or arranged for by the contracted mental health provider;

(B) Weekly interdisciplinary team meetings to develop the ISSP, review the behavior support plan and to coordinate care planning with the APD licensed provider staff and related professionals, including a QMHP, prescriber, APD direct care staff, APD case manager, APD facility RN and APD facility administrator; and

(C) A crisis service staffed by a QMHP or the local CMHP available to the provider and facility direct care staff 24-hours per day.

(c) ECOS services must be delivered according to the individual's needs and do not require the services listed under OAR 309-032-1540(3)(b)(A) and 309-032-1540(3)(b)(B) of this rule.

(d) Behavior support services must be consistent with OAR 309-032-1540(8) of these rules.

(4) Psychiatric Security Review Board and Juvenile Psychiatric Security Review Board: Services and supports must include all appropriate services determined necessary to assist the individual in maintaining community placement and which are consistent with Conditional Release Orders and the Agreement to Conditional Release.

(a) Providers of PSRB and JPSRB services acting through the designated Qualified Person, must submit reports to the PSRB or JPSRB as follows:

(A) Orders for Evaluation: For individuals under the jurisdiction of the PSRB or the JPSRB, providers must take the following action upon receipt of an Order for Evaluation:

(i) Within 15 days of receipt of the Order, schedule an interview with the individual for the purpose of initiating or conducting the evaluation;

(ii) Appoint a QMHP to conduct the evaluation and to provide an evaluation report to the PSRB or JPSRB;

(iii) Within 30 days of the evaluation interview, submit the evaluation report to the PSRB or JPSRB responding to the questions asked in the Order for Evaluation; and

(iv) If supervision by the provider is recommended, notify the PSRB or JPSRB of the name of the person designated to serve as the individual's Qualified Person, who must be primarily responsible for delivering or arranging for the delivery of services and the submission of reports under these rules.

(B) Monthly reports consistent with PSRB or JPSRB reporting requirements as specified in the Conditional Release Order that summarize the individual's adherence to Conditional Release requirements and general progress; and

(C) Interim reports, including immediate reports by phone, if necessary, to ensure the public or individual's safety including:

(i) At the time of any significant change in the individual's health, legal, employment or other status which may affect compliance with Conditional Release orders;

(ii) Upon noting major symptoms requiring psychiatric stabilization or hospitalization;

(iii) Upon noting any other major change in the individual's ISSP;

(iv) Upon learning of any violations of the Conditional Release Order; and

(v) At any other time when, in the opinion of the Qualified Person, such an interim report is needed to assist the individual.

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(b) JPSRB providers must submit copies of all monthly reports and interim reports to both the JPSRB and the Division.

(5) Intensive Community-Based Treatment and Support Services (ICTS) for Children: ICTS services may be delivered at a clinic, facility, home, school, other provider or allied agency location or other setting as identified by the child and family team. In addition to services specified by the ISSP and the standards for outpatient mental health services, ICTS services must include:

(a) Care coordination provided by a QMHP or a QMHA supervised by a QMHP;

(b) A child and family team, as defined in these rules;

(c) Service coordination planning, to be developed by the child and family team;

(d) Review of progress at child and family team meetings to occur at a frequency determined by the child and family team and consistent with needs;

(e) Proactive safety and crisis planning that utilizes professional and natural supports to provide 24 hours, seven days per week flexible response and is reflective of strategies to avert potential crisis without placement disruptions; and

(6) Intensive Treatment Services (ITS) for Children:

(a) ITS Providers must meet the following general requirements:

(A) Maintain the organizational capacity and interdisciplinary treatment capability to deliver clinically and developmentally appropriate services in the medically appropriate amount, intensity and duration for each child specific to the child's diagnosis, level of functioning and the acuity and severity of the child's psychiatric symptoms;

(B) Maintain 24 hour, seven days per week treatment responsibility for children in the program;

(C) Non-residential programs must maintain on-call capability at all times to respond directly or by referral to the treatment needs of children, including crises, 24 hours per day and seven days per week;

(D) Inform the Division and the legal guardian within twenty-four hours of reportable incidents;

(E) Maintain linkages with primary care physicians, CMHPs and MHOs and the child's parent or guardian to coordinate necessary continuing care resources for the child; and

(F) Maintain linkages with the applicable education service district or school district to coordinate and provide the necessary educational services for the children and integrate education services in all phases of assessment, service and support planning, active treatment and transition planning.

(b) General staffing requirements: ITS providers must have the clinical leadership and sufficient QMHP, QMHA and other program staff to meet the 24-hour, seven days per week treatment needs of children and must establish policies, procedures and contracts to assure:

(A) Availability of psychiatric services to meet the following requirements;

(i) Provide medical oversight of the clinical aspects of care in nationally accredited sub-acute and psychiatric residential treatment facilities and provide 24-hour, seven days per week psychiatric on-call coverage; or consult on clinical care and treatment in psychiatric day treatment; and

(ii) Assess each child's medication and treatment needs, prescribe medicine or otherwise assure that case management and consultation services are provided to obtain prescriptions, and prescribe therapeutic modalities to achieve the child's individual service and support plan goals.

(B) There must be at least one program staff who has completed First Aid and CPR training on duty at all times.

(c) ITS providers must ensure that the following services and supports are available and accessible through direct service, contract or by referral:

(A) Active psychiatric treatment and education services must be functionally integrated in a therapeutic environment designed of reflect and promote achievement of the intended outcomes of each child's ISSP;

(B) When treatment services interrupt the child's day to day educational environment, the program must provide or make arrangements for the continuity of the child's education;

(C) Family therapy must be provided by a QMHP. The family therapist to child ratio must be at least one family therapist for each 12 children;

(D) Psychiatric services;

(E) Individual, group and family therapies provided by a QMHP. There must be no less than one family therapist available for each 12 children;

(F) Medication evaluation, management and monitoring;

(G) Pre-vocational or vocational rehabilitation;

(H) Therapies supporting speech, language and hearing rehabilitation;

(I) Individual and group psychosocial skills development;

(J) Activity and recreational therapies;

(K) Nutrition;

(L) Physical health care services or coordination;

(M) Recreational and social activities consistent with individual strengths and interests;

(N) Educational services coordination and advocacy; and

(O) Behavior support services, consistent with OAR 309-032-1540(8) of these rules.

(7) Program Specific Requirements for ITS Providers: In addition to the general requirements for all ITS providers listed in OAR 309-032-1540(6), the following program-specific requirements must be met:

(a) Psychiatric Residential Treatment Facilities (PRTF):

(A) Children must either have or be screened for an Individual Education Plan, Personal Education Plan, or an Individual Family Service Plan;

(B) Psychiatric Residential Treatment Facilities must maintain one or more linkages with acute care hospitals or MHOs to coordinate necessary inpatient care;

(C) Psychiatric residential clinical care and treatment must be under the direction of a psychiatrist and delivered by an interdisciplinary team of board-certified or board-eligible child and adolescent psychiatrists, registered nurses, psychologists, other qualified mental health professionals, and other relevant program staff. A psychiatrist must be available to the unit 24-hours per day, seven days per week; and

(D) Psychiatric Residential Treatment Facilities must be staffed at a clinical staffing ratio of not less than one program staff for three children during the day and evening shifts. At least one program staff for every three program staff members during the day and evening shifts must be a QMHP or QMHA. For overnight program staff there must be a staffing ratio of at least one program staff for six children; at least one of the overnight program staff must be a QMHA. For units that by this ratio have only one overnight program staff, there must be additional program staff immediately available within the facility or on the premises. At least one QMHP must be on site or on call at all times. At least one program staff with designated clinical leadership responsibilities must be on site at all times.

(b) SCIP and SAIP: Programs providing SCIP and SAIP Services must meet the requirements for PRTFs listed in 7(a) of this subsection. They must also establish policies and practices to meet the following:

(A) The staffing model must allow for the child's frequent contact with the child psychiatrist a minimum of one hour per week;

(B) Psychiatric nursing staff must be provided in the program 24 hours per day;

(C) A psychologist, psychiatric social worker, rehabilitation therapist and psychologist with documented training in forensic evaluations must be available 24 hours per day as appropriate; and

(D) Program staff with specialized training in SCIP or SAIP must be available 24 hours per day;

(E) The program must provide all medically appropriate psychiatric services necessary to meet the child's psychiatric care needs;

(F) The program must provide secure psychiatric treatment services in a manner that ensures public safety to youth who are under the care and custody of the Oregon Youth Authority, court ordered for the purpose of psychiatric evaluation, or admitted by the authority of the JPSRB; and

(G) The program must not rely on external entities such as law enforcement or acute hospital care to assist in the management of the SCIP or SAIP setting.

(c) Sub-Acute Psychiatric Care: In addition to the services provided as indicated by the assessment and specified in the ISSP, Sub-Acute Psychiatric Care providers must:

(A) Provide psychiatric nursing staffing at least 16 hours per day;

(B) Provide nursing supervision and monitoring and psychiatric supervision at least once per week; and

(C) Work actively with the child and family team and multi-disciplinary community partners, to plan for the long-term emotional, behavioral, physical and social needs of the child to be met in the most integrated setting in the community.

(d) Psychiatric Day Treatment Services (PDTs):

(A) PDTs must be provided to children who remain at home with a parent, guardian or foster parent by qualified mental health professionals and qualified mental health associates in consultation with a psychiatrist;

(B) An education program must be provided and children must either have or be screened for an Individual Education Plan, Personal Education Plan or Individual Family Service Plan; and

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(C) Psychiatric Day Treatment programs must be staffed at a clinical staffing ratio of at least one QMHP or QMHA for three children.

(8) Behavior Support Services: Behavior support services must be proactive, recovery-oriented, individualized, and designed to facilitate positive alternatives to challenging behavior, as well as to assist the individual in developing adaptive and functional living skills. Behavior support services are required in ITS, ICTS and ECS Services. Providers of these services must:

(a) Develop and implement individual behavior support strategies, based on a functional or other clinically appropriate assessment of challenging behavior;

(b) Document the behavior support strategies and measures for tracking progress as a behavior support plan in the ISSP;

(c) Establish a framework which assures individualized positive behavior support practices throughout the program and articulates a rationale consistent with the philosophies supported by the Division, including the Division's Trauma-informed Services Policy;

(d) Obtain informed consent from the parent or guardian, when applicable, in the use of behavior support strategies and communicate both verbally and in writing the information to the individual and guardian in a language understood by the individual and in a developmentally appropriate manner;

(e) Establish outcome-based tracking methods to measure the effectiveness of behavior support strategies in:

(A) Reducing or eliminating the use of emergency safety interventions ; and

(B) Increasing positive behavior.

(f) Require all program staff to receive annual training in Collaborative Problem Solving, Positive Behavior Support or other Evidence-based Practice to promote positive behavior support; and

(g) Review and update behavior support policies, procedures, and practices annually.

(9) Emergency Safety Interventions in ITS Programs: Providers of ITS services must:

(a) Adopt policies and procedures for Emergency safety interventions as part of a Crisis Prevention and Intervention Policy. The policy must be consistent with the provider's trauma-informed services policies and procedures.

(b) Inform the individual and his or her parent or guardian of the provider's policy regarding the use of personal restraint and seclusion during an emergency safety situation by both furnishing a written copy of the policy and providing an explanation in the individual's primary language that is developmentally appropriate.

(c) Obtain a written acknowledgment from the parent or guardian that he or she has been informed of the provider's policies and procedures regarding the use of personal restraint and seclusion.

(d) Prohibit the use of mechanical restraint and chemical restraint as defined in these rules.

(e) Establish an Emergency Safety Interventions Committee or designate this function to an already established Quality Assessment and Performance Improvement Committee. Committee membership must minimally include a program staff with designated clinical leadership responsibilities, the person responsible for staff training in crisis intervention procedures and other clinical personnel not directly responsible for authorizing the use of emergency safety interventions. The committee must:

(A) Monitor the use of emergency safety interventions to assure that individuals are safeguarded and their rights are always protected;

(B) Meet at least monthly and must report in writing to the provider's Quality Assessment and Performance Improvement Committee at least quarterly regarding the committee's activities, findings and recommendations;

(C) Analyze emergency safety interventions to determine opportunities to prevent their use, increase the use of alternatives, improve the quality of care and safety of individuals receiving services and recommend whether follow up action is needed;

(D) Review and update emergency safety interventions policies and procedures annually;

(E) Conduct individual and aggregate review of all incidents of personal restraint and seclusion; and

(F) Report the aggregate number of personal restraints and incidents of seclusion to the Division within 30 days of the end of each calendar quarter.

(f) Providers must meet the following general conditions of personal restraint and seclusion:

(A) Personal restraint and seclusion must only be used in an emergency safety situation to prevent immediate injury to an individual who is in danger of physically harming him or herself or others in situations such as the occurrence of, or serious threat of violence, personal injury or attempted suicide;

(B) Any use of personal restraint or seclusion must respect the dignity and civil rights of the individual;

(C) The use of personal restraint or seclusion must be directly related to the immediate risk related to the behavior of the individual and must not be used as punishment, discipline, or for the convenience of staff;

(D) Personal restraint or seclusion must only be used for the length of time necessary for the individual to resume self-control and prevent harm to the individual or others, even if the order for seclusion or personal restraint has not expired, and must under no circumstances, exceed 4 hours for individuals ages 18 to 21, 2 hours for individuals ages 9 to 17, or 1 hour for individuals under age 9;

(E) An order for personal restraint or seclusion must not be written as a standing order or on an as needed basis;

(F) Personal restraint and seclusion must not be used simultaneously;

(G) Providers must notify the individual's parent or guardian of any incident of seclusion or personal restraint as soon as possible;

(H) If incidents of personal restraint or seclusion used with an individual cumulatively exceed five interventions over a period of five days, or a single episode of one hour within 24 hours, the psychiatrist, or designee, must convene, by phone or in person, program staff with designated clinical leadership responsibilities to:

(i) Discuss the emergency safety situation that required the intervention, including the precipitating factors that led up to the intervention and any alternative strategies that might have prevented the use of the personal restraint or seclusion;

(ii) Discuss the procedures, if any, to be implemented to prevent any recurrence of the use of personal restraint or seclusion;

(iii) Discuss the outcome of the intervention including any injuries that may have resulted; and

(iv) Review the individual's ISSP, making the necessary revisions, and document the discussion and any resulting changes to the individual's ISSP in the Individual Service Record.

(g) Personal Restraint:

(A) Each personal restraint must require an immediate documented order by a physician, licensed practitioner, or, in accordance with OAR 309-034-0400 through 309-034-0490, a licensed CESIS;

(B) The order must include:

(i) Name of the person authorized to order the personal restraint;

(ii) Date and time the order was obtained; and

(iii) Length of time for which the intervention was authorized.

(C) Each personal restraint must be conducted by program staff that have completed and use Division-approved crisis intervention training. If in the event of an emergency a non Division-approved crisis intervention technique is used, the provider's on-call administrator must immediately review the intervention and document the review in an incident report to be provided to the Division within 24 hours;

(D) At least one program staff trained in the use of emergency safety interventions must be physically present, continually assessing and monitoring the physical and psychological well-being of the individual and the safe use of the personal restraint throughout the duration of the personal restraint;

(E) Within one hour of the initiation of a personal restraint, a psychiatrist, licensed practitioner, or CESIS must conduct a face-to-face assessment of the physical and psychological well being of the individual;

(F) A designated program staff with clinical leadership responsibilities must review all personal restraint documentation prior to the end of the shift in which the intervention occurred; and

(G) Each incident of personal restraint must be documented in the individual service record. The documentation must specify:

(i) Behavior support strategies and less restrictive interventions attempted prior to the personal restraint;

(ii) Required authorization;

(iii) Events precipitating the personal restraint;

(iv) Length of time the personal restraint was used;

(v) Assessment of appropriateness of the personal restraint based on threat of harm to self or others;

(vi) Assessment of physical injury; and

(vii) Individuals response to the emergency safety intervention.

(h) Seclusion: Providers must be approved by the Division for the use of seclusion.

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(A) Authorization for seclusion must be obtained by a psychiatrist, licensed practitioner or CESIS prior to, or immediately after the initiation of seclusion. Written orders for seclusion must be completed for each instance of seclusion and must include:

- (i) Name of the person authorized to order seclusion;
- (ii) Date and time the order was obtained; and
- (iii) Length of time for which the intervention was authorized.

(B) Program staff trained in the use of emergency safety interventions must be physically present continually assessing and monitoring the physical and psychological well-being of the individual throughout the duration of the seclusion;

(C) Visual monitoring of the individual in seclusion must occur continuously and be documented at least every fifteen minutes or more often as clinically indicated;

(D) Within one hour of the initiation of seclusion a psychiatrist or CESIS must conduct a face-to-face assessment of the physical and psychological well being of the individual;

(E) The individual must have regular meals, bathing, and use of the bathroom during seclusion and the provision of these must be documented in the individual service record; and

(F) Each incident of seclusion must be documented in the individual service record. The documentation must specify:

- (i) The behavior support strategies and less restrictive interventions attempted prior to the use of seclusion;
- (ii) The required authorization for the use of seclusion;
- (iii) The events precipitating the use of seclusion;
- (iv) The length of time seclusion was used;
- (v) An assessment of the appropriateness of seclusion based on threat of harm to self or others;
- (vi) An assessment of physical injury to the individual, if any; and
- (vii) The individual's response to the emergency safety intervention.

(i) Any room specifically designated for the use of seclusion or time out must be approved by the Division.

(j) If the use of seclusion occurs in a room with a locking door, the program must be authorized by the Division for this purpose and must meet the following requirements:

(A) A facility or program seeking authorization for the use of seclusion must submit a written application to the Division;

(B) Application must include a comprehensive plan for the need for and use of seclusion of children in the program and copies of the facility's policies and procedures for the utilization and monitoring of seclusion including a statistical analysis of the facility's actual use of seclusion, physical space, staff training, staff authorization, record keeping and quality assessment practices;

(C) The Division must review the application and, after a determination that the written application is complete and satisfies all applicable requirements, must provide for a review of the facility by authorized Division staff;

(D) The Division must have access to all records including individual service records, the physical plant of the facility, the employees of the facility, the professional credentials and training records for all program staff, and must have the opportunity to fully observe the treatment and seclusion practices employed by the facility;

(E) After the review, the Deputy Director of the Division or their designee must approve or disapprove the facility's application and upon approval must certify the facility based on the determination of the facility's compliance with all applicable requirements for the seclusion of children;

(F) If disapproved, the facility must be provided with specific recommendations and have the right of appeal to the Division; and

(G) Certification of a facility must be effective for a maximum of three years and may be renewed thereafter upon approval of a renewal application.

(k) Structural and physical requirements for seclusion: An ITS provider seeking this certification under these rules must have available at least one room that meets the following specifications and requirements:

(A) The room must be of adequate size to permit three adults to move freely and allows for one adult to lie down. Any newly constructed room must be no less than 64 square feet;

(B) The room must not be isolated from regular program staff of the facility, and must be equipped with adequate locking devices on all doors and windows;

(C) The door must open outward and contain a port of shatterproof glass or plastic through which the entire room may be viewed from outside;

(D) The room must contain no protruding, exposed, or sharp objects;

(E) The room must contain no furniture. A fireproof mattress or mat must be available for comfort;

(F) Any windows must be made of unbreakable or shatterproof glass or plastic. Non-shatterproof glass must be protected by adequate climb-proof screening;

(G) There must be no exposed pipes or electrical wiring in the room. Electrical outlets must be permanently capped or covered with a metal shield secured by tamper-proof screws. Ceiling and wall lights must be recessed and covered with safety glass or unbreakable plastic. Any cover, cap or shield must be secured by tamper-proof screws;

(H) The room must meet State Fire Marshal fire, safety, and health standards. If sprinklers are installed, they must be recessed and covered with fine mesh screening. If pop-down type, sprinklers must have break-away strength of under 80 pounds. In lieu of sprinklers, combined smoke and heat detector must be used with similar protective design or installation;

(I) The room must be ventilated, kept at a temperature no less than 64°F and no more than 85°F. Heating and cooling vents must be secure and out of reach;

(J) The room must be designed and equipped in a manner that would not allow a child to climb off the ground;

(K) Walls, floor and ceiling must be solidly and smoothly constructed, to be cleaned easily, and have no rough or jagged portions; and

(L) Adequate and safe bathrooms must be available.

(10) Outpatient Problem Gambling Treatment Services: These services include group, individual and family treatment consistent with the following requirements:

(a) The first offered service appointment must be five business days or less from the date of request for services;

(b) Service sessions must address the challenges of the individual as they relate, directly or indirectly, to the problem gambling behavior;

(c) Telephone counseling: Providers may provide telephone counseling when person-to-person contact would involve an unwise delay, as follows:

(A) Individual must be currently enrolled in the problem gambling treatment program;

(B) Phone counseling must be provided by a qualified provider within their scope of practice;

(C) Individual service notes must follow the same criteria as face-to-face counseling and identify the session was conducted by phone and the clinical rationale for the phone session;

(D) Telephone counseling must meet HIPAA and 42 CFR standards for privacy; and

(E) There must be an agreement of informed consent for phone counseling that is discussed with the individual and documented in the individual's service record.

(d) Family Counseling: Family counseling includes face-to-face or non face-to-face service sessions between a program staff member delivering the service and a family member whose life has been negatively impacted by gambling.

(A) Service sessions must address the problems of the family member as they relate directly or indirectly to the problem gambling behavior; and

(B) Services to the family must be offered even if the individual identified as a problem gambler is unwilling, or unavailable to accept services.

(e) 24-hour crisis response accomplished through agreement with other crisis services, on-call program staff or other arrangement acceptable to the Division.

(11) Residential Problem Gambling Treatment Services: Providers of this service must comply with OAR 309-032-1545 of these rules.

(a) When problem gambling treatment services are provided in a psychiatric health facility, providers must have Division approved written policies and procedures for operating this service, and must be licensed in accordance with OAR 309-035-0100 through 309-035-0460.

(b) When problem gambling treatment services are provided in an alcohol and other drug residential treatment facility providers of this service must have Division approved written policies and procedures for operating this service and have a current license issued by the Division in accordance with OAR 415-012-0000 through 415-012-0090.

(c) Providers must coordinate services and make appropriate referrals to other formal and informal service systems to insure continuity of care, including, but not limited to, mental health, self-help support groups, financial consultants, legal advice, medical, crisis management, cultural issues, housing and vocational. All referral and follow-up actions must be documented in the individual service record.

(12) Alcohol and Other Drug Treatment and Recovery Services:

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(a) Interim Referral and Information Services: Pregnant women or other individuals using substances intravenously, whose services are funded by the SAPT Block Grant, must receive interim referrals and information prior to entry, to reduce the adverse health effects of alcohol and other drug use, promote the health of the individual, and reduce the risk of transmission of disease. At a minimum, interim referral and informational services must include:

(A) Counseling and education about blood borne pathogens including Hepatitis, HIV, STDs and Tuberculosis (TB); the risks of needle and paraphernalia sharing and the likelihood of transmission to sexual partners and infants;

(B) Counseling and education about steps that can decrease the likelihood of Hepatitis, HIV, STD, and TB transmission;

(C) Referral for Hepatitis, HIV, STD and TB testing, vaccine or care services if necessary; and

(D) For pregnant women, counseling on the likelihood of blood borne pathogen transmission as well as the effects of alcohol, tobacco and other drug use on the fetus and referral for prenatal care.

(b) Culturally Specific Services: Programs approved and designated as culturally specific programs must meet the following criteria:

(A) Serve a majority of individuals representing the culturally specific population; and

(B) Governing Board: Develop and maintain a governing or advisory board that must:

(i) Have a majority representation of the culturally specific group being served;

(ii) Receive training concerning the significance of culturally relevant services and supports;

(iii) Include at least 20% representation of individuals, as defined in these rules, or family members of individuals; and

(iv) Meet at least quarterly.

(C) Maintain accessibility to culturally specific populations including:

(i) The physical location of the program must be within close proximity to the culturally specific populations;

(ii) Where available, public transportation must be within close proximity to the program; and

(iii) Hours of service, telephone contact, and other accessibility issues must be appropriate for the population; and

(D) The physical facility within which the culturally specific services are delivered must be psychologically comfortable for the group including:

(i) Materials displayed must be culturally relevant;

(ii) Mass media programming (radio, television, etc.) must be sensitive to cultural background; and

(iii) Other cultural differences must be considered and accommodated when possible, such as the need or desire to bring family members to the facility, play areas for small children and related accommodations.

(c) Adolescent Treatment Services: Programs approved to provide adolescent alcohol and other drug treatment services or those with adolescent-designated service funding must meet the following standards:

(A) Residential programs providing services to individuals defined as children for purposes of this rule must, in addition to the applicable requirements of this rule, be licensed by the Department of Human Services (DHS) in cooperation with the Division.

(B) Development of ISSPs and case management services must include participation of parents, other family members, schools, children's services agencies, and juvenile corrections, as appropriate;

(C) Services, or appropriate referrals, must include:

(i) Family service;

(ii) Recreation and leisure time consistent with the individual's interests;

(iii) Community and social skills training;

(iv) Academic education services or referral; and

(v) Smoking cessation service.

(D) Continuing care services must be of appropriate duration, consistent with ASAM PPC-2R criteria, and designed to maximize recovery opportunities. The services must include:

(i) Reintegration services and coordination with family and schools;

(ii) Youth dominated self-help groups where available;

(iii) Linkage to emancipation services when appropriate; and

(iv) Linkage to physical or sexual abuse counseling and support services when appropriate.

(E) There must be a sufficient number of qualified program staff to ensure a ratio of at least one treatment staff per eight adolescents at all times.

(F) Program staff coverage must be provided 24 hours per day, seven days per week.

(d) Women's Treatment Services: Programs approved and designated to provide alcohol and other drug treatment services primarily to women must meet the following standards:

(A) The Assessment must contain an evaluation that identifies and assesses needs specific to women's issues in service such as social isolation, self-reliance, parenting issues, domestic violence, women's physical health, housing and financial considerations;

(B) The Individual Service and Support Plan must address all areas identified in (12)(d)(A) of this subsection as well as alcohol and other drug use and any other applicable service coordination details;

(C) The program must provide or coordinate services and supports that meet the special access needs of women such as childcare, mental health services, and transportation, as indicated;

(D) The program must provide, or coordinate, the following services and supports unless clinically contraindicated:

(i) Gender-specific services and supports;

(ii) Family services, including therapeutic services for children in the custody of women in treatment;

(iii) Reintegration with family;

(iv) Peer delivered supports;

(v) Smoking cessation;

(vi) Housing; and

(vii) Transportation.

(E) Individual Service and Support Planning and treatment must include the participation of family and other agencies as appropriate, such as social service, child welfare, or corrections agencies;

(F) Referral Services: The program must coordinate services with the following, if indicated:

(i) Agencies providing services to women who have experienced physical abuse, sexual abuse or other types of domestic violence; and

(ii) Parenting training; and

(G) Continuing care treatment services must be consistent with the ASAM PPC-2R and must include referrals to female dominated support groups where available; and

(H) Programs that receive SAPT Block Grant funding must provide or coordinate the following services for pregnant women and women with dependent children, including women who are attempting to regain custody of their children:

(i) Primary medical care for women, including referral for prenatal care and, while the women are receiving such services, child care;

(ii) Primary pediatric care, including immunizations for their children;

(iii) Gender specific substance abuse treatment and other therapeutic interventions for women which may include, but are not limited to:

(I) Relationship issues;

(II) Sexual and physical abuse;

(III) Parenting; and

(IV) Access to child care while the women are receiving these services; and

(iv) Therapeutic interventions for children in the custody of women in treatment which may include, but are not limited to:

(I) Their developmental needs; and

(II) Any issues concerning sexual and physical abuse, and neglect; and

(III) Sufficient case management and transportation to ensure that women and their children have access to services.

(e) Specialized Alcohol and Other Drug Community-based Programs for Individuals in the Criminal Justice System: These services and supports are for individuals who are under the supervision of a probation officer or on parole or post-prison supervision or participating in a drug treatment court program or otherwise under the direct supervision of the court.

(A) Services and supports must incorporate interventions and strategies that target criminogenic risk factors and include:

(i) Cognitive behavioral interventions;

(ii) Motivational interventions;

(iii) Relapse prevention; and

(iv) Healthy relationships education;

(B) Providers must demonstrate coordination of services with criminal justice partners through written protocols, program staff activities, and individual record documentation;

(C) Program Directors or clinical supervisors must have experience in community-based offender treatment programs and have specific training and experience applying effective, evidence-based clinical strategies and

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services for individuals receiving community-based alcohol and other drug treatment services to individuals in the criminal justice system;

(D) Within the first six months of hire, program staff must receive training on effective principles of evidenced-based practices for individuals with criminogenic risk factors; and

(E) Within six months of hire, program staff must have documented knowledge, skills, and abilities demonstrating treatment strategies for individuals with criminogenic risk factors.

(f) DUII Alcohol and Other Drug Rehabilitation Programs: In addition to the general standards for alcohol and other drug treatment programs, those programs approved to provide DUII rehabilitation services must meet the following standards:

(A) DUII rehabilitation programs must assess individuals referred for treatment by the evaluation specialist. Placement, continued stay and transfer of individuals must be based on the criteria described in the ASAM PPC-2R, subject to the following additional terms and conditions:

(i) Abstinence: Individuals must demonstrate continuous abstinence for a minimum of 90 days prior to completion as documented by urinalysis tests and other evidence;

(ii) Treatment Completion: Only DUII rehabilitation programs may certify treatment completion;

(iii) Residential Treatment: Using the ASAM PPC-2R, the DUII program's assessment may indicate that the individual requires treatment in a residential program. It is the responsibility of the DUII program to:

(I) Monitor the case carefully while the individual is in residential treatment;

(II) Provide or monitor outpatient and follow-up services when the individual is transferred from the residential program; and

(III) Verify completion of residential treatment and follow-up outpatient treatment.

(iv) Urinalysis Testing: A minimum of one urinalysis sample per month must be collected during the period of service deemed necessary by an individual's DUII rehabilitation program:

(I) Using the process defined in these rules, the samples must be tested for at least five controlled drugs;

(II) At least one of the samples is to be collected and tested in the first two weeks of the program and at least one is to be collected and tested in the last two weeks of the program;

(III) If the first sample is positive, two or more samples must be collected and tested, including one sample within the last two weeks before completion; and

(IV) Programs may use methods of testing for the presence of alcohol and other drugs in the individual's body other than urinalysis tests if they have obtained the prior review and approval of such methods by the Division.

(v) Reporting: The program must report:

(I) To the Division on forms prescribed by the Division;

(II) To the evaluation specialist within 30 days from the date of the referral by the specialist. Subsequent reports must be provided within 30 days of completion or within 10 days of the time that the individual enters noncompliant status; and

(III) To the appropriate evaluation specialist, case manager, court, or other agency as required when requested concerning individual cooperation, attendance, treatment progress, utilized modalities, and fee payment.

(vi) Certifying Completion: The program must send a numbered Certificate of Completion to the Department of Motor Vehicles to verify the completion of convicted individuals. Payment for treatment may be considered in determining completion. A certificate of completion must not be issued until the individual has satisfied the abstinence requirements of 309-032-1540(f)(A)(i).

(vii) Records: The DUII rehabilitation program must maintain in the permanent Individual Service Record, urinalysis results and all information necessary to determine whether the program is being, or has been, successfully completed.

(viii) Separation of Evaluation and Rehabilitation Functions: Without the approval of the Director, no agency or person may provide DUII rehabilitation to an individual who has also been referred by a Judge to the same agency or person for a DUII evaluation. Failure to comply with this rule will be considered a violation of ORS chapter 813. If the Director finds such a violation, the Director may deny, suspend, revoke, or refuse to renew a letter of approval.

(13) Medical Protocols in Alcohol and Other Drug Treatment Programs: Medical protocols must be approved by a medical director under contract with a program or written reciprocal agreement with a medical practitioner under managed care. The protocols must:

(a) Require, but not be limited to a medical history, as described in the Assessment;

(b) Designate those medical symptoms that, when found, require further investigation, physical examinations, service, or laboratory testing;

(c) Require that individuals admitted to the program who are currently injecting or intravenously using a drug, or have injected or intravenously used a drug within the past 30 days, or who are at risk of withdrawal from a drug, or who may be pregnant, must be referred for a physical examination and appropriate lab testing within 30 days of entry to the program. This requirement may be waived by the medical director if these services have been received within the past 90 days and documentation is provided;

(d) Require pregnant women be referred for prenatal care within two weeks of entry to the program;

(e) Require that the program provide HIV and AIDS, TB, sexually transmitted disease, Hepatitis and other infectious disease information and risk assessment, including any needed referral, within 30 days of entry; and

(f) Specify the steps for follow up and coordination with physical health care providers in the event the individual is found to have an infectious disease or other major medical problem.

(14) Administration of Medications: The following guidelines must be followed in policies on administration of medications in residential programs:

(a) Medications prescribed for one individual must not be administered to or self-administered by another individual or program staff;

(b) When an individual self-administers medication in a residential program, self-administration must be approved in writing by a physician and closely monitored by the residential program staff;

(c) No unused, outdated, or recalled drugs must be kept in a program. On a monthly basis any unused, outdated, or recalled drugs must be disposed of in a manner that assures they cannot be retrieved;

(d) Disposal of prescription drugs in a residential program: A written record of all disposals of drugs must be maintained in the program and must include:

(A) A description of the drug, including the amount;

(B) The individual for whom the medication was prescribed;

(C) The reason for disposal; and

(D) The method of disposal.

(e) Storage of Prescription Drugs in residential programs: All prescription drugs stored in the residential program must be kept in a locked stationary container. Medications requiring refrigeration must be stored in a refrigerator using a locked container; and

(f) Written documentation of medications prescribed for the individual by a LMP must be maintained in the Individual Service Record. Documentation for each medication prescribed must include the following:

(A) A copy or detailed written description of the signed prescription order;

(B) The name of the medication prescribed;

(C) The prescribed dosage and method of administration;

(D) The date medications were prescribed, reviewed, or renewed;

(E) The date, the signature and credentials of program staff administering or prescribing medications; and

(F) Medication records which contain:

(i) Observed side effects including laboratory findings; and

(ii) Medication allergies and adverse reaction.

(15) Building Requirements for Alcohol and Other Drug Programs: Each alcohol and other drug treatment program must provide facilities that:

(a) Comply with all applicable state and local building, electrical, plumbing, fire, safety, and zoning codes;

(b) Maintain up-to-date documentation verifying that they meet applicable local business license, zoning and building codes and federal, state and local fire and safety regulations. It is the responsibility of the program to check with local government to make sure all applicable local codes have been met;

(c) Provide space for services including but not limited to intake, assessment, counseling and telephone conversations that assures the privacy and confidentiality of individuals and is furnished in an adequate and comfortable fashion including plumbing, sanitation, heating, and cooling;

(d) Provide rest rooms for individuals, visitors, and staff that are accessible to persons with disabilities pursuant to Title II of the Americans with Disabilities Act if the program receives any public funds or Title III of the Act if no public funds are received;

(e) Adopt and implement emergency policies and procedures, including an evacuation plan and emergency plan in case of fire, explosion, accident, death or other emergency. The policies and procedures and emergency plans must be current and posted in a conspicuous area; and

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(f) Tobacco Use: Outpatient programs must not allow tobacco use in program facilities and on program grounds. Effective July 1, 2012, residential programs both licensed and funded by AMH must not allow tobacco use in program facilities and on program grounds.

Stat. Auth.: ORS 161.390, 413.042, 430.256, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 4-2010, f. & cert. ef. 3-4-10; MHS 15-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-29-12; MHS 8-2012, f. & cert. ef. 6-15-12; MHS 3-2013(Temp), f. & cert. ef. 2-11-13 thru 8-9-13; Suspended by MHS 7-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-032-1545

Facility Standards for Alcohol and Other Drug Residential Treatment Programs

(1)(a) Building Requirements: In addition to the building requirements for outpatient Alcohol and Other Drug treatment programs, residential programs must meet the following standards:

(b) Prior to construction of a new building or major alteration of or addition to an existing building:

(A) One set of plans and specifications must be submitted to the State Fire Marshal for approval;

(B) Plans must be in accordance with the State of Oregon Structural Specialty Code and Fire and Life Safety Regulations;

(C) Plans for construction containing 4,000 square feet or more must be prepared and bear the stamp of an Oregon licensed architect or engineer; and

(D) The water supply, sewage, and garbage disposal system must be approved by the agency having jurisdiction.

(2) Interiors: All rooms used by individuals must have floors, walls, and ceilings that meet the interior finish requirements of the State of Oregon Structural Specialty Code and Fire and Life Safety Regulations:

(a) A separate dining room or area must be provided for exclusive use of individuals, program staff, and invited guests, and must:

(A) Seat at least one-half of the individuals at a time with a minimum of 15 square feet per occupant; and

(B) Be provided with adequate ventilation.

(b) A separate living room or lounge area must be provided for the exclusive use of individuals, program staff, and invited guests and must:

(A) Provide a minimum of 15 square feet per occupant; and

(B) Be provided with adequate ventilation.

(c) Bedrooms must be provided for all individuals and must:

(A) Be separate from the dining, living, multi-purpose, laundry, kitchen, and storage areas;

(B) Be an outside room with a window that can be opened, and is at least the minimum required by the State Fire Marshal;

(C) Have a ceiling height of at least seven feet, six inches;

(D) Provide a minimum of 60 square feet per individual, with at least three feet between beds;

(E) Provide permanently wired light fixtures located and maintained to give light to all parts of the room; and

(F) Provide a curtain or window shade at each window to assure privacy.

(d) Bathrooms must be provided and conveniently located in each building containing a bedroom and must:

(A) Provide a minimum of one toilet and one hand-washing sink for each eight individuals, and one bathtub or shower for each ten individuals;

(B) Provide one hand-washing sink convenient to every room containing a toilet;

(C) Provide permanently wired light fixtures located and maintained to give adequate light to all parts of the room;

(D) Provide arrangements for personal privacy for individuals;

(E) Provide a privacy screen at each window;

(F) Provide a mirror; and

(G) Be provided with adequate ventilation.

(e) A supply of hot and cold water installed and maintained in compliance with rules of, the Authority, Health Services, Office of Public Health Systems, must be distributed to taps conveniently located throughout the residential program;

(f) All plumbing must comply with applicable codes;

(g) Laundry facilities, when provided, must be separate from:

(A) Resident living areas, including bedrooms;

(B) Kitchen and dining areas; and

(C) Areas used for the storage of unrefrigerated perishable foods.

(h) Storage areas must be provided appropriate to the size of the residential program. Separate storage areas must be provided for:

(A) Food, kitchen supplies, and utensils;

(B) Clean linens;

(C) Soiled linens and clothing;

(D) Cleaning compounds and equipment; and

(E) Poisons, chemicals, insecticides, and other toxic materials, which must be properly labeled, stored in the original container, and kept in a locked storage area.

(i) Furniture must be provided for each individual and must include:

(A) A bed with a frame and a clean mattress and pillow;

(B) A private dresser or similar storage area for personal belongings which is readily accessible to the individual; and

(C) Access to a closet or similar storage area for clothing and

(j) Linens must be provided for each individual and must include:

(A) Sheets and pillowcases;

(B) Blankets, appropriate in number and type for the season and the individual's comfort; and

(C) Towel and washcloth.

(3) Food Service and Storage: The residential program must meet the requirements of the State of Oregon Sanitary Code for Eating and Drinking Establishments relating to the preparation, storage, and serving of food. At minimum:

(a) Menus must be prepared in advance to provide a sufficient variety of foods served in adequate amounts for each resident at each meal;

(b) Records of menus as served must be filed and maintained in the residential program records for at least 30 days;

(c) All modified or special diets must be ordered by a physician;

(d) At least three meals must be provided daily;

(e) Supplies of staple foods for a minimum of one week and of perishable foods for a minimum of a two-day period must be maintained on the premises;

(f) Food must be stored and served at proper temperature;

(g) All utensils, including dishes, glassware, and silverware used in the serving or preparation of drink or food for individuals must be effectively washed, rinsed, sanitized, and stored after each individual use to prevent contamination in accordance with Health Division standards; and

(h) Raw milk and home-canned vegetables, meats, and fish must not be served or stored in a residential program.

(4) Safety: The residential program must meet the following safety requirements:

(a) At no time must the number of individuals served exceed the approved capacity;

(b) A written emergency plan must be developed and posted next to the telephone used by program staff and must include:

(A) Instructions for the program staff or designated resident in the event of fire, explosion, accident, death, or other emergency and the telephone numbers of the local fire department, law enforcement agencies, hospital emergency rooms, and the residential program's designated physician and on-call back-up program staff;

(B) The telephone number of the administrator or clinical supervisor and other persons to be contacted in case of emergency; and

(C) Instructions for the evacuation of individuals and program staff in the event of fire, explosion, or other emergency.

(c) The residential program must provide fire safety equipment appropriate to the number of individuals served, and meeting the requirements of the State of Oregon Structural Specialty Code and Fire and Life Safety Regulations:

(A) Fire detection and protection equipment must be inspected as required by the State Fire Marshal;

(B) All flammable and combustible materials must be properly labeled and stored in the original container in accordance with the rules of the State Fire Marshal; and

(C) The residential program must conduct unannounced fire evacuation drills at least monthly. At least once every three months the monthly drill must occur between 10 p.m. and 6 a.m. Written documentation of the dates and times of the drills, time elapsed to evacuate, and program staff conducting the drills must be maintained.

(d) At least one program staff who is trained in First Aid and CPR must be onsite at all times; and

(e) In Residential Transition programs, at least one individual, designated by the administrator as being capable of managing emergencies and other situations that require immediate attention, must be onsite at all times when there is no onsite program staff coverage.

(5) Sanitation: The residential program must meet the following sanitation requirements:

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- (a) All floors, walls, ceilings, window, furniture, and equipment must be kept in good repair, clean, neat, orderly, and free from odors;
- (b) Each bathtub, shower, hand-washing sink, and toilet must be kept clean and free from odors;
- (c) The water supply in the residential program must meet the requirements of the rules of the Health Division governing domestic water supplies;
- (d) Soiled linens and clothing must be stored in an area separate from kitchens, dining areas, clean linens and clothing and unrefrigerated food;
- (e) All measures necessary to prevent the entry into the program of mosquitoes and other insects must be taken;
- (f) All measures necessary to control rodents must be taken;
- (g) The grounds of the program must be kept orderly and free of litter, unused articles, and refuse;
- (h) Garbage and refuse receptacles must be clean, durable, water-tight, insect- and rodent proof and kept covered with a tight-fitting lid;
- (i) All garbage solid waste must be disposed of at least weekly and in compliance with the rules of the Department of Environmental Quality;
- (j) Sewage and liquid waste must be collected, treated and disposed of in compliance with the rules of the Department of Environmental Quality.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 4-2010, f. & cert. ef. 3-4-10; MHS 15-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-29-12; MHS 8-2012, f. & cert. ef. 6-15-12; Suspended by MHS 7-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-032-1550

Transfer and Continuity of Care

(1) Planned Transfer: Providers must meet the following requirements for planned transfer:

- (a) Decisions to transfer individuals must be documented in a transfer summary. The documentation must include the reason for transfer;
- (b) For alcohol and other drug treatment services, planned transfer must be consistent with ASAM criteria established in the assessment;
- (c) For ITS programs, planned transfer must be consistent with the transfer criteria established by the interdisciplinary team and documented in the ISSP. In addition:

(A) Providers must not transfer services unless the interdisciplinary team, in consultation with the child's parent or guardian and the next provider, agree that the child requires a more or less restrictive level of care; and

(B) If the determination is made to admit the child to acute care, the provider must not transfer services during the acute care stay unless the interdisciplinary team, in consultation with the child's parent or guardian and the next provider, agree that the child requires a more or less restrictive level of care following the acute care stay; and

(d) For DUII Alcohol and Other Drug Rehabilitation Programs, the balance, if any, of fees charged not paid by the individual.

(2) Transfer Process and Continuity of Care: Prior to transfer, providers must:

(a) When applicable, coordinate and provide appropriate referrals for medical care and medication management. The transferring provider must assist the individual to identify the medical provider who will provide continuing care and to arrange an initial appointment with that provider;

(b) Coordinate recovery and ongoing support services for individuals and their families including identifying resources and facilitating linkage to other service systems necessary to sustain recovery, including peer delivered services.;

(c) Complete a Transfer Summary;

(d) When services are transferred due to the absence of the individual, the provider must document outreach efforts made to re-engage the individual, or document the reason why such efforts were not made;

(e) If the individual is under the jurisdiction of the PSRB or JPSRB, the provider must notify the PSRB or JPSRB immediately and provide a copy of the Transfer Summary within 30 days;

(f) The provider must report all instances of Transfer on the mandated state data system; and

(g) Transfer in ITS programs: At a minimum, the provider's interdisciplinary team must:

(A) Integrate transfer planning into ongoing treatment planning and documentation from the time of entry, and specify the transfer criteria that must indicate resolution of the symptoms and behaviors that justified the entry;

(B) Review and, if needed, modify the transfer criteria in the ISSP every 30 days;

(C) Notify the child's parent or guardian, and the provider to which the child must be transitioned of the anticipated transfer dates at the time of entry, and when the ISSP is changed;

(D) Include the parent or guardian, and provider to which the child must be transitioned in transfer planning and reflect their needs and desires to the extent clinically indicated;

(E) Finalize the transition plan prior to transfer and identify in the plan the continuum of services and the type and frequency of follow-up contacts recommended by the provider to assist in the child's successful transition to the next appropriate level of care;

(F) Assure that appropriate medical care and medication management must be provided to individuals who leave through a planned transfer. The last service provider's interdisciplinary team must identify the medical personnel who will provide continuing care and must arrange an initial appointment with that provider;

(G) Coordinate appropriate education services with applicable school district personnel; and

(H) Give written transition instructions to the child's parent or guardian and the next provider if applicable, on the date of transfer.

(3) Transfer Summary:

(a) A Transfer Summary must include:

(A) The date and reason for the transfer;

(B) A summary statement that describes the effectiveness of services in assisting the individual and his or her family to achieve intended outcomes identified in the ISSP;

(C) Where appropriate, a plan for personal wellness and resilience, including relapse prevention; and

(D) Identification of resources to assist the individual and family, if applicable, in accessing recovery and resiliency services and supports.

(b) If the transfer is to services with another provider, all documentation contained in the Individual Service Record requested by the receiving provider must be furnished, compliant with applicable confidentiality policies and procedures, within 14 days of receipt of a written request for the documentation.

(c) A complete transfer summary must be sent to the receiving provider within 30 days of the transfer.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.45

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 4-2010, f. & cert. ef. 3-4-10; MHS 15-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-29-12; MHS 8-2012, f. & cert. ef. 6-15-12; Suspended by MHS 7-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-032-1555

Quality Assessment and Performance Improvement

(1) Quality Assessment and Performance Improvement Process: Providers must develop and implement a structured and ongoing process to assess, monitor, and improve the quality and effectiveness of services provided to individuals and their families.

(2) Quality Improvement Committee: The Quality Improvement Committee must oversee and advise the Quality Assessment and Performance Improvement process:

(a) The Quality Improvement Committee must include representatives of individuals served and their families; and

(b) The Quality Improvement Committee must meet at least quarterly to:

(A) Identify indicators of quality including:

(i) Access to services;

(ii) Outcomes of services;

(iii) Systems integration and coordination of services; and

(iv) Utilization of services.

(B) Review incident reports, emergency safety intervention documentation, grievances and other documentation as applicable;

(C) Identify measurable and time-specific performance objectives and strategies to meet the objectives and measure progress;

(D) Recommend policy and operational changes necessary to achieve performance objectives; and

(E) Reassess and, if necessary, revise objectives and methods to measure performance on an ongoing basis to ensure sustainability of improvements.

(3) Performance Improvement Plan: The quality assessment and performance improvement process must be documented in a Performance Improvement Plan including:

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- (a) Performance objectives aimed at improving services; and
- (b) Strategies designed to meet the performance objectives and measure progress.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450
Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270
Hist.: MHS 4-2010, f. & cert. ef. 3-4-10; MHS 15-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-29-12; MHS 8-2012, f. & cert. ef. 6-15-12; Suspended by MHS 7-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-032-1560

Grievances and Appeals

(1) Any individual receiving services, or the parent or guardian of the individual receiving services, may file a grievance with the provider, the individual's managed care plan or the Division.

(2) For individuals whose services are funded by Medicaid, grievance and appeal procedures outlined in OAR 410-141-0260 through 410-141-0266, must be followed.

(3) For individuals whose services are not funded by Medicaid, providers must:

(a) Notify each individual, or guardian, of the grievance procedures by reviewing a written copy of the policy upon entry;

(b) Assist individuals and parents or guardians, as applicable, to understand and complete the grievance process; and notify them of the results and basis for the decision;

(c) Encourage and facilitate resolution of the grievance at the lowest possible level;

(d) Complete an investigation of any grievance within 30 calendar days;

(e) Implement a procedure for accepting, processing and responding to grievances including specific timelines for each;

(f) Designate a program staff person to receive and process the grievance;

(g) Document any action taken on a substantiated grievance within a timely manner; and

(h) Document receipt, investigation and action taken in response to the grievance.

(4) Grievance Process Notice. The provider must have a Grievance Process Notice, which must be posted in a conspicuous place stating the telephone number of:

(a) The Division;

(b) The CMHP;

(c) Disability Rights Oregon; and

(d) The applicable managed care organization.

(5) Expedited Grievances: In circumstances where the matter of the grievance is likely to cause harm to the individual before the grievance procedures outlined in these rules are completed, the individual, or guardian of the individual, may request an expedited review. The program administrator must review and respond in writing to the grievance within 48 hours of receipt of the grievance. The written response must include information about the appeal process.

(6) Retaliation: A grievant, witness or staff member of a provider must not be subject to retaliation by a provider for making a report or being interviewed about a grievance or being a witness. Retaliation may include, but is not limited to, dismissal or harassment, reduction in services, wages or benefits, or basing service or a performance review on the action.

(7) Immunity: The grievant is immune from any civil or criminal liability with respect to the making or content of a grievance made in good faith.

(8) Appeals: Individuals and their legal guardians, as applicable, must have the right to appeal entry, transfer and grievance decisions as follows:

(a) If the individual or guardian, if applicable, is not satisfied with the decision, the individual or guardian may file an appeal in writing within ten working days of the date of the program administrator's response to the grievance or notification of denial for services as applicable. The appeal must be submitted to the CMHP Director in the county where the provider is located or to the Division as applicable;

(b) If requested, program staff must be available to assist the individual;

(c) The CMHP Director or Division, must provide a written response within ten working days of the receipt of the appeal; and

(d) If the individual or guardian, if applicable, is not satisfied with the appeal decision, he or she may file a second appeal in writing within ten working days of the date of the written response to the Director.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 4-2010, f. & cert. ef. 3-4-10; MHS 15-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-29-12; MHS 8-2012, f. & cert. ef. 6-15-12; Suspended by MHS 7-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-032-1565

Variations

(1) Criteria for a Variance: Variances may be granted to a LMHA, CMHP or provider holding a certificate directly with the Division, by the Division:

(a) If there is a lack of resources to implement the standards required in these rules; or

(b) If implementation of the proposed alternative services, methods, concepts or procedures would result in improved outcomes for the individual.

(2) Application for a Variance:

(a) CMHPs and other providers may submit their variance request directly to the Division;

(b) Providers who hold Certificates of Approval jointly with CMHP's and the Division must submit their variance requests to the CMHP. The CMHP must then submit the variance request, along with the CMHP's written recommendation;

(c) The LMHA, CMHP or provider requesting a variance must submit a written application to the Deputy Director; and

(d) Variance requests must contain the following:

(A) The section of the rule from which the variance is sought;

(B) The reason for the proposed variance;

(C) The alternative practice, service, method, concept or procedure proposed;

(D) A proposal for the duration of the variance; and

(E) A plan and timetable for compliance with the section of the rule for which the variance applies.

(3) Division Review and Notification: The Deputy Director of the Division must approve or deny the request for a variance and must notify the LMHA, CMHP or provider in writing of the decision to approve or deny the requested variance, within 30 days of receipt of the variance. The written notification must include the specific alternative practice, service, method, concept or procedure that is approved and the duration of the approval.

(4) Appeal Application: Appeal of the denial of a variance request must be made in writing to the Director of the Division, whose decision will be final and must be provided in writing within 30 days of receipt of the appeal.

(5) Written Approval: The LMHA, CMHP or provider may implement a variance only after written approval from the Division.

(6) Duration of Variance: It is the responsibility of the LMHA, CMHP or the provider to submit a request to extend a variance in writing prior to a variance expiring. Extension must be approved in writing by the Division.

(7) Granting a variance for one request does not set a precedent that must be followed by the Division when evaluating subsequent requests for variance.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 4-2010, f. & cert. ef. 3-4-10; MHS 15-2011(Temp), f. 12-29-11, cert. ef. 1-1-12 thru 6-29-12; MHS 8-2012, f. & cert. ef. 6-15-12; Suspended by MHS 7-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

Rule Caption: Temporary adoption of OAR 309-034 entitled Intensive Treatment Services for Children and Adolescents.

Adm. Order No.: MHS 8-2013(Temp)

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ADMINISTRATIVE RULES

022-0195, 309-022-0200, 309-022-0205, 309-022-0210, 309-022-0215, 309-022-0220, 309-022-0225, 309-022-0230

Subject: These rules prescribe procedures relating to licensing Children's Emergency Safety Intervention Specialist (CESIS) within certified facilities providing intensive mental health treatment services to individuals under 21 years of age.

Rules Coordinator: Nola Russell—(503) 945-7652

309-022-0100

Purpose and Scope

(1) Purpose: These rules prescribe minimum standards for services and supports provided by addictions and mental health providers approved by the Addictions and Mental Health Division of the Oregon Health Authority.

(2) Scope: In addition to applicable requirements in OAR 410-120-0000 through 410-120-1980 and 943-120-0000 through 943-120-1550, these rules specify standards for services and supports provided in: Intensive Treatment Services (ITS) for Children and Adolescents.

Stat. Auth.: ORS 161.390, 413.042, 430.256, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 743A.168

Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0105

Definitions

(1) "Abuse of a child" means the circumstances defined in ORS 419B.005.

(2) "Addictions and Mental Health Services and Supports" means all services and supports including but not limited to, Outpatient Community Mental Health Services and Supports for Children and Adults, Intensive Treatment Services for Children, Outpatient and Residential Substance Use Disorders Treatment Services and Outpatient and Residential Problem Gambling Treatment Services.

(3) "Adolescent" means an individual from 12 through 17 years of age, or those individuals who are determined to be developmentally appropriate for youth services.

(4) "Assessment" means the process of obtaining sufficient information, through a face-to-face interview to determine a diagnosis and to plan individualized services and supports.

(5) "Authority" means the Oregon Health Authority.

(6) "Behavioral Health" means mental health, mental illness, addictive health and addiction disorders.

(7) "Behavior Support Plan" means the individualized proactive support strategies that are used to support positive behavior.

(8) "Behavior Support Strategies" means proactive supports designed to replace challenging behavior with functional, positive behavior. The strategies address environmental, social, neuro-developmental and physical factors that affect behavior.

(9) "Care Coordination" means a process-oriented activity to facilitate ongoing communication and collaboration to meet multiple needs. Care coordination includes facilitating communication between the family, natural supports, community resources, and involved providers and agencies; organizing, facilitating and participating in team meetings; and providing for continuity of care by creating linkages to and managing transitions between levels of care and transitions for young adults in transition to adult services.

(10) "Chemical Restraint" means the administration of medication for the acute management of potentially harmful behavior. Chemical restraint is prohibited in the services regulated by these rules.

(11) "Child" means a person under the age of 18. An individual with Medicaid eligibility, who is in need of services specific to children, adolescents, or young adults in transition, must be considered a child until age 21 for purposes of these rules.

(12) "Child and Family Team" means those persons who are responsible for creating, implementing, reviewing, and revising the service coordination section of the Service Plan in ICTS programs. At a minimum, the team must be comprised of the family, care coordinator, and child when appropriate. The team should also include any involved child-serving providers and agencies and any other natural, formal, and informal supports as identified by the family.

(13) "Children's Emergency Safety Intervention Specialist (CESIS)" means a Qualified Mental Health Professional (QMHP) who is licensed to order, monitor, and evaluate the use of seclusion and restraint in accredited

and certified facilities providing intensive mental health treatment services to individuals less than 21 years of age.

(14) "Clinical Supervision" means oversight by a qualified Clinical Supervisor of addictions and mental health services and supports provided according to this rule, including ongoing evaluation and improvement of the effectiveness of those services and supports.

(15) "Clinical Supervisor" means a person qualified to oversee and evaluate addictions or mental health services and supports.

(16) "Co-occurring substance use and mental health disorders (COD)" means the existence of a diagnosis of both a substance use disorder and a mental health disorder.

(17) "Community Mental Health Program (CMHP)" means an entity that is responsible for planning and delivery of services for persons with substance use disorders or a mental health diagnosis, operated in a specific geographic area of the state under an intergovernmental agreement or direct contract with the Division.

(18) "Criminal Records Check" means the Oregon Criminal Records Check and the processes and procedures required by OAR 407-007-0000 through 407-007-0370.

(19) "Crisis" means either an actual or perceived urgent or emergent situation that occurs when an individual's stability or functioning is disrupted and there is an immediate need to resolve the situation to prevent a serious deterioration in the individual's mental or physical health or to prevent referral to a significantly higher level of care.

(20) "Cultural Competence" means the process by which people and systems respond respectfully and effectively to people of all cultures, languages, classes, races, ethnic backgrounds, disabilities, religions, genders, sexual orientations and other diversity factors in a manner that recognizes, affirms, and values the worth of individuals, families and communities and protects and preserves the dignity of each.

(21) "Declaration for Mental Health Treatment" means a written statement of an individual's preferences concerning his or her mental health treatment. The declaration is made when the individual is able to understand and legally make decisions related to such treatment. It is honored, as clinically appropriate, in the event the individual becomes unable to make such decisions.

(22) "Deputy Director" means the Deputy Director of the Addictions and Mental Health Division, or that person's designee.

(23) "Diagnosis" means the principal mental health, substance use or problem gambling diagnosis listed in the Diagnostic and Statistical Manual of Mental Disorders (DSM). The diagnosis is determined through the assessment and any examinations, tests, or consultations suggested by the assessment, and is the medically appropriate reason for services.

(24) "Director" means the Director of the Addictions and Mental Health Division, or that person's designee.

(25) "Division" means the Addictions and Mental Health Division.

(26) "DSM" means the most recent version of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association.

(27) "Emergency Safety Intervention" means the use of seclusion or personal restraint under OAR 309-022-0175 of these rules, as an immediate response to an unanticipated threat of violence or injury to an individual, or others.

(28) "Emergency Safety Intervention Training" means a Division approved course that includes an identified instructor, a specific number of face-to-face instruction hours, a component to assess competency of the course materials, and an established curriculum including the following:

(a) Prevention of emergency safety situations using positive behavior support strategies identified in the individual's behavior support plan;

(b) Strategies to safely manage emergency safety situations; and

(c) De-escalation and debriefing.

(29) "Emergency Safety Situation" means an unanticipated behavior that places the individual or others at serious threat of violence or injury if no intervention occurs and that calls for an emergency safety intervention as defined in this section.

(30) "Emergent" means the onset of symptoms requiring attention within 24 hours to prevent serious deterioration in mental or physical health or threat to safety.

(31) "Entry" means the act or process of acceptance and enrollment into services regulated by this rule.

(32) "Family" means the biological or legal parents, siblings, other relatives, foster parents, legal guardians, spouse, domestic partner, caregivers and other primary relations to the individual whether by blood, adoption, legal or social relationships. Family also means any natural, formal or informal support persons identified as important by the individual.

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(33) “Family Support” means the provision of supportive services to persons defined as family to the individual. It includes support to caregivers at community meetings, assistance to families in system navigation and managing multiple appointments, supportive home visits, peer support, parent mentoring and coaching, advocacy, and furthering efforts to develop natural and informal community supports.

(34) “Gender Identity” means a person’s self-identification of gender, without regard to legal or biological identification, including, but not limited to persons identifying themselves as male, female, transgender and transsexual.

(35) “Gender Presentation” means the external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, mannerisms, speech patterns and social interactions.

(36) “Grievance” means a formal complaint submitted to a provider verbally, or in writing, by an individual, or the individual’s chosen representative, pertaining to the denial or delivery of services and supports.

(37) “Guardian” means a person appointed by a court of law to act as guardian of a minor or a legally incapacitated person.

(38) “HIPAA” means the federal Health Insurance Portability and Accountability Act of 1996 and the regulations published in Title 45, parts 160 and 164, of the Code of Federal Regulations (CFR).

(39) “Individual” means any person being considered for or receiving services and supports regulated by these rules.

(40) “Informed Consent for Services” means that the service options, risks and benefits have been explained to the individual and guardian, if applicable, in a manner that they comprehend, and the individual and guardian, if applicable, have consented to the services on, or prior to, the first date of service.

(41) “Intensive Community-based Treatment and Support Services (ICTS)” means a specialized set of comprehensive in-home and community-based supports and mental health treatment services, including care coordination as defined in these rules, for children that are developed by the child and family team and delivered in the most integrated setting in the community.

(42) “Intensive Treatment Services (ITS)” means the range of services in the system of care comprised of Psychiatric Residential Treatment Facilities (PRTF) and Psychiatric Day Treatment Services (PDTS), or other services as determined by the Division, that provide active psychiatric treatment for children with severe emotional disorders and their families.

(43) “Interdisciplinary Team” means the group of people designated to advise in the planning and provision of services and supports to individuals receiving ITS services and may include multiple disciplines or agencies. For Psychiatric Residential Treatment Facilities (PRTF), the composition of the interdisciplinary team must be consistent with the requirements of 42 CFR Part 441.156.

(44) “Intern” or “Student” means a person who provides a paid or unpaid program service to complete a credentialed or accredited educational program recognized by the state of Oregon.

(45) “Juvenile Psychiatric Security Review Board (JPSRB)” means the entity described in ORS 161.385.

(46) “Level of Care” means the range of available services provided from the most integrated setting to the most restrictive and most intensive in an inpatient setting.

(47) “Level of Service Intensity Determination.” means the Division approved process by which children and young adults in transition are assessed for ITS and ICTS services.

(48) “Licensed Health Care Professional” means a practitioner of the healing arts, acting within the scope of his or her practice under State law, who is licensed by a recognized governing board in Oregon.

(49) “Licensed Medical Practitioner (LMP)” means a person who meets the following minimum qualifications as documented by the Local Mental Health Authority (LMHA) or designee:

- (a) Physician licensed to practice in the State of Oregon; or
- (b) Nurse practitioner licensed to practice in the State of Oregon; or
- (c) Physician’s Assistant licensed to practice in the State of Oregon;

and

(d) Whose training, experience and competence demonstrate the ability to conduct a mental health assessment and provide medication management.

(e) For ICTS and ITS providers, LMP means a board-certified or board-eligible child and adolescent psychiatrist licensed to practice in the State of Oregon.

(50) “Local Mental Health Authority (LMHA)” means one of the following entities:

(a) The board of county commissioners of one or more counties that establishes or operates a CMHP;

(b) The tribal council, in the case of a federally recognized tribe of Native Americans that elects to enter into an agreement to provide mental health services; or

(c) A regional local mental health authority comprised of two or more boards of county commissioners.

(51) “Mandatory Reporter” means any public or private official, as defined in ORS 419B.005(3), who comes in contact with or has reasonable cause to believe that an individual has suffered abuse, or that any person with whom the official comes in contact with, has abused the individual. Pursuant to 430.765(2) psychiatrists, psychologists, clergy and attorneys are not mandatory reporters with regard to information received through communications that are privileged under 40.225 to 40.295.

(52) “Mechanical restraint” means any device attached or adjacent to the resident’s body that he or she cannot easily remove that restricts freedom of movement or normal access to his or her body. Mechanical restraint is prohibited in the services regulated by these rules.

(53) “Medicaid” means the federal grant-in-aid program to state governments to provide medical assistance to eligible persons, under Title XIX of the Social Security Act.

(54) “Medical Supervision” means an LMP’s review and approval, at least annually, of the medical appropriateness of services and supports identified in the Service Plan for each individual receiving mental health services for one or more continuous years.

(55) “Medically Appropriate” means services and medical supplies required for prevention, diagnosis or treatment of a physical or behavioral health condition, or injuries, and which are:

(a) Consistent with the symptoms of a health condition or treatment of a health condition;

(b) Appropriate with regard to standards of good health practice and generally recognized by the relevant scientific community and professional standards of care as effective;

(c) Not solely for the convenience of an individual or a provider of the service or medical supplies; and

(d) The most cost effective of the alternative levels of medical services or medical supplies that can be safely provided to an individual.

(56) “Oregon Health Authority” means the Oregon Health Authority of the State of Oregon.

(57) “Outreach” means the delivery of behavioral health services, referral services and case management services in non-traditional settings, such as, but not limited to, the individual’s residence, shelters, streets, jails, transitional housing sites, drop-in centers, single room occupancy hotels, child welfare settings, educational settings or medical settings. It also refers to attempts made to engage or re-engage an individual in services by such means as letters or telephone calls.

(58) “Peer” means any person supporting an individual, or a family member of an individual, who has similar life experience, either as a current or former recipient of addictions or mental health services, or as a family member of an individual who is a current or former recipient of addictions or mental health services.

(59) “Peer Delivered Services” means an array of agency or community-based services and supports provided by peers, and peer support specialists, to individuals or family members with similar lived experience, that are designed to support the needs of individuals and families as applicable.

(60) “Peer Support Specialist” means a person providing peer delivered services to an individual or family member with similar life experience, under the supervision of a qualified Clinical Supervisor. A Peer Support Specialist must complete a Division approved training program and be:

(a) A self-identified person currently or formerly receiving mental health services; or

(b) A self-identified person in recovery from a substance use or gambling disorder, who meets the abstinence requirements for recovering staff in substance use disorders or gambling treatment programs; or

(c) A family member of an individual who is a current or former recipient of addictions or mental health services.

(61) “Personal Restraint” means the application of physical force without the use of any device, for the purpose of restraining the free movement of an individual’s body to protect the individual, or others, from immediate harm. Personal restraint does not include briefly holding without undue force an individual to calm or comfort him or her, or holding an individual’s hand to safely escort him or her from one area to another.

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Personal restraint can be used only in approved ITS programs as an emergency safety intervention under OAR 309-022-0175.

(62) “Program” means a particular type or level of service that is organizationally distinct.

(63) “Program Administrator” or “Program Director” means a person with appropriate professional qualifications and experience, who is designated to manage the operation of a program.

(64) “Program Staff” means an employee or person who, by contract with the program, provides a service and who has the applicable competencies, qualifications or certification, required in this rule to provide the service.

(65) “Provider” means an organizational entity, or qualified person, that is operated by or contractually affiliated with, a community mental health program, or contracted directly with the Division, for the direct delivery of addictions, problem gambling or mental health services and supports.

(66) “Psychiatrist” means a physician licensed pursuant to ORS 677.010 to 677.228 and 677.410 to 677.450 by the Board of Medical Examiners for the State of Oregon and who has completed an approved residency training program in psychiatry.

(67) “Psychiatric Day Treatment Services (PDTs)” means the comprehensive, interdisciplinary, non-residential, community-based program certified under this rule consisting of psychiatric treatment, family treatment and therapeutic activities integrated with an accredited education program.

(68) “Psychiatric Residential Treatment Facility (PRTF)” means facilities that are structured residential treatment environments with daily 24-hour supervision and active psychiatric treatment including Psychiatric Residential Treatment Services (PRTS), Secure Children’s Inpatient Treatment Programs (SCIP), Secure Adolescent Inpatient Treatment Programs (SAIP), and Sub-acute psychiatric treatment for children who require active treatment for a diagnosed mental health condition in a 24-hour residential setting.

(69) “Psychiatric Residential Treatment Services (PRTS)” means services delivered in a PRTF that include 24-hour supervision for children who have serious psychiatric, emotional or acute mental health conditions that require intensive therapeutic counseling and activity and intensive staff supervision, support and assistance.

(70) “Psychologist” means a psychologist licensed by the Oregon Board of Psychologist Examiners.

(71) “Publicly Funded” means financial support, in part or in full, with revenue generated by a local, state or federal government.

(72) “Qualified Mental Health Associate (QMHA)” means a person delivering services under the direct supervision of a QMHP who meets the minimum qualifications as authorized by the LMHA, or designee, and specified in 309-022-0125.

(73) “Qualified Mental Health Professional (QMHP)” means a LMP or any other person meeting the minimum qualifications as authorized by the LMHA, or designee, and specified in 309-022-0125.

(74) “Quality Assessment and Performance Improvement” means the structured, internal monitoring and evaluation of services to improve processes, service delivery and service outcomes.

(75) “Recovery” means a process of healing and transformation for a person to achieve full human potential and personhood in leading a meaningful life in communities of his or her choice.

(76) “Reportable Incident” means a serious incident involving an individual in an ITS program that must be reported in writing to the Division within 24 hours of the incident, including, but not limited to, serious injury or illness, act of physical aggression that results in injury, suspected abuse or neglect, involvement of law enforcement or emergency services, or any other serious incident that presents a risk to health and safety.

(77) “Representative” means a person who acts on behalf of an individual, at the individual’s request, with respect to a grievance, including, but not limited to a relative, friend, employee of the Division, attorney or legal guardian.

(78) “Resilience” means the universal capacity that a person uses to prevent, minimize, or overcome the effects of adversity. Resilience reflects a person’s strengths as protective factors and assets for positive development.

(79) “Respite care” means planned and emergency supports designed to provide temporary relief from care giving to maintain a stable and safe living environment. Respite care can be provided in or out of the home. Respite care includes supervision and behavior support consistent with the strategies specified in the Service Plan.

(80) “Screening” means the process to determine whether the individual needs further assessment to identify circumstances requiring referrals or additional services and supports.

(81) “Seclusion” means the involuntary confinement of an individual to an area or room from which the individual is physically prevented from leaving. Seclusion can be used only in approved ITS programs as an emergency safety intervention specified in OAR 309-022-0175.

(82) “Secure Children’s Inpatient Programs (SCIP) and Secure Adolescent Inpatient Programs (SAIP)” means ITS programs that are designed to provide inpatient psychiatric stabilization and treatment services to children up to age 14 for SCIP services and individuals under the age of 21 for SAIP services, who require a secure intensive treatment setting.

(83) “Service Plan” means a comprehensive plan for services and supports provided to or coordinated for an individual and his or her family, as applicable, that is reflective of the assessment and the intended outcomes of service.

(84) “Service Note” means the written record of services and supports provided, including documentation of progress toward intended outcomes, consistent with the timelines stated in the Service Plan.

(85) “Service Record” means the documentation, written or electronic, regarding an individual and resulting from entry, assessment, orientation, services and supports planning, services and supports provided, and transfer.

(86) “Services” means those activities and treatments described in the Service Plan that are intended to assist the individual’s transition to recovery from a substance use disorder, problem gambling disorder or mental health condition, and to promote resiliency, and rehabilitative and functional individual and family outcomes.

(87) “Signature” means any written or electronic means of entering the name, date of authentication and credentials of the person providing a specific service or the person authorizing services and supports. Signature also means any written or electronic means of entering the name and date of authentication of the individual receiving services, the guardian of the individual receiving services, or any authorized representative of the individual receiving services.

(88) “Skills Training” means providing information and training to individuals and families designed to assist with the development of skills in areas including, but not limited to, anger management, stress reduction, conflict resolution, self-esteem, parent-child interactions, peer relations, drug and alcohol awareness, behavior support, symptom management, accessing community services and daily living.

(89) “Sub-Acute Psychiatric Care” means services that are provided by nationally accredited providers to children who need 24-hour intensive mental health services and supports, provided in a secure setting to assess, evaluate, stabilize or resolve the symptoms of an acute episode that occurred as the result of a diagnosed mental health condition.

(90) “Supports” means activities, referrals and supportive relationships designed to enhance the services delivered to individuals and families for the purpose of facilitating progress toward intended outcomes.

(91) “Transfer” means the process of assisting an individual to transition from the current services to the next appropriate setting or level of care.

(92) “Trauma Informed Services” means services that are reflective of the consideration and evaluation of the role that trauma plays in the lives of people seeking mental health and addictions services, including recognition of the traumatic effect of misdiagnosis and coercive treatment. Services are responsive to the vulnerabilities of trauma survivors and are delivered in a way that avoids inadvertent re-traumatization and facilitates individual direction of services.

(93) “Treatment” means the planned, medically appropriate, individualized program of medical, psychological, and rehabilitative procedures, experiences and activities designed to remediate symptoms of a DSM diagnosis, that are included in the Service Plan.

(94) “Urgent” means the onset of symptoms requiring attention within 48 hours to prevent a serious deterioration in an individual’s mental or physical health or threat to safety.

(95) “Variance” means an exception from a provision of these rules, granted in writing by the Division, upon written application from the provider. Duration of a variance is determined on a case-by-case basis.

(96) “Volunteer” means an individual who provides a program service or who takes part in a program service and who is not an employee of the program and is not paid for services. The services must be non-clinical unless the individual has the required credentials to provide a clinical service.

(97) “Wellness” means an approach to healthcare that emphasizes good physical and mental health, preventing illness, and prolonging life.

ADMINISTRATIVE RULES

(98) “Young Adult in Transition” means an individual who is developmentally transitioning into independence, sometime between the ages of 14 and 25.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450
Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 743A.168
Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0110

Provider Policies

Personnel Policies: All providers must develop and implement written personnel policies and procedures, compliant with these rules, including:

- (1) Personnel Qualifications and Credentialing;
 - (2) Mandatory abuse reporting, compliant with ORS 430.735-430.768 and 407-045-0250 through 407-045-0360;
 - (3) Criminal Records Checks, compliant with ORS 181.533 through 181.575 and 407-007-0000 through 407-007-0370; and
 - (4) Fraud, waste and abuse in Federal Medicaid and Medicare programs compliant with OAR 410-120-1380 and 410-120-1510.
- (5) Service Delivery Policies: All providers must develop and implement written policies and procedures, consistent with these rules.

(a) Policies must be available to individuals and family members upon request; and

(b) Service delivery policies and procedures must include, at a minimum:

- (A) Fee agreements;
- (B) Confidentiality and compliance with HIPAA, Federal Confidentiality Regulations (42 CFR, Part 2), and State confidentiality regulations as specified in ORS 179.505 and 192.518 through 192.530;

(C) Compliance with Title 2 of the Americans with Disabilities Act of 1990 (ADA);

- (D) Grievances and Appeals;
- (E) Individual Rights;
- (F) Quality Assessment and Performance Improvement;
- (G) Crisis Prevention and Response;
- (H) Incident Reporting;
- (I) Family Involvement; and
- (J) Trauma-informed Services.

(6) Residential Program Policies: In addition to the personnel and service delivery policies required of all providers, residential program providers must develop and implement written policies and procedures for the following:

- (a) Medical Protocols and Medical Emergencies;
- (b) Medication Administration, Storage and Disposal;
- (c) General Safety and Emergency Procedures;
- (d) Emergency Safety Interventions in ITS Programs; and
- (e) Behavior Support Policies consistent with 309-022-0165.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450
Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 743A.168
Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0115

Individual Rights

(1) In addition to all applicable statutory and constitutional rights, every individual receiving services has the right to:

(a) Choose from available services and supports, those that are consistent with the Service Plan, culturally competent, provided in the most integrated setting in the community and under conditions that are least restrictive to the individual's liberty, that are least intrusive to the individual and that provide for the greatest degree of independence;

(b) Be treated with dignity and respect;

(c) Participate in the development of a written Service Plan, receive services consistent with that plan and participate in periodic review and reassessment of service and support needs, assist in the development of the plan, and to receive a copy of the written Service Plan;

(d) Have all services explained, including expected outcomes and possible risks;

(e) Confidentiality, and the right to consent to disclosure in accordance with ORS 107.154, 179.505, 179.507, 192.515, 192.507, 42 CFR Part 2 and 45 CFR Part 205.50.

(f) Give informed consent in writing prior to the start of services, except in a medical emergency or as otherwise permitted by law. Minor

children may give informed consent to services in the following circumstances:

(A) Under age 18 and lawfully married;

(B) Age 16 or older and legally emancipated by the court; or

(C) Age 14 or older for outpatient services only. For purposes of informed consent, outpatient service does not include service provided in residential programs or in day or partial hospitalization programs;

(g) Inspect their Service Record in accordance with ORS 179.505;

(h) Refuse participation in experimentation;

(i) Receive medication specific to the individual's diagnosed clinical needs;

(j) Receive prior notice of transfer, unless the circumstances necessitating transfer pose a threat to health and safety;

(k) Be free from abuse or neglect and to report any incident of abuse or neglect without being subject to retaliation;

(l) Have religious freedom;

(m) Be free from seclusion and restraint, except as regulated in OAR 309-022-0175.

(n) Be informed at the start of services, and periodically thereafter, of the rights guaranteed by this rule;

(o) Be informed of the policies and procedures, service agreements and fees applicable to the services provided, and to have a custodial parent, guardian, or representative, assist with understanding any information presented;

(p) Have family and guardian involvement in Service Planning and delivery;

(q) Make a declaration for mental health treatment, when legally an adult;

(r) File grievances, including appealing decisions resulting from the grievance;

(s) Exercise all rights set forth in ORS 109.610 through 109.697 if the individual is a child, as defined by these rules;

(t) Exercise all rights set forth in ORS 426.385 if the individual is committed to the Authority; and

(u) Exercise all rights described in this rule without any form of reprisal or punishment.

(2) In addition to the rights specified in (1) of this rule, every individual receiving residential services has the right to:

(a) A safe, secure and sanitary living environment;

(b) A humane service environment that affords reasonable protection from harm, reasonable privacy and daily access to fresh air and the outdoors;

(c) Keep and use personal clothing and belongings, and to have an adequate amount of private, secure storage space. Reasonable restriction of the time and place of use, of certain classes of property may be implemented if necessary to prevent the individual or others from harm, provided that notice of this restriction is given to individuals and their families, if applicable, upon entry to the program, documented, and reviewed periodically;

(d) Express sexual orientation, gender identity and gender presentation;

(e) Have access to and participate in social, religious and community activities;

(f) Private and uncensored communications by mail, telephone and visitation, subject to the following restrictions:

(A) This right may be restricted only if the provider documents in the individual's record that there is a court order to the contrary, or that in the absence of this restriction, significant physical or clinical harm will result to the individual or others. The nature of the harm must be specified in reasonable detail, and any restriction of the right to communicate must be no broader than necessary to prevent this harm; and

(B) The individual and his or her guardian, if applicable, must be given specific written notice of each restriction of the individual's right to private and uncensored communication. The provider must ensure that correspondence can be conveniently received and mailed, that telephones are reasonably accessible and allow for confidential communication, and that space is available for visits. Reasonable times for the use of telephones and visits may be established in writing by the provider;

(g) Communicate privately with public or private rights protection programs or rights advocates, clergy, and legal or medical professionals;

(h) Have access to and receive available and applicable educational services in the most integrated setting in the community;

(i) Participate regularly in indoor and outdoor recreation;

(j) Not be required to perform labor;

(k) Have access to adequate food and shelter; and

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(1) A reasonable accommodation if, due to a disability, the housing and services are not sufficiently accessible.

(3) Notification of Rights: The provider must give to the individual and, if appropriate, the guardian, a document that describes the applicable individual's rights as follows:

(a) Information given to the individual must be in written form or, upon request, in an alternative format or language appropriate to the individual's need;

(b) The rights, and how to exercise them, must be explained to the individual, and if appropriate, to her or his guardian; and

(c) Individual rights must be posted in writing in a common area.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 743A.168

Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0120

Licensing and Credentialing

Program staff in the following positions must meet applicable credentialing or licensing standards, including those outlined in these rules:

- (1) CESIS;
- (2) Clinical Supervisor;
- (3) LMP;
- (4) Medical Director;
- (5) QMHA; and
- (6) QMHP.

Stat. Auth.: ORS 161.390, 413.042, 426.490 - 426.500, 428.205 - 428.270, 430.256, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 743A.168

Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0125

Specific Staff Qualifications and Competencies

(1) Program Administrators or Program Directors must demonstrate competence in leadership, program planning and budgeting, fiscal management, supervision of program staff, personnel management, program staff performance assessment, use of data, reporting, program evaluation, quality assurance, and developing and coordinating community resources.

(2) Clinical Supervisors in all programs must demonstrate competence in leadership, wellness, oversight and evaluation of services, staff development, service planning, case management and coordination, utilization of community resources, group, family and individual therapy or counseling, documentation and rationale for services to promote intended outcomes and implementation of all provider policies.

(3) Clinical supervisors in mental health programs must meet QMHP requirements and have completed two years of post-graduate clinical experience in a mental health treatment setting.

(4) QMHAs must demonstrate the ability to communicate effectively, understand mental health assessment, treatment and service terminology and apply each of these concepts, implement skills development strategies, and identify, implement and coordinate the services and supports identified in a Service Plan.

(5) QMHAs must meet the follow minimum qualifications:

- (a) Bachelor's degree in a behavioral sciences field; or
- (b) A combination of at least three years of relevant work, education, training or experience.

(6) QMHPs must demonstrate the ability to conduct an assessment, including identifying precipitating events, gathering histories of mental and physical health, substance use, past mental health services and criminal justice contacts, assessing family, cultural, social and work relationships, and conducting a mental status examination, complete a five-axis DSM diagnosis, write and supervise the implementation of a Service Plan and provide individual, family or group therapy within the scope of their training.

(7) QMHPs must meet the following minimum qualifications:

- (a) Bachelor's degree in nursing and licensed by the State or Oregon;
- (b) Bachelor's degree in occupational therapy and licensed by the State of Oregon;
- (c) Graduate degree in psychology;
- (d) Graduate degree in social work;
- (e) Graduate degree in recreational, art, or music therapy; or
- (f) Graduate degree in a behavioral science field.

(8) Peer support specialists must demonstrate knowledge of approaches to support others in recovery and resiliency, and demonstrate efforts at self-directed recovery.

Stat. Auth.: ORS 161.390, 413.042, 426.490 - 426.500, 428.205 - 428.270, 430.256, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 743A.168

Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0130

Documentation, Training and Supervision

(1) Providers must maintain personnel records for each program staff that contains all of the following documentation:

- (a) An employment application;
- (b) Verification of a criminal record check consistent with OAR 407-007-0200 through 407-007-0370;
- (c) A current job description that includes applicable competencies;
- (d) Copies of relevant licensure or certification, diploma, or certified transcripts from an accredited college, indicating that the program staff meets applicable qualifications;
- (e) Periodic performance appraisals;
- (f) Staff orientation and development activities;
- (g) Program staff incident reports;
- (h) Disciplinary documentation;
- (i) Reference checks;
- (j) Emergency contact information; and
- (k) Documentation of a tuberculosis screening pursuant to OAR 333-071-0057.

(2) Providers must maintain the following documentation for contractors, interns or volunteers, as applicable:

- (a) A contract, or written agreement, if applicable;
- (b) A signed confidentiality agreement;
- (c) Service-specific orientation documentation; and
- (d) Verification of a criminal records check consistent with OAR 407-007-0200 through 407-007-0370.

(3) Training: Providers must ensure that program staff receive training applicable to the specific population for whom services are planned or delivered, to include the following minimum orientation training, within 30 days of the hire date:

- (a) A review of individual crisis response procedures;
- (b) A review of emergency procedures;
- (c) A review of program policies and procedures;
- (d) A review of rights for individuals receiving services and supports;
- (e) Mandatory abuse reporting procedures;
- (f) Positive behavior support training consistent with 309-022-0165.
- (4) Supervision: Persons providing services to individuals in accordance with these rules must receive supervision related to the development, implementation and outcome of services, by a qualified Clinical Supervisor, as defined in these rules.

(a) Clinical supervision must be provided to assist program staff and volunteers to increase their skills, improve quality of services to individuals, and supervise program staff and volunteers' compliance with program policies and procedures, including:

- (b) Documentation of supervision for each person supervised, of no less than two hours per month. The two hours must include one hour of face-to-face contact for each person supervised, or a proportional level of supervision for part-time program staff. Face-to-face contact may include real time, two-way audio visual conferencing; or
- (c) Documentation of two hours of quarterly supervision for program staff holding a health or allied provider license, including at least one hour of face-to-face contact for each person supervised.

Stat. Auth.: ORS 161.390, 413.042, 426.490 - 426.500, 428.205 - 428.270, 430.256, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 413.520 - 413.522, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 743A.168

Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0135

Entry and Assessment

(1) Entry Process: The program must utilize a written entry procedure to ensure the following:

(a) Individuals must be considered for entry without regard to race, ethnicity, gender, gender identity, gender presentation, sexual orientation, religion, creed, national origin, age, except when program eligibility is restricted to children, adults or older adults, familial status, marital status, source of income, and disability.

(b) Individuals must receive services in the most timely manner feasible consistent with the presenting circumstances.

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(c) Written informed consent for services must be obtained from the individual or guardian, if applicable, prior to the start of services. If such consent is not obtained, the reason must be documented and further attempts to obtain informed consent must be made as appropriate.

(d) The provider must establish a Service Record for each individual on the date of entry.

(e) The provider must report the entry of all individuals on the mandated state data system.

(f) In accordance with ORS 179.505 and HIPAA, an authorization for the release of information must be obtained for any confidential information concerning the individual being considered for, or receiving, services.

(2) Orientation: At the time of entry, the program must offer to the individual and guardian if applicable, written program orientation information. The written information must be in a language understood by the individual and must include:

- (a) A description of individual rights consistent with these rules; and
- (b) Policies concerning grievances and confidentiality.

(3) Entry of children in community-based mental health services, whose services are not funded by Medicaid, must be prioritized in the following order:

(a) Children who are at immediate risk of psychiatric hospitalization or removal from home due to emotional and mental health conditions;

(b) Children who have severe mental health conditions;

(c) Children who exhibit behavior which indicates high risk of developing conditions of a severe or persistent nature; and

(d) Any other child who is experiencing mental health conditions which significantly affect the child's ability to function in everyday life but not requiring hospitalization or removal from home in the near future.

(4) Assessment:

(a) At the time of entry, an assessment must be completed prior to development of the Service Plan.

(b) The assessment must be completed by a QMHP. A QMHA may assist in the gathering and compiling of information to be included in the assessment.

(c) Each assessment must include:

(A) Sufficient information and documentation to justify the presence of a DSM diagnosis that is the medically appropriate reason for services.

(B) Suicide potential must be assessed and Service Records must contain follow-up actions and referrals when an individual reports symptoms indicating risk of suicide;

(C) Screening for the presence of co-occurring mental health and substance use disorders and chronic medical conditions; and

(D) Screening for the presence of symptoms related to physical or psychological trauma.

(d) When the assessment process determines the presence of co-occurring substance use and mental health disorders, providers must document referral for further assessment, planning and intervention from an appropriate professional, either with the same provider or with a collaborative community provider.

(e) In addition to periodic assessment updates based on changes in the clinical circumstance, any individual continuing to receive mental health services for one or more continuous years, must receive an annual assessment by a LMP.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 743A.168

Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0140

Service Planning and Coordination

(1) Individual Services and Supports: The provider must deliver or coordinate, for each individual, appropriate services and supports to collaboratively facilitate intended service outcomes as identified by the individual and family.

(a) Qualified program staff must facilitate a planning process, resulting in a Service Plan that reflects the assessment.

(b) A Service Plan must be completed prior to the start of services.

(c) A licensed health care professional, must recommend the services and supports by signing the Service Plan.

(d) Individuals, and family members, must be collaboratively participate in the development of the Service Plan.

(e) Providers must fully inform the individual and guardian when applicable, of the proposed services and supports, in developmentally and culturally appropriate language, obtain informed consent for all proposed

services, and give the individual, and guardian, a written copy of the Service Plan.

(f) Providers must collaborate with community partners to coordinate or deliver services and supports identified in the Service Plan.

(g) Providers must request authorization to exchange information with any applicable physical health care providers, for the individual, to collaborate in promoting regular and adequate health care.

(2) Service Plan: The Service Plan must be a written, individualized plan to improve the individual's condition to the point where the individual's continued participation in the program is no longer necessary. The Service Plan is included in the individual's service records and must:

(a) Be completed prior to the start of services;

(b) Reflect the assessment and the level of care to be provided;

(c) Include the participation of the individual and family members;

(d) Be completed by a QMHP;

(e) A QMHP, who is also a licensed health care professional, must recommend the services and supports by signing the Service plan within ten (10) business days of the start of services; and

(f) A LMP must approve the Service Plan at least annually for each individual receiving mental health services for one or more continuous years. The LMP may designate annual clinical oversight by documenting the designation to a specific licensed health care professional.

(3) At minimum, each Service Plan must include:

(a) Individualized treatment objectives;

(b) The specific services and supports that will be used to meet the treatment objectives;

(c) A projected schedule for service delivery, including the expected frequency and duration of each type of planned therapeutic session or encounter;

(d) The type of personnel that will be furnishing the services; and

(e) Proactive safety and crisis planning;

(f) A behavior support plan, consistent with OAR 309-022-0165; and

(g) The interdisciplinary team must conduct a review of progress and transfer criteria at least every 30 days from the date of entry and must document members present, progress and changes made. For Psychiatric Day Treatment Services, the review must be conducted every 30 days and the LMP must participate in the review at least every 90 days.

(4) Service Notes:

(5) Providers must document each service and support. A Service Note, at minimum, must include:

(a) The specific services rendered;

(b) The date, time of service, and the actual amount of time the services were rendered;

(c) Who rendered the services;

(d) The setting in which the services were rendered;

(e) The relationship of the services to the treatment regimen described in the Service Plan; and

(f) Periodic Updates describing the individual's progress toward the treatment objectives; and

(g) Any decisions to transfer an individual from service.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 743A.168

Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0145

Service Record

(1) All providers must develop and maintain a Service Record for each individual upon entry.

(2) Documentation must be appropriate in quality and quantity to meet professional standards applicable to the provider and any additional standards for documentation in the provider's policies and any pertinent contracts.

(3) The Service Record must, at a minimum, include:

(a) Identifying information, or documentation of attempts to obtain the information, including:

(A) The individual's name, address, telephone number, date of birth, and gender;

(B) Name, address, and telephone number of the parent or legal guardian, primary care giver or emergency contact;

(C) Contact information for medical and dental providers;

(b) Informed Consent for Service, including medications, or documentation specifying why the provider could not obtain consent by the individual or guardian as applicable;

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(c) Written refusal of any services and supports offered, including medications;

(d) A signed fee agreement, when applicable;

(e) Assessment and updates to the assessment;

(f) A Service Plan, including any applicable behavior support or crisis intervention planning;

(g) Service Notes;

(h) A Transfer Summary, when applicable;

(i) Applicable signed consents for release of information;

(4) When medical services are provided, the following documents must be part of the Service Record as applicable:

(a) Medication Administration Records;

(b) Laboratory reports; and

(c) LMP orders for medication, protocols or procedures.

(5) Providers must maintain additional Service Record documentation as follows:

(a) A personal belongings inventory created upon entry and updated whenever an item of significant value is added or removed, or on the date of transfer;

(b) Documentation indicating that the individual and guardian, as applicable, were provided with the required orientation information upon entry;

(c) Background information including strengths and interests, all available previous mental health or substance use assessments, previous living arrangements, service history, behavior support considerations, education service plans if applicable, and family and other support resources;

(d) Medical information including a brief history of any health conditions, documentation from a LMP or other qualified health care professional of the individual's current physical health, and a written record of any prescribed or recommended medications, services, dietary specifications, and aids to physical functioning;

(e) Copies of documents relating to guardianship or any other legal considerations, as applicable;

(f) A copy of the individual's most recent Service Plan, if applicable, or in the case of an emergency or crisis-respite entry, a summary of current additions or mental health services and any applicable behavior support plans;

(g) Documentation of the individual's ability to evacuate the home consistent with the program's evacuation plan developed in accordance with the Oregon Structural Specialty Code and Oregon Fire Code;

(h) Documentation of any safety risks;

(i) Incident reports, when required, including:

(A) The date of the incident, the persons involved, the details of the incident, and the quality and performance actions taken to initiate investigation of the incident and correct any identified deficiencies; and

(B) Any child abuse reports made by the provider to law enforcement or to the DHS Children, Adults and Families Division, documenting the date of the incident, the persons involved and, if known, the outcome of the reports.

(j) Level of Service Intensity Determination;

(k) Names and contact information of the members of the interdisciplinary team;

(l) Documentation by the interdisciplinary team that the child's ISSP has been reviewed, the services provided are medically appropriate for the specific level of care, and changes in the plan recommended by the interdisciplinary team, as indicated by the child's service and support needs, have been implemented;

(m) Emergency safety intervention records, in a separate section or in a separate format, documenting each incident of personal restraint or seclusion, signed and dated by the qualified program staff directing the intervention and, if required, by the psychiatrist or clinical supervisor authorizing the intervention; and

(n) A copy of the written transition instructions provided to the child and family on the date of transfer.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 743A.168

Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0150

Minimum Program Requirements

ITS Providers must meet the following general requirements:

(1) Maintain the organizational capacity and interdisciplinary treatment capability to deliver clinically and developmentally appropriate services in the medically appropriate amount, intensity and duration for each

child specific to the child's diagnosis, level of functioning and the acuity and severity of the child's psychiatric symptoms;

(2) Maintain 24 hour, seven days per week treatment responsibility for children in the program;

(3) Non-residential programs must maintain on-call capability at all times to respond directly or by referral to the treatment needs of children, including crises, 24 hours per day and seven days per week;

(4) Inform the Division and the legal guardian within twenty-four hours of reportable incidents;

(5) Maintain linkages with primary care physicians, CMHPs and MHOs and the child's parent or guardian to coordinate necessary continuing care resources for the child; and

(6) Maintain linkages with the applicable education service district or school district to coordinate and provide the necessary educational services for the children and integrate education services in all phases of assessment, service and support planning, active treatment and transition planning.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 743A.168

Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0155

General Staffing Requirements

ITS providers must have the clinical leadership and sufficient QMHP, QMHA and other program staff to meet the 24-hour, seven days per week treatment needs of children and must establish policies, procedures and contracts to assure:

(1) Availability of psychiatric services to meet the following requirements;

(2) Provision of medical oversight of the clinical aspects of care in nationally accredited sub-acute and psychiatric residential treatment facilities and provide 24-hour, seven days per week psychiatric on-call coverage; or consult on clinical care and treatment in psychiatric day treatment; and

(3) Assessment of each child's medication and treatment needs, prescribe medicine or otherwise assure that case management and consultation services are provided to obtain prescriptions, and prescribe therapeutic modalities to achieve the child's Service Plan goals.

(4) There must be at least one program staff who has completed First Aid and CPR training on duty at all times.

(5) ITS providers must ensure that the following services and supports are available and accessible through direct service, contract or by referral:

(a) Active psychiatric treatment and education services must be functionally integrated in a therapeutic environment designed to reflect and promote achievement of the intended outcomes of each child's Service Plan;

(b) Continuity of the child's education when treatment services interrupt the child's day to day educational environment;

(c) Family therapy, provided by a QMHP. The family therapist to child ratio must be at least one family therapist for each 12 children;

(d) Psychiatric services;

(e) Individual, group and family therapies provided by a QMHP.

There must be no less than one family therapist available for each 12 children;

(f) Medication evaluation, management and monitoring;

(g) Pre-vocational or vocational rehabilitation;

(h) Therapies supporting speech, language and hearing rehabilitation;

(i) Individual and group psychosocial skills development;

(j) Activity and recreational therapies;

(k) Nutrition;

(l) Physical health care services or coordination;

(m) Recreational and social activities consistent with individual strengths and interests;

(n) Educational services coordination and advocacy; and

(o) Behavior support services, consistent with OAR 309-022-0165 of these rules.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 743A.168

Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

ADMINISTRATIVE RULES

309-022-0160

Program Specific Requirements

In addition to the general requirements for all ITS providers listed in OAR 309-022-0150 and 0155, the following program-specific requirements must be met:

(1) Psychiatric Residential Treatment Facilities (PRTF):

(a) Children must either have or be screened for an Individual Education Plan, Personal Education Plan, or an Individual Family Service Plan;

(b) Psychiatric Residential Treatment Facilities must maintain one or more linkages with acute care hospitals or MHOs to coordinate necessary inpatient care;

(c) Psychiatric residential clinical care and treatment must be under the direction of a psychiatrist and delivered by an interdisciplinary team of board-certified or board-eligible child and adolescent psychiatrists, registered nurses, psychologists, other qualified mental health professionals, and other relevant program staff. A psychiatrist must be available to the unit 24-hours per day, seven days per week; and

(d) Psychiatric Residential Treatment Facilities must be staffed at a clinical staffing ratio of not less than one program staff for three children during the day and evening shifts. At least one program staff for every three program staff members during the day and evening shifts must be a QMHP or QMHA. For overnight program staff there must be a staffing ratio of at least one program staff for six children; at least one of the overnight program staff must be a QMHA. For units that by this ratio have only one overnight program staff, there must be additional program staff immediately available within the facility or on the premises. At least one QMHP must be on site or on call at all times. At least one program staff with designated clinical leadership responsibilities must be on site at all times.

(2) SCIP and SAIP: Programs providing SCIP and SAIP Services must meet the requirements for PRTFs listed in 7(a) of this subsection. They must also establish policies and practices to meet the following:

(a) The staffing model must allow for the child's frequent contact with the child psychiatrist a minimum of one hour per week;

(b) Psychiatric nursing staff must be provided in the program 24 hours per day;

(c) A psychologist, psychiatric social worker, rehabilitation therapist and psychologist with documented training in forensic evaluations must be available 24 hours per day as appropriate; and

(d) Program staff with specialized training in SCIP or SAIP must be available 24 hours per day;

(e) The program must provide all medically appropriate psychiatric services necessary to meet the child's psychiatric care needs;

(f) The program must provide secure psychiatric treatment services in a manner that ensures public safety to youth who are under the care and custody of the Oregon Youth Authority, court ordered for the purpose of psychiatric evaluation, or admitted by the authority of the JPSRB; and

(g) The program must not rely on external entities such as law enforcement or acute hospital care to assist in the management of the SCIP or SAIP setting.

(3) Sub-Acute Psychiatric Care: In addition to the services provided as indicated by the assessment and specified in the Service Plan, Sub-Acute Psychiatric Care providers must:

(a) Provide psychiatric nursing staffing at least 16 hours per day;

(b) Provide nursing supervision and monitoring and psychiatric supervision at least once per week; and

(c) Work actively with the child and family team and multi-disciplinary community partners, to plan for the long-term emotional, behavioral, physical and social needs of the child to be met in the most integrated setting in the community.

(4) Psychiatric Day Treatment Services (PDTs):

(a) PDTs must be provided to children who remain at home with a parent, guardian or foster parent by qualified mental health professionals and qualified mental health associates in consultation with a psychiatrist;

(b) An education program must be provided and children must either have or be screened for an Individual Education Plan, Personal Education Plan or Individual Family Service Plan; and

(c) Psychiatric Day Treatment programs must be staffed at a clinical staffing ratio of at least one QMHP or QMHA for three children.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 743A.168

Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0165

Behavior Support Services

Behavior support services must be proactive, recovery-oriented, individualized, and designed to facilitate positive alternatives to challenging behavior, as well as to assist the individual in developing adaptive and functional living skills. All Providers must:

(1) Develop and implement individual behavior support strategies, based on a functional or other clinically appropriate assessment of challenging behavior;

(2) Document the behavior support strategies and measures for tracking progress as a behavior support plan in the Service Plan;

(3) Establish a framework which assures individualized positive behavior support practices throughout the program and articulates a rationale consistent with the philosophies supported by the Division, including the Division's Trauma-informed Services Policy;

(4) Obtain informed consent from the parent or guardian, when applicable, in the use of behavior support strategies and communicate both verbally and in writing the information to the individual and guardian in a language understood by the individual and in a developmentally appropriate manner;

(5) Establish outcome-based tracking methods to measure the effectiveness of behavior support strategies in:

(a) Reducing or eliminating the use of emergency safety interventions; and

(b) Increasing positive behavior.

(6) Require all program staff to receive annual training in Collaborative Problem Solving, Positive Behavior Support or other Evidence-based Practice to promote positive behavior support; and

(7) Review and update behavior support policies, procedures, and practices annually.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991

Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0170

Emergency Safety Interventions

Providers of ITS services must:

(1) Adopt policies and procedures for Emergency safety interventions as part of a Crisis Prevention and Intervention Policy. The policy must be consistent with the provider's trauma-informed services policies and procedures.

(2) Inform the individual and his or her parent or guardian of the provider's policy regarding the use of personal restraint and seclusion during an emergency safety situation by both furnishing a written copy of the policy and providing an explanation in the individual's primary language that is developmentally appropriate.

(3) Obtain a written acknowledgment from the parent or guardian that he or she has been informed of the provider's policies and procedures regarding the use of personal restraint and seclusion.

(4) Prohibit the use of mechanical restraint and chemical restraint as defined in these rules.

(5) Establish an Emergency Safety Interventions Committee or designate this function to an already established Quality Assessment and Performance Improvement Committee. Committee membership must minimally include a program staff with designated clinical leadership responsibilities, the person responsible for staff training in crisis intervention procedures and other clinical personnel not directly responsible for authorizing the use of emergency safety interventions. The committee must:

(a) Monitor the use of emergency safety interventions to assure that individuals are safeguarded and their rights are always protected;

(b) Meet at least monthly and must report in writing to the provider's Quality Assessment and Performance Improvement Committee at least quarterly regarding the committee's activities, findings and recommendations;

(c) Analyze emergency safety interventions to determine opportunities to prevent their use, increase the use of alternatives, improve the quality of care and safety of individuals receiving services and recommend whether follow up action is needed;

(d) Review and update emergency safety interventions policies and procedures annually;

(e) Conduct individual and aggregate review of all incidents of personal restraint and seclusion; and

ADMINISTRATIVE RULES

(f) Report the aggregate number of personal restraints and incidents of seclusion to the Division within 30 days of the end of each calendar quarter.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450
Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991
Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0175

Restraint and Seclusion

(1) Providers must meet the following general conditions of personal restraint and seclusion:

(a) Personal restraint and seclusion must only be used in an emergency safety situation to prevent immediate injury to an individual who is in danger of physically harming him or herself or others in situations such as the occurrence of, or serious threat of violence, personal injury or attempted suicide;

(b) Any use of personal restraint or seclusion must respect the dignity and civil rights of the individual;

(c) The use of personal restraint or seclusion must be directly related to the immediate risk related to the behavior of the individual and must not be used as punishment, discipline, or for the convenience of staff;

(d) Personal restraint or seclusion must only be used for the length of time necessary for the individual to resume self-control and prevent harm to the individual or others, even if the order for seclusion or personal restraint has not expired, and must under no circumstances, exceed 4 hours for individuals ages 18 to 21, 2 hours for individuals ages 9 to 17, or 1 hour for individuals under age 9;

(e) An order for personal restraint or seclusion must not be written as a standing order or on an as needed basis;

(f) Personal restraint and seclusion must not be used simultaneously;

(g) Providers must notify the individual's parent or guardian of any incident of seclusion or personal restraint as soon as possible;

(h) If incidents of personal restraint or seclusion used with an individual cumulatively exceed five interventions over a period of five days, or a single episode of one hour within 24 hours, the psychiatrist, or designee, must convene, by phone or in person, program staff with designated clinical leadership responsibilities to:

(A) Discuss the emergency safety situation that required the intervention, including the precipitating factors that led up to the intervention and any alternative strategies that might have prevented the use of the personal restraint or seclusion;

(B) Discuss the procedures, if any, to be implemented to prevent any recurrence of the use of personal restraint or seclusion;

(C) Discuss the outcome of the intervention including any injuries that may have resulted; and

(D) Review the individual's Service Plan, making the necessary revisions, and document the discussion and any resulting changes to the individual's Service Plan in the Service Record.

(2) Personal Restraint:

(a) Each personal restraint must require an immediate documented order by a physician, licensed practitioner, or, in accordance with OAR 309-034-0400 through 309-034-0490, a licensed CESIS;

(b) The order must include:

(A) Name of the person authorized to order the personal restraint;

(B) Date and time the order was obtained; and

(C) Length of time for which the intervention was authorized.

(c) Each personal restraint must be conducted by program staff that have completed and use Division-approved crisis intervention training. If in the event of an emergency a non Division-approved crisis intervention technique is used, the provider's on-call administrator must immediately review the intervention and document the review in an incident report to be provided to the Division within 24 hours;

(d) At least one program staff trained in the use of emergency safety interventions must be physically present, continually assessing and monitoring the physical and psychological well-being of the individual and the safe use of the personal restraint throughout the duration of the personal restraint;

(e) Within one hour of the initiation of a personal restraint, a psychiatrist, licensed practitioner, or CESIS must conduct a face-to-face assessment of the physical and psychological well being of the individual;

(f) A designated program staff with clinical leadership responsibilities must review all personal restraint documentation prior to the end of the shift in which the intervention occurred; and

(g) Each incident of personal restraint must be documented in the Service Record. The documentation must specify:

(A) Behavior support strategies and less restrictive interventions attempted prior to the personal restraint;

(B) Required authorization;

(C) Events precipitating the personal restraint;

(D) Length of time the personal restraint was used;

(E) Assessment of appropriateness of the personal restraint based on threat of harm to self or others;

(F) Assessment of physical injury; and

(G) Individuals response to the emergency safety intervention.

(3) Seclusion: Providers must be certified by the Division for the use of seclusion.

(a) Authorization for seclusion must be obtained by a psychiatrist, licensed practitioner or CESIS prior to, or immediately after the initiation of seclusion. Written orders for seclusion must be completed for each instance of seclusion and must include:

(A) Name of the person authorized to order seclusion;

(B) Date and time the order was obtained; and

(C) Length of time for which the intervention was authorized.

(b) Program staff trained in the use of emergency safety interventions must be physically present continually assessing and monitoring the physical and psychological well-being of the individual throughout the duration of the seclusion;

(c) Visual monitoring of the individual in seclusion must occur continuously and be documented at least every fifteen minutes or more often as clinically indicated;

(d) Within one hour of the initiation of seclusion a psychiatrist or CESIS must conduct a face-to-face assessment of the physical and psychological well being of the individual;

(e) The individual must have regular meals, bathing, and use of the bathroom during seclusion and the provision of these must be documented in the Service Record; and

(f) Each incident of seclusion must be documented in the Service Record. The documentation must specify:

(A) The behavior support strategies and less restrictive interventions attempted prior to the use of seclusion;

(B) The required authorization for the use of seclusion;

(C) The events precipitating the use of seclusion;

(D) The length of time seclusion was used;

(E) An assessment of the appropriateness of seclusion based on threat of harm to self or others;

(F) An assessment of physical injury to the individual, if any; and

(G) The individual's response to the emergency safety intervention.

(4) Any room specifically designated for the use of seclusion or time out must be approved by the Division.

(5) If the use of seclusion occurs in a room with a locking door, the program must be authorized by the Division for this purpose and must meet the following requirements:

(a) A facility or program seeking authorization for the use of seclusion must submit a written application to the Division;

(b) Application must include a comprehensive plan for the need for and use of seclusion of children in the program and copies of the facility's policies and procedures for the utilization and monitoring of seclusion including a statistical analysis of the facility's actual use of seclusion, physical space, staff training, staff authorization, record keeping and quality assessment practices;

(c) The Division must review the application and, after a determination that the written application is complete and satisfies all applicable requirements, must provide for a review of the facility by authorized Division staff;

(d) The Division must have access to all records including Service Records, the physical plant of the facility, the employees of the facility, the professional credentials and training records for all program staff, and must have the opportunity to fully observe the treatment and seclusion practices employed by the facility;

(e) After the review, the Deputy Director of the Division or their designee must approve or disapprove the facility's application and upon approval must certify the facility based on the determination of the facility's compliance with all applicable requirements for the seclusion of children;

(f) If disapproved, the facility must be provided with specific recommendations and have the right of appeal to the Division; and

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(g) Certification of a facility must be effective for a maximum of three years and may be renewed thereafter upon approval of a renewal application.

(6) Structural and physical requirements for seclusion: An ITS provider seeking this certification under these rules must have available at least one room that meets the following specifications and requirements:

(a) The room must be of adequate size to permit three adults to move freely and allows for one adult to lie down. Any newly constructed room must be no less than 64 square feet;

(b) The room must not be isolated from regular program staff of the facility, and must be equipped with adequate locking devices on all doors and windows;

(c) The door must open outward and contain a port of shatterproof glass or plastic through which the entire room may be viewed from outside;

(d) The room must contain no protruding, exposed, or sharp objects;

(e) The room must contain no furniture. A fireproof mattress or mat must be available for comfort;

(f) Any windows must be made of unbreakable or shatterproof glass or plastic. Non-shatterproof glass must be protected by adequate climb-proof screening;

(g) There must be no exposed pipes or electrical wiring in the room. Electrical outlets must be permanently capped or covered with a metal shield secured by tamper-proof screws. Ceiling and wall lights must be recessed and covered with safety glass or unbreakable plastic. Any cover, cap or shield must be secured by tamper-proof screws;

(h) The room must meet State Fire Marshal fire, safety, and health standards. If sprinklers are installed, they must be recessed and covered with fine mesh screening. If pop-down type, sprinklers must have break-away strength of under 80 pounds. In lieu of sprinklers, combined smoke and heat detector must be used with similar protective design or installation;

(i) The room must be ventilated, kept at a temperature no less than 64°F and no more than 85°F. Heating and cooling vents must be secure and out of reach;

(j) The room must be designed and equipped in a manner that would not allow a child to climb off the ground;

(k) Walls, floor and ceiling must be solidly and smoothly constructed, to be cleaned easily, and have no rough or jagged portions; and

(l) Adequate and safe bathrooms must be available.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 426.490 - 426.500, 428.205 - 28.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 743A.168

Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0180

Transfer and Continuity of Care

(1) Planned Transfer: Providers must meet the following requirements for planned transfer:

(a) Decisions to transfer individuals must be documented in a transfer summary. The documentation must include the reason for transfer;

(b) Planned transfer must be consistent with the transfer criteria established by the interdisciplinary team and documented in the Service Plan.

(c) Providers must not transfer services unless the interdisciplinary team, in consultation with the child's parent or guardian and the next provider, agree that the child requires a more or less restrictive level of care; and

(d) If the determination is made to admit the child to acute care, the provider must not transfer services during the acute care stay unless the interdisciplinary team, in consultation with the child's parent or guardian and the next provider, agree that the child requires a more or less restrictive level of care following the acute care stay; and

(2) Transfer Process and Continuity of Care: Prior to transfer, providers must:

(a) Coordinate and provide appropriate referrals for medical care and medication management. The transferring provider must assist the individual to identify the medical provider who will provide continuing care and to arrange an initial appointment with that provider;

(b) Coordinate recovery and ongoing support services for individuals and their families including identifying resources and facilitating linkage to other service systems necessary to sustain recovery, including peer delivered services;.

(c) Complete a Transfer Summary;

(d) When services are transferred due to the absence of the individual, the provider must document outreach efforts made to re-engage the individual, or document the reason why such efforts were not made;

(e) If the individual is under the jurisdiction of the PSRB or JPSRB, the provider must notify the PSRB or JPSRB immediately and provide a copy of the Transfer Summary within 30 days;

(f) The provider must report all instances of Transfer on the mandated state data system; and

(g) At a minimum, the provider's interdisciplinary team must:

(A) Integrate transfer planning into ongoing treatment planning and documentation from the time of entry, and specify the transfer criteria that must indicate resolution of the symptoms and behaviors that justified the entry;

(B) Review and, if needed, modify the transfer criteria in the Service Plan every 30 days;

(C) Notify the child's parent or guardian, and the provider to which the child must be transitioned of the anticipated transfer dates at the time of entry, and when the Service Plan is changed;

(D) Include the parent or guardian, and provider to which the child must be transitioned in transfer planning and reflect their needs and desires to the extent clinically indicated;

(E) Finalize the transition plan prior to transfer and identify in the plan the continuum of services and the type and frequency of follow-up contacts recommended by the provider to assist in the child's successful transition to the next appropriate level of care;

(F) Assure that appropriate medical care and medication management must be provided to individuals who leave through a planned transfer. The last service provider's interdisciplinary team must identify the medical personnel who will provide continuing care and must arrange an initial appointment with that provider;

(G) Coordinate appropriate education services with applicable school district personnel; and

(H) Give a written transition plan to the child's parent or guardian and the next provider if applicable, on the date of transfer.

(3) Transfer Summary:

(a) A Transfer Summary must include:

(A) The date and reason for the transfer;

(B) A summary statement that describes the effectiveness of services in assisting the individual and his or her family to achieve intended outcomes identified in the Service Plan;

(C) Where appropriate, a plan for personal wellness and resilience, including relapse prevention; and

(D) Identification of resources to assist the individual and family, if applicable, in accessing recovery and resiliency services and supports.

(b) If the transfer is to services with another provider, all documentation contained in the Service Record requested by the receiving provider must be furnished, compliant with applicable confidentiality policies and procedures, within 14 days of receipt of a written request for the documentation.

(c) A complete transfer summary must be sent to the receiving provider within 30 days of the transfer.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.45

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 743A.168

Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0185

Quality Assessment and Performance Improvement

(1) Each provider must develop and implement a structured and ongoing process to assess, monitor, and improve the quality and effectiveness of services provided to individuals and their families, including:

(a) A Quality Improvement Committee; and

(b) A Performance improvement process documented in a Performance Improvement Plan.

(2) The Quality Improvement Committee must include representatives of individuals served and their families and must meet at least quarterly to:

(a) Identify and assess the following indicators of quality:

(A) Access to services;

(B) Outcomes of services;

(C) Systems integration and coordination of services; and

(D) Utilization of services.

(b) Review incident reports, emergency safety intervention documentation, grievances and other documentation as applicable;

(c) Identify measurable and time-specific performance objectives and strategies to meet the objectives and measure progress;

(d) Recommend policy and operational changes necessary to achieve performance objectives; and

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(e) Reassess and, if necessary, revise objectives and methods to measure performance on an ongoing basis to ensure sustainability of improvements.

(3) Performance Improvement Plan: The quality assessment and performance improvement process must be documented in a Performance Improvement Plan which must include:

- (a) Performance objectives aimed at improving services; and
- (b) Strategies designed to meet the performance objectives and measure progress.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 743A.168

Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0190

Grievances and Appeals

(1) Any individual receiving services, or the parent or guardian of the individual receiving services, may file a grievance with the provider, the individual's managed care plan or the Division.

(2) Medicaid grievances and appeals must adhere to procedures outlined in OAR 410-141-0260 through 410-141-0266.

(3) For individuals whose services are not funded by Medicaid, providers must:

(a) Notify each individual, or guardian, of the grievance procedures by reviewing a written copy of the policy upon entry;

(b) Assist individuals and parents or guardians, as applicable, to understand and complete the grievance process; and notify them of the results and basis for the decision;

(c) Encourage and facilitate resolution of the grievance at the lowest possible level;

(d) Complete an investigation of any grievance within 30 calendar days;

(e) Implement a procedure for accepting, processing and responding to grievances including specific timelines for each;

(f) Designate a program staff person to receive and process the grievance;

(g) Document any action taken on a substantiated grievance within a timely manner; and

(h) Document receipt, investigation and action taken in response to the grievance.

(4) Grievance Process Notice: The provider must have a Grievance Process Notice, which must be posted in a conspicuous place stating the telephone number of:

- (a) The Division;
- (b) The CMHP;
- (c) Disability Rights Oregon; and
- (d) The applicable managed care organization.

(5) Expedited Grievances: In circumstances where the matter of the grievance is likely to cause harm to the individual before the grievance procedures outlined in these rules are completed, the individual, or guardian of the individual, may request an expedited review. The program administrator must review and respond in writing to the grievance within 48 hours of receipt of the grievance. The written response must include information about the appeal process.

(6) Retaliation: A grievant, witness or staff member of a provider must not be subject to retaliation by a provider for making a report or being interviewed about a grievance or being a witness. Retaliation may include, but is not limited to, dismissal or harassment, reduction in services, wages or benefits, or basing service or a performance review on the action.

(7) Immunity: The grievant is immune from any civil or criminal liability with respect to the making or content of a grievance made in good faith.

(8) Appeals: Individuals and their legal guardians, as applicable, must have the right to appeal entry, transfer and grievance decisions as follows:

(a) If the individual or guardian, if applicable, is not satisfied with the decision, the individual or guardian may file an appeal in writing within ten working days of the date of the program administrator's response to the grievance or notification of denial for services as applicable. The appeal must be submitted to the CMHP Director in the county where the provider is located or to the Division as applicable;

(b) If requested, program staff must be available to assist the individual;

(c) The CMHP Director or Division, must provide a written response within ten working days of the receipt of the appeal; and

(d) If the individual or guardian, if applicable, is not satisfied with the appeal decision, he or she may file a second appeal in writing within ten working days of the date of the written response to the Director.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 426.490 - 426.500, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 426.380 - 426.395, 426.490 - 426.500, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 743A.168

Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0192

Variances

(1) Criteria for a Variance: Variances may be granted to a LMHA, CMHP or provider holding a certificate directly with the Division, by the Division:

(a) If there is a lack of resources to implement the standards required in these rules; or

(b) If implementation of the proposed alternative services, methods, concepts or procedures would result in improved outcomes for the individual.

(2) Application for a Variance:

(a) CMHPs and other providers may submit their variance request directly to the Division;

(b) Providers who hold Certificates of Approval jointly with CMHP's and the Division must submit their variance requests to the CMHP. The CMHP must then submit the variance request, along with the CMHP's written recommendation;

(c) The LMHA, CMHP or provider requesting a variance must submit a written application to the Deputy Director; and

(d) Variance requests must contain the following:

(A) The section of the rule from which the variance is sought;

(B) The reason for the proposed variance;

(C) The alternative practice, service, method, concept or procedure proposed;

(D) A proposal for the duration of the variance; and

(E) A plan and timetable for compliance with the section of the rule for which the variance applies.

(3) Division Review and Notification: The Deputy Director of the Division must approve or deny the request for a variance and must notify the LMHA, CMHP or provider in writing of the decision to approve or deny the requested variance, within 30 days of receipt of the variance. The written notification must include the specific alternative practice, service, method, concept or procedure that is approved and the duration of the approval.

(4) Appeal Application: Appeal of the denial of a variance request must be made in writing to the Director of the Division, whose decision will be final and must be provided in writing within 30 days of receipt of the appeal.

(5) Written Approval: The LMHA, CMHP or provider may implement a variance only after written approval from the Division.

(6) Duration of Variance: It is the responsibility of the LMHA, CMHP or the provider to submit a request to extend a variance in writing prior to a variance expiring. Extension must be approved in writing by the Division.

(7) Granting a variance for one request does not set a precedent that must be followed by the Division when evaluating subsequent requests for variance.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 409.420, 428.205 - 428.270, 430.640

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 409.430 - 409.435, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0195

Licensure as a Children's Emergency Safety Intervention Specialist (CESIS)

To obtain a license as a CESIS, an agency that is certified by the Division to provide intensive mental health treatment services for individuals less than 21 years of age shall make an application on behalf of the licensure applicant. The Division shall issue a license as a CESIS to each applicant who furnishes satisfactory evidence to the Division that the applicant meets the following qualifications:

(1) Is employed by or providing services under contract with a provider that is certified by the Division to provide intensive mental health treatment services for individuals under 21 years of age;

(2) Meets qualifications established by the Division by rule for Qualified Mental Health Professionals;

(3) Has successfully completed an emergency safety intervention training program approved by the Division within the past 12 months;

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(4) Demonstrates the ability to assess the psychological and physical well-being of individuals less than 21 years of age;

(5) Demonstrates knowledge of federal and state rules governing the use of seclusion and personal restraint in intensive mental health treatment programs for individuals under 21 years of age.

Stat. Auth.: ORS 413.042 & 426.415

Stats. Implemented: ORS 426.415

Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0200

CESIS Scope of Licensure

(1) A licensed CESIS is authorized to:

(a) Order the least restrictive intervention, including seclusion and personal restraint that is most likely to be effective in resolving an emergency safety situation if the treatment team physician is not available.

(b) Provide the federally mandated face-to-face assessment of an individual under 21 years of age's well-being within one hour of the initiation of the emergency safety intervention; and

(c) Accept verbal orders for seclusion and personal restraint from a physician or licensed practitioner who is authorized to order seclusion and personal restraint.

(2) Exclusions to Licensure:

(a) A licensed CESIS is not authorized to order or receive orders for the use of mechanical or chemical restraint.

(b) A CESIS license is only valid while the licensee is employed or contracted to provide services with the intensive mental health treatment services program that submitted the application on behalf of the licensee.

Stat. Auth.: ORS 413.042 & 426.415

Stats. Implemented: ORS 426.415

Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0205

CESIS License Applications

(1) Application for licensure as a CESIS shall be made to the Division and be on forms prescribed by the Division.

(2) Application for licensure shall be accompanied by a formal written request from a provider that is certified by the Division to provide intensive mental health treatment services for individuals under 21 years of age with which the applicant is employed or contracted. The request must include:

(a) Official transcripts and supporting documentation as necessary showing the applicant meets qualifications established by rule for a QMHP;

(b) Verification that an emergency safety intervention course approved by the Division has been successfully completed within the past 12 months;

(c) Verification of certification in CPR and First Aid by a recognized training agency;

(d) A signed Background Check Request form as described in OAR chapter 943 division 007. The Criminal Record Check form will request information regarding criminal history and other information;

(e) Verification of employment or contracted services with a provider that is certified by the Division to provide intensive mental health treatment services for individuals under 21 years of age;

(f) A copy of the completed examination or evaluation the provider used to determine the applicant's competence to assess the psychological and physical well being of individuals under 21 years of age; and

(g) A copy of the completed examination or evaluation the provider used to determine the applicants knowledge of the federal and state rules governing the use of seclusion and personal restraint in intensive mental health treatment programs for individuals under 21 years of age.

Stat. Auth.: ORS 413.042 & 426.415

Stats. Implemented: ORS 426.415

Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0210

Issuance of a License

(1) The Division shall issue a license within 30 days of the submission of a completed application. The license shall state the name of the licensee, the provider and expiration date.

(2) The license shall be placed in the licensee's personnel file and be easily visible.

(3) An initial license is valid from the time of issuance until the expiration date, which will be September 30th of the following calendar year.

Stat. Auth.: ORS 413.042 & 426.415

Stats. Implemented: ORS 426.415

Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0215

Renewal and Expiration of License

(1) A license issued under these rules is subject to renewal every 2 years.

(a) All licenses will expire on September 30th. The issuance date of the licensee's first license will determine if the license expires on an odd or even year.

(b) At least 30 days prior to the expiration of a license, a reminder notice will be sent by the Division to the licensee and the provider.

(c) A licensee seeking renewal of a license shall have a provider with whom they are employed or contracted submit on their behalf:

(A) Proof of fulfillment of the following requirements;

(i) Verification of current certification in CPR and First aid by a recognized training agency;

(ii) A copy of the evaluation completed within the last year of the applicants competence to assess the psychological and physical well-being of individuals under 21 years of age.

(iii) A copy of the evaluation completed within the last year demonstrating the applicants knowledge of federal and state rules governing the use of seclusion and personal restraint in intensive mental health treatment services programs for individuals under 21 years of age.

(B) Proof of continued employment or contract with a facility certified by the Division to provide intensive mental health treatment services for individuals under 21.

(2) A licensee may not continue to practice as a licensed CESIS after expiration of the license.

(3) A licensee may not continue to practice as a licensed CESIS upon discontinuation of employment or contract with the provider of intensive mental health treatment services specified on the license.

(4) If the person's previous license has expired, the person must apply and qualify for a new license in the same manner as a person who has never been licensed.

Stat. Auth.: ORS 413.042 & 426.415

Stats. Implemented: ORS 426.415

Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0220

Complaints

(1) Any person who believes these rules have been violated may file a complaint with the Division.

(2) The Division shall establish a protocol for investigation of complaints and make that information available to anyone who files a complaint or has a complaint filed against them. Following the Divisions investigation of a complaint, the Division may take action to:

(a) Dismiss the complaint;

(b) Issue a letter of reprimand;

(c) Direct the Provider to draft a plan of correction with the licensee;

or

(d) Institute disciplinary action.

Stat. Auth.: ORS 413.042 & 426.415

Stats. Implemented: ORS 426.415

Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0225

Denial, Suspension, Revocation or Non-renewal of License

(1) The Division may deny, suspend, revoke or refuse to issue or to renew any license issued under these rules upon proof that the applicant for licensure or the licensee:

(a) Has been convicted of one or more crimes described in OAR 943-007 entitled "Criminal Records Checks".

(b) Is unable to perform the duties of a CESIS by reason of mental illness, physical illness, drug addiction or alcohol abuse;

(c) Has been grossly negligent in the duties of a CESIS;

(d) Has violated one or more of the rules of the Division pertaining to the licensure of a CESIS;

(e) Has practiced outside the scope of activities for which the licensee has individual training and qualification; or

(f) Has been disciplined by a state licensing board or program in this or any other state for violation of competency or conduct standards.

(2) The Division may reprimand or impose probation on a licensee upon proof of any of the grounds for discipline provided in subsection (1) of this Section.

(3) If the Division elects to place a licensee on probation, the Division may impose:

(a) Restrictions on the scope of practice of the licensee;

(b) Requirements for specific training;

(c) Supervision of the practice of the licensee; or

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(d) Other conditions the Division finds necessary for the protection of the public.

Stat. Auth.: ORS 413.042 & 426.415
Stats. Implemented: ORS 426.415
Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-022-0230 Appeal Process

(1) An appeal of a denial, suspension, probation or revocation of a license may be requested in writing to the Division from a provider of intensive mental health treatment services for children less than 21 years of age on behalf of their employee or contractor.

(2) The Division's Director or designee shall review all material relating to the denial, suspension, revocation or non-renewal, including any written documentation submitted by the licensee and provider. Based on review of the material, the Director will decide whether to sustain the decision. If the decision is not sustained, the denial, suspension, revocation or non-renewal shall be rescinded immediately. The decision of the Division is subject to a contested case hearing under ORS Chapter 183 if requested within 90 days of the decision.

Stat. Auth.: ORS 413.042 & 426.415
Stats. Implemented: ORS 426.415
Hist.: MHS 8-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

Rule Caption: Temporary suspension of OAR 309-034-0400 through 0500, entitled Licensed Childrens' Emergency Safety Intervention Specialist.

Adm. Order No.: MHS 9-2013(Temp)

Filed with Sec. of State: 8-8-2013

Certified to be Effective: 8-9-13 thru 2-4-14

Notice Publication Date:

Rules Suspended: 309-034-0400, 309-034-0410, 309-034-0420, 309-034-0430, 309-034-0440, 309-034-0450, 309-034-0460, 309-034-0470, 309-034-0480, 309-034-0490, 309-034-0500

Subject: These rules prescribe minimum standards for Intensive Treatment Services (ITS) and supports for Children and Adolescents, by providers approved by the Addictions and Mental Health Division of the Oregon Health Authority.

Rules Coordinator: Nola Russell—(503) 945-7652

309-034-0400

Purpose and Statutory Authority

Purpose. These rules prescribe procedures relating to licensing Children's Emergency Safety Intervention Specialist (CESIS). A licensed CESIS is authorized to order, monitor and evaluate the use of seclusion and personal restraint in certified facilities providing intensive mental health treatment services to individuals under 21 years of age. The CESIS license is for the purpose of licensing Qualified Mental Health Professionals (QMHPs) who are not licensed by any other healthcare licensing board. It is not to be issued as an additional credential to currently licensed practitioners such as licensed clinical social workers, licensed registered nurses, licensed psychologists, licensed professional counselors, licensed marriage and family therapist or licensed physicians.

Stat. Auth.: ORS 413.042 & 426.415
Stats. Implemented: ORS 426.415
Hist.: MHD 5-2001(Temp), f. & cert. ef. 7-20-01 thru 1-15-02; MHD 1-2002, f. 1-14-02 cert. ef. 1-15-02; MHS 3-2010(Temp), f. & cert. ef. 3-4-10 thru 8-28-10; Administrative correction 9-22-10; MHS 3-2011, f. & cert. ef. 2-4-11; Suspended by MHS 9-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-4-14

309-034-0410

Definitions

As used in these rules:

(1) "Chemical Restraint" means the administration of medication for the acute management of potentially harmful behavior. Chemical restraint is prohibited in the services regulated by these rules.

(2) "Children's Emergency Safety Intervention Specialist" (CESIS) means a Qualified Mental Health Professional (QMHP) who is licensed to order, monitor and evaluate the use of seclusion and personal restraint in certified facilities providing intensive mental health treatment services to individuals under 21 years of age.

(3) "Division" means the Addictions and Mental Health Division of the Oregon Health Authority.

(4) "Emergency safety intervention" means the use of seclusion and personal restraint under OAR 309-032-1540(9) as an immediate response to an unanticipated threat of violence or injury to an individual or others.

(5) "Emergency Safety Intervention Training" means a Division approved course that teaches students to safely manage emergency safety situations and methods for reducing the need for emergency safety interventions. The minimum requirements for a Division approved course is one that has an established curriculum, includes an identified instructor, requires an identified number of face to face instruction hours, teaches students how to safely manage emergency safety situations, includes methods to de-escalate volatile clients and has an evaluation component to assess the student's competency of the course materials.

(6) "Emergency safety situation" means an unanticipated resident behavior that places the resident or others at serious threat of violence or injury if no intervention occurs and that calls for an emergency safety intervention as defined in this section.

(7) "Intensive Mental Health Treatment Services" (ITS) means the range of services in the system of care comprised of Psychiatric Residential Treatment Facilities (PRTF) and Psychiatric Day Treatment Services (PDTs) or other services as determined by the Division, that provide active psychiatric treatment for children with severe emotional disorders and their families.

(8) "Mechanical restraint" means any device attached or adjacent to the resident's body that he or she cannot easily remove that restricts freedom of movement or normal access to his or her body. Mechanical restraint is prohibited in the services regulated by these rules.

(9) "Personal Restraint" means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body to protect the individual or others from immediate harm. Personal restraint does not include briefly holding without undue force, an individual to calm or comfort him or her or holding an individual's hand to safely escort him or her from one area to another. Personal restraint can be used only in approved ITS programs as an emergency safety intervention under OAR 309-032-1540(9).

(10) "Qualified Mental Health Professional" (QMHP) means a Licensed Medical Practitioner (LMP) or any other person meeting one or more of the following minimum qualifications as documented by the Local Mental Health Authority (LMHA) or designee:

- (a) Holds any of the following educational degrees:
 - (A) Graduate degree in psychology;
 - (B) Bachelor's degree in nursing and licensed by the State of Oregon;
 - (C) Graduate degree in social work;
 - (D) Graduate degree in a behavioral science field;
 - (E) Graduate degree in recreational, music or art therapy;
 - (F) Bachelor's degree in occupational therapy and licensed by the State of Oregon; and

(b) Whose education and experience demonstrate the ability to:

- (A) Conduct an assessment, including identifying precipitating events, gathering histories of mental and physical health, alcohol and other drug use, past mental health services and criminal justice contacts, assessing family, cultural, social and work relationships;
- (B) Conducting a mental status examination;
- (C) Complete a five-axis DSM diagnosis; and
- (D) Write and supervise the implementation of a ISSP and provide individual, family or group therapy within the scope of their training.

(11) "Seclusion" means the involuntary confinement of an individual to a room or an area from which the individual is physically prevented from leaving. Seclusion can be used only in approved ITS programs as an emergency safety intervention specified in OAR 309-032-1540(9).

Stat. Auth.: ORS 413.042 & 426.415
Stats. Implemented: ORS 426.415
Hist.: MHD 5-2001(Temp), f. & cert. ef. 7-20-01 thru 1-15-02; MHD 1-2002, f. 1-14-02 cert. ef. 1-15-02; MHS 3-2010(Temp), f. & cert. ef. 3-4-10 thru 8-28-10; Administrative correction 9-22-10; MHS 3-2011, f. & cert. ef. 2-4-11; Suspended by MHS 9-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-4-14

309-034-0420

Application for Licensure as a Children's Emergency Safety Intervention Specialist (CESIS)

In order to obtain a license as a CESIS, an agency that is certified by the Division to provide intensive mental health treatment services for individuals under 21 years of age shall make an application on behalf of the licensure applicant. The Division shall issue a license as a CESIS to each applicant who furnishes satisfactory evidence to the Division that the applicant meets the following qualifications:

(1) Is employed by or providing services under contract with a provider that is certified by the Division to provide intensive mental health treatment services for individuals under 21 years of age;

(2) Meets qualifications established by the Division by rule for Qualified Mental Health Professionals;

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(3) Has successfully completed an emergency safety intervention training program approved by the Division within the past 12 months;

(4) Demonstrates the ability to assess the psychological and physical well-being of individuals under 21 years of age;

(5) Demonstrates knowledge of federal and state rules governing the use of seclusion and personal restraint in intensive mental health treatment programs for individuals under 21 years of age.

Stat. Auth.: ORS 413.042 & 426.415
Stats. Implemented: ORS 426.415

Hist.: MHD 5-2001(Temp), f. & cert. ef. 7-20-01 thru 1-15-02; MHD 1-2002, f. 1-14-02 cert. ef. 1-15-02; MHS 3-2010(Temp), f. & cert. ef. 3-4-10 thru 8-28-10; Administrative correction 9-22-10; MHS 3-2011, f. & cert. ef. 2-4-11; Suspended by MHS 9-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-4-14

309-034-0430

Scope of Licensure

(1) A licensed CESIS is authorized to:

(a) Order the least restrictive intervention, including seclusion and personal restraint that is most likely to be effective in resolving an emergency safety situation if the treatment team physician is not available.

(b) Provide the federally mandated face-to-face assessment of an individual under 21 years of age's well-being within one hour of the initiation of the emergency safety intervention; and

(c) Accept verbal orders for seclusion and personal restraint from a physician or licensed practitioner who is authorized to order seclusion and personal restraint.

(2) Exclusions to Licensure:

(a) A licensed CESIS is not authorized to order or receive orders for the use of mechanical or chemical restraint.

(b) A CESIS license is only valid while the licensee is employed or contracted to provide services with the intensive mental health treatment services program that submitted the application on behalf of the licensee.

Stat. Auth.: ORS 413.042 & 426.415
Stats. Implemented: ORS 426.415

Hist.: MHD 5-2001(Temp), f. & cert. ef. 7-20-01 thru 1-15-02; MHD 1-2002, f. 1-14-02 cert. ef. 1-15-02; MHS 3-2010(Temp), f. & cert. ef. 3-4-10 thru 8-28-10; Administrative correction 9-22-10; MHS 3-2011, f. & cert. ef. 2-4-11; Suspended by MHS 9-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-4-14

309-034-0440

Application Process

(1) Application for licensure as a CESIS shall be made to the Division and be on forms prescribed by the Division.

(2) Application for licensure shall be accompanied by a formal written request from a provider that is certified by the Division to provide intensive mental health treatment services for individuals under 21 years of age with which the applicant is employed or contracted. The request must include:

(a) Official transcripts and supporting documentation as necessary showing the applicant meets qualifications established by rule for a QMHP;

(b) Verification that an emergency safety intervention course approved by the Division has been successfully completed within the past 12 months;

(c) Verification of certification in CPR and First Aid by a recognized training agency;

(d) A signed Background Check Request form as described in OAR 943-007. The Criminal Record Check form will request information regarding criminal history and other information;

(e) Verification of employment or contracted services with a provider that is certified by the Division to provide intensive mental health treatment services for individuals under 21 years of age;

(f) A copy of the completed examination or evaluation the provider used to determine the applicant's competence to assess the psychological and physical well being of individuals under 21 years of age; and

(g) A copy of the completed examination or evaluation the provider used to determine the applicants knowledge of the federal and state rules governing the use of seclusion and personal restraint in intensive mental health treatment programs for individuals under 21 years of age.

Stat. Auth.: ORS 413.042 & 426.415
Stats. Implemented: ORS 426.415

Hist.: MHD 5-2001(Temp), f. & cert. ef. 7-20-01 thru 1-15-02; MHD 1-2002, f. 1-14-02 cert. ef. 1-15-02; MHS 3-2010(Temp), f. & cert. ef. 3-4-10 thru 8-28-10; Administrative correction 9-22-10; MHS 3-2011, f. & cert. ef. 2-4-11; Suspended by MHS 9-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-4-14

309-034-0450

Issuance of a License

(1) The Division shall issue a license within 30 days of the submission of a completed application. The license shall state the name of the licensee, the provider and expiration date.

(2) The license shall be placed in the licensee's personnel file and be easily visible.

(3) An initial license is valid from the time of issuance until the expiration date, which will be September 30th of the following calendar year.

Stat. Auth.: ORS 413.042 & 426.415

Stats. Implemented: ORS 426.415

Hist.: MHD 5-2001(Temp), f. & cert. ef. 7-20-01 thru 1-15-02; MHD 1-2002, f. 1-14-02 cert. ef. 1-15-02; MHS 3-2010(Temp), f. & cert. ef. 3-4-10 thru 8-28-10; Administrative correction 9-22-10; MHS 3-2011, f. & cert. ef. 2-4-11; ; Suspended by MHS 9-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-4-14

309-034-0460

Renewal and Expiration of License

(1) A license issued under these rules is subject to renewal every 2 years.

(a) All licenses will expire on September 30th. The issuance date of the licensee's first license will determine if the license expires on an odd or even year.

(b) At least 30 days prior to the expiration of a license, a reminder notice will be sent by the Division to the licensee and the provider.

(c) A licensee seeking renewal of a license shall have a provider with whom they are employed or contracted submit on their behalf:

(A) Proof of fulfillment of the following requirements;

(i) Verification of current certification in CPR and First aid by a recognized training agency;

(ii) A copy of the evaluation completed within the last year of the applicants competence to assess the psychological and physical well-being of individuals under 21 years of age.

(iii) A copy of the evaluation completed within the last year demonstrating the applicants knowledge of federal and state rules governing the use of seclusion and personal restraint in intensive mental health treatment services programs for individuals under 21 years of age.

(B) Proof of continued employment or contract with a facility certified by the Division to provide intensive mental health treatment services for individuals under 21.

(2) A licensee may not continue to practice as a licensed CESIS after expiration of the license.

(3) A licensee may not continue to practice as a licensed CESIS upon discontinuation of employment or contract with the provider of intensive mental health treatment services specified on the license.

(4) If the person's previous license has expired, the person must apply and qualify for a new license in the same manner as a person who has never been licensed.

Stat. Auth.: ORS 413.042 & 426.415

Stats. Implemented: ORS 426.415

Hist.: MHD 5-2001(Temp), f. & cert. ef. 7-20-01 thru 1-15-02; MHD 1-2002, f. 1-14-02 cert. ef. 1-15-02; MHS 3-2010(Temp), f. & cert. ef. 3-4-10 thru 8-28-10; Administrative correction 9-22-10; MHS 3-2011, f. & cert. ef. 2-4-11; Suspended by MHS 9-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-4-14

309-034-0470

Complaint

(1) Any person who believes these rules have been violated may file a complaint with the Division.

(2) The Division shall establish a protocol for investigation of complaints and make that information available to anyone who files a complaint or has a complaint filed against them. Following the Divisions investigation of a complaint, the Division may take action to:

(a) Dismiss the complaint;

(b) Issue a letter of reprimand;

(c) Direct the Provider to draft a plan of correction with the licensee;

or

(d) Institute disciplinary action.

Stat. Auth.: ORS 413.042 & 426.415

Stats. Implemented: ORS 426.415

Hist.: MHD 5-2001(Temp), f. & cert. ef. 7-20-01 thru 1-15-02; MHD 1-2002, f. 1-14-02 cert. ef. 1-15-02; MHS 3-2010(Temp), f. & cert. ef. 3-4-10 thru 8-28-10; Administrative correction 9-22-10; MHS 3-2011, f. & cert. ef. 2-4-11; Suspended by MHS 9-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-4-14

309-034-0480

Denial, Suspension, Revocation or Non-renewal of License

(1) The Division may deny, suspend, revoke or refuse to issue or renew any license issued under these rules upon proof that the applicant for licensure or the licensee:

(a) Has been convicted of one or more crimes described in the Criminal Records Check under OAR 943-007-0001 through 943-007-0501;

(b) Is unable to perform the duties of a CESIS by reason of mental illness, physical illness, drug addiction or alcohol abuse;

(c) Has been grossly negligent in the duties of a CESIS;

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(d) Has violated one or more of the rules of the Division pertaining to the licensure of a CESIS;

(e) Has practiced outside the scope of activities for which the licensee has individual training and qualification; or

(f) Has been disciplined by a state licensing board or program in this or any other state for violation of competency or conduct standards.

(2)(a) The Division may reprimand or impose probation on a licensee upon proof of any of the grounds for discipline provided in subsection (1) of this Section.

(b) If the Division elects to place a licensee on probation, the Division may impose:

(A) Restrictions on the scope of practice of the licensee;

(B) Requirements for specific training;

(C) Supervision of the practice of the licensee; or

(D) Other conditions the Division finds necessary for the protection of the public.

Stat. Auth.: ORS 413.042 & 426.415

Stats. Implemented: ORS 426.415

Hist.: MHD 5-2001(Temp), f. & cert. ef. 7-20-01 thru 1-15-02; MHD 1-2002, f. 1-14-02 cert. ef. 1-15-02; MHS 3-2010(Temp), f. & cert. ef. 3-4-10 thru 8-28-10; Administrative correction 9-22-10; MHS 3-2011, f. & cert. ef. 2-4-11; Suspended by MHS 9-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-4-14

309-034-0490

Appeal Process

(1) An appeal of a denial, suspension, probation or revocation of a license may be requested in writing to the Division from a provider of intensive mental health treatment services for children under 21 years of age on behalf of their employee or contractor.

(2) Within 10 days of the receipt of the appeal, the Division's Assistant Director or designee shall review all material relating to the denial, suspension, revocation or non-renewal, including any written documentation submitted by the licensee and provider within that time frame. The Division shall determine, based on review of the material, whether to sustain the decision. If the Division does not sustain the decision, the denial, suspension, revocation or non-renewal shall be rescinded immediately. The decision of the Division is subject to a contested case hearing under ORS Chapter 183 if requested within 90 days.

Stat. Auth.: ORS 413.042 & 426.415

Stats. Implemented: ORS 426.415

Hist.: MHD 5-2001(Temp), f. & cert. ef. 7-20-01 thru 1-15-02; MHD 1-2002, f. 1-14-02 cert. ef. 1-15-02; MHS 3-2010(Temp), f. & cert. ef. 3-4-10 thru 8-28-10; Administrative correction 9-22-10; MHS 3-2011, f. & cert. ef. 2-4-11; Suspended by MHS 9-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-4-14

309-034-0500

Effective Date

OR 309-034-0400 through 309-034-0490 is prospective as well as retroactive to August 29, 2010. Such prospective and retroactive effect is each severable of the other.

Stat. Auth.: ORS 413.042 & 426.415

Stats. Implemented: ORS 426.415

Hist.: MHS 3-2011, f. & cert. ef. 2-4-11; Suspended by MHS 9-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-4-14

Rule Caption: Temporary adoption of rules entitled Residential Substance Use and Problem Gambling Treatment and Recovery Services.

Adm. Order No.: MHS 10-2013(Temp)

Filed with Sec. of State: 8-8-2013

Certified to be Effective: 8-9-13 thru 2-5-14

Notice Publication Date:

Rules Adopted: 309-018-0100, 309-018-0105, 309-018-0110, 309-018-0115, 309-018-0120, 309-018-0125, 309-018-0130, 309-018-0135, 309-018-0140, 309-018-0145, 309-018-0150, 309-018-0155, 309-018-0160, 309-018-0165, 309-018-0170, 309-018-0175, 309-018-0180, 309-018-0185, 309-018-0190, 309-018-0195, 309-018-0200, 309-018-0205, 309-018-0210, 309-018-0215, 309-018-0220, 309-018-0225

Subject: These rules prescribe minimum standards for services and supports provided by substance use disorders and problem gambling residential providers approved by the Addictions and Mental Health Division of the Oregon Health Authority.

Rules Coordinator: Nola Russell—(503) 945-7652

309-018-0100

Purpose and Scope

(1) Purpose: These rules prescribe minimum standards for services and supports provided by addictions and mental health providers approved by the Addictions and Mental Health Division of the Oregon Health Authority.

(2) Scope: In addition to applicable requirements in OAR 410-120-0000 through 410-120-1980 and 943-120-0000 through 943-120-1550, these rules specify standards for services and supports provided in:

(a) Residential Substance Use Disorders Treatment and Recovery Services; and

(b) Residential Problem Gambling Treatment and Recovery Services.

Stat. Auth.: ORS 161.390, 413.042, 430.256, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 179.505, 413.520 - 413.522, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 10-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-018-0105

Definitions

(1) "Abuse of an adult" means the circumstances defined in OAR 407-045-0260 for abuse of an adult with mental illness.

(2) "Abuse of a child" means the circumstances defined in ORS 419B.005.

(3) "Addictions and Mental Health Services and Supports" means all services and supports including but not limited to, Outpatient Community Mental Health Services and Supports for Children and Adults, Intensive Treatment Services for Children, Outpatient and Residential Substance Use Disorders Treatment Services and Outpatient and Residential Problem Gambling Treatment Services.

(4) "Adolescent" means an individual from 12 through 17 years of age, or those individuals who are determined to be developmentally appropriate for youth services.

(5) "Adult" means a person 18 years of age or older, or an emancipated minor. An individual with Medicaid eligibility, who is in need of services specific to children, adolescents, or young adults in transition, must be considered a child until age 21 for the purposes of these rules. Adults who are between the ages of 18 and 21, who are considered children for purposes of these rules, must have all rights afforded to adults as specified in these rules.

(6) "Assessment" means the process of obtaining sufficient information, through a face-to-face interview to determine a diagnosis and to plan individualized services and supports.

(7) "ASAM PPC-2R" means the American Society of Addiction Medicine Patient Placement Criteria for the Treatment of Substance-related Disorders, Second Edition Revised, April 2001, which is a clinical guide used in matching individuals to appropriate levels of care, and incorporated by reference in these rules.

(8) "Authority" means the Oregon Health Authority.

(9) "Behavioral Health" means mental health, mental illness, addictive health and addiction disorders.

(10) "Case Management" means the services provided to assist individuals, who reside in a community setting, or are transitioning to a community setting, in gaining access to needed medical, social, educational, entitlement and other applicable services.

(11) "Child" means a person under the age of 18. An individual with Medicaid eligibility, who is in need of services specific to children, adolescents, or young adults in transition, must be considered a child until age 21 for purposes of these rules.

(12) "Clinical Supervision" means oversight by a qualified Clinical Supervisor of addictions and mental health services and supports provided according to this rule, including ongoing evaluation and improvement of the effectiveness of those services and supports.

(13) "Clinical Supervisor" means a person qualified to oversee and evaluate addictions or mental health services and supports.

(14) "Co-occurring substance use and mental health disorders (COD)" means the existence of a diagnosis of both a substance use disorder and a mental health disorder.

(15) "Community Mental Health Program (CMHP)" means an entity that is responsible for planning and delivery of services for persons with substance use disorders or a mental health diagnosis, operated in a specific geographic area of the state under an intergovernmental agreement or direct contract with the Division.

(16) "Court" means the last convicting or ruling court unless specifically noted.

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(17) "Criminal Records Check" means the Oregon Criminal Records Check and the processes and procedures required by OAR 407-007-0000 through 407-007-0370.

(18) "Crisis" means either an actual or perceived urgent or emergent situation that occurs when an individual's stability or functioning is disrupted and there is an immediate need to resolve the situation to prevent a serious deterioration in the individual's mental or physical health or to prevent referral to a significantly higher level of care.

(19) "Cultural Competence" means the process by which people and systems respond respectfully and effectively to people of all cultures, languages, classes, races, ethnic backgrounds, disabilities, religions, genders, sexual orientations and other diversity factors in a manner that recognizes, affirms, and values the worth of individuals, families and communities and protects and preserves the dignity of each.

(20) "Culturally Specific Program" means a program that is designed to meet the unique service needs of a specific culture and that provides services to a majority of individuals representing that culture.

(21) "Deputy Director" means the Deputy Director of the Addictions and Mental Health Division, or that person's designee.

(22) "Diagnosis" means the principal mental health, substance use or problem gambling diagnosis listed in the Diagnostic and Statistical Manual of Mental Disorders (DSM). The diagnosis is determined through the assessment and any examinations, tests, or consultations suggested by the assessment, and are the medically appropriate reason for services.

(23) "Director" means the Director of the Addictions and Mental Health Division, or that person's designee.

(24) "Division" means the Addictions and Mental Health Division.

(25) "DSM" means the most recent version of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association.

(26) "Driving Under the Influence of Intoxicants (DUI) Substance Use Disorders Rehabilitation Program" means a program of treatment and therapeutically oriented education services for an individual who is either:

(a) A violator of ORS 813.010 Driving Under the Influence of Intoxicants; or

(b) A defendant who is participating in a diversion agreement under ORS 813.200.

(27) "Emergent" means the onset of symptoms requiring attention within 24 hours to prevent serious deterioration in mental or physical health or threat to safety.

(28) "Entry" means the act or process of acceptance and enrollment into services regulated by this rule.

(29) "Evaluation Specialist" means a person who possesses valid certification issued by the Division to conduct DUI evaluations.

(30) "Family" means the biological or legal parents, siblings, other relatives, foster parents, legal guardians, spouse, domestic partner, caregivers and other primary relations to the individual whether by blood, adoption, legal or social relationships. Family also means any natural, formal or informal support persons identified as important by the individual.

(40) "Gender Identity" means a person's self-identification of gender, without regard to legal or biological identification, including, but not limited to persons identifying themselves as male, female, transgender and transsexual.

(41) "Gender Presentation" means the external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, mannerisms, speech patterns and social interactions.

(42) "Grievance" means a formal complaint submitted to a provider verbally, or in writing, by an individual, or the individual's chosen representative, pertaining to the denial or delivery of services and supports.

(43) "Guardian" means a person appointed by a court of law to act as guardian of a minor or a legally incapacitated person.

(44) "HIPAA" means the federal Health Insurance Portability and Accountability Act of 1996 and the regulations published in Title 45, parts 160 and 164, of the Code of Federal Regulations (CFR).

(45) "Incident Report" means a written description of any incident involving an individual, or child of an individual receiving services, occurring on the premises of the program, or involving program staff or a Service Plan activity including, but not limited to, injury, major illness, accident, act of physical aggression, medication error, suspected abuse or neglect, or any other unusual incident that presents a risk to health and safety.

(46) "Individual" means any person being considered for or receiving services and supports regulated by these rules.

(47) "Informed Consent for Services" means that the service options, risks and benefits have been explained to the individual and guardian, if applicable, in a manner that they comprehend, and the individual and

guardian, if applicable, have consented to the services on, or prior to, the first date of service.

(48) "Interim Referral and Information Services" means services provided by an substance use disorders treatment provider to individuals on a waiting list, and whose services are funded by the Substance Abuse Prevention and Treatment (SAPT) Block Grant, to reduce the adverse health effects of substance use, promote the health of the individual and reduce the risk of disease transmission.

(49) "Intern" or "Student" means a person who provides a paid or unpaid program service to complete a credentialed or accredited educational program recognized by the state of Oregon.

(50) "Level of Care" means the range of available services provided from the most integrated setting to the most restrictive and most intensive in an inpatient setting.

(51) "Licensed Health Care Professional" means a practitioner of the healing arts, acting within the scope of his or her practice under State law, who is licensed by a recognized governing board in Oregon.

(52) "Licensed Medical Practitioner (LMP)" means a person who meets the following minimum qualifications as documented by the Local Mental Health Authority (LMHA) or designee:

(a) Physician licensed to practice in the State of Oregon; or

(b) Nurse practitioner licensed to practice in the State of Oregon; or

(c) Physician's Assistant licensed to practice in the State of Oregon; and

(d) Whose training, experience and competence demonstrate the ability to conduct a mental health assessment and provide medication management.

(53) "Local Mental Health Authority (LMHA)" means one of the following entities:

(a) The board of county commissioners of one or more counties that establishes or operates a CMHP;

(b) The tribal council, in the case of a federally recognized tribe of Native Americans that elects to enter into an agreement to provide mental health services; or

(c) A regional local mental health authority comprised of two or more boards of county commissioners.

(54) "Medicaid" means the federal grant-in-aid program to state governments to provide medical assistance to eligible persons, under Title XIX of the Social Security Act.

(55) "Medical Director" means a physician licensed to practice medicine in the State of Oregon and who is designated by a substance use disorders treatment program to be responsible for the program's medical services, either as an employee or through a contract.

(56) "Medically Appropriate" means services and medical supplies required for prevention, diagnosis or treatment of a physical or behavioral health condition, or injuries, and which are:

(a) Consistent with the symptoms of a health condition or treatment of a health condition;

(b) Appropriate with regard to standards of good health practice and generally recognized by the relevant scientific community and professional standards of care as effective;

(c) Not solely for the convenience of an individual or a provider of the service or medical supplies; and

(d) The most cost effective of the alternative levels of medical services or medical supplies that can be safely provided to an individual.

(57) "Medication Administration Record" means the documentation of the administration of written or verbal orders for medication, laboratory and other medical procedures issued by a LMP acting within the scope of his or her license.

(58) "Oregon Health Authority" means the Oregon Health Authority of the State of Oregon.

(59) "Outreach" means the delivery of behavioral health services, referral services and case management services in non-traditional settings, such as, but not limited to, the individual's residence, shelters, streets, jails, transitional housing sites, drop-in centers, single room occupancy hotels, child welfare settings, educational settings or medical settings. It also refers to attempts made to engage or re-engage an individual in services by such means as letters or telephone calls.

(60) "Peer" means any person supporting an individual, or a family member of an individual, who has similar life experience, either as a current or former recipient of addictions or mental health services, or as a family member of an individual who is a current or former recipient of addictions or mental health services.

(61) "Peer Delivered Services" means an array of agency or community-based services and supports provided by peers, and peer support spe-

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cialists, to individuals or family members with similar lived experience, that are designed to support the needs of individuals and families as applicable.

(62) “Peer Support Specialist” means a person providing peer delivered services to an individual or family member with similar life experience, under the supervision of a qualified Clinical Supervisor. A Peer Support Specialist must complete a Division approved training program and be:

(a) A self-identified person currently or formerly receiving mental health services; or

(b) A self-identified person in recovery from a substance use or gambling disorder, who meets the abstinence requirements for recovering staff in substance use disorders or gambling treatment and recovery programs; or

(c) A family member of an individual who is a current or former recipient of addictions or mental health services.

(63) “Problem Gambling Treatment Staff” means a person certified or licensed by a health or allied provider agency to provide problem gambling treatment services that include assessment, development of a Service Plan, group and family counseling.

(64) “Program” means a particular type or level of service that is organizationally distinct.

(65) “Program Administrator” or “Program Director” means a person with appropriate professional qualifications and experience, who is designated to manage the operation of a program.

(66) “Program Staff” means an employee or person who, by contract with the program, provides a service and who has the applicable competencies, qualifications or certification, required in this rule to provide the service.

(67) “Provider” means an organizational entity, or qualified person, that is operated by or contractually affiliated with, a community mental health program, or contracted directly with the Division, for the direct delivery of addictions, problem gambling or mental health services and supports.

(68) “Publicly Funded” means financial support, in part or in full, with revenue generated by a local, state or federal government.

(69) “Quality Assessment and Performance Improvement” means the structured, internal monitoring and evaluation of services to improve processes, service delivery and service outcomes.

(70) “Recovery” means a process of healing and transformation for a person to achieve full human potential and personhood in leading a meaningful life in communities of his or her choice.

(71) “Representative” means a person who acts on behalf of an individual, at the individual’s request, with respect to a grievance, including, but not limited to a relative, friend, employee of the Division, attorney or legal guardian.

(72) “Resilience” means the universal capacity that a person uses to prevent, minimize, or overcome the effects of adversity. Resilience reflects a person’s strengths as protective factors and assets for positive development.

(73) “Residential Substance Use Disorders Treatment Program” means a publicly or privately operated program as defined in ORS 430.010 that provides assessment, treatment, rehabilitation, and twenty-four hour observation and monitoring for individuals with alcohol and other drug dependence, consistent with Level III of ASAM PCC-2R.

(74) “Residential Problem Gambling Treatment Program” means a publicly or privately operated program that is licensed in accordance with OAR 415-021-0100 through 415-021-0225, that provides assessment, treatment, rehabilitation, and twenty-four hour observation and monitoring for individuals with gambling related problems.

(75) “Screening” means the process to determine whether the individual needs further assessment to identify circumstances requiring referrals or additional services and supports.

(76) “Service Plan” means a comprehensive plan for services and supports provided to or coordinated for an individual and his or her family, as applicable, that is reflective of the assessment and the intended outcomes of service.

(77) “Service Note” means the written record of services and supports provided, including documentation of progress toward intended outcomes, consistent with the timelines stated in the Service Plan.

(78) “Service Record” means the documentation, written or electronic, regarding an individual and resulting from entry, assessment, orientation, services and supports planning, services and supports provided, and transfer.

(79) “Services” means those activities and treatments described in the Service Plan that are intended to assist the individual’s transition to recovery from a substance use disorder, problem gambling disorder or mental health condition, and to promote resiliency, and rehabilitative and functional individual and family outcomes.

(80) “Signature” means any written or electronic means of entering the name, date of authentication and credentials of the person providing a specific service or the person authorizing services and supports. Signature also means any written or electronic means of entering the name and date of authentication of the individual receiving services, the guardian of the individual receiving services, or any authorized representative of the individual receiving services.

(81) “Skills Training” means providing information and training to individuals and families designed to assist with the development of skills in areas including, but not limited to, anger management, stress reduction, conflict resolution, self-esteem, parent-child interactions, peer relations, drug and alcohol awareness, behavior support, symptom management, accessing community services and daily living.

(82) “Substance Abuse Prevention and Treatment Block Grant” or “SAPT Block Grant” means the federal block grants for prevention and treatment of substance abuse under Public Law 102-321 (31 U.S.C. 7301-7305) and the regulations published in Title 45 Part 96 of the Code of Federal Regulations.

(83) “Substance Use Disorders” means disorders related to the taking of a drug of abuse including alcohol, to the side effects of a medication, and to a toxin exposure. The disorders include substance use disorders such as substance dependence and substance abuse, and substance-induced disorders, including substance intoxication, withdrawal, delirium, and dementia, as well as substance induced psychotic disorder, mood disorder, etc., as defined in DSM criteria.

(84) “Substance Use Disorders Treatment and Recovery Services” means outpatient, intensive outpatient, and residential services and supports for individuals with substance use disorders.

(85) “Substance Use Disorders Treatment Staff” means a person certified or licensed by a health or allied provider agency to provide substance use disorders treatment services that include assessment, development of a Service Plan, and individual, group and family counseling.

(86) “Successful DUII Completion” means that the DUII program has documented in its records that for the period of service deemed necessary by the program, the individual has:

(a) Met the completion criteria approved by the Division; and

(b) Met the terms of the fee agreement between the provider and the individual.

(87) “Supports” means activities, referrals and supportive relationships designed to enhance the services delivered to individuals and families for the purpose of facilitating progress toward intended outcomes.

(88) “Transfer” means the process of assisting an individual to transition from the current services to the next appropriate setting or level of care.

(89) “Trauma Informed Services” means services that are reflective of the consideration and evaluation of the role that trauma plays in the lives of people seeking mental health and addictions services, including recognition of the traumatic effect of misdiagnosis and coercive treatment. Services are responsive to the vulnerabilities of trauma survivors and are delivered in a way that avoids inadvertent re-traumatization and facilitates individual direction of services.

(90) “Treatment” means the planned, medically appropriate, individualized program of medical, psychological, and rehabilitative procedures, experiences and activities designed to remediate symptoms of a DSM diagnosis, that are included in the Service Plan.

(91) “Urinalysis Test” means an initial test and, if positive, a confirmatory test:

(a) An initial test must include, at a minimum, a sensitive, rapid, and inexpensive immunoassay screen to eliminate “true negative” specimens from further consideration.

(b) A confirmatory test is a second analytical procedure used to identify the presence of a specific drug or metabolite in a urine specimen. The confirmatory test must be by a different analytical method from that of the initial test to ensure reliability and accuracy.

(c) All urinalysis tests must be performed by laboratories meeting the requirements of OAR 333-024-0305 to 333-024-0365.

(92) “Urgent” means the onset of symptoms requiring attention within 48 hours to prevent a serious deterioration in an individual’s mental or physical health or threat to safety.

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(93) "Variance" means an exception from a provision of these rules, granted in writing by the Division, upon written application from the provider. Duration of a variance is determined on a case-by-case basis.

(94) "Volunteer" means an individual who provides a program service or who takes part in a program service and who is not an employee of the program and is not paid for services. The services must be non-clinical unless the individual has the required credentials to provide a clinical service.

(95) "Wellness" means an approach to healthcare that emphasizes good physical and mental health, preventing illness, and prolonging life.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 428.205 - 428.270, 430.640 & 443.450
Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270
Hist.: MHS 10-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-018-0110

Provider Policies

(1) All providers must develop and implement written policies and procedures, compliant with these rules.

(2) Policies must be available to individuals, guardians, and family members upon request.

(3) Providers must develop and implement written policies and procedures including, but not limited to:

(a) Personnel Qualifications and Credentialing;
(b) Criminal Records Checks, compliant with ORS 181.533 through 181.575 and 407-007-0000 through 407-007-0370; and

(c) Fraud, waste and abuse in Federal Medicaid and Medicare programs compliant with OAR 410-120-1380 and 410-120-1510;

(d) Fee agreements;
(e) Confidentiality and compliance with HIPAA, Federal Confidentiality Regulations (42 CFR, Part 2), and State confidentiality regulations as specified in ORS 179.505 and 192.518 through 192.530;

(f) Compliance with Title 2 of the Americans with Disabilities Act of 1990 (ADA);

(g) Grievances and Appeals;
(h) Individual Rights;
(i) Quality Assessment and Performance Improvement;
(j) Crisis Prevention and Response;
(k) Incident Reporting;
(l) Family Involvement;
(m) Trauma-informed services;
(n) Medical Protocols;
(o) Medication Administration, Storage and Disposal;
(p) Facility Standards; and
(q) General Safety and Emergency Procedures.

(4) Additionally, providers must establish written policies that prohibit:

(a) Physical or other forms of aversive action to discipline an individual;

(b) Seclusion, personal restraint, mechanical restraint and chemical restraint;

(c) Withholding shelter, regular meals, clothing or aids to physical functioning; and

(d) Discipline of one individual receiving services by another.
Stat. Auth.: ORS 161.390, 413.042, 428.205 - 428.270, 430.640 & 443.450
Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270
Hist.: MHS 10-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-018-0115

Individual Rights

(1) In addition to all applicable statutory and constitutional rights, every individual receiving services has the right to:

(a) Choose from available services and supports, those that are consistent with the Service Plan, culturally competent, provided in the most integrated setting in the community and under conditions that are least restrictive to the individual's liberty, that are least intrusive to the individual and that provide for the greatest degree of independence;

(b) Be treated with dignity and respect;

(c) Participate in the development of a written Service Plan, receive services consistent with that plan and participate in periodic review and reassessment of service and support needs, assist in the development of the plan, and to receive a copy of the written Service Plan;

(d) Have all services explained, including expected outcomes and possible risks;

(e) Confidentiality, and the right to consent to disclosure in accordance with ORS 107.154, 179.505, 179.507, 192.515, 192.507, 42 CFR Part 2 and 45 CFR Part 205.50.

(f) Give informed consent in writing prior to the start of services, except in a medical emergency or as otherwise permitted by law. Minor children may give informed consent to services in the following circumstances:

(A) Under age 18 and lawfully married;

(B) Age 16 or older and legally emancipated by the court; or

(C) Age 14 or older for outpatient services only. For purposes of informed consent, outpatient service does not include service provided in residential programs or in day or partial hospitalization programs;

(g) Inspect their Service Record in accordance with ORS 179.505;

(h) Refuse participation in experimentation;

(i) Receive medication specific to the individual's diagnosed clinical needs;

(j) Receive prior notice of transfer, unless the circumstances necessitating transfer pose a threat to health and safety;

(k) Be free from abuse or neglect and to report any incident of abuse or neglect without being subject to retaliation;

(l) Have religious freedom;

(m) Be free from seclusion and restraint;

(n) Be informed at the start of services, and periodically thereafter, of the rights guaranteed by this rule;

(o) Be informed of the policies and procedures, service agreements and fees applicable to the services provided, and to have a custodial parent, guardian, or representative, assist with understanding any information presented;

(p) Have family and guardian involvement in service planning and delivery;

(q) Make a declaration for mental health treatment, when legally an adult;

(r) File grievances, including appealing decisions resulting from the grievance;

(s) Exercise all rights set forth in ORS 109.610 through 109.697 if the individual is a child, as defined by these rules;

(t) Exercise all rights set forth in ORS 426.385 if the individual is committed to the Authority; and

(u) Exercise all rights described in this rule without any form of reprisal or punishment.

(2) In addition to the rights specified in (1) of this rule, every individual receiving residential services has the right to:

(a) A safe, secure and sanitary living environment;

(b) A humane service environment that affords reasonable protection from harm, reasonable privacy and daily access to fresh air and the outdoors;

(c) Keep and use personal clothing and belongings, and to have an adequate amount of private, secure storage space. Reasonable restriction of the time and place of use, of certain classes of property may be implemented if necessary to prevent the individual or others from harm, provided that notice of this restriction is given to individuals and their families, if applicable, upon entry to the program, documented, and reviewed periodically;

(d) Express sexual orientation, gender identity and gender presentation;

(e) Have access to and participate in social, religious and community activities;

(f) Private and uncensored communications by mail, telephone and visitation, subject to the following restrictions:

(A) This right may be restricted only if the provider documents in the individual's record that there is a court order to the contrary, or that in the absence of this restriction, significant physical or clinical harm will result to the individual or others. The nature of the harm must be specified in reasonable detail, and any restriction of the right to communicate must be no broader than necessary to prevent this harm; and

(B) The individual and his or her guardian, if applicable, must be given specific written notice of each restriction of the individual's right to private and uncensored communication. The provider must ensure that correspondence can be conveniently received and mailed, that telephones are reasonably accessible and allow for confidential communication, and that space is available for visits. Reasonable times for the use of telephones and visits may be established in writing by the provider;

(g) Communicate privately with public or private rights protection programs or rights advocates, clergy, and legal or medical professionals;

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(h) Have access to and receive available and applicable educational services in the most integrated setting in the community;

(i) Participate regularly in indoor and outdoor recreation;

(j) Not be required to perform labor;

(k) Have access to adequate food and shelter; and

(l) A reasonable accommodation if, due to a disability, the housing and services are not sufficiently accessible.

(3) Notification of Rights: The provider must give to the individual and, if appropriate, the guardian, a document that describes the applicable individual's rights as follows:

(a) Information given to the individual must be in written form or, upon request, in an alternative format or language appropriate to the individual's need;

(b) The rights, and how to exercise them, must be explained to the individual, and if appropriate, to her or his guardian; and

(c) Individual rights must be posted in writing in a common area.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 428.205 - 428.270, 430.640 & 443.450
Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 10-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-018-0120

Licensing and Credentialing

Program staff in the following positions must meet applicable credentialing or licensing standards, including those outlined in these rules:

(1) Substance Use Disorders Treatment Staff;

(2) Clinical Supervisors;

(3) LMPs;

(4) Medical Directors;

(5) Peer Support Specialists; and

(6) Problem Gambling Treatment Staff.

Stat. Auth.: ORS 430.640 & 443.450

Stats. Implemented: ORS 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 10-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-018-0125

Specific Staff Qualifications and Competencies

(1) Program Administrators or Program Directors must demonstrate competence in leadership, program planning and budgeting, fiscal management, supervision of program staff, personnel management, program staff performance assessment, use of data, reporting, program evaluation, quality assurance, and developing and coordinating community resources.

(2) All Clinical Supervisors must demonstrate competence in leadership, wellness, oversight and evaluation of services, staff development, service planning, case management and coordination, utilization of community resources, group, family and individual therapy or counseling, documentation and rationale for services to promote intended outcomes and implementation of all provider policies.

(3) Clinical Supervisors in substance use disorders treatment and recovery programs must be certified or licensed by a health or allied provider agency as follows:

(a) For supervisors holding a certification or license in addiction counseling, qualifications for the certificate or license must have included at least:

(A) 4000 hours of supervised experience in substance use counseling;

(B) 300 contact hours of education and training in substance use related subjects; and

(C) Successful completion of a written objective examination or portfolio review by the certifying body.

(b) For supervisors holding a health or allied provider license, the license or registration must have been issued by one of the following state bodies and the supervisor must possess documentation of at least 120 contact hours of academic or continuing professional education in the treatment of substance use disorders:

(A) Board of Medical Examiners;

(B) Board of Psychologist Examiners;

(C) Board of Licensed Social Workers;

(D) Board of Licensed Professional Counselors and Therapists; or

(E) Board of Nursing.

(c) Additionally, clinical supervisors in substance use disorders programs must have one of the following qualifications:

(A) Five years of paid full-time experience in the field of substance use disorders counseling; or

(B) A Bachelor's degree and four years of paid full-time experience in the social services field, with a minimum of two years of direct substance use disorders counseling experience; or

(C) A Master's degree and three years of paid full-time experience in the social services field with a minimum of two years of direct substance use disorders counseling experience;

(4) Clinical Supervisors in problem gambling treatment and recovery programs must meet the requirements for clinical supervisors in either mental health or substance use disorders treatment and recovery programs, and have completed 10 hours of gambling specific training within two years of designation as a problem gambling services supervisor.

(5) Substance use disorders treatment staff must:

(a) Demonstrate competence in treatment of substance-use disorders including individual assessment and individual, group, family and other counseling techniques, program policies and procedures for service delivery and documentation, and identification, implementation and coordination of services identified to facilitate intended outcomes; and

(b) Be certified or licensed by a health or allied provider agency, as defined in these rules, to provide addiction treatment within two years of the first hire date and must make application for certification no later than six months following that date. The two years is not renewable if the person ends employment with a provider and becomes re-employed with another provider.

(c) For treatment staff holding certification in addiction counseling, qualifications for the certificate must have included at least:

(A) 750 hours of supervised experience in substance use counseling;

(B) 150 contact hours of education and training in substance use related subjects; and

(C) Successful completion of a written objective examination or portfolio review by the certifying body.

(d) For treatment staff holding a health or allied provider license, the license or registration must have been issued by one of the following state bodies and the person must possess documentation of at least 60 contact hours of academic or continuing professional education in substance use disorders treatment:

(A) Board of Medical Examiners;

(B) Board of Psychologist Examiners;

(C) Board of Licensed Social Workers;

(D) Board of Licensed Professional Counselors and Therapists; or

(E) Board of Nursing.

(6) Problem gambling treatment staff must demonstrate competence in treatment of problem gambling including individual assessment and individual, group, family and other counseling techniques, program policies and procedures for service delivery and documentation, and identification, implementation and coordination of services identified to facilitate intended outcomes.

(a) For treatment staff holding certification in problem gambling counseling, qualifications for the certificate must have included at least:

(A) 100 hours of supervised experience in problem gambling counseling;

(B) 30 contact hours of education and training in problem gambling related subjects; and

(C) Successful completion of a written objective examination or portfolio review by the certifying body.

(b) For treatment staff holding a health or allied provider license, the license or registration must have been issued by one of the following state bodies and the person must possess documentation of at least 60 contact hours of academic or continuing professional education in problem gambling treatment:

(A) Board of Medical Examiners;

(B) Board of Psychologist Examiners;

(C) Board of Licensed Social Workers;

(D) Board of Licensed Professional Counselors and Therapists; or

(E) Board of Nursing.

(7) Peer support specialists must demonstrate knowledge of approaches to support others in recovery and resiliency, and demonstrate efforts at self-directed recovery.

(8) Recovering Staff: Program staff, contractors, volunteers and interns recovering from a substance use disorder, providing treatment services or peer support services in substance use disorders treatment and recovery programs, must be able to document continuous abstinence under independent living conditions or recovery housing for the immediate past two years.

Stat. Auth.: ORS 430.640 & 443.450

Stats. Implemented: ORS 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 10-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

ADMINISTRATIVE RULES

309-018-0130

Documentation, Training and Supervision

(1) Providers must maintain personnel records for each program staff which contains all of the following documentation:

(a) Where required, verification of a criminal record check consistent with OAR 943-007;

(b) A current job description that includes applicable competencies;

(c) Copies of relevant licensure or certification, diploma, or certified transcripts from an accredited college, indicating that the program staff meets applicable qualifications;

(d) Periodic performance appraisals;

(e) Staff orientation documentation;

(f) Disciplinary documentation; and

(g) Results of a Tuberculosis screening as per OAR 333-071-0057.

(2) Providers must maintain the following documentation for contractors, interns or volunteers, as applicable:

(a) A contract or written agreement;

(b) A signed confidentiality agreement;

(c) Orientation documentation;

(d) For subject individuals, verification of a criminal records check consistent with OAR 943-007; and

(e) Results of a Tuberculosis screening as per OAR 333-071-0057.

(3) Training: Providers must ensure that program staff receives training applicable to the specific population for whom services are planned, delivered, or supervised as follows:

(a) Orientation training: The program must document appropriate orientation training for each program staff, or person providing services, within 30 days of the hire date. At minimum, orientation training for all program staff must include, but not be limited to,

(A) A review of crisis prevention and response procedures;

(B) A review of emergency evacuation procedures;

(C) A review of program policies and procedures;

(D) A review of rights for individuals receiving services and supports;

(E) Mandatory abuse reporting procedures; and

(F) HIPAA, and Fraud, Waste and Abuse;

(4) Clinical Supervision: Persons providing direct services must receive supervision by a qualified Clinical Supervisor, as defined in these rules, related to the development, implementation and outcome of services.

(a) Clinical supervision must be provided to assist program staff and volunteers to increase their skills, improve quality of services to individuals, and supervise program staff and volunteers' compliance with program policies and procedures, including:

(b) Documentation of two hours per month of supervision for each person supervised. The two hours must include one hour of individual face-to-face contact for each person supervised, or a proportional level of supervision for part-time program staff. Individual face-to-face contact may include real time, two-way audio visual conferencing; or

(c) Documentation of two hours of quarterly supervision for program staff holding a health or allied provider license, including at least one hour of individual face-to-face contact for each person supervised.

Stat. Auth.: ORS 430.640 & 443.450

Stats. Implemented: ORS 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955,

443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 10-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-018-0135

Entry

(1) Entry Process: The program must utilize an entry procedure to ensure the following:

(a) Individuals must be considered for entry without regard to race, ethnicity, gender, gender identity, gender presentation, sexual orientation, religion, creed, national origin, age, except when program eligibility is restricted to children, adults or older adults, familial status, marital status, source of income, and disability.

(b) Individuals must receive services in the most timely manner feasible consistent with the presenting circumstances; and

(c) For individuals receiving services funded by the SAPT Block Grant, entry of pregnant women to services must occur no later than 48 hours from the date of first contact, and no less than 14 days after the date of first contact for individuals using substances intravenously. If services are not available within the required timeframe, the provider must document the reason and provide interim referral and informational services as defined in these rules, within 48 hours.

(2) Entry of individuals whose services are funded by the SAPT Block Grant, must be prioritized in the following order:

(a) Women who are pregnant and using substances intravenously;

(b) Women who are pregnant;

(c) Individuals who are using substances intravenously; and

(d) Women with dependent children.

(3) Written informed consent for services must be obtained from the individual or guardian, if applicable, prior to the start of services. If such consent is not obtained, the reason must be documented and further attempts to obtain informed consent must be made as appropriate.

(4) The provider must develop and maintain adequate clinical records and other documentation which supports the specific care, items, or services for which payment has been requested.

(5) The provider must report the entry of all individuals on the mandated state data system.

(6) In accordance with ORS 179.505 and HIPAA, an authorization for the release of information must be obtained for any confidential information concerning the individual being considered for, or receiving, services.

(7) Orientation: At the time of entry, the program must offer to the individual and guardian if applicable, written program orientation information. The written information must be in a language understood by the individual and must include:

(a) A description of individual rights consistent with these rules;

(b) Policies concerning grievances;

(c) Notice of privacy practices; and

(d) An opportunity to register to vote.

Stat. Auth.: ORS 161.390, 413.042, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 430.010, 430.205 - 430.210,

430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168,

813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 10-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-018-0140

Assessment

(1) At the time of entry, an assessment must be completed.

(2) The assessment must be completed by qualified program staff as follows:

(a) Supervisory or treatment staff in substance use disorders treatment and recovery programs, and

(b) Supervisory or treatment staff in problem gambling treatment and recovery programs.

(3) Each assessment must include:

(a) Sufficient information and documentation to justify the presence of a diagnosis that is the medically appropriate reason for services

(b) Screening for the presence of substance use, problem gambling, mental health conditions, and chronic medical conditions.

(c) Screening for the presence of symptoms related to psychological and physical trauma.

(d) Suicide potential must be assessed and individual service records must contain follow-up actions and referrals when an individual reports symptoms indicating risk of suicide.

(4) Each assessment must be consistent with the dimensions described in the ASAM PPC-2R, and must document a diagnosis and level of care determination consistent with the DSM and ASAM PPC-2R.

(5) When the assessment process determines the presence of co-occurring substance use and mental health disorders, or any significant risk to health and safety, all providers must document referral for further assessment, planning and intervention from an appropriate professional, either with the same provider or with a collaborative community provider.

(6) Providers must periodically update assessments as applicable, when there are changes in clinical circumstances.

Stat. Auth.: ORS 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955,

443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 10-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-018-0145

Service Plan and Service Notes

(1) The Service Plan must be a written, individualized plan to improve the individual's condition to the point where the individual's continued participation in the program is no longer necessary. The Service Plan is included in the individual's service records and must:

(a) Be completed prior to the start of services;

(b) Reflect the assessment and the level of care to be provided;

(c) Include the participation of the individual;

(d) Include the participation of family members as applicable; and

(e) Be completed by qualified program staff as follows:

(A) Supervisory or treatment staff in substance use disorders treatment and recovery programs, and

(B) Supervisory or treatment staff in problem gambling treatment and recovery programs.

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- (2) At minimum, each Service Plan must include:
- (a) Individualized treatment objectives;
 - (b) The specific services and supports that will be used to meet the treatment objectives;
 - (c) A projected schedule for service delivery, including the expected frequency and duration of each type of planned therapeutic session or encounter;
 - (d) The type of personnel that will be furnishing the services; and
 - (e) A projected schedule for re-evaluating the Service Plan.
- (3) Service Notes:
- (a) Providers must document each service and support. A Service Note, at minimum, must include:
- (A) The specific services rendered
 - (B) The date, time of service, and the actual amount of time the services were rendered;
 - (C) Who rendered the services;
 - (D) The setting in which the services were rendered;
 - (E) The relationship of the services to the treatment regimen described in the Service Plan; and
 - (F) Periodic Updates describing the individual's progress.
- Stat. Auth.: ORS 428.205 - 428.270, 430.640 & 443.450
Stats. Implemented: ORS 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270
Hist.: MHS 10-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-018-0150

Service Record

- (1) Documentation Standards: Documentation must be appropriate in quality and quantity to meet professional standards applicable to the provider and any additional standards for documentation in the provider's policies and any pertinent contracts.
- (2) General Requirements for Individual Service Record: All providers must develop and maintain a Service Record for each individual upon entry. The record must, at a minimum, include:
- (a) Identifying information, or documentation of attempts to obtain the information, including:
 - (A) The individual's name, address, telephone number, date of birth, gender, and for adults, marital status and military status;
 - (B) Name, address, and telephone number of the parent or legal guardian, primary care giver or emergency contact; and
 - (C) Contact information for medical and dental providers.
 - (b) Informed Consent for Service, including medications, or documentation specifying why the provider could not obtain consent by the individual or guardian as applicable;
 - (c) Written refusal of any services and supports offered, including medications;
 - (d) A signed fee agreement, when applicable;
 - (e) Assessment and updates to the assessment;
 - (f) A Service Plan;
 - (g) Service notes;
 - (h) A Transfer Summary, when required;
 - (i) Other plans as made available, such as, but not limited to recovery plans, wellness action plans, education plans, and advance directives for physical and mental health care; and
 - (j) Applicable signed consents for release of information.
 - (k) A personal belongings inventory created upon entry and updated whenever an item of significant value is added or removed, or on the date of transfer;
 - (l) Documentation indicating that the individual and guardian, as applicable, were provided with the required orientation information upon entry;
 - (m) Background information including strengths and interests, all available previous mental health or substance use assessments, previous living arrangements, service history, behavior support considerations, education service plans if applicable, and family and other support resources;
 - (n) Medical information including a brief history of any health conditions, documentation from a LMP or other qualified health care professional of the individual's current physical health, and a written record of any prescribed or recommended medications, services, dietary specifications, and aids to physical functioning;
 - (o) Copies of documents relating to guardianship or any other legal considerations, as applicable;
 - (p) A copy of the individual's most recent Service Plan, if applicable, or in the case of an emergency or crisis-respite entry, a summary of current additions or mental health services and any applicable behavior support plans;

- (q) Documentation of the individual's ability to evacuate the home consistent with the program's evacuation plan developed in accordance with the Oregon Structural Specialty Code and Oregon Fire Code;
 - (r) Documentation of any safety risks; and
 - (s) Incident reports, when required.
- (3) Medical Service Records: When medical services are provided, the following documents must be part of the Service Record as applicable:
- (a) Medication Administration Records as per these rules;
 - (b) Laboratory reports; and
 - (c) LMP orders for medication, protocols or procedures.
- Stat. Auth.: ORS 428.205 - 428.270, 430.640 & 443.450
Stats. Implemented: ORS 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270
Hist.: MHS 10-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-018-0155

Transfer and Continuity of Care

- (1) Planned Transfer: Providers must meet the following requirements for planned transfer:
- (a) Decisions to transfer individuals must be documented in a transfer summary; and
 - (b) The documentation must include the reason for transfer and must be consistent with ASAM criteria established in the assessment.
- (2) Transfer Process and Continuity of Care: Prior to transfer, providers must:
- (a) When applicable, coordinate and provide appropriate referrals for medical care and medication management. The transferring provider must assist the individual to identify the medical provider who will provide continuing care and to arrange an initial appointment with that provider;
 - (b) Coordinate recovery and ongoing support services for individuals and their families including identifying resources and facilitating linkage to other service systems necessary to sustain recovery, including peer delivered services;
 - (c) Complete a Transfer Summary;
 - (d) When services are transferred due to the absence of the individual, the provider must document outreach efforts made to re-engage the individual, or document the reason why such efforts were not made; and
 - (f) The provider must report all instances of Transfer on the mandated state data system.
- (3) Transfer Summary:
- (a) A Transfer Summary must include:
 - (A) The date and reason for the transfer;
 - (B) A summary statement that describes the effectiveness of services in assisting the individual and his or her family to achieve intended outcomes identified in the Service Plan;
 - (C) Where appropriate, a plan for personal wellness and resilience, including relapse prevention; and
 - (D) Identification of resources to assist the individual and family, if applicable, in accessing recovery and resiliency services and supports.
 - (4) If the transfer is to services with another provider, all documentation contained in the Service Record requested by the receiving provider must be furnished, compliant with applicable confidentiality policies and procedures, within 14 days of receipt of a written request for the documentation.
 - (5) A complete transfer summary must be sent to the receiving provider within 30 days of the transfer.
- Stat. Auth.: ORS 428.205 - 428.270, 430.640 & 443.450
Stats. Implemented: ORS 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270
Hist.: MHS 10-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-018-0160

Co-Occurring Mental Health and Substance Use Disorders (COD)

- Providers approved and designated to provide services and supports for individuals diagnosed with COD must provide concurrent service and support planning and delivery for substance use and mental health diagnosis, including integrated assessment, Service Plan and Service Record.
- Stat. Auth.: ORS 430.640 & 443.450
Stats. Implemented: ORS 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270
Hist.: MHS 10-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-018-0165

Residential Problem Gambling Treatment Services:

- These services include group, individual and family treatment consistent with the following requirements:
- (1) The first offered service appointment must be five business days or less from the date of request for services;

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(2) Service sessions must address the challenges of the individual as they relate, directly or indirectly, to the problem gambling behavior;

(3) Telephone counseling: Providers may provide telephone counseling when person-to-person contact would involve an unwise delay, as follows:

(a) Individual must be currently enrolled in the problem gambling treatment program;

(b) Phone counseling must be provided by a qualified program staff within their scope of practice;

(c) Service Notes for phone counseling must follow the same criteria as face-to-face counseling and identify the session was conducted by phone and the clinical rationale for the phone session;

(d) Telephone counseling must meet HIPAA and 42 CFR standards for privacy; and

(e) There must be an agreement of informed consent for phone counseling that is discussed with the individual and documented in the individual's service record.

(4) Family Counseling: Family counseling includes face-to-face or non face-to-face service sessions between a program staff member delivering the service and a family member whose life has been negatively impacted by gambling.

(a) Service sessions must address the problems of the family member as they relate directly or indirectly to the problem gambling behavior; and

(b) Services to the family must be offered even if the individual identified as a problem gambler is unwilling, or unavailable to accept services.

(5) 24-hour crisis response accomplished through agreement with other crisis services, on-call program staff or other arrangement acceptable to the Division.

(6) A financial assessment must be included in the entry process and documented in the assessment; and

(7) The service plan must include a financial component, consistent with the financial assessment.

Stat. Auth.: ORS 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 10-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-018-0170

Residential Substance Use Disorders Treatment and Recovery Services

(1) Interim Referral and Information Services: Pregnant women or other individuals using substances intravenously, whose services are funded by the SAPT Block Grant, must receive interim referrals and information prior to entry, to reduce the adverse health effects of substance use, promote the health of the individual, and reduce the risk of transmission of disease. At a minimum, interim referral and informational services must include:

(a) Counseling and education about blood borne pathogens including Hepatitis, HIV, STDs and Tuberculosis (TB); the risks of needle and paraphernalia sharing and the likelihood of transmission to sexual partners and infants;

(b) Counseling and education about steps that can decrease the likelihood of Hepatitis, HIV, STD, and TB transmission;

(c) Referral for Hepatitis, HIV, STD and TB testing, vaccine or care services if necessary; and

(d) For pregnant women, counseling on the likelihood of blood borne pathogen transmission as well as the effects of alcohol, tobacco and other drug use on the fetus and referral for prenatal care.

(2) Culturally Specific Services: Programs approved and designated as culturally specific programs must meet the following criteria:

(a) Serve a majority of individuals representing culturally specific populations;

(b) Maintain a current demographic and cultural profile of the community;

(c) Ensure that individuals from the identified cultural group receive effective and respectful care that is provided in a manner compatible with their cultural health beliefs, practices, and preferred language;

(d) Implement strategies to recruit, retain, and promote a diverse staff at all levels of the organization that are representative of the population being served;

(e) Ensure that staff at all levels and across all disciplines receive ongoing education and training in culturally and linguistically appropriate service delivery;

(f) Ensure that a majority of the substance use disorders treatment staff be representative of the specific culture being served;

(g) Ensure that individuals are offered customer satisfaction surveys that address all areas of service and that the results of the surveys are used for quality improvement;

(h) Consider race, ethnicity, and language data in measuring customer satisfaction;

(i) Develop and implement cultural competency policies;

(j) Ensure that data on individual's race, ethnicity, and spoken and written language are collected in health records, integrated into the organization's management information systems, and periodically updated;

(k) Develop and maintain a Governing or Advisory Board as follows:

(A) Have a majority representation of the culturally specific group being served;

(B) Receive training concerning the significance of culturally relevant services and supports;

(C) Meet at least quarterly; and

(D) Monitor agency quality improvement mechanisms and evaluate the ongoing effectiveness and implementation of culturally relevant services (CLAS) and supports within the organization.

(l) Maintain accessibility to culturally specific populations including:

(A) The physical location of the program must be within close proximity to the culturally specific populations;

(B) Where available, public transportation must be within close proximity to the program; and

(C) Hours of service, telephone contact, and other accessibility issues must be appropriate for the population.

(m) The physical facility where the culturally specific services are delivered must be psychologically comfortable for the group including:

(A) Materials displayed must be culturally relevant; and

(B) Mass media programming (radio, television, etc.) must be sensitive to cultural background;

(n) Other cultural differences must be considered and accommodated when possible, such as the need or desire to bring family members to the facility, play areas for small children and related accommodations; and

(o) Ensure that grievance processes are culturally and linguistically sensitive and capable of identifying, preventing and resolving cross-cultural conflicts or complaints.

Stat. Auth.: ORS 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 10-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-018-0175

Residential Adolescent Substance Use Disorders Treatment and Recovery Services

Programs approved to provide adolescent substance use disorders treatment services or those with adolescent-designated service funding must meet the following standards:

(1) Development of Service Plans and case management services must include participation of parents, other family members, schools, children's services agencies, and juvenile corrections, as appropriate;

(2) Services, or appropriate referrals, must include:

(a) Family counseling;

(b) Education services;

(c) Community and social skills training; and

(e) Smoking cessation service.

(3) Continuing care services must be of appropriate duration and designed to maximize recovery opportunities. The services must include:

(a) Reintegration services and coordination with family and schools;

(b) Youth dominated self-help groups where available;

(c) Linkage to emancipation services when appropriate; and

(d) Linkage to physical or sexual abuse counseling and support services when appropriate.

Stat. Auth.: ORS 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 10-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-018-0180

Residential Women's Substance Use Disorders Treatment and Recovery Programs

(1) Programs approved to provide women's substance use disorders treatment services or those with women-specific designated service funding must meet the following standards:

(a) The Assessment must contain an evaluation that identifies and assesses needs specific to women's issues in service such as social isolation, self-reliance, parenting issues, domestic violence, women's physical health, housing and financial considerations;

ADMINISTRATIVE RULES

(b) The service plan must address all areas identified in the assessment and applicable service coordination details to address the identified needs;

(c) The program must provide or coordinate services and supports that meet the special access needs of women such as childcare, mental health services, and transportation, as indicated; and

(d) The program must provide, or coordinate, the following services and supports unless clinically contraindicated:

(A) Gender-specific services and supports;

(B) Family services, including therapeutic services for children in the custody of women in treatment;

(C) Reintegration with family;

(D) Peer delivered supports;

(E) Smoking cessation;

(F) Housing; and

(G) Transportation.

(2) Services must include the participation of family and other agencies as appropriate, such as social service, child welfare, or corrections agencies;

(3) Referral Services: The program must coordinate services with the following, if indicated:

(a) Agencies providing services to women who have experienced physical abuse, sexual abuse or other types of domestic violence; and

(b) Parenting training; and

(c) Continuing care treatment services must be consistent with the ASAM PPC-2R and must include referrals to female dominated support groups where available; and

(4) Programs that receive SAPT Block Grant funding must provide or coordinate the following services for pregnant women and women with dependent children, including women who are attempting to regain custody of their children:

(a) Primary medical care for women, including referral for prenatal care and, while the women are receiving such services, child care;

(b) Primary pediatric care, including immunizations for their children;

(c) Gender specific substance abuse treatment and other therapeutic interventions for women which may include, but are not limited to:

(A) Relationship issues;

(B) Sexual and physical abuse;

(C) Parenting;

(D) Access to child care while the women are receiving these services; and

(E) Therapeutic interventions for children in the custody of women in treatment which may include, but are not limited to:

(i) Their developmental needs;

(ii) Any issues concerning sexual and physical abuse, and neglect; and

(iii) Sufficient case management and transportation to ensure that women and their children have access to services.

Stat. Auth.: ORS 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955,

443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 10-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-018-0185

Community-Based Substance Use Treatment and Recovery Programs for Individuals in the Criminal Justice System

(1) These services and supports are for individuals who are under the supervision of a probation officer or on parole or post-prison supervision or participating in a drug treatment court program or otherwise under the direct supervision of the court.

(2) Services and supports must incorporate interventions and strategies that target criminogenic risk factors and include:

(a) Cognitive behavioral interventions;

(b) Motivational interventions;

(c) Relapse prevention; and

(d) Healthy relationships education;

(3) Providers must demonstrate coordination of services with criminal justice partners through written protocols, program staff activities, and individual record documentation.

(4) Program Directors or clinical supervisors must have experience in community-based offender treatment and recovery programs and have specific training and experience applying effective, evidence-based clinical strategies and services for individuals receiving community-based substance use disorders treatment services to individuals in the criminal justice system;

(5) Within the first six months of hire, program staff must:

(a) Receive training on effective principles of evidenced-based practices for individuals with criminogenic risk factors; and

(b) Have documented knowledge, skills, and abilities demonstrating treatment strategies for individuals with criminogenic risk factors.

Stat. Auth.: ORS 161.390, 413.042, 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 430.010, 430.205 - 430.210,

430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168,

813.010 - 813.052 & 813.200 - 813.270

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309-018-0190

DUII Rehabilitation Programs

(1) In addition to the general standards for substance use disorders treatment and recovery programs, those programs approved to provide DUII rehabilitation services must meet the following standards:

(a) DUII rehabilitation programs must assess individuals referred for treatment by the evaluation specialist. Placement, continued stay and transfer of individuals must be based on the criteria described in the ASAM PPC-2R, subject to the following additional terms and conditions:

(A) Abstinence: Individuals must demonstrate continuous abstinence for a minimum of 90 days prior to completion as documented by urinalysis tests and other evidence;

(B) Treatment Completion: Only DUII rehabilitation programs may certify treatment completion;

(C) Residential Treatment: Using the criteria from the ASAM PPC-2R, the DUII program's assessment may indicate that the individual requires treatment in a residential program. When the individual is in residential treatment, it is the responsibility of the DUII program to:

(i) Monitor the case carefully while the individual is in residential treatment;

(ii) Provide or monitor outpatient and follow-up services when the individual is transferred from the residential program; and

(iii) Verify completion of residential treatment and follow-up outpatient treatment.

(2) Urinalysis Testing: A minimum of one urinalysis sample per month must be collected during the period of service, the total number deemed necessary to be determined by an individual's DUII rehabilitation program:

(a) Using the process defined in these rules, the samples must be tested for at least five controlled drugs;

(b) At least one of the samples is to be collected and tested in the first two weeks of the program and at least one is to be collected and tested in the last two weeks of the program;

(c) If the first sample is positive, two or more samples must be collected and tested, including one sample within the last two weeks before completion; and

(d) Programs may use methods of testing for the presence of alcohol and other drugs in the individual's body other than urinalysis tests if they have obtained the prior review and approval of such methods by the Division.

(3) Reporting: The program must report:

(a) To the Division on forms prescribed by the Division;

(b) To the evaluation specialist within 30 days from the date of the referral by the specialist. Subsequent reports must be provided within 30 days of completion or within 10 days of the time that the individual enters noncompliant status; and

(c) To the appropriate evaluation specialist, case manager, court, or other agency as required when requested concerning individual cooperation, attendance, treatment progress, utilized modalities, and fee payment.

(4) Certifying Completion: The program must send a numbered Certificate of Completion to the Department of Motor Vehicles to verify the completion of convicted individuals. Payment for treatment may be considered in determining completion. A certificate of completion must not be issued until the individual has satisfied the abstinence requirements of 309-032-1540(f)(A)(i).

(5) Records: The DUII rehabilitation program must maintain in the permanent Service Record, urinalysis results and all information necessary to determine whether the program is being, or has been, successfully completed.

(6) Separation of Evaluation and Rehabilitation Functions: Without the approval of the Director, no agency or person may provide DUII rehabilitation to an individual who has also been referred by a Judge to the same agency or person for a DUII evaluation. Failure to comply with this rule will be considered a violation of ORS chapter 813. If the Director finds such a violation, the Director may deny, suspend, revoke, or refuse to renew a letter of approval.

Stat. Auth.: ORS 161.390, 413.042, 428.205 - 428.270, 430.640 & 443.450

ADMINISTRATIVE RULES

Stats. Implemented: ORS 109.675, 161.390 - 161.400, 179.505, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270
Hist.: MHS 10-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-018-0195

Medical Protocols

Medical protocols must be approved by a medical director under contract with a program or written reciprocal agreement with a medical practitioner under managed care. The protocols must:

- (1) Require a medical history be included in the Assessment;
- (2) Designate those medical symptoms that, when found, require further investigation, physical examinations, service, or laboratory testing;
- (3) Require that individuals admitted to the program who are currently injecting or intravenously using a drug, or have injected or intravenously used a drug within the past 30 days, or who are at risk of withdrawal from a drug, or who may be pregnant, must be referred for a physical examination and appropriate lab testing within 30 days of entry to the program. This requirement may be waived by the medical director if these services have been received within the past 90 days and documentation is provided;
- (4) Require pregnant women be referred for prenatal care within two weeks of entry to the program;
- (5) Require that the program provide HIV and AIDS, TB, sexually transmitted disease, Hepatitis and other infectious disease information and risk assessment, including any needed referral, within 30 days of entry; and
- (6) Specify the steps for follow up and coordination with physical health care providers in the event the individual is found to have an infectious disease or other major medical problem.

Stat. Auth.: ORS 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270
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309-018-0200

Administration of Medications

The following guidelines must be followed in policies on administration of medications in residential programs:

- (1) Medications prescribed for one individual must not be administered to or self-administered by another individual or program staff;
- (2) When an individual self-administers medication in a residential program, self-administration must be approved in writing by a physician and closely monitored by the residential program staff;
- (3) No unused, outdated, or recalled drugs must be kept in a program. On a monthly basis any unused, outdated, or recalled drugs must be disposed of in a manner that assures they cannot be retrieved;
- (4) Disposal of prescription drugs in a residential program: A written record of all disposals of drugs must be maintained in the program and must include:
 - (a) A description of the drug, including the amount;
 - (b) The individual for whom the medication was prescribed;
 - (c) The reason for disposal; and
 - (d) The method of disposal.
- (4) Storage of Prescription Drugs in residential programs: All prescription drugs stored in the residential program must be kept in a locked stationary container. Medications requiring refrigeration must be stored in a refrigerator using a locked container; and
- (5) Written documentation of medications prescribed for the individual by a LMP must be maintained in the Individual Service Record. Documentation for each medication prescribed must include the following:
 - (a) A copy or detailed written description of the signed prescription order;
 - (b) The name of the medication prescribed;
 - (c) The prescribed dosage and method of administration;
 - (d) The date medications were prescribed, reviewed, or renewed;
 - (e) The date, the signature and credentials of program staff administering or prescribing medications; and
 - (f) Medication records which contain:
 - (A) Observed side effects including laboratory findings; and
 - (B) Medication allergies and adverse reaction.

Stat. Auth.: ORS 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270
Hist.: MHS 10-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-018-0205

Building Requirements

All substance use disorders treatment and recovery programs must:

(1) Comply with all applicable state and local building, electrical, plumbing, fire, safety, and zoning codes;

(2) Maintain up-to-date documentation verifying that they meet applicable local business license, zoning and building codes and federal, state and local fire and safety regulations. It is the responsibility of the program to check with local government to make sure all applicable local codes have been met;

(3) Provide space for services including but not limited to intake, assessment, counseling and telephone conversations that assures the privacy and confidentiality of individuals and is furnished in an adequate and comfortable fashion including plumbing, sanitation, heating, and cooling;

(4) Provide rest rooms for individuals, visitors, and staff that are accessible to persons with disabilities pursuant to Title II of the Americans with Disabilities Act if the program receives any public funds or Title III of the Act if no public funds are received; and

(5) Adopt and implement emergency policies and procedures, including an evacuation plan and emergency plan in case of fire, explosion, accident, death or other emergency. The policies and procedures and emergency plans must be current and posted in a conspicuous area.

Stat. Auth.: ORS 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270
Hist.: MHS 10-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-018-0210

Facility Standards for Substance Use Disorders Residential Treatment and Recovery Programs

(1) Building Requirements: In addition to the building requirements for outpatient Alcohol and Other Drug treatment and recovery programs, residential programs must meet the following standards:

(a) Prior to construction of a new building or major alteration of or addition to an existing building:

(b) One set of plans and specifications must be submitted to the State Fire Marshal for approval;

(c) Plans must be in accordance with the State of Oregon Structural Specialty Code and Fire and Life Safety Regulations;

(d) Plans for construction containing 4,000 square feet or more must be prepared and bear the stamp of an Oregon licensed architect or engineer; and

(e) The water supply, sewage, and garbage disposal system must be approved by the agency having jurisdiction.

(2) Interiors: All rooms used by individuals must have floors, walls, and ceilings that meet the interior finish requirements of the State of Oregon Structural Specialty Code and Fire and Life Safety Regulations:

(a) A separate dining room or area must be provided for exclusive use of individuals, program staff, and invited guests, and must:

(A) Seat at least one-half of the individuals at a time with a minimum of 15 square feet per occupant; and

(B) Be provided with adequate ventilation.

(b) A separate living room or lounge area must be provided for the exclusive use of individuals, program staff, and invited guests and must:

(A) Provide a minimum of 15 square feet per occupant; and

(B) Be provided with adequate ventilation.

(c) Bedrooms must be provided for all individuals and must:

(A) Be separate from the dining, living, multi-purpose, laundry, kitchen, and storage areas;

(B) Be an outside room with a window that can be opened, and is at least the minimum required by the State Fire Marshal;

(C) Have a ceiling height of at least seven feet, six inches;

(D) Provide a minimum of 60 square feet per individual, with at least three feet between beds;

(E) Provide permanently wired light fixtures located and maintained to give light to all parts of the room; and

(F) Provide a curtain or window shade at each window to assure privacy.

(d) Bathrooms must be provided and conveniently located in each building containing a bedroom and must:

(A) Provide a minimum of one toilet and one hand-washing sink for each eight individuals, and one bathtub or shower for each ten individuals;

(B) Provide one hand-washing sink convenient to every room containing a toilet;

(C) Provide permanently wired light fixtures located and maintained to give adequate light to all parts of the room;

(D) Provide arrangements for personal privacy for individuals;

(E) Provide a privacy screen at each window;

(F) Provide a mirror; and

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(G) Be provided with adequate ventilation.

(e) A supply of hot and cold water installed and maintained in compliance with rules of, the Authority, Health Services, Office of Public Health Systems, must be distributed to taps conveniently located throughout the residential program;

(f) All plumbing must comply with applicable codes;

(g) Laundry facilities, when provided, must be separate from:

(A) Resident living areas, including bedrooms;

(B) Kitchen and dining areas; and

(C) Areas used for the storage of unrefrigerated perishable foods.

(h) Storage areas must be provided appropriate to the size of the residential program. Separate storage areas must be provided for:

(A) Food, kitchen supplies, and utensils;

(B) Clean linens;

(C) Soiled linens and clothing;

(D) Cleaning compounds and equipment; and

(E) Poisons, chemicals, insecticides, and other toxic materials, which must be properly labeled, stored in the original container, and kept in a locked storage area.

(i) Furniture must be provided for each individual and must include:

(A) A bed with a frame and a clean mattress and pillow;

(B) A private dresser or similar storage area for personal belongings which is readily accessible to the individual; and

(C) Access to a closet or similar storage area for clothing and

(j) Linens must be provided for each individual and must include:

(A) Sheets and pillowcases;

(B) Blankets, appropriate in number and type for the season and the individual's comfort; and

(C) Towel and washcloth.

(3) Food Service and Storage: The residential program must meet the requirements of the State of Oregon Sanitary Code for Eating and Drinking Establishments relating to the preparation, storage, and serving of food. At minimum:

(a) Menus must be prepared in advance to provide a sufficient variety of foods served in adequate amounts for each resident at each meal;

(b) Records of menus as served must be filed and maintained in the residential program records for at least 30 days;

(c) All modified or special diets must be ordered by a physician;

(d) At least three meals must be provided daily;

(e) Supplies of staple foods for a minimum of one week and of perishable foods for a minimum of a two-day period must be maintained on the premises;

(f) Food must be stored and served at proper temperature;

(g) All utensils, including dishes, glassware, and silverware used in the serving or preparation of drink or food for individuals must be effectively washed, rinsed, sanitized, and stored after each individual use to prevent contamination in accordance with Health Division standards; and

(h) Raw milk and home-canned vegetables, meats, and fish must not be served or stored in a residential program.

(4) Safety: The residential program must meet the following safety requirements:

(a) At no time must the number of individuals served exceed the approved capacity;

(b) A written emergency plan must be developed and posted next to the telephone used by program staff and must include:

(A) Instructions for the program staff or designated resident in the event of fire, explosion, accident, death, or other emergency and the telephone numbers of the local fire department, law enforcement agencies, hospital emergency rooms, and the residential program's designated physician and on-call back-up program staff;

(B) The telephone number of the administrator or clinical supervisor and other persons to be contacted in case of emergency; and

(C) Instructions for the evacuation of individuals and program staff in the event of fire, explosion, or other emergency.

(c) The residential program must provide fire safety equipment appropriate to the number of individuals served, and meeting the requirements of the State of Oregon Structural Specialty Code and Fire and Life Safety Regulations:

(A) Fire detection and protection equipment must be inspected as required by the State Fire Marshal;

(B) All flammable and combustible materials must be properly labeled and stored in the original container in accordance with the rules of the State Fire Marshal; and

(C) The residential program must conduct unannounced fire evacuation drills at least monthly. At least once every three months the monthly

drill must occur between 10 p.m. and 6 a.m. Written documentation of the dates and times of the drills, time elapsed to evacuate, and program staff conducting the drills must be maintained.

(d) At least one program staff who is trained in First Aid and CPR must be onsite at all times; and

(5) Sanitation: The residential program must meet the following sanitation requirements:

(a) All floors, walls, ceilings, window, furniture, and equipment must be kept in good repair, clean, neat, orderly, and free from odors;

(b) Each bathtub, shower, hand-washing sink, and toilet must be kept clean and free from odors;

(c) The water supply in the residential program must meet the requirements of the rules of the Health Division governing domestic water supplies;

(d) Soiled linens and clothing must be stored in an area separate from kitchens, dining areas, clean linens and clothing and unrefrigerated food;

(e) All measures necessary to prevent the entry into the program of mosquitoes and other insects must be taken;

(f) All measures necessary to control rodents must be taken;

(g) The grounds of the program must be kept orderly and free of litter, unused articles, and refuse;

(h) Garbage and refuse receptacles must be clean, durable, water-tight, insect- and rodent proof and kept covered with a tight-fitting lid;

(i) All garbage solid waste must be disposed of at least weekly and in compliance with the rules of the Department of Environmental Quality; and

(j) Sewage and liquid waste must be collected, treated and disposed of in compliance with the rules of the Department of Environmental Quality.

Stat. Auth.: ORS 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 10-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-018-0215

Quality Assessment and Performance Improvement

Providers must develop and implement a structured and ongoing process to assess, monitor, and improve the quality and effectiveness of services provided to individuals and their families.

Stat. Auth.: ORS 428.205 - 428.270, 430.640 & 443.450

Stats. Implemented: ORS 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955,

443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270

Hist.: MHS 10-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-018-0220

Grievances and Appeals

(1) Any individual receiving services, or the parent or guardian of the individual receiving services, may file a grievance with the provider, the individual's managed care plan or the Division.

(2) For individuals whose services are funded by Medicaid, grievance and appeal procedures outlined in OAR 410-141-0260 through 410-141-0266, must be followed.

(3) For individuals whose services are not funded by Medicaid, providers must:

(a) Notify each individual, or guardian, of the grievance procedures by reviewing a written copy of the policy upon entry;

(b) Assist individuals and parents or guardians, as applicable, to understand and complete the grievance process; and notify them of the results and basis for the decision;

(c) Encourage and facilitate resolution of the grievance at the lowest possible level;

(d) Complete an investigation of any grievance within 30 calendar days;

(e) Implement a procedure for accepting, processing and responding to grievances including specific timelines for each;

(f) Designate a program staff person to receive and process the grievance;

(g) Document any action taken on a substantiated grievance within a timely manner; and

(h) Document receipt, investigation and action taken in response to the grievance.

(4) Grievance Process Notice. The provider must have a Grievance Process Notice, which must be posted in a conspicuous place stating the telephone number of:

(a) The Division;

(b) The CMHP;

(c) Disability Rights Oregon; and

(d) The applicable managed care organization.

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(5) Expedited Grievances: In circumstances where the matter of the grievance is likely to cause harm to the individual before the grievance procedures outlined in these rules are completed, the individual, or guardian of the individual, may request an expedited review. The program administrator must review and respond in writing to the grievance within 48 hours of receipt of the grievance. The written response must include information about the appeal process.

(6) Retaliation: A grievant, witness or staff member of a provider must not be subject to retaliation by a provider for making a report or being interviewed about a grievance or being a witness. Retaliation may include, but is not limited to, dismissal or harassment, reduction in services, wages or benefits, or basing service or a performance review on the action.

(7) Immunity: The grievant is immune from any civil or criminal liability with respect to the making or content of a grievance made in good faith.

(8) Appeals: Individuals and their legal guardians, as applicable, must have the right to appeal entry, transfer and grievance decisions as follows:

(a) If the individual or guardian, if applicable, is not satisfied with the decision, the individual or guardian may file an appeal in writing within ten working days of the date of the program administrator's response to the grievance or notification of denial for services as applicable. The appeal must be submitted to the CMHP Director in the county where the provider is located or to the Division as applicable;

(b) If requested, program staff must be available to assist the individual;

(c) The CMHP Director or Division, must provide a written response within ten working days of the receipt of the appeal; and

(d) If the individual or guardian, if applicable, is not satisfied with the appeal decision, he or she may file a second appeal in writing within ten working days of the date of the written response to the Director.

Stat. Auth.: ORS 161.390, 413.042, 409.410, 428.205 - 428.270, 430.640 & 443.450
Stats. Implemented: ORS 109.675, 161.390 - 161.400, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270
Hist.: MHS 10-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

309-018-0225

Variations

(1) Criteria for a Variance: Variations may be granted to a LMHA, CMHP or provider holding a certificate directly with the Division, by the Division:

(a) If there is a lack of resources to implement the standards required in these rules; or

(b) If implementation of the proposed alternative services, methods, concepts or procedures would result in improved outcomes for the individual.

(2) Application for a Variance:

(a) CMHPs and other providers may submit their variance request directly to the Division;

(b) Providers who hold Certificates of Approval jointly with CMHP's and the Division must submit their variance requests to the CMHP. The CMHP must then submit the variance request, along with the CMHP's written recommendation;

(c) The LMHA, CMHP or provider requesting a variance must submit a written application to the Deputy Director; and

(d) Variance requests must contain the following:

(A) The section of the rule from which the variance is sought;

(B) The reason for the proposed variance;

(C) The alternative practice, service, method, concept or procedure proposed;

(D) A proposal for the duration of the variance; and

(E) A plan and timetable for compliance with the section of the rule for which the variance applies.

(3) Division Review and Notification: The Deputy Director of the Division must approve or deny the request for a variance and must notify the LMHA, CMHP or provider in writing of the decision to approve or deny the requested variance, within 30 days of receipt of the variance. The written notification must include the specific alternative practice, service, method, concept or procedure that is approved and the duration of the approval.

(4) Appeal Application: Appeal of the denial of a variance request must be made in writing to the Director of the Division, whose decision will be final and must be provided in writing within 30 days of receipt of the appeal.

(5) Written Approval: The LMHA, CMHP or provider may implement a variance only after written approval from the Division.

(6) Duration of Variance: It is the responsibility of the LMHA, CMHP or the provider to submit a request to extend a variance in writing prior to a variance expiring. Extension must be approved in writing by the Division.

(7) Granting a variance for one request does not set a precedent that must be followed by the Division when evaluating subsequent requests for variance.

Stat. Auth.: ORS 413.042, 409.410, 428.205 - 428.270, 430.640 & 443.450
Stats. Imp: ORS 109.675, 430.010, 430.205 - 430.210, 430.240 - 430.640, 430.850 - 430.955, 443.400 - 443.460, 443.991, 461.549, 743A.168, 813.010 - 813.052 & 813.200 - 813.270
Hist.: MHS 10-2013(Temp), f. 8-8-13, cert. ef. 8-9-13 thru 2-5-14

Oregon Health Authority, Division of Medical Assistance Programs Chapter 410

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

Adm. Order No.: DMAP 39-2013(Temp)

Filed with Sec. of State: 7-26-2013

Certified to be Effective: 8-1-13 thru 1-28-14

Notice Publication Date:

Rules Amended: 410-120-0006

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

410-120-0006, the Division adopts in rule by reference Department eligibility rules and must update OAR 410-120-0006 in conjunction.

Rules Coordinator: Cheryl Peters—(503) 945-6527

410-120-0006

Medical Eligibility Standards

As the state Medicaid and CHIP agency, the Oregon Health Authority (Authority) is responsible for establishing and implementing eligibility policies and procedure consistent with applicable law. As outlined in 943-001-0020; the Authority, and the Department of Human Services (Department) work together to adopt rules to assure that medical assistance eligibility procedures and determinations are consistent across both agencies.

(1) The Authority adopts and incorporates by reference the rules established in OAR Chapter 461 and in effect August 1, 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.

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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

Rule Caption: Amend Pharmacy & Therapeutics Committee rule to remove expiration date and clarity given to safety

Adm. Order No.: DMAP 40-2013(Temp)

Filed with Sec. of State: 8-1-2013

Certified to be Effective: 8-1-13 thru 1-28-14

Notice Publication Date:

Rules Amended: 410-121-0111

Subject: Rule changes include the removal of expiration date and addition of clarification regarding responsibility of committee to recipient safety.

Rules Coordinator: Cheryl Peters—(503) 945-6527

410-121-0111

Drug Use Review/Pharmacy and Therapeutics Committee

(1) Pursuant to Oregon Laws 2011, chapter 720 (HB 2100), the Drug Use Review Board (DUR Board) is abolished and the tenure of office for the members of the DUR Board expires. The legislature transferred the duties, functions and powers previously vested in the DUR Board to the Pharmacy and Therapeutics (P&T) Committee. This rule is retroactively effective on September 5, 2011, the date the P&T Committee was created and the DUR Board was abolished by HB 2100, and expires whenever the Oregon Health Authority (Authority) suspends the rule.

(2) Unless otherwise inconsistent with these administrative rules or other laws, any administrative rule or agency policy with reference to the DUR Board or a DUR Board volunteer, staff or contractor shall be considered to be a reference to the P&T Committee or a P&T Committee volunteer, staff or contractor. The current preferred drug list (PDL), prior authorization process and utilization review process developed by the DUR Board remains in effect until such time as the Authority, after recommendations and advice from the P&T Committee, modifies them through the adoption of new administrative rules or policies and procedures.

(3) The P&T Committee shall advise the Oregon Health Authority (Authority) on the:

(a) Implementation of the medical assistance program retrospective and prospective programs, including the type of software programs to be used by the pharmacist for prospective drug use review and the provisions of the contractual agreement between the state and any entity involved in the retrospective program;

(b) Implementation of the Practitioner Managed Prescription Drug Plan (PMPDP);

(c) Adoption of administrative rules pertaining to the P&T Committee;

(d) Development of and application of the criteria and standards to be used in retrospective and prospective drug use review, and safety edit programs in a manner that ensures that such criteria and standards are based on compendia, relevant guidelines obtained from professional groups through consensus-driven processes, the experience of practitioners with expertise in drug therapy, data and experience obtained from drug utilization review program operations. The P&T Committee must have an open professional consensus process, establish an explicit ongoing process for soliciting and considering input from interested parties, and make timely revisions to the criteria and standards based on this input and scheduled reviews;

(e) Development, selection and application of and assessment for interventions being educational and not punitive in nature for medical assistance program prescribers, dispensers and patients.

(4) The P&T Committee shall make recommendations to the Authority, subject to approval by the Director or the Director's designee, for drugs to be included on any PDL adopted by the Authority and on the PMPDP. The P&T Committee shall also recommend all utilization controls, prior authorization requirements or other conditions for the inclusion of a drug on the PDL.

(5) The P&T Committee shall, with the approval of the Director or designee, do the following:

(a) Publish an annual report;

(b) Publish and disseminate educational information to prescribers and pharmacists regarding the P&T Committee and the drug use review programs, including information on the following:

(A) Identifying and reducing the frequency of patterns of fraud, abuse or inappropriate or medically unnecessary care among prescribers, pharmacists and recipients;

(B) Potential or actual severe or adverse reactions to drugs;

(C) Therapeutic appropriateness;

(D) Overutilization or underutilization;

(E) Appropriate use of generic products;

(F) Therapeutic duplication;

(G) Drug-disease contraindications;

(H) Drug-drug interactions;

(I) Drug allergy interactions;

(J) Clinical abuse and misuse.

(K) Patient safety

(6) Adopt and implement procedures designed to ensure the confidentiality of any information that identifies individual prescribers, pharmacists or recipients and that is collected, stored, retrieved, assessed or analyzed by the P&T Committee, staff of the P&T Committee, contractors to the P&T Committee or the Authority.

Stat. Auth.: ORS 413.042, 414.065, 414.355, 414.360, 414.365, 414.370, 414.380, Or Law 2011, chap. 720 (HB 2100)

Stats. Implemented: ORS 414.065, Or Law 2011, chap. 720 (HB 2100)

Hist.: SPD 12-2012(Temp), f. 8-31-12, cert. ef. 9-1-12 thru 2-28-13; DMAP 42-2012(Temp), f. & cert. ef. 9-12-12 thru 3-10-13; DMAP 61-2012, f. 12-27-12, cert. ef. 1-1-13; DMAP 40-2013(Temp), f. & cert. ef. 8-1-13 thru 1-28-14

Rule Caption: Hospital Assessment Rate Increase

Adm. Order No.: DMAP 41-2013

Filed with Sec. of State: 8-1-2013

Certified to be Effective: 8-1-13

Notice Publication Date: 7-1-2013

Rules Amended: 410-050-0861

Rules Repealed: 410-050-0861(T)

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

Rules Coordinator: Cheryl Peters—(503) 945-6527

410-050-0861

Tax Rate

(1) The tax rate for the period beginning January 1, 2005 and ending June 30, 2006 is .68 percent.

(2) The tax rate for the period beginning July 1, 2006 and ending December 31, 2007 is .82 percent.

(3) The tax rate for the period beginning January 1, 2008 and ending June 30, 2009 is .63 percent.

(4) The tax rate for the period of January 1, 2008 through June 30, 2009 does not apply to the period beginning July 1, 2009.

(5) The tax rate for the period beginning July 1, 2009 and ending September 30, 2009 is .15 percent.

(6) The tax rate for the period beginning October 1, 2009 and ending June 30, 2010 is 2.8 percent.

(7) The tax rate for the period beginning July 1, 2010 and ending June 30, 2011 is 2.32 percent.

(8) The tax rate for the period beginning July 1, 2011 and ending September 30, 2011 is 5.25 percent.

(9) The tax rate for the period beginning October 1, 2011 and ending December 31, 2011 is 5.08 percent.

(10) The tax rate for the period beginning January 1, 2012 and ending March 31, 2013 is 4.32 percent.

(11) The tax rate for the period beginning April 1, 2013 is 5.30 percent.

Stat. Auth.: ORS 413.042

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

Hist.: OMAP 28-2005(Temp), f. & cert. ef. 5-10-05 thru 11-5-05; OMAP 34-2005, f. 7-8-05, cert. ef. 7-11-05; OMAP 14-2006, f. 6-1-06, cert. ef. 7-1-06; DMAP 29-2007, f. 12-31-07, cert. ef. 1-1-08; DMAP 3-2008, f. & cert. ef. 1-25-08; DMAP 24-2009, f. & cert. ef. 7-1-09; DMAP 25-2009(Temp), f. & cert. ef. 7-15-09 thru 1-10-10; DMAP 27-2009, f. & cert. ef. 9-1-09; DMAP 33-2009, f. & cert. ef. 10-1-09; DMAP 21-2010, f. 6-30-10, cert. ef. 7-1-10; DMAP 16-2011(Temp), f. & cert. ef. 7-1-11 thru 11-1-11; DMAP 26-2011(Temp), f. 9-29-11, cert. ef. 10-1-11 thru 11-1-11; DMAP 31-2011, f. 10-28-11, cert. ef. 11-1-11; DMAP 50-2011(Temp), f. 12-30-11, cert. ef. 1-1-12 thru 4-30-12; DMAP 8-2012, f. 2-27-12, cert. ef. 3-1-12; DMAP 15-2013(Temp), f. & cert. ef. 4-1-13 thru 9-27-13; DMAP 41-2013, f. & cert. ef. 8-1-13

ADMINISTRATIVE RULES

Rule Caption: Process for Non-Traditional Health Worker Training, Certification, Registry Enrollment and Training Program Criteria
Adm. Order No.: DMAP 42-2013(Temp)

Filed with Sec. of State: 8-2-2013

Certified to be Effective: 8-2-13 thru 1-29-14

Notice Publication Date:

Rules Adopted: 410-180-0300, 410-180-0305, 410-180-0310, 410-180-0312, 410-180-0315, 410-180-0320, 410-180-0325, 410-180-0327, 410-180-0340, 410-180-0345, 410-180-0350, 410-180-0355, 410-180-0360, 410-180-0370, 410-180-0375, 410-180-0380

Subject: The Oregon Health Authority, Office of Equity and Inclusion is temporarily adopting administrative rules in chapter 410, division 180 pertaining to Non-Traditional Health Workers. House Bill 3650, passed during the 2011 legislative session, mandates that members enrolled in Oregon's coordinated care organizations (CCOs) have access to Non-Traditional Health Workers (NTHW) to facilitate culturally and linguistically appropriate care. The purpose of these rules is to develop standard guidelines for a state-wide NTHW Program to train, certify, and provisionally certify NTHWs, including Community Health Workers, Peer Wellness Specialists, Personal Health Navigators, Peer Support Specialists, and Doulas. These rules establish competency requirements for each NTHW type; a NTHW registry and background check requirements for placement on the registry; eligibility requirements and procedures for NTHW certification and provisional certification. These rules also establish curriculum guidelines and procedures for training programs to be approved by the Authority. OAR 410-180-0310 through 0345 shall become effective October 1, 2013.

Rules Coordinator: Cheryl Peters—(503) 945-6527

410-180-0300

Purpose and Effective Dates

The purpose of these rules is to establish criteria, description, and training requirements for Non-Traditional Health Workers (NTHW) which include community health workers, personal health navigators, peer wellness specialists and other health care workers not regulated or certified by the state of Oregon. These rules set forth the procedures for NTHW certification and enrollment in a registry maintained by the Authority. These rules also establish curriculum guidelines for training programs seeking to train NTHWs and the procedures for Authority approval of training programs. OAR 410-180-0310 through 0345 shall become effective October 1, 2013.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14

410-180-0305

Definitions

The following definitions apply to OAR 410-180-0300 through 410-180-0380:

(1) "Authority" means the Oregon Health Authority.

(2) "Authority Approved Training Program" (Training program) means an organization that has a training program with curriculum that meets Authority standards and has been approved by the Authority to train NTHWs.

(3) "Certified Non-Traditional Health Worker" means an individual who has successfully completed a training program or doula training as required by these rules, has applied for and been certified by the Authority for one of the NTHW types; or a grandfathered NTHW who has been certified by the Authority.

(4) "Community Based Organization" (CBO) means a public or private nonprofit organization of demonstrated effectiveness that is representative of a community or significant segments of a community, which may be located within or in close proximity to the community it serves; and is engaged in meeting that community's needs in the areas of social, human, or health services.

(5) "Community Health Worker" has the meaning given that term in ORS 414.025.

(6) "Contact Hour" means a training hour, which includes classroom, group or distance learning. Contact hour does not include homework time, preparatory reading, or clinical practicum.

(7) "Competencies" mean key skills and applied knowledge necessary for NTHWs to be effective in the work field and carry out their roles.

(8) "Doula" means a birth companion who provides personal, non-medical support to women and families throughout a woman's pregnancy, childbirth, and post-partum experience.

(9) "Equivalency" means an individual has fulfilled the requirements of a course or combination of courses, by completing a relatively equivalent course.

(10) "Grandfathered NTHW" means an individual who has been issued a certificate by the Authority as an NTHW as a result of their prior NTHW work experience and fulfillment of all additional requirements for grandfathering as set forth in these rules.

(11) "Incumbent Worker Training" means training offered by an Authority approved training program for individuals eligible for grandfathering that assesses for and addresses any gaps in NTHW competencies

(12) "NTHW Applicant" means an individual who has applied for certification as an NTHW.

(13) "Non-Traditional Health Worker" (NTHW) means a community health worker, peer wellness specialist, personal health navigator, peer support specialist or doula.

(14) "Peer" means any individual who has similar life experience, either as a current or former recipient of addictions or mental health services, or as a family member of an individual who is a current or former recipient of addictions or mental health services.

(15) "Peer Support Specialist" means a person providing peer delivered services to an individual or family member with similar life experience. A Peer Support Specialist must be:

(a) A self-identified person currently or formerly receiving mental health services; or

(b) A self-identified person in recovery from an addiction disorder, who meets the abstinence requirements for recovering staff in alcohol and other drug treatment programs;

(c) A self-identified person in recovery from problem gambling; or

(d) A family member of an individual who is a current or former recipient of addictions or mental health services.

(16) "Peer Wellness Specialist" has the meaning given that term in ORS 414.025.

(17) "Personal Health Navigator" has the meaning given that term in ORS 414.025.

(18) "Provisionally Certified NTHW" means an individual who has temporary certified status, pursuant to OAR 410-180-0327.

(19) "Registry" means a list of certified NTHWs maintained by the Authority.

(20) "Training Program Applicant" means an organization that has applied for Authority approval of its training program and curricula for any of the NTHW types.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14

410-180-0310

Community Health Worker, Peer Wellness Specialist, Personal Health Navigator Certification Requirements

(1) To be certified as a community health worker, peer wellness specialist, or personal health navigator, an individual must successfully complete all required training offered by a training program for that individual's NTHW type.

(2) Individuals who have worked or volunteered in the capacity of a community health worker, peer wellness specialist or personal health navigator in the state of Oregon at least 3000 hours from January 1, 2004 to June 30, 2014 but have not completed a training program are eligible for certification if they successfully complete incumbent worker training offered by a training program.

(3) Community health workers, peer wellness specialists or personal health navigators who have completed some or all of the certification training requirements may receive equivalency for previously completed training. The training program shall determine equivalency requirements.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14

410-180-0312

Peer Support Specialist Certification Requirements

(1) To be certified as a peer support specialist, an individual must:

(a) Successfully complete all required training offered by an Authority approved training program for peer support specialist; or

(b) Be certified by an entity whose qualifications for the certificate must have included at least: completion of an Authority approved training

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program for peer support specialists and that requires a minimum of 20 hours of continuing education every three years.

(2) Individuals who have worked or volunteered in the capacity of a peer support specialist in the state of Oregon at least 2000 hours from January 1, 2004 to June 30, 2014 but have not completed an approved training program are eligible for certification if they successfully complete incumbent worker training offered by a training program.

(3) Individuals who have successfully completed a training program for peer support specialists may receive equivalency for previously completed training. The Authority shall grant credit for approved hours to an applicant who has completed an Authority-Addictions and Mental Health Division (AMH) approved training curriculum.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14

410-180-0315

Doula Certification Requirements

To be certified in Oregon as a doula, an individual must:

(1) Successfully complete an approved doula training program; or

(2) Successfully complete all doula training requirements as described in OAR 410-180-0375 through one or a combination of doula training programs.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14

410-180-0320

NTHW Continuing Education Requirements

(1) To maintain certification status, all NTHWs must complete at least 20 hours of continuing education during every three year renewal period.

(2) Continuing education hours taken in excess of the total number required may not be carried over to the next renewal period.

(3) The Authority shall award continuing education hours for:

(a) NTHW training offered by a training program; and

(b) Any other training or event that has been approved by the Authority.

(4) Requests for approval of continuing education may come from the hosting organization or from a certified NTHW attending the training or event.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14

410-180-0325

Application and Renewal Process for NTHW Certification and Registry Enrollment

(1) Individuals seeking NTHW certification and registry enrollment must:

(a) Be at least 18 years of age;

(b) Have successfully completed all training requirements for certification pursuant to these rules; and

(c) Submit to the Authority all required documentation and a completed application on an Authority prescribed form. All application materials submitted in a language other than English must be accompanied by:

(A) An accurate translation of those documents into English; and

(B) A translator's certification that the translated documents are accurate.

(2) Individuals seeking NTHW certification and registry enrollment as a grandfathered community health worker, peer wellness specialists, personal health navigator, or peer support specialist must comply with the requirements in section (1) and must also submit:

(a) A minimum of one letter of recommendation and competency evaluation on an Authority prescribed form from any previous employer for whom NTHW services have been provided from January 1, 2004 to June 30, 2014; and

(b) Except for peer support specialists, all NTHW's must submit verifiable evidence of working or volunteering in the capacity of a community health worker, peer wellness specialist or personal health navigator for at least 3000 hours from January 1, 2004 to June 30, 2014;

(c) Peer support specialists must submit verifiable evidence of working or volunteering in the capacity of a peer support specialist for at least 2000 hours from January 1, 2004 to June 30, 2014;

(d) Verifiable evidence may include but is not limited to pay statement, services contract, student practicum, or intern time log.

(3) Applications are available on the NTHW program webpage or a paper copy may be obtained upon request to the Oregon Health Authority Office of Equity and Inclusion.

(4) Applicants may withdraw from the process at any time by submitting written notification to the Authority.

(5) Applicants must apply for certification within three years of completing a training program.

(6) Applicants who have completed a training program more than three years prior to application for certification shall be denied certification. If the Authority denies certification, the applicant may file an appeal with the Authority for an exemption.

(7) If the Authority determines that an applicant has met all certification requirements, the Authority shall notify the applicant in writing granting the individual certification as a NTHW and add the individual to the registry.

(8) Certification is valid for 36 months from the date of certification.

(9) A NTHW seeking certification renewal must:

(a) Submit a completed renewal application on an Authority prescribed form; and

(b) Provide written verification indicating the certificate holder has met the applicable requirements for continuing education set forth in OAR 410-180-0320.

(10) Renewal applications must be submitted to the Authority no less than 30 days prior to the expiration of the current certification period.

(11) The Authority shall remove a NTHW from the registry if the NTHW fails to renew certification within the renewal period.

(12) NTHWs who have been removed from the registry following certification expiration shall be denied renewal unless they file an appeal with the Authority and are granted an exemption.

(13) NTHWs are subject to a background check in accordance with OAR 943-007-0010 through 0501 specifically incorporating and limited to OAR 407-007-0200 to 407-007-0250, and 407-007-0280 to 407-007-0325, and 407-007-0340 to 407-007-0370 and expressly not incorporating OAR 407-007-0275(Disqualifying Convictions Under ORS 443.004 for Aging and People with Disabilities Programs) and 407-007-0277(Disqualifying Convictions under ORS 443.004 for Mental Health or Alcohol and Drug Programs) to determine whether the applicant is excluded from participation in the medical assistance program. A new or renewal applicant may be denied certification based on a fitness determination applying a weighing test for potentially disqualifying convictions or conditions, or if otherwise excluded from participation in the medical assistance program.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 181.537, 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14

410-180-0327

Provisional NTHW Certification

(1) Individuals may qualify for provisional certification by the Authority if:

(a) They are eligible for grandfathering as described in OAR 410-180-0310 and OAR 410-180-0312 but have not yet completed incumbent worker training; or

(b) They have completed or matriculated in a non-approved NTHW training program between February 4, 2010 and August 2, 2013 provided:

(A) The individual successfully completes the training program; and

(B) The training program includes a minimum of 40 contact hours of training.

(2) Individuals seeking provisional certification must:

(a) Be at least 18 years of age;

(b) Submit a completed application on an Authority prescribed form; and

(c) Submit one of the following:

(A) Verifiable evidence of working or volunteering in the capacity of a community health worker, peer wellness specialist, or personal health navigator for at least 3000 hours from January 1, 2004 to June 30, 2014; or

(B) Verifiable evidence of working or volunteering in the capacity of a peer support specialist for at least 2000 hours from January 1, 2004 to June 30, 2014; or

(C) Written documentation of successful completion of a NTHW training program that includes at minimum 40 contact hours of training.

(3) Applications are available on the NTHW program webpage or a paper copy may be obtained upon request to the Oregon Health Authority Office of Equity and Inclusion.

(4) If the Authority determines that an applicant has met all provisional certification requirements, the Authority shall notify the applicant in writing granting provisional certification.

(5) Provisionally certified NTHWs may become certified if:

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(a) The individual successfully completes remaining training requirements or incumbent worker training from a training program within one year from the provisional certification date; or

(b) The non-approved training program completed by the provisionally certified NTHW becomes Authority approved.

(6) Provisionally certified NTHWs seeking certification must comply with OAR 410-180-0325.

(7) The Authority shall revoke provisional certification if the individual does not successfully complete the remaining training requirements within one year from the date of provisional certification.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14

410-180-0340

Standards of Professional Conduct

(1) A certified or provisionally certified NTHW must comply with Standards of Professional Conduct set forth in this rule. The violation of the standards may result in the denial of an application for certification or suspension or revocation of certification.

(2) NTHWs must:

(a) Acquire, maintain and improve professional knowledge and competence using scientific, clinical, technical, psychosocial, and governmental sources of information;

(b) Represent all aspects of professional capabilities and services honestly and accurately;

(c) Ensure that all actions with a client are based on understanding and implementing the core values of caring, respect, compassion, appropriate boundaries, and appropriate use of personal power;

(d) Develop alliances with the client, colleagues, other health care providers, and the community to provide care and services that are safe, effective, and appropriate to the client's needs;

(e) Develop and incorporate respect for diverse client backgrounds including a client's clinical diagnosis, lifestyle, sexual orientation, race, gender, ethnicity, religion, age, and socioeconomic background when planning and providing services;

(f) Act as an advocate for client and client's needs;

(g) Respect the client's right and responsibility for self-determination in making health care choices;

(h) Base decisions and actions on behalf of a client on sound ethical reasoning and current principles of practice;

(i) Maintain client confidentiality; and

(j) Recognize and protect a client's rights as described in section (3) of this rule.

(3) Clients have the right to:

(a) Be treated with dignity and respect;

(b) Be free from theft, damage, or misuse of personal property;

(c) Be free from neglect of care, verbal, mental, emotional, physical, and sexual abuse;

(d) Be free from financial exploitation;

(e) Be free from physical restraints;

(f) Voice grievances or complaints regarding services or any other issue without discrimination or reprisal for exercising their rights;

(g) Be free from discrimination in regard to race, color, national origin, gender, sexual orientation, or religion; and

(h) Have client information and records confidentially maintained.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14

410-180-0345

Denial, Suspension or Revocation of Certification

(1) The Authority may deny, suspend, or revoke certification when an applicant or certificate holder fails to comply with ORS 414.665 or these rules.

(2) The Authority shall deny, suspend, or revoke certification pursuant to ORS 183.411 through 183.470 and the applicant or certificate holder may request a contested case hearing.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14

410-180-0350

Training Program Requirements

(1) All training programs must:

(a) Meet the curriculum requirements for the NTHW type being trained;

(b) Demonstrate active efforts to establish equivalency for students who have previously completed training that meets one or more training requirements for their NTHW type;

(c) Demonstrate active efforts to involve experienced NTHWs in developing and teaching the core curriculum;

(d) Demonstrate active efforts to collaborate with at least one culturally diverse CBO;

(e) Demonstrate the use of various teaching methodologies including but not limited to popular education and adult learning;

(f) Demonstrate the use of various training delivery formats including but not limited to classroom instruction, group and distance learning;

(g) Demonstrate efforts to make training inclusive and accessible to individuals with different learning styles, education backgrounds, and student needs;

(h) Demonstrate efforts to remove barriers to enrollment for students;

(i) Demonstrate inclusion of cognitive and practical examinations to evaluate and document the acquisition of knowledge and mastery of skills by the individual trained. This examination:

(A) May be any combination of written, oral, or practical competency tests; and

(B) Must assess NTHW competencies covered in the curriculum.

(j) Demonstrate the inclusion of a method or process for the individual trained to evaluate and give feedback on the training experience;

(k) Maintain an accurate record of each individual's attendance and participation in training for at least five years after course completion;

(l) Agree to verify and provide the Authority with names of individuals who successfully completed the training program when those individuals apply for certification and registry enrollment; and

(m) Agree to issue a written letter of completion to all successful training program graduates.

(2) All training programs that provide incumbent worker training for individuals eligible to grandfather into the NTHW program must also:

(a) Require students to submit an Authority prescribed competency evaluation form from any previous employer for whom NTHW services have been provided in the five years prior to the date of application

(b) Include a pre-course assessment to evaluate student's current level of knowledge and skill; and

(c) Provide training that addresses gaps in competencies identified in the employer competency evaluation and pre-course assessment.

(3) Training program applicants must submit an application to the Authority. At a minimum, the training program application must include:

(a) Contact information for the individual or entity, including director name and contact information;

(b) Syllabus and course materials that demonstrate curriculum requirements are met;

(c) Indication of the training type to be offered:

(A) Curriculum for community health workers, peer wellness specialists, peer support specialists, personal health navigators, and doulas; and

(B) Additional curriculum for:

(i) Community health workers;

(ii) Peer wellness specialists

(iii) Peer support specialists; and

(iv) Incumbent worker training

(d) An overview of the teaching philosophy and methodology;

(e) A description of the method of final examination as described in section (1)(h);

(f) A list of instructors, including experienced NTHWs if available;

(g) A geographic description of the training site;

(h) If the applicant is not a CBO, a signed agreement with a partnering CBO;

(i) A description of the approach for recruiting and enrolling a diverse student population to meet the needs of the community, including any strategies for reducing barriers to enrollment; and

(j) An indication of whether academic credit may be given for successful completion of training program.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14

410-180-0355

Application and Renewal Process for Authority Training Program Approval

(1) Training program applications are available on the NTHW program webpage or by requesting a paper copy from the Oregon Health Authority Office of Equity and Inclusion.

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(2) Training program applicants must submit an application at least 90 days in advance of the first expected class day.

(3) If an application is incomplete, the Authority shall send notice requesting the additional materials required. The notice shall specify the date by which additional materials must be submitted. Unless the Authority grants an extension, if the applicant does not respond within the specified time, the Authority shall return the application to the applicant and take no further action.

(4) If the Authority determines that an applicant has met all training program requirements, the Authority shall send written notice of program approval. The written notice of Authority approval shall be made available to any student or partnering organization that requests a copy and, to the extent possible, displayed at the main training center.

(5) The Authority shall maintain a list of training programs. The list shall be available to the public.

(6) The training program must apply to renew its approval status every three years.

(a) Renewal applications are available on the NTHW program webpage or by requesting a paper copy from the Oregon Health Authority Office of Equity and Inclusion.

(b) Training programs must complete and submit the renewal application no less than six months prior to the expiration of the current approval period.

(c) At a minimum, training programs seeking renewal shall report:

(A) Summary of any proposed changes to the curriculum;

(B) Number of students trained in the three year approval period

(7) Training programs that fail to submit a renewal application pursuant to section (6)(b) of this rule must submit a new application and may not apply for renewal of its current approval.

(8) The Authority may conduct site visits of training programs, either prior to approving or renewing a training program application, or at any time during the three year approval period.

(9) During the three year approval period, any change made to a training program shall be reported to the Authority within 30 days of the decision to make the change.

(a) Changes that must be reported include:

(A) Changes to the training program director or primary contact;

(B) Changes to the teaching methodology;

(C) Changes to the curriculum; and

(D) Any other change that is not consistent with or not represented in the initial application for approval.

(b) If the Authority determines that the reported changes meet the training program requirements described in OAR 410-180-0350, the Authority shall approve the change.

(c) The Authority may request additional information and justification for the reported change.

(d) If the Authority determines that the reported changes do not comply with the training program requirements described in OAR 410-180-0350, the Authority may deny the change or revoke training program approval.

(10) A training program applicant or approved training program may request a temporary waiver from a requirement in these rules. A request for a waiver must be:

(a) Submitted to the Authority in writing;

(b) Identify the specific rule for which a waiver is requested;

(c) Identify the special circumstances relied upon to justify the waiver;

(d) Describe alternatives that were considered, if any, and why alternatives, including compliance, were not selected;

(e) Demonstrate that the proposed waiver is desirable to maintain or improve the training of NTHWs; and

(f) Indicate the proposed duration of the waiver, not to exceed one year.

(11) If the Authority determines that the applicant or program has satisfied the conditions of this rule, the Authority may grant a waiver.

(12) An applicant or an approved training program may not act on or implement a waiver until it has received written approval from the Authority.

(13) AMH Peer support specialist training programs that provide a minimum of 40 hours of training and approved prior to August 2, 2013, may remain approved, or receive continued approval until August 1, 2014 if:

(a) The program submits to the Authority peer support specialist renewal application form, which is available on the NTHW program web-

page or by requesting a paper copy from the Oregon Health Authority Office of Equity and Inclusion.

(b) The program renewal form must be submitted no later than 60 calendar days after August 2, 2013 or the program must apply as a new PSS training program.

(c) The training program must renew within the next three years pursuant to these rules to remain approved.

(14) AMH approved peer support specialist training programs providing less than 40 hours of training and approved prior to August 2, 2013 may apply for renewal if:

(a) The program submits to the Authority peer support specialist renewal application form, available on the NTHW program webpage or by requesting a paper copy from the Oregon Health Authority Office of Equity and Inclusion.

(b) The training program must increase the curriculum to a minimum of 40 hours.

(c) The program renewal form must be submitted no later than 60 calendar days after August 2, 2013 or the program must apply as a new PSS training program.

(d) The training program must renew within the next three years pursuant to these rules to remain approved.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14

410-180-0360

Denial, Suspension or Revocation of Training Program Approval

(1) The Authority may deny, suspend or revoke training program approval when an applicant or approved program has failed to comply with ORS 414.665 or these rules.

(2) If the Authority denies, suspends, or revokes approval it shall send written notice and explain the basis for its decision.

(3) An applicant or approved training program may request that the Authority reconsider its decision and may request a meeting with Authority staff. The request for reconsideration and a meeting, if requested, must be submitted in writing within 20 days of the date the Authority mailed the written decision of denial, suspension or revocation. The request must contain a detailed statement with supporting documentation explaining why the requestor believes the Authority's decision is in error. The Authority shall issue a written decision on reconsideration following review of the materials submitted by the applicant or training program and a meeting with the applicant or training program, if applicable.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14

410-180-0370

Community Health Workers, Peer Wellness Specialists, Personal Health Navigators, and Peer Support Specialists Certification Curriculum Standards

(1) All Authority approved curricula used to train community health workers, peer wellness specialists and personal health navigators must:

(a) Include a minimum of 80 contact hours, which addresses the core curricula topics set forth in section (2) of this rule and any other additional curriculum topics specific to the type of worker being trained;

(b) Provide training that addresses all the major roles and core competencies of community health workers, peer wellness specialists and personal health navigators in Oregon as listed and defined in Oregon Health Policy Board's Report "The Role of Non-Traditional Health Workers in Oregon's Health Care System" incorporated by reference. (<http://www.oregon.gov/oha/oei/docs/nthw-report-120106.pdf>, January 2012)

(2) An Authority approved core curriculum for community health workers, peer wellness specialists and personal health navigators shall, at a minimum, introduce students to the key principles of the following topics:

(a) Community Engagement, Outreach Methods and Relationship Building;

(b) Communication Skills, including cross-cultural communication, active listening, and group and family dynamics;

(c) Empowerment Techniques;

(d) Knowledge of Community Resources;

(e) Cultural Competency and Cross Cultural Relationships, including bridging clinical and community cultures;

(f) Conflict Identification and Problem Solving;

(g) Conducting Individual Needs Assessments;

(h) Advocacy Skills;

(i) Ethical Responsibilities in a Multicultural Context;

(j) Legal Responsibilities;

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- (k) Crisis Identification, Intervention and Problem-Solving;
- (l) Professional Conduct, including culturally-appropriate relationship boundaries and maintaining confidentiality;
- (m) Navigating Public and Private Health and Human Service Systems, including state, regional, and local;
- (n) Working with Caregivers, Families, and Support Systems, including paid care workers;
- (o) Trauma-Informed Care, including screening and assessment, recovery from trauma, minimizing re-traumatization;
- (p) Self-Care;
- (q) Social Determinants of Health;
- (r) Building Partnerships with Local Agencies and Groups;
- (s) The Role and Scope of Practice of Non-Traditional Health Workers;

- (t) Roles and Expectations for Working in Multidisciplinary Teams;
- (u) Data Collection and Types of Data;
- (v) Organization Skills and Documentation and use of HIT;
- (w) Introduction to Disease Processes, including chronic diseases, mental health, and addictions (warning signs, basic symptoms, when to seek medical help);
- (x) Health Across the Life Span;
- (y) Adult Learning Principles - Teaching and Coaching;
- (z) Stages of Change;
- (aa) Health Promotion Best Practices; and
- (bb) Health Literacy Issues.

(3) In addition to the core curriculum set forth in section (2), training programs for community health workers shall include the following topics:

- (a) Self-Efficacy;
- (b) Community Organizing;
- (c) Group Facilitation Skills;
- (d) Conducting Community Needs Assessments;
- (e) Popular Education Methods; and
- (f) Principles of Motivational interviewing.

(4) In addition to the core curriculum, set forth in section (2) training programs for peer wellness specialists shall include the following topics:

- (a) Self-Efficacy;
- (b) Group Facilitation Skills;
- (c) Cultivating Individual Resilience;
- (d) Recovery, Resilience and Wellness Models; and
- (e) Principles of Motivational interviewing.

(5) An Authority approved curriculum for peer support specialists shall include a minimum of 40 contact hours that include:

- (a) The core curriculum set forth in section (2) (a) through (p);
- (b) The Role and Scope of Practice of Peer Support Specialists; and
- (c) Recovery, Resilience and Wellness.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14

410-180-0375

Doula Certification Curriculum Standards

(1) All Authority approved curricula used to train doulas must include a minimum of the following:

- (a) 16 contact hours in Labor training;
- (b) 4 contact hours in Breastfeeding training;
- (c) 12 contact hours in Childbirth Education; and
- (d) 6 contact hours in Cultural Competency training.

(2) Authority approved doula training curricula must also incorporate the following components and students must:

- (a) Be CPR-certified;
- (b) Read five books from an Authority approved reading list;
- (c) Write an essay on the value of labor support;
- (d) Create a community resource list;
- (e) Submit evaluations from work with three families;
- (f) Attend at least three births and three home visits; and
- (g) Have a valid food handler's permit.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14

410-180-0380

NTHW and Training Program Complaints and Investigations

(1) Any individual may make a complaint verbally or in writing to the Authority regarding an allegation as to the care or services provided by a certified or provisionally certified NTHW or that an approved training program has violated NTHW statutes or these rules.

(2) The identity of an individual making a complaint shall be kept confidential to the extent permitted by law but may be disclosed as necessary to conduct the investigation and may include but is not limited to disclosing the complainant's identity to the NTHW's employer.

(3) If a complaint involves an allegation of criminal conduct or that is within the jurisdiction of another local, state, or federal agency, the Authority shall refer the matter to the appropriate agency.

(4) The Authority shall investigate complaints and take any actions that are necessary for resolution. An investigation may include but is not limited to:

(a) Interviews of the complainant, program management or staff, and other students; or

(b) Interviews of the complainant, caregivers, clients, client's representative, client's family members, and witnesses, and employer management and staff;

(c) On-site observations of the training program, the client, NTHW performance and client environment; and

(d) Review of documents and records.

Stat. Auth.: ORS 413.042, 414.635 & 414.665

Stats. Implemented: ORS 414.635 & 414.665

Hist.: DMAP 42-2013(Temp), f. & cert. ef. 8-2-13 thru 1-29-14

Oregon Medical Board

Chapter 847

Rule Caption: Licensure for military spouses or domestic partners

Adm. Order No.: OMB 21-2013(Temp)

Filed with Sec. of State: 8-2-2013

Certified to be Effective: 8-3-13 thru 1-30-14

Notice Publication Date:

Rules Adopted: 847-020-0165, 847-050-0022, 847-070-0024, 847-080-0016

Subject: The temporary rule adoptions implement an augmented process for licensure of military spouses or domestic partners as required by 2013 House Bill 2037. Four rules are included (broken down by appropriate division of the administrative rules) for medical and osteopathic physicians, physician assistants, acupuncturists, and podiatric physicians. Specifically, each rule defines "military spouse or domestic partner," provides the qualifications for this augmented process, provides the documents that will be accepted in lieu of other documents, lists any information that the Board will obtain on behalf of the applicant, and specifies the additional documents that will be required as part of this augmented application process.

Rules Coordinator: Nicole Krishnaswami—(971) 673-2667

847-020-0165

Application for Licensure by Military Spouse or Domestic Partner

(1) "Military spouse or domestic partner" means a spouse or domestic partner of an active member of the Armed Forces of the United States who is the subject of a military transfer to Oregon.

(2) To qualify for licensure under this rule, the military spouse or domestic partner must:

(a) Meet the qualifications for licensure as stated in OAR 847-020-0120, 847-020-0130, and 847-020-0170;

(b) Be married to, or in a domestic partnership with, a member of the Armed Forces of the United States who is assigned to a duty station located in Oregon by official active duty military order;

(c) Be licensed to practice medicine in another state or territory of the United States;

(d) Be in good standing, with no restrictions or limitations upon, actions taken against, or investigation or disciplinary action pending against his or her license in any jurisdiction where the applicant is or has been licensed; and

(e) Have at least one year of active practice or teaching of medicine during the three years immediately preceding the application.

(3) If a military spouse or domestic partner applies for a license to practice medicine, the Board may accept:

(a) A copy of the medical school diploma to fulfill the requirement for a Dean's Letter of Recommendation and the Verification of Medical Education form; and

(b) Verification of licensure in good standing from the jurisdiction of current or most recent practice of medicine to fulfill the requirement of verifications of licensure from all jurisdictions of prior and current health related licensure.

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(4) If a military spouse or domestic partner applies for a license to practice medicine, the Board will obtain the following on behalf of the applicant:

- (a) The results of a query of the National Practitioner Data Bank; and
- (b) The results of a query of the Federation of State Medical Boards' Board Action Data Bank.

(5) In addition to the documents required in section (3) of this rule and by OAR 847-020-0150 and 847-020-0160, the military spouse or domestic partner must submit a copy of the:

- (a) Marriage certificate or domestic partnership registration with the name of the applicant and the name of the active duty member of the Armed Forces of the United States; and
- (b) Assignment to a duty station located in Oregon by official active duty military order for the spouse or domestic partner named in the marriage certificate or domestic partnership registration.

Stat. Auth.: ORS 677.265 & HB 2037 (2013)
Stats. Implemented: ORS 677.010, 677.100, 677.265 & HB 2037 (2013)
Hist.: OMB 21-2013(Temp), f. 8-2-13, cert. ef. 8-3-13 thru 1-30-14

847-050-0022

Application for Licensure by Military Spouse or Domestic Partner

(1) "Military spouse or domestic partner" means a spouse or domestic partner of an active member of the Armed Forces of the United States who is the subject of a military transfer to Oregon.

(2) To qualify for licensure under this rule, the military spouse or domestic partner must:

- (a) Meet the qualifications for licensure as stated in OAR 847-050-0020;
- (b) Be married to, or in a domestic partnership with, a member of the Armed Forces of the United States who is assigned to a duty station located in Oregon by official active duty military order;
- (c) Be licensed to practice as a physician assistant in another state or territory of the United States;
- (d) Be in good standing, with no restrictions or limitations upon, actions taken against, or investigation or disciplinary action pending against his or her license in any jurisdiction where the applicant is or has been licensed; and
- (e) Have at least one year of active practice as a physician assistant or teaching at a physician assistant education program during the three years immediately preceding the application.

(3) If a military spouse or domestic partner applies for a license to practice as a physician assistant, the Board may accept:

- (a) A copy of the physician assistant education program diploma to fulfill the requirement for the Verification of Medical Education form; and
- (b) Verification of licensure in good standing from the jurisdiction of current or most recent practice as a physician assistant to fulfill the requirement of verifications of licensure from all jurisdictions of prior and current health related licensure.

(4) If a military spouse or domestic partner applies for a license to practice as a physician assistant, the Board will obtain the following on behalf of the applicant:

- (a) The results of a query of the National Practitioner Data Bank; and
- (b) The results of a query of the Federation of State Medical Boards' Board Action Data Bank.

(5) In addition to the documents required in section (3) of this rule and by OAR 847-050-0015 and 847-050-0020, the military spouse or domestic partner must submit a copy of the:

- (a) Marriage certificate or domestic partnership registration with the name of the applicant and the name of the active duty member of the Armed Forces of the United States; and
- (b) Assignment to a duty station located in Oregon by official active duty military order for the spouse or domestic partner named in the marriage certificate or domestic partnership registration.

Stat. Auth.: ORS 677.265 & HB 2037 (2013)
Stats. Implemented: ORS 677.265, 677.512 & HB 2037 (2013)
Hist.: OMB 21-2013(Temp), f. 8-2-13, cert. ef. 8-3-13 thru 1-30-14

847-070-0024

Application for Licensure by Military Spouse or Domestic Partner

(1) "Military spouse or domestic partner" means a spouse or domestic partner of an active member of the Armed Forces of the United States who is the subject of a military transfer to Oregon.

(2) To qualify for licensure under this rule, the military spouse or domestic partner must:

- (a) Meet the qualifications for licensure as stated in OAR 847-070-0016;

(b) Be married to, or in a domestic partnership with, a member of the Armed Forces of the United States who is assigned to a duty station located in Oregon by official active duty military order;

(c) Be licensed to practice acupuncture in another state or territory of the United States;

(d) Be in good standing, with no restrictions or limitations upon, actions taken against, or investigation or disciplinary action pending against his or her license in any jurisdiction where the applicant is or has been licensed; and

(e) Have at least one year of active practice or teaching of acupuncture during the three years immediately preceding the application.

(3) If a military spouse or domestic partner applies for a license to practice acupuncture, the Board may accept:

- (a) A copy of the acupuncture school diploma to fulfill the requirement for a letter from the Dean of the applicant's acupuncture school; and
- (b) Verification of licensure in good standing from the jurisdiction of current or most recent practice of acupuncture to fulfill the requirement of verifications of licensure from all jurisdictions of prior and current health related licensure.

(4) In addition to the documents required in section (3) of this rule and in OAR 847-070-0022, the military spouse or domestic partner must submit a copy of the:

- (a) Marriage certificate or domestic partnership registration with the name of the applicant and the name of the active duty member of the Armed Forces of the United States; and
- (b) Assignment to a duty station located in Oregon by official active duty military order for the spouse or domestic partner named in the marriage certificate or domestic partnership registration.

Stat. Auth.: ORS 677.265 & HB 2037 (2013)
Stats. Implemented: ORS 677.275, 677.759 & HB 2037 (2013)
Hist.: OMB 21-2013(Temp), f. 8-2-13, cert. ef. 8-3-13 thru 1-30-14

847-080-0016

Application for Licensure by Military Spouse or Domestic Partner

(1) "Military spouse or domestic partner" means a spouse or domestic partner of an active member of the Armed Forces of the United States who is the subject of a military transfer to Oregon.

(2) To qualify for licensure under this rule, the military spouse or domestic partner must:

- (a) Meet the requirements for licensure as stated in OAR 847-080-0010;
- (b) Be married to, or in a domestic partnership with, a member of the Armed Forces of the United States who is assigned to a duty station located in Oregon by official active duty military order;
- (c) Be licensed to practice podiatric medicine in another state or territory of the United States;
- (d) Be in good standing, with no restrictions or limitations upon, actions taken against, or investigation or disciplinary action pending against his or her license in any jurisdiction where the applicant is or has been licensed; and
- (e) Have at least one year of active practice or teaching of podiatric medicine during the three years immediately preceding the application.

(3) If a military spouse or domestic partner applies for a license to practice podiatric medicine, the Board may accept:

- (a) A copy of the podiatric medical school diploma to fulfill the requirement for a Dean's Letter of Recommendation and the Verification of Medical Education form; and
- (b) Verification of licensure in good standing from the jurisdiction of current or most recent practice of podiatric medicine to fulfill the requirement of verifications of licensure from all jurisdictions of prior and current health related licensure.

(4) If a military spouse or domestic partner applies for a license to practice podiatric medicine, the Board will obtain the results of a query of the National Practitioner Data Bank on behalf of the applicant.

(5) In addition to the documents required in section (3) of this rule and in OAR 847-080-0013 and 847-080-0017, the military spouse or domestic partner must submit a copy of the:

- (a) Marriage certificate or domestic partnership registration with the name of the applicant and the name of the active duty member of the Armed Forces of the United States; and
- (b) Assignment to a duty station located in Oregon by official active duty military order for the spouse or domestic partner named in the marriage certificate or domestic partnership registration.

Stat. Auth.: ORS 677.265, 677.820 & HB 2037 (2013)
Stats. Implemented: ORS 677.820, 677.825, 677.830 & HB 2037 (2013)
Hist.: OMB 21-2013(Temp), f. 8-2-13, cert. ef. 8-3-13 thru 1-30-14

ADMINISTRATIVE RULES

Rule Caption: Legislative updates to the Health Professionals' Services Program

Adm. Order No.: OMB 22-2013(Temp)

Filed with Sec. of State: 8-2-2013

Certified to be Effective: 8-3-13 thru 1-30-14

Notice Publication Date:

Rules Amended: 847-065-0015, 847-065-0025, 847-065-0035, 847-065-0055, 847-065-0060, 847-065-0065

Subject: The temporary rule amendments reflect changes made by 2013 House Bill 2124 regarding the Health Professionals' Services Program. Specifically, the rule amendments refer to the new statutory location for the definition of "substantial noncompliance," remove the term "successful completion" from the definitions and add the substantive information to the rule on Completion Requirements, clarify the purpose of the investigation into the licensee's practice that occurs prior to full enrollment in the program, clearly establish the ability for licensees to self-refer to the program, exempt enrolled licensees with solely a mental health disorder from random drug or alcohol testing unless otherwise required by the Board, require the Board to assess the licensee's compliance with the monitoring agreement to complete the program or the contractor to assess compliance if the licensee is self-referred, specify that civil commitments for mental illness are considered substantial noncompliance rather than all admissions for mental health treatment, and allow the Board to review reports from the program for substantial noncompliance rather than mandating investigation of all reports.

Rules Coordinator: Nicole Krishnaswami—(971) 673-2667

847-065-0015

Definitions

The following definitions apply to OAR chapter 847, division 065, except as otherwise stated in the definition:

(1) "Assessment or evaluation" means the process an independent third-party evaluator uses to diagnose the licensee and to recommend treatment options for the licensee.

(2) "Board" means the Oregon Medical Board.

(3) "Business day" means Monday through Friday, except legal holidays as defined in ORS 187.010 (or 187.020).

(4) "Contractor" means the entity that has contracted with the Division to conduct the HPSP.

(5) "Diagnosis" means the principal mental health or substance use diagnosis listed in the current Diagnostic Statistical Manual (DSM). The diagnosis is determined through the assessment and any examinations, tests or consultations suggested by the assessment.

(6) "Division" means the Department of Human Services, Addictions and Mental Health Division.

(7) "DSM" means the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association.

(8) "Federal regulations" means:

(a) As used in ORS 676.185(5)(d), a "positive toxicology test result as determined by federal regulations pertaining to drug testing" means a test result that meets or exceeds the cutoff concentrations shown in 49 CFR §40.87 (2009); and

(b) As used in ORS 676.190(5)(g), requiring a "licensee to submit to random drug or alcohol testing in accordance with federal regulations" means licensees are selected for random testing by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with licensees' unique identification numbers or other comparable identifying numbers. Under the selection process used, each covered licensee must have an equal chance of being tested each time selections are made, as described in 40 CFR §199.105(c)(5) (2009). Random drug tests must be unannounced and the dates for administering random tests must be spread reasonably throughout the calendar year, as described in 40 CFR §199.105(c)(7) (2009).

(9) "Fitness to practice evaluation" means the process a qualified, independent third-party evaluator uses to determine if the licensee can safely perform the essential functions of the licensee's health practice.

(10) "Final enrollment" means a licensee has provided all documentation required by OAR 847-065-0035 and has met all eligibility requirements to participate in the HPSP.

(11) "Independent third-party evaluator" means an individual or center who is approved by the Board to evaluate, diagnose, and offer treatment options for substance use disorders and/or mental disorders.

(12) "Licensee" means a licensed physician, podiatric physician, physician assistant or acupuncturist who is licensed or certified by the Board.

(13) "Mental disorder" means a clinically significant syndrome identified in the current DSM that is associated with disability or with significantly increased risk of disability.

(14) "Monitoring agreement" means an individualized agreement between a licensee and the contractor that meets the requirements for a diversion agreement set by ORS 676.190.

(15) "Positive toxicology test result" means a test result that meets or exceeds the cutoff concentrations shown in 49 CFR 40.87 (2009), a test result that shows other drugs or alcohol, or a test result that fails to show the appropriate presence of a currently prescribed drug that is part of a treatment program related to a condition being monitored by HPSP.

(16) "Provisional enrollment" means temporary enrollment, pending verification that a licensee meets all program eligibility criteria.

(17) "Self-referred licensee" means a licensee who seeks to participate in the program without a referral from the Board.

(18) "Substance abuse" means a disorder related to the taking of a drug of abuse (including alcohol); to the side effects of a medication; and to a toxin exposure, including: substance use disorders (substance dependence and substance abuse) and substance-induced disorders (including but not limited to substance intoxication, withdrawal, delirium, and dementia, as well as substance induced psychotic disorders and mood disorders), as defined in DSM criteria.

(19) "Substantial non-compliance" means that a licensee is in violation of the terms of his or her monitoring agreement in a way that gives rise to concerns about the licensee's ability or willingness to participate in the HPSP. Substantial non-compliance and non-compliance include, but are not limited to, the factors listed in ORS 676.185(5). Conduct that occurred before a licensee entered into a monitoring agreement does not violate the terms of that monitoring agreement.

(20) "Toxicology testing" means urine testing or alternative chemical monitoring including blood, saliva, breath or hair as conducted by a laboratory certified, accredited or licensed and approved for toxicology testing.

(21) "Treatment" means the planned, specific, individualized health and behavioral-health procedures, activities, services and supports that a treatment provider uses to remediate symptoms of a substance use disorder and/or mental disorder.

Stat. Auth.: ORS 676.185 - 676.200 & 677.265

Stats. Implemented: ORS 676.185 - 676.200 & 677.265

Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11; BME 20-2010, f. & cert. ef. 10-25-10; OMB 9-2011, f. & cert. ef. 4-25-11; OMB 17-2012(Temp), f. & cert. ef. 7-31-12 thru 1-15-13; OMB 33-2012, f. & cert. ef. 10-22-12; OMB 22-2013(Temp), f. 8-2-13, cert. ef. 8-3-13 thru 1-30-14

847-065-0025

Eligibility for Participation in Health Professionals Services Program

(1) Licensee must be evaluated by an independent third-party evaluator.

(2) The evaluation must include a diagnosis of a substance use disorder and/or mental disorder with the appropriate diagnostic code from the DSM, and treatment options.

(3) Licensee must provide a written statement agreeing to enter the HPSP and agreeing to abide by all rules established by the Board.

(4) Licensee must enter into the "HPSP Monitoring Agreement."

(5) The Board will determine whether a Board-referred licensee's practice has presented or presents a danger to the public. The contractor will determine whether a self-referred licensee's practice has presented or presents a danger to the public.

Stat. Auth.: ORS 676.185 - 676.200 & 677.265

Stats. Implemented: ORS 676.185 - 676.200 & 677.265

Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11; BME 20-2010, f. & cert. ef. 10-25-10; OMB 9-2011, f. & cert. ef. 4-25-11; OMB 17-2012(Temp), f. & cert. ef. 7-31-12 thru 1-15-13; OMB 33-2012, f. & cert. ef. 10-22-12; OMB 22-2013(Temp), f. 8-2-13, cert. ef. 8-3-13 thru 1-30-14

847-065-0035

Procedure for Self-Referred Licensees

Board licensees may self-refer to the HPSP.

(1) Provisional Enrollment: To be provisionally enrolled in the program, a self-referred licensee must:

(a) Sign a written consent allowing disclosure and exchange of information among the contractor, the licensee's employer, independent third-party evaluators and treatment providers;

(b) Sign a written consent allowing disclosure and exchange of information among the contractor, the Board, the licensee's employer, independent third-party evaluators and treatment providers in the event the

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contractor determines the licensee to be in substantial non-compliance with his or her monitoring agreement as defined in OAR 847-065-0065;

(c) Attest that the licensee is not, to the best of the licensee's knowledge, under investigation by the Board; and

(d) Agree to and sign a monitoring agreement.

(2) Final Enrollment: To move from provisional enrollment to final enrollment in the program, a self-referred licensee must:

(a) Obtain at the licensee's own expense and provide to the contractor, an independent third-party evaluator's written evaluation containing a DSM diagnosis and diagnostic code and treatment recommendations;

(b) Agree to cooperate with the contractor's investigation to determine whether the licensee's practice while impaired presents or has presented a danger to the public; and

(c) Enter into an amended monitoring agreement, if required by the contractor.

(3) Once a self-referred licensee seeks enrollment in the HPSP, failure to complete final enrollment may constitute substantial non-compliance and may be reported to the Board.

Stat. Auth.: ORS 676.185 - 676.200 & 677.265

Stats. Implemented: ORS 676.185 - 676.200 & 677.265

Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11; BME 20-2010, f. & cert. ef. 10-25-10; OMB 9-2011, f. & cert. ef. 4-25-11; OMB 17-2012(Temp), f. & cert. ef. 7-31-12 thru 1-15-13; OMB 33-2012, f. & cert. ef. 10-22-12; OMB 22-2013(Temp), f. 8-2-13, cert. ef. 8-3-13 thru 1-30-14

847-065-0055

Licensee Responsibilities

All licensees must:

(1) Agree to report any arrest for or conviction of a misdemeanor or felony crime to the contractor within three business days after the licensee is arrested or convicted of the crime;

(2) Comply continuously with his or her monitoring agreement, including any restrictions on his or her practice, for at least two years or longer, as specified in the monitoring agreement;

(3) Abstain from mind-altering or intoxicating substances or potentially addictive drugs, unless the drug is approved by the contractor and prescribed for a documented medical condition by a person authorized by law to prescribe the drug to the licensee;

(4) Report use of mind-altering or intoxicating substances or potentially addictive drugs within 24 hours to contractor;

(5) Participate in a treatment plan approved by a third-party evaluator or treatment provider;

(6) Limit practice as required by the contractor or the Board;

(7) Cooperate with supervised monitoring of practice;

(8) Participate in a follow-up evaluation, when necessary, of licensee's fitness to practice;

(9) Submit to random drug or alcohol testing, unless the licensee is diagnosed with solely a mental health disorder and the Board does not otherwise require the licensee to submit to random drug and alcohol testing;

(10) Report at least weekly to the contractor regarding the licensee's compliance with the monitoring agreement;

(11) Report applications for licensure in other states, changes in employment and changes in practice setting to the contractor;

(12) Agree to be responsible for the cost of evaluations, toxicology testing, treatment and monitoring;

(13) Report to the contractor any investigations or disciplinary action by any state, or state or federal agency, including Oregon;

(14) Participate in required meetings according to the treatment plan; and

(15) Maintain current license status and/or report any changes in license status.

Stat. Auth.: ORS 676.185 - 676.200 & 677.265

Stats. Implemented: ORS 676.185 - 676.200 & 677.265

Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11; BME 20-2010, f. & cert. ef. 10-25-10; OMB 9-2011, f. & cert. ef. 4-25-11; OMB 17-2012(Temp), f. & cert. ef. 7-31-12 thru 1-15-13; OMB 33-2012, f. & cert. ef. 10-22-12; OMB 22-2013(Temp), f. 8-2-13, cert. ef. 8-3-13 thru 1-30-14

847-065-0060

Completion Requirements

(1) The time spent participating in a monitored program before transferring from the Health Professionals Program to the Health Professionals' Services Program effective July 1, 2010, will be counted toward the required term of monitored practice.

(2) The licensee will remain enrolled in the program for a minimum of two consecutive years.

(3) The Board-referred licensee must have complied with the licensee's monitoring agreement to the satisfaction of the Board. The self-

referred licensee must have complied with the licensee's monitoring agreement to the satisfaction of the contractor.

Stat. Auth.: ORS 676.185 - 676.200 & 677.265

Stats. Implemented: ORS 676.185 - 676.200 & 677.265

Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11; BME 20-2010, f. & cert. ef. 10-25-10; OMB 9-2011, f. & cert. ef. 4-25-11; OMB 17-2012(Temp), f. & cert. ef. 7-31-12 thru 1-15-13; OMB 33-2012, f. & cert. ef. 10-22-12; OMB 22-2013(Temp), f. 8-2-13, cert. ef. 8-3-13 thru 1-30-14

847-065-0065

Substantial Non-Compliance Criteria

(1) The contractor will report substantial non-compliance with a diversion agreement to the Board within one business day after the contractor learns of the substantial non-compliance, including but not limited to information that a licensee:

(a) Engaged in criminal behavior;

(b) Engaged in conduct that caused injury, death or harm to the public, including engaging in sexual impropriety with a patient;

(c) Was impaired in a health care setting in the course of the licensee's employment;

(d) Received a positive toxicology test result;

(e) Violated a restriction on the licensee's practice imposed by the contractor or the Board;

(f) Was civilly committed for mental illness;

(g) Entered into a diversion agreement, but failed to participate in the HPSP;

(h) Was referred to the HPSP, but failed to enroll in the HPSP;

(i) Forged, tampered with, or modified a prescription;

(j) Violated any rules of prescriptive authority;

(k) Violated any provisions of OAR 847-065-0055;

(l) Violated any terms of the diversion agreement; or

(m) Failed to complete the monitored practice requirements as stated in OAR 847-065-0060.

(2) The Board will review reports from the program. The Board may request the contractor to provide the licensee's complete record, and the contractor must send these records to the Board as long as a valid release of information is in place.

(3) If the Board finds that a licensee is substantially noncompliant with a diversion agreement, the Board may investigate and determine the appropriate sanction.

Stat. Auth.: ORS 676.185 - 676.200 & 677.265

Stats. Implemented: ORS 676.185 - 676.200 & 677.265

Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11; BME 20-2010, f. & cert. ef. 10-25-10; OMB 9-2011, f. & cert. ef. 4-25-11; OMB 17-2012(Temp), f. & cert. ef. 7-31-12 thru 1-15-13; OMB 33-2012, f. & cert. ef. 10-22-12; OMB 22-2013(Temp), f. 8-2-13, cert. ef. 8-3-13 thru 1-30-14

Oregon Public Employees Retirement System

Chapter 459

Rule Caption: Housekeeping edits to delete obsolete language and clarify the current administration of retirement benefit payments.

Adm. Order No.: PERS 6-2013

Filed with Sec. of State: 7-26-2013

Certified to be Effective: 7-26-13

Notice Publication Date: 5-1-2013

Rules Amended: 459-013-0060

Subject: Edits to this administrative rule are required to delete references to gender and obsolete language such as "insurable interest," which was removed from statute in 1971; to reference our new administrative rule regarding any accrued benefits due a retired member after death; and to clarify the date of subsequent lump sum installment payments after the initial installment payment was made.

Rules Coordinator: Daniel Rivas—(503) 603-7713

459-013-0060

Payment of Retirement Benefits

(1) Retirement benefits shall be payable each month as of the first day of the month following the effective date of retirement. At the time of death, accrued benefits shall be payable as provided under OAR 459-014-0050(4).

(2) If a retiree elects to receive more than one installment payment as provided under ORS 238.305(4), the subsequent installment payments will be paid on the anniversary of the first day of the month that the initial installment payment was made.

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 238.300 & 238.305

Hist.: PER 8, f. 12-15-55; PERS 1-1996, f. & cert. ef. 3-26-96; Renumbered from 459-010-0070; PERS 21-2005, f. & cert. ef. 11-1-05; PERS 6-2013, f. & cert. ef. 7-26-13

ADMINISTRATIVE RULES

Oregon University System Chapter 580

Rule Caption: Supersedes all prior Academic Year and Summer Session Fee Book rules.

Adm. Order No.: OUS 4-2013

Filed with Sec. of State: 7-24-2013

Certified to be Effective: 7-24-13

Notice Publication Date: 4-1-2013

Rules Amended: 580-040-0040

Subject: To establish tuition and fees for both Academic Year 2013–14 and Summer Session 2014 under one administrative rule. Supersedes all prior Academic Year and Summer Session Fee Book rules.

Rules Coordinator: Marcia M. Stuart—(541) 346-5749

580-040-0040

Oregon University System Annual Fee Book

The document entitled “2013–14 Academic Year & 2014 Summer Session Fee Book” dated, July 12, 2013 (consisting of the “Academic Year Fee Book” dated June 21, 2013 as amended by the rate changes herein described), is hereby amended by reference as a permanent rule. All prior adoptions of Academic Year and Summer Session fee documents are hereby repealed except as to rights and obligations previously acquired or incurred there under. The Chancellor or designated staff is permitted to make revisions as needed and is authorized to make minor adjustments to the final document, if necessary.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: HEB 4-1978, f. & cf. 6-15-78; HEB 5-1979, f. & cf. 7-20-79; HEB 11-1979, f. & cf. 8-22-79; HEB 1-1980, f. & cf. 4-18-80; HEB 7-1980, f. & cf. 6-18-80; HEB 11-1980, f. & cf. 8-20-80; HEB 4-1981(Temp), f. 6-30-81, ef. 7-1-81; HEB 5-1981, f. & cf. 8-18-81; HEB 15-1981(Temp), f. & cf. 12-18-81; HEB 5-1982, f. & cf. 7-14-82; HEB 4-1983, f. & cf. 7-29-83; HEB 4-1984, f. & cf. 6-20-84; HEB 5-1985, f. & cf. 8-12-85; HEB 12-1986, f. & cf. 7-30-86; HEB 6-1987, f. & cf. 8-4-87; HEB 8-1988, f. & cert. ef. 8-5-88; HEB 10-1988, f. & cert. ef. 11-16-88; HEB 3-1989, f. & cert. ef. 11-27-89; HEB 6-1989, f. & cert. ef. 7-28-89; HEB 7-1990, f. & cert. ef. 6-4-90; HEB 8-1990(Temp), f. & cert. ef. 7-26-90; HEB 12-1990, f. & cert. ef. 10-3-90; HEB 5-1991, f. & cert. ef. 8-15-91; HEB 8-1992, f. & cert. ef. 7-31-92; HEB 2-1993, f. & cert. ef. 2-5-93; HEB 5-1993, f. & cert. ef. 8-11-93; HEB 7-1994, f. & cert. ef. 8-4-94; HEB 3-1995, f. & cert. ef. 8-1-95; HEB 3-1996, f. & cert. ef. 8-8-96; HEB 5-1996, f. & cert. ef. 12-18-96; HEB 3-1997, f. & cert. ef. 7-24-97; OSSHE 4-1998, f. & cert. ef. 7-22-98; OSSHE 5-1998(Temp), f. & cert. ef. 8-21-98 thru 1-31-99; OSSHE 9-1998, f. & cert. ef. 12-23-98; OSSHE 3-1999(Temp), f. & cert. ef. 7-22-99 thru 1-14-00; OSSHE 4-1999, f. & cert. ef. 9-16-99; OSSHE 3-2000, f. & cert. ef. 7-26-00; OSSHE 4-2001, f. & cert. ef. 7-27-01; OSSHE 8-2002, f. & cert. ef. 8-14-02; OSSHE 2-2003, f. & cert. ef. 8-4-03; OSSHE 6-2004, f. & cert. ef. 6-15-04; OSSHE 2-2006, f. & cert. ef. 6-8-06; OSSHE 3-2007, f. & cert. ef. 6-21-07; OSSHE 6-2008(Temp), f. & cert. ef. 3-20-08 thru 9-1-08; OSSHE 8-2008, f. & cert. ef. 6-17-08; OSSHE 2-2009(Temp), f. & cert. ef. 2-20-09 thru 6-30-09; OSSHE 4-2009(Temp), f. & cert. ef. 3-13-09 thru 6-30-09; Administrative correction 7-21-09; OSSHE 5-2009(Temp), f. & cert. ef. 7-20-09 thru 1-8-10; OSSHE 6-2009(Temp), f. & cert. ef. 10-1-09 thru 1-8-10; Administrative correction 1-25-10; OUS 2-2010, f. & cert. ef. 2-11-10; OUS 3-2010, f. & cert. ef. 6-17-10; OUS 2-2011, f. & cert. ef. 6-23-11; OUS 3-2011, f. & cert. ef. 10-19-11; OUS 8-2012, f. & cert. ef. 6-18-12; OUS 4-2013, f. & cert. ef. 7-24-13

Oregon University System, Eastern Oregon University Chapter 579

Rule Caption: Eastern Oregon University Student code of Conduct Revisions

Adm. Order No.: EOU 3-2013(Temp)

Filed with Sec. of State: 8-6-2013

Certified to be Effective: 8-6-13 thru 12-31-13

Notice Publication Date:

Rules Amended: 579-040-0005, 579-040-0007, 579-040-0010, 579-040-0013, 579-040-0015, 579-040-0030, 579-040-0035, 579-040-0045

Rules Suspended: 579-040-0020

Subject: The revisions to the Eastern Oregon University Student Code of Conduct reflect institutional changes, current verbiage within the conduct field, as well as current standards of practice as a result of federal mandates related to sexual misconduct.

The Suspension of 579-040-0020 is a result of its incorporation of disciplinary hearing process into 579-040-0015.

Rules Coordinator: Teresa Carson-Mastrude—(541) 962-3773

579-040-0005

Student Code of Conduct

(1) Eastern Oregon University (EOU) is dedicated to a campus culture that upholds the highest standards of individual, interpersonal and academic excellence. The college experience involves a fusion of the learning process with the development of positive attitudes and standards of behavior. In keeping with EOU’s values, any sanctions imposed are for the purposes of reaffirming the standards of the University community, educating students and student organizations about the seriousness of their action(s), promoting civility and positive growth, while maintaining the safety and integrity of the University community.

(2) The Student Code of Conduct applies to all on and off campus students. This Code applies to individual students and student organizations. In addition to growing intellectually and academically, students and student organizations are expected to uphold appropriate standards of behavior, form attitudes of scholarship, take personal responsibility, and respect the rights and privileges of others.

(3) Conduct occurs in the context of a community of scholars dedicated to personal and academic excellence. Joining this community obligates each member to observe the principles of:

(a) Exemplifying personal and academic integrity;

(b) Respecting the dignity, rights and property of all persons;

(c) Opposing bigotry and prejudice by striving to be open to differences, ideas, and opinions, and encouraging community support of these differences;

(d) Demonstrating concern for others, their safety and need for conditions that support their work and development; and

(e) Refraining from and discouraging behaviors that threaten the freedom and respect every individual deserves.

(4) Definitions:

(a) The term “University” means Eastern Oregon University.

(b) For the purposes of the Student Code of Conduct, the term “student” includes all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the University, or who have been notified of their acceptance for admission are also considered “students.”

(c) The term “faculty” means any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.

(d) The term “University official” includes any person employed by the University, performing assigned administrative or professional responsibilities.

(e) The term “member of the University community” includes any person who is a student, faculty member, University official or any other person employed by the University. A person’s status in a particular situation shall be determined by the Senior Hearings Officer.

(f) The term “University premises” includes all land, buildings, facilities, and other property in the possession of owned, used, or controlled by the University.

(g) The term “organization” means any number of persons who have complied with the formal requirements for University recognition or registration.

(h) The term “Campus Hearings Officer” means any person or persons authorized by the Senior Hearings Officer to determine whether a student has violated the Student Code of Conduct and to implement sanctions when a violation is determined to have been committed.

(i) The term “Senior Hearings Officer” is that person designated by the University President to be responsible for the administration of the Student Code of Conduct.

(j) The term “Student Conduct Program Administrator” means a University official authorized by the Senior Hearings Officer to insure procedural fairness for all accused students, is responsible for scheduling conduct hearings and/or establishing records.

(k) The term “Student Conduct Coordinator” means a University official authorized by the Senior Hearings Officer to insure administration of the conduct program within an identified area, to insure procedural fairness for accused students in the identified area, responsible for scheduling conduct hearings and/or establishing and managing records.

(l) The term “Student Hearings Committee” means a specially trained committee of faculty, staff, and students authorized by the Senior Hearings Officer to determine whether a student has violated the Student Code of Conduct and to recommend sanctions when a violation is determined to have been committed.

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(m) The term “policy” means the written regulations of the University as found in, but not limited to, the Student Code of Conduct, Room and Dining Contract, the University website, Information Technology Acceptable Use Policy, and Undergraduate/Graduate Catalogs.

(n) The terms related to academic honesty including “cheating, fabrication, facilitation, plagiarism or tampering” are defined in the Academic Honesty Code.

(o) The term “Complainant” refers to any member of the University community who submits a complaint alleging that a student has violated the Student Code of Conduct.

(p) The term “Respondent” means any student accused of violating the Student Code of Conduct.

(q) The term “Findings of Fact” means that the facts of the case are those events, circumstances, incidents, or actions that are found to be true based upon the evidence.

(r) The term “Good Standing” means a student is in good disciplinary standing when there are no pending, outstanding, or ongoing sanctions and/or the student is not on probationary or suspended status with the institution.

(s) The term “Advisor” refers to someone selected to serve as an advisor. Students may consult with their advisor during the hearing process in a manner that does not disrupt the proceedings. The advisor shall not speak on behalf of the student, question witnesses, present information or argue on behalf of the student.

(5) Prohibited Conduct: The following are offenses subject to disciplinary action: The Code of Conduct should be read broadly. It does not define all prohibited conduct in exhaustive terms. The University may initiate disciplinary action and impose sanctions against any student or officially recognized student organization/club which commits any of the following acts proscribed by the State Board of Higher Education and the University:

(a) Disruption, Obstruction, and/or Interference.

(A) Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other institutional activities, including the institution’s public service functions or other authorized activities.

(B) Obstruction or disruption that interferes with the freedom of movement, either pedestrian or vehicular.

(C) Inciting others to engage in any of the conduct or to perform any of the acts prohibited by this or other University policy. Inciting means advocacy or proscribed conduct which calls upon the person or persons addressed for imminent action, and is coupled with a reasonable apprehension of imminent danger to the functions and purposes of the institution, including the safety of its students, faculty, and officials, and the protection of its property.

(b) Weapons and Destructive, Chemical and/or Incendiary Devices. Possession or use of firearms, explosives, dangerous chemicals, or other dangerous weapons or instrumentalities, unless otherwise authorized by law or policy.

(c) Harassment, Discrimination, or other Abusive Behavior

(A) Physical or written/verbal abuse, threats, intimidation, harassment, coercion, bullying, or other conduct directed at a specific person, which threatens the health and safety of any person or seriously alarms or intimidates another person is prohibited.

(B) Written abuse, intimidation, or harassment through the use of Internet peer-networking sites, weblogs, or other online media which is open to the public is prohibited.

(C) Remarks, actions, or gestures which have the purpose or effect of creating an intimidating, hostile, and/or offensive working, campus living, and/or academic experience due to race, color, sex, religion, age, marital status, national origin, gender identity or expression, the presence of any physical or sensory disability, veteran status, sexual orientation or any other basis protected by applicable local, state or federal law is prohibited.

(d) Failure to Comply.

(A) Failure to comply with directives of University officials, acting in performance of their duties, and/or failure to identify oneself to these persons when requested to do so.

(B) Failure to comply with the conditions of the EOU Room and Dining Contract is prohibited.

(e) Vandalism or Unauthorized Use of Property.

(A) Vandalism, malicious damage or misuse of institutional property, or the property of any other person where such property is located on institutionally-owned or -controlled property, or, regardless of location, is owned by or in the care, custody, or control of the University or a member of the University Community.

(B) Unauthorized entry to or use of institutional facilities, including the buildings and grounds.

(f) Controlled Substances.

(A) Possession or consumption of alcoholic beverages by persons under 21 years of age, or furnishing of alcoholic beverages to persons under 21 years is prohibited. Possession or use of alcohol in any campus location or University sponsored or supervised activity, without University approval is prohibited regardless of age. Regulations concerning use of alcoholic beverages by students in University housing units and by recognized student organizations on or off campus are detailed in the Eastern Oregon University Student Drug and Alcohol Policy, the Room and Dining Contract and the Tailgating Policy.

(B) Use of tobacco products in unauthorized locations on campus in violation of state law, University, or public health regulations.

(C) Use, under the influence, possession, cultivation, manufacture, promotion, sale, and/or distribution of narcotics or other controlled substances, except as otherwise authorized by law or policy, is prohibited.

(D) Use and/or possession of prescription drugs of another is prohibited.

(g) Academic Misconduct: Academic Misconduct involves behaviors such as cheating, fabrication, facilitation, plagiarism or tampering in connection with an educational program of the institution.

(h) Deliberate Acts of Dishonesty.

(A) In general, acts of dishonesty are prohibited. Such acts may include, but are not limited to forging, altering, misusing, or mutilating University documents, records, identification, educational materials, or other University property.

(B) Intentionally furnishing false information, including false identification.

(i) Sexual Misconduct. Sexual Misconduct is defined as any sexual contact or sexual behavior that is non-consensual and/or inflicted upon someone who is incapacitated, and/or forced, and is prohibited. Additionally, Sexual Exploitation, and Sexual Harassment are prohibited. Definitions, as outlined by the Oregon University System, are as follows:

(A) Sexual Contact means the touching of the genitalia, anus, buttocks, breasts or mouth, as well as, any contact for the purpose of sexual gratification.

(B) Sexual Behavior means any action, short of sexual contact, done for purposes of sexual gratification, and may include but is not limited to voyeurism, exposing, masturbation, frottage, and audio/video recording.

(C) Non-consensual means the absence of shared sexual permission. Shared sexual permission is clear, voluntary, non-coerced and clearly indicates a willingness to participate in sexual contact/behavior, whether through affirmative verbal responses or non-verbal communication unmistakable in meaning and given by an adult (age 18 or older). Shared sexual permission to one form of sexual contact/behavior does not operate as permission to any other form of sexual contact/behavior.

(D) Incapacitation is a mental or physical condition that renders a person unable to grant consent. Incapacitation may be a state or condition resulting from the use of alcohol or other drugs, or lack of sleep, sleep, and unconsciousness. Incapacitation may also be the result of a cognitive impairment, such as a developmental disability, brain injury, or mental illness.

(E) Force includes but is not limited to physical force, violence, abuse, threat of force (direct or implied), intimidation, extortion, harassment, coercion, fraud, duress or verbal pressure.

(F) Sexual Exploitation occurs when a person takes non-consensual, unjust or abusive advantage of another in a sexual or intimate context, for his/her own advantage or benefit, or to benefit or advantage of anyone other than the one being exploited, and that behavior does not otherwise constitute non-consensual sexual misconduct. Sexual exploitation includes permitting or facilitating non-consensual viewing, taking of photographs, videotaping, or audio taping of sexual or intimate activity, knowingly inflicting another person with HIV or other sexually transmitted infection, inducing incapacitation of another person with the intent to facilitate sexual misconduct against that person, and/or compelling prostitution.

(G) Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, and other physical conduct of a sexual nature when:

(i) Submission to such conduct is made a term or condition of employment or academic advancement (explicitly or implicitly).

(ii) Submission or rejection to such conduct is used as a basis for employment or academic advancement decisions, or

(iii) Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or learning environment; or cre-

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ating an intimidating, hostile or offensive work, academic, residential living, or any University-related environment.

(j) Stalking. Stalking is a pattern of repeated harassment by unwanted attention and/or contact, and is prohibited. Stalking includes, but is not limited to:

(A) Following or lying in wait for the victim.

(B) Repeated unwanted, intrusive, and frightening contact from the perpetrator by phone, mail, email, etc.

(C) Damaging the victim's property.

(D) Making direct or indirect threats to harm the victim, the victim's children, relatives, friends, or pets.

(E) Repeatedly sending the victim unwanted gifts.

(F) Harassment through the Internet, known as "cyberstalking," "online stalking," or "Internet stalking."

(G) Securing personal information about the victim by accessing public records, using Internet search devices, hiring private investigators, contacting friends, family, work, or neighbors, going through the victim's garbage, following the victim, etc.

(k) Hazing. Hazing, is an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, or which endangers or harms animals, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the complainant will not be a defense. Apathy or acquiescence in the presence of hazing may also be considered violations of this Code.

(l) Disorderly Conduct. Loud, aggressive, abusive, and/or other behavior which disrupts the orderly functioning of the University or disturbs the peace.

(m) Theft. Possession of, attempted or actual theft of, or misappropriation of property, equipment, materials, services, or data of the University, faculty, staff, students or guests.

(n) Unwelcome or Unauthorized Use of Technology

(A) Attempted or actual theft or other misuse of computer facilities and resources, including but not limited to any violation of the University Acceptable Use Policy.

(B) The use of any device to make a recording of any person while on University premises without prior knowledge, or without consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.

(o) Abuse of the Student Conduct System. Abuse of the Student Conduct System, including but not limited to: failure to obey the notice from the Senior Hearings Officer or his/her designee, the Student Conduct Program Administrator or Coordinator, a Campus Hearings Officer, or University official to appear for a meeting or hearing as part of the Student Conduct process; falsification, distortion, or misrepresentation of information before a Campus Hearings Officer or Student Hearings Committee; disruption or interference with the orderly conduct of a conduct proceeding; participation in a conduct proceeding in bad faith; attempting to discourage an individual's proper participation in, or use of, the conduct; attempting to influence the impartiality of a member of a Student Hearings Committee or a Campus Hearings Officer prior to, and/or during the course of the hearing; harassment (verbal or physical) and/or intimidation of a member of a Student Hearings Committee or a Campus Hearings Officer prior to, during, and after a hearing; failure to comply with the sanction(s) imposed under the Student Code of Conduct; influencing or attempting to influence another person to commit an abuse of the Student Conduct process.

(p) Violation of University Policy, Local, State, or Federal Laws

(A) Violation of any University policy, rule, or regulation published or posted in hard copy or available electronically on the University website.

(B) Conviction of any federal or state law or city or local ordinance.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 351.088

Hist.: EO SC 5(Temp), f. 3-31-77, ef. 4-1-77; EO SC 10, f. & ef. 8-15-77; EO SC 5-1992, f. 11-16-92, cert. ef. 1-1-93; EOU 4-2005, f. & cert. ef. 7-7-05; EOU 2-2007, f. & cert. ef. 8-15-07; EOU 3-2013(Temp), f. & cert. ef. 8-6-13 thru 12-31-13

579-040-0007

Jurisdiction

(1) The provisions of OAR 579-040-0005 apply to all students and activities on University owned or controlled property; during any University-sponsored activity or the activity of a University-sponsored or recognized organization, regardless of location; when the behavior adversely impacts the University Community, or any persons or property on campus or University sites; or the orderly operation of the institution. Activities include, but are not limited to field trips, athletic events, and all co-curricular activities or theatre/music productions.

(2) In general, the off-campus activities of students are viewed as their personal business. When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of their status as a student. If the alleged offense is also being processed under the Student Code of Conduct, the University may advise off-campus authorities of the existence of the Student Code of Conduct and of how such matters are typically handled within the University community. The University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the University community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate. When a student violates local, state, or federal laws and/or violates the Student Code of Conduct, regardless of location, the University reserves the option of initiating and carrying out disciplinary action on its own.

(3) The student disciplinary process is fundamentally different from the criminal legal process, with differing purpose, objectives, procedures and standards of proof and potential learning outcomes.

(4) Determinations made or sanctions imposed under the Student Code of Conduct shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 351.088

Hist.: EOU 4-2005, f. & cert. ef. 7-7-05; EOU 2-2007, f. & cert. ef. 8-15-07; EOU 3-2013(Temp), f. & cert. ef. 8-6-13 thru 12-31-13

579-040-0010

Student's Rights and Responsibilities

This Code outlines the procedures to be followed by the University.

(1) Respondents charged with violations of University regulations have the following rights in accordance OAR 579-040-0013:

(a) Written notice to include:

(A) Time, location, and/or other relevant information regarding the conduct violation(s);

(B) Reference to the particular section(s) of the Student Code of Conduct that is/are alleged to have been violated;

(C) The information regarding an educational conference to be scheduled no earlier than three days from the date of the notice unless requested by the student; and

(D) Where the Student Code of Conduct and the Hearing Procedures may be found.

(b) The opportunity to provide input about whether a Campus Hearings Officer or the Student Hearings Committee will hear the case;

(c) The right to be accompanied by an advisor when the student is presenting information to the Hearings Officer or Student Hearings Committee or presenting information in any other context to University officials as a part of the student conduct process;

(d) The opportunity to review all information being considered at a conduct hearing;

(e) The opportunity to have witnesses relevant to the case at hand and/or documents in support of the student's defense;

(f) The opportunity to appeal (see Grounds for an Appeal).

(2) Respondents have the following responsibilities:

(a) To appear at the designated time and place for an educational conference or hearing to answer the complaint(s) filed. Failure to appear at the educational conference or hearing will result in the Hearings Officer or Student Hearings Committee issuing a decision based on the information available;

(b) To meet with a Campus Hearings Officer or Coordinator, or her/his designee, to review hearing policies and procedures during an educational conference;

(c) To provide a list of all witnesses who will appear on the student's behalf to the Hearings Officer or Student Hearings Committee at least 48 hours prior to the scheduled conduct hearing.

(d) To maintain civil decorum during the conduct process.

(3) Complainant's Rights

(a) A complainant has the right to have an advisor or advocate accompany them when they are presenting information to the Hearings Officer or Student Hearings Committee or presenting information in any other context to University officials as a part of the student conduct process.

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(b) A complainant has the right to request to be permitted to present their side of the story in a separate room from the respondent at the conduct hearing so long as the process, as a whole, does not unduly compromise the respondent's right to have the Hearings Officer or Chair of the Student Hearings Committee ask the complainant questions.

(c) A complainant has a right to submit an impact statement to the Hearings Officer or Chair of the Student Hearings Committee for consideration in the sanctioning phase of the conduct process only. The statement may include a description of how the complainant was impacted by the behavior and may include recommendations for sanctions, penalties, or restitution. The Hearings Officer or Student Hearings Committee, however, is not bound to impose the recommended sanctions.

(d) Where the respondent was alleged to be responsible for conduct which, if proven, would constitute any of the following offenses or attempts to commit the following offenses: arson, assault, burglary, criminal homicide, destruction/damage/vandalism of property, kidnapping, robbery, forcible sex offenses, non-forcible sex offenses (incest or statutory rape), the complainant has a right to be notified of the final results that will include 1) the name of the student, 2) the violation with which the student was charged, 3) whether the student was found "responsible" or "not responsible," and 4) any sanction(s) imposed.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 351.088

Hist.: EOSC 5(Temp), f. 3-31-77, ef. 4-1-77; EOSC 10, f. & ef. 8-15-77; EOSC 5-1992, f. 11-16-92, cert. ef. 1-1-93; EOU 4-2005, f. & cert. ef. 7-7-05; EOU 2-2007, f. & cert. ef. 8-15-07; EOU 3-2013(Temp), f. & cert. ef. 8-6-13 thru 12-31-13

579-040-0013

Due Process

Procedural fairness is basic to the proper enforcement of all University regulations. No conduct action shall be initiated against students or student organizations until they have been notified in writing of the charges against them and their rights under this Code, and given the opportunity to be heard (except in the event of potential harm to the welfare of self or others as indicated in OAR 579-040-0035):

(1) The Senior Hearings Officer, or designee(s), shall insure that the best interests of students and student organizations are served, regardless of whether conduct action is taken.

(2) All University regulations and policies pertaining to student conduct shall be promulgated in such a manner as to furnish adequate notice.

(3) Regulations and conduct sanctions affecting the conduct of students shall be based on general principles of equal treatment.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 351.088

Hist.: EOU 4-2005, f. & cert. ef. 7-7-05; EOU 2-2007, f. & cert. ef. 8-15-07; EOU 3-2013(Temp), f. & cert. ef. 8-6-13 thru 12-31-13

579-040-0015

Procedures for Complaints and Educational Conferences, Hearings, Potential Sanctions, and other University Actions

(1) The Senior Hearings Officer is responsible for coordination of the University's student conduct program. The Senior Hearings Officer shall designate a Student Conduct Program Administrator who will coordinate the activities of the student conduct process. University housing conduct is administered by the Residence Life staff (see Residence Hall Conduct Policy for further information regarding this process), but such matters will also be referred to the Office of Student Success and Engagement when a student's status at the University must be reviewed or when the conduct is of an egregious nature. The Student Conduct Program Administrator and Coordinator(s) shall be responsible for maintaining conduct records. These records may include a summary of the proceedings, results, and the appointed hearings officer/committee acting on the case.

(2) Conduct proceedings at EOU do not mirror courtroom proceedings. At a conduct hearing, civil and criminal rules of evidence do not apply. Hearings regarding sexual misconduct and/or heard by the Student Hearing Committee may be recorded or transcribed.

(3) Decisions of "responsible" or "not responsible" regarding the charge(s) shall be based on the information presented at the hearing. The Hearings Officer or Student Hearing Committee shall determine whether or not the student has violated the Student Code of Conduct as charged based upon the appropriate standard of proof. The appropriate standard of proof shall be "more likely than not" that the behavior occurred. This means that the information presented supports the finding that it was more likely than not that the violation occurred.

(a) Procedures for Complaints and Educational Conferences.

(A) Alleged violations of the Student Code of Conduct may be reported to the Office of Student Success and Engagement by any member of the community.

(B) The Student Conduct Program Administrator or Coordinator in Residence Life (if incident occurs in or within close proximity of the residence halls) will review the information to determine if the University will charge the student with violating the Student Code of Conduct.

(C) If at any time during the course of the process the Senior Hearings Officer's designee(s) determines that either charges are not warranted or that insufficient evidence exists to continue, then the charges may be withdrawn, and the student will be notified in writing.

(D) If the complaint is forwarded for a hearing, the Student Conduct Program Administrator or Coordinator will afford the respondent the opportunity of an educational conference with a campus hearings officer. The hearings officer will review the allegations and charges, the Student Code of Conduct, the hearing options, the student conduct process, possible sanctions, the student's rights and responsibilities as proscribed in OAR 579-040-0010, with the respondent and answer questions.

(E) If the respondent elects to have the case heard by a campus hearings officer, the hearing will proceed at that designated time. If the respondent elects to have the Student Hearings Committee hear the case, it will be referred back to the Student Conduct Program Administrator to arrange for a hearing. A time shall be set for a hearing, not less than five or more than fifteen calendar days after the student has been notified of the complaint. Maximum time limits for scheduling of hearings may be extended at the discretion of the Student Conduct Program Administrator. The Administrator will work with the Hearings Officer or the Student Hearings Committee to arrange hearings and determine the subsequent appropriate institutional response.

(F) All parties may have counsel or an advisor to serve as advisors at their own expense. However, the counsel or advisor shall not speak on behalf of the student, question witnesses, present information or argue on behalf of the student. Hearings options are:

(i) Campus Hearings Officer presiding; or

(ii) Student Hearings Committee presiding.

(G) In the event of a sexual misconduct hearing, if the respondent chooses the Campus Hearings Officer option to preside over the case, two hearings officers will be present to hear the case. In addition, the complainant will be notified in writing of the outcome of the hearing, including sanctions and timelines, and any appeals and the resultant outcomes.

(4) Student Conduct Hearings before a Campus Hearings Officer

(a) Conduct Hearings shall not be open to the public. Hearings Officers are charged with:

(A) Making findings of fact;

(B) Determining if the student has violated the Code(s);

(C) Dismissal of the case; and/or

(D) Imposing any sanction listed in OAR 579-040-0015 of this Code.

(5) Student Conduct Hearings before the Student Hearings Committee.

(a) The respondent and the Student Conduct Program Administrator may arrange for witnesses to present pertinent information to the Student Hearings Committee. Witnesses will provide information to and answer questions from the Student Hearings Committee. The Student Hearings Committee is charged with:

(A) Making findings of fact;

(B) Determining if the student has violated the Code(s);

(C) Recommending dismissal of the case; and/or

(D) Recommending any sanction listed in 579-040-0015 of the Student Code of Conduct to the Student Conduct Program Administrator or designee.

(b) The respondent shall appear along with witnesses and other parties requested to be in attendance by the Student Hearings Committee. Questions may be suggested by the respondent and/or Complainant to be answered by each other or by other witnesses at the discretion of the Student Hearings Committee chair.

(c) A secretary may record information presented, accept information, statements, and prepare a summary of the Student Hearings Committee's findings. After the conclusion of the hearing, every effort will be made to issue a written decision in a timely fashion by the Student Conduct Program Administrator.

(d) Regardless of the nature or type of hearing, the respondent will be given an opportunity to provide information. This may include, but is not limited to, pertinent records, documents, written or oral statements. The student will also be given an opportunity to inspect records that have been submitted regarding the specific case.

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(e) If a witness cannot appear, the witnesses written or taped statement may be considered. Witnesses will be required to wait outside until their point of participation and asked to leave the hearing after being questioned.

(6) Potential Sanctions. The following sanctions may be rendered as a result of a conduct hearing:

(a) Mandated counseling assessment and/or recommendations for completed treatment.

(b) Restitution: Reimbursement a) by dollar amount, b) by transfer of property, or c) by provision of services to the University or a member of the University community in accordance with the nature of the violation in an amount not to exceed actual expenses, damages, or losses incurred.

(c) Required Educational Activities: Mandatory participation in educational activities and any associated fees.

(d) Warning: Notice to a student that the student's conduct or actions are in violation of the Student Code of Conduct. The continuation of such behavior may result in further action.

(e) Probation: Probation will include observation and review of behavior and demonstrated compliance with the Student Code of Conduct. A student on probation is not in "good standing" with the University. Students on probation, who are found in violation of the Student Code of Conduct again are subject to more severe disciplinary actions.

(f) Loss of Privileges: Denial of specified privileges for a designated period of time, consistent with the violation(s) committed.

(g) Residence Hall Suspension: Separation from the residence halls for a designated period of time, after which the student is eligible to return. Conditions of readmission may be specified.

(h) Residence Hall Expulsion: Permanent separation from the residence halls.

(i) Suspension: Separation from the University for a defined period of time, after which the student is eligible to return. Conditions for readmission may be specified.

(j) Deferred Sanction: Placement on deferred sanction status. If the student violates University regulations during this period, the deferred sanction(s) will be immediately imposed along with any new sanctions.

(k) Expulsion: Permanent separation from the University.

(l) Revocation of Admission and/or Degree.

(m) Withholding of Degree.

(n) Academic Honesty Code violations: in addition to any of the above sanctions, academic sanctions, such as failing the assignment and/or course, removal from an academic program, or removal from a college may also be imposed.

(7) Other University Actions

(a) Hold on Student Record: The Student Conduct Program Administrator, Student Conduct Coordinator, or designee, may place a hold on the records or registration of any student who fails to fulfill any sanctions issued by the University. The Administrator or Coordinator may take other action necessary for resolution of a case prior to the student's enrollment in a subsequent term, transfer or graduation. All pending conduct matters must be resolved prior to a student's graduation from EOU.

(b) Mediation, voluntary participation in a facilitated discussion with the complainant, may be appropriate in certain cases and may be strongly recommended.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 351.088

Hist.: EOOSC 5(Temp), f. 3-31-77, ef. 4-1-77; EOOSC 10, f. & ef. 8-15-77; EOOSC 5-1992, f. 11-16-92, cert. ef. 1-1-93; EOU 4-2005, f. & cert. ef. 7-7-05; EOU 2-2007, f. & cert. ef. 8-15-07; EOU 3-2013(Temp), f. & cert. ef. 8-6-13 thru 12-31-13

579-040-0020

Disciplinary Hearing

Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Disciplinary Hearings at Eastern Oregon University. Contested Case procedures in ORS Ch 183 do not apply to these hearings.

(1) Disciplinary Hearings with a Hearings Officer are intended to determine a factual basis for assertions in complaints filed. Disciplinary Hearings shall not be open to the public. The Hearings Officers are empowered to:

(a) Make findings of fact;

(b) Dismiss the case;

(c) Refer the student for counseling;

(d) Impose any sanction listed in OAR 579-040-0015 of this Code.

(A) The Complainant, the Accused Student and the Student Conduct Coordinator may arrange for witnesses to present pertinent information to the Hearings Officer. The University will try to arrange the attendance of

possible witnesses who are members of the University community, if reasonably possible, and who are identified by the Complainant and/or Accused Student at least two weekdays prior to the hearing. Witnesses will provide information to and answer questions from the Hearings Officer. The person(s) complained against shall appear along with witnesses and other parties requested by the Hearings Officer to be in attendance. All parties may have counsel or an advocate to serve as advisors at their own expense. Questions may be suggested by the Accused Student and/or Complainant to be answered by each other or by other witnesses. This will be conducted by the Hearings Officer. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved in the discretion of the Hearings Officer.

(B) A secretary may record information presented, accept information, statements, and prepare a summary of the Hearings Officer's findings. No transcription of a disciplinary hearing will be made. After the portion of the hearing concludes in which all pertinent information has been received, the Hearings Officer will determine whether the Accused Student has violated each Code of Conduct which the student is charged with violating. Every effort will be made to issue a written decision within two business days by the Hearings Officer after the conclusion of the hearing. However, no fixed deadline is imposed.

(2) Disciplinary Hearings before the Student Hearings Committee. The Complainant, the Accused Student and the Student Conduct Coordinator may arrange for witnesses to present pertinent information to the Student Hearings Committee. The University will try to arrange the attendance of possible witnesses who are members of the University community, if reasonably possible, and who are identified by the Complainant and/or Accused Student at least two weekdays prior to the hearing. Witnesses will provide information to and answer questions from the Student Hearings Committee. The Student Hearings Committee has the power to:

(a) Make findings of fact;

(b) Determine whether or not the student has violated the Code;

(c) Recommend to dismiss the case;

(d) Recommend any sanction listed in 579-040-0015 of the Student Code of Conduct to the Senior Hearings Officer.

(A) The person(s) complained against shall appear along with witnesses and other parties requested by the Student Hearings Committee to be in attendance. All parties may have counsel or an advocate to serve as advisors at their own expense. Questions may be suggested by the Accused Student and/or Complainant to be answered by each other or by other witnesses. This will be conducted by the Student Hearings Committee.

(B) A secretary may record information presented, accept information, statements, and prepare a summary of the Student Hearings Committee's findings. No transcription of a disciplinary hearing will be made. Every effort will be made to issue a written decision within two business days by the Senior Hearings officer after the conclusion of the hearing. However, no fixed deadline is imposed.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 351.088

Hist.: EOOSC 5(Temp), f. 3-31-77, ef. 4-1-77; EOOSC 10, f. & ef. 8-15-77; EOOSC 5-1992, f. 11-16-92, cert. ef. 1-1-93; EOU 4-2005, f. & cert. ef. 7-7-05; EOU 2-2007, f. & cert. ef. 8-15-07; Suspended by EOU 3-2013(Temp), f. & cert. ef. 8-6-13 thru 12-31-13

579-040-0030

Appeals

(1) Following a conduct hearing, the respondent and a student complainant has the right to an appeal.

(2) Appeals shall be made to the Dean of Student Success and Engagement within five working days after notice. The appeal shall be in writing, stating the ground(s) for appeal. The Dean may do any of the following:

(a) Review all information presented at the hearing and consult with the campus hearings officer or student hearings committee chair at his/her discretion,

(b) Return the case to the original hearing body for reconsideration,

(c) Alter the findings and/or sanctions imposed by the original hearing body, or

(d) Determine that the original findings and/or sanctions stand.

(A) The Dean will make a decision within five working days after receipt of appeal. The Dean's decision is final. Appeals for violations in the residence halls shall be conducted as identified in the Residence Life Conduct Policy.

(B) Appeals must be based on the issue of substantive or procedural errors which are prejudicial and which were committed during the educational conference, meeting, or hearing.

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(3) The specific grounds to be addressed on appeal are:

(a) Were the procedures of the Student Code of Conduct followed?

(b) If a procedural error occurred, were the rights of the respondent/student complainant or organization violated to the extent that the respondent/student complainant or organization did not receive a fair hearing?

(c) Was the hearing conducted in a way that did not permit the respondent/student complainant or organization adequate notice and the opportunity to present its version of the facts?

(d) Was the information presented at the hearing sufficient to justify the decision reached?

(e) Was there relevant information existing at the time of the hearing that would have affected the outcome that was not discovered until after the hearing?

(f) Are sanctions disproportionate to the violation and previous disciplinary history of the student?

(4) Sanctions shall not begin until either the time for appeal has expired without an appeal, or until the appeal process is exhausted. The Dean of Student Success and Engagement, or designee(s) may impose sanctions during the appeal process to ensure the safety and well-being of members of the University community or preservation of University property.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 351.088

Hist.: EOSC 5(Temp), f. 3-31-77, ef. 4-1-77; EOSC 10, f. & ef. 8-15-77; EOSC 5-1992, f. 11-16-92, cert. ef. 1-1-93; EOU 4-2005, f. & cert. ef. 7-7-05; EOU 2-2007, f. & cert. ef. 8-15-07; EOU 3-2013(Temp), f. & cert. ef. 8-6-13 thru 12-31-13

579-040-0035

Emergency Action

Any interim measure may be taken at any time. Notice of interim measure shall be provided to the student or student organization in writing.

(1) Interim Suspension: The Dean of Student Success and Engagement may initiate a temporary suspension of a student or student organization when it is determined that there is an imminent threat or that a student's presence negatively affects the health, safety or welfare of the University community or a member of the University community.

(2) Restrictions on Activity: The Dean of Student Success and Engagement may restrict a student's or student organization's activities when it is determined that the health, safety or welfare of a student or member of the University community is at risk. Restrictions on activities may include, but are not limited to: registering or attending class; accessing or contacting certain individuals (no contact order); accessing University property, facilities, resources or equipment; participating in University activities, organizations or student activities.

(3) Appeal of Interim Measures: The student or student organization has the opportunity to submit a written request for a hearing regarding the interim measures to the Dean of Student Success and Engagement. If requested, the hearing will be conducted within three business days of the receipt of the written request. The scope of this hearing is limited solely to the interim measures.

(4) Student Enrollment Status: If a student's enrollment status is changed as a result of an interim measure, but the student is subsequently found not responsible for the violation, the University shall correct any record of the change in enrollment status in the student's permanent records and other reports in a manner compliant with State and Federal laws.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 351.088

Hist.: EOSC 5(Temp), f. 3-31-77, ef. 4-1-77; EOSC 10, f. & ef. 8-15-77; EOSC 5-1992, f. 11-16-92, cert. ef. 1-1-93; EOU 4-2005, f. & cert. ef. 7-7-05; EOU 3-2013(Temp), f. & cert. ef. 8-6-13 thru 12-31-13

579-040-0045

Student Conduct Records

Disciplinary records of students will be destroyed pursuant to the Oregon University System retention schedule governing institutional records. For all complaints, a conduct file will be created and secured by the Office of Student Success and Engagement. Other than expulsion, conduct sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's conduct record.

(1) For those sanctions at the level of Probation the student will be considered not in "good standing" with the University for the duration of the sanction. Multiple sanctions may be imposed where appropriate. Disciplinary Probation shall involve written notice that is to be kept in the student's conduct file.

(2) Disciplinary Suspension shall involve removal of privileges to enroll at the University for a specified period of time and there shall be a written notice that is to be kept in the student's conduct file. There shall also

be a Disciplinary Hold placed on the student's electronic record. After the period of suspension has expired and the student has met all proscribed obligations, the Disciplinary Hold will be removed. A student suspended for misconduct and wishing to return to the University after the suspension period must contact the Dean of Student Success and Engagement to discuss returning to the University.

(3) Disciplinary Expulsion shall involve permanent removal of privileges to enroll at the University and there shall be a written notice kept in the student's conduct file. A Disciplinary Hold will be placed on the student's electronic record.

(4) Student conduct records of students who have not yet responded to allegations will remain active. Once they have responded, the records are retained in accordance with the procedures above.

(5) Disciplinary files are treated as "educational records" under the provisions of the Family Education Rights and Privacy Act (FERPA) and may be viewed only by those who "need to know" such information in the context of their official duties, as determined by the Dean of Student Success and Engagement or designee(s). Otherwise, content of the file may be released to others only with consent of the student whose name is on the file.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & 351.088

Hist.: EOSC 5(Temp), f. 3-31-77, ef. 4-1-77; EOSC 10, f. & ef. 8-15-77; EOU 4-2005, f. & cert. ef. 7-7-05; EOU 2-2007, f. & cert. ef. 8-15-07; EOU 3-2013(Temp), f. & cert. ef. 8-6-13 thru 12-31-13

**Oregon University System,
Portland State University
Chapter 577**

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

Adm. Order No.: PSU 3-2013

Filed with Sec. of State: 7-29-2013

Certified to be Effective: 7-29-13

Notice Publication Date: 7-1-2013

Rules Amended: 577-042-0010

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

Rules Coordinator: Lorraine D. Baker—(503) 725-8050

577-042-0010

General Provisions

(1) At any step, a grievant has the right to be accompanied, assisted, or represented by other persons, including counsel, designated by the grievant. Except in cases of illness, absence from the country, or official leave of absence, the grievant shall be present in person when the grievance is presented and at any subsequent hearing. A grievant has the right of self-representation at any step of this grievance procedure.

(2) The parties may agree to modify the time limits prescribed in the grievance procedure. All such agreements shall be in writing and signed by the grievant and the administrator who is required to act within the time limit being modified.

(3) Failure of the grievant to take action within the time limits specified at any step, including any extensions, shall be considered acceptance by the grievant of the decision. Failure by the accountable administrator to act within the specified time limits, including any extensions shall constitute a violation of this procedure, the complaint against which will automatically become a part of the grievance and will be treated in subsequent stages of the procedure as if it had been part of the original complaint, except that no evidence or testimony shall be required save that the administrator did not act within the time limits. Failure of the administration to communicate the decision on a grievance at any step within the time limits, including any extension thereof, shall allow the grievant to proceed to the next step.

(4) A grievant may withdraw a grievance at any time.

(5) At any time, the parties may, at their discretion, enter into confidential mediation communications pursuant to OAR 580-001-0030 and 580-022-0047 provided as follows:

(a) All parties to the mediation must agree in writing to engage in confidential mediation; and

(b) All parties must agree to suspend consideration of the grievance until such time as the mediation resolves the grievance or the mediation concludes. In no case shall the rights of the grievant to continue to pursue

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resolution of the grievance under this rule be limited or considered untimely if the parties have mutually agreed to confidential mediation, whether or not the grievance has been formally presented prior to confidential mediation. A grievance that has not been formally presented and that is not resolved by confidential mediation must be presented as described in OAR 577-042-0015 within 30 days of the conclusion of confidential mediation.

Stat. Auth.: ORS 351

Stats. Implemented:

Hist.: PSU 1-1989(Temp), f. & cert. ef. 1-5-89; PSU 2-1989, f. & cert. ef. 2-1-89; PSU 2-2001(Temp), f. 9-27-01, cert. ef. 10-1-01 thru 1-29-02; Administrative correction 3-15-02; PSU 3-2002, f. & cert. ef. 10-22-02; PSU 1-2013(Temp), f. & cert. ef. 3-20-13 thru 9-16-13; PSU 3-2013, f. & cert. ef. 7-29-13

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**Oregon University System,
University of Oregon
Chapter 571**

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

Adm. Order No.: UO 4-2013

Filed with Sec. of State: 8-9-2013

Certified to be Effective: 8-9-13

Notice Publication Date: 7-1-2013

Rules Amended: 571-050-0011

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

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

Rules Coordinator: Amanda Hatch—(541) 346-3082

571-050-0011

Articles and Activities Prohibited at Athletic Facilities

(1) The following items are not allowed inside (or on the rampways, stairways, or tunnels leading into) any University facility which serves as a site for intercollegiate athletic competition whether or not such competition is actually occurring:

- (a) Glass containers of any kind;
- (b) Metal cans;
- (c) Weapons;
- (d) Fireworks, explosives, or munitions;
- (e) Alcohol or alcoholic beverages or freezes;
- (f) Vacuum bottles and other similar insulated containers (thermos-type containers);

(g) Open plastic beverage containers, unless empty.

(2) Exceptions to the above prohibition are limited to:

(a) Alcoholic beverages and alcoholic beverage containers belonging to the University of Oregon, or to licensed concessionaires or catering services contracting with the University for its officially sponsored social functions, e.g., receptions, meetings, promotional activities, etc.;

(b) Weapons of on duty law enforcement officials;

(c) Fireworks in the custody of any group or person operating or presenting a fireworks display as expressly authorized by the University.

(3) University employees, contractors, or agents may request, as a condition of the license to enter the University's athletic facilities, that persons about to enter allow inspections of all backpacks, briefcases, suitcases, athletic bags, packages, duffle bags, coolers, ice chests, picnic baskets, and other containers capable of concealing prohibited articles:

(a) Inspections under this section shall occur outside the facility's ticket gate or entrance. Persons possessing containers subject to inspection shall be informed that they are free to decline the inspection and may receive a refund of the price of the ticket upon surrender of their ticket, if any. In the alternative, the person may discard the container or prohibited items in the container or return them to a vehicle without inspection and then enter the facility without such items;

(b) Personnel making inspection requests are not obliged to cause entering spectators to wait in line while other inspections are occurring. Such personnel must, however, request to inspect the containers of the next person who appears to possess containers subject to inspection as soon as they have completed any given inspection;

(c) Signs with lettering no smaller than two inches high shall be prominently displayed at each entrance to University facilities that serves as a site for intercollegiate athletic competition. The signs shall generally

describe prohibited articles, explain the potential request for inspection and the right-to-decline options, including refund, if there is a cost for admission. Similar explanations shall be printed on season ticket order forms and shall be displayed at ticket windows on University property where tickets for events at University athletic facilities are regularly sold.

(4) A person discovered during an inspection to possess a prohibited article(s) shall be offered the choice of discarding the article(s) in a public trash receptacle or of returning the prohibited article(s) to a vehicle or otherwise legally disposing of it.

(5) If a person already inside the facility possesses a prohibited article, that person shall be considered to have violated the license to enter and view the event. The person's license is automatically revoked and the person shall be requested to leave immediately. A person who does not leave following such a request may be treated as a trespasser.

(6) If a person requests a refund under the provisions of subsection (3)(a) of this rule, University officials shall sign a bearer coupon and shall deliver it within a reasonable time to the person requesting the refund. Such a coupon shall not name the person possessing the prohibited articles, but it shall specify the location, price and date. This bearer coupon along with the unused ticket must be turned in at (or mailed to) the University Athletic Department's ticket office for a refund within 30 days. Service and other charges in excess of the admission price are non-refundable.

(7) Persons entering a facility, as a condition of the license to enter, may be subject to search by electronic wand regardless of whether they are carrying any of the above-mentioned containers.

(8) A person entering the facility who is observed without inspection possessing a prohibited article shall be treated as specified in section (4) of this rule.

(9) Open umbrellas are prohibited in all Autzen Stadium, Hayward Field and Howe Field seating areas, seating area aisles, and standing room only locations. Signs on sticks or poles and signs larger than 24 inches wide by 18 inches high are prohibited in all athletic facilities. Complaints about violations of this section shall be made to Athletic Department officials or their designated agents. Violators failing to respond to a request to close their umbrellas by Athletic Department officials or their agents may be required to leave the event. Any one who violates the restrictions on signs in this rule may be required to leave the event by Athletic Department officials or their agents.

(10) Stadium seats, stadium chairs, or seat cushions brought by any person into any University facility which serves as a site for intercollegiate athletic competition may not exceed the following dimensions: 17.5 inches wide by 13.5 inches deep, with a seat back height that does not exceed 19 inches. The seat cushion may not exceed 4 inches in height. The seat back cushion may not exceed 4 inches in depth.

Stat. Auth.: ORS 351 & 352

Stats. Implemented: ORS 351.065 & 352.010

Hist.: UOO 7-1983(Temp), f. & cert. ef. 8-15-83; UOO 4-1984, f. & cert. ef. 7-31-84; UOO 5-1990, f. & cert. ef. 5-18-90; UO 3-2000(Temp), f. 9-20-00, cert. ef. 9-20-00 thru 3-18-01; Administrative correction 6-21-01; UO 17-2007, f. & cert. ef. 8-31-07; UO 3-2008(Temp), f. & cert. ef. 6-18-08 thru 12-10-08; UO 6-2008, f. 8-14-08, cert. ef. 8-18-08; UO 4-2013, f. & cert. ef. 8-9-13

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**Oregon University System,
Western Oregon University
Chapter 574**

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

Adm. Order No.: WOU 2-2013

Filed with Sec. of State: 7-24-2013

Certified to be Effective: 7-24-13

Notice Publication Date:

Rules Amended: 574-050-0005

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

Rules Coordinator: Debra L. Charlton—(503) 838-8597

574-050-0005

Special Fees for Selected Courses and Some General Services

The Schedule of Fees for Selected Courses and General Services for Western Oregon University are hereby adopted by reference.

NOTE: The publication(s) referred to or incorporated by reference in this rule are available from the Office of the Vice President for Finance and Administration at Western Oregon University.

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: OCE 1, f. & ef. 7-12-76; OCE 1-1978, f. & ef. 10-27-78; OCE 2-1980, f. & ef. 11-5-80; OCE 1-1981, f. & ef. 1-7-81; OCE 3-1981, f. & ef. 8-7-81; OCE 4-1981, f. & ef. 11-2-

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81; WOSC 2-1982, f. & cert. ef. 9-17-82; WOSC 1-1983, f. & cert. ef. 10-11-83; WOSC 1-1985, f. & cert. ef. 10-4-85; WOSC 1-1986, f. & cert. ef. 10-15-86; WOSC 1-1987, f. 4-1-87, ef. 9-23-87; WOSC 2-1988, f. & cert. ef. 9-19-88; WOSC 1-1989, f. & cert. ef. 4-18-89; WOSC 2-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 5-1989, f. & cert. ef. 9-7-89; WOSC 1-1990, f. & cert. ef. 4-18-90; WOSC 2-1990, f. & cert. ef. 9-24-90; WOSC 1-1991, f. & cert. ef. 1-30-91; WOSC 2-1991, f. & cert. ef. 3-22-91; WOSC 4-1991, f. & cert. ef. 5-21-91; WOSC 7-1991, f. & cert. ef. 7-22-91; WOSC 2-1992, f. & cert. ef. 6-16-92; WOSC 3-1992, f. & cert. ef. 8-14-92; WOSC 1-1993, f. & cert. ef. 1-15-93; WOSC 2-1993, f. & cert. ef. 6-18-93; WOSC 3-1993, f. & cert. ef. 7-16-93; WOSC 5-1993, f. & cert. ef. 10-21-93; WOSC 1-1994, f. & cert. ef. 8-12-94; WOSC 1-1995, f. & cert. ef. 8-11-95; WOSC 1-1996, f. & cert. ef. 10-16-96; WOSC 1-1997, f. & cert. ef. 2-27-97; WOSC 3-1997, f. & cert. ef. 10-7-97; WOSC 1-1998, f. & cert. ef. 1-26-98; WOSC 2-1998, f. & cert. ef. 7-24-98; WOSC 1-1999, f. & cert. ef. 2-25-99; WOSC 2-1999, f. & cert. ef. 7-27-99; WOSC 1-2000, f. & cert. ef. 3-16-00; WOSC 2-2000, f. & cert. ef. 6-28-00; WOSC 1-2001, f. & cert. ef. 3-5-01; WOSC 2-2001, f. & cert. ef. 7-30-01; WOSC 1-2002, f. 3-12-02, cert. ef. 3-15-02; WOSC 2-2002, f. 8-2-02, cert. ef. 8-15-02; WOSC 3-2002, f. 10-7-02, cert. ef. 10-15-02; WOSC 1-2003, f. & cert. ef. 4-2-03; WOSC 2-2003, f. & cert. ef. 8-1-03; WOSC 1-2004, f. & cert. ef. 3-24-04; WOSC 2-2004, f. & cert. ef. 8-4-04; WOSC 1-2005, f. & cert. ef. 3-8-05; WOSC 2-2005, f. & cert. ef. 8-4-05; WOSC 3-2005, f. & cert. ef. 8-12-05; WOSC 1-2006, f. & cert. ef. 3-2-06; WOSC 2-2006, f. & cert. ef. 8-7-06; WOSC 1-2007, f. & cert. ef. 3-5-07; WOSC 2-2007, f. & cert. ef. 7-31-07; WOSC 4-2007, f. & cert. ef. 11-1-07; WOSC 1-2008, f. & cert. ef. 2-1-08; WOSC 2-2008, f. & cert. ef. 9-3-08; WOSC 1-2009, f. & cert. ef. 2-13-09; WOSC 2-2009, f. & cert. ef. 7-29-09; WOSC 1-2010, f. & cert. ef. 1-27-10; WOSC 2-2010, f. & cert. ef. 8-4-10; WOSC 1-2011, f. & cert. ef. 2-2-11; WOSC 2-2011, f. & cert. ef. 5-2-11; WOSC 3-2011, f. & cert. ef. 8-5-11; WOSC 1-2012, f. & cert. ef. 1-27-12; WOSC 2-2012, f. & cert. ef. 7-31-12; WOSC 1-2013, f. & cert. ef. 1-28-13; WOSC 2-2013, f. & cert. ef. 7-24-13

Oregon Youth Authority
Chapter 416

Rule Caption: Adopting the January 2012 Attorney General's Uniform and Model rules of Procedure by reference.

Adm. Order No.: OYA 2-2013

Filed with Sec. of State: 7-29-2013

Certified to be Effective: 7-29-13

Notice Publication Date:

Rules Amended: 416-800-0080

Subject: OYA is updating its agency Model Rules of Procedure by adopting the current version of the Attorney General's Uniform and Model Rules of Procedure published in January 2012.

Rules Coordinator: Winifred Skinner—(503) 373-7570

416-800-0080

Appealing a Fitness Determination

(1) Model Rules of Procedure. OYA adopts the Attorney General's Model Rules of Procedure OAR 137-003-0001 to 137-003-0091 and 137-003-0580, effective January 2012, as procedural rules for contested case hearings. In addition to the Model Rules of Procedure adopted by OYA, the procedures set forth in this rule must apply.

(2) Process

(a) A Subject Individual may appeal a Fitness Determination by submitting a written request for a contested case hearing to the address specified in the notice provided under OAR 416-800-0070.

(A) A request for a hearing from a foster parent or foster parent applicant must be received by OYA within 60 days of the date of the notice.

(B) A request for a hearing from any Subject Individual other than foster care parents or foster care applicants must be received by OYA within 14 calendar days of the date of the notice.

(b) When a timely request is received by OYA under subsection (a), a contested case hearing must be conducted by a hearing officer appointed by OYA's Director.

(3) Time and Place of Hearings. The time and place of hearing will be set by the hearing officer. Notice of the hearing must be served on the appropriate assistant director and interested parties at least ten days in advance of the hearing date.

(4) Discovery. OYA or the hearing officer may protect information made confidential by ORS 181.534(15) or other applicable laws and rules.

(5) Disclosure of LEDS Information. Information obtained through LEDS must be disclosed only in a manner consistent with Oregon State Police rules and regulations.

(6) No Public Attendance. Contested case hearings on Fitness Determinations are closed to non-participants.

(7) Proposed and Final Order

(a) Proposed Order. After a hearing, the hearings officer will issue a proposed order.

(b) Exceptions. Exceptions, if any, must be filed within 14 calendar days after service of the proposed order. The proposed order must provide an address to which exceptions must be sent.

(c) Default. A completed final Fitness Determination made under OAR 416-800-0050 becomes final: (A) unless the Subject Individual

makes a timely request for hearing; or (B) when a party withdraws a hearing request, notifies the agency or the hearing officer that the party will not appear, or fails to appear for the hearing.

(8) Alternative Process. A Subject Individual currently employed by OYA may choose to appeal a Fitness Determination either under the process made available by this rule or through the process made available by applicable personnel rules, policies and collective bargaining provisions. A Subject Individual's decision to appeal a Fitness Determination through applicable personnel rules, policies, and collective bargaining provisions is an election of remedies as to the rights of the individual with respect to the Fitness Determination and is a waiver of the contested case process made available by this rule.

(9) Remedy. The only remedy that may be awarded is a determination that the Subject Individual is fit. Under no circumstances must OYA be required to place a Subject Individual in any position, nor must OYA be required to accept services or enter into a contractual agreement with a Subject Individual.

(10) Challenging Criminal Offender Information. A Subject Individual may not use the appeals process established by this rule to challenge the accuracy or completeness of information provided by the Oregon Department of State Police, the Federal Bureau of Investigation, or agencies reporting information to the Oregon Department of State Police or the Federal Bureau of Investigation. To challenge information identified in this section (10), a Subject Individual may use any process made available by the agency that provided the information.

Stat. Auth.: ORS 181.534 & 420A.021

Stats. Implemented: ORS 181.534, 420A.010, 420A.020, 420A.021

Hist.: OYA 3-2010, f. 6-10-10 cert. ef. 6-25-10; OYA 2-2013, f. & cert. ef. 7-29-13

Parks and Recreation Department
Chapter 736

Rule Caption: Revise and clarify general park area rules.

Adm. Order No.: PRD 2-2013

Filed with Sec. of State: 7-19-2013

Certified to be Effective: 7-19-13

Notice Publication Date: 6-1-2013

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

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

Rules Coordinator: Vanessa DeMoe—(503) 986-0719

736-010-0005

Purpose and Scope of Rules, Statutory Authority

(1) The purpose of this division is to guide and govern the public use of park properties that are provided by the department pursuant to ORS 390.111 and 390.121, in a manner that upholds their scenic, historic, natural, cultural and recreational values. Additional information about the use of park properties is available on the state park website.

(2) This division is adopted pursuant to the commission's authority to manage, operate and maintain park properties per ORS 390.121; the commission's authority to adopt rules necessary for the use and administration

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of park properties per ORS 390.124; and the authority of the director and park employees specifically designated by the director to enforce state park rules per ORS 390.050.

(3) This division is based on an assessment of public uses currently allowed on park properties and does not, and is not intended to, create any obligation or liability on the part of the department to supervise or ensure the safety of park property visitors. The department does not assume any liability for the recreational use of park properties by the public beyond those specified in ORS 105.682.

Stat. Auth.: ORS 390.050, 390.111, 390.121, & 390.124

Stats. Implemented: ORS 390.124

Hist.: 1 OTC 17, f. 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 56 (Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 1-1990, f. & cert. ef. 5-14-90; PRD 4-2005, f. & cert. ef. 5-5-05; PRD 2-2013, f. & cert. ef. 7-19-13

736-010-0015

Definitions

As used in this division, unless the context requires otherwise:

(1) "Day Use Area" is a park property or portion of a park property that the department has designated for day use only.

(2) "District Manager" means the immediate supervisor of park managers within a specified geographic region of the state.

(3) "Closed Area" means a park or portion of a park that the public is prohibited from entering. Closures will be identified by signs in the park and notices placed on the state park website.

(4) "Commission" means the Oregon State Parks and Recreation Commission.

(5) "Dawn" means 30 minutes prior to sunrise as calculated by the U.S. Naval Observatory.

(6) "Department" means the Oregon State Parks and Recreation Department.

(7) "Director" means the department director.

(8) "Domestic Animals" are those animals whose food and shelter are provided by a human custodian.

(9) "Dusk" means 30 minutes after sunset as calculated by the U.S. Naval Observatory.

(10) "Enforcement Officer" means a peace officer or park employee specifically designated by the director under ORS 390.050 to investigate observed or reported state park rule violations and to issue oral or written warnings or citations to enforce state park rules.

(11) "Handler" means any person who either brings a domestic animal into a park property or keeps a domestic animal at a park property.

(12) "Motorized Vehicle" means any vehicle being powered by an engine or motor which is capable of transporting a person.

(13) "Other power-driven mobility device" means any mobility device powered by batteries, fuel, or other engines, whether or not designed primarily for use by individuals with mobility disabilities, that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning defined in section (26) below.

(14) "Park Property" means any state park, natural area, wayside, corridor, scenic area, monument, historic structure or area, trail, or recreation area under the jurisdiction of the department.

(15) "Park Employee" means an employee of the department while on duty.

(16) "Park Manager" means the supervisor or designated employee in charge of a park property.

(17) "Park Resource" means any natural feature, wildlife, vegetation, water, cultural artifact, archaeological remains, or human-made structure or feature of a park area.

(18) "Peace Officer" means a sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, and other persons as may be designated by law.

(19) "Person" includes individuals, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality, or a non-profit entity.

(20) "Public" includes all persons visiting or intending to visit a park property that are not park employees.

(21) "Service Animal" means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the

handler's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

(22) "State Park Rules" mean the rules, regulations, restrictions, prohibitions, or limitations established by this division for the use or protection of park properties.

(23) "State Park Website" means the internet resource with the host name <http://www.oregon.gov/OPRD/Parks/> and its associated links.

(24) "Violate" includes failure to comply.

(25) "Visitor" means any member of the public who arrives at or is present at a park property.

(26) "Wheelchair" means a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.050, 390.111 & 390.124

Hist.: 1 OTC 17, f. 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 56 (Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 5-1983, f. & ef. 3-30-83; PR 1-1990, f. & cert. ef. 5-14-90; PR 13-1993, f. 7-12-93, cert. ef. 8-2-93; PRD 4-2005, f. & cert. ef. 5-5-05; PRD 8-2007, f. & cert. ef. 8-28-07; PRD 2-2011(Temp), f. & cert. ef. 3-24-11 thru 9-15-11; SSP 23-2011(Temp), f. & cert. ef. 8-1-11 thru 1-27-12; PRD 4-2011, f. & cert. ef. 8-1-11; PRD 2-2013, f. & cert. ef. 7-19-13

736-010-0020

General Regulations

(1) The director may establish seasons, overnight lengths of stay, camper checkout times and procedures to adjust daily park property opening and closing times, and portions of a park property that are permanently closed or limited to specific uses or activities by the public. These may differ from park property to park property and from time to time, but shall be indicated on the state park website, published maps, brochures, the current state parks guide booklet, or on posted signs at the park property.

(2) Unless otherwise specifically established by the director the following apply:

(a) The maximum length of stay for campers is 14 consecutive nights in a 17 night span. After three nights out of the park, campers may return to start a new stay.

(b) The maximum length of stay for hiker/biker sites is three consecutive nights in a seven night period per park.

(c) Unless otherwise posted or specifically open for an event or activity, the hours of operation for a day use area are dawn to dusk.

(3) The director, by written agreement, may cooperatively exercise jurisdiction and authority over a park property with a county, city, or political subdivision thereof for the purposes of enforcing state park rules, and applicable state, county or city laws.

(4) A person shall observe and abide by all instructions, warnings, restrictions, and prohibitions on posted signs and notices and from park employees.

(5) A park manager or park employee may seek compliance from the public with any state park rule.

(6) A park manager or department enforcement officer may order any person that violates any state park rule to leave a park property.

(7) A park manager or a department enforcement officer may exclude a person that violates any state park rule from the park property or multiple park properties for a specified period of time.

(8) A peace officer may seek compliance from the public with any state park rule and may order a person who violates one or more state park rules to leave a park property.

(9) A peace officer may exclude or recommend that the park manager exclude a person who violates any state park rule; federal, state, county, or city law; or court order from a park property or multiple park properties for a specified period of time.

(10) A park manager or designated park employee may protect the safety or health of the public or protect park resources. This authority includes actions that may temporarily:

(a) Permit or limit specific activities or uses in designated portions of a park property;

(b) Designate a location within a park for a single use to avoid conflicts between users;

(c) Restrict access to or close an entire park property;

(d) Restrict access to or close a portion of a park property; or

(e) Exclude a person from a park property.

(11) A person excluded from a park property may contest the exclusion notice by filing a written appeal within seven days of the exclusion date. The person excluded must submit the appeal to the District Manager responsible for the park where the notice of exclusion was issued.

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(12) The following situations are criminal trespass in the second degree, a Class C misdemeanor, per ORS 164.245:

- (a) A person ordered to leave a park property that remains present as a visitor;
- (b) A person excluded from a park property that enters or remains present as a visitor;
- (c) A person enters a closed or restricted portion of a park property; and
- (d) A person engages in an activity that has been specifically prohibited or restricted at a park property or a portion of a park property.

Stat. Auth.: ORS 390.050, 390.121, 390.124
Stats. Implemented: ORS 390.124
Hist.: 1 OTC 17, f. 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 56 (Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 9-1982(Temp), f. & ef. 6-28-82; PR 5-1983, f. & ef. 3-30-83; PR 1-1990, f. & cert. ef. 5-14-90; PR 1-1992, f. & cert. ef. 2-14-92; PR 13-1993, f. 7-12-93, cert. ef. 8-2-93; PR 1-1998, f. 1-15-98, cert. ef. 1-20-98; PRD 4-2005, f. & cert. ef. 5-5-05; PRD 8-2007, f. & cert. ef. 8-28-07; PRD 2-2013, f. & cert. ef. 7-19-13

736-010-0022

Violations and Fines

- (1) Violation of a state park rule is a Class D violation unless otherwise specified in this division.
- (2) Vehicular violations in a park property are classified per the Oregon Vehicle Code, ORS Chapters 801 to 826, unless further specified in this division.
- (3) Violations that disturb or damage park resources are Class A violations.
- (4) Violations that constitute criminal trespass per OAR 736-010-0020 are Class C violations.
- (5) Each occurrence of a violation of a state park rule shall be considered a separate offense.
- (6) Violations of state park rules are punishable, upon conviction, by a fine as provided in ORS Chapter 153 with the exception of the following specific violations:
 - (a) Violations of OAR 736-015-0030(3)(a), parking without displaying a valid parking permit when required, are Class D violations with a specific fine of \$60;
 - (b) Violations of OAR 736-010-0026(1)(b), failure of persons under 16 years to wear protective headgear, are Class D violations with a specific fine of \$60;
 - (7) With the exception of those specific fines set forth in section (6), enforcement officers shall cite on the presumptive fine amounts established by ORS Chapter 153.

Stat. Auth.: ORS 153 & 390
Stats. Implemented: ORS 153.018, 390.050, 390.111 & 390.990
Hist.: PR 5-1983, f. & ef. 3-30-83; PRD 2-2000(Temp), f. & cert. ef. 1-14-00 thru 7-12-00; PRD 6-2000, f. & cert. ef. 5-9-00; PRD 1-2004(Temp), f. & cert. ef. 1-15-04 thru 3-31-04; PRD 4-2004, f. 3-15-04 cert. ef. 4-15-04; PRD 4-2005, f. & cert. ef. 5-5-05; PRD 2-2013, f. & cert. ef. 7-19-13

736-010-0025

Motor Vehicles

- (1) All park area roadways are considered public roadways and all provisions of the Oregon Vehicle Code, ORS chapters 801 to 826 are applicable and enforceable on such roadways.
- (2) Motorists must comply with motor vehicle regulatory signs posted on park properties.
- (3) Motor vehicles, trailers, or other vehicles shall be operated only on public roadways and in other portions of park properties designated for motor vehicle use by signs or park employees.
- (4) Where not otherwise posted, motor vehicles may not be operated within a park property at speeds in excess of 25 miles per hour. Violation of this rule is a Class B violation.
- (5) Motor vehicles, trailers, or other vehicles shall be parked only in designated parking areas.
- (6) The department may have a vehicle towed at the owner's expense if a vehicle is parked in a fire lane, roadway, campsite, entry way, driveway, closed area, or other location in a manner that threatens park resources, impedes park operations, or safety, or any combination thereof.
- (7) Abandoning a vehicle or leaving a vehicle unattended for 72 hours or more at a park property without permission from the park manager is prohibited and is a Class B violation. Vehicles abandoned for 72 hours or more or vehicles owned by a person who has been excluded from the park property or who is in violation of criminal trespass may be towed at the owner's expense.
- (8) Parking a motor vehicle or a trailer overnight in a day use area is prohibited without written permission of the park manager or designated

park employee and such vehicles are subject to towing at the owner's expense.

(9) Unlicensed motorized vehicles, except department service vehicles, may not be operated in park properties unless otherwise posted, with the exception of other power-driven mobility devices operated within the constraints established in section 11.

(10) A person may only operate an Off-Highway Vehicle (OHV) on park property:

- (a) In designated off-highway riding areas or on park roadways which are signed for OHV use.
- (b) During those seasons and hours of operation which are established by the park manager.

(c) Below the maximum permissible decibel level as published on the state park website on July 1, 2013.

(11) The park manager or a park employee designated by the manager will allow the use of other power-driven mobility devices by individuals with mobility disabilities, in areas open to the public unless it is determined that the device cannot be operated in accordance with legitimate safety concerns for the operator, park visitors, park resources and park facilities. In determining if the device can be operated in a safe manner the manager or designee will consider the following criteria:

- (a) The type, size, weight, dimensions, and speed of the device;
- (b) The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- (c) The facility's design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);
- (d) Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility or area; and
- (e) Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with applicable state laws and regulations.

Stat. Auth.: ORS 390.124
Stats. Implemented: ORS 390.111, 390.330, 819.110, 819.120, 811 et seq., 814.500, 814.516, 814.550 & 814.554
Hist.: 1 OTC 17, 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 56(Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 5-1983, f. & ef. 3-30-83; PR 1-1990, f. & cert. ef. 5-14-90; PR 13-1993, f. 7-12-93, cert. ef. 8-2-93; PR 1-1994, f. & cert. ef. 2-9-94; PRD 4-2005, f. & cert. ef. 5-5-05; PRD 8-2007, f. & cert. ef. 8-28-07; PRD 2-2011(Temp), f. & cert. ef. 3-24-11 thru 9-15-11; PRD 4-2011, f. & cert. ef. 8-1-11; PRD 2-2013, f. & cert. ef. 7-19-13

736-010-0026

Non-Motorized Vehicles, Cycles or Similar Devices

(1) A person operating a bicycle, skateboard, scooter, roller- or inline skate, or other wheeled, operator-propelled equipment that transports the operator on land must comply with the following:

- (a) Motor vehicle and bicycle regulatory signs posted in park properties,
- (b) Persons under 16 years of age are required to wear protective headgear,
 - (A) In the event that a person under 11 years of age violates this subsection, the notice of violation shall be issued to the person's parent, legal guardian or person with legal responsibility.
 - (B) In the event that a person between 11 and 16 years of age violates this subsection, the notice of violation may be issued to the violator or that person's parent, legal guardian or person with legal responsibility.
- (c) Restrict speed and manner of operation to a reasonable and prudent practice relative to terrain, prevailing conditions, equipment, personal capabilities, personal safety and the safety of all other park users. This includes:
 - (A) Yielding the right-of-way to pedestrians and animals;
 - (B) Dismounting and walking in congested areas and posted walk zones;
 - (C) Slowing down and making presence well known in advance and using caution when overtaking other persons or animals;
 - (D) Displaying adequate lighting during the hours of darkness, in compliance with ORS chapters 814 to 816;
 - (E) Using caution when approaching turns or areas of limited sight distance;
 - (F) Not disturbing or harassing wildlife as provided in OAR 736-010-0055; and
 - (G) Operating in compliance with any additional requirements identified in ORS 814.488 when on public roads accessible by motor vehicles.

ADMINISTRATIVE RULES

(2) A person may operate non-motorized cycles or similar devices on roads and trails at any park property, except where posted to specifically prohibit or conditionally restrict such activity.

(3) The director or designee may open or close roads and trails to the operation of non-motorized cycles or similar devices, based on an evaluation of factors related to the use of these devices including, but not limited to, the degree of conflict with other users, public safety, or damage to park resources.

(4) A person may not operate non-motorized cycles, scooters, or similar devices in those portions of a park property listed below, except where authorized by the director and posted specifically or conditionally to allow such activities:

(a) Off roads or off trails;

(b) Within designated natural areas, natural forest areas, or natural area preserves except on roads open for motor vehicles;

(c) On docks, piers, floats and connecting ramps; and

(d) In areas specifically designated as free from this use.

(5) Individuals with mobility disabilities can use wheelchairs and manually-powered mobility aids, designed for use by individuals with mobility disabilities, to access any areas open to pedestrian use.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 814.400 - 814.489 & 814.600

Hist.: PR 4-1991, f. 4-30-91, cert. ef. 5-13-91; PRD 4-2005, f. & cert. ef. 5-5-05; PRD 2-2011(Temp), f. & cert. ef. 3-24-11 thru 9-15-11; PRD 4-2011, f. & cert. ef. 8-1-11; PRD 2-2013, f. & cert. ef. 7-19-13

736-010-0027

Boats and Moorages

(1) The park manager may post restrictions or prohibitions on the use of motorboats or other watercraft at park properties.

(2) Boaters must comply with regulatory signs posted in boat launching, moorage and beach areas.

(3) Boaters shall moor or secure their boat in a manner that will not cause personal injury or damage to private property or park resources.

(4) Boaters shall vacate moorages by the designated checkout time on the last day of the rental date unless otherwise posted.

(5) If a person has failed to pay moorage rental rates for two consecutive days, has exceeded the moorage stay limit, or is occupying a moorage slip reserved by another, the department may have all possessions, including the watercraft, removed at the owner's expense. The department is not responsible for any loss or damage to possessions or watercraft.

(6) The park manager may permit or restrict fishing from boat moorage docks.

(7) A person may not swim or water ski within 200 feet of boat moorage docks or facilities.

(8) Motorized boats and all other watercraft are prohibited from entering established swimming areas except for the protection or rescue of human life.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 830.912 & 830.914

Hist.: PR 5-1983, f. & ef. 3-30-83; PRD 4-2005, f. & cert. ef. 5-5-05; PRD 2-2013, f. & cert. ef. 7-19-13

736-010-0030

Domestic Animals

(1) A handler is responsible for the behavior of their domestic animal and shall either confine their domestic animal or keep it under physical control on a leash not more than six feet long at all times except in designated off leash areas.

(2) In designated off leash areas a handler shall keep their domestic animal under control at all times such that it is within the unobstructed sight of the handler, remains responsive to voice commands, or other methods of control.

(3) Handlers shall carry a leash or restraining device at all times while in designated off leash areas and must promptly leash animals at the request or order of a park employee.

(4) Handlers must prevent their domestic animal from harassing or intimidating people, wildlife, and other domestic animals.

(5) Domestic animals shall only be hitched or confined in a manner that does not cause damage to any park resources.

(6) A handler shall pick up and properly dispose of their domestic animal's waste while at the park property.

(7) With the exception of service animals and miniature horses as described in section (12) below, domestic animals are prohibited in the following locations:

(a) Park property buildings and structures, except for up to a total of two dogs or cats in any combination in yurts and cabins that have been designated as pet friendly by the park manager;

(b) Bodies of water, except hunting dogs are allowed in those areas described in OAR 736-010-0055;

(c) Beaches adjacent to designated for swimming areas; and

(d) Other areas where posted.

(8) The park manager or an enforcement officer may take any measure deemed necessary (including the removal of the animal from the park property) to protect park resources or to prevent interference by the animal with the safety, comfort, or well-being of any person at the park property.

(9) Park employees may seize any domestic animal running at large in a park area and release it to an animal pound or animal control officer or shelter.

(10) The park manager may designate a portion of a park property to be open to dogs off leash for the purposes of training dogs, conducting open field trials, or exercising dogs under the control of the handler.

(11) With the exception of miniature horses as described in section (12) below, a person may not ride, drive, lead, or keep a horse or other large animal at any park property, except on such roads, trails, or areas designated for that purpose. A handler may not hitch or confine a horse or other large animal in a manner that may cause damage to any tree, shrub, improvement or structure.

(12) The park manager or designated park employee will allow the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability and if, in the park manager or designee's assessment, the miniature horse can reasonably be allowed in a specific facility based on consideration of the following:

(a) The type, size and weight of the miniature horse and whether the facility can accommodate these features;

(b) Whether the handler has sufficient control of the miniature horse;

(c) Whether the miniature horse is housebroken; and

(d) Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Stat. Auth. ORS 390.124

Stats. Implemented: ORS 390.111

Hist.: 1 OTC 17, f. 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 56 (Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 82, f. 5-11-77, ef. 5-14-77; 1 OTC 5-1979, f. & ef. 2-9-79; 1 OTC 22-1979 (Temp), f. & ef. 9-24-79; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 1-1990, f. & cert. ef. 5-14-90; PR 13-1993, f. 7-12-93, cert. ef. 8-2-93; Renumbered from 736-015-0050, PRD 4-2005, f. & cert. ef. 5-5-05; PRD 8-2007, f. & cert. ef. 8-28-07; PRD 2-2011(Temp), f. & cert. ef. 3-24-11 thru 9-15-11; PRD 4-2011, f. & cert. ef. 8-1-11; PRD 2-2013, f. & cert. ef. 7-19-13

736-010-0035

Livestock and Farming

(1) A person may not harass livestock or interfere with lawfully permitted farming activities or facilities, including fencing, at park properties.

(2) A person may conduct farming activities at park properties only with written permission of the park manager or designated park employee.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111

Hist.: 1 OTC 17, f. 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 56 (Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PRD 4-2005, f. & cert. ef. 5-5-05; PRD 2-2013, f. & cert. ef. 7-19-13

736-010-0040

Visitor Conduct

(1) A person shall cause, build, maintain, or accelerate a fire at a park property only in:

(a) Park camp stoves or fireplaces provided for such purpose;

(b) Portions of beach areas designated as permissible for campfires;

or

(c) Portable stoves used at established campsites, picnic areas, or beach areas where fires are designated as permissible.

(2) A person who has caused, built, or maintained an allowed fire shall:

(a) Burn only paper products and untreated natural wood free of attached metal, nails, glass or plastic objects;

(b) Burn wood no longer than 24 inches in length;

(c) Attend the fire at all times, breaking it apart and extinguishing it completely with water before leaving the immediate area;

(d) Use no gasoline, diesel or any other petroleum-based products to start or maintain a fire; and

(e) Ensure that any fire that they set does not cause personal injury or damage to private property or park resources.

(3) The park manager may temporarily restrict or prohibit fires in otherwise allowed situations due to high fire hazard conditions, and all persons shall observe such restrictions.

ADMINISTRATIVE RULES

(4) A person may not injure, mutilate, deface, damage, harass, or remove any park resource, property, structure or facility of any kind at a park property, except as provided in OAR 736-010-0055.

(5) A person shall in no manner cause any rubbish, garbage, refuse, organic or inorganic waste, diseased or dead animals, or other offensive matter or any abandoned property or material to be placed or left at a park property, except for:

(a) Recreational vehicle sewage and gray water holding tank contents that are disposed of in designated dump stations;

(b) Garbage, trash, and recyclables generated while using a park property and disposed of in the designated containers provided.

(6) A person may not remove items from containers designated for recyclables, garbage, sewage or waste without authorization of the park manager.

(7) A person may not leave personal property or possessions overnight in a day use area without written permission from the park manager or designated park staff.

(8) While many activities are allowed on park property, the following activities are specifically prohibited at park properties, and a person may not engage in:

(a) Using or operating any noise producing machine, vehicle, device or instrument in a manner that disturbs or may disturb other park visitors except as allowed in section 10 below;

(b) Using a public address system or similar device without written permission of the park manager;

(c) Possessing, discharging, or causing to be discharged, any firecracker, explosives, torpedoes, rockets, fireworks or other similar materials or substances without the written permission of the park manager or designated park employee;

(d) Using a metal detector or similar device without written permission of the park manager or designated employee at any park property or portion of a park property not listed on the "Detecting Allowed" list, published on the state park website;

(e) Obstructing, harassing or interfering with a park employee or peace officer in the performance of their duties;

(f) Entering or occupying any building, facility or portion of a park property that has been closed to public access; punishable as a Class C misdemeanor pursuant to ORS 164.245;

(g) Blocking, obstructing or interfering with vehicular or pedestrian traffic on any road, parking area, trail, walkway, pathway or common area; punishable as a Class C misdemeanor pursuant to ORS 164.245;

(h) Occupying or interfering with access to any structure, office, lavatory or other facility in a manner which interferes with the intended use of such a structure or facility; punishable as a Class C misdemeanor pursuant to ORS 164.245;

(i) Fighting; or promoting, instigating or encouraging fighting or similar violent conduct which would threaten the physical well-being of any person at the park property;

(j) Smoking in any areas where the Oregon Indoor Clean Air Act, ORS 433.835 to 433.875; prohibits smoking;

(k) Activities or conduct which constitutes a public nuisance or hazard;

(l) Public indecency as defined in ORS 163.465;

(m) Base-jumping, hang gliding, paragliding or similar activities without written permission from the park manager except that the use of hang gliders is allowed at Cape Kiwanda State Natural Area;

(n) Discharging any firearm, bow and arrow, slingshot, pellet gun, or other weapon capable of injuring humans or wildlife or damaging property, except at those park property locations and for those purposes specified in OAR 736-010-0055(7);

(o) Placing a sign, marker or inscription of any kind, except in designated areas within a park property, without written permission from the park manager;

(9) A person may only distribute circulars, notices, leaflets, pamphlets or written or printed information of any kind within a park property after they have first obtained permission from the park manager and reported their name, address and number of leaflets to be distributed.

(10) A person must obtain a special use permit from the department for any activity or use as described in OAR 736-016-0005(1), including but not limited to an activity or use within a park property that:

(a) Is an organized group activity or event attended by over 50 people;

(b) Uses a portion of a park property to the exclusion of other persons or the department;

(c) Modifies or embellishes the park property, or places structures, such as tents, chairs, arches, and similar structures on the park property in a manner outside of normal recreational use, as determined by the park manager or enforcement officer;

(d) Uses public-address, amplification or lighting systems, other than those designed for personal use;

(e) Charges money for participation or admission;

(f) Involves the sale of products or services;

(g) Could disturb the natural, cultural, scenic and recreational resources in the park property or adjacent areas;

(h) Could pose a safety or access concern for other park users or for those involved in the event or activity.

(11) A person who obtains a special use permit under OAR chapter 736, division 16 must comply with all the provisions of division 16, special use permit conditions, and with instructions from the department.

(12) All money or goods, having a value of \$100 or more and found by the public at park properties, must be turned over to the park manager or a park employee. All found money or goods will be disposed of according to department policy adopted in accordance with ORS 98.005.

(13) The director or designee may close rock formations and cliffs within a park property to descending, scaling or technical rock climbing. A person that engages in such activities at such locations commits a Class C misdemeanor as provided in section (8)(f).

(14) The director or designee may close park access to lakes, streams or waterfalls for kayaking, boating, diving, swimming, or other water recreation activities when the park manager has determined the activity to be a danger to participants. Persons accessing through closed areas to engage in such activities commit a Class C misdemeanor as provided in section (8)(f).

(15) A person using a park property shall pay rates and comply with procedures and restrictions as established in OAR chapter 736, division 15 for use of designated facilities or the purchase of services or products.

Stat. Auth.: OAR 390.124

Stats. Implemented: ORS 390.111, 163.465, 433.835 - 433.875 & 498.006

Hist.: 1 OTC 17, f. 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 56 (Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 22-1979 (Temp), f. & ef. 9-24-79; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 5-1983, f. & ef. 3-30-83; PR 3-1984, f. & ef. 3-5-84; PR 1-1990, f. & cert. ef. 5-14-90; PR 4-1991, f. 4-30-91, cert. ef. 5-13-91; PR 8-1993, f. & cert. ef. 5-11-93; PR 13-1993, f. 7-12-93, cert. ef. 8-2-93; PR 7-1996, f. 8-14-96, cert. ef. 8-15-96; PRD 4-2000, f. & cert. ef. 4-5-00; Renumbered from 736-010-0045, 736-010-0070, 736-010-0125, 736-015-0045 & 736-015-0067, PRD 4-2005, f. & cert. ef. 5-5-05; PRD 8-2007, f. & cert. ef. 8-28-07; PRD 11-2008, f. & cert. ef. 12-15-08; PRD 11-2009, f. & cert. ef. 6-18-09; PRD 2-2013, f. & cert. ef. 7-19-13

736-010-0050

Overnight Use

(1) Overnight use is prohibited on the ocean shore abutting park properties and in any park property or portion of a park property not specifically designated for camping.

(2) A person must comply with seasons, overnight lengths of stay, and camper checkout times as provided in OAR 736-010-0020.

(3) Overnight facilities shall be occupied only by persons and allowed visitors who have paid overnight use fees as established and required in OAR chapter 736, division 15.

(4) Owners of vehicles in a campground later than 10:00 PM are subject to overnight use fees and must comply with OAR chapter 736, division 15.

(5) A park employee may authorize more than one vehicle to occupy an individual campsite, subject to OAR chapter 736, division 15, but individual campsites shall not be occupied by more than one recreational vehicle at the same time, unless authorized by the park manager.

(6) A maximum of eight individuals may occupy one campsite unless otherwise specified by the park manager.

(7) Quiet hours at park property campgrounds are 10:00 P.M. to 7:00 A.M., and a person may not make, cause, or allow to be made loud noise in a manner that disturbs or may disturb park visitors during these times.

(8) Campsites must be occupied the first night after any belongings are left in the site and must remain occupied each night during the entire length of stay unless other arrangements have been made with the park manager or designated park employee. If a person has failed to pay camping rental rates for two consecutive days or has exceeded the length of stay time limit the department may have all possessions removed from the campsite at the owner's expense. The department will not be responsible for any loss or damage to possessions.

(9) A person must be 18 years of age or older to reserve and register for campsites, cabins, yurts, and other overnight facilities in parks areas.

(10) The registered camper shall be present in the campsite each night of the stay or they shall provide park staff a means of contacting them if they will not be in the campsite overnight.

ADMINISTRATIVE RULES

(11) The registered camper shall be responsible for the activities of all users of the site.

(12) The park manager or designated park employee may require that all food, garbage and equipment used to cook or store food, when not attended, be placed in a vehicle or hard sided camping unit.

Stat. Auth: ORS 390.124

Stats. Implemented: ORS 390.111

Hist.: 1 OTC 17, f. 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 56 (Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 74, f. & ef. 4-30-76; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 5-1983, f. & ef. 3-30-83; PR 3-1984, f. & ef. 3-5-84; PR 1-1990, f. & cert. ef. 5-14-90; PR 1-1992, f. & cert. ef. 2-14-92; PR 13-1993, f. 7-12-93, cert. ef. 8-2-93; PR 2-1995, f. & cert. ef. 1-23-95; PR 3-1996, f. & cert. ef. 5-13-96; PRD 4-2001, f. 2-28-01, cert. ef. 3-1-01; PRD 4-2005, f. & cert. ef. 5-5-05; PRD 4-2011, f. & cert. ef. 8-1-11; PRD 2-2013, f. & cert. ef. 7-19-13

736-010-0055

Park Resources

(1) A person may not excavate, injure, disturb, destroy, alter or remove any archaeological, cultural, or historical site, object, or material from a park property, unless authorized by the director as defined in ORS 390.235 and OAR 736-051-0060 to 736-051-0080.

(2) A visitor may only conduct the following activities with the written permission of the director, manager, or designated park employee unless the activity is specifically allowed by other sections of this rule:

(a) Dig up, or remove any sand, soil, rock, historical, or fossil materials;

(b) Place, remove, roll, or move any stones, logs or other objects that may endanger a person or damage park resources;

(c) Pick, cut, mutilate, trim, uproot, or remove any living vegetation;

(d) Harass, disturb, pursue, injure or kill wildlife; or

(e) Introduce or release animals onto the park property.

(3) A person may remove small quantities of natural materials from a park property for personal use without written permission of the department, but only if done in accordance with the following provisions:

(a) Collection is done at a park property or portion of a park property at which the department has not specifically prohibited the removal of natural products either by location or time of year through the posting of signs, publishing of maps or brochures, or indicating on the state park website; and

(b) Collection is for souvenirs that may serve as a reminder of a person's park visit and includes only a small quantity of agates and other rocks, driftwood, or similar non-living items collected for non-commercial, personal use.

(4) Notwithstanding section (2) or (3), a person must comply with existing state and federal rules and regulations concerning mining or the protection of public archeological features or artifacts on state and federal lands.

(5) Unless otherwise posted a person may gather for personal consumption berries, fruits, mushrooms, or similar edibles in quantities not to exceed five gallons per person per day.

(6) A person may not uproot living plants or collect roots, tubers, flowers, and stems except with written permission of the park manager or designated park employee and only for scientific collection or research purposes, or by a member of a federally recognized Oregon tribe for personal consumption as part of their traditional religious, medicinal, or other customary cultural heritage practices. Driftwood may be taken in small amounts in accordance with OAR 736-026-0010.

(7) A person may only give or offer food items to wildlife within a park property when authorized by the park manager.

(8) A person or handler may only hunt, pursue, trap, kill, injure, molest, or remove any wildlife or disturb their habitats within a park property under the following provisions:

(a) In those park properties where hunting and trapping is specifically allowed by this rule, but only in compliance with the rules and regulations of the Oregon Department of Fish and Wildlife.

(b) In those park areas where hunting is allowed, dogs being used for hunting game birds or unprotected wildlife or being trained for hunting or tracking shall be in the handler's control at all times.

(c) While seasonally hunting waterfowl at the following park properties:

(A) Bowers Rock State Park;

(B) That portion of Elijah Bristow State Park located north of the main channel of the Middle Fork of the Willamette River;

(C) Portions of Fort Stevens State Park adjacent to Trestle Bay as posted;

(D) That portion of Willamette Mission State Park located on Grand Island in Yamhill County;

(E) That portion of Government Island State Recreation Area including the perimeter of both Government and Lemon Islands, not above the mean high water mark as posted;

(F) That portion of Rooster Rock State Park which includes Sand Island as well as the bank which runs parallel to the south of the island, except during the special waterfowl hunting season which starts in September, as posted;

(G) That portion of Benson State Recreation Area at Dalton Point, north of I-84, starting 300' east of the boat ramp running to the eastern most tip of the property at river mile 134 as posted;

(H) That portion of Starvation Creek State Park, north of I-84, river mile 159.6 to 160.2 as posted;

(I) That portion of Mayer State Park including the entire Salisbury Slough area and the pond 800' Northwest of the boat ramp as posted.

(d) Seasonal hunting of game wildlife is allowed within Deschutes River State Recreational Area south of the stream gauge cable crossing line and parallel extensions of the cable crossing line to the east and west park boundaries.

(e) Seasonal hunting of deer is allowed in portions of La Pine State Recreation Area north of the east-west power line road, approximately one mile north of the campground booth.

(f) Seasonal hunting of game wildlife and upland game birds is allowed on department property at Cottonwood Canyon State Park except:

(A) Hunting is not allowed within the 200 yard area surrounding the boat launch at the J.S. Burres site at Cottonwood Bridge, and

(B) Hunting is not allowed in any area closed by the director or designee for public safety or park resource protection purposes. The department will post such closures at designated park entrances.

(g) Seasonal hunting of upland game birds is allowed in Succor Creek State Park, except within 500 feet of camping areas located near the Succor Creek Bridge and posted Safety Zones.

(h) Trapping is allowed only by special permit from the department in Bowers Rock State Park, Deschutes State Recreation Area, Elijah Bristow State Park, and Willamette Mission State Park.

(i) Hunting is allowed with shotguns or bows and arrows only, during authorized seasons in all Willamette River Greenway Corridor parcels, except in those parcels described below, where all hunting is prohibited:

(A) Wapato Access (Virginia Lake), River Mile 17.0-18.0, Multnomah Channel, Right bank when facing downstream;

(B) Crown Zellerbach, River Mile 21.3, Main Channel, Left Bank when facing downstream;

(C) Merrell (Mary S. Young State Park), River Mile 23.6, Main Channel, Left Bank when facing downstream;

(D) Willamette Shores, Inc. (Mary S. Young State Park), Main Channel, River Mile 24.0, Main Channel, Left Bank when facing downstream;

(E) Meldrum Bar Park (City of Gladstone) River Mile 24.2-24.4, Main Channel, Right Bank when facing downstream;

(F) Hattan-Fisher, River Mile 24.3, Main Channel, Left Bank when facing downstream;

(G) Dahl Park (City of Gladstone) River Mile 24.7, Main Channel, Right Bank when facing downstream;

(H) Coalca Landing, River Mile 30.7, Main Channel, Right Bank when facing downstream;

(I) Lang, River Mile 30.7, Main Channel, Left Bank when facing downstream;

(J) Pete's Mountain Landing, River Mile 30.8, Main Channel, Left Bank when facing downstream;

(K) Peach Cove Landing, River Mile 31.5, Main Channel, Left Bank when facing downstream;

(L) Brandborg, River Mile 32.0, Main Channel, Left Bank when facing downstream;

(M) Asche, River Mile 34.1, Main Channel, Left Bank when facing downstream;

(N) Molalla River State Park, River mile 34.6-36.1, Main Channel, Right Bank when facing downstream NOTE: hunting is not allowed along the Molalla River within the park property.

(O) Willamette Meridian Landing, River Mile 37, Main Channel, Left Bank when facing downstream;

(P) French Prairie Access, River Mile 41.0, Main Channel, Right Bank when facing downstream;

(Q) Parrett Mountain Access, River Mile 45.5-46.0, Main Channel, Left Bank when facing downstream;

(R) Hess Creek Landing, River Mile 53, Main Channel, Left Bank when facing downstream;

ADMINISTRATIVE RULES

(S) Lincoln Access, River Mile 76.2–77.0, Main Channel, Left Bank when facing downstream;

(T) Lincoln Access (Doak's Ferry) River Mile 77.6, Main Channel, Left Bank when facing downstream;

(U) Darrow Rocks Access, River Mile 78.1, Main Channel, Left Bank when facing downstream;

(V) Ross Island Sand & Gravel (Salem Waterfront), River Mile 82.8, Main Channel, Right Bank when facing downstream;

(W) Hall's Ferry Access, River Mile 91.3, Main Channel, Right Bank when facing downstream;

(X) Springfill Access, River Mile 113.8, Main Channel, Left Bank when facing downstream;

(Y) Takenah Landing (City of Albany), River Mile 118.5, Main Channel, Left Bank when facing downstream (Closed only for 500 feet west of parking area);

(Z) Jasper Bridge, River Mile 195.2, Middle Fork, Right Bank when facing downstream;

(AA) Minshall, Eller, River Mile 119.9, Main Channel, Left Bank when facing downstream;

(BB) Jones, Lanham, River Mile 120.1, Main Channel, Left Bank when facing downstream;

(CC) F. Schmidt, P. Schmidt, River Mile 120.3, Main Channel, Left Bank when facing downstream;

(DD) Browns Landing, River Mile 167.25, Main Channel, Left Bank when facing downstream;

(EE) Truax Island Access, River Mile 168.7, Main Channel, Left Bank when facing downstream (closed only for 500 feet west of parking area);

(FF) Marshall Island Access (Banton), River Mile 168.7, Main Channel, Left Bank when facing downstream;

(GG) Log Jam Access, River Mile 194.4–194.8, Middle Fork, Left Bank when facing downstream;

(HH) Pengra Access, River Mile 195.2, Middle Fork, Right Bank when facing downstream;

(II) Cougar Mountain Access, River Mile 15.5, Coast Fork, Right Bank when facing downstream; and

(JJ) Lynx Hollow Access, River Mile 16.5, Coast Fork, Left Bank when facing downstream;

(j) Trapping is allowed only with written authorization from the department in the Willamette River Greenway Corridor parcels closed to hunting, as listed above. Trapping is allowed in all other Willamette River Greenway Corridor parcels.

(k) When hunting on those properties allowed by this rule hunters may not erect structures or blinds with the exception of portable blinds and tree stands that must be removed daily.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111, 498.002 & 498.006

Hist.: 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 10-1991, f. & cert. ef. 6-18-91; Renumbered from 736-015-0065, 736-015-0072, 736-015-0080, 736-015-0090, 736-015-0095, 736-015-0100, 736-015-0130, 736-015-0135, 736-015-0150 & 736-015-0160, PRD 4-2005, f. & cert. ef. 5-5-05; PRD 11-2008, f. & cert. ef. 12-15-08; PRD 11-2009, f. & cert. ef. 6-18-09; PRD 2-2010(Temp), f. & cert. ef. 2-3-10 thru 7-30-10; PRD 7-2010, f. & cert. ef. 6-15-10; PRD 10-2010, f. & cert. ef. 10-13-10; PRD 2-2013, f. & cert. ef. 7-19-13

736-010-0060

Alcoholic Beverages

(1) A person under 21 years of age may not possess or use alcoholic beverage(s) at any park property.

(2) A person may only possess or use alcoholic beverages in the following areas with written permission from the park manager:

(a) That portion of Dabney State Recreation Area downstream from the Stark Street bridge;

(b) Lewis and Clark State Recreation Site between the east bank river frontage road and the Sandy River from I-84 upstream to the park boundary;

(c) TouVelle State Recreation Site;

(d) Tumalo State Park day use area;

(e) Bonnie Lure State Recreation Area;

(f) Warm Springs boat launch access, Deschutes River, Jefferson County;

(g) Iwetemlaykin State Heritage Site;

(h) State Capitol State Park;

(i) Cline Falls State Scenic Viewpoint; and

(j) Other park properties as signed.

(3) A person may not use an Oregon Liquor Control Commission licensed server to dispense any alcoholic beverage including malt beverages from kegs without a permit from the park manager.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111

Hist.: 1 OTC 17, f. 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 34(Temp), f. & ef. 8-7-74; 1 OTC 39, f. 10-1-74; 1 OTC 40, f. 11-1-74; OTC 56 (Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 11-1986, f. & ef. 7-9-86; PR 1-1990, f. & cert. ef. 5-14-90; PR 4-1990(Temp), f. & cert. ef. 8-1-90; PR 4-1991, f. 4-30-91, cert. ef. 5-13-91PR 16-1992, f. & cert. ef. 12-1-92; PR 8-1996, f. 8-14-96, cert. ef. 8-15-96; Renumbered from 736-015-0058, 736-015-0063, 736-015-0070, 736-015-0097, 736-015-0144, 736-015-0146 & 736-015-0148, PRD 4-2005, f. & cert. ef. 5-5-05; PRD 8-2012, f. & cert. ef. 11-16-12; PRD 2-2013, f. & cert. ef. 7-19-13

736-010-0065

Rooster Rock State Park — Nudity

(1) A person of post-pubescent age or over 12 years of age is prohibited from engaging in nudity, as defined in ORS 167.060, in any part of the park property west of the established boundary running north and south 100 yards east of the easternmost beach access stairway and east above the approximate high water mark of the Columbia River in Rooster Rock State Park.

(2) Section (1) applies only where the person engaging in nudity is in public view. Section (1) does not apply to nudity in a public bathhouse, lavatory, or within tents, campers or other enclosures which are screened so that the nudity cannot be viewed by the public.

Stat. Auth.: ORS 390.124

Stats. Implemented: ORS 390.111

Hist.: 1 OTC 17, f. 12-20-73; 1 OTC 23, f. 2-19-74; 1 OTC 34(Temp), f. & ef. 8-7-74; 1 OTC 39, f. 10-1-74; 1 OTC 40, f. 11-1-74; OTC 56 (Temp), f. & ef. 4-4-75; 1 OTC 59, f. 8-1-75, ef. 8-25-75; 1 OTC 2-1980, f. & ef. 1-4-80; PR 9-1981, f. & ef. 4-6-81; PR 11-1986, f. & ef. 7-9-86; PR 1-1990, f. & cert. ef. 5-14-90; PR 4-1990(Temp), f. & cert. ef. 8-1-90; PR 4-1991, f. 4-30-91, cert. ef. 5-13-91PR 16-1992, f. & cert. ef. 12-1-92; PR 8-1996, f. 8-14-96, cert. ef. 8-15-96; Renumbered from 736-015-0110, PRD 4-2005, f. & cert. ef. 5-5-05; PRD 2-2013, f. & cert. ef. 7-19-13

Rule Caption: Heritage Commission grants and statewide celebrations

Adm. Order No.: PRD 3-2013

Filed with Sec. of State: 7-19-2013

Certified to be Effective: 7-19-13

Notice Publication Date: 6-1-2013

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

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

Rules Coordinator: Vanessa DeMoe—(503) 986-0719

736-053-0100

Purpose

The purpose of OAR 736-053-0100 to 736-053-0140 is to establish the procedures and criteria that the Oregon Heritage Commission, with the advice of the Oregon Historical Society and the Oregon Museums Association, will use when awarding Museum Grant Funds as provided in ORS 358.583.

Stat. Auth.: ORS 390.124 & 358.583

Stats. Implemented: ORS 358.583

Hist.: PRD 3-1998, f. 2-11-98, cert. ef. 2-17-98; PRD 2-2006, f. & cert. ef. 2-27-06; PRD 3-2013, f. & cert. ef. 7-19-13

736-053-0105

Definitions

As used in OAR 736-053-0100 to 736-053-0140, unless the context requires otherwise:

(1) "Commission" means the Oregon Heritage Commission.

(2) "Department" means the Oregon Parks and Recreation Department.(3) "Museum" means a public institution or private nonprofit Oregon corporation primarily devoted to the acquisition and public exhibition of specimens, artifacts, articles, documents and other items that relate to history, anthropology, archaeology, science, heritage, or art and that have historical significance.

(4) "Grant" means an award from the Oregon Museum Grant Program.

(5) "Museum Grant Review Committee" means the committee that reviews grant applications and makes funding recommendations to the commission.

ADMINISTRATIVE RULES

(6) “Heritage” means the array of significant things, thoughts, and activities associated with past human experience in Oregon.

(7) “Heritage collections” includes artifacts and other manifestations of material culture, documents, publications, photographs and film, heritage recordings, music and songs gathered for study, comparison or exhibition, and their management.

(8) “Heritage-related tourism” means the practice of traveling for leisure to learn, enjoy or appreciate heritage.

(9) “Heritage aspects of education and interpretation” means the action or process of educating or of being educated about heritage.

(10) “Grantee” means an eligible applicant museum legally capable of executing and which has executed a grant agreement for project awarded a Museum Grant.

Stat. Auth.: ORS 390.124 & 358.585

Stats. Implemented: ORS 358.583

Hist.: PRD 3-1998, f. 2-11-98, cert. ef. 2-17-98; PRD 2-2006, f. & cert. ef. 2-27-06; PRD 3-2013, f. & cert. ef. 7-19-13

736-053-0110

Eligible Applicants

In order to be eligible for a grant, museums must meet the following requirements:

(1) Be in operation for a period of at least two years;

(2) Provide museum services open to the public at least 120 hours per year at designated and reasonable hours and places;

(3) Have a responsible, competent attendant on duty when museum services are provided to the public;

(4) Be organized as a public or private non-profit institution that exists on a permanent basis for primarily educational or aesthetic purposes;

(5) Care for tangible objects that the museum owns or uses; and

(6) Exhibit tangible objects to the public on a regular basis through facilities the museum owns or operates.

Stat. Auth.: ORS 390.124 & 358.585

Stats. Implemented: ORS 358.583

Hist.: PRD 3-1998, f. 2-11-98, cert. ef. 2-17-98; PRD 2-2006, f. & cert. ef. 2-27-06; PRD 3-2013, f. & cert. ef. 7-19-13

736-053-0115

Application Procedure

(1) The Commission shall announce the availability of procedures, and deadlines for applying for Oregon Museum Grants, for at least two weeks prior to the application deadline.

(2) To apply for Oregon Museum Grants, museums must submit their applications by the specified deadline. In addition, applications must meet the format prescribed by the Commission and demonstrate the following:

(a) The museum is eligible for a grant;

(b) The proposed project qualifies for a grant;

(c) The museum is capable of carrying out the proposed project; and

(d) The proposed project is related to the collection and management of heritage collections, or for heritage-related tourism, or to assist in projects related to the heritage aspects of education and interpretation.

Stat. Auth.: ORS 390.124 & 358.585

Stats. Implemented: ORS 358.583

Hist.: PRD 3-1998, f. 2-11-98, cert. ef. 2-17-98; PRD 2-2006, f. & cert. ef. 2-27-06; PRD 3-2013, f. & cert. ef. 7-19-13

736-053-0120

Evaluation of Applications

(1) Eligible applications received by announced deadlines shall be evaluated by the department’s Museum Grant Review Committee.

(2) The Museum Grant Review Committee shall rank applications in order of priority based on an evaluation of:

(a) The museum’s capability of carrying out the proposed project;

(b) The anticipated results of the proposed project in the collection and management of heritage collections, the promotion of heritage-related tourism, or the provision of education and other interpretations related to heritage; and

(c) The commitment of other significant monetary or in-kind support to the goals of the project, or both.

Stat. Auth.: ORS 390.124 & 358.585

Stats. Implemented: ORS 358.583

Hist.: PRD 3-1998, f. 2-11-98, cert. ef. 2-17-98; PRD 2-2006, f. & cert. ef. 2-27-06; PRD 3-2013, f. & cert. ef. 7-19-13

736-053-0125

Award of Grants

(1) The Commission shall, at a public meeting, consider and approve or disapprove, in part or in full, the recommendations of the Museum Grant

Review Committee. The department shall then award grants based on the Commission’s decision.

(2) All awards must be the subject of binding grant agreements between the department and grantees.

(3) Grant agreements must specify total project costs, participant’s share, department share, work to be accomplished, products to be delivered, and deadlines for accomplishing work and delivering products.

Stat. Auth.: ORS 390.124 & 358.585

Stats. Implemented: ORS 358.583

Hist.: PRD 3-1998, f. 2-11-98, cert. ef. 2-17-98; PRD 2-2006, f. & cert. ef. 2-27-06; PRD 3-2013, f. & cert. ef. 7-19-13

736-053-0130

Museum Grant Review Committee

(1) Department staff appoints the Museum Grant Review Committee, which must be composed of Commission representatives and museum or heritage professionals.

(a) The committee must have a minimum of five members, and include individuals with professional knowledge related to the type of projects submitted, and individuals with a direct understanding of small museum operations.

(b) The department may consult with appropriate organizations including the Oregon Historical Society and Oregon Museums Association for committee member recommendations.

(2) The Museum Grant Review Committee shall follow current statutory conflict-of-interest provisions.

Stat. Auth.: ORS 390.124 & 358.585

Stats. Implemented: ORS 358.583

Hist.: PRD 3-1998, f. 2-11-98, cert. ef. 2-17-98; PRD 2-2006, f. & cert. ef. 2-27-06; PRD 3-2013, f. & cert. ef. 7-19-13

736-053-0135

Disbursement of Grant Funds

The department will distribute grant funds to participants on a reimbursable basis after submission of billings on approved schedules specified in grant agreements. Participants will supply information substantiating billings if requested by the Commission. Grant funds may be disbursed in advance if participants can demonstrate a compelling need.

Stat. Auth.: ORS 390.124 & 358.585

Stats. Implemented: ORS 358.583

Hist.: PRD 2-2006, f. & cert. ef. 2-27-06; PRD 3-2013, f. & cert. ef. 7-19-13

736-053-0140

Recovery of Grant Funds

(1) Participant museums who fail to complete approved projects to the Commission’s satisfaction shall return all unexpended grant funds.

(2) Participant museums must maintain records adequate for audit purposes for a period of not less than five years after project completion and shall reimburse the commission for any costs disqualified through audit findings.

Stat. Auth.: ORS 390.124 & 358.585

Stats. Implemented: ORS 358.583

Hist.: PRD 2-2006, f. & cert. ef. 2-27-06; PRD 3-2013, f. & cert. ef. 7-19-13

736-053-0200

Purpose

The purpose of OAR 736-053-0200 to 736-053-0235 is to establish the procedures and criteria that the Oregon Heritage Commission will use when awarding Oregon Heritage Grants as provided in ORS 358.590(3)

Stat. Auth.: ORS 358.585

Stats. Implemented: ORS 358.590

Hist.: PRD 3-2000, f. & cert. ef. 4-5-00; PRD 3-2013, f. & cert. ef. 7-19-13

736-053-0205

Definitions

As used in OAR 736-053-0200 to 736-053-0235, the following terms shall have the following meanings:

(1) “Commission” means the Oregon Heritage Commission.

(2) “Department” means the Oregon Parks and Recreation Department.

(3) “Grant” means an award from the Oregon Heritage Grant Program.

(4) “Heritage” means the array of significant things, thoughts, and activities associated with past human experience in Oregon.

(5) “Heritage Resources” means artifacts and other manifestations of material culture, documents, publications, photographs and film, prehistoric and historic sites, historic buildings and other structures, cultural landscapes, heritage celebrations, heritage festivals and fairs, and heritage recordings, music, and songs.

ADMINISTRATIVE RULES

(6) "Heritage Conservation" means activities that preserve or enhance heritage resources.

(7) "Heritage Development" means activities that fulfill the potential of heritage resources to educate Oregonians and their visitors and enrich their lives.

(8) "Grantee" means an eligible applicant legally capable of executing and which has executed a grant agreement for project awarded an Oregon Heritage Grant.

(9) "Eligible Project Costs" means approved costs incurred after execution of a grant agreement.

Stat. Auth.: ORS 358.585

Stats. Implemented: ORS 358.590

Hist.: PRD 3-2000, f. & cert. ef. 4-5-00; PRD 3-2013, f. & cert. ef. 7-19-13

736-053-0210

Eligible Applicants:

(1) In order to be eligible for an Oregon Heritage Grant, applicants must be one of the following:

(a) A non-profit organization incorporated in the State of Oregon with a 501(c)(3) determination from the United States Internal Revenue Service and a legally-constituted board of trustees or directors;

(b) A tribal government of a Native American group recognized by the State of Oregon and the federal government and located in the State or Oregon;

(c) A university or college located in the State of Oregon; or

(d) A local government within the State of Oregon.

(2) The following are not eligible to apply for Oregon Heritage Grants:

(a) Individuals;

(b) Religious organizations;

(c) For-profit organizations such as partnerships, companies, and corporations;

(d) State agencies, except for state supported colleges and universities;

(e) School districts; and

(f) Federal agencies.

Stat. Auth.: ORS 358.585

Stats. Implemented: ORS 358.590

Hist.: PRD 3-2000, f. & cert. ef. 4-5-00; PRD 3-2013, f. & cert. ef. 7-19-13

736-053-0215

Application Procedure

(1) The Commission shall announce the availability of, procedures to apply for, and deadlines for applying for Oregon Heritage Grants, for at least two weeks prior to the application deadline.

(2) To apply for Oregon Heritage Grants, applicants must submit their applications by the specified deadline. In addition, applications must meet the format prescribed by the Commission and demonstrate the following:

(a) The applicant is eligible to apply for an Oregon Heritage Grant;

(b) The proposed project qualifies for an Oregon Heritage Grant;

(c) The applicant is capable of carrying out the proposed project; and

(d) The proposed project to conserves or develops heritage resources.

Stat. Auth.: ORS 358.585

Stats. Implemented: ORS 358.590

Hist.: PRD 3-2000, f. & cert. ef. 4-5-00; PRD 3-2013, f. & cert. ef. 7-19-13

736-053-0220

Evaluation of Applications

(1) Eligible applications received by announced deadlines shall be evaluated by an Oregon Heritage Grants Review Committee appointed by department staff and approved by the Commission Chair.

(2) The Oregon Heritage Grants Review Committee shall rank applications in order of priority based on an evaluation of:

(a) The applicant's capability of carrying out the proposed project; and

(b) How the proposed project will result in the conservation or development of heritage resources. Priority will be given to projects that preserve or develop heritage resources that are threatened, are of statewide significance, or both.

(3) The Oregon Heritage Grants Review Committee shall follow current statutory conflict-of-interest provisions.

(4) The Commission will, at public meetings, consider and disapprove, approve in part, or approve in full the recommendations of the Oregon Heritage Grant Review Committee.

Stat. Auth.: ORS 358.585

Stats. Implemented: ORS 358.590

Hist.: PRD 3-2000, f. & cert. ef. 4-5-00; PRD 3-2013, f. & cert. ef. 7-19-13

736-053-0225

Award of Grants

(1) When Oregon Heritage Grant Program funds are appropriated by the Legislative Assembly, the Commission shall award these funds based on priorities recommended by the Oregon Heritage Grants Review Committee.

(2) Grants will be made for no more than fifty percent of total project costs. Up to fifty percent of a grantee's share of project costs may consist of department-approved donated services and materials.

(3) All awards shall be the subject of binding grant agreements between the department and participants.

(4) Grant agreements shall specify total project costs, participants' share, department share, work to be accomplished, products to be delivered, and deadlines for accomplishing work and delivering products.

(5) Indirect costs (grant processing, but not directly associated with the project) are limited to six percent of the awarded grant funds.

Stat. Auth.: ORS 358.585

Stats. Implemented: ORS 358.590

Hist.: PRD 3-2000, f. & cert. ef. 4-5-00; PRD 3-2013, f. & cert. ef. 7-19-13

736-053-0230

Disbursement of Grant Funds

All Grant funds will be disbursed to participants on a reimbursable basis after submission of billings on approved schedules specified in grant agreements. Participants must supply information substantiating billings when requested by the Commission. Grant funds may be disbursed in advance if participants can demonstrate a compelling need.

Stat. Auth.: ORS 358.585

Stats. Implemented: ORS 358.590

Hist.: PRD 3-2000, f. & cert. ef. 4-5-00; PRD 3-2013, f. & cert. ef. 7-19-13

736-053-0235

Recovery of Grant Funds

(1) Participants who fail to complete approved projects to the Commission's satisfaction must return all unexpended Grant funds.

(2) Participants shall maintain records adequate for audit purposes for a period of not less than five years after project completion and must reimburse the Commission for any costs disqualified through audit findings.

Stat. Auth.: ORS 358.585

Stats. Implemented: ORS 358.590

Hist.: PRD 3-2000, f. & cert. ef. 4-5-00; PRD 3-2013, f. & cert. ef. 7-19-13

736-053-0300

Purpose

The purpose of OAR 736-053-0300 to 736-053-0325 is to adopt regulations establishing procedures that the Oregon Heritage Commission shall use when coordinating statewide anniversary celebrations.

Stat. Auth.: ORS 358.585

Stats. Implemented: ORS 358.595(2f)

Hist.: PRD 3-2001, f. & cert. ef. 2-23-01; PRD 3-2013, f. & cert. ef. 7-19-13

736-053-0305

Definitions

As used in OAR 736-053-0300 to 736-053-0325, the following terms shall have the following meanings:

(1) "Commission" means the Oregon Heritage Commission.

(2) "Statewide anniversary celebrations" means celebrations and other commemorations of anniversaries of events of statewide significance to Oregon's heritage.

(3) "Oregon's heritage" means the array of significant things, thoughts, and activities associated with the human experience in Oregon.

(4) "Coordinate" means serving as a source of information on resources, a source of technical assistance, a source of financial assistance when funds have been appropriated for that purpose by the Legislative Assembly, and as a clearinghouse for information and activities for designated celebrations.

Stat. Auth.: ORS 358.585

Stats. Implemented: ORS 358.595(2f)

Hist.: PRD 3-2001, f. & cert. ef. 2-23-01; PRD 3-2013, f. & cert. ef. 7-19-13

736-053-0315

Qualification as a Statewide Anniversary Celebration

An event or episode may qualify for designation as a statewide anniversary celebration if its impacts are proven to have significance in Oregon beyond the actual event or episode being celebrated or commemorated. Upon demonstration of significance, the Commission may designate the event or episode a statewide anniversary celebration.

Stat. Auth.: ORS 358.585

Stats. Implemented: ORS 358.595(2f)

Hist.: PRD 3-2001, f. & cert. ef. 2-23-01; PRD 3-2013, f. & cert. ef. 7-19-13

ADMINISTRATIVE RULES

736-053-0325

Commission Coordination of Statewide Anniversary Celebrations

Commission coordination of statewide anniversary celebrations designated under OAR 736-053-0315, may include providing communication, technical and financial assistance to government and non-profit organizations that implement the celebrations.

Stat. Auth.: ORS 358.585

Stat. Implemented: ORS 358.595(2f)

Hist: PRD 3-2001, f. & cert. ef. 2-23-01; PRD 3-2013, f. & cert. ef. 7-19-13

Public Utility Commission Chapter 860

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

Adm. Order No.: PUC 6-2013

Filed with Sec. of State: 8-7-2013

Certified to be Effective: 8-7-13

Notice Publication Date: 6-1-2013

Rules Amended: 860-021-0015

Subject: The rule previously contained an incorrect rule reference and that intended reference did not specifically address the retention for utility-consumer or utility-customer dispute records. This amendment to the rule eliminates the incorrect reference and clarifies that the utility must retain records of the consumer or customer dispute for 36 months.

Rules Coordinator: Diane Davis—(503) 378-4372

860-021-0015

Dispute Resolution

(1) When a dispute occurs between a customer or applicant and a utility about any bill, charge, or service, the utility must thoroughly investigate the matter and promptly report the results of its investigation to the customer or applicant. Each utility must prepare a written record showing the name and address of the customer or applicant involved, the date and character of the dispute, and the disposition of the matter. The utility must retain records of the dispute for 36 months.

(2) The utility shall inform the customer or applicant of the right to supervisory review of any dispute, including but not limited to, establishment of credit and termination of service. If a dispute is not resolved, the utility shall notify the customer or applicant of the Commission's dispute resolution procedure and its toll-free telephone number.

(3) A customer or applicant may request the Commission's assistance in resolving the dispute by contacting the Commission's Consumer Services Division. The Commission shall notify the utility upon receipt of such a request.

(4) The Commission's Consumer Services Division shall assist the complainant and the utility in an effort to reach an informal resolution of the dispute.

(5) If a registered dispute cannot be resolved informally, the Commission's Consumer Services Division shall advise the complainant of the right to file a formal written complaint with the Commission. The complaint shall state the facts of the dispute and the relief requested. The utility shall answer the complaint within 15 days of service of the complaint. The matter shall then be set for expedited hearing. A hearing may be held on less than ten days' notice when good cause is shown.

(6) Pending resolution of the dispute, the complainant's obligation to pay undisputed amounts continues.

(7) A customer or applicant who has a registered dispute or formal complaint pending with the Commission shall be entitled to continued or restored service provided:

(a) Service was not terminated for theft of service or failure to establish credit;

(b) A bona fide dispute exists in which the facts asserted by the customer or applicant entitle the customer or applicant to service;

(c) When termination is based on nonpayment, the customer or applicant makes adequate arrangement to avoid future loss to the utility, such as prepaying estimated monthly utility charges; and

(d) The customer or applicant diligently pursues conflict resolution under the Commission's rules.

(8) If the conditions in section (7) of this rule are not satisfied, the utility has no obligation to provide continued service. A utility discontinuing service because of a failure to meet the conditions of subsections (7)(c) or (7)(d) of this rule shall give the customer five-day notice served in the same manner as provided by OAR 860-021-0405 or 860-021-0505, whichever

applies, except the notice need only describe the defect in performance, the date and time when utility service will terminate, and the toll-free number of the Commission's Consumer Services Division. In deciding whether the conditions are met, the utility shall consult with the Commission's Consumer Services Division. A customer or applicant who has filed a formal complaint, the utility, or the Commission's Consumer Services Division may ask the Commission for a hearing to decide if the conditions are met. Unless extraordinary circumstances exist, the hearing will be conducted by telephone conference within three business days from the date requested. Notice of hearing will be given to the customer, the utility, and the Commission's Consumer Services Division at least 12 hours before the date and time of the hearing. Notice is effective when given in person, by telephone, or in writing delivered to the party's last known address. Mailed notice is effective two days after deposit in the U.S. mail, excluding Sundays and holidays.

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

Stats. Implemented: ORS 756.040, 756.500 & 756.512

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); PUC 12-1983, f. & ef. 10-7-83 (Order No. 83-623); PUC 1-1985, f. & ef. 2-1-85 (Order No. 85-075); PUC 4-1985, f. & ef. 4-22-85 (Order No. 85-350); PUC 5-1987, f. & ef. 7-2-87 (Order No. 87-723); PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105); PUC 11-1998, f. & ef. 5-7-98 (Order No. 98-188); PUC 8-1999, f. & cert. ef. 10-18-99; PUC 19-2001, f. & cert. ef. 6-21-01; PUC 11-2003, f. & cert. ef. 7-3-03; PUC 6-2013, f. & cert. ef. 8-7-13

Public Utility Commission, Board of Maritime Pilots Chapter 856

Rule Caption: New and amended rules implement SB 851 authorizing a board operations fee.

Adm. Order No.: BMP 3-2013(Temp)

Filed with Sec. of State: 8-12-2013

Certified to be Effective: 8-15-13 thru 2-10-14

Notice Publication Date:

Rules Adopted: 856-010-0006

Rules Amended: 856-010-0003

Subject: The proposed rule language implements SB 851 by prescribing the process for collecting and remitting a board operations fee.

Rules Coordinator: Susan Johnson—(971) 673-1530

856-010-0003

Definitions

(1) "Barge" — A general term for a heavy, flat bottomed, often rectangular vessel used to carry cargo, usually in sheltered and inland waters but also, sometimes at sea; usually pushed or towed by tug. By U.S. Government definition, barges are any non-self propelled vessels other than houseboats and dredges.

(2) "Loaded tanker" — A tanker whose mean draft equals or exceeds 80 percent of its maximum allowable draft, or whose mean draft exceeds 30 feet.

(3) "Ocean-going vessel" — Any ship actively engaged in carrying cargo or passengers for hire in offshore navigation between ports.

(4) "Pilot" — An individual licensed pursuant to ORS Chapter 776 and any individual who had notified the board that the individual is in a pilot trainee status.

(5) "Pilotage" — The act or business of piloting. Also the fee paid for a pilot's services.

(6) "Piloting" — The act of assisting the master of a vessel in navigating the vessel while it is underway on a pilotage ground.

(7) "Licensed physician" — Means an individual who holds a degree of Doctor of Medicine or Doctor of Osteopathy and has a valid license issued by the Oregon Board of Medical Examiners or the Washington Medical Quality Assurance Commission.

(8) "Ship" — A floating, decked vessel that is self-propelled and regularly carries cargo or passengers for hire or is engaged in military purposes in deep water oceanic navigation. Deep water oceanic navigation is navigation in seas beyond the territorial jurisdiction of the United States.

(9) "Ship turn" — For purposes of OAR 856-010-0010(4), "ship turn" is defined as meaning turning a ship in the Willamette River from a generally upstream orientation to a generally downstream orientation, or from a generally downstream orientation to a generally upstream orientation, which may be made with or without the aid of a tug or towboat.

(10) "Tank barge" — A barge with double bottoms designed to transport liquids.

ADMINISTRATIVE RULES

(11) "Tanker" — A vessel specially constructed for carriage of bulk liquids including, but not limited to, petroleum and its products, chemicals and liquefied natural gas.

(12) "Transit" — For purposes of OAR 856-010-0010(4) a "transit" is a complete trip over part of the Columbia and Willamette River pilotage ground, with one end of the trip at Astoria and the other end at Portland or Vancouver harbor. A transit also includes any combination of trip segments between ports or anchorages, which together begin at Astoria and end at Portland or Vancouver harbor, or begin at Portland or Vancouver and end at Astoria.

(13) "Trip" — Any instance of travel by a vessel under the direction of a pilot as required by ORS 776.405 between two points on any of the pilotage grounds defined by 776.025(1) through (4).

(14) "Tug"; "towboat"; "towing vessel" — A strongly built, high-powered vessel of small tonnage specially designed for towing or pushing vessels or for use in berthing large ships.

(15) "Unlimited state-licensed pilot" — An individual who holds an Oregon license to pilot a vessel without any restriction or limitation.

(16) "Upper harbor in Portland" — That portion of the pilotage ground defined by ORS 776.025(2) lying on the Willamette River between the St. Johns Bridge and the Ross Island Bridge.

(17) "Vessel" — Includes every description of water craft, including nondisplacement craft, used or capable of being used as a means of transportation on water, except that, for the purposes of ORS 776.405(1)(a), and the board operations fee authorized by Oregon Laws 2013, Chapter 539, a barge is not a vessel.

(18) "Working pilot" — An unlimited state-licensed pilot who regularly provides piloting services for compensation pursuant to the published tariff.

(19) "Pilot apprentice trainee" — For purposes of OAR 856-010-0014, an individual who does not meet the experience requirements of OAR 856-010-0010(3) and (4), and who has been certified by the Board to enter the Apprentice Training Program.

(20) "Pilot trainee" — For purposes of OAR 856-010-0014 and 856-010-0018, an individual who meets the experience requirements of 856-010-0010(3) and (4)(a).

Stat. Auth.: ORS 776.115

Stats. Implemented: ORS 775.405 & 2013 OL Ch.539

Hist.: MP 1-1992, f. & cert. ef. 4-29-92; MP 3-1995, f. & cert. ef. 3-16-95; MP 2-1996, f. & cert. ef. 8-1-96; BMP 4-2008, f. & cert. ef. 1-24-08; BMP 3-2013(Temp), f. 8-12-13, cert. ef. 8-15-13 thru 2-10-14

856-010-0006

Board Operations Fee

(1) The Board operations fee authorized by Oregon Laws 2013, Chapter 539, shall be \$50 effective July 15, 2013. Thereafter, the fee shall be reviewed quarterly and adjusted as needed as provided in subsection (2) of this section, subject to the maximum allowed by ORS Chapter 776.

(2) The amount of the Board operations fee shall be reviewed quarterly, at the first Board meeting following each September 30, December 31, March 31 and June 30. Based upon the Board's review, the operations fee may be adjusted down or up, subject to the maximum fee amount allowed by Oregon Laws 2013, Chapter 539 and subsection (3) of this section. In reviewing the fee and deciding whether to adjust it, the Board shall consider the total of fees remitted to the Board during the preceding quarter or quarters, the Board's current and projected budgetary needs, the total of fees projected to be remitted to the Board during the following quarter or quarters, and any other factors deemed relevant by the Board. If the Board concludes that an adjustment to the fee is appropriate, it shall request approval for the recommended adjustment from the Oregon Department of Administrative Services, and if such approval is obtained, shall report the adjustment to the Legislature's Emergency Board.

(3) The maximum allowed amount for the Board operations fee shall be \$100 until July 1, 2015. The maximum allowed amount shall be adjusted each biennium on July 1, beginning July 1, 2015. The change in the maximum allowed amount shall be proportional to the percentage change in the 24-month period prior to the beginning of the biennium in the Portland-Salem, OR-WA, Consumer Price Index for All Urban Consumers for All Items, as published by the Bureau of Labor Statistics of the United States Department of Labor.

(4) The amount of the Board operations fee shall be published in the Oregon Pilotage Tariff for each pilotage ground under the paragraph heading "Board Operations Fee."

(5) Licensees of the Board shall invoice vessels for the Board operations fee when invoicing vessels for other authorized pilotage fees and charges. For vessels entering or leaving the Columbia River, Board licensees for the Columbia River Bar shall invoice and collect fees from

inbound vessels, and licensees for the Columbia and Willamette River pilotage ground shall invoice and collect the fee from outbound vessels. For vessels entering or leaving the Yaquina Bay bar or Coos Bay bar pilotage grounds, the Board operations fee shall be invoiced and collected by the licensees for such grounds from both inbound and outbound vessels.

(6) On or before the 10th day of each month, Board licensees shall remit to the Board the full amount of all Board operations fees collected from vessels during the preceding calendar month. At the time of remitting the collected fees to the Board, the remission shall be accompanied by a report of the number of vessels invoiced for the fee during the preceding month, the total amount of fees invoiced, the number of vessels from which the fee was collected during the preceding month, the total of Board operations fees collected, and the amount that remains invoiced but uncollected.

Stat. Auth.: ORS 776

Stats. Implemented: 2013 OL Ch. 539

Hist.: BMP 3-2013(Temp), f. 8-12-13, cert. ef. 8-15-13 thru 2-10-14

Secretary of State, Corporation Division Chapter 160

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

Adm. Order No.: CORP 1-2013

Filed with Sec. of State: 7-31-2013

Certified to be Effective: 8-1-13

Notice Publication Date: 7-1-2013

Rules Amended: 160-040-0100, 160-040-0101, 160-040-0103, 160-040-0104, 160-040-0106, 160-040-0107, 160-040-0203, 160-040-0204, 160-040-0300, 160-040-0301, 160-040-0302, 160-040-0304, 160-040-0305, 160-040-0306, 160-040-0307, 160-040-0310, 160-040-0400, 160-040-0401, 160-040-0402, 160-040-0501, 160-040-0502, 160-040-0503, 160-040-0505, 160-040-0506, 160-040-0311, 160-040-0312

Subject: These rules adopt the new national standard for UCC filings.

Rules Coordinator: Ginger Spotts—(503) 986-2333

160-040-0100

Definitions

Terms used in these filing-office rules but not defined in this section that are defined in the UCC must have the respective meanings accorded such terms in the UCC.

(1) "Active record" means an initial filing that has not yet lapsed on its lapse date, or a continuation that has not lapsed, and any lapsed filing up to the first anniversary of its lapse date.

(2) "Address" means either:

(a) A street address, route number (may include box) or PO Box number plus the city, state and zip code; or

(b) An address that purports to be a mailing address outside the United States of America.

(3) "Amendment" means a UCC record that amends the information contained in a financing statement. Amendments include assignments, continuations and terminations.

(4) "Assignment" is an amendment that assigns all or a part of a secured party's power to authorize an amendment to a financing statement.

(5) "Information Statement" means a UCC record that indicates that a financing statement is inaccurate or wrongfully filed.

(6) "Filing office" and "filing officer" mean the Secretary of State, Corporation Division; the Division Director and deputies of the Director, respectively.

(7) "Filing officer statement" means a statement entered into the filing office's information system to correct an error made by the filing office.

(8) "Initial financing statement" means a UCC record that causes the filing office to establish the initial record of filing of a financing statement.

(9) "Remitter" means a person who tenders a UCC record to the filing officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the record for filing. "Remitter" does not include a person responsible merely for the delivery of the record to the filing office, such as the postal service or a courier service but does include a service provider who acts as a filer's representative in the filing process.

(10) "Searchable indexes" means the searchable index of individual debtor names and the searchable index of organization debtor names maintained in the UCC information management system.

ADMINISTRATIVE RULES

(11) "Secured party of record" includes a secured party of record as defined in the UCC, as well as a person who has been a secured party of record with respect to whom an amendment has been filed purporting to delete them as a secured party of record. The term includes the assignor listed on an amendment that purports to be an assignment.

(12) "UCC" means the Uniform Commercial Code as adopted in this state.

(13) "UCC information management system" means the information management system used by the filing office to store, index, and retrieve information relating to financing statements as described in Section 3 of these filing-office rules.

(14) "UCC record" means an initial financing statement, an amendment, an assignment, a continuation statement, a termination statement, a filing officer statement, or an information statement, and includes a record thereof maintained by the filing office. The term shall not be deemed to refer exclusively to paper or paper-based writings.

(15) "Unlapsed record" means a UCC record that has been stored and indexed in the UCC information management system, which has not yet lapsed under ORS Ch. 79.0515 with respect to all secured parties of record.

Stat. Auth.: ORS 79.0526

Stats. Implemented: ORS 79.0526

Hist.: CORP 2-2001, f. 7-9-01, cert. ef. 8-1-01; CORP 3-2001 f. 12-14-01 cert. ef. 1-1-02; CORP 4-2008, f. 7-15-08, cert. ef. 8-1-08; CORP 1-2013, f. 7-31-13, cert. ef. 8-1-13

160-040-0101

UCC Document Delivery

For the purposes of this section, "delivery" means receipt by the filing office. UCC records may be tendered for filing at the filing office as follows.

(1) Personal delivery by Remitter, at the filing office's street address. The file time for a UCC record delivered by this method is when delivery of the UCC record is taken by the filing office (even though the UCC record may not yet have been accepted for filing and subsequently may be rejected). This rule applies only to a Remitter who tenders a UCC record to the filing office and waits an immediate determination of whether or not the UCC record will be taken or not.

(2) Courier delivery, at the filing office's street address. The file time for a UCC record delivered by this method is the time the UCC record is first examined by a filing officer for processing within the next close of business following the time of delivery, (even though the UCC record may not yet have been accepted for filing and may be subsequently rejected). This rule does not apply to a courier who is acting as an agent of the Remitter and who tenders a UCC record to the filing office and awaits an immediate determination of whether or not the UCC record will be taken or not under rule 101.1.

(3) Postal service delivery, to the filing office's mailing address. The file time for a UCC record delivered by this method is when delivery of the UCC record is taken by the filing office (even though the UCC record may not yet have been accepted for filing and may be subsequently rejected).

(4) Fax delivery, to the filing office's fax filing telephone number. The file time for a UCC record delivered by this method is when delivery of the UCC record is taken by the filing office (even though the UCC record may not yet have been accepted for filing and may be subsequently rejected).

(5) Direct web page data entry. UCC records may be delivered by on-line data entry using the filing office's website on the internet. Website data entry and payment procedures are available as provided at www.filinginoregon.com. The file time for a UCC record delivered by the method is the time the entry of all required elements of the UCC record in the proper format is acknowledged by the on-line entry system.

(6) Means of communication. Regardless of the method of delivery, information for recording in the UCC information management system should be communicated to the filing office in the form of the English alphabet A-Z, numbers 0-9, and symbols and characters found on a standard QWERTY keyboard. A financing statement or amendment form that does not designate separate fields for organization and individual names, and separate fields for the surname, first personal name, additional name(s)/initial(s) and suffixes for individual names is not an acceptable means of communication to the filing office.

(7) Transmitting utility and public-finance transactions. The only means to indicate to the filing office than an initial financing statement is being filed in connection with a public finance transaction, or that a financing statement is being or has been filed against a debtor that is a transmitting utility, in order to affect the filing office's determination of the lapse date under rule 306.3 or rule 307, is to so indicate by checking the appropriate box on a UCC1 Financing Statement filed with respect to the financing statement.

Stat. Auth.: ORS 79.0526

Stats. Implemented: ORS 79.0526

Hist.: CORP 2-2001, f. 7-9-01, cert. ef. 8-1-01; CORP 4-2008, f. 7-15-08, cert. ef. 8-1-08; CORP 1-2013, f. 7-31-13, cert. ef. 8-1-13

160-040-0103

Forms

Acceptable forms. In addition to the forms outlined in ORS 79.0521(1), the Secretary of State shall accept for filing only the standard forms approved for use by the International Association of Commercial Administrators up to July 1, 2013, and the current forms available from the Secretary of State's website.

Stat. Auth.: ORS 79.0526

Stats. Implemented: ORS 79.0515 & 79.0521

Hist.: CORP 2-2001, f. 7-9-01, cert. ef. 8-1-01; CORP 1-2002, f. 11-15-02, cert. ef. 12-1-02; CORP 1-2005, f. & cert. ef. 2-1-05; CORP 4-2008, f. 7-15-08, cert. ef. 8-1-08; CORP 4-2009, f. 12-22-09 cert. ef. 1-1-10; CORP 1-2013, f. 7-31-13, cert. ef. 8-1-13

160-040-0104

Fees

(1) Filing fee. The fee for filing and indexing a UCC record is prescribed in ORS Ch. 79.525(1). However, if the UCC record is rejected, the submission of the record shall be deemed a filing in accordance with 79.0516, and the accompanying fee shall therefore be nonrefundable.

(2) UCC search fee. The fee for a UCC debtor name search request is \$10 as prescribed in ORS Ch. 79.525(3).

(3) UCC search — copies. The fee for a UCC debtor name search request with copies is \$15 as prescribed in ORS Ch. 79.525(3).

(4) UCC search — certified copies. The fee for certified copies is \$15 per document number.

Stat. Auth.: ORS 79.0526

Stats. Implemented: ORS 79.0525

Hist.: CORP 2-2001, f. 7-9-01, cert. ef. 8-1-01; CORP 4-2008, f. 7-15-08, cert. ef. 8-1-08; CORP 5-2009, f. 12-22-09 cert. ef. 1-1-10; CORP 1-2013, f. 7-31-13, cert. ef. 8-1-13

160-040-0106

Summaries of Records

Public records services are provided on a non-discriminatory basis to any member of the public on the terms described in these rules. The following methods are available for obtaining copies of UCC records and copies of data from the UCC information management system.

(1) Individually identified records. Copies of individually identified UCC records are available in paper format.

(2) Bulk copies of records. Bulk copies of UCC records are available by weekly subscription.

(3) Data from the UCC information management system. A list of available data elements from the UCC information management system, and the file layout of the data elements, is available from the filing officer upon request. Data from the UCC information management system is available as follows.

(a) Full extract. A bulk data extract of information from the UCC information management system is available. The UCC Active Filing List contains all active UCC filings, and is provided weekly or monthly by subscription.

(b) New Filing lists. The UCC New Filings List is provided weekly or monthly by subscription.

(c) Custom Extracts. Specialized searches on data stored in the UCC database. Custom searches are limited to one secured party name per search fee. Requests for information based on cities or zip codes is limited to 5 cities or 5 zip codes per search fee. Information on custom searches will be provided in tab delimited text format or MS Excel by FTP or by e-mail.

(d) Format. Extracts from the UCC information management system are available in the following formats.

(A) FTP — Bulk UCC image extracts (.tif) and UCC Data extracts (tab-delimited text — .txt).

(B) E-Mail — UCC New Filings List & UCC Custom Search (tab delimited text — .txt).

(C) Internet Download — Bulk UCC image extracts (.tif) and UCC Data extracts (tab-delimited text — .txt).

Stat. Auth.: ORS 79.0526

Stats. Implemented: ORS 79.0523

Hist.: CORP 2-2001, f. 7-9-01, cert. ef. 8-1-01; CORP 4-2008, f. 7-15-08, cert. ef. 8-1-08; CORP 1-2013, f. 7-31-13, cert. ef. 8-1-13

160-040-0107

Fees for Summaries of Records

(1) Bulk copies of records. In accordance with ORS Ch. 79.0523(6), copies of UCC filings may be provided at \$20 per week.

(2) Data from the UCC information management system.

ADMINISTRATIVE RULES

(a) Full extract. The UCC Active Filing List fee for this subscription is \$200 per extract

(b) New Filing Lists. The UCC New Filing List fees are \$15 each.

(c) Custom extracts. The UCC Custom Search fee shall be \$50 per search paid in advance.

Stat. Auth.: ORS 79.0526

Stats. Implemented: ORS 79.0523 & 79.0525

Hist.: CORP 2-2001, f. 7-9-01, cert. ef. 8-1-01; CORP 4-2008, f. 7-15-08, cert. ef. 8-1-08; CORP 1-2013, f. 7-31-13, cert. ef. 8-1-13

160-040-0203

Procedure Upon Refusal

If the filing officer finds grounds to refuse a UCC record, communication of the refusal, the reason(s) for the refusal and other related information will be made to the Remitter as soon as practicable and in any event within two business days after the refused UCC record was received by the filing office, by the same means as the means by which such UCC record was delivered to the filing office, or by mail or such more expeditious means as the filing office shall determine.

Stat. Auth.: ORS 79.0526

Stats. Implemented: ORS 79.0520

Hist.: CORP 2-2001, f. 7-9-01, cert. ef. 8-1-01; CORP 4-2008, f. 7-15-08, cert. ef. 8-1-08; CORP 1-2013, f. 7-31-13, cert. ef. 8-1-13

160-040-0204

Refusal Errors

If a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC record that was refused for filing should not have been refused, the filing officer will file the UCC record with the filing date and time the UCC record was originally tendered for filing. The filing officer shall also file a filing officer statement noting when and why the record was changed.

Stat. Auth.: ORS 79.0526

Stats. Implemented: ORS 79.0520

Hist.: CORP 4-2008, f. 7-15-08, cert. ef. 8-1-08; CORP 1-2013, f. 7-31-13, cert. ef. 8-1-13

160-040-0300

Policy Statement

The filing officer uses a UCC information management system to store, index, and retrieve information relating to financing statements. The UCC information management system includes an index of the names of debtors included on financing statements that are active records. The rules in this section describe the UCC information management system.

Stat. Auth.: ORS 79.0526

Stats. Implemented: ORS 79.0519

Hist.: CORP 2-2001, f. 7-9-01, cert. ef. 8-1-01; CORP 4-2008, f. 7-15-08, cert. ef. 8-1-08; CORP 1-2013, f. 7-31-13, cert. ef. 8-1-13

160-040-0301

Primary Data Elements

The primary data elements used in the UCC information management system are the following.

(1) Identification numbers.

(a) Initial financing statements. Each initial financing statement is identified by its file number. Identification of the initial financing statement is stamped on written UCC records or otherwise permanently associated with the record maintained for UCC records in the UCC information management system. A record is created in the UCC information management system for each initial financing statement and all information comprising such record is maintained in such system. Such record is identified by the same information assigned to the initial financing statement.

(b) Other UCC records. A UCC record other than an initial financing statement is identified by a unique file number assigned by the filing officer. In the UCC information management system, records of all UCC records other than initial financing statements are linked to the record of their related initial financing statement.

(2) Type of record. The type of UCC record from which data is transferred is identified in the UCC information management system from information supplied by the remitter.

(3) Filing date and filing time. The filing date and filing time of UCC records are stored in the UCC information management system. Calculation of the lapse date of an initial financing statement is based upon the filing date.

(4) Identification of parties. The names and addresses of debtors and secured parties are transferred from UCC records to the UCC information management system.

(5) Status of financing statement. In the UCC information management system, each financing statement has a status of active or inactive.

(6) Page count. The total number of pages in a UCC record is maintained in the UCC information management system.

(7) Lapse indicator. An indicator is maintained by which the UCC information management system identifies whether or not a financing statement will lapse and, if it does, when it will lapse. The lapse date is determined as provided in rules 160-040-0306(3); 160-040-0307; and 160-040-0308(1).

(8) Indexes of names. The filing office maintains in the UCC information management system a searchable index of organization debtor names, and a searchable index of individual debtor names. The filing office may also maintain a searchable index of names of secured parties of record. Such an index need not be a separate database but may be comprised of records in the UCC information management system identified to be included in such searchable index.

Stat. Auth.: ORS 79.0526

Stats. Implemented: ORS 79.0519

Hist.: CORP 2-2001, f. 7-9-01, cert. ef. 8-1-01; CORP 4-2008, f. 7-15-08, cert. ef. 8-1-08; CORP 1-2013, f. 7-31-13, cert. ef. 8-1-13

160-040-0302

Individual Debtor Names

For purposes of these rules, an "individual debtor name" is any name provided as a debtor name in a UCC record in a format that identifies the name as that of a debtor who is an individual, without regard to the nature or character of the name or to the nature or character of the actual debtor.

(1) Individual name fields. Individual debtor names are stored in files that include only the individual debtor names, and not organization debtor names. Separate data entry fields are established for surnames (last or family names), first personal names (given), and additional names(s)/initial(s) of individuals. The name of a debtor with a single name (e.g., "Cher") is treated as a surname and shall be entered in the individual surname field. The filing officer assumes no responsibility for the accurate designation of the components of a name but shall accurately enter the data in accordance with the filer's designations.

(2) Titles, prefixes and suffixes. Titles, prefixes (e.g. "Ms.") and suffixes or indications of status (e.g. "M.D.") are not typically part of a debtor's name. Suffixes used to distinguish between family members with identical names (e.g., "JR.") should be provided in the Suffix field. However, when entering a "name" into the UCC information management system, the data will be entered exactly as they appear.

(3) Extended debtor name field. The Financing Statement form has limited space for individual debtor names. If any portion of the individual debtor name is too long for the corresponding field, the filer is instructed to check the box that indicates the name was too long and enter the name in item 10 of the Addendum Form UCC1AD. A filing officer shall not refuse to accept a Financing Statement that lacks debtor information in item 1 and/or item 2 in the record includes an Addendum that provides a debtor name in item 10.

(4) Truncation — individual names. Personal name fields in the UCC database are fixed in length. Although filers should continue to provide full names on their UCC records, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field. The length of data entry name fields are as follows.

(a) Surname: 40 characters.

(b) First Personal Name: 20 characters.

(c) Additional name(s)/initial(s): 40 characters.

(d) Suffix: 10 characters.

Stat. Auth.: ORS 79.0526

Stats. Implemented: ORS 79.0519

Hist.: CORP 2-2001, f. 7-9-01, cert. ef. 8-1-01; CORP 4-2008, f. 7-15-08, cert. ef. 8-1-08; CORP 1-2013, f. 7-31-13, cert. ef. 8-1-13

160-040-0304

Estates

Collateral being administered by a Decedent's Personal Representative. The debtor name to be provided on a financing statement when the collateral is being administered by a decedent's personal representative in the name of the relevant decedent. In order for the UCC information management system to function in accordance with the usual expectations of filers and searchers, the filer should provide the debtor name as an individual debtor name. However, the filing office will enter data submitted by a filer in the fields designated by the filer exactly as it appears in such fields.

Stat. Auth.: ORS 79.0526

Stats. Implemented: ORS 79.519

Hist.: CORP 2-2001, f. 7-9-01, cert. ef. 8-1-01; CORP 4-2008, f. 7-15-08, cert. ef. 8-1-08; CORP 1-2013, f. 7-31-13, cert. ef. 8-1-13

ADMINISTRATIVE RULES

160-040-0305

Trusts

Collateral held in a Trust. The debtor name to be provided when the collateral is held in a trust that is not a registered organization is the name of the trust as set forth in its organic record(s), if the trust has such a name or, if the trust is not so named, the name of the trust's settlor. In order for the UCC information management system to function in accordance with the usual expectations of filers and searchers, the name of a trust or of a settlor that is an organization should be provided as an organization debtor name, and the name of a settlor who is an individual should be provided as an individual debtor name, in each case without regard to the nature or character of the debtor. Notwithstanding the foregoing, the filing office will enter data submitted by a filer in the fields designated by the filer exactly as it appears in such fields.

Stat. Auth.: ORS 79.0526

Stats. Implemented: ORS 79.519

Hist.: CORP 2-2001, f. 7-9-01, cert. ef. 8-1-01; CORP 4-2008, f. 7-15-08, cert. ef. 8-1-08; CORP 1-2013, f. 7-31-13, cert. ef. 8-1-13

160-040-0306

Initial Financing Statement

Upon the filing of an initial financing statement the status of the parties and the status of the financing statement shall be as follows.

(1) Status of secured party. Each secured party named on an initial financing statement shall be a secured party of record, except that if the UCC record names an assignee, the secured party/assignor shall not be a secured party of record and the secured party/assignee shall be a secured party of record.

(2) Status of debtor. Each debtor name provided by the initial financing statement shall be indexed in the UCC information management system so long as the financing statement is an Active Record.

(3) Status of financing statement. The financing statement shall be an Active Record. A lapse date shall be calculated, five years from the file date, unless (i) the initial financing statement indicates as provided in rule 0306(4) that it is filed with respect to a public-financing transaction in which case the lapse date shall be thirty years from the file date, or (ii) the initial financing statement indicates as provided in rule 0306(4) that it is filed against a transmitting utility, in which case there shall be no lapse date.

(4) Transmitting utility and public-finance transactions. The only means to indicate to the filing office that an initial financing statement is being filed in connection with a public-finance transaction, or that a financing statement is being or has been filed against a debtor that is a transmitting utility, to affect the filing office's determination of the lapse date under rule 0306(3) or 0307, is to so indicate by checking the appropriate box on a UCC1 initial financing statement.

Stat. Auth.: ORS 79.0526

Stats. Implemented: ORS 79.0519

Hist.: CORP 2-2001, f. 7-9-01, cert. ef. 8-1-01; CORP 3-2001 f. 12-14-01 cert. ef. 1-1-02; CORP 4-2008, f. 7-15-08, cert. ef. 8-1-08; CORP 1-2013, f. 7-31-13, cert. ef. 8-1-13

160-040-0307

Amendment

Amendments generally. Upon the filing of an amendment the status of the parties shall be unchanged, except that in the case of an amendment that adds a debtor or a secured party, the new debtor or secured party shall be added to appropriate index and associated with the record of the financing statement in the UCC information management system. Notwithstanding the filing of an amendment that deletes a debtor or a secured party from a financing statement, no debtor or secured party of record is deleted from the UCC information management system. A deleted secured party will still be treated by the filing office as a secured party of record as the filing office cannot verify the effectiveness of an amendment. In general, the filing of an amendment does not affect the status of the financing statement.

Stat. Auth.: ORS 79.0526

Stats. Implemented: ORS 79.0512

Hist.: CORP 2-2001, f. 7-9-01, cert. ef. 8-1-01; CORP 4-2008, f. 7-15-08, cert. ef. 8-1-08; CORP 1-2013, f. 7-31-13, cert. ef. 8-1-13

160-040-0310

Termination

(1) Status of parties. The filing of a termination shall have no effect upon the status of any party to the financing statement.

(2) Status of financing statement. A termination shall have no effect upon the status of the financing statement and the financing statement shall remain active in the UCC information management system until the lapse date, and accessible until one year after it lapses.

Stat. Auth.: ORS 79.0526

Stats. Implemented: ORS 79.0510 & 79.0526

Hist.: CORP 2-2001, f. 7-9-01, cert. ef. 8-1-01; CORP 3-2001 f. 12-14-01 cert. ef. 1-1-02; CORP 4-2008, f. 7-15-08, cert. ef. 8-1-08; CORP 1-2013, f. 7-31-13, cert. ef. 8-1-13

160-040-0311

Information Statement

The filing of an information statement shall have no effect upon the status of any party to the financing statement, the status of the financing statement or to the information maintained in the UCC information management system.

Stat. Auth.: ORS 79.0526

Stats. Implemented: ORS 79.0518

Hist.: CORP 2-2001, f. 7-9-01, cert. ef. 8-1-01; CORP 4-2008, f. 7-15-08, cert. ef. 8-1-08; CORP 4-2009, f. 12-22-09 cert. ef. 1-1-10; CORP 1-2013, f. 7-31-13, cert. ef. 8-1-13

160-040-0312

Filing Officer Statement

A filing officer statement affects the status of parties and of the relevant financing statement as provided in the corrective action described as having been taken in the filing officer statement.

Stat. Auth.: ORS 79.0526

Stats. Implemented: ORS 79.515 & 79.526

Hist.: CORP 2-2001, f. 7-9-01, cert. ef. 8-1-01; CORP 3-2001 f. 12-14-01 cert. ef. 1-1-02; CORP 4-2008, f. 7-15-08, cert. ef. 8-1-08; CORP 1-2013, f. 7-31-13, cert. ef. 8-1-13

160-040-0400

Lapse Date and Time

(1) Procedure Upon Lapse. If there is no timely filing of a continuation with respect to a financing statement, the financing statement lapses on its lapse date and the UCC information management system renders or is caused to render the financing statement inactive. On the first anniversary of such lapse date, the financing statement will no longer be made available to a searcher unless inactive statements are requested by the searcher and the financing statement is still retrievable by the UCC information management system.

(2) Lapse Date and Time. A lapse date is calculated for each initial financing statement (unless the debtor is indicated to be a transmitting utility). The lapse date is the same date of the same month as the filing date in the fifth year after the filing date or relevant subsequent fifth anniversary thereof if timely continuation statement is filed, but if the initial financing statement indicates that it is filed with respect to a public finance transaction, the lapse date is the same date of the same month as the filing date in the thirtieth year after the filing date. The lapse takes effect at the end of the business day of the lapse date. The relevant anniversary for a February 29 filing date shall be the March 1 in the fifth year following the year of the filing date.

Stat. Auth.: ORS 79.0526

Stats. Implemented: ORS 79.515 & 79.526

Hist.: CORP 2-2001, f. 7-9-01, cert. ef. 8-1-01; CORP 4-2008, f. 7-15-08, cert. ef. 8-1-08; CORP 1-2013, f. 7-31-13, cert. ef. 8-1-13

160-040-0401

Errors of the Filing Officer

The filing office may correct the data entry and indexing errors of filing officer personnel in the UCC information management system at any time. If the correction occurs after the filing officer has issued a certification date that includes the filing date of the corrected document, the filing officer shall enter a filing officer statement in the UCC information management system identifying the record to which it relates, stating the date of the correction, and explaining the nature of the corrective action taken. The record shall be preserved as long as the record of the initial financing statement is preserved in the UCC information management system.

Stat. Auth.: ORS 79.0526

Stats. Implemented: ORS 79.0515

Hist.: CORP 2-2001, f. 7-9-01, cert. ef. 8-1-01; CORP 4-2008, f. 7-15-08, cert. ef. 8-1-08; CORP 1-2013, f. 7-31-13, cert. ef. 8-1-13

160-040-0402

Data Entry of Names

A filing should designate whether a name is a name of an individual or an organization. Filers should be aware that the inclusion of names in an incorrect field or failures to transmit names accurately to the filing office may cause filings to be ineffective.

(1) Organization names. Organization names are entered into the UCC information management system exactly as set forth in the UCC record, even if it appears that multiple names are set forth in the record or if it appears that the name of an individual has been included in the field designated for an organization name.

(2) Individual names. On a form that designates separate fields for surname, first personal name, additional name(s)/initial(s) and any suffix, the filing officer enters the names into the surname, first personal name,

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additional name(s)/initial(s) and suffix fields in the UCC information management system exactly as set forth on the form.

(3) If a UCC record is tendered that provides characters not permitted under rule 0101(6), and the filing office nevertheless accepts the form for filing, the filing office will substitute in its UCC information management system, for each such character, the character of the English alphabet A–Z, and symbols found on a standard QWERTY keyboard, that is its closest visual counterpart.

Example: an “ë” will be entered as an “e”. A “ç” will be entered as a “c”. “@” would not be entered at all and the filing will be rejected.
Stat. Auth.: ORS 79.0526
Stats. Implemented: ORS 79.0519
Hist.: CORP 2-2001, f. 7-9-01, cert. ef. 8-1-01; CORP 4-2008, f. 7-15-08, cert. ef. 8-1-08; CORP 1-2013, f. 7-31-13, cert. ef. 8-1-13

160-040-0501

Search Requests

Search requests — required information. Search requests shall include the following:

(1) Name searched. A search request must set forth the name of the debtor to be searched using designated fields for organization and individual surname, first personal name and additional name(s)/initial(s). A search request will be processed using the data and designated fields exactly as submitted, including the submission of no data in a given field, without regard to the nature or character of the debtor that is the subject of the search.

(2) Requesting party. The name and address of the person to whom the search results is to be sent.

(3) Fee. The appropriate fee shall be tendered by a method described in rule 160-040-0104.

Stat. Auth.: ORS 79.0526
Stats. Implemented: ORS 79.0523
Hist.: CORP 2-2001, f. 7-9-01, cert. ef. 8-1-01; CORP 4-2008, f. 7-15-08, cert. ef. 8-1-08; CORP 1-2013, f. 7-31-13, cert. ef. 8-1-13

160-040-0502

Search Requests — Optional Information

A UCC search request may contain any of the following information.

(1) Copy request. The request may ask for copies of UCC records identified on the primary search response.

(2) Mode of delivery. A search request may specify a mode of delivery for search results and that request will be honored if the requested mode is made available by the filing office, and all requisite fees are tendered.

Stat. Auth.: ORS 79.0526
Stats. Implemented: ORS 79.0523
Hist.: CORP 2-2001, f. 7-9-01, cert. ef. 8-1-01; CORP 4-2008, f. 7-15-08, cert. ef. 8-1-08; CORP 1-2013, f. 7-31-13, cert. ef. 8-1-13

160-040-0503

Rules Applied to Search Requests

Search results are produced by the application of standardized search logic to the name presented to the filing officer. Human judgment does not play a role in determining the results of the search. The following rules apply to searches:

(1) Number of matches. There is no limit to the number of matches that may be returned in response to the search criteria.

(2) Case. No distinction is made between upper and lower case letters.

(3) “&” (and). The character “&” (the ampersand) is deleted and replaced with the characters “and” each place it appears in the name.

(4) Punctuation. Punctuation marks and accents are disregarded. For the purposes of this rule, punctuation and accents include all characters other than the numerals 0 through 9 and the letters A through Z (in any case) of the English alphabet.

(5) Organization names. The following words and abbreviations at the end of an organization name that indicate the existence or nature of the organization are “disregarded” to the extent practicable as determined by the filing office’s programming of its UCC information management system: Oregon “Ending Noise Words” List: [List not included. See ED. NOTE.]

(6) “The.” The word “the” at the beginning of an organization debtor name is disregarded.

(7) Spaces. All spaces are disregarded.

(8) First personal name and additional name(s)/initial(s). For first personal name and additional name(s)/initial(s) of individual debtor names, initials are treated as the logical equivalent of all names that begin with such initials, and first personal name and no additional name(s)/initial(s) is equated with all additional name(s)/initial(s). For example, a search request for “John A. Smith” would cause the search to retrieve all filings against all individual debtors with “John” or the initial “J” as the first personal name,

“Smith” as the surname, and with the initial “A” or any name beginning with “A” in the additional name(s)/initial(s) field. If the search request were for “John Smith” (first personal name and surnames with no designation in the additional name(s)/initial(s) field, the search would retrieve all filings against individual debtors with “John” or the initial J as the first personal name, “Smith” as the surname and with any name or initial or no name or initial in the additional name(s)/initial(s) field.

(9) Surname only. If the name being searched is the surname of an individual debtor name without any first personal name or additional name(s)/initial(s) provided, the search will retrieve from the UCC information management system all Unlapsed Records or, if requested by the searcher, all Active Records that pertain to financing statements with individual debtor names that consist of such surname, any or no additional name(s)/initial(s) and no first personal name.

(10) Suffixes. Suffixes of individual names, such as “Jr.” and “III” will be disregarded as search criteria.

(11) After using the preceding rules to modify the name being searched, the search will retrieve from the UCC information management system all Active Records that pertain to financing statements with debtor names that, after being modified as provided in this rule, exactly match the modified name being searched.

[ED. NOTE: Lists referenced are available from the agency.]
Stat. Auth.: ORS 79.0526
Stats. Implemented: ORS 79.0506 & 79.0523
Hist.: CORP 2-2001, f. 7-9-01, cert. ef. 8-1-01; CORP 4-2008, f. 7-15-08, cert. ef. 8-1-08; CORP 1-2013, f. 7-31-13, cert. ef. 8-1-13

160-040-0505

Search Responses

Reports created in response to a search request shall include the following.

(1) Filing officer. Identification of the filing officer responsible for search report.

(2) Report date. The date and time the report was generated.

(3) Name searched. Identification of the name searched.

(4) Search string. Normalized name as provided in 160-240-0503.

(5) Unique search report identification number. Unique number which identifies the search report.

(6) Through date. The date at or prior to which a UCC record must have been filed with the filing office in order for it to be reflected on the search.

(7) Copies. Copies of all UCC records revealed by the search and requested by the searcher. Copies of all UCC records retrieved by the search will reflect any redaction of personal identifying information required by law.

Stat. Auth.: ORS 79.0526
Stats. Implemented: ORS 79.0523
Hist.: CORP 4-2008, f. 7-15-08, cert. ef. 8-1-08; CORP 1-2013, f. 7-31-13, cert. ef. 8-1-13

160-040-0506

Search Report

The search report shall contain the following.

(1) Identification of financing statement. Identification of each initial financing statement, including a listing of all related amendments, information statements, or filing officer notices, filed on or prior to the through date corresponding to the search criteria (including whether the searcher has requested Active Records or only Unlapsed Records). Financing statement information shall include, but is not limited to the following:

(a) Initial financing statement file number. The initial financing statement file number.

(b) Initial financing statement filing date. The date it was filed.

(c) Lapse date. Provide lapse date as calculated as of the through date established under rule 505(5).

(2) Debtor name. The debtor name(s) that appear(s) of record.

(3) Debtor address. The debtor address(s) that appear(s) of record.

(4) Secured party name. The secured party name(s) that appear(s) of record.

(5) Secured party address. The secured party address(es) that appear(s) of record.

(6) Amendment type. An indication of type of each amendment, if any.

(7) Amendment filing date and time. The date and time each amendment, if any, was filed.

(8) Amendment file number. The amendment file number of each amendment, if any.

(9) Information statement filing date and time. The date and time a correction statement, if any, was filed.

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(10) Filing officer statement filing date and time. The date and time a filing officer statement, if any, was filed.

(11) Filing Type. The type of filing, including UCC financing statement, type of statutory lien or warrant, or EFS filing.

Stat. Auth.: ORS 79.0526

Stats. Implemented: ORS 79.0523

Hist.: CORP 4-2008, f. 7-15-08, cert. ef. 8-1-08; CORP 1-2013, f. 7-31-13, cert. ef. 8-1-13

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125-248-0300	12-1-2012	Amend	1-1-2013	137-110-0500(T)	1-7-2013	Repeal	2-1-2013
125-249-0630	12-1-2012	Amend	1-1-2013	137-110-0510	1-7-2013	Adopt	2-1-2013
137-004-0900	1-2-2013	Adopt	2-1-2013	137-110-0510	8-4-2013	Suspend	9-1-2013
137-004-0900(T)	1-2-2013	Repeal	2-1-2013	137-110-0510(T)	1-7-2013	Repeal	2-1-2013
137-050-0700	7-1-2013	Amend	6-1-2013	137-110-0520	1-7-2013	Adopt	2-1-2013
137-050-0710	7-1-2013	Amend	6-1-2013	137-110-0520	8-4-2013	Suspend	9-1-2013
137-050-0715	7-1-2013	Amend	6-1-2013	137-110-0520(T)	1-7-2013	Repeal	2-1-2013
137-050-0720	7-1-2013	Amend	6-1-2013	137-110-0600	1-7-2013	Adopt	2-1-2013
137-050-0725	7-1-2013	Amend	6-1-2013	137-110-0600	8-4-2013	Amend(T)	9-1-2013
137-050-0730	7-1-2013	Amend	6-1-2013	137-110-0600(T)	1-7-2013	Repeal	2-1-2013
137-050-0735	7-1-2013	Amend	6-1-2013	137-110-0605	8-4-2013	Adopt(T)	9-1-2013
137-050-0740	7-1-2013	Amend	6-1-2013	137-110-0610	1-7-2013	Adopt	2-1-2013

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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
141-090-0005	1-1-2013	Amend	1-1-2013	150-316.874	3-28-2013	Repeal	5-1-2013
141-090-0010	1-1-2013	Amend	1-1-2013	150-316.876	1-1-2013	Repeal	2-1-2013
141-090-0015	1-1-2013	Amend	1-1-2013	150-316.876	3-28-2013	Repeal	5-1-2013
141-090-0020	1-1-2013	Amend	1-1-2013	150-316.877	1-1-2013	Repeal	2-1-2013
141-090-0025	1-1-2013	Amend	1-1-2013	150-316.877	3-28-2013	Repeal	5-1-2013
141-090-0030	1-1-2013	Amend	1-1-2013	150-316.878	1-1-2013	Repeal	2-1-2013
141-090-0032	1-1-2013	Amend	1-1-2013	150-316.878	3-28-2013	Repeal	5-1-2013
141-090-0035	1-1-2013	Amend	1-1-2013	150-316.879	1-1-2013	Repeal	2-1-2013
141-090-0040	1-1-2013	Amend	1-1-2013	150-316.879	3-28-2013	Repeal	5-1-2013
141-090-0045	1-1-2013	Amend	1-1-2013	150-316.882	1-1-2013	Repeal	2-1-2013
141-090-0050	1-1-2013	Amend	1-1-2013	150-316.882	3-28-2013	Repeal	5-1-2013
141-090-0055	1-1-2013	Amend	1-1-2013	150-316.884	1-1-2013	Repeal	2-1-2013
150-291.349	1-1-2013	Amend	2-1-2013	150-316.884	3-28-2013	Repeal	5-1-2013
150-291.349	3-28-2013	Amend	5-1-2013	150-323.160(1)	1-1-2013	Amend	2-1-2013
150-294.187	1-1-2013	Amend	2-1-2013	150-323.160(1)	3-28-2013	Amend	5-1-2013
150-294.187	3-28-2013	Amend	5-1-2013	150-323.160(2)	1-1-2013	Amend	2-1-2013
150-305.220(1)	1-1-2013	Amend	2-1-2013	150-323.160(2)	3-28-2013	Amend	5-1-2013
150-305.220(1)	3-28-2013	Amend	5-1-2013	150-323.220-(A)	1-1-2013	Amend	2-1-2013
150-305.220(2)	1-1-2013	Amend	2-1-2013	150-323.220-(B)	1-1-2013	Adopt	2-1-2013
150-305.220(2)	3-28-2013	Amend	5-1-2013	150-323.220(A)	3-28-2013	Amend	5-1-2013
150-305.265(14)-(A)	1-1-2013	Am. & Ren.	2-1-2013	150-323.220(B)	3-28-2013	Adopt	5-1-2013
150-305.265(14)-(A)	3-28-2013	Am. & Ren.	5-1-2013	150-457.440(9)	7-15-2013	Amend(T)	8-1-2013
150-305.796	1-1-2013	Adopt	2-1-2013	160-040-0100	8-1-2013	Amend	9-1-2013
150-305.796	3-28-2013	Adopt	5-1-2013	160-040-0101	8-1-2013	Amend	9-1-2013
150-306.115	1-1-2013	Amend	2-1-2013	160-040-0103	8-1-2013	Amend	9-1-2013
150-306.115	3-28-2013	Amend	5-1-2013	160-040-0104	8-1-2013	Amend	9-1-2013
150-306.115-(A)	1-1-2013	Amend	2-1-2013	160-040-0106	8-1-2013	Amend	9-1-2013
150-306.115-(A)	3-28-2013	Amend	5-1-2013	160-040-0107	8-1-2013	Amend	9-1-2013

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160-040-0204	8-1-2013	Amend	9-1-2013	161-570-0025	1-31-2013	Adopt	3-1-2013
160-040-0300	8-1-2013	Amend	9-1-2013	161-570-0030	1-31-2013	Amend	3-1-2013
160-040-0301	8-1-2013	Amend	9-1-2013	161-570-0045	1-31-2013	Repeal	3-1-2013
160-040-0302	8-1-2013	Amend	9-1-2013	161-570-0055	1-31-2013	Adopt	3-1-2013
160-040-0304	8-1-2013	Amend	9-1-2013	161-570-0060	1-31-2013	Adopt	3-1-2013
160-040-0305	8-1-2013	Amend	9-1-2013	162-050-0020	11-27-2012	Adopt	1-1-2013
160-040-0306	8-1-2013	Amend	9-1-2013	165-013-0010	2-4-2013	Amend	3-1-2013
160-040-0307	8-1-2013	Amend	9-1-2013	165-014-0148	7-10-2013	Adopt(T)	8-1-2013
160-040-0310	8-1-2013	Amend	9-1-2013	165-018-0005	6-4-2013	Repeal	7-1-2013
160-040-0311	8-1-2013	Amend	9-1-2013	165-018-0010	6-4-2013	Repeal	7-1-2013
160-040-0312	8-1-2013	Amend	9-1-2013	165-018-0015	6-4-2013	Repeal	7-1-2013
160-040-0400	8-1-2013	Amend	9-1-2013	165-018-0020	6-4-2013	Repeal	7-1-2013
160-040-0401	8-1-2013	Amend	9-1-2013	165-018-0030	6-4-2013	Repeal	7-1-2013
160-040-0402	8-1-2013	Amend	9-1-2013	165-020-0050	6-4-2013	Amend	7-1-2013
160-040-0501	8-1-2013	Amend	9-1-2013	165-020-0060	6-4-2013	Repeal	7-1-2013
160-040-0502	8-1-2013	Amend	9-1-2013	165-020-0440	11-29-2012	Adopt	1-1-2013
160-040-0503	8-1-2013	Amend	9-1-2013	165-020-2032	3-19-2013	Adopt(T)	5-1-2013
160-040-0505	8-1-2013	Amend	9-1-2013	170-040-0020	4-2-2013	Amend	5-1-2013
160-040-0506	8-1-2013	Amend	9-1-2013	170-040-0030	4-2-2013	Amend	5-1-2013
161-002-0000	1-31-2013	Amend	3-1-2013	170-040-0040	4-2-2013	Amend	5-1-2013
161-003-0020	1-31-2013	Amend	3-1-2013	170-040-0050	4-2-2013	Amend	5-1-2013
161-006-0025	1-31-2013	Amend	3-1-2013	170-040-0070	4-2-2013	Amend	5-1-2013
161-006-0025	7-1-2013	Amend(T)	7-1-2013	170-040-0080	4-2-2013	Amend	5-1-2013
161-006-0155	1-31-2013	Adopt	3-1-2013	170-040-0090	4-2-2013	Amend	5-1-2013
161-006-0160	1-31-2013	Amend	3-1-2013	170-040-0100	4-2-2013	Amend	5-1-2013
161-010-0010	1-31-2013	Amend	3-1-2013	170-040-0110	4-2-2013	Amend	5-1-2013
161-010-0020	1-31-2013	Amend	3-1-2013	170-061-0015	12-14-2012	Amend(T)	1-1-2013
161-010-0035	1-31-2013	Amend	3-1-2013	170-061-0015	4-24-2013	Amend	6-1-2013
161-010-0045	1-31-2013	Amend	3-1-2013	170-062-0000	11-19-2012	Amend(T)	1-1-2013
161-010-0065	1-31-2013	Adopt	3-1-2013	173-006-0005	7-1-2013	Amend(T)	7-1-2013
161-010-0080	1-31-2013	Amend	3-1-2013	173-008-0005	7-1-2013	Amend(T)	7-1-2013
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

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177-046-0100(T)	7-1-2013	Repeal	8-1-2013	177-052-0030	7-1-2013	Amend	8-1-2013
177-046-0110	2-1-2013	Amend(T)	3-1-2013	177-052-0030	7-1-2013	Amend	8-1-2013
177-046-0110	7-1-2013	Amend	8-1-2013	177-052-0030(T)	7-1-2013	Repeal	8-1-2013
177-046-0110(T)	7-1-2013	Repeal	8-1-2013	177-052-0040	2-1-2013	Amend(T)	3-1-2013
177-046-0110(T)	7-1-2013	Repeal	8-1-2013	177-052-0040	7-1-2013	Amend	8-1-2013
177-046-0140	2-1-2013	Amend(T)	3-1-2013	177-052-0040	7-1-2013	Amend	8-1-2013
177-046-0140	7-1-2013	Amend	8-1-2013	177-052-0040(T)	7-1-2013	Repeal	8-1-2013
177-046-0140(T)	7-1-2013	Repeal	8-1-2013	177-052-0050	2-1-2013	Amend(T)	3-1-2013
177-046-0140(T)	7-1-2013	Repeal	8-1-2013	177-052-0050	7-1-2013	Amend	8-1-2013
177-050-0002	2-1-2013	Amend(T)	3-1-2013	177-052-0050	7-1-2013	Amend	8-1-2013
177-050-0002	7-1-2013	Amend	8-1-2013	177-052-0050(T)	7-1-2013	Repeal	8-1-2013
177-050-0002(T)	7-1-2013	Repeal	8-1-2013	177-052-0060	2-1-2013	Amend(T)	3-1-2013
177-050-0024	2-1-2013	Amend(T)	3-1-2013	177-052-0060	7-1-2013	Amend	8-1-2013
177-050-0024	7-1-2013	Amend	8-1-2013	177-052-0060	7-1-2013	Amend	8-1-2013
177-050-0024(T)	7-1-2013	Repeal	8-1-2013	177-052-0060(T)	7-1-2013	Repeal	8-1-2013
177-050-0025	2-1-2013	Amend(T)	3-1-2013	177-052-0070	2-1-2013	Amend(T)	3-1-2013
177-050-0025	7-1-2013	Amend	8-1-2013	177-052-0070	7-1-2013	Amend	8-1-2013
177-050-0025(T)	7-1-2013	Repeal	8-1-2013	177-052-0070	7-1-2013	Amend	8-1-2013
177-050-0100	2-1-2013	Amend(T)	3-1-2013	177-052-0070(T)	7-1-2013	Repeal	8-1-2013
177-050-0100	7-1-2013	Amend	8-1-2013	177-070-0005	2-1-2013	Amend(T)	3-1-2013
177-050-0100(T)	7-1-2013	Repeal	8-1-2013	177-070-0005	7-1-2013	Amend	8-1-2013
177-051-0000	2-1-2013	Amend(T)	3-1-2013	177-070-0005	7-1-2013	Amend	8-1-2013
177-051-0000	7-1-2013	Amend	8-1-2013	177-070-0005(T)	7-1-2013	Repeal	8-1-2013
177-051-0000(T)	7-1-2013	Repeal	8-1-2013	177-094-0080	12-16-2012	Amend	1-1-2013
177-051-0010	2-1-2013	Amend(T)	3-1-2013	177-094-0080(T)	12-16-2012	Repeal	1-1-2013
177-051-0010	7-1-2013	Amend	8-1-2013	177-094-0085	12-16-2012	Amend	1-1-2013
177-051-0010(T)	7-1-2013	Repeal	8-1-2013	177-094-0085(T)	12-16-2012	Repeal	1-1-2013
177-051-0030	2-1-2013	Amend(T)	3-1-2013	213-017-0005	8-7-2013	Amend(T)	9-1-2013
177-051-0030	7-1-2013	Amend	8-1-2013	213-017-0006	8-7-2013	Amend(T)	9-1-2013
177-051-0030(T)	7-1-2013	Repeal	8-1-2013	213-017-0008	8-7-2013	Amend(T)	9-1-2013
177-051-0030(T)	7-1-2013	Repeal	8-1-2013	213-017-0009	8-7-2013	Amend(T)	9-1-2013
177-051-0035	2-1-2013	Amend(T)	3-1-2013	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	7-1-2013	Amend	8-1-2013	213-018-0036	8-7-2013	Adopt(T)	9-1-2013
177-051-0035(T)	7-1-2013	Repeal	8-1-2013	213-019-0008	8-7-2013	Amend(T)	9-1-2013
177-051-0040	2-1-2013	Amend(T)	3-1-2013	230-020-0002	4-15-2013	Amend(T)	5-1-2013
177-051-0040	7-1-2013	Amend	8-1-2013	230-020-0002	7-10-2013	Amend(T)	8-1-2013
177-051-0040(T)	7-1-2013	Repeal	8-1-2013	230-020-0330	2-21-2013	Amend	4-1-2013
177-051-0120	2-1-2013	Amend(T)	3-1-2013	230-020-0330	7-10-2013	Amend(T)	8-1-2013
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	250-020-0141	4-1-2013	Amend	5-1-2013
177-051-0130	2-1-2013	Amend(T)	3-1-2013	250-020-0221	4-12-2013	Amend(T)	5-1-2013
177-051-0130	7-1-2013	Amend	8-1-2013	250-020-0280	5-8-2013	Amend(T)	6-1-2013
177-051-0130(T)	7-1-2013	Repeal	8-1-2013	250-020-0280	6-28-2013	Amend	8-1-2013
177-052-0000	2-1-2013	Amend(T)	3-1-2013	250-020-0280	7-1-2013	Amend(T)	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(T)	6-28-2013	Repeal	8-1-2013
177-052-0010	2-1-2013	Amend(T)	3-1-2013	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	7-1-2013	Amend	8-1-2013	255-030-0021	3-1-2013	Amend	4-1-2013
177-052-0010(T)	7-1-2013	Repeal	8-1-2013	255-030-0023	3-1-2013	Amend	4-1-2013
177-052-0020	2-1-2013	Amend(T)	3-1-2013	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	7-1-2013	Amend	8-1-2013	255-030-0025	6-10-2013	Amend	7-1-2013
177-052-0020(T)	7-1-2013	Repeal	8-1-2013	255-030-0026	3-1-2013	Amend	4-1-2013

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255-030-0027	3-1-2013	Amend	4-1-2013	259-061-0010	1-2-2013	Amend	2-1-2013
255-030-0032	3-1-2013	Amend	4-1-2013	259-061-0015	1-2-2013	Repeal	2-1-2013
255-030-0035	3-1-2013	Amend	4-1-2013	259-061-0020	1-2-2013	Amend	2-1-2013
255-030-0040	3-1-2013	Amend	4-1-2013	259-061-0020	6-24-2013	Amend	8-1-2013
255-030-0046	3-1-2013	Adopt	4-1-2013	259-061-0030	1-2-2013	Repeal	2-1-2013
255-030-0055	3-1-2013	Amend	4-1-2013	259-061-0050	1-2-2013	Repeal	2-1-2013
255-060-0011	6-25-2013	Amend	8-1-2013	259-061-0055	1-2-2013	Repeal	2-1-2013
255-060-0016	6-25-2013	Amend	8-1-2013	259-061-0060	1-2-2013	Repeal	2-1-2013
255-062-0016	2-15-2013	Amend	3-1-2013	259-061-0070	1-2-2013	Repeal	2-1-2013
259-005-0015	4-1-2013	Amend	5-1-2013	259-061-0080	1-2-2013	Repeal	2-1-2013
259-008-0005	12-27-2012	Amend	2-1-2013	259-061-0090	1-2-2013	Repeal	2-1-2013
259-008-0010	7-23-2013	Amend	9-1-2013	259-070-0020	12-24-2012	Amend	2-1-2013
259-008-0011	7-23-2013	Amend	9-1-2013	274-001-0005	5-15-2013	Amend	6-1-2013
259-008-0025	3-8-2013	Amend	4-1-2013	274-010-0100	7-8-2013	Amend	8-1-2013
259-008-0025	6-25-2013	Amend	8-1-2013	274-012-0001	7-8-2013	Amend	8-1-2013
259-008-0060	12-27-2012	Amend	2-1-2013	274-015-0010	7-9-2013	Amend(T)	8-1-2013
259-008-0064	12-27-2012	Amend	2-1-2013	274-020-0200	7-8-2013	Amend	8-1-2013
259-008-0065	12-27-2012	Amend	2-1-2013	274-020-0200	7-23-2013	Amend(T)	9-1-2013
259-008-0066	12-27-2012	Amend	2-1-2013	274-020-0265	7-23-2013	Amend(T)	9-1-2013
259-008-0067	6-5-2013	Amend(T)	7-1-2013	274-020-0280	7-23-2013	Amend(T)	9-1-2013
259-008-0070	12-14-2012	Amend(T)	1-1-2013	274-020-0285	7-23-2013	Amend(T)	9-1-2013
259-008-0070	1-22-2013	Amend	3-1-2013	274-020-0290	7-23-2013	Amend(T)	9-1-2013
259-008-0070(T)	1-22-2013	Repeal	3-1-2013	274-020-0348	7-23-2013	Amend(T)	9-1-2013
259-008-0075	6-24-2013	Amend	8-1-2013	274-030-0625	7-24-2013	Adopt(T)	9-1-2013
259-008-0075	7-23-2013	Amend	9-1-2013	274-030-0630	7-24-2013	Amend(T)	9-1-2013
259-008-0076	12-27-2012	Amend	2-1-2013	274-045-0001	7-8-2013	Amend	8-1-2013
259-008-0080	7-23-2013	Amend	9-1-2013	274-045-0001	7-23-2013	Amend(T)	9-1-2013
259-008-0100	6-24-2013	Amend	8-1-2013	291-013-0010	6-21-2013	Amend	8-1-2013
259-009-0005	3-26-2013	Amend	5-1-2013	291-013-0055	6-21-2013	Amend	8-1-2013
259-009-0062	3-26-2013	Amend	5-1-2013	291-013-0070	6-21-2013	Amend	8-1-2013
259-009-0062	6-25-2013	Amend	8-1-2013	291-013-0104	6-21-2013	Amend	8-1-2013
259-009-0070	3-26-2013	Amend	5-1-2013	291-013-0110	6-21-2013	Amend	8-1-2013
259-009-0080	3-26-2013	Amend	5-1-2013	291-013-0130	6-21-2013	Amend	8-1-2013
259-012-0005	1-24-2013	Amend	3-1-2013	291-013-0140	6-21-2013	Amend	8-1-2013
259-015-0000	1-30-2013	Repeal	3-1-2013	291-013-0206	6-21-2013	Amend	8-1-2013
259-015-0005	1-30-2013	Repeal	3-1-2013	291-013-0215	6-21-2013	Amend	8-1-2013
259-015-0010	1-30-2013	Repeal	3-1-2013	291-053-0010	1-17-2013	Amend	3-1-2013
259-020-0010	12-26-2012	Amend	2-1-2013	291-053-0075	1-17-2013	Amend	3-1-2013
259-020-0015	12-26-2012	Amend	2-1-2013	291-053-0085	1-17-2013	Amend	3-1-2013
259-020-0030	12-26-2012	Amend	2-1-2013	291-053-0095	1-17-2013	Amend	3-1-2013
259-020-0031	12-26-2012	Repeal	2-1-2013	291-053-0105	1-17-2013	Amend	3-1-2013
259-060-0010	12-24-2012	Amend	2-1-2013	291-053-0115	1-17-2013	Amend	3-1-2013
259-060-0010	6-24-2013	Amend	8-1-2013	291-053-0125	1-17-2013	Amend	3-1-2013
259-060-0015	12-24-2012	Amend	2-1-2013	291-053-0135	1-17-2013	Amend	3-1-2013
259-060-0015	6-24-2013	Amend	8-1-2013	291-078-0005	2-28-2013	Amend	4-1-2013
259-060-0020	6-24-2013	Amend	8-1-2013	291-078-0005(T)	2-28-2013	Repeal	4-1-2013
259-060-0025	6-24-2013	Amend	8-1-2013	291-078-0010	2-28-2013	Amend	4-1-2013
259-060-0030	6-24-2013	Amend	8-1-2013	291-078-0010(T)	2-28-2013	Repeal	4-1-2013
259-060-0060	6-24-2013	Amend	8-1-2013	291-078-0020	2-28-2013	Amend	4-1-2013
259-060-0090	6-24-2013	Amend	8-1-2013	291-078-0020(T)	2-28-2013	Repeal	4-1-2013
259-060-0120	6-24-2013	Amend	8-1-2013	291-078-0026	2-28-2013	Adopt	4-1-2013
259-060-0135	6-24-2013	Amend	8-1-2013	291-078-0026(T)	2-28-2013	Repeal	4-1-2013
259-060-0300	6-24-2013	Amend	8-1-2013	291-078-0031	2-28-2013	Adopt	4-1-2013
259-060-0450	6-24-2013	Amend	8-1-2013	291-078-0031(T)	2-28-2013	Repeal	4-1-2013
259-060-0500	6-24-2013	Amend	8-1-2013	291-093-0005	4-15-2013	Amend	5-1-2013

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291-097-0005	6-1-2013	Am. & Ren.	7-1-2013	291-097-0260(T)	6-1-2013	Repeal	7-1-2013
291-097-0010	12-28-2012	Am. & Ren.(T)	2-1-2013	291-097-0265(T)	6-1-2013	Repeal	7-1-2013
291-097-0010	6-1-2013	Am. & Ren.	7-1-2013	291-097-0270(T)	6-1-2013	Repeal	7-1-2013
291-097-0015	12-28-2012	Am. & Ren.(T)	2-1-2013	291-097-0275(T)	6-1-2013	Repeal	7-1-2013
291-097-0015	6-1-2013	Am. & Ren.	7-1-2013	291-097-0280(T)	6-1-2013	Repeal	7-1-2013
291-097-0020	12-28-2012	Am. & Ren.(T)	2-1-2013	291-097-0285(T)	6-1-2013	Repeal	7-1-2013
291-097-0020	6-1-2013	Am. & Ren.	7-1-2013	291-097-0290(T)	6-1-2013	Repeal	7-1-2013
291-097-0023	12-28-2012	Suspend	2-1-2013	291-097-0295(T)	6-1-2013	Repeal	7-1-2013
291-097-0023	6-1-2013	Repeal	7-1-2013	291-097-0300(T)	6-1-2013	Repeal	7-1-2013
291-097-0025	12-28-2012	Am. & Ren.(T)	2-1-2013	291-097-0305(T)	6-1-2013	Repeal	7-1-2013
291-097-0025	6-1-2013	Am. & Ren.	7-1-2013	291-104-0111	4-15-2013	Amend	5-1-2013
291-097-0030	12-28-2012	Am. & Ren.(T)	2-1-2013	291-130-0006	2-22-2013	Amend	4-1-2013
291-097-0030	6-1-2013	Am. & Ren.	7-1-2013	291-130-0006(T)	2-22-2013	Repeal	4-1-2013
291-097-0031	12-28-2012	Suspend	2-1-2013	291-130-0011	2-22-2013	Amend	4-1-2013
291-097-0031	6-1-2013	Repeal	7-1-2013	291-130-0011(T)	2-22-2013	Repeal	4-1-2013
291-097-0040	12-28-2012	Am. & Ren.(T)	2-1-2013	291-130-0016	2-22-2013	Amend	4-1-2013
291-097-0040	6-1-2013	Am. & Ren.	7-1-2013	291-130-0020	2-22-2013	Amend	4-1-2013
291-097-0050	12-28-2012	Am. & Ren.(T)	2-1-2013	291-130-0020(T)	2-22-2013	Repeal	4-1-2013
291-097-0050	6-1-2013	Am. & Ren.	7-1-2013	291-130-0080	2-22-2013	Amend	4-1-2013
291-097-0060	12-28-2012	Am. & Ren.(T)	2-1-2013	291-130-0080(T)	2-22-2013	Repeal	4-1-2013
291-097-0060	6-1-2013	Am. & Ren.	7-1-2013	291-207-0100	1-1-2013	Adopt	2-1-2013
291-097-0070	12-28-2012	Am. & Ren.(T)	2-1-2013	309-011-0024	12-28-2012	Adopt	2-1-2013
291-097-0070	6-1-2013	Am. & Ren.	7-1-2013	309-011-0026	12-28-2012	Adopt	2-1-2013
291-097-0080	12-28-2012	Am. & Ren.(T)	2-1-2013	309-011-0028	12-28-2012	Adopt	2-1-2013
291-097-0080	6-1-2013	Am. & Ren.	7-1-2013	309-011-0030	12-28-2012	Adopt	2-1-2013
291-097-0090	12-28-2012	Am. & Ren.(T)	2-1-2013	309-011-0032	12-28-2012	Adopt	2-1-2013
291-097-0090	6-1-2013	Am. & Ren.	7-1-2013	309-011-0034	12-28-2012	Adopt	2-1-2013
291-097-0100	12-28-2012	Am. & Ren.(T)	2-1-2013	309-011-0036	12-28-2012	Adopt	2-1-2013
291-097-0100	6-1-2013	Am. & Ren.	7-1-2013	309-011-0120	12-28-2012	Amend	2-1-2013
291-097-0120	12-28-2012	Am. & Ren.(T)	2-1-2013	309-011-0125	12-28-2012	Amend	2-1-2013
291-097-0120	6-1-2013	Am. & Ren.	7-1-2013	309-011-0130	12-28-2012	Amend	2-1-2013
291-097-0130	12-28-2012	Am. & Ren.(T)	2-1-2013	309-011-0135	12-28-2012	Repeal	2-1-2013
291-097-0130	6-1-2013	Am. & Ren.	7-1-2013	309-011-0140	12-28-2012	Repeal	2-1-2013
291-097-0140	12-28-2012	Am. & Ren.(T)	2-1-2013	309-016-0605	6-5-2013	Amend	7-1-2013
291-097-0140	6-1-2013	Am. & Ren.	7-1-2013	309-016-0605	6-5-2013	Amend	7-1-2013
291-097-0200(T)	6-1-2013	Repeal	7-1-2013	309-016-0825	1-7-2013	Adopt(T)	2-1-2013
291-097-0210(T)	6-1-2013	Repeal	7-1-2013	309-016-0825	6-5-2013	Adopt	7-1-2013
291-097-0215(T)	6-1-2013	Repeal	7-1-2013	309-016-0825(T)	6-5-2013	Repeal	7-1-2013
291-097-0220	12-28-2012	Adopt(T)	2-1-2013	309-016-0830	6-5-2013	Adopt	7-1-2013
291-097-0220	6-1-2013	Adopt	7-1-2013	309-016-0835	6-5-2013	Adopt	7-1-2013
291-097-0220(T)	6-1-2013	Repeal	7-1-2013	309-016-0837	6-5-2013	Adopt	7-1-2013
291-097-0225	12-28-2012	Adopt(T)	2-1-2013	309-016-0840	6-5-2013	Adopt	7-1-2013
291-097-0225	6-1-2013	Adopt	7-1-2013	309-016-0845	6-5-2013	Adopt	7-1-2013
291-097-0225(T)	6-1-2013	Repeal	7-1-2013	309-016-0850	6-5-2013	Adopt	7-1-2013
291-097-0230	12-28-2012	Adopt(T)	2-1-2013	309-016-0855	6-5-2013	Adopt	7-1-2013
291-097-0230	6-1-2013	Adopt	7-1-2013	309-018-0100	8-9-2013	Adopt(T)	9-1-2013
291-097-0230(T)	6-1-2013	Repeal	7-1-2013	309-018-0105	8-9-2013	Adopt(T)	9-1-2013
291-097-0235	12-28-2012	Adopt(T)	2-1-2013	309-018-0110	8-9-2013	Adopt(T)	9-1-2013
291-097-0235	6-1-2013	Adopt	7-1-2013	309-018-0115	8-9-2013	Adopt(T)	9-1-2013
291-097-0235(T)	6-1-2013	Repeal	7-1-2013	309-018-0120	8-9-2013	Adopt(T)	9-1-2013
291-097-0240(T)	6-1-2013	Repeal	7-1-2013	309-018-0125	8-9-2013	Adopt(T)	9-1-2013
291-097-0245	12-28-2012	Adopt(T)	2-1-2013	309-018-0130	8-9-2013	Adopt(T)	9-1-2013
291-097-0245	6-1-2013	Adopt	7-1-2013	309-018-0135	8-9-2013	Adopt(T)	9-1-2013
291-097-0245(T)	6-1-2013	Repeal	7-1-2013	309-018-0140	8-9-2013	Adopt(T)	9-1-2013
291-097-0250(T)	6-1-2013	Repeal	7-1-2013	309-018-0145	8-9-2013	Adopt(T)	9-1-2013
				309-018-0150	8-9-2013	Adopt(T)	9-1-2013

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309-018-0160	8-9-2013	Adopt(T)	9-1-2013	309-022-0185	8-9-2013	Adopt(T)	9-1-2013
309-018-0165	8-9-2013	Adopt(T)	9-1-2013	309-022-0190	8-9-2013	Adopt(T)	9-1-2013
309-018-0170	8-9-2013	Adopt(T)	9-1-2013	309-022-0192	8-9-2013	Adopt(T)	9-1-2013
309-018-0175	8-9-2013	Adopt(T)	9-1-2013	309-022-0195	8-9-2013	Adopt(T)	9-1-2013
309-018-0180	8-9-2013	Adopt(T)	9-1-2013	309-022-0200	8-9-2013	Adopt(T)	9-1-2013
309-018-0185	8-9-2013	Adopt(T)	9-1-2013	309-022-0205	8-9-2013	Adopt(T)	9-1-2013
309-018-0190	8-9-2013	Adopt(T)	9-1-2013	309-022-0210	8-9-2013	Adopt(T)	9-1-2013
309-018-0195	8-9-2013	Adopt(T)	9-1-2013	309-022-0215	8-9-2013	Adopt(T)	9-1-2013
309-018-0200	8-9-2013	Adopt(T)	9-1-2013	309-022-0220	8-9-2013	Adopt(T)	9-1-2013
309-018-0205	8-9-2013	Adopt(T)	9-1-2013	309-022-0225	8-9-2013	Adopt(T)	9-1-2013
309-018-0210	8-9-2013	Adopt(T)	9-1-2013	309-022-0230	8-9-2013	Adopt(T)	9-1-2013
309-018-0215	8-9-2013	Adopt(T)	9-1-2013	309-032-1500	8-9-2013	Suspend	9-1-2013
309-018-0220	8-9-2013	Adopt(T)	9-1-2013	309-032-1505	2-11-2013	Amend(T)	3-1-2013
309-018-0225	8-9-2013	Adopt(T)	9-1-2013	309-032-1505	8-9-2013	Suspend	9-1-2013
309-019-0100	8-9-2013	Adopt(T)	9-1-2013	309-032-1510	2-11-2013	Amend(T)	3-1-2013
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

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309-112-0010	1-23-2013	Amend(T)	3-1-2013	330-110-0047	12-20-2012	Adopt	2-1-2013
309-112-0015	1-23-2013	Amend(T)	3-1-2013	330-110-0048	12-20-2012	Adopt	2-1-2013
309-112-0017	1-23-2013	Amend(T)	3-1-2013	330-110-0050	12-20-2012	Repeal	2-1-2013
309-112-0020	1-23-2013	Amend(T)	3-1-2013	330-110-0055	12-20-2012	Amend	2-1-2013
309-112-0025	1-23-2013	Amend(T)	3-1-2013	330-135-0010	1-1-2013	Amend	2-1-2013
309-112-0030	1-23-2013	Amend(T)	3-1-2013	330-135-0015	1-1-2013	Amend	2-1-2013
309-112-0035	1-23-2013	Amend(T)	3-1-2013	330-135-0018	1-1-2013	Adopt	2-1-2013
325-005-0015	4-25-2013	Amend	6-1-2013	330-135-0020	1-1-2013	Amend	2-1-2013
325-005-0015	7-3-2013	Amend	8-1-2013	330-135-0025	1-1-2013	Amend	2-1-2013
330-070-0010	1-1-2013	Amend	2-1-2013	330-135-0030	1-1-2013	Amend	2-1-2013
330-070-0013	1-1-2013	Amend	2-1-2013	330-135-0035	1-1-2013	Amend	2-1-2013
330-070-0014	1-1-2013	Amend	2-1-2013	330-135-0040	1-1-2013	Amend	2-1-2013
330-070-0019	1-1-2013	Amend	2-1-2013	330-135-0045	1-1-2013	Amend	2-1-2013
330-070-0020	1-1-2013	Amend	2-1-2013	330-135-0047	1-1-2013	Adopt	2-1-2013
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	331-705-0072	6-1-2013	Repeal	7-1-2013
330-110-0016	12-20-2012	Amend	2-1-2013	331-705-0080	4-1-2013	Amend(T)	4-1-2013
330-110-0020	12-20-2012	Repeal	2-1-2013	331-705-0080	6-1-2013	Amend	7-1-2013
330-110-0025	12-20-2012	Amend	2-1-2013	331-710-0040	6-1-2013	Repeal	7-1-2013
330-110-0030	12-20-2012	Amend	2-1-2013	331-710-0050	4-1-2013	Amend	4-1-2013
330-110-0035	12-20-2012	Amend	2-1-2013	331-710-0080	11-19-2012	Amend(T)	1-1-2013
330-110-0036	12-20-2012	Amend	2-1-2013	331-710-0080	4-1-2013	Amend	4-1-2013
330-110-0040	12-20-2012	Amend	2-1-2013	331-710-0090	11-19-2012	Amend(T)	1-1-2013
330-110-0040	6-17-2013	Amend(T)	8-1-2013	331-710-0090	4-1-2013	Amend	4-1-2013
330-110-0042	12-20-2012	Amend	2-1-2013	331-718-0020	11-19-2012	Amend(T)	1-1-2013
330-110-0045	12-20-2012	Amend	2-1-2013	331-718-0020	4-1-2013	Amend	4-1-2013

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331-900-0005	1-16-2013	Amend	3-1-2013	331-905-0080	1-16-2013	Amend	3-1-2013
331-900-0010	1-16-2013	Amend	3-1-2013	331-905-0080	4-1-2013	Amend(T)	5-1-2013
331-900-0020	1-16-2013	Amend(T)	3-1-2013	331-905-0080	7-1-2013	Amend	8-1-2013
331-900-0020	3-15-2013	Amend	4-1-2013	331-905-0085	1-16-2013	Amend	3-1-2013
331-900-0025	1-16-2013	Amend(T)	3-1-2013	331-905-0090	1-16-2013	Amend	3-1-2013
331-900-0025	3-15-2013	Amend	4-1-2013	331-905-0095	1-16-2013	Amend	3-1-2013
331-900-0035	1-16-2013	Amend	3-1-2013	331-905-0100	1-16-2013	Amend	3-1-2013
331-900-0040	1-16-2013	Amend	3-1-2013	331-905-0105	1-16-2013	Amend	3-1-2013
331-900-0050	1-16-2013	Amend(T)	3-1-2013	331-905-0110	1-16-2013	Amend	3-1-2013
331-900-0050	3-15-2013	Amend	4-1-2013	331-905-0115	1-16-2013	Amend	3-1-2013
331-900-0055	1-16-2013	Amend(T)	3-1-2013	331-905-0120	1-16-2013	Amend	3-1-2013
331-900-0055	3-15-2013	Amend	4-1-2013	331-910-0010	1-16-2013	Amend	3-1-2013
331-900-0065	1-16-2013	Amend	3-1-2013	331-910-0025	1-16-2013	Amend	3-1-2013
331-900-0080	1-16-2013	Amend	3-1-2013	331-910-0035	1-16-2013	Amend	3-1-2013
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

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333-002-0327	2-4-2013	Adopt(T)	3-1-2013	333-012-0270	2-4-2013	Repeal	3-1-2013
333-002-0340	2-4-2013	Adopt(T)	3-1-2013	333-012-0280	2-4-2013	Am. & Ren.	3-1-2013
333-002-0345	2-4-2013	Adopt(T)	3-1-2013	333-012-0290	2-4-2013	Am. & Ren.	3-1-2013
333-002-0350	2-4-2013	Adopt(T)	3-1-2013	333-012-0300	2-4-2013	Renumber	3-1-2013
333-002-0355	2-4-2013	Adopt(T)	3-1-2013	333-012-0310	2-4-2013	Renumber	3-1-2013
333-002-0360	2-4-2013	Adopt(T)	3-1-2013	333-012-0320	2-4-2013	Renumber	3-1-2013
333-002-0370	2-4-2013	Adopt(T)	3-1-2013	333-012-0330	2-4-2013	Renumber	3-1-2013
333-002-0375	2-4-2013	Adopt(T)	3-1-2013	333-012-0340	2-4-2013	Am. & Ren.	3-1-2013
333-002-0380	2-4-2013	Adopt(T)	3-1-2013	333-012-0350	2-4-2013	Renumber	3-1-2013
333-004-0000	12-26-2012	Amend	2-1-2013	333-012-0360	2-4-2013	Renumber	3-1-2013
333-004-0010	12-26-2012	Amend	2-1-2013	333-012-0370	2-4-2013	Renumber	3-1-2013
333-004-0020	12-26-2012	Amend	2-1-2013	333-012-0380	2-4-2013	Renumber	3-1-2013
333-004-0030	12-26-2012	Amend	2-1-2013	333-012-0390	2-4-2013	Renumber	3-1-2013
333-004-0040	12-26-2012	Amend	2-1-2013	333-012-0400	2-4-2013	Am. & Ren.	3-1-2013
333-004-0050	12-26-2012	Amend	2-1-2013	333-022-0200	2-4-2013	Adopt	3-1-2013
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

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333-052-0090	12-20-2012	Amend	2-1-2013	333-116-0683	1-29-2013	Amend	3-1-2013
333-052-0100	12-20-2012	Amend	2-1-2013	333-116-0687	1-29-2013	Amend	3-1-2013
333-052-0120	12-20-2012	Amend	2-1-2013	333-116-0690	1-29-2013	Amend	3-1-2013
333-052-0130	12-20-2012	Amend	2-1-2013	333-116-0700	1-29-2013	Amend	3-1-2013
333-055-0100	7-1-2013	Adopt(T)	8-1-2013	333-116-0715	1-29-2013	Amend	3-1-2013
333-055-0105	7-1-2013	Adopt(T)	8-1-2013	333-116-0720	1-29-2013	Amend	3-1-2013
333-055-0110	7-1-2013	Adopt(T)	8-1-2013	333-116-0740	1-29-2013	Amend	3-1-2013
333-061-0025	1-25-2013	Amend	3-1-2013	333-116-0880	1-29-2013	Amend	3-1-2013
333-061-0030	1-25-2013	Amend	3-1-2013	333-116-0905	1-29-2013	Amend	3-1-2013
333-061-0032	1-25-2013	Amend	3-1-2013	333-118-0150	1-29-2013	Amend	3-1-2013
333-061-0034	1-25-2013	Amend	3-1-2013	333-119-0040	1-29-2013	Amend	3-1-2013
333-061-0036	1-25-2013	Amend	3-1-2013	333-119-0041	1-29-2013	Adopt	3-1-2013
333-061-0040	1-25-2013	Amend	3-1-2013	333-119-0080	1-29-2013	Amend	3-1-2013
333-061-0042	1-25-2013	Amend	3-1-2013	333-120-0630	1-29-2013	Amend	3-1-2013
333-061-0043	1-25-2013	Amend	3-1-2013	333-120-0730	1-29-2013	Amend	3-1-2013
333-061-0045	1-25-2013	Amend	3-1-2013	333-123-0005	1-29-2013	Amend	3-1-2013
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

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333-255-0070	1-25-2013	Amend	3-1-2013	334-010-0046	1-1-2013	Amend	1-1-2013
333-255-0071	1-25-2013	Amend	3-1-2013	334-040-0010	1-1-2013	Amend	1-1-2013
333-255-0072	1-25-2013	Amend	3-1-2013	334-040-0010	7-1-2013	Amend	7-1-2013
333-255-0073	1-25-2013	Amend	3-1-2013	335-005-0010	12-14-2012	Amend	1-1-2013
333-255-0079	1-25-2013	Amend	3-1-2013	335-005-0020	5-1-2013	Amend	5-1-2013
333-255-0080	1-25-2013	Amend	3-1-2013	335-060-0005	12-14-2012	Amend	1-1-2013
333-255-0081	1-25-2013	Amend	3-1-2013	335-060-0005	5-1-2013	Amend	5-1-2013
333-255-0082	1-25-2013	Amend	3-1-2013	335-060-0005	7-1-2013	Amend(T)	8-1-2013
333-255-0090	1-25-2013	Amend	3-1-2013	335-060-0006	12-14-2012	Adopt	1-1-2013
333-255-0091	1-25-2013	Amend	3-1-2013	335-060-0006	5-1-2013	Amend	5-1-2013
333-255-0092	1-25-2013	Amend	3-1-2013	335-060-0006	5-17-2013	Amend(T)	7-1-2013
333-255-0093	1-25-2013	Amend	3-1-2013	335-060-0007	12-14-2012	Adopt	1-1-2013
333-265-0000	1-25-2013	Amend	3-1-2013	335-060-0007	5-1-2013	Amend	5-1-2013
333-265-0010	1-25-2013	Amend	3-1-2013	335-060-0010	5-1-2013	Amend	5-1-2013
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	335-095-0030	12-14-2012	Amend	1-1-2013
333-510-0020	1-1-2013	Amend	2-1-2013	335-095-0030	5-1-2013	Amend	5-1-2013
333-510-0040	1-1-2013	Amend	2-1-2013	335-095-0040	12-14-2012	Amend	1-1-2013
333-520-0035	1-1-2013	Amend	2-1-2013	335-095-0050	12-14-2012	Amend	1-1-2013
333-520-0050	1-1-2013	Amend	2-1-2013	337-010-0026	1-1-2014	Amend	9-1-2013
333-520-0060	1-1-2013	Amend	2-1-2013	337-010-0026	1-1-2014	Amend	9-1-2013
333-520-0070	1-1-2013	Amend	2-1-2013	337-010-0030	7-1-2013	Amend	5-1-2013
333-525-0010	1-1-2013	Repeal	2-1-2013	340-041-0007	6-21-2013	Adopt	8-1-2013
334-001-0012	7-1-2013	Amend	7-1-2013	340-041-0028	6-21-2013	Adopt	8-1-2013
334-001-0060	1-1-2013	Amend	1-1-2013	340-041-0061	6-21-2013	Adopt	8-1-2013
334-010-0005	7-1-2013	Amend	7-1-2013	340-048-0055	1-16-2013	Amend	3-1-2013
334-010-0015	7-1-2013	Amend	7-1-2013	340-048-0055	3-25-2013	Amend(T)	5-1-2013
334-010-0027	1-1-2013	Amend	1-1-2013	340-049-0010	3-1-2013	Amend	3-1-2013
334-010-0027	7-1-2013	Amend	7-1-2013	340-049-0015	3-1-2013	Amend	3-1-2013
334-010-0029	1-1-2013	Amend	1-1-2013	340-049-0020	3-1-2013	Amend	3-1-2013

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340-049-0030	3-1-2013	Amend	3-1-2013	340-228-0609	3-27-2013	Amend	5-1-2013
340-049-0035	3-1-2013	Amend	3-1-2013	340-228-0611	3-27-2013	Repeal	5-1-2013
340-049-0040	3-1-2013	Amend	3-1-2013	340-228-0613	3-27-2013	Repeal	5-1-2013
340-049-0055	3-1-2013	Amend	3-1-2013	340-228-0615	3-27-2013	Repeal	5-1-2013
340-049-0060	3-1-2013	Amend	3-1-2013	340-228-0617	3-27-2013	Repeal	5-1-2013
340-049-0065	3-1-2013	Amend	3-1-2013	340-228-0619	3-27-2013	Repeal	5-1-2013
340-049-0085	3-1-2013	Amend	3-1-2013	340-228-0621	3-27-2013	Repeal	5-1-2013
340-054-0005	12-14-2012	Amend	1-1-2013	340-228-0623	3-27-2013	Repeal	5-1-2013
340-054-0010	12-14-2012	Amend	1-1-2013	340-228-0625	3-27-2013	Repeal	5-1-2013
340-054-0011	12-14-2012	Adopt	1-1-2013	340-228-0627	3-27-2013	Repeal	5-1-2013
340-054-0015	12-14-2012	Amend	1-1-2013	340-228-0629	3-27-2013	Repeal	5-1-2013
340-054-0020	12-14-2012	Repeal	1-1-2013	340-228-0631	3-27-2013	Repeal	5-1-2013
340-054-0021	12-14-2012	Repeal	1-1-2013	340-228-0633	3-27-2013	Repeal	5-1-2013
340-054-0022	12-14-2012	Amend	1-1-2013	340-228-0635	3-27-2013	Amend	5-1-2013
340-054-0023	12-14-2012	Repeal	1-1-2013	340-228-0637	3-27-2013	Amend	5-1-2013
340-054-0024	12-14-2012	Repeal	1-1-2013	340-232-0085	3-27-2013	Amend	5-1-2013
340-054-0025	12-14-2012	Amend	1-1-2013	340-238-0040	3-27-2013	Amend	5-1-2013
340-054-0026	12-14-2012	Adopt	1-1-2013	340-238-0060	3-27-2013	Amend	5-1-2013
340-054-0027	12-14-2012	Adopt	1-1-2013	340-240-0010	12-11-2012	Amend	1-1-2013
340-054-0035	12-14-2012	Repeal	1-1-2013	340-240-0030	12-11-2012	Amend	1-1-2013
340-054-0036	12-14-2012	Adopt	1-1-2013	340-240-0500	12-11-2012	Adopt	1-1-2013
340-054-0055	12-14-2012	Repeal	1-1-2013	340-240-0510	12-11-2012	Adopt	1-1-2013
340-054-0056	12-14-2012	Adopt	1-1-2013	340-240-0520	12-11-2012	Adopt	1-1-2013
340-054-0060	12-14-2012	Amend	1-1-2013	340-240-0530	12-11-2012	Adopt	1-1-2013
340-054-0065	12-14-2012	Amend	1-1-2013	340-240-0540	12-11-2012	Adopt	1-1-2013
340-054-0085	12-14-2012	Repeal	1-1-2013	340-240-0550	12-11-2012	Adopt	1-1-2013
340-054-0087	12-14-2012	Repeal	1-1-2013	340-240-0560	12-11-2012	Adopt	1-1-2013
340-054-0090	12-14-2012	Repeal	1-1-2013	340-240-0570	12-11-2012	Adopt	1-1-2013
340-054-0093	12-14-2012	Repeal	1-1-2013	340-240-0580	12-11-2012	Adopt	1-1-2013
340-054-0095	12-14-2012	Repeal	1-1-2013	340-240-0610	12-11-2012	Adopt	1-1-2013
340-054-0097	12-14-2012	Repeal	1-1-2013	340-240-0620	12-11-2012	Adopt	1-1-2013
340-054-0098	12-14-2012	Repeal	1-1-2013	340-240-0630	12-11-2012	Adopt	1-1-2013
340-054-0100	12-14-2012	Amend	1-1-2013	340-244-0030	3-27-2013	Amend	5-1-2013
340-054-0102	12-14-2012	Amend	1-1-2013	340-244-0210	3-27-2013	Amend	5-1-2013
340-054-0104	12-14-2012	Amend	1-1-2013	340-244-0220	3-27-2013	Amend	5-1-2013
340-054-0106	12-14-2012	Amend	1-1-2013	340-244-0230	3-27-2013	Repeal	5-1-2013
340-054-0108	12-14-2012	Amend	1-1-2013	340-244-0234	3-27-2013	Amend	5-1-2013
340-102-0011	8-14-2013	Amend(T)	9-1-2013	340-244-0238	3-27-2013	Amend	5-1-2013
340-200-0020	3-27-2013	Amend	5-1-2013	340-244-0239	3-27-2013	Adopt	5-1-2013
340-200-0040	12-10-2012	Amend	1-1-2013	340-244-0240	3-27-2013	Amend	5-1-2013
340-200-0040	12-11-2012	Amend	1-1-2013	340-244-0242	3-27-2013	Amend	5-1-2013
340-200-0040	3-27-2013	Amend	5-1-2013	340-244-0244	3-27-2013	Amend	5-1-2013
340-204-0010	12-11-2012	Amend	1-1-2013	340-244-0246	3-27-2013	Amend	5-1-2013
340-210-0100	3-27-2013	Amend	5-1-2013	340-244-0248	3-27-2013	Amend	5-1-2013
340-216-0020	3-27-2013	Amend	5-1-2013	340-244-0250	3-27-2013	Amend	5-1-2013
340-216-0060	3-27-2013	Amend	5-1-2013	340-253-0000	12-11-2012	Adopt	1-1-2013
340-216-0062	3-27-2013	Amend	5-1-2013	340-253-0040	12-11-2012	Adopt	1-1-2013
340-216-0064	3-27-2013	Amend	5-1-2013	340-253-0060	12-11-2012	Adopt	1-1-2013
340-216-0066	3-27-2013	Amend	5-1-2013	340-253-0100	12-11-2012	Adopt	1-1-2013
340-216-0068	3-27-2013	Adopt	5-1-2013	340-253-0200	12-11-2012	Adopt	1-1-2013
340-220-0030	12-11-2012	Amend	1-1-2013	340-253-0250	12-11-2012	Adopt	1-1-2013
340-220-0040	12-11-2012	Amend	1-1-2013	340-253-0310	12-11-2012	Adopt	1-1-2013
340-220-0050	12-11-2012	Amend	1-1-2013	340-253-0320	12-11-2012	Adopt	1-1-2013
340-225-0090	12-11-2012	Amend	1-1-2013	340-253-0330	12-11-2012	Adopt	1-1-2013
340-228-0602	3-27-2013	Amend	5-1-2013	340-253-0340	12-11-2012	Adopt	1-1-2013

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340-253-0450	12-11-2012	Adopt	1-1-2013	410-050-0861	8-1-2013	Amend	9-1-2013
340-253-0500	12-11-2012	Adopt	1-1-2013	410-050-0861(T)	8-1-2013	Repeal	9-1-2013
340-253-0600	12-11-2012	Adopt	1-1-2013	410-120-0000	7-1-2013	Amend(T)	8-1-2013
340-253-0630	12-11-2012	Adopt	1-1-2013	410-120-0006	12-1-2012	Amend(T)	1-1-2013
340-253-0650	12-11-2012	Adopt	1-1-2013	410-120-0006	1-1-2013	Amend	2-1-2013
340-253-1000	12-11-2012	Adopt	1-1-2013	410-120-0006	1-1-2013	Amend(T)	2-1-2013
340-253-1010	12-11-2012	Adopt	1-1-2013	410-120-0006	1-8-2013	Amend(T)	2-1-2013
340-253-1020	12-11-2012	Adopt	1-1-2013	410-120-0006	1-30-2013	Amend(T)	3-1-2013
340-253-1030	12-11-2012	Adopt	1-1-2013	410-120-0006	2-20-2013	Amend(T)	4-1-2013
340-253-3000	12-11-2012	Adopt	1-1-2013	410-120-0006	3-1-2013	Amend(T)	4-1-2013
340-253-3010	12-11-2012	Adopt	1-1-2013	410-120-0006	4-1-2013	Amend	5-1-2013
340-253-3020	12-11-2012	Adopt	1-1-2013	410-120-0006	4-10-2013	Amend	5-1-2013
340-253-3030	12-11-2012	Adopt	1-1-2013	410-120-0006	5-29-2013	Amend	7-1-2013
340-253-3040	12-11-2012	Adopt	1-1-2013	410-120-0006	6-27-2013	Amend	8-1-2013
340-253-3050	12-11-2012	Adopt	1-1-2013	410-120-0006	8-1-2013	Amend(T)	9-1-2013
340-262-1000	12-11-2012	Adopt	1-1-2013	410-120-0006(T)	12-1-2012	Suspend	1-1-2013
340-264-0040	12-11-2012	Amend	1-1-2013	410-120-0006(T)	1-1-2013	Repeal	2-1-2013
340-264-0078	12-11-2012	Amend	1-1-2013	410-120-0006(T)	1-1-2013	Suspend	2-1-2013
340-264-0080	12-11-2012	Amend	1-1-2013	410-120-0006(T)	1-8-2013	Suspend	2-1-2013
340-264-0100	12-11-2012	Amend	1-1-2013	410-120-0006(T)	1-30-2013	Suspend	3-1-2013
340-264-0175	12-11-2012	Adopt	1-1-2013	410-120-0006(T)	2-20-2013	Suspend	4-1-2013
345-029-0060	1-28-2013	Amend	3-1-2013	410-120-0006(T)	3-1-2013	Suspend	4-1-2013
345-060-0004	1-28-2013	Amend	3-1-2013	410-120-0006(T)	5-29-2013	Repeal	7-1-2013
345-060-0007	1-28-2013	Amend	3-1-2013	410-120-1160	7-1-2013	Amend(T)	8-1-2013
345-060-0025	1-28-2013	Amend	3-1-2013	410-120-1200	7-1-2013	Amend(T)	8-1-2013
407-007-0200	8-1-2013	Amend	9-1-2013	410-120-1210	1-1-2013	Amend(T)	2-1-2013
407-007-0210	2-5-2013	Amend(T)	3-1-2013	410-120-1210	6-27-2013	Amend	8-1-2013
407-007-0210	8-1-2013	Amend	9-1-2013	410-120-1210	7-1-2013	Amend(T)	8-1-2013
407-007-0210(T)	8-1-2013	Repeal	9-1-2013	410-120-1340	3-29-2013	Amend(T)	5-1-2013
407-007-0220	8-1-2013	Amend	9-1-2013	410-120-1855	7-1-2013	Amend(T)	8-1-2013
407-007-0230	8-1-2013	Amend	9-1-2013	410-121-0030	1-1-2013	Amend	2-1-2013
407-007-0240	8-1-2013	Amend	9-1-2013	410-121-0030	2-21-2013	Amend(T)	4-1-2013
407-007-0250	8-1-2013	Amend	9-1-2013	410-121-0030	5-1-2013	Amend(T)	6-1-2013
407-007-0275	8-1-2013	Amend	9-1-2013	410-121-0030(T)	1-1-2013	Repeal	2-1-2013
407-007-0277	8-1-2013	Amend	9-1-2013	410-121-0030(T)	5-1-2013	Suspend	6-1-2013
407-007-0280	8-1-2013	Amend	9-1-2013	410-121-0033	1-1-2013	Amend	2-1-2013
407-007-0290	2-5-2013	Amend(T)	3-1-2013	410-121-0033(T)	1-1-2013	Repeal	2-1-2013
407-007-0290	8-1-2013	Amend	9-1-2013	410-121-0040	1-1-2013	Amend	2-1-2013
407-007-0290(T)	8-1-2013	Repeal	9-1-2013	410-121-0040	2-21-2013	Amend(T)	4-1-2013
407-007-0320	8-1-2013	Amend	9-1-2013	410-121-0040	5-1-2013	Amend(T)	6-1-2013
407-035-0000	8-1-2013	Repeal	9-1-2013	410-121-0040(T)	1-1-2013	Repeal	2-1-2013
407-035-0005	8-1-2013	Repeal	9-1-2013	410-121-0040(T)	5-1-2013	Suspend	6-1-2013
407-035-0010	8-1-2013	Repeal	9-1-2013	410-121-0100	1-1-2013	Amend	2-1-2013
407-035-0015	8-1-2013	Repeal	9-1-2013	410-121-0100(T)	1-1-2013	Repeal	2-1-2013
409-021-0130	2-1-2013	Amend	3-1-2013	410-121-0111	1-1-2013	Adopt	2-1-2013
409-025-0160	2-1-2013	Amend	3-1-2013	410-121-0111	8-1-2013	Amend(T)	9-1-2013
409-035-0020	2-1-2013	Amend	3-1-2013	410-121-0111(T)	1-1-2013	Repeal	2-1-2013
409-055-0030	4-1-2013	Amend	5-1-2013	410-121-0190	12-28-2012	Amend(T)	2-1-2013
409-055-0030(T)	4-1-2013	Repeal	5-1-2013	410-121-0190	6-25-2013	Amend	8-1-2013
409-060-0100	2-1-2013	Adopt	3-1-2013	410-122-0186	12-27-2012	Amend	2-1-2013
409-060-0110	2-1-2013	Adopt	3-1-2013	410-122-0325	12-27-2012	Amend	2-1-2013
409-060-0120	2-1-2013	Adopt	3-1-2013	410-123-1060	4-1-2013	Amend	5-1-2013
409-060-0130	2-1-2013	Adopt	3-1-2013	410-123-1160	4-1-2013	Amend	5-1-2013
409-060-0140	2-1-2013	Adopt	3-1-2013	410-123-1160	7-1-2013	Amend(T)	8-1-2013
409-060-0150	2-1-2013	Adopt	3-1-2013	410-123-1200	4-1-2013	Amend	5-1-2013

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410-123-1240	4-1-2013	Amend	5-1-2013	410-136-3200	7-1-2013	Adopt	8-1-2013
410-123-1260	4-1-2013	Amend	5-1-2013	410-136-3220	7-1-2013	Adopt	8-1-2013
410-123-1260	7-1-2013	Amend(T)	8-1-2013	410-136-3240	7-1-2013	Adopt	8-1-2013
410-123-1490	4-1-2013	Amend	5-1-2013	410-136-3260	7-1-2013	Adopt	8-1-2013
410-123-1490	7-1-2013	Amend(T)	8-1-2013	410-136-3280	7-1-2013	Adopt	8-1-2013
410-123-1600	7-1-2013	Amend(T)	8-1-2013	410-136-3300	7-1-2013	Adopt	8-1-2013
410-123-1620	4-1-2013	Amend	5-1-2013	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	410-141-0520	3-21-2013	Amend	5-1-2013
410-130-0180	6-25-2013	Amend	8-1-2013	410-141-3060	1-1-2013	Amend(T)	2-1-2013
410-130-0240	12-28-2012	Amend(T)	2-1-2013	410-141-3060	2-7-2013	Amend(T)	3-1-2013
410-130-0240	6-25-2013	Amend	8-1-2013	410-141-3060	6-27-2013	Amend	8-1-2013
410-130-0255	3-29-2013	Amend(T)	5-1-2013	410-141-3060	7-9-2013	Amend(T)	8-1-2013
410-136-0030	7-1-2013	Repeal	8-1-2013	410-141-3060(T)	2-7-2013	Suspend	3-1-2013
410-136-0040	7-1-2013	Repeal	8-1-2013	410-141-3080	4-23-2013	Amend	6-1-2013
410-136-0045	7-1-2013	Repeal	8-1-2013	410-141-3080	6-11-2013	Amend	7-1-2013
410-136-0050	7-1-2013	Repeal	8-1-2013	410-141-3080	7-9-2013	Amend(T)	8-1-2013
410-136-0060	7-1-2013	Repeal	8-1-2013	410-141-3160	1-4-2013	Amend(T)	2-1-2013
410-136-0070	7-1-2013	Repeal	8-1-2013	410-141-3160	6-27-2013	Amend	8-1-2013
410-136-0080	7-1-2013	Repeal	8-1-2013	410-141-3220	7-9-2013	Amend(T)	8-1-2013
410-136-0100	7-1-2013	Repeal	8-1-2013	410-141-3260	4-26-2013	Amend	6-1-2013
410-136-0120	7-1-2013	Repeal	8-1-2013	410-141-3262	3-1-2013	Amend(T)	4-1-2013
410-136-0140	7-1-2013	Repeal	8-1-2013	410-141-3262	4-10-2013	Amend(T)	5-1-2013
410-136-0160	7-1-2013	Repeal	8-1-2013	410-141-3420	7-9-2013	Amend(T)	8-1-2013
410-136-0180	7-1-2013	Repeal	8-1-2013	410-142-0020	5-1-2013	Amend(T)	5-1-2013
410-136-0200	7-1-2013	Repeal	8-1-2013	410-142-0020	6-27-2013	Amend	8-1-2013
410-136-0220	7-1-2013	Repeal	8-1-2013	410-142-0290	5-1-2013	Amend(T)	5-1-2013
410-136-0240	7-1-2013	Repeal	8-1-2013	410-142-0290	6-27-2013	Amend	8-1-2013
410-136-0245	7-1-2013	Repeal	8-1-2013	410-147-0360	3-1-2013	Amend(T)	4-1-2013
410-136-0260	7-1-2013	Repeal	8-1-2013	410-147-0400	1-1-2013	Amend(T)	2-1-2013
410-136-0280	7-1-2013	Repeal	8-1-2013	410-147-0400	3-1-2013	Amend(T)	4-1-2013
410-136-0300	7-1-2013	Repeal	8-1-2013	410-147-0400	6-27-2013	Amend	8-1-2013
410-136-0320	7-1-2013	Repeal	8-1-2013	410-147-0400(T)	3-1-2013	Suspend	4-1-2013
410-136-0340	7-1-2013	Repeal	8-1-2013	410-165-0000	4-26-2013	Amend(T)	6-1-2013
410-136-0350	7-1-2013	Repeal	8-1-2013	410-165-0020	4-26-2013	Amend(T)	6-1-2013
410-136-0360	7-1-2013	Repeal	8-1-2013	410-165-0040	4-26-2013	Amend(T)	6-1-2013
410-136-0420	7-1-2013	Repeal	8-1-2013	410-165-0060	4-26-2013	Amend(T)	6-1-2013
410-136-0440	7-1-2013	Repeal	8-1-2013	410-165-0080	4-26-2013	Amend(T)	6-1-2013
410-136-0800	7-1-2013	Repeal	8-1-2013	410-165-0100	4-26-2013	Amend(T)	6-1-2013
410-136-0820	7-1-2013	Repeal	8-1-2013	410-165-0120	4-26-2013	Amend(T)	6-1-2013
410-136-0840	7-1-2013	Repeal	8-1-2013	410-165-0140	4-26-2013	Amend(T)	6-1-2013
410-136-0860	7-1-2013	Repeal	8-1-2013	410-180-0300	8-2-2013	Adopt(T)	9-1-2013
410-136-3000	7-1-2013	Adopt	8-1-2013	410-180-0305	8-2-2013	Adopt(T)	9-1-2013
410-136-3020	7-1-2013	Adopt	8-1-2013	410-180-0310	8-2-2013	Adopt(T)	9-1-2013
410-136-3040	7-1-2013	Adopt	8-1-2013	410-180-0312	8-2-2013	Adopt(T)	9-1-2013
410-136-3060	7-1-2013	Adopt	8-1-2013	410-180-0315	8-2-2013	Adopt(T)	9-1-2013
410-136-3080	7-1-2013	Adopt	8-1-2013	410-180-0320	8-2-2013	Adopt(T)	9-1-2013
410-136-3100	7-1-2013	Adopt	8-1-2013	410-180-0325	8-2-2013	Adopt(T)	9-1-2013
410-136-3120	7-1-2013	Adopt	8-1-2013	410-180-0327	8-2-2013	Adopt(T)	9-1-2013
410-136-3140	7-1-2013	Adopt	8-1-2013	410-180-0340	8-2-2013	Adopt(T)	9-1-2013
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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
411-001-0500(T)	4-2-2013	Repeal	5-1-2013	411-034-0010	7-1-2013	Amend(T)	8-1-2013
411-001-0510	4-2-2013	Adopt	5-1-2013	411-034-0020	7-1-2013	Amend(T)	8-1-2013
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
411-015-0005	7-1-2013	Amend(T)	8-1-2013	411-034-0050	7-1-2013	Amend(T)	8-1-2013
411-015-0008	7-1-2013	Amend(T)	8-1-2013	411-034-0055	7-1-2013	Amend(T)	8-1-2013
411-015-0015	7-1-2013	Amend(T)	8-1-2013	411-034-0070	7-1-2013	Amend(T)	8-1-2013
411-015-0100	7-1-2013	Amend(T)	8-1-2013	411-034-0090	7-1-2013	Amend(T)	8-1-2013
411-020-0002	11-28-2012	Amend	1-1-2013	411-040-0000	7-1-2013	Amend(T)	8-1-2013
411-020-0002(T)	11-28-2012	Repeal	1-1-2013	411-045-0010	7-1-2013	Amend(T)	8-1-2013
411-020-0030	11-28-2012	Amend	1-1-2013	411-045-0050	7-1-2013	Amend(T)	8-1-2013
411-020-0030(T)	11-28-2012	Repeal	1-1-2013	411-048-0000	4-15-2013	Repeal	5-1-2013
411-020-0085	11-28-2012	Amend	1-1-2013	411-048-0010	4-15-2013	Repeal	5-1-2013
411-020-0085(T)	11-28-2012	Repeal	1-1-2013	411-048-0020	4-15-2013	Repeal	5-1-2013
411-020-0123	11-28-2012	Adopt	1-1-2013	411-048-0030	4-15-2013	Repeal	5-1-2013
411-020-0123(T)	11-28-2012	Repeal	1-1-2013	411-048-0040	4-15-2013	Repeal	5-1-2013
411-020-0126	11-28-2012	Adopt	1-1-2013	411-048-0050	4-15-2013	Repeal	5-1-2013
411-020-0126(T)	11-28-2012	Repeal	1-1-2013	411-048-0060	4-15-2013	Repeal	5-1-2013
411-028-0000	7-1-2013	Adopt(T)	8-1-2013	411-048-0070	4-15-2013	Repeal	5-1-2013
411-028-0010	7-1-2013	Adopt(T)	8-1-2013	411-048-0080	4-15-2013	Repeal	5-1-2013
411-028-0020	7-1-2013	Adopt(T)	8-1-2013	411-048-0100	4-15-2013	Repeal	5-1-2013
411-028-0030	7-1-2013	Adopt(T)	8-1-2013	411-048-0120	4-15-2013	Repeal	5-1-2013
411-028-0040	7-1-2013	Adopt(T)	8-1-2013	411-048-0130	4-15-2013	Repeal	5-1-2013
411-028-0050	7-1-2013	Adopt(T)	8-1-2013	411-048-0150	4-15-2013	Adopt	5-1-2013
411-030-0002	5-23-2013	Amend(T)	7-1-2013	411-048-0150	7-1-2013	Amend(T)	8-1-2013
411-030-0020	5-23-2013	Amend(T)	7-1-2013	411-048-0160	4-15-2013	Adopt	5-1-2013
411-030-0020	7-1-2013	Amend(T)	8-1-2013	411-048-0160	7-1-2013	Amend(T)	8-1-2013
411-030-0020(T)	7-1-2013	Suspend	8-1-2013	411-048-0170	4-15-2013	Adopt	5-1-2013
411-030-0033	5-23-2013	Amend(T)	7-1-2013	411-048-0170	7-1-2013	Amend(T)	8-1-2013
411-030-0040	5-23-2013	Amend(T)	7-1-2013	411-048-0180	4-15-2013	Adopt	5-1-2013
411-030-0050	5-23-2013	Amend(T)	7-1-2013	411-048-0190	4-15-2013	Adopt	5-1-2013
411-030-0055	5-23-2013	Amend(T)	7-1-2013	411-048-0200	4-15-2013	Adopt	5-1-2013
411-030-0070	7-1-2013	Amend(T)	8-1-2013	411-048-0210	4-15-2013	Adopt	5-1-2013
411-030-0080	3-26-2013	Amend	5-1-2013	411-048-0220	4-15-2013	Adopt	5-1-2013
411-030-0080	5-23-2013	Amend(T)	7-1-2013	411-048-0230	4-15-2013	Adopt	5-1-2013
411-030-0080(T)	3-26-2013	Repeal	5-1-2013	411-048-0240	4-15-2013	Adopt	5-1-2013
411-030-0090	5-23-2013	Amend(T)	7-1-2013	411-048-0250	4-15-2013	Adopt	5-1-2013
411-030-0100	7-1-2013	Amend(T)	8-1-2013	411-050-0405	5-23-2013	Amend(T)	7-1-2013
411-031-0020	3-26-2013	Amend	5-1-2013	411-065-0000	7-1-2013	Amend(T)	8-1-2013
411-031-0020	7-1-2013	Amend(T)	8-1-2013	411-070-0005	3-1-2013	Amend	4-1-2013
411-031-0020(T)	3-26-2013	Repeal	5-1-2013	411-070-0005(T)	3-1-2013	Repeal	4-1-2013
411-031-0030	3-26-2013	Amend	5-1-2013	411-070-0033	7-1-2013	Amend(T)	8-1-2013
411-031-0040	3-26-2013	Amend	5-1-2013	411-070-0091	3-1-2013	Amend	4-1-2013
411-031-0040	7-1-2013	Amend(T)	8-1-2013	411-070-0091(T)	3-1-2013	Repeal	4-1-2013
411-031-0040(T)	3-26-2013	Repeal	5-1-2013	411-070-0140	5-1-2013	Amend(T)	6-1-2013
411-031-0050	3-26-2013	Amend	5-1-2013	411-070-0452	7-1-2013	Amend(T)	8-1-2013
411-032-0000	7-1-2013	Amend	7-1-2013	411-070-0470	1-1-2013	Amend(T)	2-1-2013
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411-300-0110	7-1-2013	Amend(T)	8-1-2013	411-340-0150	7-1-2013	Amend(T)	8-1-2013
411-300-0120	7-1-2013	Amend(T)	8-1-2013	411-345-0020	7-1-2013	Amend(T)	8-1-2013
411-300-0130	7-1-2013	Amend(T)	8-1-2013	411-345-0140	7-1-2013	Amend(T)	8-1-2013
411-300-0140	7-1-2013	Amend(T)	8-1-2013	411-346-0110	7-1-2013	Amend(T)	8-1-2013
411-300-0150	7-1-2013	Amend(T)	8-1-2013	411-346-0180	7-1-2013	Amend(T)	8-1-2013
411-308-0010	7-1-2013	Amend(T)	8-1-2013	411-350-0020	7-2-2013	Amend(T)	8-1-2013
411-308-0020	7-1-2013	Amend(T)	8-1-2013	411-350-0030	7-2-2013	Amend(T)	8-1-2013
411-308-0030	7-1-2013	Amend(T)	8-1-2013	411-350-0040	7-2-2013	Amend(T)	8-1-2013
411-308-0050	7-1-2013	Amend(T)	8-1-2013	411-350-0050	7-2-2013	Amend(T)	8-1-2013
411-308-0060	7-1-2013	Amend(T)	8-1-2013	411-355-0010	7-2-2013	Amend(T)	8-1-2013
411-308-0070	7-1-2013	Amend(T)	8-1-2013	411-355-0020	7-2-2013	Amend(T)	8-1-2013
411-308-0080	7-1-2013	Amend(T)	8-1-2013	411-355-0030	7-2-2013	Amend(T)	8-1-2013
411-308-0100	7-1-2013	Amend(T)	8-1-2013	411-355-0040	7-2-2013	Amend(T)	8-1-2013
411-308-0120	7-1-2013	Amend(T)	8-1-2013	411-360-0090	4-1-2013	Amend(T)	5-1-2013
411-320-0020	7-1-2013	Amend(T)	8-1-2013	413-020-0236	1-15-2013	Amend	2-1-2013
411-320-0030	7-1-2013	Amend(T)	8-1-2013	413-020-0245	1-15-2013	Amend	2-1-2013
411-320-0040	7-1-2013	Amend(T)	8-1-2013	413-030-0000	1-15-2013	Amend	2-1-2013
411-320-0060	7-1-2013	Amend(T)	8-1-2013	413-030-0003	1-15-2013	Amend	2-1-2013
411-320-0070	7-1-2013	Amend(T)	8-1-2013	413-030-0006	1-15-2013	Amend	2-1-2013
411-320-0090	7-1-2013	Amend(T)	8-1-2013	413-030-0009	1-15-2013	Amend	2-1-2013
411-320-0100	7-1-2013	Amend(T)	8-1-2013	413-030-0013	1-15-2013	Amend	2-1-2013
411-320-0110	7-1-2013	Amend(T)	8-1-2013	413-030-0016	1-15-2013	Amend	2-1-2013
411-320-0120	7-1-2013	Amend(T)	8-1-2013	413-030-0019	1-15-2013	Amend	2-1-2013
411-320-0130	7-1-2013	Amend(T)	8-1-2013	413-030-0023	1-15-2013	Amend	2-1-2013
411-320-0175	4-2-2013	Amend	5-1-2013	413-030-0026	1-15-2013	Amend	2-1-2013
411-325-0020	7-1-2013	Amend(T)	8-1-2013	413-030-0030	1-15-2013	Amend	2-1-2013
411-325-0390	7-1-2013	Amend(T)	8-1-2013	413-030-0405	1-15-2013	Amend	2-1-2013
411-325-0400	7-1-2013	Amend(T)	8-1-2013	413-030-0410	1-15-2013	Amend	2-1-2013
411-325-0440	7-1-2013	Amend(T)	8-1-2013	413-030-0445	1-15-2013	Amend	2-1-2013
411-328-0560	7-1-2013	Amend(T)	8-1-2013	413-030-0449	1-15-2013	Amend	2-1-2013
411-328-0790	7-1-2013	Amend(T)	8-1-2013	413-030-0454	1-15-2013	Amend	2-1-2013
411-328-0800	7-1-2013	Amend(T)	8-1-2013	413-030-0456	1-15-2013	Adopt	2-1-2013
411-330-0020	1-4-2013	Amend	2-1-2013	413-040-0005	1-15-2013	Amend	2-1-2013
411-330-0020	7-1-2013	Amend(T)	8-1-2013	413-040-0006	1-15-2013	Amend	2-1-2013
411-330-0020(T)	1-4-2013	Repeal	2-1-2013	413-040-0008	1-15-2013	Amend	2-1-2013
411-330-0030	7-1-2013	Amend(T)	8-1-2013	413-040-0009	1-15-2013	Amend	2-1-2013
411-330-0040	7-1-2013	Amend(T)	8-1-2013	413-040-0010	1-15-2013	Amend	2-1-2013
411-330-0050	7-1-2013	Amend(T)	8-1-2013	413-040-0011	1-15-2013	Amend	2-1-2013
411-330-0060	7-1-2013	Amend(T)	8-1-2013	413-040-0013	1-15-2013	Amend	2-1-2013
411-330-0065	1-4-2013	Adopt	2-1-2013	413-040-0016	1-15-2013	Amend	2-1-2013
411-330-0065(T)	1-4-2013	Repeal	2-1-2013	413-040-0017	1-15-2013	Amend	2-1-2013
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

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413-070-0625	1-15-2013	Amend	2-1-2013	415-050-0035(T)	8-1-2013	Repeal	9-1-2013
413-070-0630	1-15-2013	Amend	2-1-2013	415-050-0040	2-4-2013	Amend(T)	3-1-2013
413-070-0640	1-15-2013	Amend	2-1-2013	415-050-0040	8-1-2013	Amend	9-1-2013
413-080-0040	1-15-2013	Amend	2-1-2013	415-050-0040(T)	8-1-2013	Repeal	9-1-2013
413-080-0050	1-15-2013	Amend	2-1-2013	415-050-0045	2-4-2013	Amend(T)	3-1-2013
413-080-0052	1-15-2013	Amend	2-1-2013	415-050-0045	8-1-2013	Amend	9-1-2013
413-080-0054	1-15-2013	Adopt	2-1-2013	415-050-0045(T)	8-1-2013	Repeal	9-1-2013
413-080-0055	1-15-2013	Amend	2-1-2013	415-050-0050	2-4-2013	Amend(T)	3-1-2013
413-080-0059	1-15-2013	Amend	2-1-2013	415-050-0050	8-1-2013	Amend	9-1-2013
413-080-0063	1-15-2013	Repeal	2-1-2013	415-050-0050(T)	8-1-2013	Repeal	9-1-2013
413-080-0067	1-15-2013	Amend	2-1-2013	415-050-0055	2-4-2013	Amend(T)	3-1-2013
413-120-0860	1-15-2013	Amend	2-1-2013	415-050-0055	8-1-2013	Amend	9-1-2013
415-012-0000	1-14-2013	Amend(T)	2-1-2013	415-050-0055(T)	8-1-2013	Repeal	9-1-2013
415-012-0000	5-3-2013	Amend	6-1-2013	415-050-0060	2-4-2013	Amend(T)	3-1-2013
415-012-0010	1-14-2013	Amend(T)	2-1-2013	415-050-0060	8-1-2013	Amend	9-1-2013
415-012-0010	5-3-2013	Amend	6-1-2013	415-050-0060(T)	8-1-2013	Repeal	9-1-2013
415-012-0020	1-14-2013	Amend(T)	2-1-2013	415-050-0065	2-4-2013	Amend(T)	3-1-2013
415-012-0020	5-3-2013	Amend	6-1-2013	415-050-0065	8-1-2013	Amend	9-1-2013
415-012-0030	1-14-2013	Amend(T)	2-1-2013	415-050-0065(T)	8-1-2013	Repeal	9-1-2013
415-012-0030	5-3-2013	Amend	6-1-2013	415-050-0070	2-4-2013	Amend(T)	3-1-2013
415-012-0032	5-3-2013	Adopt	6-1-2013	415-050-0070	8-1-2013	Amend	9-1-2013
415-012-0035	5-3-2013	Adopt	6-1-2013	415-050-0070(T)	8-1-2013	Repeal	9-1-2013
415-012-0040	5-3-2013	Amend	6-1-2013	415-050-0075	2-4-2013	Amend(T)	3-1-2013
415-012-0050	5-3-2013	Amend	6-1-2013	415-050-0075	8-1-2013	Amend	9-1-2013
415-012-0055	5-3-2013	Adopt	6-1-2013	415-050-0075(T)	8-1-2013	Repeal	9-1-2013
415-012-0060	5-3-2013	Amend	6-1-2013	415-050-0080	8-1-2013	Amend	9-1-2013
415-012-0065	5-3-2013	Adopt	6-1-2013	415-050-0085	8-1-2013	Amend	9-1-2013
415-012-0067	5-3-2013	Adopt	6-1-2013	415-050-0090	2-4-2013	Amend(T)	3-1-2013
415-012-0070	5-3-2013	Amend	6-1-2013	415-050-0090	8-1-2013	Amend	9-1-2013
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	436-001-0003	12-28-2012	Amend	1-1-2013
415-020-0085	6-7-2013	Amend	7-1-2013	436-001-0004	12-28-2012	Amend	1-1-2013
415-050-0000	2-4-2013	Amend(T)	3-1-2013	436-001-0005	12-28-2012	Amend	1-1-2013
415-050-0000	8-1-2013	Amend	9-1-2013	436-001-0009	12-28-2012	Amend	1-1-2013
415-050-0000(T)	8-1-2013	Repeal	9-1-2013	436-001-0019	12-28-2012	Amend	1-1-2013
415-050-0005	2-4-2013	Amend(T)	3-1-2013	436-001-0023	12-28-2012	Amend	1-1-2013
415-050-0005	8-1-2013	Amend	9-1-2013	436-001-0170	12-28-2012	Amend	1-1-2013
415-050-0005(T)	8-1-2013	Repeal	9-1-2013	436-001-0225	12-28-2012	Amend	1-1-2013
415-050-0010	8-1-2013	Amend	9-1-2013	436-001-0246	12-28-2012	Amend	1-1-2013
415-050-0015	2-4-2013	Amend(T)	3-1-2013	436-001-0300	12-28-2012	Repeal	1-1-2013
415-050-0015	8-1-2013	Amend	9-1-2013	436-001-0410	12-28-2012	Amend	1-1-2013
415-050-0015(T)	8-1-2013	Repeal	9-1-2013	436-001-0420	12-28-2012	Amend	1-1-2013
415-050-0020	8-1-2013	Amend	9-1-2013	436-001-0430	12-28-2012	Amend	1-1-2013
415-050-0025	2-4-2013	Amend(T)	3-1-2013	436-009-0004	4-1-2013	Amend	4-1-2013
415-050-0025	8-1-2013	Amend	9-1-2013	436-009-0010	4-1-2013	Amend	4-1-2013
415-050-0025(T)	8-1-2013	Repeal	9-1-2013	436-009-0020	4-1-2013	Amend	4-1-2013
415-050-0030	8-1-2013	Amend	9-1-2013	436-009-0025	4-1-2013	Amend	4-1-2013
415-050-0035	2-4-2013	Amend(T)	3-1-2013	436-009-0030	4-1-2013	Amend	4-1-2013

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436-009-0070	4-1-2013	Amend	4-1-2013	436-105-0003	7-1-2013	Amend	5-1-2013
436-009-0110	4-1-2013	Amend	4-1-2013	436-105-0520	7-1-2013	Amend	5-1-2013
436-009-0135	4-1-2013	Amend	4-1-2013	436-110-0150	6-7-2013	Adopt	7-1-2013
436-009-0175	4-1-2013	Amend	4-1-2013	437-002-0005	12-14-2012	Amend	1-1-2013
436-009-0177	4-1-2013	Amend	4-1-2013	437-002-0020	4-1-2013	Amend	3-1-2013
436-009-0180	4-1-2013	Amend	4-1-2013	437-002-0023	4-1-2013	Adopt	3-1-2013
436-009-0207	4-1-2013	Amend	4-1-2013	437-002-0100	7-19-2013	Amend	9-1-2013
436-009-0260	4-1-2013	Amend	4-1-2013	437-002-0120	12-14-2012	Amend	1-1-2013
436-009-0290	4-1-2013	Amend	4-1-2013	437-002-0134	4-1-2013	Amend	3-1-2013
436-010-0210	4-1-2013	Amend	4-1-2013	437-002-0240	12-14-2012	Amend	1-1-2013
436-010-0230	4-1-2013	Amend	4-1-2013	437-002-0360	7-18-2013	Amend	9-1-2013
436-010-0265	4-1-2013	Amend	4-1-2013	437-002-0360	7-19-2013	Amend	9-1-2013
436-010-0330	4-1-2013	Amend	4-1-2013	437-003-0001	12-14-2012	Amend	1-1-2013
436-015-0008	4-1-2013	Amend	4-1-2013	437-003-0001	2-14-2013	Amend	3-1-2013
436-015-0080	4-1-2013	Amend	4-1-2013	437-003-0001	4-1-2013	Amend	3-1-2013
436-015-0110	4-1-2013	Amend	4-1-2013	437-003-0001	7-19-2013	Amend	9-1-2013
436-035-0002	1-1-2013	Amend	1-1-2013	437-003-0128	4-1-2013	Repeal	3-1-2013
436-035-0003	1-1-2013	Amend	1-1-2013	437-003-0134	4-1-2013	Adopt	3-1-2013
436-035-0005	1-1-2013	Amend	1-1-2013	437-005-0001	12-14-2012	Amend	1-1-2013
436-035-0007	1-1-2013	Amend	1-1-2013	437-005-0001	7-19-2013	Amend	9-1-2013
436-035-0008	1-1-2013	Amend	1-1-2013	437-005-0002	12-14-2012	Amend	1-1-2013
436-035-0009	1-1-2013	Amend	1-1-2013	437-005-0003	12-14-2012	Amend	1-1-2013
436-035-0011	1-1-2013	Amend	1-1-2013	438-005-0015	4-1-2013	Amend	3-1-2013
436-035-0012	1-1-2013	Amend	1-1-2013	438-009-0005	4-1-2013	Amend	3-1-2013
436-035-0017	1-1-2013	Amend	1-1-2013	438-009-0020	4-1-2013	Amend	3-1-2013
436-035-0018	1-1-2013	Amend	1-1-2013	438-011-0010	4-1-2013	Amend	3-1-2013
436-035-0030	1-1-2013	Amend	1-1-2013	438-011-0045	4-1-2013	Amend	3-1-2013
436-035-0040	1-1-2013	Amend	1-1-2013	438-012-0001	4-1-2013	Amend	3-1-2013
436-035-0110	1-1-2013	Amend	1-1-2013	438-012-0020	4-1-2013	Amend	3-1-2013
436-035-0230	1-1-2013	Amend	1-1-2013	438-012-0031	4-1-2013	Amend	3-1-2013
436-035-0235	1-1-2013	Amend	1-1-2013	438-012-0035	4-1-2013	Amend	3-1-2013
436-035-0255	1-1-2013	Amend	1-1-2013	438-012-0036	4-1-2013	Amend	3-1-2013
436-035-0260	1-1-2013	Amend	1-1-2013	438-012-0050	4-1-2013	Amend	3-1-2013
436-035-0265	1-1-2013	Amend	1-1-2013	438-012-0060	4-1-2013	Amend	3-1-2013
436-035-0340	1-1-2013	Amend	1-1-2013	438-012-0062	4-1-2013	Amend	3-1-2013
436-035-0350	1-1-2013	Amend	1-1-2013	438-016-0005	4-1-2013	Amend	3-1-2013
436-035-0370	1-1-2013	Amend	1-1-2013	438-019-0010	4-1-2013	Amend	3-1-2013
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436-035-0385	1-1-2013	Amend	1-1-2013	438-022-0005	4-1-2013	Amend	3-1-2013
436-035-0390	1-1-2013	Amend	1-1-2013	441-505-3090	1-23-2013	Adopt	3-1-2013
436-035-0395	1-1-2013	Amend	1-1-2013	441-505-3090(T)	1-23-2013	Repeal	3-1-2013
436-035-0400	1-1-2013	Amend	1-1-2013	441-710-0270	2-1-2013	Amend(T)	2-1-2013
436-035-0410	1-1-2013	Amend	1-1-2013	441-710-0270	7-19-2013	Amend	9-1-2013
436-035-0420	1-1-2013	Amend	1-1-2013	441-710-0270(T)	7-19-2013	Repeal	9-1-2013
436-035-0430	1-1-2013	Amend	1-1-2013	442-005-0000	1-1-2013	Amend	2-1-2013
436-035-0440	1-1-2013	Amend	1-1-2013	442-005-0010	1-1-2013	Amend	2-1-2013
436-035-0450	1-1-2013	Amend	1-1-2013	442-005-0020	1-1-2013	Amend	2-1-2013
436-035-0500	1-1-2013	Amend	1-1-2013	442-005-0030	1-1-2013	Amend	2-1-2013
436-050-0003	1-23-2013	Amend(T)	3-1-2013	442-005-0040	1-1-2013	Amend	2-1-2013
436-050-0003	7-22-2013	Amend	8-1-2013	442-005-0050	1-1-2013	Amend	2-1-2013
436-050-0175	1-1-2013	Amend	1-1-2013	442-005-0070	1-1-2013	Amend	2-1-2013
436-050-0300	1-23-2013	Amend(T)	3-1-2013	442-005-0080	1-1-2013	Amend	2-1-2013
436-050-0300	7-22-2013	Amend	8-1-2013	442-005-0090	1-1-2013	Amend	2-1-2013
436-070-0002	4-1-2013	Amend	1-1-2013	442-005-0100	1-1-2013	Amend	2-1-2013
436-070-0003	4-1-2013	Amend	1-1-2013	442-005-0110	1-1-2013	Amend	2-1-2013

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442-005-0140	1-1-2013	Amend	2-1-2013	459-013-0060	7-26-2013	Amend	9-1-2013
442-005-0150	1-1-2013	Amend	2-1-2013	459-017-0060	3-29-2013	Amend	5-1-2013
442-005-0160	1-1-2013	Amend	2-1-2013	459-035-0001	12-5-2012	Amend	1-1-2013
442-005-0170	1-1-2013	Amend	2-1-2013	459-035-0200	12-5-2012	Repeal	1-1-2013
442-005-0180	1-1-2013	Amend	2-1-2013	459-035-0220	12-5-2012	Repeal	1-1-2013
442-005-0190	1-1-2013	Amend	2-1-2013	459-075-0200	3-29-2013	Amend	5-1-2013
442-005-0200	1-1-2013	Amend	2-1-2013	459-080-0500	3-29-2013	Amend	5-1-2013
442-005-0210	1-1-2013	Amend	2-1-2013	461-001-0015	4-1-2013	Amend	5-1-2013
442-005-0220	1-1-2013	Amend	2-1-2013	461-001-0030	7-1-2013	Amend(T)	8-1-2013
442-005-0230	1-1-2013	Amend	2-1-2013	461-025-0300	4-1-2013	Amend	5-1-2013
442-005-0235	1-1-2013	Adopt	2-1-2013	461-025-0300(T)	4-1-2013	Repeal	5-1-2013
442-005-0240	1-1-2013	Amend	2-1-2013	461-025-0301	4-1-2013	Adopt	5-1-2013
442-005-0260	1-1-2013	Amend	2-1-2013	461-025-0301(T)	4-1-2013	Repeal	5-1-2013
442-005-0270	1-1-2013	Amend	2-1-2013	461-025-0310	7-1-2013	Amend(T)	8-1-2013
442-005-0280	1-1-2013	Amend	2-1-2013	461-025-0315	7-1-2013	Amend(T)	8-1-2013
442-005-0290	1-1-2013	Amend	2-1-2013	461-110-0210	7-1-2013	Amend(T)	8-1-2013
442-005-0300	1-1-2013	Amend	2-1-2013	461-110-0430	4-10-2013	Amend(T)	5-1-2013
442-005-0310	1-1-2013	Amend	2-1-2013	461-115-0016	1-1-2013	Amend	2-1-2013
442-005-0320	1-1-2013	Amend	2-1-2013	461-115-0016(T)	1-1-2013	Repeal	2-1-2013
442-005-0330	1-1-2013	Amend	2-1-2013	461-115-0050	8-1-2013	Amend(T)	9-1-2013
442-005-0340	1-1-2013	Amend	2-1-2013	461-115-0430	1-1-2013	Amend	2-1-2013
442-005-0350	1-1-2013	Repeal	2-1-2013	461-115-0430	7-1-2013	Amend	8-1-2013
442-010-0010	1-1-2013	Amend	2-1-2013	461-120-0210	5-29-2013	Amend(T)	7-1-2013
442-010-0020	1-1-2013	Amend	2-1-2013	461-120-0340	12-29-2012	Amend	2-1-2013
442-010-0030	1-1-2013	Amend	2-1-2013	461-120-0340	4-1-2013	Amend	5-1-2013
442-010-0040	1-1-2013	Amend	2-1-2013	461-125-0050	4-1-2013	Amend	5-1-2013
442-010-0050	1-1-2013	Amend	2-1-2013	461-125-0830	1-1-2013	Amend(T)	2-1-2013
442-010-0055	1-1-2013	Amend	2-1-2013	461-125-0830	4-1-2013	Amend	5-1-2013
442-010-0060	1-1-2013	Amend	2-1-2013	461-125-0830(T)	4-1-2013	Repeal	5-1-2013
442-010-0070	1-1-2013	Amend	2-1-2013	461-130-0310	1-1-2013	Amend(T)	2-1-2013
442-010-0075	1-1-2013	Amend	2-1-2013	461-130-0310	4-1-2013	Amend	5-1-2013
442-010-0080	1-1-2013	Amend	2-1-2013	461-130-0310	7-1-2013	Amend	8-1-2013
442-010-0085	1-1-2013	Amend	2-1-2013	461-130-0310(T)	4-1-2013	Repeal	5-1-2013
442-010-0090	1-1-2013	Amend	2-1-2013	461-130-0330	1-1-2013	Amend	2-1-2013
442-010-0100	1-1-2013	Amend	2-1-2013	461-130-0335	1-1-2013	Amend	2-1-2013
442-010-0110	1-1-2013	Repeal	2-1-2013	461-135-0070	7-1-2013	Amend	8-1-2013
442-010-0120	1-1-2013	Amend	2-1-2013	461-135-0089	1-1-2013	Amend	2-1-2013
442-010-0140	1-1-2013	Amend	2-1-2013	461-135-0400	1-1-2013	Amend(T)	2-1-2013
442-010-0150	1-1-2013	Amend	2-1-2013	461-135-0400	7-1-2013	Amend	8-1-2013
442-010-0160	1-1-2013	Amend	2-1-2013	461-135-0407	1-1-2013	Adopt	2-1-2013
442-010-0170	1-1-2013	Amend	2-1-2013	461-135-0407	5-15-2013	Amend(T)	6-1-2013
442-010-0180	1-1-2013	Amend	2-1-2013	461-135-0407(T)	1-1-2013	Repeal	2-1-2013
442-010-0190	1-1-2013	Amend	2-1-2013	461-135-0570	5-1-2013	Amend(T)	6-1-2013
442-010-0210	1-1-2013	Amend	2-1-2013	461-135-0726	7-1-2013	Amend(T)	8-1-2013
442-010-0215	1-1-2013	Amend	2-1-2013	461-135-0750	7-1-2013	Amend(T)	8-1-2013
442-010-0220	1-1-2013	Amend	2-1-2013	461-135-0780	1-1-2013	Amend(T)	2-1-2013
442-010-0230	1-1-2013	Amend	2-1-2013	461-135-0780	4-1-2013	Amend	5-1-2013
442-010-0240	1-1-2013	Amend	2-1-2013	461-135-0780(T)	4-1-2013	Repeal	5-1-2013
442-010-0260	1-1-2013	Amend	2-1-2013	461-135-0832	7-1-2013	Amend(T)	8-1-2013
442-010-0270	1-1-2013	Amend	2-1-2013	461-135-0835	7-1-2013	Amend(T)	8-1-2013
442-010-0280	1-1-2013	Repeal	2-1-2013	461-135-0900	7-1-2013	Amend	8-1-2013
459-005-0040	1-25-2013	Amend	3-1-2013	461-135-1100	7-1-2013	Amend(T)	8-1-2013
459-005-0400	12-5-2012	Adopt	1-1-2013	461-135-1101	7-1-2013	Amend(T)	8-1-2013
459-005-0525	3-29-2013	Amend	5-1-2013	461-135-1102	12-1-2012	Amend(T)	1-1-2013
459-005-0545	3-29-2013	Amend	5-1-2013	461-135-1102	4-1-2013	Amend	5-1-2013

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461-140-0296	7-1-2013	Amend(T)	8-1-2013	461-160-0015(T)	4-1-2013	Repeal	5-1-2013
461-145-0080	12-29-2012	Amend	2-1-2013	461-160-0030	4-1-2013	Amend	5-1-2013
461-145-0220	1-1-2013	Amend(T)	2-1-2013	461-160-0040	7-1-2013	Amend	8-1-2013
461-145-0220	4-1-2013	Amend	5-1-2013	461-160-0055	1-1-2013	Amend	2-1-2013
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461-145-0250	7-1-2013	Amend	8-1-2013	461-160-0055	7-1-2013	Amend(T)	8-1-2013
461-145-0260	1-1-2013	Amend	2-1-2013	461-160-0055(T)	1-1-2013	Repeal	2-1-2013
461-145-0260	1-1-2013	Amend(T)	2-1-2013	461-160-0193	4-1-2013	Amend	5-1-2013
461-145-0260	4-1-2013	Amend	5-1-2013	461-160-0410	4-1-2013	Amend	5-1-2013
461-145-0260(T)	1-1-2013	Repeal	2-1-2013	461-160-0415	4-1-2013	Amend	5-1-2013
461-145-0260(T)	4-1-2013	Repeal	5-1-2013	461-160-0420	4-1-2013	Amend	5-1-2013
461-145-0540	7-1-2013	Amend(T)	8-1-2013	461-160-0430	4-1-2013	Amend	5-1-2013
461-145-0580	1-1-2013	Amend	2-1-2013	461-160-0540	7-1-2013	Amend(T)	8-1-2013
461-145-0580	7-1-2013	Amend(T)	8-1-2013	461-160-0550	7-1-2013	Amend(T)	8-1-2013
461-145-0580(T)	1-1-2013	Repeal	2-1-2013	461-160-0551	7-1-2013	Amend(T)	8-1-2013
461-150-0055	8-1-2013	Amend(T)	9-1-2013	461-160-0580	1-1-2013	Amend	2-1-2013
461-150-0060	7-1-2013	Amend	8-1-2013	461-160-0610	7-1-2013	Amend(T)	8-1-2013
461-150-0060	8-1-2013	Amend(T)	9-1-2013	461-160-0620	1-1-2013	Amend	2-1-2013
461-155-0020	7-1-2013	Amend(T)	8-1-2013	461-160-0620	7-1-2013	Amend(T)	8-1-2013
461-155-0150	1-1-2013	Amend(T)	2-1-2013	461-165-0010	2-6-2013	Amend	3-1-2013
461-155-0150	7-1-2013	Amend	8-1-2013	461-165-0060	1-1-2013	Amend	2-1-2013
461-155-0180	1-30-2013	Amend	3-1-2013	461-165-0100	7-1-2013	Amend(T)	8-1-2013
461-155-0180	2-1-2013	Amend(T)	3-1-2013	461-165-0160	4-1-2013	Amend	5-1-2013
461-155-0180	7-1-2013	Amend	8-1-2013	461-165-0180	4-1-2013	Amend	5-1-2013
461-155-0180(T)	7-1-2013	Repeal	8-1-2013	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
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461-155-0295	3-1-2013	Amend	4-1-2013	461-190-0211(T)	1-1-2013	Suspend	2-1-2013
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461-155-0300(T)	4-1-2013	Repeal	5-1-2013	461-193-0320	7-1-2013	Amend	8-1-2013
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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
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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
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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	579-020-0006	5-28-2013	Amend	7-1-2013
573-076-0050	6-20-2013	Amend	8-1-2013	579-040-0005	8-6-2013	Amend(T)	9-1-2013
573-076-0060	6-20-2013	Amend	8-1-2013	579-040-0007	8-6-2013	Amend(T)	9-1-2013
573-076-0070	6-20-2013	Amend	8-1-2013	579-040-0010	8-6-2013	Amend(T)	9-1-2013
573-076-0080	6-20-2013	Amend	8-1-2013	579-040-0013	8-6-2013	Amend(T)	9-1-2013
573-076-0090	6-20-2013	Amend	8-1-2013	579-040-0015	8-6-2013	Amend(T)	9-1-2013
573-076-0100	6-20-2013	Amend	8-1-2013	579-040-0020	8-6-2013	Suspend	9-1-2013
573-076-0110	6-20-2013	Amend	8-1-2013	579-040-0030	8-6-2013	Amend(T)	9-1-2013
573-076-0120	6-20-2013	Amend	8-1-2013	579-040-0035	8-6-2013	Amend(T)	9-1-2013
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574-050-0005	7-24-2013	Amend	9-1-2013	579-070-0005	2-22-2013	Amend	4-1-2013
576-005-0032	7-1-2013	Amend	7-1-2013	579-070-0010	2-22-2013	Amend	4-1-2013
576-005-0035	3-1-2013	Repeal	4-1-2013	579-070-0015	2-22-2013	Amend	4-1-2013
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576-010-0000	7-1-2013	Amend	7-1-2013	579-070-0041	2-22-2013	Amend	4-1-2013
576-026-0005	1-1-2013	Repeal	2-1-2013	579-070-0042	2-22-2013	Amend	4-1-2013
576-026-0010	1-1-2013	Repeal	2-1-2013	579-070-0043	2-22-2013	Amend	4-1-2013
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576-055-0050	1-16-2013	Adopt	3-1-2013	580-060-0025	4-10-2013	Amend(T)	5-1-2013
576-055-0060	1-16-2013	Adopt	3-1-2013	580-060-0035	4-10-2013	Amend(T)	5-1-2013
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576-055-0080	1-16-2013	Adopt	3-1-2013	580-060-0045	4-10-2013	Amend(T)	5-1-2013
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576-055-0130	1-16-2013	Adopt	3-1-2013	580-061-0005	4-10-2013	Amend(T)	5-1-2013
576-055-0140	1-16-2013	Adopt	3-1-2013	580-061-0010	4-10-2013	Amend(T)	5-1-2013
576-055-0150	1-16-2013	Adopt	3-1-2013	580-061-0015	4-10-2013	Amend(T)	5-1-2013
576-055-0160	1-16-2013	Adopt	3-1-2013	580-061-0020	4-10-2013	Amend(T)	5-1-2013
576-056-0000	1-1-2013	Adopt	2-1-2013	580-061-0025	4-10-2013	Amend(T)	5-1-2013
576-056-0010	1-1-2013	Adopt	2-1-2013	580-061-0030	4-10-2013	Amend(T)	5-1-2013
576-056-0020	1-1-2013	Adopt	2-1-2013	580-061-0035	4-10-2013	Amend(T)	5-1-2013
576-056-0030	1-1-2013	Adopt	2-1-2013	580-061-0040	4-10-2013	Amend(T)	5-1-2013
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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	584-005-0005	2-14-2013	Amend	3-1-2013
580-061-0150	4-10-2013	Amend(T)	5-1-2013	584-017-0005	4-30-2013	Repeal	6-1-2013
580-061-0155	4-10-2013	Amend(T)	5-1-2013	584-017-0010	4-30-2013	Repeal	6-1-2013
580-061-0160	4-10-2013	Amend(T)	5-1-2013	584-017-0020	4-30-2013	Repeal	6-1-2013
580-062-0010	4-10-2013	Amend(T)	5-1-2013	584-017-0025	4-30-2013	Repeal	6-1-2013
580-062-0015	4-10-2013	Amend(T)	5-1-2013	584-017-0030	4-30-2013	Repeal	6-1-2013
580-062-0020	4-10-2013	Amend(T)	5-1-2013	584-017-0035	4-30-2013	Repeal	6-1-2013
581-001-0016	1-15-2013	Adopt	2-1-2013	584-017-0040	4-30-2013	Repeal	6-1-2013
581-002-0090	1-15-2013	Adopt	2-1-2013	584-017-0042	4-30-2013	Repeal	6-1-2013
581-015-2030	4-9-2013	Amend(T)	5-1-2013	584-017-0045	4-30-2013	Repeal	6-1-2013
581-015-2030	7-11-2013	Amend	8-1-2013	584-017-0050	4-30-2013	Repeal	6-1-2013
581-015-2090	4-25-2013	Amend(T)	6-1-2013	584-017-0055	4-30-2013	Repeal	6-1-2013
581-015-2090	5-30-2013	Amend	7-1-2013	584-017-0057	4-30-2013	Repeal	6-1-2013
581-015-2110	1-17-2013	Amend	3-1-2013	584-017-0060	4-30-2013	Repeal	6-1-2013
581-015-2310	4-25-2013	Amend(T)	6-1-2013	584-017-0070	4-30-2013	Repeal	6-1-2013
581-015-2310	5-30-2013	Amend	7-1-2013	584-017-0075	4-30-2013	Repeal	6-1-2013
581-015-2530	4-25-2013	Amend(T)	6-1-2013	584-017-0080	4-30-2013	Repeal	6-1-2013
581-015-2530	5-30-2013	Amend	7-1-2013	584-017-0085	4-30-2013	Repeal	6-1-2013
581-015-2735	4-25-2013	Amend(T)	6-1-2013	584-017-0090	4-30-2013	Repeal	6-1-2013
581-015-2735	5-30-2013	Amend	7-1-2013	584-017-0100	4-30-2013	Repeal	6-1-2013
581-015-2745	4-25-2013	Amend(T)	6-1-2013	584-017-0115	4-30-2013	Repeal	6-1-2013
581-015-2745	5-30-2013	Amend	7-1-2013	584-017-0120	4-30-2013	Repeal	6-1-2013
581-015-2885	4-25-2013	Amend(T)	6-1-2013	584-017-0130	4-30-2013	Repeal	6-1-2013
581-015-2885	5-30-2013	Amend	7-1-2013	584-017-0140	4-30-2013	Repeal	6-1-2013
581-017-0005	8-15-2013	Adopt(T)	9-1-2013	584-017-0150	4-30-2013	Repeal	6-1-2013
581-017-0010	8-15-2013	Adopt(T)	9-1-2013	584-017-0160	4-30-2013	Repeal	6-1-2013
581-017-0020	8-15-2013	Adopt(T)	9-1-2013	584-017-0170	4-30-2013	Repeal	6-1-2013
581-017-0100	8-15-2013	Adopt(T)	9-1-2013	584-017-0175	4-30-2013	Repeal	6-1-2013
581-017-0105	8-15-2013	Adopt(T)	9-1-2013	584-017-0180	4-30-2013	Repeal	6-1-2013
581-017-0110	8-15-2013	Adopt(T)	9-1-2013	584-017-0182	4-30-2013	Repeal	6-1-2013
581-017-0115	8-15-2013	Adopt(T)	9-1-2013	584-017-0185	4-30-2013	Repeal	6-1-2013
581-018-0005	8-15-2013	Adopt(T)	9-1-2013	584-017-0190	4-30-2013	Repeal	6-1-2013
581-018-0010	8-15-2013	Adopt(T)	9-1-2013	584-017-0200	4-30-2013	Repeal	6-1-2013
581-018-0020	8-15-2013	Adopt(T)	9-1-2013	584-017-0201	4-30-2013	Repeal	6-1-2013
581-018-0100	8-15-2013	Adopt(T)	9-1-2013	584-017-0210	4-30-2013	Repeal	6-1-2013
581-018-0105	8-15-2013	Adopt(T)	9-1-2013	584-017-0220	4-30-2013	Repeal	6-1-2013
581-018-0110	8-15-2013	Adopt(T)	9-1-2013	584-017-0230	4-30-2013	Repeal	6-1-2013

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584-017-0240	4-30-2013	Repeal	6-1-2013	584-090-0030	4-30-2013	Repeal	6-1-2013
584-017-0251	4-30-2013	Repeal	6-1-2013	584-090-0040	4-30-2013	Repeal	6-1-2013
584-017-0261	4-30-2013	Repeal	6-1-2013	584-090-0060	4-30-2013	Repeal	6-1-2013
584-017-0270	4-30-2013	Repeal	6-1-2013	584-090-0115	11-19-2012	Amend	1-1-2013
584-017-0280	4-30-2013	Repeal	6-1-2013	584-100-0016	2-14-2013	Amend	3-1-2013
584-017-0282	4-30-2013	Repeal	6-1-2013	584-100-0038	11-19-2012	Amend	1-1-2013
584-017-0290	4-30-2013	Repeal	6-1-2013	584-100-0038	2-14-2013	Amend	3-1-2013
584-017-0300	4-30-2013	Repeal	6-1-2013	584-100-0091	11-19-2012	Amend	1-1-2013
584-017-0310	4-30-2013	Repeal	6-1-2013	584-100-0096	11-19-2012	Amend	1-1-2013
584-017-0320	4-30-2013	Repeal	6-1-2013	584-100-0101	2-14-2013	Amend	3-1-2013
584-017-0330	4-30-2013	Repeal	6-1-2013	584-100-0106	2-14-2013	Amend	3-1-2013
584-017-0340	4-30-2013	Repeal	6-1-2013	585-001-0007	12-17-2012	Adopt	2-1-2013
584-017-0351	4-30-2013	Repeal	6-1-2013	585-001-0009	12-17-2012	Adopt	2-1-2013
584-017-0355	4-30-2013	Repeal	6-1-2013	589-002-0100	12-26-2012	Amend	2-1-2013
584-017-0360	4-30-2013	Repeal	6-1-2013	589-002-0100	6-11-2013	Amend	7-1-2013
584-017-0370	4-30-2013	Repeal	6-1-2013	589-002-0110	12-26-2012	Adopt	2-1-2013
584-017-0380	4-30-2013	Repeal	6-1-2013	589-002-0110	6-11-2013	Adopt	7-1-2013
584-017-0390	4-30-2013	Repeal	6-1-2013	589-002-0120	12-26-2012	Adopt	2-1-2013
584-017-0400	4-30-2013	Repeal	6-1-2013	589-002-0120	6-11-2013	Adopt	7-1-2013
584-017-0410	4-30-2013	Repeal	6-1-2013	589-002-0130	12-26-2012	Adopt	2-1-2013
584-017-0420	4-30-2013	Repeal	6-1-2013	589-002-0130	6-11-2013	Adopt	7-1-2013
584-017-0430	4-30-2013	Repeal	6-1-2013	589-007-0200	6-25-2013	Amend	8-1-2013
584-017-0441	4-30-2013	Repeal	6-1-2013	589-007-0500	5-31-2013	Amend(T)	7-1-2013
584-017-0451	4-30-2013	Repeal	6-1-2013	589-007-0600	5-31-2013	Amend	7-1-2013
584-017-0455	4-30-2013	Repeal	6-1-2013	589-007-0700	12-26-2012	Amend	2-1-2013
584-017-0460	4-30-2013	Repeal	6-1-2013	603-013-0905	2-7-2013	Adopt	3-1-2013
584-017-0462	4-30-2013	Repeal	6-1-2013	603-013-0910	2-7-2013	Adopt	3-1-2013
584-017-0465	4-30-2013	Repeal	6-1-2013	603-013-0920	2-7-2013	Adopt	3-1-2013
584-017-0470	4-30-2013	Repeal	6-1-2013	603-013-0932	2-7-2013	Adopt	3-1-2013
584-017-0480	4-30-2013	Repeal	6-1-2013	603-017-0900	2-7-2013	Adopt	3-1-2013
584-017-0500	4-30-2013	Repeal	6-1-2013	603-017-0910	2-7-2013	Adopt	3-1-2013
584-017-0510	4-30-2013	Repeal	6-1-2013	603-017-0920	2-7-2013	Adopt	3-1-2013
584-017-0520	4-30-2013	Repeal	6-1-2013	603-017-0930	2-7-2013	Adopt	3-1-2013
584-017-0530	4-30-2013	Repeal	6-1-2013	603-021-0900	2-7-2013	Adopt	3-1-2013
584-017-0541	4-30-2013	Repeal	6-1-2013	603-021-0910	2-7-2013	Adopt	3-1-2013
584-017-0551	4-30-2013	Repeal	6-1-2013	603-021-0920	2-7-2013	Adopt	3-1-2013
584-017-0555	4-30-2013	Repeal	6-1-2013	603-021-0930	2-7-2013	Adopt	3-1-2013
584-017-0560	4-30-2013	Repeal	6-1-2013	603-022-0900	2-7-2013	Adopt	3-1-2013
584-017-0570	4-30-2013	Repeal	6-1-2013	603-022-0910	2-7-2013	Adopt	3-1-2013
584-017-0580	4-30-2013	Repeal	6-1-2013	603-022-0920	2-7-2013	Adopt	3-1-2013
584-017-1028	4-30-2013	Amend	6-1-2013	603-022-0930	2-7-2013	Adopt	3-1-2013
584-018-0205	2-14-2013	Amend	3-1-2013	603-024-0017	4-26-2013	Amend	6-1-2013
584-018-0220	11-19-2012	Adopt	1-1-2013	603-024-0019	4-26-2013	Amend	6-1-2013
584-018-0305	2-14-2013	Amend	3-1-2013	603-024-0041	4-26-2013	Amend	6-1-2013
584-036-0082	11-19-2012	Repeal	1-1-2013	603-024-0211	4-26-2013	Amend	6-1-2013
584-052-0030	11-19-2012	Repeal	1-1-2013	603-024-0589	4-26-2013	Amend	6-1-2013
584-052-0031	11-19-2012	Repeal	1-1-2013	603-024-0592	4-26-2013	Amend	6-1-2013
584-052-0032	11-19-2012	Repeal	1-1-2013	603-024-0605	4-26-2013	Amend	6-1-2013
584-052-0033	11-19-2012	Repeal	1-1-2013	603-024-0613	4-26-2013	Amend	6-1-2013
584-066-0015	2-14-2013	Adopt	3-1-2013	603-024-0640	4-26-2013	Amend	6-1-2013
584-070-0411	2-14-2013	Amend	3-1-2013	603-024-0900	2-7-2013	Adopt	3-1-2013
584-080-0031	11-19-2012	Amend	1-1-2013	603-024-0910	2-7-2013	Adopt	3-1-2013
584-090-0001	4-30-2013	Repeal	6-1-2013	603-024-0920	2-7-2013	Adopt	3-1-2013
584-090-0005	4-30-2013	Repeal	6-1-2013	603-024-0930	2-7-2013	Adopt	3-1-2013
584-090-0010	4-30-2013	Repeal	6-1-2013	603-025-0030	1-1-2013	Amend	2-1-2013
584-090-0020	4-30-2013	Repeal	6-1-2013	603-025-0900	2-7-2013	Adopt	3-1-2013

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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
603-052-0075	3-1-2013	Amend	4-1-2013	629-630-0800	9-1-2013	Amend	8-1-2013
603-052-0114	3-1-2013	Amend	4-1-2013	629-635-0100	9-1-2013	Amend	8-1-2013
603-052-0116	3-1-2013	Amend	4-1-2013	629-635-0130	9-1-2013	Repeal	8-1-2013
603-052-0127	3-1-2013	Amend	4-1-2013	629-635-0200	9-1-2013	Amend	8-1-2013
603-052-0129	3-1-2013	Amend	4-1-2013	629-640-0000	9-1-2013	Amend	8-1-2013
603-052-0347	4-26-2013	Amend	6-1-2013	629-640-0100	9-1-2013	Amend	8-1-2013
603-052-0850	2-6-2013	Repeal	3-1-2013	629-640-0105	9-1-2013	Amend	8-1-2013
603-052-0852	2-6-2013	Repeal	3-1-2013	629-640-0200	9-1-2013	Amend	8-1-2013
603-052-0860	2-6-2013	Amend	3-1-2013	629-645-0000	9-1-2013	Amend	8-1-2013
603-052-0861	2-6-2013	Adopt	3-1-2013	629-645-0030	9-1-2013	Amend	8-1-2013
603-052-0862	2-6-2013	Adopt	3-1-2013	629-645-0040	9-1-2013	Amend	8-1-2013
603-052-0870	2-6-2013	Amend	3-1-2013	629-645-0050	9-1-2013	Amend	8-1-2013
603-052-0880	2-6-2013	Amend	3-1-2013	629-650-0000	9-1-2013	Amend	8-1-2013
603-052-0882	2-6-2013	Adopt	3-1-2013	629-650-0005	9-1-2013	Adopt	8-1-2013
603-052-0884	2-6-2013	Adopt	3-1-2013	629-660-0050	9-1-2013	Amend	8-1-2013
603-052-0886	2-6-2013	Adopt	3-1-2013	629-665-0230	9-1-2013	Amend	8-1-2013
603-052-0888	2-6-2013	Adopt	3-1-2013	629-670-0214	9-1-2013	Amend	8-1-2013
603-052-0901	2-6-2013	Adopt	3-1-2013	629-680-0020	9-1-2013	Amend	8-1-2013
603-052-0921	2-6-2013	Adopt	3-1-2013	632-010-0004	3-21-2013	Amend	5-1-2013
603-052-1080	12-3-2012	Adopt	1-1-2013	632-010-0006	3-21-2013	Repeal	5-1-2013
603-052-1090	12-3-2012	Adopt	1-1-2013	632-010-0008	3-21-2013	Amend	5-1-2013
603-052-1200	3-1-2013	Amend	4-1-2013	632-010-0010	3-21-2013	Amend	5-1-2013
603-052-1206	12-12-2012	Adopt	1-1-2013	632-010-0011	3-21-2013	Amend	5-1-2013
603-052-1209	12-12-2012	Adopt	1-1-2013	632-010-0012	3-21-2013	Amend	5-1-2013
603-052-1211	12-12-2012	Adopt	1-1-2013	632-010-0014	3-21-2013	Amend	5-1-2013
603-052-1230	3-1-2013	Amend	4-1-2013	632-010-0015	3-21-2013	Amend	5-1-2013
603-052-1320	3-1-2013	Amend	4-1-2013	632-010-0016	3-21-2013	Amend	5-1-2013
603-057-0386	6-27-2013	Adopt(T)	8-1-2013	632-010-0017	3-21-2013	Amend	5-1-2013
603-100-0900	2-7-2013	Adopt	3-1-2013	632-010-0018	3-21-2013	Amend	5-1-2013
603-100-0910	2-7-2013	Adopt	3-1-2013	632-010-0020	3-21-2013	Amend	5-1-2013
603-100-0920	2-7-2013	Adopt	3-1-2013	632-010-0128	3-21-2013	Amend	5-1-2013
603-100-0930	2-7-2013	Adopt	3-1-2013	632-010-0130	3-21-2013	Amend	5-1-2013
611-010-0010	7-16-2013	Amend	9-1-2013	632-010-0132	3-21-2013	Amend	5-1-2013
611-030-0040	7-16-2013	Amend	9-1-2013	632-010-0134	3-21-2013	Amend	5-1-2013
629-035-0055	7-1-2013	Amend	7-1-2013	632-010-0136	3-21-2013	Amend	5-1-2013
629-600-0050	9-1-2013	Adopt	8-1-2013	632-010-0138	3-21-2013	Amend	5-1-2013
629-600-0100	9-1-2013	Amend	8-1-2013	632-010-0140	3-21-2013	Amend	5-1-2013
629-605-0150	9-1-2013	Amend	8-1-2013	632-010-0142	3-21-2013	Amend	5-1-2013

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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
632-010-0151	3-21-2013	Amend	5-1-2013	632-020-0040	3-21-2013	Amend	5-1-2013
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
632-010-0169	3-21-2013	Repeal	5-1-2013	632-020-0130	3-21-2013	Amend	5-1-2013
632-010-0170	3-21-2013	Amend	5-1-2013	632-020-0135	3-21-2013	Amend	5-1-2013
632-010-0172	3-21-2013	Amend	5-1-2013	632-020-0138	3-21-2013	Amend	5-1-2013
632-010-0174	3-21-2013	Amend	5-1-2013	632-020-0140	3-21-2013	Amend	5-1-2013
632-010-0176	3-21-2013	Amend	5-1-2013	632-020-0145	3-21-2013	Amend	5-1-2013
632-010-0178	3-21-2013	Amend	5-1-2013	632-020-0150	3-21-2013	Amend	5-1-2013
632-010-0182	3-21-2013	Amend	5-1-2013	632-020-0154	3-21-2013	Amend	5-1-2013
632-010-0184	3-21-2013	Amend	5-1-2013	632-020-0155	3-21-2013	Amend	5-1-2013
632-010-0186	3-21-2013	Amend	5-1-2013	632-020-0156	3-21-2013	Amend	5-1-2013
632-010-0188	3-21-2013	Amend	5-1-2013	632-020-0157	3-21-2013	Amend	5-1-2013
632-010-0190	3-21-2013	Amend	5-1-2013	632-020-0159	3-21-2013	Amend	5-1-2013
632-010-0192	3-21-2013	Amend	5-1-2013	632-020-0160	3-21-2013	Repeal	5-1-2013
632-010-0194	3-21-2013	Amend	5-1-2013	632-020-0170	3-21-2013	Amend	5-1-2013
632-010-0196	3-21-2013	Amend	5-1-2013	632-020-0175	3-21-2013	Amend	5-1-2013
632-010-0198	3-21-2013	Amend	5-1-2013	632-020-0180	3-21-2013	Amend	5-1-2013
632-010-0205	3-21-2013	Amend	5-1-2013	635-003-0003	5-1-2013	Amend(T)	6-1-2013
632-010-0210	3-21-2013	Amend	5-1-2013	635-003-0003	5-14-2013	Amend	6-1-2013
632-010-0220	3-21-2013	Amend	5-1-2013	635-003-0003(T)	5-14-2013	Repeal	6-1-2013
632-010-0225	3-21-2013	Amend	5-1-2013	635-004-0215	5-14-2013	Amend	6-1-2013
632-010-0230	3-21-2013	Amend	5-1-2013	635-004-0220	1-1-2013	Amend	2-1-2013
632-010-0235	3-21-2013	Amend	5-1-2013	635-004-0275	1-3-2013	Amend	2-1-2013
632-015-0005	3-21-2013	Amend	5-1-2013	635-004-0310	1-1-2013	Amend	2-1-2013
632-015-0010	3-21-2013	Amend	5-1-2013	635-004-0350	1-1-2013	Amend	2-1-2013
632-015-0015	3-21-2013	Amend	5-1-2013	635-004-0355	1-1-2013	Amend	2-1-2013
632-015-0020	3-21-2013	Amend	5-1-2013	635-004-0375	6-19-2013	Amend	8-1-2013
632-015-0025	3-21-2013	Amend	5-1-2013	635-004-0465	1-1-2013	Amend	2-1-2013
632-015-0030	3-21-2013	Amend	5-1-2013	635-004-0485	5-14-2013	Amend	6-1-2013
632-015-0035	3-21-2013	Amend	5-1-2013	635-004-0585	5-14-2013	Amend	6-1-2013
632-015-0040	3-21-2013	Amend	5-1-2013	635-005-0320	5-14-2013	Amend	6-1-2013
632-015-0045	3-21-2013	Amend	5-1-2013	635-005-0355	6-15-2013	Amend(T)	7-1-2013
632-015-0050	3-21-2013	Amend	5-1-2013	635-005-0410	1-1-2013	Amend	2-1-2013
632-015-0055	3-21-2013	Amend	5-1-2013	635-005-0430	5-14-2013	Amend	6-1-2013
632-015-0060	3-21-2013	Amend	5-1-2013	635-005-0465	12-12-2012	Amend(T)	1-1-2013
632-020-0005	3-21-2013	Amend	5-1-2013	635-005-0465(T)	12-12-2012	Suspend	1-1-2013
632-020-0010	3-21-2013	Amend	5-1-2013	635-005-0480	1-1-2013	Amend	2-1-2013
632-020-0015	3-21-2013	Amend	5-1-2013	635-005-0585	1-1-2013	Amend	2-1-2013
632-020-0025	3-21-2013	Amend	5-1-2013	635-005-0605	5-14-2013	Amend	6-1-2013
632-020-0028	3-21-2013	Adopt	5-1-2013	635-005-0660	5-14-2013	Amend	6-1-2013

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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(T)	4-1-2013	Suspend	5-1-2013
635-005-0760	5-14-2013	Amend	6-1-2013	635-017-0095(T)	7-25-2013	Suspend	9-1-2013
635-005-0800	1-1-2013	Amend	2-1-2013	635-018-0080	1-1-2013	Amend	2-1-2013
635-005-0820	5-14-2013	Amend	6-1-2013	635-018-0090	1-1-2013	Amend	2-1-2013
635-005-0825	5-14-2013	Amend	6-1-2013	635-018-0090	4-15-2013	Amend(T)	4-1-2013
635-006-0001	1-1-2013	Amend	2-1-2013	635-018-0090	8-1-2013	Amend(T)	8-1-2013
635-006-0001	5-14-2013	Amend	6-1-2013	635-019-0080	1-1-2013	Amend	2-1-2013
635-006-0165	5-14-2013	Amend	6-1-2013	635-019-0090	1-1-2013	Amend	2-1-2013
635-006-0200	1-1-2013	Amend	2-1-2013	635-019-0090	1-1-2013	Amend(T)	2-1-2013
635-006-0210	1-1-2013	Amend	2-1-2013	635-019-0090	5-16-2013	Amend(T)	6-1-2013
635-006-0211	1-1-2013	Amend	2-1-2013	635-019-0090	5-24-2013	Amend(T)	7-1-2013
635-006-0212	7-3-2013	Amend(T)	8-1-2013	635-019-0090	6-1-2013	Amend(T)	7-1-2013
635-006-0215	1-1-2013	Amend	2-1-2013	635-019-0090	7-5-2013	Amend(T)	8-1-2013
635-006-0215	7-3-2013	Amend(T)	8-1-2013	635-019-0090	7-19-2013	Amend(T)	8-1-2013
635-006-0225	7-3-2013	Amend(T)	8-1-2013	635-019-0090(T)	5-24-2013	Suspend	7-1-2013
635-006-0232	1-14-2013	Amend	2-1-2013	635-019-0090(T)	6-1-2013	Suspend	7-1-2013
635-006-1025	5-14-2013	Amend	6-1-2013	635-019-0090(T)	7-5-2013	Suspend	8-1-2013
635-006-1075	5-14-2013	Amend	6-1-2013	635-019-0090(T)	7-19-2013	Suspend	8-1-2013
635-008-0120	7-26-2013	Amend(T)	9-1-2013	635-021-0080	1-1-2013	Amend	2-1-2013
635-008-0120	8-5-2013	Amend	9-1-2013	635-021-0090	1-1-2013	Amend	2-1-2013
635-008-0151	5-10-2013	Amend	6-1-2013	635-021-0090	7-1-2013	Amend(T)	8-1-2013
635-008-0151	8-5-2013	Amend	9-1-2013	635-023-0080	1-1-2013	Amend	2-1-2013
635-008-0151(T)	5-10-2013	Repeal	6-1-2013	635-023-0090	1-1-2013	Amend	2-1-2013
635-008-0175	1-1-2013	Amend	2-1-2013	635-023-0095	1-1-2013	Amend	2-1-2013
635-011-0100	1-1-2013	Amend	2-1-2013	635-023-0095	1-1-2013	Amend(T)	2-1-2013
635-011-0102	1-1-2013	Amend	2-1-2013	635-023-0095	2-28-2013	Amend(T)	3-1-2013
635-013-0003	1-1-2013	Amend	2-1-2013	635-023-0095	4-1-2013	Amend(T)	5-1-2013
635-013-0003	5-1-2013	Amend(T)	6-1-2013	635-023-0095	6-14-2013	Amend(T)	7-1-2013
635-013-0003	5-14-2013	Amend	6-1-2013	635-023-0095	6-21-2013	Amend(T)	8-1-2013
635-013-0003(T)	5-14-2013	Repeal	6-1-2013	635-023-0095	6-29-2013	Amend(T)	8-1-2013
635-013-0004	1-1-2013	Amend	2-1-2013	635-023-0095(T)	2-28-2013	Suspend	3-1-2013
635-013-0007	7-1-2013	Amend	7-1-2013	635-023-0095(T)	4-1-2013	Suspend	5-1-2013
635-013-0009	7-1-2013	Amend	7-1-2013	635-023-0095(T)	6-14-2013	Suspend	7-1-2013
635-014-0080	1-1-2013	Amend	2-1-2013	635-023-0095(T)	6-21-2013	Suspend	8-1-2013
635-014-0090	1-1-2013	Amend	2-1-2013	635-023-0095(T)	6-29-2013	Suspend	8-1-2013
635-014-0090	4-1-2013	Amend(T)	5-1-2013	635-023-0125	1-1-2013	Amend	2-1-2013
635-014-0090	6-1-2013	Amend(T)	7-1-2013	635-023-0125	2-28-2013	Amend(T)	3-1-2013
635-014-0090	6-30-2013	Amend(T)	8-1-2013	635-023-0125	4-5-2013	Amend(T)	5-1-2013
635-014-0090	7-1-2013	Amend	7-1-2013	635-023-0125	5-25-2013	Amend(T)	7-1-2013
635-014-0090(T)	6-1-2013	Suspend	7-1-2013	635-023-0125	6-8-2013	Amend(T)	7-1-2013
635-014-0090(T)	7-1-2013	Repeal	7-1-2013	635-023-0125(T)	4-5-2013	Suspend	5-1-2013
635-016-0080	1-1-2013	Amend	2-1-2013	635-023-0125(T)	5-25-2013	Suspend	7-1-2013
635-016-0090	1-1-2013	Amend	2-1-2013	635-023-0125(T)	6-8-2013	Suspend	7-1-2013
635-016-0090	1-1-2013	Amend(T)	2-1-2013	635-023-0128	1-1-2013	Amend	2-1-2013
635-016-0090	4-1-2013	Amend(T)	5-1-2013	635-023-0128	6-16-2013	Amend(T)	7-1-2013
635-016-0090	7-1-2013	Amend	7-1-2013	635-023-0128	6-27-2013	Amend(T)	8-1-2013
635-016-0090(T)	4-1-2013	Suspend	5-1-2013	635-023-0128	7-13-2013	Amend(T)	8-1-2013
635-016-0090(T)	7-1-2013	Repeal	7-1-2013	635-023-0128(T)	6-27-2013	Suspend	8-1-2013
635-017-0080	1-1-2013	Amend	2-1-2013	635-023-0128(T)	7-13-2013	Suspend	8-1-2013
635-017-0090	1-1-2013	Amend	2-1-2013	635-023-0130	1-1-2013	Amend	2-1-2013
635-017-0090	7-11-2013	Amend(T)	8-1-2013	635-023-0130	8-1-2013	Amend(T)	9-1-2013
635-017-0095	1-1-2013	Amend	2-1-2013	635-023-0134	1-1-2013	Amend	2-1-2013
635-017-0095	2-14-2013	Amend(T)	3-1-2013	635-023-0134	5-4-2013	Amend(T)	6-1-2013
635-017-0095	2-28-2013	Amend(T)	4-1-2013	635-023-0134	7-21-2013	Amend(T)	9-1-2013

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635-039-0080	1-3-2013	Amend	2-1-2013	635-042-0135	1-31-2013	Amend(T)	3-1-2013
635-039-0080	5-1-2013	Amend(T)	5-1-2013	635-042-0145	2-11-2013	Amend(T)	3-1-2013
635-039-0080	5-14-2013	Amend	6-1-2013	635-042-0145	3-13-2013	Amend(T)	4-1-2013
635-039-0080(T)	5-14-2013	Repeal	6-1-2013	635-042-0145	5-15-2013	Amend(T)	6-1-2013
635-039-0085	6-28-2013	Amend(T)	8-1-2013	635-042-0145	5-22-2013	Amend(T)	7-1-2013
635-039-0085	7-23-2013	Amend(T)	9-1-2013	635-042-0145	5-29-2013	Amend(T)	7-1-2013
635-039-0085	8-8-2013	Amend(T)	9-1-2013	635-042-0145	7-31-2013	Amend(T)	9-1-2013
635-039-0085(T)	7-23-2013	Suspend	9-1-2013	635-042-0145	8-9-2013	Amend(T)	9-1-2013
635-039-0085(T)	8-8-2013	Suspend	9-1-2013	635-042-0145(T)	3-13-2013	Suspend	4-1-2013
635-039-0090	1-1-2013	Amend	2-1-2013	635-042-0145(T)	5-15-2013	Suspend	6-1-2013
635-039-0090	1-1-2013	Amend(T)	2-1-2013	635-042-0145(T)	5-22-2013	Suspend	7-1-2013
635-039-0090	4-1-2013	Amend(T)	5-1-2013	635-042-0145(T)	5-29-2013	Suspend	7-1-2013
635-039-0090	5-14-2013	Amend	6-1-2013	635-042-0145(T)	8-9-2013	Suspend	9-1-2013
635-039-0090(T)	4-1-2013	Suspend	5-1-2013	635-042-0160	2-11-2013	Amend(T)	3-1-2013
635-039-0090(T)	5-14-2013	Repeal	6-1-2013	635-042-0160	3-21-2013	Amend(T)	5-1-2013
635-041-0020	1-1-2013	Amend	2-1-2013	635-042-0160(T)	3-21-2013	Suspend	5-1-2013
635-041-0045	2-1-2013	Amend(T)	3-1-2013	635-042-0170	2-11-2013	Amend(T)	3-1-2013
635-041-0045	3-6-2013	Amend(T)	4-1-2013	635-042-0170	5-15-2013	Amend(T)	6-1-2013
635-041-0045	6-16-2013	Amend(T)	7-1-2013	635-042-0170(T)	5-15-2013	Suspend	6-1-2013
635-041-0045	8-12-2013	Amend(T)	9-1-2013	635-042-0180	2-11-2013	Amend(T)	3-1-2013
635-041-0045(T)	3-6-2013	Suspend	4-1-2013	635-042-0180	3-21-2013	Amend(T)	5-1-2013
635-041-0045(T)	6-16-2013	Suspend	7-1-2013	635-042-0180(T)	3-21-2013	Suspend	5-1-2013
635-041-0045(T)	8-12-2013	Suspend	9-1-2013	635-043-0051	6-10-2013	Amend	7-1-2013
635-041-0063	5-24-2013	Amend(T)	7-1-2013	635-045-0000	1-1-2013	Amend	2-1-2013
635-041-0065	2-1-2013	Amend(T)	3-1-2013	635-045-0000	8-5-2013	Amend	9-1-2013
635-041-0065	2-27-2013	Amend(T)	4-1-2013	635-045-0002	1-1-2013	Amend	2-1-2013
635-041-0065	3-6-2013	Amend(T)	4-1-2013	635-050-0050	6-10-2013	Amend	7-1-2013
635-041-0065	5-21-2013	Amend(T)	7-1-2013	635-051-0000	8-5-2013	Amend	9-1-2013
635-041-0065	6-8-2013	Amend(T)	7-1-2013	635-052-0000	8-5-2013	Amend	9-1-2013
635-041-0065(T)	2-27-2013	Suspend	4-1-2013	635-053-0000	8-5-2013	Amend	9-1-2013
635-041-0065(T)	3-6-2013	Suspend	4-1-2013	635-053-0035	1-23-2013	Amend(T)	3-1-2013
635-041-0065(T)	5-21-2013	Suspend	7-1-2013	635-054-0000	8-5-2013	Amend	9-1-2013
635-041-0065(T)	6-8-2013	Suspend	7-1-2013	635-056-0050	12-18-2012	Amend	2-1-2013
635-041-0065(T)	6-16-2013	Suspend	7-1-2013	635-056-0075	12-18-2012	Amend	2-1-2013
635-041-0075	8-12-2013	Amend(T)	9-1-2013	635-060-0000	8-5-2013	Amend	9-1-2013
635-041-0075	8-19-2013	Amend(T)	9-1-2013	635-060-0005	1-23-2013	Amend	3-1-2013
635-041-0075(T)	8-19-2013	Suspend	9-1-2013	635-060-0040	3-11-2013	Amend(T)	4-1-2013
635-041-0076	6-16-2013	Amend(T)	7-1-2013	635-065-0001	1-1-2013	Amend	2-1-2013
635-041-0076	6-29-2013	Amend(T)	8-1-2013	635-065-0011	1-1-2013	Adopt	2-1-2013
635-041-0076	7-6-2013	Amend(T)	8-1-2013	635-065-0011	2-7-2013	Amend	3-1-2013
635-041-0076	7-15-2013	Amend(T)	8-1-2013	635-065-0015	1-1-2013	Amend	2-1-2013
635-041-0076	7-22-2013	Amend(T)	9-1-2013	635-065-0090	1-1-2013	Amend	2-1-2013
635-041-0076(T)	6-29-2013	Suspend	8-1-2013	635-065-0401	1-1-2013	Amend	2-1-2013
635-041-0076(T)	7-6-2013	Suspend	8-1-2013	635-065-0625	1-1-2013	Amend	2-1-2013
635-041-0076(T)	7-15-2013	Suspend	8-1-2013	635-065-0625	7-26-2013	Amend(T)	9-1-2013
635-041-0076(T)	7-22-2013	Suspend	9-1-2013	635-065-0735	1-1-2013	Amend	2-1-2013
635-042-0022	4-9-2013	Amend(T)	5-1-2013	635-065-0740	1-1-2013	Amend	2-1-2013
635-042-0022	5-15-2013	Amend(T)	6-1-2013	635-065-0760	1-1-2013	Amend	2-1-2013
635-042-0022	5-22-2013	Amend(T)	7-1-2013	635-065-0765	2-1-2013	Amend	2-1-2013
635-042-0022	5-29-2013	Amend(T)	7-1-2013	635-065-0765	2-7-2013	Amend	3-1-2013
635-042-0022(T)	5-22-2013	Suspend	7-1-2013	635-065-0765(T)	2-7-2013	Repeal	3-1-2013
635-042-0022(T)	5-29-2013	Suspend	7-1-2013	635-066-0000	1-1-2013	Amend	2-1-2013
635-042-0027	6-16-2013	Amend(T)	7-1-2013	635-066-0010	1-1-2013	Amend	2-1-2013
635-042-0027	7-15-2013	Amend(T)	8-1-2013	635-066-0020	1-1-2013	Amend	2-1-2013
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635-067-0004	1-1-2013	Amend	2-1-2013	660-044-0005	1-1-2013	Amend	1-1-2013
635-068-0000	3-1-2013	Amend	3-1-2013	660-044-0040	1-1-2013	Adopt	1-1-2013
635-068-0000	6-10-2013	Amend	7-1-2013	660-044-0045	1-1-2013	Adopt	1-1-2013
635-069-0000	2-1-2013	Amend	2-1-2013	660-044-0050	1-1-2013	Adopt	1-1-2013
635-069-0000	6-10-2013	Amend	7-1-2013	660-044-0055	1-1-2013	Adopt	1-1-2013
635-070-0000	4-1-2013	Amend	4-1-2013	660-044-0060	1-1-2013	Adopt	1-1-2013
635-070-0000	6-10-2013	Amend	7-1-2013	661-010-0075	5-1-2013	Amend(T)	6-1-2013
635-070-0020	2-7-2013	Amend	3-1-2013	668-010-0010	5-15-2013	Amend	6-1-2013
635-071-0000	4-1-2013	Amend	4-1-2013	668-030-0010	7-16-2013	Amend	9-1-2013
635-071-0000	6-10-2013	Amend	7-1-2013	690-022-0005	7-1-2013	Adopt(T)	8-1-2013
635-072-0000	1-1-2013	Amend	2-1-2013	690-022-0010	7-1-2013	Adopt(T)	8-1-2013
635-073-0000	2-1-2013	Amend	2-1-2013	690-022-0015	7-1-2013	Adopt(T)	8-1-2013
635-073-0000	6-10-2013	Amend	7-1-2013	690-501-0005	12-12-2012	Amend	1-1-2013
635-073-0065	2-1-2013	Amend	2-1-2013	690-501-0010	12-12-2012	Amend	1-1-2013
635-073-0070	2-1-2013	Amend	2-1-2013	690-501-0020	12-12-2012	Repeal	1-1-2013
635-075-0005	3-11-2013	Amend(T)	4-1-2013	690-501-0030	12-12-2012	Amend	1-1-2013
635-075-0005	6-10-2013	Amend	7-1-2013	690-515-0000	12-12-2012	Amend	1-1-2013
635-075-0005(T)	6-10-2013	Repeal	7-1-2013	690-515-0010	12-12-2012	Amend	1-1-2013
635-078-0011	1-1-2013	Amend	2-1-2013	690-515-0020	12-12-2012	Amend	1-1-2013
635-095-0125	12-31-2012	Amend(T)	2-1-2013	690-515-0030	12-12-2012	Amend	1-1-2013
635-095-0125	6-10-2013	Amend	7-1-2013	690-515-0040	12-12-2012	Amend	1-1-2013
635-095-0125(T)	6-10-2013	Repeal	7-1-2013	690-515-0050	12-12-2012	Amend	1-1-2013
635-110-0009	5-23-2013	Adopt(T)	7-1-2013	690-515-0060	12-12-2012	Amend	1-1-2013
635-110-0010	5-23-2013	Amend(T)	7-1-2013	690-516-0005	12-12-2012	Amend	1-1-2013
635-110-0010	7-12-2013	Amend	8-1-2013	690-516-0010	12-12-2012	Amend	1-1-2013
635-110-0010(T)	7-12-2013	Repeal	8-1-2013	690-516-0020	12-12-2012	Repeal	1-1-2013
635-110-0020	5-23-2013	Amend(T)	7-1-2013	690-516-0030	12-12-2012	Amend	1-1-2013
635-110-0020	7-12-2013	Amend	8-1-2013	690-517-0000	12-12-2012	Amend	1-1-2013
635-110-0020(T)	7-12-2013	Repeal	8-1-2013	690-517-0020	12-12-2012	Amend	1-1-2013
635-170-0001	8-5-2013	Amend	9-1-2013	690-517-0030	12-12-2012	Amend	1-1-2013
635-180-0001	8-5-2013	Amend	9-1-2013	690-517-0040	12-12-2012	Amend	1-1-2013
635-500-6650	1-14-2013	Adopt	2-1-2013	690-517-0050	12-12-2012	Repeal	1-1-2013
635-500-6700	1-1-2013	Adopt	2-1-2013	690-518-0010	12-12-2012	Amend	1-1-2013
635-500-6705	1-1-2013	Adopt	2-1-2013	690-518-0030	12-12-2012	Amend	1-1-2013
635-500-6710	1-1-2013	Adopt	2-1-2013	690-518-0040	12-12-2012	Repeal	1-1-2013
635-500-6715	1-1-2013	Adopt	2-1-2013	690-518-0050	12-12-2012	Amend	1-1-2013
635-500-6720	1-1-2013	Adopt	2-1-2013	695-045-0010	1-30-2013	Amend	3-1-2013
635-500-6725	1-1-2013	Adopt	2-1-2013	695-045-0020	1-30-2013	Amend	3-1-2013
635-500-6730	1-1-2013	Adopt	2-1-2013	695-045-0025	1-30-2013	Repeal	3-1-2013
635-500-6735	1-1-2013	Adopt	2-1-2013	695-045-0030	1-30-2013	Repeal	3-1-2013
635-500-6740	1-1-2013	Adopt	2-1-2013	695-045-0035	1-30-2013	Repeal	3-1-2013
635-500-6745	1-1-2013	Adopt	2-1-2013	695-045-0040	1-30-2013	Repeal	3-1-2013
635-500-6750	1-1-2013	Adopt	2-1-2013	695-045-0045	1-30-2013	Repeal	3-1-2013
635-500-6755	1-1-2013	Adopt	2-1-2013	695-045-0050	1-30-2013	Repeal	3-1-2013
635-500-6760	1-1-2013	Adopt	2-1-2013	695-045-0055	1-30-2013	Repeal	3-1-2013
635-500-6765	1-1-2013	Adopt	2-1-2013	695-045-0060	1-30-2013	Repeal	3-1-2013
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

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695-045-0150	1-30-2013	Repeal	3-1-2013	734-010-0300	11-21-2012	Amend	1-1-2013
695-045-0160	1-30-2013	Adopt	3-1-2013	734-010-0310	11-21-2012	Repeal	1-1-2013
695-045-0165	1-30-2013	Adopt	3-1-2013	734-010-0320	11-21-2012	Amend	1-1-2013
695-045-0170	1-30-2013	Adopt	3-1-2013	734-010-0330	11-21-2012	Amend	1-1-2013
695-045-0175	1-30-2013	Adopt	3-1-2013	734-010-0340	11-21-2012	Amend	1-1-2013
695-045-0180	1-30-2013	Adopt	3-1-2013	734-010-0350	11-21-2012	Amend	1-1-2013
695-045-0185	1-30-2013	Adopt	3-1-2013	734-010-0370	11-21-2012	Repeal	1-1-2013
695-045-0190	1-30-2013	Adopt	3-1-2013	734-010-0380	11-21-2012	Amend	1-1-2013
695-045-0195	1-30-2013	Adopt	3-1-2013	734-030-0005	3-1-2013	Amend	3-1-2013
695-045-0200	1-30-2013	Adopt	3-1-2013	734-030-0010	3-1-2013	Amend	3-1-2013
695-045-0205	1-30-2013	Adopt	3-1-2013	734-030-0015	3-1-2013	Amend	3-1-2013
695-045-0210	1-30-2013	Adopt	3-1-2013	734-030-0016	3-1-2013	Adopt	3-1-2013
695-045-0215	1-30-2013	Adopt	3-1-2013	734-059-0100	11-20-2012	Amend	1-1-2013
695-046-0010	6-19-2013	Amend	8-1-2013	734-073-0090	12-21-2012	Repeal	2-1-2013
695-046-0020	6-19-2013	Amend	8-1-2013	734-075-0010	5-16-2013	Amend	7-1-2013
695-046-0025	6-19-2013	Repeal	8-1-2013	734-075-0011	5-16-2013	Amend	7-1-2013
695-046-0030	6-19-2013	Repeal	8-1-2013	735-001-0050	3-22-2013	Amend	5-1-2013
695-046-0040	6-19-2013	Repeal	8-1-2013	735-001-0062	1-1-2013	Adopt	2-1-2013
695-046-0050	6-19-2013	Repeal	8-1-2013	735-001-0062	5-3-2013	Adopt	6-1-2013
695-046-0060	6-19-2013	Repeal	8-1-2013	735-012-0000	11-19-2012	Amend	1-1-2013
695-046-0070	6-19-2013	Repeal	8-1-2013	735-012-0000(T)	11-19-2012	Repeal	1-1-2013
695-046-0080	6-19-2013	Repeal	8-1-2013	735-048-0000	4-22-2013	Amend	6-1-2013
695-046-0090	6-19-2013	Repeal	8-1-2013	735-048-0020	4-22-2013	Amend	6-1-2013
695-046-0100	6-19-2013	Repeal	8-1-2013	735-048-0030	4-22-2013	Amend	6-1-2013
695-046-0110	6-19-2013	Repeal	8-1-2013	735-048-0040	4-22-2013	Amend	6-1-2013
695-046-0120	6-19-2013	Repeal	8-1-2013	735-048-0050	4-22-2013	Amend	6-1-2013
695-046-0130	6-19-2013	Repeal	8-1-2013	735-048-0060	4-22-2013	Amend	6-1-2013
695-046-0140	6-19-2013	Repeal	8-1-2013	735-048-0070	4-22-2013	Amend	6-1-2013
695-046-0150	6-19-2013	Repeal	8-1-2013	735-048-0080	4-22-2013	Amend	6-1-2013
695-046-0160	6-19-2013	Repeal	8-1-2013	735-050-0100	5-23-2013	Amend	7-1-2013
695-046-0170	6-19-2013	Repeal	8-1-2013	735-050-0120	6-21-2013	Amend(T)	8-1-2013
695-046-0175	6-19-2013	Adopt	8-1-2013	735-062-0080	2-1-2013	Amend	3-1-2013
695-046-0180	6-19-2013	Adopt	8-1-2013	735-064-0005	3-22-2013	Amend	5-1-2013
695-046-0185	6-19-2013	Adopt	8-1-2013	735-064-0020	3-22-2013	Amend	5-1-2013
695-046-0190	6-19-2013	Adopt	8-1-2013	735-064-0060	3-22-2013	Amend	5-1-2013
695-046-0195	6-19-2013	Adopt	8-1-2013	735-064-0100	3-22-2013	Amend	5-1-2013
695-046-0200	6-19-2013	Adopt	8-1-2013	735-064-0110	3-22-2013	Amend	5-1-2013
695-046-0205	6-19-2013	Adopt	8-1-2013	735-070-0006	11-19-2012	Adopt	1-1-2013
695-046-0210	6-19-2013	Adopt	8-1-2013	735-070-0080	5-23-2013	Amend	7-1-2013
695-046-0215	6-19-2013	Adopt	8-1-2013	735-070-0085	6-21-2013	Amend(T)	8-1-2013
695-046-0220	6-19-2013	Adopt	8-1-2013	735-072-0020	5-1-2013	Amend	6-1-2013
695-046-0225	6-19-2013	Adopt	8-1-2013	735-072-0023	5-1-2013	Amend	6-1-2013
695-046-0230	6-19-2013	Adopt	8-1-2013	735-164-0000	5-23-2013	Amend	7-1-2013
705-010-0070	5-2-2013	Amend	6-1-2013	735-164-0010	5-23-2013	Amend	7-1-2013
731-001-0000	5-17-2013	Amend	7-1-2013	735-164-0020	5-23-2013	Amend	7-1-2013
731-005-0780	7-18-2013	Amend	9-1-2013	736-010-0005	7-19-2013	Amend	9-1-2013
731-070-0050	6-21-2013	Amend	8-1-2013	736-010-0015	7-19-2013	Amend	9-1-2013
733-001-0000	4-15-2013	Amend	5-1-2013	736-010-0020	7-19-2013	Amend	9-1-2013
733-001-0005	4-15-2013	Amend	5-1-2013	736-010-0022	7-19-2013	Amend	9-1-2013
733-001-0010	4-15-2013	Adopt	5-1-2013	736-010-0025	7-19-2013	Amend	9-1-2013
733-001-0015	4-15-2013	Adopt	5-1-2013	736-010-0026	7-19-2013	Amend	9-1-2013
733-001-0025	4-15-2013	Adopt	5-1-2013	736-010-0027	7-19-2013	Amend	9-1-2013
733-001-0030	4-15-2013	Adopt	5-1-2013	736-010-0030	7-19-2013	Amend	9-1-2013
733-001-0035	4-15-2013	Adopt	5-1-2013	736-010-0035	7-19-2013	Amend	9-1-2013
734-010-0220	11-21-2012	Amend	1-1-2013	736-010-0040	7-19-2013	Amend	9-1-2013
734-010-0290	11-21-2012	Amend	1-1-2013	736-010-0050	7-19-2013	Amend	9-1-2013

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736-010-0060	11-16-2012	Amend	1-1-2013	736-045-0505	12-13-2012	Adopt	1-1-2013
736-010-0060	7-19-2013	Amend	9-1-2013	736-053-0100	7-19-2013	Amend	9-1-2013
736-010-0065	7-19-2013	Amend	9-1-2013	736-053-0105	7-19-2013	Amend	9-1-2013
736-015-0006	11-16-2012	Amend	1-1-2013	736-053-0110	7-19-2013	Amend	9-1-2013
736-015-0015	11-16-2012	Amend	1-1-2013	736-053-0115	7-19-2013	Amend	9-1-2013
736-018-0045	12-31-2012	Amend	1-1-2013	736-053-0120	7-19-2013	Amend	9-1-2013
736-021-0010	2-1-2013	Amend	2-1-2013	736-053-0125	7-19-2013	Amend	9-1-2013
736-021-0020	2-1-2013	Amend	2-1-2013	736-053-0130	7-19-2013	Amend	9-1-2013
736-021-0030	2-1-2013	Amend	2-1-2013	736-053-0135	7-19-2013	Amend	9-1-2013
736-021-0040	2-1-2013	Amend	2-1-2013	736-053-0140	7-19-2013	Amend	9-1-2013
736-021-0050	2-1-2013	Amend	2-1-2013	736-053-0200	7-19-2013	Amend	9-1-2013
736-021-0060	2-1-2013	Amend	2-1-2013	736-053-0205	7-19-2013	Amend	9-1-2013
736-021-0065	2-1-2013	Adopt	2-1-2013	736-053-0210	7-19-2013	Amend	9-1-2013
736-021-0070	2-1-2013	Amend	2-1-2013	736-053-0215	7-19-2013	Amend	9-1-2013
736-021-0080	2-1-2013	Amend	2-1-2013	736-053-0220	7-19-2013	Amend	9-1-2013
736-021-0090	2-1-2013	Amend	2-1-2013	736-053-0225	7-19-2013	Amend	9-1-2013
736-021-0100	2-1-2013	Amend	2-1-2013	736-053-0230	7-19-2013	Amend	9-1-2013
736-021-0110	2-1-2013	Repeal	2-1-2013	736-053-0235	7-19-2013	Amend	9-1-2013
736-021-0120	2-1-2013	Amend	2-1-2013	736-053-0300	7-19-2013	Amend	9-1-2013
736-021-0130	2-1-2013	Amend	2-1-2013	736-053-0305	7-19-2013	Amend	9-1-2013
736-021-0140	2-1-2013	Amend	2-1-2013	736-053-0315	7-19-2013	Amend	9-1-2013
736-021-0150	2-1-2013	Amend	2-1-2013	736-053-0325	7-19-2013	Amend	9-1-2013
736-021-0160	2-1-2013	Amend	2-1-2013	740-055-0035	5-16-2013	Adopt	7-1-2013
736-045-0006	12-13-2012	Adopt	1-1-2013	740-060-0010	6-20-2013	Amend	8-1-2013
736-045-0011	12-13-2012	Adopt	1-1-2013	740-060-0020	6-20-2013	Amend	8-1-2013
736-045-0100	12-13-2012	Adopt	1-1-2013	740-060-0030	1-18-2013	Amend(T)	3-1-2013
736-045-0200	12-13-2012	Adopt	1-1-2013	740-060-0030	6-20-2013	Repeal	8-1-2013
736-045-0300	12-13-2012	Adopt	1-1-2013	740-060-0035	6-20-2013	Adopt	8-1-2013
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	740-110-0010	4-22-2013	Amend	6-1-2013
736-045-0438	12-13-2012	Adopt	1-1-2013	740-200-0010	1-17-2013	Amend	3-1-2013
736-045-0440	12-13-2012	Adopt	1-1-2013	740-200-0020	1-17-2013	Amend	3-1-2013
736-045-0442	12-13-2012	Adopt	1-1-2013	740-200-0040	1-17-2013	Amend	3-1-2013
736-045-0444	12-13-2012	Adopt	1-1-2013	800-001-0020	2-1-2013	Amend	2-1-2013
736-045-0446	12-13-2012	Adopt	1-1-2013	800-010-0020	2-1-2013	Amend	2-1-2013
736-045-0448	12-13-2012	Adopt	1-1-2013	800-010-0030	2-1-2013	Amend	2-1-2013

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800-020-0015	2-1-2013	Amend	2-1-2013	812-006-0100	5-1-2013	Amend	6-1-2013
800-020-0025	8-5-2013	Amend(T)	9-1-2013	812-006-0150	5-1-2013	Amend	6-1-2013
800-020-0030	2-1-2013	Amend	2-1-2013	812-006-0200	5-1-2013	Amend	6-1-2013
800-020-0035	2-1-2013	Amend	2-1-2013	812-006-0250	5-1-2013	Amend	6-1-2013
800-030-0025	2-1-2013	Amend	2-1-2013	812-006-0300	5-1-2013	Amend	6-1-2013
801-001-0035	1-8-2013	Amend	2-1-2013	812-006-0350	5-1-2013	Amend	6-1-2013
804-001-0002	7-1-2013	Amend	7-1-2013	812-006-0400	5-1-2013	Amend	6-1-2013
804-003-0000	6-20-2013	Amend(T)	8-1-2013	812-006-0450	5-1-2013	Amend	6-1-2013
804-010-0000	11-21-2012	Amend	1-1-2013	813-001-0007	6-21-2013	Amend(T)	8-1-2013
804-010-0000(T)	11-21-2012	Repeal	1-1-2013	813-004-0001	3-28-2013	Adopt	5-1-2013
804-020-0001	11-21-2012	Amend	1-1-2013	813-004-0001(T)	3-28-2013	Repeal	5-1-2013
804-020-0001(T)	11-21-2012	Repeal	1-1-2013	813-004-0002	3-28-2013	Adopt	5-1-2013
804-020-0003	11-21-2012	Amend	1-1-2013	813-004-0002(T)	3-28-2013	Repeal	5-1-2013
804-020-0003(T)	11-21-2012	Repeal	1-1-2013	813-004-0200	1-4-2013	Adopt	2-1-2013
804-020-0010	11-21-2012	Amend	1-1-2013	813-004-0210	1-4-2013	Adopt	2-1-2013
804-020-0010(T)	11-21-2012	Repeal	1-1-2013	813-004-0220	1-4-2013	Adopt	2-1-2013
804-020-0015	11-21-2012	Amend	1-1-2013	813-004-0230	1-4-2013	Adopt	2-1-2013
804-020-0015(T)	11-21-2012	Repeal	1-1-2013	813-004-0240	1-4-2013	Adopt	2-1-2013
804-020-0030	11-21-2012	Amend	1-1-2013	813-004-0250	1-4-2013	Adopt	2-1-2013
804-020-0030(T)	11-21-2012	Repeal	1-1-2013	813-004-0260	1-4-2013	Adopt	2-1-2013
804-020-0040	11-21-2012	Amend	1-1-2013	813-004-0270	1-4-2013	Adopt	2-1-2013
804-020-0040(T)	11-21-2012	Repeal	1-1-2013	813-004-0280	1-4-2013	Adopt	2-1-2013
804-020-0045	11-21-2012	Amend	1-1-2013	813-004-0290	1-4-2013	Adopt	2-1-2013
804-020-0045(T)	11-21-2012	Repeal	1-1-2013	813-004-0300	1-4-2013	Adopt	2-1-2013
804-020-0065	11-21-2012	Amend	1-1-2013	813-004-0310	1-4-2013	Adopt	2-1-2013
804-020-0065(T)	11-21-2012	Repeal	1-1-2013	813-005-0001	6-21-2013	Amend(T)	8-1-2013
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	813-007-0040	3-21-2013	Amend(T)	5-1-2013
809-001-0020	12-21-2012	Repeal	1-1-2013	813-055-0001	6-21-2013	Amend(T)	8-1-2013
809-001-0025	12-21-2012	Repeal	1-1-2013	813-055-0010	6-21-2013	Amend(T)	8-1-2013
809-001-0030	12-21-2012	Repeal	1-1-2013	813-055-0020	6-21-2013	Amend(T)	8-1-2013
809-010-0025	12-21-2012	Amend	1-1-2013	813-055-0030	6-21-2013	Renumber	8-1-2013
809-010-0025	7-1-2013	Amend	7-1-2013	813-055-0040	6-21-2013	Amend(T)	8-1-2013
809-020-0030	12-21-2012	Amend	1-1-2013	813-055-0050	6-21-2013	Amend(T)	8-1-2013
809-055-0000	12-21-2012	Amend	1-1-2013	813-055-0060	6-21-2013	Suspend	8-1-2013
811-010-0093	6-6-2013	Amend	7-1-2013	813-055-0065	6-21-2013	Adopt(T)	8-1-2013
811-015-0002	8-2-2013	Amend	9-1-2013	813-055-0070	6-21-2013	Renumber	8-1-2013
811-015-0080	11-28-2012	Adopt	1-1-2013	813-055-0075	6-21-2013	Amend(T)	8-1-2013
812-002-0640	5-1-2013	Amend	6-1-2013	813-055-0080	6-21-2013	Renumber	8-1-2013

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813-055-0090	6-21-2013	Renumber	8-1-2013	813-120-0032	6-21-2013	Amend(T)	8-1-2013
813-055-0095	6-21-2013	Adopt(T)	8-1-2013	813-120-0035	6-21-2013	Amend(T)	8-1-2013
813-055-0100	6-21-2013	Suspend	8-1-2013	813-120-0040	6-21-2013	Suspend	8-1-2013
813-055-0105	6-21-2013	Amend(T)	8-1-2013	813-120-0045	6-21-2013	Amend(T)	8-1-2013
813-055-0110	6-21-2013	Suspend	8-1-2013	813-120-0047	6-21-2013	Amend(T)	8-1-2013
813-055-0115	6-21-2013	Amend(T)	8-1-2013	813-120-0050	6-21-2013	Amend(T)	8-1-2013
813-090-0005	6-21-2013	Amend(T)	8-1-2013	813-120-0060	6-21-2013	Suspend	8-1-2013
813-090-0010	6-21-2013	Amend(T)	8-1-2013	813-120-0070	6-21-2013	Renumber	8-1-2013
813-090-0015	6-21-2013	Amend(T)	8-1-2013	813-120-0080	6-21-2013	Renumber	8-1-2013
813-090-0025	6-21-2013	Renumber	8-1-2013	813-120-0090	6-21-2013	Renumber	8-1-2013
813-090-0027	6-21-2013	Suspend	8-1-2013	813-120-0105	6-21-2013	Renumber	8-1-2013
813-090-0029	6-21-2013	Renumber	8-1-2013	813-120-0110	6-21-2013	Amend(T)	8-1-2013
813-090-0030	6-21-2013	Renumber	8-1-2013	813-120-0120	6-21-2013	Amend(T)	8-1-2013
813-090-0031	6-21-2013	Suspend	8-1-2013	813-120-0130	6-21-2013	Amend(T)	8-1-2013
813-090-0035	6-21-2013	Amend(T)	8-1-2013	813-120-0140	6-21-2013	Suspend	8-1-2013
813-090-0036	6-21-2013	Suspend	8-1-2013	813-120-0142	6-21-2013	Adopt(T)	8-1-2013
813-090-0037	6-21-2013	Amend(T)	8-1-2013	813-130-0000	6-21-2013	Amend(T)	8-1-2013
813-090-0039	6-21-2013	Amend(T)	8-1-2013	813-130-0010	6-21-2013	Amend(T)	8-1-2013
813-090-0040	6-21-2013	Amend(T)	8-1-2013	813-130-0020	6-21-2013	Amend(T)	8-1-2013
813-090-0045	6-21-2013	Adopt(T)	8-1-2013	813-130-0030	6-21-2013	Amend(T)	8-1-2013
813-090-0048	6-21-2013	Adopt(T)	8-1-2013	813-130-0040	6-21-2013	Amend(T)	8-1-2013
813-090-0060	6-21-2013	Renumber	8-1-2013	813-130-0050	6-21-2013	Amend(T)	8-1-2013
813-090-0065	6-21-2013	Suspend	8-1-2013	813-130-0060	6-21-2013	Amend(T)	8-1-2013
813-090-0067	6-21-2013	Amend(T)	8-1-2013	813-130-0070	6-21-2013	Amend(T)	8-1-2013
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
813-110-0012	6-21-2013	Suspend	8-1-2013	813-205-0000	6-21-2013	Amend(T)	8-1-2013
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

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813-250-0010	6-4-2013	Repeal	7-1-2013	820-050-0001	6-17-2013	Adopt	8-1-2013
813-250-0020	12-6-2012	Amend(T)	1-1-2013	820-050-0001(T)	6-17-2013	Repeal	8-1-2013
813-250-0020	6-4-2013	Amend	7-1-2013	820-050-0010	3-13-2013	Adopt	4-1-2013
813-250-0020(T)	6-4-2013	Repeal	7-1-2013	830-001-0000	3-29-2013	Amend	5-1-2013
813-250-0030	12-6-2012	Amend(T)	1-1-2013	830-020-0030	3-29-2013	Amend	5-1-2013
813-250-0030	6-4-2013	Amend	7-1-2013	830-020-0040	3-29-2013	Amend	5-1-2013
813-250-0030(T)	6-4-2013	Repeal	7-1-2013	830-030-0000	3-29-2013	Amend	5-1-2013
813-250-0040	12-6-2012	Amend(T)	1-1-2013	830-030-0070	3-29-2013	Amend	5-1-2013
813-250-0040	6-4-2013	Amend	7-1-2013	830-030-0100	3-29-2013	Amend	5-1-2013
813-250-0040(T)	6-4-2013	Repeal	7-1-2013	830-040-0005	3-29-2013	Amend	5-1-2013
813-250-0050	12-6-2012	Suspend	1-1-2013	830-040-0050	3-29-2013	Amend	5-1-2013
813-250-0050	6-4-2013	Repeal	7-1-2013	833-020-0051	2-1-2013	Amend	2-1-2013
818-001-0002	7-1-2013	Amend	6-1-2013	833-020-0081	2-1-2013	Amend	2-1-2013
818-001-0087	7-1-2013	Amend	6-1-2013	833-030-0041	2-1-2013	Amend	2-1-2013
818-012-0005	7-1-2013	Amend	6-1-2013	833-040-0041	2-1-2013	Amend	2-1-2013
818-026-0000	7-1-2013	Amend	6-1-2013	833-050-0081	8-15-2013	Amend	9-1-2013
818-026-0020	7-1-2013	Amend	6-1-2013	836-011-0000	2-6-2013	Amend	3-1-2013
818-026-0060	7-1-2013	Amend	6-1-2013	836-031-0765	2-6-2013	Amend	3-1-2013
818-026-0065	7-1-2013	Amend	6-1-2013	836-053-0064	6-17-2013	Adopt(T)	8-1-2013
818-026-0070	7-1-2013	Amend	6-1-2013	836-053-0065	6-17-2013	Amend(T)	8-1-2013
818-026-0140	7-1-2013	Adopt(T)	8-1-2013	836-053-0471	6-17-2013	Amend(T)	8-1-2013
818-035-0020	7-1-2013	Amend	6-1-2013	836-053-1404	12-20-2012	Amend(T)	2-1-2013
818-035-0066	7-1-2013	Amend	6-1-2013	836-053-1404	6-17-2013	Amend	7-1-2013
818-035-0072	7-1-2013	Amend	6-1-2013	836-053-1405	12-20-2012	Amend(T)	2-1-2013
818-042-0090	7-1-2013	Amend	6-1-2013	836-053-1405	6-17-2013	Amend	7-1-2013
818-042-0095	7-1-2013	Amend	6-1-2013	837-030-0280	10-2-2012	Amend	11-1-2012
818-042-0110	7-1-2013	Amend	6-1-2013	837-085-0030	6-26-2013	Amend	8-1-2013
820-001-0025	3-13-2013	Adopt	4-1-2013	837-085-0040	2-1-2013	Amend	3-1-2013
820-010-0200	3-13-2013	Amend	4-1-2013	837-085-0040	6-26-2013	Amend	8-1-2013
820-010-0204	3-13-2013	Amend	4-1-2013	837-085-0070	2-1-2013	Amend	3-1-2013
820-010-0205	3-13-2013	Amend	4-1-2013	837-085-0080	2-1-2013	Amend	3-1-2013
820-010-0206	3-13-2013	Amend	4-1-2013	837-085-0080	6-26-2013	Amend	8-1-2013
820-010-0207	3-13-2013	Amend	4-1-2013	837-085-0300	6-26-2013	Amend	8-1-2013
820-010-0208	3-13-2013	Amend	4-1-2013	837-090-1030	7-1-2013	Amend	8-1-2013
820-010-0210	8-13-2013	Amend(T)	9-1-2013	837-090-1145	6-30-2013	Amend	8-1-2013
820-010-0212	3-13-2013	Amend	4-1-2013	837-120-0080	7-1-2013	Amend	8-1-2013
820-010-0213	3-13-2013	Amend	4-1-2013	839-009-0335	11-21-2012	Amend	1-1-2013
820-010-0214	3-13-2013	Amend	4-1-2013	839-009-0390	11-21-2012	Amend	1-1-2013
820-010-0215	3-13-2013	Amend	4-1-2013	839-009-0410	11-21-2012	Amend	1-1-2013
820-010-0217	8-13-2013	Adopt(T)	9-1-2013	839-025-0700	1-1-2013	Amend	2-1-2013
820-010-0219	8-13-2013	Adopt(T)	9-1-2013	839-025-0700	3-25-2013	Amend	5-1-2013
820-010-0225	3-13-2013	Amend	4-1-2013	845-006-0335	7-15-2013	Amend(T)	8-1-2013
820-010-0225	7-10-2013	Amend(T)	8-1-2013	845-006-0345	4-1-2013	Amend	4-1-2013
820-010-0226	3-13-2013	Amend	4-1-2013	845-006-0347	4-1-2013	Amend	4-1-2013
820-010-0226	7-10-2013	Amend(T)	8-1-2013	845-006-0392	7-15-2013	Amend(T)	8-1-2013
820-010-0325	6-17-2013	Amend	8-1-2013	845-006-0396	7-15-2013	Amend(T)	8-1-2013
820-010-0415	3-13-2013	Amend	4-1-2013	845-009-0010	5-10-2013	Amend(T)	6-1-2013
820-010-0425	3-13-2013	Amend	4-1-2013	845-009-0015	5-10-2013	Amend(T)	6-1-2013
820-010-0427	3-13-2013	Amend	4-1-2013	845-015-0170	1-1-2013	Amend	2-1-2013
820-010-0480	3-13-2013	Amend	4-1-2013	847-001-0035	7-12-2013	Adopt	8-1-2013
820-010-0520	3-13-2013	Amend	4-1-2013	847-001-0040	7-15-2013	Adopt(T)	8-1-2013
820-010-0635	3-13-2013	Amend	4-1-2013	847-005-0005	4-5-2013	Amend	5-1-2013
820-010-0720	3-13-2013	Amend	4-1-2013	847-005-0005	7-15-2013	Amend(T)	8-1-2013
820-015-0026	3-13-2013	Amend	4-1-2013	847-005-0005(T)	4-5-2013	Repeal	5-1-2013
820-020-0040	3-13-2013	Amend	4-1-2013	847-008-0003	7-15-2013	Adopt(T)	8-1-2013

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847-008-0040	4-5-2013	Amend	5-1-2013	851-050-0006	6-1-2013	Amend	6-1-2013
847-008-0040(T)	4-5-2013	Repeal	5-1-2013	851-050-0008	6-1-2013	Amend	6-1-2013
847-008-0065	1-11-2013	Amend	2-1-2013	851-050-0009	4-1-2013	Amend	4-1-2013
847-008-0068	7-15-2013	Amend(T)	8-1-2013	851-050-0009(T)	4-1-2013	Repeal	4-1-2013
847-010-0063	7-15-2013	Amend(T)	8-1-2013	851-050-0138	6-1-2013	Amend	6-1-2013
847-012-0000	4-5-2013	Amend	5-1-2013	851-052-0020	6-1-2013	Amend	6-1-2013
847-020-0100	4-5-2013	Amend	5-1-2013	851-052-0030	6-1-2013	Amend	6-1-2013
847-020-0110	4-5-2013	Amend	5-1-2013	851-052-0040	4-1-2013	Amend	4-1-2013
847-020-0115	4-5-2013	Am. & Ren.	5-1-2013	851-052-0040(T)	4-1-2013	Repeal	4-1-2013
847-020-0120	4-5-2013	Amend	5-1-2013	851-054-0040	6-1-2013	Amend	6-1-2013
847-020-0130	4-5-2013	Amend	5-1-2013	851-054-0050	6-1-2013	Amend	6-1-2013
847-020-0140	4-5-2013	Amend	5-1-2013	851-054-0055	6-1-2013	Repeal	6-1-2013
847-020-0150	4-5-2013	Amend	5-1-2013	851-054-0060	4-1-2013	Amend	4-1-2013
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

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852-060-0027	1-3-2013	Amend	2-1-2013	855-041-0165	12-17-2012	Am. & Ren.	2-1-2013
852-060-0060	1-3-2013	Amend	2-1-2013	855-041-0170	12-17-2012	Renumber	2-1-2013
852-060-0065	1-3-2013	Amend	2-1-2013	855-041-0173	12-17-2012	Renumber	2-1-2013
852-060-0070	1-3-2013	Amend	2-1-2013	855-041-0175	12-17-2012	Renumber	2-1-2013
852-070-0005	1-3-2013	Amend	2-1-2013	855-041-0177	12-17-2012	Renumber	2-1-2013
852-070-0010	1-3-2013	Amend	2-1-2013	855-041-0300	12-17-2012	Renumber	2-1-2013
852-070-0016	1-3-2013	Amend	2-1-2013	855-041-0350	12-17-2012	Renumber	2-1-2013
852-070-0020	1-3-2013	Amend	2-1-2013	855-041-0355	12-17-2012	Renumber	2-1-2013
852-070-0025	1-3-2013	Amend	2-1-2013	855-041-0360	12-17-2012	Am. & Ren.	2-1-2013
852-070-0030	1-3-2013	Amend	2-1-2013	855-041-0365	12-17-2012	Renumber	2-1-2013
852-070-0035	1-3-2013	Amend	2-1-2013	855-041-0600	12-17-2012	Renumber	2-1-2013
852-070-0040	1-3-2013	Repeal	2-1-2013	855-041-0610	12-17-2012	Renumber	2-1-2013
852-070-0045	1-3-2013	Amend	2-1-2013	855-041-0620	12-17-2012	Am. & Ren.	2-1-2013
852-070-0050	1-3-2013	Repeal	2-1-2013	855-041-0645	12-17-2012	Renumber	2-1-2013
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	855-065-0005	12-13-2012	Amend	1-1-2013
852-080-0025	1-3-2013	Amend	2-1-2013	855-110-0005	4-5-2013	Amend(T)	5-1-2013
852-080-0030	1-3-2013	Amend	2-1-2013	855-110-0005	7-1-2013	Amend(T)	8-1-2013
852-080-0040	1-3-2013	Amend	2-1-2013	855-110-0005	7-9-2013	Amend(T)	8-1-2013
855-041-0005	12-17-2012	Am. & Ren.	2-1-2013	855-110-0007	12-13-2012	Amend	1-1-2013
855-041-0007	12-17-2012	Repeal	2-1-2013	855-110-0007	7-1-2013	Amend(T)	8-1-2013
855-041-0010	12-17-2012	Renumber	2-1-2013	855-110-0007	7-9-2013	Amend(T)	8-1-2013
855-041-0015	12-17-2012	Am. & Ren.	2-1-2013	855-110-0010	7-1-2013	Amend(T)	8-1-2013
855-041-0016	12-17-2012	Renumber	2-1-2013	855-110-0010	7-9-2013	Amend(T)	8-1-2013
855-041-0017	12-17-2012	Renumber	2-1-2013	856-010-0003	8-15-2013	Amend(T)	9-1-2013
855-041-0020	12-17-2012	Renumber	2-1-2013	856-010-0006	8-15-2013	Adopt(T)	9-1-2013
855-041-0025	12-17-2012	Renumber	2-1-2013	856-010-0016	7-1-2013	Amend	8-1-2013
855-041-0026	12-17-2012	Am. & Ren.	2-1-2013	856-030-0045	1-31-2013	Adopt	3-1-2013
855-041-0030	12-17-2012	Repeal	2-1-2013	858-010-0010	2-5-2013	Amend	3-1-2013
855-041-0035	12-17-2012	Am. & Ren.	2-1-2013	858-010-0010	7-15-2013	Amend	8-1-2013
855-041-0036	12-17-2012	Renumber	2-1-2013	858-010-0010(T)	2-5-2013	Repeal	3-1-2013
855-041-0037	12-17-2012	Renumber	2-1-2013	858-010-0015	2-5-2013	Amend	3-1-2013
855-041-0040	12-17-2012	Renumber	2-1-2013	858-010-0015(T)	2-5-2013	Repeal	3-1-2013
855-041-0055	12-17-2012	Renumber	2-1-2013	858-010-0016	11-20-2012	Amend(T)	1-1-2013
855-041-0056	12-17-2012	Renumber	2-1-2013	858-010-0016	2-5-2013	Amend	3-1-2013
855-041-0057	12-17-2012	Renumber	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
855-041-0060	12-17-2012	Am. & Ren.	2-1-2013	858-010-0017(T)	11-20-2012	Suspend	1-1-2013
855-041-0061	12-17-2012	Renumber	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
855-041-0065	12-17-2012	Am. & Ren.	2-1-2013	858-020-0025	2-5-2013	Amend	3-1-2013
855-041-0075	12-17-2012	Renumber	2-1-2013	858-020-0025(T)	2-5-2013	Repeal	3-1-2013
855-041-0080	12-17-2012	Renumber	2-1-2013	859-070-0010	3-1-2013	Amend(T)	4-1-2013
855-041-0086	12-17-2012	Renumber	2-1-2013	859-070-0010	6-20-2013	Amend	8-1-2013
855-041-0095	12-17-2012	Renumber	2-1-2013	859-070-0010(T)	6-20-2013	Repeal	8-1-2013
855-041-0103	12-17-2012	Renumber	2-1-2013	859-070-0015	3-1-2013	Amend(T)	4-1-2013
855-041-0135	12-17-2012	Am. & Ren.	2-1-2013	859-070-0015	6-20-2013	Amend	8-1-2013
855-041-0140	12-17-2012	Renumber	2-1-2013	859-070-0015(T)	6-20-2013	Repeal	8-1-2013
855-041-0145	12-17-2012	Am. & Ren.	2-1-2013	860-021-0015	8-7-2013	Amend	9-1-2013
855-041-0160	12-17-2012	Am. & Ren.	2-1-2013	860-021-0170	2-14-2013	Adopt	3-1-2013
855-041-0162	12-17-2012	Am. & Ren.	2-1-2013	860-024-0020	5-30-2013	Amend	7-1-2013

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860-027-0015	3-21-2013	Amend	5-1-2013	877-001-0006	1-1-2013	Amend	1-1-2013
860-027-0050	5-17-2013	Amend	7-1-2013	877-001-0009	1-1-2013	Adopt	1-1-2013
860-032-0007	12-17-2012	Amend	2-1-2013	877-001-0020	1-1-2013	Amend	1-1-2013
860-033-0001	6-28-2013	Amend(T)	8-1-2013	877-001-0025	1-1-2013	Amend	1-1-2013
860-033-0005	6-28-2013	Amend(T)	8-1-2013	877-001-0028	1-1-2013	Adopt	1-1-2013
860-033-0006	6-28-2013	Amend(T)	8-1-2013	877-020-0008	1-1-2013	Amend	1-1-2013
860-033-0007	6-28-2013	Amend(T)	8-1-2013	877-020-0010	1-1-2013	Amend	1-1-2013
860-033-0010	6-28-2013	Amend(T)	8-1-2013	877-020-0055	1-1-2013	Amend	1-1-2013
860-033-0030	6-28-2013	Amend(T)	8-1-2013	877-020-0057	1-1-2013	Amend	1-1-2013
860-033-0035	6-28-2013	Amend(T)	8-1-2013	877-025-0006	1-1-2013	Amend	1-1-2013
860-033-0040	6-28-2013	Amend(T)	8-1-2013	877-025-0011	1-1-2013	Amend	1-1-2013
860-033-0045	6-28-2013	Amend(T)	8-1-2013	877-025-0016	1-1-2013	Repeal	1-1-2013
860-033-0046	6-28-2013	Amend(T)	8-1-2013	877-030-0025	1-1-2013	Amend	1-1-2013
860-033-0050	6-28-2013	Amend(T)	8-1-2013	877-030-0040	1-1-2013	Amend	1-1-2013
860-033-0055(T)	6-28-2013	Suspend	8-1-2013	877-040-0055	1-1-2013	Repeal	1-1-2013
860-033-0100	6-28-2013	Amend(T)	8-1-2013	918-001-0010	4-1-2013	Amend	4-1-2013
860-033-0110	6-28-2013	Adopt(T)	8-1-2013	918-020-0090	8-1-2013	Amend(T)	9-1-2013
860-033-0530	6-28-2013	Amend(T)	8-1-2013	918-030-0100	12-22-2012	Amend(T)	2-1-2013
860-033-0535	6-28-2013	Amend(T)	8-1-2013	918-030-0100	4-1-2013	Amend	5-1-2013
860-033-0536	6-28-2013	Amend(T)	8-1-2013	918-030-0120	12-22-2012	Amend(T)	2-1-2013
860-033-0537	6-28-2013	Amend(T)	8-1-2013	918-030-0120	4-1-2013	Amend	5-1-2013
860-033-0540	6-28-2013	Amend(T)	8-1-2013	918-030-0125	12-22-2012	Amend(T)	2-1-2013
860-034-0393	5-17-2013	Amend	7-1-2013	918-030-0125	4-1-2013	Amend	5-1-2013
860-034-0730	5-17-2013	Amend	7-1-2013	918-030-0130	12-22-2012	Amend(T)	2-1-2013
863-015-0215	5-13-2013	Amend(T)	6-1-2013	918-030-0130	4-1-2013	Amend	5-1-2013
863-020-0000	2-1-2013	Amend	2-1-2013	918-030-0135	12-22-2012	Amend(T)	2-1-2013
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
863-020-0008	2-1-2013	Repeal	2-1-2013	918-098-1010	8-1-2013	Amend(T)	9-1-2013
863-020-0010	2-1-2013	Amend	2-1-2013	918-098-1530	1-1-2013	Amend	2-1-2013
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
863-020-0035	2-1-2013	Amend	2-1-2013	918-305-0100	5-1-2013	Amend	5-1-2013
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
863-020-0055	2-1-2013	Amend	2-1-2013	918-305-0105(T)	5-1-2013	Repeal	5-1-2013
863-020-0060	2-1-2013	Amend	2-1-2013	918-674-0057	1-1-2013	Adopt	2-1-2013
863-020-0065	2-1-2013	Amend	2-1-2013	918-695-0031	4-15-2013	Adopt(T)	5-1-2013
863-022-0000	2-1-2013	Amend	2-1-2013	918-750-0115	1-1-2013	Adopt	2-1-2013
863-022-0005	2-1-2013	Amend	2-1-2013	945-020-0010	12-13-2012	Adopt	1-1-2013
863-022-0010	2-1-2013	Amend	2-1-2013	945-020-0020	12-13-2012	Adopt	1-1-2013
863-022-0015	2-1-2013	Amend	2-1-2013	945-020-0040	7-9-2013	Adopt	8-1-2013
863-022-0020	2-1-2013	Amend	2-1-2013	945-030-0010	3-18-2013	Adopt	5-1-2013
863-022-0022	2-1-2013	Adopt	2-1-2013	945-030-0010	5-28-2013	Suspend	7-1-2013
863-022-0025	2-1-2013	Amend	2-1-2013	945-030-0020	3-18-2013	Adopt	5-1-2013
863-022-0030	2-1-2013	Amend	2-1-2013	945-030-0030	3-18-2013	Adopt	5-1-2013
863-022-0035	2-1-2013	Amend	2-1-2013	945-030-0030	5-28-2013	Amend(T)	7-1-2013
863-022-0040	2-1-2013	Repeal	2-1-2013	945-030-0040	3-18-2013	Adopt	5-1-2013
863-022-0045	2-1-2013	Amend	2-1-2013	945-030-0040	5-28-2013	Amend(T)	7-1-2013
863-022-0050	2-1-2013	Amend	2-1-2013	945-050-0010	4-15-2013	Adopt	5-1-2013
863-022-0052	2-1-2013	Adopt	2-1-2013	945-050-0020	4-15-2013	Adopt	5-1-2013
863-022-0055	2-1-2013	Amend	2-1-2013	966-100-0100	1-2-2013	Adopt	2-1-2013

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966-100-0400	1-2-2013	Adopt	2-1-2013				
966-100-0500	1-2-2013	Adopt	2-1-2013				