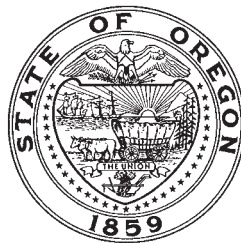


# OREGON BULLETIN

Supplements the 2014 *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. 14 - 05

### DETERMINATION OF A STATE OF DROUGHT EMERGENCY IN GRANT, JOSEPHINE, AND WHEELER COUNTIES DUE TO DROUGHT AND LOW WATER CONDITIONS

At the request of Grant County (Resolution 2014-08 dated April 2, 2014), Josephine County (Resolution 2014-020 dated May 15, 2014), and Wheeler County (Resolution 2014-3 dated March 5, 2014), and based on recommendations of the Drought Council and Water Availability Committee, and pursuant to ORS 401.165 and ORS 536.740, I find the continuing dry conditions, low snowpack, and lack of precipitation have caused natural and economic disaster conditions in Grant, Josephine, and Wheeler Counties.

Projected forecasts are not expected to alleviate the severe drought conditions and the drought is having significant economic impact on Grant, Josephine and Wheeler Counties' agricultural, livestock, and natural resources.

The dry conditions present hardships for these communities: crops and agricultural and recreation investments are at risk; animals and plants that rely on Oregon's surface water supplies are threatened; and the risk of wildfires across the state is greatly increased. Current conditions are being monitored and analyzed by state agencies including the Department of Agriculture, the Department of Water Resources, and Oregon Office of Emergency Management.

A timely response to the severe drought conditions is vital to the safety of persons and property and economic security of the citizens and businesses of Grant, Josephine, and Wheeler Counties; I am therefore declaring a state of drought emergency in Grant, Josephine, and Wheeler Counties and directing the following activities;

#### IT IS HEREBY ORDERED AND DIRECTED:

I. The Oregon Department of Agriculture is directed to coordinate and provide assistance in seeking federal resources available to mitigate conditions and affect agricultural recovery in Grant, Josephine, and Wheeler Counties.

II. The Department of Water Resources is directed to coordinate and provide assistance and regulation for Grant, Josephine, and Wheeler Counties as it determines is necessary in accordance with ORS 536.700 to 536.780.

III. The Office of Emergency Management is directed to coordinate and assist as needed with assessment and mitigation activities to address current and projected conditions in Grant, Josephine, and Wheeler Counties.

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

V. This Executive Order expires on December 31, 2014.

Done at Salem, Oregon this 29th day of May, 2014.

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

ATTEST

/s/ Kate Brown  
Kate Brown  
SECRETARY OF STATE

## EXECUTIVE ORDER NO. 14 - 06

### INVOCATION OF EMERGENCY CONFLAGRATION ACT FOR THE TWO BULLS WILDFIRE IN DESCHUTES COUNTY

Pursuant to my authority as Governor of the State of Oregon, I find that:

The fire known as the "Two Bulls Wildfire" is burning in Deschutes County.

The resources necessary for protecting life and property from the Two Bulls Wildfire are beyond local capabilities. Assistance with life, safety, and structural fire protection was requested by the Deschutes 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 Two Bulls Wildfire in Deschutes 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 7:08 p.m. on June 7, 2014, and I now confirm them with this Executive Order.

#### IT IS HEREBY DIRECTED AND ORDERED:

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 Two Bulls Wildfire, burning near Bend may be redistributed by the State Fire Marshal.

2. This emergency is declared only for the Two Bulls Wildfire threatening structures in Deschutes County and the city of Bend.

These findings were made by verbal proclamation on June 7, 2014, at 7:08 p.m.

Done at Salem, Oregon this 10th day of June, 2014.

/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 CONDITIONAL NO FURTHER ACTION DETERMINATION FOR THE WAUCOMA CENTER IN HOOD RIVER

**COMMENTS DUE:** 5 p.m., Thursday, July 31, 2014

**PROJECT LOCATION:** 902 Wasco Avenue, Hood River

**PROPOSAL:** The Department of Environmental Quality proposes to issue a conditional No Further Action Determination for the Waucoma Center in Hood River. DEQ has determined that residual contamination at the site does not present a risk to human health and the environment exceeding the acceptable levels defined in ORS 465.315.

**HIGHLIGHTS:** The 5.63-acre property is currently owned by CenturyLink. Environmental investigations focused on impacts from the site's past use as a pesticide factory, from 1916 to 1945. Site activities during that time included manufacture, storage, and distribution of orchard pesticides and fungicides that were used during this period. The site has elevated levels of arsenic in soil. Because most of the site is paved or covered by the Waucoma Center building, DEQ determined that this contamination does not exceed safe levels. DEQ will require a deed restriction to ensure that future site activities do not result in excessive exposure to arsenic.

DEQ proposes to issue a No Further Action determination, based on the condition that the deed restriction will be implemented and followed.

**HOW TO COMMENT:** Send comments by 5 p.m., July 31, 2014, to DEQ Project Manager Bob Schwarz, at 400 E. Scenic Drive, Suite 307, The Dalles, OR 97058; schwarz.bob@deq.state.or.us or 541-298-7330 (fax).

Find information about requesting a review of DEQ project files at: <http://www.deq.state.or.us/records/recordsRequestFAQ.htm>

Find the File Review Application form at: <http://www.deq.state.or.us/records/RecordsRequestForm.pdf>

For ECSI Site: 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>, select "Search complete ECSI database" then enter 3889 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 3889 in the Site ID/Info column.

**THE NEXT STEP:** DEQ will consider all public comments received by the date and time stated above, before making a final decision regarding the No Further Action determination. In the absence of comments, DEQ will issue the conditional No Further Action determination for this site.

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

### REQUEST FOR COMMENTS DEQ PROPOSES CONDITIONAL NO FURTHER ACTION AND CERTIFICATION OF COMPLETION FOR BNSF MIDLAND MARKET RAIL YARD

**COMMENTS DUE:** 5 p.m., July 31, 2014

**PROJECT LOCATION:** 1800 Laverne Ave., Klamath Falls

**PROPOSAL:** The Department of Environmental Quality proposes to issue a conditional no further action determination for the BNSF Midland Market Rail Yard. DEQ issues a no further action determination when a cleanup has met regulatory standards. DEQ also proposes to file with the Klamath County Circuit Court a certification of completion for the consent judgment with BNSF Railway Company. BNSF Railway Company has completed all actions agreed to within the consent judgment.

**HIGHLIGHTS:** The Midland Market Rail Yard is an active rail yard that includes maintenance and repair of rail cars and fueling of locomotives. Petroleum releases have been documented at the rail yard. Site investigations of soil and groundwater have been ongoing for many years and were performed under DEQ's Voluntary Cleanup

Program oversight beginning in October 1998. A record of decision (ROD) was issued in July 2006 with cleanup actions including institutional controls prohibiting groundwater use, continue recovery of product, and long term monitoring of groundwater. These actions have been completed. The groundwater plume has been determined to be relatively stable and naturally attenuating.

BNSF Railway Company has completed all actions agreed to within the consent judgment. The consent judgment provides BNSF Railway Company with a release from liability for claims by the State of Oregon under ORS 465.255, including claims for damages to natural resources, relating to historical releases of hazardous substances at or from the site. The consent judgment also provides BNSF Railway Company with protection from potential contribution actions by third parties for recovery of remedial action costs associated with historical releases at or from the Facility. DEQ retains all existing rights it may have as to all other parties potentially liable for any releases.

**HOW TO COMMENT:** Send comments by 5 p.m., July 31, 2014, to DEQ Project Manager Katie Robertson by phone at 541-278-4620, by mail at 800 SE Emigrant Ave., Suite 330, Pendleton, OR 97801, by e-mail at [Robertson.Katie@deq.state.or.us](mailto:Robertson.Katie@deq.state.or.us) or by fax at 541-278-0168.

To access site summary information, the consent order, and other documents visit DEQ's Environmental Cleanup Site Information (ECSI) database at <http://www.deq.state.or.us/lq/ecsi/ecsi.htm> under Site ID 1732. To review the project file, contact the project manager above for a file review appointment.

Additional information on the site is available in DEQ's Environmental Cleanup Site Information (ECSI) database <http://www.deq.state.or.us/lq/ecsi/ecsi.htm> under Site ID 1732. To review the project file, contact the project manager above for a file review appointment.

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

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

### REQUEST FOR COMMENTS PROPOSED CLEANUP APPROVAL AT FORMER MYERS CONTAINER SITE

**COMMENTS DUE:** 5 p.m., Thursday, July 31, 2014

**PROJECT LOCATION:** 10103 NE Marx Street, Portland, OR

**PROPOSAL:** DEQ proposes to approve an environmental cleanup of soil contaminated with polychlorinated biphenyls, commonly known as PCBs, at the former Myers Container site.

**HIGHLIGHTS:** Various operators conducted investigations, source control measures and a soil removal to primarily control off-site migration of PCB-contaminated soil in stormwater. The primary focus was to prevent recontamination of a recently placed sediment cap in Johnson Lake. Based on evaluation of on-site human health and off-site ecological risks and completed remedial actions, DEQ proposes that no further action is required.

**HOW TO COMMENT:** Send comments to DEQ Project Manager Tom Gainer at 2020 SW Fourth Ave., Ste. 400, Portland, OR or [gainer.tom@deq.state.or.us](mailto:gainer.tom@deq.state.or.us). For more information contact the project manager at 503-229-5326.

Find information about requesting a review of DEQ project files at: <http://www.deq.state.or.us/records/recordsRequestFAQ.htm>

Find the File Review Application form at: <http://www.deq.state.or.us/records/RecordsRequestForm.pdf>

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>, select "Search complete ECSI database", then enter 2062 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 2062 in

## OTHER NOTICES

the Site ID/Info column. Alternatively, you may go directly to the database website for this page at [http://www.deq.state.or.us/lq/ecsi/ecsilist.asp?SiteID=2062&Bus\\_Name=&Address=&County=ALL&City=&Zip\\_Code=&LatitudeMin=&LatitudeMax=&LongitudeMin=&LongitudeMax=&Township=All&TownshipZone=N&Range=1&RangeZone=E&Section=All&ActionCode=All&Substance=None&Alias=None&Submit=Submit&listtype=lis](http://www.deq.state.or.us/lq/ecsi/ecsilist.asp?SiteID=2062&Bus_Name=&Address=&County=ALL&City=&Zip_Code=&LatitudeMin=&LatitudeMax=&LongitudeMin=&LongitudeMax=&Township=All&TownshipZone=N&Range=1&RangeZone=E&Section=All&ActionCode=All&Substance=None&Alias=None&Submit=Submit&listtype=lis).

If you do not have web access and want to review the project file contact the DEQ project manager.

**THE NEXT STEP:** DEQ will respond to comments after the comment period closes and issue the NFA.

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

### REQUEST FOR COMMENTS PROPOSED APPROVAL OF CLEANUP AT TEKTRONIX BUILDING 02

**COMMENTS DUE:** 5 p.m., Tuesday, July 31

**PROJECT LOCATION:** 14200 SW Karl Braun Drive, Beaverton, Oregon

**PROPOSAL:** DEQ seeks comments on its proposal to issue a conditional no further action determination for an environmental cleanup at the Building 02 Operational Unit located on the Tektronix Beaverton Campus site. DEQ has reviewed investigation and remedial action performed by Tektronix and has concluded no further cleanup activities are necessary. The proposed action is consistent with Oregon Revised Statutes (ORS) 465.200 through 465.455 and Oregon Administrative Rules (OAR) Chapter 340, Division 122, Sections 010 to 115.

**HIGHLIGHTS:** Building 02 was constructed approximately 200 feet south of Beaverton Creek on Lot 7 of the Tektronix Beaverton Campus in 1967. The 5.14-acre property was used by Tektronix for manufacturing, assembly, recycling and materials salvage, and chemical storage. Releases from the Building 02 container management area resulted in groundwater contamination from volatile organic compounds, commonly known as VOCs.

Initial corrective action consisted of installing a groundwater treatment system in 1990 to hydraulically control the groundwater plume and reduce VOCs. In 2002, Tektronix entered into Consent Order to complete a site investigation, develop a feasibility study, and implement remedial actions at the site under DEQ cleanup authority. DEQ issued a record of decision for cleanup in 2009 selecting monitored natural attenuation of VOCs in groundwater, specifically trichloroethylene as the chemical of concern, at Building 02. Groundwater sampling conducted at the Building 02 property has not detected contaminants above applicable risk-based concentrations since 2003. DEQ has concluded that the cleanup has restored the site to conditions protective for human health or the environment for current and reasonably likely future land use.

**HOW TO COMMENT:** Send written comments to the DEQ Project Manager Erin McDonnell at DEQ Northwest Region, 2020 SW 4th Avenue, Suite 400, Portland, Oregon 97201, or [mcdonnell.erin@deq.state.or.us](mailto:mcdonnell.erin@deq.state.or.us). For more information contact the project manager at 503-229-6900.

Find information about requesting a review of DEQ project files at: <http://www.deq.state.or.us/records/recordsRequestFAQ.htm>

Find the File Review Application form at: <http://www.deq.state.or.us/records/RecordsRequestForm.pdf>

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>, select "Search complete ECSI database", then enter 167 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 167 in the Site ID/Info column. Alternatively, you may go directly to the

database website for this page at: <http://www.deq.state.or.us/Webdocs/Forms/Output/FPController.ashx?SourceId=167&SourceIdType=11>.

If you do not have web access and want to review the project file contact the DEQ project manager.

**THE NEXT STEP:** DEQ will consider all public comments received within the public comment period and prior issuance of a conditional no further action determination.

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

### REQUEST FOR COMMENTS DEQ PROPOSES NO FURTHER ACTION FOR KINGSLEY FIELD — SITE PL016

**COMMENTS DUE:** 5 p.m., July 31, 2014

**PROJECT LOCATION:** Vandenberg Dr. and Bong St., Klamath Falls

**PROPOSAL:** The Department of Environmental Quality proposes to issue a no further action determination for Site PL016 (formerly Site 10), located on the active Air National Guard (ANG) military base within the boundary of Kingsley Field in Klamath Falls. DEQ issues a no further action determination when a cleanup has met regulatory standards. DEQ also proposes to delist Site PL016 from the Confirmed Release List and Inventory of Hazardous Substances.

**HIGHLIGHTS:** Site PL016 is located within the ANG base at the corner of Vandenberg Dr. and Bong St. Historically, Site PL016 was used as an aircraft fueling facility and petroleum storage area for the 173d Fighter Wing. Currently, Site PL016 is used as a jet fuel storage and distribution facility. Site investigations and remedial actions of soil and groundwater have been ongoing for many years and were performed under DEQ's oversight. Following bioremediation completed in October 2013, the groundwater plume has been determined to be relatively stable and naturally attenuating.

**HOW TO COMMENT:** Send comments by 5 p.m., July 31, 2014, to DEQ Project Manager Katie Robertson by phone at 541-278-4620, by mail at 800 SE Emigrant Ave., Suite 330, Pendleton, OR 97801, by e-mail at [Robertson.Katie@deq.state.or.us](mailto:Robertson.Katie@deq.state.or.us) or by fax at 541-278-0168.

To access site summary information, the consent order, and other documents visit DEQ's Environmental Cleanup Site Information (ECSI) database at <http://www.deq.state.or.us/lq/ecsi/ecsi.htm> under Site ID 4549. To review the project file, contact the project manager above for a file review appointment.

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

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

### REQUEST FOR COMMENTS PROPOSED PROSPECTIVE PURCHASER AGREEMENT FOR CARCO/VARICAST SITE

**COMMENTS DUE:** Wednesday, August 6, 2014

**PROJECT LOCATION:** 866-900 N Columbia Boulevard, Portland, Oregon

**PROPOSAL:** The Department of Environmental Quality seeks comments on its proposed consent judgment for a prospective purchaser agreement with 866 N Columbia LLC and other ownership entities ("Columbia") concerning its acquisition of the former CARCO/Varicast site located at 866-900 N Columbia Boulevard, Portland, Oregon. The CARCO/Varicast site has been in industrial

## OTHER NOTICES

use since the early 1920s including automobile tire manufacturing from 1920s to 1950 followed by metals casting and recycling operations until recent times.

The site has been in the DEQ cleanup program since 2002. Soil contaminated with coal tar was removed from the site and the storm water system was cleaned out. The site received a conditional no further action determination from DEQ in September 2011, but the owner declined to settle with DEQ for potential Columbia Slough sediment contamination.

Columbia plans to update the existing site storm water system and provide \$60,000 in funding to the Columbia Slough Settlement Program. After repair and upgrade of the existing buildings on the site, Columbia then plans to rent the updated space for industrial use. Columbia will comply with a Contaminated Media Management Plan as approved by DEQ for all activities on the site.

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

The proposed consent judgment will provide Columbia with a release from liability for claims by the State of Oregon under ORS 465.200 to 465.545 and 465.990, 466.640, and 468B.310 regarding existing hazardous substance releases at or from the property. The proposed consent judgment also will provide Columbia with third party liability protection. To address potential Columbia Slough contamination Columbia, will contribute to the Columbia Slough settlement fund. In return, Columbia will receive a covenant not to sue

from the State of Oregon and contribution protection from claims by third parties relating to historic releases.

**HOW TO COMMENT:** Send comments to DEQ Project Manager Bob Williams at 2020 SW Fourth Ave., Suite 400, Portland, Oregon 97201 or [williams.robert.k@deq.state.or.us](mailto:williams.robert.k@deq.state.or.us). For more information contact the project manager at 503-229-6802.

Find information about requesting a review of DEQ project files at: <http://www.deq.state.or.us/records/recordsRequestFAQ.htm>

Find the file review application form at: <http://www.deq.state.or.us/records/RecordsRequestForm.pdf>

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>, select "Search complete ECSI database", then enter 3389 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 3389 in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at <http://www.deq.state.or.us/lq/ECSI/ecsidetailfull.asp?seqnbr=3389>.

If you do not have web access and want to review the project file contact the DEQ project manager.

**THE NEXT STEP:** DEQ will consider all public comments received by the end of the comment period before making a final decision regarding the prospective purchaser agreement.

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



# NOTICES OF PROPOSED RULEMAKING

## Notices of Proposed Rulemaking and Proposed Rulemaking Hearings

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

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

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

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

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

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**Board of Architect Examiners**  
**Chapter 806**

**Rule Caption:** The Practice of Architecture  
**Date:** 7-22-14      **Time:** 9:30 a.m.      **Location:** 205 Liberty St NE, Suite A Salem, 97301

**Hearing Officer:** Shelly Coffey  
**Stat. Auth.:** ORS 671.125

**Stats. Implemented:** ORS 671.125  
**Proposed Amendments:** 806-010-0075

**Last Date for Comment:** 7-22-14, Close of Hearing

**Summary:** A change in the numbering of the definitions section of ORS 671 necessitates a corresponding change in the "Practice of Architecture" rules. In addition, there are minor wording changes for clarity.

**Rules Coordinator:** Jim Denno  
**Address:** Oregon Board of Architect Examiners, 205 Liberty St. NE, Suite A, Salem, OR 97301  
**Telephone:** (503) 763-0662

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**Rule Caption:** Observation  
**Date:** 7-22-14      **Time:** 9:30 a.m.      **Location:** 205 Liberty St NE, Suite A Salem, 97301

**Hearing Officer:** Shelly Coffey  
**Stat. Auth.:** ORS 671.125

**Stats. Implemented:** ORS 671.125  
**Proposed Amendments:** 806-010-0050

**Last Date for Comment:** 7-22-14, Close of Hearing

**Summary:** A change in the terminology used in the ORS 671.010-220 necessitates revising the existing rules for "Supervision."

**Rules Coordinator:** Jim Denno  
**Address:** Oregon Board of Architect Examiners, 205 Liberty St. NE, Suite A, Salem, OR 97301  
**Telephone:** (503) 763-0662

**Rule Caption:** Certificates, Architect Emeritus  
**Date:** 7-22-14      **Time:** 9:30 a.m.      **Location:** 205 Liberty St NE, Suite A Salem, 97301

**Hearing Officer:** Shelly Coffey  
**Stat. Auth.:** ORS 671.125

**Stats. Implemented:** ORS 671.125  
**Proposed Amendments:** 806-010-0040, 806-010-0130

**Last Date for Comment:** 7-22-14, Close of Hearing

**Summary:** In order to streamline administrative processes it is preferable to have either the chairman or vice-chairman sign the registration certificates, rather than both. Emeritus certificates are issued administratively and do not require a board action. It is preferable to allow for these to be signed either by the chair or the administrator. In addition, there are proposed wording changes to make the rules clearer.

**Rules Coordinator:** Jim Denno  
**Address:** Oregon Board of Architect Examiners, 205 Liberty St. NE, Suite A, Salem, OR 97301  
**Telephone:** (503) 763-0662

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**Rule Caption:** Approved Architect Registration and Evaluation Programs, Registration by Examination

**Date:** 7-22-14      **Time:** 9:30 a.m.      **Location:** 205 Liberty St NE, Suite A, Salem, 97301

**Hearing Officer:** Shelly Coffey  
**Stat. Auth.:** ORS 671.125

**Stats. Implemented:** ORS 671.125  
**Proposed Amendments:** 806-010-0010, 806-010-0020

**Last Date for Comment:** 7-22-14, Close of Hearing

**Summary:** The updated NCARB Education Standard of 2013 necessitates revision of the rules for "Approved Architect Registration and Evaluation Programs" and "Registration by Examination." Additional wording changes are proposed to make the rules simpler and more straightforward.

**Rules Coordinator:** Jim Denno  
**Address:** Oregon Board of Architect Examiners, 205 Liberty St. NE, Suite A, Salem, OR 97301  
**Telephone:** (503) 763-0662

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

**Rule Caption:** Unprofessional Conduct 811-035-0015  
**Date:** 7-17-14      **Time:** 1:30 p.m.      **Location:** Morrow Crane Bldg. 2nd Floor Large Conf. Rm. 3218 Pringle Rd SE Salem, OR 97302

**Hearing Officer:** Daniel Cote DC, Board Chair  
**Stat. Auth.:** ORS 684

**Stats. Implemented:** ORS 684.155  
**Proposed Amendments:** 811-035-0015

**Last Date for Comment:** 7-17-14, 5 p.m.

**Summary:** Prohibits licensees from entering into confidential agreements which interfere with a board investigation

**Rules Coordinator:** Kelly J. Beringer  
**Address:** Board of Chiropractic Examiners, 3218 Pringle Rd. SE, Suite 150, Salem, OR 97302  
**Telephone:** (503) 373-1573

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**Rule Caption:** Continue Proposed amendments (Draft 5) to clarify minimum requirements for clinical record keeping and documentation

**Date:** 7-17-14      **Time:** 1:30 p.m.      **Location:** Morrow Crane Bldg. 3218 Pringle Rd. SE, 2nd Floor Large Conf. Rm. Salem, OR 97302



# NOTICES OF PROPOSED RULEMAKING

**Hearing Officer:** Daniel Cote DC, Board Chair  
**Stat. Auth.:** ORS 684  
**Stats. Implemented:** ORS 684.100(1)(f)(A), 684.150 & 684.155(1)(b)  
**Proposed Amendments:** 811-015-0005  
**Last Date for Comment:** 7-17-14, 5 p.m.  
**Summary:** Draft 5 proposed amendments clarify minimum requirements for record keeping and documentation.  
**Rules Coordinator:** Kelly J. Beringer  
**Address:** Board of Chiropractic Examiners, 3218 Pringle Rd. SE, Suite 150, Salem, OR 97302  
**Telephone:** (503) 373-1573

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**Rule Caption:** Clarify chiropractic assistant training requirements and scope of practice (Draft 3)  
**Date:** 7-17-14      **Time:** 1:30 p.m.      **Location:** Morrow Crane Bldg.  
3218 Pringle Rd. SE,  
2nd Floor Large Conf. Rm.  
Salem, OR 97302

**Hearing Officer:** Daniel Cote DC, Board Chair  
**Stat. Auth.:** ORS 684  
**Stats. Implemented:** ORS 684.054 & 684.155  
**Proposed Amendments:** 811-010-0110  
**Last Date for Comment:** 7-17-14, 5 p.m.  
**Summary:** To address concerns with the CA program, including 1) CAs taking vitals (versus recording them), 2) CAs who lack sufficient training but are performing massage, and 3) other related scope of practice issues. The discussion continues on the development of a "super CA" program which would allow additional functions with additional training.  
**Rules Coordinator:** Kelly J. Beringer  
**Address:** Board of Chiropractic Examiners, 3218 Pringle Rd. SE, Suite 150, Salem, OR 97302  
**Telephone:** (503) 373-1573

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## Department of Agriculture Chapter 603

**Rule Caption:** Harmonizes the Malheur County Bean Control Area with Idaho's and adds requirements for non-Phaseolus beans.  
**Stat. Auth.:** ORS 561 & 570  
**Stats. Implemented:** ORS 561.190, 561.520-561.600, 570.305, 570.405 & 570.410-570.415  
**Proposed Amendments:** 603-052-0385  
**Last Date for Comment:** 7-21-14, 5 p.m.  
**Summary:** The proposed amendments to OAR 603-052-0385 would harmonize the regulatory language in Oregon's Malheur County Bean Control Area with Idaho's IDAPA 02.06.06 for trial ground plantings, mitigation of regulated diseases, and scientific names of the regulated diseases. The proposed amendments also add requirements for inspection of non-Phaseolus beans grown in Malheur County and for mitigation of infected non-Phaseolus beans should a regulated disease be found. Two microorganisms that infect Phaseolus and non-Phaseolus beans have been added to the list of regulated diseases. Finally, the proposed amendments add the ability to obtain a Special Permit to allow for movement of regulated commodities intra- and interstate not otherwise eligible for movement under the Control Area and add a requirement for biennial review of the rule.  
**Rules Coordinator:** Sue Gooch  
**Address:** Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301  
**Telephone:** (503) 986-4583

## Department of Community Colleges and Workforce Development Chapter 589

**Rule Caption:** Update rules to reflect transition from State Board of Education to Higher Education Coordinating Commission  
**Date:** 7-21-14      **Time:** 11 a.m.      **Location:** 900 Court St. NE  
Hearing Rm. C  
Salem, OR 97301

**Hearing Officer:** Staff  
**Stat. Auth.:** ORS 351.735, 351.755 & 660.318  
**Stats. Implemented:** ORS 351.735, 351.755 & 660.318  
**Proposed Amendments:** Rules in 589-001, 589-002, 589-003, 589-004, 589-005, 589-006, 589-007, 589-008, 589-009, 589-010, 589-020  
**Last Date for Comment:** 7-21-14, Close of Business  
**Summary:** Legislative action directs the Department of Community Colleges and Workforce Development to function under the direction and control of the Higher Education Coordinating Commission, and transitions rule making authority for community colleges from the State Board of Education to the Higher Education Coordinating Commission.  
**Rules Coordinator:** Angela Ricco  
**Address:** Department of Community Colleges and Workforce Development, 777 Court St. NE, Salem, OR 97301  
**Telephone:** (503) 378-5690

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

**Rule Caption:** Adopts structural and mechanical code provisions for the 2014 Oregon Residential Specialty Code.  
**Date:** 7-22-14      **Time:** 9:30 a.m.      **Location:** 1535 Edgewater St. NW  
Salem, OR 97304

**Hearing Officer:** Tony Rocco  
**Stat. Auth.:** ORS 455.020, 455.030, 455.110, 455.380, 455.525 & 455.610  
**Stats. Implemented:** ORS 455.610  
**Proposed Adoptions:** Rules in 918-480  
**Proposed Amendments:** Rules in 918-480  
**Proposed Repeals:** Rules in 918-480  
**Last Date for Comment:** 7-25-14, 5 p.m.  
**Summary:** These proposed rules adopt the structural, mechanical, and low-rise apartment code provisions of the 2014 Oregon Residential Specialty Code. The current code is the 2011 Oregon Residential Specialty Code, which is based on the 2009 edition of the International Residential Code (IRC), with Oregon amendments. These proposed rules re-adopt and amend the current code with additional Oregon amendments, and will be known as the 2014 Oregon Residential Specialty Code.

This code contains the structural and mechanical provisions for low-rise residential structures. The low-rise apartment construction provisions are contained within the 2014 Oregon Structural Specialty Code and the 2014 Oregon Mechanical Specialty Code.

**Rules Coordinator:** Holly A. Tucker  
**Address:** Department of Consumer and Business Services, Building Codes Division, PO Box 14470, Salem, OR 97309-0404  
**Telephone:** (503) 378-5331

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**Rule Caption:** Repeals redundant and outdated provisions; Housekeeping change.  
**Stat. Auth.:** ORS 455.110  
**Stats. Implemented:** ORS 455.110  
**Proposed Amendments:** 918-040-0000  
**Proposed Repeals:** 918-005-0010, 918-400-0210  
**Last Date for Comment:** 7-25-14, 5 p.m.

# NOTICES OF PROPOSED RULEMAKING

**Summary:** OAR 618-005-0010 and 918-400-0210 both contain information which is redundant of the other provision already listed in Chapter 918 or which was designed to comply with outdated provisions of the Attorney Generals' Administrative Law Manual. In order to update rules to reflect current APA requirements and remove duplicative provisions, these sections are repealed.

OAR 918-040-0000 is edited for greater clarity and to provide further background on board membership which interprets the requirements of ORS Chapter 183 (APA).

**Rules Coordinator:** Holly A. Tucker

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

**Telephone:** (503) 378-5331

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**Department of Consumer and Business Services,  
Insurance Division  
Chapter 836**

**Rule Caption:** Clarifies guaranteed issue requirements for health benefit plans

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
7-21-14	10 a.m.	Labor & Industries Bldg., CR E 350 Winter Street NE Salem, OR

**Hearing Officer:** Jeannette Holman

**Stat. Auth.:** ORS 731.244 & 743.731

**Stats. Implemented:** ORS 743.766-743.769

**Proposed Amendments:** 836-053-0431

**Last Date for Comment:** 7-25-14, 5 p.m.

**Summary:** These proposed amendments to OAR 836-053-0431 clarify that carriers that issue individual health benefit plans must offer and provide individual health benefit plan coverage to applicants who are 65 or older unless such persons are actually enrolled in Medicare; and to applicants who are applying for coverage outside of the Oregon Health Insurance Exchange without regard to the legal status of a person.

The rule also makes technical corrections and removes obsolete material that has no substantive change.

These rules would replace the provisions of amendments included in a temporary rule that expires on July 31, 2014.

**Rules Coordinator:** Victor Garcia

**Address:** Department of Consumer and Business Services, Insurance Division, 350 Winter St. NE, Salem, OR 97301

**Telephone:** (503) 947-7260

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**Rule Caption:** Electronic Payment of Claim Proceeds

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
7-24-14	10:30 a.m.	Labor & Industries Bldg., CR E 350 Winter St. NE Salem, OR

**Hearing Officer:** Jeannette Holman

**Stat. Auth.:** ORS 731.244

**Other Auth.:** ORS 84.001-84.061 & 84.070

**Stats. Implemented:** ORS 746.230

**Proposed Adoptions:** 836-080-0200

**Last Date for Comment:** 7-31-14, Close of Business

**Summary:** This proposed rule allows an insurer, with the consent of a claimant, to pay claims by means of a prepaid card, direct deposit system, automated teller machine card or debit card or other means of electronic transfer.

**Rules Coordinator:** Victor Garcia

**Address:** Department of Consumer and Business Services, Insurance Division, 350 Winter St. NE, Salem, OR 97301

**Telephone:** (503) 947-7260

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

**Rule Caption:** Acceptable financial viability of self-insured employer groups; implementation of Senate Bill 1558 (2014)

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
7-22-14	9 a.m.	Room F, Labor & Industries Bldg. 350 Winter St. NE Salem, OR

**Hearing Officer:** Fred Bruyns

**Stat. Auth.:** ORS 656.407, 656.430 & 656.726(4)

**Stats. Implemented:** ORS 656.407, 656.430, 656.434, 656.443 & 656.614

**Proposed Amendments:** Rules in 436-050, 436-050-0003, 436-050-0165, 436-050-0170, 436-050-0175, 436-050-0180, 436-050-0185, 436-050-0190, 436-050-0200, 436-050-0260, 436-050-0270, 436-050-0280, 436-050-0290, 436-050-0300, 436-050-0340

**Last Date for Comment:** 7-28-14, Close of Business

**Summary:** The agency proposes to amend OAR 436-050, Employer/Insurer Coverage Responsibility, to be effective Sept. 15, 2014, as needed to implement Senate Bill 1558 (2014) provisions affecting self-insured employer groups. These proposed rules:

Establish standards for acceptable financial viability of self-insured employer groups<sup>1</sup>, including,

- Financial ratios, an associated grade point scale, and consequences of poor and moderate grade levels;

- Minimum net worth for self-insured employer groups and for members within private groups; and

- Maintenance of insurance (such as fidelity bond) against misuse or misappropriation of moneys or securities;

Raise the excess insurance self-insured retention level and require the director's pre-approval of deductible endorsements;

Specify that the required common claims fund balance be maintained at all times;

Require that private self-insured employer groups submit information to the director about board membership;

Require annual actuarial studies for qualified self-insured employer groups using a loss reserve account in lieu of posting a security deposit with the director;

Describe the triggers for possible revocation of self-insurance certification, including certain rule violations and default on obligations; and

Clarify that members of private self-insured employer groups may be ordered by the director to pay assessments for continuing claim liabilities and that members will be subject to civil penalties for failure to pay those assessments.

<sup>1</sup> Some standards would be applied differently to public versus private groups due to differences in group members' liabilities.

**Rules Coordinator:** Fred Bruyns

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

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

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**Department of Corrections  
Chapter 291**

**Rule Caption:** Earned Discharge for Offenders

**Stat. Auth.:** ORS 137.633, 179.040, 423.020, 423.030, 423.075

**Stats. Implemented:** ORS 137.633, 179.040, 423.020, 423.030, 423.075

**Proposed Adoptions:** 291-209-0010 – 291-209-0070

**Last Date for Comment:** 8-1-14, 4 p.m.

**Summary:** These rules are necessary to implement 2013 legislation (HB 3194) that allows offenders sentenced to felony probation or to the legal and physical custody of the supervisory authority under ORS 137.124(2) to receive a reduction in the period of supervision for compliance with the terms of their supervision. These rules estab-

# NOTICES OF PROPOSED RULEMAKING

lish a process for granting, retracting, and restoring time credits for eligible offenders in accordance with the provisions of ORS 137.633.

**Rules Coordinator:** Janet R. Worley

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

**Telephone:** (503) 945-0933

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**Rule Caption:** Possession and Storage of Personal Firearms for Corrections Officers at Department of Corrections Facilities

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

**Other Auth.:** 2014 Or Laws, Ch 88

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

**Proposed Adoptions:** 291-016-0120

**Proposed Amendments:** 291-016-0020

**Last Date for Comment:** 8-1-14, 4 p.m.

**Summary:** HB 4035 from the 2014 legislative session directs the Oregon Department of Corrections to allow corrections officers employed by the department to possess a firearm in the officer's personal vehicle when the vehicle is parked in a department parking lot if the department has not provided secure storage for the firearms, and the officer is present at the department in an official capacity.

Currently, employees are prohibited from possessing or storing personal firearms on buildings or grounds owned or occupied by the department. These rules are necessary to establish procedures and employee responsibilities for corrections officer to possess and securely store personal firearms at Department of Corrections prisons and non-prison facilities.

**Rules Coordinator:** Janet R. Worley

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

**Telephone:** (503) 945-0933

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## Department of Environmental Quality Chapter 340

**Rule Caption:** Air quality permitting, Heat Smart, and gasoline dispensing facility updates

Date:	Time:	Location:
7-16-14	6 p.m.	811 SW Sixth Ave., EQC A Portland, OR 97204

7-16-14	6 p.m.	475 NE Bellevue Dr., Suite 110 Bend, OR 97701
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7-16-14	6 p.m.	221 Stewart Ave., Suite 201 Medford, OR 97501
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**Hearing Officer:** George Davis

**Stat. Auth.:** ORS 192, 468 & 468A

**Stats. Implemented:** ORS 183, 192, 468, 468A, 477, 2009 OL Ch. 754

**Proposed Adoptions:** 340-200-0035, 340-202-0225, 340-204-0300, 340-204-0310, 340-204-0320, 340-206-8010, 340-206-8020, 340-206-8030, 340-206-8040, 340-208-0005, 340-212-0005, 340-214-0005, 340-216-8010, 340-216-8020, 340-222-0035, 340-222-0046, 340-222-0048, 340-222-0051, 340-222-0055, 340-224-0025, 340-224-0034, 340-224-0038, 340-224-0045, 340-224-0055, 340-224-0245, 340-224-0250, 340-224-0255, 340-224-0260, 340-224-0270, 340-224-0500, 340-224-0510, 340-224-0520, 340-224-0530, 340-224-0540, 340-226-0005, 340-226-8010, 340-234-0005, 340-234-0540, 340-236-0005, 340-236-8010, 340-240-0050

**Proposed Amendments:** 340-200-0010, 340-200-0020, 340-200-0025, 340-200-0030, 340-200-0040, 340-200-0050, 340-200-0100, 340-200-0110, 340-200-0120, 340-202-0010, 340-202-0020, 340-202-0050, 340-202-0070, 340-202-0100, 340-202-0110, 340-202-0130, 340-202-0200, 340-202-0210, 340-202-0220, 340-204-0010, 340-204-0020, 340-204-0030, 340-204-0040, 340-204-0050, 340-204-0060, 340-204-0070, 340-204-0080, 340-204-0090, 340-206-0010, 340-206-0020, 340-206-0030, 340-206-0040, 340-206-0050, 340-206-0060, 340-206-0070, 340-208-0010, 340-208-0110, 340-208-0210, 340-208-0300, 340-208-0310, 340-208-0320, 340-208-0450, 340-209-0010, 340-209-0020, 340-209-0030, 340-209-0040,

340-209-0050, 340-209-0060, 340-209-0080, 340-210-0010, 340-210-0020, 340-210-0100, 340-210-0110, 340-210-0120, 340-210-0205, 340-210-0215, 340-210-0225, 340-210-0230, 340-210-0240, 340-210-0250, 340-212-0010, 340-212-0110, 340-212-0120, 340-212-0130, 340-212-0140, 340-212-0150, 340-212-0200, 340-212-0210, 340-212-0220, 340-212-0230, 340-212-0240, 340-212-0250, 340-212-0260, 340-212-0270, 340-212-0280, 340-214-0010, 340-214-0100, 340-214-0110, 340-214-0114, 340-214-0130, 340-214-0200, 340-214-0210, 340-214-0220, 340-214-0300, 340-214-0310, 340-214-0320, 340-214-0330, 340-214-0340, 340-214-0350, 340-214-0360, 340-216-0010, 340-216-0020, 340-216-0025, 340-216-0030, 340-216-0040, 340-216-0052, 340-216-0054, 340-216-0056, 340-216-0060, 340-216-0062, 340-216-0064, 340-216-0066, 340-216-0068, 340-216-0070, 340-216-0082, 340-216-0084, 340-216-0090, 340-216-0094, 340-218-0010, 340-218-0020, 340-218-0030, 340-218-0040, 340-218-0050, 340-218-0060, 340-218-0070, 340-218-0080, 340-218-0090, 340-218-0100, 340-218-0110, 340-218-0120, 340-218-0140, 340-218-0150, 340-218-0160, 340-218-0170, 340-218-0180, 340-218-0190, 340-218-0200, 340-218-0210, 340-218-0220, 340-218-0230, 340-218-0240, 340-220-0010, 340-220-0020, 340-220-0060, 340-220-0070, 340-220-0080, 340-220-0090, 340-220-0100, 340-220-0110, 340-220-0120, 340-220-0130, 340-220-0140, 340-220-0150, 340-220-0160, 340-220-0170, 340-220-0180, 340-220-0190, 340-222-0010, 340-222-0020, 340-222-0030, 340-222-0040, 340-222-0041, 340-222-0042, 340-222-0060, 340-222-0080, 340-222-0090, 340-224-0010, 340-224-0020, 340-224-0030, 340-224-0040, 340-224-0050, 340-224-0060, 340-224-0070, 340-225-0010, 340-225-0020, 340-225-0030, 340-225-0040, 340-225-0045, 340-225-0050, 340-225-0060, 340-225-0070, 340-226-0010, 340-226-0100, 340-226-0110, 340-226-0120, 340-226-0130, 340-226-0140, 340-226-0210, 340-226-0310, 340-226-0320, 340-226-0400, 340-228-0010, 340-228-0020, 340-228-0100, 340-228-0110, 340-228-0120, 340-228-0130, 340-228-0200, 340-228-0210, 340-228-0300, 340-232-0010, 340-232-0020, 340-232-0030, 340-232-0040, 340-232-0050, 340-232-0060, 340-232-0080, 340-232-0085, 340-232-0090, 340-232-0100, 340-232-0110, 340-232-0120, 340-232-0130, 340-232-0140, 340-232-0150, 340-232-0160, 340-232-0170, 340-232-0180, 340-232-0190, 340-232-0200, 340-232-0210, 340-232-0220, 340-232-0230, 340-234-0010, 340-234-0100, 340-234-0140, 340-234-0200, 340-234-0210, 340-234-0220, 340-234-0240, 340-234-0250, 340-234-0270, 340-234-0500, 340-234-0510, 340-234-0520, 340-234-0530, 340-236-0010, 340-236-0310, 340-236-0320, 340-236-0330, 340-236-0400, 340-236-0410, 340-236-0420, 340-236-0440, 340-236-0500, 340-240-0010, 340-240-0020, 340-240-0030, 340-240-0100, 340-240-0110, 340-240-0120, 340-240-0130, 340-240-0140, 340-240-0150, 340-240-0160, 340-240-0180, 340-240-0190, 340-240-0210, 340-240-0220, 340-240-0250, 340-240-0300, 340-240-0320, 340-240-0330, 340-240-0340, 340-240-0350, 340-240-0360, 340-240-0400, 340-240-0410, 340-240-0420, 340-240-0430, 340-240-0440, 340-240-0510, 340-240-0550, 340-240-0560, 340-240-0610, 340-242-0400, 340-242-0410, 340-242-0420, 340-242-0430, 340-242-0440, 340-242-0500, 340-242-0510, 340-242-0520, 340-242-0600, 340-242-0610, 340-242-0620, 340-242-0630, 340-244-0040, 340-244-0232, 340-244-0234, 340-244-0236, 340-244-0238, 340-244-0239, 340-244-0240, 340-244-0242, 340-244-0244, 340-244-0246, 340-244-0248, 340-244-0250, 340-246-0230, 340-262-0450, 340-264-0010, 340-264-0020, 340-264-0030, 340-264-0040, 340-264-0050, 340-264-0060, 340-264-0070, 340-264-0075, 340-264-0078, 340-264-0080, 340-264-0100, 340-264-0110, 340-264-0120, 340-264-0130, 340-264-0140, 340-264-0150, 340-264-0160, 340-264-0170, 340-264-0175, 340-264-0180, 340-268-0010, 340-268-0020, 340-268-0030, 340-222-0043, 340-222-0045, 340-224-0080, 340-224-0100, 340-225-0010, 340-225-0090

**Proposed Repeals:** 340-208-0100, 340-208-0200, 340-208-0600, 340-209-0070, 340-214-0400, 340-214-0410, 340-214-0420, 340-214-0430, 340-218-0250, 340-222-0070, 340-225-0090, 340-226-0200, 340-228-0400, 340-228-0410, 340-228-0420, 340-228-0430,



# NOTICES OF PROPOSED RULEMAKING

340-228-0440, 340-228-0450, 340-228-0460, 340-228-0470, 340-228-0480, 340-228-0490, 340-228-0500, 340-228-0510, 340-228-0520, 340-228-0530, 340-234-0300, 340-234-0310, 340-234-0320, 340-234-0330, 340-234-0340, 340-234-0350, 340-234-0360, 340-234-0400, 340-234-0410, 340-234-0420, 340-234-0430, 340-236-0100, 340-236-0110, 340-236-0120, 340-236-0130, 340-236-0140, 340-236-0150, 340-236-0200, 340-236-0210, 340-236-0220, 340-236-0230, 340-236-0430, 340-240-0170, 340-240-0230, 340-240-0310, 340-242-0700, 340-242-0710, 340-242-0720, 340-242-0730, 340-242-0740, 340-242-0750, 340-242-0760, 340-242-0770, 340-242-0780, 340-242-0790, 340-264-0190

**Last Date for Comment:** 7-31-14, 5 p.m.

**Summary:** Short summary

DEQ proposes to streamline, reorganize and update Oregon's air quality permit rules. The Source Sampling Manual Volumes I and II and Continuous Monitoring Manual are part of the proposed rules.

DEQ also proposes changes to statewide particulate matter emission standards and the preconstruction permitting program. The changes would help Oregon comply with the U.S. Environmental Protection Agency's ambient air quality standard for fine particulates, commonly called PM2.5 and protect air quality through Oregon's permitting programs.

In addition, DEQ proposes rules to:

- Expand preconstruction permitting flexibility for small facilities,
- Allow DEQ to use technology such as teleconferencing for public meetings to improve community outreach, and
- Improve program implementation by proposing minor amendments to:

- The woodstove replacement program called Heat Smart, and
- The gasoline dispensing facility rules.

-This document describes the proposed rules under the following nine categories:

1. Clarify and update air quality rules
2. Update particulate matter emission standards
3. Change permitting requirements for emergency generators and small natural gas or oil-fired equipment
4. Establish two new state air quality area designations, "sustainment" and "re attainment," to help areas avoid and more quickly end a federal nonattainment designation
5. Designate Lakeview as a state sustainment area while retaining its federal attainment designation
6. Change the New Source Review preconstruction permitting program
7. Modernize methods allowed for holding public hearings and meetings
8. Re-establish the Heat Smart woodstove replacement program exemption for small commercial solid fuel boilers regulated under the permitting program
9. Remove annual reporting requirements for small gasoline dispensing facilities

DEQ proposes the Environmental Quality Commission approve the proposed rules for incorporation into Oregon's State Implementation Plan. With EQC's approval, DEQ would submit the proposed rules to the U. S. Environmental Protection Agency to be included in revisions to the State Implementation Plan required under the Clean Air Act.

Note: See DEQ's crosswalk of rules changes, including the rules in the State Implementation Plan, for details.

Regulated parties

The proposed rules affect:

- All businesses, agencies, local governments and other entities holding air quality permits;
- Businesses and other entities required to submit construction approval notices;
- Businesses and other entities that sell small solid fuel boilers; and

-Businesses and other entities that dispense less than 10,000 gallons of gasoline a month.

Request for other options

During the public comment period, DEQ requests public comment on whether to consider other options for achieving the proposed rule's substantive goals while reducing any negative economic impact of the rules on business.

DEQ requests public comment on the ability of owners and operators of equipment to meet the proposed particulate standards, specifically the proposed grain loading and opacity standards.

Since DEQ is clarifying that state rules apply to Lane Regional Air Protection Agency unless they adopt their own rules, DEQ also requests public comment on which existing LRAPA rules are equivalent to or more strict than DEQ's proposed rules to ensure that LRAPA is authorized and required to implement in Lane County any new state rules that are more strict than existing LRAPA rules.

**Rules Coordinator:** Maggie Vandehey

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

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

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## Department of Fish and Wildlife Chapter 635

**Rule Caption:** Rule Amendments Related to the 2015 Oregon Sport Fishing Regulations.

**Date:**  
8-1-14

**Time:**  
8 a.m.

**Location:**  
Oregon Fish and Wildlife  
Commission Hearing  
4034 Fairview Industrial Dr. SE  
Salem, OR 97302

**Hearing Officer:** Oregon Fish and Wildlife Commission

**Stat. Auth.:** ORS 496.138, 496.146, 496.162, 497.121 & 506.119

**Stats. Implemented:** ORS 496.004, 496.009, 496.138, 496.146, 496.162, 506.109 & 506.129

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

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

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

**Last Date for Comment:** 8-1-14, 8 a.m.

**Summary:** These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2015. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

**Rules Coordinator:** Therese Kucera

**Address:** Department of Fish and Wildlife, 4034 Fairview Industrial Dr. SE, Salem, OR 97302

**Telephone:** (503) 947-6033

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**Rule Caption:** Adopt and Amend Rules for Commercial Dungeness Crab Fisheries.

**Date:**  
8-1-14

**Time:**  
8 a.m.

**Location:**  
4034 Fairview Industrial Dr. SE  
Salem, OR 97302

**Hearing Officer:** Oregon Fish and Wildlife Commission

**Stat. Auth.:** ORS 506.036, 506.109, 506.119 & 506.129

**Other Auth.:** HB 3262 (2013), HB 4049 (2014)

**Stats. Implemented:** ORS 506.109, 506.129, 506.306 & 508.936

**Proposed Adoptions:** Rules in 635-005

**Proposed Amendments:** Rules in 635-005

**Proposed Repeals:** Rules in 635-005

**Last Date for Comment:** 8-1-14, 8 a.m.

**Summary:** The adopted and amended rules for commercial Dungeness crab fisheries will implement recent legislation and recommendations of the Coastal Dungeness Crab Tri-State Committee. House Bill (HB) 4049, passed in 2014, changed provisions related



# NOTICES OF PROPOSED RULEMAKING

to suspension, revocation, and transfer of Dungeness crab permits. The administrative rules are being updated to conform to these changes. HB 3262, passed in the 2013, authorized the Oregon Fish and Wildlife Commission (ODFW) to issue commercial fishing vessels permits to remove gear remaining in the ocean 15 or more days after the commercial season closes. HB 3262 exempts gear removed under such a permit from personal property laws. Adopted rules implement a gear removal permitting system as authorized by HB 3262. Also, rule amendments implement changes to the Pre-Season Testing Protocol for the Commercial Dungeness Crab Fishery (Protocol) and the fishery start time (time of day) which have been mutually agreed to by the states of Washington, Oregon, and California fish and wildlife agencies under the auspices of the Pacific States Marine Fisheries Commission's Coastal Dungeness Crab Tri-State Committee process. House-keeping and technical corrections to the regulations may occur to ensure rule consistency.

**Rules Coordinator:** Therese Kucera  
**Address:** Department of Fish and Wildlife, 4034 Fairview Industrial Dr. SE, Salem, OR 97302  
**Telephone:** (503) 947-6033

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

Date:	Time:	Location:
8-1-14	8 a.m.	4034 Fairview Industrial Dr. SE Salem, OR 97302

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

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

**Last Date for Comment:** 8-1-14, Close of Hearing  
**Summary:** Amend rules regarding the harvest of game birds including 2014–2015 season dates, open areas, regulations, bag limits and 2015 upland game bird frameworks.

**Rules Coordinator:** Therese Kucera  
**Address:** Department of Fish and Wildlife, 4034 Fairview Industrial Dr. SE, Salem, OR 97302  
**Telephone:** (503) 947-6033

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**Rule Caption:** Coastal Zone Salmon Fisheries.

Date:	Time:	Location:
8-1-14	8 a.m.	4034 Fairview Industrial Dr. SE Salem, OR 97302

**Hearing Officer:** Oregon Fish and Wildlife Commission  
**Stat. Auth.:** ORS 496.138, 496.146, 506.036, 506.119, 506.129, 506.750, et. Seq.

**Other Auth.:** Magnusson-Stevens Sustainable Fisheries Act.  
**Stats. Implemented:** ORS 496.162, 506.036, 506.109, 506.129, 506.750, et. Seq.

**Proposed Adoptions:** Rules in 635-003, 635-013, 635-014, 635-016  
**Proposed Amendments:** Rules in 635-003, 635-013, 635-014, 635-016

**Proposed Repeals:** Rules in 635-003, 635-013, 635-014, 635-016  
**Last Date for Comment:** 8-1-14, Close of Hearing

**Summary:** Amend rules relating to sport salmon fishing in the Northwest and Southwest zones consistent with guidelines established by the Oregon Fish and Wildlife Commission and Pacific Fishery Management Council; and enacted Federal Regulations. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

**Rules Coordinator:** Therese Kucera  
**Address:** Department of Fish and Wildlife, 4034 Fairview Industrial Dr. SE, Salem, OR 97302  
**Telephone:** (503) 947-6033

**Rule Caption:** Amend Rules Pertaining to ODFW Lands

Date:	Time:	Location:
8-1-14	8 a.m.	4034 Fairview Industrial Dr. SE Salem, OR 97304

**Hearing Officer:** Oregon Fish and Wildlife Commission  
**Stat. Auth.:** ORS 496.012, ORS 496.138, ORS 496.146, ORS 496.162

**Other Auth.:**  
**Stats. Implemented:** ORS 496.012, ORS 496.138, ORS 496.146, ORS 496.162

**Proposed Amendments:** Rules in 635-008, 635-065  
**Last Date for Comment:** 8-1-14, Close of Hearing  
**Summary:** Amend Rules to Update and Consolidate Rules Pertaining to ODFW Lands

**Rules Coordinator:** Therese Kucera  
**Address:** Department of Fish and Wildlife, 4034 Fairview Industrial Dr. SE, Salem, OR 97302  
**Telephone:** (503) 947-6033

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

**Rule Caption:** Changing Child Welfare OAR affecting Adoption Assistance for international adoptions

Date:	Time:	Location:
7-23-14	2 p.m.	500 Summer St. NE, Rm. 257 Salem, OR 97301

**Hearing Officer:** Kris Skaro  
**Stat. Auth.:** ORS 418.005, 418.340

**Other Auth.:** Social Security Act Section 473 (42 USC 673); 45 CFR 1356.41

**Stats. Implemented:** ORS 418.005, 418.330, 418.335, 418.340

**Proposed Amendments:** 413-130-0077

**Last Date for Comment:** 7-25-14, 5 p.m.

**Summary:** The Department of Human Services, Office of Child Welfare Programs, proposes to amend its rules about Adoption Assistance, specifically OAR 413-130-0077 (Eligibility for Nonrecurring Expenses), to be consistent with federal guidance regarding eligibility of a child adopted internationally for reimbursement of non-recurring expenses. Previously the rule has provided that reimbursement of nonrecurring expenses is prohibited for a child who was adopted outside the United States or was brought to the United States for the purpose of being adopted. Federal requirements provide that the only eligibility criterion for reimbursement of nonrecurring expenses is that the child has special needs. Accordingly, the limitation in 413-130-0077(2) is being removed.

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

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

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**Rule Caption:** Repealing Child Welfare OARs relating to Inspection and Copying of Records

Date:	Time:	Location:
7-23-14	2 p.m.	500 Summer St. NE, Rm. 257 Salem, OR 97301

**Hearing Officer:** Kris Skaro  
**Stat. Auth.:** ORS 192.430, 409.050 & 418.005  
**Stats. Implemented:** ORS 192.420, 192.430, 192.440, 192.496, 192.501, 192.502, 409.010, 418.005 & 419B.035

**Proposed Repeals:** 413-350-0000, 413-350-0010, 413-350-0020, 413-350-0030, 413-350-0040, 413-350-0050, 413-350-0060, 413-350-0070, 413-350-0080, 413-350-0090

**Last Date for Comment:** 7-25-14, 5 p.m.

**Summary:** The Department of Human Services, Office of Child Welfare, proposes to repeal unnecessary rules on Inspection and Copying of Records, OAR 413-350-0000 through 413-350-0090, because the topics in the rules are addressed in the Public Records

# NOTICES OF PROPOSED RULEMAKING

Law, the Department's policy on Public Record Requests and Fees, and Department-wide administrative rules on Public Record Fees, OAR 407-003-0000 and 407-003-0010.

Written comments may be submitted until Friday, July 25, 2014 at 5:00 p.m. Written comments may be submitted via e-mail to Kris.A.Skaro@state.or.us, faxed to 503-373-7032, or mailed to Kris Skaro, 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:** Kris Skaro

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

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

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## Department of Public Safety Standards and Training

### Chapter 259

**Rule Caption:** Clarify DPSST's procedures for reviewing discretionary disqualifying conduct and revise wording regarding default orders.

**Stat. Auth.:** ORS 703.415, 703.425, 703.430, 703.435, 703.445, 703.450, 703.460, 703.465, 703.480, 181.640, 181.661, 181.662, 181.664, 181.878, 181.882, 181.885 & 183.341.

**Stats. Implemented:** ORS 181.640, 181.661, 181.662, 181.664, 181.878, 181.885, & 703.401-703.995.

**Proposed Amendments:** 259-008-0070, 259-009-0070, 259-060-0300, 259-061-0300

**Last Date for Comment:** 7-21-14, Close of Business

**Summary:** In March, 2014, the Department of Justice (DOJ) reviewed OAR 259-060-0300 (Denial/Suspension/Revocation). DOJ recommended several drafting changes be made to the denial and revocation procedure portion of rule. DOJ suggested clarifying the language to clearly show DPSST's procedures for reviewing discretionary disqualifying conduct. Further, DOJ suggested revising the rule wording concerning Default Orders to differentiate between cases that have been brought before a policy committee and cases that have been handled administratively, when a timely request for a hearing is not received. This proposed rule change implements DOJ's advice for all applicable areas of DPSST's rules and also provides housekeeping.

This proposed change also corrects outlining errors and a wording error that was discovered in 259-061-0300 from a May 5, 2014, permanent rule filing. The wording correction amends OAR 259-061-0300 to reflect the correct language approved by the Private Security and Investigator Policy Committee and the Board on Public Safety Standards and Training.

**Rules Coordinator:** Sharon Huck

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

**Telephone:** (503) 378-2432

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**Rule Caption:** To correct an inadvertent filing error that omitted previously filed housekeeping changes.

**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:** 7-21-14, Close of Business

**Summary:** In June, 2013, DPSST filed a temporary rule to correct the inadvertent omission of a word in the rule language. In September, 2013, the rule was filed permanently, with several housekeeping corrections. In January, 2014, OAR 259-008-0067 was revised to add instructor certification requirements; however, the housekeeping changes made in 2013 were mistakenly excluded. This rule change corrects this error.

**Rules Coordinator:** Sharon Huck

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

**Telephone:** (503) 378-2432

**Rule Caption:** Correct the inadvertent omission of a word in the rule language regarding sheriff's office candidacy.

**Stat. Auth.:** ORS 206.015

**Stats. Implemented:** ORS 206.015

**Proposed Amendments:** 259-008-0075

**Last Date for Comment:** 7-21-14, Close of Business

**Summary:** On June 24, 2013, DPSST filed a permanent rule change to 259-008-0075 to update the timeline for requesting an eligibility determination for sheriff's office candidacy. During the permanent filing process, a word was left out of the text. This rule change corrects this mistake and also addresses housekeeping.

**Rules Coordinator:** Sharon Huck

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

**Telephone:** (503) 378-2432

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**Rule Caption:** Correct the inadvertent omission of several words in the rule language regarding instructor certification.

**Stat. Auth.:** ORS 181.640 & 181.650

**Stats. Implemented:** ORS 181.640 & 181.650

**Proposed Amendments:** 259-008-0080

**Last Date for Comment:** 7-21-14, Close of Business

**Summary:** On January 29, 2014, DPSST filed a permanent rule change to 259-008-0080 regarding the instructor certification process. The rule change added definitions, clarified procedures, and made housekeeping changes. During the administrative rule audit, it was noticed that several changes in the rule language that were approved in January, 2014, were not included in the permanent rule language. This rule change corrects this error and also addresses housekeeping.

**Rules Coordinator:** Sharon Huck

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

**Telephone:** (503) 378-2432

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**Rule Caption:** Correct erroneously labeled crimes in the discretionary disqualifying crimes and presumptive categories list and housekeeping.

**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:** 259-009-0070

**Last Date for Comment:** 7-21-14, Close of Business

**Summary:** On March 26, 2013, DPSST filed a permanent rule change to 259-009-0070 to update the discretionary disqualifying crimes list and presumptive categories. During an administrative rule audit, it was discovered that several crimes were labeled incorrectly. This rule change corrects this oversight. This rule modification also addresses numerous housekeeping issues for clarity and consistency.

**Rules Coordinator:** Sharon Huck

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

**Telephone:** (503) 378-2432

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## Department of State Lands

### Chapter 141

**Rule Caption:** Amend Division 85 of the Department of State Lands Rules Governing Removal-Fill

Date:	Time:	Location:
7-23-14	5 p.m.	DSL Land Board Rm. 775 Summer St. NE, Suite 100 Salem, OR 97301

**Hearing Officer:** Kirk Jarvie or Carrie Landrum

**Stat. Auth.:** ORS 196.825 & 196.600-196.962

**Stats. Implemented:** ORS 196.600-196.692 & 196.800-196.990

**Proposed Adoptions:** 141-085-0768

**Proposed Amendments:** 141-085-0510, 141-085-0520, 141-085-0530, 141-085-0534, 141-085-0550, 141-085-0560, 141-085-0565,

# NOTICES OF PROPOSED RULEMAKING

141-085-0575, 141-085-0680, 141-085-0725, 141-085-0735, 141-085-0750, 141-085-0755, 141-085-0775

**Proposed Repeals:** 141-085-0760

**Last Date for Comment:** 7-31-14, 5 p.m.

**Summary:** These rules govern the issuance and enforcement of removal-fill authorizations within waters of the state including wetlands.

Revisions to these rules are necessary to clarify provisions and meet statutory changes from the 2013 legislative session (HB2396 and HB2032, both engrossed).

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

For additional information on this rulemaking process please visit the following link on the Departments website: <http://www.oregon.gov/dsl/Pages/Rulemaking-Activity.aspx>

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

To comment on this rulemaking, submit your comments by mail to: Tiana Teeters, Rules Coordinator, Department of State Lands, 775 Summer Street N.E., Suite 100, Salem, Oregon 97301.

**Rules Coordinator:** Tiana Teeters

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

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

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

**Rule Caption:** Record Inquiry Accounts

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
7-17-14	4 p.m.	DMV Headquarters, Rm. 123 1905 Lana Avenue, Salem OR

**Hearing Officer:** Liz Woods

**Stat. Auth.:** ORS 184.616, 184.619, 192.440, 802.010, 802.179, 802.183, 802.220 & 802.230

**Stats. Implemented:** ORS 802.179, 802.220 & 802.230

**Proposed Amendments:** 735-010-0020

**Last Date for Comment:** 7-21-14, 11 a.m.

**Summary:** OAR 735-010-0020 defines processes and procedures for a person or business entity to apply for a Record Inquiry Account. As part of the application process the person or business entity must provide sufficient information for DMV to determine that the person or business entity is legally entitled to obtain DMV records. ORS 802.181(6) requires those, other than a representative of the news media, who redisclose personal information contained in a DMV record to maintain, for five years, records that identify to whom the information was redisclosed and the permitted purpose for which the person received the information. Currently statute or rule does not require a person or business entity that receives DMV records but does not redisclose that information to maintain records that show the reason a specific record was accessed. At times DMV receives complaints about the use of its records. DMV is concerned that a person or business entity that has a legitimate business purpose for accessing DMV records could, at times, access a record for a reason not allowed by Oregon law. DMV therefore proposes to amend 735-010-0020 and include a requirement that records must be maintained for five years by a Record Inquiry Account holder that identifies the permitted purpose of any personal information it accessed from DMV records. DMV further proposes to amend 735-010-0020 to specify that DMV Records Policy Unit may inspect those records or request information on a specific record inquiry made by an account holder if there is an indication the information is being misused.

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

**Rules Coordinator:** Lauri Kunze

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

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

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**Rule Caption:** Ignition Interlock Devices, Standards, Certification, Approval, Removal of Approval, Product Liability and Reports

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
7-18-14	10 a.m.	DMV Headquarters, Rm. 122 1905 Lana Avenue, Salem OR

**Hearing Officer:** Liz Woods

**Stat. Auth.:** ORS 184.616, 184.619, 802.010 & 813.600

**Stats. Implemented:** ORS 813.600 & 813.602

**Proposed Adoptions:** 735-118-0050

**Proposed Amendments:** 735-118-0000, 735-118-0010, 735-118-0020, 735-118-0030, 735-118-0040

**Last Date for Comment:** 7-21-14, Close of Business

**Summary:** DMV establishes the standards for ignition interlock devices ("IIDs" or "devices") that may be installed in Oregon. OAR 735-118-0040, which establishes device standards, has not been amended since 2001. The National Highway Safety Transportation Administration (NHTSA) released newly recommended IID standards to be effective May 8, 2014. DMV currently uses a self-certification process for approval of an IID for use in Oregon.

Because of the above, DMV determined it was time to review its standards for devices and to consider using a process other than self-certification to make certain the technology and standards used for IIDs installed in vehicles in Oregon are current and correspond with NHTSA's recommendations.

In order to propose the best rules possible, DMV consulted with a rule advisory committee (as noted below) as well as consulted with the Oregon Transportation Safety Committee in accordance with ORS 813.600. Through this process DMV gathered valuable input and proposes specific changes to OAR Chapter 735, Division 118, to ensure that an IID used in Oregon has current technology and prevents a person who has a device installed from driving after consuming alcohol. Specific proposed amendments are as follows:

1. Oregon will adopt the 2014 NHTSA standards;
2. DMV will no longer accept a self-certification from a manufacturer that their device meets Oregon standard. The approval process is tightened and will require a report from an independent testing laboratory showing that a device meets NHTSA standards;
3. OAR 735-118-0040 will contain specific requirements on the alcohol set point;
4. OAR 735-118-0040 will require a re-test following the initial test prior to starting the vehicle and specific actions when a re-test is not passed as required;
5. OAR 735-118-0030 tightens the criteria that DMV may use to de-certify a specific IID used in Oregon.
6. OAR 735-118-0050 will help providers understand when a requirement for an IID is a DMV requirement and when it is a court requirement. It further will clarify where to send reports as DMV can only process reports when the IID is a DMV requirement.

DMV is proposing OAR 735-118-0040 that includes the device specifications listed above and the requirement that all IIDs installed in Oregon after June 1, 2015, must include a camera to record a photo of the person who blows into the device every time a test is required. The reason for including the camera provision is to obtain additional input regarding the subject of a camera-equipped IID during the public comment phase of this rulemaking. DMV has yet to see specific data supporting the use of an IID with camera in Oregon even though many of the stakeholders we have met with advocate for cameras. DMV is uncertain of the impacts caused by requiring a camera on all devices in use in Oregon, such as a potential shortage of devices in Oregon or the availability of devices in rural areas of the state. DMV is not certain of the purpose or value of adding a camera when Oregon statute does not authorize monitoring of the person other than compliance by requiring reports of installation, removal or tampering. DMV is proposing an option with the camera to ensure the infor-



# NOTICES OF PROPOSED RULEMAKING

mation is considered so that we are able to move forward with a rule, either with or without the camera, after public comment.

**Rules Coordinator:** Lauri Kunze

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

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

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**Rule Caption:** Pilot Program: Class C Third Party Testing, Drive Tests

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
7-17-14	8:30 a.m.	DMV Headquarters, Rm. 361 1905 Lana Ave. Salem OR

**Hearing Officer:** Liz Woods

**Stat. Auth.:** ORS 184.616, 184.619, 802.010 & 802.600

**Stats. Implemented:** ORS 802.600

**Proposed Adoptions:** 735-061-0210, 735-061-0220, 735-061-0230, 735-061-0240, 735-061-0250, 735-061-0260, 735-061-0270, 735-061-0280, 735-061-0290, 735-061-0300, 735-061-0310, 735-061-0320, 735-061-0330, 735-061-0340, 735-061-0350, 735-061-0360, 735-061-0370, 735-061-00380, 735-061-0390

**Last Date for Comment:** 7-21-14, Close of Business

**Summary:** The proposed rules in OAR Chapter 735, Division 61 establish a pilot program for DMV to enter into agreements with select businesses and certify them to perform Class C drive tests on behalf of DMV under the authority of ORS 802.600. These proposed rules establish eligibility requirements, the application and certification process and responsibilities for both the testing businesses and examiners. The proposed rules also establish requirements for inspection and record security, a code of ethics and possible sanctions against a testing business or examiner. DMV is maintaining tight control over this pilot program by inviting only those businesses that are both certified as a Commercial Drive School by DMV and approved by the Transportation Safety Division of ODOT to conduct a traffic safety education course. These businesses must also possess a specified level of experience in these programs. DMV is also limiting the number of examiners that each business may have trained and certified during the pilot program.

DMV will use information gathered during the pilot program to determine whether third party testing of Class C applicants is a program that should continue long term. DMV wants to ascertain whether:

1. The testing conducted by a third party is minimally equivalent to testing conducted by DMV.
2. Third party testing leads to Class C driver license applicants being more quickly and conveniently served.
3. There is any increase in fraudulent activity related to a drive test or issuance of a Class C license.
4. Class C drive testing is a viable business or segment of business for an existing Oregon business.
5. Third party Class C testing leads to lower wait times and better customer service in DMV field offices.
6. There is reason to limit or expand the number of third-party testing businesses in the future.
7. Administrative rules, procedures, forms, etc. created for the pilot project will need to be modified for a permanent program.

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

**Rules Coordinator:** Lauri Kunze

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

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

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## Employment Department Chapter 471

**Rule Caption:** Update Relief of Charges

**Stat. Auth.:** ORS 657.610

**Stats. Implemented:** ORS 657

**Proposed Amendments:** 471-030-0081, 471-030-0082

**Last Date for Comment:** 7-25-14, 5 p.m.

**Summary:** Retroactive application of a technical correction. The technical correction updated ORS references, which were modified with Senate Bill 192 in the 2013 Legislative Session, and took effect in October 2013. This retroactive application aligns with that change.

**Rules Coordinator:** Courtney Brooks

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

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

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## Employment Relations Board Chapter 115

**Rule Caption:** Rule amendments regarding procedural process for contested case proceedings.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
7-30-14	10 a.m.	528 Cottage St. NE, Suite 400 Salem, OR 97301

**Hearing Officer:** April Bathurst

**Stat. Auth.:** ORS 240.086(3) & 243.766(7)

**Stats. Implemented:** ORS 240.086, 240.560, 243.672(3) & 243.676

**Proposed Amendments:** 115-010-0005, 115-010-0045, 115-010-0068, 115-010-0070, 115-010-0077, 115-035-0000, 115-035-0035, 115-035-0040, 115-035-0055, 115-035-0057

**Proposed Repeals:** 115-015-0000 – 115-015-0040, 115-035-0007

**Last Date for Comment:** 7-30-14, 5 p.m.

**Summary:** Updated pursuant to recommendations of the advisory committee regarding Employment Relations Board's procedural processes.

These rules:

Delete Division 15 — Declaratory Rulings, as the Employment Relations Board is required to use the rules adopted by the Attorney General.

Delete rule 115-035-0007 — Motion to Make More Definite.

Amend rules regarding Motions, Prehearing Procedures, Conduct of Hearings, Briefs, Filing of Unfair Labor Practice Complaint, Answer to Complaint, Notice of Hearings, Representation Costs, and Attorney Fees.

Increases potential award of representation costs and attorney fees from \$3500 to \$5000

**Rules Coordinator:** April Bathurst

**Address:** Employment Relations Board, 528 Cottage St. NE, Suite 400, Salem, OR 97301

**Telephone:** (503) 378-3808

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## Higher Education Coordinating Commission Chapter 715

**Rule Caption:** Adopt as permanent temporary procedural rules for rule making and contested case proceedings.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
7-21-14	10 a.m.	900 Court St. N, Hearing Rm. C Salem, OR 97301

**Hearing Officer:** Staff

**Stat. Auth.:** ORS 183.335, 183.341 & 351.728

**Stats. Implemented:** ORS 183.335

**Proposed Adoptions:** 715-001-0020, 715-001-0025

**Last Date for Comment:** 7-21-14, Close of Business

**Summary:** The Higher Education Coordinating Commission must "adopt rules of procedure to be utilized in the adoption of rules and conduct of proceedings in contested cases..." ORS 183.341(2). The Commission is adopting a standard procedural rule for providing notice of proposed rulemaking, and is adopting by reference the Attorney General's Uniform Rules of procedure and Model Rules of procedure for rulemaking and contested case proceedings. The Commission must adopt rules of procedure so that it can implement and administer the programs and duties it has been delegated by the Leg-



# NOTICES OF PROPOSED RULEMAKING

islative Assembly, through rulemaking and contested case proceedings.

**Rules Coordinator:** Angela Rico

**Address:** Higher Education Coordinating Commission, 775 Court St NE, Salem, OR 97301

**Telephone:** (503) 378-5690

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## **Land Conservation and Development Department Chapter 660**

**Rule Caption:** Allow "youth camps" as conditional use on certain exclusive farm use lands in eastern Oregon

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
7-24-14	8:30 a.m.	Four Rivers Cultural Center 676 SW Fifth Ave. Ontario, OR

**Hearing Officer:** LCDC

**Stat. Auth.:** ORS 197.040 & 2013 OL Ch. 711 Sec. 2

**Other Auth.:** 2013 OL Ch. 711

**Stats. Implemented:** ORS 215.457(2)

**Proposed Amendments:** Rules in 660-033

**Last Date for Comment:** 7-24-14, 8:30 a.m.

**Summary:** The department is proposing amendments to the Agricultural Lands Rule at OAR 660-033-0130 to allow the establishment of "youth camps" as a conditional use on certain agricultural lands in eastern Oregon. The rules would include standards and criteria provided by Oregon Laws, 2013, chapter 711, which requires the Land Conservation and Development Commission adopt rules to establish criteria for implementation of ORS 215.457(2).

**Rules Coordinator:** Casaria Taylor

**Address:** Land Conservation and Development Department, 635 Capitol St. NE, Suite 150, Salem, OR 97301

**Telephone:** (503) 373-0050, ext. 322

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**Rule Caption:** Minor and technical amendments to the Transportation Planning Rules

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
7-24-14	8:30 a.m.	Four Rivers Cultural Center, 676 SW Fifth Ave. Ontario, OR

**Hearing Officer:** LCDC

**Stat. Auth.:** ORS 197.040

**Stats. Implemented:** ORS 195.025, 195.033, 195.036, 197.040, 197.180 & 197.610

**Proposed Amendments:** Rules in 660-012

**Last Date for Comment:** 7-24-14, Close of Hearing

**Summary:** Minor and technical amendments to the Transportation Planning Rules at OAR chapter 660, division 12, in order to:

(1) Specify that rule requirements related to Metropolitan Planning Organizations (MPOs) do not apply to the Walla Walla Valley MPO because this area is primarily within the State of Washington and only includes one small urban area in Oregon.

(2) Clarify that regional transportation system plans are to be adopted by local governments within a metropolitan area, rather than metropolitan planning organizations, by consistently using clearly defined terms throughout the division.

(3) Correct an administrative rule filing error by the department in June 2006 that inadvertently resulted in the elimination of a section of rule that was previously adopted by LCDC and was not intended to be removed and had not been repealed by LCDC.

(4) Update reference to population forecasts to ensure consistency with ORS 195.033 and 195.036.

**Rules Coordinator:** Casaria Taylor

**Address:** Land Conservation and Development Department, 635 Capitol St. NE, Suite 150, Salem, OR 97301

**Telephone:** (503) 373-0050, ext. 322

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**Rule Caption:** Amend rules allowing commercial photovoltaic solar facilities on lands designated for exclusive farm use

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
7-24-14	8:30 a.m.	Four Rivers Cultural Center 676 SW Fifth Ave. Ontario, OR

**Hearing Officer:** LCDC

**Stat. Auth.:** ORS 197.040

**Other Auth.:** ORS 469

**Stats. Implemented:** ORS 215.213 & 215.283

**Proposed Amendments:** Rules in 660-033

**Last Date for Comment:** 7-24-14, Close of Hearing

**Summary:** The department is proposing amendments to the Agricultural Lands Rule at OAR 660-033-0130 to clarify provisions applying to the establishment of commercial scale photovoltaic solar facilities. More specifically, the proposal will adjust wording to clarify standards regarding wild life habitat and to change project on nonarable lands will be proposed.

**Rules Coordinator:** Casaria Taylor

**Address:** Land Conservation and Development Department, 635 Capitol St. NE, Suite 150, Salem, OR 97301

**Telephone:** (503) 373-0050, ext. 322

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## **Landscape Contractors Board Chapter 808**

**Rule Caption:** Providing false information is dishonest & amends items the board charges for

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
7-29-14	9 a.m.	LCB Office 2111 Front St. NE, Suite 2-101 Salem, OR 97301

**Hearing Officer:** Shelley Sneed

**Stat. Auth.:** ORS 671.310 & 671.760

**Stats. Implemented:** ORS 183, 293.445, 671 & 167.610(1)(q)

**Proposed Amendments:** 808-001-0020, 808-002-0330

**Proposed Repeals:** 808-001-0020(T), 808-002-0330(T)

**Last Date for Comment:** 7-29-14, Close of Hearing

**Summary:** Providing false information is dishonest and amends items the board charges for.

**Rules Coordinator:** Kim Gladwill-Rowley

**Address:** Landscape Contractors Board, 2111 Front Street NE, Suite 2-101, Salem, OR 97301

**Telephone:** (503) 967-6291, ext. 223

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**Rule Caption:** Clarifies specific plantings that are agricultural services and are exempt from licensing.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
7-29-14	9 a.m.	LCB Office 2111 Front St. NE, Suite 2-101 Salem, OR 97301

**Hearing Officer:** Shelley Sneed

**Stat. Auth.:** ORS 670.310 & 671.670

**Stats. Implemented:** ORS 671.520

**Proposed Adoptions:** 808-002-0145

**Last Date for Comment:** 7-29-14, Close of Hearing

**Summary:** Clarifies specific plantings that are agricultural services and are exempt from licensing.

**Rules Coordinator:** Kim Gladwill-Rowley

**Address:** Landscape Contractors Board, 2111 Front Street NE, Suite 2-101, Salem, OR 97301

**Telephone:** (503) 967-6291, ext. 223

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## **Oregon Department of Education Chapter 581**

**Rule Caption:** Teacher and Administrator Mentoring

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
7-23-14	9 a.m.	255 Capitol St. NE, Rm. 200A Salem, OR

**Hearing Officer:** Emily Nazarov

**Stat. Auth.:** ORS 326.051 & 329.795

**Stats. Implemented:** 329.790 to 329.820

# NOTICES OF PROPOSED RULEMAKING

**Proposed Adoptions:** 581-018-0133

**Proposed Ren. & Amends:** 581-020-0065 to 581-018-0130, 581-020-0060 to 581-018-0136, 581-020-0085 to 581-018-0139, 581-020-0070 to 581-018-0142, 581-020-0075 to 581-018-0145, 581-020-0080 to 581-018-0148, 581-020-0090 to 581-018-0151

**Last Date for Comment:** 8-1-14, 5 p.m.

**Summary:** Defines mentoring and provides evidence-based best practice Mentoring Program Standards for mentoring programs. Eliminates the specified amount of funding for each beginning teacher and administrator that meet mentoring requirements in alignment with revised statute. Renumbers rules so that they become part of Network on Quality Teaching and Learning pursuant to HB 3233 (2013).

**Rules Coordinator:** Cindy Hunt

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

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

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**Rule Caption:** Surrogate parents for purposes of special education

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
7-23-14	9 a.m.	255 Capitol St. NE, 200A Salem, OR 97310

**Hearing Officer:** Emily Nazarov

**Stat. Auth.:** ORS 343.041, 343.045, 343.055, 343.155

**Other Auth.:** 34 CFR 300.519

**Stats. Implemented:** ORS 343.155

**Proposed Amendments:** 581-015-2320

**Last Date for Comment:** 8-1-14, 5 p.m.

**Summary:** Amends OAR 581-015-2320 to align language in state rules to language contained in federal regulations and federal written guidance to states from the Office of Special Education Programs.

The recommended amendment is needed to clarify the existing language in OAR 581-015-2320 regarding the process in determining when there is a need to assign a surrogate parent when a child is a ward of the state and bring the language in state rule into alignment with 34 CFR 300.519 and the written guidance from federal OSEP.

**Rules Coordinator:** Cindy Hunt

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

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

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**Rule Caption:** Report on physical education data

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
7-23-14	9 a.m.	255 Capitol St. NE, 200A Salem OR

**Hearing Officer:** Emily Nazarov

**Stat. Auth.:** ORS 326.051

**Stats. Implemented:** ORS 329.498

**Proposed Amendments:** 581-022-1661

**Last Date for Comment:** 8-1-14, 5 p.m.

**Summary:** Changes the annual data collection of the physical capacity of public schools to provide students kindergarten through grade 5 with at least 150 minutes of physical education instruction and students in grades 6-8 with at least 225 minutes of physical education instruction to only reporting the data when there is an increase or a decrease of the school's physical capacity to provide the instruction. These revisions align the rule with the statute as amended in 2013.

**Rules Coordinator:** Cindy Hunt

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

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

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**Rule Caption:** Modifies funding for Youth Correction Education Program (YCEP) and Juvenile Detention Education Program (JDEP)

**Stat. Auth.:** ORS 326.051

**Stats. Implemented:** ORS 327.026

**Proposed Amendments:** 581-023-0022

**Last Date for Comment:** 7-31-14, 5 p.m.

**Summary:** The State School Fund provides financial support to other programs in addition to school districts. These programs include the YCEP and JDEP. The YCEP and JDEP programs provide education to students who are incarcerated in Oregon Youth Authority facilities and county juvenile detention facilities.

The two programs are funded using the Average Daily Membership (ADM), the same as districts. Instead of receiving all of the weights that the districts are eligible to receive, each program receives a set multiplier to determine its ADMw. JDEP multiplies its ADM by 1.5 and YCEP multiplies its ADM by 2.0.

The rule implements HB 4008 (2014) by applying the concept of extended ADMw to the calculation.

**Rules Coordinator:** Cindy Hunt

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

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

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## Oregon Health Authority Chapter 943

**Rule Caption:** Individual Rights: Prohibiting Discrimination against Individuals Based on Protected Class

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
7-25-14	1 p.m.	Portland State Office Bldg. 800 NE Oregon St., Rm 1A Portland, OR 97232

**Hearing Officer:** Staff

**Stat. Auth.:** ORS 413.042

**Other Auth.:** Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, Oregon Revised Statute 659A.403, Oregon Revised Statute 659A.103

**Stats. Implemented:** ORS 413.042

**Proposed Adoptions:** 943-005-0040, 943-005-0050, 943-005-0060, 943-005-0070

**Proposed Amendments:** 943-005-0000, 943-005-0005, 943-005-0010, 943-005-0015, 943-005-0020, -005-0025, 943-005-0030

**Last Date for Comment:** 7-28-14, 5 p.m.

**Summary:** These rules establish a policy of non-discrimination for the Oregon Health Authority as well as processes for requesting modifications and reporting and investigating complaints of discrimination based on protected class, in accordance with state and federal law. These rules apply to Authority contractors and subcontractors and provide for Authority assistance to these groups. The rules also provide for data gathering and the standardization of processes across the Authority.

**Rules Coordinator:** Keely L. West

**Address:** Oregon Health Authority, 500 Summer St. NE, E-20, Salem, OR 97301

**Telephone:** (503) 945-6292

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## Oregon Health Authority, Public Health Division Chapter 333

**Rule Caption:** Update to Radiation Protection Services' X-ray and radioactive materials program rules

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
7-16-14	9 a.m.	Portland State Office Bldg. 800 NE Oregon St., Rm. 121 Portland, OR 97232

**Hearing Officer:** Jana Fussell

**Stat. Auth.:** ORS 453.605-453.807

**Other Auth.:** Nuclear Regulatory Commission's 10 CFR Parts 35 & 71

**Stats. Implemented:** ORS 453.605- 453.807

# NOTICES OF PROPOSED RULEMAKING

**Proposed Adoptions:** 333-106-0345, 333-106-0361, 333-106-0362, 333-106-0363, 333-106-0364, 333-106-0366, 333-106-0367, 333-106-0368, 333-106-0369

**Proposed Amendments:** 333-100-0020, 333-101-0003, 333-101-0020, 333-102-0300, 333-103-0003, 333-103-0010, 333-103-0015, 333-103-0030, 333-103-0035, 333-106-0015, 333-106-0055, 333-106-0325, 333-106-0350, 333-106-0355, 333-106-0360, 333-116-0045, 333-116-0190, 333-116-0680, 333-116-0683, 333-116-0687, 333-116-0690, 333-118-0020, 333-118-0190, 333-120-0710

**Proposed Repeals:** 333-106-0365

**Last Date for Comment:** 7-22-14, 5 p.m.

**Summary:** The Oregon Health Authority, Public Health Division, Center for Health Protection is proposing to amend and adopt Oregon Administrative Rules related to the radioactive material licensing and X-ray programs within the Radiation Protection Services.

The Radioactive Materials Licensing (RML) program is proposing to amend rules to comply with the Nuclear Regulatory Commission's (NRC) 10 CFR Part 35 and 71, within divisions 116 and 118. The amendments are in reference to providing advanced notification to Native American Tribes of the transportation of certain types of nuclear material. These amendments will also correct rule references relating to 10 CFR Part 35, in regards to Authorized User training requirements to administer byproduct materials to patients for medical diagnosis and treatment.

Chapter 333, division 103 is being amended to increase annual radioactive materials licensing fees by 25 percent. During the 2011-2013 fiscal biennium, furloughs and cost adjustment freezes were implemented. RPS's RML program ended the 2011-2013 biennium with an ending balance of \$165,357 which carried over into the 2013-2015 biennium. This resulted in a 56 percent decrease compared to the 2009-2011 carryover balance.

The projected 2013-2015 biennium expenditure budget has a projected 13.5 percent increase for personal services. The projected 2013-2015 ending balance will be a negative \$3,841. It is estimated that the RML program will need to generate an additional \$344,336 in addition to the previous biennium revenue of \$1,667,032 to meet future expenditures.

The RML program revenue is 100 percent dependent on user fees collected annually from radioactive material licensees. There are no general or federal funds provided to support operations. The fees are in direct relation with services involved in regulating the radioactive material industry. License fees are assessed to recover the cost of operations and administrative functions relating to the regulation of the medical, academia, industrial, and research industries that use radioactive materials as part of their operations.

The X-ray program is adopting, repealing and amending rules in division 106 to align current computed tomography (CT) rules with emerging technology and address the use of the veterinary X-ray technique chart.

**Rules Coordinator:** Alayna Nest

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

**Telephone:** (971) 673-1291

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**Oregon Public Employees Retirement System**  
**Chapter 459**

**Rule Caption:** Clarification of membership eligibility standards.

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
8-19-14	2 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 237, 238, 238A & 243, OL 2007 Ch. 769

**Proposed Amendments:** 459-005-0001, 459-010-0003, 459-010-0010, 459-010-0035, 459-070-0001, 459-075-0010

**Last Date for Comment:** 9-5-14, 5 p.m.

**Summary:** Clarification of membership eligibility standards including clarification of certain terms, clarification of when and how the standards apply, and corresponding housekeeping edits.

**Rules Coordinator:** Daniel Rivas

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

**Telephone:** (503) 603-7713

.....  
**Oregon Student Access Commission**  
**Chapter 575**

**Rule Caption:** Housekeeping amendments to reflect changes required by HB 3120 (2013)

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
7-21-14	9 a.m.	900 Court St. NE Hearing Rm. C Salem, OR 97301

**Hearing Officer:** Staff

**Stat. Auth.:** ORS 348

**Other Auth.:** HB 3120 (2013 c.747)

**Stats. Implemented:**

**Proposed Amendments:** Rules in 575-001, 575-007, 575-0030, 575-031, 575-035, 575-037, 575-038, 575-045, 575-050, 575-060, 575-063, 575-065, 575-070, 575-071, 575-072, 575-073, 575-074, 575-075, 575-076, 575-080, 575-085, 575-090, 575-095

**Last Date for Comment:** 7-21-14, Close of Business

**Summary:** Housekeeping amendments reflect changes required by HB 3120 (2013), which abolished the Oregon Student Access Commission; renamed it the Office of Student Access and Completion; transferred policy-making and adjudication of disputes authority to the Higher Education Coordinating Commission (HECC); and transferred administrative authority to the Office of Student Access and Completion (OSAC). These rules include re-referencing, as appropriate, to the HECC and the HECC's Executive Director and to the OSAC and OSAC's Executive Director.

**Rules Coordinator:** Angela Rico

**Address:** Oregon Student Access Commission, 775 Court St. NE, Salem, OR 97301

**Telephone:** (503) 378-5690

.....  
**Oregon University System,**  
**Western Oregon University**  
**Chapter 574**

**Rule Caption:** Revisions to Special Course Fees and General Service Fees

**Stat. Auth.:** ORS 351.070 & 351.072

**Stats. Implemented:** ORS 351.070 & 351.072

**Proposed Amendments:** 574-050-0005

**Last Date for Comment:** 7-22-14, 5 p.m.

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

**Rules Coordinator:** Dawn Brown

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

**Telephone:** (503) 838-8472

.....  
**Parks and Recreation Department**  
**Chapter 736**

**Rule Caption:** Amendment to OAR 736-018-0045 for adoption of the Milo McIver State Park Comprehensive Plan.

**Stat. Auth.:** ORS 390.180 & 390.124

**Stats. Implemented:** ORS 390.180(1)

**Proposed Amendments:** 736-018-0045

**Last Date for Comment:** 7-31-14, 5 p.m.

**Summary:** ORS 390.180(1) authorizes the Director of the Oregon Parks and Recreation Department (OPRD) to adopt administrative rules that establish a plan for each state park. Accordingly, OPRD is adopting a plan for Milo McIver State Park. Plans for state parks are

## NOTICES OF PROPOSED RULEMAKING

adopted as state rules under OAR 736-018-0045. The purpose of amending OAR 736-018-0045 is to adopt the plan for Milo McIver State Park as a state rule.

The plan for the park responds to the most current information on park resource conditions and public recreation needs as they pertain to this park setting. The plan was formulated through OPRD's mandated planning process involving meetings with the general public, an advisory committee, recreation user groups, environmental advocacy groups, affiliated Tribes, affected state, federal and local government agencies, park neighbors and the local community.

**Rules Coordinator:** Vanessa DeMoe

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

**Telephone:** (503) 986-0719

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### **Travel Information Council Chapter 733**

**Rule Caption:** Clarify definitions, qualifications and verbiage of highway signs rules.

**Stat. Auth.:** ORS 377.787

**Stats. Implemented:** ORS 377.710, 377.790-377.830, 377.833-377.836, 377.838-377.845

**Proposed Amendments:** 733-030-0006, 733-030-0011, 733-030-0016, 733-030-0021, 733-030-0026, 733-030-0036, 733-030-0045, 733-030-0055, 733-030-0060, 733-030-0065, 733-030-0080, 733-030-0150, 733-030-0155, 733-030-0160, 733-030-0170, 733-030-0180, 733-030-0190, 733-030-0200, 733-030-0210, 733-030-0220, 733-030-0400, 733-030-0410, 733-030-0420, 733-030-0430, 733-030-440, 733-030-0450, 733-030-0460, 733-030-0470, 733-030-0480

**Proposed Repeals:** 733-030-0050, 733-030-0085, 733-030-0090, 733-030-0095, 733-030-0100, 733-030-0105, 733-030-0110, 733-030-0115, 733-030-0120, 733-030-0125, 733-030-0130, 733-030-0135, 733-030-0250, 733-030-0260, 733-030-0270, 733-030-0280, 733-030-0290, 733-030-0300, 733-030-0320, 733-030-0330, 733-030-0340, 733-030-0350

**Last Date for Comment:** 7-21-14, 3 p.m.

**Summary:** The Travel Information Council held a quarterly meeting on May 20, 2014. The Council proposed rule changes to clarify

definitions, qualifications and verbiage of highway signs rules and to consolidate the highway sign rules between 733-030-0006 – 733-030-0080.

**Rules Coordinator:** Heather Wyland

**Address:** Travel Information Council, 1500 Liberty St. SE, Salem, OR 97302

**Telephone:** (503) 373-0870

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### **Water Resources Department Chapter 690**

**Rule Caption:** Preference for Human Consumption and Stock Water Use in Klamath County during Governor-Declared Drought

**Date:** 7-24-14

**Time:** 6 p.m.

**Location:**  
Best Western Olympic Inn  
Main Conference Rm.  
2627 S. 6th St.  
Klamath Falls, OR 97603

**Hearing Officer:** John Roberts

**Stat. Auth.:** ORS 536.025, 536.027 & 536.750

**Other Auth.:** OAR 690-019-0070

**Stats. Implemented:** ORS 536.750

**Proposed Adoptions:** 690-022-0020, 690-022-0025, 690-022-0030

**Last Date for Comment:** 7-29-14, 5 p.m.

**Summary:** ORS 536.750 authorizes the Oregon Water Resources Commission, pursuant to a gubernatorial declaration of drought, to grant preference of water use for human consumption and stock watering over other uses of water regardless of priority date. Without the preference, the use of water for human consumption and stock watering would be subject to regulation, and as a result, water that would otherwise be used to meet these needs would not be available. For some water users, there are no readily available alternative sources of water for either stock watering or human consumption. These rules propose to grant a preference for the use of water for stock watering and human consumption in Klamath County during a governor-declared drought emergency in Klamath County.

**Rules Coordinator:** Nancy N. Pustis

**Address:** Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301

**Telephone:** (503) 986-0919



# ADMINISTRATIVE RULES

## Appraiser Certification and Licensure Board Chapter 161

**Rule Caption:** Revisions to rules to implement Senate Bill 617 and remove prior disclosure requirement.

**Adm. Order No.:** ACLB 2-2014

**Filed with Sec. of State:** 5-20-2014

**Certified to be Effective:** 5-20-14

**Notice Publication Date:** 2-1-2014

**Rules Amended:** 161-006-0155, 161-006-0160, 161-025-0060, 161-570-0025, 161-570-0030

**Subject:** Amends Oregon Administrative Rule 161, Division 006, Rule 0155, regarding Allegation Reports; Rule 0160, regarding Complaints, Investigations and Audits; Division 025, Rule 0060, regarding Appraisal Standards and USPAP; Division 570, Rule 0025, regarding Allegations Reports; and Rule 0030, regarding Complaints, Investigations and Audits. This is a corrected filing.

**Rules Coordinator:** Gae Lynne Cooper—(503) 485-2555

### 161-006-0155

#### Allegation Reports

- (1) All allegation reports must be in writing.
- (2) Any person may file an allegation report.
- (3) A member of the Board or the Administrator may initiate an allegation report.
- (4) The Board will accept anonymous allegation reports.
- (5) The allegation report will be reviewed by the Administrator or the Administrator's designee to determine whether, there may be an objective basis to believe that an alleged violation has occurred, or whether the matter may be dismissed as either frivolous or not within the board's jurisdiction.
- (6) If the Administrator or the Administrator's designee determines that there is an objective basis to believe that an alleged violation has occurred, the Enforcement Oversight Committee must review the report and the Board may initiate the investigation process.

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

Stats. Implemented: ORS 674.310

Hist.: ACLB 1-2013, f. 1-30-13, cert. ef. 1-31-13; ACLB 6-2013(Temp), f. 12-19-13, cert. ef. 1-1-14 thru 6-2-14; ACLB 1-2014, f. & cert. ef. 4-22-14; ACLB 2-2014, f. & cert. ef. 5-20-14

### 161-006-0160

#### Complaints, Investigations and Audits

(1) A notice of investigation, together with a true copy of the allegation report as submitted to the Board's office, including all supporting documentation, shall be promptly sent by certified mail, return receipt requested, to the last known address of the person against whom the allegation is filed. Unless otherwise specified in the notice of investigation, the Respondent must produce:

(a) True copies of records, including the workfile, within 30 days. No extension of the time will be granted, except for good cause where the Respondent shows that circumstances beyond the reasonable control of the Respondent prevent a response within the 30 days; and

(b) Within 30 days, a written response to the allegations set forth in the allegation report.

(A) A respondent may request an extension to file a response to a notice of investigation. An extension of up to 30 days only will be approved, provided the extension request is submitted in writing to the Administrator within the 30 day time period. Good cause must exist that shows circumstances beyond the reasonable control of the respondent preventing a response within 30 days.

(B) The Administrator may grant one additional extension of no more than 30 days only upon showing of good cause.

(2) The investigation may include all inquiries deemed appropriate to ensure that each case is processed in accordance with ORS Chapter 183.

(3) The Board may initiate an audit or other type of inquiry or investigation to verify an individual's compliance with ORS Chapter 674 and OAR Chapter 161.

(4) Every licensed or certified appraiser or registered appraiser assistant must cooperate with the Board and must respond fully and truthfully to Board inquiries and comply with any requests from the Board, subject only to the exercise of any applicable right or privilege. Failure to cooperate with the Board is unethical and is grounds for discipline including revocation or suspension of a license, certificate or registration, imposition of a civil

penalty, or denial of a license, certificate, or registration, or any combination thereof.

(5) At the completion of the investigation process, the Enforcement Oversight Committee shall review the allegation report and documents related to the investigation. If the Enforcement Oversight Committee determines that an objective basis exists to believe that violations of ORS Chapter 674 and/or OAR chapter 161 occurred, the Enforcement Oversight Committee shall submit a report to the Board setting forth specific violations along with the facts supporting the Committee's recommendation.

(6) Upon receipt of the Enforcement Oversight Committee's report, the Board may proceed with disciplinary proceedings.

Stat. Auth.: ORS 674.170, 674.305 & 674.310

Stats. Implemented: ORS 674

Hist.: ACLB 8-1991(Temp), f. & cert. ef. 12-31-91; ACLB 2-1992, f. & cert. ef. 4-30-92; ACLB 1-1993(Temp), f. & cert. ef. 3-3-93; ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 6-2003, f. & cert. ef. 11-24-03; ACLB 3-2005, f. & cert. ef. 7-22-05; ACLB 3-2011, f. & cert. ef. 11-17-11; ACLB 1-2013, f. 1-30-13, cert. ef. 1-31-13; ACLB 6-2013(Temp), f. 12-19-13, cert. ef. 1-1-14 thru 6-2-14; ACLB 1-2014, f. & cert. ef. 4-22-14; ACLB 2-2014, f. & cert. ef. 5-20-14

### 161-025-0060

#### Appraisal Standards and USPAP

(1) All licensees must develop and communicate each appraisal assignment in compliance with these administrative rules and USPAP.

(2) A licensee employed by a group or organization that conducts itself in a manner that does not conform to USPAP Standards must take steps that are appropriate under the circumstances to ensure compliance with the Standards.

(3) All licensees must certify to what extent they personally inspected the property that is the subject of the appraisal assignment. Each report must clearly state that the subject property was: inspected both inside and out; inspected from the exterior only; or was not personally inspected by the licensee.

(4) In addition to certifying as to the extent of the subject's inspection, all licensees must also certify to what extent each of the comparable sales relied upon in the appraisal were personally inspected.

(5) All licensees must disclose in all appraisal reports whether the comparable sales analyzed in the appraisal report were or were not confirmed by a party to the transaction or an agent or representative of a party to the transaction.

(6) All licensees testifying or presenting evidence in an administrative or judicial proceeding must base their testimony or evidence only upon a written summary or self-contained appraisal report in compliance with USPAP, reflecting a report date that precedes the date of testimony, unless such testimony is being compelled by legal subpoena.

(7) The "Uniform Standards of Professional Appraisal Practice", 2012-2013 Edition, approved and adopted by the Appraisal Standards Board of the Appraisal Foundation, dated April 27, 1987, as amended on January 1, 2012, are incorporated into the Administrative Rules of the Appraiser Certification and Licensure Board as the standards of professional conduct which shall guide the behavior of licensed and certified appraisers in the State of Oregon. Copies of the Uniform Standards of Professional Appraisal Practice may be obtained from the Appraisal Foundation located at 1029 Vermont Avenue, N.W., Suite 900, Washington D.C. 20005-3517.

(8) All licensees must list their certificate or license number and expiration date in each appraisal report.

(9) All licensees must comply with USPAP and all other applicable administrative rules in OAR Chapter 161 in all valuation activity, unless such valuation activity qualifies as an exclusion to real estate appraisal activity under 674.100(2)(h).

(10) Notwithstanding any other provision of these rules, a licensee acting in one of the following capacities is not subject to the requirements of Standard 3 of USPAP when examining an appraisal report and workfile as part of an official investigation being conducted by the Board:

(a) Board member;

(b) Employee; or

(c) Contractor or volunteer serving at the request of the Board.

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

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

Stats. Implemented: ORS 674

Hist.: ACLB 1-1992(Temp), f. & cert. ef. 1-23-92; ACLB 2-1992, f. & cert. ef. 4-30-92; ACLB 4-1993(Temp), f. & cert. ef. 6-25-93; ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 4-1994, f. & cert. ef. 7-27-1994; ACLB 2-1996, f. & cert. ef. 2-13-96; ACLB 1-1997(Temp), f. 10-13-97, cert. ef. 1-1-98; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-99; ACLB 1-1999, f. 1-28-99, cert. ef. 3-31-99; ACLB 3-1999, f. 9-23-99, cert. ef. 1-1-00; ACLB 1-2000, f. & cert. ef. 2-29-00; ACLB 3-2000(Temp), f. 11-9-00, cert. ef. 11-9-00 thru 5-8-01; ACLB 1-2001(Temp), f. & cert. ef. 1-26-01 thru 7-25-01; ACLB 2-2001, f. 4-11-01, cert. ef. 4-12-01;

# ADMINISTRATIVE RULES

ACLB 3-2001(Temp), f. & cert. ef. 7-12-01 thru 1-8-02; ACLB 1-2002, f. & cert. ef. 2-26-02; ALCB 2-2002, f. & cert. ef. 5-30-02; ACLB 2-2003, f. & cert. ef. 1-27-03; ACLB 1-2004, f. & cert. ef. 2-3-04; ACLB 1-2005, f. & cert. ef. 1-12-04; ACLB 4-2005, f. & cert. ef. 11-2-05; ACLB 1-2006(Temp), f. 6-29-06, cert. ef. 7-1-06 thru 12-28-06; ACLB 2-2006, f. & cert. ef. 7-26-06; ACLB 5-2007(Temp), f. 11-1-07, cert. ef. 1-1-08 thru 6-27-08; ACLB 1-2008, f. & cert. ef. 5-13-08; ACLB 3-2008, f. & cert. ef. 8-13-08; ACLB 1-2009, f. 1-28-09, cert. ef. 1-30-09; ACLB 5-2009(Temp), f. 12-15-09, cert. ef. 1-1-10 thru 6-27-10; ACLB 2-2010, f. & cert. ef. 4-23-10; ACLB 3-2011, f. & cert. ef. 11-17-11; ACLB 4-2011(Temp), f. 12-22-11, cert. ef. 1-1-12 thru 6-27-12; ACLB 1-2012, f. 7-2-12, cert. ef. 7-3-12; ACLB 5-2013, f. 10-29-13, cert. ef. 1-1-14; ACLB 6-2013(Temp), f. 12-19-13, cert. ef. 1-1-14 thru 6-2-14; ACLB 1-2014, f. & cert. ef. 4-22-14; ACLB 2-2014, f. & cert. ef. 5-20-14

## 161-570-0025

### Allegation Reports

An allegation report may be filed against an appraisal management company and submitted to the Board's office.

- (1) All allegation reports must be in writing.
- (2) Any person may file an allegation report.
- (3) A member of the Board or the Administrator may initiate an allegation report.
- (4) The Board will accept anonymous allegation reports.
- (5) The allegation report will be reviewed by the Administrator or the Administrator's designee to determine whether there may be an objective basis to believe that an alleged violation has occurred, or whether the matter may be dismissed as either frivolous or not within the Board's jurisdiction.

(6) If the Administrator or the Administrator's designee determines that there is an objective basis to believe that an alleged violation has occurred, the Enforcement Oversight Committee must review the report and the Board may initiate the investigation process.

Stat. Auth.: ORS 183.355, 674.305 & 674.310  
Stats. Implemented: ORS 674  
Hist.: ACLB 1-2013, f. 1-30-13, cert. ef. 1-31-13; ACLB 6-2013(Temp), f. 12-19-13, cert. ef. 1-1-14 thru 6-2-14; ACLB 1-2014, f. & cert. ef. 4-22-14; ACLB 2-2014, f. & cert. ef. 5-20-14

## 161-570-0030

### Complaints, Investigations and Audits

(1) A notice of investigation, together with a true copy of the allegation report as submitted to the Board's office, including all supporting documentation, shall be promptly sent by certified mail, return receipt requested, to the last known address of each controlling person of the appraisal management company. Unless otherwise specified in the notice of investigation, a controlling person must produce:

(a) True copies of records within 30 days. No extension will be granted, except for good cause where the Respondent shows that circumstances beyond the reasonable control of the Respondent prevent a response within 30 days; and

(b) Within 30 days, a written response to the allegations set forth in the allegation report.

(A) A controlling person may request an extension to file a response to a notice of investigation. An extension of up to 30 days will be approved provided the extension request is submitted in writing to the Administrator within the 30 day time period. Good cause must exist that shows circumstances beyond the reasonable control of a controlling person preventing a response within 30 days.

(B) The Administrator may grant one additional extension of no more than 30 days only upon showing of good cause.

(2) The investigation may include all inquiries deemed appropriate to ensure that each case is processed in accordance with ORS Chapter 183.

(3) The Board may initiate an audit or other type of inquiry or investigation to verify an appraisal management company's compliance with ORS 674 and OAR 161.

(4) Every controlling person or subject individual of an appraisal management company must cooperate with the Board and must respond fully and truthfully to Board inquiries and comply with any requests from the Board, subject only to the exercise of any applicable right or privilege. Failure to cooperate with the Board is unethical and is grounds for discipline including revocation or suspension of the appraisal management company's registration, imposition of a civil penalty, or denial of a registration, or any combination thereof.

(5) At the completion of the investigation process, the Enforcement Oversight Committee shall review the allegation report and documents related to the investigation. If the Enforcement Oversight Committee determines that an objective basis exists to believe that violations of ORS Chapter 674 and/or OAR chapter 161 occurred, the Enforcement Oversight Committee shall submit a report to the Board setting forth specific violations along with the facts supporting the Committee's recommendation.

(6) Upon receipt of the Enforcement Oversight Committee's report, the Board may proceed with disciplinary proceedings.

Stat. Auth.: ORS 183.355, 674.305 & 674.310  
Stats. Implemented: ORS 674.305(7), 674.310(2), 674.205, 674.215, 674.230, 674.245  
Hist.: ACLB 1-2012, f. 7-2-12, cert. ef. 7-3-12; ACLB 1-2013, f. 1-30-13, cert. ef. 1-31-13; ACLB 6-2013(Temp), f. 12-19-13, cert. ef. 1-1-14 thru 6-2-14; ACLB 1-2014, f. & cert. ef. 4-22-14; ACLB 2-2014, f. & cert. ef. 5-20-14

## Board of Architect Examiners Chapter 806

**Rule Caption:** Inactive Status and Reinstatement

**Adm. Order No.:** BAE 3-2014

**Filed with Sec. of State:** 5-22-2014

**Certified to be Effective:** 5-22-14

**Notice Publication Date:** 5-1-2014

**Rules Amended:** 806-010-0060

**Subject:** Revises rules for Inactive Status and Reinstatement or architect registration to clarify requirements.

**Rules Coordinator:** Jim Denno—(503) 763-0662

### 806-010-0060

#### Inactive Status and Reinstatement

(1) Unless renewed according to OAR 806-010-0090, architect registration becomes inactive at the end of the grace periods, or on the 61st day following the renewal deadline. A registrant with an active registration may request inactive status prior to the 61st day following the renewal deadline. An inactive Oregon registration prohibits an individual from:

(a) Practicing architecture in Oregon, as defined by ORS 671.010-220 and OAR chapter 806; and

(b) Using the architect title in Oregon, as defined by ORS 671.010-220 and OAR chapter 806.

(2) An individual whose registration has been inactive for a period of five years or less may be reinstated to active status by:

(a) Filing a current application for reinstatement; and

(b) Satisfying the continuing education requirements of OAR 806-010-0145; and

(c) Paying the reinstatement fee in OAR 806-010-0105.

(3) An individual whose registration has been inactive for a period of longer than five years may be reinstated to active status by:

(a) Filing a current application for reinstatement; and

(b) Satisfying the continuing education requirements of OAR 806-010-0145; and

(c) Paying the reinstatement fee in OAR 806-010-0105; and

(d) Passing the Jurisprudence Examination according to OAR 806-010-0020(6).

(4) The Board reserves the right to require an oral interview of any reinstatement applicant. Oral interviews are held on regularly scheduled Board meeting dates. If an oral interview is required, the applicant will be notified.

Stat. Auth.: ORS 671.125  
Stats. Implemented: ORS 671.080  
Hist.: AE 5, f. 12-22-64; AE 2-1978, f. & ef. 3-6-78; AE 1-1979, f. 5-31-79, ef. 6-1-79; AE 2-1980, f. & ef. 10-3-80; AE 1-1987, f. & ef. 3-30-87; AE 1-1996, f. 1-23-96, cert. ef. 2-1-96; AE 2-1997, f. & cert. ef. 9-24-97; BAE 1-1999, f. & cert. ef. 3-25-99; BAE 3-2000, f. & cert. ef. 7-24-00; BAE 4-2002, f. & cert. ef. 8-7-02; BAE 2-2004, f. & cert. ef. 3-2-04; BAE 7-2006, f. & cert. ef. 12-13-06; BAE 1-2010, f. & cert. ef. 4-6-10; BAE 2-2010, f. 6-11-10, cert. ef. 10-3-10; BAE 2-2012, f. & cert. ef. 8-13-12; BAE 3-2014, f. & cert. ef. 5-22-14

## Board of Chiropractic Examiners Chapter 811

**Rule Caption:** Dry Needling 811-015-0036

**Adm. Order No.:** BCE 2-2014

**Filed with Sec. of State:** 6-4-2014

**Certified to be Effective:** 6-4-14

**Notice Publication Date:** 5-1-2014

**Rules Repealed:** 811-015-0036

**Subject:** The Oregon Board of Chiropractic Examiners adopted the rule in 20101 allowing Doctors of Chiropractic — once certified by the OBCE — to practice dry needling. In January 2014 the Oregon Court of Appeals determined dry needling is outside the DC scope and deemed the rule invalid

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

# ADMINISTRATIVE RULES

## Board of Licensed Professional Counselors and Therapists Chapter 833

**Rule Caption:** Informed consent waiver and intern registration effective dates

**Adm. Order No.:** BLPCT 2-2014

**Filed with Sec. of State:** 6-11-2014

**Certified to be Effective:** 6-11-14

**Notice Publication Date:** 1-1-2014

**Rules Amended:** 833-050-0061, 833-050-0131, 833-100-0021

**Subject:** Requires registered interns to continue as interns under supervision until granted a license.

Establishes criteria for a waiver from providing clients with an informed consent document. Requires written waiver request to the board.

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

### 833-050-0061

#### Effective Dates of Intern Registration

(1) Initial registration as an intern will be effective when applicant completes the registration process that includes approval of completed request and internship plan.

(2) An intern must practice under supervision until all license requirements are met and the license is granted.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 2-2014, f. & cert. ef. 6-11-14

### 833-050-0131

#### Intern Registration Renewal

(1) Intern must renew registration annually within 30 days of the intern's annual renewal date. Annual renewal date is the first day of the month of initial registration.

(2) Registration renewal requires the intern to provide to the Board a renewal fee as established in OAR 833-070-0011, renewal forms, and updated Professional Disclosure Statement.

(3) If the intern does not provide the required fee and documents within 30 days of renewal, the internship will be expired.

(4) Renewal may be denied if any of the conditions of the plan are not being met.

(5) Interns must renew registration annually until being granted a license or the expiration of intern registration.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2010, f. & cert. ef. 1-5-10; BLPCT 2-2014, f. & cert. ef. 6-11-14

### 833-100-0021

#### Informed Consent

(1) A licensee's primary professional responsibility is to the client. A licensee makes every reasonable effort to advance the welfare and best interests of all clients for whom the licensee provides professional services. A licensee respects the rights of those persons seeking assistance and makes reasonable efforts to ensure that the licensee's services are used appropriately.

(2) A licensee recognizes that there are other professional, technical, and administrative resources available to clients. The licensee makes a reasonable effort to provide referrals to those resources when it is in the best interest of clients to be provided with alternative or complementary services or when the client requests a referral.

(3) Licensees do not give or receive commissions, rebates or any other form of remuneration when referring clients for professional services.

(4) A licensee seeks appropriate professional assistance for the licensee's own personal problems or conflicts that are likely to impair the licensee's work performance or clinical judgment.

(5) A licensee provides supervision only when the licensee's professional competence is sufficient to meet the needs of the trainee or intern. A licensee does not permit a trainee or intern under the licensee's supervision to perform, nor purport to be competent to perform, professional services beyond the trainee's or intern's level of training and accepts responsibility for the effects of the actions of the trainee or intern of which they should be aware.

(6) A licensee does not practice under the influence of alcohol or any controlled substance not prescribed by a physician, or if incapacitated by habitual or excessive use of intoxicants, drugs or controlled substances.

(7) A licensee does not practice when adversely influenced by either physical or emotional impairment that would interfere with their ability to provide professional services.

(8) A licensee abides by all applicable statutes and administrative rules regulating the practice of counseling or therapy or any other applicable laws, including, but not limited to, the reporting of abuse of children or vulnerable adults.

(9) A licensee does not condone or engage in discrimination based on age, color, culture, disability, ethnicity, national origin, gender, race, religion, sexual orientation, marital status, or socioeconomic status.

(10) A licensee does not provide services to a client when the licensee's objectivity or effectiveness is impaired. If a licensee's objectivity or effectiveness becomes impaired during a professional relationship with a client, the licensee notifies the client that the licensee can no longer serve the client professionally and makes a reasonable effort to assist the client in obtaining other professional services.

(11) A licensee respects the right of a client to make decisions and helps the client understand the consequences of these decisions. A licensee advises a client that all decisions are the responsibility of the client.

(12) A licensee displays in a prominent place, available to clients, a Board issued license.

(13) A licensee practices under his or her name or other name that describes a place or organization with which the licensee practices.

(14) Licensees and registered interns obtain written informed consent from each client for rendering professional services. Informed consent constitutes informing the client as early in the therapeutic relationship as possible:

- (a) The nature and anticipated course of therapy;
- (b) Services and approaches to be used;
- (c) Potential risks or experimental methods proposed;
- (d) Alternatives for treatment;
- (e) Fees;
- (f) Involvement of third parties;
- (g) Limits of confidentiality; and
- (h) The client's right to accept or refuse part or all therapeutic treatment.

(15) Licensees or registered interns may submit a written request for an exemption to distribution of informed consent. The licensee or intern must:

- (a) Satisfy the Board that good cause exists, justifying exemption from specific requirements; and
  - (b) Obtain written exemption from the Board.
- (c) Situations qualifying for waiver include but are not limited to licensees or registered interns providing crisis services.

(16) A licensee makes available as part of the disclosure statement a bill of rights of clients, including a statement that consumers of counseling or therapy services offered by Oregon licensees have the right:

- (a) To expect that a licensee has met the minimum qualifications of training and experience required by state law;
- (b) To examine public records maintained by the Board and to have the Board confirm credentials of a licensee;
- (c) To obtain a copy of the Code of Ethics;
- (d) To report complaints to the Board;
- (e) To be informed of the cost of professional services before receiving the services;

(f) To be assured of privacy and confidentiality while receiving services as defined by rule or law, including the following exceptions:

- (A) Reporting suspected child abuse;
  - (B) Reporting imminent danger to the client or others;
  - (C) Reporting information required in court proceedings or by client's insurance company or other relevant agencies;
  - (D) Providing information concerning licensee case consultation or supervision; and
  - (E) Defending claims brought by the client against licensee;
- (g) To be free from being the object of discrimination on any basis listed in subsection (9) of this rule while receiving services.

(17) A licensee terminates a client relationship when it is reasonably clear that the treatment no longer serves the client's needs or interests. Whenever possible prior to termination, a licensee provides pre-termination counseling and recommendations and alternatives for the client.

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 6-2010, f. 12-13-10, cert. ef. 1-1-11; BLPCT 2-2014, f. & cert. ef. 6-11-14



# ADMINISTRATIVE RULES

**Rule Caption:** Counselor Educator License Application Method

**Adm. Order No.:** BLPCT 3-2014(Temp)

**Filed with Sec. of State:** 6-11-2014

**Certified to be Effective:** 7-1-14 thru 12-26-14

**Notice Publication Date:**

**Rules Amended:** 833-020-0075

**Subject:** Extends the sunset date for applying for license as a professional counselor or marriage and family therapist through the counselor educator. The current sunset date is June 30, 2014; temporary rule change extends the sunset date to December 31, 2014.

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

**833-020-0075**

**Counselor Educator Method**

(1) The counselor educator application method is for those who seek acceptance of graduate level teaching to meet education requirements for licensure.

(2) Application for licensure must be submitted to the board office in accordance with OAR chapter 833, division 20 by December 31, 2014.

(3) The application must include documentation that the applicant meets the following requirements:

(a) Teaches graduate level classes that meet coursework required for Oregon licensing as a professional counselor or marriage and family therapist, as specified in OAR 833-060-0012 and 833-060-0022;

(A) At an Oregon university accredited by a national counselor or marriage and family therapy program or regional accreditation body; and

(B) Full time, for at least 3 years.

(b) Holds a masters or doctorate degree in

(A) Counseling;

(B) Counseling rehabilitation;

(C) Counselor education and supervision;

(D) Marriage and family therapy;

(E) Psychology; or

(F) Other closely related field as approved by the Board.

(c) Teaches at least 100 clock hours of clinically related courses within one year after applying for license and before license is granted.

(d) Clinically related courses include:

(A) Treatment planning;

(B) Practicum; and

(C) Supervising graduate students in internship.

(e) Has a minimum of 100 hours supervising graduate students, interns registered with the board, licensed professional counselors, or marriage and family therapists. Supervision hours must have been accumulated in no less than 2 years and no more than 5 years.

(f) Certification as a supervisor by a national counseling or marriage and family therapy organization may substitute for supervising experience.

(g) Earned at least 2,000 hours of supervised clinical experience or equivalent:

(A) Acquired in a minimum of 3 years; and

(B) The supervisor met supervision requirements specified in OAR 833-030-0031 or 833-040-0031.

(4) Applicant must pass a board-approved national exam and Oregon law and rules exam as specified in OAR 833-020-0085.

(5) Applicant must provide a letter of recommendation or support for licensing from the employing university graduate program director or division attesting to the applicant's clinical skills and ethical and professional behavior.

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

Stats. Implemented: ORS 675.785 - 675.835

Hist.: BLPCT 1-2012, f. 4-23-12, cert. ef. 5-15-12; BLPCT 3-2014(Temp), f. 6-11-14, cert. ef. 7-1-14 thru 12-26-14

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## Board of Medical Imaging Chapter 337

**Rule Caption:** \$52 fee for FBI fingerprint criminal background check.

**Adm. Order No.:** BMI 1-2014

**Filed with Sec. of State:** 6-3-2014

**Certified to be Effective:** 7-1-14

**Notice Publication Date:** 4-1-2014

**Rules Adopted:** 337-021-0055

**Subject:** This rule authorizes the Board of Medical Imaging to charge a \$52 fee to a medical imaging license or permit applicant, to compete an FBI fingerprint background check.

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

**337-021-0055**

**FBI Fingerprint Background Check**

Fingerprinting — \$52.

Stat. Auth: ORS 688.555

Stats. Implemented: ORS 688.557 & 688.560(5)

Hist.: BMI 1-2014, f. 6-3-14, cert. ef. 7-1-14

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## Board of Psychologist Examiners Chapter 858

**Rule Caption:** Modifies the continuing education requirements for licensees.

**Adm. Order No.:** BPE 2-2014

**Filed with Sec. of State:** 6-2-2014

**Certified to be Effective:** 1-1-15

**Notice Publication Date:** 3-1-2014

**Rules Amended:** 858-040-0015, 858-040-0025, 858-040-0026, 858-040-0035, 858-040-0036, 858-040-0055, 858-040-0065

**Rules Ren. & Amend:** 858-040-0020 to 858-040-0070

**Subject:** This amendment makes changes to the continuing education (CE) requirements for licensed psychologists and psychologist associates. It reduces the total number of CE credits a licensee must earn during their two year renewal period from 50 to 40, and reduces the categorical limitations proportionately. It expands the four-hour professional ethics requirement to include Oregon State laws and regulations related to the practice of psychology, and allows up to 4 credits for reading articles from peer-reviewed journals as a program which qualifies for CE credit. Makes clarifications to the audit process and what constitutes acceptable evidence of completion. Establishes procedures and a sanction schedule for late, non-responsive and deficient CE reports. This amendment becomes effective January 1, 2015.

**Rules Coordinator:** LaRee Felton—(503) 373-1196

**858-040-0015**

**Basic Requirements**

(1) Licensees must earn at least 40 continuing education credits during the period between license renewals. Continuing education credit must be reported as follows:

(a) Licensees must submit a Renewal Notice and Reporting Affidavit to the Board office with the fee on or before the due date printed on the notice.

(b) An unsigned or incomplete Renewal Notice and Reporting Affidavit shall be returned to the licensee.

(2) New Licensees. There is no continuing education reporting required for individuals licensed twelve months or less on their first renewal date.

(3) All active and semi-active licensees must complete four hours of professional ethics and/or Oregon State laws and regulations related to the practice of psychology in each reporting period.

(4) All active and semi-active licensees must complete a minimum of seven hours of continuing education dedicated to the topic of pain management. This is a one time requirement.

(a) One hour must be a course provided by the Oregon Pain Management Commission.

(b) The pain management requirement must be reported within twenty-four months of the first Renewal Notice and Affidavit.

(5) No continuing education reporting is required for licensees requesting a change from active or semi-active to inactive status.

(6) No continuing education reporting is required for inactive licensees.

(7) The Board may grant exemptions in whole or in part from continuing education requirements, including extension of deadlines, in documented hardship cases.

Stat. Auth.: ORS 675.110

Stats. Implemented: ORS 675.110(14)

Hist.: BPE 2-1999, f. & cert. ef. 7-6-99; BPE 2-2002, f. & cert. ef. 2-27-02; BPE 2-2004, f. & cert. ef. 8-30-04; BPE 1-2008, f. & cert. ef. 3-26-08; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10; BPE 1-2011, f. & cert. ef. 1-25-11; BPE 1-2011, f. & cert. ef. 1-25-11; BPE 2-2014, f. 6-2-14, cert. ef. 1-1-15



# ADMINISTRATIVE RULES

## 858-040-0025

### Continuing Education Reporting

(1) Before a license will be renewed under ORS 675.110, a licensee must submit a Renewal Notice and Reporting Affidavit.

(2) A copy of the Renewal Notice and Reporting Affidavit is available on the Board's website.

(3) Renewal Notice and Reporting Affidavits must be postmarked by the due date printed on the notice. Burden of proof of mailing is on the licensee.

Stat. Auth.: ORS 675.110

Stats. Implemented: ORS 675.110(14)

Hist.: BPE 2-1999, f. & cert. ef. 7-6-99; BPE 2-2002, f. & cert. ef. 2-27-02; BPE 1-2008, f. & cert. ef. 3-26-08; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2014, f. 6-2-14, cert. ef. 1-1-15

## 858-040-0026

### Continuing Education Random Audit

(1) The Board will conduct a random audit of continuing education compliance each year. Audited licensees will be notified by letter and given 60 days to respond. Submissions must be postmarked by the stated due date to be considered timely. Licensee holds the burden of proof of mailing.

(2) Unless the licensee is contacted for an audit, evidence of completion should not be sent to the Board, but must be retained by the licensee for two years after the reporting period.

(3) To obtain credit during an audit, the following information must be typed or printed provided in legible form on the Board's Continuing Education Audit Report:

(a) Activity title for multi-session or multi-day activities, titles of separate sessions attended;

(b) Dates attended, including month, day, and year;

(c) Organization sponsoring the program;

(d) Full name and degree of qualified instructor or discussion leader;

(e) Hours claimed according to OAR 858-040-0055.

(f) To obtain credit for writing published articles and books, the following information must be provided on the Continuing Education Audit Report as follows:

(A) Publisher;

(B) Title of publication;

(C) Dates of publication; and

(D) Hours claimed according to OAR 858-040-0055.

(4) If a licensee fails to provide adequate documentation or submits an incomplete Audit Report, the licensee shall be so notified and granted a period of 30 days to provide the missing information.

Stat. Auth.: ORS 675.110

Stats. Implemented: ORS 675.110(14)

Hist.: BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10; BPE 2-2014, f. 6-2-14, cert. ef. 1-1-15

## 858-040-0035

### Programs Which Qualify for Continuing Education Credit

Policy. Acceptable continuing education must be a learning activity which contributes directly to the professional competence of the licensee.

(1) Program Prerequisites. Continuing Education programs shall qualify for credit if:

(a) The subject matter deals primarily with substantive psychological issues, skills or Oregon laws, rules and ethical standards related to one's role as a psychologist or psychologist associate.

(b) The program is conducted by a qualified instructor or discussion leader. A qualified instructor or discussion leader is a person whose background, training, education, or experience makes it appropriate for the person to make a presentation or lead a discussion on the subject matter; and

(c) A record of attendance, such as a certificate of completion, is obtained.

(2) Qualifying Programs. The following shall qualify for continuing education credit, provided that they comply with all other CE requirements:

(a) Substantive professional development programs of recognized mental health organizations;

(b) University or college courses taken at accredited universities and colleges. Each classroom hour shall equal one qualifying hour;

(c) Formally organized work place educational programs;

(d) Formally organized study groups that comply with the following:

(A) At least two other mental health professionals attend;

(B) The study group prepares and preserves a syllabus of meeting dates and study topics in advance;

(C) A record is kept of each study group meeting. The record must include the names of the participants present, the subject matter and references which relate to any written material utilized; and

(e) Supervision or Consultation Received for a fee from an Oregon licensed Psychologist.

(A) Credit shall be given only to the licensee receiving supervision or consultation, not to the licensee providing supervision or consultation.

(B) No credit shall be given to licensees receiving supervision to fulfill licensure or discipline requirements.

(f) Home Study including internet and tele-courses.

(g) Published articles and books authored or co-authored by the licensee.

(h) Lecturer: Service as an instructor, discussion leader, or speaker.

(A) Lecturer credit may be claimed for work that is either paid or unpaid.

(B) Lecturer credit shall be allowed for the first time a course is taught. No credit shall be allowed for repeat presentations unless an instructor can demonstrate that the program content was substantially changed and such change required significant additional study or research.

(i) Service as an Oregon Board of Psychologist Examiners member or committee volunteer.

(j) Ethics Committee meetings of professional associations.

(k) Formal trainings on office records organization, records maintenance and security procedures, or billing software instruction.

(l) Reading articles from peer-reviewed journals.

Stat. Auth.: ORS 675.110

Stats. Implemented: ORS 675.110(14)

Hist.: BPE 2-1999, f. & cert. ef. 7-6-99; BPE 2-2002, f. & cert. ef. 2-27-02, 858-040-0035(2) Renumbered from 858-040-0045; BPE 4-2002, f. & cert. ef. 10-11-02; BPE 1-2008, f. & cert. ef. 3-26-08; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10; BPE 2-2011, f. & cert. ef. 5-31-11; BPE 2-2014, f. 6-2-14, cert. ef. 1-1-15

## 858-040-0036

### Programs Which Do Not Qualify for Continuing Education Credit

(1) Marketing; investments; and practice building strategies.

(2) Yoga; therapeutic massage;

(3) Non-Clinical administrative staff meetings;

(4) Word processing computer skills;

(5) Therapies which are not widely recognized as within the scope of practice of psychology, through research or scientifically demonstrated clinical effectiveness.

Stat. Auth.: ORS 675.110

Stats. Implemented: ORS 675.110(14)

Hist.: BPE 2-2002, f. & cert. ef. 2-27-02; Renumbered from 858-040-0035(5); BPE 1-2008, f. & cert. ef. 3-26-08; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10; BPE 2-2014, f. 6-2-14, cert. ef. 1-1-15

## 858-040-0055

### Credit Hours Granted

(1) Credit shall be given for actual hours attended.

(2) Credit shall be given for no more than 20 hours of continuing education for home study and study group hours combined in each reporting period.

(3) An instructor, discussion leader, or speaker shall be given two hours of credit for preparation for each hour of presentation time, and one hour of credit for each hour of presentation time.

(4) Credit shall be given for no more than 20 hours of continuing education for service as an instructor, discussion leader, or speaker and published material combined in each reporting period.

(5) One hour of continuing education credit shall be given for reading four peer-reviewed articles. Credit shall be given for no more than four hours (16 articles) of reading in each reporting period. No more than two hours of reading may be used to fulfill the professional ethics continuing education requirement, and no more than two hours of reading may be used to fulfill the one-time pain management continuing education requirement.

Stat. Auth.: ORS 675.110

Stats. Implemented: ORS 675.110(14)

Hist.: BPE 2-1999, f. & cert. ef. 7-6-99; BPE 2-2002, f. & cert. ef. 2-27-02; BPE 1-2008, f. & cert. ef. 3-26-08; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2010, f. & cert. ef. 9-28-10; BPE 2-2014, f. 6-2-14, cert. ef. 1-1-15

## 858-040-0065

### Evidence of Completion

(1) Evidence of completion must be retained by the licensee for a minimum of two years after the reporting period.

(2) Responsibility for documenting the acceptability of the program and the validity of credit rests with the licensee.

(3) The following shall constitute evidence of completion:

(a) For academic credit: a copy of a transcript showing satisfactory completion of the course.

(b) For professional development or workplace educational programs: a certificate of attendance. A copy of a paid receipt showing licensee's

# ADMINISTRATIVE RULES

name as the payor, along with a conference brochure, workshop flier or program schedule, may serve as evidence of completion for no more than eight hours of continuing education credit. Documentation must at minimum show the qualified instructor(s)'s name and degree, date, start and end time, and subject matter of the program.

(c) For home study programs: written evidence of completion from the sponsor.

(d) For formally organized study groups: a copy of the study group meeting record.

(e) For consultation or supervision received: copies of a cancelled check or a signed verification by the psychologist providing services.

(f) For authoring published material or reading journal articles: a copy of pertinent pages of the material showing the article/chapter title (if applicable), book/journal name, author(s), and date of publication.

(g) For lecturer credit: a copy of the course syllabus, conference brochure, workshop flier, program schedule or signed verification from the sponsor. Documentation must at minimum show the licensee's name as the lecturer, date, start and end time, and subject matter.

Stat. Auth.: ORS 675.110

Stats. Implemented: ORS 675.110(14)

Hist.: BPE 2-1999, f. & cert. ef. 7-6-99; BPE 2-2002, f. & cert. ef. 2-27-02; BPE 1-2008, f. & cert. ef. 3-26-08; BPE 1-2010, f. & cert. ef. 1-8-10; BPE 2-2014, f. 6-2-14, cert. ef. 1-1-15

## 858-040-0070

### Failure to Comply

(1) A Renewal Notice and Reporting Affidavit shall be deemed timely if it is postmarked by the stated due date of the reporting year. Burden of proof of mailing is on the licensee.

(2) A licensee whose Renewal Notice and Reporting Affidavit is not postmarked by stated due date shall pay a delinquent fee.

(3) An individual whose license has lapsed for failure to submit a complete Renewal Notice and Reporting Affidavit and delinquent fee within 30 days after the due date must re-apply for licensure.

(4) Failure to comply or misrepresentation of compliance is grounds for disciplinary action.

(5) An individual whose license has been revoked for noncompliance of continuing education requirements must re-apply for licensure.

(6) A licensee selected for the continuing education random audit who responds after the stated due date is subject to disciplinary action, to include but not limited to the following sanction:

(a) Up to 30 days late: \$200 delinquent fee.

(b) Up to 60 days late: \$300 delinquent fee.

(c) Failure to respond after 60 days late: \$500 delinquent fee and the licensee's license will be suspended until the licensee provides a complete response documenting the licensee's compliance with the continuing education requirements.

(7) A licensee selected for the continuing education random audit whose hours are deficient, including a licensee's failure to submit complete documentation, is subject to disciplinary action, to include but not limited to the following sanction:

(a) Deficiency of 1 to 10 hours: \$250 fine.

(b) Deficiency of 11 to 20 hours: \$500 fine.

(c) Deficiency of 21 to 30 hours: \$750 fine.

(d) Deficiency of 31 to 40 hours: \$1000 fine.

(e) A licensee found to be deficient will be given 30 days to complete the deficient hours. Hours made up may not be double counted towards a subsequent reporting period.

(A) If the licensee fails to complete the deficient hours within 30 days, an additional \$250 fine will be assessed, and licensee may be subject to further disciplinary action.

(B) If the licensee fails to complete the deficient hours within 90 days, the licensee's license will be suspended for a minimum of 60 days.

Stat. Auth.: ORS 675.110

Stats. Implemented: ORS 675.110(3)(14)

Hist.: BPE 1-2010, f. & cert. ef. 1-8-10; Renumbered from 858-040-0020, BPE 2-2014, f. 6-2-14, cert. ef. 1-1-15

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**Rule Caption:** Code of Professional Conduct.

**Adm. Order No.:** BPE 3-2014

**Filed with Sec. of State:** 6-2-2014

**Certified to be Effective:** 6-2-14

**Notice Publication Date:** 3-1-2014

**Rules Amended:** 858-010-0075

**Subject:** The amendment clarifies that the code of professional conduct, as adopted by the Board, applies to all licensees. Also deletes outdated language.

**Rules Coordinator:** LaRee Felton—(503) 373-1196

## 858-010-0075

### Code of Professional Conduct

The Board adopts the American Psychological Association's "Ethical Principles of Psychologists and Code of Conduct" as the code of professional conduct for licensees.

[Publications referenced are available at <http://www.apa.org/ethics/>. The 1992 APA "Ethical Principles of Psychologists and Code of Conduct" is also available from the agency.]

Stat. Auth.: ORS 675.030, 675.040, 675.045, 675.050, 675.065 & 675.110

Stats. Implemented: ORS 675.030, 675.040, 675.045, 675.050, 675.065 & 675.110

Hist.: PE 6, f. 12-19-73, ef. 1-11-74; PE 1-1982, f. 4-13-82, ef. 6-1-82; PE 2-1982, f. & ef. 7-23-82; PE 4-1989(Temp), f. & cert. ef. 11-28-89; PE 1-1990, f. & cert. ef. 2-16-90; PE 3-1992, f. & cert. ef. 7-14-92; PE 5-1993, f. & cert. ef. 10-5-93; PE 1-1996, f. & cert. ef. 6-25-96; PE 1-1997, f. & cert. ef. 6-17-97; BPE 2-2002, f. & cert. ef. 2-27-02; BPE 3-2002(Temp), f. & cert. ef. 4-15-02 thru 10-12-02; BPE 4-2002, f. & cert. ef. 10-11-02; BPE 2-2004, f. & cert. ef. 8-30-04; BPE 1-2008, f. & cert. ef. 3-26-08; BPE 3-2014, f. & cert. ef. 6-2-14

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## Bureau of Labor and Industries

### Chapter 839

**Rule Caption:** Public employer requirement to reference veteran special qualifications and transferable skills in job announcements.

**Adm. Order No.:** BLI 7-2014

**Filed with Sec. of State:** 5-30-2014

**Certified to be Effective:** 5-30-14

**Notice Publication Date:** 1-1-2014

**Rules Amended:** 839-006-0450

**Subject:** This amendment makes permanent the temporary rule in effect since 2/18/14, which deleted the following language that had been added by the previous temporary rule adopted on 12/15/13:

"Public employers shall include in the job recruitment announcement any special

qualifications and transferable skills required or requested for a civil service position in addition to the minimum qualifications of the position."

This language is hereby omitted from the permanent rule because of concerns that it is difficult to administer.

**Rules Coordinator:** Marcia Ohlemiller—(971) 673-0784

## 839-006-0450

### Applying the Employment Preference

(1) A public employer shall grant a preference to a veteran or disabled veteran who applies for a vacant civil service position or who seeks promotion to a civil service position with a higher maximum salary rate and who:

(a) Successfully completes an initial application screening or an application examination for the position; or

(b) Successfully completes a civil service test the employer administers to establish eligibility for the position; and

(c) Meets the minimum qualifications and any special qualifications for the position.

(2) At each stage of the application process a public employer will grant a preference to a veteran or disabled veteran who successfully completes an initial application screening or an application examination or a civil service test the public employer administers to establish eligibility for a vacant civil service position.

(3) For an initial application screening used to develop a list of persons for interviews, the public employer will add five preference points to a veteran's score and ten preference points to a disabled veteran's score.

(4) For an application examination, given after the initial application screening, that results in a score, the public employer will add five preference points to a veteran's and ten preference points to a disabled veteran's total combined examination score without allocating the points to any single feature or part of the examination.

(5) If a public employer uses an application examination that consists of an evaluation method of ranking an applicant that does not result in a score, the public employer will devise and apply methods by which the public employer gives special consideration in the public employer's hiring decision to veterans and disabled veterans.

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(6) When an interview is a component of the selection process for a civil service position or for an eligibility list for a civil service position, a public employer shall interview each veteran:

(a) Whom the public employer determines meets the minimum qualifications and special qualifications for the civil service position or eligibility list; and

(b) Who submits application materials that the public employer determines show sufficient evidence that the veteran has the transferable skills required and requested by the public employer for the civil service position or eligibility list.

(7) A public employer is not required to comply with subsection (6) of this rule if the employer's practice is to generate an eligibility list without conducting interviews of possible candidates.

(8) A public employer may consult with the Oregon Military Department and the Department of Veterans' Affairs to determine whether certain military education or experience produces a transferable skill. To evaluate a veteran's transferable skills from a transcript of military training, a public employer may consult the American Council on Education's website, "A Guide to the Evaluation of Educational Experiences in the Armed Services," at <http://www.acenet.edu/news-room/Pages/Military-Guide-Online.aspx>

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 408.230, 408.235, 408.237

Stat. Auth.: ORS 659A.805

Stats. Implemented: ORS 408.230, 408.235 & 408.237

Hist.: BLI 37-2008, f. 11-6-08, cert. ef. 11-10-08; BLI 8-2010, f. & cert. ef. 2-24-10; BLI 15-2011, f. 12-30-11, cert. ef. 1-1-12; BLI 2-2012, f. & cert. ef. 2-8-12; BLI 4-2013(Temp), f. 12-15-13, cert. ef. 12-16-13 thru 6-1-14; BLI 2-2014(Temp), f. 2-18-14, cert. ef. 2-19-14 thru 6-1-14; BLI 7-2014, f. & cert. ef. 5-30-14

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**Rule Caption:** Amends the prevailing rates of wage for the period beginning July 1, 2014

**Adm. Order No.:** BLI 8-2014

**Filed with Sec. of State:** 6-13-2014

**Certified to be Effective:** 7-1-14

**Notice Publication Date:** 6-1-2014

**Rules Amended:** 839-025-0700

**Subject:** The amended rule amends the prevailing rates of wage as determined by the Commissioner of the Bureau of Labor and Industries for the period beginning July 1, 2014.

**Rules Coordinator:** Marcia Ohlemiller—(971) 673-0784

## 839-025-0700

### Prevailing Wage Rate Determination/Amendments to Determination

(1) Pursuant to ORS 279C.815, the Commissioner of the Bureau of Labor and Industries has determined that the wage rates stated in the publication of the Bureau of Labor and Industries entitled *Prevailing Wage Rates on Public Works Contracts in Oregon* dated July 1, 2014, are the prevailing rates of wage for workers upon public works in each trade or occupation in the locality where work is performed for the period beginning July 1, 2014, and the effective dates of the applicable special wage determination and rates amendments.

(2) Copies of *Prevailing Wage Rates on Public Works Contracts in Oregon* dated July 1, 2014, are available from any office of the Wage and Hour Division of the Bureau of Labor and Industries. The offices are located in Eugene, Portland and Salem. Copies are also available on the bureau's webpage at [www.oregon.gov/boli](http://www.oregon.gov/boli) or may be obtained from the Prevailing Wage Rate Coordinator, Prevailing Wage Rate Unit, Wage and Hour Division, Bureau of Labor and Industries, 800 NE Oregon Street #1045, Portland, Oregon 97232; (971) 673-0839.

Stat. Auth.: ORS 279C.815, 651.060

Stats. Implemented: ORS 279C.815

Hist.: BLI 7-1998(Temp), f. & cert. ef. 10-29-98 thru 4-27-99; BLI 1-1999, f. 1-8-99, cert. ef. 1-15-99; BLI 4-1999, f. 6-16-99, cert. ef. 7-1-99; BLI 6-1999, f. & cert. ef. 7-23-99; BLI 9-1999, f. 9-14-99, cert. ef. 10-1-99; BLI 16-1999, f. 12-8-99, cert. ef. 1-1-00; BLI 4-2000, f. & cert. ef. 2-1-00; BLI 9-2000, f. & cert. ef. 3-1-00; BLI 10-2000, f. 3-17-00, cert. ef. 4-1-00; BLI 22-2000, f. 9-25-00, cert. ef. 10-1-00; BLI 26-2000, f. 12-14-00, cert. ef. 1-1-01; BLI 1-2001, f. & cert. ef. 1-5-01; BLI 3-2001, f. & cert. ef. 3-15-01; BLI 4-2001, f. 3-27-01, cert. ef. 4-1-01; BLI 5-2001, f. 6-21-01, cert. ef. 7-1-01; BLI 8-2001, f. & cert. ef. 7-20-01; BLI 14-2001, f. 9-26-01, cert. ef. 10-1-01; BLI 16-2001, f. 12-28-01, cert. ef. 1-1-02; BLI 2-2002, f. 1-16-02, cert. ef. 1-18-02; BLI 8-2002, f. 3-25-02, cert. ef. 4-1-02; BLI 12-2002, f. 6-19-02, cert. ef. 7-1-02; BLI 16-2002, f. 12-24-02, cert. ef. 1-1-03; BLI 1-2003, f. 1-29-03, cert. ef. 2-14-03; BLI 3-2003, f. & cert. ef. 4-1-03; BLI 4-2003, f. 6-26-03, cert. ef. 7-1-03; BLI 5-2003, f. 9-17-03, cert. ef. 10-1-03; BLI 9-2003, f. 12-31-03, cert. ef. 1-5-04; BLI 1-2004, f. 4-9-04, cert. ef. 4-15-04; BLI 6-2004, f. 6-25-04, cert. ef. 7-1-04; BLI 11-2004, f. & cert. ef. 10-1-04; BLI 17-2004, f. 12-10-04, cert. ef. 12-13-04; BLI 18-2004, f. 12-20-04, cert. ef. 1-1-05; Renumbered from 839-016-0700, BLI 7-2005, f. 2-25-05, cert. ef. 3-1-05; BLI 8-2005, f. 3-29-05, cert. ef. 4-1-05; BLI 18-2005, f. 9-19-05, cert. ef. 9-20-05; BLI 19-2005, f. 9-23-05, cert. ef. 10-1-05; BLI 26-2005, f. 12-23-05, cert. ef. 1-1-06; BLI 1-2006, f. 1-24-06, cert. ef. 1-25-06; BLI 2-2006, f. & cert. ef. 2-9-06; BLI 4-2006, f. 2-23-06, cert. ef. 2-24-06; BLI 14-

2006, f. 3-30-06, cert. ef. 4-1-06; BLI 20-2006, f. & cert. ef. 6-16-06; BLI 21-2006, f. 6-16-06, cert. ef. 7-1-06; BLI 23-2006, f. 6-27-06, cert. ef. 6-29-06; BLI 25-2006, f. & cert. ef. 7-11-06; BLI 26-2006, f. & cert. ef. 7-13-06; BLI 28-2006, f. 7-21-06, cert. ef. 7-24-06; BLI 29-2006, f. 8-8-06, cert. ef. 8-9-06; BLI 32-2006, f. & cert. ef. 9-13-06; BLI 33-2006, f. 9-28-06, cert. ef. 10-1-06; BLI 36-2006, f. & cert. ef. 10-4-06; BLI 37-2006, f. & cert. ef. 10-19-06; BLI 40-2006, f. 11-17-06, cert. ef. 11-20-06; BLI 43-2006, f. 12-7-06, cert. ef. 12-8-06; BLI 45-2006, f. 12-26-06, cert. ef. 1-1-07; BLI 5-2007, f. 1-30-07, cert. ef. 1-31-07; BLI 6-2007, f. & cert. ef. 3-5-07; BLI 7-2007, f. 3-28-07, cert. ef. 3-30-07; BLI 8-2007, f. 3-29-07, cert. ef. 4-1-07; BLI 9-2007, f. & cert. ef. 4-2-07; BLI 10-2007, f. & cert. ef. 4-30-07; BLI 12-2007, f. & cert. ef. 5-31-07; BLI 13-2007, f. 6-8-07, cert. ef. 6-11-07; BLI 14-2007, f. 6-27-07, cert. ef. 6-28-07; BLI 15-2007, f. & cert. ef. 6-28-07; BLI 16-2007, f. 6-29-07, cert. ef. 7-1-07; BLI 18-2007, f. 7-10-07, cert. ef. 7-12-07; BLI 21-2007, f. 8-3-07, cert. ef. 8-8-07; BLI 22-2007, cert. & ef. 8-30-07; BLI 23-2007, f. 8-31-07, cert. ef. 9-4-07; BLI 24-2007, f. 9-11-07, cert. ef. 9-12-07; BLI 25-2007, f. 9-19-07, cert. ef. 9-20-07; BLI 26-2007, f. 9-25-07, cert. ef. 9-26-07; BLI 27-2007, f. 9-25-07, cert. ef. 10-1-07; BLI 28-2007, f. 9-26-07, cert. ef. 10-1-07; BLI 31-2007, f. 11-20-07, cert. ef. 11-23-07; BLI 34-2007, f. 12-27-07, cert. ef. 1-1-08; BLI 1-2008, f. & cert. ef. 1-4-08; BLI 2-2008, f. & cert. ef. 1-11-08; BLI 3-2008, f. & cert. ef. 2-21-08; BLI 6-2008, f. & cert. ef. 3-13-08; BLI 8-2008, f. 3-31-08, cert. ef. 4-1-08; BLI 9-2008, f. & cert. ef. 4-14-08; BLI 11-2008, f. & cert. ef. 4-24-08; BLI 12-2008, f. & cert. ef. 4-30-08; BLI 16-2008, f. & cert. ef. 6-11-08; BLI 17-2008, f. & cert. ef. 6-18-08; BLI 19-2008, f. & cert. ef. 6-26-08; BLI 20-2008, f. & cert. ef. 7-1-08; BLI 23-2008, f. & cert. ef. 7-10-08; BLI 26-2008, f. & cert. ef. 7-30-08; BLI 28-2008, f. & cert. ef. 9-3-08; BLI 30-2008, f. & cert. ef. 9-25-08; BLI 31-2008, f. 9-29-08, cert. ef. 10-1-08; BLI 32-2008, f. & cert. ef. 10-8-08; BLI 36-2008, f. & cert. ef. 10-29-08; BLI 41-2008, f. & cert. ef. 11-12-08; BLI 42-2008, f. & cert. ef. 12-1-08; BLI 44-2008, f. & cert. ef. 12-29-08; BLI 45-2008, f. 12-31-08, cert. ef. 1-1-09; BLI 1-2009, f. & cert. ef. 1-6-09; BLI 2-2009, f. & cert. ef. 1-12-09; BLI 4-2009, f. & cert. ef. 2-11-09; BLI 6-2009, f. & cert. ef. 3-17-09; BLI 7-2009, f. & cert. ef. 3-24-09; BLI 8-2009, f. 3-31-09, cert. ef. 4-1-09; BLI 10-2009, f. 6-9-09, cert. ef. 6-10-09; BLI 11-2009, f. 6-29-09, cert. ef. 6-30-09; BLI 12-2009, f. 6-29-09, cert. ef. 7-1-09; BLI 13-2009, f. & cert. ef. 7-1-09; BLI 14-2009, f. & cert. ef. 7-10-09; BLI 15-2009, f. & cert. ef. 7-16-09; BLI 16-2009, f. & cert. ef. 7-22-09; BLI 17-2009, f. & cert. ef. 7-29-09; BLI 19-2009, f. & cert. ef. 8-18-09; BLI 20-2009, f. & cert. ef. 9-14-09; BLI 21-2009, f. & cert. ef. 9-21-09; BLI 22-2009, f. 9-30-09, cert. ef. 10-1-09; BLI 23-2009, f. & cert. ef. 10-8-09; BLI 24-2009, f. & cert. ef. 11-12-09; BLI 25-2009, f. & cert. ef. 11-23-09; BLI 29-2009, f. 12-31-09, cert. ef. 1-1-10; BLI 1-2010, f. 1-8-10, cert. ef. 1-12-10; BLI 2-2010, f. 1-11-10, cert. ef. 1-13-10; BLI 3-2010, f. & cert. ef. 1-19-10; BLI 4-2010, f. & cert. ef. 1-27-10; BLI 13-2010, f. & cert. ef. 4-1-10; BLI 17-2010, f. 6-29-10, cert. ef. 7-1-10; BLI 20-2010, f. & cert. ef. 10-1-10; BLI 24-2010, f. 12-30-10, cert. ef. 1-1-11; BLI 2-2011, f. 3-25-11, cert. ef. 4-1-11; BLI 4-2011, f. 6-30-11, cert. ef. 7-1-11; BLI 7-2011, f. & cert. ef. 10-12-11; BLI 10-2011, f. 12-30-11, cert. ef. 1-1-12; BLI 4-2012, f. & cert. ef. 3-29-12; BLI 6-2012, f. & cert. ef. 7-2-12; BLI 10-2012, f. 9-26-12, cert. ef. 10-1-12; BLI 13-2012, f. 12-28-12, cert. ef. 1-1-13; BLI 1-2013, f. & cert. ef. 3-25-13; BLI 2-2013, f. & cert. ef. 9-20-13; BLI 3-2013, f. 9-30-13, cert. ef. 10-1-13; BLI 5-2013, f. 12-16-13, cert. ef. 1-1-14; BLI 3-2014, f. & cert. ef. 4-2-14; BLI 8-2014, f. 6-13-14, cert. ef. 7-1-14

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## Department of Consumer and Business Services, Insurance Division Chapter 836

**Rule Caption:** Requiring Medigap be available on Guaranteed Issue Basis for Individuals Losing Individual Health Benefit Plans

**Adm. Order No.:** ID 9-2014

**Filed with Sec. of State:** 5-19-2014

**Certified to be Effective:** 5-19-14

**Notice Publication Date:** 4-1-2014

**Rules Amended:** 836-052-0142

**Subject:** Some individuals on Medicare rely on individual health plans as their secondary coverage, rather than Medicare Supplement (Medigap) insurance, for services not covered by Medicare parts A, B or D. For at least some of these individuals the commercial individual health plan (IHP) may have been equal to or superior to what they could have through Medigap (e.g., at the time there may have been superior pharmacy coverage through the IHP). In other instances, individuals might not realize the advantage of migrating to Medigap coverage when they became Medicare eligible and the insurer or agent did not guide them to switch to Medigap.

Generally, the only time a person has a right to purchase Medigap coverage on a guaranteed issue basis is upon gaining eligibility for Medicare. For most persons this occurs only once at age 65. For persons determined to be disabled prior to age 65, the first opportunity is at the time of their disability determination with accompanying Medicare eligibility; for these persons a second opportunity is presented at age 65. If a person does not choose a Medigap policy at the time of disability determination or turning 65, the person may be able to purchase Medigap in the future on an underwritten basis, but the opportunity is lost to ever opt in on a guaranteed issue basis.

This permanent rule replaces a temporary rule issued in December 2013 that requires guaranteed issue for individual health plans ending according to the deadlines established under the Affordable Care Act (ACA) for termination of noncompliant plans. Since December, the ACA deadlines have been adjusted on two occasions and insurers have the ability to choose the dates of plan termination



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within guidelines, resulting in the extension of the previously established termination dates in most cases to a date after the expiration of the emergency rule. The result of the termination when it occurs is to end IHP coverage for persons who relied on this coverage as a substitute for Medigap. This permanent rule extends the period of guaranteed issue to coincide with the termination of IHP under the ACA. This will protect the affected consumers.

The amendments in this rule require guaranteed issue of Medigap for individuals who relied on IHP to supplement Medicare and who have no control over the impending termination of the IHP as required by the ACA. Continuing this protection for Oregon consumers is consistent with the principle of protecting persons who involuntarily lose other coverage.

**Rules Coordinator:** Victor Garcia—(503) 947-7260

### 836-052-0142

#### Guaranteed Issue for Eligible Persons

(1) Guaranteed issue:

(a) Eligible persons are those individuals described in section (2) of this rule who seek to enroll under the policy during the period specified in section (3) of this rule and who submit evidence of the date of termination, disenrollment or Medicare Part D enrollment with the application for a Medicare supplement policy.

(b) With respect to eligible persons, an issuer shall not deny or condition the issuance or effectiveness of a Medicare supplement policy described in section (5) of this rule that is offered and is available for issuance to new enrollees by the issuer, shall not discriminate in the pricing of such a Medicare supplement policy because of health status, claims experience, receipt of health care or medical condition, and shall not impose an exclusion of benefits based on a preexisting condition under such a Medicare supplement policy.

(2) Eligible persons. An eligible person is an individual described in any of the following paragraphs:

(a) The individual is enrolled under an employee welfare benefit plan, an individual, conversion or portability health benefit plan, or a state Medicaid plan as described in Title XIX of the Social Security Act that provides health benefits that supplement the benefits under Medicare, and the plan terminates or the plan ceases to provide all such supplemental health benefits to the individual; or the individual is enrolled under an employee welfare benefit plan that is primary to Medicare and the plan terminates or the plan ceases to provide all health benefits to the individual.

(b) The individual is enrolled with a Medicare Advantage organization under a Medicare Advantage plan under part C of Medicare, and any of the following circumstances apply, or the individual is 65 years of age or older and is enrolled with a Program of All Inclusive Care for the Elderly (PACE) provider under section 1894 of the Social Security Act, and there are circumstances similar to those described in this subsection that would permit discontinuance of the individual's enrollment with the provider if the individual were enrolled in a Medicare Advantage plan:

(A) The certification of the organization or plan has been terminated;

(B) The organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides;

(C) The individual is no longer eligible to elect the plan because of a change in the individual's place of residence or other change in circumstances specified by the Secretary, but not including termination of the individual's enrollment on the basis described in section 1851(g)(3)(B) of the federal Social Security Act (where the individual has not paid premiums on a timely basis or has engaged in disruptive behavior as specified in standards under section 1856), or the plan is terminated for all individuals within a residence area;

(D) The individual demonstrates, in accordance with guidelines established by the Secretary, that:

(i) The organization offering the plan substantially violated a material provision of the organization's contract under this part in relation to the individual, including the failure to provide an enrollee on a timely basis medically necessary care for which benefits are available under the plan or the failure to provide such covered care in accordance with applicable quality standards; or

(ii) The organization, or agent or other entity acting on the organization's behalf, materially misrepresented the plan's provisions in marketing the plan to the individual; or

(E) The individual meets such other exceptional conditions as the Secretary may provide.

(c)(A) The individual is enrolled with:

(i) An eligible organization under a contract under Section 1876 of the Social Security Act (Medicare cost);

(ii) A similar organization operating under demonstration project authority, effective for periods before April 1, 1999;

(iii) An organization under an agreement under Section 1833(a)(1)(A) of the Social Security Act (health care prepayment plan); or

(iv) An organization under a Medicare Select policy; and

(B) The enrollment ceases under the same circumstances that would permit discontinuance of an individual's election of coverage under section (2)(b) of this rule.

(d) The individual is enrolled under a Medicare supplement policy and the enrollment ceases because:

(A)(i) Of the insolvency of the issuer or bankruptcy of the non-issuer organization; or

(ii) Of other involuntary termination of coverage or enrollment under the policy.

(B) The issuer of the policy substantially violated a material provision of the policy; or

(C) The issuer, or an agent or other entity acting on the issuer's behalf, materially misrepresented the policy's provisions in marketing the policy to the individual.

(e)(A) The individual was enrolled under a Medicare supplement policy and terminates enrollment and subsequently enrolls, for the first time, with any Medicare Advantage organization under a Medicare Advantage plan under part C of Medicare, any eligible organization under a contract under Section 1876 of the Social Security Act (Medicare cost), any similar organization operating under demonstration project authority, any PACE provider under Section 1894 of the Social Security Act or a Medicare Select policy; and

(B) The subsequent enrollment under paragraph (A) of this subsection is terminated by the enrollee during any period within the first 12 months of such subsequent enrollment (during which the enrollee is permitted to terminate such subsequent enrollment under section 1851 (e) of the federal Social Security Act); or

(f) The individual, upon first becoming enrolled for benefits under Medicare part A, enrolls in a Medicare Advantage plan under part C of Medicare, or with a PACE provider under Section 1894 of the Social Security Act, and dis-enrolls from the plan or program by not later than 12 months after the effective date of enrollment.

(g) The individual enrolls in a Medicare Part D plan during the initial enrollment period and, at the time of enrollment in Part D, was enrolled under a Medicare supplement policy that covers outpatient prescription drugs and the individual terminates enrollment in the Medicare supplement policy and submits evidence of enrollment in Medicare Part D along with the application for a policy described in section (5)(d) of this rule.

(3) Guaranteed Issue Time Periods.

(a) In the case of an individual described in section (2)(a) of this rule, the guaranteed issue period begins on the later of:

(A) The date the individual receives a notice of termination or cessation of all supplemental health benefits (or, if a notice is not received, notice that a claim has been denied because of a termination or cessation); or

(B) The date that the applicable coverage terminates or ceases; and ends 63 days thereafter.

(b) In the case of an individual described in section (2)(b), (c), (e) or (f) of this rule whose enrollment is terminated involuntarily, the guaranteed issue period begins on the date that the individual receives a notice of termination and ends 63 days after the date the applicable coverage is terminated;

(c) In the case of an individual described in section (2)(d)(A), the guaranteed issue period begins on the earlier of:

(A) The date that the individual receives a notice of termination, a notice of the issuer's bankruptcy or insolvency, or other such similar notice if any; and

(B) The date that the applicable coverage is terminated, and ends on the date that is 63 days after the date the coverage is terminated.

(d) In the case of an individual described in section (2)(b), (d)(B), (d)(C), (e) or (f) of this rule, who disenrolls voluntarily, the guaranteed issue period begins on the date that is 60 days before the effective date of the disenrollment and ends on the date that is 63 days after the effective date; and

(e) In the case of an individual described in section (2)(g) of this rule, the guaranteed issue period begins on the date the individual receives notice pursuant to Section 1882(v)(2)(B) of the Social Security Act from the Medicare supplement issuer during the 60-day period immediately preceding the initial Part D enrollment period and ends on the date that is 63 days



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after the effective date of the individual's coverage under Medicare Part D; and

(f) In the case of an individual described in section (2) of this rule but not described in the preceding provisions of this subsection, the guaranteed issue period begins on the effective date of disenrollment and ends on the date that is 63 days after the effective date.

(4) Extended Medigap access for interrupted trial periods.

(a) In the case of an individual described in section (2)(e) of this rule (or deemed to be so described, pursuant to this paragraph) whose enrollment with an organization or provider described in section (2)(e)(A) is involuntarily terminated within the first 12 months of enrollment, and who, without an intervening enrollment enrolls with another such organization or provider, the subsequent enrollment shall be deemed to be an initial enrollment described in section (2)(e) of this rule.

(b) In the case of an individual described in section (2)(f) of this section (or deemed to be so described, pursuant to this paragraph) whose enrollment with a plan or in a program described in section (2)(f) of this rule is involuntarily terminated within the first 12 months of enrollment, and who, without an intervening enrollment, enrolls in another such plan or program, the subsequent enrollment shall be deemed to be an initial enrollment described in section (2)(f) of this rule; and

(c) For purposes of sections (2)(e) and (f) of this rule, no enrollment of an individual with an organization or provider described in section (2)(e)(A) of this rule, or with a plan or in a program described in section (2)(f) of this rule, may be deemed to be an initial enrollment under this paragraph after the two year period beginning on the date on which the individual first enrolled with such an organization provider, plan or program.

(5) Products to which eligible persons are entitled. The Medicare supplement policy to which eligible persons are entitled under:

(a) Section (2)(a), (b), (c) (except for coverage described in (c)(A)(iv) and (d) of this rule is a Medicare supplement policy that has a benefit package classified as Plan A, B, C, F (including F with a high deductible), K or L offered by any issuer;

(b) Section (2)(c)(A)(iv) and (f) of this rule is any Medicare supplement policy described in OAR 836-052-0136 offered by any issuer;

(c)(A) Subject to paragraph (B) of this subsection, section (2)(e) of this rule is the same Medicare supplement policy in which the individual was most recently previously enrolled, if available from the same issuer, or, if not so available, a policy described in subsection (a) of this section.

(B) After December 31, 2005, if the individual was most recently enrolled in a Medicare supplement policy with an outpatient prescription drug benefit, a Medicare supplement policy described in this paragraph is:

(i) The policy available from the same issuer but modified to remove prescription drug coverage; or

(ii) At the election of the policyholder, an A, B, C, F (including F with a high deductible), K or L policy that is offered by any issuer.

(d) Section (2)(g) of this rule is a Medicare supplement policy that has a benefit package classified as Plan A, B, C, D, F (including F with a high deductible), G, K, or L, M & N and that is offered and is available for issuance to new enrollees by the same issuer that issued the individual's Medicare supplement policy with outpatient prescription drug coverage.

(6) Notification provisions:

(a) At the time of an event described in section (2) of this rule because of which an individual loses coverage or benefits due to the termination of a contract or agreement, policy or plan, the organization that terminates the contract or agreement, the issuer terminating the policy, or the administrator of the plan being terminated, respectively, shall notify the individual of the individual's rights under this rule, and of the obligations of issuers of Medicare supplement policies under section (1) of this rule. Such notice shall be communicated contemporaneously with the notification of termination.

(b) At the time of an event described in section (2) of this rule because of which an individual ceases enrollment under a contract or agreement, policy or plan, the organization that offers the contract or agreement, regardless of the basis for the cessation of enrollment, the issuer offering the policy, or the administrator of the plan, respectively, shall notify the individual of the individual's rights under this rule, and of the obligations of issuers of Medicare supplement policies under section (1) of this rule. Such notice shall be communicated within ten working days of the issuer's receiving notification of disenrollment.

Stat. Auth.: ORS 743.684

Stats. Implemented: ORS 743.010 & 743.684

Hist.: ID 21-1998(Temp), f. 12-8-98, cert. ef. 1-1-99 thru 6-25-99; ID 4-1999, f. & cert. ef. 4-29-99; ID 6-2001, f. & cert. ef. 5-22-01; ID 24-2002, f. & cert. ef. 12-13-02; ID 10-2005, f. & cert. ef. 7-26-05; ID 3-2009, f. 6-30-09, cert. ef. 7-1-09; ID 6-2013(Temp), f. & cert. ef. 12-5-13 thru 5-20-14; ID 9-2014, f. & cert. ef. 5-19-14

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

**Rule Caption:** Adopt exception in Forest Activities for machines with front and top guard structure.

**Adm. Order No.:** OSHA 2-2014

**Filed with Sec. of State:** 5-29-2014

**Certified to be Effective:** 5-29-14

**Notice Publication Date:** 4-1-2014

**Rules Amended:** 437-007-0780

**Subject:** This rulemaking exempts machines manufactured prior to July 1, 2004, capable of 360 degree upper structure rotation that are equipped and maintained with a front and top guard structure meeting the performance criteria of the Society of Automotive Engineers' SAE J1356:FEB88 or the International Organization for Standardization ISO 10262:1998 (Level II), from limitations under 437-007-0780, effective July 1, 2014. This rulemaking also corrects a typo in the current rule.

One public hearing was held with three comments received. All comments were favorable to this rulemaking.

Oregon OSHA makes these changes to 437-007-0780 in Division 7/H.

Please visit our web site [www.orosha.org](http://www.orosha.org) Click 'Rules' in the left vertical column to view our proposed, adopted, and final rules.

**Rules Coordinator:** Sue C. Joye—(503) 947-7449

### 437-007-0780

#### Protective Structures for Operators, Machines Used On Or After July 1, 2014

Each machine used in forest activities on or after July 1, 2014, that is excluded from the ROPS, SAE J1040 MAY94 or ISO 8082:1994 requirements, because it is capable of 360 degree upper structure rotation, must:

(1) Meet the same requirements as those machines manufactured on or after July 1, 2004, or

(2) Be limited to use on surfaces that are prepared, excavated or constructed of solid materials with a slope of less than 20 percent when handling logs or other materials, or

(3) Have a clear path of travel and be limited to slopes of 40 percent or less when used only as anchors for cable yarding systems.

**EXCEPTION:** 437-007-0780 does not apply to machines manufactured before July

1, 2004 that are equipped and maintained with a front and top guard structure meeting

the performance criteria of SAE J1356:FEB88 or ISO 10262:1998 Level II.

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

Stats. Implemented: ORS 654.001 - 654.295

Hist.: OSHA 5-2003, f. 6-2-03, cert. ef. 12-1-03; OSHA 2-2008, f. & cert. ef. 3-5-08; OSHA

2-2014, f. & cert. ef. 5-29-14

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

**Rule Caption:** Electronic data interchange; medical bill data - extending effective dates of current rules

**Adm. Order No.:** WCD 5-2014(Temp)

**Filed with Sec. of State:** 6-5-2014

**Certified to be Effective:** 7-1-14 thru 12-27-14

**Notice Publication Date:**

**Rules Adopted:** 436-160-0011, 436-160-0012, 436-160-0013, 436-160-0014, 436-160-0015, 436-160-0016, 436-160-0017, 436-160-0018, 436-160-0019

**Rules Amended:** 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

**Subject:** The agency adopts these temporary rules in order to extend the rules (OAR 436-160) in effect since Jan. 1, 2011. These temporary rules will supersede rules scheduled to go into effect on July 1, 2014, that would have adopted a newer standard for electronic data interchange of medical bill data. The agency will separately adopt that newer standard to go into effect at a later date.

**Rules Coordinator:** Fred Bruyns—(503) 947-7717

# ADMINISTRATIVE RULES

## 436-160-0001

### Authority for Rules

These rules are promulgated under the director's authority contained in ORS 656.726(4).

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

Stats. Implemented: ORS Ch. 84, 656.264

Hist.: WCD 3-2003, f. 3-18-03, cert. ef. 4-1-03; WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11; WCD 6-2013, f. 10-10-13, cert. ef. 7-1-14; WCD 5-2014(Temp), f. 6-5-14, cert. ef. 7-1-14 thru 12-27-14

## 436-160-0004

### Adoption of Standards

The director adopts, by reference, IAIABC EDI Implementation Guide for Medical Bill Payment Records, Release 1.1, dated July 1, 2009, unless otherwise provided in these rules. Copies of the guide are available from the IAIABC website: <http://www.iaabc.org/i4a/pages/index.cfm?pageid=3339>.

Stat. Auth.: ORS 656.264

Stats. Implemented: ORS 656.264

Hist.: WCD 3-2003, f. 3-18-03, cert. ef. 4-1-03; WCD 10-2007, f. 11-1-07, cert. ef. 1-1-08; WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; WCD 2-2009, f. 10-5-09 cert. ef. 1-1-10; WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11; WCD 6-2013, f. 10-10-13, cert. ef. 7-1-14; WCD 5-2014(Temp), f. 6-5-14, cert. ef. 7-1-14 thru 12-27-14

## 436-160-0005

### General Definitions

For the purpose of these rules, unless it conflicts with statute or rule:

(1) "ANSI" means the American National Standards Institute.

(2) "Conditional data element" means an element that becomes mandatory under certain conditions. Once mandatory, a conditional data element will cause a rejection of the transaction if the data element is omitted or submitted in a format not capable of being processed by the division's information processing system.

(3) "Director" means the Director of the Department of Consumer and Business Services or the director's designee for the matter.

(4) "Division" means the Workers' Compensation Division of the Department of Consumer and Business Services.

(5) "Electronic Data Interchange" or "EDI" means a computer to computer exchange of information in a standardized electronic format.

(6) "Electronic Record" means information created, generated, sent, communicated, received, or stored by electronic means.

(7) "FEIN" means the federal employer identification number or other federal reporting number used by the insurer, insured, or employer for federal tax reporting purposes.

(8) "Header record" means the record that precedes each transmission for the purpose of identifying a sender, the date and time of the transmission, and the transaction set within the transmission.

(9) "IAIABC" means the International Association of Industrial Accident Boards and Commissions, a professional trade association comprised of state workers' compensation regulators and insurance representatives ([www.iaabc.org](http://www.iaabc.org)).

(10) "Information" means data, text, images, sounds, codes, computer programs, software, databases, or the like.

(11) "Insurer" means the State Accident Insurance Fund Corporation, an insurer authorized under ORS Chapter 731 to transact workers' compensation insurance in Oregon, or a self-insured employer.

(12) "Mandatory data element" means an element that will cause a rejection of a transaction if the data element is omitted or submitted in a format not capable of being processed by the division's information processing system.

(13) "Optional data element" means an element that an insurer should report to the director if the information is available to the insurer. Optional data elements will not cause a rejection if missing or invalid.

(14) "Record" means electronic record.

(15) "Reprocessed transaction" means a rejected transaction that, at the discretion of the director, has been reprocessed and accepted by the division.

(16) "Sender" means the person or entity reporting electronic data interchange transactions to the division. Sender may include vendors or insurers.

(17) "Trading partner agreement" means the agreement entered into under OAR 436-160-0020 between the director and an insurer to conduct transactions via EDI.

(18) "Trailer record" means the record that designates the end of a transmission and provides a count of transactions contained within the transmission, not including the header and trailer records.

(19) "Transaction" means a set of EDI records, defined according to standards in OAR 436-160-0004.

(20) "Transmission" means a defined set of transactions, including both header and trailer records to be sent to the division or sender via EDI.

(21) "Vendor" means an agent identified by the insurer to submit transmissions to the division on behalf of an insurer. Vendors may include service companies, third party administrators, and managing general agents.

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

Stats. Implemented: ORS 84.004 & 656.264

Hist.: WCD 3-2003, f. 3-18-03, cert. ef. 4-1-03; WCD 10-2007, f. 11-1-07, cert. ef. 1-1-08; WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11; WCD 6-2013, f. 10-10-13, cert. ef. 7-1-14; WCD 5-2014(Temp), f. 6-5-14, cert. ef. 7-1-14 thru 12-27-14

## 436-160-0011

### Purpose (formerly 436-160-0002)

The director's purpose is to require workers' compensation medical data reporting via electronic data interchange.

Stat. Authority: ORS 656.264 & 656.726(4)

Stat. Implemented: ORS 656.264

Hist.: WCD 5-2014(Temp), f. 6-5-14, cert. ef. 7-1-14 thru 12-27-14

## 436-160-0012

### Applicability of Rules (formerly 436-160-0003)

(1) These rules apply to workers' compensation related transactions filed with the director via electronic data interchange on or after the effective date of these rules.

(2) The director may, unless otherwise obligated by statute, waive any procedural rules in this rule division as justice so requires.

Stat. Authority: ORS 656.726(4)

Stat. Implemented: ORS 656.726(4)

Hist.: WCD 5-2014(Temp), f. 6-5-14, cert. ef. 7-1-14 thru 12-27-14

## 436-160-0013

### Administration of Rules (formerly 436-160-0006)

Orders issued by the division in carrying out the director's authority to enforce ORS Chapter 656 are considered orders of the director.

Stat. Authority: ORS 656.704 & 656.726(4);

Stat. Implemented: ORS 656.704 & 656.726(4)

Hist.: WCD 5-2014(Temp), f. 6-5-14, cert. ef. 7-1-14 thru 12-27-14

## 436-160-0014

### Security (formerly 436-160-0010)

(1) The sender will verify that an electronic signature, record, or performance is that of a specific person.

(2) The sender will utilize anti-virus software to eliminate any viruses on all electronic transmissions. The sender will maintain the anti-virus software with the most recent anti-virus update files from the software provider. The sender will notify the director immediately if a virus is detected.

Stat. Authority: ORS 656.264 & 656.726(4)

Stat. Implemented: ORS 656.264

Hist.: WCD 5-2014(Temp), f. 6-5-14, cert. ef. 7-1-14 thru 12-27-14

## 436-160-0015

### Trading Partner Agreement (formerly 436-160-0020)

(1) If the director so requires, an insurer must enter into a trading partner agreement with the director before the division will begin testing with or accept production electronic transmissions from the insurer or from a vendor on behalf of that insurer.

(2) The trading partner agreement will include:

(a) A statement that the insurer will remain responsible and liable for all electronic records transmitted to the director;

(b) Transmission protocol between sender and director;

(c) A specific description of the form, format, and delivery of electronic transmissions under OAR 436-160-0004 and 436-160-0050;

(d) Specific identifying information for insurer, third party administrator, if any, and vendor, if any;

(e) Cost allocation of transactions, if any;

(f) The time frame for the director to submit acknowledgements of transactions; and

(g) Any other necessary statements, conditions, or requirements to facilitate EDI.

Stat. Authority: ORS 656.264 & 656.726(4)

Stat. Implemented: ORS 84.013 & 656.264

Hist.: WCD 5-2014(Temp), f. 6-5-14, cert. ef. 7-1-14 thru 12-27-14

## 436-160-0016

### Retention of Electronic Records (formerly 436-160-0030)

Insurers and self-insured employers must retain workers' compensation records under OAR 436-050-0120, 436-050-0220, and 436-009-0030.

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Records may be retained in electronic format if the records can be reproduced.

Stat. Authority: ORS 656.726(4)  
Stat. Implemented: ORS 656.455 & 731.475  
Hist.: WCD 5-2014(Temp), f. 6-5-14, cert. ef. 7-1-14 thru 12-27-14

## 436-160-0017

### Form, Format, and Delivery for Electronic Data Reporting (formerly 436-160-0050)

The form, format, and delivery of data elements and definitions will conform to the standards specified in OAR 436-160-0004, or as otherwise identified in the trading partner agreement.

Stat. Authority: ORS 656.726(4)  
Stat. Implemented: ORS 84.013 & 656.264  
Hist.: WCD 5-2014(Temp), f. 6-5-14, cert. ef. 7-1-14 thru 12-27-14

## 436-160-0018

### Electronic signature (formerly 436-160-0070)

The sender's federal employer identification number (FEIN) plus its postal code as reported in the header record and stated in the trading partner agreement, if such an agreement is required, is the unique identifier that is the electronic signature for electronic data interchange.

Stat. Authority: ORS 656.726(4)  
Stat. Implemented: ORS 84.001-84.061 & 656.264  
Hist.: WCD 5-2014(Temp), f. 6-5-14, cert. ef. 7-1-14 thru 12-27-14

## 436-160-0019

### Address Reporting (formerly 436-160-0090)

The sender will follow the standard United States Postal Service guidelines in reporting all addresses.

Stat. Authority: ORS 656.726(4)  
Stat. Implemented: ORS 656.264  
Hist.: WCD 5-2014(Temp), f. 6-5-14, cert. ef. 7-1-14 thru 12-27-14

## 436-160-0040

### Recognized Filing Date

(1) Unless otherwise stated in the trading partner agreement, an electronic record is sent when it:

(a) Is addressed or directed properly to an information processing system designated or used by the division to receive electronic records or information;

(b) Is in a form and format capable of being processed by that system; and

(c) Enters an information processing system outside the control of the sender or enters a region of the information processing system designated or used by the division and that is under control of the division.

(2) Unless otherwise stated in the trading partner agreement an electronic record is received when it:

(a) Enters an information processing system designated or used by the division to receive electronic records or information of the type sent and from which the division is able to retrieve the electronic record; and

(b) Is in a form and format capable of being processed by the division's information processing system.

(3) For the purpose of these rules, an electronic transaction is capable of being processed by the division's information processing system when all the required data elements are in the form and format specified in these rules, in the proper sequence, and in accordance with the terms of the trading partner agreement.

(4) A reprocessed transaction retains the filing date of the original transaction.

Stat. Auth.: ORS 656.264 & 656.726(4)  
Stats. Implemented: ORS 84.043 & 656.264  
Hist.: WCD 3-2003, f. 3-18-03, cert. ef. 4-1-03; WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; WCD 6-2013, f. 10-10-13, cert. ef. 7-1-14; WCD 5-2014(Temp), f. 6-5-14, cert. ef. 7-1-14 thru 12-27-14

## 436-160-0060

### Testing Procedures and Requirements

Testing and transition to production:

(1) To initiate a test for EDI, the sender must contact the director.

(2) Each transmission for test purposes must conform to the standards specified in OAR 436-160-0004, or as otherwise identified in the trading partner agreement. Test files will be evaluated in terms of whether the data was sent in the correct, standardized format.

(3) To be approved to send production transmissions, the sender must:

(a) Transmit records via EDI; and

(b) Accomplish secure file transfer protocol (SFTP) uploads and downloads.

(4) The sender must demonstrate the ability to send transmissions to the director that are readable, in the correct format, and can be processed

through the division's information processing system. An EDI FTP test is successful if the sender is able to resolve any consistently recurring fatal technical errors identified by the division so that:

(a) Transmissions are sent to the director without structural errors;

(b) Transmissions are sent to the director without transaction level technical errors; and

(c) The sender can receive and process the automated EDI acknowledgment transactions.

(5) To move from test to production, 80 percent of the sender's transactions must have been accepted by the division by the end of the testing period, including corrected and resubmitted transactions. The director will consider the sender's anticipated volume of production transactions to determine the number of transactions per test transmission required.

(6) Test periods will last a maximum of 120 days. Test periods begin the day the division processes the sender's first test file. If the sender has not met the minimum requirements to move from test to production within 120 days of the start of testing, the sender may request a testing extension period of 60 days.

(7) Senders that fail to successfully transition from test into production within 180 days must wait an additional 180 days before requesting a new test period of 120 days.

Stat. Auth.: ORS 656.726(4)  
Stats. Implemented: ORS 84.013 & 656.264  
Hist.: WCD 3-2003, f. 3-18-03, cert. ef. 4-1-03; WCD 10-2007, f. 11-1-07, cert. ef. 1-1-08; WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11; WCD 6-2013, f. 10-10-13, cert. ef. 7-1-14; WCD 5-2014(Temp), f. 6-5-14, cert. ef. 7-1-14 thru 12-27-14

## 436-160-0405

### Insurers' Reporting Responsibilities

(1) Insurers with an average of at least 100 accepted disabling claims per year are required to electronically submit detailed medical bill payment data to the Department of Consumer and Business Services under OAR 436-160-0415. The number of accepted disabling claims is determined by the director based on an average accepted disabling claim volume for the previous three calendar years.

(2) Once the director has determined that an insurer's average accepted disabling claim count is 100 or higher the insurer must report medical bill payment data in subsequent years. If the insurer's claim count drops below an average of 50 accepted disabling claims, the insurer may apply to the director for exemption from the reporting requirement.

(3) The director will publish the list of insurers required to report medical bill data in Bulletin 359.

(4) Insurers that were required to report medical bill payment data under OAR 436-009-0030(12) before Jan. 1, 2011, must successfully complete EDI testing and begin reporting production data before Jan. 1, 2011.

Stat. Auth.: ORS 656.726(4)  
Stats. Implemented: ORS 656.264  
Hist.: WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11; WCD 6-2013, f. 10-10-13, cert. ef. 7-1-14; WCD 5-2014(Temp), f. 6-5-14, cert. ef. 7-1-14 thru 12-27-14

## 436-160-0410

### Medical Bill Electronic Filing Requirements

(1) The transmission data and format requirements are included in the *IAIABC EDI Implementation Guide for Medical Bill Payment Records*, Release 1.1, dated July 1, 2009, and Appendix A of these rules. Additional Oregon-specific information can be found in the Oregon Medical State Reporting Electronic Data Interchange (EDI) Implementation Guide, available from the division's website: <http://www.cbs.state.or.us/wcd/operations/edi/ediindex.html#bill>.

(2) The chart in Appendix "A" shows all medical bill data elements accepted via EDI in Oregon, and whether the data element is mandatory (M), conditional (C), or optional (O) for each transaction type.

(3) Unless otherwise provided in these rules, the data elements must have the meaning provided in the data dictionary included in the *IAIABC EDI Implementation Guide for Medical Bill Payment Records*, Release 1.1, dated July 1, 2009, Section 6, Medical Bill Payment Records Dictionaries, available from the IAIABC website: <http://www.iaiaabc.org/i4a/pages/index.cfm?pageid=3339>.

(4) Transactions will be rejected if mandatory or required conditional data elements are omitted or submitted in a format that is not capable of being processed by the division's information processing system designated for medical bill transactions.

(5) Optional data element(s) in a transaction will be ignored if the optional data element is either omitted, or submitted in a format that is not capable of being processed by the division's information processing system designated for medical bill transactions.

[ED. NOTE: Appendices are available from the agency.]



# ADMINISTRATIVE RULES

Stat. Auth.: ORS 656.726(4)  
Stats. Implemented: ORS 656.264  
Hist.: WCD 10-2007, f. 11-1-07, cert. ef. 1-1-08; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 4-2008, f. 9-17-08, cert. ef. 7-1-09; WCD 2-2009, f. 10-5-09 cert. ef. 1-1-10; WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11; WCD 6-2013, f. 10-10-13, cert. ef. 7-1-14; WCD 1-2014, f. 2-14-14, cert. ef. 7-1-14; WCD 5-2014(Temp), f. 6-5-14, cert. ef. 7-1-14 thru 12-27-14

## 436-160-0415

### Oregon ASC X12 837 Medical Bill Data Reporting Requirements

- (1) Event reporting requirements:
  - (a) Original medical bills, including interpreter bills under OAR 436-009, must be reported within 60 days of date paid.
  - (b) Denied bills for accepted claims must be reported within 60 days of date denied. Denied bills are defined as any bills in which there is a non-zero charge and a zero payment.
  - (c) Transactions must be accepted by the division within 60 days of either the date paid or the date denied to be considered timely reported. If a transaction is initially rejected it must be corrected, resubmitted, and accepted within the original 60 day time period to be considered timely reported.
  - (d) Cancellations: Report immediately, as soon as the payer knows that an original medical bill was previously sent in error.
  - (e) Corrections: Report via a Replacement transaction or a Cancel/Original combination transaction within 60 days of changes to any of the following data elements:
    - (A) DN15 — Claim Administrator Claim Number;
    - (B) DN504 — Facility Code;
    - (C) DN555 — Place of Service Bill Code;
    - (D) DN518 — DRG Code;
    - (E) DN682 — Facility NPI;
    - (F) DN634 — Billing Provider NPI;
    - (G) DN647 — Rendering Bill Provider NPI;
    - (H) DN592 — Rendering Line Provider NPI;
    - (I) DN726 — HCPCS Line Procedure Paid Code;
    - (J) DN576 — Revenue Paid Code;
    - (K) DN728 — NDC Paid Code;
    - (L) DN580 — Days/Units Paid;
    - (M) DN516 — Total Amount Paid per Bill;
    - (N) DN501 — Total Charges per Bill.

(2) Data reporting requirements: See "Medical Bill Data Element Requirement Table" Appendix A.

(3) Technical Requirements: See the Oregon Medical State Reporting Electronic Data Interchange (EDI) Implementation Guide for specifications on the Secure File Transfer Protocol (SFTP) requirements.

(4) Data Quality: The director will conduct electronic edits for blank or invalid data. Affected insurers are responsible for pre-screening the data they submit to check that all the required information is reported and is formatted correctly. See OAR 436-160-0420 for a description of the acceptance/rejection protocol for all reported medical bills. The insurer is responsible for timely correcting and resubmitting all rejected transactions for which law or rule require filing, reporting, or notice to the director.

(5) An insurer must request and receive authorization from the department to stop submitting a previously rejected transaction when the department determines the transaction is uncorrectable. The department may impose a civil penalty against the insurer when, within any six month period, the insurer's number of uncorrectable transactions exceeds one percent of the insurer's total accepted transactions.

(6) The director will periodically review reported bill data to monitor insurer performance. If the director finds repeated or egregious violations of the reporting requirements of these rules the director may issue civil penalties under OAR 436-160-0445 and ORS 656.745.

(a) Medical bills must be reported timely. "Timely" means that an insurer reports medical payment data within 60 days of the date the bill is paid or denied as outlined in OAR 436-160-0415(1).

(b) Medical bills must be reported accurately. "Accurate" means that the medical bill data on bills accepted by the division conforms to the reporting requirements of the Medical Bill Data Element Requirement Table in Appendix A of these rules.

(c) The insurer may be subject to penalties for any reported medical bills that have not been accepted by the division or designated as uncorrectable under OAR 436-160-0415(5) within 180 days of the date of bill payment or denial.

(d) If the insurer's volume of uncorrectable bills exceeds one percent of the insurer's total accepted transactions within any six month period, the insurer may be assessed a penalty.

(7) The director may conduct additional audits to monitor insurer reporting compliance.

Stat. Auth.: ORS 656.726(4)  
Stats. Implemented: ORS 656.264  
Hist.: WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11; WCD 6-2013, f. 10-10-13, cert. ef. 7-1-14; WCD 5-2014(Temp), f. 6-5-14, cert. ef. 7-1-14 thru 12-27-14

## 436-160-0420

### Medical Bill Acknowledgement

(1) The sender will receive both TA1 and 997 interchange and functional acknowledgements (as defined by ANSI X12N) for each medical bill batch submitted, unless technical errors in the file prevent 997 processing. In addition, the sender will receive an 824 detailed acknowledgement (as defined by ANSI X12N) for each medical bill batch submitted, if the batch has successfully passed the 997 edits. The detailed acknowledgement will indicate either a transaction accepted (TA) or a transaction rejected (TR) acknowledgement for each individual transaction.

(2) A TA1, 997, or 824 error will be sent for all transactions incapable of being processed by the division's information processing system, including, but not limited to:

- (a) An omitted mandatory data element;
- (b) An improperly populated data element field, e.g., numeric data element field is populated with alpha or alphanumeric data, or is not a valid value according to the standards adopted in 436-160-0004;
- (c) Transactions or electronic records within the transaction which require matching and cannot be matched to the division's database, e.g., cancellation of an original bill that does not match on Unique Bill ID;
- (d) Illogical data in mandatory or required conditional field, e.g., payment date is after reporting date;
- (e) Duplicate transmission or duplicate transaction within the transmission;
- (f) Invalid bill submission reason code; or
- (g) Illogical event sequence relationship between transactions, e.g., cancellation transaction submitted before an original bill is accepted.

(3) The insurer must correct and resubmit any transactions rejected for which law or rule requires filing, reporting, or notice to the director.

(4) A transaction accepted acknowledgement will be sent for all transactions that are in a format capable of being processed by the division's information processing system and are not rejected pursuant to section (2) of this rule.

(5) An insurer's obligation to file medical bill data for the purposes of this rule is not satisfied unless the director acknowledges acceptance of the transaction.

Stat. Auth.: ORS 656.726(4)  
Stats. Implemented: ORS 656.264  
Hist.: WCD 10-2007, f. 11-1-07, cert. ef. 1-1-08; WCD 2-2009, f. 10-5-09 cert. ef. 1-1-10; WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11; WCD 6-2013, f. 10-10-13, cert. ef. 7-1-14; WCD 5-2014(Temp), f. 6-5-14, cert. ef. 7-1-14 thru 12-27-14

## 436-160-0430

### Medical Bill Data Changes or Corrections

(1) Changes or corrections to medical bill information must be submitted according to the standards referenced in OAR 436-160-0004.

(2) The Unique Bill ID will be used to match cancellations and replacements to the original bill. Failure to match on this data element will result in a rejected transaction.

Stat. Auth.: ORS 656.726(4)  
Stats. Implemented: ORS 656.264  
Hist.: WCD 10-2007, f. 11-1-07, cert. ef. 1-1-08; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 6-2013, f. 10-10-13, cert. ef. 7-1-14; WCD 5-2014(Temp), f. 6-5-14, cert. ef. 7-1-14 thru 12-27-14

## 436-160-0440

### Monitoring and Auditing Insurers

(1) The department may monitor and conduct periodic audits of medical bill data to ensure compliance with ORS Chapter 656 and these rules.

(2) All records maintained or required to be maintained must be disclosed upon request by the director.

Stat. Auth.: ORS 656.726(4)  
Stats. Implemented: ORS 656.252, 656.254, 656.264, 656.455, 656.726  
Hist.: WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11; WCD 6-2013, f. 10-10-13, cert. ef. 7-1-14; WCD 5-2014(Temp), f. 6-5-14, cert. ef. 7-1-14 thru 12-27-14

## 436-160-0445

### Assessment of Civil Penalties

(1) Under ORS 656.745, the director may assess a civil penalty against an insurer who fails to comply with ORS Chapter 656 or the director's rules and orders.

(2) The insurer is responsible for its own actions as well as the actions of others acting on the insurer's behalf. If an insurer or someone acting on the insurer's behalf violates any provisions of these rules, the director may impose a civil penalty against the insurer.



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Stat. Auth. ORS 656.726(4)  
Stats. Implemented: ORS 656.254, 656.745  
Hist.: WCD 7-2010, f. 10-1-10, cert. ef. 1-1-11; WCD 6-2013, f. 10-10-13, cert. ef. 7-1-14;  
WCD 5-2014(Temp), f. 6-5-14, cert. ef. 7-1-14 thru 12-27-14

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**Rule Caption:** Repeal of requirement to use International Classification of Disease Tenth Revision (ICD-10) codes

**Adm. Order No.:** WCD 6-2014

**Filed with Sec. of State:** 6-13-2014

**Certified to be Effective:** 7-1-14

**Notice Publication Date:** 5-1-2014

**Rules Amended:** 436-009-0010, 436-009-0020

**Rules Repealed:** 436-009-0010(T), 436-009-0020(T)

**Subject:** These rules repeal the requirement that medical providers use ICD-10 codes on billings for services delivered on or after Oct. 1, 2014.

**Rules Coordinator:** Fred Bruyns—(503) 947-7717

## 436-009-0010

### Medical Billing and Payment

#### (1) General.

(a) Only treatment that falls within the scope and field of the medical provider's license to practice will be paid under a worker's compensation claim.

(b) All billings must include the patient's full name, date of injury, and the employer's name. If available, billings must also include the insurer's claim number and the provider's NPI. If the provider does not have an NPI, then the provider must provide its license number and the billing provider's FEIN. For provider types not licensed by the state, "99999" must be used in place of the state license number.

(c) The medical provider must bill their usual fee charged to the general public. The submission of the bill by the medical provider shall serve as a warrant that the fee submitted is the usual fee of the medical provider for the services rendered. The department shall have the right to require documentation from the medical provider establishing that the fee under question is the medical provider's usual fee charged to the general public. For purposes of this rule, "general public" means any person who receives medical services, except those persons who receive medical services subject to specific billing arrangements allowed under the law which require providers to bill other than their usual fee.

(d) Medical providers must not submit false or fraudulent billings, including billing for services not provided. As used in this section, "false or fraudulent" means an intentional deception or misrepresentation with the knowledge that the deception could result in unauthorized benefit to the provider or some other person. A request for pre-payment for a deposition is not considered false or fraudulent.

(e) When a provider treats a patient with two or more compensable claims, the provider must bill individual medical services for each claim separately.

(f) When rebilling, medical providers must indicate that the charges have been previously billed.

(g) If a patient requests copies of medical bills in writing, medical providers must provide copies within 30 days of the request, and provide any copies of future bills during the regular billing cycle.

(2) Billing Timelines. (For payment timelines see OAR 436-009-0030.)

#### (a) Medical providers must bill within:

(A) 60 days of the date of service;

(B) 60 days after the medical provider has received notice or knowledge of the responsible workers' compensation insurer or processing agent; or

(C) 60 days after any litigation affecting the compensability of the service is final, if the provider receives written notice of the final litigation from the insurer.

(b) If the provider bills past the timelines outlined in subsection (a) of this section, the provider may be subject to civil penalties as provided in ORS 656.254 and OAR 436-010-0340.

(c) When submitting a bill later than outlined in subsection (a) of this section, a medical provider must establish good cause. Good cause may include, but is not limited to, such issues as extenuating circumstances or circumstances considered outside the control of the provider.

(d) When a provider submits a bill within 12 months of the date of service, the insurer may not reduce payment due to late billing.

(e) When a provider submits a bill more than 12 months after the date of service, the bill is not payable, except when a provision of subsection (2)(a) is the reason the billing was submitted after 12 months.

#### (3) Billing Forms.

(a) All medical providers must submit bills to the insurer unless a contract directs the provider to bill the managed care organization.

(b) Medical providers must submit bills on a completed current UB-04 (CMS 1450) or CMS 1500 form (Versions 08/05 or 02/12 for dates of service prior to Oct. 1, 2014; Version 02/12 for dates of service Oct. 1, 2014 or after) except for:

(A) Dental billings, which must be submitted on American Dental Association dental claim forms;

(B) Pharmacy billings, which must be submitted on a current National Council for Prescription Drug Programs (NCPDP) form; or

(C) Electronic billing transmissions of medical bills.

(c) Medical providers may use computer-generated reproductions of the appropriate forms.

(d) Unless different instructions are provided in the table below, [Table not included. See ED. NOTE.] the provider should use the instructions provided in the National Uniform Claim Committee 1500 Claim Form Reference Instruction Manual.

#### (4) Billing Codes.

(a) When billing for medical services, a medical provider must use codes listed in CPT® 2014 or Oregon specific codes (OSC) listed in OAR 436-009-0060 that accurately describe the service. If there is no specific CPT® code or OSC, a medical provider must use the appropriate HCPCS or dental code, if available, to identify the medical supply or service. If there is no specific code for the medical service, the medical provider must use the unlisted code at the end of each medical service section of CPT® 2014 or the appropriate unlisted HCPCS code, and provide a description of the service provided. A medical provider must include the National Drug Code (NDC) to identify the drug or biological when billing for pharmaceuticals.

(b) Only one office visit code may be used for each visit except for those code numbers relating specifically to additional time.

#### (5) Modifiers.

(a) When billing, unless otherwise provided by these rules, medical providers must use the appropriate modifiers found in CPT® 2014, HCPCS' level II national modifiers, or anesthesia modifiers, when applicable.

(b) Modifier 22 identifies a service provided by a medical service provider that requires significantly greater effort than typically required. Modifier 22 may only be reported with surgical procedure codes with a global period of 0, 10 or 90 days listed in Appendix B. The bill must include documentation describing the additional work. It is not sufficient to simply document the extent of the patient's comorbid condition that caused the additional work. When a medical service provider appropriately bills for an eligible procedure with modifier 22, the payment rate is 125% of the fee published in Appendix B, or the fee billed, whichever is less. For all services identified by modifier 22, two or more of the following factors must be present: Unusually lengthy procedure; Excessive blood loss during the procedure; Presence of an excessively large surgical specimen (especially in abdominal surgery); Trauma extensive enough to complicate the procedure and not billed as separate procedure codes; Other pathologies, tumors, malformations (genetic, traumatic, surgical) that directly interfere with the procedure but are not billed as separate procedure codes; or The services rendered are significantly more complex than described for the submitted CPT.

(6) Physician Assistants and Nurse Practitioners. Physician assistants and nurse practitioners must bill using modifier "81" and document in the chart notes that they provided the medical service.

#### (7) Chart Notes.

(a) All original medical provider billings must be accompanied by legible chart notes. The chart notes must document the services that have been billed and identify the person performing the service.

(b) Chart notes must not be kept in a coded or semi-coded manner unless a legend is provided with each set of records.

(c) When processing electronic bills, the insurer may waive the requirement that bills be accompanied by chart notes. The insurer remains responsible for payment of only compensable medical services. Medical providers may submit their chart notes separately or at regular intervals as agreed with the insurer.

(8) Challenging the Provider's Bill. For services where the fee schedule does not establish a fixed dollar amount, an insurer may challenge the reasonableness of a provider's bill on a case by case basis by asking the director to review the bill under OAR 436-009-0008. If the director deter-

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mines the amount billed is unreasonable, the director may establish a different fee to be paid to the provider based on at least one of, but not limited to, the following: reasonableness, the usual fees of similar providers, fees for similar services in similar geographic regions, and any extenuating circumstances.

(9) Billing the Patient / Patient Liability.

(a) A patient is not liable to pay for any medical service related to an accepted compensable injury or illness or any amount reduced by the insurer according to OAR chapter 436. However, the patient may be liable, and the provider may bill the patient:

(A) If the patient seeks treatment for conditions not related to the accepted compensable injury or illness;

(B) If the patient seeks treatment for a service that has not been prescribed by the attending physician or authorized nurse practitioner, or a specialist physician upon referral of the attending physician or authorized nurse practitioner. This would include, but is not limited to, ongoing treatment by non-attending physicians in excess of the 30-day/12-visit period or by nurse practitioners in excess of the 180-day period, as set forth in ORS 656.245 and OAR 436-010-0210;

(C) If the insurer notifies the patient that he or she is medically stationary and the patient seeks palliative care that is not authorized by the insurer or the director under OAR 436-010-0290;

(D) If an MCO-enrolled patient seeks treatment from the provider outside the provisions of a governing MCO contract; or

(E) If the patient seeks treatment listed in section (12) of this rule after the patient has been notified that such treatment is unscientific, unproven, outmoded, or experimental.

(b) If the director issues an order declaring an already rendered medical service or treatment inappropriate, or otherwise in violation of the statute or administrative rules, the worker is not liable for such services.

(10) Disputed Claim Settlement (DCS). The insurer must pay a medical provider for any bill related to the claimed condition received by the insurer on or before the date the terms of a DCS were agreed on, but was either not listed in the approved DCS or was not paid to the medical provider as set forth in the approved DCS. Payment must be made by the insurer as prescribed by ORS 656.313(4)(d) and OAR 438-009-0010(2)(g) as if the bill had been listed in the approved settlement or as set forth in the approved DCS, except, if the DCS payments have already been made, the payment must not be deducted from the settlement proceeds. Payment must be made within 45 days of the insurer's knowledge of the outstanding bill.

(11) Payment Limitations.

(a) Insurers do not have to pay providers for the following:

(A) Completing forms 827 and 4909;

(B) Providing chart notes with the original bill;

(C) Preparing a written treatment plan;

(D) Supplying progress notes that document the services billed;

(E) Completing a work release form or completion of a PCE form, when no tests are performed;

(F) A missed appointment "no show" (see exceptions below under section (13) Missed Appointment "No Show"); or

(G) More than three mechanical muscle testing sessions per treatment program or when not prescribed and approved by the attending physician or authorized nurse practitioner.

(b) Mechanical muscle testing includes a copy of the computer print-out from the machine, written interpretation of the results, and documentation of time spent with the patient. Additional mechanical muscle testing shall be paid for only when authorized in writing by the insurer prior to the testing.

(12) Excluded Treatment. The following medical treatments (or treatment of side effects) are not compensable and insurers do not have to pay for:

(a) Dimethyl sulfoxide (DMSO), except for treatment of compensable interstitial cystitis;

(b) Intradiscal electrothermal therapy (IDET);

(c) Surface EMG (electromyography) tests;

(d) Rolfling;

(e) Prolotherapy;

(f) Thermography;

(g) Lumbar artificial disc replacement, unless it is a single level replacement with an unconstrained or semi-constrained metal on polymer device and:

(A) The single level artificial disc replacement is between L3 and S1;

(B) The patient is 16 to 60 years old;

(C) The patient underwent a minimum of six months unsuccessful exercise based rehabilitation; and

(D) The procedure is not found inappropriate under OAR 436-010-0230(15) or (16); and

(h) Cervical artificial disc replacement, unless it is a single level replacement with a semi-constrained metal on polymer or a semi-constrained metal on metal device and:

(A) The single level artificial disc replacement is between C3 and C7;

(B) The patient is 16 to 60 years old;

(C) The patient underwent unsuccessful conservative treatment;

(D) There is intraoperative visualization of the surgical implant level; and

(E) The procedure is not found inappropriate under OAR 436-010-0230(17) or (18).

(13) Missed Appointment (No Show). In general, the insurer does not have to pay for "no show" appointments. However, insurers must pay for "no show" appointments for arbiter exams, director required medical exams, independent medical exams, worker requested medical exams, and closing exams. If the patient does not give 48 hours notice, the insurer must pay the provider 50 percent of the exam or testing fee and 100 percent for any review of the file that was completed prior to cancellation or missed appointment.

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

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

Stat. Auth.: ORS 656.245, 656.252, 656.254

Stats. Implemented: ORS 656.245, 656.252, 656.254

Hist.: WCD 12-1996, f. 5-6-96, cert. ef. 6-1-96; WCD 20-1996, f. 10-2-96, cert. ef. 1-1-97; WCD 9-1999, f. 5-27-99, cert. ef. 7-1-99; WCD 2-2000, f. 3-15-00, cert. ef. 4-1-00; WCD 2-2001, f. 3-8-01, cert. ef. 4-1-01; WCD 8-2001, f. 9-13-01, cert. ef. 9-17-01; WCD 3-2002, f. 2-25-02, cert. ef. 4-1-02; WCD 6-2003, f. 5-28-03, cert. ef. 7-1-03; WCD 3-2004, f. 3-5-04, cert. ef. 4-1-04; WCD 2-2005, f. 3-24-05, cert. ef. 4-1-05; WCD 3-2006, f. 3-14-06, cert. ef. 4-1-06; WCD 2-2007, f. 5-23-07, cert. ef. 7-1-07; WCD 10-2007, f. 11-1-07, cert. ef. 1-1-08; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 1-2009, f. 5-22-09, cert. ef. 7-1-09; WCD 3-2009, f. 12-1-09, cert. ef. 1-1-10; WCD 3-2010, f. 5-28-10, cert. ef. 7-1-10; WCD 1-2011, f. 3-1-11, cert. ef. 4-1-11; WCD 1-2012, f. 2-16-12, cert. ef. 4-1-12; WCD 2-2013, f. 3-11-13, cert. ef. 4-1-13; WCD 3-2014, f. 3-12-14, cert. ef. 4-1-14; WCD 4-2014(Temp), f. & cert. ef. 4-15-14 thru 10-11-14; WCD 6-2014, f. 6-13-14, cert. ef. 7-1-14

## 436-009-0020

### Hospitals

(1) Inpatient.

(a) For the purposes of this rule, hospital inpatient services are those services that are billed with codes "0111" through "0118" in form locator #4 on the UB-04 billing form.

(b) Hospital inpatient bills must include:

(A) ICD-9-CM codes;

(B) When applicable, procedural codes;

(C) The hospital's NPI; and

(D) The Medicare Severity Diagnosis Related Group (MS-DRG) code for bills from those hospitals listed in Appendix A.

(c) Unless otherwise provided by contract, the insurer must pay the audited bill for hospital inpatient services by multiplying the amount charged by the hospital's adjusted cost to charge ratio (See Bulletin 290). The insurer must pay in-state hospitals not listed in Bulletin 290 at 80 percent of billed charges for inpatient services.

(2) Outpatient.

(a) For the purposes of this rule, hospital outpatient services are those services that are billed with codes "0131" through "0138" in form locator #4 on the UB-04 billing form.

(b) Hospital outpatient bills must, when applicable, include the following:

(A) Revenue codes;

(B) ICD-9-CM codes;

(C) CPT® codes and HCPCS codes; and

(D) The hospital's NPI.

(c) Unless otherwise provided by contract, the insurer must pay for hospital outpatient services as follows: [Appendices not included. See ED. NOTE.]

(3) Specific Circumstances. When a patient is seen initially in an emergency department and is then admitted to the hospital for inpatient treatment, the services provided immediately prior to admission shall be considered part of the inpatient treatment. Diagnostic testing done prior to inpatient treatment shall be considered part of the hospital services subject to the hospital inpatient fee schedule.

(4) Out-of-State Hospitals.

(a) The payment to out-of-state hospitals may be negotiated between the insurer and the hospital.

(b) Any agreement for payment less than the billed amount must be in writing and signed by the hospital and insurer representative.

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(c) The agreement must include language that the hospital will not bill the patient any remaining balance and that the negotiated amount is considered payment in full.

(d) If the insurer and the hospital are unable to reach an agreement within 45 days of the insurer's receipt of the bill, either party may bring the issue to the director for resolution. The director may order payment up to the amount billed considering factors such as, but not limited to, reasonableness, usual fees for similar services by facilities in similar geographic areas, case specific services, and any extenuating circumstances.

(5) Calculation of Cost to Charge Ratio Published in Bulletin 290.

(a) Each hospital's CMS 2552 form and financial statement shall be the basis for determining its adjusted cost to charge ratio. If a current form 2552 is not available, then financial statements may be used to develop estimated data. If the adjusted cost to charge ratio is determined from estimated data, the hospital will receive the lower ratio of either the hospital's last published cost to charge ratio or the hospital's cost to charge ratio based on estimated data.

(b) The basic cost to charge ratio shall be developed by dividing the total net expenses for allocation shown on Worksheet A, and as modified in subsection (c), by the total patient revenues from Worksheet G-2.

(c) The net expenses for allocation derived from Worksheet A shall be modified by adding, from Worksheet A-8, the expenses for:

(A) Provider-based physician adjustment;

(B) Patient expenses such as telephone, television, radio service, and other expenses determined by the department to be patient-related expenses; and

(C) Expenses identified as for physician recruitment.

(d) The basic cost to charge ratio shall be further modified to allow a factor for bad debt and the charity care provided by each hospital. The adjustment for bad debt and charity care is calculated in two steps. Step one: Add the dollar amount for net bad debt to the dollar amount for charity care. Divide this sum by the dollar amount of the total patient revenues, from Worksheet G-2, to compute the bad debt and charity ratio. Step two: Multiply the bad debt and charity ratio by the basic cost to charge ratio calculated in subsection (5)(b) to obtain the factor for bad debt and charity care.

(e) The basic cost to charge ratio shall be further modified to allow an adequate return on assets. The director will determine a historic real growth rate in the gross fixed assets of Oregon hospitals from the audited financial statements. This real growth rate and the projected growth in a national fixed weight price deflator will be added together to form a growth factor. This growth factor will be multiplied by the total fund balance, from Worksheet G of each hospital's CMS 2552 to produce a fund balance amount. The fund balance amount is then divided by the total patient revenues from Worksheet G-2, to compute the fund balance factor.

(f) The factors resulting from subsections (5)(d) and (5)(e) of this rule will be added to the ratio calculated in subsection (5)(b) of this rule to obtain the adjusted cost to charge ratio. In no event will the adjusted cost to charge ratio exceed 1.00.

(g) The adjusted cost to charge ratio for each hospital will be revised annually, at a time based on their fiscal year, as described by bulletin. Each hospital must submit a copy of their CMS 2552 and financial statements each year within 150 days of the end of their fiscal year to the Information Technology and Research Section, Department of Consumer and Business Services. The adjusted cost to charge ratio schedule will be published by bulletin twice yearly, effective for the six-month period beginning April 1 and the six-month period beginning October 1.

(h) For newly formed or established hospitals for which no CMS 2552 has been filed or for which there is insufficient data, or for those hospitals that do not file Worksheet G-2 with the submission of their CMS 2552, the division shall determine an adjusted cost to charge ratio for the hospital based upon the adjusted cost to charge ratios of a group of hospitals of similar size or geographic location.

(i) If the financial circumstances of a hospital unexpectedly or dramatically change, the division may revise the hospital's adjusted cost to charge ratio to allow equitable payment.

(j) If audit of a hospital's CMS 2552 by the CMS produces significantly different data from that obtained from the initial filing, the division may revise the hospital's adjusted cost to charge ratio to reflect the data developed subsequent to the initial calculation.

(k) Notwithstanding sections (1)(c), (2)(b), and (2)(c) of this rule, the director may exclude rural hospitals from imposition of the adjusted cost to charge ratio based upon a determination of economic necessity. The rural hospital exclusion will be based on the financial health of the hospital reflected by its financial flexibility index. All rural hospitals having a finan-

cial flexibility index at or below the median for critical access hospitals nationwide will qualify for the rural exemption. Rural hospitals that are designated as critical access hospitals under the Oregon Medicare Rural Hospital Flexibility Program are automatically exempt from imposition of the adjusted cost to charge ratio.

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

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

Stat. Auth.: ORS 656.726(4), 656.012, 656.236(5), 656.327(2), 656.313(4)(d)

Stats. Implemented: ORS 656.248; 656.252; 656.256

Hist.: WCD 5-1982(Admin), f. 2-23-82, ef. 3-1-82; WCD 1-1984(Admin), f. & ef. 1-16-84; WCD 2-1985(Admin), f. 4-29-85, ef. 6-3-85; Renumbered from 436-069-0701, 5-1-85; WCD 3-1985(Admin)(Temp), f. & ef. 9-4-85; WCD 4-1985(Admin)(Temp), f. & ef. 9-11-85; WCD 6-1985(Admin), f. 12-10-85, ef. 1-1-86; WCD 1-1986(Admin)(Temp), f. 2-5-86, ef. 2-6-86; WCD 2-1986(Admin), f. 3-10-86, ef. 3-17-86; WCD 2-1987(Admin), f. 2-20-87, ef. 3-16-87; WCD 1-1988, f. 1-20-88, cert. ef. 2-1-88; WCD 6-1988, f. 9-6-88, cert. ef. 9-15-88; WCD 2-1989, f. 8-21-89, cert. ef. 9-1-89; WCD 1-1990, f. 1-5-90, cert. ef. 2-1-90; WCD 12-1990(Temp), f. 6-20-90, cert. ef. 7-1-90; WCD 15-1990, f. & cert. ef. 8-7-90; WCD 30-1990, f. 12-10-90, cert. ef. 12-26-90; WCD 11-1992, f. 6-11-92, cert. ef. 7-1-92; WCD 13-1994, f. 12-20-94, cert. ef. 2-1-95; WCD 18-1995(Temp), f. & cert. ef. 12-4-95; WCD 12-1996, f. 5-6-96, cert. ef. 6-1-96, Renumbered from 436-010-0090; WCD 20-1996, f. 10-2-96, cert. ef. 1-1-97; WCD 5-1997, f. 4-21-97, cert. ef. 7-1-97; Administrative correction 6-18-97; WCD 8-1997(Temp), f. & cert. ef. 7-9-97; WCD 16-1997, f. & cert. ef. 12-15-97; WCD 5-1998, f. 4-3-98, cert. ef. 7-1-98; WCD 9-1999, f. 5-27-99, cert. ef. 7-1-99; WCD 2-2001, f. 3-8-01, cert. ef. 4-1-01; WCD 3-2002, f. 2-25-02 cert. ef. 4-1-02; WCD 6-2003, f. 5-28-03, cert. ef. 7-1-03; WCD 3-2004, f. 3-5-04 cert. ef. 4-1-04; WCD 2-2005, f. 3-24-05, cert. ef. 4-1-05; WCD 3-2006, f. 3-14-06, cert. ef. 4-1-06; WCD 2-2007, f. 5-23-07, cert. ef. 7-1-07; WCD 10-2007, f. 11-1-07, cert. ef. 1-1-08; WCD 1-2008, f. 6-13-08, cert. ef. 7-1-08; WCD 3-2008(Temp), f. & cert. ef. 7-7-08 thru 1-2-09; WCD 5-2008, f. 12-15-08, cert. ef. 1-1-09; WCD 1-2009, f. 5-22-09, cert. ef. 7-1-09; WCD 3-2010, f. 5-28-10, cert. ef. 7-1-10; WCD 1-2011, f. 3-1-11, cert. ef. 4-1-11; WCD 2-2013, f. 3-11-13, cert. ef. 4-1-13; WCD 3-2014, f. 3-12-14, cert. ef. 4-1-14; WCD 4-2014(Temp), f. & cert. ef. 4-15-14 thru 10-11-14; WCD 6-2014, f. 6-13-14, cert. ef. 7-1-14

## Department of Corrections Chapter 291

**Rule Caption:** Possession and Storage of Personal Firearms for Corrections Officers at Department of Corrections Facilities

**Adm. Order No.:** DOC 14-2014(Temp)

**Filed with Sec. of State:** 6-5-2014

**Certified to be Effective:** 6-6-14 thru 12-3-14

**Notice Publication Date:**

**Rules Adopted:** 291-016-0120

**Rules Amended:** 291-016-0020

**Subject:** HB 4035 from the 2014 legislative session directs the Oregon Department of Corrections to allow corrections officers employed by the department to possess a firearm in the officer's personal vehicle when the vehicle is parked in a department parking lot if the department has not provided secure storage for firearms owned by the officers and the officer is present at the department in an official capacity.

Currently, employees are prohibited from possessing or storing personal firearms on buildings or grounds owned or occupied by the department. These temporary rules are necessary to establish procedures and employee responsibilities for corrections officer to possess and securely store personal firearms at Department of Corrections prisons and non-prison facilities.

**Rules Coordinator:** Janet R. Worley—(503) 945-0933

### 291-016-0020

#### Definitions

(1) Concealed Handgun License (CHL): A current and valid Oregon Concealed Handgun License issued by the employee's county of residence in accordance with ORS 166.291 and 166.292

(2) Contractor: Any person under contractual arrangement to provide services to the Department of Corrections.

(3) Corrections Officer: As defined in ORS 181.610, a department staff member in the correctional officer classification series who is charged with, and primarily performs the duty of custody, control or supervision of inmates.

(4) Employee: Any person employed full time, part time or under temporary appointment by the department.

(5) Facility: The building and grounds area operated by a functional unit which physically houses inmates.

(6) Facility Access: The designated location in a facility which is the only authorized entrance (except as authorized by the functional unit manager or designee) and exit for persons desiring access into or out of the perimeter of the facility.



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(7) Facility Visitor: Any person authorized access inside the secure perimeter of a facility who is not a department employee, contractor, volunteer, other agency liaison or who is not an inmate visitor at the facility.

(8) Functional Unit: Any organizational component within the Department of Corrections responsible for the delivery of program services or coordination of program operations. In a correctional facility, the functional unit manager is the superintendent.

(9) Functional Unit Facility: A term used to declare any Department of Corrections facility in which a functional unit person performs his/her duties or services.

(10) Functional Unit Manager: Any person within the Department of Corrections who reports to either the Director, an Assistant Director or an administrator and has responsibility for the delivery of program services or coordination of program operations.

(11) Functional Unit Person: Any employee, contractor, approved carded volunteer, or other agency liaison assigned to work or provide services at a functional unit facility.

(12) Identification Card (ID Card): A picture identification card authorized by the Department of Corrections and issued to a department employee, contractor, volunteer or other agency liaison.

(13) Inmate Visitor: A person approved by the functional unit manager or designee to visit an inmate who resides in a facility.

(14) Oregon Corrections Enterprises: A semi-independent state agency that is a non-Department of Corrections agency or division, which is under the authority of the Director of the Department of Corrections. For purposes of this rule only, Oregon Corrections Enterprises shall not be considered an external organization.

(15) Oregon Corrections Enterprises (OCE) Employee: Any person employed full-time, part-time, or under temporary appointment by the Oregon Corrections Enterprises. For the purposes of this rule only, employee shall also include any person under contractual arrangement to provide services to the agency; any person employed by private or public sector agencies who is serving under agency-sanctioned special assignment to provide services or support to agency programs.

(16) Other Agency Liaison: Employees from other state and local agencies that have ongoing business need serving inmates and employees of the department. These employees include, but are not limited to, county parole and probation officers and state police detectives.

(17) Personal Firearm: A handgun owned by an individual corrections officer employed by the Department of Corrections. "Handgun" includes any pistol or revolver using a fixed cartridge containing a propellant charge, primer and projectile, and designed to be aimed or fired otherwise than from the shoulder.

(18) Reception Center (Inmate): The designated location(s) in a facility which is designed for transport officials to deliver or pick up an inmate housed in a functional unit.

(19) Reception Center (Public): The designated location(s) in a facility designed to control access for persons to enter the general inmate population area(s).

(20) Secure Perimeter: A manufactured structure (usually a fence or wall) that encloses a portion of the grounds and buildings and is designed to control entry or exit within the enclosure. The manufactured structure may use electronic detection for intrusion, doors and/or gates for entry and exit, lighting for visibility, and other physical restrictions such as razor ribbon, no climb fencing, and buried concrete curbing.

(21) Volunteer: An approved person who donates time, knowledge, skills, and effort to enhance the mission, activities, and programs of the department. A carded volunteer has completed a volunteer application, volunteer training, facility orientation, and functional unit orientation, and has been approved by a functional unit manager or his/her designee.

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

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

Hist.: CD 26-1992, f. 12-11-92, cert. ef. 1-2-93; DOC 24-1999(Temp), f. 7 cert. ef. 12-22-99 thru 6-19-00; DOC 12-2000, f. & cert. ef. 6-19-00; DOC 10-2006, f. & cert. ef. 10-9-06; DOC 14-2014(Temp), f. 6-5-14, cert. ef. 6-6-14 thru 12-3-14

## 291-016-0120

### Corrections Officers' Possession and Storage of Personal Firearms at Department of Corrections Facilities

(1) In accordance with ORS 166.360 to 166.380 (2014 Or Laws, Ch 88), this rule, and the department policy on Corrections Officer Secure Storage of Personal Firearms and Ammunition (40.1.14), a corrections officer employed by the department may possess and store a personal firearm in the officer's personal vehicle when the vehicle is parked in a department parking lot at a Department of Corrections facility only if the officer:

(a) Is present in the officer's official capacity at a public building occupied by the department;

(b) Has a valid concealed handgun license issued pursuant to ORS 166.291 and 166.292; and

(c) Has secured the personal firearm in a closed and locked trunk, glove compartment, center console or other container, and the key is not inserted into the lock, if the trunk, glove compartment, center console or other container locks with a key.

(2) Use of Department Storage Facilities Required Where Provided: If the department has provided a secure and locked location for eligible corrections officers to store their personal firearms at a Department of Corrections facility, the corrections officer must promptly store the officer's personal firearm in the storage location designated by the department, and not in the officer's personal vehicle.

(3) Ammunition: Corrections officers who bring personal firearms to a Department of Corrections facility in accordance with these rules may possess and store with their personal firearm only that amount of ammunition that the personal firearm is designed to hold. Additional rounds or magazines of ammunition beyond the design capacity of the officer's personal firearm are unauthorized.

(4) Under no circumstance may a corrections officer carry a personal firearm within the secure perimeter of the correctional facility, unless authorized by the correctional facility's confidential procedure in order to securely store the officer's personal firearm.

(5) Personal firearms shall not be carried or used during the performance of official duties.

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

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

Hist.: DOC 14-2014(Temp), f. 6-5-14, cert. ef. 6-6-14 thru 12-3-14

## Department of Fish and Wildlife Chapter 635

**Rule Caption:** Columbia River Zone 6 Treaty Indian Commercial Gill Net Fishery Authorized

**Adm. Order No.:** DFW 46-2014(Temp)

**Filed with Sec. of State:** 5-19-2014

**Certified to be Effective:** 5-20-14 thru 7-31-14

**Notice Publication Date:**

**Rules Amended:** 635-041-0065

**Rules Suspended:** 635-041-0065(T)

**Subject:** This amended rule authorizes the sales of fish caught in a Treaty tribal commercial gill net fishery in all of Zone 6 of the Columbia River from 6:00 a.m. Tuesday, May 20 through 6:00 p.m. Thursday, May 22, 2014. Modifications are consistent with action taken May 19, 2014 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

### 635-041-0065

#### Spring Season

(1) Salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from the Zone 6 Columbia River Treaty Indian Fishery, from 6:00 p.m. Tuesday, May 6 through 11:59 p.m. Thursday, July 31, 2014.

(2) Gear is restricted to subsistence fishing gear which includes hoop-nets, dipnets, and rod and reel with hook-and-line. Beginning at 6:00 a.m. Tuesday, May 20, through 6:00 p.m. Thursday, May 22, 2014 fish may also be taken by gill net. There are no mesh size restrictions.

(3) Closed areas as set forth in OAR 635-041-0045 remain in effect with the exception of Spring Creek Hatchery sanctuary.

(4) White sturgeon between 43–54 inches in fork length caught in The Dalles Pool and John Day pools and white sturgeon between 38–54 inches in fork length caught in the Bonneville Pool may not be sold but may be retained for subsistence use.

(5) Effective 6:00 p.m. May 6 through 11:59 p.m. Thursday, July 31, 2014, commercial sales of salmon, steelhead, walleye, shad, catfish, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; and Drano Lake are allowed for Yakama Nation members during those days and hours when these tributaries are open under lawfully enacted Yakama Nation fishing periods. Sturgeon between 43–54 inches in fork length harvested in tributaries within The Dalles or John Day pools and sturgeon between 38–54 inches in fork length harvested in tributaries within Bonneville Pool may not be sold but may be kept for subsistence purposes.

Stat. Auth.: ORS 183.325, 506.109 & 506.119



# ADMINISTRATIVE RULES

Stats. Implemented: ORS 506.129 & 507.030  
Hist.: FWC 89, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79; FWC 13-1979(Temp), f. & ef. 3-30-1979, Renumbered from 635-035-0065; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 2-1983, f. 1-21-83, ef. 2-1-83; FWC 4-1984, f. & ef. 1-31-84; FWC 2-1985, f. & ef. 1-30-85; FWC 4-1986(Temp), f. & ef. 1-28-86; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 3-1988(Temp), f. & cert. ef. 1-29-88; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 5-1989, f. 2-6-89, cert. ef. 2-7-89; FWC 13-1989(Temp), f. & cert. ef. 3-21-89; FWC 15-1990(Temp), f. 2-8-90, cert. ef. 2-9-90; FWC 20-1990, f. 3-6-90, cert. ef. 3-15-90; FWC 13-1992(Temp), f. & cert. ef. 3-5-92; FWC 7-1993, f. & cert. ef. 2-1-93; FWC 12-1993(Temp), f. & cert. ef. 2-22-93; FWC 18-1993(Temp), f. & cert. ef. 3-2-93; FWC 7-1994, f. & cert. ef. 2-1-94; FWC 11-1994(Temp), f. & cert. ef. 2-28-94; FWC 9-1995, f. & cert. ef. 2-1-95; FWC 19-1995(Temp), f. & cert. ef. 3-3-95; FWC 5-1996, f. & cert. ef. 2-7-96; FWC 4-1997, f. & cert. ef. 1-30-97; DFW 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-3-98; DFW 20-1998(Temp), f. & cert. ef. 3-13-98 thru 3-20-98; DFW 23-1998(Temp), f. & cert. ef. 3-20-98 thru 6-30-98; DFW 2-1999(Temp), f. & cert. ef. 2-1-99 through 2-19-99; DFW 9-1999, f. & cert. ef. 2-26-99; DFW 14-1999(Temp), f. 3-5-99, cert. ef. 3-6-99 thru 3-20-99; Administrative correction 11-17-99; DFW 6-2000(Temp), f. & cert. ef. 2-1-00 thru 2-29-00; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 19-2000, f. 3-18-00, cert. ef. 3-18-00 thru 3-21-00; DFW 26-2000(Temp), f. 5-4-00, cert. ef. 5-6-00 thru 5-28-00; Administrative correction 5-22-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 14-2001(Temp), f. 3-12-01, cert. ef. 3-14-01 thru 3-21-01; Administrative correction 6-20-01; DFW 9-2002, f. & cert. ef. 2-1-02; DFW 11-2002(Temp), f. & cert. ef. 2-8-02 thru 8-7-02; DFW 17-2002(Temp), f. 3-7-02, cert. ef. 3-8-02 thru 9-1-02; DFW 18-2002(Temp), f. 3-13-02, cert. ef. 3-15-02 thru 9-11-02; DFW 134-2002(Temp), f. & cert. ef. 12-19-02 thru 4-1-03; DFW 20-2003(Temp), f. 3-12-03, cert. ef. 3-13-03 thru 4-1-03; DFW 131-2003(Temp), f. 12-26-03, cert. ef. 1-1-04 thru 4-1-04; DFW 5-2004(Temp), f. 1-26-04, cert. ef. 2-2-04 thru 4-1-04; DFW 15-2004(Temp), f. 3-8-04, cert. ef. 3-10-04 thru 4-1-04; DFW 130-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 4-1-05; DFW 4-2005(Temp), f. & cert. ef. 1-31-05 thru 4-1-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 3-2006(Temp), f. & cert. ef. 1-27-06 thru 3-31-06; Administrative correction 4-19-06; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 14-2007(Temp), f. & cert. ef. 3-9-07 thru 9-4-07; DFW 15-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; Administrative correction 9-16-07; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 20-2008(Temp), f. 2-28-08, cert. ef. 2-29-08 thru 7-28-08; DFW 21-2008(Temp), f. & cert. ef. 3-5-08 thru 7-28-08; DFW 22-2008(Temp), f. 3-7-08, cert. ef. 3-10-08 thru 7-28-08; Administrative correction 8-21-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 6-2009(Temp), f. 1-30-09, cert. ef. 2-2-09 thru 8-1-09; DFW 11-2009(Temp), f. 2-13-09, cert. ef. 2-16-09 thru 7-31-09; DFW 22-2009(Temp), f. 3-5-09, cert. ef. 3-6-09 thru 7-31-09; Administrative correction 8-21-09; DFW 9-2010(Temp), f. & cert. ef. 2-3-10 thru 8-1-10; DFW 12-2010(Temp), f. 2-10-10, cert. ef. 2-11-10 thru 8-1-10; DFW 18-2010(Temp), f. 2-24-10, cert. ef. 2-26-10 thru 4-1-10; DFW 24-2010(Temp), f. 3-2-10, cert. ef. 3-3-10 thru 4-1-10; Administrative correction 4-21-10; DFW 8-2011(Temp), f. 1-31-11, cert. ef. 2-1-11 thru 4-1-11; DFW 9-2011(Temp), f. 2-9-11, cert. ef. 2-10-11 thru 4-1-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 5-2012(Temp), f. 1-30-12, cert. ef. 2-1-12 thru 3-31-12; DFW 18-2012(Temp), f. 2-28-12, cert. ef. 2-29-12 thru 6-15-12; DFW 19-2012(Temp), f. 3-2-12, cert. ef. 3-5-12 thru 6-15-12; DFW 20-2012(Temp), f. & cert. ef. 3-5-12 thru 6-15-12; DFW 46-2012(Temp), f. 5-14-12, cert. ef. 5-15-12 thru 6-30-12; Administrative correction, 8-1-12; DFW 9-2013(Temp), f. 1-31-13, cert. ef. 2-1-13 thru 3-31-13; DFW 15-2013(Temp), f. 2-22-13, cert. ef. 2-27-13 thru 6-15-13; DFW 18-2013(Temp), f. 3-5-13, cert. ef. 3-6-13 thru 6-15-13; DFW 35-2013(Temp), f. & cert. ef. 5-21-13 thru 6-30-13; DFW 48-2013(Temp), f. 6-7-13, cert. ef. 6-8-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 6-2014(Temp), f. 1-30-14, cert. ef. 2-1-14 thru 7-30-14; DFW 15-2014(Temp), f. 2-25-14, cert. ef. 2-26-14 thru 7-30-14; DFW 17-2014(Temp), f. 2-28-14, cert. ef. 3-1-14 thru 7-30-14; DFW 23-2014(Temp), f. 3-11-14, cert. ef. 3-12-14 thru 7-31-14; DFW 37-2014(Temp), f. & cert. ef. 5-6-14 thru 7-31-14; DFW 46-2014(Temp), f. 5-19-14, cert. ef. 5-20-14 thru 7-31-14

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**Rule Caption:** Spring Sport Chinook Fishery on Lookingglass Creek

**Adm. Order No.:** DFW 47-2014(Temp)

**Filed with Sec. of State:** 5-27-2014

**Certified to be Effective:** 5-31-14 thru 7-31-14

**Notice Publication Date:**

**Rules Amended:** 635-019-0090

**Rules Suspended:** 635-019-0090(T)

**Subject:** This amended rule allows recreational anglers opportunity to harvest adipose fin-clipped adult and jack Chinook salmon, which are in excess of the Department's hatchery production needs, in Lookingglass Creek. This fishery is scheduled for the period from Saturday, May 31 until further notice.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-019-0090

### Inclusions and Modifications

(1) The **2014 Oregon Sport Fishing Regulations** provide requirements for the Northeast Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2014 Oregon Sport Fishing Regulations**.

(2) The John Day River from the Longview Ranch's Johnson Creek Division Bridge (located approximately 200 feet upstream from the mouth of the North Fork John Day River) upstream to the mouth of Rattlesnake Creek (19.5 miles) near the south end of Picture Gorge is open to angling for adult Chinook salmon from May 17 through June 1, 2014.

(a) The daily bag limit is two (2) adult Chinook and five (5) jacks; two daily limits in possession. It is illegal to continue fishing for jack Chinook once the adult daily bag limit is met.

(b) Statewide salmon gear restrictions apply.

(c) All other General, Statewide and Northeast Zone Regulations, as provided in the **2014 Oregon Sport Fishing Regulations**, remain in effect.

(3) Lookingglass Creek from the Moses Creek Lane Bridge (County Road 42) to the confluence of Jarboe Creek is open to angling for adipose fin-clipped spring Chinook salmon from May 31, 2014 until further notice.

(a) The daily bag limit is two (2) adipose fin-clipped adult Chinook and five (5) adipose fin-clipped jacks; two daily limits in possession. It is illegal to continue fishing for jack Chinook once the adult bag limit is met.

(b) During the duration of the spring Chinook angling season, the area closure listed for Lookingglass Creek in the Northeast Zone Special Regulations is modified to: Lookingglass Creek closed between Jarboe Creek and 200 feet upstream of the hatchery water intake.

(c) Hook gap restrictions listed in the Northeast Zone Special Regulations for Lookingglass Creek are removed for the duration of the spring Chinook angling season.

(d) All other General, Statewide and Northeast Zone Regulations, as provided in the **2014 Oregon Sport Fishing Regulations**, remain in effect.

Stat. Auth.: ORS 183.325, 496.138 & 496.146

Stats. Implemented: ORS 496.162

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 57-1994(Temp), f. 8-30-94, cert. ef. 10-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 70-1995, f. 8-29-95, cert. ef. 9-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 27-1996(Temp), f. 5-24-96, cert. ef. 5-25-96; FWC 57-1996(Temp), f. 9-27-96, cert. ef. 10-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 26-1997(Temp), f. 4-23-97, cert. ef. 5-17-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 13-1998(Temp), f. & cert. ef. 2-26-98 thru 4-15-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 5-1999(Temp), f. 2-5-99, cert. ef. 2-6-99 thru 2-19-99; DFW 8-1999(Temp), f. & cert. ef. 2-23-99 thru 4-15-99; DFW 37-1999(Temp), f. 5-24-99, cert. ef. 5-29-99 thru 6-5-99; DFW 43-1999(Temp), f. & cert. ef. 6-10-99 thru 6-13-99; DFW 45-1999(Temp), f. & cert. ef. 6-14-99 thru 6-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 17-2000(Temp), f. 4-10-00, cert. ef. 4-16-00 thru 6-30-00; DFW 64-2000(Temp), f. 9-21-00, cert. ef. 9-22-00 thru 3-20-01; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 5-2001(Temp), f. 2-22-01, cert. ef. 2-24-01 thru 4-15-01; DFW 39-2001(Temp), f. 5-23-01, cert. ef. 5-26-01 thru 7-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 45-2001(Temp), f. 6-1-01, cert. ef. 6-2-01 thru 7-31-01; DFW 49-2001(Temp), f. 6-19-01, cert. ef. 6-22-01 thru 7-31-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 71-2001(Temp), f. 8-10-01, cert. ef. 9-1-01 thru 12-31-01; DFW 96-2001(Temp), f. 10-4-01, cert. ef. 12-1-01 thru 12-31-01; DFW 122-2001(Temp), f. & cert. ef. 12-31-01 thru 5-31-02; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 52-2002(Temp), f. 5-22-02, cert. ef. 5-26-02 thru 7-1-02; DFW 53-2002(Temp), f. 5-24-02, cert. ef. 5-26-02 thru 7-1-02; DFW 57-2002(Temp), f. & cert. ef. 5-30-02 thru 7-1-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 44-2003(Temp), f. 5-23-03, cert. ef. 5-28-03 thru 7-1-03; DFW 48-2003(Temp), f. & cert. ef. 6-5-03 thru 7-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 40-2004(Temp), f. 5-7-04, cert. ef. 5-13-04 thru 7-1-04; DFW 46-2004(Temp), f. 5-21-04, cert. ef. 5-22-04 thru 7-1-04; DFW 55-2004(Temp), f. 6-16-04, cert. ef. 6-19-04 thru 7-5-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 42-2005(Temp), f. & cert. ef. 5-13-05 thru 9-1-05; DFW 61-2005(Temp), f. 6-22-05, cert. ef. 6-25-05 thru 7-4-05; Administrative correction 7-20-05; DFW 99-2005(Temp), f. 8-24-05, cert. ef. 8-26-05 thru 9-30-05; Administrative correction 10-19-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 28-2006(Temp), f. & cert. ef. 5-15-06 thru 6-30-06; DFW 33-2006(Temp), f. 5-24-06, cert. ef. 5-25-06 thru 6-30-06; Administrative correction 7-21-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 12-2007(Temp), f. 2-28-07, cert. ef. 3-1-07 thru 8-27-07; DFW 30-2007(Temp), f. 5-9-07, cert. ef. 5-10-07 thru 9-30-07; DFW 34-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 9-30-07; Administrative correction 10-16-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 56-2008(Temp), f. 5-30-08, cert. ef. 5-31-08 thru 6-30-08; DFW 76-2008(Temp), f. & cert. ef. 7-9-08 thru 9-1-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 128-2009(Temp), f. 10-12-09, cert. ef. 10-18-09 thru 4-15-10; DFW 131-2009(Temp), f. 10-14-09, cert. ef. 10-18-09 thru 4-15-10; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 54-2010(Temp), f. 5-6-10, cert. ef. 5-22-10 thru 9-1-10; DFW 95-2010(Temp), f. 7-1-10, cert. ef. 7-11-10 thru 9-1-10; DFW 102-2010(Temp), f. 7-20-10, cert. ef. 7-25-10 thru 9-1-10; Administrative correction 9-22-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 49-2011(Temp), f. 5-16-11, cert. ef. 5-28-11 thru 9-1-11; DFW 64-2011(Temp), f. 6-10-11, cert. ef. 6-13-11 thru 9-1-11; DFW 90-2011(Temp), f. & cert. ef. 7-11-11 thru 9-1-11; DFW 92-2011(Temp), f. 7-12-11, cert. ef. 7-16-11 thru 10-31-11; DFW 99-2011(Temp), f. 7-21-11, cert. ef. 7-23-11 thru 9-1-11; DFW 104-2011(Temp), f. 8-1-11, cert. ef. 8-7-11 thru 9-1-11; Administrative correction 9-23-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 48-2012(Temp), f. 5-18-12, cert. ef. 5-23-12 thru 9-1-12; DFW 50-2012(Temp), f. 5-22-12, cert. ef. 5-24-12 thru 9-1-12; DFW 61-2012(Temp), f. & cert. ef. 6-11-12 thru 8-31-12; DFW 69-2012(Temp), f. 6-20-12, cert. ef. 6-22-12 thru 9-1-12; DFW 70-2012(Temp), f. 6-26-12, cert. ef. 6-27-12 thru 9-1-12; DFW 72-2012(Temp), f. 6-29-12, cert. ef. 7-1-12 thru 8-31-12; DFW 86-2012(Temp), f. 7-10-12, cert. ef. 7-15-12 thru 9-1-12; Administrative correction 9-20-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 153-2012(Temp), f. 12-28-12, cert. ef. 1-1-13 thru 4-30-13; DFW 31-2013(Temp), f. 5-14-13, cert. ef. 5-16-13 thru 6-30-13; DFW 39-2013(Temp), f. 5-22-13, cert. ef. 5-24-13 thru 11-19-13; DFW 46-2013(Temp), f. 5-30-13, cert. ef. 6-1-13 thru 11-26-13; DFW 62-2013(Temp), f. 6-26-13, cert. ef. 7-5-13 thru 12-31-13; DFW 74-2013(Temp), f. 7-15-13, cert. ef. 7-19-13 thru 9-1-13; Administrative correction 11-1-13; DFW 121-2013(Temp), f. 10-24-13, cert. ef. 11-1-13 thru 12-31-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 42-2014(Temp), f. 5-12-14, cert. ef. 5-17-14 thru 6-1-14; DFW 47-2014(Temp), f. 5-27-14, cert. ef. 5-31-14 thru 7-31-14

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**Rule Caption:** Columbia River Zone 6 Treaty Indian Commercial Gill Net Fishery Authorized

# ADMINISTRATIVE RULES

**Adm. Order No.:** DFW 48-2014(Temp)

**Filed with Sec. of State:** 5-27-2014

**Certified to be Effective:** 5-28-14 thru 7-31-14

**Notice Publication Date:**

**Rules Amended:** 635-041-0065

**Rules Suspended:** 635-041-0065(T)

**Subject:** This amended rule authorizes the sales of fish caught in a Treaty tribal commercial gill net fishery in all of Zone 6 of the Columbia River from 6:00 a.m. Wednesday, May 28 through 6:00 p.m. Saturday, May 31, 2014. Modifications are consistent with action taken May 27, 2014 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

**635-041-0065**

**Spring Season**

(1) Salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from the Zone 6 Columbia River Treaty Indian Fishery, from 6:00 p.m. Tuesday, May 6 through 11:59 p.m. Thursday, July 31, 2014.

(2) Gear is restricted to subsistence fishing gear which includes hoop-nets, dipnets, and rod and reel with hook-and-line. Beginning at 6:00 a.m. Wednesday, May 28, through 6:00 p.m. Saturday, May 31, 2014 fish may also be taken by gill net. There are no mesh size restrictions.

(3) Closed areas as set forth in OAR 635-041-0045 remain in effect with the exception of Spring Creek Hatchery sanctuary.

(4) White sturgeon between 43–54 inches in fork length caught in The Dalles Pool and John Day pools and white sturgeon between 38–54 inches in fork length caught in the Bonneville Pool may not be sold but may be retained for subsistence use.

(5) Effective 6:00 p.m. May 6 through 11:59 p.m. Thursday, July 31, 2014, commercial sales of salmon, steelhead, walleye, shad, catfish, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; and Drano Lake are allowed for Yakama Nation members during those days and hours when these tributaries are open under lawfully enacted Yakama Nation fishing periods. Sturgeon between 43–54 inches in fork length harvested in tributaries within The Dalles or John Day pools and sturgeon between 38–54 inches in fork length harvested in tributaries within Bonneville Pool may not be sold but may be kept for subsistence purposes.

Stat. Auth.: ORS 183.325, 506.109 & 506.119  
Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 89, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79; FWC 13-1979(Temp), f. & ef. 3-30-1979, Renumbered from 635-035-0065; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 2-1983, f. 1-21-83, ef. 2-1-83; FWC 4-1984, f. & ef. 1-31-84; FWC 2-1985, f. & ef. 1-30-85; FWC 4-1986(Temp), f. & ef. 1-28-86; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 3-1988(Temp), f. & cert. ef. 1-29-88; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 5-1989, f. 2-6-89, cert. ef. 2-7-89; FWC 13-1989(Temp), f. & cert. ef. 3-21-89; FWC 15-1990(Temp), f. 2-8-90, cert. ef. 2-9-90; FWC 20-1990, f. 3-6-90, cert. ef. 3-15-90; FWC 13-1992(Temp), f. & cert. ef. 3-5-92; FWC 7-1993, f. & cert. ef. 2-1-93; FWC 12-1993(Temp), f. & cert. ef. 2-22-93; FWC 18-1993(Temp), f. & cert. ef. 3-2-93; FWC 7-1994, f. & cert. ef. 2-1-94; FWC 11-1994(Temp), f. & cert. ef. 2-28-94; FWC 9-1995, f. & cert. ef. 2-1-95; FWC 19-1995(Temp), f. & cert. ef. 3-3-95; FWC 5-1996, f. & cert. ef. 2-7-96; FWC 4-1997, f. & cert. ef. 1-30-97; FWC 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; FWC 14-1998, f. & cert. ef. 3-3-98; FWC 20-1998(Temp), f. & cert. ef. 3-13-98 thru 3-20-98; FWC 23-1998(Temp), f. & cert. ef. 3-20-98 thru 6-30-98; FWC 2-1999(Temp), f. & cert. ef. 2-1-99 through 2-19-99; FWC 9-1999, f. & cert. ef. 2-26-99; FWC 14-1999(Temp), f. 3-5-99, cert. ef. 3-6-99 thru 3-20-99; Administrative correction 11-17-99; FWC 6-2000(Temp), f. & cert. ef. 2-1-00 thru 2-29-00; FWC 9-2000, f. & cert. ef. 2-25-00; FWC 19-2000, f. 3-18-00, cert. ef. 3-18-00 thru 3-21-00; FWC 26-2000(Temp), f. 5-4-00, cert. ef. 5-6-00 thru 5-28-00; Administrative correction 5-22-00; FWC 3-2001, f. & cert. ef. 2-6-01; FWC 14-2001(Temp), f. 3-12-01, cert. ef. 3-14-01 thru 3-21-01; Administrative correction 6-20-01; FWC 9-2002, f. & cert. ef. 2-1-02; FWC 11-2002(Temp), f. & cert. ef. 2-8-02 thru 8-7-02; FWC 17-2002(Temp), f. 3-7-02, cert. ef. 3-8-02 thru 9-1-02; FWC 18-2002(Temp), f. 3-13-02, cert. ef. 3-15-02 thru 9-11-02; FWC 134-2002(Temp), f. & cert. ef. 12-19-02 thru 4-1-03; FWC 20-2003(Temp), f. 3-12-03, cert. ef. 3-13-03 thru 4-1-03; FWC 131-2003(Temp), f. 12-26-03, cert. ef. 1-1-04 thru 4-1-04; FWC 5-2004(Temp), f. 1-26-04, cert. ef. 2-2-04 thru 4-1-04; FWC 15-2004(Temp), f. 3-8-04, cert. ef. 3-10-04 thru 4-1-04; FWC 130-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 4-1-05; FWC 4-2005(Temp), f. & cert. ef. 1-31-05 thru 4-1-05; FWC 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; FWC 3-2006(Temp), f. & cert. ef. 1-27-06 thru 3-31-06; Administrative correction 4-19-06; FWC 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; FWC 9-2007, f. & cert. ef. 2-14-07; FWC 14-2007(Temp), f. & cert. ef. 3-9-07 thru 9-4-07; FWC 15-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; Administrative correction 9-16-07; FWC 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; FWC 20-2008(Temp), f. 2-28-08, cert. ef. 2-29-08 thru 7-28-08; FWC 21-2008(Temp), f. & cert. ef. 3-5-08 thru 7-28-08; FWC 22-2008(Temp), f. 3-7-08, cert. ef. 3-10-08 thru 7-28-08; Administrative correction 8-21-08; FWC 142-2008, f. & cert. ef. 11-21-08; FWC 6-2009(Temp), f. 1-30-09, cert. ef. 2-2-09 thru 8-1-09; FWC 11-2009(Temp), f. 2-13-09, cert. ef. 2-16-09 thru 7-31-09; FWC 22-2009(Temp), f. 3-5-09, cert. ef. 3-6-09 thru 7-31-09; Administrative correction 8-21-09; FWC 9-2010(Temp), f. & cert. ef. 2-3-10 thru 8-1-10; FWC 12-2010(Temp), f. 2-10-10, cert. ef. 2-11-10 thru 8-1-10; FWC 18-2010(Temp),

f. 2-24-10, cert. ef. 2-26-10 thru 4-1-10; FWC 24-2010(Temp), f. 3-2-10, cert. ef. 3-3-10 thru 4-1-10; Administrative correction 4-21-10; FWC 8-2011(Temp), f. 1-31-11, cert. ef. 2-1-11 thru 4-1-11; FWC 9-2011(Temp), f. 2-9-11, cert. ef. 2-10-11 thru 4-1-11; FWC 23-2011, f. & cert. ef. 3-21-11; FWC 5-2012(Temp), f. 1-30-12, cert. ef. 2-1-12 thru 3-31-12; FWC 18-2012(Temp), f. 2-28-12, cert. ef. 2-29-12 thru 6-15-12; FWC 19-2012(Temp), f. 3-2-12, cert. ef. 3-5-12 thru 6-15-12; FWC 20-2012(Temp), f. & cert. ef. 3-5-12 thru 6-15-12; FWC 46-2012(Temp), f. 5-14-12, cert. ef. 5-15-12 thru 6-30-12; Administrative correction, 8-1-12; FWC 9-2013(Temp), f. 1-31-13, cert. ef. 2-1-13 thru 3-31-13; FWC 15-2013(Temp), f. 2-22-13, cert. ef. 2-27-13 thru 6-15-13; FWC 18-2013(Temp), f. 3-5-13, cert. ef. 3-6-13 thru 6-15-13; FWC 35-2013(Temp), f. & cert. ef. 5-21-13 thru 6-30-13; FWC 48-2013(Temp), f. 6-7-13, cert. ef. 6-8-13 thru 7-31-13; Administrative correction, 8-21-13; FWC 6-2014(Temp), f. 1-30-14, cert. ef. 2-1-14 thru 7-30-14; FWC 15-2014(Temp), f. 2-25-14, cert. ef. 2-26-14 thru 7-30-14; FWC 17-2014(Temp), f. 2-28-14, cert. ef. 3-1-14 thru 7-30-14; FWC 23-2014(Temp), f. 3-11-14, cert. ef. 3-12-14 thru 7-31-14; FWC 37-2014(Temp), f. & cert. ef. 5-6-14 thru 7-31-14; FWC 46-2014(Temp), f. 5-19-14, cert. ef. 5-20-14 thru 7-31-14; FWC 48-2014(Temp), f. 5-27-14, cert. ef. 5-28-14 thru 7-31-13

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**Rule Caption:** Requirement to Purchase a Columbia Basin Endorsement Suspended for Free Fishing Weekend

**Adm. Order No.:** DFW 49-2014(Temp)

**Filed with Sec. of State:** 5-27-2014

**Certified to be Effective:** 6-1-14 thru 6-30-14

**Notice Publication Date:**

**Rules Amended:** 635-011-0104

**Subject:** This amended rule allows anglers to participate in fisheries within the Columbia River Basin without the need to purchase the Columbia River Basin Endorsement during free fishing weekend on June 7-8, 2014. Rule modifications forego the need to possess a Columbia River Basin Endorsement during Free Fishing Weekend by considering all anglers to have the endorsement for that period.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

**635-011-0104**

**Licenses, Tags, and Permits**

(1) Hatchery Salmon and Steelhead Harvest Tag Requirements:

(a) Persons holding an annual angling license and an annual angling harvest tag may purchase Hatchery Salmon and Steelhead Harvest Tags. There is no limit on the number of Hatchery Salmon and Steelhead Harvest Tags an angler may purchase per year. The purchase of each tag entitles the angler to take a combined total of 10 hatchery salmon or steelhead;

(b) Only adipose or otherwise fin-clipped adult salmon or adipose fin-clipped steelhead may be recorded on the Hatchery Salmon and Steelhead Harvest Tag;

(c) A valid annual angling license and a valid annual angling harvest tag must be in possession while fish validated on the Hatchery Salmon and Steelhead Harvest Tag are in angler's possession. All tags purchased must be in angler's possession while angling for salmon or steelhead;

(d) Fish must be recorded immediately upon removal from the water and fish must be recorded in the chronological order caught. The angler who landed the fish must record the fish on his or her tag irrespective of who hooked the fish; and

(e) Hatchery Salmon and Steelhead Harvest Tags should be returned to ODFW upon expiration.

(2) Columbia River Basin Endorsement:

(a) The Columbia River Basin is defined as: The mainstem Columbia River from Buoy 10 upstream to include all rivers and their tributaries that drain into the mainstem Columbia River.

(b) Effective January 1, 2014 a valid Columbia River Basin Endorsement must be in possession while angling for salmon, steelhead, or sturgeon in the Columbia River Basin except during free fishing weekend where every angler is considered as having a valid Columbia River Basin Endorsement.

(c) The fee for the Columbia River Basin Endorsement, when purchased in conjunction with an annual license is \$9.75, in addition to fees as described in ORS 497.121 and 497.123.

(d) The fee for the Columbia River Basin Endorsement when purchased separately is \$9.75 (plus a \$2.00 agent fee).

(e) The fee for the Columbia River Basin Endorsement, when purchased in conjunction with a daily license is \$1.00 per each day, in addition to those fees as described in ORS 497-121.

(f) Purchase of a Columbia River Basin Endorsement is not required for free fishing weekend.

(g) No fee will be charged for a Columbia River Basin Endorsement for an angler(s) in possession of:

(A) A resident disabled veteran, resident pioneer, resident and non-resident youth under 14 license; or



# ADMINISTRATIVE RULES

(B) A Permanent Wheel-chair Angling License a Permanent Blind Angler License, or a Permanent Senior.

Stat. Auth.: ORS 496.138, 496.146, 497.121, 497.123 & 506.119  
Stats. Implemented: ORS 496.162 & 506.129  
Hist.: DFW 101-2001, f. & cert. ef. 10-23-01; DFW 125-2013, f. 10-30-13, cert. ef. 11-1-13;  
DFW 128-2013(Temp), 11-18-13, cert. ef. 12-1-13 thru 12-31-13; DFW 133-2013, f. & cert. ef. 12-9-13; DFW 49-2014(Temp), f. 5-27-14, cert. ef. 6-1-14 thru 6-30-14

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**Rule Caption:** Commercial Spring Chinook Drift Net Fishery Set for the Mainstem Columbia River

**Adm. Order No.:** DFW 50-2014(Temp)

**Filed with Sec. of State:** 5-28-2014

**Certified to be Effective:** 5-28-14 thru 7-31-14

**Notice Publication Date:**

**Rules Amended:** 635-042-0022

**Rules Suspended:** 635-042-0022(T)

**Subject:** This amended rule sets a non-Indian commercial spring Chinook drift net fishery for the mainstem Columbia River in Zones 1 thru 5 to commence from 6:00 p.m. Wednesday, May 28 to 6:00 a.m. Thursday, May 29, 2014 (12 hours). Modifications were made consistent with Joint State Action taken May 27, 2014 by the Columbia River Compact agencies of the States of Oregon and Washington.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-042-0022

### Spring Chinook Gillnet and Tangle Net Fisheries

(1) Adipose fin-clipped Chinook salmon and shad may be taken by drift gillnet for commercial purposes from the mouth of the Columbia River upstream to Beacon Rock (Zones 1–5) during the period from 6:00 p.m. Wednesday, May 28 to 6:00 a.m. Thursday, May 29, 2014 (12 hours).

(2) An adipose fin clip salmon is defined as a hatchery salmon with a clipped adipose fin and having a healed scar at the location of the fin. The adipose fin is the small fatty fin on salmonids located between the dorsal fin and tail.

(3) During the spring Chinook tangle net fishery the minimum mesh size is 8 inches stretched taut. Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. Other permanent gear regulations remain in effect.

(4) Nets shall not exceed 900 feet (150 fathoms) in length. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25 fathom intervals must be in color contrast to the corks used in the remainder of the net.

(5) There are no restrictions on the use of slackers or stringers to slacken the net vertically.

(6) Nets shall be fished for no longer than 45 minutes per set. The time of fishing is measured from when the first mesh of the net is deployed into the water until the last mesh of the net is fully retrieved from the water.

(7) Nets fished from sunset to sunrise shall have lighted buoys on both ends of the net unless the net is attached to the boat then one lighted buoy on the opposite end of the net from the boat is required.

(8) Sturgeon, nonadipose fin-clipped Chinook salmon, and steelhead must be released immediately with care and the least possible injury to the fish to the river without violence or into an operating recovery box.

(a) One operating recovery box with two chambers or two operating recovery boxes with one chamber each to aid survival of released fish must be on board each fishing vessel participating in the fishery. Recovery boxes shall be operating during any time that a net is being retrieved or picked.

(b) Non-adipose fin-clipped salmon and all steelhead that are bleeding, in lethargic condition, or appearing dead must be placed in the recovery box for rehabilitation purposes prior to release to the river.

(c) Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39-1/2 to 48 inches, the inside width measurement must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches.

(d) Each chamber of the recovery box must include an operating water pumping system capable of delivering a minimum flow of 16 gallons per minute not to exceed 20 gallons per minute of fresh river water into each chamber. The fisher must demonstrate to the Department and Washington Department of Fish and Wildlife employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pump-

ing system is delivering the proper volume of fresh river water into each chamber.

(e) Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1 3/4 inches from the floor of the chamber.

(f) Each chamber of the recovery box must include a water outlet that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber, on either the same or opposite end as the inlet.

(g) All fish placed in recovery boxes must be released to the river prior to landing or docking.

(9) At least one fisher on each boat engaged in the fishery must have attended a one-day workshop hosted by the Department or Washington Department of Fish and Wildlife to educate fishers on regulations and best methods for conduct of the fishery.

(10) Nothing in this section sets any precedent for any future spring Chinook fishery. The fact that an individual has attended a live capture training workshop does not entitle the individual to participate in any other fishery. If the Department authorizes a Live Capture fishery in the spring or at any other time, the Department may establish qualifications and requirements that are different from those already established. In particular, the Department may consider an individual's compliance with these rules in determining that individual's eligibility to participate in any future Live Capture fisheries.

(11) As authorized by OAR-635-006-0140 owners or operators of commercial fishing vessels must cooperate with Department fishery observers, or observers collecting data for the Department, when asked by the Department to carry and accommodate an observer on fishing trips for observation and sampling during an open fishery. In addition, cooperation with department personnel prior to a fishing period is expected.

(12) Closed waters, as described in OAR 635-042-0005 for Grays River, Elokomin-B, Cowlitz River, Kalama-B, Lewis-B, Sandy and Washougal sanctuaries are in effect during the open fishing periods identified.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: DFW 11-2004, f. & cert. ef. 2-13-04; DFW 12-2004(Temp), f. & cert. ef. 3-1-04, thru 7-31-04; DFW 13-2004(Temp), f. & cert. ef. 3-3-04 thru 7-31-04; DFW 16-2004(Temp), f. & cert. ef. 3-8-04 thru 7-31-04; DFW 18-2004(Temp), f. & cert. ef. 3-10-04 thru 7-31-04; DFW 20-2004(Temp), f. & cert. ef. 3-15-04 thru 7-31-04; DFW 21-2004(Temp), f. & cert. ef. 3-18-04 thru 7-31-04; DFW 25-2004(Temp), f. & cert. ef. 3-23-04 thru 7-31-04; DFW 26-2004(Temp), f. & cert. ef. 3-25-04 thru 7-31-04; DFW 27-2004(Temp), f. & cert. ef. 3-29-04 thru 7-31-04; Administrative correction 8-19-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 9-2005(Temp), f. & cert. ef. 3-1-05 thru 7-31-05; DFW 11-2005(Temp), f. & cert. ef. 3-3-05 & 7-31-05; DFW 13-2005(Temp), f. & cert. ef. 3-7-05 thru 7-31-05; DFW 14-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 7-31-05; DFW 20-2005(Temp), f. & cert. ef. 3-29-05 thru 7-31-05; DFW 21-2005(Temp), f. & cert. ef. 3-31-05 thru 7-31-05; Administrative correction, 4-20-05; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 7-2006(Temp), f. & cert. ef. 2-23-06 thru 7-31-06; DFW 9-2006(Temp), f. & cert. ef. 3-1-06, cert. ef. 3-2-06 thru 7-31-06; DFW 10-2006(Temp), f. & cert. ef. 3-7-06 thru 7-31-06; DFW 11-2006(Temp), f. & cert. ef. 3-9-06 thru 7-31-06; DFW 12-2006(Temp), f. & cert. ef. 3-13-06, cert. ef. 3-14-06 thru 7-31-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 30-2006(Temp), f. & cert. ef. 5-18-06 thru 7-31-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; Administrative correction 8-22-06; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 17-2007(Temp), f. & cert. ef. 3-20-07 thru 9-15-07; DFW 19-2007(Temp), f. & cert. ef. 3-22-07 thru 9-17-07; DFW 44-2007(Temp), f. & cert. ef. 6-14-07 thru 9-17-07; Administrative correction 9-18-07; DFW 31-2008(Temp), f. & cert. ef. 4-1-08 thru 9-27-08; DFW 33-2008(Temp), f. & cert. ef. 4-7-08, cert. ef. 4-8-08 thru 9-27-08; DFW 34-2008(Temp), f. & cert. ef. 4-14-08, cert. ef. 4-15-08 thru 9-27-08; Suspended by DFW 71-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 8-31-08; Administrative correction 10-21-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 30-2009(Temp), f. 3-23-09, cert. ef. 3-27-09 thru 4-30-09; DFW 34-2009(Temp), f. 4-6-09, cert. ef. 4-7-09 thru 4-30-09; DFW 36-2009(Temp), f. 4-13-09, cert. ef. 4-14-09 thru 4-30-09; Administrative correction 5-20-09; DFW 38-2010(Temp), f. & cert. ef. 3-30-10 thru 4-30-10; DFW 41-2010(Temp), f. 4-6-10, cert. ef. 4-7-10 thru 4-30-10; Administrative correction 5-19-10; DFW 25-2011(Temp), f. & cert. ef. 3-29-11 thru 4-1-11; DFW 27-2011(Temp), f. 4-5-11, cert. ef. 4-6-11 thru 4-10-11; Administrative correction, 4-25-11; DFW 45-2011(Temp), f. & cert. ef. 5-12-11 thru 6-30-11; DFW 51-2011(Temp), f. & cert. ef. 5-18-11 thru 6-30-11; Administrative correction 7-22-11; DFW 29-2012(Temp), f. 4-2-12, cert. ef. 4-3-12 thru 4-30-12; DFW 32-2012(Temp), f. 4-9-12, cert. ef. 4-10-12 thru 4-30-12; Administrative correction, 5-25-12; DFW 27-2013(Temp), f. 4-8-13, cert. ef. 4-9-13 thru 4-30-13; DFW 34-2013(Temp), f. 5-14-13, cert. ef. 5-15-13 thru 7-31-13; DFW 37-2013(Temp), f. & cert. ef. 5-22-13 thru 5-31-13; DFW 45-2013(Temp), f. & cert. ef. 5-29-13 thru 6-15-13; Administrative correction, 7-18-13; DFW 28-2014(Temp), f. 3-31-14, cert. ef. 4-1-14 thru 7-31-14; DFW 38-2014(Temp), f. & cert. ef. 5-7-14 thru 7-31-14; DFW 43-2014(Temp), f. 5-14-14, cert. ef. 5-20-14 thru 7-31-14; DFW 50-2014(Temp), f. & cert. ef. 5-28-14 thru 7-31-14

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**Rule Caption:** Commercial Spring Fishery Modified for the Youngs Bay Select Area

**Adm. Order No.:** DFW 51-2014(Temp)

**Filed with Sec. of State:** 5-28-2014

**Certified to be Effective:** 5-28-14 thru 7-31-14



# ADMINISTRATIVE RULES

## Notice Publication Date:

**Rules Amended:** 635-042-0145

**Rules Suspended:** 635-042-0145(T)

**Subject:** This amended rule modifies harvest regulations for a spring commercial fishery previously adopted for the Youngs Bay Select Area of the Columbia River. Modifications are consistent with the action taken May 27, 2014 by the Columbia River Compact agencies of the States of Oregon and Washington.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-042-0145

### Youngs Bay Salmon Season

(1) Salmon and shad may be taken for commercial purposes in waters of Youngs Bay as described below.

(a) The 2014 open fishing periods are established in three segments categorized as the winter fishery, subsection (1)(a)(A); the spring fishery, subsection (1)(a)(B); and summer fishery, subsection (1)(a)(C), as follows:

(A) Winter Season: None scheduled.

(B) Spring Season: Entire Youngs Bay from Thursday, April 17 through Friday, June 13, 2014 during the following periods:

Thursday, May 8, 2:00 p.m.—10:00 p.m. (8 hrs.); and  
Noon Mondays through Noon Fridays (4 days/week) from May 12 through June 13 (16 days total) except that retention and sale of non-adipose fin-clipped Chinook is prohibited from 6:00 p.m. Wednesday, May 28 through 12:00 noon Thursday, May 29, 2014 (18 hours).

(C) Summer Season: Beginning June 16 the following open periods apply:

Noon Mondays through Noon Fridays (4 days/week) from June 16 through July 4 (12 days);  
Noon Monday, July 7 through Noon Thursday, July 10 (3 days); and  
Noon Tuesdays through Noon Thursdays (48 hrs/week) from July 15 through July 31 (6 days).

(b) For the winter fisheries, the waters of Youngs Bay from the Highway 101 Bridge upstream to the upper boundary markers at the confluence of the Klaskanine and Youngs rivers including the lower Walluski River upstream to the Highway 202 Bridge are open. Those waters southerly of the alternate Highway 101 Bridge (Lewis and Clark River) are closed. For the spring and summer fisheries the fishing area is identified as the waters of Youngs Bay from the Highway 101 Bridge upstream to the upper boundary markers at the confluence of the Klaskanine and Youngs rivers and includes the lower Walluski River upstream to the Highway 202 bridge and the lower Lower Lewis and Clark River upstream to the overhead power lines immediately upstream of Barrett Slough.

(2) Gill nets may not exceed 1,500 feet (250 fathoms) in length and weight may not exceed two pounds per any fathom except the use of additional weights and/or anchors attached directly to the headline is allowed upstream of markers located approximately 200 yards upstream of the mouth of the Walluski River during all Youngs Bay commercial fisheries. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25-fathom intervals must be in color contrast to the corks used in the remainder of the net.

(a) It is *unlawful* to use a gill net having a mesh size that is less than 7 inches during the winter season. It is *unlawful* to use a gill net having a mesh size that is more than 9.75 inches during the spring and summer seasons.

(b) Nets not specifically authorized for use in these areas may be onboard a vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(3) Non-resident commercial fishing and boat licenses are not required for Washington fishers participating in Youngs Bay commercial fisheries. A valid fishing and boat license issued by the state of Washington is considered adequate for participation in this fishery. The open area for non-resident commercial fishers includes all areas open for commercial fishing.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 32-1979, f. & ef. 8-22-79; FWC 28-1980, f. & ef. 6-23-80; FWC 42-1980(Temp), f. & ef. 8-22-80; FWC 30-1981, f. & ef. 8-14-81; FWC 42-1981(Temp), f. & ef. 11-5-81; FWC 54-1982, f. & ef. 8-17-82; FWC 37-1983, f. & ef. 8-18-83; FWC 61-1983(Temp), f. & ef. 10-19-83; FWC 42-1984, f. & ef. 8-20-84; FWC 39-1985, f. & ef. 8-15-85; FWC 37-1986, f. & ef. 8-11-86; FWC 72-1986(Temp), f. & ef. 10-31-86; FWC 64-1987, f. & ef. 8-7-87; FWC 73-1988, f. & cert. ef. 8-19-88; FWC 55-1989(Temp), f. 8-7-89, cert. ef. 8-20-89; FWC 82-1990(Temp), f. 8-14-90, cert. ef. 8-19-90; FWC 86-1991, f. 8-7-91, cert. ef. 8-18-91; FWC 123-1991(Temp), f. & cert. ef. 10-21-91; FWC 30-1992(Temp), f. & cert. ef. 4-27-92; FWC 35-1992(Temp), f. 5-22-92, cert. ef. 5-25-92; FWC 74-1992 (Temp), f. 8-10-92, cert. ef. 8-16-92; FWC 28-1993(Temp), f. & cert. ef. 4-26-93; FWC 48-1993, f. 8-6-93, cert. ef. 8-9-93; FWC 21-1994(Temp), f. 4-22-94, cert. ef. 4-25-94; FWC 51-1994, f. 8-19-94, cert. ef. 8-22-94; FWC 64-1994(Temp), f. 9-14-94, cert. ef. 9-15-94; FWC 66-1994(Temp),

f. & cert. ef. 9-20-94; FWC 27-1995, f. 3-29-95, cert. ef. 4-1-95; FWC 48-1995(Temp), f. & cert. ef. 6-5-95; FWC 66-1995, f. 8-22-95, cert. ef. 8-27-95; FWC 69-1995, f. 8-25-95, cert. ef. 8-27-95; FWC 8-1995, f. 2-28-96, cert. ef. 3-1-96; FWC 37-1996(Temp), f. 6-11-96, cert. ef. 6-12-96; FWC 41-1996, f. & cert. ef. 8-12-96; FWC 45-1996(Temp), f. 8-16-96, cert. ef. 8-19-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 4-1997, f. & cert. ef. 1-30-97; FWC 47-1997, f. & cert. ef. 8-15-97; FWC 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; FWC 14-1998, f. & cert. ef. 3-3-98; FWC 18-1998(Temp), f. 3-9-98, cert. ef. 3-11-98 thru 3-31-98; FWC 60-1998(Temp), f. & cert. ef. 8-7-98 thru 8-21-98; FWC 67-1998, f. & cert. ef. 8-24-98; FWC 10-1999, f. & cert. ef. 2-26-99; FWC 52-1999(Temp), f. & cert. ef. 8-2-99 thru 8-6-99; FWC 55-1999, f. & cert. ef. 8-12-99; FWC 9-2000, f. & cert. ef. 2-25-00; FWC 42-2000, f. & cert. ef. 8-3-00; FWC 3-2001, f. & cert. ef. 2-6-01; FWC 66-2001(Temp), f. 8-2-01, cert. ef. 8-6-01 thru 8-14-01; FWC 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; FWC 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; FWC 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; FWC 82-2002(Temp), f. 8-5-02, cert. ef. 8-7-02 thru 9-1-02; FWC 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; FWC 12-2003, f. & cert. ef. 2-14-03; FWC 17-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 8-1-03; FWC 32-2003(Temp), f. & cert. ef. 4-23-03 thru 8-1-03; FWC 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; FWC 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; FWC 37-2003(Temp), f. & cert. ef. 5-7-03 thru 10-1-03; FWC 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; FWC 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; FWC 11-2004, f. & cert. ef. 2-13-04; FWC 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; FWC 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; FWC 28-2004(Temp), f. 4-8-04, cert. ef. 4-12-04 thru 4-15-04; FWC 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; FWC 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; FWC 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; FWC 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; FWC 6-2005, f. & cert. ef. 2-14-05; FWC 15-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; FWC 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; FWC 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; FWC 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; FWC 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; FWC 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; FWC 46-2005(Temp), f. 5-17-05, cert. ef. 5-18-05 thru 10-16-05; FWC 73-2005(Temp), f. 7-8-05, cert. ef. 7-11-05 thru 7-31-05; FWC 77-2005(Temp), f. 7-14-05, cert. ef. 7-18-05 thru 7-31-05; FWC 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; FWC 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; FWC 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; FWC 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; FWC 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; FWC 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; FWC 5-2006, f. & cert. ef. 2-15-06; FWC 14-2006(Temp), f. 3-15-06, cert. ef. 3-16-06 thru 7-27-06; FWC 15-2006(Temp), f. & cert. ef. 3-23-06 thru 7-27-06; FWC 17-2006(Temp), f. 3-29-06, cert. ef. 3-30-06 thru 7-27-06; FWC 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; FWC 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; FWC 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; FWC 52-2006(Temp), f. & cert. ef. 6-28-06 thru 7-27-06; FWC 73-2006(Temp), f. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; FWC 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; FWC 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; FWC 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; FWC 9-2007, f. & cert. ef. 2-14-07; FWC 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; FWC 16-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; FWC 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; FWC 45-2007(Temp), f. 6-15-07, cert. ef. 6-25-07 thru 7-31-07; FWC 50-2007(Temp), f. 6-29-07, cert. ef. 7-4-07 thru 7-31-07; FWC 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; FWC 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative correction 1-24-08; FWC 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; FWC 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; FWC 30-2008(Temp), f. 3-27-08, cert. ef. 3-30-08 thru 8-28-08; FWC 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; FWC 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; FWC 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; FWC 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; FWC 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; FWC 24-2009(Temp), f. 3-10-09, cert. ef. 3-11-09 thru 7-31-09; FWC 49-2009(Temp), f. 5-14-09, cert. ef. 5-17-09 thru 7-31-09; FWC 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; FWC 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; FWC 17-2010(Temp), f. & cert. ef. 2-22-10 thru 7-31-10; FWC 20-2010(Temp), f. & cert. ef. 2-26-10 thru 7-31-10; FWC 30-2010(Temp), f. 3-11-10, cert. ef. 3-14-10 thru 7-31-10; FWC 35-2010(Temp), f. 3-23-10, cert. ef. 3-24-10 thru 7-31-10; FWC 40-2010(Temp), f. & cert. ef. 4-1-10 thru 7-31-10; FWC 46-2010(Temp), f. & cert. ef. 4-21-10 thru 7-31-10; FWC 53-2010(Temp), f. & cert. ef. 5-4-10 thru 7-31-10; FWC 57-2010(Temp), f. & cert. ef. 5-11-10 thru 7-31-10; FWC 69-2010(Temp), f. & cert. ef. 5-18-10 thru 7-31-10; FWC 113-2010(Temp), f. 8-2-10, cert. ef. 8-4-10 thru 10-31-10; FWC 129-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; Administrative correction 11-23-10; FWC 12-2011(Temp), f. 2-10-11, cert. ef. 2-13-11 thru 7-29-11; FWC 23-2011, f. & cert. ef. 3-21-11; FWC 32-2011(Temp), f. 4-20-11, cert. ef. 4-21-11 thru 7-29-11; FWC 35-2011(Temp), f. & cert. ef. 4-28-11 thru 7-29-11; FWC 46-2011(Temp), f. & cert. ef. 5-12-11 thru 7-29-11; FWC 52-2011(Temp), f. & cert. ef. 5-18-11 thru 7-29-11; FWC 76-2011(Temp), f. 6-24-11, cert. ef. 6-27-11 thru 7-29-11; FWC 106-2011(Temp), f. 8-2-11, cert. ef. 8-3-11 thru 10-31-11; FWC 121-2011(Temp), f. 8-29-11, cert. ef. 9-5-11 thru 10-31-11; Administrative correction, 11-18-11; FWC 12-2012(Temp), f. 2-8-12, cert. ef. 2-12-12 thru 7-31-12; FWC 24-2012(Temp), f. 3-15-12, cert. ef. 3-18-12 thru 7-31-12; FWC 26-2012(Temp), f. 3-20-12, cert. ef. 3-21-12 thru 7-31-12; FWC 27-2012(Temp), f. 3-27-12, cert. ef. 3-29-12 thru 7-31-12; FWC 28-2012(Temp), f. 3-30-12, cert. ef. 4-1-12 thru 7-31-12; FWC 30-2012(Temp), f. 4-4-12, cert. ef. 4-5-12 thru 7-31-12; FWC 36-2012(Temp), f. 4-16-12, cert. ef. 4-19-12 thru 7-31-12; FWC 82-2012(Temp), f. 6-29-12, cert. ef. 7-2-12 thru 7-31-12; FWC 96-2012(Temp), f. 7-30-12, cert. ef. 8-1-12 thru 10-31-12; Administrative correction 11-23-12; FWC 11-2013(Temp), f. 2-8-13, cert. ef. 2-11-13 thru 7-31-13; FWC 22-2013(Temp), f. 3-12-13, cert. ef. 3-13-13 thru 7-31-13; FWC 34-2013(Temp), f. 5-14-13, cert. ef. 5-15-13 thru 7-31-13; FWC 36-2013(Temp), f. & cert. ef. 5-22-13 thru 7-31-13; FWC 44-2013(Temp), f. & cert. ef. 5-29-13 thru 7-31-13; FWC 82-2013(Temp), f. 7-29-13, cert. ef. 7-31-13 thru 10-31-13; FWC 87-2013(Temp), f. & cert. ef. 8-9-13 thru 10-31-13; FWC 109-2013(Temp), f. 9-27-13, cert. ef. 9-30-13 thru 10-31-13; Administrative correction, 11-22-13; FWC 8-2014(Temp), f. & cert. ef. 2-10-14 thru 7-31-14; FWC 18-2014(Temp), f. 3-7-14, cert. ef. 3-10-14 thru 7-30-14; FWC 25-2014(Temp), f. 3-13-14, cert. ef. 3-17-14 thru 7-31-14; FWC 32-2014(Temp), f. 4-21-14, cert. ef. 4-22-14 thru 7-31-14; FWC 35-2014(Temp), f. & cert. ef. 4-24-14 thru 7-31-14; FWC 39-2014(Temp), f. 5-7-14, cert. ef. 5-8-14 thru 7-31-14; FWC 45-2014(Temp), f. 5-14-14, cert. ef. 5-20-14 thru 7-31-14; FWC 51-2014(Temp), f. & cert. ef. 5-28-14 thru 7-31-14

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**Rule Caption:** Columbia River Recreational Fishery Above Bonneville Dam Authorized

# ADMINISTRATIVE RULES

**Adm. Order No.:** DFW 52-2014(Temp)

**Filed with Sec. of State:** 5-28-2014

**Certified to be Effective:** 5-31-14 thru 6-30-14

**Notice Publication Date:**

**Rules Amended:** 635-023-0125

**Rules Suspended:** 635-023-0125(T)

**Subject:** This amended rule modifies regulations for the 2014 Columbia River spring recreational fisheries above Bonneville Dam in all of Zone 6. Two adult adipose fin-clipped salmonids may be retained per day, only one of which may be a Chinook. Adipose fin-clipped jack Chinook may also be kept. All sockeye must be released. Revisions are consistent with action taken May 27, 2014 by the Columbia River Compact agencies of the States of Oregon and Washington.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

**635-023-0125**

## Spring Sport Fishery

(1) The **2014 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 **2014 Oregon Sport Fishing Regulations**.

(2) The Columbia River is open Thursday, May 15 through Sunday, June 15, 2014 from the Tongue Point/Rocky Point line upstream to the Bonneville Dam deadline with the following restrictions:

(a) Adipose fin-clipped Chinook salmon (adults and jacks), adipose fin-clipped steelhead, and shad may be retained.

(b) All non-adipose fin-clipped Chinook salmon, non-adipose fin-clipped steelhead, and sockeye salmon must be released must be released immediately unharmed.

(c) Catch limits of two adult adipose fin-clipped salmonids, of which only one may be a Chinook, may be retained per day. Catch limits for jacks remain in effect as per the **2014 Oregon Sport Fishing Regulations**.

(3) The mainstem Columbia River salmon and steelhead fishery upstream of the Tower Island power lines (approximately 6 miles below The Dalles Dam) upstream to the Oregon/Washington border, plus the Oregon and Washington banks between Bonneville Dam and the Tower Island power lines is open from Saturday, May 31 through Sunday, June 15, 2014 (16 retention days).

(a) Only adipose fin-clipped Chinook salmon (adults and jacks), adipose fin-clipped steelhead and shad may be retained.

(b) All non-adipose fin-clipped Chinook salmon and non-adipose fin-clipped steelhead must be released immediately unharmed.

(c) Only two adult adipose fin-clipped salmonids, of which only one may be a Chinook, may be retained per day. Catch limits for jacks remain in effect as per the **2014 Oregon Sport Fishing Regulations**.

(4) From March 1 through June 15, 2014 in the Select Areas of the Columbia River:

(a) On days when the recreational fishery below Bonneville Dam is open to retention of Chinook, the salmonid daily bag limit in Select Areas will be the same as mainstem Columbia River bag limits; and

(b) On days when the mainstem Columbia River fishery is closed to Chinook retention, the permanent salmonid bag limit regulations for Select Areas apply.

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

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 11-2004, f. & cert. ef. 2-13-04; DFW 17-2004(Temp), f. & cert. ef. 3-10-04 thru 7-31-04; DFW 29-2004(Temp), f. 4-15-04, cert. ef. 4-22-04 thru 7-31-04; DFW 30-2004(Temp), f. 4-21-04, cert. ef. 4-22-04 thru 7-31-04; DFW 36-2004(Temp), f. 4-29-04, cert. ef. 5-1-04 thru 7-31-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 51-2004(Temp), f. 6-9-04, cert. ef. 6-16-04 thru 7-31-04; Administrative correction 8-19-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 35-2005(Temp), f. 5-4-05, cert. ef. 5-5-05 thru 10-16-05; DFW 38-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 44-2005(Temp), f. 5-17-05, cert. ef. 5-22-05 thru 10-16-05; DFW 51-2005(Temp), f. 6-3-05, cert. ef. 6-4-05 thru 7-31-05; Administrative correction 11-18-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 21-2006(Temp), f. 4-13-06, cert. ef. 4-14-06 thru 5-15-06; DFW 27-2006(Temp), f. 5-12-06, cert. ef. 5-13-06 thru 6-15-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 28-2007(Temp), f. & cert. ef. 4-26-07 thru 7-26-07; DFW 33-2007(Temp), f. 5-15-07, cert. ef. 5-16-07 thru 7-30-07; DFW 37-2007(Temp), f. & cert. ef. 5-31-07 thru 7-30-07; DFW 39-2007(Temp), f. 6-5-07, cert. ef. 6-6-07 thru 7-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 13-2008(Temp), f. 2-21-08, cert. ef. 2-25-08 thru 8-22-08; DFW 17-2008(Temp), f. & cert. ef. 2-27-08 thru 8-22-08; DFW 35-2008(Temp), f. 4-17-08, cert. ef. 4-21-08 thru 8-22-08; DFW 49-2008(Temp), f. & cert. ef. 5-13-08 thru 6-15-08; Administrative correction 7-22-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 10-

2009(Temp), f. 2-13-09, cert. ef. 3-1-09 thru 6-15-09; DFW 18-2009, f. & cert. ef. 2-26-09; DFW 48-2009(Temp), f. 5-14-09, cert. ef. 5-15-09 thru 6-16-09; DFW 68-2009(Temp), f. 6-11-09, cert. ef. 6-12-09 thru 6-16-09; Administrative correction 7-21-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 19-2010(Temp), f. 2-26-10, cert. ef. 3-1-10 thru 8-27-10; DFW 23-2010(Temp), f. & cert. ef. 3-2-10 thru 8-27-10; DFW 45-2010(Temp), f. 4-21-10, cert. ef. 4-24-10 thru 7-31-10; DFW 49-2010(Temp), f. 4-27-10, cert. ef. 4-29-10 thru 7-31-10; DFW 55-2010(Temp), f. 5-7-10, cert. ef. 5-8-10 thru 7-31-10; Suspended by DFW 88-2010(Temp), f. 6-25-10, cert. ef. 6-26-10 thru 7-31-10; Administrative correction 8-18-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 13-2011(Temp), f. & cert. ef. 2-14-11 thru 6-15-11; DFW 28-2011(Temp), f. 4-7-11, cert. ef. 4-8-11 thru 6-15-11; DFW 30-2011(Temp), f. 4-15-11, cert. ef. 4-16-11 thru 6-15-11; DFW 33-2011(Temp), f. & cert. ef. 4-21-11 thru 6-15-11; DFW 39-2011(Temp), f. 5-5-11, cert. ef. 5-7-11 thru 6-15-11; DFW 48-2011(Temp), f. 5-13-11, cert. ef. 5-15-11 thru 6-15-11; DFW 55-2011(Temp), f. 5-25-11, cert. ef. 5-27-11 thru 6-15-11; DFW 59-2011(Temp), f. & cert. ef. 6-2-11 thru 6-15-11; Administrative correction 6-28-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 8-2012(Temp), f. 2-6-12, cert. ef. 2-15-12 thru 6-15-12; DFW 31-2012(Temp), f. 4-5-12, cert. ef. 4-6-12 thru 6-15-12; DFW 33-2012(Temp), f. 4-12-12, cert. ef. 4-14-12 thru 6-15-12; DFW 45-2012(Temp), f. 5-1-12, cert. ef. 5-2-12 thru 7-31-12; DFW 47-2012(Temp), f. 5-15-12, cert. ef. 5-16-12 thru 7-31-12; DFW 49-2012(Temp), f. 5-18-12, cert. ef. 5-19-12 thru 7-31-12; DFW 51-2012(Temp), f. 5-23-12, cert. ef. 5-26-12 thru 7-31-12; Suspended by DFW 85-2012(Temp), f. 7-6-12, cert. ef. 7-9-12 thru 8-31-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 12-2013(Temp), f. 2-12-13, cert. ef. 2-28-13 thru 7-31-13; DFW 26-2013(Temp), f. 4-4-13, cert. ef. 4-5-13 thru 7-1-13; DFW 38-2013(Temp), f. 5-22-13, cert. ef. 5-25-13 thru 7-1-13; DFW 49-2013(Temp), f. 6-7-13, cert. ef. 6-8-13 thru 6-30-13; Administrative correction, 7-18-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 12-2014(Temp), f. 2-13-14, cert. ef. 3-1-14 thru 6-15-14; DFW 29-2014(Temp), f. 4-3-14, cert. ef. 4-4-14 thru 6-15-14; DFW 31-2014(Temp), f. 4-17-14, cert. ef. 4-19-14 thru 7-31-14; DFW 40-2014(Temp), f. 5-7-14, cert. ef. 5-9-14 thru 6-30-14; DFW 44-2014(Temp), f. 5-14-14, cert. ef. 5-15-14 thru 6-15-14; DFW 52-2014(Temp), f. 5-28-14, cert. ef. 5-31-14 thru 6-30-14

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**Rule Caption:** Spring Chinook Fishery in the John Day River Extended

**Adm. Order No.:** DFW 53-2014(Temp)

**Filed with Sec. of State:** 5-28-2014

**Certified to be Effective:** 6-1-14 thru 7-31-14

**Notice Publication Date:**

**Rules Amended:** 635-019-0090

**Rules Suspended:** 635-019-0090(T)

**Subject:** This amended rule allows recreational anglers an extended opportunity to harvest wild spring Chinook salmon in the upper mainstem of the John Day River until June 15, 2014. The fishery was originally authorized from May 17 through June 1 but adverse weather conditions hampered the fishers' success. This extension of the fishery should allow anglers to recover their lost opportunity.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

**635-019-0090**

## Inclusions and Modifications

(1) The **2014 Oregon Sport Fishing Regulations** provide requirements for the Northeast Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2014 Oregon Sport Fishing Regulations**.

(2) The John Day River from the Longview Ranch's Johnson Creek Division Bridge (located approximately 200 feet upstream from the mouth of the North Fork John Day River) upstream to the mouth of Rattlesnake Creek (19.5 miles) near the south end of Picture Gorge is open to angling for adult Chinook salmon from May 17 through June 15, 2014.

(a) The daily bag limit is two (2) adult Chinook and five (5) jacks; two daily limits in possession. It is illegal to continue fishing for jack Chinook once the adult daily bag limit is met.

(b) Statewide salmon gear restrictions apply.

(c) All other General, Statewide and Northeast Zone Regulations, as provided in the **2014 Oregon Sport Fishing Regulations**, remain in effect.

(3) Lookingglass Creek from the Moses Creek Lane Bridge (County Road 42) to the confluence of Jarboe Creek is open to angling for adipose fin-clipped spring Chinook salmon from May 31, 2014 until further notice.

(a) The daily bag limit is two (2) adipose fin-clipped adult Chinook and five (5) adipose fin-clipped jacks; two daily limits in possession. It is illegal to continue fishing for jack Chinook once the adult bag limit is met.

(b) During the duration of the spring Chinook angling season, the area closure listed for Lookingglass Creek in the Northeast Zone Special Regulations is modified to: Lookingglass Creek closed between Jarboe Creek and 200 feet upstream of the hatchery water intake.

(c) Hook gap restrictions listed in the Northeast Zone Special Regulations for Lookingglass Creek are removed for the duration of the spring Chinook angling season.

(d) All other General, Statewide and Northeast Zone Regulations, as provided in the **2014 Oregon Sport Fishing Regulations**, remain in effect.

Stat. Auth.: ORS 183.325, 496.138 & 496.146

Stats. Implemented: ORS 496.162



# ADMINISTRATIVE RULES

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 57-1994(Temp), f. 8-30-94, cert. ef. 10-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 70-1995, f. 8-29-95, cert. ef. 9-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 27-1996(Temp), f. 5-24-96, cert. ef. 5-25-96; FWC 57-1996(Temp), f. 9-27-96, cert. ef. 10-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 26-1997(Temp), f. 4-23-97, cert. ef. 5-17-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 13-1998(Temp), f. & cert. ef. 2-26-98 thru 4-15-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 5-1999(Temp), f. 2-5-99, cert. ef. 2-6-99 thru 2-19-99; DFW 8-1999(Temp), f. & cert. ef. 2-23-99 thru 4-15-99; DFW 37-1999(Temp), f. 5-24-99, cert. ef. 5-29-99 thru 6-5-99; DFW 43-1999(Temp), f. & cert. ef. 6-10-99 thru 6-13-99; DFW 45-1999(Temp), f. & cert. ef. 6-14-99 thru 6-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 17-2000(Temp), f. 4-10-00, cert. ef. 4-16-00 thru 6-30-00; DFW 64-2000(Temp), f. 9-21-00, cert. ef. 9-22-00 thru 3-20-01; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 5-2001(Temp), f. 2-22-01, cert. ef. 2-24-01 thru 4-15-01; DFW 39-2001(Temp), f. 5-23-01, cert. ef. 5-26-01 thru 7-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 45-2001(Temp), f. 6-1-01, cert. ef. 6-2-01 thru 7-31-01; DFW 49-2001(Temp), f. 6-19-01, cert. ef. 6-22-01 thru 7-31-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 71-2001(Temp), f. 8-10-01, cert. ef. 9-1-01 thru 12-31-01; DFW 96-2001(Temp), f. 10-4-01, cert. ef. 12-1-01 thru 12-31-01; DFW 122-2001(Temp), f. & cert. ef. 12-31-01 thru 5-31-02; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 52-2002(Temp), f. 5-22-02, cert. ef. 5-26-02 thru 7-1-02; DFW 53-2002(Temp), f. 5-24-02, cert. ef. 5-26-02 thru 7-1-02; DFW 57-2002(Temp), f. & cert. ef. 5-30-02 thru 7-1-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 44-2003(Temp), f. 5-23-03, cert. ef. 5-28-03 thru 7-1-03; DFW 48-2003(Temp), f. & cert. ef. 6-5-03 thru 7-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 49-2004(Temp), f. 5-7-04, cert. ef. 5-13-04 thru 7-1-04; DFW 46-2004(Temp), f. 5-21-04, cert. ef. 5-22-04 thru 7-1-04; DFW 55-2004(Temp), f. 6-16-04, cert. ef. 6-19-04 thru 7-5-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 42-2005(Temp), f. & cert. ef. 5-13-05 thru 9-1-05; DFW 61-2005(Temp), f. 6-22-05, cert. ef. 6-25-05 thru 7-4-05; Administrative correction 7-20-05; DFW 99-2005(Temp), f. 8-24-05, cert. ef. 8-26-05 thru 9-30-05; Administrative correction 10-19-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 28-2006(Temp), f. & cert. ef. 5-15-06 thru 6-30-06; DFW 33-2006(Temp), f. 5-24-06, cert. ef. 5-25-06 thru 6-30-06; Administrative correction 7-21-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 12-2007(Temp), f. 2-28-07, cert. ef. 3-1-07 thru 8-27-07; DFW 30-2007(Temp), f. 5-9-07, cert. ef. 5-10-07 thru 9-30-07; DFW 34-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 9-30-07; Administrative correction 10-16-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 56-2008(Temp), f. 5-30-08, cert. ef. 5-31-08 thru 6-30-08; DFW 76-2008(Temp), f. & cert. ef. 7-9-08 thru 9-1-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 128-2009(Temp), f. 10-12-09, cert. ef. 10-18-09 thru 4-15-10; DFW 131-2009(Temp), f. 10-14-09, cert. ef. 10-18-09 thru 4-15-10; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 54-2010(Temp), f. 5-6-10, cert. ef. 5-22-10 thru 9-1-10; DFW 95-2010(Temp), f. 7-1-10, cert. ef. 7-11-10 thru 9-1-10; DFW 102-2010(Temp), f. 7-20-10, cert. ef. 7-25-10 thru 9-1-10; Administrative correction 9-22-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 49-2011(Temp), f. 5-16-11, cert. ef. 5-28-11 thru 9-1-11; DFW 64-2011(Temp), f. 6-10-11, cert. ef. 6-13-11 thru 9-1-11; DFW 90-2011(Temp), f. & cert. ef. 7-11-11 thru 9-1-11; DFW 92-2011(Temp), f. 7-12-11, cert. ef. 7-16-11 thru 10-31-11; DFW 99-2011(Temp), f. 7-21-11, cert. ef. 7-23-11 thru 9-1-11; DFW 104-2011(Temp), f. 8-8-11, cert. ef. 8-7-11 thru 9-1-11; Administrative correction 9-23-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 48-2012(Temp), f. 5-18-12, cert. ef. 5-23-12 thru 9-1-12; DFW 50-2012(Temp), f. 5-22-12, cert. ef. 5-24-12 thru 9-1-12; DFW 61-2012(Temp), f. & cert. ef. 6-11-12 thru 8-31-12; DFW 69-2012(Temp), f. 6-20-12, cert. ef. 6-22-12 thru 9-1-12; DFW 70-2012(Temp), f. 6-26-12, cert. ef. 6-27-12 thru 9-1-12; DFW 72-2012(Temp), f. 6-29-12, cert. ef. 7-1-12 thru 8-31-12; DFW 86-2012(Temp), f. 7-10-12, cert. ef. 7-15-12 thru 9-1-12; Administrative correction 9-20-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 153-2012(Temp), f. 12-28-12, cert. ef. 1-1-13 thru 4-30-13; DFW 31-2013(Temp), f. 5-14-13, cert. ef. 5-16-13 thru 6-30-13; DFW 39-2013(Temp), f. 5-22-13, cert. ef. 5-24-13 thru 11-19-13; DFW 46-2013(Temp), f. 5-30-13, cert. ef. 6-1-13 thru 11-26-13; DFW 62-2013(Temp), f. 6-26-13, cert. ef. 7-5-13 thru 12-31-13; DFW 74-2013(Temp), f. 7-15-13, cert. ef. 7-19-13 thru 9-1-13; Administrative correction 11-1-13; DFW 121-2013(Temp), f. 10-24-13, cert. ef. 11-13 thru 12-31-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 42-2014(Temp), f. 5-12-14, cert. ef. 5-17-14 thru 6-1-14; DFW 47-2014(Temp), f. 5-27-14, cert. ef. 5-31-14 thru 7-31-14; DFW 53-2014(Temp), f. 5-28-14, cert. ef. 6-1-14 thru 7-31-14

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**Rule Caption:** Columbia River Zone 6 Treaty Indian Commercial Gill Net Fishery Authorized.

**Adm. Order No.:** DFW 54-2014(Temp)

**Filed with Sec. of State:** 6-2-2014

**Certified to be Effective:** 6-3-14 thru 7-31-14

**Notice Publication Date:**

**Rules Amended:** 635-041-0065

**Rules Suspended:** 635-041-0065(T)

**Subject:** This amended rule authorizes the sales of fish caught in a Treaty tribal commercial gill net fishery in all of Zone 6 of the Columbia River from 6:00 a.m. Tuesday, June 3 through 6:00 p.m. Friday, June 6, 2014. Modifications are consistent with action taken June 2, 2014 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

**635-041-0065**

**Spring Season**

(1) Salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from the Zone 6 Columbia River Treaty Indian Fishery, from 6:00 p.m. Tuesday, May 6 through 11:59 p.m. Thursday, July 31, 2014.

(2) Gear is restricted to subsistence fishing gear which includes hoop-nets, dipnets, and rod and reel with hook-and-line. Beginning at 6:00 a.m. Tuesday, June 3, through 6:00 p.m. Friday, June 6, 2014 (3.5 days) fish may also be taken by gill net. There are no mesh size restrictions.

(3) Closed areas as set forth in OAR 635-041-0045 remain in effect with the exception of Spring Creek Hatchery sanctuary.

(4) White sturgeon between 43–54 inches in fork length caught in The Dalles Pool and John Day pools and white sturgeon between 38–54 inches in fork length caught in the Bonneville Pool may not be sold but may be retained for subsistence use.

(5) Effective 6:00 p.m. May 6 through 11:59 p.m. Thursday, July 31, 2014, commercial sales of salmon, steelhead, walleye, shad, catfish, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; and Drano Lake are allowed for Yakama Nation members during those days and hours when these tributaries are open under lawfully enacted Yakama Nation fishing periods. Sturgeon between 43–54 inches in fork length harvested in tributaries within The Dalles or John Day pools and sturgeon between 38–54 inches in fork length harvested in tributaries within Bonneville Pool may not be sold but may be kept for subsistence purposes.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 89, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79; FWC 13-1979(Temp), f. & ef. 3-30-1979, Renumbered from 635-035-0065; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 2-1983, f. 1-21-83, cert. ef. 2-1-83; FWC 4-1984, f. & ef. 1-31-84; FWC 2-1985, f. & ef. 1-30-85; FWC 4-1986(Temp), f. & ef. 1-28-86; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 3-1988(Temp), f. & cert. ef. 1-29-88; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 5-1989, f. 2-6-89, cert. ef. 2-7-89; FWC 13-1989(Temp), f. & cert. ef. 3-21-89; FWC 15-1990(Temp), f. 2-8-90, cert. ef. 2-9-90; FWC 20-1990, f. 3-6-90, cert. ef. 3-15-90; FWC 13-1992(Temp), f. & cert. ef. 3-5-92; FWC 7-1993, f. & cert. ef. 2-1-93; FWC 12-1993(Temp), f. & cert. ef. 2-22-93; FWC 18-1993(Temp), f. & cert. ef. 3-2-93; FWC 7-1994, f. & cert. ef. 2-1-94; FWC 11-1994(Temp), f. & cert. ef. 2-28-94; FWC 9-1995, f. & cert. ef. 2-1-95; FWC 19-1995(Temp), f. & cert. ef. 3-3-95; FWC 5-1996, f. & cert. ef. 2-7-96; FWC 4-1997, f. & cert. ef. 1-30-97; DFW 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-3-98; DFW 20-1998(Temp), f. & cert. ef. 3-13-98 thru 3-20-98; DFW 23-1998(Temp), f. & cert. ef. 3-20-98 thru 6-30-98; DFW 2-1999(Temp), f. & cert. ef. 2-1-99 thru 2-19-99; DFW 9-1999, f. & cert. ef. 2-26-99; DFW 14-1999(Temp), f. 3-5-99, cert. ef. 3-6-99 thru 3-29-99; Administrative correction 11-17-99; DFW 6-2000(Temp), f. & cert. ef. 2-1-00 thru 2-29-00; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 19-2000, f. 3-18-00, cert. ef. 3-18-00 thru 3-21-00; DFW 26-2000(Temp), f. 5-4-00, cert. ef. 5-6-00 thru 5-28-00; Administrative correction 5-22-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 14-2001(Temp), f. 3-12-01, cert. ef. 3-14-01 thru 3-21-01; Administrative correction 6-20-01; DFW 9-2002, f. & cert. ef. 2-1-02; DFW 11-2002(Temp), f. & cert. ef. 2-8-02 thru 8-7-02; DFW 17-2002(Temp), f. 3-7-02, cert. ef. 3-8-02 thru 9-1-02; DFW 18-2002(Temp), f. 3-13-02, cert. ef. 3-15-02 thru 9-1-02; DFW 134-2002(Temp), f. & cert. ef. 12-19-02 thru 4-1-03; DFW 20-2003(Temp), f. 3-12-03, cert. ef. 3-13-03 thru 4-1-03; DFW 131-2003(Temp), f. 12-26-03, cert. ef. 1-1-04 thru 4-1-04; DFW 5-2004(Temp), f. 1-26-04, cert. ef. 2-2-04 thru 4-1-04; DFW 15-2004(Temp), f. 3-8-04, cert. ef. 3-10-04 thru 4-1-04; DFW 130-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 4-1-05; DFW 4-2005(Temp), f. & cert. ef. 1-31-05 thru 4-1-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 3-2006(Temp), f. & cert. ef. 1-27-06 thru 3-31-06; Administrative correction 4-19-06; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 14-2007(Temp), f. & cert. ef. 3-9-07 thru 9-4-07; DFW 15-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; Administrative correction 9-16-07; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 20-2008(Temp), f. 2-28-08, cert. ef. 2-29-08 thru 7-28-08; DFW 21-2008(Temp), f. & cert. ef. 3-5-08 thru 7-28-08; DFW 22-2008(Temp), f. 3-7-08, cert. ef. 3-10-08 thru 7-28-08; Administrative correction 8-21-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 6-2009(Temp), f. 1-30-09, cert. ef. 2-2-09 thru 8-1-09; DFW 11-2009(Temp), f. 2-13-09, cert. ef. 2-16-09 thru 7-31-09; DFW 22-2009(Temp), f. 3-5-09, cert. ef. 3-6-09 thru 7-31-09; Administrative correction 8-21-09; DFW 9-2010(Temp), f. & cert. ef. 2-3-10 thru 8-1-10; DFW 12-2010(Temp), f. 2-10-10, cert. ef. 2-11-10 thru 8-1-10; DFW 18-2010(Temp), f. 2-24-10, cert. ef. 2-26-10 thru 4-1-10; DFW 24-2010(Temp), f. 3-2-10, cert. ef. 3-3-10 thru 4-1-10; Administrative correction 4-21-10; DFW 8-2011(Temp), f. 1-31-11, cert. ef. 2-1-11 thru 4-1-11; DFW 9-2011(Temp), f. 2-9-11, cert. ef. 2-10-11 thru 4-1-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 5-2012(Temp), f. 1-30-12, cert. ef. 2-1-12 thru 3-31-12; DFW 18-2012(Temp), f. 2-28-12, cert. ef. 2-29-12 thru 6-15-12; DFW 19-2012(Temp), f. 3-2-12, cert. ef. 3-5-12 thru 6-15-12; DFW 20-2012(Temp), f. & cert. ef. 3-5-12 thru 6-15-12; DFW 46-2012(Temp), f. 5-14-12, cert. ef. 5-15-12 thru 6-30-12; Administrative correction, 8-1-12; DFW 9-2013(Temp), f. 1-31-13, cert. ef. 2-1-13 thru 3-31-13; DFW 15-2013(Temp), f. 2-22-13, cert. ef. 2-27-13 thru 6-15-13; DFW 18-2013(Temp), f. 3-5-13, cert. ef. 3-6-13 thru 6-15-13; DFW 35-2013(Temp), f. & cert. ef. 5-21-13 thru 6-30-13; DFW 48-2013(Temp), f. 6-7-13, cert. ef. 6-8-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 6-2014(Temp), f. 1-30-14, cert. ef. 2-1-14 thru 7-30-14; DFW 15-2014(Temp), f. 2-25-14, cert. ef. 2-26-14 thru 7-30-14; DFW 17-2014(Temp), f. 2-28-14, cert. ef. 3-1-14 thru 7-30-14; DFW 23-2014(Temp), f. 3-11-14, cert. ef. 3-12-14 thru 7-31-14; DFW 37-2014(Temp), f. & cert. ef. 5-6-14 thru 7-31-14; DFW 46-2014(Temp), f. 5-19-14, cert. ef. 5-20-14 thru 7-31-14; DFW 48-2014(Temp), f. 5-27-14, cert. ef. 5-28-14 thru 7-31-13; DFW 54-2014(Temp), f. 6-2-14, cert. ef. 6-3-14 thru 7-31-14

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**Rule Caption:** Columbia River and Youngs Bay Commercial Spring Chinook Fisheries Modified

**Adm. Order No.:** DFW 55-2014(Temp)

**Filed with Sec. of State:** 6-3-2014

**Certified to be Effective:** 6-4-14 thru 7-31-14

**Notice Publication Date:**

**Rules Amended:** 635-042-0022, 635-042-0145



# ADMINISTRATIVE RULES

**Rules Suspended:** 635-042-0022(T), 635-042-0145(T)

**Subject:** These amended rules set a non-Indian commercial spring Chinook drift net fishery for the mainstem Columbia River in Zones 1 thru 5 to commence from 6:00 p.m. Wednesday, June 4 through to 6:00 a.m. Thursday, June 5, 2014 (12 hours); and modifies harvest regulations for a spring commercial fishery previously adopted for the Youngs Bay Select Area of the Columbia River. Modifications were made consistent with Joint State Action taken June 3, 2014 by the Columbia River Compact agencies of the States of Oregon and Washington.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-042-0022

### Spring Chinook Gillnet and Tangle Net Fisheries

(1) Adipose fin-clipped Chinook salmon, sockeye, and shad may be taken by drift gillnet for commercial purposes from the mouth of the Columbia River upstream to Beacon Rock (Zones 1-5) during the period from 6:00 p.m. Wednesday, June 4 to 6:00 a.m. Thursday, June 5, 2014 (12 hours).

(2) An adipose fin clip salmon is defined as a hatchery salmon with a clipped adipose fin and having a healed scar at the location of the fin. The adipose fin is the small fatty fin on salmonids located between the dorsal fin and tail.

(3) During the spring Chinook tangle net fishery the minimum mesh size is 8 inches stretched taut. Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. Other permanent gear regulations remain in effect.

(4) Nets shall not exceed 900 feet (150 fathoms) in length. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25 fathom intervals must be in color contrast to the corks used in the remainder of the net.

(5) There are no restrictions on the use of slackers or stringers to slacken the net vertically.

(6) Nets shall be fished for no longer than 45 minutes per set. The time of fishing is measured from when the first mesh of the net is deployed into the water until the last mesh of the net is fully retrieved from the water.

(7) Nets fished from sunset to sunrise shall have lighted buoys on both ends of the net unless the net is attached to the boat then one lighted buoy on the opposite end of the net from the boat is required.

(8) Sturgeon, nonadipose fin-clipped Chinook salmon, and steelhead must be released immediately with care and the least possible injury to the fish to the river without violence or into an operating recovery box.

(a) One operating recovery box with two chambers or two operating recovery boxes with one chamber each to aid survival of released fish must be on board each fishing vessel participating in the fishery. Recovery boxes shall be operating during any time that a net is being retrieved or picked.

(b) Non-adipose fin-clipped Chinook salmon and all steelhead that are bleeding, in lethargic condition, or appearing dead must be placed in the recovery box for rehabilitation purposes prior to release to the river.

(c) Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39 1/2 to 48 inches, the inside width measurement must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches.

(d) Each chamber of the recovery box must include an operating water pumping system capable of delivering a minimum flow of 16 gallons per minute not to exceed 20 gallons per minute of fresh river water into each chamber. The fisher must demonstrate to the Department and Washington Department of Fish and Wildlife employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river water into each chamber.

(e) Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1 3/4 inches from the floor of the chamber.

(f) Each chamber of the recovery box must include a water outlet that is at least 1 1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber, on either the same or opposite end as the inlet.

(g) All fish placed in recovery boxes must be released to the river prior to landing or docking.

(9) At least one fisher on each boat engaged in the fishery must have attended a one-day workshop hosted by the Department or Washington Department of Fish and Wildlife to educate fishers on regulations and best methods for conduct of the fishery.

(10) Nothing in this section sets any precedent for any future spring Chinook fishery. The fact that an individual has attended a live capture training workshop does not entitle the individual to participate in any other fishery. If the Department authorizes a Live Capture fishery in the spring or at any other time, the Department may establish qualifications and requirements that are different from those already established. In particular, the Department may consider an individual's compliance with these rules in determining that individual's eligibility to participate in any future Live Capture fisheries.

(11) As authorized by OAR-635-006-0140 owners or operators of commercial fishing vessels must cooperate with Department fishery observers, or observers collecting data for the Department, when asked by the Department to carry and accommodate an observer on fishing trips for observation and sampling during an open fishery. In addition, cooperation with department personnel prior to a fishing period is expected.

(12) Closed waters, as described in OAR 635-042-0005 for Cowlitz River, Kalama-B, Lewis-B, Sandy and Washougal sanctuaries are in effect during the open fishing periods identified.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: DFW 11-2004, f. & cert. ef. 2-13-04; DFW 12-2004(Temp), f. & cert. ef. 3-1-04, thru 7-31-04; DFW 13-2004(Temp), f. & cert. ef. 3-3-04 thru 7-31-04; DFW 16-2004(Temp), f. & cert. ef. 3-8-04 thru 7-31-04; DFW 18-2004(Temp), f. & cert. ef. 3-10-04 thru 7-31-04; DFW 20-2004(Temp), f. & cert. ef. 3-15-04 thru 7-31-04; DFW 21-2004(Temp), f. & cert. ef. 3-18-04 thru 7-31-04; DFW 25-2004(Temp), f. & cert. ef. 3-22-04, cert. ef. 3-23-04 thru 7-31-04; DFW 26-2004(Temp), f. & cert. ef. 3-25-04 thru 7-31-04; DFW 27-2004(Temp), f. & cert. ef. 3-29-04 thru 7-31-04; Administrative correction 8-19-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 9-2005(Temp), f. & cert. ef. 3-1-05 thru 7-31-05; DFW 11-2005(Temp), f. & cert. ef. 3-3-05 & 7-31-05; DFW 13-2005(Temp), f. & cert. ef. 3-7-05 thru 7-31-05; DFW 14-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; DFW 20-2005(Temp), f. & cert. ef. 3-29-05 thru 3-30-05; DFW 21-2005(Temp), f. & cert. ef. 3-31-05 thru 4-1-05; Administrative correction, 4-20-05; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 7-2006(Temp), f. & cert. ef. 2-23-06 thru 7-31-06; DFW 9-2006(Temp), f. & cert. ef. 3-1-06, cert. ef. 3-2-06 thru 7-31-06; DFW 10-2006(Temp), f. & cert. ef. 3-7-06 thru 7-31-06; DFW 11-2006(Temp), f. & cert. ef. 3-9-06 thru 7-31-06; DFW 12-2006(Temp), f. & cert. ef. 3-13-06, cert. ef. 3-14-06 thru 7-31-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 30-2006(Temp), f. & cert. ef. 5-18-06 thru 7-31-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; Administrative correction 8-22-06; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 17-2007(Temp), f. & cert. ef. 3-20-07 thru 9-15-07; DFW 19-2007(Temp), f. & cert. ef. 3-22-07 thru 9-17-07; DFW 44-2007(Temp), f. & cert. ef. 6-14-07 thru 9-17-07; Administrative correction 9-18-07; DFW 31-2008(Temp), f. & cert. ef. 4-1-08 thru 9-27-08; DFW 33-2008(Temp), f. & cert. ef. 4-7-08, cert. ef. 4-8-08 thru 9-27-08; DFW 34-2008(Temp), f. & cert. ef. 4-14-08, cert. ef. 4-15-08 thru 9-27-08; Suspended by DFW 71-2008(Temp), f. & cert. ef. 6-27-08, cert. ef. 6-28-08 thru 8-31-08; Administrative correction 10-21-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 30-2009(Temp), f. & cert. ef. 3-23-09, cert. ef. 3-27-09 thru 4-30-09; DFW 34-2009(Temp), f. & cert. ef. 4-7-09 thru 4-30-09; DFW 36-2009(Temp), f. & cert. ef. 4-13-09, cert. ef. 4-14-09 thru 4-30-09; Administrative correction 5-20-09; DFW 38-2010(Temp), f. & cert. ef. 3-30-10 thru 4-30-10; DFW 41-2010(Temp), f. & cert. ef. 4-6-10, cert. ef. 4-7-10 thru 4-30-10; Administrative correction 5-19-10; DFW 25-2011(Temp), f. & cert. ef. 3-29-11 thru 4-1-11; DFW 27-2011(Temp), f. & cert. ef. 4-5-11, cert. ef. 4-6-11 thru 4-10-11; Administrative correction, 4-25-11; DFW 45-2011(Temp), f. & cert. ef. 5-12-11 thru 6-30-11; DFW 51-2011(Temp), f. & cert. ef. 5-18-11 thru 6-30-11; Administrative correction 7-22-11; DFW 29-2012(Temp), f. & cert. ef. 4-2-12, cert. ef. 4-3-12 thru 4-30-12; DFW 32-2012(Temp), f. & cert. ef. 4-9-12, cert. ef. 4-10-12 thru 4-30-12; Administrative correction, 5-25-12; DFW 27-2013(Temp), f. & cert. ef. 4-8-13, cert. ef. 4-9-13 thru 4-30-13; DFW 34-2013(Temp), f. & cert. ef. 5-14-13, cert. ef. 5-15-13 thru 7-31-13; DFW 37-2013(Temp), f. & cert. ef. 5-22-13 thru 5-31-13; DFW 45-2013(Temp), f. & cert. ef. 5-29-13 thru 6-15-13; Administrative correction, 7-18-13; DFW 28-2014(Temp), f. & cert. ef. 3-31-14, cert. ef. 4-1-14 thru 7-31-14; DFW 38-2014(Temp), f. & cert. ef. 5-7-14 thru 7-31-14; DFW 43-2014(Temp), f. & cert. ef. 5-14-14, cert. ef. 5-20-14 thru 7-31-14; DFW 50-2014(Temp), f. & cert. ef. 5-28-14 thru 7-31-14; DFW 55-2014(Temp), f. & cert. ef. 6-4-14 thru 7-31-14

## 635-042-0145

### Youngs Bay Salmon Season

(1) Salmon and shad may be taken for commercial purposes in waters of Youngs Bay as described below.

(a) The 2014 open fishing periods are established in three segments categorized as the winter fishery, subsection (1)(a)(A); the spring fishery, subsection (1)(a)(B); and summer fishery, subsection (1)(a)(C), as follows:

(A) Winter Season: None scheduled.

(B) Spring Season: Entire Youngs Bay from April 17 through Friday, June 13 during the following periods:

Noon Mondays through Noon Fridays (4 days/week) from May 12 through June 13 (16 days total) except that retention and sale of non-adipose fin-clipped Chinook is prohibited from 6:00 p.m. Wednesday, June 4 through 12:00 noon Thursday, June 5, 2014 (18 hours).

(C) Summer Season: Beginning June 16 the following open periods apply:

Noon Mondays through Noon Fridays (4 days/week) from June 16 through July 4 (12 days);

Noon Monday July 7 through Noon Thursday July 10 (3 days); and

# ADMINISTRATIVE RULES

Noon Tuesdays through Noon Thursdays (48 hrs/week) from July 15 through July 31 (6 days).

(b) For the winter fisheries, the waters of Youngs Bay from the Highway 101 Bridge upstream to the upper boundary markers at the confluence of the Klaskanine and Youngs rivers including the lower Walluski River upstream to the Highway 202 Bridge are open. Those waters southerly of the alternate Highway 101 Bridge (Lewis and Clark River) are closed. For the spring and summer fisheries the fishing area is identified as the waters of Youngs Bay from the Highway 101 Bridge upstream to the upper boundary markers at the confluence of the Klaskanine and Youngs rivers and includes 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.

(2) Gill nets may not exceed 1,500 feet (250 fathoms) in length and weight may not exceed two pounds per any fathom except the use of additional weights and/or anchors attached directly to the headline is allowed upstream of markers located approximately 200 yards upstream of the mouth of the Walluski River during all Youngs Bay commercial fisheries. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25-fathom intervals must be in color contrast to the corks used in the remainder of the net.

(a) It is unlawful to use a gill net having a mesh size that is less than 7 inches during the winter season. It is unlawful to use a gill net having a mesh size that is more than 9.75 inches during the spring and summer seasons.

(b) Nets not specifically authorized for use in these areas may be onboard a vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(3) Non-resident commercial fishing and boat licenses are not required for Washington fishers participating in Youngs Bay commercial fisheries. A valid fishing and boat license issued by the state of Washington is considered adequate for participation in this fishery. The open area for non-resident commercial fishers includes all areas open for commercial fishing.

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. 8-8-87; FWC 73-1988, f. & ef. 8-19-88; FWC 55-1989(Temp), f. 8-7-89, cert. ef. 8-20-89; FWC 82-1990(Temp), f. 8-14-90, cert. ef. 8-19-90; FWC 86-1991, f. 8-7-91, cert. ef. 8-18-91; FWC 123-1991(Temp), f. & ef. 10-21-91; FWC 30-1992(Temp), f. & ef. 4-27-92; FWC 35-1992(Temp), f. 5-22-92, cert. ef. 5-25-92; FWC 74-1992 (Temp), f. 8-10-92, cert. ef. 8-16-92; FWC 28-1993(Temp), f. & ef. 4-26-93; FWC 48-1993, f. 8-6-93, cert. ef. 8-9-93; FWC 21-1994(Temp), f. 4-22-94, cert. ef. 4-25-94; FWC 51-1994, f. 8-19-94, cert. ef. 8-22-94; FWC 64-1994(Temp), f. 9-14-94, cert. ef. 9-15-94; FWC 66-1994(Temp), f. & ef. 9-20-94; FWC 27-1995, f. 3-29-95, cert. ef. 4-1-95; FWC 48-1995(Temp), f. & ef. 6-5-95; FWC 66-1995, f. 8-22-95, cert. ef. 8-27-95; FWC 69-1995, f. 8-25-95, cert. ef. 8-27-95; FWC 8-1995, f. 2-28-96, cert. ef. 3-1-96; FWC 37-1996(Temp), f. 6-11-96, cert. ef. 6-12-96; FWC 41-1996, f. & ef. 8-12-96; FWC 45-1996(Temp), f. 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; DFW 8-1998(Temp), f. & ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & ef. 3-3-98; DFW 18-1998(Temp), f. 3-9-98, cert. ef. 3-11-98 thru 3-31-98; DFW 60-1998(Temp), f. & ef. 8-7-98 thru 8-21-98; DFW 67-1998, f. & ef. 8-24-98; DFW 10-1999, f. & ef. 2-26-99; DFW 52-1999(Temp), f. & ef. 8-2-99 thru 8-6-99; DFW 55-1999, f. & ef. 8-12-99; DFW 9-2000, f. & ef. 2-25-00; DFW 42-2000, f. & ef. 8-3-00; DFW 3-2001, f. & ef. 2-6-01; DFW 66-2001(Temp), f. 8-2-01, cert. ef. 8-6-01 thru 8-14-01; DFW 76-2001(Temp), f. & ef. 8-20-01 thru 10-31-01; DFW 106-2001(Temp), f. & ef. 10-26-01 thru 12-31-01; DFW 15-2002(Temp), f. & ef. 2-20-02 thru 8-18-02; DFW 82-2002(Temp), f. 8-5-02, cert. ef. 8-7-02 thru 9-1-02; DFW 96-2002(Temp), f. & ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & ef. 2-14-03; DFW 17-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 8-1-03; DFW 32-2003(Temp), f. & ef. 4-23-03 thru 8-1-03; DFW 34-2003(Temp), f. & ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 37-2003(Temp), f. & ef. 5-7-03 thru 10-1-03; DFW 75-2003(Temp), f. & ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & ef. 2-13-04; DFW 19-2004(Temp), f. & ef. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & ef. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. 4-8-04, cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 109-2004(Temp), f. & ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & ef. 2-14-05; DFW 15-2005(Temp), f. & ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & ef. 5-10-05 thru 10-16-05; DFW 46-2005(Temp), f. 5-17-05, cert. ef. 5-18-05 thru 10-16-05; DFW 73-2005(Temp), f. 7-8-05, cert. ef. 7-11-05 thru 7-31-05; DFW 77-2005(Temp), f. 7-14-05, cert. ef. 7-18-05 thru 7-31-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & 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. 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. 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. 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. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & 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. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 45-2007(Temp), f. 6-15-07, cert. ef. 6-25-07 thru 7-31-07; DFW 50-2007(Temp), f. 6-29-07, cert. ef. 7-4-07 thru 7-31-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 30-2008(Temp), f. 3-27-08, cert. ef. 3-30-08 thru 8-28-08; DFW 48-2008(Temp), f. & 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. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 24-2009(Temp), f. 3-10-09, cert. ef. 3-11-09 thru 7-31-09; DFW 49-2009(Temp), f. 5-14-09, cert. ef. 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; DFW 17-2010(Temp), f. & 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. 3-11-10, cert. ef. 3-14-10 thru 7-31-10; DFW 35-2010(Temp), f. 3-23-10, cert. ef. 3-24-10 thru 7-31-10; DFW 40-2010(Temp), f. & 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 110-2010(Temp), f. 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. 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. 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. 6-24-11, cert. ef. 6-27-11 thru 7-29-11; DFW 106-2011(Temp), f. 8-2-11, cert. ef. 8-3-11 thru 10-31-11; DFW 121-2011(Temp), f. 8-29-11, cert. ef. 9-5-11 thru 10-31-11; Administrative correction 11-18-11; DFW 12-2012(Temp), f. 2-8-12, cert. ef. 2-12-12 thru 7-31-12; DFW 24-2012(Temp), f. 3-15-12, cert. ef. 3-18-12 thru 7-31-12; DFW 26-2012(Temp), f. 3-20-12, cert. ef. 3-21-12 thru 7-31-12; DFW 27-2012(Temp), f. 3-27-12, cert. ef. 3-29-12 thru 7-31-12; DFW 28-2012(Temp), f. 3-30-12, cert. ef. 4-1-12 thru 7-31-12; DFW 30-2012(Temp), f. 4-4-12, cert. ef. 4-5-12 thru 7-31-12; DFW 36-2012(Temp), f. 4-16-12, cert. ef. 4-19-12 thru 7-31-12; DFW 82-2012(Temp), f. 6-29-12, cert. ef. 7-2-12 thru 7-31-12; DFW 96-2012(Temp), f. 7-30-12, cert. ef. 8-1-12 thru 10-31-12; Administrative correction 11-23-12; DFW 11-2013(Temp), f. 2-8-13, cert. ef. 2-11-13 thru 7-31-13; DFW 22-2013(Temp), f. 3-12-13, cert. ef. 3-13-13 thru 7-31-13; DFW 34-2013(Temp), f. 5-14-13, cert. ef. 5-15-13 thru 7-31-13; DFW 36-2013(Temp), f. & 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. 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; DFW 109-2013(Temp), f. 9-27-13, cert. ef. 9-30-13 thru 10-31-13; Administrative correction 11-22-13; DFW 8-2014(Temp), f. & ef. 2-10-14 thru 7-31-14; DFW 18-2014(Temp), f. 3-7-14, cert. ef. 3-10-14 thru 7-30-14; DFW 25-2014(Temp), f. 3-13-14, cert. ef. 3-17-14 thru 7-31-14; DFW 32-2014(Temp), f. 4-21-14, cert. ef. 4-22-14 thru 7-31-14; DFW 35-2014(Temp), f. & ef. 4-24-14 thru 7-31-14; DFW 39-2014(Temp), f. 5-7-14, cert. ef. 5-8-14 thru 7-31-14; DFW 45-2014(Temp), f. 5-14-14, cert. ef. 5-20-14 thru 7-31-14; DFW 51-2014(Temp), f. & ef. 5-28-14 thru 7-31-14; DFW 55-2014(Temp), f. 6-3-14, cert. ef. 6-4-14 thru 7-31-14

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**Rule Caption:** Columbia River Recreational Sturgeon Season Closes In the John Day Pool

**Adm. Order No.:** DFW 56-2014(Temp)

**Filed with Sec. of State:** 6-9-2014

**Certified to be Effective:** 6-13-14 thru 7-31-14

**Notice Publication Date:**

**Rules Amended:** 635-023-0095

**Rules Suspended:** 635-023-0095(T)

**Subject:** This amended rule closes the spring recreational white sturgeon retention fishery in the John Day Pool of the Columbia River at 12:01 a.m. Saturday, June 14, 2014 when total harvest for this fishery is projected to reach the harvest guideline. Revisions are consistent with action taken June 3, 2014 by Columbia River Compact agencies of the states of Oregon and Washington.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-023-0095

### Sturgeon Season

(1) The 2014 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 2014 Oregon Sport Fishing Regulations.

(2) Retention of white sturgeon between 38-54 inches in fork length is allowed Friday June 13, Saturday June 14, Friday June 20, and Saturday June 21, 2014 in the mainstem Columbia River from Bonneville Dam upstream to The Dalles Dam (Bonneville Pool) including adjacent tributaries.

(3) Effective 12:01 a.m. Saturday, June 14, 2014 the John Day Pool and adjacent tributaries are closed to retention of white sturgeon.



# ADMINISTRATIVE RULES

(4) Effective January 1, 2014, the annual bag limit for white sturgeon is two (2) fish.

(5) Angling for sturgeon is prohibited from:

(a) Bonneville Dam downstream 9 miles to a line crossing the Columbia River from Navigation Marker 82 on the Oregon shore westerly to a boundary marker on the Washington shore upstream of Fir Point from May 1 through August 31;

(b) Highway 395 Bridge upstream to McNary Dam;

(c) From the west end of the grain silo at Rufus upstream to John Day Dam during May 1 through July 31;

(d) From the Dalles Dam downstream 1.8 miles to the east (upstream) dock at the Port of The Dalles boat ramp on the the Oregon shore straight across to a marker on the Washington shore from May 1 through July 31; and

(e) The upper and lower ends of Sand Island and corresponding markers on the Oregon shoreline (slough at Rooster Rock State Park) from January 1 through April 30.

(6) The mainstem Columbia River from McNary Dam upstream to the Oregon-Washington border at river mile 309.5 is open to retention of white sturgeon with a fork length of 43-54 inches, seven days per week from February 1 through July 31.

(7) Retention of green sturgeon is prohibited all year in all areas.

(8) Catch-and-release angling is allowed year-round except as described above in sections (5)(a) through (5)(e).

(9) Effective January 1, 2014, the mainstem Columbia River from the mouth at Buoy 10 upstream to Bonneville including Oregon tributaries upstream to the mainline railroad bridges, is closed to the retention of white sturgeon.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: DFW 129-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 2-28-05; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 22-2005(Temp), f. 4-1-05, cert. ef. 4-30-05 thru 7-31-05; DFW 50-2005(Temp), f. 6-3-05, cert. ef. 6-11-05 thru 11-30-05; DFW 60-2005(Temp), f. 6-21-05, cert. ef. 6-24-05 thru 12-21-05; DFW 65-2005(Temp), f. 6-30-05, cert. ef. 7-10-05 thru 12-31-05; DFW 76-2005(Temp), f. 7-14-05, cert. ef. 7-18-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 145-2005(Temp), f. 12-21-05, cert. ef. 1-1-06 thru 3-31-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 19-2006(Temp), f. 4-6-06, cert. ef. 4-8-06 thru 7-31-06; DFW 54-2006(Temp), f. 6-29-06, cert. ef. 7-1-06 thru 12-27-06; DFW 62-2006(Temp), f. 7-13-06, cert. ef. 7-24-06 thru 12-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 131-2006(Temp), f. 12-20-06, cert. ef. 1-1-07 thru 6-29-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 20-2007(Temp), f. 3-26-07, cert. ef. 3-28-07 thru 7-30-07; DFW 38-2007(Temp), f. & cert. ef. 5-31-07 thru 11-26-07; DFW 59-2007(Temp), f. 7-18-07, cert. ef. 7-29-07 thru 12-31-07; DFW 75-2007(Temp), f. 8-17-07, cert. ef. 8-18-07 thru 12-31-07; DFW 102-2007(Temp), f. 9-28-07, cert. ef. 10-1-07 thru 12-31-07; DFW 135-2007(Temp), f. 12-28-07, cert. ef. 1-1-08 thru 6-28-08; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 8-2008, f. & cert. ef. 2-11-08; DFW 23-2008(Temp), f. 3-12-08, cert. ef. 3-15-08 thru 9-10-08; DFW 28-2008(Temp), f. 3-24-08, cert. ef. 3-26-08 thru 9-10-08; DFW 72-2008(Temp), f. 6-30-08, cert. ef. 7-10-08 thru 12-31-08; DFW 78-2008(Temp), f. 7-9-08, cert. ef. 7-12-08 thru 12-31-08; DFW 86-2008(Temp), f. & cert. ef. 7-25-08 thru 12-31-08; DFW 148-2008(Temp), f. 12-19-08, cert. ef. 1-1-09 thru 6-29-09; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 18-2009, f. & cert. ef. 2-26-09; DFW 33-2009(Temp), f. 4-2-09, cert. ef. 4-13-09 thru 10-9-09; DFW 63-2009(Temp), f. 6-3-09, cert. ef. 6-6-09 thru 10-9-09; DFW 83-2009(Temp), f. 7-8-09, cert. ef. 7-9-09 thru 12-31-09; DFW 86-2009(Temp), f. 7-22-09, cert. ef. 7-24-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 13-2010(Temp), f. 2-16-10, cert. ef. 2-21-10 thru 7-31-10; DFW 19-2010(Temp), f. 2-26-10, cert. ef. 3-1-10 thru 8-27-10; DFW 34-2010, f. 3-16-10, cert. ef. 4-1-10; DFW 49-2010(Temp), f. 4-27-10, cert. ef. 4-29-10 thru 7-31-10; DFW 50-2010(Temp), f. 4-29-10, cert. ef. 5-6-10 thru 11-10-10; DFW 88-2010(Temp), f. 6-25-10, cert. ef. 6-26-10 thru 7-31-10; DFW 91-2010(Temp), f. 6-29-10, cert. ef. 8-1-10 thru 12-31-10; DFW 99-2010(Temp), f. 7-13-10, cert. ef. 7-15-10 thru 12-31-10; DFW 165-2010(Temp), f. 12-28-10, cert. ef. 1-1-11 thru 6-29-11; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 11-2011(Temp), f. 2-10-11, cert. ef. 2-11-11 thru 7-31-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 26-2011(Temp), f. 4-5-11, cert. ef. 4-10-11 thru 9-30-11; DFW 74-2011(Temp), f. 6-24-11, cert. ef. 6-27-11 thru 7-31-11; DFW 87-2011(Temp), f. 7-8-11, cert. ef. 7-9-11 thru 7-31-11; DFW 96-2011(Temp), f. 7-20-11, cert. ef. 7-30-11 thru 12-31-11; DFW 129-2011(Temp), f. 9-15-11, cert. ef. 9-30-11 thru 12-31-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 1-2012(Temp), f. & cert. ef. 1-5-12 thru 7-2-12; DFW 10-2012, f. & cert. ef. 2-7-12; DFW 16-2012(Temp), f. 2-14-12, cert. ef. 2-18-12 thru 7-31-12; DFW 44-2012(Temp), f. 5-1-12, cert. ef. 5-20-12 thru 7-31-12; DFW 73-2012(Temp), f. 6-29-12, cert. ef. 7-1-12 thru 8-31-12; DFW 97-2012(Temp), f. 7-30-12, cert. ef. 8-1-12 thru 12-31-12; DFW 129-2012(Temp), f. 10-3-12, cert. ef. 10-20-12 thru 12-31-12; DFW 140-2012(Temp), f. 10-31-12, cert. ef. 11-4-12 thru 12-31-12; DFW 152-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 154-2012(Temp), f. 12-28-12, cert. ef. 1-1-13 thru 2-28-13; DFW 12-2013(Temp), f. 2-12-13, cert. ef. 2-28-13 thru 7-31-13; DFW 23-2013(Temp), f. 3-20-13, cert. ef. 4-1-13 thru 9-27-13; DFW 47-2013(Temp), f. 5-30-13, cert. ef. 6-14-13 thru 9-30-13; DFW 59-2013(Temp), f. 6-19-13, cert. ef. 6-21-13 thru 10-31-13; DFW 64-2013(Temp), f. 6-27-13, cert. ef. 6-29-13 thru 10-31-13; DFW 104-2013(Temp), f. 9-13-13, cert. ef. 10-19-13 thru 12-31-13; DFW 126-2013(Temp), f. 10-31-13, cert. ef. 11-12-13 thru 12-31-13; DFW 135-2013(Temp), f. 12-12-13, cert. ef. 1-1-14 thru 1-31-14; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 5-2014(Temp), f. 1-30-14, cert. ef. 2-1-14 thru 7-30-14; DFW 14-2014(Temp), f. 2-20-14, cert. ef. 2-24-14 thru 7-31-14; DFW 27-2014(Temp), f. 3-28-14, cert. ef. 5-1-14 thru 7-31-14; DFW 56-2014(Temp), f. 6-9-14, cert. ef. 6-13-14 thru 7-31-14

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**Rule Caption:** Powder River Sport Spring Chinook Fishery Opens  
**Adm. Order No.:** DFW 57-2014(Temp)  
**Filed with Sec. of State:** 6-9-2014

**Certified to be Effective:** 6-11-14 thru 9-1-14

**Notice Publication Date:**

**Rules Amended:** 635-021-0090

**Subject:** This amended rule allows recreational fishers a unique opportunity to harvest spring Chinook salmon in the Powder River beginning June 11 through September 1, 2014. Rule modifications allow sport anglers to harvest spring Chinook salmon which have been trapped on the Snake River and transported to the Powder River specifically for this purpose. These salmon are in excess of the number needed to provide sport fisheries on the Snake River.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

**635-021-0090**

**Inclusions and Modifications**

(1) **2014 Oregon Sport Fishing Regulations** provide requirements for the Southeast Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2014 Oregon Sport Fishing Regulations**.

(2) The Powder River is open to angling for spring Chinook salmon from Hughes Lane Bridge near Baker City upstream to Mason Dam beginning June 11 through September 1, 2014.

(a) The daily bag limit is two (2) adipose fin-clipped Chinook; two daily limits in possession.

(b) All other General, Statewide and Southeast Zone Regulations, as provided in the 2014 Oregon Sport Fishing Regulations, remain in effect.

[Publications referenced are available from the agency.]

Stat. Auth.: ORS 183.325, 496.138 & 496.146

Stats. Implemented: ORS 496.162

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 76-1994(Temp), f. & cert. ef. 10-17-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 55-2001(Temp), f. & cert. ef. 6-29-01 thru 12-26-01; DFW 56-2001(Temp), f. & cert. ef. 6-29-01 thru 12-26-01; DFW 85-2001(Temp), f. & cert. ef. 8-30-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 54-2002(Temp), f. 5-24-02, cert. ef. 6-15-02 thru 12-1-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 93-2002(Temp), f. 8-22-02, cert. ef. 8-24-02 thru 12-31-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 80-2003(Temp), f. & cert. ef. 8-22-03 thru 9-30-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 101-2005(Temp), f. 8-31-05, cert. ef. 9-2-05 thru 9-30-05; Administrative correction 10-19-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 36-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 9-30-07; DFW 54-2007(Temp), f. 7-6-07, cert. ef. 7-14-07 thru 9-30-07; DFW 62-2007(Temp), f. 7-31-07, cert. ef. 8-1-07 thru 9-30-07; Administrative correction 10-16-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 51-2008(Temp), f. 5-16-08, cert. ef. 5-31-08 thru 9-1-08; DFW 74-2008(Temp), f. 7-3-08, cert. ef. 7-4-08 thru 9-1-08; DFW 77-2008(Temp), f. & cert. ef. 7-9-08 thru 9-1-08; Administrative correction 9-29-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 53-2009(Temp), f. 5-18-09, cert. ef. 5-30-09 thru 9-1-09; DFW 62-2009(Temp), f. 6-2-09, cert. ef. 6-13-09 thru 9-1-09; DFW 79-2009(Temp), f. 6-30-09, cert. ef. 7-5-09 thru 9-1-09; Administrative correction 9-29-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 52-2010(Temp), f. 4-30-10, cert. ef. 5-1-10 thru 9-30-10; DFW 60-2010(Temp), f. 5-13-10, cert. ef. 5-22-10 thru 9-30-10; DFW 67-2010(Temp), f. 5-18-10, cert. ef. 5-22-10 thru 9-30-10; DFW 78-2010(Temp), f. 6-10-10, cert. ef. 6-11-10 thru 9-1-10; Administrative correction 9-22-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 50-2011(Temp), f. 5-16-11, cert. ef. 5-28-11 thru 9-1-11; Administrative correction 9-23-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 60-2012(Temp), f. 6-11-12, cert. ef. 6-13-12 thru 9-1-12; DFW 114-2012(Temp), f. 8-30-12, cert. ef. 9-1-12 thru 2-27-13; DFW 117-2012(Temp), f. 9-5-12, cert. ef. 9-7-12 thru 2-27-13; DFW 122-2012(Temp), f. 9-21-12, cert. ef. 9-21-12 thru 12-31-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 61-2013(Temp), f. 6-24-13, cert. ef. 7-1-13 thru 12-27-13; DFW 93-2013(Temp), f. 8-22-13, cert. ef. 8-24-13 thru 12-31-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 57-2014(Temp), f. 6-9-14, cert. ef. 6-11-14 thru 9-1-14

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**Rule Caption:** Spring Chinook Fisheries Open In the Imnaha and Wallowa Rivers.

**Adm. Order No.:** DFW 58-2014(Temp)

**Filed with Sec. of State:** 6-9-2014

**Certified to be Effective:** 6-21-14 thru 8-31-14

**Notice Publication Date:**

**Rules Amended:** 635-019-0090

**Rules Suspended:** 635-019-0090(T)

**Subject:** This amended rule allows recreational anglers opportunities to harvest adipose fin-clipped adult Chinook salmon and adipose fin-clipped jack Chinook salmon, which are in excess of the Department's hatchery production needs, in the Imnaha and Wallowa rivers beginning Saturday, June 21, 2014 until harvest guidelines are met.  
**Rules Coordinator:** Therese Kucera—(503) 947-6033



# ADMINISTRATIVE RULES

635-019-0090

## Inclusions and Modifications

(1) The **2014 Oregon Sport Fishing Regulations** provide requirements for the Northeast Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2014 Oregon Sport Fishing Regulations**.

(2) The John Day River from the Longview Ranch's Johnson Creek Division Bridge (located approximately 200 feet upstream from the mouth of the North Fork John Day River) upstream to the mouth of Rattlesnake Creek (19.5 miles) near the south end of Picture Gorge is open to angling for adult Chinook salmon from May 17 through June 15, 2014.

(a) The daily bag limit is two (2) adult Chinook and five (5) jacks; two daily limits in possession. It is illegal to continue fishing for jack Chinook once the adult daily bag limit is met.

(b) Statewide salmon gear restrictions apply.

(c) All other General, Statewide and Northeast Zone Regulations, as provided in the **2014 Oregon Sport Fishing Regulations**, remain in effect.

(3) Lookingglass Creek from the Moses Creek Lane Bridge (County Road 42) to the confluence of Jarboe Creek is open to angling for adipose fin-clipped spring Chinook salmon from May 31, 2014 until further notice.

(a) The daily bag limit is two (2) adipose fin-clipped adult Chinook and five (5) adipose fin-clipped jacks; two daily limits in possession. It is illegal to continue fishing for jack Chinook once the adult bag limit is met.

(b) During the duration of the spring Chinook angling season, the area closure listed for Lookingglass Creek in the Northeast Zone Special Regulations is modified to: Lookingglass Creek closed between Jarboe Creek and 200 feet upstream of the hatchery water intake.

(c) Hook gap restrictions listed in the Northeast Zone Special Regulations for Lookingglass Creek are removed for the duration of the spring Chinook angling season.

(d) All other General, Statewide and Northeast Zone Regulations, as provided in the **2014 Oregon Sport Fishing Regulations**, remain in effect.

(4) The Imnaha River from the mouth to Summit Creek Bridge (River Mile 45) is open to angling for adipose fin-clipped adult Chinook salmon from June 21, 2014 until further notice.

(a) The daily bag limit is two (2) adipose fin-clipped adult Chinook and five (5) adipose fin-clipped jacks; two daily jack salmon limits in possession. It is illegal to continue fishing for jack Chinook once the adult bag limit is met.

(b) All other General, Statewide and Northeast Zone Regulations, as provided in the **2014 Oregon Sport Fishing Regulations**, remain in effect.

(5) The Wallowa River from a deadline at the lower end of Minam State Park upstream to the confluence with the Lostine River is open to angling for adipose fin-clipped adult Chinook salmon from June 21, 2014 until further notice.

(a) The daily bag limit is two (2) adipose fin-clipped adult Chinook and five (5) adipose fin-clipped jacks; two daily jack salmon limits in possession. It is illegal to continue fishing for jack Chinook once the adult bag limit is met.

(b) All other General, Statewide and Northeast Zone Regulations, as provided in the **2014 Oregon Sport Fishing Regulations**, remain in effect.

Stat. Auth.: ORS 183.325, 496.138 & 496.146

Stats. Implemented: ORS 496.162

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 57-1994(Temp), f. 8-30-94, cert. ef. 10-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 70-1995, f. 8-29-95, cert. ef. 9-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 27-1996(Temp), f. 5-24-96, cert. ef. 5-25-96; FWC 57-1996(Temp), f. 9-27-96, cert. ef. 10-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 26-1997(Temp), f. 4-23-97, cert. ef. 5-17-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 13-1998(Temp), f. & cert. ef. 2-26-98 thru 4-15-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 5-1999(Temp), f. 2-5-99, cert. ef. 2-6-99 thru 2-19-99; DFW 8-1999(Temp), f. & cert. ef. 2-23-99 thru 4-15-99; DFW 37-1999(Temp), f. 5-24-99, cert. ef. 5-29-99 thru 6-5-99; DFW 43-1999(Temp), f. & cert. ef. 6-10-99 thru 6-13-99; DFW 45-1999(Temp), f. & cert. ef. 6-14-99 thru 6-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 17-2000(Temp), f. 4-10-00, cert. ef. 4-16-00 thru 6-30-00; DFW 64-2000(Temp), f. 9-21-00, cert. ef. 9-22-00 thru 3-20-01; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 5-2001(Temp), f. 2-22-01, cert. ef. 2-24-01 thru 4-15-01; DFW 39-2001(Temp), f. 5-23-01, cert. ef. 5-26-01 thru 7-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 45-2001(Temp), f. 6-1-01, cert. ef. 6-2-01 thru 7-31-01; DFW 49-2001(Temp), f. 6-19-01, cert. ef. 6-22-01 thru 7-31-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 71-2001(Temp), f. 8-10-01, cert. ef. 9-1-01 thru 12-31-01; DFW 96-2001(Temp), f. 10-4-01, cert. ef. 12-1-01 thru 12-31-01; DFW 122-2001(Temp), f. & cert. ef. 12-31-01 thru 5-31-02; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 52-2002(Temp), f. 5-22-02, cert. ef. 5-26-02 thru 7-1-02; DFW 53-2002(Temp), f. 5-24-02, cert. ef. 5-26-02 thru 7-1-02; DFW 57-2002(Temp), f. & cert. ef. 5-30-02 thru 7-1-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 44-2003(Temp), f. 5-23-03, cert. ef. 5-28-03 thru 7-1-03; DFW 48-2003(Temp), f. & cert. ef. 6-5-03 thru 7-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 40-2004(Temp), f. 5-7-04, cert. ef. 5-13-04 thru 7-1-04; DFW 46-2004(Temp), f. 5-21-04, cert. ef. 5-22-04 thru 7-1-04; DFW 55-2004(Temp), f. 6-16-04, cert. ef. 6-19-04 thru 7-5-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 42-

2005(Temp), f. & cert. ef. 5-13-05 thru 9-1-05; DFW 61-2005(Temp), f. 6-22-05, cert. ef. 6-25-05 thru 7-4-05; Administrative correction 7-20-05; DFW 99-2005(Temp), f. 8-24-05, cert. ef. 8-26-05 thru 9-30-05; Administrative correction 10-19-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 28-2006(Temp), f. & cert. ef. 5-15-06 thru 6-30-06; DFW 33-2006(Temp), f. 5-24-06, cert. ef. 5-25-06 thru 6-30-06; Administrative correction 7-21-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 12-2007(Temp), f. 2-28-07, cert. ef. 3-1-07 thru 8-27-07; DFW 30-2007(Temp), f. 5-9-07, cert. ef. 5-10-07 thru 9-30-07; DFW 34-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 9-30-07; Administrative correction 10-16-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 56-2008(Temp), f. 5-30-08, cert. ef. 5-31-08 thru 6-30-08; DFW 76-2008(Temp), f. & cert. ef. 7-9-08 thru 9-1-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 128-2009(Temp), f. 10-12-09, cert. ef. 10-18-09 thru 4-15-10; DFW 131-2009(Temp), f. 10-14-09, cert. ef. 10-18-09 thru 4-15-10; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 54-2010(Temp), f. 5-6-10, cert. ef. 5-22-10 thru 9-1-10; DFW 95-2010(Temp), f. 7-1-10, cert. ef. 7-11-10 thru 9-1-10; DFW 102-2010(Temp), f. 7-20-10, cert. ef. 7-25-10 thru 9-1-10; Administrative correction 9-22-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 49-2011(Temp), f. 5-16-11, cert. ef. 5-28-11 thru 9-1-11; DFW 64-2011(Temp), f. 6-10-11, cert. ef. 6-13-11 thru 9-1-11; DFW 90-2011(Temp), f. & cert. ef. 7-11-11 thru 9-1-11; DFW 92-2011(Temp), f. 7-12-11, cert. ef. 7-16-11 thru 10-31-11; DFW 99-2011(Temp), f. 7-21-11, cert. ef. 7-23-11 thru 9-1-11; DFW 104-2011(Temp), f. 8-1-11, cert. ef. 8-7-11 thru 9-1-11; Administrative correction 9-23-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 48-2012(Temp), f. 5-18-12, cert. ef. 5-23-12 thru 9-1-12; DFW 50-2012(Temp), f. 5-22-12, cert. ef. 5-24-12 thru 9-1-12; DFW 61-2012(Temp), f. & cert. ef. 6-11-12 thru 8-31-12; DFW 69-2012(Temp), f. 6-20-12, cert. ef. 6-22-12 thru 9-1-12; DFW 70-2012(Temp), f. 6-26-12, cert. ef. 6-27-12 thru 9-1-12; DFW 72-2012(Temp), f. 6-29-12, cert. ef. 7-1-12 thru 8-31-12; DFW 86-2012(Temp), f. 7-10-12, cert. ef. 7-15-12 thru 9-1-12; Administrative correction 9-20-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 153-2012(Temp), f. 12-28-12, cert. ef. 1-1-13 thru 4-30-13; DFW 31-2013(Temp), f. 5-14-13, cert. ef. 5-16-13 thru 6-30-13; DFW 39-2013(Temp), f. 5-22-13, cert. ef. 5-24-13 thru 11-19-13; DFW 46-2013(Temp), f. 5-30-13, cert. ef. 6-1-13 thru 11-26-13; DFW 62-2013(Temp), f. 6-26-13, cert. ef. 7-5-13 thru 12-31-13; DFW 74-2013(Temp), f. 7-15-13, cert. ef. 7-19-13 thru 9-1-13; Administrative correction 11-1-13; DFW 121-2013(Temp), f. 10-24-13, cert. ef. 11-1-13 thru 12-31-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 42-2014(Temp), f. 5-12-14, cert. ef. 5-17-14 thru 6-1-14; DFW 47-2014(Temp), f. 5-27-14, cert. ef. 5-31-14 thru 7-31-14; DFW 53-2014(Temp), f. 5-28-14, cert. ef. 6-1-14 thru 7-31-14; DFW 58-2014(Temp), f. 6-9-14, cert. ef. 6-21-14 thru 8-31-14

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**Rule Caption:** Columbia River Zone 6 Treaty Indian Commercial Gill Net Fishery Authorized

**Adm. Order No.:** DFW 59-2014(Temp)

**Filed with Sec. of State:** 6-9-2014

**Certified to be Effective:** 6-10-14 thru 7-31-14

**Notice Publication Date:**

**Rules Amended:** 635-041-0065

**Rules Suspended:** 635-041-0065(T)

**Subject:** This amended rule authorizes the sales of fish caught in a Treaty tribal commercial gill net fishery in all of Zone 6 of the Columbia River from 6:00 a.m. Tuesday, June 10 through 6:00 p.m. Thursday, June 12, 2014 (2.5 days). Modifications are consistent with action taken June 9, 2014 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

## 635-041-0065

### Spring Season

(1) Salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from the Zone 6 Columbia River Treaty Indian Fishery, from 6:00 p.m. Tuesday, May 6 through 11:59 p.m. Thursday, July 31, 2014.

(2) Gear is restricted to subsistence fishing gear which includes hoop-nets, dipnets, and rod and reel with hook-and-line. Beginning at 6:00 a.m. Tuesday, June 10, through 6:00 p.m. Thursday, June 12, 2014 (2.5 days) fish may also be taken by gill net. There are no mesh size restrictions.

(3) Closed areas as set forth in OAR 635-041-0045 remain in effect with the exception of Spring Creek Hatchery sanctuary.

(4) White sturgeon between 43–54 inches in fork length caught in The Dalles Pool and John Day pools and white sturgeon between 38–54 inches in fork length caught in the Bonneville Pool may not be sold but may be retained for subsistence use.

(5) Effective 6:00 p.m. May 6 through 11:59 p.m. Thursday, July 31, 2014, commercial sales of salmon, steelhead, walleye, shad, catfish, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; and Drano Lake are allowed for Yakama Nation members during those days and hours when these tributaries are open under lawfully enacted Yakama Nation fishing periods. Sturgeon between 43–54 inches in fork length harvested in tributaries within The Dalles or John Day pools and sturgeon between 38–54 inches in fork length harvested in tributaries within Bonneville Pool may not be sold but may be kept for subsistence purposes.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

# ADMINISTRATIVE RULES

Hist.: FWC 89, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79; FWC 13-1979(Temp), f. & ef. 3-30-1979, Renumbered from 635-035-0065; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 2-1983, f. 1-21-83, ef. 2-1-83; FWC 4-1984, f. & ef. 1-31-84; FWC 2-1985, f. & ef. 1-30-85; FWC 4-1986(Temp), f. & ef. 1-28-86; FWC 7-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 3-1988(Temp), f. & cert. ef. 1-29-88; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 5-1989, f. 2-6-89, cert. ef. 2-7-89; FWC 13-1989(Temp), f. & cert. ef. 3-21-89; FWC 15-1990(Temp), f. 2-8-90, cert. ef. 2-9-90; FWC 20-1990, f. 3-6-90, cert. ef. 3-15-90; FWC 13-1992(Temp), f. & cert. ef. 3-5-92; FWC 7-1993, f. & cert. ef. 2-1-93; FWC 12-1993(Temp), f. & cert. ef. 2-22-93; FWC 18-1993(Temp), f. & cert. ef. 3-2-93; FWC 7-1994, f. & cert. ef. 2-1-94; FWC 11-1994(Temp), f. & cert. ef. 2-28-94; FWC 9-1995, f. & cert. ef. 2-1-95; FWC 19-1995(Temp), f. & cert. ef. 3-3-95; FWC 5-1996, f. & cert. ef. 2-7-96; FWC 4-1997, f. & cert. ef. 1-30-97; FWC 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-3-98; DFW 20-1998(Temp), f. & cert. ef. 3-13-98 thru 3-20-98; DFW 23-1998(Temp), f. & cert. ef. 3-20-98 thru 6-30-98; DFW 2-1999(Temp), f. & cert. ef. 2-1-99 through 2-19-99; DFW 9-1999, f. & cert. ef. 2-26-99; DFW 14-1999(Temp), f. 3-5-99, cert. ef. 3-6-99 thru 3-20-99; Administrative correction 11-17-99; DFW 6-2000(Temp), f. & cert. ef. 2-1-00 thru 2-29-00; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 19-2000, f. 3-18-00, cert. ef. 3-18-00 thru 3-21-00; DFW 26-2000(Temp), f. 5-4-00, cert. ef. 5-6-00 thru 5-28-00; Administrative correction 5-22-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 14-2001(Temp), f. 3-12-01, cert. ef. 3-14-01 thru 3-21-01; Administrative correction 6-20-01; DFW 9-2002, f. & cert. ef. 2-1-02; DFW 11-2002(Temp), f. & cert. ef. 2-8-02 thru 8-7-02; DFW 17-2002(Temp), f. 3-7-02, cert. ef. 3-8-02 thru 9-1-02; DFW 18-2002(Temp), f. 3-13-02, cert. ef. 3-15-02 thru 9-11-02; DFW 134-2002(Temp), f. & cert. ef. 12-19-02 thru 4-1-03; DFW 20-2003(Temp), f. 3-12-03, cert. ef. 3-13-03 thru 4-1-03; DFW 131-2003(Temp), f. 12-26-03, cert. ef. 1-1-04 thru 4-1-04; DFW 5-2004(Temp), f. 1-26-04, cert. ef. 2-2-04 thru 4-1-04; DFW 15-2004(Temp), f. 3-8-04, cert. ef. 3-10-04 thru 4-1-04; DFW 130-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 4-1-05; DFW 4-2005(Temp), f. & cert. ef. 1-31-05 thru 4-1-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 3-2006(Temp), f. & cert. ef. 1-27-06 thru 3-31-06; Administrative correction 4-19-06; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 14-2007(Temp), f. & cert. ef. 3-9-07 thru 9-4-07; DFW 15-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; Administrative correction 9-16-07; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 20-2008(Temp), f. 2-28-08, cert. ef. 2-29-08 thru 7-28-08; DFW 21-2008(Temp), f. & cert. ef. 3-5-08 thru 7-28-08; DFW 22-2008(Temp), f. 3-7-08, cert. ef. 3-10-08 thru 7-28-08; Administrative correction 8-21-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 6-2009(Temp), f. 1-30-09, cert. ef. 2-2-09 thru 8-1-09; DFW 11-2009(Temp), f. 2-13-09, cert. ef. 2-16-09 thru 7-31-09; DFW 22-2009(Temp), f. 3-5-09, cert. ef. 3-6-09 thru 7-31-09; Administrative correction 8-21-09; DFW 9-2010(Temp), f. & cert. ef. 2-3-10 thru 8-1-10; DFW 12-2010(Temp), f. 2-10-10, cert. ef. 2-11-10 thru 8-1-10; DFW 18-2010(Temp), f. 2-24-10, cert. ef. 2-26-10 thru 4-1-10; DFW 24-2010(Temp), f. 3-2-10, cert. ef. 3-3-10 thru 4-1-10; Administrative correction 4-21-10; DFW 8-2011(Temp), f. 1-31-11, cert. ef. 2-1-11 thru 4-1-11; DFW 9-2011(Temp), f. 2-9-11, cert. ef. 2-10-11 thru 4-1-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 5-2012(Temp), f. 1-30-12, cert. ef. 2-1-12 thru 3-31-12; DFW 18-2012(Temp), f. 2-28-12, cert. ef. 2-29-12 thru 6-15-12; DFW 19-2012(Temp), f. 3-2-12, cert. ef. 3-5-12 thru 6-15-12; DFW 20-2012(Temp), f. & cert. ef. 3-5-12 thru 6-15-12; DFW 46-2012(Temp), f. 5-14-12, cert. ef. 5-15-12 thru 6-30-12; Administrative correction, 8-1-12; DFW 9-2013(Temp), f. 1-31-13, cert. ef. 2-1-13 thru 3-31-13; DFW 15-2013(Temp), f. 2-22-13, cert. ef. 2-27-13 thru 6-15-13; DFW 18-2013(Temp), f. 3-5-13, cert. ef. 3-6-13 thru 6-15-13; DFW 35-2013(Temp), f. & cert. ef. 5-21-13 thru 6-30-13; DFW 48-2013(Temp), f. 6-7-13, cert. ef. 6-8-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 6-2014(Temp), f. 1-30-14, cert. ef. 2-1-14 thru 7-30-14; DFW 15-2014(Temp), f. 2-25-14, cert. ef. 2-26-14 thru 7-30-14; DFW 17-2014(Temp), f. 2-28-14, cert. ef. 3-1-14 thru 7-30-14; DFW 23-2014(Temp), f. 3-11-14, cert. ef. 3-12-14 thru 7-31-14; DFW 37-2014(Temp), f. & cert. ef. 5-6-14 thru 7-31-14; DFW 46-2014(Temp), f. 5-19-14, cert. ef. 5-20-14 thru 7-31-14; DFW 48-2014(Temp), f. 5-27-14, cert. ef. 5-28-14 thru 7-31-13; DFW 54-2014(Temp), f. 6-2-14, cert. ef. 6-3-14 thru 7-31-14; DFW 59-2014(Temp), f. 6-9-14, cert. ef. 6-10-14 thru 7-31-14

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**Rule Caption:** Amend rules related to the Coastal Multi-Species Conservation and Management Plan

**Adm. Order No.:** DFW 60-2014

**Filed with Sec. of State:** 6-10-2014

**Certified to be Effective:** 6-10-14

**Notice Publication Date:** 5-1-2014

**Rules Adopted:** 635-500-6775

**Rules Amended:** 635-500-0200, 635-500-0385, 635-500-0500, 635-500-0600, 635-500-4010, 635-500-4310, 635-500-4510, 635-500-4810, 635-500-5010, 635-500-5210

**Rules Repealed:** 635-500-0130, 635-500-0135, 635-500-0140, 635-500-0145, 635-500-0150, 635-500-0175, 635-500-0390, 635-500-0400, 635-500-0405, 635-500-0415, 635-500-0420, 635-500-0425, 635-500-0505, 635-500-0515, 635-500-0520, 635-500-0605, 635-500-0610, 635-500-0620, 635-500-0625, 635-500-0630, 635-500-4030, 635-500-4040, 635-500-4060, 635-500-4070, 635-500-4330, 635-500-4340, 635-500-4350, 635-500-4370, 635-500-4380, 635-500-4530, 635-500-4540, 635-500-4550, 635-500-4560, 635-500-4580, 635-500-4590, 635-500-4600, 635-500-4830, 635-500-4840, 635-500-4850, 635-500-4860, 635-500-4880, 635-500-4890, 635-500-5030, 635-500-5040, 635-500-5050, 635-500-5070, 635-500-5080, 635-500-5230, 635-500-5240, 635-500-5250, 635-500-5270, 635-500-5280, 635-500-5290, 635-500-5400

**Subject:** These adopted, amended and repealed rules are relating to implementation of the Coastal Multi-Species Conservation and Man-

agement Plan as determined necessary by the Oregon Fish and Wildlife Commission. Housekeeping and technical corrections to regulations relating to hatcheries and harvest opportunities; predators; regulatory programs; water quality; and adaptive management were performed as determined necessary to ensure rule consistency.  
**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-500-0200

### Management Objectives for North Umpqua River Below Soda Springs Dam

The Department of Fish and Wildlife will emphasize summer and winter steelhead and spring chinook in the North Umpqua River below Soda Springs Dam. Coho shall be managed for the production of naturally produced coho with an option for a hatchery program consistent with provisions in OAR 635-500-6500 (Oregon Coast Coho Conservation Plan for the State of Oregon). Fall Chinook will be emphasized in other areas where better habitat exists. The Department shall proceed with programs and other efforts to achieve the following objectives, consistent with state law, agency policy and rule, and recognizing funding priorities for the agency. The following objectives will govern management of salmonid populations in the North Umpqua River basin below Soda Springs Dam.

(1) All issues related to management of salmon (except coho), steelhead, and cutthroat trout in this area are addressed in the Coastal Multi-Species Conservation and Management Plan (635-500-6775).

(2) Coho:

(a) Recover the naturally produced coho population in the North Umpqua River Basin consistent with the six measurable criteria for desired status contained in OAR 635-500-6500 (Oregon Coast Coho Conservation Plan for the State of Oregon).

(b) Recover Umpqua River Basin naturally produced coho salmon sufficiently to prevent restrictions on fisheries targeting other species or fin clipped hatchery coho, and sufficiently to provide for future harvest in the North Umpqua Basin consistent with OAR 635-500-6500 (Oregon Coast Coho Conservation Plan for the State of Oregon).

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 12-1986, f. & ef. 4-17-86, Renumbered from 635-500-0001; DFW 22-2007, f. & cert. ef. 4-5-07; DFW 60-2014, f. & cert. ef. 6-10-14

## 635-500-0385

### Organization of Rules

Administrative rules for the Coos River basin contained in OAR 635-500-0385 through 635-500-0480 apply to all waters of the Coos River basin. All issues related to management of salmon (except coho), steelhead, and cutthroat trout in this basin are addressed in the Coastal Multi-Species Conservation and Management Plan (635-500-6775).

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 110-1990, f. & cert. ef. 10-1-90; DFW 60-2014, f. & cert. ef. 6-10-14

## 635-500-0500

### Organization of Rules

Administrative rules for the Tenmile Lakes basin contained in OAR 635-500-0500 through 635-500-0565 apply to all waters of the Tenmile Lakes basin. All issues related to management of salmon (except coho), steelhead, and cutthroat trout in this basin are addressed in the Coastal Multi-Species Conservation and Management Plan (635-500-6775).

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 14-1991, f. 2-28-91, cert. ef. 3-1-91; DFW 60-2014, f. & cert. ef. 6-10-14

## 635-500-0600

### Organization of Rules

Administrative rules for the Yaquina River basin contained in OAR 635-500-0600 through 635-500-0685 apply to all waters of the Yaquina River basin. All issues related to management of salmon (except coho), steelhead, and cutthroat trout in this basin are addressed in the Coastal Multi-Species Conservation and Management Plan (635-500-6775).

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 15-1991, f. 2-28-91, cert. ef. 3-1-91; DFW 60-2014, f. & cert. ef. 6-10-14

## 635-500-4010

### Organization of Rules

Administrative rules for the mid-coast small ocean tributary streams are contained in OAR 635-500-4020 through 635-500-4100. All issues related to management of salmon (except coho), steelhead, and cutthroat

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trout in these streams are addressed in the Coastal Multi-Species Conservation and Management Plan (635-500-6775).

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98; DFW 60-2014, f. & cert. ef. 6-10-14

## 635-500-4310

### Organization of Rules

Administrative rules for the Salmon River Basin fish management plan are contained in OAR 635-500-4320 through 635-500-4410. All issues related to management of salmon (except coho), steelhead, and cutthroat trout in this basin are addressed in the Coastal Multi-Species Conservation and Management Plan (635-500-6775).

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98; DFW 60-2014, f. & cert. ef. 6-10-14

## 635-500-4510

### Organization of Rules

Administrative rules for the Siletz River Basin fish management plan are contained in OAR 635-500-4520 through 635-500-4640. All issues related to management of salmon (except coho), steelhead, and cutthroat trout in this basin are addressed in the Coastal Multi-Species Conservation and Management Plan (635-500-6775).

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98; DFW 60-2014, f. & cert. ef. 6-10-14

## 635-500-4810

### Organization of Rules

Administrative rules for the Alsea River Basin fish management plan are contained in OAR 635-500-4820 through 635-500-4930. All issues related to management of salmon (except coho), steelhead, and cutthroat trout in this basin are addressed in the Coastal Multi-Species Conservation and Management Plan (635-500-6775).

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98; DFW 60-2014, f. & cert. ef. 6-10-14

## 635-500-5010

### Organization of Rules

Administrative rules for the Yachats River Basin fish management plan are contained in OAR 635-500-5020 through 635-500-5110. All issues related to management of salmon (except coho), steelhead, and cutthroat trout in this basin are addressed in the Coastal Multi-Species Conservation and Management Plan (635-500-6775).

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98; DFW 60-2014, f. & cert. ef. 6-10-14

## 635-500-5210

### Organization of Rules

Administrative rules for the Siuslaw River Basin fish management plan are contained in OAR 635-500-5220 through 635-500-5340. All issues related to management of salmon (except coho), steelhead, and cutthroat trout in this basin are addressed in the Coastal Multi-Species Conservation and Management Plan (635-500-6775).

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98; DFW 60-2014, f. & cert. ef. 6-10-14

## 635-500-6775

### Implementing the Coastal Multi-Species Conservation and Management Plan

(1) Policy. The Coastal Multi-Species Conservation and Management Plan (CMP) (State of Oregon 2014, available at the Department's Salem office or [www.dfw.state.or.us](http://www.dfw.state.or.us)) implements the State's strategy for protecting, enhancing and utilizing Oregon populations of Chinook salmon, spring Chinook salmon, chum salmon, winter steelhead, summer steelhead, and coastal cutthroat trout along the Oregon coast from Elk River near Cape Blanco to the Necanicum River near Seaside. The CMP is based on the premise that the Oregon Plan for Salmon and Watersheds provides the best vehicle for securing partnerships, both private and governmental, to successfully implement the actions called for in this plan. This rule describes the Commission's contribution toward this collective effort and directs the Department's implementation of the CMP. This rule describes the Department's role in implementing the CMP consistent with the Department's statutory authorities and the Native Fish Conservation Policy (OAR 635-007-0502 thru 635-007-0505). The rule is not intended to be a rigid recipe but rather to identify the range of opportunities the Department

should pursue and how the effectiveness of those opportunities should be evaluated, following the template first established in the Native Fish Conservation Policy.

(2) Description of Species Management Units (SMUs) and Populations. The SMUs for Oregon Coastal salmon, steelhead, and trout which are addressed in the CMP are comprised of geographical strata and independent populations, as listed in Table 2 of the CMP.

(3) Desired Status. The first desired status goal for Oregon Coastal salmon, steelhead and trout SMUs is to assure that all populations that are currently viable remain so, and that those not viable become so. The second goal is that eventual improvements in salmon, steelhead and trout survival from management actions provide for all populations to be highly viable and productive enough that they can provide greater ecological and fisheries benefits than are currently being provided. The desired status goals for the SMUs shall be achieved when:

(a) For the first desired status goal, viable populations identified in Table A-II: 11 of the CMP maintain the current level of metrics and scores identified in this table and populations that are not viable in this table (excluding Netarts chum, which may not be an independent population) have metrics and scores indicating they are viable, and

(b) For the second desired status goal, all independent Oregon Coastal salmon, steelhead and trout populations pass all of the measurable criteria for highly viable status. Measurable criteria for the second desired status of Oregon Coastal salmon, steelhead and trout SMUs are defined in Table A-III: 1 of the CMP for the following primary biological attributes:

(A) Abundance (adult fish abundance for constituent populations);

(B) Productivity (standardized rate of population growth for constituent natural populations);

(C) Persistence (forecast likelihood of SMU persistence in the near and long terms);

(D) Spatial structure (distribution of populations within unit and population connectivity); and

(E) Diversity (within and among population diversity);

(c) While criteria for survival rate to each critical life history stage cannot yet be developed with the available information and monitoring, staff shall establish such criteria for these biological attributes when adequate information and monitoring are available.

(4) Current Status. The current status of each Oregon Coastal salmon, steelhead and trout SMU at the time of the adoption of this rule is described in the CMP. The Overall Status Assessment Approach section of the Current Status chapter and Table A-II: 11 of the CMP summarize the biological attributes, criteria and metrics used to assess the status of each SMU. Those biological attributes, criteria, and metrics are adopted by reference into this rule.

(5) Primary Limiting Factors.

(a) Numerous factors contribute to the gap between current and desired status of populations comprising the Oregon Coastal salmon, steelhead and trout SMUs. Marine survival of salmon, steelhead and trout associated with ocean conditions is the largest single factor regulating salmon, steelhead and trout productivity and abundance at the SMU scale. Although ocean conditions are not manageable at the scale of this plan and are thus not considered a primary limiting factor, attention to other limiting factors will be heightened during periods of poor ocean conditions.

(b) The limiting factors generally causing the gap between current and desired status for the Oregon Coastal salmon, steelhead and trout SMUs that can be managed are broadly defined as:

(A) Hatchery interactions;

(B) Fishing and harvest impacts;

(C) Interactions with other species (including predators); and

(D) Habitat loss or degradation.

(c) Primary and secondary limiting factors are identified for each population within each SMU in Table 11 of the Desired Status and Limiting Factors chapter of the CMP. Staff will continue to help revise and identify new management actions addressing these factors to aid in reaching desired status. Staff may analyze the limiting factors at a finer, more localized scale when selecting or prioritizing management actions for specific areas within populations. These analyses may find primary and secondary factors different at a local scale than what was found at the SMU or population scale.

(6) Management Strategies. Management strategies to address limiting factors for each population are identified in the Management Strategies and Actions chapter of the CMP. Staff shall consider and attempt to implement these management strategies designed for the SMUs as a whole, and for constituent populations as applicable, as mechanisms to reach the desired status. Short-term (1 to 5 years) and long-term (1 to 25 years) strategies include:



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(a) Manage hatchery programs to provide optimal harvest opportunities while being consistent with Desired Status targets for wild populations identified in the CMP.

(b) Manage for wild fish emphasis or hatchery fish programs in the appropriate Management Areas as outlined in Figure 13 of the CMP and obtain Commission approval for starting new or eliminating existing hatchery programs in a management area relative to those in Table 13 and Table 14 of the CMP (excluding educational and research programs).

(c) Manage recreational and commercial fisheries to provide harvest and angling opportunities consistent with conservation of naturally produced salmon steelhead and trout, and achievement of desired status goals for each SMU.

(d) Quantify impacts of predation on wild and hatchery salmon, steelhead and trout; and develop and support programs to reduce predation.

(e) Prohibit the introduction of non-native fin fish species into flowing waters and develop and support programs designed to decrease illegal introductions of non-native species.

(f) Work with habitat restoration implementers to complete or update watershed assessments (as necessary), prioritize watersheds for restoration, and implement watershed-scale restoration work to restore natural processes.

(g) Work with habitat restoration implementers to increase restoration activities in lower mainstem rivers and estuaries.

(h) Protect all habitat areas where chum salmon are currently known to spawn, and prioritize habitat rehabilitation and barrier removal work that expands the habitat base for chum.

(i) Actively pursue and promote habitat protection and restoration necessary to achieve the goals and management strategies for aquatic resources within the CMP area by means of the tactics identified in Table 21 of the CMP.

(j) Coordinate with and advise other agencies, tribes, landowners, water users, watershed councils, and others to implement habitat protection and restoration activities, with an emphasis on habitat protection and a focus on priority projects (as opposed to non-priority and opportunistic projects).

(k) Consistent with the Habitat Mitigation Policy (OAR 635-415-0000) and natural ecosystem processes, work to prevent or reduce potential losses of fish production from land and water use actions and habitat alteration to the extent possible, encourage utilization of Best Management Practices for habitat protection when conducting land and water use projects, and promote greater coordination among government partners to facilitate protective measures against emerging threats such as placer mining, climate change, and invasive species.

(l) Consider and demonstrate preference for alternatives which address both natural hazard damage mitigation and restoration of natural disturbance regimes and habitat function when implementing and making recommendations about natural hazard mitigation actions that address hazards such as flooding or fire.

(7) Adaptive Management. The Department shall employ adaptive management principles within its statutory authority in support of optimizing fisheries and achieving the desired status goals for the SMUs. The Department's adaptive management of the SMUs will include five elements: research; monitoring; evaluation; a feedback loop; and reporting.

(a) Research. The Department shall support high priority research that addresses uncertainties related to SMU or population status and management strategies and actions needed to optimize fisheries and achieve desired status. Future research needs shall be identified during periodic assessments of the effectiveness of the CMP and with the development and update of research plans for the Department and Oregon Hatchery Research Center.

(b) Monitoring. The Department shall continue to identify, implement, and support monitoring needed to assess the status of each Oregon Coastal salmon, steelhead and trout SMU, strata, or populations relative to desired status criteria, evaluate habitat status trends, and understand fishery characteristics as funding and staffing allow.

(c) Evaluation. The Department shall identify and support evaluation needed to apply research and monitoring results to modify monitoring and management, re-assess status, and determine the effectiveness of management strategies and actions in achieving their intended outcomes.

(d) Feedback Loop. The Department shall review the results of reports and assessments identified in 635-500-6775(7)(e) and modify management strategies and actions as appropriate and within its statutory authority based on the review results. The Department shall implement the Adaptive Management processes and recommend to other agencies or entities, as necessary, appropriate modifications to management strategies and

actions needed to optimize fisheries and support attainment of the desired status goals for each SMU. This feedback shall include refinement of management actions, research, monitoring and evaluation programs and desired status criteria based on the best available scientific information.

(A) The Department shall propose modifications to the CMP if any Oregon Coastal salmon, steelhead, or trout addressed in the CMP become listed under the federal ESA or if a status assessment determines an SMU has become non-viable.

(B) Deterioration in ESU status based on critical abundance thresholds and criteria identified in Table A-III:2 (with notes) of the CMP will also trigger management action re-evaluation, as well as possible additional management actions and CMP modification.

(C) Annual reports described in 635-500-6775(7)(e) will serve as an early warning system that will direct additional monitoring, evaluation, or management actions, if needed, based on annual review of monitoring data.

(e) Reporting. Annual and periodic evaluations of CMP implementation and SMU status shall be made available to the public. The Department shall prepare annual reports and conduct a 12 year (through 2026) status assessment of SMUs and populations. Additional assessments will be conducted as necessitated by new information or significant population declines.

(8) Impact on Other Native Fish Species. Management strategies identified in the CMP are likely to be beneficial to other native fish species present in the SMUs because they focus on restoring natural processes. New or modified actions shall consider impacts to other native species, as appropriate, to minimize harm and optimize benefits.

Stat. Auth.: ORS 496.138, 496.146 & 506.119  
Stats. Implemented: ORS 506.109 & 506.129  
Hist.: DFW 60-2014, f. & cert. ef. 6-10-14

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**Rule Caption:** 2014 Ocean Salmon Regulations for State Marine Waters

**Adm. Order No.:** DFW 61-2014

**Filed with Sec. of State:** 6-10-2014

**Certified to be Effective:** 6-10-14

**Notice Publication Date:** 5-1-2014

**Rules Amended:** 635-003-0003, 635-003-0077, 635-003-0078, 635-003-0085, 635-013-0003, 635-013-0007

**Rules Repealed:** 635-003-0003(T), 635-013-0003(T)

**Subject:** Amended rules relate to commercial and sport salmon fisheries in the Pacific Ocean. Modifications were also made to regulations for commercial and sport salmon fisheries in both the Elk River and Chetco River Terminal Areas. Housekeeping and technical corrections to the regulations were made to ensure rule consistency.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-003-0003

### Purpose and Scope

(1) The purpose of division 3 is to provide for management of commercial salmon fisheries off the Oregon Coast over which the state has jurisdiction.

(2) Division 3 incorporates into Oregon Administrative Rules, by reference, the annual ocean troll salmon specifications and management measures as adopted by the Pacific Fishery Management Council in its annual Ocean Salmon Management Measures and Impacts, as finalized in April 2014, and in addition to the extent they are consistent with these rules, Code of Federal Regulations (CFR), Title 50, Part 660, Subpart H (61FR34572, July 2, 1996, as amended to incorporate the standards in the Pacific Fishery Management Council referenced document). Therefore, persons must consult the Pacific Fishery Management Council referenced document and Federal Regulations in addition to Division 003 to determine all applicable troll salmon fishing requirements. A copy of the Pacific Fishery Management Council referenced document and the Federal Regulations may be obtained by contacting the Pacific Fishery Management Council at [www.pcouncil.org](http://www.pcouncil.org) or at 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384.

(3) To the extent not preempted by Federal law, these regulations apply within the State of Oregon's Fisheries Conservation Zone (out to fifty miles from shore).

Stat. Auth.: ORS 496.138, 496.146 & 506.119  
Stats. Implemented: ORS 506.129

Hist.: FWC 29-1989, f. 4-28-89, cert. ef. 5-1-89; FWC 25-1994, f. & cert. ef. 5-2-94; FWC 20-1996, f. & cert. ef. 4-29-96; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 38-2000, f. & cert. ef. 7-3-00; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 32-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 26-2006(Temp), f. 4-

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20-06, cert. ef. 5-1-06 thru 10-27-06; Administrative correction, 11-16-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 36-2008, f. 4-21-08, cert. ef. 5-1-08; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 72-2010, f. & cert. ef. 5-25-10; DFW 34-2011, f. 4-27-11, cert. ef. 5-1-11; DFW 38-2012, f. 4-24-12, cert. ef. 5-1-12; DFW 28-2013(Temp), f. 4-25-13, cert. ef. 5-1-13 thru 5-15-13; DFW 33-2013, f. & cert. ef. 5-14-13; DFW 41-2014(Temp), f. & cert. ef. 5-8-14 thru 6-30-14; DFW 61-2014, f. & cert. ef. 6-10-14

## 635-003-0077

### US-Canada Border to Cape Falcon

All vessels participating in the commercial ocean salmon fishery North of Cape Falcon must land their fish within the area North of Cape Falcon or in Garibaldi, Oregon, and within 24 hours of any closure of this fishery. All fishers landing salmon caught North of Cape Falcon must notify ODFW within one hour of delivery, limited fish sellers must notify ODFW within one hour of landing and prior to initiation of any sales, and all fishers intending to transport fish away from the port of landing must notify ODFW prior to transport away from the port of landing by calling (541) 867-0300 extension 271 or by sending an e-mail to: [nfalcon.trolleport@state.or.us](mailto:nfalcon.trolleport@state.or.us). Notification shall include vessel name and number, number of salmon by species, location of delivery, and estimated time of delivery.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.129

Hist: DFW 6-2005, f. & cert. ef. 2-14-05; DFW 36-2005(Temp), f. & cert. ef. 5-4-05 thru 10-27-05; DFW 48-2005(Temp), f. 5-23-05, cert. ef. 5-24-05 thru 10-27-05; DFW 49-2005(Temp), f. 6-1-05, cert. ef. 6-3-05 thru 10-27-05; DFW 59-2005(Temp), f. 6-21-05, cert. ef. 6-26-05 thru 10-27-05; DFW 97-2005(Temp), f. & cert. ef. 8-23-05 thru 12-31-05; Administrative correction 1-19-06; DFW 43-2006(Temp), f. & cert. ef. 6-16-06 thru 11-16-06; DFW 70-2006(Temp), f. 7-28-06, cert. ef. 7-29-06 thru 12-31-06; DFW 85-2006(Temp), f. 8-18-06, cert. ef. 8-19-06 thru 2-14-07; DFW 93-2006(Temp), f. 9-7-06, cert. ef. 9-8-06 thru 12-31-06; Administrative correction 1-16-07; DFW 48-2007(Temp), f. 6-22-07, cert. ef. 6-23-07 thru 9-16-07; DFW 73-2007(Temp), f. 8-17-07, cert. ef. 8-18-07 thru 9-30-07; Administrative correction 10-16-07; DFW 66-2008(Temp), f. 6-20-08, cert. ef. 6-21-08 thru 10-31-08; Administrative correction 11-18-08; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 61-2014, f. & cert. ef. 6-10-14

## 635-003-0078

### Humbug Mountain to the Oregon/California Border

All vessels participating in any commercial ocean salmon fishery between Humbug Mountain and the Oregon/California Border that is managed under any salmon quota or harvest guideline must land their fish in Port Orford, Gold Beach, or Brookings, Oregon, and within 24 hours of any closure. All fishers landing salmon caught within this area during any season managed under any salmon quota or harvest guideline must notify ODFW within one hour of delivery, limited fish sellers must notify ODFW within one hour of landing and prior to initiation of any sales, and all fishers intending to transport fish away from the port of landing must notify ODFW prior to transport away from the port of landing by calling (541) 867-0300 extension 252 or by sending an e-mail to: [kmzor.trolleport@state.or.us](mailto:kmzor.trolleport@state.or.us). Notification shall include vessel name and number, number of salmon by species, location of delivery, and estimated time of delivery.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.129

Hist: DFW 6-2005, f. & cert. ef. 2-14-05; DFW 71-2007(Temp), f. & cert. ef. 8-14-07 thru 8-31-07; Administrative correction 9-16-07; DFW 61-2014, f. & cert. ef. 6-10-14

## 635-003-0085

### Extended Commercial Seasons

In addition to the open seasons prescribed in OAR 635-003-0003 there are open seasons for Chinook salmon as follows:

(1) Elk River Ocean Terminal Area — from November 1 through November 30 in the area described in section (1)(a) of this rule.

(a) The open area is all Pacific Ocean waters shoreward of a line drawn from Cape Blanco (42°50'20" N. Lat.) thence SW to Black Rock (42°49'24" N. Lat. 124°35'00" W. Long.), thence SSW to Best Rock (42°47'24" N. Lat. 124°35'42" W. Long.), thence SE to 42°40'30" N. Lat. 124°29'00" W. Long., thence to shore (Humbug Mountain).

(b) During the season described in this section (1), it is *unlawful* to take Chinook salmon less than 26 inches in total length; it is *unlawful* to use multipoint or barbed hooks or to fish more than four spreads per line; and it is *unlawful* to have in possession or to land more than 20 Chinook per day taken in this fishery. Landings are restricted to Port Orford.

(2) Chetco River Ocean Terminal Area — from October 12 through the earlier of October 31 or quota of 600 Chinook in the area described in section (3)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area south of the north shore of Twin Rocks (42°05'36" N. Lat.) to the Oregon/California border (42°00'00" N. Lat.) and seaward three nautical miles offshore;

(b) During the season described in this section (3) it is *unlawful* to take Chinook salmon less than 28 inches in total length; it is *unlawful* to use

multipoint or barbed hooks, or to fish more than four spreads per line; and it is *unlawful* to have in possession or to land more than 20 Chinook per day taken in this fishery. Landings are restricted to Brookings.

(c) All vessels landing salmon caught in this season must report to ODFW within one hour of delivery or prior to transport away from the port of landing by either calling (541) 867-0300, ext. 252 or by e-mail to [kmzor.trolleport@state.or.us](mailto:kmzor.trolleport@state.or.us). Notification shall include vessel name and number, number of salmon by species, port of landing, location of delivery, and estimated time of delivery.

Stat. Auth.: ORS 496.138, 496.146, & 506.119

Stats. Implemented: ORS 506.129

Hist: FWC 48-1984(Temp), f. & cert. ef. 8-31-84; 57-1984(Temp), f. & cert. ef. 9-15-84; FWC 59-1986(Temp), f. & cert. ef. 9-19-86; FWC 106-1992(Temp), f. 10-8-92, cert. ef. 10-24-92; FWC 111-1992(Temp), f. 10-26-92, cert. ef. 10-27-92; FWC 62-1993, f. & cert. ef. 10-1-93; FWC 56-1994, f. 8-30-94, cert. ef. 9-1-94; FWC 80-1994(Temp), f. 10-25-94, cert. ef. 10-26-94; FWC 82-1994(Temp), f. 10-28-94, cert. ef. 10-30-94; FWC 81-1995, f. 9-29-95, cert. ef. 10-1-95; FWC 85-1995(Temp), f. & cert. ef. 10-20-95; FWC 56-1996, f. 9-27-96, cert. ef. 10-1-96; FWC 30-1997, f. & cert. ef. 5-5-97; FWC 66-1997(Temp), f. 10-24-97, cert. ef. 10-26-97; FWC 67-1997(Temp), f. 10-28-97, cert. ef. 10-29-97; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; DFW 78-2006(Temp), f. 8-7-06, cert. ef. 9-1-06 thru 12-15-06; Administrative correction 12-16-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 65-2008(Temp), f. 6-20-08, cert. ef. 9-1-08 thru 12-31-08; DFW 128-2008(Temp), f. 10-9-08, cert. ef. 10-12-08 thru 12-31-08; Administrative correction 1-23-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 102-2009(Temp), f. 8-27-09, cert. ef. 9-1-09 thru 12-31-09; DFW 132-2009(Temp), f. & cert. ef. 10-19-09 thru 10-31-09; Administrative correction 11-19-09; DFW 76-2010, f. 6-8-10, cert. ef. 8-1-10; DFW 147-2010(Temp), f. & cert. ef. 10-15-10 thru 10-31-10; DFW 151-2010(Temp), f. 10-19-10, cert. ef. 10-20-10 thru 10-31-10; DFW 153-2010(Temp), f. & cert. ef. 10-29-10 thru 10-31-10; Administrative correction 11-23-10; DFW 83-2011, f. 6-30-11, cert. ef. 7-1-11; DFW 62-2012, f. 6-12-12, cert. ef. 7-1-12; DFW 61-2014, f. & cert. ef. 6-10-14

## 635-013-0003

### Purpose and Scope

(1) The purpose of division 13 is to provide for management of sport salmon fisheries off the Oregon Coast over which the State has jurisdiction.

(2) This rule incorporates by reference, the annual ocean sport salmon specifications and management measures as adopted by the Pacific Fishery Management Council in its annual Ocean Salmon Management Measures and Impacts, as finalized in April 2014, and in addition to the extent they are consistent with these rules, Code of Federal Regulations (CFR), Title 50, Part 660, Subparts A and H.

(3) This rule also incorporates by reference the Oregon Sport Fishing Regulations.

(4) A copy of the Pacific Fishery Management Council referenced document and the Federal Regulations may be obtained by contacting the Pacific Fishery Management Council at [www.pfcouncil.org](http://www.pfcouncil.org) or at 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384.

(5) To the extent not preempted by Federal law, these regulations apply within the State of Oregon's Fisheries Conservation Zone (out to fifty miles from shore).

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: FWC 44-1984(Temp), f. & cert. ef. 8-23-84; FWC 29-1989, f. 4-28-89, cert. ef. 5-1-89; FWC 52-1989(Temp), f. & cert. ef. 7-28-89; FWC 37-1990, f. & cert. ef. 5-1-90; FWC 31-1992, f. 4-29-92, cert. ef. 5-1-92; FWC 25-1994, f. & cert. ef. 5-2-94; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-95; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 72-1996, f. 12-21-96, cert. ef. 1-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 38-2000, f. & cert. ef. 7-3-00; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 32-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; Administrative correction, 11-16-06; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 36-2008, f. 4-21-08, cert. ef. 5-1-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 72-2010, f. & cert. ef. 5-25-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 34-2011, f. 4-27-11, cert. ef. 5-1-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 38-2012, f. 4-24-12, cert. ef. 5-1-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 28-2013(Temp), f. 4-25-13, cert. ef. 5-1-13 thru 5-15-13; DFW 33-2013, f. & cert. ef. 5-14-13; DFW 41-2014(Temp), f. & cert. ef. 5-8-14 thru 6-30-14; DFW 61-2014, f. & cert. ef. 6-10-14

## 635-013-0007

### Special South Coast Seasons

In addition to the open seasons prescribed in OAR 635-013-0005 there are open seasons for Chinook salmon as follows:

(1) Elk River Area.

(a) From November 1 through November 30 in all Pacific Ocean waters shoreward of a line drawn from Cape Blanco (42°50'20" N. Lat.) thence SW to Black Rock (42°49'24" N. Lat. 124°35'00" W. Long.), thence SSW to Best Rock (42°47'24" N. Lat. 124°35'42" W. Long.), thence SE to 42°40'30" N. Lat. 124°29'00" W. Long., thence to shore (Humbug Mountain);

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(b) During the season described for the Elk River Area in section (1)(a) of this rule it is unlawful to take Chinook salmon less than 24 inches in length. Two Chinook salmon per day of which no more than one non fin-clipped Chinook salmon per day and 10 non fin-clipped Chinook salmon in the seasonal aggregate when combined with waters of Floras Creek/New River, Sixes River and Elk River. It is unlawful to use multipoint or barbed hooks.

(2) Chetco River Area.

(a) From October 1–12 in an area south of the north shore of Twin Rocks (42°05'36" N. Lat.) to the Oregon/California border (42°00'00" N. Lat.) and seaward three nautical miles offshore.

(b) During the seasons described in section (2)(a) of this rule it is unlawful to take Chinook salmon less than 24 inches in length. Two Chinook salmon per day of which no more than one non fin-clipped Chinook salmon per day and no more than 5 non fin-clipped Chinook salmon may be retained during the October 1–12 season. It is unlawful to use multipoint or barbed hooks.

Stat. Auth.: ORS 496.138, 496.146, & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: FWC 25-1982, f. & ef. 4-30-82; FWC 62-1983(Temp), f. & ef. 11-1-83; FWC 69-1984(Temp), f. & ef. 10-2-84; FWC 59-1985(Temp), f. & ef. 9-13-85; FWC 59-1986(Temp), f. & ef. 9-19-86; FWC 77-1986(Temp), f. & ef. 11-26-86; FWC 76-1987, f. & ef. 9-15-87; FWC 84-1988, f. & cert. ef. 9-9-88; FWC 83-1989, f. 8-31-89, cert. ef. 9-16-89; FWC 86-1990, f. 8-24-90, cert. ef. 9-1-90; FWC 42-1991, f. 4-29-91, cert. ef. 5-1-91; FWC 101-1992, f. 9-29-92, cert. ef. 10-1-92; FWC 114-1992(Temp), f. 10-26-92, cert. ef. 10-27-92; FWC 62-1993, f. & cert. ef. 10-1-93; FWC 56-1994, f. 8-30-94, cert. ef. 9-1-94; FWC 78-1994(Temp), f. 10-20-94, cert. ef. 10-21-94; FWC 81-1995, f. 9-29-95, cert. ef. 10-1-95; FWC 84-1995(Temp), f. 10-13-95, cert. ef. 10-16-95; FWC 86-1995(Temp), f. 10-20-95, cert. ef. 10-21-95; FWC 56-1996, f. 9-27-96, cert. ef. 10-1-96; FWC 30-1997, f. & cert. ef. 5-5-97; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 67-2008(Temp), f. 6-20-08, cert. ef. 8-1-08 thru 12-31-08; DFW 121-2008(Temp), f. & cert. ef. 10-2-08 thru 12-31-08; Administrative correction 1-23-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 87-2009(Temp), f. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; Administrative correction 1-25-10; DFW 76-2010, f. 6-8-10, cert. ef. 8-1-10; DFW 83-2011, f. 6-30-11, cert. ef. 7-1-11; DFW 151-2011(Temp), f. 10-27-11, cert. ef. 11-1-11 thru 11-30-11; Administrative correction, 12-27-11; DFW 62-2012, f. 6-12-12, cert. ef. 7-1-12; DFW 50-2013, f. 6-10-13, cert. ef. 7-1-13; DFW 61-2014, f. & cert. ef. 6-10-14

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**Rule Caption:** Santiam River Daily Bag Limits for Adipose Fin-clipped Rainbow Trout and Steelhead Amended

**Adm. Order No.:** DFW 62-2014(Temp)

**Filed with Sec. of State:** 6-10-2014

**Certified to be Effective:** 6-10-14 thru 10-31-14

**Notice Publication Date:**

**Rules Amended:** 635-017-0090

**Subject:** This amended rule increases the daily take limits for adipose fin-clipped rainbow trout and adipose fin-clipped steelhead in the Santiam River mainstem and the Little North Fork and North Fork rivers as applicable beginning June 10 through October 31, 2014 with no minimum length requirements.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-017-0090

### Inclusions and Modifications

(1) The **2014 Oregon Sport Fishing Regulations** provide requirements for the Willamette Zone. However, additional regulations may be adopted in this rule revision from time to time and to the extent of any inconsistency, they supersede the **2014 Oregon Sport Fishing Regulations**.

(2) Pacific Lamprey Harvest:

(a) Pursuant to OAR 635-044-0130(1)(b), authorization from the Oregon Fish and Wildlife Commission must be in possession by individuals collecting or possessing Pacific lamprey for personal use. Permits are available from ODFW, 17330 SE Evelyn Street, Clackamas, OR 97015;

(b) Open fishing period is June 1 through July 31 from 7:00 A.M. to 6:00 P.M.; personal use harvest is permitted Friday through Monday each week. All harvest is prohibited Tuesday through Thursday;

(c) Open fishing area is the Willamette River at Willamette Falls on the east side of the falls only, excluding Horseshoe Area at the peak of the falls;

(d) Gear is restricted to hand or hand-powered tools only;

(e) Catch must be recorded daily on a harvest record card prior to leaving the open fishing area. Harvest record cards will be provided by ODFW. All harvest record cards must be returned to the ODFW Clackamas office by August 31 to report catch. Permit holders who do not return the harvest record cards by August 31 will be ineligible to receive a permit in the following year.

(f) Harvesters must allow sampling or enumeration of catches by ODFW personnel.

(3) Sandy River (Multnomah/Clackamas Co.) mainstem and tributaries upstream from ODFW markers at the mouth of the Salmon River, including the Salmon River:

(a) Open for adipose fin-clipped steelhead and non-adipose fin-clipped steelhead harvest July 1–August 31.

(b) Angling restricted to artificial flies and lures with a single point hook no larger than 1/2 inch gap (size 1) and multiple point hook no larger than 3/8 inch gap (size 4).

(c) No limit on size or number of brook trout taken. Catch limits on other trout species do not apply to brook trout.

(4) Santiam River:

(a) Rainbow Trout: The daily bag limit for adipose fin-clipped rainbow trout is increased from two (2) to five (5) in the mainstem Santiam River, the North Fork to the markers upstream of Packsaddle Park, and in the South Fork to the markers below Foster Dam (excluding all tributaries) beginning June 10 through October 31, 2014 with no minimum length requirements.

(b) Steelhead: The daily bag limit for adipose fin-clipped steelhead is increased to one (1) additional adult adipose fin-clipped steelhead per day in the mainstem Santiam River, the Little North Fork, the North Fork up to the markers in Packsaddle Park, and in the South Fork to the markers below Foster Dam beginning June 10 through October 31, 2014.

(5) Effective January 1, 2013, the use of barbless hooks is required when angling for salmon, steelhead, or trout in the mainstem Willamette River downstream of Willamette Falls (including Multnomah Channel and the Gilbert River) and in the lower Clackamas River upstream to the Highway 99E Bridge.

Stat. Auth.: ORS 496.138, 496.146, 497.121 & 506.119

Stats. Implemented: ORS 496.004, 496.009, 496.162 & 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 3-1994, f. 1-25-94, cert. ef. 1-26-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 86-1994(Temp), f. 10-31-94, cert. ef. 11-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 32-1995, f. & cert. ef. 4-24-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 14-1996, f. 3-29-96, cert. ef. 4-1-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 22-1996(Temp), f. 5-9-96 & cert. ef. 5-10-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 13-1997, f. 3-5-97, cert. ef. 3-11-97; FWC 17-1997(Temp), f. 3-19-97, cert. ef. 4-1-97; FWC 24-1997(Temp), f. & cert. ef. 4-10-97; FWC 31-1997(Temp), f. 5-14-97, cert. ef. 5-15-97; FWC 39-1997(Temp), f. 6-17-97, cert. ef. 6-18-97; FWC 69-1997, f. & cert. ef. 11-6-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 19-1998, f. & cert. ef. 3-12-98; DFW 28-1998(Temp), f. & cert. ef. 4-9-98 thru 4-24-98; DFW 31-1998(Temp), f. & cert. ef. 4-24-98 thru 7-31-98; DFW 33-1998(Temp), f. & cert. ef. 4-30-98 thru 5-15-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 35-1998(Temp), f. & cert. ef. 5-10-98 thru 5-15-98; DFW 37-1998(Temp), f. & cert. ef. 5-15-98 thru 7-31-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 15-1999, f. & cert. ef. 3-9-99; DFW 16-1999(Temp), f. & cert. ef. 3-10-99 thru 3-19-99; DFW 19-1999(Temp), f. & ef. 3-19-99 thru 4-15-99; DFW 27-1999(Temp), f. & cert. ef. 4-23-99 thru 10-20-99; DFW 30-1999(Temp), f. & cert. ef. 4-27-99 thru 5-12-99; DFW 35-1999(Temp), f. & cert. ef. 5-13-99 thru 7-31-99; DFW 39-1999(Temp), f. 5-26-99, cert. ef. 5-27-99 thru 7-31-99; DFW 78-1999, f. & cert. ef. 10-4-99; DFW 88-1999(Temp), f. 11-5-99, cert. ef. 11-6-99 thru 11-30-99; administrative correction 11-17-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 13-2000, f. & cert. ef. 3-20-00; DFW 22-2000, f. 4-14-00, cert. ef. 4-16-00 thru 7-31-00; DFW 23-2000(Temp), f. 4-19-00, cert. ef. 4-22-00 thru 7-31-00; DFW 58-2000(Temp), f. & cert. ef. 9-1-00 thru 12-31-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 6-2001, f. & cert. ef. 3-1-01; DFW 23-2001(Temp), f. & cert. ef. 4-23-01 thru 10-19-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 46-2001(Temp), f. 6-8-01, cert. ef. 6-16-01 thru 12-13-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 95-2001(Temp), f. 9-27-01, cert. ef. 10-20-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp), f. 1-11-02, cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 42-2002, f. & cert. ef. 5-3-02; DFW 44-2002(Temp), f. 5-7-02, cert. ef. 5-8-02 thru 11-3-02; DFW 70-2002(Temp), f. 7-10-02 cert. ef. 7-12-02 thru 12-31-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 16-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 7-1-03; DFW 42-2003, f. & cert. ef. 5-16-03; DFW 53-2003(Temp), f. 6-17-03, cert. ef. 6-18-03 thru 12-14-03; DFW 57-2003(Temp), f. & cert. ef. 7-8-03 thru 12-31-03; DFW 59-2003(Temp), f. & cert. ef. 7-11-03 thru 12-31-03; DFW 70-2003(Temp), f. & cert. ef. 7-23-03 thru 12-31-03; DFW 71-2003(Temp), f. 7-24-03, cert. ef. 7-25-03 thru 12-31-03; DFW 90-2003(Temp), f. 9-12-03 cert. ef. 9-13-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 33-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 48-2004(Temp), f. 5-26-04, cert. ef. 5-28-04 thru 11-23-04; DFW 69-2004(Temp), f. & cert. ef. 7-12-04 thru 11-23-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 24-2005, f. 4-15-05, cert. ef. 5-1-05; DFW 78-2005(Temp), f. 7-19-05, cert. ef. 7-21-05 thru 7-22-05; Administrative correction 8-17-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 36-2006(Temp), f. & cert. ef. 6-1-06 thru 9-30-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 121-2006(Temp), f. & cert. ef. 10-20-06 thru 12-31-06; DFW 32-2007, f. 5-14-07, cert. ef. 6-1-07; DFW 65-2007(Temp), f. & cert. ef. 8-6-07 thru 10-31-07; DFW 105-2007(Temp), f. 10-4-07, cert. ef. 10-6-07 thru 11-30-07; Administrative correction 12-20-07; DFW 134-2007, f. 12-26-07, cert. ef. 1-1-08; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 1-2008(Temp), f. & cert. ef. 1-9-08 thru 7-6-08; DFW 5-2008(Temp), f. 1-25-08, cert. ef. 2-1-08 thru 7-6-08; DFW 15-2008(Temp), f. 2-26-08, cert. ef. 3-1-08 thru 7-29-08; DFW 46-2008(Temp), f. 5-9-08, cert. ef. 5-12-08 thru 7-29-08; DFW 55-2008(Temp), f. 5-30-08, cert. ef. 6-2-08 thru 10-31-08; DFW 82-2008(Temp), f. 7-21-08, cert. ef. 7-29-08 thru 12-31-08; DFW 110-2008(Temp), f. 9-15-08, cert. ef. 9-17-08 thru 12-31-08; DFW 124-2008(Temp), f. 10-1-08, cert. ef. 10-2-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 9-2009(Temp), f. 2-13-09, cert. ef. 3-1-09 thru 8-15-09; DFW 15-2009, f. & cert. ef. 2-25-09; DFW 74-2009(Temp), f. 6-25-09, cert. ef. 6-30-09 thru



# ADMINISTRATIVE RULES

7-2-09; Administrative correction 7-21-09; DFW 103-2009(Temp), f. 8-27-09, cert. ef. 9-1-09 thru 12-31-09; DFW 118-2009(Temp), f. & cert. ef. 9-28-09 thru 12-31-09; DFW 123-2009(Temp), f. & cert. ef. 10-5-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 61-2010, f. & cert. ef. 5-14-10; DFW 62-2010(Temp), f. 5-14-10, cert. ef. 5-22-10 thru 11-17-10; DFW 84-2010(Temp), f. 6-17-10, cert. ef. 6-18-10 thru 10-31-10; DFW 94-2010(Temp), f. & cert. ef. 7-1-10 thru 10-31-10; DFW 96-2010(Temp), f. 7-7-10, cert. ef. 7-8-10 thru 10-31-10; DFW 123-2010(Temp), f. 8-26-10, cert. ef. 9-1-10 thru 12-31-10; DFW 134-2010(Temp), f. 9-22-10, cert. ef. 9-23-10 thru 12-31-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 158-2011(Temp), f. 12-14-11, cert. ef. 1-1-12 thru 4-30-12; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 21-2012, f. & cert. ef. 3-12-12; DFW 89-2012(Temp), f. 7-17-12, cert. ef. 7-26-12 thru 8-31-12; DFW 99-2012(Temp), f. 7-31-12, cert. ef. 8-1-12 thru 12-31-12; DFW 152-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 67-2013(Temp), f. 7-3-13, cert. ef. 7-11-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 62-2014(Temp), f. & cert. ef. 6-10-14 thru 10-31-14

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**Rule Caption:** 2015 Changes to Game Mammal Hunting Regulations; 2014 Controlled Hunt Tag Numbers and Location Access

**Adm. Order No.:** DFW 63-2014

**Filed with Sec. of State:** 6-10-2014

**Certified to be Effective:** 6-10-14

**Notice Publication Date:** 5-1-2014

**Rules Amended:** 635-045-0000, 635-045-0002, 635-065-0015, 635-065-0772, 635-067-0000, 635-068-0000, 635-069-0000, 635-070-0000, 635-070-0020, 635-071-0000, 635-073-0000, 635-073-0015, 635-075-0005, 635-075-0010, 635-075-0011, 635-075-0020

**Rules Repealed:** 635-065-0772(T)

**Subject:** Establish 2014 controlled hunt tag numbers and/or season regulations for the hunting of pronghorn antelope, bighorn sheep, Rocky Mountain goat, deer and elk.

Propose 2015 hunting regulations for game mammals, including season dates, bag limits, open areas, location of cooperative travel management areas, and controlled hunting regulations. Propose quotas for 2015 cougar seasons and spring bear limited, first-come first-served and controlled hunt tag numbers for 2015. These proposals were presented in principle to the Oregon Department of Fish and Wildlife Commission in in June 2014 and again for adoption in October 2014.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 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 “2014 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, c 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; DFW 63-2014, f. & cert. ef. 6-10-14

## 635-045-0002

### Definitions

(1) “Adult hunting license” is a resident or nonresident hunting license, resident combination angling and hunting license, disabled veteran’s angling and hunting license, pioneer’s angling and hunting license or senior citizen’s angling and hunting license.

(2) “Agricultural lands” are lands that are not less than ten acres in extent that have been cultivated and planted or irrigated to domestic crops that are currently in use. Isolated home gardens, abandoned farmsteads, logged lands, rangelands, and tree farms, are not included in this definition.

(3) “Antler Point” is a point at least one inch in length measured from tip of point to nearest edge of beam. This definition applies only to the three-point elk and spike only elk bag limits.

(4) “Antlerless deer” means doe or fawn deer.

(5) “Antlerless elk” means cow or calf elk.

(6) “Application” means the electronic form completed and purchased to apply for a hunt where the number or distribution of hunters is limited through a public drawing or other means. Mail order applications sent to the Department along with the proper remittance are used to generate the electronic form.

(7) “Bait” for hunting game mammals means any substance placed to attract an animal by its sense of smell or taste, including but not limited to food items or minerals (such as salt). Applying a scent or attractant to one’s body or clothing while worn, is not baiting.

(8) “Baited Area” means an area where baiting has taken place.

(9) “Baiting” means the placing, exposing, depositing, distributing, or scattering of corn, wheat, salt or other feed to constitute a lure or enticement to, on, or over an area where hunters are attempting to take game birds.

(10) “Brace” is defined as an orthosis that is prescribed by a physician and fabricated by an orthotist certified by the American Board for Certification in Orthotics and Prosthetics, Inc.

(11) “Brace Height” is the distance from the back of the bow’s riser at the handgrip to the string when the bow is at rest.

(12) “Buck Deer” means a male deer with at least one visible antler.

(13) “Buck Pronghorn” means a male pronghorn antelope with visible horns and a dark cheek patch below the ear.

(14) “Bull elk” for the purposes of a bag limit definition, means a male elk with at least one visible antler.

(15) “Calendar year” means from January 1 through December 31.

(16) “Carcass” is the skinned or unskinned body, with or without entrails, of a game bird or game mammal.

(17) “Cascade elk” means any live elk occurring in the Dixon, Evans Creek, Indigo, Keno, McKenzie, Metolius, Rogue, Santiam and Upper Deschutes units and those parts of Fort Rock and Sprague units west of Highway 97, and that part of Grizzly Unit west of Hwy 97 and south of Hwy 26.

(18) “Closed season” is any time and place when it is not authorized to take a specific species, sex or size of wildlife.

(19) “Coast elk” means any live elk occurring in the Alsea, Applegate, Chetco, Melrose, Powers, Saddle Mountain, Scappoose, Siuslaw, Sixes, Stott Mountain, Tioga, Trask, Willamette, and Wilson units.

(20) “Commission” means the Oregon Fish and Wildlife Commission.

(21) “Controlled hunt” is a season where the number or distribution of hunters is limited through a public drawing or other means.

(22) “Department” means the Oregon Department of Fish and Wildlife.

(23) “Director” means the Oregon Fish and Wildlife Director.

(24) “Doe or fawn pronghorn” means a female pronghorn antelope without a dark cheek patch below the ear or a pronghorn fawn (young of the year) of either sex.

(25) “Domestic partner” means, as provided in section 3 of the Oregon Family Fairness Act of 2007 (ORS Chapter 106), “an individual who has, in person, joined into a civil contract with another individual of the same sex, provided that each individual is at least 18 years of age and is otherwise capable, and that at least one of the individuals is a resident of Oregon.”

(26) “Eastern Oregon” means all counties east of the summit of the Cascade Range including all of Klamath and Hood River counties.

(27) “Eastern Oregon deer” means any live deer occurring east of the east boundaries of the Santiam, McKenzie, Dixon, Indigo and Rogue units.

(28) “Eligible Hunter” means someone who will be 12 years of age by the time they hunt.

(29) “Entry permit” means a permit issued by the Department to be in an area where entry is restricted by regulation.

(30) “Established airport” is one that the Oregon Department of Aviation has licensed as a public-use airport, registered as a personal-use airport, or specifically exempted from either licensing or registration.

(31) “Feral Swine” means animals of the genus *Sus* as defined by the Oregon Department of Agriculture in OAR 603-010-0055.

(32) “Fiscal year” means from July 1 through June 30.

(33) “Furbearers” are beaver, bobcat, fisher, marten, mink, muskrat, otter, raccoon, red fox, and gray fox.

## ADMINISTRATIVE RULES

(34) "Game Birds" are any waterfowl, snipe, band-tailed pigeon, mourning dove, pheasant, quail, partridge, grouse, or wild turkey.

(35) "Game mammals" are pronghorn antelope, black bear, cougar, deer, elk, moose, Rocky Mountain goat, bighorn sheep, and western gray squirrel.

(36) "General season" is any season open to the holder of a valid hunting license and appropriate game mammal tag without restriction as to the number of participants.

(37) "Hunter certification" means to have met educational, safety or other requirements designated by administrative rule for participation in a hunt.

(38) "Hunt" means to take or attempt to take any wildlife by means involving the use of a weapon or with the assistance of any mammal or bird.

(39) "Husbandry" means the care given animals directly by their owners and managers, including but not limited to:

- (a) Nutrition;
- (b) Breeding program;
- (c) Veterinary medical care;
- (d) Environmental cleanliness; and
- (e) Humane handling.

(40) "Immediate family" for the purpose of Landowner Preference, means a landowner's spouse, children, father, mother, brother, brothers-in-law, sister, sisters-in-law, stepchildren, and grandchildren.; for all other purposes, it means spouse, domestic partner, children, father, mother, brother, sister, stepchildren, and grandchildren.

(41) "Inedible" means unfit for human consumption.

(42) "Juvenile hunting license" is a resident, nonresident hunting license or resident combination angling and hunting license for persons 9 to 17 years of age to hunt wildlife.

(43) "Landowner", as used in OAR chapter 635, division 75, means:

- (a) A person who holds title in trust or in fee simple to 40 or more contiguous acres of land; provided however that a recorded deed or contract of ownership shall be on file in the county in which the land is located; and/or
- (b) A corporation or Limited Liability Company (LLC) holding title in fee simple to 40 or more contiguous acres of land; provided however that the corporation or LLC shall be registered with the State of Oregon; and/or
- (c) A partnership holding title in fee simple to 40 or more contiguous acres of land; and/or
- (d) Persons who hold title as part of a time share are not eligible for landowner preference.

(44) "Low Income" means a person who is "economically disadvantaged" as defined in Section 4(8) of the Federal Job Training Partnership Act of 1982.

(45) "Mounted Wildlife" means any hide, head or whole body of wildlife prepared by a licensed taxidermist for display.

(46) "Muzzleloader" is any single-barreled (shotguns may be double barreled) long gun meant to be fired from the shoulder and loaded from the muzzle with an open ignition system and open or peep sights.

(47) "On or within" means a straight line distance measured on a map.

(48) "One deer" means a buck, doe, or fawn deer.

(49) "One elk" means a bull, cow, or calf elk.

(50) "Open Ignition" is an ignition system where the percussion cap, or frizzen, or flint is visible and exposed to the weather at all times and is not capable of being closed or covered by any permanent piece of the weapon.

(51) "Partner" means a person in an association of two or more persons formed to carry on as co-owners for profit.

(52) "Point-of-Sale" (POS) is a computerized licensing system available at locations that sell Oregon's hunting and angling licenses. Licenses and tags are generated and issued directly to customers from a POS machine at the time of sale.

(53) "Possession" means to have physical possession or to otherwise exercise dominion or control over any wildlife or parts thereof, and any person who counsels, aids or assists another person holding such wildlife is deemed equally in possession.

(54) "Postmark" means the date of mailing as stated in a mark applied by the U.S. Postal Service to a piece of mail. Office postal machine meter marks are not valid application deadline postmarks.

(55) "Predatory animals" means coyotes, rabbits, rodents, and feral swine which are or may be destructive to agricultural crops, products and activities.

(56) "Protected wildlife" means "game mammals" as defined in OAR 635-045-0002(35) "game birds" as defined in 635-045-0002(34), "furbearers" as defined in 635-045-0002(33), "threatened and endangered species"

as defined in 635-100-0125, and "nongame wildlife protected" as defined in 635-044-0130.

(57) "Pursue" means the act of trailing, tracking, or chasing wildlife in an attempt to locate, capture, catch, tree, or kill any game mammal or furbearer.

(58) "Raw pelt" means any pelt that has not been processed or converted to any usable form beyond initial cleaning, stretching, and drying.

(59) "Resident" is any person who:

(a) Has resided in Oregon for a period of at least six consecutive months immediately prior to the date of making application for a license, tag, or permit.

(b) Members of the uniformed services of the United States who:

(A) Are permanently assigned to active duty in this state, and their spouse and dependent children.

(B) Reside in this state while assigned to duty at any base, station, shore establishment or other facility in this state.

(C) Reside in this state while serving as members of the crew of a ship that has an Oregon port or shore establishment as its home port or permanent station.

(D) Aliens attending school in Oregon under a foreign student exchange program.

(E) All other persons are nonresidents.

(60) "Resident juvenile" is any "Resident" of Oregon 14 through 17 years of age.

(61) "River" is that portion of a natural water body lying below the level of bankfull stage. Bankfull stage is the stage or elevation at which overflow of the natural banks of a stream or body of water begins to inundate the upland.

(62) "Rocky Mountain elk" is any live elk occurring east of the following described line: Beginning at the California line on Highway 97; north on Highway 97 to State Highway 26 at Madras; northwest on Highway 26 to east boundary of Santiam Unit; north along east boundary of Santiam Unit to the Columbia River.

(63) "Sabot" A carrier, bushing or device in which a projectile of a smaller caliber is centered so as to permit firing the projectile within a larger caliber weapon. Cloth, paper or felt patches used with round balls are not considered a sabot.

(64) "Shotgun" is a smoothbore firearm, designed for firing birdshot, and intended to be fired from the shoulder, with a barrel length of 18 inches or more, and with an overall length of 26 inches or more. Exception: Shotguns equipped with rifled slug barrels are considered shotguns when used for hunting pronghorn antelope, black bear, cougar, deer, or elk when centerfire rifles or shotguns are legal weapons.

(65) "Sight bait" is exposed flesh bait within 15 feet of any foothold trap set for carnivores.

(66) "Spike deer" is a deer with spike (unbranched) antlers.

(67) "Spike-only bull elk" means a bull elk with at least one visible unbranched antler (a brow tine is not considered an antler branch under spike-only regulations).

(68) "Stockholder" is a person who owns stock within a corporation as defined in OAR 635-045-0002(42)(b).

(69) "Tag" is a document authorizing the taking of a designated kind of mammal at a specified time and place.

(70) "Take" means to kill or obtain possession or control of any wildlife.

(71) "Three point plus elk" for the purposes of a bag limit definition, means a bull elk having 3 points or more on one antler including the brow tine.

(72) "Unbarbed broadhead" is a fixed position arrowhead where the rear edge of the blade(s) forms an angle with the arrow shaft to which it is attached of 90° or greater.

(73) "Uniformed Services" means Army, Navy, Air Force, Marine Corps and Coast Guard, or their reserve components; the National Guard or Oregon National Guard, commissioned corps of the National Oceanic and Atmospheric Administration, and the Public Health Service of the United States Department of health and Human Services detailed with the Army or Navy.

(74) "Unprotected Mammals and Birds" are European starling, house sparrow, Eurasian collared-dove and any mammal species for which there are no closed seasons or bag limits.

(75) "Valid certification permit" is a permit for the current season that has not become invalid after taking a season limit or illegal game bird.

(76) "Visible Antler" means a velvet or hardened antler that is visible above the hairline on the skullcap and is capable of being shed.

# ADMINISTRATIVE RULES

(77) "Wait period" means the length of time a successful controlled hunt applicant must wait before reapplying for the species for which he was successful in drawing.

(78) "Waste" means to allow any edible portion of any game mammal (except cougar) or game bird to be rendered unfit for human consumption, or, to fail to retrieve edible portions, except internal organs, of such game mammals or game birds from the field. Entrails, including the heart and liver, are not considered edible.

(79) "Waterfowl" means ducks, geese, mergansers and coots.

(80) "Weapon" is any device used to take or attempt to take wildlife.

(81) "Western Oregon" means all counties west of the summit of the Cascade Range except Klamath and Hood River counties.

(82) "Western Oregon deer" is any live deer except the Columbian white-tailed deer occurring west of the east boundaries of the Santiam, McKenzie, Dixon, Indigo, and Rogue units.

(83) "Wildlife" means fish, wild birds, amphibians, reptiles, wild mammals, and feral swine.

(84) "Wildlife" means for the purposes of harassment to relieve damage described in OAR 635-043-0096 through 635-043-0115, game mammals, game birds except migratory birds protected by Federal law, furbearing mammals and wildlife declared protected by the commission.

(85) "Wildlife" means for the purposes of scientific taking described in OAR 635-043-0023 through 635-043-0045, wild birds, wild mammals, amphibians and reptiles, including nests, eggs, or young of same.

(86) "Wildlife" means, for the purposes of the Wildlife Diversity Plan described in OAR 635-100-0001 through 635-100-0194, fish, shellfish, amphibians, reptiles, feral swine, wild mammals, wild birds, and animals living intertidally on the bottom as defined by ORS 506.011.

(87) "Wildlife unit" is a geographic area described in OAR 635-080-0000 through 635-080-0077.

[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 47-1989, f. & cert. ef. 7-25-89; FWC 104-1989, f. & cert. ef. 9-29-89; FWC 14-1990, f. & cert. ef. 2-2-90; FWC 22-1990, f. & cert. ef. 3-21-90; FWC 17-1991, f. & cert. ef. 3-12-91; FWC 33-1991, f. & cert. ef. 3-25-91; FWC 50-1991, f. & cert. ef. 5-13-91; FWC 57-1991, f. & cert. ef. 6-24-91; FWC 9-1993, f. & cert. ef. 2-8-93; FWC 6-1994, f. & cert. ef. 1-26-94; FWC 20-1995, f. & cert. ef. 3-6-95; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 21-1996, f. & cert. ef. 5-1-96; FWC 50-1996, f. & cert. ef. 8-30-96; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 53-1997, f. & cert. ef. 9-3-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; 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 2-2003, f. & cert. ef. 1-17-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 142-2005, f. & cert. ef. 12-16-05; 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, c. cert. ef. 1-1-08; DFW 52-2008, f. & cert. ef. 5-28-08; DFW 150-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 108-2009, f. & cert. ef. 9-8-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; DFW 168-2010, f. 12-29-10, cert. ef. 1-1-11; DFW 103-2012, f. & cert. ef. 8-6-12; DFW 147-2012, f. 12-18-12, cert. ef. 1-1-13; DFW 117-2013, f. & cert. ef. 10-10-13; DFW 63-2014, f. & cert. ef. 6-10-14

## 635-065-0015

### General Tag Requirements and Limits

(1) Big Game Tags: Any person hunting game mammals for which a tag is required must have on their person a valid tag for the dates, area and species being hunted.

(2) Any person 12 years of age or older may purchase game mammal tags if they possess an adult hunting license.

(3) A person may obtain and possess during an annual hunting season only:

(a) One valid general season black bear tag;

(b) One valid additional general black bear tag valid in management units 20-30;

(c) One valid controlled black bear tag in addition to general season bear tags issued under subsection (a) and (b) above;

(d) One valid 700 series "leftover" controlled bear tag;

(e) One valid cougar (mountain lion) tag;

(f) One valid additional general cougar (mountain lion) tag;

(g) One valid pronghorn antelope tag.

(4) Except as provided in OAR chapter 635, division 90, and except as provided in 635-075-0010, a person may obtain and possess only one of the following tags during an annual hunting season:

(a) One valid deer bow tag;

(b) One valid western Oregon deer tag;

(c) One valid 100 series controlled buck hunt tag;

(d) One valid 600 series controlled antlerless deer tag in addition to one of (4)(a)-(4)(c) and (4)(e);

(e) One valid 100 series "left over" controlled deer tag;

(f) One valid 600 series "left over" controlled deer tag;

(5) Except as provided in OAR chapter 635, division 90, a person may obtain and possess only one of the following tags during an annual hunting season:

(a) One valid Cascade elk tag;

(b) One valid Coast First Season elk tag;

(c) One valid Coast Second Season elk tag;

(d) One valid Rocky Mountain elk — first season tag,

(e) One valid Rocky Mountain elk — second season tag;

(f) One valid elk bow tag;

(g) One valid controlled elk hunt tag;

(6) In addition to the tags described in OAR 635-065-0015(5), a person during an annual hunting season may obtain or possess only one valid 200 series "leftover" controlled elk tag.

(7) In addition to the tags described in OAR 635-065-0015(3), (4), and (5), a person during an annual hunting season may obtain or possess only one valid "Mandatory Hunter Reporting Incentive Tag" per annual hunting season. If the Department awards a hunter such a tag through the controlled hunt draw authorized by OAR 635-060-0030(5), the following requirements will apply:

(a) On or before July 15, 2014 the hunter must inform the Department which species the tag is to be issued for (pronghorn antelope, deer, or elk) and purchase the tag. Tags not purchased by July 15 will be offered to an alternate hunter with a tag sale deadline of July 31, 2014.

(b) Hunting hours, hunt dates, bag limit and hunt area for Mandatory Hunter Reporting Incentive Tags will be the same as those listed in OAR 635-090-150(3) for deer or (4) for elk, or 635-067-0028(2) for pronghorn.

(c) Bag limit: one pronghorn antelope or one deer or one elk.

(d) Oregon Department of Fish and Wildlife employees are not eligible for a Mandatory Hunter Reporting Incentive Tag.

(8) Except as provided in OAR 635-067-0032 thru 635-067-0034, a person may obtain and possess only one bighorn sheep ram tag in a lifetime.

(9) A person may obtain and possess only one Rocky Mountain goat tag in a lifetime.

(10) It is *unlawful* for any person to issue or to possess any game mammal tag which has been backdated.

(11) Any game mammal tag having an issue date subsequent to the last day authorized for issue of such tag as listed in "Oregon Big Game Regulations" for the current season is a void tag. Exception:

(a) Members of the uniformed services returning to the state after the deadline shall be permitted to purchase general season tags for themselves at the Salem headquarters and regional offices of the Department.

(b) Notwithstanding the deadlines for tag purchases provided by rule and in the hunting regulation synopses, any person who qualifies to purchase a tag but fails to make the purchase by the deadline, may purchase the tag late if the person:

(A) Submits a written affidavit certifying that the person has not yet hunted during the season for which the tag is sought to the Department's Licensing Services Office;

(B) The request must be received by the Department before the end of the season for the particular tag; and

(C) Pays the Department the fee for a duplicate tag, in addition to the usual tag fee.

(D) A tag purchased for a season that has not begun may be canceled and replaced with a tag for an ongoing season using the process outlined in 635-065-0015(b)(A) and (B) provided the original tag is surrendered with the affidavit and the fee for a duplicate tag is paid to the Department.

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. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82; FWC 13-1988, f. & cert. ef. 3-10-88; FWC 63-1989, f. & cert. ef. 8-15-89, Renumbered from 635-65-780; FWC 24-1990, f. & cert. ef. 3-21-90; FWC 20-1991, f. & cert. ef. 3-12-91; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 4-1995, f. 1-23-95, cert. ef. 7-1-95; FWC 7-1996, f. & cert. ef. 2-12-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 6-17-97, f. & cert. ef. 6-17-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 54-2000(Temp), f. & cert. ef. 8-28-00 thru 12-31-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 52-2001(Temp), f. & cert. ef. 6-27-01 thru 12-24-01; DFW 34-2002, f. & cert. ef. 4-18-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 106-2009(Temp), f. & cert. ef. 9-2-09 thru 3-1-10; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; DFW 26-2010(Temp), f. & cert. ef. 3-3-10 thru 8-29-10; DFW 58-2010(Temp), f. & cert. ef. 5-12-10 thru 11-8-10; DFW 70-2010(Temp), f. & cert. ef. 5-18-10 thru 11-10-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 168-2010, f. 12-29-10, cert. ef. 1-1-11; DFW 159-2011, f. 12-14-11, cert. ef. 1-1-12; DFW 147-2012, f. 12-18-12, cert. ef. 1-1-13; DFW 138-2013, f. & cert. ef. 12-20-13; DFW 63-2014, f. & cert. ef. 6-10-14



# ADMINISTRATIVE RULES

## 635-065-0772

### Tags for Terminally Ill Children

(1) "Organization" means a non-profit organization qualified under Internal Revenue Code section 501(c)(3) with the principle purpose of granting hunting and fishing adventures for children that have been diagnosed with a terminal illness by a licensed physician.

(2) "Qualified child" means a terminally ill child sponsored by an organization who provides to the Department supporting documentation demonstrating compliance with the prerequisites provided in this rule.

(3) Annually upon approval by the Director, the Department may issue no more than 35 big game tags free of charge to organizations for use by qualified children. The 35 tags will be distributed across black bear, deer, elk, and pronghorn antelope with no more than 10 tags to hunt black bear, no more than 10 tags to hunt either-sex deer, no more than 10 tags to hunt either-sex elk, and no more than five tags to hunt either-sex pronghorn antelope.

(a) Each organization is limited to five tags total for all species except black bear per year.

(b) Each organization is limited to two tags for black bear per year.

(c) An individual tag entitles the holder to only one black bear, or one deer, or one elk, or one pronghorn antelope.

(d) A qualified child may obtain only one tag pursuant to this rule.

(e) Tags issued under this rule may be used to hunt within any Oregon Wildlife Management Unit (as defined in OAR chapter 635 division 80), except specific area closures as identified in the current Oregon Big Game Regulations, Hart Mountain Antelope Refuge, or Starkey Experimental Forest enclosure.

(4) A qualified child must be between 12 and 21 years of age at the time of the hunt, and must comply with all requirements concerning:

(a) Minimum hunting age (ORS 497.350);

(b) Hunter education (ORS 497.360);

(c) Hunting hours (OAR 635-065-0730);

(d) Holding a valid Oregon hunting license, and

(e) Using legal weapon for hunting the species for which the tag is issued.

(5) A qualified child may be either resident or non-resident.

(6) A qualified child under the age of 18 must hunt in the company of an adult 21 years of age or older.

(7) For tags issued under this rule, open seasons are as follows:

(a) For deer and elk: September 1 through November 30 of the year the tag is issued.

(b) For pronghorn antelope: August 1 through September 30 of the year the tag is issued.

(c) For spring black bear: April 1 through May 31 of the year the tag is issued.

(d) For fall black bear: August 1 through December 31 of the year the tag is issued.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162

Hist.: DFW 80-2006, f. & cert. ef. 8-11-06; DFW 24-2014(Temp), f. & cert. ef. 3-13-14 thru 6-15-14; DFW 63-2014, f. & cert. ef. 6-10-14

## 635-067-0000

### Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods, and other restrictions for hunting pronghorn antelope, cougar, bighorn sheep, and Rocky Mountain goat pursuant to ORS Chapter 496.

(2) OAR chapter 635, division 67 incorporates, by reference, the requirements for hunting pronghorn antelope, cougar, bighorn sheep, and Rocky Mountain goat set out in the document entitled "2014 Oregon Big Game Regulations, into Oregon Administrative Rules. Therefore, persons must consult the "2014 Oregon Big Game Regulations" in addition to OAR chapter 635, to determine all applicable requirements for hunting pronghorn antelope, cougar, bighorn sheep, and Rocky Mountain goat. The annual Oregon Big Game Regulations are available at authorized license agents and regional, district and headquarters offices and website of the Oregon Department of Fish and Wildlife.

(3) Controlled hunt tags shall be issued by a controlled hunt drawing following the procedures established in OAR chapter 635, division 60. Permitted weapons and ammunition are established in OAR chapter 635, division 65. Controlled hunt tag numbers for 2014 are listed in Tables 1, 2, and 3 and are adopted and incorporated into OAR chapter 635, division 67 by reference.

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

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

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 65-1989, f. & cert. ef. 8-15-89; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 118-2007, f. 10-31-07, cert. ef. 1-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 150-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 85-2010(Temp), f. & cert. ef. 6-21-10 thru 12-17-10; DFW 168-2010, f. 12-29-10, cert. ef. 1-1-11; DFW 62-2011, f. & cert. ef. 6-3-11; DFW 159-2011, f. 12-14-11, cert. ef. 1-1-12; DFW 58-2012, f. & cert. ef. 6-11-12; DFW 147-2012, f. 12-18-12, cert. ef. 1-1-13; DFW 53-2013, f. & cert. ef. 6-10-13; DFW 138-2013, f. & cert. ef. 12-20-13; DFW 63-2014, f. & cert. ef. 6-10-14

## 635-068-0000

### Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods and other restrictions for hunting western Oregon deer pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2014 are listed in Tables 1 and 2 and are adopted and incorporated into OAR chapter 635, division 68 by reference.

(3) OAR chapter 635, division 68 incorporates, by reference, the requirements for hunting western Oregon deer set out in the document entitled "2014 Oregon Big Game Regulations," into Oregon Administrative Rules. Therefore, persons must consult the "2014 Oregon Big Game Regulations" in addition to OAR chapter 635, to determine all applicable requirements for hunting western Oregon deer. The annual Oregon Big Game Regulations are available at authorized license agents and regional, district, and headquarters offices of the Oregon Department of Fish and Wildlife.

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

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 39-1988, f. & cert. ef. 6-13-88; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 3-2003, f. 1-17-03, cert. ef. 1-20-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 121-2003, f. 12-4-03, cert. ef. 1-19-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 124-2004, f. 12-21-04, cert. ef. 3-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 131-2005, f. 12-1-05, cert. ef. 3-1-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 125-2006, f. 12-4-06, cert. ef. 3-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 116-2007, f. 10-31-07, cert. ef. 3-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 13-2009, f. 2-19-09, cert. ef. 3-1-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 14-2010, f. 2-16-10, cert. ef. 3-1-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 14-2011, f. 2-15-11, cert. ef. 3-1-11; DFW 62-2011, f. & cert. ef. 6-3-11; DFW 15-2012, f. 2-10-12, cert. ef. 3-1-12; DFW 58-2012, f. & cert. ef. 6-11-12; DFW 14-2013, f. 2-15-13, cert. ef. 3-1-13; DFW 53-2013, f. & cert. ef. 6-10-13; DFW 122-2013, f. & cert. ef. 10-25-13; DFW 16-2014, f. & cert. ef. 2-27-14; DFW 63-2014, f. & cert. ef. 6-10-14

## 635-069-0000

### Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods and other restrictions for hunting eastern Oregon deer pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2014 are listed in Tables 1 and 2 and are adopted and incorporated into OAR chapter 635, division 69 by reference.

(3) OAR chapter 635, division 69 incorporates, by reference, the requirements for hunting eastern Oregon deer set out in the document entitled "2014 Oregon Big Game Regulations," into Oregon Administrative Rules. Therefore, persons must consult the "2014 Oregon Big Game Regulations" in addition to OAR chapter 635, to determine all applicable requirements for hunting eastern Oregon deer. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district and headquarters offices and website of the Oregon Department of Fish and Wildlife.

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

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 40-1988, f. & cert. ef. 6-13-88; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 32-1999(Temp), f. & cert. ef. 5-4-99 thru 10-31-99; DFW 34-1999(Temp), f. & cert. ef. 5-12-99 thru 10-31-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 20-2000(Temp), f. 4-12-00, cert. ef. 4-12-00 thru 6-30-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW

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7-2003, f. 1-17-03, cert. ef. 2-1-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 122-2003, f. 12-4-03, cert. ef. 2-2-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 123-2004, f. 12-21-04, cert. ef. 2-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 130-2005, f. 12-1-05, cert. ef. 2-1-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 124-2006, f. 12-7-06, cert. ef. 2-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 117-2007, f. 10-31-07, cert. ef. 2-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 8-2009, f. & cert. ef. 2-3-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 4-2010, f. 1-12-10, cert. ef. 2-1-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 7-2011, f. 1-31-11, cert. ef. 2-1-11; DFW 62-2011, f. & cert. ef. 6-3-11; DFW 3-2012, f. 1-13-12, cert. ef. 2-1-12; DFW 58-2012, f. & cert. ef. 6-11-12; DFW 4-2013, f. 1-15-13, cert. ef. 2-1-13; DFW 53-2013, f. & cert. ef. 6-10-13; DFW 3-2014, f. & cert. ef. 1-22-14; DFW 63-2014, f. & cert. ef. 6-10-14

## 635-070-0000

### Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods and other restrictions for hunting Cascade and Coast elk pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2014 are listed in Tables 1 and 2 and are adopted and incorporated into OAR chapter 635, division 70 by reference.

(3) OAR chapter 635, division 70 incorporates, by reference, the requirements for hunting western Oregon elk set out in the document entitled "2014 Oregon Big Game Regulations," into Oregon Administrative Rules. Therefore, persons must consult the "2014 Oregon Big Game Regulations" in addition to OAR Chapter 635, to determine all applicable requirements for hunting western Oregon elk. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

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

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

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 41-1988, f. & cert. ef. 6-13-88; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 9-2003(Temp), f. & cert. ef. 1-28-03 thru 6-16-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 119-2003, f. 12-4-03, cert. ef. 4-1-04; DFW 130-2003(Temp), f. & cert. ef. 12-24-03 thru 3-1-04; DFW 8-2004(Temp), f. & cert. ef. 2-2-04 thru 7-31-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 107-2004(Temp), f. & cert. ef. 10-18-04 thru 11-27-04; DFW 131-2004, f. 12-21-04, cert. ef. 4-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 132-2005, f. 12-1-05, cert. ef. 4-1-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 126-2006, f. 12-7-06, cert. ef. 4-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 115-2007, f. 10-31-07, cert. ef. 4-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 31-2009, f. 3-23-09, cert. ef. 4-1-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 22-2010, f. 3-1-10, cert. ef. 4-1-10; DFW 31-2010, f. 3-12-10, cert. ef. 4-1-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 62-2011, f. & cert. ef. 6-3-11; DFW 22-2012, f. 3-14-12, cert. ef. 4-1-12; DFW 58-2012, f. & cert. ef. 6-11-12; DFW 21-2013, f. 3-11-13, cert. ef. 4-1-13; DFW 53-2013, f. & cert. ef. 6-10-13; DFW 19-2014, f. & cert. ef. 3-11-14; DFW 63-2014, f. & cert. ef. 6-10-14

## 635-070-0020

### Controlled Western Oregon Elk Rifle Hunts

(1) Tags shall be issued by a controlled hunt drawing following the procedures established in OAR chapter 635, division 60. A person successful in drawing a tag for a controlled elk season shall not hunt in any other elk season, except as provided in OAR chapter 635, division 90, or they may hunt in any controlled elk season for which they possess a "left over" tag obtained through the first-come, first-serve process. Notwithstanding the provisions of the 2014 Oregon Big Game Regulations:

(2) The open area described on page 69 for the W Trask (214A) elk hunt is expanded to the east, the entire hunt area is described by the following boundary: That part of Unit 14 beginning at Tillamook; west on Netarts Hwy to Bayocean Rd (Three Capes Scenic Loop); north and west on Bayocean Rd to Cape Meares Loop Rd; south on Cape Meares Loop Rd to the coast at Oceanside; south on coast to Proposal Rock; east from Proposal Rock to Hwy 101; southeast on Hwy 101 to the T5S/6S boundary; due east on the T5S/6S boundary to the corner of S34 and 35; northeast in a straight line to Castle Rock campground; north in a straight line to Hebo Lake campground; northeast in a straight line to Square Top Mtn; northeast from Square Top Mtn to Trask Summit; north from Trask Summit to Boundary Rd; east on Boundary Rd to Headquarters Grade; north on Headquarters Grade to Murphys Camp; north and east on the 2-6-3 Rd (Flora Mainline) to N Fork Trask River Rd at Neverstill; north and west on N Fork Trask River Rd to Williams Rd; north on Williams Rd to 2500 Line Rd; north and west on 2500 Line Rd to Seven Cedars cross-over; north and east on Seven Cedars cross-over to C-Line Rd; north and east on C-Line Rd to Beaver Dam Rd; north on Beaver Dam Rd to Hwy 6; west on Hwy 6 to Tillamook, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 9-1997, f. & cert. ef. 2-27-97; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 10-2013, f. & cert. ef. 2-7-13; DFW 123-2013(Temp), f. 10-29-13, cert. ef. 11-1-13 thru 2-15-14; DFW 11-2014(Temp), f. & cert. ef. 2-12-14 thru 3-31-14; DFW 19-2014, f. & cert. ef. 3-11-14; DFW 63-2014, f. & cert. ef. 6-10-14

## 635-071-0000

### Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods and other restrictions for hunting Rocky Mountain elk pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2014 are listed in Tables 1 and 2 and are adopted and incorporated in OAR chapter 635, division 71 by reference.

(3) OAR chapter 635, division 71 incorporates, by reference, the requirements for hunting Rocky Mountain elk set out in the document entitled "2014 Oregon Big Game Regulations," into Oregon Administrative Rules. Therefore, persons must consult the "2014 Oregon Big Game Regulations" in addition to OAR chapter 635, to determine all applicable requirements for hunting Rocky Mountain elk. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

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

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

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 42-1988, f. & cert. ef. 6-13-88; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. 6-13-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 9-2003(Temp), f. & cert. ef. 1-28-03 thru 6-16-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 1-2004(Temp), f. & cert. ef. 1-13-04 thru 7-9-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 105-2004(Temp), f. & cert. ef. 10-13-04 thru 11-15-04, Administrative correction 11-22-04; DFW 131-2004, f. 12-21-04, cert. ef. 4-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 132-2005, f. 12-1-05, cert. ef. 4-1-06; DFW 22-2006(Temp), f. & cert. ef. 4-7-06 thru 10-4-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 126-2006, f. 12-7-06, cert. ef. 4-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 115-2007, f. 10-31-07, cert. ef. 4-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 31-2009, f. 3-23-09, cert. ef. 4-1-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 22-2010, f. 3-1-10, cert. ef. 4-1-10; DFW 31-2010, f. 3-12-10, cert. ef. 4-1-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 62-2011, f. & cert. ef. 6-3-11; DFW 22-2012, f. 3-14-12, cert. ef. 4-1-12; DFW 58-2012, f. & cert. ef. 6-11-12; DFW 21-2013, f. 3-11-13, cert. ef. 4-1-13; DFW 53-2013, f. & cert. ef. 6-10-13; DFW 19-2014, f. & cert. ef. 3-11-14; DFW 63-2014, f. & cert. ef. 6-10-14

## 635-073-0000

### Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas and other restrictions for bow and muzzleloader hunting and controlled deer and elk youth hunts; pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2014 for deer and elk bow and muzzleloader hunting and deer and elk youth hunts are listed in Tables 1 and 2 and are adopted and incorporated into OAR chapter 635, division 73 by reference.

(3) OAR chapter 73 incorporates, by reference, the requirements for bow and muzzleloader hunting and controlled deer and elk youth hunts set out in the document entitled "2014 Oregon Big Game Regulations," into Oregon Administrative Rules. Therefore, persons must consult the "2014 Oregon Big Game Regulations," in addition to OAR chapter 635, to determine all applicable requirements for bow and muzzleloader hunting and controlled deer and elk youth hunts. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district and headquarters offices and website of the Oregon Department of Fish and Wildlife.

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

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 44-1988, f. & cert. ef. 6-13-88; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 17-1996, f. & cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 21-2000(Temp), f. 4-12-00, cert. ef. 4-12-00 thru 6-30-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 3-2003, f. 1-17-03, cert. ef. 1-20-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 122-2003, f. 12-4-03, cert. ef. 1-2-04; DFW 130-2003(Temp), f. & cert. ef. 12-24-03 thru 3-1-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 123-2004, f. 12-21-04, cert. ef. 2-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 130-2005, f. 12-1-05, cert. ef. 2-1-06; DFW 22-2006(Temp), f. & cert. ef. 4-7-06 thru 10-4-06; DFW 41-2006, f. & cert. ef. 6-14-06; DFW 124-2006, f. 12-7-06, cert. ef. 2-1-07; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 117-2007, f. 10-31-07, cert. ef. 2-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 8-2009, f. & cert. ef. 2-3-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 4-2010, f. 1-12-10, cert. ef. 2-1-10; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 7-2011, f. 1-31-11, cert. ef. 2-1-11; DFW 62-2011, f. & cert. ef. 6-3-11; DFW 3-2012, f. 1-13-12, cert. ef. 2-1-12; DFW 58-2012, f. & cert. ef. 6-11-12; DFW 4-2013, f. 1-15-13, cert. ef. 2-1-13;

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DFW 53-2013, f. & cert. ef. 6-10-13; DFW 3-2014, f. & cert. ef. 1-22-14; DFW 63-2014, f. & cert. ef. 6-10-14

## 635-073-0015

### Late Eastern Oregon Deer Bowhunting Seasons

Notwithstanding the provisions of the 2014 Oregon Big Game Regulations: The season dates for the West Beulah buck deer hunt #165R listed on page 49, includes, in addition to the dates printed in the regulations, November 20–30, 2014. The complete dates of the hunt are November 8–30, 2014.

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. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82, Renumbered from 635-065-0525; FWC 28-1983, f. & ef. 7-8-83; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 63-1986, f. & ef. 10-2-86; FWC 47-1987, f. & ef. 7-6-87; FWC 44-1988, f. & cert. ef. 6-13-88; FWC 71-1989, f. & cert. ef. 8-15-89; FWC 63-1990, f. & cert. ef. 6-21-90; FWC 66-1991, f. & cert. ef. 6-24-91; FWC 116-1991, f. & cert. ef. 9-30-91; FWC 51-1992, f. & cert. ef. 7-15-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 63-2014, f. & cert. ef. 6-10-14

## 635-075-0005

### Registration, Application and Tag Issuance Procedures and Limits for All Controlled Hunts

(1) A landowner shall submit a landowner preference registration form to be eligible for a landowner preference tag. A one-time fee of \$30.00 is required at the time of registration for new program participants. A landowner can have only one registration form on file with the Department. However, an individual who owns (through business entities, in the individual's own name or a combination thereof) more than one property eligible for the landowner preference program may register each such property. The registration form is an affidavit certifying ownership, number of acres owned, the county and Wildlife Management Unit where the property is located. This registration form registers the individual and remains valid until the individual registered no longer qualifies as a landowner as defined under OAR 635-045-0002, writes to the Department requesting the registration form be deleted, or the Department notifies the landowner that a renewal is required.

(2) In addition to having a landowner preference registration form on file with the Department, a landowner or an authorized designee identified by the landowner in writing to the Department shall submit a tag distribution form annually. The tag distribution form shall list the names of the landowner, stockholder(s), partner(s), and their immediate family members to receive tags for pronghorn antelope, and the names of the landowner, stockholder(s), partner(s), their immediate family members, and those persons of the landowners' choosing to receive landowner preference tags for deer and elk.

(3) Landowners shall submit registration forms and landowners or their designee shall submit tag distribution forms prior to September 15 for all controlled 100 series buck deer and bull elk hunts, and through the day prior to the season openings for 600 series antlerless deer, antlerless elk, and doe/fawn pronghorn antelope hunts. A Landowner Preference Tag Redistribution fee \$15.00 will be charged per species for amendments made to the original tag distribution forms.

(4) Registration forms and tag distribution forms are available at no charge in any office of the Department.

(5) Registration forms, tag distribution forms, and applications shall be received at the Salem headquarters office of the Department prior to issuance of any landowner preference tag, except as provided for in OAR 635-075-0007. Landowners are not required to submit proof of ownership with their registration form. Landowners shall be required to submit proof of ownership at the request of the Department or the Oregon State Police acting on behalf of the Department.

(6) A landowner, stockholder(s), partner(s), and immediate family and those persons of the landowners' choosing wishing to also apply for controlled hunt tags shall apply by the May 15 controlled hunt deadline. Listing a hunt choice other than a landowner preference choice is not required.

(7) Everyone shall follow controlled hunt application procedures and regulations as described in OAR division 60.

(8) The number of landowner preference tags issued is based upon a landowner's acreage. Landowner Preference tags shall be allocated by the following minimum acreage requirements: [Table not included. See ED. NOTE.]

(9) Landowner preference tags for the hunting of deer or elk may be issued to any person of the landowner's choosing, and shall be used for the taking of antlerless animals except as described in OAR 635-075-0005(10).

Season dates of the transferred landowner preference tags shall be the same dates as the original tag.

(10) Landowner preference tags for the hunting of antlered deer or elk may be issued to a person of the landowner's choosing who is not a member of the landowner's, partner's, or stockholder's immediate as follows:

(a) A landowner who is issued only one tag may not transfer that tag.

(b) A landowner who is issued two or more tags may transfer not more than 50 percent of the tags to a person who is not an immediate family member as defined in ORS 496.146(4). If calculation of the number of tags eligible for transfer under the provisions of this paragraph results in a fraction, the Commission shall round up the number of tags to the next whole number.

(11) A landowner who is qualified to receive landowner hunting preference tags may request two additional tags for providing public access and/or two additional tags for wildlife habitat programs. This request shall be made to the Access and Habitat Board with supporting evidence that the access is significant and the habitat programs benefit wildlife. The board may recommend that the commission grant the request. These tags may not be applied to the options as defined in OAR 635-075-0005(8).

(12) No one shall receive both a controlled hunt tag and a landowner preference tag for the same type of hunt. Landowner hunting preference tags shall not be issued to any person successful in the controlled hunt drawing for the same type of hunt.

(13) Landowner preference tags, except as described in OAR 635-075-0007, 635-075-0010, and 635-075-0015 shall only be issued from the headquarters office of the Department following the controlled hunt drawings.

[ED. NOTE: Tables 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 35-1982, f. & ef. 6-7-82; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 48-1987, f. & ef. 7-6-87; FWC 20-1988, f. & cert. ef. 3-10-88; FWC 45-1988, f. & cert. ef. 6-13-88; FWC 98-1988, f. & cert. ef. 10-6-88; FWC 14-1990, f. & cert. ef. 2-2-90; FWC 99-1992, f. & cert. ef. 9-25-92; FWC 10-1994, f. & cert. ef. 2-24-94; FWC 14-1994(Temp), f. & cert. ef. 3-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 7-1996, f. & cert. ef. 2-12-96; FWC 38-1997, f. & cert. ef. 6-17-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 131-2008, f. & cert. ef. 10-14-08; DFW 42-2009(Temp), f. 5-4-09, cert. ef. 5-5-09 thru 10-31-09; DFW 66-2009, f. & cert. ef. 6-10-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10; DFW 19-2013(Temp), f. & cert. ef. 3-11-13 thru 9-6-13; DFW 53-2013, f. & cert. ef. 6-10-13; DFW 63-2014, f. & cert. ef. 6-10-14

## 635-075-0010

### Hunting Area Allowed With Landowner Hunting Preference Tags

(1) A landowner preference tag authorizes the recipient to hunt only on those lands owned and registered in the Landowner Preference Program by the landowner, and meeting the minimum acreage requirements for that hunt, during the season dates for which the tag is valid, except as provided for in OAR 635-075-0010(4) and (5).

(2) Landowner hunting preference tags are valid on the landowner's registered property in other controlled hunt areas provided the species, bag limits, and season dates are the same, and the landowner's property in that area either:

(a) Meets the minimum acreage requirements for that hunt; or

(b) Is contiguous to other property owned and registered by the landowner that, if added together, would meet the minimum acreage requirements for that hunt.

(3) A landowner receiving a landowner preference controlled buck deer hunt or controlled elk hunt tag may not hunt in any other controlled or general buck deer or elk season, except as provided in OAR division 090.

(4) When a landowner is qualified under landowner preference rules adopted by the Commission and the landowner or an immediate family member receives a deer or elk controlled hunt tag for that unit and has not harvested an animal, the landowner or immediate family member may use that tag to take an antlerless deer, except for white-tailed deer in Western Oregon, or elk before, during, or after the hunting season for which the tags are valid, when approved by the Department, to alleviate damage that is presently occurring to the landowner's property.

(5) Each unfilled landowner preference deer tag may be transferred and used to take two antlerless animals, except for white-tailed deer in Western Oregon, before, during or after the hunting season for which the tags are valid, when approved by the Department, to alleviate damage that is presently occurring to the landowner's property in accordance with the following criteria:

(a) Transfer must be done by an authorized representative of the Department for no charge;



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(b) Tag(s) is/are to be transferred to someone of the landowner's choice;

(c) No more than one tag may be transferred to any one person;

(d) Each tag may only be transferred once;

(e) Tags shall be issued for a period of no more than 30 days from the date of issuance, and end no later than March 31. A Department representative may reauthorize an unfilled tag to the same person for an additional 30 days if damage is presently occurring;

(f) Persons who have been successful in harvesting a buck and/or antlerless deer in a general and/or controlled hunt season (excluding "left-over" tags) are also eligible to receive one damage landowner preference deer tag in a fiscal year of July through June;

(g) Department personnel shall collect the appropriate fee for the second tag at time of transfer;

(6) Landowner preference pronghorn antelope tags may only be used during the authorized hunt season.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 35-1982, f. & ef. 6-7-82; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 48-1987, f. & ef. 7-6-87; FWC 20-1988, f. & cert. ef. 3-10-88; FWC 45-1988, f. & cert. ef. 6-13-88; FWC 14-1990, f. & cert. ef. 2-2-90; FWC 99-1992, f. & cert. ef. 9-25-92; FWC 10-1994, f. & cert. ef. 2-24-94; FWC 5-1995, f. & cert. ef. 1-23-95; FWC 7-1996, f. & cert. ef. 2-12-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; DFW 168-2010, f. 12-29-10, cert. ef. 1-1-11; DFW 63-2014, f. & cert. ef. 6-10-14

## 635-075-0011

### Oregon Landowner Damage Program

(1) This rule implements HB 2027A, through which the 2013 Legislative Assembly directed the Department to implement an Oregon Landowner Damage Program to operate from January 1, 2014 until January 2, 2020. As directed by statute, the program addresses damage caused by elk on privately owned lands in Oregon by granting damage tags to qualifying landowners.

(2) A "qualifying landowner" is:

(a) An individual, partnership, corporation, unincorporated association or other nongovernmental entity which;

(b) Owns, leases or rents land in Oregon; and

(c) Whose land:

(A) Is (at the time of application) suffering damage from elk; or

(B) Has within the past five years suffered damage from elk and the Department has taken action to alleviate that damage; or

(C) Is in an area designated as an "elk de-emphasis zone" by the Department.

(3) "Damage" has the same definition as that in the "damage statute" (ORS 498.012): harm to land, livestock or agricultural or forest crops.

(4) This damage program operates in the same manner as the landowner preference tag program in OAR 635-075-0000 through -0030, except that:

(a) Damage program tags are limited to antlerless elk;

(b) Damage tags may be used to take elk only on property owned, leased or rented by the landowner or by a business entity that includes the landowner as a principal partner or shareholder;

(c) Qualifying landowners may exchange unused general season elk tags or controlled hunt tags for damage program tags;

(d) No more than five damage program tags may be valid at any one time on a particular property;

(e) Qualifying landowners may receive damage tags regardless of the size of their property. There is no minimum acreage requirement;

(f) Qualifying landowners may register for damage program tags at any time.

(g) The validity period (the time during which damage program tags may be used on a particular property) shall be negotiated between the Department's district biologist and the qualifying landowner;

(h) Each qualifying landowner receiving damage program tags must (within 10 days of a designated hunt period) report to the local Department district biologist the number of elk taken by the landowner with damage program tags;

(i) Damage program tags may be obtained from, and exchanged through, Department district biologists (rather than point of sale vendors).

(j) Only persons who have not been successful in harvesting an elk in a general or controlled hunt season are eligible to receive one damage program elk tag in a fiscal year of July through June;

(k) The landowner and those receiving a transferred elk tag must surrender any original unfilled elk tag; or sign an affidavit stating the tag has been lost, stolen, or destroyed;

(l) Department personnel shall verify that the person(s) receiving tag(s) has a valid hunting license and has not been successful in harvesting an elk during current general or controlled seasons.

Stat. Auth.: ORS 496.012, 496.138 & 497.112

Stats Implemented: 496.012, 496.138 & 497.112

Hist.: DFW 110-2003, f. & cert. ef. 11-13-03; DFW 118-2007, f. 10-31-07, c cert. ef. 1-1-08; DFW 63-2014, f. & cert. ef. 6-10-14

## 635-075-0020

### Landowner Hunting Preference Tags in Special Seasons

(1)(a) Landowner hunting preference tags are not available for the long duration youth elk hunts (August 1–December 31) or the Melrose 223T (August 1–March 31, 2015) youth elk hunt.

(b) Landowner preference tags for North Warner Hunt 174A shall be limited to 39 tags and landowner preference tags for the Maury Unit Hunt 136 shall be limited to 84 tags.

(c) During deer hunts 141C, 142B, 154C, 165R, 168R2 and 170R3, and controlled elk hunts with a bag limit of spike or better in units where the usual bag limit for bull elk is spike only, landowner hunting preference tags shall be limited to five tags or 10 percent of the total controlled hunt tags whichever is greater; the bag limit for these elk tags shall be spike or better.

(2) If landowner preference tags remain from the controlled hunts described in 635-075-0020(1)(b) or (1)(c) after the game mammal controlled hunt drawing, the Department will issue remaining tags to qualified landowners in the following manner:

(a) The tags shall be issued on a first-come, first-served basis.

(b) The Department will set the time and date for the sale of the tags.

(c) Tags issued are additional tags. A qualified landowner may purchase only one first-come, first-served tag per hunt series. Such a tag may be for the landowner or for someone other than the landowner listed on their tag distribution form.

(d) For the purposes of OAR 635-075-0020(2), "qualified landowner" is a landowner who registered their land through the landowner preference program for the Wildlife Management Unit which includes the controlled hunt and who has a current tag distribution form filed with the Department.

(3) A hunter who received a tag of his or her choice through the original game mammal controlled hunt drawing process may exchange that tag for a remaining tag in the first-come, first-served process while tags remain available. Tag purchases and exchanges may be obtained only through ODFW Salem Headquarters and must be made before the start of the seasons for which the tags are issued. The tag being exchanged shall not be reissued.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.151 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.151 & 496.162

Hist.: FWC 10-1994, f. & cert. ef. 2-24-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 4-2003, f. 1-17-03, cert. ef. 4-1-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 83-2010, f. & cert. ef. 6-15-10; DFW 63-2014, f. & cert. ef. 6-10-14

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**Rule Caption:** Modify 2014–2016 Furbearer Trapping and Hunting Regulations

**Adm. Order No.:** DFW 64-2014

**Filed with Sec. of State:** 6-11-2014

**Certified to be Effective:** 6-11-14

**Notice Publication Date:** 5-1-2014

**Rules Amended:** 635-050-0070, 635-050-0080, 635-050-0090, 635-050-0100, 635-050-0110, 635-050-0120, 635-050-0130, 635-050-0140, 635-050-0150, 635-050-0170, 635-050-0180, 635-050-0183, 635-050-0189, 635-200-0040

**Subject:** Amend rules regarding seasons and bag limits for the 2014–2015 and 2015–2016 furbearer harvest and pursuit seasons and general furbearer trapping and hunting regulations.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-050-0070

### Beaver

Open Season: November 15, 2014 through March 15, 2015 and November 15, 2015 through March 15, 2016 in the following described areas:

(1) Clackamas County. All open except waters within the exterior boundaries of Mt. Hood National Forest.

(2) Crook County. All open except Prineville Reservoir below high water line and the Ochoco National Forest.

(3) Curry County. All open except the Rogue River from the east county line to the mouth.

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(4) Grant County. All open except within the exterior boundaries of the Ochoco National Forest; Murderers Creek and Deer Creek, tributaries of the South Fork John Day River, within the exterior boundaries of the Malheur National Forest.

(5) Jefferson County. All open except that portion of Willow Creek and its tributaries on the National Grasslands.

(6) Josephine County. All open except Rogue River from the confluence of Grave Creek downstream to the county line.

(7) Union County. All open except:

(a) Waters inside exterior boundaries of National Forests. However, private inholdings within the National Forest remain open.

(b) Grande Ronde River above Beaver Creek.

(c) All tributaries of the Grande Ronde River above the confluence of Five Points Creek. (Five Points Creek open to the National Forest boundary.)

(8) Wallowa County. All open except:

(a) Wallowa River and tributaries above Wallowa Lake.

(b) Lostine River, Hurricane Creek, Bear Creek and their tributaries above the Wallowa-Whitman National Forest boundary.

(c) Minam River and tributaries.

(d) Peavine Creek, a tributary of Chesnimnus Creek.

(9) Wheeler County. All open except within the exterior boundaries of the Ochoco National Forest and Bridge Creek at its tributaries within the exterior boundaries of Bureau of Land Management lands.

(10) Other counties: All of the following counties in their entirety: Baker, Benton, Clatsop, Columbia, Coos, Deschutes, Douglas, Gilliam, Hood River, Harney, Jackson, Klamath, Lake, Lane, Lincoln, Linn, Malheur, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Wasco, Washington and Yamhill.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 58-1983, f. & ef. 10-19-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 79-1988, f. & ef. 9-2-88; FWC 59-1989, f. & ef. 8-15-89; FWC 70-1990, f. & ef. 7-25-90; FWC 60-1992, f. & ef. 7-30-92; FWC 49-1994, f. & ef. 8-12-94; FWC 43-1996, f. & ef. 8-12-96; FWC 65-1996(Temp), f. & ef. 11-21-96; FWC 46-1997, f. & ef. 8-13-97; DFW 62-1998, f. & ef. 8-10-98; DFW 39-2000, f. & ef. 7-25-00; DFW 73-2002, f. & ef. 7-16-02; DFW 67-2004, f. & ef. 7-13-04; DFW 60-2006, f. & ef. 7-12-06; DFW 83-2008, f. & ef. 7-25-08; DFW 82-2010, f. & ef. 6-15-10; DFW 56-2012, f. & ef. 6-11-12; DFW 64-2014, f. & ef. 6-11-14

## 635-050-0080

### Bobcat

(1) The open harvest season for bobcat is December 1, 2014 through February 28, 2015 and December 1, 2015 through February 28, 2016.

(2) The bag limit for bobcat in those counties east of the summit of the Cascade Range (including Hood River and Klamath counties) is five per season per licensed hunter or trapper.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 151, f. & ef. 10-5-77; FWC 1-1978(Temp), f. & ef. 1-17-78; FWC 10-1978, f. & ef. 3-7-78; FWC 44-1978, f. & ef. 9-1-78; FWC 37-1979, f. & ef. 8-29-79; FWC 35-1980, f. & ef. 7-2-80; FWC 47-1980, f. & ef. 9-17-80; FWC 21-1981, f. & ef. 6-29-81, Renumbered from 635-050-0022; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 58-1983, f. & ef. 10-19-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 59-1989, f. & ef. 8-15-89; FWC 70-1990, f. & ef. 7-25-90; FWC 60-1992, f. & ef. 7-30-92; FWC 49-1994, f. & ef. 8-12-94; FWC 43-1996, f. & ef. 8-12-96; DFW 73-2002, f. & ef. 7-16-02; DFW 67-2004, f. & ef. 7-13-04; DFW 60-2006, f. & ef. 7-12-06; DFW 83-2008, f. & ef. 7-25-08; DFW 82-2010, f. & ef. 6-15-10; DFW 56-2012, f. & ef. 6-11-12; DFW 64-2014, f. & ef. 6-11-14

## 635-050-0090

### Gray Fox

(1) Open Season: November 15, 2014 through February 28, 2015 and November 15, 2015 through February 28, 2016.

(2) Open area: Entire state.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 58-1983, f. & ef. 10-19-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 59-1989, f. & ef. 8-15-89; FWC 70-1990, f. & ef. 7-25-90; FWC 60-1992, f. & ef. 7-30-92; FWC 49-1994, f. & ef. 8-12-94; FWC 43-1996, f. & ef. 8-12-96; DFW 73-2002, f. & ef. 7-16-02; DFW 67-2004, f. & ef. 7-13-04; DFW 60-2006, f. & ef. 7-12-06; DFW 83-2008, f. & ef. 7-25-08; DFW 82-2010, f. & ef. 6-15-10; DFW 56-2012, f. & ef. 6-11-12; DFW 64-2014, f. & ef. 6-11-14

## 635-050-0100

### Red Fox

Open Seasons and areas are as follows:

(1) Open season entire year in Baker, Gilliam, Harney, Malheur, Morrow, Umatilla, Union, Wallowa and Wheeler counties (Furtaker license is required).

(2) October 15, 2014 through January 15, 2015 and October 15, 2015 through January 15, 2016 in remainder of state.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 58-1983, f. & ef. 10-19-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 79-1988, f. & ef. 9-2-88; FWC 59-1989, f. & ef. 8-15-89; FWC 70-1990, f. & ef. 7-25-90; FWC 60-1992, f. & ef. 7-30-92; FWC 49-1994, f. & ef. 8-12-94; FWC 43-1996, f. & ef. 8-12-96; DFW 62-1998, f. & ef. 8-10-98; DFW 39-2000, f. & ef. 7-25-00; DFW 73-2002, f. & ef. 7-16-02; DFW 67-2004, f. & ef. 7-13-04; DFW 60-2006, f. & ef. 7-12-06; DFW 83-2008, f. & ef. 7-25-08; DFW 82-2010, f. & ef. 6-15-10; DFW 56-2012, f. & ef. 6-11-12; DFW 64-2014, f. & ef. 6-11-14

## 635-050-0110

### Marten

(1) Open season: November 1, 2014 through January 31, 2015 and November 1, 2015 through January 31, 2016.

(2) Open area: Entire state.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 58-1983, f. & ef. 10-19-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 59-1989, f. & ef. 8-15-89; FWC 70-1990, f. & ef. 7-25-90; FWC 60-1992, f. & ef. 7-30-92; FWC 49-1994, f. & ef. 8-12-94; FWC 43-1996, f. & ef. 8-12-96; DFW 62-1998, f. & ef. 8-10-98; DFW 39-2000, f. & ef. 7-25-00; DFW 73-2002, f. & ef. 7-16-02; DFW 67-2004, f. & ef. 7-13-04; DFW 60-2006, f. & ef. 7-12-06; DFW 83-2008, f. & ef. 7-25-08; DFW 82-2010, f. & ef. 6-15-10; DFW 56-2012, f. & ef. 6-11-12; DFW 64-2014, f. & ef. 6-11-14

## 635-050-0120

### Mink

(1) Open season: November 15, 2014 through March 31, 2015 and November 15, 2015 through March 31, 2016.

(2) Open area: Entire state.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 58-1983, f. & ef. 10-19-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 79-1988, f. & ef. 9-2-88; FWC 59-1989, f. & ef. 8-15-89; FWC 70-1990, f. & ef. 7-25-90; FWC 60-1992, f. & ef. 7-30-92; FWC 49-1994, f. & ef. 8-12-94; FWC 43-1996, f. & ef. 8-12-96; DFW 62-1998, f. & ef. 8-10-98; DFW 39-2000, f. & ef. 7-25-00; DFW 73-2002, f. & ef. 7-16-02; DFW 67-2004, f. & ef. 7-13-04; DFW 60-2006, f. & ef. 7-12-06; DFW 83-2008, f. & ef. 7-25-08; DFW 82-2010, f. & ef. 6-15-10; DFW 56-2012, f. & ef. 6-11-12; DFW 64-2014, f. & ef. 6-11-14

## 635-050-0130

### Muskrat

(1) Open season: November 15, 2014 through March 31, 2015 and November 15, 2015 through March 31, 2016.

(2) Open area: Entire state.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 58-1983, f. & ef. 10-19-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 59-1989, f. & ef. 8-15-89; FWC 70-1990, f. & ef. 7-25-90; FWC 60-1992, f. & ef. 7-30-92; FWC 49-1994, f. & ef. 8-12-94; FWC 43-1996, f. & ef. 8-12-96; DFW 62-1998, f. & ef. 8-10-98; DFW 39-2000, f. & ef. 7-25-00; DFW 73-2002, f. & ef. 7-16-02; DFW 67-2004, f. & ef. 7-13-04; DFW 60-2006, f. & ef. 7-12-06; DFW 83-2008, f. & ef. 7-25-08; DFW 82-2010, f. & ef. 6-15-10; DFW 56-2012, f. & ef. 6-11-12; DFW 64-2014, f. & ef. 6-11-14

## 635-050-0140

### Raccoon

(1) Open season: November 15, 2014 through March 15, 2015 and November 15, 2015 through March 15, 2016.

(2) Open area: Entire state.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 58-1983, f. & ef. 10-19-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 59-1989, f. & ef. 8-15-89; FWC 70-1990, f. & ef. 7-25-90; FWC 60-1992, f. & ef. 7-30-92; FWC 49-1994, f. & ef. 8-12-94; FWC 43-1996, f. & ef. 8-12-96; DFW 62-1998, f. & ef. 8-10-98; DFW 39-2000, f. & ef. 7-25-00; DFW 73-2002, f. & ef. 7-16-02; DFW 67-2004, f. & ef. 7-13-04; DFW 60-2006, f. & ef. 7-12-06; DFW 83-2008, f. & ef. 7-25-08; DFW 82-2010, f. & ef. 6-15-10; DFW 56-2012, f. & ef. 6-11-12; DFW 64-2014, f. & ef. 6-11-14

# ADMINISTRATIVE RULES

## 635-050-0150

### River Otter

(1) Open season: November 15, 2014 through March 15, 2015 and November 15, 2015 through March 15, 2016.

(2) Open area: Entire state except for all areas closed to beaver trapping in OAR 635-050-0070.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162  
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162  
Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 58-1983, f. & ef. 10-19-83; FWC 52-1984, f. & ef. 9-5-84; FWC 70-1990, f. & cert. ef. 7-25-90; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 59-1989, f. & cert. ef. 8-15-89; FWC 60-1992, f. & cert. ef. 7-30-92; FWC 49-1994, f. & cert. ef. 8-12-94; FWC 43-1996, f. & cert. ef. 8-12-96; DFW 62-1998, f. & cert. ef. 8-10-98; DFW 39-2000, f. & cert. ef. 7-25-00; DFW 73-2002, f. & cert. ef. 7-16-02; DFW 67-2004, f. & cert. ef. 7-13-04; DFW 60-2006, f. & cert. ef. 7-12-06; DFW 83-2008, f. & cert. ef. 7-25-08; DFW 82-2010, f. & cert. ef. 6-15-10; DFW 56-2012, f. & cert. ef. 6-11-12; DFW 64-2014, f. & cert. ef. 6-11-14

## 635-050-0170

### Pursuit Seasons

(1) The following pursuit seasons are authorized:

(a) Bobcat: September 1, 2014 through February 28, 2015 and September 1, 2015 through February 28, 2016.

(b) Fox: September 1, 2014 through February 28, 2015 and September 1, 2015 through February 28, 2016.

(c) Raccoon: September 1, 2014 through March 15, 2015 and September 1, 2015 through March 15, 2016.

(2) License Requirements: Furtaker's license or hunting license for furbearers shall be on one's person during pursuit.

(3) No animals shall be killed except during authorized open harvest season.

(4) A bobcat record card shall be on one's person while taking or attempting to take bobcat.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162  
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162  
Hist.: FWC 35-1980, f. & ef. 7-2-80; FWC 21-1981, f. & ef. 6-29-81, Renumbered from 635-050-0026; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 58-1983, f. & ef. 10-19-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 79-1988, f. & cert. ef. 9-2-88; FWC 59-1989, f. & cert. ef. 8-15-89; FWC 70-1990, f. & cert. ef. 7-25-90; FWC 60-1992, f. & cert. ef. 7-30-92; FWC 49-1994, f. & cert. ef. 8-12-94; FWC 43-1996, f. & cert. ef. 8-12-96; DFW 62-1998, f. & cert. ef. 8-10-98; DFW 39-2000, f. & cert. ef. 7-25-00; DFW 61-2001, f. & cert. ef. 7-25-01; DFW 73-2002, f. & cert. ef. 7-16-02; DFW 85-2003(Temp), f. & cert. ef. 8-27-03 thru 2-23-04; DFW 67-2004, f. & cert. ef. 7-13-04; DFW 60-2006, f. & cert. ef. 7-12-2006; DFW 83-2008, f. & cert. ef. 7-25-08; DFW 82-2010, f. & cert. ef. 6-15-10; DFW 56-2012, f. & cert. ef. 6-11-12; DFW 64-2014, f. & cert. ef. 6-11-14

## 635-050-0180

### Bobcat and River Otter Record Cards

(1) Each person desiring to hunt or trap bobcat or river otter shall purchase a bobcat or river otter record card prior to hunting or trapping bobcat or river otter.

(2) Bobcat record cards will be available for a fee of \$20.00 (plus a \$2.00 license agent fee) per card.

(3) River otter record cards will be available for a fee of \$15.00 (plus a \$2.00 license agent fee) per card.

(4) Record cards will be available at the Salem headquarters and regional offices of the Department.

(5) River otter cards will have spaces for recording 15 river otters. There is no limit on the purchase of river otter record cards.

(6) Each western Oregon bobcat record card will have spaces for recording 15 bobcats. There is no limit on purchase of western Oregon bobcat record cards.

(7) No more than one record card for eastern Oregon bobcats will be issued to any furtaker or hunter. A duplicate card may be issued, but no more than the bag limit described for eastern Oregon bobcats in OAR 635-050-0080 may be taken in a season.

(8) No person may obtain or possess both eastern and western Oregon bobcat record cards.

(9) Bobcat and river otter record cards shall not be sold after the end of their respective seasons.

(10) Each furtaker shall have the appropriate record card on his person while trapping or hunting bobcat or river otter.

(11) Furtakers shall not have record cards other than their own on their person, or in their possession while in the field or in transit.

(12) Upon coming into possession of any bobcat or river otter, the furtaker who killed the animal shall immediately write on their record card, the species, sex, date of possession and county of harvest.

(13) Each furtaker shall retain the record card until he disposes of the raw pelts.

(14) Fees paid for unused record cards shall not be refunded.

(15) It is unlawful to alter or be in possession of an altered bobcat or river otter record card.

(16) Each licensee shall register a brand number to obtain a bobcat or river otter record card.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162  
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162  
Hist.: FWC 140, f. & ef. 8-29-77; FWC 165, f. & ef. 12-23-77; FWC 44-1978, f. & ef. 9-1-78; FWC 37-1979, f. & ef. 8-29-79; FWC 53-1979(Temp), f. & ef. 11-6-79; FWC 54-1979(Temp), f. & ef. 11-8-79; FWC 60-1979(Temp), f. & ef. 12-18-79; FWC 2-1980(Temp), f. & ef. 1-8-80; FWC 35-1980, f. & ef. 7-2-80; FWC 21-1981, f. & ef. 6-29-81, Renumbered from 635-050-0025(1); FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 79-1988, f. & cert. ef. 9-2-88; FWC 59-1989, f. & cert. ef. 8-15-89; FWC 60-1992, f. & cert. ef. 7-30-92; FWC 49-1994, f. & cert. ef. 8-12-94; DFW 39-2000, f. & cert. ef. 7-25-00; DFW 31-2004, f. & cert. ef. 5-1-04; DFW 67-2004, f. & cert. ef. 7-13-04; DFW 142-2009, f. & cert. ef. 1-1-10; DFW 127-2010, f. & cert. ef. 9-10-10; DFW 64-2014, f. & cert. ef. 6-11-14

## 635-050-0183

### Bobcat and River Otter Ownership Tags

(1) The ownership tag shall be affixed by Department personnel at district and regional offices and shall remain so affixed while the pelt is in raw form.

(2) Ownership tags may be used as foreign export tags.

(3) Each ownership tag authorizes the holder to sell one bobcat or river otter.

(4) Each person shall have an ownership tag affixed to his or her bobcat or river otter pelt at a Department district or regional office within five business days after the season ends.

(5) It shall be unlawful to possess a 2014–2015 or 2015–2016 harvested bobcat or river otter after five business days following the season closure without an ownership tag.

(6) It shall be unlawful to sell or remove from the state a 2014 – 2015 or 2015 – 2016 harvested bobcat or river otter pelt without the respective year's ownership tag.

(7) A furtaker shall be responsible for surrendering to the Oregon Department of Fish and Wildlife the lower jawbone including both canine teeth and information on sex, date of catch and county of harvest with each individual Oregon bobcat and river otter to qualify for ownership tags. A district office may, on a case-by-case basis, waive the lower jawbone requirement, for example if the furtaker provides evidence that failure to provide the jawbone is due to unexpected circumstances beyond his or her control.

(8) The record card with the required information including species, sex, date of possession and county shall be presented to obtain an ownership tag.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162  
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162  
Hist.: FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 79-1988, f. & cert. ef. 9-2-88; FWC 59-1989, f. & cert. ef. 8-15-89; FWC 70-1990, f. & cert. ef. 7-25-90; FWC 60-1992, f. & cert. ef. 7-30-92; FWC 49-1994, f. & cert. ef. 8-12-94; FWC 43-1996, f. & cert. ef. 8-12-96; DFW 62-1998, f. & cert. ef. 8-10-98; DFW 39-2000, f. & cert. ef. 7-25-00; DFW 73-2002, f. & cert. ef. 7-16-02; DFW 67-2004, f. & cert. ef. 7-13-04; DFW 60-2006, f. & cert. ef. 7-12-06; DFW 83-2008, f. & cert. ef. 7-25-08; DFW 82-2010, f. & cert. ef. 6-15-10; DFW 56-2012, f. & cert. ef. 6-11-12; DFW 64-2014, f. & cert. ef. 6-11-14

## 635-050-0189

### Special Bobcat and River Otter Regulations

(1) Raw pelts taken prior to September 1, 1982 may not be sold unless they were metal-sealed by the Oregon State Police or the Department prior to that date.

(2) Those persons failing to comply with 2014–2015 or 2015–2016 Special Bobcat and River Otter Regulations may not be issued a license for the following furbearer season and shall be subject to the penalties provided in ORS 496.992.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162  
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162  
Hist.: FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 79-1988, f. & cert. ef. 9-2-88; FWC 59-1989, f. & cert. ef. 8-15-89; FWC 70-1990, f. & cert. ef. 7-25-90; FWC 60-1992, f. & cert. ef. 7-30-92; FWC 49-1994, f. & cert. ef. 8-12-94; FWC 43-1996, f. & cert. ef. 8-12-96; DFW 62-1998, f. & cert. ef. 8-10-98; DFW 39-2000, f. & cert. ef. 7-25-00; DFW 73-2002, f. & cert. ef. 7-16-02; DFW 67-2004, f. & cert. ef. 7-13-04; DFW 60-2006, f. & cert. ef. 7-12-06; DFW 83-2008, f. & cert. ef. 7-25-08; DFW 82-2010, f. & cert. ef. 6-15-10; DFW 56-2012, f. & cert. ef. 6-11-12; DFW 64-2014, f. & cert. ef. 6-11-14

## 635-200-0040

### Certain Extant Furbearer and Other Species Lawfully Obtained Out of State

(1) Any person may purchase, sell, or exchange the carcass or parts of the following species, provided that the animal was lawfully taken and the



# ADMINISTRATIVE RULES

carcass or parts were lawfully obtained outside Oregon, as documented by appropriate regulatory agency, business or other reliable records:

- (a) Lynx (*Lynx lynx*);
- (b) Wolverine (*Gulo gulo*);
- (c) Wolf (*Canis lupus*);
- (d) Fisher (*Martes pennanti*);
- (e) Kit fox (*Vulpes velox*);
- (f) Ringtail (*Bassariscus astutus*).

(2) For those of the above species that are subject to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the documentation required by this rule is the tag required by CITES for each individual raw pelt only as of November 1998.

Statutory Authority: 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042  
Stats Implemented: 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042  
Hist.: DFW 96-1998, f. & cert. ef. 11-25-98; DFW 64-2014, f. & cert. ef. 6-11-14

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**Rule Caption:** Amend Rules Relating to Habitat Conservation Stamp Program

**Adm. Order No.:** DFW 65-2014

**Filed with Sec. of State:** 6-11-2014

**Certified to be Effective:** 7-4-14

**Notice Publication Date:** 5-1-2014

**Rules Amended:** 635-008-0151, 635-095-0100, 635-095-0105, 635-095-0125

**Subject:** Amend rules regarding the requirements for submission of artwork, amount paid to contest winner, parking permit and other program provisions.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-008-0151

### Procedures for Issuance and Enforcement of Parking Permits for Department Wildlife Areas

The Oregon Department of Fish and Wildlife hereby adopts the following procedures relating to issuance and enforcement of parking permits for certain vehicles in Department Wildlife Area parking areas:

(1) Parking is permitted only in designated parking areas. A parking permit is required at all times for all fee parking areas.

(2) Fee parking areas are designated by the following signs:

(a) "Entering ODFW Wildlife Area — Parking Permit Required Beyond This Point";

(b) "Parking allowed only in designated areas — ODFW Wildlife Area Parking Permit Required".

(3) There are two separate permits: an annual permit and a daily permit.

(4) The fee for parking permits is \$5.00 (plus \$2.00 agent fee) for permits issued on a daily basis or \$20.00 (plus \$2.00 agent fee) for permits issued on an annual basis beginning each January 1. Beginning with 2012 licenses, any hunting license (including Combination and Sports Pac), 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; DFW 65-2014, f. 6-11-14, cert. ef. 7-4-14

## 635-095-0100

### Purpose

The purpose of these rules is to describe the procedures and necessary accompanying information for submission of artwork for the Habitat Conservation Stamp art competition, selection of the winning entry, obligations of the winning artist, and sales provisions pursuant to ORS Chapter 496.

Stat. Auth.: ORS 496.012, 496.138 & HB 2127, 2011 OL Ch. 50

Stats. Implemented: ORS 496 & HB 2127, 2011 OL Ch. 50

Hist.: DFW 13-2012, f. & cert. ef. 2-10-12; DFW 65-2014, f. 6-11-14, cert. ef. 7-4-14

## 635-095-0105

### Submission of Artwork: Requirements

(1) Applicants shall submit artwork for the Habitat Conservation Stamp art competition to the Department headquarters office (4034 Fairview Industrial Drive SE, Salem, OR 97302) by 5:00 p.m. on the last Friday of August of the preceding year.

(2) Habitat Conservation Stamp artwork shall feature at least one Strategy Species in a respective Strategy Habitat. Strategy Species and Strategy Habitats are identified in the 2006 Oregon Conservation Strategy. Artist depictions must be identifiable as a Strategy Species or will be disqualified from the competition.

(3) Image size of each entry shall measure 13 inches by 18 inches (horizontal or vertical) and shall be in any full color medium.

(4) No photographs, sculptures, fabric art, computer-generated or computer-enhanced art, or carvings will be accepted.

(5) The artwork shall be the artist's original creation. A direct copy of another person's artwork or photograph is not acceptable.

(6) The artwork shall be unsigned by the artist. Any signed artwork will be disqualified.

(7) Artwork used in production or entered into any state or federal stamp competition, including Oregon, will be disqualified.

(8) The artwork shall be completely dry. The Department is not responsible for damage to any artwork submitted wet or uncured.

(9) The entry shall be mounted and/or matted (white only), but it shall not be framed or under glass.

(10) All entries must be submitted in sturdy reusable containers. Artwork will be returned to the artist in the same packaging as originally submitted. The Department will not be liable for loss or damage during shipment to or from the Department's office.

(11) It is the responsibility of each entrant to obtain adequate property insurance coverage for their contest submission. The Department assumes no liability for damage, loss, or theft of any entry.

(12) Artists may submit more than one entry meeting the requirements herein.

(13) Each artist shall submit with his or her entry or entries a brief biographical description that includes the artist's background, experience, and previous artistic accomplishments. The Department reserves the right to use this information for publicity should the work be selected.

(14) Department employees are not eligible to participate in the contest.

Stat. Auth.: ORS 496.012, 496.138 & HB 2127, 2011 OL Ch. 50

Stats. Implemented: ORS 496 & HB 2127, 2011 OL Ch. 50

Hist.: DFW 13-2012, f. & cert. ef. 2-10-12; DFW 57-2012, f. & cert. ef. 6-11-12; DFW 65-2014, f. 6-11-14, cert. ef. 7-4-14

## 635-095-0125

### Other Provisions

(1) The fee for the Habitat Conservation Stamp is \$18.00 (plus \$2.00 agent fee)

(2) Sale of Habitat Conservation Stamps by the Department shall end at the close of business on December 31, of the respective year. Stamps with numbers corresponding with the prints signed by the artist and the Governor will be retained. These stamps will only be distributed with the sale of the corresponding print. Excess stamps shall be shredded after auditing of sales takes place.

# ADMINISTRATIVE RULES

(3) The Department shall award one thousand dollars (\$1,000) to the artist whose entry is selected for the Habitat Conservation Stamp.

(4) The winning entry shall become the exclusive property of the Department.

(5) The Department shall retain all reproduction rights for limited edition prints or other promotional materials.

(6) The artist shall sign, at no charge, up to two hundred fifty (250) habitat conservation prints for sale by the Department. The monetary prize will be awarded after the artist has signed the prints.

Stat. Auth.: ORS 496.012, 496.138, HB 2127, 2011 OL Ch. 50  
Stats. Implemented: ORS 496, HB 2127, 2011 OL Ch. 50  
Hist.: DFW 13-2012, f. & cert. ef. 2-10-12; DFW 57-2012, f. & cert. ef. 6-11-12; DFW 156-2012(Temp), f. & cert. ef. 12-31-12 thru 6-28-13; DFW 51-2013, f. & cert. ef. 6-10-13; DFW 65-2014, f. 6-11-14, cert. ef. 7-4-14

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**Rule Caption:** Columbia River Zone 6 Treaty Indian Summer Commercial Gill Net Fishery Authorized

**Adm. Order No.:** DFW 66-2014(Temp)

**Filed with Sec. of State:** 6-12-2014

**Certified to be Effective:** 6-16-14 thru 7-31-14

**Notice Publication Date:**

**Rules Amended:** 635-041-0076

**Rules Suspended:** 635-041-0065(T)

**Subject:** This amended rule authorizes the sales of fish caught in a Treaty tribal commercial gill net fishery in all of Zone 6 of the Columbia River in two fishing periods: from 6:00 a.m. Monday, June 16 through 6:00 p.m. Thursday, June 19 (3.5 days); and from 6:00 a.m. Monday, June 23 through 6:00 p.m. Thursday, June 26 (3.5 days). Modifications are consistent with action taken June 11, 2014 by the Columbia River Compact, Departments of Fish & Wildlife of 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) Salmon, steelhead, shad, walleye, catfish, bass, yellow perch, and carp may be taken for commercial purposes from Zone 6, in the Columbia River Treaty Indian Fishery, from 12:01 a.m. Monday, June 16 through 11:59 p.m. Thursday, July 31, 2014.

(2) Gear is restricted to subsistence fishing gear which includes hoop-nets, dipnets, and rod and reel with hook-and-line. Fish may also be taken by gill net during the following period(s): from 6:00 a.m. Monday, June 16, through 6:00 p.m. Thursday, June 19, 2014 (3.5 days); and from 6:00 a.m. Monday, June 23, through 6:00 p.m. Thursday, June 26, 2014 (3.5 days). Gill nets have a 7-inch minimum mesh size restriction.

(3) Closed areas as set forth in OAR 635-041-0045 remain in effect with the exception of Spring Creek Hatchery sanctuary.

(4) White sturgeon between 43-54 inches in fork length caught in The Dalles Pool and John Day pools and white sturgeon between 38-54 inches in fork length caught in the Bonneville Pool may not be sold but may be retained for subsistence use. Fish caught during any open period may be sold at any time.

(5) Effective 12:01 a.m. Monday, June 16 through 11:59 p.m. Thursday, July 31, 2014, commercial sales of salmon, steelhead, walleye, shad, catfish, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; and Drano Lake are allowed for Yakama Nation members during those days and hours when these tributaries are open under lawfully enacted Yakama Nation fishing periods. Sturgeon between 43-54 inches in fork length harvested in tributaries within The Dalles or John Day pools and sturgeon between 38-54 inches in fork length harvested in tributaries within Bonneville Pool may not be sold but may be kept for 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; Administrative correction, 8-21-13; DFW 66-2014(Temp), f. 6-12-14, cert. ef. 6-16-14 thru 7-31-14

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**Rule Caption:** Columbia River Mainstem Summer Commercial Drift Net Fisheries Authorized

**Adm. Order No.:** DFW 67-2014(Temp)

**Filed with Sec. of State:** 6-12-2014

**Certified to be Effective:** 6-16-14 thru 7-31-14

**Notice Publication Date:**

**Rules Amended:** 635-042-0027

**Rules Suspended:** 635-042-0022(T)

**Subject:** This amended rule sets a non-Indian commercial summer salmon drift gill net season for the mainstem Columbia River in Zones 1 thru 5. The season will commence at 9:00 p.m. Monday, June 16 and run through to 5:00 a.m. Tuesday, June 17, 2014 (8 hours). Allowed sales from this fishery include Chinook salmon, sockeye salmon and shad. Rule modifications were made consistent with Joint State Action taken June 11, 2014 by the Columbia River Compact, Departments of Fish & Wildlife of the States of Oregon and Washington.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

**635-042-0027**

**Summer Salmon Season**

(1) Chinook salmon, sockeye salmon, and shad may be taken by drift gill net for commercial purposes in Zones 1 through 5, from 9:00 p.m. Monday, June 16 to 5:00 a.m. Tuesday, June 17, 2014 (8 hours).

(2) It is *unlawful* to use a gill net having a mesh size less than 8 inches. Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(3) Closed waters, as described in OAR 635-042-0005 for Elokomin-A, Cowlitz River, Kalama A, Lewis A, Washougal River and Sandy River sanctuaries are in effect during open fishing periods as applicable.

Stat. Auth.: ORS 496.118, 506.109 & 506.129  
Stats. Implemented: ORS 506.119 & 507.030  
Hist.: DFW 5-2006, f. & cert. ef. 2-15-06; DFW 47-2006(Temp), f. 6-20-06, cert. ef. 6-26-06 thru 7-31-06; DFW 51-2006(Temp), f. & cert. ef. 6-29-06 thru 7-31-06; DFW 57-2006(Temp), f. 7-5-06, cert. ef. 7-6-06 thru 7-31-06; DFW 63-2006(Temp), f. 7-14-2006, cert. ef. 7-16-06 thru 7-31-06; DFW 68-2006(Temp), f. 7-28-06, cert. ef. 7-30-06 thru 7-31-06; Administrative correction 8-22-06; DFW 45-2007(Temp), f. 6-15-07, cert. ef. 6-25-07 thru 7-31-07; DFW 52-2007(Temp), f. & cert. ef. 7-6-07 thru 7-31-07; DFW 63-2008(Temp), f. 6-13-08, cert. ef. 6-24-08 thru 7-31-08; DFW 68-2008(Temp), f. 6-20-08, cert. ef. 6-21-08 thru 8-31-08; DFW 75-2008(Temp), f. 7-3-08, cert. ef. 7-7-08 thru 7-31-08; Administrative correction 8-21-08; DFW 72-2009(Temp), f. 6-15-09, cert. ef. 6-18-09 thru 7-31-09; Administrative correction 8-21-09; DFW 81-2010(Temp), f. 6-14-10, cert. ef. 6-17-10 thru 7-31-10; Administrative correction 8-18-10; DFW 67-2011(Temp), f. 6-14-11, cert. ef. 6-16-11 thru 7-31-11; Administrative correction 9-23-11; DFW 67-2012(Temp), f. 6-14-12, cert. ef. 6-17-12 thru 7-31-12; Administrative correction, 8-27-12; DFW 56-2013(Temp), f. 6-12-13, cert. ef. 6-16-13 thru 7-31-13; DFW 72-2013(Temp), f. 7-11-13, cert. ef. 7-15-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 67-2014(Temp), f. 6-12-14, cert. ef. 6-16-14 thru 7-31-14

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**Rule Caption:** 2014 Columbia River Summer Recreational Fisheries Implemented.

# ADMINISTRATIVE RULES

**Adm. Order No.:** DFW 68-2014(Temp)  
**Filed with Sec. of State:** 6-12-2014  
**Certified to be Effective:** 6-16-14 thru 7-31-14  
**Notice Publication Date:**  
**Rules Amended:** 635-023-0128

**Subject:** This amended rule implements 2014 summer recreational salmon fishing seasons in the Columbia River. Modifications to regulations for 2014 conform to regulation changes developed through this year's Pacific Fishery Management Council/North of Falcon Process. Housekeeping and technical corrections to the regulations were made to ensure rule consistency with the State of Washington.  
**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-023-0128 Summer Sport Fishery

(1) The **2014 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 **2014 Oregon Sport Fishing Regulations**.

(2) Notwithstanding all other specifications and restrictions in the **2014 Oregon Sport Fishing Regulations**:

(a) Effective June 16 through July 31 the mainstem Columbia River is open to the retention of adipose fin-clipped jack Chinook (12–24 inches in length) and adipose fin-clipped steelhead from the Astoria-Megler Bridge upstream to the Oregon/Washington border.

(b) Retention of sockeye salmon and adipose fin-clipped adult summer Chinook (longer than 24 inches in length) is allowed from the Astoria-Megler Bridge upstream to Bonneville Dam during the period from June 16 through June 30, 2014 and from Bonneville Dam upstream to the Oregon/Washington border during the period from June 16 through July 31, 2014.

(c) The combined daily bag limit for adult salmon and steelhead is two fish. All sockeye are considered adults in the daily limit. Only adipose fin-clipped Chinook and steelhead may be retained. The daily limit for jacks is five fish.

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

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 52-2005(Temp), f. 6-3-05, cert. ef. 6-16-05 thru 7-31-05; DFW 64-2005(Temp), f. 6-30-05, cert. ef. 7-1-05 thru 7-31-05; Administrative correction 8-17-05; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 24-2007, f. 4-16-07, cert. ef. 5-1-07; DFW 51-2007(Temp), f. 6-29-07, cert. ef. 7-2-07 thru 7-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 36-2008, f. 4-21-08, cert. ef. 5-1-08; DFW 61-2008(Temp), f. 6-13-08, cert. ef. 6-16-08 thru 7-31-08; DFW 68-2008(Temp), f. 6-20-08, cert. ef. 6-21-08 thru 8-31-08; DFW 71-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 8-31-08; Administrative correction 9-29-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 52-2009, f. & cert. ef. 5-18-09; DFW 69-2009(Temp), f. 6-11-09, cert. ef. 6-16-09 thru 7-31-09; Administrative correction 8-21-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 77-2010, f. 6-8-10, cert. ef. 6-16-10; DFW 88-2010(Temp), f. 6-25-10, cert. ef. 6-26-10 thru 7-31-10; Administrative correction 8-18-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 65-2011(Temp), f. 6-14-11, cert. ef. 6-16-11 thru 7-31-11; DFW 95-2011(Temp), f. 7-15-11, cert. ef. 7-18-11 thru 7-31-11; Administrative correction 9-23-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 64-2012(Temp), f. 6-12-12, cert. ef. 6-16-12 thru 7-31-12; [DFW 85-2012(Temp), f. 7-6-12, cert. ef. 7-9-12 thru 8-31-12; Temporary Suspended by DFW 100-2012(Temp), f. 7-31-12, cert. ef. 8-1-12 thru 12-31-12]; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 55-2013(Temp), f. 6-12-13, cert. ef. 6-16-13 thru 7-31-13; DFW 66-2013(Temp), f. & cert. ef. 6-27-13 thru 7-31-13; DFW 70-2013(Temp), f. 7-11-13, cert. ef. 7-13-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 68-2014(Temp), f. 6-12-14, cert. ef. 6-16-14 thru 7-31-14

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**Rule Caption:** Tillamook Bay Commercial Cackle Clam Dive Fishery Closes.

**Adm. Order No.:** DFW 69-2014(Temp)

**Filed with Sec. of State:** 6-12-2014

**Certified to be Effective:** 6-13-14 thru 12-10-14

**Notice Publication Date:**

**Rules Amended:** 635-005-0355

**Subject:** Amended rule closes the Tillamook Bay commercial cackle clam dive fishery at 12:01 a.m. Friday, June 13, 2014 due to a projected attainment of the 90,000 pound annual harvest quota allowed under bay clam dive permits. Modifications are consistent with requirements described in OAR 635-005-0355 sections (2) and (3).

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-005-0355

### Catch Limits

(1) In Netarts Bay, the commercial landing cap for cackle clams harvested by the bay clam dive fishery is 8,000 pounds.

(2) In Tillamook Bay, the commercial landing cap for cackle clams harvested by the bay clam dive fishery is 90,000 pounds.

(3) When the commercial cackle clam landing caps specified in sections (1) and (2) of this rule are reached, the commercial cackle clam fishery in that estuary will close for the remainder of that calendar year. The Tillamook Bay clam dive fishery is closed effective 12:01 a.m. Friday, June 13 due to the anticipated attainment of the 90,000 pound landing cap.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 137-2005, f. 12-7-05, cert. ef. 1-1-06, Renumbered from 635-005-0032, DFW 76-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 80-2012(Temp), f. 6-28-12, cert. ef. 7-4-12 thru 12-30-12; Administrative correction, 2-1-13; DFW 54-2013(Temp), f. 6-12-13, cert. ef. 6-15-13 thru 12-11-13; Administrative correction, 12-19-13; DFW 69-2014(Temp), f. 6-12-14, cert. ef. 6-13-14 thru 12-10-14

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**Rule Caption:** EE Wilson Pond Bag Limits Increased for Rainbow Trout and Bass

**Adm. Order No.:** DFW 70-2014(Temp)

**Filed with Sec. of State:** 6-13-2014

**Certified to be Effective:** 6-13-14 thru 6-30-14

**Notice Publication Date:**

**Rules Amended:** 635-017-0090

**Rules Suspended:** 635-017-0090(T)

**Subject:** This amended rule increases the daily take limits for rainbow trout and bass in EE Wilson Pond beginning June 13 through June 30, 2014. EE Wilson Wildlife Area staff intend to empty the pond, dry it, remove the weeds, and conduct dyke repairs. The pond will be drained slowly, beginning June 16, about a foot a day, until completely drained. These rule modifications are intended to increase recreational angler harvest at the pond and reduce the fish populations prior to the scheduled draining of the pond.

**Rules Coordinator:** Therese Kucera—(503) 947-6033

## 635-017-0090

### Inclusions and Modifications

(1) The **2014 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 **2014 Oregon Sport Fishing Regulations**.

(2) Pacific Lamprey Harvest:

(a) Pursuant to OAR 635-044-0130(1)(b), authorization from the Oregon Fish and Wildlife Commission must be in possession by individuals collecting or possessing Pacific lamprey for personal use. Permits are available from ODFW, 17330 SE Evelyn Street, Clackamas, OR 97015;

(b) Open fishing period is June 1 through July 31 from 7:00 A.M. to 6:00 P.M.; personal use harvest is permitted Friday through Monday each week. All harvest is prohibited Tuesday through Thursday;

(c) Open fishing area is the Willamette River at Willamette Falls on the east side of the falls only, excluding Horseshoe Area at the peak of the falls;

(d) Gear is restricted to hand or hand-powered tools only;

(e) Catch must be recorded daily on a harvest record card prior to leaving the open fishing area. Harvest record cards will be provided by ODFW. All harvest record cards must be returned to the ODFW Clackamas office by August 31 to report catch. Permit holders who do not return the harvest record cards by August 31 will be ineligible to receive a permit in the following year.

(f) Harvesters must allow sampling or enumeration of catches by ODFW personnel.

(3) Sandy River (Multnomah/Clackamas Co.) mainstem and tributaries upstream from ODFW markers at the mouth of the Salmon River, including the Salmon River:

(a) Open for adipose fin-clipped steelhead and non-adipose fin-clipped steelhead harvest July 1-August 31.

(b) Angling restricted to artificial flies and lures with a single point hook no larger than 1/2 inch gap (size 1) and multiple point hook no larger than 3/8 inch gap (size 4).

(c) No limit on size or number of brook trout taken. Catch limits on other trout species do not apply to brook trout.



# ADMINISTRATIVE RULES

## (4) Santiam River:

(a) Rainbow Trout: The daily bag limit for adipose fin-clipped rainbow trout is increased from two (2) to five (5) in the mainstem Santiam River, the North Fork to the markers upstream of Packsaddle Park, and in the South Fork to the markers below Foster Dam (excluding all tributaries) beginning June 10 through October 31, 2014 with no minimum length requirements.

(b) Steelhead: The daily bag limit for adipose fin-clipped steelhead is increased to one (1) additional adult adipose fin-clipped steelhead per day in the mainstem Santiam River, the Little North Fork, the North Fork up to the markers in Packsaddle Park, and in the South Fork to the markers below Foster Dam beginning June 10 through October 31, 2014.

(5) Effective January 1, 2013, the use of barbless hooks is required when angling for salmon, steelhead, or trout in the mainstem Willamette River downstream of Willamette Falls (including Multnomah Channel and the Gilbert River) and in the lower Clackamas River upstream to the Highway 99E Bridge.

(6) Liberalized bag limits for EE Wilson Pond are in effect from June 13 through June 30, 2014 as follows:

(a) Rainbow Trout: the daily bag limit for rainbow trout is increased from five to ten in possession.

(b) Bass: the daily bag limit for bass is increased from five to ten in possession.

(c) All other regulations as shown in the **2014 Oregon Sport Fishing Regulations**, including rules regarding wanton waste, remain in effect.

Stat. Auth.: ORS 496.138, 496.146, 497.121 & 506.119

Stats. Implemented: ORS 496.004, 496.009, 496.162 & 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 3-1994, f. 1-25-94, cert. ef. 1-26-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 86-1994(Temp), f. 10-31-94, cert. ef. 11-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 32-1995, f. & cert. ef. 4-24-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 14-1996, f. 3-29-96, cert. ef. 4-1-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 22-1996(Temp), f. 5-9-96 & cert. ef. 5-10-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 13-1997, f. 3-5-97, cert. ef. 3-11-97; FWC 17-1997(Temp), f. 3-19-97, cert. ef. 4-1-97; FWC 24-1997(Temp), f. & cert. ef. 4-10-97; FWC 31-1997(Temp), f. 5-14-97, cert. ef. 5-15-97; FWC 39-1997(Temp), f. 6-17-97, cert. ef. 6-18-97; FWC 69-1997, f. & cert. ef. 11-6-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 19-1998, f. & cert. ef. 3-12-98; DFW 28-1998(Temp), f. & cert. ef. 4-9-98 thru 4-24-98; DFW 31-1998(Temp), f. & cert. ef. 4-24-98 thru 7-31-98; DFW 33-1998(Temp), f. & cert. ef. 4-30-98 thru 5-15-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 35-1998(Temp), f. & cert. ef. 5-10-98 thru 5-15-98; DFW 37-1998(Temp), f. & cert. ef. 5-15-98 thru 7-31-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 15-1999, f. & cert. ef. 3-9-99; DFW 16-1999(Temp), f. & cert. ef. 3-10-99 thru 3-19-99; DFW 19-1999(Temp), f. & cert. ef. 3-19-99 thru 4-15-99; DFW 27-1999(Temp), f. & cert. ef. 4-23-99 thru 10-20-99; DFW 30-1999(Temp), f. & cert. ef. 4-27-99 thru 5-12-99; DFW 35-1999(Temp), f. & cert. ef. 5-13-99 thru 7-31-99; DFW 39-1999(Temp), f. 5-26-99, cert. ef. 5-27-99 thru 7-31-99; DFW 78-1999, f. & cert. ef. 10-4-99; DFW 88-1999(Temp), f. 11-5-99, cert. ef. 11-6-99 thru 11-30-99; administrative correction 11-17-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 13-2000, f. & cert. ef. 3-20-00; DFW 22-2000, f. 4-14-00, cert. ef. 4-16-00 thru 7-31-00; DFW 23-2000(Temp), f. 4-19-00, cert. ef. 4-22-00 thru 7-31-00; DFW 58-2000(Temp), f. & cert. ef. 9-1-00 thru 12-31-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 6-2001, f. & cert. ef. 3-1-01; DFW 23-2001(Temp), f. & cert. ef. 4-23-01 thru 10-19-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 46-2001(Temp), f. 6-8-01, cert. ef. 6-16-01 thru 12-13-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 95-2001(Temp), f. 9-27-01, cert. ef. 10-20-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp), f. 1-11-02, cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 42-2002, f. & cert. ef. 5-3-02; DFW 44-2002(Temp), f. 5-7-02, cert. ef. 5-8-02 thru 11-3-02; DFW 70-2002(Temp), f. 7-10-02, cert. ef. 7-12-02 thru 12-31-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 16-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 7-1-03; DFW 42-2003, f. & cert. ef. 5-16-03; DFW 53-2003(Temp), f. 6-17-03, cert. ef. 6-18-03 thru 12-14-03; DFW 57-2003(Temp), f. & cert. ef. 7-8-03 thru 12-31-03; DFW 59-2003(Temp), f. & cert. ef. 7-11-03 thru 12-31-03; DFW 70-2003(Temp), f. & cert. ef. 7-23-03 thru 12-31-03; DFW 71-2003(Temp), f. 7-24-03, cert. ef. 7-25-03 thru 12-31-03; DFW 90-2003(Temp), f. 9-12-03, cert. ef. 9-13-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 33-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 48-2004(Temp), f. 5-26-04, cert. ef. 5-28-04 thru 11-23-04; DFW 69-2004(Temp), f. & cert. ef. 7-12-04 thru 11-23-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 24-2005, f. 4-15-05, cert. ef. 5-1-05; DFW 78-2005(Temp), f. 7-19-05, cert. ef. 7-21-05 thru 7-22-05; Administrative correction 8-17-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 36-2006(Temp), f. & cert. ef. 6-1-06 thru 9-30-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 121-2006(Temp), f. & cert. ef. 10-20-06 thru 12-31-06; DFW 32-2007, f. 5-14-07, cert. ef. 6-1-07; DFW 65-2007(Temp), f. & cert. ef. 8-6-07 thru 10-31-07; DFW 105-2007(Temp), f. 10-4-07, cert. ef. 10-6-07 thru 11-30-07; Administrative correction 12-20-07; DFW 134-2007, f. 12-26-07, cert. ef. 1-1-08; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 1-2008(Temp), f. & cert. ef. 1-9-08 thru 7-6-08; DFW 5-2008(Temp), f. 1-25-08, cert. ef. 2-1-08 thru 7-6-08; DFW 15-2008(Temp), f. 2-26-08, cert. ef. 3-1-08 thru 7-29-08; DFW 46-2008(Temp), f. 5-9-08, cert. ef. 5-12-08 thru 7-29-08; DFW 55-2008(Temp), f. 5-30-08, cert. ef. 6-2-08 thru 10-31-08; DFW 82-2008(Temp), f. 7-21-08, cert. ef. 7-29-08 thru 12-31-08; DFW 110-2008(Temp), f. 9-15-08, cert. ef. 9-17-08 thru 12-31-08; DFW 124-2008(Temp), f. 10-1-08, cert. ef. 10-2-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 9-2009(Temp), f. 2-13-09, cert. ef. 3-1-09 thru 8-15-09; DFW 15-2009, f. & cert. ef. 2-25-09; DFW 74-2009(Temp), f. 6-25-09, cert. ef. 6-30-09 thru 7-2-09; Administrative correction 7-21-09; DFW 103-2009(Temp), f. 8-27-09, cert. ef. 9-1-09 thru 12-31-09; DFW 118-2009(Temp), f. & cert. ef. 9-28-09 thru 12-31-09; DFW 123-2009(Temp), f. & cert. ef. 10-5-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 61-2010, f. & cert. ef. 5-14-10; DFW 62-2010(Temp), f. 5-14-10, cert. ef. 5-22-10 thru 11-17-10; DFW 84-2010(Temp), f. 6-17-10, cert. ef. 6-18-10 thru 10-31-10; DFW 94-

2010(Temp), f. & cert. ef. 7-1-10 thru 10-31-10; DFW 96-2010(Temp), f. 7-7-10, cert. ef. 7-8-10 thru 10-31-10; DFW 123-2010(Temp), f. 8-26-10, cert. ef. 9-1-10 thru 12-31-10; DFW 134-2010(Temp), f. 9-22-10, cert. ef. 9-23-10 thru 12-31-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 158-2011(Temp), f. 12-14-11, cert. ef. 1-1-12 thru 4-30-12; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 21-2012, f. & cert. ef. 3-12-12; DFW 89-2012(Temp), f. 7-17-12, cert. ef. 7-26-12 thru 8-31-12; DFW 99-2012(Temp), f. 7-31-12, cert. ef. 8-1-12 thru 12-31-12; DFW 152-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 67-2013(Temp), f. 7-3-13, cert. ef. 7-11-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 62-2014(Temp), f. & cert. ef. 6-10-14 thru 10-31-14; DFW 70-2014(Temp), f. & cert. ef. 6-13-14 thru 6-30-14

## Department of Forestry Chapter 629

**Rule Caption:** Defining Special Forest Products and Firewood Permitting on State Forest Lands

**Adm. Order No.:** DOF 1-2014

**Filed with Sec. of State:** 6-12-2014

**Certified to be Effective:** 7-1-14

**Notice Publication Date:** 2-1-2014

**Rules Adopted:** 629-028-0002, 629-028-0003, 629-028-0004

**Rules Amended:** 629-028-0010, 629-028-0015, 629-028-0020, 629-028-0025

**Rules Ren. & Amend:** 629-028-0005 to 629-028-0001

**Subject:** The Oregon Department of Forestry (ODF) conducted permanent rulemaking for the above administrative rules adopted under the Forest Practices Act (FPA). The primary rule change within the rulemaking process is reflected in Oregon Administrative Rule (OAR) 629-028-0005 Definitions, where the rule number will be renumbered and amended to include the definition of special forest products. These rule amendments also include the process someone would need to follow to add or delete or modify products from the definition. In 2013, House Bill (HB) 2615 passed, which allowed the State Forester, acting under the authority of the Oregon Board of Forestry (BOF), to define special forest products in rule that included the change in identifying mushrooms and truffles as "wild, edible fungi." An emergency was declared under the HB requiring ODF to modify forms available for private landowners to use when allowing others permission to harvest special forest products on their land. The rules required revision prior to July 1, 2014, to meet requirements in the amended statute ORS 164.813.

Review of the rulemaking package may be accessed on the Department's web page at: [http://www.oregon.gov/odf/Pages/lawsrules.aspx#Proposed\\_Rules](http://www.oregon.gov/odf/Pages/lawsrules.aspx#Proposed_Rules) or at the office of the State Forester, and are available upon request. Associated supporting materials presented at the November 2013 and the June 2014 Board of Forestry meeting are available online. They may be accessed through the Board of Forestry website: [www.oregonforestry.gov](http://www.oregonforestry.gov).

Two public information meetings regarding the bill and the rulemaking process were held at ODF offices in Forest Grove and Salem in February 2014. Notice of those meetings were handled via flyers and media releases no less than two weeks prior to the meeting dates. Two formal hearings were held at ODF offices in March 2014: March 4th in Springfield at 6:00 p.m. (3150 Main Street) and March 18th in Salem at 6:00 p.m. (2600 State Street). Notices for those meetings followed public meeting announcement laws. Written comments were allowed until 11:59 p.m. on April 1st, 2014.

**Rules Coordinator:** Sabrina Perez—(503) 945-7210

### 629-028-0001

#### Definitions

The following terms and definitions shall apply to this division, unless the context otherwise requires:

- (1) "Board" means the Oregon State Board of Forestry.
- (2) "Department" means Oregon Department of Forestry.
- (3) "Forester" means the State Forester or an authorized representative.
- (4) "Harvest" means to separate by cutting, digging, prying, picking, peeling, breaking, pulling, splitting or otherwise removing a special forest product from its physical connection or point of contact with the ground or vegetation upon which it was growing; or the place or position where it lay.
- (5) "Landowner" means an individual, combination of individuals, partnership, corporation or association of whatever nature that holds an

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ownership interest in forestland, including the state, and any political subdivision thereof.

(6) "Landowner representative" means an employee, agent or designee of a landowner.

(7) "Permittee" means a person who possesses a valid permit.

(8) "Permit Fee" means a charge made by the Forester to recover costs of administering the woodcutting permit program.

(9) "Special Forest Products" means plants, lichens, fungi, and other materials collected from the forest for various uses including subsistence, education, research, recreation, and commercial enterprise as described in this section:

(a) Bark and needles of the Pacific yew (*Taxus brevifolia*);

(b) Bear grass (*Xerophyllum tenax*),

(c) Boughs, branches, leaves, flowers, stalks, roots, pitch, bark, stems, and other forest plant parts;

(d) Burls, fiddleback and other music wood, or other figured or decorative-grained wood;

(e) Cascara bark from the cascara tree (*Rhamnus purshiana*);

(f) Cedar salvage, including cedar chunks, slabs, stumps, and logs that are more than one cubic foot in volume;

(g) Conks and other fungi;

(h) Cut or picked conifer foliage, including, but not limited to wild Christmas trees, tree boughs, bark, cones, and other vegetative products not harvested in log form.

(i) Cut or picked evergreen foliage, bark, and shrubs, including, but not limited to, huckleberry, Oregon grape, rhododendron, and salal;

(j) Cut or picked juniper foliage, berries, bark, limbs, or juniper split posts, poles, pickets, stakes or rails, or other round or split products of juniper;

(k) Ferns;

(l) Firewood, meaning pieces of wood that are less than 48 inches in length, and in a form commonly used for burning in campfires, stoves or fireplaces;

(m) Herbs, nuts, seeds, and fruits;

(n) Moss, lichen, and algae;

(o) Native trees, shrubs, bulbs, and grasses, including, but not limited to trees, shrubs, bulbs, and grasses that are not nursery grown and that have been removed from the ground with roots intact;

(p) Rocks and minerals;

(q) Round or split posts, poles, pickets, stakes or rails, shakeboards, shake-bolts, shingle bolts or other round or split products of any forest tree species;

(r) Vine maple clumps and cuttings;

(s) Wildflowers, mistletoe, and cacti;

(t) Wild edible fungi, regardless of species, that have not been cultivated or propagated by artificial means;

(10) Special forest products does not mean mill ends, driftwood and artificially fabricated fireplace logs.

(11) "State Forest Lands" means those lands managed by the Forester under authority of ORS 530.010 to ORS 530.520.

(12) "Transportation" means the physical conveyance of special forest products away from a harvest or collection site and includes, but is not limited to, transportation in or on a motor vehicle or trailer, both as defined for purposes of the Oregon Vehicle Code; or a boat, barge, raft or other water vessel; or an airplane, helicopter, balloon, or other aircraft.

(13) "Woodcutting Permit" means a permit issued by the Forester to an individual authorizing permittee to gather, salvage, cut, and remove not over two cords of wood fiber from State forest lands for personal use as domestic fuel.

Stat. Auth.: ORS 526, ORS 530

Stats. Implemented: ORS 526.005, 530.010 - 530.020, 164.813 & 164.814

Hist.: FB 9-1980, f. & ef. 10-14-80; Renumbered from 629-028-0005, DOF 1-2014, f. 6-12-14, cert. ef. 7-1-14

## 629-028-0002

### Purpose of Special Forest Products

ORS 164.813 requires the State Board of Forestry to define special forest products. Special forest products, other than timber forest products, may be harvested from private land if the landowner permits the harvester to do so. The list of special forest products may be modified by following criteria in OAR 629-028-0004.

Stat. Auth.: ORS 164.813

Stats. Implemented: ORS 164.813

Hist.: DOF 1-2014, f. 6-12-14, cert. ef. 7-1-14

## 629-028-0003

### Special Forest Products Permission; Permit by Landowner; Forms

(1) Written permission is required and provided by the landowner, or landowner representative, to a person harvesting special forest products. Written permission must follow the requirements of ORS 164.813. The person harvesting special forest products must have in their possession a written permit from the owner of the land from which the firewood is cut or the special forest products taken.

(2) Any fees associated with permission to harvest or remove special forest products are determined by the landowner.

(3) Landowners, or their representatives, may use the department-provided forms. All permits shall conform to ORS 164.813 requirements.

(4) Records pertaining to the selling, buying and transporting of special forest products shall be made available upon request to any peace officer as defined in ORS 133.005.

Stat. Auth.: ORS 164.813, 164.814, 164.845 & 164.855

Stats. Implemented: ORS 164.813 & 164.814

Hist.: DOF 1-2014, f. 6-12-14, cert. ef. 7-1-14

## 629-028-0004

### Process for Adding, Removing or Modifying Special Forest Products from the Definition of Special Forest Products

(1) The department, a person, an organization or other agency may propose to add, remove or modify an item from the definition of special forest products.

(2) The best information available needs to support the request to add, remove or modify an item from the definition of special forest products, including:

(a) The need to add, remove or modify an item; and

(b) A description of the economic value and market for the item to be added; or

(c) An evaluation of how an item contained in the definition of special forest products is no longer considered useful or valuable and needs to be removed; or

(d) A description of the need to modify an item or description of a special forest product.

(3) The Board shall consider the request and accept, reject or modify this information submitted under section (2) of this rule. Based on the information provided, the Board shall add the item, remove the item, or modify the item contained in the definition of special forest products.

Stat. Auth.: ORS 164.813

Stats. Implemented: ORS 164.813

Hist.: DOF 1-2014, f. 6-12-14, cert. ef. 7-1-14

## 629-028-0010

### Purpose of Woodcutting Permitting on State Forest Lands

As set forth in ORS 530.050 the Forester in exercising legal authority for the management of State forest lands shall manage the land to secure the greatest permanent value to the State. The Forester, in the management, protection, utilization, and conservation of the lands may, in addition to selling forest products from the lands, permit the use of the lands for other purposes not detrimental to the State. The Board and the Forester have determined that it is in the interest of the State to permit the people of the State to utilize wood fiber that has a marginal economic or commercial value as firewood.

Stat. Auth.: ORS 530

Stats. Implemented: ORS 530.050 & 530.500

Hist.: FB 9-1980, f. & ef. 10-14-80; DOF 1-2014, f. 6-12-14, cert. ef. 7-1-14

## 629-028-0015

### Permit Fee Associated with Woodcutting Permits on State Forest Lands

The Forester intends to issue woodcutting permits, and when necessary, to charge a permit fee. Such fee does not constitute a price for sale of forest products, but may be made in an amount sufficient to enable the Forester to recover costs of developing woodcutting areas, issuing permits, and supervising and administering the woodcutting permit program. If a fee is necessary, it shall be a standard rate, used statewide, and established annually by the Forester.

Stat. Auth.: ORS 530

Stats. Implemented: ORS 530.110, 530.115 & 530.500

Hist.: FB 9-1980, f. & ef. 10-14-80; DOF 1-2014, f. 6-12-14, cert. ef. 7-1-14

## 629-028-0020

### Criteria for Fee Charge; State Forest Land Woodcutting Permits

(1) In determining when to charge a permit fee, and the amount of such fee, the Forester shall consider the following:

(a) The amount of demand for woodcutting permits in local areas or districts;

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(b) The amount of wood available for cutting and any costs incurred in making it accessible for permit use, such as yarding, bunching, posting, marking, and road improvement or maintenance;

(c) The possible impact of administration of the woodcutting permit program upon the accomplishment of other activities necessary to the management of the lands.

(2) If any of the above criteria or combination of criteria under the free permit system cause significant impact in the administration of general State forest land programs, the Forester may implement the fee permit system in a district or area.

Stat. Auth.: ORS 530  
Stats. Implemented: ORS 530.115 & 530.500  
Hist.: FB 9-1980, f. & ef. 10-14-80; DOF 1-2014, f. 6-12-14, cert. ef. 7-1-14

## 629-028-0025

### Requirements of Permittees of Woodcutting Permits on State Forest Lands

Each permittee shall observe the following requirements:

(1) Permittee shall have the permit in possession when cutting or removing firewood.

(2) The firewood is for personal use and permittee shall not sell, bargain, or otherwise obtain monetary or material profit from the fuelwood obtained through a permit

(3) Permittee shall perform the cutting and removal of firewood in compliance with the laws of the State of Oregon, and requirements of the Forester for the protection and conservation of the lands.

Stat. Auth.: ORS 530  
Stats. Implemented: ORS 530.500  
Hist.: FB 9-1980, f. & ef. 10-14-80; DOF 1-2014, f. 6-12-14, cert. ef. 7-1-14

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

**Rule Caption:** Medicaid Home Delivered Meals

**Adm. Order No.:** APD 14-2014

**Filed with Sec. of State:** 6-4-2014

**Certified to be Effective:** 6-4-14

**Notice Publication Date:** 5-1-2014

**Rules Adopted:** 411-040-0010, 411-040-0020, 411-040-0030, 411-040-0035, 411-040-0036, 411-040-0037, 411-040-0040, 411-040-0050, 411-040-0060

**Rules Amended:** 411-040-0000

**Subject:** The Department of Human Services (Department) is permanently updating the rules in OAR 411-040 for Home Delivered Meals to:

Include more detailed information around client eligibility and responsibilities, provider qualifications and responsibilities, meal requirements, service requirements, staff/volunteer requirements, provider payment, local office responsibility and oversight, and impact on client liability; and

Incorporate pieces of the Older Americans Act Nutrition Standards.

**Rules Coordinator:** Kimberly Colkitt-Hallman—(503) 945-6398

### 411-040-0000

#### Purpose and Scope

(1) Medicaid home delivered meals may be provided to eligible seniors and people with disabilities as part of a Medicaid long term care services plan to assist a participant to remain in their own home. Provision of home delivered meals reduces the reliance on paid staff during some meal times.

(2) Home delivered meals are available to eligible participants who choose to receive these services in lieu of meal preparation services.

Stat. Auth.: ORS 410.070, 411.060 & 411.070  
Stats. Implemented: ORS 410.070  
Hist.: SSD 11-1982, f. & ef. 10-1-82; SPD 12-2004, f. & cert. ef. 6-1-04; SPD 26-2011(Temp), f. & cert. ef. 12-20-11 thru 6-13-12; Administrative correction, 6-27-12; SPD 14-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SPD 44-2013, f. 12-13-13, cert. ef. 12-15-13; APD 14-2014, f. & cert. ef. 6-4-14

### 411-040-0010

#### Definitions

Unless the context indicates otherwise, the following definitions apply to the rules in OAR chapter 411, division 040:

(1) "Approved Carrier" means the United States Postal Service, or other carrier, who can ensure providers have passed criminal background checks to protect the well-being of the Medicaid eligible participant. Use of an Approved Carrier must be approved by the Department, Aging and People with Disabilities or the Area Agency on Aging (AAA).

(2) "Client Liability" means the dollar amount participants with excess income must contribute to the cost of service pursuant to OAR 461-160-0610 and 461-160-0620.

(3) "Department" means the Department of Human Services (DHS).

(4) "Homebound" means that leaving home is a significant effort to the point that leaving home unassisted is not normally possible.

(5) "Home Delivered Meals" means meals that are delivered to a Medicaid eligible participant in their own home or apartment per 411-040-0035 of this rule.

(6) "Meal preparation" means safely preparing food as defined in 411-015-0007(6).

(7) "Medicaid eligible individual" means a participant who meets the eligibility criteria defined in OAR 411-015-0000 through 411-015-0100.

(8) "Medicaid Home Delivered Meal Provider" means an approved home delivered meal provider that meets the qualifications in these rules and has an active Medicaid provider number.

(9) "Natural Supports" means resources and supports (e.g. relatives, friends, significant others, neighbors, roommates, or the community) who are willing to voluntarily provide services to an individual without the expectation of compensation. Natural supports are identified in collaboration with the individual and the potential "natural support". The natural support is required to have the skills, knowledge and ability to provide the needed services and supports.

(10) "Nutrition education" means a program to promote better health by providing accurate and culturally sensitive nutrition, physical fitness, or health (as it relates to nutrition) information and instruction to participants, caregivers, or participants and caregivers in a group or individual setting overseen by a dietitian or individual of comparable expertise.

(11) "Nutrition screening survey" means the act of screening a participant's nutrition risk.

(12) "Participant" means a Medicaid eligible individual receiving Medicaid home delivered meals.

(13) "Provider" means Medicaid home delivered meal provider.

Stat. Auth.: ORS 410.070, 411.060, & 411.070  
Stats. Implemented: ORS 410.070  
Hist.: APD 14-2014, f. & cert. ef. 6-4-14

### 411-040-0020

#### Client Eligibility and Responsibilities

(1) To be eligible for Medicaid home delivered meals a participant must:

(a) Be Medicaid eligible per 411-015-0100, and be receiving Medicaid long term services and supports in their own home;

(b) Be home-bound;

(c) Be unable to do meal preparation on a regular basis without assistance; and

(d) Not have natural supports available that are willing and able to provide meal preparation services.

(2) To remain eligible for home delivered meals, participants are responsible for payment of their specified monthly client liability amount so home-delivered meals can be authorized.

(3) If the participant is determined ineligible for Medicaid home delivered meals, but needs food assistance, the case manager shall refer the participant to the nearest Aging and Disability Resource Connection for assistance.

Stat. Auth.: ORS 410.070, 411.060, & 411.070  
Stats. Implemented: ORS 410.070  
Hist.: APD 14-2014, f. & cert. ef. 6-4-14

### 411-040-0030

#### Medicaid Home Delivered Meal Provider Qualifications and Responsibilities

(1) To be in alignment with the provision of services, home delivered meal providers must have contracts with, or be, an AAA as defined in 411-002-0100(1).

(2) The provider must be in compliance, during all stages of food service operation, with applicable federal, state and local regulations, codes, and licensor requirements relating to fire; health; sanitation; safety; building and other provisions relating to the public health, safety, and welfare of meal patrons.



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(3) The provider must demonstrate that menu standards are developed to sustain and improve a participant's health through the provision of safe and nutritious meals that are approved by a dietician.

(4) Each provider must be an enrolled Medicaid provider approved to provide Medicaid home delivered meals.

(5) The provider must ensure that all requirements in OAR 411-040-0035 through 411-040-0037 are met.

(6) Providers must ensure that anyone who delivers meals:

(a) Have passed a background check as defined in OAR 407-007-0275; or

(b) Uses an approved carrier.

(7) All requests for Medicaid home delivered meals received by the provider must be referred to the Department or the Medicaid AAA office for prior authorization.

(8) Meal providers must not solicit program income or voluntary donations from Medicaid eligible participants.

Stat. Auth.: ORS 410.070, 411.060, & 411.070

Stats. Implemented: ORS 410.070

Hist.: APD 14-2014, f. & cert. ef 6-4-14

## 411-040-0035

### Meal Requirements

(1) Each meal served must meet the current United States Department of Agriculture and Health and Human Services Dietary Guidelines and contain at least 33-1/3 percent of the current Dietary Reference Intakes as established by the Food and Nutrition Board of the National Academy of Science-National Research Council.

(2) Foods must be prepared, served, and transported:

(a) With the least possible manual contact;

(b) With suitable utensils; and

(c) On surfaces that have been cleaned, rinsed, and sanitized to prevent cross contamination prior to use.

(3) Meals may be hot, cold, frozen, dried, or canned with a satisfactory storage life.

(4) Meal frequency.

(a) In areas where the frequency of serving meals five or more days per week is not feasible, per the area plan, nutrition providers have the ability to provide meals at less frequent intervals.

(b) For participants whose case managers have assessed the participant as having low risks, during the Medicaid Risk Assessment process and as part of the individualized service plan, the provider may be authorized to provide frozen meals not to exceed 31 days' worth of meals.

(5) All providers will have a safety plan to ensure participants will receive meals during emergencies, weather-related conditions, and natural disasters. Plans could include, but are not limited to, shelf-stable emergency meal packages, four-wheel drive vehicles, and volunteer arrangements with other community resources.

Stat. Auth.: ORS 410.070, 411.060, & 411.070

Stats. Implemented: ORS 410.070

Hist.: APD 14-2014, f. & cert. ef 6-4-14

## 411-040-0036

### Service Requirements

(1) Except as provided in subsection (2), providers must provide:

(a) In-person delivery whereby a paid staff or volunteer delivers the meal to the participant's home. To the extent possible, the staff or volunteers must report any changes in participant's condition or concerns to the participant's case manager.

(b) Nutrition screening survey.

(A) The nutrition screening survey must be designed to indicate signs of poor nutritional health. In situations in which the screening shows that the individual has poor nutritional health, the provider will contact the participant's Medicaid case manager.

(B) Nutrition screening surveys will be completed at intake and at annual updates.

(c) Nutrition education.

(A) Nutrition education will be provided a minimum of one time per year.

(B) Nutrition education is required to be offered at the first nutrition risk assessment.

(2) In situations where the AAA has approved alternative delivery carriers, the home delivered meal provider must have weekly contact with the participant to determine if there are any changes in condition or concerns.

Stat. Auth.: ORS 410.070, 411.060, & 411.070

Stats. Implemented: ORS 410.070

Hist.: APD 14-2014, f. & cert. ef 6-4-14

## 411-040-0037

### Staff and Volunteer Requirements

(1) Prior to having direct contact with participants, staff and volunteers must successfully pass a criminal background check.

(2) All staff and volunteers involved in food preparation will have training in:

(a) Portion control;

(b) FDA Food Code practices for sanitary handling of food;

(c) Oregon food safety requirements; and

(d) Agency safety policies and procedures.

(3) All staff and volunteers having direct contact with a participant will have training in:

(a) Protecting confidentiality;

(b) How to report concerns, which may include: change of condition; self-neglect, and abuse, to appropriate staff for follow-up; and

(c) When to report to the case manager any participants considered high risk, as a result of the nutrition risk assessment.

Stat. Auth.: ORS 410.070, 411.060, & 411.070

Stats. Implemented: ORS 410.070

Hist.: APD 14-2014, f. & cert. ef 6-4-14

## 411-040-0040

### Provider Payment

(1) Providers will be reimbursed on a per meal basis, no more than 1 meal per day within the month.

(2) Provider rates will be published on the Department's rate table.

Stat. Auth.: ORS 410.070, 411.060, & 411.070

Stats. Implemented: ORS 410.070

Hist.: APD 14-2014, f. & cert. ef 6-4-14

## 411-040-0050

### Local Office Responsibility and Oversight

(1) The Department shall establish, authorize, purchase, and monitor the standards for Medicaid paid home delivered meals.

(2) Case managers must authorize Medicaid home delivered meal services.

(3) Subsequent yearly nutrition education:

(a) May be determined by local Medicaid home delivered meal providers; and

(b) Will be monitored by the Medicaid case manager at least annually.

(4) Provision of the home delivered meals reduces the need for reliance on paid staff during some meal times, so meal preparation hours in the service plan must be reduced.

(5) The Department shall make payments to Medicaid paid home delivered meal providers for all home-delivered meals provided to participants.

Stat. Auth.: ORS 410.070, 411.060, & 411.070

Stats. Implemented: ORS 410.070

Hist.: APD 14-2014, f. & cert. ef 6-4-14

## 411-040-0060

### Impact on Client Liability

(1) The cost for home delivered meals shall be calculated into the service plan, in addition to in-home services provided by a client-employed provider or a home care agency.

(2) Participants required to make a client contribution, under OAR 461-185-0050, must have their home-delivered meal costs added to cost of care calculations.

Stat. Auth.: ORS 410.070, 411.060, & 411.070

Stats. Implemented: ORS 410.070

Hist.: APD 14-2014, f. & cert. ef 6-4-14

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### Rule Caption: Lay Representation in Contested Cases

Adm. Order No.: APD 15-2014

Filed with Sec. of State: 6-4-2014

Certified to be Effective: 6-4-14

Notice Publication Date: 5-1-2014

Rules Amended: 411-001-0510

**Subject:** The Department of Human Services (Department) is permanently updating OAR 411-001-0510 in regards to lay representation in contested cases to comply with ORS 183.452 by improving its description of the current use of lay representatives by the Department as approved by the Oregon Department of Justice. The revised rule will indicate that it covers public assistance benefits,

# ADMINISTRATIVE RULES

SNAP, intentional program violations, medical assistance, provider enrollment, provider overpayments, audits, and audit sanctions.

**Rules Coordinator:** Kimberly Colkitt-Hallman—(503) 945-6398

## 411-001-0510

### Lay Representation in Contested Case Hearings

(1) Subject to the approval of the Attorney General, an officer or employee of the Department of Human Services (Department) is authorized to appear on behalf of the Department in the following types of hearings conducted by the Office of Administrative Hearings:

(a) Eligibility for public assistance services or other benefits available through a waiver or state plan administered by the Department's Aging and People with Disabilities (APD) or Office of Developmental Disability Services (ODDS), including but not limited to the level or amount of benefits, and effective date;

(b) Eligibility for medical benefits, the level and amount of benefits, and effective date;

(c) Eligibility for Supplemental Nutrition Assistance Program (SNAP), the level and amount of benefits, and effective date, and the termination, suspension, reduction, or denial of benefits.

(d) Client overpayments and intentional program violations related to public assistance or medical assistance, SNAP, waived or state plan service benefits or medical benefits;

(e) Medical assistance, including but not limited to eligibility for services available through a waiver or state plan for medical assistance, the level and amount of services or benefits, and the termination, suspension, reduction, or denial of medical assistance services, prior authorizations, or medical management decisions; and

(f) Consumer-employed provider matters, including but not limited to provider enrollment or denial of enrollment, overpayment determinations, audits, and sanctions; and

(g) Provider enrollment or denial of enrollment, provider overpayments, audits, and audit sanctions.

(2) A Department officer or employee acting as the Department's representative may not make legal argument on behalf of the Department.

(a) "Legal argument" includes arguments on:

(A) The jurisdiction of the Department to hear the contested case;

(B) The constitutionality of a statute or rule or the application of a constitutional requirement to the Department; and

(C) The application of court precedent to the facts of the particular contested case proceeding.

(b) "Legal argument" does not include presentation of motions, evidence, examination and cross-examination of witnesses, or presentation of factual arguments or arguments on:

(A) The application of the statutes or rules to the facts in the contested case;

(B) Comparison of prior actions of the Department in handling similar situations;

(C) The literal meaning of the statutes or rules directly applicable to the issues in the contested case;

(D) The admissibility of evidence; and

(E) The correctness of procedures being followed in the contested case hearing.

(3) When an officer or employee appears on behalf of the Department, the administrative law judge shall advise the Department's representative of the manner in which objections may be made and matters preserved for appeal. Such advice is of a procedural nature and does not change applicable law on waiver or the duty to make timely objection.

(4) If the administrative law judge determines that statements or objections made by the Department representative appearing under section (1) of this rule involve legal argument as defined in this rule, the administrative law judge shall provide reasonable opportunity for the Department representative to consult the Attorney General and permit the Attorney General to present argument at the hearing or to file written legal argument within a reasonable time after conclusion of the hearing.

(5) The Department is subject to the Code of Conduct for Non-Attorney Representatives at Administrative Hearings, which is maintained by the Oregon Department of Justice and available at <http://www.doj.state.or.us>. A Department representative appearing under section (1) of this rule must read and be familiar with the Code of Conduct for Non-Attorney Representatives at Administrative Hearings.

(6) When a Department officer or employee represents the Department in a contested case hearing, requests for admission and written interrogatories are not permitted.

Stat. Auth.: ORS 409.050

Stats Implemented: ORS 183.452 & 409.010

Hist.: SPD 6-2013, f. & cert. ef. 4-2-13; SPD 14-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SPD 44-2013, f. 12-13-13, cert. ef. 12-15-13; APD 15-2014, f. & cert. ef. 6-4-14

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**Rule Caption:** K-State Plan

**Adm. Order No.:** APD 16-2014

**Filed with Sec. of State:** 6-4-2014

**Certified to be Effective:** 6-4-14

**Notice Publication Date:** 5-1-2014

**Rules Adopted:** 411-035-0000, 411-035-0010, 411-035-0015, 411-035-0020, 411-035-0025, 411-035-0030, 411-035-0035, 411-035-0040, 411-035-0045, 411-035-0050, 411-035-0055, 411-035-0060, 411-035-0065, 411-035-0070, 411-035-0075, 411-035-0080, 411-035-0085, 411-035-0090, 411-035-0095

**Subject:** The Department of Human Services is adopting new rules under 411-035-0000 to 411-035-0095 in regards to the Community First Choice Option (K-State Plan Option). The K-State Plan is a Medicaid State plan option under the Affordable Care Act that would bring additional revenue into the Department. The Department's budget will receive an enhanced 6% federal match for home and community based services. These rules ensure individuals served through the K-State Plan are able to maximize independence, empowerment, and dignity.

**Rules Coordinator:** Kimberly Colkitt-Hallman—(503) 945-6398

## 411-035-0000

### Purpose

(1) These rules ensure individuals served by the Department of Human Services, Aging and People with Disabilities through the K-State Plan are able to maximize independence, empowerment, dignity, and human potential through the provision of flexible, efficient, and suitable services.

(2) To ensure equal access to individuals who are eligible for the services provided through this program.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 409.050, 410.040, 410.090, 410.210 to 410.300, 441.520

Hist.: APD 16-2014, f. & cert. ef. 6-4-14

## 411-035-0010

### Definitions

Unless the context indicates otherwise, the following definitions apply to the rules in OAR chapter 411, division 046:

(1) "AAA" means "Area Agency on Aging" as defined in this rule.

(2) "Activities of Daily Living (ADL)" mean those personal, functional activities required by an individual for continued well-being, which are essential for health and safety. Activities include, but are not limited to, eating, dressing/grooming, bathing/personal hygiene, mobility (ambulation and transfer), elimination (toileting, bowel, and bladder management), and cognition/behavior as defined in OAR 411-015-0006.

(3) "ADL" means "activities of daily living" as defined in this rule.

(4) "Alert Systems" means a unit that is worn by the individual or is located in the individual's home for the purpose of generating notification that an emergency has or may occur.

(5) "Area Agency on Aging (AAA)" means the Department designated agency charged with the responsibility to provide a comprehensive and coordinated system of services to older adults or individuals with disabilities in a planning and service area. The term Area Agency on Aging is inclusive of both Type A and Type B Area Agencies on Aging as defined in ORS 410.040 and described in 410.210 to 410.300.

(6) "Assistive Technology" means equipment that provides additional security and support to an individual and replaces the need for human interventions. Assistive technologies enable an individual to self-direct their care and maximize their independence.

(7) "Back-up systems", for the purpose of these rules, mean devices or electronic systems, which secure help in emergencies, safety in the community, or are other reminders that help an individual with activities, including, but not limited to, medication management, eating, or other types of monitoring.

(8) "Case Manager" means an employee of the Department or Area Agency on Aging who assesses the service needs of an individual, determines eligibility, and offers service choices to the eligible individual. The case manager authorizes and implements an individual's service plan, and monitors the services delivered as described in OAR chapter 411, division 28.

# ADMINISTRATIVE RULES

(9) “Chore Services” means specific services intended to ensure the individual’s home is safe and allows for independent living.

(10) “Consumer” or “Consumer-Employer” means the person applying for or eligible for Medicaid home or community-based services.

(11) “Cost Effective” means being responsible and accountable with Department resources by offering less costly alternatives when providing choices that adequately meet an individual’s service needs. Less costly alternatives may include other programs available from the Department, the utilization of assistive devices, natural supports, architectural modifications, and alternative service resources (defined in OAR 411-015-0005). Less costly alternatives may include resources not paid for by the Department.

(12) “Department” means the Department of Human Services (DHS).

(13) “Durable Medical Equipment”, is an apparatus, such as a walker, which is primarily used to serve a medical purpose and is appropriate to use in the individual’s home.

(14) “Environmental Modifications” means the changes made to adapt living spaces to meet specific service needs of eligible individuals with physical limitations to maintain their health, safety, and independence.

(15) “Exception” means the individual has service needs above the limits described in this rule, and documented in the assessment and service plan that warrant an exception for payment.

(16) “IADL” means “instrumental activities of daily living” as defined in this rule.

(17) “Individual” means the person applying for or eligible for services.

(18) “In-Home Services” mean the activities of daily living and instrumental activities of daily living that assist an individual to stay in his or her own home or the home of a relative.

(19) “Instrumental Activities of Daily Living (IADL)” means those activities that include, but are not limited to, activities other than the activities of daily living, required by an individual to continue independent living. The definitions and parameters for assessing needs in IADL are identified in OAR 411-015-0007.

(20) “Long-Term Care” means the Medicaid system through which the Department provides nursing facility, community-based, and in-home services to eligible adults who are aged, blind, or have physical disabilities.

(21) “Medication Reminders” are devices used for the purpose of prompting an individual to take their medication.

(22) “Natural Supports” means resources and supports (e.g. relatives, friends, neighbors, significant others, roommates, or the community) who are willing to voluntarily provide services to an individual without the expectation of compensation. Natural supports are identified in collaboration with the individual and the potential “natural support”. The natural support is required to have the skills, knowledge, and ability to provide the needed services and supports.

(23) “Person-centered Assessment and Service Plans” 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.

(24) “Personal Emergency Response Systems” mean a type of electronic back-up system that:

(a) Secures help for individuals in an emergency;

(b) Ensures a consumer’s safety in the community; and

(c) Includes other reminders that help an individual with their activities of daily living and instrumental activities of daily living.

(25) “Rate Schedule” means the rate schedule maintained by the Department at <http://www.dhs.state.or.us/spd/tools/program/osip/rateschedule.pdf>. Printed copies may be obtained by calling (503) 945-6398 or writing the Department of Human Services, Aging and People with Disabilities, ATTN: Rule Coordinator, 500 Summer Street NE, E-48, Salem, Oregon 97301.

(26) Representative” means a person with longstanding involvement in assuring the individual’s health, safety, and welfare that is appointed by an individual to participate in service planning on the individual’s behalf. In all cases, unless the individual is incapable, the individual’s consent is obtained before designating a representative on the individual’s behalf.

When feasible, the individual’s authorization of a representative is made in writing or by another method that clearly indicates the individual’s free choice. An individual’s representative is not a paid provider to an individual receiving services and supports.

(27) “Service Need” means the assistance an individual requires from another person, or equipment that replaces the need for another person, for those functions or activities identified in OAR 411-015-0006 and 411-015-0007.

(28) “Transition Services” means those services and supports necessary for an individual to transition from a nursing facility or the Oregon State Hospital to a community-based care or in-home setting.

(29) “Voluntary Consumer Training Services” means activities to empower and inform individuals receiving in-home services regarding their rights, role, and responsibilities as employers of care providers.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 409.050, 410.040, 410.090, 410.210 to 410.300, 441.520

Hist.: APD 16-2014, f. & cert. ef. 6-4-14

## 411-035-0015

### Eligibility for Supplemental K State Plan Services

To be eligible for Medicaid Supplemental K State Plan services, consumers must:

(1) Be eligible for Medicaid long term care services and supports as described in OAR 411-015-0010 through 411-015-0015.

(2) Not have natural supports or other services available in the community that would meet the identified need.

(3) Not be eligible for the item through Medicare, other Medicaid programs, or other medical coverage.

(4) Have an identified need in their person-centered service plan that:

(a) Supports the desires and goals of the consumer receiving services and increases a consumer’s independence;

(b) Reduces a consumer’s need for assistance from another person; or

(c) Maintains a consumer’s health and safety.

(5) Be provided the choice to accept or deny the service being offered.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 409.050, 410.040, 410.090, 410.210 to 410.300, 441.520

Hist.: APD 16-2014, f. & cert. ef. 6-4-14

## 411-035-0020

### (Reserved)

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 409.050, 410.040, 410.090, 410.210 to 410.300, 441.520

Hist.: APD 16-2014, f. & cert. ef. 6-4-14

## 411-035-0025

### Eligibility for Consumer Electronic Back-up Systems and Assistive Technology

(1) To be eligible for electronic back-up systems or mechanisms, a consumer must:

(a) Meet all Medicaid eligibility criteria described in OAR 411-035-0015; and

(b) Not be receiving community-based care in a licensed care setting.

(2) Electronic back-up systems and assistive technologies must be appropriate and cost effective to meet the service needs of the consumer and:

(a) For new equipment:

(A) Are limited to a maximum of \$5000 for purchasing of a device.

(B) Monthly rentals or lease fee limits are posted on the APD rate table.

(b) For repairs:

(A) Repair of purchased devices may be done if the repair is more cost effective than purchasing a new device.

(B) Repairs of rented or leased equipment are the responsibility of the provider.

(c) Monthly maintenance, fees or service charges are not included in the maximums described in (a) or (b).

(3) Exceptions to the \$5000 limitation may be granted if the consumer has service needs that warrant an exception for payment and no alternative is available to meet the needs of the consumer.

(4) Expenditures over \$500 must be approved by the Department.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 409.050, 410.040, 410.090, 410.210 to 410.300, 441.520

Hist.: APD 16-2014, f. & cert. ef. 6-4-14

## 411-035-0030

### Eligible Electronic Back-up Systems and Assistive Technology Services

(1) Electronic Back-up Systems and Assistive Technology services must:



# ADMINISTRATIVE RULES

- (a) Ensure continuity of services and support the health, welfare, and safety of the consumer;
  - (b) Enable the consumer to function with greater independence; or
  - (c) Substitute for human assistance.
- (2) Electronic Back-up systems and supports may be allowed as long as the system sufficiently meets the need of the consumer being served.
- (3) Consumers with an assessed need qualify for electronic back-up systems, including but not limited to:

- (a) Personal Emergency Response Systems;
  - (b) Medication reminders;
  - (c) Alert systems for ADL and IADL supports that increase a consumer's independence; and
  - (d) Mechanisms, and any specialized or durable medical equipment, necessary to support the consumer's health or well-being.
- (4) Consumers with an assessed need qualify for Assistive Technology, including but not limited to:

- (a) Motion sensors;
- (b) Sound sensors;
- (c) Two-way communication systems;
- (d) Automatic faucets;
- (e) Soap dispensers;
- (f) Toilet flushing sensors;
- (g) Incontinent sensors;
- (h) Fall sensors;
- (i) Wandering alerts; and
- (j) Other technology, which may be approved on a case-by-case basis with Central Office approval.

Stat. Auth.: ORS 410.070  
Stats. Implemented: ORS 409.050, 410.040, 410.090, 410.210 to 410.300, 441.520  
Hist.: APD 16-2014, f. & cert. ef. 6-4-14

## 411-035-0035

### Provider Qualifications for Electronic Back-up Systems and Assistive Technology

- (1) Companies providing back-up support, back-up systems, or assistive technology must have a Medicaid provider number before providing services.
- (2) No monetary funds shall be released for installation of electronic back-up systems or assistive technology to the provider until the work is finished and is functioning as expected.
- (3) Payment for on-going electronic back-up systems or assistive technology must be paid to providers after the consumer receives the service each month.

Stat. Auth.: ORS 410.070  
Stats. Implemented: ORS 409.050, 410.040, 410.090, 410.210 to 410.300, 441.520  
Hist.: APD 16-2014, f. & cert. ef. 6-4-14

## 411-035-0040

### Eligibility Criteria for Chore Services

- (1) To be eligible for chore services, a consumer must meet all Medicaid Long Term Care eligibility requirements described in OAR 411-035-0015.
- (2) An eligible consumer may receive chore services under any of the following circumstances:
- (a) The consumer is the owner, buyer, or renter of premises in which the consumer lives.
    - (A) If a renter, the consumer must have received an eviction notice, written warning, or deficiency notice from the landlord or a public housing agency related to cleanliness or health issues of the unit; or
    - (B) If an owner or buyer, the consumer must have received a written notice from a government agency or a lender concerning health, safety, or public nuisance deficiencies or violations.
  - (b) The consumer needs garbage pick-up and removal, or payment of previous garbage bills, in order to continue or resume receiving services to ensure the home is safe for the consumer and their service providers.
  - (c) The consumer's premises requires heavy cleaning to remove hazardous debris or dirt in the home to ensure the consumer's home is safe and allows for independent living.
  - (d) The consumer's premises require the removal of outside debris (for example, trees, leaves, clutter) which is endangering the structure of the home or the ability of the consumer to enter or exit safely.
  - (e) The services must be completed to enable the consumer to move from one residence to another and to establish services in the new home.
  - (3) If the service is done in a rental location, the service must be a service that is not required of the landlord under applicable landlord-tenant law.

- (4) Chore services are not part of the consumer's on-going service plan. Once the chore service is complete, homecare workers may begin or continue ongoing housekeeping.
- (5) Chore services must be appropriate and cost effective to meet the service need of the consumer.

- (a) If feasible, three bids are required from companies or vendors who provide chore services. A bid is not comparative pricing through the Internet.
  - (b) Bids over \$500.00 require a state licensed contractor.
- (6) The consumer must sign a written agreement to:
  - (a) Have a vendor clean their home;
  - (b) Remove hazardous debris; or
  - (c) To haul off agreed upon items that may pose a health and safety risk to the consumer or others.

Stat. Auth.: ORS 410.070  
Stats. Implemented: ORS 409.050, 410.040, 410.090, 410.210 to 410.300, 441.520  
Hist.: APD 16-2014, f. & cert. ef. 6-4-14

## 411-035-0045

### Eligible Chore Services

- (1) Chore services are not housekeeping services and are not to be provided by homecare workers or in-home agencies.
- (2) Chore services are intended to ensure the consumer's home is safe and allows for independent living.
- (3) In order to ensure the consumer's home is safe, services may be authorized for, but not limited to:

- (a) Heavy housecleaning to ensure the consumer and care providers can safely navigate in the home. This may include removal of hazardous debris or dirt from the home.
- (b) Removal of yard hazards to ensure the outside of the home is safe for the consumer to enter and exit the home.

Stat. Auth.: ORS 410.070  
Stats. Implemented: ORS 409.050, 410.040, 410.090, 410.210 to 410.300, 441.520  
Hist.: APD 16-2014, f. & cert. ef. 6-4-14

## 411-035-0050

### Chore Service Provider Qualifications

- (1) Providers of chore services must have a distinct Medicaid provider number before the work begins.
- (2) No monetary funds shall be released to the provider until the work is finished and meets the specifications of the chore service agreement.

Stat. Auth.: ORS 410.070  
Stats. Implemented: ORS 409.050, 410.040, 410.090, 410.210 to 410.300, 441.520  
Hist.: APD 16-2014, f. & cert. ef. 6-4-14

## 411-035-0055

### Eligibility for Consumer Environmental Modifications

- (1) To be eligible for environmental modifications, a consumer must:
- (a) Meet all Medicaid eligibility criteria described in OAR 411-035-0015.
  - (b) Be eligible for Medicaid long-term care services and supports and live in their own home or a rental property.
  - (c) If in a rental location, the consumer must have a written and signed agreement between the consumer receiving services and the owner or landlord of the rental property.
    - (A) The agreement must include:
      - (i) The scope of work provided;
      - (ii) That the modification is permissible; and
      - (iii) That the Department shall not restore the rental unit to its former condition.

(B) Environmental modifications in rental locations must not be for services that are required of the landlord under applicable landlord-tenant law.

- (2) Environmental modifications are not part of the consumer's on-going service plan. Once the environmental modification is complete, environmental modification services shall cease and a reduction notice must not be issued.

(3) Environmental modifications must be appropriate, cost effective, and meet the service need of the consumer.

(a) Environmental modifications are limited to a maximum of \$5000 per environmental modification.

(b) If feasible, three bids are required from companies or vendors. A bid is not comparative pricing through the Internet.

(4) Exceptions to the \$5000 limitation may be granted if the consumer has service needs that warrant an exception for payment and no alternative is available to meet the needs of the consumer.

Stat. Auth.: ORS 410.070  
Stats. Implemented: ORS 409.050, 410.040, 410.090, 410.210 to 410.300, 441.520  
Hist.: APD 16-2014, f. & cert. ef. 6-4-14

# ADMINISTRATIVE RULES

## 411-035-0060

### Eligible Environmental Modification Services

- (1) Environmental modifications in the consumer's home must be:
  - (a) To ensure the health, welfare and safety of the consumer.
  - (b) To enable the consumer to function with greater independence.
  - (c) To substitute for human assistance.
- (2) Environmental modifications must be within the existing square footage of the building structure, and must not add to the square footage of the building, except for external ramps needed to enter or exit the home.
- (3) Consumers assessed with limitations in mobility, toileting, or bathing may qualify for installation or modification of items, including but not limited to:
  - (a) Ramps to enhance their ability to traverse within the home or to enter or exit the exterior of their home;
  - (b) Grab-bars;
  - (c) Hand rails;
  - (d) Electric door openers;
  - (e) Widening of doorways when the door is too narrow for the consumer to enter or exit through the doorway with or without a wheelchair;
  - (f) Door and cabinet handles for consumers having difficulty due to dexterity;
  - (g) Bathroom facilities, such as a raised toilet;
  - (h) Kitchen cabinets or sinks, such as lowering counters and sinks for wheelchair accessibility;
  - (i) Non-skid surfaces; and
  - (j) Overhead track systems to assist with lifting or transferring a consumer.

Stat. Auth.: ORS 410.070  
Stats. Implemented: ORS 409.050, 410.040, 410.090, 410.210 to 410.300, 441.520  
Hist.: APD 16-2014, f. & cert. ef. 6-4-14

## 411-035-0065

### Environmental Modification Provider Qualifications

- (1) Providers of the environmental modification must have a distinct Medicaid provider number before the work begins.
- (2) Modifications over \$500 must be completed by a state licensed contractor.
- (3) Modifications requiring a permit must be inspected and certified, by an inspector, to ensure compliance with local codes.
- (4) No material upgrades or supplemental payments to the provider are allowed by landlords or informal supports.
- (5) No monetary funds shall be released to the provider until the work is finished and meets the specifications of the modification agreement.

Stat. Auth.: ORS 410.070  
Stats. Implemented: ORS 409.050, 410.040, 410.090, 410.210 to 410.300, 441.520  
Hist.: APD 16-2014, f. & cert. ef. 6-4-14

## 411-035-0070

### Eligibility for Consumer Transition Services

- (1) Eligibility for transition services covered through the K-State Plan are restricted to consumers transitioning from a nursing facility or the Oregon State Hospital, as defined in OAR 309-091-0005(16), into a community-based or in-home program, and who meet the level of care criteria described in 411-015-0015.

- (2) Consumers transitioning from an acute care hospital directly to a community-based or in-home program are not eligible for transition services under this rule.

Stat. Auth.: ORS 410.070  
Stats. Implemented: ORS 409.050, 410.040, 410.090, 410.210 to 410.300, 441.520  
Hist.: APD 16-2014, f. & cert. ef. 6-4-14

## 411-035-0075

### Eligible Transition Services

- (1) Approval for services and supports must:
  - (a) Be based on an assessed need determined during the person-centered service planning process.
  - (b) Support the desires and goals of the consumer receiving services and supports.
- (2) Total expenses for transition services and supports covered under this rule may be approved from the date of authorization up to thirty (30) days after a consumer discharges from a nursing facility or the Oregon State Hospital on a permanent basis and may include more than one item.
- (3) Total purchases for basic household goods and furnishings are limited to one time per year within the first thirty (30) days a consumer discharges from a nursing facility on a permanent basis.
- (4) Total purchases for transition services and supports, other than basic household goods and furnishings, are limited to no more than twice annually. To access transition services and supports a second time within a

year, the consumer must be transitioning from a nursing facility or the Oregon State Hospital.

- (5) Funds must not be used to retroactively reimburse a consumer, natural supports, or community-based care providers for transition service expenses.

- (6) Unless indicated in this rule, allowable moving and move-in costs are limited to an in-home setting and include:

- (a) Transportation for touring community-based care facilities and in-home service settings;
- (b) Housing application fees;
- (c) Payment for background and credit checks related to housing;
- (d) Cleaning deposits;
- (e) Security deposits;
- (f) Initial deposits for heating, lighting, and land line phone service;
- (g) Payment of previous utility bills that prevent a consumer from receiving utility services;
- (h) Cleaning before move-in, is limited to consumers returning to a previous in-home setting and the service is needed to mitigate a health or safety risk;

- (i) Basic household goods;  
(A) Including, but not limited to:

- (i) Cookware;
- (ii) Tableware;
- (iii) Garbage cans;
- (iv) Trash bags;
- (v) Toilet paper;
- (vi) Bedding;
- (vii) Linens; and
- (viii) Basic cleaning supplies.

- (B) The purchase of basic household goods is not intended to replace useable items already available to the consumer.

- (C) Purchases are limited to:

- (i) The amount necessary to adequately meet the needs of the consumer, but may not exceed \$500.

- (ii) The Department may approve additional household goods if the consumer's functional needs assessment indicates the need for additional household goods beyond the standard limit.

- (j) Basic household furnishings;  
(A) Including, but not limited to:

- (i) Beds;
- (ii) Mattresses;
- (iii) Dressers;
- (iv) Couches;
- (v) Tables; and

- (vi) Chairs required in an in-home or community-based service setting.

- (B) The purchase of basic household goods is not intended to replace useable items already available to the consumer.

- (C) Purchases are limited to:

- (i) The amount necessary to adequately meet the needs of the consumer and may not exceed \$1,000.

- (ii) The Department may approve additional household furnishings if the consumer's functional needs assessment indicates the need for additional household furnishings beyond the standard limit.

- (k) Basic food stocking;

- (A) Including, but not limited to:

- (i) Pantry staples;
- (ii) Perishable food items; and
- (iii) Canned or boxed foods that meet the basic nutritional needs of a consumer.

- (B) The purchase of food items is not intended to replace non-perishable items already available to the consumer.

- (i) The purchase of food items must be limited to the amount necessary to adequately meet basic nutritional needs within the transition period and may not exceed \$200.

- (ii) The Department may approve additional food stocking if the consumer's functional needs assessment indicates the need for additional food stocking beyond the standard limit.

- (C) A consumer's available income and benefits may be used before approving expenses for basic food stocking.

- (D) Consumers transitioning to a community-based care setting are not eligible to use funds for basic food stocking.

- (l) Clothing that meets the basic needs of a consumer transitioning to a community-based care or in-home service setting;

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(A) The purchase of clothing items are not intended to replace useable items already available to the consumer.

(B) A consumer's available income may be used before approving expenses.

(m) Movers and moving expenses, required to transition a consumer to a community-based care or in-home service setting, are limited to \$1,000;

(n) Delivery costs associated with moving a consumer's property from an off-site location to a community-based or in-home setting during the transition;

(o) Extra locks, for security purposes, in a community-based care or in-home service setting; and

(p) Duplicate keys in a community-based care or in-home service setting.

(7) The following services and expenses must be pre-authorized by the Department's Central Office:

(a) Purchases that exceed the monetary limits described in this rule.

(b) Approval for expenses that occur greater than thirty (30) days after the transition period.

(c) Items required to re-establish a home not identified in this rule.

(d) Other necessities not identified in this rule that are required for a consumer to transition from a nursing facility or the Oregon State Hospital.

(e) Transportation for community-based service setting tours that require overnight travel.

(f) Payment of past rent or utility bills in which a consumer was more than one month behind.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 409.050, 410.040, 410.090, 410.210 to 410.300, 441.520

Hist.: APD 16-2014, f. & cert. ef. 6-4-14

## 411-035-0080

### Transition Services Provider Qualifications

(1) Providers of cleaning or moving services must have a distinct Medicaid provider number before providing services.

(2) Movers must have a certificate of authority or a permit from the Oregon Department of Transportation.

(3) No monetary funds shall be released to the provider until the work has been completed.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 409.050, 410.040, 410.090, 410.210 to 410.300, 441.520

Hist.: APD 16-2014, f. & cert. ef. 6-4-14

## 411-035-0085

### Consumer Eligibility Criteria for Voluntary Consumer Training Services

(1) To be eligible for K-State Plan Voluntary Consumer Training Services, consumers must:

(a) Be eligible for Medicaid long-term care services and supports as described in OAR 411-015-0010 through 411-015-0015; and

(b) Be, or be expected to, receive services in a setting described in OAR 411-030-0033, In-Home Service Living Arrangement.

(2) Services are voluntary in nature.

(3) Services may be provided to designated representatives performing the duties of a consumer-employer on behalf of the consumer.

(4) Natural supports and designated representatives may receive services in addition to the eligible consumer.

(5) All in-home consumers participating in the Consumer-Employed Provider Program must be offered the voluntary training during the in-home service planning process. Case managers must make a referral to an approved training provider.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 409.050, 410.040, 410.090, 410.210 to 410.300, 441.520

Hist.: APD 16-2014, f. & cert. ef. 6-4-14

## 411-035-0090

### Voluntary Consumer Training Services

(1) GENERAL GUIDELINES.

(a) State K-Plan voluntary training services are offered on how to select; manage; and dismiss homecare workers.

(b) The training must meet the needs of consumers in regards to selecting, managing, and dismissing attendants.

(c) The training must be provided in a culturally competent manner.

(2) TRAINING PLAN.

(a) The provider must meet with the consumer to discuss:

(A) The consumer's goals;

(B) Expected outcomes of the training; and

(C) The consumer's on-going in-home service plan.

(b) The provider must develop a training plan with the consumer or the consumer's designated representative using the principles of person-centered planning which addresses the consumer's specific needs, goals, and desired outcomes. A small group option may be offered, if available.

(c) The provider must provide a copy of the training plan to the consumer or the consumer's designated representative and the consumer's case manager.

(d) The provider must inform the case manager if, after receiving services, a consumer or consumer's designated representative appears unable to assume employer responsibilities as defined in OAR 411-030-0040. The provider must inform the case manager of any issues related to the health and safety of the consumer including, but not limited to, unsafe conditions in the home and suspected abuse.

(3) TRAINING CONTENT.

(a) The training must offer a continuum of services based on a consumer's needs and preferences.

(b) The training must include, at minimum, the following:

(A) Understanding the service plan and task list;

(B) Creating job descriptions, locating employees, interviewing, completing reference checks, and hiring a homecare worker;

(C) Creating an employment agreement;

(D) Training, supervising, and communicating effectively with employees;

(E) Ensuring work is performed satisfactorily;

(F) Correcting unsatisfactory work performance and discharging unsatisfactory workers;

(G) Scheduling and tracking hours worked and maintaining employment records;

(H) Developing a backup plan for coverage of services; and

(I) Fraud prevention.

(4) TIMEFRAMES.

(a) Providers must contact the consumer within 5 working days of receiving a referral from the Department, a designee, or a request from a consumer for services, and offer the choice of a telephone or in-person planning interview.

(b) The provider must perform a planning interview within 10 business days following the acceptance of the consumer's referral unless the consumer requests a later date.

(c) The provider must initiate the individualized training plan within 10 business days of conducting a planning interview.

(d) The provider may offer additional information and support within the parameters of the training plan, but may not assume the role of designated representative by performing tasks that are the responsibility of a consumer-employer.

(e) The provider may periodically contact the consumer or designated representative to determine if additional information and assistance is required.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 409.050, 410.040, 410.090, 410.210 to 410.300, 441.520

Hist.: APD 16-2014, f. & cert. ef. 6-4-14

## 411-035-0095

### Provider Qualifications for Voluntary Consumer Training Services

(1) To ensure these services are consistent with the provision of the state's comprehensive voluntary consumer training services, providers must be approved by, or have a contract with, the Oregon Home Care Commission.

(2) Services must be provided by providers who have experience providing direct or educational services to seniors and people with physical disabilities and who:

(a) Demonstrate knowledge of DHS rules pertaining to in-home services;

(b) Demonstrate skills in communication, person-centered planning, and in providing individual supports, which are needed to provide the services described in this rule;

(c) Have fulfilled background check requirements for the programs in which the provider is providing services; and

(d) Participate in ongoing technical assistance and conferences provided by the Oregon Home Care Commission.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 409.050, 410.040, 410.090, 410.210 to 410.300, 441.520

Hist.: APD 16-2014, f. & cert. ef. 6-4-14



# ADMINISTRATIVE RULES

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

**Rule Caption:** Changing OARs affecting Child Welfare programs - Differential Response

**Adm. Order No.:** CWP 10-2014

**Filed with Sec. of State:** 5-20-2014

**Certified to be Effective:** 5-27-14

**Notice Publication Date:** 4-1-2014

**Rules Adopted:** 413-015-0404, 413-015-0422, 413-015-0428, 413-015-0432, 413-015-0437, 413-015-9000, 413-015-9010, 413-015-9020, 413-015-9030, 413-015-9040

**Rules Amended:** 413-015-0100, 413-015-0105, 413-015-0115, 413-015-0125, 413-015-0205, 413-015-0210, 413-015-0211, 413-015-0212, 413-015-0213, 413-015-0215, 413-015-0220, 413-015-0225, 413-015-0400, 413-015-0403, 413-015-0405, 413-015-0409, 413-015-0415, 413-015-0420, 413-015-0425, 413-015-0435, 413-015-0440, 413-015-0445, 413-015-0450, 413-015-0455, 413-015-0470, 413-015-0475, 413-015-0520, 413-015-0525, 413-015-0535, 413-015-0550, 413-015-0560, 413-015-0565, 413-015-1110, 413-015-1125, 413-015-1210, 413-015-1220, 413-015-1230, 413-080-0050, 413-080-0052, 413-080-0054, 413-080-0055, 413-080-0059, 413-200-0409

**Rules Repealed:** 413-015-0110, 413-015-0430

**Subject:** The Department of Human Services, Child Welfare, is adopting, amending, and repealing rules to implement a Differential Response (DR) system in Oregon; update the Oregon Safety Model (OSM) practice and reinforce OSM concepts; update the requirements to notify other agencies of certain reports of abuse; implement HB 2920 (2013); and make other general updates and housekeeping changes. DR moves away from a one fits all approach to child protection by adding an alternate response track. DR promotes partnering with parents, family, communities, and neighborhoods to keep children safe.

In Oregon's DR system, Child Welfare may respond to accepted reports of child abuse or neglect with one of two response paths: traditional or alternative. DR will ultimately be implemented statewide, but will initially be implemented on a county-by-county basis beginning in May, 2014. The Department is adopting rules that will apply only in the counties identified by the Department to implement DR, to provide requirements under the DR system for traditional and alternative response cases. The Department is also amending several rules in OAR chapter 413 to update practice and reinforce concepts consistent with the Oregon Safety Model (OSM), which has been a part of Oregon's child safety practice since 2007.

In addition to the changes specified below, the Child Protective Services (CPS) rules in division 015 are being amended to add, define, and consistently use terminology and language consistent with OSM concepts, including: impending danger safety threat; initial safety plan; ongoing safety plan; present danger safety threat; protective action plan; safe; safety threat; safety threshold; severe harm; and unsafe.

The rules listed below are also being amended to make other general updates consistent with current Department terminology and practices; to update references to the Department's electronic information system; to correct and update cross-references; to update agency and division names; to correct grammar; to remove unnecessary language; and to clarify rules and processes.

The rules on "Differential Response," OAR 413-015-9000 to 413-015-9040, are being adopted to: state the Department's authority and responsibility for child welfare services, the Department's adoption of a differential response system, and the applicability of the rules to counties that have been identified by the Department to implement DR; to state the purposes of DR; to define new terms used in the rules; to provide direction to screeners who will assign reports of child abuse or neglect for a traditional or alternative response assessment; to provide timelines for cases assigned a traditional or alter-

native response assessment; to provide direction to child protective services (CPS) workers on requirements of all CPS assessments and components that are unique to traditional and alternative response assessments. DR requirements include, in cases with a response time of five calendar days, attempting to schedule initial contact and offering to involve community partners. The rules are further being adopted to: provide direction to CPS workers when the type of CPS assessment is changed from alternative to traditional response; to provide direction to CPS workers when making a decision about child safety, determining whether to open a case, determining if families with safe children have moderate to high needs, and referring families for strengths and needs assessments and community services in appropriate cases; and to provide requirements for documentation, supervisory review, and extensions of time.

The rules on "Introduction to CPS Rules," OAR 413-015-0100 to 413-015-0125, are being amended to remove unnecessary language and update and add definitions of terms used in other rules in division 015.

The rules on "Screening," OAR 413-015-0200 to 413-015-0225, are being amended to update the process the screener must follow after receipt of information related to a report of alleged child abuse or neglect; to update the process when a screener receives information on an open CPS assessment; to update the requirement to notify other agencies of certain reports of abuse, including adding requirements to notify the Teacher Standards and Practices Commission when a teacher or school administrator is identified as an alleged perpetrator in a report, and to report certain abuse cases to community mental health and developmental disabilities programs and local adult protective services.

The rules on "CPS Assessment," OAR 413-015-0400 to 413-015-0485, are being amended to update and more thoroughly describe the activities required when the Department responds to reports of child abuse or neglect, when the CPS worker makes initial contact, and when the CPS worker completes a CPS assessment, consistent with the Oregon Safety Model; to add a rule for when a CPS worker receives new information on an open CPS assessment; to update the requirements to report to, contact, or work with other agencies in certain cases, including providing the Teacher Standards and Practices Commission a completed CPS assessment when a teacher or school administrator is identified as an alleged perpetrator, and to report to community mental health and developmental disabilities programs and local adult protective services in certain cases; to provide guidance for determining if a safety threat is present by applying the safety threshold criteria, for determining the type of safety threat and how it is occurring, and for making decisions about child safety; to provide requirements for developing safety plans and protective action plans; to provide direction for determining whether a family has moderate to high needs; and to put the rules into a more logical sequence.

The following rules are also being amended to add and update language and terminology consistent with OSM concepts, consistent with the changes to above CPS rules in division 015: "Day Care Facility Investigation," OAR 413-015-0520 to 413-015-0565; "Access to Law Enforcement Data System (LEDS) in Local Child Welfare Offices," OAR 413-015-1100 to 413-015-1125; "Assessment of an Individual as a Safety Service Provider," OAR 413-015-1200 to 413-015-1230; "Monthly Contact and Monitoring Child and Young Adult Safety," OAR 413-080-0040 to 413-080-0067; and "Department Responsibilities During Screening and Assessment of a Child Abuse or Neglect Report Involving the Home of a Department Certified Foster Parent or Relative Caregiver," OAR 413-200-0404 to 413-200-0424.

In addition, the rules on "Access to Law Enforcement Data System (LEDS) in Local Child Welfare Offices," OAR 413-015-1100 to 413-015-1125, are being amended to update the notice that is provided to an individual when the Department conducts a criminal records check in a child abuse or neglect investigation, consistent

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with changes to ORS 181.557 made by House Bill 2920 (2013) (Oregon Laws 2013, Chapter 322).

**Rules Coordinator:** Kris Skaro—(503) 945-6067

## 413-015-0100

### Child Protective Service Authority and Responsibility

Reports of alleged child abuse or neglect are received by the Department and screened for Department response. The processes and time lines for completion are provided in division 15 of this chapter of rules, and also in OAR chapter 407 division 045 for Children's Care Providers. OAR 413-015-0100 to 413-015-0125 provide an overview of division 015, which implements ORS 409.185, 418.015, and 419B.005 to 419B.050.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015 & 419B.005 - 419B.050

Hist.: CWP 25-2003, f. & cert. ef. 7-1-03; CWP 3-2007, f. & cert. ef. 3-20-07; CWP 22-2007(Temp), f. & cert. ef. 12-3-07 thru 4-11-08; CWP 2-2008, f. & cert. ef. 4-1-08; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0105

### Purpose of Child Protective Services

The purposes of Child Protective Services are to identify unsafe children and to assure protection of children after a report of alleged child abuse or neglect is received by a screener.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.015 & 419B.005 - 419B.050

Hist.: CWP 25-2003, f. & cert. ef. 7-1-03; CWP 3-2007, f. & cert. ef. 3-20-07; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0115

### Definitions

Unless the context indicates otherwise, these terms are defined for use in OAR chapter 413, division 015:

(1) "Caregiver" means a guardian, legal custodian, or other person acting in loco parentis, who exercises significant authority over and responsibility for a child.

(2) "Child" means a person under 18 years of age.

(3) "Child abuse or neglect" means any form of abuse, including abuse through neglect and abuse or neglect by a third party, of a person under age 18.

(4) "Child protective services" (CPS) means a specialized social service program that the Department provides on behalf of children who may be unsafe after a report of child abuse or neglect is received.

(5) "Child protective services assessment" (CPS assessment) means an investigation into a report of child abuse pursuant to ORS 419B.020, that includes activities and interventions to identify and analyze threats to child safety, determine if there is reasonable cause to believe child abuse or neglect occurred, and assure child safety through protective action plans, initial safety plans, or ongoing safety planning.

(6) "Child protective services supervisor" (CPS supervisor) means an employee of the Department trained in child protective services and designated as a supervisor.

(7) "Child protective services worker" (CPS worker) means an employee of the Department who has completed the mandatory Department training for child protective service workers.

(8) "Child Safety Meeting" means a meeting held at the conclusion of a CPS assessment for the purpose of developing an ongoing safety plan.

(9) "Children's Care Provider" (CCP) means a DHS-licensed Residential Care Agency, Day Treatment Program, Foster Care Agency, Therapeutic Boarding School, or Outdoor Youth Program that has assumed responsibility for all or a portion of the care of a child. The term includes the CCP's employees, agents, contractors and their employees, and volunteers.

(10) "Conditions for return" means a written statement of the specific behaviors, conditions, or circumstances that must exist within a child's home before a child can safely return and remain in the home with an in-home initial safety plan or in-home ongoing safety plan.

(11) "Day Care Facility" means each of the following:

(a) A Registered Family Child Care Home, which is the residence of a provider who has a current Family Child Care Registration at that address and who provides care in the family living quarters.

(b) A Certified Family Child Care Home, which is a child care facility located in a building constructed as a single family dwelling that has certification to care for a maximum of 16 children at any one time.

(c) A Certified Child Care Center, which is certified to care for 13 or more children, or a facility that is certified to care for twelve or fewer children and located in a building constructed as other than a single family dwelling.

(d) A Listed Facility, which is a child care provider that is exempt from Office of Child Care licensing and that receives subsidy payments for child care on behalf of clients of the Department of Human Services.

(12) "Department" means the Department of Human Services, Child Welfare.

(13) "Department response" means how the Department intends to respond to information that a child is unsafe after a report of alleged abuse or neglect is received.

(14) "Designated medical professional" means (as described in ORS 418.747(9)) a physician, physician assistant, or nurse practitioner who has been designated by the local multi-disciplinary team and trained to conduct child abuse medical assessments (as defined in ORS 418.782), and who is — or who may designate another physician, physician assistant, or nurse practitioner who is — regularly available to conduct these medical assessments.

(15) "Domestic violence" means a pattern of assaultive or coercive behavior (or both), which can include physical, sexual and emotional abuse, or economic coercion that an individual at least 18 years of age uses against an intimate partner to gain power and control in a relationship.

(16) "Face-to-face" means an in-person interaction between individuals.

(17) "Former foster child" means a person under 21 years of age who was in substitute care at or after 16 years of age, including substitute care provided by federally recognized tribes, and had been in substitute care for at least 180 cumulative days after 14 years of age.

(18) "Guardian" means an individual who has been granted guardianship of a child through a judgment of the court.

(19) "Harm" means any kind of impairment, damage, detriment, or injury to a child's physical, sexual, psychological, cognitive, or behavioral development or functioning. "Harm" is the result of child abuse or neglect and may vary from mild to severe.

(20) "ICWA" means the Indian Child Welfare Act.

(21) "Impending danger safety threat" means a family behavior, condition, or circumstance that meets all five safety threshold criteria. A threat to a child that is not immediate, obvious, or occurring at the onset of the CPS intervention. This threat is identified and understood more fully by evaluating and understanding individual and family functioning.

(22) "Initial contact" means the first face-to-face contact between a CPS worker and a family. The initial contact includes face-to-face contact with the alleged child victim, his or her siblings, parent or caregiver, and other children and adults living in the home; accessing the home environment; and gathering sufficient information on the family conditions and functioning to determine if present danger safety threats or impending danger safety threats exist.

(23) "Initial safety plan" means a documented set of actions or interventions sufficient to protect a child from an impending danger safety threat in order to allow for completion of the CPS assessment.

(24) "Moderate to high needs" means observable family behaviors, conditions, or circumstances that are occurring now; and over the next year without intervention, are likely to have a negative impact on a child's physical, sexual, psychological, cognitive, or behavioral development or functioning. The potential negative impact is not judged to be severe. While intervention is not required for the child to be safe, it is reasonable to determine that short-term, targeted services could reduce or eliminate the likelihood that the negative impact will occur.

(25) "Multi-disciplinary team" (MDT) means a county child abuse investigative team as defined in ORS 418.747.

(26) "Observable" means specific, real, can be seen and described. Observable does not include suspicion or gut feeling.

(27) "Ongoing safety plan" means a documented set of actions or interventions that manage a child's safety after the Department has identified one or more impending danger safety threats at the conclusion of a CPS assessment or anytime during ongoing work with a family.

(28) "Out of control" means family behaviors, conditions, or circumstances that can affect a child's safety are unrestrained, unmanaged, without limits or monitoring, not subject to influence or manipulation within the control of the family, resulting in an unpredictable and chaotic family environment.

(29) "Personal representative" means a person who is at least 18 years of age and is selected to be present and supportive during the CPS assessment by a child who is the victim of a person crime as defined in ORS 147.425 and is at least 15 years of age at the time of the crime. The personal representative may not be a person who is a suspect in, party or witness to, the crime.

(30) "Pre-adoptive family" means an individual or individuals who:

# ADMINISTRATIVE RULES

(a) Has been selected to be a child's adoptive family; and  
(b) Is in the process of legalizing the relationship to the child through the judgment of the court.

(31) "Present danger safety threat" means an immediate, significant, and clearly observable family behavior, condition, or circumstance occurring in the present tense, already endangering or threatening to endanger a child. The family behavior, condition, or circumstance is happening now and it is currently in the process of actively placing a child in peril.

(32) "Private child-caring agency" is defined in ORS 418.205, and means a "child-caring agency" that is not owned, operated, or administered by any governmental agency or unit.

(a) A "child-caring agency" means an agency or organization providing:

- (A) Day treatment for disturbed children;
- (B) Adoption placement services;
- (C) Residential care, including but not limited to foster care or residential treatment for children;
- (D) Outdoor youth programs as defined in OAR 413-215-0911; or
- (E) Other similar services for children.

(b) A child-caring agency does not include residential facilities or foster care homes certified or licensed by the Department under ORS 443.400 to 443.455, 443.830, and 443.835 for children receiving developmental disability services.

(33) "Protective action plan" means an immediate, same day, short-term plan, lasting a maximum of ten calendar days, sufficient to protect a child from a present danger safety threat.

(34) "Protective capacity" means behavioral, cognitive, and emotional characteristics that can specifically and directly be associated with a person's ability and willingness to care for and keep a child safe.

(35) "Protective custody" means custody authorized by ORS 419B.150.

(36) "Reasonable suspicion" means a reasonable belief given all of the circumstances, based upon specific and describable facts, that the suspicious physical injury may be the result of abuse. Explanation: The belief must be subjectively and objectively reasonable. In other words, the person subjectively believes that the injury may be the result of abuse, and the belief is objectively reasonable considering all of the circumstances. The circumstances that may give rise to a reasonable belief may include, but not be limited to, observations, interviews, experience, and training. The fact that there are possible non-abuse explanations for the injury does not negate reasonable suspicion.

(37) "Referral" means a report that has been assigned for the purpose of CPS assessment.

(38) "Report" means an allegation of child abuse or neglect provided to the Department that the screener evaluates to determine if it constitutes a report of child abuse or neglect as defined in ORS 419B.005.

(39) "Reporter" means an individual who makes a report.

(40) "Safe" means there is an absence of present danger safety threats or impending danger safety threats.

(41) "Safety service provider" means a participant in a protective action plan, initial safety plan, or ongoing safety plan whose actions, assistance, or supervision help a family in managing a child's safety.

(42) "Safety services" mean the actions, assistance, and supervision provided by safety service providers to manage the identified present danger safety threats or impending danger safety threats to a child.

(43) "Safety threshold" means the point at which family behaviors, conditions, or circumstances are manifested in such a way that they are beyond being risk influences and have become an impending danger safety threat. In order to reach the "safety threshold" the behaviors, conditions, or circumstances must meet all of the following criteria: be imminent, be out of control, affect a vulnerable child, be specific and observable, and have potential to cause severe harm to a child. The "safety threshold" criteria are used to determine the presence of an impending danger safety threat.

(44) "School administrator" means the principal, vice principal, assistant principal, or any other person performing the duties of a principal, vice principal, or assistant principal at a school, as defined in the Teacher Standards and Practices Commission (TSPC) OAR 584-005-0005.

(45) "Screener" means a Department employee with training required to provide screening services.

(46) "Screening" means the process used by a screener to determine the Department response when information alleging abuse or neglect is received.

(47) "Severe harm" means:

(a) Significant or acute injury to a child's physical, sexual, psychological, cognitive, or behavioral development or functioning;

(b) Immobilizing impairment; or

(c) Life threatening damage.

(48) "Substance" means any controlled substance as defined by ORS 475.005, prescription medications, over-the-counter medications, or alcoholic beverages.

(49) "Suspicious physical injury" (as defined in ORS 419B.023) includes, but is not limited to:

(a) Burns or scalds;

(b) Extensive bruising or abrasions on any part of the body;

(c) Bruising, swelling, or abrasions on the head, neck, or face;

(d) Fractures of any bone in a child under the age of three;

(e) Multiple fractures in a child of any age;

(f) Dislocations, soft tissue swelling, or moderate to severe cuts;

(g) Loss of the ability to walk or move normally according to the child's developmental ability;

(h) Unconsciousness or difficulty maintaining consciousness;

(i) Multiple injuries of different types;

(j) Injuries causing serious or protracted disfigurement or loss or impairment of the function of any bodily organ; or

(k) Any other injury that threatens the physical well-being of the child.

(50) "Teacher" means (as defined in TSPC OAR 584-005-0005) a licensed or registered employee in a public school or charter school, or employed by an education service district, who has direct responsibility for instruction, coordination of educational programs, or supervision or evaluation of teachers; and who is compensated for services from public funds.

(51) "Third-party abuse" means abuse by a person who is not the child's parent, not the child's caregiver or other member of the child's household, and not a person responsible for the child's care, custody, and control. Examples of persons who could be considered as a third-party under this definition include school personnel, day-care providers, coaches, and church personnel.

(52) "Unsafe" means the presence of a present danger safety threat or an impending danger safety threat.

(53) "Vulnerable child" means a child who is unable to protect him or herself. This includes a child who is dependent on others for sustenance and protection. A "vulnerable child" is defenseless, exposed to behaviors, conditions, or circumstances that he or she is powerless to manage, and is susceptible and accessible to a threatening parent or caregiver. Vulnerability is judged according to physical and emotional development, ability to communicate needs, mobility, size, and dependence.

Stat. Auth.: ORS 147.425, 409.185, 418.005, 418.015, 418.747 & 419B.005 - 419B.050

Stats. Implemented: ORS 147.425, 409.185, 418.005, 418.015, 418.747 & 419B.005 - 419B.050

Hist.: CWP 25-2003, f. & cert. ef. 7-1-03; CWP 14-2004, f. 7-30-04, cert. ef. 8-1-04; CWP 17-2004, f. & cert. ef. 11-1-04; CWP 4-2005, f. & cert. ef. 2-1-05; CWP 19-2005(Temp), f. 12-30-05, cert. ef. 1-1-06 thru 6-30-06; CWP 14-2006, f. 6-30-06, cert. ef. 7-1-06; CWP 3-2007, f. & cert. ef. 3-20-07; CWP 16-2007(Temp), f. & cert. ef. 10-16-07 thru 4-11-08; CWP 22-2007(Temp), f. & cert. ef. 12-3-07 thru 4-11-08; CWP 24-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 4-11-08; CWP 2-2008, f. & cert. ef. 4-1-08; CWP 5-2010(Temp), f. & cert. ef. 6-15-10 thru 12-12-10; CWP 21-2010, f. & cert. ef. 11-15-10; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0125

### Department Responsibility Ends

The Department is not responsible for providing child protective services when:

(1) A screener determines that information received during screening does not meet the statutory definition of child abuse or neglect (see OAR 413-015-0210(2)(a) and (b));

(2) The CPS assessment has determined the child is safe; or

(3) The CPS assessment does not identify information sufficient to request juvenile court intervention or the juvenile court declines to intervene, and the parents or caregivers do not request or agree to voluntarily receive services.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 25-2003, f. & cert. ef. 7-1-03; CWP 3-2007, f. & cert. ef. 3-20-07; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0205

### Screening Activities

The screener must complete the following activities:

(1) Gather information. When gathering information, the screener must do both of the following:

(a) Accept reports of child abuse and neglect regardless of where the child resides or where the alleged child abuse or neglect may have



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occurred. If the report is about a child that does not reside in the county where the report is received, the screener must forward the completed screening report form to the local child welfare office in the county or state where the child resides. The screener must forward the screening report form on the same day the report is received and confirm that it has been successfully forwarded.

(b) Accept and handle anonymous reports of child abuse and neglect in the same manner as other reports, gather the same information from the anonymous reporter as the screener would from any other reporter, and encourage the reporter to provide identifying information.

(2) If appropriate, refer the person to community services and resources.

(3) Determine the type of information received, Child Protective Services or Family Support Services, and where and when to document the information received.

(a) Child Protective Services. This type of information is related to reports of alleged child abuse or neglect.

(A) Child Protective Services information is documented in the Department's electronic information system.

(B) The time line for screeners to complete and document their actions, and document information gathered, unless a CPS supervisor grants the screener an extension as provided in OAR 413-015-0220, is:

(i) Immediately when a "within 24 hours" response time line is assigned;

(ii) Within the same day when a "within five days" response time line is assigned; or

(iii) No later than the next working day after the screening determination is made when the report is closed at screening.

(b) Family Support Services. This type of information is not a report of alleged child abuse or neglect, and it does not include information that indicates a child is unsafe.

(A) This information is documented in the Department's electronic information system using a screening report form.

(B) The time line for screeners to complete and document their actions, and document information gathered is within two days of receiving the request for services.

(C) Family Support Services information falls within one of the categories described below:

(i) Request for Placement — Information falls within this category when:

(I) A parent or guardian requests out-of-home placement of their child due solely to obtain services for the emotional, behavioral, or mental disorder or developmental or physical disability of the child;

(II) The parent or guardian requests the Department take legal custody of their child; or

(III) The court has ordered a pre-adjudicated delinquent into the care of the Department.

(ii) Request for Independent Living Program Services — Information falls within this category when a former foster child qualifies for Independent Living Program (ILP) services, is not a participant on an open case, and requests to enroll in the Department's ILP.

(iii) Request for Post Legal Adoption and Post Guardianship Services — Information falls within this category when a family requests post legal adoption or post guardianship services, if the adoption or guardianship occurred through the Department.

(iv) Request for Voluntary Services — Information falls within this category when it does not meet the criteria in subparagraphs (i), (ii), or (iii) of this paragraph, a parent or caregiver requests assistance with a child in the home, and all of the following apply:

(I) Other community resources have been utilized and determined to be ineffective.

(II) Members of the extended family and other responsible adults who are well known to the child have been explored or utilized and determined to be unsafe, unavailable, unwilling, or ineffective as support for the family.

(III) The parent or caregiver is temporarily or will be temporarily unable to fulfill parental responsibilities due to a diagnosed medical condition or a mental health diagnosis.

(IV) The parent's or caregiver's inability to fulfill parental responsibilities is temporary and immediate, and will be alleviated with short term services or short term services will transition the family to community services.

(V) A Child Welfare program manager approves the request for voluntary services.

(4) When the screener receives Child Protective Services information, the screener must complete the screening activities described below.

(a) The screener must gather the following information, which is critical to effectively identify if there is a report of child abuse or neglect as defined in ORS 419B.005 and if the information alleges that behaviors, conditions, or circumstances could result in harm to the child:

(A) The type of alleged child abuse or neglect and the circumstances surrounding the report;

(B) How the alleged child abuse or neglect or the surrounding circumstances are reported to affect the safety of the child;

(C) Information that identifies how the child is vulnerable; and

(D) Reported parent or caregiver functioning and behavior.

(b) After gathering and documenting the information required in subsection (a) of this section, if the report is about a condition or circumstance that occurred in a Children's Care Provider (CCP) or a behavior of a CCP, the screener must complete the requirements in paragraphs (A) through (C) of this subsection. CPS screening activities for CCP referrals are complete after the completion of the activities in paragraphs (A) through (C) of this subsection and additional screening activities in this rule do not apply:

(A) Immediately pend the screening information to the Office of Adult Abuse Prevention and Investigation (OAAPI) screener's workload;

(B) Immediately send an e-mail to the OAAPI screener to let the screener know that a screening report has been assigned to the screener's workload; and

(C) When the report is new information on an open Department case:

(i) Notify the CPS supervisor;

(ii) Notify each assigned case worker and their respective supervisors of all new information received on the same day the information is received, and document this notification in the Department's electronic information system case notes; and

(iii) Complete notification on the same day the information is received.

(c) Gather information from individuals who can provide firsthand information necessary to determine the appropriate Department response. This may include individuals who have regular contact with the child, doctors, teachers, or others who have evaluated or maintain records on the child, people who are in an established personal or professional relationship with the parent or caregiver and who can judge the quality and nature of the parent or caregiver behavior, and those who have records or reason to know things about the parent or caregiver as a result of their involvement with or exposure to the parent or caregiver.

(d) Research Department history of every identified child, parent, caregiver, and household member for information about current or previous Department involvement relevant to the current child abuse or neglect report. If the research reveals an "unable to locate" disposition that has not been assessed, the screener must reference that assessment, the date the assessment was completed, and those allegations not able to be assessed in the current report summary.

(e) Inquire regarding possible Indian or Alaskan Native heritage (for further direction see OAR 413-015-0215(5)).

(f) Request relevant information when available and appropriate from law enforcement agencies (LEA), including domestic disturbance calls, arrests, warrants, convictions, restraining orders, probation status, and parole status.

(g) Determine the location and corresponding law enforcement jurisdiction of the family's residence and the site where the alleged child abuse or neglect may have occurred.

(h) Immediately comply with Child Welfare Policy I-B.2.2.3, "Department Responsibilities During Screening and Assessment of a Child Abuse or Neglect Report Involving the Home of a Department Certified Foster Parent or Relative Caregiver", OAR 413-200-0404 to 413-200-0424, when information is related to a Department approved and certified home that is a foster home, relative caregiver home, or home of a pre-adoptive family.

(i) Immediately comply with the Child Welfare "Fatality Protocol" when information is related to the death of a child.

(5) Explain to reporters the information in all of the following subsections:

(a) That the Department will not disclose the identity of the reporter unless disclosure is to an LEA for purposes of investigating the report, disclosure is required because the reporter may need to testify as a witness in court, or the court orders the Department to disclose the identity of the reporter.

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(b) That anyone making a report of child abuse or neglect in good faith, who has reasonable grounds to make the report, is immune from liability in respect to making the report and the contents of the report.

(c) The Department's decisions about paragraphs (A) through (C) of this subsection. If the decisions have not been made when the report is completed, the screener must notify the reporter that, if contact information is provided, diligent efforts will be made to contact him or her at a later date and inform him or her of the decisions:

- (A) Whether contact with the child was made;
- (B) Whether the Department determined child abuse occurred; and
- (C) Whether services will be provided.

(d) If applicable, that the information reported does not meet the screening criteria to be documented and retained in the Department's electronic information system.

(e) That mandatory reporters should consider maintaining a record of their report to document compliance with ORS 419B.010 and 419B.015.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005 & 419B.020

Hist.: CWP 25-2003, f. & cert. ef. 7-1-03; CWP 14-2004, f. 7-30-04, cert. ef. 8-1-04; CWP 4-2005, f. & cert. ef. 2-1-05; CWP 16-2005, f. & cert. ef. 12-1-05; CWP 3-2007, f. & cert. ef. 3-20-07; CWP 22-2007(Temp), f. & cert. ef. 12-3-07 thru 4-11-08; CWP 24-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 4-11-08; CWP 2-2008, f. & cert. ef. 4-1-08; CWP 5-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 12-24-08; CWP 20-2008, f. & cert. ef. 9-2-08; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0210

### Determining Department's Response and Required Time Lines for CPS Information

(1) After the screener completes screening activities required by OAR 413-015-0205, and the screener determines the information received is CPS information, the screener must determine the Department response, either CPS assessment required or close at screening. If a CPS assessment is required, the screener must then determine the time line for the Department response, either within 24 hours or within five calendar days.

(2) CPS assessment required. A CPS assessment is required if:

(a) The screener determines that information received constitutes a report of child abuse or neglect, as defined in ORS 419B.005, and the information indicates:

- (A) The alleged perpetrator is a legal parent of the alleged child victim;
- (B) The alleged perpetrator resides in the alleged child victim's home;
- (C) The alleged perpetrator may have access to the alleged child victim, and the parent or caregiver may not be able or willing to protect the child; or
- (D) The alleged child abuse occurred in a day care facility, the home of a Department certified foster parent or relative caregiver, or a private private child-caring agency that is not a Children's Care Provider (CCP).

(b) A tribe or LEA requests assistance from the Department with an investigation of child abuse or neglect, and a CPS supervisor agrees that assistance from the Department is appropriate.

(3) Response Time Lines. If the screener determines that a CPS assessment is required, the screener must:

(a) Determine the CPS assessment response time line. The time line for the Department response refers to the amount of time between when the report is received at screening and when the CPS worker is required to make an initial contact. When determining the response time, the screener must take into account the location of the child, how long the child will be in that location, and access that others have to the child.

(A) Within 24 hours: This response time line is required, unless paragraph (B) of this subsection applies, when the information received constitutes a report of child abuse or neglect as defined in ORS 419B.005.

(B) Within five calendar days: This response time line must only be used when the screener can clearly document how the information indicates the child's safety will not be compromised by not responding within 24 hours and whether an intentional delay to allow for a planned response is less likely to compromise the safety of the child.

(b) Complete a screening report form immediately when a "within 24 hour" response time line is assigned or the same day when a "within five calendar days" response time is assigned, unless a CPS supervisor grants an extension as provided in OAR 413-015-0220.

(c) Refer the CPS assessment to the appropriate county as described in OAR 413-015-0213.

(4) Close at Screening: A report will be closed at screening if one of the following subsections applies:

(a) The screener determines that information received:

(A) Does not constitute a report of child abuse or neglect, as defined in ORS 419B.005, and the screener determines that the information

describes family behaviors, conditions, or circumstances that pose a risk to a child;

(B) Is third party child abuse or neglect that does not require a CPS assessment because the alleged perpetrator does not have access to the child, and the parent or caregiver is willing and able to protect the child; or

(C) Is a report that there are no children in the home and:

(i) An expectant mother is abusing substances during her pregnancy;

(ii) An expectant mother or a household member has had his or her parental rights to another child terminated; or

(iii) An expectant mother or a household member is known to have conditions or circumstances that would endanger a newborn child.

(b) When a report is received, but the screener, after extensive efforts, is unable to obtain sufficient information to locate the child. Name and exact address are not necessary if a location is obtained.

(5) If a report is closed at screening, the screener must:

(a) Document the current information that supports the decision to close the report at screening.

(b) Decide whether other services are appropriate and make service or resource referrals, as necessary. Document what service or resource referrals are made, if any.

(c) Make diligent efforts to contact the reporter if contact information was provided and when the reporter was not informed of the following information prior to completing the screening report form.

(A) Whether contact with the child was made;

(B) Whether the Department determined child abuse occurred; and

(C) Whether services will be provided.

(d) Complete a screening report form no later than the next working day after the screening determination is made, unless a CPS supervisor grants an extension, as provided in OAR 413-015-0220.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 25-2003, f. & cert. ef. 7-1-03; CWP 14-2004, f. 7-30-04, cert. ef. 8-1-04; CWP 4-2005, f. & cert. ef. 2-1-05; CWP 16-2005, f. & cert. ef. 12-1-05; CWP 3-2007, f. & cert. ef. 3-20-07; CWP 25-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 7-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0211

### Additional Screening Activities

In the specific circumstances described below, the screener must complete additional activities to complete the screening process.

(1) The screener receives information on an open CPS assessment.

(a) When a screener receives duplicate information (same alleged victim, same alleged perpetrator, same allegation of child abuse or neglect, and same incident dates) on an open CPS assessment, the screener must:

(A) Inform the reporter that a new screening report will not be documented because the information has already been received;

(B) Provide the reporter with the assigned caseworker's name and phone number; and

(C) Provide contact information about the reporter and any information the screener received to the assigned caseworker.

(b) When a screener receives information that constitutes a new report of child abuse or neglect as defined in ORS 419B.005 on an open CPS assessment, the screener must:

(A) Document the information in a new screening report form; and

(B) Notify the assigned CPS worker and their supervisor of all new information received on the same day the information is received, and document this notification in the Department's electronic information system.

(c) When a screener receives information that constitutes a closed at screening on an open CPS assessment, the screener must:

(A) Document the information in a new screening report form; and

(B) Notify the assigned CPS worker and their supervisor of all new information received on the same day the information is received, and document this notification in the Department's electronic information system.

(2) The screener receives new information on an open Department case.

(a) When a screener receives new information on an open Department case, the screener must:

(A) Consult with a CPS supervisor;

(B) Notify each assigned case worker and their respective supervisors of all new information received on the same day the information is received, and document this notification in the Department's electronic information system's case notes; and

(C) Complete notification on the same day the information is received.

(b) When a screener receives a new report of child abuse or neglect, as defined in ORS 419B.005, but there is no open CPS assessment, the screener must document the information in a new screening report form.

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(c) The information received by a screener on an open Department case that will not be documented in a new screening report form but must be documented in the Department's electronic information system's case notes includes:

(A) Additional information on an open case that does not meet the criteria for a new CPS assessment or closed at screening;

(B) When an in-home protective action plan, initial safety plan, or ongoing safety plan is violated, but the violation is not a new incident of child abuse or neglect;

(C) Reports of an ongoing concern in an open case, which the Department is currently addressing;

(D) Reports of child runaways; and

(E) Any requests for case information received by the screener.

(3) When a screener receives information related to the home of a Department certified foster parent or relative caregiver, the screener must notify and document that the screener has notified each assigned case worker, assigned certifier, and their respective supervisors of all information received (see Child Welfare Policy I-B.2.2.3, "Department Responsibilities During Screening and Assessment of a Child Abuse or Neglect Report Involving the Home of a Department Certified Foster Parent or Relative Caregiver", OAR 413-200-0404 to 413-200-0424).

(4) When a screener receives information related to a minor parent as an alleged perpetrator:

(a) The screener must gather information to determine if there is a report of abuse or neglect with the minor parent as an alleged victim.

(b) If the screener determines there is a report of abuse or neglect of the child of the minor parent with the minor parent as an alleged perpetrator and another report with the minor parent as an alleged victim, the screener must document the information in the following manner to determine when to use the mother or father's name as the case name:

(A) The allegation with the minor parent as an alleged perpetrator must be documented with the mother or father of the alleged victim as the case name (the mother or father being a minor does not preclude them from being the case name); and

(B) The allegation with the minor parent as an alleged victim must be documented with the mother or father of the minor parent as the case name.

(5) When a screener receives a report of a child fatality alleged to be the result of abuse or neglect or involving a child known to the Department, the screener must:

(a) Consult with a CPS supervisor;

(b) Refer to the Child Welfare "Fatality Protocol";

(c) Complete a screening report form identifying in the Department's electronic information system that the report involves a child fatality;

(d) Notify the CPS consultant; and

(e) Complete subsections (a) through (d) of this section even when there are no siblings to the deceased child and no other children in the home where the fatality occurred.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 16-2005, f. & cert. ef. 12-1-05; CWP 3-2007, f. & cert. ef. 3-20-07; CWP 25-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 7-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 15-2009, f. & cert. ef. 11-3-09; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0212

### Screener Consultation with a CPS Supervisor

Screeners may consult with a CPS supervisor about any screening determination. Screeners must consult with a CPS supervisor or designee in each of the following situations:

(1) A report of child abuse or neglect involving a child, parent, caregiver, or perpetrator who was a child, parent, caregiver, or perpetrator in a CPS assessment that resulted in a founded disposition in the preceding six months.

(2) A review of Department records on a family that is the subject of a child abuse or neglect report finds multiple consecutive reports were closed at screening, and the information received in the current report, in combination with the prior reports regarding the same family, may meet the criteria to refer the report for a CPS assessment.

(3) A new report involving a family that has an open Department case.

(4) A report involving the home of a Department certified foster parent or relative caregiver.

(5) A report involving a private child-caring agency.

(6) A report involving a day care facility.

(7) A report of a child fatality.

(8) A decision not to refer for assessment a report of a baby who is born with substances in his or her system.

(9) A report of child abuse or neglect in which a community partner or an employee of any program, office, or division of the Department of Human Services or the Oregon Youth Authority is the alleged perpetrator.

(10) A report of child abuse or neglect that is expected to receive media attention or that already is being reported by the media.

(11) A decision that an additional screening report form is needed because the reported information alleges a threat of harm to additional children in other families.

(12) A review of Department history reveals a prior allegation that has not been assessed because the Department was unable to locate the family.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 16-2005, f. & cert. ef. 12-1-05; CWP 3-2007, f. & cert. ef. 3-20-07; CWP 25-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 7-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0213

### Determining the County to which the CPS Assessment will be Referred

(1) Except as described in section (2) of this rule, the screener must refer the CPS assessment to the local Department office in the county where the child resides, and that county is responsible for completing the CPS assessment.

(2) When the alleged child abuse or neglect occurred in a foster home or a residential care facility, the screener must refer the CPS assessment to the local Department office in the county where the alleged child abuse or neglect occurred, and that county is responsible for completing the CPS assessment.

(3) The District Managers in the affected counties must jointly approve any exception to sections (1) or (2) of this rule. When a joint decision cannot be made, the CPS Program Manager or designee must approve the exception.

(4) As a courtesy, and to assist with the CPS assessment process, when the child resides in a different county than the county where the alleged child abuse or neglect occurred, CPS workers may be assigned in the county of the child's residence and the county where the alleged child abuse or neglect occurred. The county that is responsible for completing the CPS assessment is described in sections (1) and (2) of this rule.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 16-2005, f. & cert. ef. 12-1-05; CWP 3-2007, f. & cert. ef. 3-20-07; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0215

### Notifications to Specific Agencies or Entities

(1) Law Enforcement Agency (LEA). The screener must cross report to LEA as required by OAR 413-015-0305(1).

(2) Office of Child Care, Department of Education, Early Learning Division. The screener must notify the Office of Child Care when a report involves a day care facility, as required by ORS 419B.020(1). If the report is closed at screening, a copy of the completed screening report form must be sent to the Compliance Unit of the Office of Child Care after information related to the reporter's identity and other confidential information is removed.

(3) Office of Adult Abuse Prevention and Investigation (OAAPI). The screener must report to the OAAPI when:

(a) A report involves a Children's Care Provider as outlined in OAR 413-015-0205(4)(b); or

(b) A report involves a child with intellectual or developmental disabilities in a residential group home licensed by the Office of Developmental Disabilities Services.

(4) Indian Tribes. If the screener knows or has reason to know that the child is an Indian child, the screener must give notice within 24 hours to the Indian child's tribe that a CPS assessment is being conducted.

(5) Teacher Standards and Practices Commission (TSPC). The screener must notify the TSPC when a teacher or school administrator, as defined in OAR 413-015-0115, is identified as an alleged perpetrator in a report. A copy of the report must be sent to the TSPC after information related to the reporter's identity and other confidential information is removed.

(6) Community Mental Health Program, Community Developmental Disabilities Program, or Adult Protective Services. The screener must make a report to the Community Mental Health Program, Community Developmental Disabilities Program, or the local Adult Protective Service office when the screener has reasonable cause to believe:

(a) That any person 18 years of age or older with a mental illness, a developmental disability or a physical disability, or any person 65 years of



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age or older, with whom the screener comes into contact while the screener is acting in an official capacity, has suffered abuse; or

(b) That any person with whom the screener comes into contact, while acting in an official capacity, has abused a person 18 years of age or older with a mental illness, developmental disability, or physical disability, or any person 65 years of age or older.

Stat. Auth.: ORS 418.005 & 419B.017

Stats. Implemented: ORS 418.005, 419B.015 & 419B.017

Hist.: CWP 25-2003, f. & cert. ef. 7-1-03; CWP 4-2005, f. & cert. ef. 2-1-05; CWP 16-2005, f. & cert. ef. 12-1-05; CWP 3-2007, f. & cert. ef. 3-20-07; CWP 25-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 7-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0220

### Screening Extensions

(1) Except as provided in section (2) of this rule, the CPS supervisor may grant an extension to the deadline in OAR 413-015-0205 if the screener is unable to complete all required screening activities the same day that the report alleging child abuse or neglect is received because critical information, such as the child's location, is still needed to determine the Department response. The screener must document in the Department's electronic information system the reason for the extension, including the critical information that remains to be collected, and the CPS supervisor's approval.

(a) The CPS supervisor may grant a one-business day extension up to two times; and

(b) Screening activities may not exceed two business days beyond the day the report alleging child abuse or neglect is received by the Department.

(2) If the screener has the critical information needed to determine the Department response or has information that indicates the child is unsafe, no extension to the deadline in OAR 413-015-0205 may be allowed.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 25-2003, f. & cert. ef. 7-1-03; CWP 14-2004, f. 7-30-04, cert. ef. 8-1-04; CWP 16-2005, f. & cert. ef. 12-1-05; CWP 3-2007, f. & cert. ef. 3-20-07; CWP 25-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 7-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0225

### Supervisory Review

The CPS supervisor or designee must review all closed-at-screening reports within five days of the completion of screening activities and electronic submission of the screening report forms for review.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 25-2003, f. & cert. ef. 7-1-03; CWP 3-2007, f. & cert. ef. 3-20-07; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0400

### Purpose and Overview of the CPS Assessment Rules

(1) These rules, OAR 413-015-0400 to 413-015-0485, describe the activities required to sufficiently complete a CPS assessment.

(2) Completing a CPS assessment involves the following:

(a) Making face-to-face contact with the alleged victim, his or her siblings, his or her parent or caregiver, including the non-custodial legal parent, other children and adults living in the home, and the alleged perpetrator;

(b) Accessing the home environment;

(c) Gathering safety-related information through interviews and observation;

(d) Determining if there is a present danger safety threat;

(e) Determining if there is an impending danger safety threat by applying the safety threshold criteria:

(A) Imminent;

(B) Observable;

(C) Vulnerable child;

(D) Out of control; and

(E) Severity.

(f) Developing a protective action plan when a child is determined to be unsafe due to a present danger safety threat;

(g) Developing an initial safety plan when a child is determined to be unsafe due to an impending danger safety threat;

(h) Developing an ongoing safety plan when a child is determined to be unsafe from an impending danger safety threat at the conclusion of a CPS assessment;

(i) Determining whether the initial safety plan or ongoing safety plan is the least intrusive plan sufficient to manage child safety by identifying

how the impending danger safety threat is occurring and applying the in-home safety plan criteria;

(j) Developing conditions for return when an out-of-home initial safety plan or out-of-home ongoing safety plan is established;

(k) Determining whether a family has moderate to high needs when a child is determined to be safe;

(l) Offering and, if appropriate, referring a family with moderate to high needs to available non-contracted community services; and

(m) Determining if there is reasonable cause to believe that child abuse or neglect has occurred.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 - 419B.050

Hist.: CWP 25-2003, f. & cert. ef. 7-1-03; CWP 14-2004, f. 7-30-04, cert. ef. 8-1-04; CWP 17-2004, f. & cert. ef. 11-1-04; CWP 3-2007, f. & cert. ef. 3-20-07; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0403

### Assignment of CPS Assessment

(1) A CPS assessment may only be assigned to a Department employee whose current position is a CPS worker, a CPS supervisor, or an employee who meets the definition of CPS worker.

(2) Whenever possible, separate CPS workers must be assigned to complete the assessments of allegations when a minor parent is an alleged perpetrator and alleged victim.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015 & 419B.005 - 419B.050

Hist.: CWP 15-2009, f. & cert. ef. 11-3-09; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0404

### Receipt of New Information on an Open CPS Assessment

When a CPS worker receives notification from a screener that a closed at screening or new referral was created on an open CPS assessment the CPS worker must:

(1) Review the new information, in consultation with the CPS supervisor, on the same day the CPS worker received notification of the new information.

(2) Link a new referral to an open assessment only when the date the new referral was assigned is within 60 days of the date the open assessment was assigned.

(3) Create a new assessment when a new referral was assigned more than 60 days from the date the open assessment was assigned.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 - 419B.050

Hist.: CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0405

### CPS Assessment Response Time Lines

(1) The time line for the Department response refers to the amount of time from the receipt of a report at screening to the time when the CPS worker is required to make an initial contact.

(2) Except as provided in sections (3) and (4) of this rule, every CPS assessment must be assigned one of the following response time lines by a screener pursuant to OAR 413-015-0210 and the CPS worker must make an initial contact within the assigned response time line:

(a) Within 24 hours.

(b) Within five calendar days.

(3) A CPS supervisor may change the initial contact time lines established in section (2) of this rule as follows:

(a) The CPS supervisor may change the response time line from within five calendar days to within 24 hours.

(b) The CPS supervisor may change the response time line from within 24 hours to within five calendar days, but the supervisor must explain in writing why the time line was changed and how child safety was considered when the change was approved.

(4) If a screener was granted an extension to complete the screening process, the CPS supervisor may adjust the initial contact time lines as follows:

(a) Within 24 hours: The CPS worker must make an initial contact within 24 hours of the end date of either the last screening extension or the date the CPS assessment was assigned, whichever is earlier.

(b) Within five calendar days: The CPS worker must make an initial contact within five calendar days of the end date of either the last screening extension or the date the CPS assessment was assigned, whichever is earlier.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015 & 419B.005 - 419B.050

Hist.: CWP 25-2003, f. & cert. ef. 7-1-03; CWP 14-2004, f. 7-30-04, cert. ef. 8-1-04; CWP 17-2004, f. & cert. ef. 11-1-04; CWP 15-2005(Temp), f. & cert. ef. 10-20-05 thru 3-31-06; CWP 17-2005(Temp), f. 12-30-05 cert. ef. 1-1-06 thru 6-30-06; CWP 1-2006, f. & cert. ef. 2-1-06; Suspended by CWP 3-2006(Temp), f. & cert. ef. 2-1-06 thru 6-30-06; CWP 12-2006,

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f. 6-30-06, cert. ef. 7-1-06; CWP 3-2007, f. & cert. ef. 3-20-07; CWP 25-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 7-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0409

### Exception to Completing CPS Assessment Activities

(1) The only exception to completing the CPS assessment activities required by these rules (OAR 413-015-0400 to 413-015-0485) on an assigned referral is when a CPS worker, in consultation with a CPS supervisor or designee, determines prior to the initial contact (see OAR 413-015-0420) that the referral does not require a CPS assessment because:

- (a) The referral was opened in error;
- (b) The referral content will be addressed in an open CPS assessment;

or

(c) There is no longer an allegation of abuse or neglect. The CPS worker received information after being assigned the referral and that information in combination with the corresponding screening report no longer constitutes a report of child abuse or neglect as defined in ORS 419B.005. This exception may be used only when the CPS worker and the CPS supervisor or designee determine the information:

- (A) Is not from the alleged perpetrator;
- (B) Relates directly to and specifically negates all allegations in the screening report; and

(C) Is considered on the basis of the objectivity of the individual providing the information and the quality of the information.

(2) The exception in section (1) of this rule is not permitted and a CPS assessment must be completed when the CPS worker has already made contact with the parent, caregiver, or alleged victim, unless the parent, caregiver, or alleged victim is the original reporter.

(3) The CPS worker must document the determination in the Department's electronic information system and explain the basis for the determination that a CPS assessment is not necessary.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015 & 419B.005 - 419B.050

Hist.: CWP 3-2007, f. & cert. ef. 3-20-07; CWP 6-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 12-24-08; CWP 20-2008, f. & cert. ef. 9-2-08; CWP 13-2009, f. 10-1-09, cert. ef. 10-2-09; CWP 13-2009, f. 10-1-09, cert. ef. 10-2-09; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0415

### CPS Assessment Activities

The required CPS assessment activities are outlined below. The activities are described in a logical order in these rules, but the order in which they occur is controlled by the specific circumstances in a given case.

(1) Review Records.

(a) The assigned CPS worker must:

- (A) Thoroughly review the documentation in the referral;
- (B) Thoroughly review the paper and electronic records maintained by the Department for historical information on the family and the child that may be useful in completing the CPS assessment;
- (C) Thoroughly review available Self-Sufficiency records; and
- (D) Make diligent efforts to contact another state's child welfare agency to obtain records, if any, when the CPS worker has information that the family has lived in another state.

(b) The CPS worker must review the documents to identify information related to:

- (A) Present danger safety threats or impending danger safety threats;
- (B) History or a pattern of abuse or neglect;
- (C) Child and family support systems and protective capacity; and
- (D) Worker safety.

(2) Addressing Prior Allegations That Have Not Been Assessed

Because the Department was Unable to Locate the Family. The assigned CPS worker must address in the current assessment any allegations not previously assessed because the Department was unable to locate the family as follows:

- (a) Discuss the prior unassessed allegations during interviews;
- (b) Consider all information about prior unassessed allegations when determining child safety; and
- (c) Document the consideration of prior unassessed allegations in interviews, observations, and dispositional findings.

(3) Contact Collateral Sources.

(a) The CPS worker must contact collateral sources who can clarify or supplement the information in the referral and in records already reviewed.

(A) The CPS worker must contact the assigned Self-Sufficiency worker, if any.

(B) The CPS worker may contact other collateral sources including, but not limited to:

- (i) Individuals who have regular contact with the child;
- (ii) Doctors or others who have evaluated or maintain records on the child;

(iii) People who are in an established personal or professional relationship with the parent or caregiver and who can judge the quality and nature of the parent or caregiver behavior and functioning; and

(iv) People who have records or information about the parent or caregiver as a result of their involvement with, or exposure to, the parent or caregiver.

(b) The CPS worker must gather information from collateral sources throughout the CPS assessment.

(c) The CPS worker must:

(A) Protect the identity of collateral sources to the extent possible.

(B) Consult with the district attorney or the assistant attorney general to obtain a court order for records from a collateral source, if the source is unable or unwilling to share information with the Department.

(4) Consult with CPS Supervisor.

(a) The CPS worker must consult with a CPS supervisor or designee:

(A) When the CPS worker has reasonable cause to believe the alleged perpetrator is an employee of any program, office, or division of the Department of Human Services or Oregon Youth Authority (OYA);

(B) When a referral involves the home of a Department certified foster parent or relative caregiver;

(C) When a referral involves allegations that child abuse or neglect occurred in a private child-caring agency;

(D) When a CPS worker receives notification from a screener that a closed at screening or new referral was created on an open CPS assessment;

(E) Prior to a decision to place a child in protective custody, or after placement if consultation before placement will delay the safety intervention;

(F) Prior to initiating court action, or after initiating court action if consultation before will delay the safety intervention;

(G) Prior to developing an initial safety plan with a Department certified foster parent or relative caregiver;

(H) When the referral involves a child fatality;

(I) When making a disposition in a complicated or sensitive situation or case; or

(J) When closing an assessment with the disposition of "unable to locate".

(b) Subject to the discretion of the CPS supervisor, the CPS worker will consult with a CPS supervisor or designee at additional key points during the assessment, such as:

(A) Before making initial contact with the family; or

(B) When a referral indicates potential danger to the worker.

(5) Contact and Work with Other Entities. The CPS worker may need to work with representatives of other entities to gather and analyze safety-related information, develop a sufficient protective action plan, initial safety plan, or ongoing safety plan, and to complete the CPS assessment.

(a) The CPS worker may, as appropriate, notify or consult with other Department of Human Services programs or other agencies, including but not limited to the Office of Vocational Rehabilitation Services and Animal Control.

(b) The CPS worker must report to or contact and work with other entities as follows:

(A) Office of Child Care. The CPS worker must notify and coordinate with the Compliance Unit of the Office of Child Care when a report involves a registered day-care home or a licensed day-care center, as required by ORS 419B.020(1).

(B) Oregon Youth Authority (OYA). The CPS worker must notify OYA when the allegation involves an OYA certified foster home.

(C) Office of Adult Abuse Prevention and Investigation (OAAPI). The CPS worker must notify the OAAPI when an allegation involves a child with intellectual or developmental disabilities in a residential group home licensed by the Office of Developmental Disabilities Services.

(D) Office of Licensing and Regulatory Oversight. The CPS worker must notify the Office of Licensing and Regulatory Oversight Children's Care Licensing Unit when the allegation involves a licensed private child-caring agency which is not a Children's Care Provider (CCP).

(E) Community Mental Health Program, Community Developmental Disabilities Program, or Adult Protective Services. The CPS worker must make a report to the Community Mental Health Program, Community Developmental Disabilities Program, or the local Adult Protective Service office when the CPS worker has reasonable cause to believe:

(i) That any person 18 years of age or older with a mental illness, a developmental disability or a physical disability, or any person 65 years of

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age or older, with whom the CPS worker comes into contact while acting in an official capacity, has suffered abuse.

(ii) That any person with whom the CPS worker comes into contact, while acting in an official capacity, has abused a person 18 years of age or older with a mental illness, a developmental disability or a physical disability, or any person 65 years of age or older.

(F) Indian Tribes. If the CPS worker knows or has reason to know that the child is an Indian child, the CPS worker must give notice within 24 hours to the Indian child's tribe that a CPS assessment is being conducted unless the screener documented completion of this notification in the referral.

(G) Probation and Parole. The CPS worker must contact probation and parole when the allegation involves a parent or caregiver, or alleged perpetrator who is supervised by probation or parole.

(H) Law Enforcement. If the screener did not cross report, the CPS worker must contact one or more law enforcement agencies (LEA) in accordance with the protocols of the local MDT agreement and in accordance with cross reporting rules, OAR 413-015-0300 to OAR 413-015-0310. When there is a joint response involving a CPS worker and LEA staff, the CPS worker is still responsible for all of the activities necessary to complete a CPS assessment which are summarized in OAR 413-015-0400. The CPS worker must, in consultation with a CPS supervisor, determine whether to coordinate assessment activities with LEA in the following situations:

(i) Presence of danger. When the CPS worker has information that indicates that the child is unsafe right now.

(ii) Family cooperation. When the CPS worker has information that the family may not allow the CPS worker to observe the alleged victim or other children in the home.

(iii) Protective custody. When the CPS worker has information that a child may need to be placed in protective custody for the child's safety.

(iv) Child interview. When the CPS worker and the LEA officer must each interview a child, it is preferable to coordinate the interviews to reduce the number of interactions with the child.

(v) Worker safety. When the CPS worker has information that indicates the family behaviors, conditions, or circumstances could pose a danger to the CPS worker.

(vi) Crime committed. When the CPS worker suspects or receives a report that a crime may have been committed.

(I) Public or Private Schools. The CPS worker may interview a child at school when the worker believes it will be the best environment in which to assure a child's safety when making contact with the child. ORS 419B.045 provides requirements for CPS investigations that are conducted on school premises. The CPS worker must do following:

(i) Notify the school administrator that a CPS assessment must be conducted. If the school administrator is a subject of the CPS assessment, then notification is not required.

(ii) Report to the school office, provide identification, inform school personnel of the CPS assessment, and provide the name of the child to be interviewed.

(iii) Request information from school personnel regarding the disabilities of the child, if any, prior to an interview with the affected child.

(iv) Interview the child out of the presence of other persons, unless the CPS worker believes the presence of a school employee or other person would facilitate the interview. If the CPS worker believes that a school employee does not need to be present, but the school employee insists on being present during the interview, the worker may confer with the CPS supervisor for assistance in handling the situation.

(v) Discuss further actions with the child at the conclusion of the interview.

(vi) Inform school personnel when the interview has been completed.

(vii) Inform school personnel if the child is taken into protective custody.

(viii) Inform school personnel that the CPS worker will notify parents of the interview.

(ix) Contact the CPS supervisor if school officials refuse to allow the assessment to take place on school property.

(J) Multi-Disciplinary Teams (MDTs). Department district managers must develop interagency agreements regarding assessment of child abuse and neglect, as necessary, with local MDTs. Requirements for MDT protocols are set out in ORS 418.747.

(6) Obtain Interpreters and Translation. The CPS worker must obtain the services of a competent interpreter and competent written translation service for families, including hearing-impaired family members, who have limited or no means of communicating in or reading English.

(7) Determine Indian Child Welfare Act (ICWA) Status and Comply with ICWA, if Applicable. The CPS worker must initiate the process to determine the child's ICWA status and notify the Indian child's tribe if ICWA applies. To initiate this process, the CPS worker must:

(a) Assure completion of a form CF 1270, "Verification of ICWA Eligibility", to assist in determining ICWA eligibility.

(b) Contact the child's tribe when an Indian child is the subject of a CPS assessment. Federally recognized tribes must be notified within 24 hours after information alleging abuse or neglect is received by the Department.

(c) If the Indian child is enrolled or eligible for enrollment in a federally recognized tribe, notify the child's tribe if the child may be placed in protective custody.

(d) Consult with the local Department ICWA liaison, a supervisor, or the ICWA manager if the worker has questions regarding the involvement of a tribe or the ICWA status of a child.

(e) Make a diligent attempt to address the following when determining the placement resource:

(A) Contact the tribe's social services department;

(B) Search for relative resources;

(C) Search for available Indian homes; and

(D) Contact other Indian tribes and other Indian organizations with available placement resources.

(f) Unless the Indian child's tribe has established a different order of preference, comply with the ICWA placement preference, which is:

(A) Placement with a member of Indian child's extended family.

(B) Placement with a foster family that is licensed, approved or specified by the Indian child's tribe.

(C) Placement with an Indian foster home licensed or approved by an authorized non-Indian licensing authority.

(D) Placement with an institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.

(8) Determine Refugee Status and Comply with the Refugee Children Act, if applicable. During a CPS assessment, the CPS worker must consider whether the child is a refugee child. Under ORS 418.925, a "refugee child" is a "person under 18 years of age who has entered the United States and is unwilling or unable to return to the person's country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular group or political opinion, or whose parents entered the United States within the preceding 10 years and are or were unwilling or unable to return to their country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular group or political opinion."

(a) If it appears that a child is a refugee child, the CPS worker must ask about the child or parents' country of origin, length of time the child or parents have been in the United States, reasons why the child or parents came to the United States, and ethnic and cultural information relevant to the child's status as a refugee. The CPS worker does not have to make a legal determination that the child and parent are refugees, but if the child or the parents indicate they are refugees, then the CPS worker must proceed as if they are, until or unless it is known that they are not refugees.

(b) The CPS worker may not take a refugee child into protective custody unless, in addition to the other requirements for taking a child into custody, the CPS worker determines that:

(A) Removal is necessary to prevent imminent serious emotional or physical harm to the child; and

(B) Reasonable efforts to alleviate the harm through remedial or preventive services do not alleviate the harm, have failed, or are not practical in an emergency situation.

(c) Unless it is a voluntary placement, no refugee child may remain in placement more than five days unless there has been a judicial determination, supported by clear and convincing evidence that:

(A) Preventative or remedial services provided by the Department have failed to alleviate the need for removal; and

(B) Return to the home will likely result in psychological or physical damage to the child.

(d) When a refugee child is placed in care, the juvenile court petition must include, in addition to the information required by ORS 419B.809, the following information:

(A) A specific and detailed account of the circumstances that led the Department to conclude that the child was in imminent danger of serious emotional or physical harm;

(B) Specific actions the Department has taken or is taking to alleviate the need for removal;



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(C) Assurance that the Department has complied with placement preferences listed in ORS 418.937 and listed in subsection (e) of this section; and

(D) Assurance that the Department is making or has made diligent efforts to locate and give notice to all affected refugee family members and to the Refugee Child Welfare Advisory Committee that the petition has been filed.

(e) The CPS worker must consider the refugee child's culture and tradition when making any placement decision for a refugee child and, unless shown to be inappropriate and inconsistent with the best interests of the child, place the child with the following in order of preference:

(A) Natural parents.

(B) Extended family member.

(C) Members from the same cultural heritage.

(D) Persons with knowledge and appreciation of the child's cultural heritage.

(f) The CPS worker may determine that placement under subsection (e) of this section is inappropriate and inconsistent with the best interests of the child if:

(A) The preferred placement presents a threat to the child's safety;

(B) The extreme medical, physical, or psychological needs of the child cannot be met in the placement; or

(C) There is an informed request from either of the child's biological parents not to use a placement, if the request is consistent with stability, security, and the individual needs of the child.

(g) When a juvenile court petition is filed and a refugee child is placed in care, the CPS worker must staff the case with the Refugee Child Welfare Advisory Committee (RCWAC). The CPS worker must contact the International Case Consultant for the Department to arrange a time for the staffing. In preparation for the staffing, the CPS worker must:

(A) Invite the CPS supervisor to the staffing; and

(B) Be prepared to discuss the reasons for the CPS referral, the information indicating that family members are refugees, and their country of origin.

(9) Take Photographs. The CPS worker must, during the CPS assessment, take photographs and document, as necessary, child abuse or neglect and the observable nature of any present danger safety threat or impending danger safety threat.

(a) As provided in ORS 419B.028, a law enforcement officer or the CPS worker may take photographs for the purpose of documenting the child's condition at the time of the CPS assessment.

(b) As provided in ORS 419B.028, if the CPS worker conducting a CPS assessment observes a child who has suffered suspicious physical injury and the CPS worker is certain or has a reasonable suspicion that the injury is or may be the result of abuse, the CPS worker, in accordance with the protocols and procedures of the county multi-disciplinary team described in ORS 418.747, will immediately photograph or cause to have photographed the suspicious physical injuries. Regardless of whether the child has previously been photographed or assessed during a CPS assessment, the CPS worker will photograph or cause to be photographed any suspicious injuries if the CPS worker is certain or has a reasonable suspicion the suspicious injuries are the result of abuse:

(A) During the assessment of a new allegation of abuse; and

(B) Each time, during the assessment, an injury is observed that was not previously observed by the assigned CPS worker.

(c) When a child is photographed pursuant to subsection (b) of this section:

(A) The person taking the photographs or causing to have the photographs taken must, within 48 hours or by the end of the next regular business day, whichever occurs later:

(i) Provide hard copies or prints of the photographs and, if available, copies of the photographs in an electronic format to the designated medical professional; and

(ii) Place hard copies or prints of the photographs and, if available, copies of the photographs in an electronic format in the Department record labeled with the case name, case number, child's name, and date taken.

(B) If a county multidisciplinary team staffing of the case is held, photographs of the injury will be made available to each team member involved in the case staffing at the first meeting regarding the child's case.

(d) The CPS worker must document injuries, hazardous environments, and the observable nature of any present danger safety threat or impending danger safety threat in the assessment narrative by use of photographs, written description, or illustrations.

(e) Photographs of the anal or genital region may be taken only by medical personnel.

(10) Obtain Medical Assessment. The CPS worker must, during the CPS assessment as required in this section, facilitate a medical assessment of the child and obtain the child's medical history when necessary to assure child safety, determine treatment needs, reassure the child and family, or assist in analyzing safety-related information.

(a) When the CPS worker determines that the child is in need of a medical assessment as part of a CPS assessment, the CPS worker must consult with a CPS supervisor as soon as possible, but not at the expense of delaying medical treatment.

(b) If a person conducting an assessment under ORS 419B.020 observes a child who has suffered suspicious physical injury as defined in ORS 419B.023 and the person is certain or has a reasonable suspicion that the injury is or may be the result of abuse, the person must, in accordance with the protocols and procedures of the county multi-disciplinary team described in ORS 418.747, ensure that --

(A) A designated medical professional conducts a medical assessment within 48 hours of the observation of the suspicious physical injury, or sooner if dictated by the child's medical needs; or

(B) An available physician conducts a medical assessment if, after reasonable efforts to locate a designated medical professional, a designated medical professional is not available to conduct a medical assessment within 48 hours. The CPS worker is required to document in the Department's electronic information system efforts to locate the designated medical professional when an available physician is used.

(c) The CPS worker must facilitate an assessment by a medical professional if the alleged child abuse or neglect involves injury to the anal or genital region.

(d) When there are indications of severe physical trauma to the child, the CPS worker must make arrangements to immediately transport the child to a medical facility, which may include calling 911. The CPS worker must also make arrangements for medical examination of a child for mild or moderate physical trauma.

(e) To make arrangements for the medical examination of a child, the CPS worker must do the following, unless completing the action would delay medical treatment for the child:

(A) Discuss with the parent or caregiver the need for medical examination or treatment.

(B) Ask the parent or caregiver to take the child to a medical facility for a medical examination or treatment.

(C) Request that the parent sign a form DHS 2099, "Authorization for Use and Disclosure of Information".

(D) Contact an LEA immediately and seek a juvenile court order to obtain protective custody of the child for the purpose of obtaining a medical examination or treatment when:

(i) The parent or caregiver refuses to obtain needed medical examination or treatment;

(ii) The parent or caregiver may flee with the child; or

(iii) Delaying medical examination or treatment could result in severe harm to the child.

(E) Immediately seek medical care and consultation when the child may have a life-threatening condition, or a deteriorating condition that may become life-threatening.

(F) As soon as possible and not later than 24 hours after learning of the exposure, make arrangements to have the child tested for chemical exposure to harmful substances when there is reason to believe a child has been exposed to dangerous chemicals such as those found in a chemical drug lab.

(f) When a report of suspected medical neglect of an infant with a disability and with life-threatening conditions is referred for CPS assessment, the assigned CPS worker must comply with Child Welfare Policy I-B.2.2.2, "Investigation of Suspected Medical Neglect-Infants", OAR 413-030-0600 to 413-030-0650.

(g) When it is medically indicated to subject a child in the custody of the Department to HIV testing, the CPS worker must comply with Child Welfare Policy I-B.5.1, "HIV Testing of Children in Custody and HIV Confidentiality", OAR 413-040-0400 to 413-040-0450.

(h) As provided in ORS 147.425, a child who is the victim of a person crime and is at least 15 years of age at the time of the abuse may have a personal representative present during a medical examination. If a CPS worker believes that a personal representative would compromise the CPS assessment, a CPS worker may prohibit a personal representative from being present during the medical examination.

(i) When the CPS worker is assessing a CPS allegation of medical neglect, the CPS worker must consult with a health care professional as part of the assessment.

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(11) Obtain Psychological and Psychiatric Evaluations.

(a) The CPS worker must make a referral for a psychological or psychiatric evaluation of the parent, caregiver, or child by a mental health professional to assure child safety, determine treatment needs, or assist in analyzing safety-related information when during the CPS assessment the CPS worker identifies a specific condition or behavior that requires additional professional evaluation. This includes but is not limited to:

(A) Unusual or bizarre forms of punishment;

(B) Mental illness;

(C) Suicidal ideation;

(D) Homicidal ideation; or

(E) Unusual or bizarre child or parental behavior that is indicative of emotional problems.

(b) The CPS worker must obtain consent of the parent or caregiver prior to making a referral for a psychological or psychiatric evaluation of the parent, caregiver, or child, unless the evaluation is court ordered.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 418.747, 418.785 & 419B.005 - 419B.050

Hist.: CWP 3-2007, f. & cert. ef. 3-20-07; CWP 16-2007(Temp), f. & cert. ef. 10-16-07 thru 4-11-08; CWP 24-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 4-11-08; CWP 2-2008, f. & cert. ef. 4-1-08; CWP 6-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 12-24-08; CWP 20-2008, f. & cert. ef. 9-2-08; CWP 23-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-30-10; CWP 4-2010, f. & cert. ef. 4-2-10; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0420

### Make Initial Contact

(1) The CPS worker must make an initial contact within the assigned response time line.

(2) The following outlines contacts the CPS worker is required to attempt and, when possible, complete at initial contact. The CPS worker must:

(a) Have face-to-face contact with and interview the alleged victim, his or her siblings, and other children living in the home. The purpose of the face-to-face contact and interview with the alleged victim, his or her siblings, and other children living in the home is to gather information regarding possible child abuse and neglect, gather information about the children's functioning and vulnerability, and assess the children's immediate safety.

(A) Interview and observe children as follows:

(i) The CPS worker must notify parents of the intent to interview a child, unless notification could compromise the child's safety.

(ii) The CPS worker must make diligent efforts to contact the child at home, school, day care, or any other place where the worker believes the child may be found. If the CPS worker is unsuccessful, the CPS worker must document in the Department's electronic information system all attempts made to contact the child and the dates of those attempted contacts.

(iii) When the CPS worker contacts the child at home and the parent or caregiver is not present:

(I) The CPS worker must consult with a CPS supervisor and seek assistance from LEA if the referral indicates there is reasonable cause to believe the child's health or safety is endangered by the conditions of the dwelling; or the child is inadequately supervised and there is an immediate need to evaluate the child's health and safety.

(II) The CPS worker must wait until the parent is present in the home to complete a child interview in the home if there is not reasonable cause to believe the child's health or safety is endangered by the conditions of the dwelling or that the child is inadequately supervised.

(iv) When the CPS worker is denied access to the child or to the child's residence, the CPS worker must, if the referral indicates that the child may be unsafe, request assistance from LEA in assessing the situation and in taking the child into protective custody if needed. If the referral indicates that the child is presently safe, the CPS worker must consider the following:

(I) Attempting to contact other persons who may have relevant information regarding the referral;

(II) Persisting in attempts to gain cooperation from the family or caregivers, depending on the known child safety information;

(III) Seeking LEA assistance;

(IV) Consulting with the CPS supervisor, the district attorney, assistant attorney general, or the county juvenile department to discuss possible juvenile court action; or

(V) Seeking a protective custody order from the juvenile court.

(v) The CPS worker must conduct interviews in a manner that assures privacy for the child.

(vi) If the parent or caregiver is the alleged perpetrator or if the presence of the parent or caregiver might impede the interview, the CPS worker must attempt to interview children outside the presence of their parents or caregivers.

(vii) A CPS worker must allow a child who is the victim of a person crime as defined in ORS 147.425 and is at least 15 years of age at the time of the abuse to have a personal representative be present during an interview. If a CPS worker believes that the personal representative would compromise the CPS assessment, the CPS worker may prohibit a personal representative from being present during the interview.

(viii) The CPS worker must observe the child's injuries or signs of neglect. The CPS worker may need to remove a child's clothing to make adequate observations. In that event, the CPS worker must:

(I) Use discretion and make the child as comfortable as possible.

(II) Seek parental consent and assistance, when possible and appropriate.

(III) Consider requesting a worker or other support person, who is the same gender as the child, be present to serve as a witness and provide comfort for the child.

(ix) The CPS worker may observe injuries to a child's anal or genital region if the child is not school aged and if the injury can be observed without the CPS worker touching the child's anal or genital region.

(B) The CPS worker must notify the parents or caregivers the same day a child is interviewed. If the same day notification could make a child or adult unsafe, a CPS supervisor may authorize an extension for one day to allow a planned notification that is less likely to compromise safety. The CPS worker must document in the Department's electronic information system the supervisory approval and an explanation describing the basis for the approval.

(b) Have face-to-face contact with and interview the non-offending parent or caregiver and all adults living in the home. The purpose of this face-to-face contact and interview is to find out what the non-offending parent or caregiver and other adults living in the home know about the alleged child abuse or neglect, gather information related to the safety of the child, including parent and caregiver functioning, and gather information to determine if the parent or caregiver can or cannot and will or will not protect the child.

(A) Whenever practicable, the CPS worker must interview both parents and caregivers in person, as follows:

(i) Interview each person in a manner that considers each person's privacy and safety and assures effective communication. This may require interviewing parents or caregivers individually and also together depending on the information being gathered;

(ii) Ask questions about domestic violence in separate interviews only; and

(iii) Provide all adults living in the home with a written notice that a criminal records check may be conducted on them.

(B) The CPS worker must provide each parent or caregiver with a "What you need to know about a Child Protective Services assessment" pamphlet, which includes written information regarding the CPS assessment process, including the court process and the rights of the parent and caregiver.

(C) The CPS worker must interview the non-custodial legal parent during the CPS assessment. This is not required during the initial contact, but must be completed as part of the assessment process because the non-custodial parent may have essential information or be a placement resource. If the interview of the non-custodial legal parent may make a child or adult unsafe, a CPS supervisor may authorize an exception to this requirement based on written documentation that supports the conclusion that an interview with a non-custodial legal parent should not be conducted.

(c) Have face-to-face contact with and interview the alleged perpetrator. Except as provided in this subsection, the CPS worker must make face-to-face contact with and interview the alleged perpetrator during the initial contact when he or she is the child's custodial parent, caregiver, any person living in the home, or is present in the home when the CPS worker makes contact. The purpose of this interview is to evaluate the alleged perpetrator's reaction to allegations of abuse or neglect as well as to the child and his or her condition, and to gather further information about the alleged perpetrator and the family in relation to the safety of the child. When the alleged perpetrator is a minor parent, the purpose is also to determine if the minor parent is an alleged victim of abuse (under paragraph (D) of this subsection).

(A) The CPS worker is not required to make face-to-face contact with or interview the alleged perpetrator during the initial contact if:

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(i) The alleged perpetrator is not a custodial parent, caregiver, anyone living in the home, or is not present in the home when the CPS worker makes contact and delaying contact will not compromise child safety. The CPS worker still must interview the alleged perpetrator, but may complete the interview during the course of the CPS assessment; or

(ii) There is a criminal investigation and the interview cannot be coordinated with an LEA within the time lines for initial contact.

(B) The decision to delay interview of an alleged perpetrator as provided in subparagraphs (A)(i) or (ii) of this subsection must be approved by a CPS supervisor, and the CPS worker must document in the Department's electronic information system both the approval and the reason for not completing the interview.

(C) When interviewing the alleged perpetrator, the CPS worker must:

(i) Coordinate the interviews of the alleged perpetrator with LEA when law enforcement is conducting an investigation;

(ii) Consult with a CPS supervisor if an interview with the alleged perpetrator could make a child or adult unsafe;

(iii) Provide the alleged perpetrator with a written notice that a criminal records check may be conducted on them; and

(iv) Make inquiries about the employment status of the alleged perpetrator. If the CPS worker has reasonable cause to believe the alleged perpetrator is an employee of any program, office, or division of the Department of Human Services (DHS) or OYA, the CPS worker must notify a CPS supervisor. The CPS supervisor must confirm the person's employee status by contacting a Central Office Field Services representative. If the CPS supervisor determines the alleged perpetrator is an employee of the DHS or OYA, the CPS supervisor must notify the DHS Office of Human Resources at the time of the assessment and at the time the assessment is reviewed as required in OAR 413-015-0475. The CPS supervisor must document the notifications in the Department's electronic information system.

(D) When interviewing the alleged perpetrator who is a minor and the parent of the alleged victim, the CPS worker must ask questions to determine if there is an allegation of abuse or neglect with the minor parent as an alleged victim. If it is determined that there is an allegation of abuse or neglect with the minor parent as an alleged victim, the information must be reported to a screener.

(E) When interviewing an alleged perpetrator who is the parent or caregiver, the CPS worker must provide the parent or caregiver with a "What you need to know about a Child Protective Services assessment" pamphlet, which includes written information regarding the CPS assessment process, including the court process and the rights of the parent and caregiver.

(3) Gather safety-related information through interviews and observation. The CPS worker must begin to gather safety-related information through interviews and observation as outlined in OAR 413-015-0422, "Gather Safety Related Information through Interview and Observation".

(4) Determine if there is a present danger safety threat or impending danger safety threat. During the initial contact, the CPS worker must determine, based on the information obtained at that time, if there is a present danger safety threat or impending danger safety threat to the child as outlined in OAR 413-015-0425, "Determine if there is a Present Danger Safety Threat or Impending Danger Safety Threat".

(5) Documentation of the Initial Contact. The CPS worker must document the dates of attempted and successful contacts in the Department's electronic information system. If it was not possible during the initial contact for the CPS worker to successfully complete a required contact, the CPS worker must document why contact was not made and must complete the face-to-face contact and interview as soon as possible.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 147.425, 409.185, 418.005, 418.015, 418.747, 418.785 & 419B.005 - 419B.050

Hist.: CWP 3-2007, f. & cert. ef. 3-20-07; CWP 16-2007(Temp), f. & cert. ef. 10-16-07 thru 4-11-08; CWP 2-2008, f. & cert. ef. 4-1-08; CWP 15-2009, f. & cert. ef. 11-3-09; CWP 2-2010(Temp), f. & cert. ef. 2-12-10 thru 8-11-10; CWP 4-2010, f. & cert. ef. 4-2-10; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0422

### Gather Safety Related Information through Interview and Observation

(1) The CPS worker must gather relevant information and facts necessary to complete all parts of the CPS assessment. The CPS worker must gather information through interview and observation about the following:

- (a) The extent of the child abuse or neglect;
- (b) The circumstances surrounding the child abuse or neglect;
- (c) Child functioning;
- (d) Adult functioning;

(e) Parenting practices and skills; and

(f) Disciplinary practices.

(2) Interview.

(a) Except as outlined in subsection (b) of this section, interview each person in a manner that considers each person's privacy and safety and assures effective communication. This may require interviewing family members individually or also together depending on the information being gathered. Use information gathered from one interview to assist in the next interview.

(b) When domestic violence is alleged:

(A) And the adult victim is not alleged to be a perpetrator of abuse or neglect, consider interviewing the alleged adult victim first; and

(B) Ask questions about domestic violence in separate interviews only.

(c) The CPS worker must, to the extent possible, do the following during interviews with family members:

(A) Present identification to the family at the beginning of the interview and provide a business card or other document to the parents and caregivers containing the CPS worker's name and phone number;

(B) Clearly state the reason for the interview, provide statutory authority to assess reports of child abuse and neglect, and give an explanation of the alleged child abuse or neglect;

(C) Allow the parent or caregiver to respond to each allegation;

(D) Assure the privacy of the persons being interviewed;

(E) Focus the interview on the safety of the children;

(F) Assess whether the parents or caregivers are involved in domestic violence;

(G) Summarize and discuss the initial impressions and intentions resulting from the interview with appropriate family members or caregivers;

(H) Obtain from the parents or caregivers the names of persons who can provide additional information in determining child safety and completing the CPS assessment;

(I) Ask the parents and caregivers to sign an authorization to release information to enable the Department to obtain confidential information from physicians, mental health providers, school employees, or other service or treatment providers, if applicable; and

(J) Inform the parents and caregivers about the Department grievance procedure.

(3) Observation. The CPS worker must observe the identified child, parent or caregiver, and the home environment. When the child resides in more than one home environment the CPS worker must observe both home environments. Specific areas for observation are:

(a) Physical condition of the child, including any observable effects of child abuse or neglect;

(b) Emotional state of the child, including mannerisms, signs of fear, and developmental status;

(c) Reactions of the parents or caregivers to the Department concerns;

(d) Emotional and behavioral status of the parents or caregivers during the interviewing process;

(e) Interactions between family members, including verbal and body language;

(f) Condition of the child's living space, including where the child sleeps; and

(g) Physical condition of the home.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 419B.005 - 419B.050

Hist.: CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0425

### Determine if there is a Present Danger Safety Threat or Impending Danger Safety Threat

(1) Present Danger Safety Threat. At initial contact and at any time during the CPS assessment the CPS worker must determine if a present danger safety threat is occurring. To determine there is a present danger safety threat, the CPS worker must conclude the danger is immediate, significant, and clearly observable.

(2) Impending Danger Safety Threat. Throughout the CPS assessment as new information is gathered and also at the conclusion of the CPS assessment when all information is gathered, the CPS worker must apply the following safety threshold criteria to determine if an impending danger safety threat is present. When the CPS worker concludes all the criteria apply to the family behaviors, conditions, or circumstances, an impending danger safety threat is present.

(a) Imminent. The family behavior, condition, or circumstance is likely to occur in the immediate to near future.



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(b) Observable. The family behavior, condition, or circumstance is observable and can be clearly described and articulated.

(c) Vulnerable Child. The child's vulnerability is determined by considering the child's physical and emotional development, ability to communicate needs, mobility, size and dependence, and the child's personal characteristics in relation to the family behaviors, conditions, and circumstances.

(d) Out of Control. A family behavior, condition, or circumstance that can affect a child's safety is unrestrained, unmanaged, without limits or monitoring, not subject to influence or manipulation within the control of the family, resulting in an unpredictable and chaotic family environment. The CPS worker must determine whether a parent or caregiver can or cannot and will or will not protect the child from the family behavior, condition, or circumstance.

(e) Severity. A family behavior, condition, or circumstance is likely to result in severe harm to a child.

(3) When the CPS worker determines there is a present danger safety threat or impending danger safety threat the CPS worker must:

(a) If the CPS worker determines a child is unsafe due to a present danger safety threat, establish a protective action plan as outlined in OAR 413-015-0435, "Develop a Protective Action Plan", and continue the activities required to sufficiently complete the CPS assessment.

(b) If the CPS worker determines a child is unsafe due to an impending danger safety threat, establish:

(A) An initial safety plan as outlined in OAR 413-015-0437, "Develop an Initial Safety Plan", and continue the activities required to sufficiently complete the CPS assessment when the determination is made prior to the conclusion of the CPS assessment.

(B) When the CPS worker determines a child is unsafe due to an impending danger safety threat at the conclusion of the CPS assessment, the CPS worker must establish an ongoing safety plan as outlined in OAR 413-015-0450, "Develop an Ongoing Safety Plan".

(4) Documentation of Present Danger Safety Threats and Impending Danger Safety Threats. The CPS worker must document in the Department's electronic information system the determination that a present danger safety threat or impending danger safety threat is present or not, and explain the information that supports the determination.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 - 419B.050

Hist.: CWP 3-2007, f. & cert. ef. 3-20-07; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0428

### Identify How the Impending Danger Safety Threat is Occurring

(1) When the CPS worker determines an impending danger safety threat is present, the CPS worker must identify how the impending danger safety threat is occurring in the family to determine the necessary level of safety intervention required to assure child safety. The CPS worker must use the information gathered to determine:

(a) The length of time the family behaviors, conditions, or circumstances have posed a threat to child safety;

(b) The frequency with which the family behaviors, conditions, or circumstances pose a threat to child safety;

(c) The predictability of the family behaviors, conditions, or circumstances that pose a threat to child safety;

(d) Specific times (during the day or week), if any, that require special attention due to the way the family behaviors, conditions, or circumstances are occurring;

(e) Identified individual or family behaviors, conditions, or circumstances that prevent a parent or caregiver from adequately functioning in their primary parenting role; and

(f) Anything else that is associated with, occurs at the same time as, or influences the family behaviors, conditions, or circumstances that pose a threat to child safety.

(2) Documentation of how the impending danger safety threat is occurring. The CPS worker must document how each impending danger safety threat is occurring in the Department's electronic information system.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 419B.005 - 419B.050

Hist.: CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0432

### Develop Safety Plans

(1) When a present danger safety threat or impending danger safety threat is identified, a CPS worker must put a safety plan in place to manage the threat. There are three types of safety plans: the protective action plan

which manages present danger safety threats, and the initial safety plan and the ongoing safety plan, which manage impending danger safety threats.

(2) Shared requirements for a protective action plan, initial safety plan, or ongoing safety plan:

(a) When developing a protective action plan, initial safety plan, or ongoing safety plan, the CPS worker must:

(A) Assure the plan focuses on and controls the identified present danger safety threat or impending danger safety threat;

(B) Not use a parent or caregiver who is the alleged perpetrator of physical abuse, sexual abuse, or domestic violence to provide protection or any other adult who was aware of the threats to child safety and did not protect;

(C) Include safety service providers that have been confirmed to be suitable to provide safety for the child (refer to OAR 413-015-1200 through 413-015-1230, "Assessment of an Individual as a Safety Service Provider");

(D) Involve the child's parent or caregiver;

(E) Use the Indian child's tribe as a resource, unless the tribe declines, when the CPS worker knows or has reason to know the child is an Indian child; and

(F) Assure it has been approved by a Department supervisor.

(b) The protective action plan, initial safety plan, or ongoing safety plan, whether in-home or out-of-home, must:

(A) Be a written document between the parent or caregiver and the Department;

(B) Provide a detailed description of the present danger safety threat or impending danger safety threat;

(C) Describe how identified present danger safety threats or impending danger safety threats will be managed, including:

(i) If impending danger safety threats will be managed in-home, an explanation of how the in-home criteria outlined in (2)(c)(B) of this rule were met;

(ii) If impending danger safety threats will be managed out-of-home, an explanation of how the in-home criteria outlined in (2)(c)(B) of this rule were not met; and

(iii) How the plan will be monitored.

(D) Explain how the plan is the least intrusive means that can effectively manage the identified threat occurring within the particular family;

(E) Identify the safety service providers and the safety services necessary to implement the plan;

(F) Establish the time commitments and availability of those involved in the plan; and

(G) Include conditions for return when an out-of-home initial safety plan or out-of-home ongoing safety plan is developed.

(c) The CPS worker must determine whether the impending danger safety threat will be managed with an in-home or out-of-home initial safety plan or ongoing safety plan by determining how the impending danger safety threat is occurring and applying the in-home safety plan criteria.

(A) The CPS worker must understand how the impending danger safety threat is occurring as required in OAR 413-015-0428, "Identify How the Impending Danger Safety Threat is Occurring", and use the information about how the impending danger safety threat is occurring to develop the least intrusive plan that can manage the identified impending danger safety threat occurring within the particular family;

(B) An in-home initial safety plan or in-home ongoing safety plan is required when all of the following in-home safety plan criteria are met:

(i) There is a home-like setting where the parent and child live.

(ii) The home is calm enough to allow safety service providers access and activities to occur.

(iii) At least one parent is willing to cooperate with the plan.

(iv) The necessary safety activities and resources are available to implement the plan.

(C) An out-of-home initial safety plan or out-of-home ongoing safety plan is required when any of the in-home safety plan criteria outlined in (B)(i) through (iv) above are not met.

(d) A protective action plan, initial safety plan, or ongoing safety plan may be a combination of in-home and out-of-home in order to assure the least intrusive intervention.

(e) The CPS worker must make modifications to the protective action plan, initial safety plan, or ongoing safety plan, as necessary, to continue to control the identified present danger safety threats or impending danger safety threats.

(f) When assessing an allegation of sexual abuse, if a plan includes a parent or caregiver, who is the alleged perpetrator, consenting to leave the family home, the CPS worker must notify the local district attorney respon-

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sible for the MDT in the county where the child resides that a plan of this type has been developed, pursuant to ORS 418.800. The notice must:

(A) Be in writing; and

(B) Be provided within three business days of the date the parent or caregiver leaves the family home.

(g) When a plan includes a parent or caregiver, who is the alleged perpetrator, consenting to leave the family home without their children or have their children leave the family home without them, the CPS worker must, in consultation with a supervisor, file a petition alleging the child is within the jurisdiction of the juvenile court pursuant to ORS 419B.100 within 10 calendar days of the date the parent or caregiver or their children leave the home if the plan is still necessary to assure child safety and will continue to be necessary for the immediate future.

(3) Additional Requirements for a Protective Action Plan. Refer to OAR 413-015-0435, "Develop a Protective Action Plan", for additional requirements when developing a protective action plan.

(4) Additional Requirements for an Initial Safety Plan. Refer to OAR 413-015-0437, "Develop an Initial Safety Plan", for additional requirements when developing an initial safety plan.

(5) Additional Requirements for an Ongoing Safety Plan. Refer to OAR 413-015-0450, "Develop an Ongoing Safety Plan", for additional requirements when developing an ongoing safety plan.

(6) Documentation. The CPS worker must provide a detailed description of the protective action plan, initial safety plan, or ongoing safety plan developed to manage the present danger safety threat or impending danger safety threat. Documentation must be completed in the Department's electronic information system within five business days following the identification of the threat and must include:

(a) All requirements outlined in paragraphs (2)(b)(A) through (G) of this rule;

(b) A summary of the parents' and caregivers' agreement to and acceptance of the plan;

(c) The date the plan was reviewed by a supervisor and the name of the supervisor who reviewed it; and

(d) If the exception in subsection (2)(g) applies, the date the exception not to file a petition within 10 calendar days was granted, the basis for the exception, and the name of the program manager that granted the exception.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 419B.005 - 419B.050

Hist.: CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0435

### Develop a Protective Action Plan

(1) If the CPS worker determines the child is unsafe due to a present danger safety threat, the CPS worker must immediately initiate a protective action plan. This usually occurs during the initial contact, but must occur at any time during the CPS assessment if it is determined that the child is unsafe due to present danger. The purpose of the protective action plan is to assure that children are safe while CPS intervention continues and a fuller understanding of the family behaviors, conditions, and circumstances is obtained. A protective action plan occurs the same day that it is determined the child is unsafe and provides a child with responsible adult supervision and care.

(2) Requirements for a Protective Action Plan. When developing a protective action plan the CPS worker must assure all requirements in OAR 413-015-0432, "Develop Safety Plans", are met and that the protective action plan:

(a) Manages present danger safety threats;

(b) Is in place before the CPS worker leaves the home;

(c) Does not remain in place longer than 10 calendar days; and

(d) Does not remain in place after the CPS assessment is complete.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 - 419B.050

Hist.: CWP 3-2007, f. & cert. ef. 3-20-07; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0437

### Develop an Initial Safety Plan

(1) If the CPS worker determines the child is unsafe due to an impending danger safety threat, the CPS worker must develop and document an initial safety plan. The purpose of the initial safety plan is to assure that children are safe while CPS intervention continues and a fuller understanding of the family behaviors, conditions, or circumstances is obtained.

(2) Requirements for an initial safety plan. When developing an initial safety plan the CPS worker must assure all requirements in OAR 413-015-0432, "Develop Safety Plans", are met and that the initial safety plan:

(a) Manages impending danger safety threats; and

(b) Does not continue or remain in place after the CPS assessment is complete.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 419B.005 - 419B.050

Hist.: CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0440

### Determine Disposition of the CPS Assessment

(1) After gathering all the information necessary to complete the CPS assessment, the CPS worker must determine the disposition.

(2) Requirement to Determine Disposition of the CPS Assessment. The CPS worker must determine if there is reasonable cause to believe that child abuse or neglect occurred and explain the basis for that determination. The requirements for determining dispositions are described in OAR 413-015-1000, "The CPS Assessment Dispositions".

(3) When a disposition is founded for child abuse or neglect, the CPS worker must refer all victims three years old and under to Early Intervention. In completing the referral, the CPS worker must use the "CPS to Early Intervention Referral Form" (DHS 323) when a release of information is not signed.

(4) Documentation. The CPS worker must document that determination and explain the basis for the determination in the disposition narrative section of the Department's electronic information system prior to completing the CPS assessment.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 - 419B.050

Hist.: CWP 3-2007, f. & cert. ef. 3-20-07; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0445

### Make Child Safety Decision and Determine Whether to Open a Case

(1) After all the necessary information is gathered for the CPS assessment and the disposition has been determined, the CPS worker must determine if the child is safe or unsafe at the conclusion of the CPS assessment. To make a child safety decision at the conclusion of a CPS assessment, the CPS worker must again determine if an impending danger safety threat is present as outlined in OAR 413-015-0425, "Determine if there is a Present Danger Safety Threat or Impending Danger Safety Threat".

(2) When at the conclusion of the CPS assessment the CPS worker determines one or more impending danger safety threats are present, including a previously identified threat that has not been eliminated, the CPS worker must conclude the child is unsafe. When the CPS worker concludes the child is unsafe at the conclusion of the CPS assessment, the CPS worker must:

(a) Determine how the impending danger safety threat is occurring to support the development of an ongoing safety plan as outlined in OAR 413-015-0428, "Identify How the Impending Danger Safety Threat is Occurring";

(b) Develop an ongoing safety plan as outlined in OAR 413-015-0450, "Develop Safety Plans";

(c) Complete the CPS assessment; and

(d) Open a case.

(3) When at the conclusion of the CPS assessment the CPS worker determines no impending danger safety threats are present and any threat identified previously has been eliminated, the CPS worker must conclude the child is safe. When the CPS worker concludes the child is safe at the conclusion of the CPS assessment, the CPS worker must comply with all of the following subsections:

(a) Dismiss the protective action plan or initial safety plan if one is in place.

(b) Determine if the family has moderate to high needs unless completing a CPS assessment involving the home of a Department certified foster parent or relative caregiver.

(A) If the family does not have moderate to high needs the CPS worker must complete and close the CPS assessment.

(B) If the family does have moderate to high needs the CPS worker must:

(i) Offer the family referrals to relevant non-contracted community services as available; and

(ii) If the family accepts the offer for referrals to non-contracted community services, the CPS worker must refer the family to relevant non-contracted community services as available.

(c) Complete the CPS assessment.

(d) Close the CPS assessment without opening a case.

(4) Documentation of the Child Safety Decision. The CPS worker must document in the Department's electronic information system the child safety decision including all of the following subsections as applicable:

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(a) If the child is safe and the assessment will be closed or the child is unsafe and the case will be opened.

(b) If the child is safe:

(A) Whether the family was identified as having moderate to high needs; and

(B) If applicable, whether the family accepted the offer for non-contracted community service referrals.

(c) The basis for the determination in subsection (a) of this section.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 - 419B.050

Hist.: CWP 3-2007, f. & cert. ef. 3-20-07; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0450

### Develop an Ongoing Safety Plan

(1) At the completion of the CPS assessment when the CPS worker determines, through an analysis of the safety-related information, that a child is unsafe, the CPS worker must develop and document an ongoing safety plan unless completing a CPS assessment involving the home of a Department certified foster parent or relative caregiver. The purpose of the ongoing safety plan is to control the impending danger safety threats as they are uniquely occurring within a particular family.

(2) Requirements for an Ongoing Safety Plan. When developing an ongoing safety plan the CPS worker must assure all requirements in OAR 413-015-0432, "Develop Safety Plans", are met and:

(a) Use a Child Safety Meeting unless a supervisor approved an exception; and

(b) Re-evaluate the protective action plan or initial safety plan, if one is in place, to determine if it is appropriate and sufficient as an ongoing safety plan and re-confirm all commitments with all safety service providers identified in the protective action plan or initial safety plan if either is to become an ongoing safety plan.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 - 419B.050

Hist.: CWP 3-2007, f. & cert. ef. 3-20-07; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0455

### Protective Custody and Juvenile Court Action

(1) Protective Custody.

(a) The CPS worker may take a child into emergency protective custody when there is severe harm or threat of severe harm to a child in the present and law enforcement assistance is not available. If there is any resistance or threatened resistance to taking the child into protective custody, which creates a substantial risk of physical injury to any person, the CPS worker may not take the child into custody, but must wait for law enforcement assistance or obtain an order of protective custody from the juvenile court.

(b) As provided in ORS 419B.171, when a child is taken into protective custody without a court order, the person taking the child into custody must promptly file a brief written report with the court. A written report is required even if the child is released to a parent or other responsible person prior to a shelter care hearing. The written report must be completed and sent to the court the day the child is taken into custody or no later than the morning of the next working day.

(c) If the child is not released to a parent or other responsible person, but is retained in protective custody, a shelter hearing must be scheduled as required by ORS 419B.183.

(d) If a child is placed in protective custody, the CPS worker must notify the child's parents, including a non-custodial parent; the child's caregivers; and the child's tribe, if applicable, in writing.

(e) The CPS worker or designee must immediately make diligent efforts to identify the child's legal parents and any putative fathers after a child is taken into protective custody. Information about putative fathers must be recorded on form CF 418, "Father(s) Questionnaire" and filed in the case record.

(2) Juvenile Court Petition. When a child is taken into protective custody or juvenile court intervention is necessary to assure the child and family receive appropriate services, the CPS worker must make arrangements for a juvenile court petition to be filed, as provided in ORS 419B.809.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 - 419B.050, 419B.171, 419B.183, 419B.809

Hist.: CWP 25-2003, f. & cert. ef. 7-1-03; Renumbered from 413-015-0410, CWP 3-2007, f. & cert. ef. 3-20-07; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0470

### Notifications

(1) Requirements for Providing Notifications. The CPS worker must:

(a) Unless the Department determines that disclosure is not permitted under ORS 419B.035, notify the reporter, if the reporter provided the Department with contact information, whether contact was made, whether the Department determined that child abuse or neglect occurred, and whether services will be provided.

(b) Provide the child's parents, including a non-custodial legal parent, and caregivers verbal notification of all CPS assessment dispositions (unfounded, unable to determine, or founded) and whether the Department will provide services as a result of the CPS assessment. When the child's parent is the perpetrator, the notice under subsection (c) of this section also must be provided. If notification may make a child or adult unsafe, a CPS supervisor may authorize an exception to the requirement to provide notification based on documentation supporting that conclusion.

(c) Provide perpetrators written notification of founded dispositions. This written notification must include information about the founded disposition review process as outlined in Child Welfare Policy I-A.6.1, "Notice and Review of CPS Founded Dispositions", OAR 413-010-0700 to 413-010-0750. If the notification could make a child or adult unsafe, a CPS supervisor may authorize an exception to the requirement to provide notification based on documentation that supports this conclusion.

(d) Provide the Teacher Standards and Practices Commission (TSPC) notification of a completed assessment by providing TSPC with a copy of the completed CPS assessment when a teacher or school administrator, as defined in OAR 413-015-0115, is identified as an alleged perpetrator in a report. Regardless of a disposition, a copy of the report must be sent to TSPC after information related to the reporter's identity and other confidential information is removed.

(2) Documentation of Notifications. The CPS worker must document the notifications as described in this rule in the Department's electronic information system and the documentation must include:

(a) Who made the notification.

(b) To whom the notification was made.

(c) The date the notification was made.

(d) That the notifications have been attempted or made within the following time lines:

(A) Prior to completing the CPS assessment for a notification provided under subsection (1)(a) of this rule.

(B) Within five business days of supervisory approval of the CPS assessment for a notification provided under subsection (1)(b) through (1)(d) of this rule.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 - 419B.050

Hist.: CWP 3-2007, f. & cert. ef. 3-20-07; CWP 8-2009, f. 7-29-09, cert. ef. 8-3-09; CWP 1-2012(Temp), f. & cert. ef. 3-12-12 thru 9-8-12; CWP 5-2012, f. & cert. ef. 9-7-12; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0475

### CPS Assessment Documentation and Supervisory Review Requirements

(1) The CPS worker must record assessment activities and information gathered during the assessment process.

(2) The CPS worker must complete the CPS assessment and electronically submit the CPS assessment for review by a CPS supervisor, within 30 days of the day that the information alleging child abuse or neglect is received by the screener, except as provided in OAR 413-015-0480, "CPS Assessment Extensions".

(3) A CPS supervisor or designee must review and approve a completed CPS assessment within five working days of the electronic submission of the assessment by the CPS worker. After the assessment is reviewed by a CPS supervisor, if the alleged perpetrator is an employee of any program, office or division of the Department or OYA, the CPS Supervisor must inform the Department's Office of Human Resources of the disposition. If the disposition is founded, the CPS supervisor must also inform the Department's Office of Human Resources of the type of abuse. The CPS supervisor must document the notification in the Department's electronic information system.

(4) Each local Department office may designate an individual to electronically enter into the Department's electronic information system the verification of the completed review and approval of a CPS assessment by a CPS supervisor or designee.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 - 419B.050

Hist.: CWP 3-2007, f. & cert. ef. 3-20-07; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14



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## 413-015-0520

### Purpose and Overview of the Day Care Facility Investigation

(1) OAR 413-015-0520 to 413-015-0565 describe the activities required to complete a child abuse or neglect investigation in a day care facility.

(2) A day care facility is:

(a) A registered family child care home, which is the residence of a provider, who has a current family child care registration at that address and who provides care in the family living quarters;

(b) A certified family child care home, which is a child care facility located in a building constructed as a single family dwelling that has certification to care for a maximum of 16 children at any one time;

(c) A certified child care center, which is certified to care for 13 or more children, or a facility that is certified to care for twelve or fewer children and located in a building constructed as other than a single family dwelling; or

(d) A listed facility, which is a child care provider that is exempt from Office of Child Care licensing and that receives subsidy payments for child care on behalf of the Department of Human Services' clients.

(3) Completing a Day Care Facility Investigation involves all of the following:

(a) Making initial contact within the assigned response time line, which includes:

(A) Face-to-face contact with the alleged victim or victims;

(B) Contact with the parent or caregiver of the victim or victims; and

(C) Contact with other children as needed for child safety.

(b) Gathering safety-related information regarding the day care facility through interviews and observation.

(c) Determining if the parent or caregiver can and will protect the child and documenting the basis for that determination.

(d) Determining if there is reasonable cause to believe that child abuse or neglect occurred and documenting the basis for that determination.

Stat. Auth.: ORS 409.050 & 418.005

Stats. Implemented: ORS 409.185, 418.015, 418.015 & 419B.005 - 419B.050

Hist.: CWP 25-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 7-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0525

### Contact and Work with Other Entities

The CPS worker may need to work with representatives of other entities to complete a day care facility investigation.

(1) Office of Child Care. The CPS worker must notify and coordinate with the Compliance Unit of the Office of Child Care when a report involves a day care facility as required by ORS 419B.020(1).

(2) Law Enforcement. If the screener did not cross report to appropriate law enforcement agencies, the CPS worker must contact one or more law enforcement agencies in accordance with the protocols of the local MDT agreement and in accordance with cross reporting rules, OAR 413-015-0300 to 413-015-0310. The Department and the law enforcement agency (LEA) shall jointly determine the roles and responsibilities of the Department and the LEA in their respective investigations. When there is a joint response involving CPS and law enforcement, the CPS worker is responsible for all of the activities necessary to complete the day care investigation. Whenever possible, the CPS worker must coordinate investigation activities with LEA.

Stat. Auth.: ORS 409.050 & 418.005

Stats. Implemented: ORS 409.185, 418.015, 418.747 & 419B.005 - 419B.050

Hist.: CWP 25-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 7-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0535

### Day Care Facility Investigation Activities

The required investigation activities are outlined below. The activities are described in a logical order in these rules (OAR 413-015-0520 to 413-015-0565), but the order in which they occur is controlled by the specific circumstances in a given case.

(1) Review Records. The assigned CPS worker must:

(a) Thoroughly review the documentation in the referral;

(b) Thoroughly review the paper and electronic records maintained by the Department for historical information on the alleged child victim, the alleged perpetrator and their families, which must include a review for the following:

(A) History or a pattern of abuse or neglect by the alleged perpetrator; and

(B) History of abuse or neglect of the child victim or victims.

(c) When the CPS worker has information that the alleged perpetrator has lived in another state, make diligent efforts to contact the child welfare

agency in the other states where the alleged perpetrator has lived and obtain records, if any, that may be relevant to the current investigation.

(2) Contact Collateral Sources.

(a) The CPS worker must contact collateral sources who can clarify or supplement the information in the referral and in records already reviewed. These collaterals may include:

(A) Doctors or others who have evaluated or maintain records on the alleged child victim in regard to the abuse or any effects of the abuse;

(B) Other people who may have information about the day care facility or the alleged perpetrator;

(C) Staff members, including past staff members, of the day care facility that may have information regarding the abuse or the alleged perpetrator;

(D) Other children that attend the day care facility and their parents that may have information about the day care facility or the alleged perpetrator.

(b) The CPS worker must gather information from collateral sources throughout the CPS assessment.

(c) The CPS worker must:

(A) Protect the identity of collateral sources to the extent possible.

(B) Consult with the district attorney or the assistant attorney general to obtain a court order for records from a collateral source, if the source is unable or unwilling to share information with the Department.

(3) Consult with CPS Supervisor. The CPS worker must consult with a CPS supervisor or designee:

(a) At the beginning of the investigation of a day care facility;

(b) At any time during the investigation when there are additional child victims identified;

(c) At any time during the investigation when information obtained indicates a licensing or a safety concern that requires an immediate protective action.

(d) A report of child abuse or neglect that is expected to receive media attention or that already is being reported by the media.

Stat. Auth.: ORS 409.050 & 418.005

Stats. Implemented: ORS 409.185, 418.015, 418.747 & 419B.005 - 419B.050

Hist.: CWP 25-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 7-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0550

### Determining If the Parent or Caregiver Can or Cannot and Will or Will Not Protect

The CPS worker must determine if the parent or caregiver can or cannot and will or will not protect the child. When the CPS worker determines the parent or caregiver cannot or will not protect the child, the CPS worker must determine whether to make a report of abuse or neglect against the parent or caregiver.

Stat. Auth.: ORS 409.050 & 418.005

Stats. Implemented: ORS 409.185, 418.015, 418.747 & 419B.005 - 419B.050

Hist.: CWP 25-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 7-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0560

### Notification of Disposition

In addition to requirements of OAR 413-015-0470, the CPS worker must notify the:

(1) Office of Child Care, Department of Education, Early Learning Division. A copy of the investigation must be sent to the Compliance Unit of the Office of Child Care after information relating to the reporter's identity and other confidential information is removed. Any recommendations regarding the day care facility may also be included.

(2) Owner or director of the day care facility. When there is no owner or director the notification is to the provider. If the owner, director, or provider is not the alleged perpetrator, parent or caregiver, the notification will include whether the Department determined that child abuse or neglect occurred and information necessary to protect children from abuse and neglect in the facility in the future.

Stat. Auth.: ORS 409.050 & 418.005

Stats. Implemented: ORS 409.185, 418.015, 418.747 & 419B.005 - 419B.050

Hist.: CWP 25-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 7-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-0565

### Documentation and Supervisory Review Requirements

The CPS worker must refer to and comply with OAR 413-015-0475, "CPS Assessment Documentation and Supervisory Review Requirements".

Stat. Auth.: ORS 409.050 & 418.005

Stats. Implemented: ORS 409.185, 418.015, 418.747 & 419B.005 - 419B.050

Hist.: CWP 25-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 7-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

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## 413-015-1110

### Definitions

The following definitions apply to OAR 413-015-1100 to 413-015-1125:

(1) "LEDS" means Law Enforcement Data System, the computerized criminal history information system maintained by the Oregon State Police.

(2) "LEDS representative" means the staff person in the local Department office who has been designated under OAR 257-015-0050(5) and who has completed the training required by the Oregon State Police in order to train other employees to be LEDS users.

(3) "LEDS user" means a staff person in the local Department office who has been trained by a LEDS representative and has been certified by the Oregon State Police to access LEDS information.

(4) "Notice" means a written statement hand delivered to the subject individual or sent via U.S. mail to his or her last known address informing the subject individual of subsections (a) and (b) below. "Notice" does not imply consent or permission on the part of the subject individual.

(a) The Department may conduct, or has already conducted, criminal records checks.

(b) The subject individual has the right to obtain a copy of his or her LEDS record and challenge the accuracy of the information in the record through the Oregon State Police procedures outlined in OAR 257-010-0035.

Stat. Auth.: ORS 181.537, 409.050, 418.005

Stats. Implemented: ORS 181.537, 181.557, 409.010, 418.005, 419B.020

Hist.: CWP 1-2005(Temp), f. & cert. ef. 1-28-05 thru 7-27-05; CWP 8-2005, f. & cert. ef. 7-28-05; CWP 3-2007, f. & cert. ef. 3-20-07; CWP 27-2008, f. & cert. ef. 10-3-08; CWP 5-2010(Temp), f. & cert. ef. 6-15-10 thru 12-12-10; CWP 21-2010, f. & cert. ef. 11-15-10; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-1125

### LEDS Use for Certification Purposes in Emergency Situations

(1) The local Child Welfare office may perform criminal records checks using the LEDS system available in the local office and use LEDS information pertaining to a subject individual for the purpose of making decisions about child safety, specifically related to emergency certification when:

(a) The subject individual has consented to the Department conducting a criminal records check by signing form DHS 1011F, "Consent For Criminal Records & Fingerprint Check";

(b) There is an emergent need to place a child or maintain a placement of a child, and the Department of Human Services Background Check Unit is unable to complete the check in time;

(c) Staff refer to and comply with OAR 413-120-0400 to 413-120-0475; and

(d) A child abuse allegation is being assessed or there is an open child welfare case.

(2) When conducting criminal records checks for emergency certification purposes under this rule, a subject individual is defined as:

(a) An adult who resides in or plans to reside in a household that is being certified for placement of a child;

(b) An adult who resides in or plans to reside in a household that is being re-certified to place or maintain a child in the household;

(c) A person assisting in the household to enrich the care provided to children placed in the household by tutoring or providing recreation, relief care, or other services such as household chores, whether paid or unpaid; or

(d) A member of the household under 18 years of age if there is reason to believe that member may pose a risk to children placed in the household.

(3) Staff in local Child Welfare offices who access LEDS information for emergency certification purposes as outlined in these rules must:

(a) Refer to and comply with OAR 413-120-0400 to 413-120-0475; and

(b) Forward fingerprints and consent forms to the Department of Human Services Background Check Unit for processing if:

(A) LEDS information reveals an arrest or conviction of any kind;

(B) The subject individual discloses an arrest or conviction of any kind; or

(C) It is known that the subject individual has lived outside of Oregon within the last five years.

Stat. Auth.: ORS 181.537, 409.010, 418.005 & 419B.020

Stats. Implemented: ORS 181.537, 409.010, 418.005 & 419B.020

Hist.: CWP 1-2005(Temp), f. & cert. ef. 1-28-05 thru 7-27-05; CWP 8-2005, f. & cert. ef. 7-28-05; CWP 3-2007, f. & cert. ef. 3-20-07; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-1210

### Definitions

In addition to the definitions in OAR 413-015-0115, the following definitions apply to 413-015-1200 to 413-015-1230:

(1) "Caseworker" means a Department employee assigned primary responsibility for a child or young adult served by the Department.

(2) "Child" means a person under 18 years of age.

(3) "CPS worker" means a Child Protective Services (CPS) worker who is an employee of the Department who has completed the mandatory Department training for child protective service workers.

(4) "Department" means the Department of Human Services, Child Welfare.

(5) "Foster parent" means an individual who operates a home that has been approved by the Department to provide care for an unrelated child or young adult placed in the home by the Department.

(6) "Initial safety plan" means a documented set of actions or interventions sufficient to protect a child from an impending danger safety threat in order to allow for completion of the CPS assessment.

(7) "LEDS" means Law Enforcement Data System, the computerized criminal history information system maintained by the Oregon State Police.

(8) "Ongoing safety plan" means a documented set of actions or interventions that manage a child's safety after the Department has identified one or more impending danger safety threats at the conclusion of a CPS assessment or anytime during ongoing work with a family.

(9) "Protective action plan" means an immediate, same day, short-term plan, lasting a maximum of ten calendar days, sufficient to protect a child from a present danger safety threat.

(10) "Relative caregiver" means an individual who operates a home that has been approved by the Department to provide care for a related child or young adult placed in the home by the Department.

(11) "Safety service provider" means a participant in a protective action plan, initial safety plan, or ongoing safety plan whose actions, assistance, or supervision help a family in managing a child's safety.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 9-2010, f. & cert. ef. 7-1-10; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-1220

### Assessment of an Individual's Involvement in Safety Management

(1) To assess an individual as a safety service provider for a specific family in a protective action plan, initial safety plan, or an ongoing safety plan, the CPS worker or caseworker must take all of the following actions:

(a) Identify and contact an individual who is a prospective safety service provider.

(b) Gather information from the individual regarding his or her:

(A) Relationship with the child and the child's family; and

(B) Willingness and ability to fulfill the specific role and responsibilities of a safety service provider for the identified family.

(c) Provide the individual with information regarding the specific role and responsibility of the individual to assist in managing the child's safety.

(d) Search the Department's information system and review any historic information regarding the individual that may be useful in assessing the individual's ability to be a safety service provider.

(e) If in an individual's role as a safety service provider the individual will have contact with the child, conduct a criminal records check on the individual using LEDS, provide notice as described in Child Welfare Policy 1-AB.6, "Access to Law Enforcement Data System in Local Child Welfare Offices" OAR 413-015-1100 to 413-015-1125, and review the individual's criminal history to assess the individual's ability to be a safety service provider.

(2) After the CPS worker or caseworker has considered all the information gathered pursuant to section (1) of this rule, the CPS worker or caseworker must determine the individual's suitability as a safety service provider. In making this determination, the worker must consider whether the individual is willing and able to:

(a) Assist in managing the safety of the child;

(b) Cooperate with any restrictions on contact between the child and others;

(c) Support, verbally and through actions, the protective action plan, initial safety plan, and ongoing safety plan; and

(d) Fulfill the identified role and responsibilities required of the individual in a protective action plan, initial safety plan, or an ongoing safety plan.

(3) The CPS worker or caseworker must consult with and receive approval from a supervisor prior to engaging an individual as a safety service provider whenever the individual's past behaviors, conditions, or cir-

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cumstances include one of the items listed in the subsections of this section so long as those behaviors, conditions, or circumstances do not impact negatively the individual's ability to fulfill the specific role and responsibilities in managing the child's safety:

- (a) A record of child abuse or neglect;
- (b) A criminal history; or
- (c) A history of drug or alcohol abuse.

(4) The CPS worker or caseworker must document in the Department's information system:

- (a) The basis for the determination regarding whether an individual is suitable as a safety service provider; and
- (b) The supervisor who provided the approval required in section (3) of this rule.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 9-2010, f. & cert. ef. 7-1-10; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-1230

### Safety Service Provider Approval

(1) The CPS worker or caseworker must inform an individual who has been considered and selected as a safety service provider that the individual has been approved as a safety service provider. The CPS worker or caseworker must further inform an approved safety service provider that the role of a safety service provider:

- (a) Is temporary; and

(b) The role or responsibilities may change if the Department obtains new information that changes the determination that the individual is suitable to manage a child's safety, prevents the individual from fulfilling the role identified in assisting to manage a child's safety, or the threat to child safety changes, is eliminated, or can be managed by a child's parent or guardian.

(2) The CPS worker or caseworker must inform an individual who has been considered but has not been selected as a safety service provider that the individual has not been approved to be a safety service provider.

(3) When an individual has been informed that the individual is approved or not approved as a safety service provider or the determination that an individual is approved changes, if the status change results in a change in the protective action plan, initial safety plan, or ongoing safety plan, the CPS worker or caseworker must refer to OAR 413-015-0435 and 413-015-0450.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 9-2010, f. & cert. ef. 7-1-10; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-9000

### Authority, Responsibility, and Applicability

(1) ORS 418.005 provides that, in order to establish, extend, and strengthen welfare services for the protection and care of dependent or neglected children, the Department of Human Services may make all necessary rules and regulations for administering child welfare services. Among other duties outlined by ORS 409.010, the Department is responsible for the delivery and administration of programs and services relating to children and families, including child protective services (CPS).

(2) The Department has determined that in order to effectively administer child protective services it is necessary to adopt a child abuse assessment system that allows CPS to respond differently to reports of child abuse and neglect that meet the criteria to assign for CPS assessment. This system is called "differential response" and includes two types of CPS assessments, traditional response assessments and alternative response assessments. These changes in the Department's practice will be implemented, over time, on a county-by-county basis.

(3) Only the Department local offices in those counties identified by the Department to implement the Differential Response system must comply with the requirements outlined in these rules, OAR 413-015-9000 through 413-015-9040. Those counties will be referred to as DR implementation counties and are listed in subsections (a) through (c) of this section. Department local offices in all other counties must comply with the rules in OAR chapter 413, but are not responsible for 413-015-9000 through 413-015-9040.

- (a) Klamath County, effective May 27, 2014;
- (b) Lake County, effective May 27, 2014; and
- (c) Lane County, effective May 29, 2014.

(4) Except as provided in OAR 413-015-9000 through 413-015-9040, employees in the DR implementation counties remain responsible for all other rules in OAR chapter 413.

Stat. Auth.: ORS 409.027, 409.050, 418.005, 418.598

Stats. Implemented: ORS 409.010, 409.185, 418.005, 418.015, 418.580, 419B.020

Hist.: CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-9010

### Purpose

The purpose of Differential Response is to achieve the following objectives:

- (1) Allow for different approaches to Child Protective Services assessments depending on severity and type of child abuse and neglect allegations;
- (2) Identify a family's needs and connect the family to community services to meet those needs;
- (3) Increase the number of children who can be safely at home and in their communities;
- (4) Reduce the number of children who re-enter the Department's system;
- (5) Reduce the number of referrals on a family; and
- (6) Reduce disproportional representation of children of color in the Department's foster care system.

Stat. Auth.: ORS 409.027, 409.050, 418.005, 418.598

Stats. Implemented: ORS 409.010, 409.185, 418.005, 418.015, 418.580, 419B.020

Hist.: CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-9020

### Definitions

In addition to the terms defined in OAR 413-015-0115, these terms are defined for use in these rules, OAR 413-015-9000 through 413-015-9040:

(1) "Alternative response assessment" means a type of CPS assessment that, in addition to the other requirements of a CPS assessment, utilizes community partners and assesses the strengths and needs of the family and child, but does not require a formal determination of whether there is reasonable cause to believe child abuse or neglect occurred.

(2) "Strengths and needs assessment" means a tool used to assess the strengths and needs, including service needs, of a family determined to have moderate to high needs.

(3) "Strengths and needs assessment provider" means an individual or organization trained to complete a strengths and needs assessment.

(4) "Traditional response assessment" means a type of CPS assessment used to assess reports of child abuse and neglect that require a formal determination of whether there is reasonable cause to believe child abuse or neglect occurred.

Stat. Auth.: ORS 409.027, 409.050, 418.005, 418.598

Stats. Implemented: ORS 409.010, 409.185, 418.005, 418.015, 418.580, 419B.020

Hist.: CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-9030

### Screening CPS Information — Determining Department's Response, Type of CPS Assessment, and Response Time Lines

Except as provided below, screeners in DR implementation counties must comply with OAR 413-015-0200 through 413-015-0225. OAR 413-015-0210(1) through (3) are replaced by the following:

(1) After the screener completes activities required by OAR 413-015-0205, and determines the information received is CPS information, the screener must determine the Department response, either CPS assessment required or close at screening. If a CPS assessment is required, the screener must determine the type of CPS assessment and the time line for the Department response.

(2) CPS assessment required. A CPS assessment is required if:

(a) The screener determines that information received constitutes a report of child abuse or neglect, as defined in ORS 419B.005, and the information indicates:

(A) The alleged perpetrator is a legal parent of the alleged child victim;

(B) The alleged perpetrator resides in the alleged child victim's home;

(C) The alleged perpetrator may have access to the alleged child victim, and the parent or caregiver may not be able or willing to protect the child; or

(D) The alleged child abuse occurred in a day care facility, the home of a Department certified foster parent or relative caregiver, or a private child-caring agency that is not a Children's Care Provider (CCP).

(b) A tribe or law enforcement agency (LEA) requests assistance from the Department with an investigation of child abuse or neglect, and a CPS supervisor agrees that assistance from the Department is appropriate.

(3) Type of CPS Assessment. If the screener determines that a CPS assessment is required, the screener must:

(a) Determine the type of CPS assessment required. The screener must determine if the report is assigned for a traditional response assessment or an alternative response assessment.



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(A) Traditional Response Assessment. This type of CPS assessment is required when the report alleges or the information gathered indicates:

- (i) The child has suffered or could likely suffer severe harm;
- (ii) The abuse occurred in a day care facility, the home of a Department certified foster parent or relative caregiver, or a private child-caring agency that is not a Children's Care Provider (CCP);
- (iii) The perpetrator is a day care employee, certified foster parent or relative caregiver, or a Department of Human Services employee;
- (iv) There are multiple allegations in the same report and any of the allegations meet one of the criteria outlined in (i) through (iii) of this paragraph for a traditional response assessment;
- (v) There is a prior report of child abuse or neglect that has not been assessed because the Department was unable to locate the family and the prior allegation(s) or the current allegations(s) meet the criteria for a traditional response assessment; or
- (vi) There is an open traditional response assessment and the date the open traditional response assessment was assigned is within 60 days of the date the new report will be assigned.

(B) Alternative Response Assessment. This type of CPS assessment is required when the report alleges or the information gathered indicates the child has suffered or could likely suffer harm, but the harm is not severe harm and none of the conditions outlined in (A)(i) through (v) of this rule apply.

(b) Consult with a CPS supervisor. The screener must consult with the CPS supervisor or designee when the screener determines the type of CPS assessment required is a traditional response assessment.

(c) Document the type of CPS assessment required. The screener must document the type of CPS assessment required and document the justification for the determination.

(4) Response Time Lines. If the screener determines that a CPS assessment is required, the screener must:

(a) Determine the CPS assessment response time line. The time line for the Department response refers to the amount of time between when the report is received at screening and when the CPS worker is required to make an initial contact. When determining the response time, the screener must take into account the location of the child, how long the child will be in that location, and access that others have to the child.

(A) Traditional Response Assessment. The screener is required to assign the following response time lines for a traditional response assessment:

- (i) A "within 24 hours" response time line unless (ii) below applies.
- (ii) A "within five calendar days" response time line is only permitted for a traditional response assessment when the screener can clearly document how the information indicates child safety will not be compromised or an intentional delay to allow for a planned response is less likely to compromise the safety of the child.

(B) Alternative Response Assessment. The screener is required to assign the following response time lines for an alternative response assessment:

- (i) A "within five calendar days" response time line is required unless (ii) below applies.
- (ii) A "within 24 hours" response time line is only required for an alternative response assessment when the information indicates a child is in danger right now.

(b) Complete a screening report form immediately when a "within 24 hour" response time line is assigned or the same day when a "within five calendar days" response time is assigned. A CPS supervisor may grant an extension for the completion of a screening report form as provided in OAR 413-015-0220.

(c) Refer the CPS assessment to the appropriate county as described in OAR 413-015-0213.

Stat. Auth: ORS 409.027, 409.050, 418.005, 418.598  
Stats. Implemented: ORS 409.010, 409.185, 418.005, 418.015, 418.580, 419B.020  
Hist.: CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-015-9040 Assessment

(1) Except as provided in this rule, CPS workers in DR implementation counties must comply with OAR 413-015-0400 through 413-015-0485.

(2) Overview. The following outlines the primary components of all CPS assessments and the components unique to traditional response assessment and alternative response assessment.

(a) Completing a CPS assessment, whether traditional response assessment or alternative response assessment, involves all of the following:

(A) Making efforts to schedule the initial contact when a response timeline of "within five calendar" days is assigned.

(B) Making face-to-face contact with the alleged victim, his or her siblings, his or her parent or caregiver, other children and adults living in the home, and the alleged perpetrator.

(C) Accessing and viewing the home environment.

(D) Gathering safety-related information through interviews and observation.

(E) Determining if there is a present danger safety threat.

(F) Determining if there is an impending danger safety threat by applying the safety threshold criteria:

- (i) Imminent;
- (ii) Observable;
- (iii) Vulnerable child;
- (iv) Out of control; and
- (v) Severity.

(G) Developing a protective action plan when a child is determined to be unsafe due to a present danger safety threat.

(H) Developing an initial safety plan when a child is determined to be unsafe due to an impending danger safety threat.

(I) Developing an ongoing safety plan when a child is determined to be unsafe from an impending danger safety threat at the conclusion of a CPS assessment.

(J) Determining whether the initial safety plan or ongoing safety plan is the least intrusive plan sufficient to manage child safety by identifying how the impending danger safety threat is occurring and applying the in-home safety plan criteria.

(K) Developing conditions for return when an out-of-home initial safety plan or out-of-home ongoing safety plan is established.

(L) Determining whether a family has moderate to high needs when a child is determined to be safe.

(M) Referring a family for a strengths and needs assessment and subsequently for community services when a family is determined to have moderate to high needs and accepts the referrals.

(b) In addition to the components of a CPS assessment outlined in paragraphs (a)(A) through (M) of this section, completing a traditional response assessment includes determining if there is reasonable cause to believe that child abuse or neglect occurred.

(c) In addition to the components of a CPS assessment outlined in paragraphs (a)(A) through (M) of this section, completing an alternative response assessment includes offering the family the option of having a community partner accompany the worker when a response timeline of "within five calendar" days is assigned.

(3) Make Initial Contact. When completing a traditional response assessment or an alternative response assessment the CPS worker must comply with OAR 413-015-0420, "Make Initial Contact", and the additional requirements outlined in this section when a response timeline of "within five calendar days" is assigned:

(a) The CPS worker must make efforts to schedule the initial contact; and

(b) The CPS worker must, when completing an alternative response assessment:

(A) Offer the family the option of having a community partner accompany the worker on initial contact;

(B) Obtain a release of information signed by the parent or caregiver specific to the identified community partner; and

(C) Document, if applicable, whether the CPS worker completed the initial contact with a community partner. When a community partner was not present at initial contact, the CPS worker must document why a community partner was not present. When a community partner was present, the CPS worker must document which community partner was present.

(4) Change from Alternative Response Assessment to Traditional Response Assessment. When changing the type of CPS assessment from alternative response assessment to traditional response assessment the CPS worker must:

(a) Assure one of the following applies:

(A) Any of the criteria outlined in 413-015-9030(3)(a)(A)(i) through (vi);

(B) A referral is received on an open alternative response assessment within 60 days of the date the open assessment was assigned and the new referral meets the screening criteria to assign as a traditional response assessment;

(C) The CPS worker filed a petition alleging the child is within the jurisdiction of the juvenile court pursuant to ORS 419B.100; or

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(D) The CPS worker determined the child is unsafe at the conclusion of the CPS assessment and an ongoing safety plan will be established and the case will be opened for services.

(b) Assure the decision is approved by a Department supervisor; and

(c) Document in the Department's electronic information system the decision to change from alternative response assessment to traditional response assessment and explain the basis for the decision.

(5) Make Child Safety Decision and Determine Whether to Open a Case. The CPS worker must comply with the requirements outlined in this section which replaces OAR 413-015-0445, "Child Safety Decision".

(a) After all the necessary information is gathered for the CPS assessment and the disposition has been determined, the CPS worker must determine if the child is safe or unsafe at the conclusion of the CPS assessment. To make a child safety decision at the conclusion of a CPS assessment, the CPS worker must again determine if an impending danger safety threat is present as outlined in OAR 413-015-0425, "Determine if there is a Present Danger Safety Threat or an Impending Danger Safety Threat".

(b) When at the conclusion of the CPS assessment the CPS worker determines one or more impending danger safety threats are present, including a previously identified impending danger safety threat that has not been eliminated, the CPS worker must conclude the child is unsafe. When the CPS worker concludes the child is unsafe at the conclusion of the CPS assessment, the CPS worker must:

(A) Determine how the impending danger safety threat is occurring to support the development of an ongoing safety plan as outlined in OAR 413-015-0428, "Identify How the Impending Danger Safety Threat is Occurring";

(B) Develop an ongoing safety plan as outlined in OAR 413-015-0450, "Develop an Ongoing Safety Plan";

(C) Complete the CPS assessment; and

(D) Open a case.

(c) When at the conclusion of the CPS assessment the CPS worker determines no present danger safety threats or impending danger safety threats are present and any identified previously have been eliminated, the CPS worker must conclude the child is safe. When the CPS worker concludes the child is safe at the conclusion of the CPS assessment, the CPS worker must:

(A) Dismiss the protective action plan or initial safety plan if one is in place; and

(B) Determine if the family has moderate to high needs.

(d) When the CPS worker determines the family does not have moderate to high needs the CPS worker must complete and close the CPS assessment.

(e) When the CPS worker determines the family does have moderate to high needs, the CPS worker must offer the family the option to have a strengths and needs assessment completed by a strengths and needs assessment provider:

(A) If the family declines the offer to have a strengths and needs assessment completed the CPS worker must:

(i) Offer the family referrals to relevant non-contracted community services as available;

(ii) If the family accepts the offer, the CPS worker must refer the family to relevant non-contracted community services as available; and

(iii) Complete and close the CPS assessment.

(B) If the family accepts the offer to have a strengths and needs assessment completed the CPS worker must:

(i) Refer the family to a strengths and needs assessment provider;

(ii) Meet with the family and the strengths and needs assessment provider after the completion of the strengths and needs assessment, discuss contracted and non-contracted community service referral options, offer relevant community service referrals as available, and identify the family's preferences;

(iii) If the family accepts the offer for community service referrals, refer the family to relevant contracted or non-contracted community services as available.

(C) Complete and close the CPS assessment.

(f) The CPS worker must document in the Department's electronic information system the child safety decision including all of the following:

(A) If the child is safe and the assessment will be closed, or if the child is unsafe and the case will be opened.

(B) If the child is safe:

(i) Whether the family was determined to have moderate to high needs and the basis for the determination;

(ii) Whether the family accepted or declined to participate in a strengths and needs assessment and if they declined whether the family accepted the offer for relevant non-contracted community service referrals;

(iii) Whether the family accepted or declined to participate in services recommended as the result of the strengths and needs assessment; and

(iv) If applicable, what contracted or non-contracted community services were declined or accepted.

(6) CPS Assessment Documentation, Supervisory Review Requirements, and Extensions.

(a) The CPS worker must comply with OAR 413-015-0475, "CPS Assessment Documentation and Supervisory Review Requirements", with the exception of section (2) which this subsection replaces. The CPS worker must complete the CPS assessment and electronically submit the CPS assessment for review by a CPS supervisor, within 45 days of the day that the information alleging child abuse or neglect is received by the screener, except as provided in subsection (b) of this section.

(b) This subsection replaces OAR 413-015-0480, "CPS Assessment Extensions". The CPS supervisor may approve a one-time extension of an additional 15 days for completion of the CPS assessment if the supervisor has confirmed critical information (information necessary to determine child safety or a child abuse or neglect disposition) is outstanding or, if applicable, the strengths and needs assessment is not complete. Additional extension of time may be approved by the Child Welfare program manager if the ability to obtain critical information is beyond the reasonable control of the CPS worker.

Stat. Auth.: ORS 409.027, 409.050, 418.005, 418.598

Stats. Implemented: ORS 409.010, 409.185, 418.005, 418.015, 418.580, 419B.020

Hist.: CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-080-0050

### Definitions

The following definitions apply to OAR 413-080-0040 to 413-080-0067:

(1) "Certified family" means an individual or individuals who hold a current Certificate of Approval from the Department to operate a home to provide care, in the home in which they reside, to a child or young adult in the care or custody of the Department.

(2) "Child" means a person under 18 years of age.

(3) "Conditions for return" means a written statement of the specific behaviors, conditions, or circumstances that must exist within a child's home before a child can safely return and remain in the home with an in-home initial safety plan or in-home ongoing safety plan.

(4) "Contact" means any communication between Child Welfare staff and a child, parent or guardian, foster parent or relative caregiver, provider, or other individual involved in a Child Welfare safety plan or case. "Contact" includes, but is not limited to, communication in person, by telephone, by video-conferencing, or in writing. "Contact" may occur, for instance, during a face-to-face visit; a treatment review meeting for a child, young adult, parent, or guardian; a court or Citizen Review Board hearing; or a family meeting.

(5) "Department" means the Department of Human Services, Child Welfare.

(6) "Face-to-face" means an in-person interaction between individuals.

(7) "Foster parent" means a person who operates a home that has been approved by the Department to provide care for an unrelated child or young adult placed in the home by the Department.

(8) "Guardian" means an individual who has been granted guardianship of a child through a judgment of the court.

(9) "ICPC" means the Interstate Compact for the Placement of Children (see ORS 417.200).

(10) "Impending danger safety threat" means a family behavior, condition, or circumstance that meets all five safety threshold criteria. A threat to a child that is not immediate, obvious, or occurring at the onset of the CPS intervention. This threat is identified and understood more fully by evaluating and understanding individual and family functioning.

(11) "Initial safety plan" means a documented set of actions or interventions sufficient to protect a child from an impending danger safety threat in order to allow for completion of the CPS assessment.

(12) "Ongoing safety plan" means a documented set of actions or interventions that manage a child's safety after the Department has identified one or more impending danger safety threats at the conclusion of a CPS assessment or anytime during ongoing work with a family.

(13) "Parent" means the biological or adoptive mother or the legal father of the child. A legal father is a man who has adopted the child or whose paternity has been established or declared under ORS 109.070, ORS

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416.400 to 416.465, or by a juvenile court. In cases involving an Indian child under the Indian Child Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. "Parent" also includes a putative father who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume responsibilities normally associated with parenthood, unless a court finds that the putative father is not the legal father.

(14) "Present danger safety threat" means an immediate, significant, and clearly observable family behavior, condition or circumstance occurring in the present tense, already endangering or threatening to endanger a child. The family behavior, condition, or circumstance is happening now and it is currently in the process of actively placing a child in peril.

(15) "Protective action plan" means an immediate, same day, short-term plan, lasting a maximum of ten calendar days, sufficient to protect a child from a present danger safety threat.

(16) "Protective capacity" means behavioral, cognitive, and emotional characteristics that can specifically and directly be associated with a person's ability and willingness to care for and keep a child safe.

(17) "Provider" means a person approved by a licensed private child-caring agency to provide care for a child or young adult, or an employee of a licensed private child-caring agency approved to provide care for a child or young adult.

(18) "Relative caregiver" means a person who operates a home that has been approved by the Department to provide care for a related child or young adult who is placed in the home by the Department.

(19) "Safety service provider" means a participant in a protective action plan, initial safety plan, or ongoing safety plan whose actions, assistance, or supervision help a family in managing a child's safety.

(20) "Safety services" means the actions, assistance, and supervision provided by safety service providers to manage the identified present danger safety threats or impending danger safety threats to a child.

(21) "Screener" means a Department employee with training required to provide screening services.

(22) "Social service assistant" means a Department employee with training required to provide services to assist a caseworker on an open case.

(23) "Substitute care" means the out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.

(24) "Young adult" means a person aged 18 through 20 years.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 3-2004(Temp), f. & cert. ef. 3-1-04 thru 8-27-04; CWP 15-2004, f. & cert. ef. 8-25-04; CWP 4-2007, f. & cert. ef. 3-20-07; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 21-2009, f. & cert. ef. 12-29-09; CWP 1-2013, f. & cert. ef. 1-15-13; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-080-0052

### Addressing a Present Danger Safety Threat or New Impending Danger Safety Threat on an Open Case

(1) If Department staff determine a child is unsafe due to a present danger safety threat as described in OAR 413-015-0425 (1) on a case opened under 413-015-0445(2)(d), staff must immediately consult with a supervisor and establish a protective action plan as described in 413-015-0435. The ongoing safety plan remains in place to address the existing impending danger safety threats.

(2) If Department staff determine a child is unsafe due to a new impending danger safety threat as described in OAR 413-015-0425 (2) on a case opened under 413-015-0445(2)(d), staff must immediately consult with a supervisor and modify the ongoing safety plan; and

(3) Department staff must document the behaviors, conditions, or circumstances observed and any protective action plan taken, or modification made to the ongoing safety plan, in the Department's electronic information system.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 4-2007, f. & cert. ef. 3-20-07; CWP 21-2009, f. & cert. ef. 12-29-09; CWP 1-2013, f. & cert. ef. 1-15-13; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-080-0054

### Monthly Face-to-Face Contact Requirements

(1) A child or young adult in a child welfare case.

(a) Except as provided in section (2) of this rule, monthly face-to-face contact with a child or young adult in a child welfare case must be made by one of the following Department staff to ensure the safety, permanency, and well-being of the child or young adult:

(A) The primary caseworker;

(B) The caseworker's supervisor; or

(C) When designated by the caseworker's supervisor as described in OAR 413-080-0067:

(i) Another caseworker or supervisor; or

(ii) A social service assistant.

(b) During the face-to-face contact required in section (1) of this rule, Department staff must:

(A) Ensure the safety, permanency, and well-being of the child or young adult;

(B) Address issues pertinent to case planning and service delivery during the contact;

(C) Notify a supervisor when he or she determines that the ongoing safety plan or the living environment is insufficient to ensure the safety of the child or young adult to determine if a protective action plan is necessary to ensure safety; and

(D) Notify a certifier when the well-being needs of a child or young adult are not being met by a certified family, or notify the Well Being Program when the well-being needs of a child or young adult are not being met by a provider.

(c) Department staff making face-to-face contact must document in the Department's electronic information system:

(A) The date, type, and location of each contact with the child, young adult, parent, or guardian; and

(B) The issues addressed during the contact.

(d) A face-to-face contact with a child or young adult made by a social service assistant --

(A) May be reported as the required face-to-face contact no more than one time in any three-month period and no more than a four times within a year; and

(B) May not be reported as the required face-to-face contact for consecutive months.

(e) Face-to-face contact with a child or young adult in substitute care must occur in the substitute care placement every other month.

(2) A parent or guardian on a child welfare case.

(a) When there is an in-home ongoing safety plan, Department staff must have monthly face-to-face contact in the home with the parents or guardians living in the home with the child.

(b) A caseworker must have face-to-face contact with the child and the child's parent or guardians within five working days of learning any of the following:

(A) A condition of the ongoing safety plan has been violated.

(B) A change in the protective capacity, the family circumstances, or the composition of the household of a parent or guardian may negatively impact the ongoing safety plan.

(C) The caseworker is assigned a case that had been assigned to another caseworker (case transfer).

(c) Department staff must have monthly face-to-face contact with the parents or guardians, unless a supervisor approves an exception to contact with the non-custodial parent who has an in-home ongoing safety plan or, when there is an out-of-home ongoing safety plan, the parent or guardian is unavailable or the contact could compromise the caseworker's safety. The supervisor's exception must be documented in the Department's electronic information system and must document:

(A) The reason for the exception; and

(B) The length of time the exception is in effect, which is not longer than 90 days unless a longer period is approved by a Child Welfare Program Manager.

(3) The substitute caregiver.

(a) Department staff described in OAR 413-080-0054(1)(a) must have monthly contact with the certified family or provider.

(b) The face-to-face contact with the child or young adult required in OAR 413-080-0054(1)(e) must include at least one of the certified adults or providers who provide direct care for the child or young adult.

(4) A child or young adult placed through ICPC or placed internationally.

(a) When a child or young adult is placed in another state through the ICPC or placed internationally, the caseworker must request that officials from the receiving state or country have monthly face-to-face contact to monitor child safety, permanency, and well-being.

(b) When the receiving state or country's child welfare office is unwilling or unable to have monthly face-to-face contact with the child or young adult, a plan must be developed to meet this requirement.

(c) The caseworker must document in the case file the type and level of contact the receiving state or country will provide and how the contact is sufficient to confirm the safety and well-being of the child or young adult.



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(d) The documentation received from the receiving state or country must be filed in the Department's electronic information system.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 1-2013, f. & cert. ef. 1-15-13; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-080-0055

### Monitoring an In-home Ongoing Safety Plan

(1) To manage an in-home ongoing safety plan and monitor the child's safety when the child is in the home of the parent or guardian, Department staff must contact the following individuals, as described below:

(a) Face-to-face contact with the child, or review the documentation of the contact made by Department staff under OAR 413-080-0054;

(b) Face-to-face contact with the child's parents or guardians in the home of the parents or guardians;

(c) Contact with the child's non-custodial parent or guardian, except as provided in OAR 413-080-0054(2); and

(d) Contact with each participant in the ongoing safety plan.

(2) To monitor and assure the safety of the child, during the contact required under section (1) of this rule, the caseworker must complete each of the following:

(a) Contact each participant in the ongoing safety plan and assess the documented information regarding all contacts made in section (1) of this rule.

(b) Look for and assess any changes in the protective capacity of parents or guardians, including changes in the ability or willingness of a parent or guardian to keep the child safe.

(c) Assess whether the in-home ongoing safety plan keeps the child safe by determining:

(A) Whether the home environment is stable enough for safety service providers to be in the home and be safe; and

(B) Whether the parent or guardian is:

(i) Agreeable to the safety services in the ongoing safety plan;

(ii) Cooperating in safety services provided as prescribed by the ongoing safety plan;

(iii) Cooperating with all participants in the ongoing safety plan;

(iv) Participating in the actions and the time requirements of the ongoing safety plan; and

(v) Meeting the expectations detailed in the ongoing safety plan.

(d) Determine whether:

(A) The child is safe and the condition of the child is satisfactory; and

(B) Impending danger safety threats to the child are managed.

(3) Through contact with the participants in the ongoing safety plan, required under section (1) of this rule, the caseworker must determine whether:

(a) Participants in the ongoing safety plan are engaged and active in the safety activities;

(b) The parents or guardians are cooperating with the safety services prescribed by the ongoing safety plan;

(c) The safety service providers are engaged with the parents or guardians;

(d) The safety service providers have fulfilled their established responsibilities in the ongoing safety plan;

(e) The level of intervention assures the ongoing safety of the child; and

(f) The services are the least intrusive available to assure the child's safety.

(4) Whenever a participant in the ongoing safety plan or a safety service provider reports information indicating that there is a present danger safety threat or a new impending danger safety threat, the caseworker must comply with OAR 413-080-0052.

(5) The caseworker must determine whether:

(a) Behaviors, conditions, or circumstances within the family require an increase in the level of safety intervention;

(b) A less intrusive ongoing safety plan can assure the safety of the child; or

(c) The ongoing safety plan is keeping the child safe and provides the appropriate level of safety intervention.

(6) If the caseworker determines the level of intervention of the in-home ongoing safety plan must be revised, the caseworker must:

(a) End the in-home ongoing safety plan when there is no longer an impending danger safety threat to the child.

(b) Reduce the level of intervention whenever:

(A) The improved protective capacity of the parent or guardian is sufficient to impact his or her ability to cooperate with the ongoing safety plan

to control impending danger safety threats as they are occurring within the family; and

(B) An impending danger safety threat can be managed with less intrusive actions or services.

(c) Increase the level of intervention whenever:

(A) A parent or guardian is unable or unwilling to cooperate with the ongoing safety plan to control the impending danger safety threats to the child as they are occurring within the family with the ongoing safety plan; or

(B) Any identified impending danger safety threat cannot be managed with the current ongoing safety plan.

(d) The revised ongoing safety plan must:

(A) Comply with the criteria of OAR 413-015-0450; and

(B) Be approved by the caseworker's supervisor.

(7) Department staff must document in the Department's electronic information system:

(a) The date, type, and location of each contact with the child, parents, or guardians;

(b) The date and type of each contact with each participant in the in-home ongoing safety plan;

(c) Observations and facts relevant to case planning and service delivery;

(d) How the ongoing safety plan continues to manage the impending danger safety threats as they are occurring within the family, or any revised ongoing safety plan and the facts supporting that revision; and

(e) Any protective action plan if required to assure the safety of the child.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 3-2004(Temp), f. & cert. ef. 3-1-04 thru 8-27-04; CWP 15-2004, f. & cert. ef. 8-25-04; CWP 4-2007, f. & cert. ef. 3-20-07; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 21-2009, f. & cert. ef. 12-29-09; CWP 1-2013, f. & cert. ef. 1-15-13; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-080-0059

### Monitoring the Out-of-Home Ongoing Safety Plan

(1) To manage an out-of-home ongoing safety plan, the caseworker must have monthly contact with the following individuals:

(a) Face-to-face contact with the child, or review the documentation of the contact made by Department staff under OAR 413-080-0054(1);

(b) Face-to-face contact with the child's parents or guardians, except as provided in OAR 413-080-0054(2); and

(c) Contact with each safety service provider.

(2) The caseworker must determine whether the child is safe.

(3) The caseworker must determine whether:

(a) Behaviors, conditions, or circumstances within the family require an increase in the level of safety intervention;

(b) Conditions for return have been achieved and an in-home ongoing safety plan can assure the safety of the child; and if so, must develop an in-home ongoing safety plan under the criteria set forth in OAR 413-015-0450; or

(c) The ongoing safety plan is keeping the child or young adult safe and provides the appropriate level of safety intervention.

(4) If the caseworker determines the out-of-home ongoing safety plan must still be in place but level of intervention of the out-of-home ongoing safety plan must be revised, the caseworker must:

(a) Reduce the level of intervention whenever:

(A) The improved protective capacity of the parent or guardian is sufficient to impact his or her ability to control the impending danger safety threats as they are occurring within the family; and

(B) An impending danger safety threat can be managed with less intrusive actions or services.

(b) Increase the level of intervention whenever an identified impending danger safety threat cannot be managed with the current ongoing safety plan.

(5) The revised ongoing safety plan must:

(a) Comply with the criteria of OAR 413-015-0450; and

(b) Be approved by the caseworker's supervisor.

(6) Department staff must document in the Department's information system:

(a) How the ongoing safety plan continues to manage the impending danger safety threats as they are occurring within the family, or any revised ongoing safety plan and the facts supporting that revision; and

(b) Any protective action plan if required to assure the safety of the child.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

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Hist.: CWP 4-2007, f. & cert. ef. 3-20-07; CWP 10-2007(Temp), f. 5-14-07, cert. ef. 5-15-07 thru 11-9-07; CWP 18-2007, f. & cert. ef. 11-1-07; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 21-2009, f. & cert. ef. 12-29-09; CWP 1-2013, f. & cert. ef. 1-15-13; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

## 413-200-0409

### Definitions

The following definitions apply to OAR 413-200-0404 to 413-200-0424:

(1) "Certification supervisor" means an employee of the Department, designated as a supervisor, supervising staff responsible for certification, training, and monitoring homes certified by the Department.

(2) "Certified family" means an individual or individuals who hold a Certificate of Approval from the Department to operate a home to provide care, in the home in which they reside, to a child or young adult in the care or custody of the Department.

(3) "Certifier" means a Child Welfare employee who conducts assessments of applicants interested in providing relative or foster care to a child or young adult in the care or custody of the Department or an adoptive applicant, determines whether or not to recommend approval of the operation of a relative care or foster home or an adoptive applicant, and monitors the compliance of a relative care or foster care home with Child Welfare certification rules.

(4) "Child" means a person under 18 years of age.

(5) "Child protective services assessment" (CPS assessment) means an investigation into a report of child abuse pursuant to ORS 419B.020, that includes activities and interventions to identify and analyze threats to child safety, determine if there is reasonable cause to believe child abuse or neglect occurred, and assure child safety through protective action plans, initial safety plans, or ongoing safety planning.

(6) "Child protective services supervisor" (CPS supervisor) means an employee of the Department trained in child protective services and designated as a supervisor.

(7) "Child protective services worker" (CPS worker) means an employee of the Department who has completed the mandatory Department training for child protective service workers.

(8) "Consulting foster parent or relative caregiver" means an individual who maintains or has held a Certificate of Approval to operate a foster or relative caregiver home, received Department approved training on the role of a "consulting foster parent or relative caregiver", and agrees to serve in this role.

(9) "Department" means the Department of Human Services, Child Welfare.

(10) "Foster parent" means an individual who operates a home that has been approved by the Department to provide care for an unrelated child or young adult placed in the home by the Department.

(11) "Inactive referral status" means a period of time, not to exceed 12 months, during which neither the Department nor any other agency will place an additional child or young adult with a certified family. The certified family or the Department may initiate the "inactive referral status".

(12) "Initial contact" means the first face-to-face contact between a CPS worker and a family. The initial contact includes face-to-face contact with the alleged child victim, his or her siblings, parent or caregiver, other children and adults living in the home; accessing the home environment; and gathering sufficient information on the family conditions and functioning to determine if present danger safety threats or impending danger safety threats exist.

(13) "Referral" means a report that has been assigned for the purpose of CPS assessment.

(14) "Relative caregiver" means an individual who operates a home that has been approved by the Department to provide care for a related child or young adult placed in the home by the Department.

(15) "Report" means an allegation of child abuse or neglect provided to the Department that the screener evaluates to determine if it constitutes a report of child abuse or neglect as defined in ORS 419B.005.

(16) "Screener" means a Department employee with training required to provide screening services.

(17) "Young adult" means a person aged 18 through 20 years.

Stat. Auth.: ORS 409.050 & 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.015 & 419B.020

Hist.: CWP 33-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 15-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 17-2011(Temp), f. & cert. ef. 9-1-11 thru 2-28-12; CWP 38-2011, f. 12-27-11, cert. ef. 1-3-12; CWP 10-2014, f. 5-20-14, cert. ef. 5-27-14

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**Rule Caption:** Amending Child Welfare Program OARs relating to the definition of 'relative'.

**Adm. Order No.:** CWP 11-2014

**Filed with Sec. of State:** 6-3-2014

**Certified to be Effective:** 6-3-14

**Notice Publication Date:** 5-1-2014

**Rules Amended:** 413-010-0310, 413-070-0063, 413-070-0505, 413-070-0620, 413-070-0655, 413-070-0905, 413-120-0010, 413-120-0195, 413-120-0510, 413-120-0710

**Subject:** The Office of Child Welfare Programs is amending the definition of "relative" as it applies to the order in which the Department considers potential adoptive resources and substitute care resources for placement of children and young adults in its custody. The changes clarify where in the order of preference fall birth relatives of children or parents who were adopted and prior foster parents of children who came back into care after having returned home. "Relative" is defined in ten rules in OAR chapter 413, all of which are amended to adopt a consistent definition. Minor changes were also made to correct formatting and punctuation and reflect new Department terminology.

**Rules Coordinator:** Kris Skaro—(503) 945-6067

## 413-010-0310

### Definition

The following definitions apply to OAR 413-010-0300 to 413-010-0340:

(1) "Child" means a person under 18 years of age.

(2) "Department" means the Department of Human Services, Child Welfare.

(3) "Indian child" means any unmarried person who is under 18 years of age and is either:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and the biological child of a member of an Indian tribe.

(4) "Parent" means the biological or adoptive mother or the legal father of the child. A legal father is a man who has adopted the child or whose paternity has been established or declared under ORS 109.070, ORS 416.400 to 416.465, or by a juvenile court. In cases involving an Indian child under the Indian Child Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. "Parent" also includes a putative father who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume responsibilities normally associated with parenthood, unless a court finds that the putative father is not the legal father.

(5) "Registered domestic partner" means an individual joined in a domestic partnership that has been registered by a county clerk in accordance with ORS 106.300 to 106.340.

(6) "Relative" means (each of the following individuals is a "relative"):

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great (individuals with one common biological parent are half-blood relatives).

(C) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(D) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(E) A spouse of anyone listed in paragraphs (A) to (D) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(B) An individual defined as a relative of a refugee child or young adult under Child Welfare Policy I-E.2.2, "Placement of Refugee Children", OAR 413-070-0300 to 413-070-0380.

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(C) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(D) The registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(E) The adoptive parent of a sibling of the child or young adult.

(F) The unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (D) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following paragraphs:

(A) Not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) Who has a blood relationship to the child or young adult as described in paragraphs (a)(A) to (D) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or parent.

(e) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(7) "Relative caregiver" means an individual who operates a home that has been approved by the Department to provide care for a related child or young adult placed in the home by the Department.

(8) "Safety service provider" means a participant in a protective action plan, initial safety plan, or ongoing safety plan whose actions, assistance, or supervision help a family in managing a child's safety.

(9) "Sibling" means one of two or more children or young adults related:

(a) By blood or adoption through a common legal parent;

(b) Through the marriage of the legal or biological parents of the children or young adults; or

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.

(10) "Young adult" means a person aged 18 through 20 years.

Stat. Auth.: ORS 109.119, 418.005, 419A.004

Stats. Implemented: ORS 109.119, 418.005, 419A.004

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; CWP 9-2010, f. & cert. ef. 7-1-10; CWP 14-2013, f. 12-31-13, cert. ef. 1-1-14; CWP 11-2014, f. & cert. ef. 6-3-14

## 413-070-0063

### Definitions

The following definitions apply to OAR 413-070-0060 to 413-070-0093:

(1) "Caregiver relationship" means a relationship between a person and a child that meets the requirements of the following subsections:

(a) The relationship has existed for the 12 months immediately preceding the initiation of a dependency proceeding, at least six months dur-

ing a dependency proceeding, or half of the child's life if the child is less than six months of age.

(b) The person had physical custody of the child or resided in the same household as the child and provided the child on a daily basis with the love, nurturing, and other necessities required to meet the child's psychological and physical needs.

(c) The child depended on the relationship to meet the child's needs.

(d) A "caregiver relationship" does not include a relationship between a child and a person who is the unrelated foster parent of the child unless the relationship continued for a period of at least twelve consecutive months.

(2) "Certificate of approval" means a document that the Department issues to approve the operation of a child-specific relative caregiver home, child-specific foster home, pre-adoptive home, or a regular foster home.

(3) "Child" means a person under 18 years of age.

(4) "Department" means the Department of Human Services, Child Welfare.

(5) "Designee" means a person who the designator directly and immediately supervises or a person with equal or greater management responsibility than the designator.

(6) "Foster parent" means an individual who operates a home that has been approved by the Department to provide care for an unrelated child or young adult placed in the home by the Department.

(7) "Indian child" is any unmarried person under 18 years of age who is either a member of an Indian tribe or is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(8) "Parent" means the biological or adoptive mother or the legal father of the child. A legal father is a man who has adopted the child or whose paternity has been established or declared under ORS 109.070, ORS 416.400 to 416.465, or by a juvenile court. In cases involving an Indian child under the Indian Child Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. "Parent" also includes a putative father who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume responsibilities normally associated with parenthood, unless a court finds that the putative father is not the legal father.

(9) "Registered domestic partner" means an individual joined in a domestic partnership that has been registered by a county clerk in accordance with ORS 106.300 to 106.340.

(10) "Relative" means (each of the following individuals is a "relative"):

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great (individuals with one common biological parent are half-blood relatives).

(C) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(D) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(E) A spouse of anyone listed in paragraphs (A) to (D) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(B) An individual defined as a relative of a refugee child or young adult under Child Welfare Policy I-E.2.2, "Placement of Refugee Children", OAR 413-070-0300 to 413-070-0380.

(C) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(D) The registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the



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former domestic partner prior to the most recent episode of Department custody.

(E) The adoptive parent of a sibling of the child or young adult.

(F) The unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (D) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following paragraphs:

(A) Not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) Who has a blood relationship to the child or young adult as described in paragraphs (a)(A) to (D) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or parent.

(e) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(11) "Relative caregiver" means an individual who operates a home that has been approved by the Department to provide care for a related child or young adult placed in the home by the Department.

(12) "Relative search" means the efforts of the Department to identify, locate, and document the contact with a child or young adult's relatives.

(13) "Safety service provider" means a participant in a protective action plan, initial safety plan, or ongoing safety plan whose actions, assistance, or supervision help a family in managing a child's safety.

(14) "Sibling" means one of two or more children or young adults related:

(a) By blood or adoption through a common legal parent;

(b) Through the marriage of the legal or biological parents of the children or young adults; or

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.

(15) "Substitute care" means the out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.

(16) "Young adult" means a person aged 18 through 20 years who remains in the care and custody of the Department, and lives in substitute care or lives independently through the Department's Independent Living Subsidy Program.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 109.119, 418.005, 419A.004, 419B.192)

Hist.: SOSCF 19-1998(Temp), f. & cert. ef. 10-30-98 thru 4-28-99; SOSCF 6-1999, f. & cert. ef. 4-29-99; SOSCF 3-2001(Temp) f. & cert. ef. 1-24-01 thru 7-22-01; SOSCF 34-2001, f. 6-29-01 cert. ef. 7-1-01; CWP 10-2010, f. & cert. ef. 7-1-10; CWP 10-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 31-2011, f. 12-27-11, cert. ef. 12-28-11; CWP 11-2014, f. & cert. ef. 6-3-14

## 413-070-0505

### Definitions

The following definitions apply to OAR 413-070-0500 to 413-070-0519:

(1) "Adoptive resource" means an individual or individuals selected by the Department, another public child welfare agency, or a licensed adoption agency as the adoptive family for a child where no administrative review was requested within the timeframe allowed for such a request, or if a review was requested, the selection has been sustained by that review and the review is complete.

(2) "CASA" means a court appointed special advocate: a volunteer who is appointed by the court, is a party to the juvenile proceeding, and advocates for the child pursuant to ORS 419A.170.

(3) "Child" means a person under 18 years of age.

(4) "Committee facilitator" means a Department staff member appointed as a member of the committee to facilitate a permanency or adoption committee meeting.

(5) "Concurrent permanent plan" means the alternate permanency plan whenever the child has been placed in substitute care when the goal of the permanency plan is to return the child to the parents. The "concurrent permanent plan" is developed simultaneously with the plan to return the child to the parents or legal guardians.

(6) "Conditions for return" means a written statement of the specific behaviors, conditions, or circumstances that must exist within a child's home before a child can safely return and remain in the home with an in-home ongoing safety plan.

(7) "Current caretaker" means a foster parent who:

(a) Is currently caring for a child in the legal custody of the Department who has a permanency plan or concurrent permanent plan of adoption;

(b) Has cared for the child or at least one sibling in a sibling group under consideration for at least the past 12 consecutive months; and

(c) Has been identified by the Department as a potential adoptive resource for the child and when appropriate, the siblings in a sibling group under consideration for adoption in the same adoptive family.

(8) "General applicant" means an individual who:

(a) Is neither a relative or current caretaker; and

(b) Has submitted a completed application to adopt a child.

(9) "Indian child" means any unmarried person who is under 18 years of age and is either:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(10) "Legal assistance specialist" means an Adoption Program staff member who provides consultation on the technical and legal processes to achieve a permanency plan for a child in the legal custody of the Department.

(11) "Parent" means the biological or adoptive mother or the legal father of the child. A legal father is a man who has adopted the child or whose paternity has been established or declared under ORS 109.070, 416.400 to 416.465, or by a juvenile court. In cases involving an Indian child under the Indian Child Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. "Parent" also includes a putative father who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume responsibilities normally associated with parenthood, unless a court finds that the putative father is not the legal father.

(12) "Permanency committee" means a group of individuals who are responsible for making a recommendation regarding a permanency plan or a potential permanency resource when the child or young adult likely is not returning to his or her parent.

(13) "Permanency plan" means a written course of action for achieving safe and lasting family resources for the child. Although the plan may change as more information becomes available, the goal is to develop safe and permanent family resources with the parents, relatives, or other people who will assume legal responsibility for the child during the remaining years of dependency and be accessible and supportive to the child in adulthood.

(14) "RCWAC" means the Refugee Child Welfare Advisory Committee.

(15) "Refugee child" means, as defined under ORS 418.925, a person under 18 years of age who has entered the United States and is unwilling or unable to return to the person's country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, nationality, membership in a particular group, or political opinion, or whose parents entered the United States within the preceding 10 years and are or were unwilling or unable to return to their country because of persecution or a well-founded fear of persecution on account of race, religion,

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sex, sexual orientation, nationality, membership in a particular group, or political opinion.

(a) As used in this section, “persecution” means that harm or suffering will be inflicted upon the person to punish the person for possessing a particular belief or characteristic. “Persecution” does not include harm and suffering that is inflicted on persons generally by reason of civil or military strife in a country.

(b) As used in this section, “fear of persecution” means an apprehension or awareness, based on external objective facts, that the person will suffer persecution upon return to the person’s country.

(16) “Relative” means (each of the following individuals is a “relative”):

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great (individuals with one common biological parent are half-blood relatives).

(C) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(D) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(E) A spouse of anyone listed in paragraphs (A) to (D) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a “relative” under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(B) An individual defined as a relative of a refugee child or young adult under Child Welfare Policy I-E.2.2, “Placement of Refugee Children”, OAR 413-070-0300 to 413-070-0380.

(C) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(D) The registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(E) The adoptive parent of a sibling of the child or young adult.

(F) The unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a “relative” in paragraphs (A) to (D) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following paragraphs:

(A) Not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) Who has a blood relationship to the child or young adult as described in paragraphs (a)(A) to (D) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or parent.

(e) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a parent and is not a “relative” for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the

adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a “relative” for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(17) “Sibling” means one of two or more children or young adults related:

(a) By blood or adoption through a common legal parent;

(b) Through the marriage of the legal or biological parents of the children or young adults; or

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.

(18) “Substitute care” means an out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.

(19) “Substitute caregiver” means a relative caregiver, foster parent, or provider authorized to provide care to a child or young adult in the legal or physical custody of the Department.

(20) “Young adult” means a person aged 18 through 20 years who remains in the care and custody of the Department, and lives in substitute care or lives independently through the Department’s Independent Living Subsidy Program.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: SOSCF 10-2000, f. & cert. ef. 4-28-00; SOSCF 42-2001, f. 12-31-01, cert. ef. 1-1-02; CWP 43-2003, f. 12-31-03, cert. ef. 1-1-04; CWP 27-2010, f. & cert. ef. 12-29-10; CWP 11-2014, f. & cert. ef. 6-3-14

## 413-070-0620

### Definitions

The following definitions apply to OAR 413-070-0600 to 413-070-0645:

(1) “Adoptive resource” means an individual or individuals selected by the Department, another public child welfare agency, or a licensed adoption agency as the adoptive family for a child where no administrative review was requested within the timeframe allowed for such a request, or if a review was requested, the selection has been sustained by that review and the review is complete.

(2) “CANS screening” means Child and Adolescent Needs and Strengths screening, a process of gathering information on a child or young adult’s needs and strengths used for one or more of the following purposes:

(a) Identifying case planning, service planning, and supervision needs of the child or young adult in substitute care with a certified family;

(b) Determining the level of care payment while in substitute care with a certified family; and

(c) Determining the level of care payment included in an adoption assistance agreement or guardianship assistance agreement.

(3) “Caregiver relationship” means a relationship between a person and a child or young adult that meets the requirements of all of the following subsections:

(a) The relationship has existed for the 12 months immediately preceding the initiation of a dependency proceeding, for at least six months during a dependency proceeding, or for half of the child’s life if the child is less than six months of age. A “caregiver relationship” does not include a relationship between a child or young adult and a person who is an unrelated foster parent of the child or young adult unless the relationship continued for a period of at least twelve consecutive months.

(b) The person had physical custody of the child or young adult or resided in the same household as the child and provided the child or young adult on a daily basis with the love, nurturing and other necessities required to meet the psychological and physical needs of the child or young adult.

(c) The child or young adult depended on the relationship to meet the needs of the child or young adult.

(4) “Child” means a person under 18 years of age.

(5) “Department” means the Department of Human Services, Child Welfare.

(6) “Foster parent” means an individual who operates a home that has been approved by the Department to provide care for an unrelated child or young adult placed in the home by the Department.

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(7) "Indian child" means any unmarried person who is under 18 years of age and is either:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(8) "Parent" means the biological or adoptive mother or the legal father of the child. A legal father is a man who has adopted the child or whose paternity has been established or declared under ORS 109.070, 416.400 to 416.465, or by a juvenile court. In cases involving an Indian child under the Indian Child Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. "Parent" also includes a putative father who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume responsibilities normally associated with parenthood, unless a court finds that the putative father is not the legal father.

(9) "Provider" means an individual approved by a licensed private child-caring agency to provide care for a child or young adult, or an employee of a licensed private child-caring agency approved to provide care for a child or young adult.

(10) "Refugee child" means, as defined under ORS 418.925, a person under 18 years of age who has entered the United States and is unwilling or unable to return to the person's country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, nationality, membership in a particular group, or political opinion, or whose parents entered the United States within the preceding 10 years and are or were unwilling or unable to return to their country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, nationality, membership in a particular group, or political opinion.

(a) As used in this section, "persecution" means that harm or suffering will be inflicted upon the person to punish the person for possessing a particular belief or characteristic. "Persecution" does not include harm and suffering that is inflicted on persons generally by reason of civil or military strife in a country.

(b) As used in this section, "fear of persecution" means an apprehension or awareness, based on external objective facts, that the person will suffer persecution upon return to the person's country.

(11) "Relative" means (each of the following individuals is a "relative"):

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great (individuals with one common biological parent are half-blood relatives).

(C) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(D) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(E) A spouse of anyone listed in paragraphs (A) to (D) of this subsection, even if a petition for annulment, dissolution, or separation has been filed, or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(B) An individual defined as a relative of a refugee child or young adult under Child Welfare Policy I-E.2.2, "Placement of Refugee Children", OAR 413-070-0300 to 413-070-0380.

(C) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(D) The registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(E) The adoptive parent of a sibling of the child or young adult.

(F) The unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (D) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following paragraphs:

(A) Not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) Who has a blood relationship to the child or young adult as described in paragraphs (a)(A) to (D) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or parent.

(e) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(12) "Relative caregiver" means an individual who operates a home that has been approved by the Department to provide care for a related child or young adult who is placed in the home by the Department.

(13) "Sibling" means one of two or more children or young adults related:

(a) By blood or adoption through a common legal parent;

(b) Through the marriage of the legal or biological parents of the children or young adults; or

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.

(14) "Substitute care" means an out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.

(15) "Substitute caregiver" means a relative caregiver, foster parent, or provider who is authorized to provide care to a child or young adult who is in the legal or physical custody of the Department.

(16) "Young adult" means a person aged 18 through 20 years who remains in the care and custody of the Department, and lives in substitute care or lives independently through the Department's Independent Living Subsidy Program.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005, 419A.004 & 419B.192

Hist.: SOSCF 13-1999, f. 7-8-99, cert. ef. 7-12-99; CWP 4-2007, f. & cert. ef. 3-20-07; CWP 26-2007(Temp), f. 12-31-07, cert. ef. 1-1-08 thru 6-27-08; CWP 8-2008, f. 6-27-08, cert. ef. 6-28-08; CWP 6-2009(Temp), f. & cert. ef. 7-1-09 thru 12-28-09; CWP 21-2009, f. & cert. ef. 12-29-09; CWP 29-2010, f. & cert. ef. 12-29-10; CWP 1-2013, f. & cert. ef. 1-15-13; CWP 11-2014, f. & cert. ef. 6-3-14

## 413-070-0655

### Definitions

The following definitions apply to OAR 413-070-0651 to 413-070-0670:

(1) "Child" means a person under 18 years of age.

(2) "Concurrent permanent plan" means the alternate permanency plan whenever the child has been placed in substitute care when the goal of the permanency plan is to return the child to the parents. The "concurrent



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permanent plan” is developed simultaneously with the plan to return the child to the parents or legal guardians.

(3) “Department” means the Department of Human Services, Child Welfare.

(4) “Foster care agency” means a private child-caring agency that offers to place children by taking physical custody of and then placing the children in a home certified by the agency.

(5) “Guardian” means an individual who has been granted guardianship of a child through a judgment of the court.

(6) “Guardianship assistance” means assistance provided by the Department to a guardian on behalf of an eligible child to offset the costs associated with meeting the ongoing needs of the child. “Guardianship assistance” may be in the form of a payment, medical coverage, or reimbursement of nonrecurring expenses.

(7) “Parent” means the biological or adoptive mother or the legal father of the child. A legal father is a man who has adopted the child or whose paternity has been established or declared under ORS 109.070, 416.400 to 416.465, or by a juvenile court. In cases involving an Indian child under the Indian Child Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. “Parent” also includes a putative father who has demonstrated a direct and significant commitment to the child by assuming or attempting to assume responsibilities normally associated with parenthood, unless a court finds that the putative father is not the legal father.

(8) “Participating tribe” means a federally recognized Indian tribe in Oregon with a Title IV E agreement with the Department.

(9) “Permanency committee” means a group of individuals who are responsible for making a recommendation regarding a permanency plan or a potential permanency resource when the child or young adult likely is not returning to his or her parent.

(10) “Permanency plan” means a written course of action for achieving safe and lasting family resources for the child. Although the plan may change as more information becomes available, the goal is to develop safe and permanent family resources with the parents, relatives, or other people who will assume legal responsibility for the child during the remaining years of dependency and be accessible and supportive to the child in adulthood.

(11) “Potential guardian” means an individual who:

(a) Has been approved by the Department or participating tribe to be a child’s guardian; and

(b) Is in the process of legalizing the relationship to the child through a judgment of the court.

(12) “Relative” means (each of the following individuals is a “relative”):

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great (individuals with one common biological parent are half-blood relatives).

(C) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(D) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(E) A spouse of anyone listed in paragraphs (A) to (D) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a “relative” under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(B) An individual defined as a relative of a refugee child or young adult under Child Welfare Policy I-E.2.2, “Placement of Refugee Children”, OAR 413-070-0300 to 413-070-0380.

(C) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(D) The registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(E) The adoptive parent of a sibling of the child or young adult.

(F) The unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a “relative” in paragraphs (A) to (D) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following paragraphs:

(A) Not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) Who has a blood relationship to the child or young adult as described in paragraphs (a)(A) to (D) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or parent.

(c) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a parent and is not a “relative” for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a “relative” for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(13) “Sibling” means one of two or more children or young adults related:

(a) By blood or adoption through a common legal parent;

(b) Through the marriage of the legal or biological parents of the children or young adults; or

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.

(14) “Substitute caregiver” means a relative caregiver, foster parent, or provider authorized to provide care to a child or young adult in the legal or physical custody of the Department.

(15) “Young adult” means a person aged 18 through 20 years.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 36-2010(Temp), f. & cert. ef. 12-29-10 thru 6-27-11; CWP 7-2011, f. & cert. ef. 6-28-11; CWP 11-2014, f. & cert. ef. 6-3-14

## 413-070-0905

### Definitions

The following definitions apply to OAR 413-070-0900 to 413-070-0974:

(1) “Base rate payment” means a payment to the foster parent or relative caregiver for the costs of providing the child or young adult with the following:

(a) Food — including the cost to cover a child or young adult’s special or unique nutritional needs;

(b) Clothing — including purchase and replacement;

(c) Housing — including maintenance of household utilities, furnishings, and equipment;

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(d) Daily supervision — including teaching and directing to ensure safety and well-being at a level which is appropriate based on the child or young adult's chronological age;

(e) Personal incidentals — including personal care items, entertainment, reading materials, and miscellaneous items; and

(f) The cost of providing transportation — including local travel associated with expenditure for gas and oil, and vehicle maintenance and repair associated with transportation to and from extracurricular, child care, recreational, and cultural activities.

(2) "CANS screening" means Child and Adolescent Needs and Strengths screening, a process of gathering information on a child or young adult's needs and strengths used for one or more of the following purposes:

(a) Identifying case planning, service planning, and supervision needs of the child or young adult in substitute care with a certified family;

(b) Determining the level of care payment while in substitute care with a certified family; and

(c) Determining the level of care payment included in an adoption assistance agreement or guardianship assistance agreement.

(3) "Child" means a person under 18 years of age.

(4) "Department" means the Department of Human Services, Child Welfare.

(5) "Enhanced supervision" means the additional support, direction, observation, and guidance necessary to promote and ensure the safety and well-being of the child or young adult when the child or young adult qualifies for a level of care payment.

(6) "Guardian" means an individual who has been granted guardianship of a child through a judgment of the court.

(7) "Guardianship assistance" means assistance on behalf of an eligible child or young adult to offset the costs associated with establishing the guardianship and meeting the ongoing needs of the child or young adult. "Guardianship assistance" may be in the form of a payment, medical coverage, or reimbursement of guardianship expenses.

(8) "Guardianship assistance agreement" means a written agreement, binding on the parties to the agreement, between the Department and the potential guardian or guardian setting forth the assistance the Department is to provide on behalf of the child or young adult, the responsibilities of the guardian and the Department, and the manner in which the agreement and amount of assistance may be modified or terminated.

(9) "Guardianship assistance agreement only" means a written agreement, binding on the parties to the agreement, between the Department and the potential guardian or guardian of an eligible child or young adult, when the potential guardian or guardian is not receiving a guardianship assistance payment or medical coverage at the time of the agreement but may request it at a later date.

(10) "Guardianship assistance base rate" means the portion of the guardianship assistance payment that is negotiated with the potential guardian or guardian and cannot exceed the amount of the Oregon foster care base rate payment for the child or young adult's age.

(11) "Guardianship assistance payment" means a monthly payment made by the Department to the guardian on behalf of the eligible child or young adult.

(12) "Guardianship Assistance Review Committee" means a committee composed of local and central office Department staff who have expertise in the area of guardianship.

(13) "Level of care payment" means the payment provided to an approved or certified family, a guardian, a pre-adoptive family, or an adoptive family based on the child or young adult's need for enhanced supervision as determined by applying the CANS algorithm to the results of the CANS screening.

(14) "Nonrecurring guardianship assistance agreement" means a written agreement, binding on the parties to the agreement, between the Department and the potential guardian of an eligible child for a one-time payment to reimburse the guardian for the reasonable and necessary expenses incurred in legally finalizing the guardianship.

(15) "Nonrecurring guardianship expenses" means a one-time payment of up to \$2,000 per child that the Department will make to a guardian to assist with the reasonable and necessary expenses associated with obtaining legal guardianship of an eligible child.

(16) "Parent" means the biological or adoptive mother or the legal father of the child. A legal father is a man who has adopted the child or whose paternity has been established or declared under ORS 109.070, 416.400 to 416.465, or by a juvenile court. In cases involving an Indian child under the Indian Child Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. "Parent" also includes a putative father who has demonstrated a direct and significant commitment

to the child by assuming or attempting to assume responsibilities normally associated with parenthood unless a court finds that the putative father is not the legal father.

(17) "Participating tribe" means a federally recognized Indian tribe in Oregon with a Title IV E agreement with the Department.

(18) "Permanency committee" means a group of individuals who are responsible for making a recommendation regarding a permanency plan or potential permanency resource when the child or young adult likely is not returning to his or her parent.

(19) "Potential guardian" means an individual who:

(a) Has been approved by the Department or participating tribe to be a child's guardian; and

(b) Is in the process of legalizing the relationship to the child through the judgment of the court.

(20) "Registered domestic partner" means an individual joined in a domestic partnership that is registered with a county clerk in accordance with ORS 106.300 to 106.340.

(21) "Relative" means (each of the following individuals is a "relative"):

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great (individuals with one common biological parent are half-blood relatives).

(C) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(D) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(E) A spouse of anyone listed in paragraphs (A) to (D) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(B) An individual defined as a relative of a refugee child or young adult under Child Welfare Policy I-E.2.2, "Placement of Refugee Children", OAR 413-070-0300 to 413-070-0380.

(C) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepister.

(D) The registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(E) The adoptive parent of a sibling of the child or young adult.

(F) The unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (D) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following paragraphs:

(A) Not related to the child, young adult, or parent by blood, adoption, or marriage;

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

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(B) Who has a blood relationship to the child or young adult as described in paragraphs (a)(A) to (D) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or parent.

(e) For eligibility for the guardianship assistance program under these rules, OAR 413-070-0900 to 413-070-0974:

(A) A stepparent is considered a parent and is not a “relative” for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a “relative” for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(22) “Sibling” means one of two or more children or young adults related:

(a) By blood or adoption through a common legal parent;

(b) Through the marriage of the legal or biological parents of the children or young adults; or

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.

(23) “Substitute care” means the out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.

(24) “Substitute caregiver” means a relative caregiver, foster parent, or provider authorized to provide care to a child or young adult in the legal or physical custody of the Department.

(25) “Young adult” means a person aged 18 through 20 years.

Stat. Auth.: ORS 411.141 & 418.005

Stats. Implemented: ORS 409.010, 411.141, 418.005

Hist.: SOSCF 18-1999(Temp), f. & cert. ef. 9-14-99 thru 3-12-00; SOSCF 7-2000, f. & cert. ef. 2-10-00; SOSCF 43-2001, f. 12-31-01, cert. ef. 1-1-02; CWP 14-2003, f. & cert. ef. 1-9-03; CWP 26-2003, f. & cert. ef. 7-31-03; CWP 8-2004, f. & cert. ef. 4-1-04; CWP 5-2009(Temp), f. & cert. ef. 3-31-09 thru 9-27-09; CWP 7-2009(Temp), f. & cert. ef. 7-1-09 thru 9-27-09; CWP 12-2009, f. & cert. ef. 9-28-09; CWP 18-2009(Temp), f. & cert. ef. 12-16-09 thru 6-14-10; CWP 1-2010(Temp), f. & cert. ef. 2-1-10 thru 6-14-10; CWP 18-2009(Temp), f. & cert. ef. 12-16-09 thru 6-14-10; CWP 6-2010, f. & cert. ef. 6-15-10; CWP 11-2011(Temp), f. & cert. ef. 6-30-11 thru 12-27-11; CWP 24-2011(Temp), f. 9-30-11, cert. ef. 10-1-11 thru 12-27-11; CWP 30-2011, f. 12-27-11, cert. ef. 12-28-11; CWP 1-2014, f. 1-31-14, cert. ef. 2-1-14; CWP 11-2014, f. & cert. ef. 6-3-14

## 413-120-0010

### Definitions

The following definitions apply to OAR 413-120-0000 to 413-120-0060:

(1) “Adoption committee” means a group of individuals convened by Department staff to make recommendations to an Adoption Decision Specialist (ADS) regarding adoptive resources for a child.

(2) “Adoption home study” means a written report documenting the result of an assessment conducted by the Department, a licensed adoption agency, or another public agency to evaluate the suitability of an individual or individuals to adopt and make a lifelong permanent commitment to a child or children.

(3) “Adoption placement selection” means a decision made by the Department that an individual or individuals have been identified as the adoptive resource for the child.

(4) “Adoptive resource” means an individual or individuals selected by the Department, another public child welfare agency, or a licensed adoption agency as the adoptive family for a child where no administrative review was requested within the timeframe allowed for such a request or, if a review was requested, the selection was sustained by that review and the review is complete.

(5) “ADS” means an Adoption Decision Specialist, who is a Department employee appointed by the Adoption Program Manager to attend an adoption committee and make an adoption placement selection for a child.

(6) “Child” means a person under 18 years of age.

(7) “Committee facilitator” means a Department staff member appointed as a member of the committee to facilitate a permanency committee or adoption committee meeting.

(8) “Current caretaker” means a foster parent who:

(a) Is currently caring for a child in the legal custody of the Department who has a permanency plan or concurrent permanent plan of adoption;

(b) Has cared for the child or at least one sibling in a sibling group under consideration for at least the past 12 consecutive months; and

(c) Has been identified by the Department as a potential adoptive resource for the child and when appropriate, the siblings in a sibling group under consideration for adoption in the same adoptive family.

(9) “Department” means the Department of Human Services, Child Welfare.

(10) “Foster parent” means an individual who operates a home that has been approved by the Department to provide care for an unrelated child or young adult placed in the home by the Department.

(11) “General applicant” means an individual who:

(a) Is neither a relative or current caretaker; and

(b) Has submitted a completed application to adopt a child.

(12) “Indian child” means any unmarried person who is under 18 years of age and is either:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and the biological child of a member of an Indian tribe.

(13) “Permanency committee” means a group of individuals who are responsible for making a recommendation regarding a permanency plan or a potential permanency resource when the child or young adult likely is not returning to his or her parent.

(14) “RCWAC” means the Refugee Child Welfare Advisory Committee.

(15) “Refugee child” means, as defined under ORS 418.925, a person under 18 years of age who has entered the United States and is unwilling or unable to return to the person’s country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, nationality, membership in a particular group, or political opinion, or whose parents entered the United States within the preceding 10 years and are or were unwilling or unable to return to their country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, nationality, membership in a particular group, or political opinion.

(a) As used in this section, “persecution” means that harm or suffering will be inflicted upon the person to punish the person for possessing a particular belief or characteristic. “Persecution” does not include harm and suffering that is inflicted on persons generally by reason of civil or military strife in a country.

(b) As used in this section, “fear of persecution” means an apprehension or awareness, based on external objective facts, that the person will suffer persecution upon return to the person’s country.

(16) “Relative” means (each of the following individuals is a “relative”):

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great (individuals with one common biological parent are half-blood relatives).

(C) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(D) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(E) A spouse of anyone listed in paragraphs (A) to (D) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a “relative” under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(B) An individual defined as a relative of a refugee child or young adult under Child Welfare Policy I-E.2.2, “Placement of Refugee Children”, OAR 413-070-0300 to 413-070-0380.



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(C) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(D) The registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(E) The adoptive parent of a sibling of the child or young adult.

(F) The unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (D) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following paragraphs:

(A) Not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) Who has a blood relationship to the child or young adult as described in paragraphs (a)(A) to (D) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or parent.

(e) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(17) "Sibling" means one of two or more children or young adults related:

(a) By blood or adoption through a common legal parent;

(b) Through the marriage of the legal or biological parents of the children or young adults; or

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.

(18) "Substitute caregiver" means a relative caregiver, foster parent, or provider who is authorized to provide care to a child or young adult who is in the legal or physical custody of the Department.

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

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.010, 418.005, 418.280, 418.285, 418.937, 419B.100, 419B.192

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; SCF 6-1996, f. & cert. ef. 9-17-96; SOSCF 7-1998, f. & cert. ef. 2-10-98; SOSCF 16-1999, f. & cert. ef. 8-12-99; SOSCF 2-2001(Temp), f. & cert. ef. 1-24-01 thru 7-21-01; SOSCF 35-2001, f. 6-29-01 cert. ef. 7-1-01; SOSCF 47-2001, f. 12-31-01 cert. ef. 1-1-02; CWP 13-2007, f. & cert. ef. 8-1-07; CWP 16-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; CWP 31-2010, f. & cert. ef. 12-29-10; CWP 11-2014, f. & cert. ef. 6-3-14

## 413-120-0195

### Definitions

The following definitions apply to OAR 413-120-0190 to 413-120-0246:

(1) "Adoption agency" means an organization providing the services under any one of the following subsections:

(a) Identifying a child for adoption and arranging an adoption.

(b) Securing the necessary consent to relinquishment of parental rights and to adoption.

(c) Performing a background study on a child or a home study on a prospective adoptive parent and reporting on such a study.

(d) Making determinations of the best interests of a child and the appropriateness of adoption placement for a child.

(e) Monitoring a case after placement until final adoption.

(f) When necessary because of disruption before final adoption, assuming custody and providing child care or other social services for a child pending an alternative placement.

(2) "Adoption home study" means a written report documenting the result of an assessment conducted by the Department, a licensed adoption agency, or by another public agency to evaluate the suitability of an individual or individuals to adopt and to make a lifelong permanent commitment to a child or children.

(3) "Adoption placement selection" means a decision made by the Department that an individual or individuals have been identified as the adoptive resource for a child.

(4) "Adoptive resource" means an individual or individuals selected by the Department, another public child welfare agency, or a licensed adoption agency as the adoptive family for a child where no administrative review was requested within the timeframe allowed for such a request, or if a review was requested, the selection has been sustained by that review and the review is complete.

(5) "Child" means a person under 18 years of age.

(6) "Current caretaker" means a foster parent who:

(a) Is currently caring for a child in the legal custody of the Department who has a permanency plan or concurrent permanent plan of adoption;

(b) Has cared for the child or at least one sibling in a sibling group under consideration for at least the past 12 consecutive months; and

(c) Has been identified by the Department as a potential adoptive resource for the child and when appropriate, the siblings in a sibling group under consideration for adoption in the same adoptive family.

(7) "Department" means the Department of Human Services, Child Welfare.

(8) "Foster parent" means an individual who operates a home that has been approved by the Department to provide care for an unrelated child or young adult placed in the home by the Department.

(9) "General applicant" means an individual who:

(a) Is neither a relative or current caretaker; and

(b) Has submitted a completed application to adopt a child.

(10) "ICPC" means the Interstate Compact on the Placement of Children (see ORS 417.200).

(11) "Indian child" means any unmarried person who is under 18 years of age and is either:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(12) "Relative" means (each of the following individuals is a "relative"):

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great (individuals with one common biological parent are half-blood relatives).

(C) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(D) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(E) A spouse of anyone listed in paragraphs (A) to (D) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a "relative" under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

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(B) An individual defined as a relative of a refugee child or young adult under Child Welfare Policy I-E.2.2, "Placement of Refugee Children", OAR 413-070-0300 to 413-070-0380.

(C) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(D) The registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(E) The adoptive parent of a sibling of the child or young adult.

(F) The unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (D) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following paragraphs:

(A) Not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) Who has a blood relationship to the child or young adult as described in paragraphs (a)(A) to (D) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or parent.

(e) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(13) "Sibling" means one of two or more children or young adults related:

(a) By blood or adoption through a common legal parent;

(b) Through the marriage of the legal or biological parents of the children or young adults; or

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.

(14) "Substitute caregiver" means a relative caregiver, foster parent, or provider who is authorized to provide care to a child or young adult who is in the legal or physical custody of the Department.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005, 418.280, 418.285

Hist.: SOSCF 36-2001, f. 6-29-01, cert. ef. 7-1-01; CWP 37-2008, f. & cert. ef. 11-3-08; CWP 15-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; CWP 33-2010, f. & cert. ef. 12-29-10; CWP 11-2014, f. & cert. ef. 6-3-14

## 413-120-0510

### Definitions

The following definitions apply to OAR 413-120-0500 to 413-120-0595:

(1) "Adoptive resource" means an individual or individuals selected by the Department as the adoptive family for a child where no administrative review was requested within the timeframe allowed for such a request, or if a review was requested, the selection has been sustained by that review and the Department review is complete.

(2) "Child" means a person under 18 years of age.

(3) "Concurrent permanent plan" means the alternate permanency plan whenever the child has been placed in substitute care when the goal of the permanency plan is to return the child to the parents. The "concurrent permanent plan" is developed simultaneously with the plan to return the child to the parents or legal guardians.

(4) "Current caretaker" means a foster parent who:

(a) Is currently caring for a child in the legal custody of the Department who has a permanency plan or concurrent permanent plan of adoption;

(b) Has cared for the child or at least one sibling in a sibling group under consideration for at least the past 12 consecutive months; and

(c) Has been identified by the Department as a potential adoptive resource for the child and when appropriate, the siblings in a sibling group under consideration for adoption in the same adoptive family.

(5) "Department" means the Department of Human Services, Child Welfare.

(6) "Foster parent" means a person who operates a home that has been approved by the Department to provide care for unrelated children or young adults who are placed in the home by the Department.

(7) "General applicant" means an individual who:

(a) Is neither a relative nor current caretaker; and

(b) Has submitted a completed application to adopt a child.

(8) "Indian child" means any unmarried person who is under 18 years of age and is either:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and the biological child of a member of an Indian tribe.

(9) "Permanency committee" means a group of individuals who are responsible for making a recommendation regarding a permanency plan or potential permanency resource when the child or young adult likely is not returning to his or her parent.

(10) "Permanency plan" means a written course of action for achieving safe and lasting family resources for the child. Although the plan may change as more information becomes available, the goal is to develop safe and permanent family resources with the parents, relatives, or other individuals who will assume legal responsibility for the child during the remaining years of dependency and be accessible and supportive to the child in adulthood.

(11) "Refugee child" means, as defined by ORS 418.925, a person under 18 years of age who has entered the United States and is unwilling or unable to return to the person's country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, nationality, membership in a particular group, or political opinion, or whose parents entered the United States within the preceding 10 years and are or were unwilling or unable to return to their country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, nationality, membership in a particular group, or political opinion.

(a) As used in this section, "persecution" means that harm or suffering will be inflicted upon the person in order to punish the person for possessing a particular belief or characteristic. "Persecution" does not include harm and suffering that is inflicted on persons generally by reason of civil or military strife in a country.

(b) As used in this section, "fear of persecution" means an apprehension or awareness, based on external objective facts, that the person will suffer persecution upon return to the person's country.

(12) "Relative" means (each of the following individuals is a "relative"):

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great (individuals with one common biological parent are half-blood relatives).

(C) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(D) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(E) A spouse of anyone listed in paragraphs (A) to (D) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a

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“relative” under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:

(A) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(B) An individual defined as a relative of a refugee child or young adult under Child Welfare Policy I-E.2.2, “Placement of Refugee Children”, OAR 413-070-0300 to 413-070-0380.

(C) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(D) The registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(E) The adoptive parent of a sibling of the child or young adult.

(F) The unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a “relative” in paragraphs (A) to (D) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following paragraphs:

(A) Not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) Who has a blood relationship to the child or young adult as described in paragraphs (a)(A) to (D) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or parent.

(e) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a parent and is not a “relative” for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a “relative” for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(13) “Sibling” means one of two or more children or young adults related:

(a) By blood or adoption through a common legal parent;

(b) Through the marriage of the legal or biological parents of the children or young adults; or

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.

(14) “Substitute care” means the out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.

(15) “Young adult” means a person aged 18 through 20 years who remains in the care and custody of the Department, and lives in substitute care or lives independently through the Department’s Independent Living Subsidy Program.

Stat. Auth.: ORS 418.005, 418.945

Stats. Implemented: ORS 418.005, 418.945

Hist.: SCF 6-1996, f. & cert. ef. 9-17-96; SOSCF 19-1998(Temp), f. & cert. ef. 10-30-98 thru 4-28-99; SOSCF 6-1999 f. & cert. ef. 4-29-99; SOSCF 1-2001(Temp) f. & cert. ef. 1-24-01 thru 7-20-01; SOSCF 37-2001, f. 6-29-01, cert. ef. 7-1-01; CWP 51-2003, f. 12-31-03, cert. ef. 1-1-04; CWP 16-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; CWP 34-2010, f. & cert. ef. 12-29-10; CWP 11-2014, f. & cert. ef. 6-3-14

## 413-120-0710

### Definitions

The following definitions apply to OAR 413-120-0700 to 413-120-0760:

(1) “Adoption home study” means a written report documenting the result of an assessment conducted by the Department, a licensed adoption agency, or another public agency to evaluate the suitability of an individual or individuals to adopt and make a lifelong permanent commitment to a child or children.

(2) “Adoptive resource” means an individual or individuals selected by the Department, another public child welfare agency, or a licensed adoption agency as the adoptive family for a child where no administrative review was requested within the timeframe allowed for such a request or, if a review was requested, the selection was sustained by that review and the review is complete.

(3) “Child” means a person under 18 years of age.

(4) “Current caretaker” means a foster parent who:

(a) Is currently caring for a child in the legal custody of the Department who has a permanency plan or concurrent permanent plan of adoption;

(b) Has cared for the child or at least one sibling in a sibling group under consideration for at least the past 12 consecutive months; and

(c) Has been identified by the Department as a potential adoptive resource for the child and when appropriate, the siblings in a sibling group under consideration for adoption in the same adoptive family.

(5) “Department” means the Department of Human Services, Child Welfare.

(6) “Foster parent” means an individual who operates a home that has been approved by the Department to provide care for an unrelated child or young adult placed in the home by the Department.

(7) “General applicant” means an individual who:

(a) Is neither relative or current caretaker; and

(b) Has submitted a complete application to adopt a child.

(8) “Indian child” means any unmarried person who is under 18 years of age and is either:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and the biological child of a member of an Indian tribe.

(9) “Permanency committee” means a group of individuals who are responsible for making a recommendation regarding a permanency plan or potential permanent resource when the child or young adult likely is not returning to his or her parent.

(10) “RCWAC” means the Refugee Child Welfare Advisory Committee.

(11) “Refugee child” has the meaning given that term per ORS 418.925.

(12) “Relative” means (each of the following individuals is a “relative”):

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult unless the relationship has been dissolved by adoption of the child, young adult, or parent:

(A) Any blood relative of preceding generations denoted by the prefixes of grand, great, or great-great.

(B) Any half-blood relative of preceding generations denoted by the prefixes of grand, great, or great-great (individuals with one common biological parent are half-blood relatives).

(C) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(D) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(E) A spouse of anyone listed in paragraphs (A) to (D) of this subsection, even if a petition for annulment, dissolution, or separation has been filed or the marriage is terminated by divorce or death. To be considered a “relative” under this paragraph, the child or young adult must have had a relationship with the spouse prior to the most recent episode of Department custody.

(b) An individual with one of the following relationships to the child or young adult:



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(A) An individual defined as a relative by the law or custom of the tribe of the child or young adult if the child or young adult is an Indian child under the Indian Child Welfare Act or in the legal custody of a tribe.

(B) An individual defined as a relative of a refugee child or young adult under Child Welfare Policy I-E.2.2, "Placement of Refugee Children", OAR 413-070-0300 to 413-070-0380.

(C) A stepparent or former stepparent if the child or young adult had a relationship with the former stepparent prior to the most recent episode of Department custody; a stepbrother; or a stepsister.

(D) The registered domestic partner of the parent of the child or young adult or a former registered domestic partner of the parent of the child or young adult if the child or young adult had a relationship with the former domestic partner prior to the most recent episode of Department custody.

(E) The adoptive parent of a sibling of the child or young adult.

(F) The unrelated legal or biological father or mother of a half-sibling of the child or young adult when the half-sibling of the child or young adult is living with the unrelated legal or biological father or mother.

(c) An individual identified by the child or young adult or the family of the child or young adult, or an individual who self-identifies, as being related to the child or young adult through the parent of the child or young adult by blood, adoption, or marriage to a degree other than an individual specified as a "relative" in paragraphs (A) to (D) of subsection (a) of this section unless the relationship has been dissolved by adoption of the child, young adult, or parent.

(d) An individual meeting the requirements of at least one of the following paragraphs:

(A) Not related to the child, young adult, or parent by blood, adoption, or marriage:

(i) Who is identified as a member of the family by the child or young adult or by the family of the child or young adult; and

(ii) Who had an emotionally significant relationship with the child or young adult or the family of the child or young adult prior to the most recent episode of Department custody.

(B) Who has a blood relationship to the child or young adult as described in paragraphs (a)(A) to (D) of this section through the birth parent of the child or young adult, but the prior legal relationship has been dissolved by adoption of the child, young adult, or parent.

(e) For eligibility for the guardianship assistance program:

(A) A stepparent is considered a parent and is not a "relative" for the purpose of eligibility for guardianship assistance unless a petition for annulment, dissolution, or separation has been filed, or the marriage to the adoptive or biological parent of the child has been terminated by divorce or death.

(B) A foster parent may only be considered a "relative" for the purpose of eligibility for guardianship assistance when:

(i) There is a compelling reason why adoption is not an achievable permanency plan;

(ii) The foster parent is currently caring for a child, in the care or custody of the Department or a participating tribe, who has a permanency plan or concurrent permanent plan of guardianship;

(iii) The foster parent has cared for the child for at least 12 of the past 24 months; and

(iv) The Department or tribe has approved the foster parent for consideration as a guardian.

(13) "Sibling" means one of two or more children or young adults related:

(a) By blood or adoption through a common legal parent;

(b) Through the marriage of the legal or biological parents of the children or young adults; or

(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.

(14) "Substitute caregiver" means a relative caregiver, foster parent, or provider who is authorized to provide care to a child or young adult who is in the legal or physical custody of the Department.

Stat. Auth.: ORS 109.309, 418.005

Stats. Implemented: ORS 109.309, 418.005, 418.285, 418.937, 419B.090, 419B.100, 419B.192

Hist.: CWP 16-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; CWP 35-2010, f. & cert. ef. 12-29-10; CWP 11-2014, f. & cert. ef. 6-3-14

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**Rule Caption:** Changing Child Welfare Program OARs relating to medical eligibility

**Adm. Order No.:** CWP 12-2014

**Filed with Sec. of State:** 6-12-2014

**Certified to be Effective:** 6-12-14

**Notice Publication Date:** 5-1-2014

**Rules Adopted:** 413-100-0432, 413-100-0435, 413-100-0451, 413-100-0457

**Rules Amended:** 413-100-0400, 413-100-0410, 413-100-0420, 413-100-0430, 413-100-0445, 413-100-0455, 413-100-0460, 413-100-0530

**Rules Repealed:** 413-100-0440, 413-100-0450, 413-100-0470, 413-100-0480, 413-100-0490, 413-100-0500, 413-100-0510, 413-100-0520, 413-100-0540, 413-100-0550, 413-100-0560, 413-100-0600, 413-100-0610, 413-100-0400(T), 413-100-0410(T), 413-100-0420(T), 413-100-0430(T), 413-100-0435(T), 413-100-0445(T), 413-100-0455(T), 413-100-0457(T), 413-100-0460(T), 413-100-0530(T)

**Subject:** These rules about medical eligibility for Child Welfare children are being changed to permanently adopt, amend, and repeal temporary rule changes effective January 1, 2014 and February 4, 2014; to ensure compliance with federal standards, Oregon's Medicaid State Plan, and Oregon's 1115 Demonstration Waiver; and to clarify the rules. The Department applies these rules to determine eligibility for: medical assistance under Title XIX of the Social Security Act for children and young adults in substitute care or under an adoption assistance or guardianship assistance agreement; General Assistance medical for children and young adults not eligible for Title XIX Medicaid; the Former Foster Care Youth Medical Program; and children entering Oregon under an interstate compact agreement. In addition, the rules are rewritten and reorganized to increase clarity, and several rule titles are revised to more accurately reflect the content of the rules.

**Rules Coordinator:** Kris Skaro—(503) 945-6067

## 413-100-0400

### Purpose

The purpose of these rules (OAR 413-100-0400 to 413-100-0530) is to set forth policies and criteria the Department uses to determine eligibility for:

(1) Medical assistance under Title XIX of the Social Security Act for a child or young adult in substitute care and in the care and custody of the Department or another state;

(2) Medical assistance under Title XIX for a child or young adult under an adoption assistance agreement or guardianship assistance agreement through the Department or another state;

(3) General Assistance medical for a child or young adult who does not meet the eligibility criteria for Title XIX Medicaid;

(4) The Former Foster Care Youth Medical Program for individuals at least age 18 and under age 26; and

(5) Medical eligibility for children entering Oregon under an Interstate Compact for the Placement of Children (ICPC) or Interstate Compact on Adoption and Medical Assistance (ICAMA) agreement.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; CWP 12-2004, f. & cert. ef. 7-1-04; CWP 16-2013(Temp), f. 12-31-13, cert. ef. 1-1-14 thru 6-30-14; CWP 12-2014, f. & cert. ef. 6-12-14

## 413-100-0410

### Definitions

As used in OAR 413-100-0400 to 413-100-0530:

(1) "Adjudication" means the legal process by which a child or young adult is under a court's jurisdiction as a result of having engaged in delinquent behavior and not having a legal guardian that could be responsible for the child or young adult.

(2) "Adoption assistance" means assistance provided on behalf of an eligible child or young adult to offset the costs associated with adopting and meeting the ongoing needs of the child or young adult. "Adoption assistance" may be in the form of payments, medical coverage, reimbursement of nonrecurring expenses, or special payments.

(3) "Adoption assistance agreement" means a written agreement, binding on the parties to the agreement, between the Department and the pre-adoptive family or adoptive family of an eligible child or young adult, setting forth the assistance the Department is to provide on behalf of the child or young adult, the responsibilities of the pre-adoptive family or adoptive family and the Department, and the manner in which the agreement and amount of assistance may be modified or terminated.

(4) "Child" means a person under 18 years of age.

# ADMINISTRATIVE RULES

(5) "Children's Medical Unit" means the unit in Child Welfare Central Office where medical eligibility is completed for children in the ICPC, ICAMA and FFCY programs.

(6) "COBRA" means the Consolidated Omnibus Budget Reconciliation Act of 1985 which is a federal mandate that requires employers sponsoring group health plans for twenty (20) or more employees to offer continuation of coverage to employees, their spouses, and dependent children who become unemployed.

(7) "Custody" means legal custody described in ORS 419B.373.

(8) "Department" means the Department of Human Services, Child Welfare.

(9) "Former Foster Care Youth Medical Program" or "FFCY" means a medical program for individuals at least age 18 and under age 26 who were formerly in foster care and meet the program requirements in OAR 413-100-0457.

(10) "Foster care" means 24 hour substitute care for children placed away from their parents or guardians and for whom the Department has placement and care responsibility. This includes but is not limited to placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the Department or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of the adoption, or whether there is Federal matching of any payments that are made.

(11) "General Assistance" means services paid using the state General Fund.

(12) "Guardianship assistance" means assistance on behalf of an eligible child or young adult to offset the costs associated with establishing the guardianship and meeting the ongoing needs of the child or young adult. "Guardianship assistance" may be in the form of a payment, medical coverage, or reimbursement of guardianship expenses.

(13) "Guardianship assistance agreement" means a written agreement, binding on the parties to the agreement, between the Department and the potential guardian or guardian setting forth the assistance the Department is to provide on behalf of the child or young adult, the responsibilities of the guardian and the Department, and the manner in which the agreement and amount of assistance may be modified or terminated.

(14) "ICAMA" means the Interstate Compact on Adoption and Medical Assistance, which was established in 1986 to safeguard and protect the interstate interests of children covered by an adoption assistance agreement when they move or are adopted across state lines.

(15) "ICPC" means the Interstate Compact for the Placement of Children. It is an agreement among states to coordinate the transfer and placement of children across state lines. (See ORS 417.200)

(16) "Independent Living Program" or "ILP" means the services provided by the Department to an eligible foster child or former foster child.

(17) "OCCS Medical" means Title XIX and Title XXI Medical provided through the Office of Client and Community Services under the Oregon Health Authority.

(18) "Pre-adoptive family" means an individual or individuals who:

(a) Has been selected to be a child's adoptive family; and

(b) Is in the process of legalizing the relationship to the child through the judgment of the court.

(19) "Substitute care" means the out-of-home placement of a child or young adult who is in the legal or physical custody and care of the Department.

(20) "Title IV-E" means Title IV-E of the Social Security Act, which provides federal payments to the states for foster care maintenance, adoption assistance, and guardianship assistance on behalf of certain eligible children and young adults.

(21) "Title XIX Medicaid" means federal and state funded medical assistance established by Title XIX of the Social Security Act.

(22) "Young adult" means a person aged 18 through 20 years.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; CWP 12-2004, f. & cert. ef. 7-1-04; CWP 16-2013(Temp), f. 12-31-13, cert. ef. 1-1-14 thru 6-30-14; CWP 12-2014, f. & cert. ef. 6-12-14

## 413-100-0420

### Child Welfare Title XIX Medicaid Program Eligible Populations

Only the following children and young adults may be eligible for Child Welfare Title XIX Medicaid:

(1) A child or young adult in substitute care, which may include:

(a) A child or young adult in foster care.

(b) A child or young adult receiving Supplemental Security Income (SSI).

(c) A child or young adult held temporarily in a county or state juvenile detention facility.

(d) A child or young adult in a subsidized Independent Living Program.

(e) A child or young adult who returned home in a trial reunification for up to six months.

(f) A child or young adult in a pre-adoptive placement.

(g) A child or young adult on runaway status who would otherwise be in substitute care, as long as the Department retains custody of the child or young adult and the child or young adult would continue to be in substitute care and Child Welfare Title XIX Medicaid eligible if not on runaway status.

(h) A child or young adult hospitalized while under the Department's protective custody is eligible, if at the time of hospitalization, the Department's intent was to place the child or young adult in substitute care.

(i) A child or young adult from Oregon placed in substitute care in another state through ICPC and the receiving state has denied the child or young adult medical coverage.

(j) A child or young adult admitted to the hospital prior to entering substitute care and a newborn released from the hospital into substitute care. Eligibility for a child or young adult is effective on the date the Department finds the child or young adult is eligible but not earlier than the date the Department obtains custody of the child or young adult.

(k) Newborns in the following situations:

(A) A baby born to a mother receiving medical benefits under Title XIX Medicaid from the Oregon Health Authority is eligible for Title XIX Medicaid due to the mother's coverage.

(B) A baby born to a mother not receiving medical benefits under Title XIX Medicaid from the Oregon Health Authority, to ensure coverage of birth expenses if:

(i) The Department obtains custody of the baby during its hospitalization; and

(ii) Child Welfare Title XIX Medicaid coverage is entered in the Department's electronic information system effective the date of birth.

(2) A child or young adult who is the subject of an effective adoption assistance agreement administered by the Department.

(3) A child or young adult who is the subject of an effective guardianship assistance agreement administered by the Department.

(4) Individuals at least age 18 and under age 26 who meet the eligibility criteria for the Former Foster Care Youth Medical Program (see OAR 413-100-0457).

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; CWP 12-2004, f. & cert. ef. 7-1-04; CWP 16-2013(Temp), f. 12-31-13, cert. ef. 1-1-14 thru 6-30-14; CWP 12-2014, f. & cert. ef. 6-12-14

## 413-100-0430

### Eligibility Determination for a Child or Young Adult in Substitute Care

Except as provided in OAR 413-100-0435(7), the following policies apply to a child or young adult in substitute care:

(1) Before a child or young adult in substitute care may receive a medical card providing Child Welfare Title XIX Medicaid services, the Department must determine the eligibility of the child or young adult for Child Welfare Title XIX Medicaid.

(2) A child or young adult covered by OAR 413-100-0420 who meets one of the following criteria is categorically eligible for Child Welfare Title XIX Medicaid:

(a) Is eligible for Title IV-E foster care payments; or

(b) Is receiving Supplemental Security Income (SSI).

(3) As part of the eligibility determination for Child Welfare Title XIX Medicaid:

(a) The child or young adult must meet the citizenship and alien status requirements in OAR 413-100-0460.

(b) All income and resources will be disregarded except as described in (3)(d) of this section.

(c) The child or young adult must have a verified Social Security number (SSN) or verification that an application for an SSN has been made and is documented in the case file.

(d) The Department must determine if the child or young adult has other insurance.

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(A) All known or potential health insurance benefits or resources and all other third-party medical benefits, including casualty insurance available to the child or young adult, must be assigned to the Department.

(B) The form MSC 415H, "Notification of Other Health Insurance", must be completed by a parent or the caseworker and sent to the Department for every child or young adult with health insurance coverage.

(4) Except when a child or young adult is determined eligible for Child Welfare Title XIX Medicaid under OAR 413-100-0435, coverage ends the day the child or young adult leaves state custody, or enrolls into OCCS Medical.

(5) General Assistance coverage will be provided when a child or young adult in substitute care does not meet the eligibility requirements for Child Welfare Title XIX Medicaid coverage. Eligibility redeterminations for a child or young adult receiving General Assistance must be completed every 12 months.

(6) Redetermination of the eligibility of each child or young adult for Child Welfare Title XIX Medicaid must be reviewed every 12 months.

(7) Retroactive Title XIX Medicaid or General Assistance eligibility.

(a) A child or young adult receiving medical assistance through General Assistance rather than through Child Welfare Title XIX Medicaid due solely to the lack of a Social Security number (SSN) is eligible for Child Welfare Title XIX Medicaid retroactive to the date of placement once the Department receives verification of an application for an SSN from the Social Security Administration.

(b) A child or young adult in substitute care may be enrolled into Title XIX Medicaid or General Assistance retroactively to the date of initial placement, if not done on date of placement.

(c) A child or young adult who has been found to have dual prime numbers in the Medicaid Management Information System (MMIS) may receive retroactive coverage to the earliest date of coverage for either prime number.

(8) Corrections to the record of the child or young adult in the Department's electronic information system may be made when it has been determined that the child or young adult was incorrectly shown as Child Welfare Title XIX Medicaid eligible for prior months.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; CWP 12-2004, f. & cert. ef. 7-1-04; CWP 16-2013(Temp), f. 12-31-13, cert. ef. 1-1-14 thru 6-30-14; CWP 12-2014, f. & cert. ef. 6-12-14

## 413-100-0432

### Payments for Services Provided in Emergency Situations When a Child or Young Adult is Not Enrolled in Title XIX Medicaid

Payment may be made for emergency medical services only for a child or young adult in the Department's care or custody. The payment is made from the local office's "Other Medical" budget.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 12-2014, f. & cert. ef. 6-12-14

## 413-100-0435

### Title XIX Medicaid Eligibility for a Child or Young Adult Receiving Adoption Assistance or Guardianship Assistance

(1) The Child Welfare Post Adoption Program will determine and maintain Child Welfare Title XIX Medicaid eligibility for the following children and young adults:

(a) A child or young adult who has exited Department custody as the result of a finalized adoption, and the child or young adult is the subject of an effective adoption assistance agreement administered by the Department. Prior to the adoption finalization the child or young adult receives medical coverage as described in OAR 413-100-0430.

(b) A child or young adult who is determined eligible for guardianship assistance and is the subject of an effective guardianship assistance agreement administered by the Department.

(c) A child or young adult who is the subject of an adoption that does not require the Department's consent and is the subject of an effective adoption assistance agreement administered by the Department.

(2) Before a child or young adult described in section (1) of this rule may receive a medical card providing Child Welfare Title XIX Medicaid services, the Child Welfare Post Adoption Program must determine the eligibility of the child or young adult for Child Welfare Title XIX Medicaid.

(3) The requirements listed in OAR 413-100-0430(3) also apply to children and young adults described in section (1) of this rule.

(4) A child or young adult described in section (1) of this rule who is the subject of a guardianship assistance agreement where Title IV-E fund-

ed payments are being made to the guardian is eligible for Child Welfare Title XIX Medicaid.

(5) A child or young adult described in section (1) of this rule who is the subject of an adoption assistance agreement where the pre-adoptive parent or adoptive parent is eligible to receive a Title IV-E funded payment is eligible for Child Welfare Title XIX Medicaid.

(6) A child or young adult described in section (1) of this rule who is the subject of an adoption assistance agreement, where the child or young adult was eligible for Child Welfare Title XIX Medicaid while in substitute care but ineligible for Title IV-E foster care, will be determined eligible and provided Child Welfare Title XIX Medicaid.

(7) A child or young adult described in section (1) of this rule determined ineligible to receive Child Welfare Title XIX Medicaid will be provided General Assistance medical when:

(a) The child or young adult resides in Oregon; or

(b) The child or young adult resides outside of Oregon but in the United States or a territory or possession thereof and is not able to receive medical assistance through the state of residence.

(8) Annual redeterminations are not required for children and young adults under a finalized adoption assistance agreement or guardianship assistance agreement.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: CWP 16-2013(Temp), f. 12-31-13, cert. ef. 1-1-14 thru 6-30-14; CWP 12-2014, f. & cert. ef. 6-12-14

## 413-100-0445

### Youth in Detention

(1) Except as provided in section (2) of this rule, an individual held in a county or state juvenile detention facility is ineligible for Child Welfare Title XIX Medicaid or General Assistance medical coverage.

(2) An individual held in a county or state juvenile detention facility may be eligible for new or continuation of Child Welfare Title XIX Medicaid or General Assistance medical coverage under the following situations:

(a) If the child or young adult is in detention and going back to substitute care.

(b) When the child or young adult is in Child Welfare care or custody and will be in a detention facility temporarily.

(3) Child Welfare Title XIX Medicaid or General Assistance medical coverage will be closed after adjudication when the child or young adult is placed in the care and custody of the Oregon Youth Authority.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; CWP 12-2004, f. & cert. ef. 7-1-04; Renumbered from 413-100-0590 by CWP 11-2013, f. & cert. ef. 12-31-13; CWP 16-2013(Temp), f. 12-31-13, cert. ef. 1-1-14 thru 6-30-14; CWP 12-2014, f. & cert. ef. 6-12-14

## 413-100-0451

### Interstate Compact for the Placement of Children (ICPC) and Interstate Compact on Adoption and Medical Assistance (ICAMA)

(1) The Children's Medical Unit will determine and maintain Title XIX Medicaid eligibility for a child or young adult placed in Oregon from another state pursuant to an approved ICPC request or eligible for medical assistance in Oregon under ICAMA.

(2) A child or young adult placed in Oregon pursuant to an approved ICPC request is eligible for medical assistance in Oregon when at least one of the following criteria are met:

(a) The child or young adult is placed in substitute care in Oregon;

(b) The child or young adult is placed in a psychiatric or behavioral residential treatment facility in Oregon and intends to remain in Oregon permanently; or

(c) The child or young adult is placed in a psychiatric or behavioral residential treatment facility in Oregon and has been determined Title IV-E eligible.

(3) A child or young adult is eligible for medical assistance in Oregon under ICAMA when the child or young adult is the subject of an effective adoption assistance agreement or guardianship assistance agreement administered by an agency other than the Department and meets one of the following criteria:

(a) The agreement is Title IV-E funded and the child or young adult is residing in Oregon;

(b) The agreement is Title IV-E funded and the child or young adult is placed in a psychiatric or behavioral residential treatment facility or living in a residential or boarding school in Oregon; or

(c) The agreement is non-Title IV-E funded and the parent or legal guardian of the child or young adult is residing in Oregon.

Stat. Auth.: ORS 418.005



# ADMINISTRATIVE RULES

Stats. Implemented: ORS 418.005  
Hist.: CWP 12-2014, f. & cert. ef. 6-12-14

## 413-100-0455

### Out-of-State Placements

(1) The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) provides for Child Welfare Title XIX Medicaid coverage in the state of residence for a child or young adult receiving Title IV-E foster care payments.

(2) A child or young adult who is Title IV-E eligible in Oregon and placed in substitute care in another state is eligible for Title XIX Medicaid in the state of residence.

(3) A non-Title IV-E child or young adult in DHS care or custody and placed in another state must contact the Child Welfare Title XIX Medicaid agency in that state for a Title XIX Medicaid determination. If that state determines the child or young adult is not eligible for Title XIX Medicaid, the child or young adult may be eligible for Oregon's Child Welfare Title XIX Medicaid or General Assistance medical if the child or young adult meets the eligibility requirements. (See OAR 413-100-0430)

Stat. Auth.: ORS 418.005  
Stats. Implemented: ORS 418.005  
Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; CWP 12-2004, f. & cert. ef. 7-1-04; Renumbered from 413-100-0580 by CWP 11-2013, f. & cert. ef. 12-31-13; CWP 16-2013(Temp), f. 12-31-13, cert. ef. 1-1-14 thru 6-30-14; CWP 12-2014, f. & cert. ef. 6-12-14

## 413-100-0457

### Former Foster Care Youth Medical Program

(1) This rule applies to all individuals considered for enrollment in the Former Foster Care Youth Medical Program on or after January 1, 2014.

(2) Individuals may not be eligible for the Former Foster Care Youth Medical Program with an effective date prior to January 1, 2014.

(3) There is no income test for the Former Foster Care Youth Medical Program.

(4) An individual is eligible for the Former Foster Care Youth Medical Program if the individual meets the requirements of all of the following subsections:

(a) Is an adult at least age 18 and under age 26.

(b) Was in foster care under the responsibility of the Department or tribe, and enrolled in Child Welfare Title XIX Medicaid upon attaining:

(A) Age 18, or

(B) If over 18, the age at which Oregon Medicaid or Oregon tribal foster care assistance ended under Title IV-E.

(c) Is not receiving Supplemental Security Income (SSI).

(d) Is not receiving adoption assistance or foster care maintenance payments.

Stat. Auth.: ORS 409.050, 411.404, 418.005  
Stats. Implemented: ORS 409.010, 411.404, 418.005  
Hist.: CWP 4-2014(Temp), f. & cert. ef. 2-4-14 thru 8-3-14; CWP 12-2014, f. & cert. ef. 6-12-14

## 413-100-0460

### Citizenship and Alienage

(1) To be eligible for medical assistance under Child Welfare Title XIX Medicaid, the child or young adult must meet the requirements of one of the following subsections:

(a) Be a United States citizen.

(b) Be a qualified non-citizen under section (2) of this rule who meets the alien status requirements in section (3) of this rule.

(c) Be a citizen of Puerto Rico, Guam, the Virgin Islands or Saipan, Tinian, Rota or Pagan of the Northern Mariana Islands.

(d) Be a national from American Samoa or Swains Islands.

(2) An individual is a qualified non-citizen if the individual is any of the following:

(a) A non-citizen who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA) (8 USC 1101 et seq.).

(b) A refugee who is admitted to the United States as a refugee under section 207 of the INA (8 USC 1157).

(c) A non-citizen who is granted asylum under section 208 of the INA (8 USC 1158).

(d) A non-citizen whose deportation is being withheld under section 243(h) of the INA (8 USC 1253(h)) (as in effect immediately before April 1, 1997) or section 241(b)(3) of the INA (8 USC 1231(b)(3)) (as amended by section 305(a) of division C of the Omnibus Consolidated Appropriations Act of 1997, Pub. L. No. 104-208, 110 Stat. 3009-597 (1996)).

(e) A non-citizen who is paroled into the United States under section 212(d)(5) of the INA (8 USC 1182(d)(5)) for a period of at least one year.

(f) A non-citizen who is granted conditional entry pursuant to section 203(a)(7) of the INA (8 USC 1153(a)(7)) as in effect prior to April 1, 1980.

(g) A non-citizen who is a "Cuban and Haitian entrant" (as defined in section 501(3) of the Refugee Education Assistance Act of 1980).

(h) An Afghan or Iraqi alien granted Special Immigration Status (SIV) under section 101(a)(27) of the INA.

(i) A battered spouse or dependent child who meets the requirements of 8 USC 1641(C) and is in the United States on a conditional resident status, as determined by the U.S. Citizenship and Immigration Services.

(3) A qualified non-citizen meets the alien status requirements if the individual satisfies one of the following requirements:

(a) The individual is under 19 years of age.

(b) The individual was a qualified non-citizen before August 22, 1996.

(c) The individual physically entered the United States before August 22, 1996, and was continuously present in the United States between August 22, 1996, and the date qualified non-citizen status was obtained. An individual is not continuously present in the United States if the individual is absent from the United States for more than 30 consecutive days or a total of more than 90 days between August 22, 1996 and the date qualified non-citizen status was obtained.

(d) The individual has been granted any of the following alien statuses:

(A) Refugee under section 207 of the INA.

(B) Asylum under section 208 of the INA.

(C) Deportation being withheld under section 243(h) of the INA.

(D) Cubans and Haitians who are either public interest or humanitarian parolees.

(E) Immigration status under section 584(a) of the Foreign Operations, Export Financing and Related Program Appropriations Act of 1988.

(F) A "victim of a severe form of trafficking in persons" certified under the Victims of Trafficking and Violence Protection Act of 2000 (22 USC 7101 to 7112).

(G) A family member of a "victim of a severe form of trafficking in persons" who holds a visa for family members authorized by the Trafficking Victims Protection Reauthorization Act of 2003 (22 USC 7101 to 7112).

(H) An Iraqi or Afghan alien granted special immigrant status (SIV) under section 101(a)(27) of the INA.

(e) The individual is an American Indian born in Canada to whom the provisions of section 289 of the INA (8 USC 1359) apply.

(f) The individual is a member of an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Act (25 USC 450(e)).

(g) The individual is a veteran of the United States Armed Forces who was honorably discharged for reasons other than alien status and who fulfilled the minimum active-duty service requirements described in 38 USC 5303A(d).

(h) The individual is a member of the United States Armed Forces on active duty (other than active duty for training).

(i) The individual is a spouse or a dependent child of an individual described in subsections (g) or (h) of this section.

(4) A non-citizen meets the alien status requirements if the individual is under the age of 19 and is one of the following:

(a) A citizen of a Compact of Free Association State (i.e., Federated States of Micronesia, Republic of the Marshall Islands, and the Republic of Palau) who has been admitted to the U.S. as a non-immigrant and is permitted by the Department of Homeland Security to reside permanently or indefinitely in the U.S.

(b) An individual described in 8 CFR section 103.12(a)(4) who belongs to one of the following classes of aliens permitted to remain in the United States because the U.S. Attorney General has decided for humanitarian or other public policy reasons not to initiate deportation or exclusion proceedings or enforce departure:

(A) An alien currently in temporary resident status pursuant to section 210 or 245A of the INA (8 USC 1160 and 1255a).

(B) An alien currently under Temporary Protected Status (TPS) pursuant to section 244 of the INA (8 USC 1229b).

(C) A Cuban-Haitian entrant, as defined in section 202(b) Pub. L. 99-603 (8 USC 1255a), as amended.

(D) A Family Unity beneficiary pursuant to section 301 of Pub. L. 101-649 (8 USC 1255a), as amended.

(E) An alien currently under Deferred Enforced Departure (DED) pursuant to a decision made by the President of the United States;

# ADMINISTRATIVE RULES

(F) An alien currently in deferred action status pursuant to U.S. Department of Homeland Security Operating Instruction OI 242.1(a)(22).

(G) An alien who is the spouse or child of a United States citizen whose visa petition has been approved and who has a pending application for adjustment of status.

(c) An individual in non-immigrant classification under the INA who is permitted to remain in the United States for an indefinite period, including individuals as specified in section 101(a)(15) of the INA (8 USC 1101).

(5) In order for the Department to authorize benefits, there must be proof that a child or young adult is a United States citizen or is in the country legally. Birth certificates, citizenship papers, alien registration cards, permanent visas, and Cuban and Refugee registration cards may be used as proof.

(6) An individual granted status under the Deferred Action for Childhood Arrivals (DACA) program is not eligible for medical assistance under Child Welfare Title XIX Medicaid unless the individual qualifies for an immigration status that provides medical eligibility under this rule apart from the individual's DACA status.

(7) A non-citizen whose immigration status cannot be verified at intake, but who declares a non-citizen status that in the absence of any contradictory evidence would qualify the non-citizen for full benefits, may be provided full benefits pending verification. There are no overpayments should the approved applicant's status, upon verification, prove to be at the Citizen Alien Waived Emergent Medical (CAWEM) level only.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; CWP 12-2004, f. & cert. ef. 7-1-04; CWP 16-2013(Temp), f. 12-31-13, cert. ef. 1-1-14 thru 6-30-14; CWP 12-2014, f. & cert. ef. 6-12-14

## 413-100-0530

### Compliance

(1) The Department is responsible for compliance with the requirements of the Office of Management and Budget, OMB Circular A-133, available at: [http://www.whitehouse.gov/omb/circulars/a133\\_compliance\\_supplement\\_2011](http://www.whitehouse.gov/omb/circulars/a133_compliance_supplement_2011).

(2) All cases to be reviewed by state auditors, including internal audits, or federal auditors are requested through the Department's Federal Compliance Unit. All case material (eligibility and service records) are made available for review upon request. The cases are randomly selected and must meet the criteria specific to the requirements of state and federal auditors.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95; CWP 12-2004, f. & cert. ef. 7-1-04; CWP 16-2013(Temp), f. 12-31-13, cert. ef. 1-1-14 thru 6-30-14; CWP 12-2014, f. & cert. ef. 6-12-14

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## Department of Human Services,

### Self-Sufficiency Programs

#### Chapter 461

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

**Adm. Order No.:** SSP 13-2014(Temp)

**Filed with Sec. of State:** 5-20-2014

**Certified to be Effective:** 5-20-14 thru 11-16-14

**Notice Publication Date:**

**Rules Amended:** 461-160-0420

**Subject:** OAR 461-160-0420 about shelter costs used for the shelter deduction in the SNAP program is being amended to comply with Section 4006 of The Agricultural Act of 2014, enacted February 7, 2014. This rule states that a filing group is eligible for an additional utility allowance to help with energy costs if they receive an energy assistance payment through the Low-Income Energy Assistance Act. The amount of the energy assistance payment had not been considered. To comply with federal law, the rule is being amended to state that starting March 10, 2014 the assistance payment a filing group receives must be greater than \$20 to qualify for the additional utility allowance.

**Rules Coordinator:** Kris Skaro—(503) 945-6067

## 461-160-0420

### Shelter Cost; SNAP

(1) This rule explains how to calculate the client's shelter cost. The shelter cost is used to determine the shelter deduction (see OAR 461-160-0430). The shelter cost is the sum of the filing group's cost of housing plus an allowance for utilities, if the client incurs a utility cost. The shelter deduction is based on the shelter cost but is subject to a limitation described in OAR 461-160-0430.

(2) Cost of housing.

(a) The following comprise the cost of housing if they are incurred with respect to the filing group's current residence or the home described in section (5) of this rule:

(A) Regular, periodic charges for the shelter of the filing group (see OAR 461-110-0370), such as rent, mortgage payments, and condominium or association fees. Late fees charged because a mortgage or rent payment was made late are not deductible.

(B) Property taxes, state and local assessments, and property insurance on the structure.

(C) Costs for repairing a home substantially damaged or destroyed by a natural disaster (such as a fire or flood), if such costs are not reimbursed.

(D) If the filing group is homeless and living in a vehicle — vehicle payments and collision and comprehensive insurance premiums for the vehicle.

(b) If housing costs are billed on a weekly or biweekly basis, the monthly cost is the weekly cost multiplied by 4.3 or the biweekly cost multiplied by 2.15.

(c) The filing group has the following choices about housing costs:

(A) The group may choose to apply the cost in the month it is billed or becomes due.

(B) The group may choose to have periodic costs averaged.

(C) For expenses that are billed less often than monthly, the group may choose to have them averaged over the period they are intended to cover.

(3) Shared housing. If the filing group shares housing costs with an individual in the dwelling who is not in the filing group, only the housing costs incurred by the filing group are included in the calculation. If the portion paid by a person outside the filing group cannot be ascertained, the cost is apportioned among the people contributing to the cost. The pro rata share of those not in the filing group is deducted from the total, and the balance is considered a housing cost of the filing group.

(4) Cost for utilities.

(a) A filing group has a cost for utilities if it incurs a cost for heating or cooling; cooking fuel; electricity; water and sewerage; well installation and maintenance; septic tank system installation and maintenance; garbage and trash collection; service for a telephone, such as basic service fee, wire maintenance, subscriber line charges, relay center surcharges, 911 service, and taxes; or initial installation fees charged by a utility provider.

(b) If the group incurs no cost for utilities in either its current home or in the home described in section (5) of this rule, then the shelter cost is calculated without an allowance for utilities.

(c) If a homeless filing group uses a vehicle for shelter, the cost of fuel for the vehicle is considered a utility cost.

(d) If a filing group incurs a cost for utilities, then the utility allowance is one of the following:

(A) Allowance with heating or cooling. A full standard utility allowance of \$441 per month is used if the household group (see OAR 461-110-0210) is billed for heating or cooling costs for its dwelling. Charges for any fuel and for electricity are considered heating costs if they are used for heating. A filing group who receives an energy assistance payment for the dwelling provided through the Low Income Energy Assistance Act of 1981 is eligible for the utility allowance established by this paragraph (A). Starting March 10, 2014, this energy assistance payment must be greater than \$20 annually.

(B) Allowance without heating or cooling.

(i) A limited standard utility allowance of \$318 per month is used if the filing group is not billed for heating or cooling costs but is billed for at least two other costs enumerated in subsection (4)(a) of this rule.

(ii) An individual standard utility allowance of \$52 per month is used if the filing group is not billed for heating or cooling costs but is billed for only one of the costs enumerated in subsection (4)(a) of this rule other than the service cost for a telephone, including the related taxes or fees.

(iii) A telephone standard utility allowance of \$57 per month is used if the filing group is billed only for telephone service, such as basic service fee, wire maintenance, subscriber line charges, relay center surcharges, 911 service, and taxes.

# ADMINISTRATIVE RULES

(5) Housing costs for a home not occupied by the filing group. Housing and utility costs with respect to a home not currently occupied may be considered in calculating the shelter cost if--

(a) The home is temporarily unoccupied because of employment or training away from home, illness, or abandonment caused by casualty or natural disaster;

(b) The filing group intends to return to the home;

(c) No other, current occupant is claiming a deduction for shelter costs in the SNAP program; and

(d) The home is not leased during the household's absence.

Stat. Auth.: ORS 411.816

Stats. Implemented: ORS 411.816 & 411.825

Hist.: AFS 80-1989, f. 12-21-89, cert. ef. 2-1-90; AFS 1-1991(Temp), f. & cert. ef. 1-2-91; AFS 13-1991, f. & cert. ef. 7-1-91; AFS 8-1992, f. & cert. ef. 4-1-92; AFS 19-1993, f. & cert. ef. 10-1-93; AFS 13-1994, f. & cert. ef. 7-1-94; AFS 23-1994, f. 9-29-94, cert. ef. 10-1-94; AFS 13-1995, f. 6-29-95, cert. ef. 7-1-95; AFS 34-1996, f. 9-26-96, cert. ef. 10-1-96; AFS 19-1997, f. & cert. ef. 10-1-97; AFS 21-1998(Temp), f. 10-15-98 & cert. ef. 11-1-98 thru 12-31-98; AFS 25-1998, f. 12-28-98, cert. ef. 1-1-99; AFS 25-2000, f. 9-29-00, cert. ef. 10-1-00; AFS 9-2001, f. & cert. ef. 6-1-01; AFS 22-2001, f. & cert. ef. 10-1-01; AFS 13-2002, f. & cert. ef. 10-1-02; SSP 23-2003, f. & cert. ef. 10-1-03; SSP 22-2004, f. & cert. ef. 10-1-04; SSP 14-2005, f. 9-30-05, cert. ef. 10-1-05; SSP 14-2006, f. 9-29-06, cert. ef. 10-1-06; SSP 10-2007, f. & cert. ef. 10-1-07; SSP 23-2008, f. & cert. ef. 10-1-08; SSP 28-2009, f. & cert. ef. 10-1-09; SSP 32-2010, f. & cert. ef. 10-1-10; SSP 25-2011, f. 9-30-11, cert. ef. 10-1-11; SSP 30-2012, f. 9-28-12, cert. ef. 10-1-12; SSP 8-2013, f. & cert. ef. 4-1-13; SSP 24-2013, f. & cert. ef. 10-1-13; SSP 13-2014(Temp), f. & cert. ef. 5-20-14 thru 11-16-14

.....  
**Department of Justice**  
**Chapter 137**

**Rule Caption:** Child support calculations

**Adm. Order No.:** DOJ 8-2014

**Filed with Sec. of State:** 5-22-2014

**Certified to be Effective:** 5-22-14

**Notice Publication Date:** 5-1-2014

**Rules Amended:** 137-050-0710, 137-050-0735, 137-050-0740, 137-050-0745, 137-050-0755

**Subject:** OAR 137-050-0710 is amended to reflect the changes pursuant to proposed OAR 137-050-0740 and 137-050-0755.

OAR 137-050-0735 is amended to update the maximum allowable child care costs for 2014 as provided in OAR 461-155-0150.

OAR 137-050-0740 is amended to put emphasis on the dollar for dollar reduction in support for Social Security or Veterans Benefits.

OAR 137-050-0745 is amended to update the self-support reserve from \$1,117 to \$1,135 based on change in the federal poverty guideline.

OAR 137-050-0755 is amended to clarify mathematically how the minimum order rule is applied.

**Rules Coordinator:** Carol Riches—(503) 947-4700

## 137-050-0710

### Calculating Support

(1) To calculate the guideline support amount:

(a) Determine each parent's income as provided in OAR 137-050-0715.

(b) Determine each parent's adjusted income and percentage share of adjusted income as provided in OAR 137-050-0720.

(c) Determine each parent's income available for support ("available income") by deducting the self-support reserve from the parent's adjusted income as provided in OAR 137-050-0745.

(d) Determine the basic support obligation and each parent's share, of the basic support obligation as provided in OAR 137-050-0725.

(e) Add to each parent's basic support obligation the parent's share of child care costs as provided in OAR 137-050-0735.

(f) Determine each parent's medical support obligation as provided in OAR 137-050-0750. Add each parent's share of health care coverage costs to the parent's obligation. Round cash medical support, if any, to the nearest dollar.

(g) Determine each parent's parenting time credit as provided in OAR 137-050-0730.

(h) Credit each parent's cash child support obligation for:

(A) parenting time as provided in OAR 137-050-0730,

(B) the parent's allowed out-of-pocket costs for child care as provided in OAR 137-050-0735(1)-(4), and

(C) the parent's out-of-pocket health insurance costs for the child as provided in OAR 137-050-0750.

(i) Determine whether the parent will be ordered to pay cash child support or cash medical support for minor children as follows:

(A) Only the parent with the greater net support obligation for minor children may be ordered to pay cash child support and, if applicable, cash medical support, for the minor children, except as provided in subsection (D).

(B) To determine each parent's net obligation for minor children, determine the minor children's share of the parent's basic support obligation determined in OAR 137-050-0725(6). Add the parent's share of child care costs determined in 137-050-0735(5), and the minor children's share of the parent's health care coverage costs determined in 137-050-0750(14). Subtract each parent's parenting time credit determined in 137-050-0730(7), child care credit determined in section (1)(h)(B) of this rule, and the minor children's share of the health care coverage costs credit determined in section (1)(h)(C) of this rule.

(C) For purposes of determining the minor children's shares under this subsection, each child is allocated an equal share of the total obligation, cost, or credit.

(D) If a minor child lives with a caretaker or is in state care, both parents may be ordered to pay cash child support and, if applicable, cash medical support for minor children.

(j) Determine whether the minimum order applies and apply any necessary increase as provided in OAR 137-050-0755.

(k) Apply any reduction in support for Social Security or Veteran's benefits as determined in OAR 137-050-0740.

(l) If the parent will be ordered to pay cash child support for minor children, determine the amount by dividing each parent's cash child support obligation by the total number of joint children and multiplying the result by the number of joint minor children. Round the result to the nearest dollar.

(m) Determine the cash child support obligation for joint Children Attending School by dividing each parent's cash child support obligation by the total number of joint children and multiplying the result by the number of joint Children Attending School. Round the result to the nearest dollar.

(n) Allocate cash medical support to joint minor children and joint Children Attending School in the same manner provided for cash child support in sections (1)(l) and (1)(m) of this rule.

(2) Round all dollar figures to the nearest penny, except as otherwise provided. Example: \$12.34. Round all percentages to the nearest one-hundredth of one percent. Example: 12.34%.

(3) If all of the minor children for whom support is being calculated live with a caretaker other than a parent or the children are in the care or custody of the state, and the action is determining the support obligation of only one parent, consider only that parent's information. For the second parent in these single-parent calculations, use the same income, spousal support, union dues, parent's own health care coverage cost, and non-joint children as for the parent whose obligation is being calculated. Include the caretaker's child care costs, if any. Do not include any other information for the "other parent".

(4) The obligations to pay cash child support and cash medical support, and to provide health care coverage under this rule together constitute the guideline child support obligation and are presumed just and appropriate, subject to the agreed support amount in OAR 137-050-0765 and rebuttal as provided in OAR 137-050-0760.

Stat. Auth.: ORS 25.270 - 25.290 & 180.345

Stats. Implemented: ORS 25.270 - 25.290

Hist.: DOJ 16-2009, f. 12-1-09, cert. ef. 1-4-10; DOJ 5-2010(Temp), f. & cert. ef. 2-12-10 thru 8-10-10; DOJ 11-2010, f. & cert. ef. 7-1-10; DOJ 3-2013, f. 5-15-13, cert. ef. 7-1-13; DOJ 8-2014, f. & cert. ef. 5-22-14

## 137-050-0735

### Child Care Costs

(1) Adjust the support obligation for child care costs paid by either parent or the child's caretaker if the child for whom support is being calculated is disabled or under the age of 13.

(2) Child care costs must be related to the parent's or caretaker's employment, job search, or training or education necessary to obtain a job. Only actual costs paid by a parent or caretaker for child care that can be documented and determined may be used to compute an adjustment under these rules.

(3) Child care costs are allowable only to the extent that they are reasonable and, except as provided in section (4), do not exceed the maximum amounts set out in Table 1.

(4) The maximum amounts allowed by the Department of Human Services as shown in the Employment-Related Day Care Allowance tables in OAR 461-155-0150, available on line at [http://arcweb.sos.state.or.us/pages/rules/oars\\_400/oar\\_461/461\\_tofc.html](http://arcweb.sos.state.or.us/pages/rules/oars_400/oar_461/461_tofc.html) or <http://dhsmanuals.hr>.



# ADMINISTRATIVE RULES

state.or.us/EligManual/07cc-f.htm#RateCharts, may be used when those amounts are greater than the amounts in the abbreviated table in section (3).

(5) Each parent's obligation for child care costs is that parent's income share percentage as provided by OAR 137-050-0720 multiplied by the total allowed child care costs. A parent's child care cost obligation may not exceed the parent's available income after deducting the parent's basic support obligation.

(6) As used in section 1 of this rule, "disabled" refers to a child who has a physical or mental disability that substantially limits one or more major life activities (for example, self-care, performing manual tasks, walking, seeing, speaking, hearing, eating, sleeping, standing, lifting, bending, breathing, learning, reading, concentrating, thinking, communicating, and working).

[ED. NOTE: Table referenced is available from the agency.]  
Stat. Auth.: ORS 25.270B - 25.290, 180.345  
Stats. Implemented: ORS 25.270B - 25.290  
Hist.: DOJ 16-2009, f. 12-1-09, cert. ef. 1-4-10; DOJ 3-2013, f. 5-15-13, cert. ef. 7-1-13; DOJ 8-2014, f. & cert. ef. 5-22-14

## 137-050-0740

### Social Security and Veterans' Benefits

(1) For the purposes of this rule:

(a) "Apportioned Veterans benefits" means the amount the U.S. Department of Veterans Affairs deducts from an obligated parent's Veterans benefits and disburses to the child or to the child's representative payee; and

(b) "Social Security benefits" refer to those benefits paid on behalf of a disabled or retired obligated parent to a child or a child's representative payee.

(2) The cash child support obligation may be reduced dollar for dollar in consideration of any Social Security or apportioned Veterans benefits; and

(3) The cash child support obligation must be reduced dollar for dollar in consideration of any Survivors' and Dependents' Educational Assistance (Veterans benefit) under 38 U.S.C. chapter 35.

(4) A parent is not entitled to a reduction in support for Veterans or Social Security benefits:

(a) that result from the child's own disability,

(b) for which the obligated parent is the representative payee, or

(c) that do not result from the obligated parent's own disability or retirement, or, in the case of subsection (3), from that parent's military service.

Stat. Auth.: ORS 25.270 - 25.290 & 180.345  
Stats. Implemented: ORS 25.270 - 25.290  
Hist.: DOJ 16-2009, f. 12-1-09, cert. ef. 1-4-10; DOJ 3-2013, f. 5-15-13, cert. ef. 7-1-13; DOJ 8-2014, f. & cert. ef. 5-22-14

## 137-050-0745

### Self-Support Reserve

(1) The support calculation must leave an obligated parent enough income to meet his or her own basic needs.

(2) To determine the amount of the parent's income available for support ("available income"), subtract the self-support reserve of \$1135 from the parent's adjusted income;

(3) The parent's total obligation, including the parent's shares of the basic support obligation, child care costs, health insurance, and cash medical support, may not exceed the parent's available income, except as provided in OAR 137-050-0750(7).

(4) The limitation on support described in this rule is reflected in the specific provisions of OAR 137-050-0710 (Calculating Support), 137-050-0725 (Basic Support Obligation), 137-050-0735 (Child Care Costs), and 137-050-0750 (Medical Support).

(5) The amount of the self-support reserve is based on the federal poverty guideline, multiplied by 1.167 to account for estimated taxes. This rule will be reviewed and updated annually to reflect changes in the federal poverty guideline.

Stat. Auth.: ORS 25.275, 25.280 & 180.345  
Stats. Implemented: ORS 25.275 & 25.280  
Hist.: DOJ 16-2009, f. 12-1-09, cert. ef. 1-4-10; DOJ 1-2011(Temp), f. & cert. ef. 1-26-11 thru 7-24-11; DOJ 5-2011, f. & cert. ef. 7-1-11; DOJ 9-2012, f. & cert. ef. 7-2-12; DOJ 3-2013, f. 5-15-13, cert. ef. 7-1-13; DOJ 8-2014, f. & cert. ef. 5-22-14

## 137-050-0755

### Minimum Order

(1) Except as provided in OAR 137-050-0740, 137-050-0760, 137-050-0765 and this rule, it is rebuttably presumed that an obligated parent is able to pay at least \$100 per month as child support. If an obligated parent's total support is less than \$100, increase cash child support by the amount needed for total support to equal \$100. For purposes of this rule total sup-

port equals cash child support plus the greater of cash medical support or the total out of pocket cost for health care coverage the parent is ordered to provide pursuant to OAR 137-050-0750.

(2) The presumption in this rule does not apply when:

(a) Each parent has exactly 182.5 annual average overnights as determined by OAR 137-050-0730;

(b) The administrator is entering an order which requires only medical support; or

(c) The parent from whom support is sought:

(A) Has disability benefits as a sole source of income;

(B) Is incarcerated and without ability to pay as described in OAR 137-055-3300(4); or

(C) Receives public benefits as defined in ORS 25.245.

Stat. Auth.: ORS 25.270 - 25.290 & 180.345

Stats. Implemented: ORS 25.270 - 25.280

Hist.: DOJ 16-2009, f. 12-1-09, cert. ef. 1-4-10; DOJ 3-2013, f. 5-15-13, cert. ef. 7-1-13; DOJ 8-2014, f. & cert. ef. 5-22-14

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**Rule Caption:** Spousal only closure; lay representatives; modifications; multiple case distribution

**Adm. Order No.:** DOJ 9-2014

**Filed with Sec. of State:** 5-22-2014

**Certified to be Effective:** 5-22-14

**Notice Publication Date:** 5-1-2014

**Rules Amended:** 137-055-2045, 137-055-2170, 137-055-3420, 137-055-6024

**Rules Repealed:** 137-055-2170(T), 137-055-3420(T)

**Subject:** OAR 137-055-2045 is amended to clarify when a spousal only case may be closed.

OAR 137-055-2170 is amended to include every potential type of hearing at which a case manager might appear and to define roles and responsibilities of lay representatives.

OAR 137-055-3420 is amended to clarify that a child support order is not in substantial compliance with the guidelines if it has been more than 35 months since the order took effect.

OAR 137-055-6024 is amended to clarify distribution of certain payments when an obligor has multiple cases.

**Rules Coordinator:** Carol Riches—(503) 947-4700

## 137-055-2045

### Spousal Support

(1) For the purposes of this rule, the following applies:

(a) A "spousal support only" case is a case in which there is a continuing spousal support obligation or arrears, no current child support obligation or child support arrears; and

(b) "Public assistance" means SNAP benefits, general assistance, medical assistance, old-age assistance, TANF, aid to the blind, aid to the permanently and totally disabled, and any other assistance granted by the Department of Human Services or the Oregon Health Authority, in accordance with state and federal laws.

(2) When an Oregon judgment or support order for spousal support only is received, the judgment does not include child support, the order seeks collection, accounting, distribution, disbursement and enforcement services, and the obligee is receiving public assistance, the administrator will:

(a) Create a limited services case, as defined in OAR 137-055-1070, on the Child Support Enforcement Automated System (CSEAS) if one does not already exist;

(b) If applicable, add arrears under ORS 25.015 or establish arrears under 25.167 or 416.429; and

(c) Initiate income withholding under ORS 25.372 to 25.427.

(3) When an Oregon judgment for spousal support is received, does not include child support, seeks collection, accounting, distribution, disbursement and enforcement services, and it is unknown whether the obligee is receiving public assistance, the administrator will:

(a) Create an information only case on the CSEAS; and

(b) Send the obligee an application for spousal support services or authorization to access assistance records, explaining that spousal support services may not be provided until assistance records can be checked and verified.

(4) New spousal support only cases in which the obligee is receiving assistance will be assigned to the appropriate Division of Child Support office for provision of services as required by ORS 25.381.

# ADMINISTRATIVE RULES

(5) Notwithstanding any other provisions of this rule, each county district attorney may elect to provide services in spousal support only cases, subject to the following:

(a) Written criteria must be established to determine under what circumstances services will be provided and to identify what services will be provided;

(b) The written criteria established in subsection (5)(a) must be posted in a public place; and

(c) Claims for time spent providing services on spousal support only cases and any other expenses may not be submitted with claims for federal financial participation.

(6) When services are being provided under section (5) of this rule, accounting, distribution and disbursement services will be provided by the Department of Justice.

(7) The administrator may close a spousal support only case and notify the parties if:

(a) The obligee is not on any form of public assistance, there is no known employer for the obligor and no income withholding in place, and a payment has not been received within the last six months;

(b) The obligee requests closure;

(c) The obligee or obligor dies;

(d) There is no longer a current spousal support order, arrears are under \$500 and there are no reasonable expectations for collection or the arrears are uncollectible under state law;

(e) The location of the obligor is unknown, and no payment has been received in the last six months;

(f) The obligor cannot pay support for the duration of the order because the obligor is institutionalized in a psychiatric facility, incarcerated with no chance for parole, or has a medically verified total and permanent disability with no evidence of support potential, and is without income for withholding;

(g) The obligor is a citizen of, and lives in, a foreign country; does not work for the Federal government or for a company or state with headquarters in or offices in the United States; and has no reachable income for withholding in the United States;

(h) The administrator has lost contact with the obligee; or

(i) The obligee fails to cooperate in any manner necessary or helpful in providing these services.

(8) The administrator will document the justification for case closure by a notation on the case record.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 25.381

Hist.: DOJ 1-2006, f. & cert. ef. 1-3-06; DOJ 8-2007, f. 9-28-07, cert. ef. 10-1-07; DOJ 9-2014, f. & cert. ef. 5-22-14

## 137-055-2170

### Use of Lay Representatives at Administrative Hearings

(1) As used in this rule "lay representative" means a representative of the Child Support Program (CSP) who is not employed as an attorney.

(2) Subject to the approval of the Attorney General, lay representatives of the Child Support Program are authorized to appear on behalf of the CSP in the following types of administrative hearings conducted by the Office of Administrative Hearings:

(a) Administrative child support adjudications pursuant to ORS 25.287, 416.415, 416.416, 416.417, 416.425, and 416.427;

(b) Hearings regarding state income tax intercepts pursuant to ORS 25.610 and 293.250;

(c) Hearings regarding the suspension of occupational and driver licenses, certificates, permits and registrations pursuant to ORS 25.765;

(d) Hearings regarding credit for direct payments pursuant to ORS 25.020;

(e) Hearings regarding overpayments pursuant to ORS 25.125.

(f) Hearings regarding the state's satisfaction of a support award pursuant to OAR 137-055-5220;

(g) Hearings regarding suspension of support pursuant to ORS 25.245;

(h) Hearings regarding the establishment of arrears pursuant to ORS 416.429;

(i) Hearings regarding physical custody determinations for purposes of joining a party pursuant to ORS 416.407 and OAR 137-055-3500;

(j) Hearings regarding credit for lump sum Social Security/Veterans payments pursuant to ORS 25.275 and OAR 137-055-5520.

(k) Hearings regarding the amount of assigned arrears pursuant to OAR 137-055-6040.

(3) The lay representative may not make legal argument on behalf of the CSP.

(a) "Legal argument" includes arguments on:

(A) The jurisdiction of the CSP to hear the contested case;

(B) The constitutionality of a statute or rule or the application of a constitutional requirement to the CSP; and

(C) The application of court precedent to the facts of the particular contested case proceeding.

(b) As used in this rule, "legal argument" does not include presentation of motions, evidence, examination and cross-examination of witnesses or presentation of factual arguments or arguments on:

(A) The application of the statutes or rules to the facts in the contested case;

(B) Comparison of prior actions of the CSP in handling similar situations;

(C) The literal meaning of the statutes or rules directly applicable to the issues in the contested case;

(D) The admissibility of evidence;

(E) The correctness of procedures being followed in the contested case.

(4) Lay representatives must read and be familiar with the Code of Conduct for Non-Attorney Representatives at Administrative Hearings, which is maintained by the Oregon Department of Justice and available on its website at: <http://www.doj.state.or.us>.

Stat. Auth.: ORS 180.345 & 416.455

Stats. Implemented: ORS 25.080 & 183.452

Hist.: JD 6-1987, f. & ef. 10-16-87; JD 4-1995, f. 2-27-95, cert. ef. 3-1-95; Renumbered from 137-055-0300, DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03; DOJ 1-2014(Temp), f. & cert. ef. 1-13-14 thru 7-12-14; DOJ 9-2014, f. & cert. ef. 5-22-14

## 137-055-3420

### Periodic Review and Modification of Child Support Order Amounts

(1) "Periodic Review" means a proceeding initiated under ORS 25.287(1) to modify an existing order to comply with the child support guidelines.

(2) The administrator will initiate a periodic review if a written request is received from any party or the family is currently receiving TANF, and 35 months have passed since the date:

(a) The most recent support order took effect, or

(b) The most recent order determining that the support order should not be adjusted was signed. For purposes of calculating the 35-month time period, a suspension and temporary modification order entered pursuant to ORS 416.425(13) will not be considered.

(3) For purposes of a periodic review, a child support order is not in substantial compliance with the guidelines if it has been more than 35 months since the order took effect.

(4) The administrator must complete the modification of the existing order within 180 days of receiving a written request for a periodic review, initiating the mandatory review, or locating the non-requesting party(ies), whichever occurs later.

(5) The administrator is responsible for conducting a periodic review in this state or for requesting that another jurisdiction conduct a review pursuant to OAR 137-055-7190. As provided in ORS 110.429 and 110.432, the law of the jurisdiction reviewing the order applies in determining if a basis for modification exists.

(6) On receipt of a written request for a periodic review or when a mandatory periodic review is required, the administrator will notify the parties of the review in writing, allowing the parties 30 days to provide information that may affect the support calculation.

(7) If there is an adult child on the case, the proposed modification will be a tiered order as defined in OAR 137-055-1020.

(8) For all child support cases receiving support enforcement services under ORS 25.080, the Child Support Program (CSP) will annually notify the parties:

(a) Of their right to request a periodic review of the amount of support ordered; and

(b) That the CSP will perform a mandatory periodic review and adjustment if the family is currently receiving TANF.

Stat. Auth.: ORS 180.345 & 416.455

Stats. Implemented: ORS 25.080, 25.287, 25.321-25.343, 107.135 & 416.425

Hist.: AFS 65-1989, f. 10-31-89, cert. ef. 11-1-89; AFS 11-1992(Temp), f. & cert. ef. 4-30-92; AFS 26-1992, f. & cert. ef. 9-30-92; AFS 20-1993, f. 10-11-93, cert. ef. 10-13-93; AFS 21-1994, f. 9-13-94, cert. ef. 12-1-94; AFS 17-1997(Temp), f. & cert. ef. 9-16-97; AFS 17-1997(Temp) Repealed by AFS 23-1997, f. 12-29-97, cert. ef. 1-1-98; AFS 23-1997, f. 12-29-97, cert. ef. 1-1-98; AFS 75-1998, f. 9-11-98, cert. ef. 9-15-98; AFS 13-1999, f. 10-29-99, cert. ef. 11-1-99; AFS 9-2000, f. 3-13-00, cert. ef. 4-1-00; AFS 21-2000, f. & cert. ef. 8-1-00; AFS 32-2000, f. 11-29-00, cert. ef. 12-1-00, Renumbered from 461-195-0072; AFS 23-2001, f. 10-2-01, cert. ef. 10-6-01; AFS 28-2001, f. 12-28-01, cert. ef. 1-1-02; SSP 4-2003, f. 2-25-03, cert. ef. 3-1-03; DOJ 6-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03, Renumbered from 461-200-3420; DOJ 10-2003, f. 9-29-03, cert. ef. 10-1-03, Renumbered from 461-200-3420; DOJ 2-2004, f. 1-2-04 cert. ef. 1-5-04; DOJ 10-2004, f. & cert. ef. 7-1-04; DOJ 4-2005, f. & cert. ef. 4-1-05; DOJ 8-2005(Temp), f. & cert. ef. 9-1-05 thru 2-17-06;

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DOJ 1-2006, f. & cert. ef. 1-3-06; DOJ 5-2006, f. 6-29-06, cert. ef. 7-3-06; DOJ 8-2007, f. 9-28-07, cert. ef. 10-1-07; DOJ 11-2008(Temp), f. & cert. ef. 7-15-08 thru 9-30-08; DOJ 12-2008(Temp), f. & cert. ef. 10-1-08 thru 3-29-09; DOJ 14-2008(Temp), f. & cert. ef. 10-7-08 thru 3-29-09; DOJ 1-2009, f. & cert. ef. 1-2-09; DOJ 4-2009(Temp), f. 5-6-09, cert. ef. 5-7-09 thru 11-1-09; DOJ 13-2009, f. & cert. ef. 10-30-09; DOJ 1-2010, f. & cert. ef. 1-4-10; DOJ 3-2011(Temp), f. & cert. ef. 3-31-11 thru 9-26-11; DOJ 4-2011, f. & cert. ef. 7-1-11; DOJ 5-2013, f. & cert. ef. 7-8-13; DOJ 1-2014(Temp), f. & cert. ef. 1-13-14 thru 7-12-14; DOJ 9-2014, f. & cert. ef. 5-22-14

## 137-055-6024

### Distribution and Disbursement on Multiple Cases

The terms used in this rule have the meanings set out in OAR 137-055-1020 and 137-055-6010.

(1) When an obligor has multiple support cases, the distribution and, as appropriate, disbursement sequence for each case will be as provided in OAR 137-055-6022, but the Department of Justice (DOJ) will distribute and, as appropriate, disburse support payments to each of the multiple cases as follows:

(2) When withholder remits a single payment that is a combined payment intended to comply with more than one income withholding order against the obligor, and the obligor's income is sufficient for the withholder to fully comply with each order to withhold income issued pursuant to ORS chapter 25, DOJ will ensure that the amount distributed and, as appropriate, disbursed to each case is consistent with the withholding order's limitations. However, when the obligor is paid more than once a month, for those months in which there is an extra pay period due to the manner in which pay periods fall during the year, the payment may be distributed and, as appropriate, disbursed to each case when it is received, even if the monthly withholding limitation has already been reached.

(3) When withholder remits a single payment that is a combined payment intended to comply with more than one income withholding order against the obligor, but the obligor's income is not sufficient for the withholder to fully comply with each order to withhold income issued pursuant to ORS Chapter 25, DOJ will distribute and, as appropriate, disburse the amount received as follows:

(a) If the amount is not sufficient to pay the current support due on all of the obligor's support cases for which an order to withhold is in effect, each withholding case will receive a share of the total amount withheld determined by dividing the amount of current support remaining due on the case by the total combined amount of current support remaining due on all of the obligor's support cases to which the proceeds of the order to withhold will be applied, and then multiplying the resulting percentage by the total amount withheld.

(b) If the amount withheld from the obligor's income is sufficient to pay the remaining current support due on all cases, but is not enough to fully comply with the order to withhold on all cases where arrears are owed, the amount received will be distributed and, as appropriate, disbursed as follows:

(A) Current support to each withholding case;

(B) Equally to each withholding case where arrears are owed.

However, no case may receive more than the maximum allowable withholding amount for that case pursuant to ORS 25.414 or, as appropriate, under an expanded income withholding pursuant to 25.387. Any remaining funds will be equally distributed and, as appropriate, disbursed to the obligor's other cases. No case may receive more than the total amount of current support and arrears owed on that case at the time this distribution and disbursement is made.

(4) When support payments are received from federal tax refund intercepts the payment will first be processed under OAR 137-055-6021(9). If the payment is not sufficient to pay the full arrears amount on each case certified for federal offset, DOJ will distribute and, as appropriate, disburse the amount received as follows:

(a) If the total amount received is not sufficient to pay the state's permanently-assigned arrears on all of the obligor's certified cases, each certified case with permanently-assigned arrears will receive an equal share. However, no case may receive more than the state's permanently-assigned arrears on that case.

(b) If the total amount is sufficient to pay the state's permanently-assigned arrears on all certified cases, but is not enough to pay in full all the state's temporarily-assigned or the family's conditionally-assigned arrears on all of the obligor's certified cases, the amount received will be distributed and, as appropriate, disbursed as follows:

(A) State's permanently-assigned arrears to each certified case;

(B) An equal share of the remaining funds for each certified case with state's temporarily-assigned or family's conditionally-assigned arrears. However, no case may receive more than the state's temporarily-assigned or the family's conditionally-assigned arrears on that case.

(c) If the total amount is sufficient to pay the state's permanently assigned arrears and the state's temporarily-assigned or the family's conditionally-assigned arrears on all certified cases, but is not enough to pay in full the family's unassigned arrears on all of the obligor's certified cases, the amount received will be distributed and, as appropriate, disbursed as follows:

(A) State's permanently-assigned arrears to each certified case;

(B) State's temporarily-assigned or the family's conditionally-assigned arrears to each certified case;

(C) An equal share of the remaining funds for each certified case with family's unassigned arrears. However, no case may receive more than the total amount of arrears owed on that case at the time this distribution or disbursement is made.

(5) When a single writ of garnishment is issued for two or more cases as provided in ORS 18.645, DOJ will distribute and, as appropriate, disburse support payments only among the cases listed in the writ of garnishment and in the manner provided in section (6) of this rule.

(6) Except as provided in OAR 137-055-6023, DOJ will distribute and, as appropriate, disburse all other support payments received, including support payments received from state tax refund intercepts, as follows:

(a) When support payments are received from state tax refund intercepts, the payment will first be processed under OAR 137-055-6021(10).

(b) If the total amount is not sufficient to pay the current support due on all of the obligor's support cases, each case will receive a share of the total amount received determined by dividing the amount of current support remaining due on the case by the total combined amount of current support remaining due on all of the obligor's support cases, and then multiplying the resulting percentage by the total amount received.

(c) If the amount received is sufficient to pay the remaining current support due on all cases, but is not enough to pay in full all cases where arrears are owed, the amount received will be distributed and, as appropriate, disbursed as follows:

(A) Current support to each case;

(B) Equally to each case where arrears are owed. However, no case may receive more than the total amount of current support and arrears owed on that case at the time this distribution and disbursement is made. Any remaining funds will be equally distributed and disbursed to the obligor's other cases.

(d) If the total amount received is sufficient to pay the arrears in full on all cases, any remaining funds may be distributed to parentage testing fees if the support payment is from a state tax refund intercept, or if the payment meets the provisions in OAR 137-055-6023(1) & (2).

Stat. Auth.: ORS 25.020 & 180.345

Stats. Implemented: ORS 18.645, 25.020, 25.387, 25.414 & 25.610

Hist.: DOJ 9-2005, f. & cert. ef. 10-3-05; DOJ 1-2007, f. & cert. ef. 1-2-07; DOJ 8-2007, f. 9-28-07, cert. ef. 10-1-07; DOJ 1-2010, f. & cert. ef. 1-4-10; DOJ 9-2014, f. & cert. ef. 5-22-14

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

**Rule Caption:** Updates and clarifies vehicle-related rules based on periodic review.

**Adm. Order No.:** DMV 3-2014

**Filed with Sec. of State:** 5-19-2014

**Certified to be Effective:** 5-19-14

**Notice Publication Date:** 4-1-2014

**Rules Amended:** 735-020-0010, 735-022-0000, 735-022-0030, 735-022-0050, 735-022-0060, 735-022-0090, 735-046-0000, 735-150-0140

**Rules Repealed:** 735-022-0010

**Subject:** This rulemaking updates language and makes other changes identified during a recent review of vehicle-related rules. Changes affect rules on vehicle ownership documents, proof of compliance with federal vehicle standards, special registration plates and civil penalties that DMV may assess certified vehicle dealers found in violation of applicable laws and DMV rules.

In part, chapter 371, Oregon Laws 2009 removed law enforcement from the process of selling or disposing of disabled or abandoned vehicles. Because it is no longer issued, "sheriff's bill of sale" was



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deleted from the list of acceptable ownership documents and acceptable evidence of ownership to a vehicle.

The amendments to OAR 735-022-0030, 735-022-0050 and 735-022-0060 update, streamline and clarify existing text.

OAR 735-022-0090 establishes what DMV may accept as proof that a vehicle complies with federal vehicle standards for purposes of title and registration requirements. Currently, federal standards do not apply to imported vehicles that are 25 years or older. The amendment of this rule clarifies that DMV may refuse to issue title for any vehicle that is not manufactured for operation on a highway.

From 1956 to 1960, passenger plates were issued with the month and year stamped into the plate. A metal tag, rather than a sticker, was issued to show subsequent renewal dates. Many of these unique plates are currently assigned to antique and other special interest vehicles. Under the previous definition of “current use [registration plates],” these plates were issued a one-time special interest registration sticker that is required to be placed over the metal tag. This reduces the esthetic appeal of the plate. To fix this issue, DMV amended the definition of “current use” under OAR 735-046-0000 so stickers are not issued to these plates.

OAR 735-150-0140 was amended to add to the schedule of civil penalties for certified dealers, the statutory offense of failure to provide clear title (ORS 822.045(1)(j)). Adding the violation aligns the rule with current policy. OAR 735-150-0140 was also amended to add a penalty for violation of ORS 822.605 which prohibits false swearing. Other changes were made for clarity.

OAR 735-022-0010 (Requirements for Use of the Special Affidavit to Obtain Oregon Title and Registration) was repealed because the “special affidavit” no longer exists. Therefore, the rule is longer needed.

**Rules Coordinator:** Lauri Kunze—(503) 986-3171

## 735-020-0010

### Perfection of Security Interest; Primary Ownership Document

(1) This rule specifies the documents DMV will consider primary ownership documents for the purposes of perfecting a security interest in a vehicle.

(2) Except as provided in section (3) of this rule, a primary ownership document is:

(a) A manufacturer’s certificate of origin (MCO) or equivalent document as described in OAR 735-022-0030 through 735-022-0060. This subsection applies to:

(A) A vehicle or camper built by a manufacturer that has never been titled or registered; and

(B) A vehicle or camper built, assembled, or reconstructed using a component kit that has never been titled or registered. The MCO may only be considered a primary ownership document for the vehicle or camper parts contained in the kit.

(b) A current certificate of title or salvage title issued for a vehicle or camper; or

(c) A Certificate to Obtain Title for a Vehicle (U.S. Government Form SF 97), for a vehicle or camper previously owned by the U.S. Government and where interest is being transferred.

(3) Notwithstanding section (2) of this rule, DMV may, at its discretion, consider other documents to be primary ownership documents when:

(a) DMV is satisfied that the original Oregon title has been lost or destroyed, and that there has been a change in interest;

(b) Interest has been transferred by operation of law under Oregon law, or through court action in a court having jurisdiction over persons or property located in Oregon, and the primary ownership documents described in section (2) of this rule are not available;

(c) The security interest is in a vehicle or camper not manufactured for sale in the U.S., and that is not currently registered or titled in the U.S.;

(d) The security interest is in a vehicle or camper last titled or registered outside the U.S.; or

(e) DMV is satisfied that a primary ownership document described in section (2) of this rule was never issued, is not obtainable, or has been surrendered to another jurisdiction.

(4) Documents DMV may determine are primary ownership documents under section (3) of this rule include but are not limited to:

(a) A court judgment or decree from a court having jurisdiction over persons or property located in Oregon that awards ownership of a vehicle or camper as a matter of law;

(b) A certificate of possessory lien foreclosure as described in OAR 735-020-0012;

(c) A completed and signed Inheritance Affidavit (DMV Form 735-516) vesting the interest of a deceased owner in the person designated by all the heirs as the owner of the vehicle or camper;

(d) A completed and signed Certificate of Ownership of an Assembled Light Trailer or Heavy Trailer (DMV Form 735-6644) for a trailer built by someone other than a manufacturer;

(e) A completed and signed Application for Replacement Title (DMV Form 735-515) or Application for Replacement Salvage Title (DMV Form 735-230) where:

(A) The application is accompanied by an Application for Title and Registration (DMV Form 735-226) that includes a release of interest from anyone listed on the original title that will not be listed on the new title; and

(B) Any change in interest is of a type not subject to odometer disclosure requirements under ORS 803.102 and OAR 735-028-0000 through 735-028-0100;

(f) A completed and signed Certification of Ownership Facts (DMV Form 735-550);

(g) An Ownership document issued by the U.S. Armed Forces for a vehicle or camper owned by a member of the U.S. Armed Forces;

(h) A salvage title, salvage bill of sale, or dismantler (wrecker) bill of sale on a vehicle or camper whose title has been surrendered to a jurisdiction; or

(i) For a vehicle or camper described under subsections (3)(c) and (d) of this rule:

(A) A certificate for export purposes issued by a foreign jurisdiction; or

(B) A vehicle or camper registration if the vehicle has been registered but is not currently titled.

(5) When the application for notation of a security interest is for a vehicle or camper that is initially being titled as assembled, reconstructed, or a vehicle replica, the primary ownership document must be specific to the frame or unibody.

(6) When the application for notation of a security interest is for a vehicle or camper manufactured in more than one stage, the primary ownership document(s) must cover each stage of manufacture.

(7) DMV may invalidate a primary ownership document as evidence of ownership if it determines:

(a) The document is fraudulent or contains false information; or

(b) The document does not show the most current ownership interest in the vehicle or camper.

(8) If, after a title has been issued, it is determined that the evidence of ownership is invalid under section (7) of this rule, DMV may cancel the vehicle title. Before a title is cancelled, DMV will send a notice of the proposed cancellation to the vehicle owner or lessee, security interest holder(s) and lessor (if applicable), as listed in DMV records. A cancellation becomes effective 10 days after the date the notice is deposited with the postal service, unless a hearing is requested within that 10-day period. If a timely hearing is requested, the cancellation will be contingent on the outcome of the hearing.

(9) A title cancellation under section (8) of this rule automatically invalidates the security interest(s) noted on that title. A new application for notation for perfection of security interest and valid evidence of ownership must be submitted to DMV before security interest in a vehicle can be perfected pursuant to ORS 803.097.

(10) DMV will not invalidate a primary ownership document as evidence of ownership based solely on missing title requirements (e.g., missing odometer information, and fees).

(11) A document considered by DMV to be a primary ownership document under section (3) of this rule constitutes proof of ownership for purposes of ORS 803.205.

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

Stat. Auth.: ORS 184.616, 184.619, 801.402, 802.010 & 803.097

Stats. Implemented: ORS 801.402, 803.097 & 803.205

Hist.: MV 2-1988, f. & cert. ef. 1-7-88; Administrative Renumbering 3-1988, Renumbered from 735-110-0510; MV 18-1988, f. & cert. ef. 6-1-88; MV 9-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 10-2002, f. & cert. ef. 6-24-02; DMV 11-2005, f. 4-25-05, cert. ef. 5-1-05; DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06; DMV 2-2012, f. & cert. ef. 2-21-12; DMV 3-2014, f. & cert. ef. 5-19-14

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## 735-022-0000

### Evidence of Ownership to a Vehicle

(1) DMV has established the following as evidence of ownership of a vehicle:

(a) A manufacturer's certificate of origin (MCO) as defined in OAR 735-022-0030.

(b) A vehicle title or bill of sale from the owner(s) of record.

(c) A completed, signed Certification of Ownership Facts (DMV Form 550).

(d) A transfer by operation of law including a judgment awarding ownership interest in a vehicle, an estate settlement document or inheritance affidavit (DMV Form 516), or a Vehicle Repossession Certificate (DMV Form 263).

(e) For a reconstructed or assembled vehicle, a bill of sale to the frame or unibody, whichever is applicable.

(2) DMV will not issue title for a manufactured trailer without a bill of sale for the axle or trailer frame.

(3) Nothing in this rule limits DMV's discretion to request or consider other information to establish evidence of ownership of a vehicle.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.045, 803.050 & 821.060

Stats. Implemented: ORS 803.045 & 803.050

Hist.: MV 7-1980, f. & ef. 5-27-80; Administrative Renumbering 3-1988, Renumbered from 735-071-0071; MV 3-1993, f. & cert. ef. 4-16-93; DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06; DMV 16-2006, f. & cert. ef. 11-17-06; DMV 3-2014, f. & cert. ef. 5-19-14

## 735-022-0030

### Manufacturer's Certificate of Origin (MCO) Definitions

The following definitions apply to OAR 735-022-0000 through 735-022-0060:

(1) "Manufacturer's certificate of origin" (MCO), "manufacturer's statement of origin" (MSO), or a "certificate of origin" means a transitional ownership document issued by a manufacturer to a specific vehicle, or if a multi-stage vehicle, to a specific component of the vehicle and includes a "manufacturer's statement of origin" (MSO), a certificate of origin or similar term. An MCO is used to convey ownership from the manufacturer to a franchised dealer or distributor and from the franchised dealer or distributor to a purchaser.

(2) "Glider kit" means:

(a) A kit consisting of a new truck cab or cab and hood assembly, including a front axle assembly and frame rails, with or without an engine, transmission and rear axle, manufactured and sold with an MCO, that has been used to replace damaged or worn components of an existing heavy truck or tractor; or

(b) A heavy truck or tractor assembled using a kit consisting of all new component parts, including engine, transmission and rear axle, manufactured and sold with an MCO, and assembled by a person other than the manufacturer of the components.

(3) "Heavy truck or tractor" means a truck or tractor with a gross vehicle weight rating of more than 16,000 pounds.

(4) "Manufacturer" means a person in the business of manufacturing or assembling new vehicles.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.045 & 803.050

Stats. Implemented: ORS 803.045

Hist.: MV 6-1987, f. & ef. 6-17-87; Administrative Renumbering 3-1988, Renumbered from 735-090-0500; DMV 16-2006, f. & cert. ef. 11-17-06; DMV 3-2014, f. & cert. ef. 5-19-14

## 735-022-0050

### When Manufacturer's Certificate of Origin (MCO) Is Required

(1) A MCO must be submitted with an application for title for a vehicle built by a manufacturer or a reconstructed heavy truck or tractor built using a glider kit.

(2) For vehicles built in stages by two or more manufacturers, an MCO is required from each manufacturer for the portion of the vehicle manufactured.

(3) For reconstructed heavy trucks or tractors rebuilt using a glider kit, the MCO provided must be for the glider kit.

(4) An MCO is not required if the manufactured vehicle or reconstructed vehicle has been titled or registered in any jurisdiction.

(5) DMV may require or accept an MCO in other situations. Example: When a person (other than a manufacturer) builds a vehicle and an MCO is issued for some or all of the major component parts (i.e., frame, chassis, motor).

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.045 & 803.050

Stats. Implemented: ORS 803.045

Hist.: MV 6-1987, f. & ef. 6-17-87; Administrative Renumbering 3-1988, Renumbered from 735-090-0520; DMV 11-2005, f. 4-25-05, cert. ef. 5-1-05; DMV 3-2014, f. & cert. ef. 5-19-14

## 735-022-0060

### Documents Equivalent to Manufacturer's Certificate of Origin (MCO)

(1) DMV may accept other documents in place of an MCO if:

(a) The original MCO has been lost or destroyed;

(b) The vehicle was not manufactured for sale in the U.S. and an MCO was never issued;

(c) The vehicle was manufactured in multiple stages and an MCO was not issued for the first stage, or if any part of the vehicle has already been titled or registered; or

(d) The manufacturer does not issue MCOs.

(2) Documents that may be accepted under this rule, must include evidence of releases of interest forming a complete chain of ownership from the current applicant back to the point of manufacture. If any part of the vehicle has been titled or registered, the chain of ownership for that part of the vehicle must go back to the last owner of record.

(3) Examples of documents DMV may consider under this rule include:

(a) If the MCO is lost or destroyed, a copy of the manufacturer's invoice to the dealer. The invoice must be signed by the owner or office manager of the dealership and provide information as to the disposition of the original MCO; or

(b) A letter from the manufacturer indicating to whom the interest of the vehicle was assigned with connecting bills of sale from subsequent purchasers.

(4) DMV may withhold issuance of title even if equivalent documents are provided if it has reason to believe the MCO is available or that it may be in the possession of a third party.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.045 & 803.050

Stats. Implemented: ORS 801.402

Hist.: MV 6-1987, f. & ef. 6-17-87; Administrative Renumbering 3-1988, Renumbered from 735-090-0530; DMV 11-2005, f. 4-25-05, cert. ef. 5-1-05; DMV 3-2014, f. & cert. ef. 5-19-14

## 735-022-0090

### Proof of Compliance with Federal Vehicle Standards

(1) Proof of compliance with federal vehicle standards is required when DMV is not satisfied, based on the ownership documents, that the vehicle complies with federal vehicle standards, DMV has reason to believe the vehicle does not comply, or DMV receives an application for Oregon title and the application is submitted with an ownership document issued by:

(a) A jurisdiction outside of the U.S.;

(b) The U.S. military; or

(c) A person other than a U.S. authorized distributor for the vehicle listed on the manufacturer's certificate of origin (MCO).

(2) DMV may accept the following as proof that a vehicle complies with federal vehicle standards:

(a) For a vehicle imported by the U.S. military or military personnel, a written notice or form issued by the U.S. military that indicates the vehicle meets federal vehicle standards;

(b) A Dealer Certification of Compliance with Federal Emission and Safety Standards (DMV Form 7290) for a motorcycle or moped, completed by an Oregon vehicle dealer with a current valid vehicle dealer certificate;

(c) An original letter from the manufacturer or U.S. authorized distributor that includes the VIN and that states that the vehicle meets EPA standards and can be modified to meet federal safety equipment standards. The letter must be accompanied by a Certification of Compliance with Federal Emission and Safety Standards (DMV Form 7286); or

(d) For a vehicle with an ownership document issued outside of the U.S., a U.S. Customs form that contains all of the following:

(A) A vehicle description that includes the year model, make and VIN; and

(B) Written approval from U.S. Customs indicating that the vehicle complies with federal vehicle standards. For example, a form issued by U.S. Customs with an approval stamp or the signature of an authorized U.S. Customs agent.

(3) Proof of compliance with federal vehicle standards is not required if:

(a) The vehicle is or has been titled or registered in the U.S.;

(b) The MCO submitted to DMV indicates the vehicle was manufactured for use in the U.S.; or

(c) DMV receives an original statement from the manufacturer that indicates the vehicle complies with federal vehicle standards.

(4) Notwithstanding sections (2) and (3) of this rule, DMV may refuse to issue title and registration if DMV has reason to believe:

# ADMINISTRATIVE RULES

- (a) The vehicle does not meet federal vehicle standards; or
- (b) The vehicle is not primarily manufactured for operation on U.S. roads or highways.
- (5) This rule shall be applied retroactively to May 1, 2009.  
Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.045  
Other Authority: 40 CFR Part 52, subpart MM and 49 CFR Part 571  
Stats. Implemented: ORS 803.045  
Hist.: MV 6-1986, f. 3-13-86, ef. 3-17-86; MV 3-1988, f. & cert. ef. 2-2-88; Administrative Renumbering 3-1988, Renumbered from 735-090-0560; DMV 16-2006, f. & cert. ef. 11-17-06; DMV 13-2009, f. & cert. ef. 8-24-09; DMV 3-2014, f. & cert. ef. 5-19-14

## 735-046-0000

### Definitions

The following definitions apply to OAR 735-046-0000 through 735-046-0050:

- (1) "Current Issue" means any registration plate type, plate background or plate series approved by DMV for issuance.
- (2) "Current use" means any registration plate type, plate background or plate series that is no longer issued, but is approved for registration renewal or for special interest registration, or is a permanent registration plate. Examples of current use registration plates include:
  - (a) Passenger vehicle plates issued 1961 or later; and
  - (b) Motorcycle or moped plates issued 1968 or later.
- (3) "Custom plates" mean customized registration plates authorized under ORS 805.240.
- (4) "DMV" means the Driver and Motor Vehicle Services Division of the Department of Transportation.
- (5) "Plate choice" means the numbers or letters, or combination of numbers and letters (characters), requested by an applicant for custom plates. For purposes of custom plates, the letter "O" and the number "zero" are identical. A plate choice does not include a plate's background, design, method of validation, or any other information DMV may require.
- (6) "Plate configuration" means a unique combination of numbers or letters that have been or may be assigned to registration plates.  
Stat. Auth.: ORS 184.616, 184.619, 802.010, 805.103, 805.200 & 805.220  
Stats. Implemented: ORS 803.535, 805.103, 805.200, 805.220, 805.240 & 805.242  
Hist.: MV 1-1981, f. & ef. 2-5-81; MV 1-1983, f. & ef. 1-28-83; MV 9-1987, f. & ef. 9-1-87; Administrative Renumbering 3-1988, Renumbered from 735-071-0058; MV 25-1988, f. & cert. ef. 10-3-88; MV 48-1989, f. & cert. ef. 11-16-89; DMV 9-1994, f. & cert. ef. 9-30-94; DMV 8-1997, f. & cert. ef. 10-16-97; DMV 15-2008, f. & cert. ef. 6-23-08; DMV 22-2008, f. & cert. ef. 9-11-08; DMV 3-2014, f. & cert. ef. 5-19-14

## 735-150-0140

### Schedule of Civil Penalties for Certified Dealers

DMV adopts the following civil penalty schedule as a guide to the imposition of civil penalties pursuant to ORS 822.009. While this schedule is the primary source used to determine the amount of the civil penalty, a civil penalty assessed against a certified dealer may be modified in accordance with the provisions of OAR 735-150-0130. As used in this rule, an offense will be considered a second or subsequent offense if a dealer was notified in writing within the three (3) previous years of the occurrence of the same offense:

- (1) Failure to comply with any provision of OAR 735-150-0030(1) through (3), concerning dealer location regulations:
  - (a) For the first violation: warning;
  - (b) For the second violation: \$250;
  - (c) For the third violation: \$500;
  - (d) For the fourth and subsequent violation(s): \$1,000.
- (2) Failure to comply with the provisions of OAR 735-150-0030(4) concerning dealer location regulations:
  - (a) For the first violation: \$500;
  - (b) For the second and subsequent violation(s): \$1,000.
- (3) Failure to comply with OAR 735-150-0040(5), (6) or (7), concerning delivery of the registration plates, stickers or temporary registration to the purchaser of a vehicle:
  - (a) For the first violation: warning;
  - (b) For the second violation: \$250;
  - (c) For the third violation: \$500;
  - (d) For the fourth and subsequent violation(s): \$1,000.
- (4) Failure to comply with any provision of OAR 735-150-0050, concerning submission of DMV documents and fees on behalf of a purchaser:
  - (a) For the first violation: warning;
  - (b) For the second violation: \$250;
  - (c) For the third violation: \$500;
  - (d) For the fourth and subsequent violation(s): \$1,000.
- (5) Failure to comply with any provision of OAR 735-150-0060, concerning issuance of temporary registration permits:
  - (a) For the first violation: warning;
  - (b) For the second violation: \$50;

- (c) For the third violation: \$100;
- (d) For the fourth and subsequent violation(s): \$250.
- (6) Failure to comply with any provision of OAR 735-150-0070, concerning trip permits issued by dealers:
  - (a) For the first violation: warning;
  - (b) For the second violation: \$50;
  - (c) For the third violation: \$100;
  - (d) For the fourth and subsequent violation(s): \$250.
- (7) Failure to comply with any provision of OAR 735-150-0080, concerning requirements for issuing light vehicle or recreational vehicle trip permits:
  - (a) For the first violation: warning;
  - (b) For the second violation: \$50;
  - (c) For the third violation: \$100;
  - (d) For the fourth and subsequent violation(s): \$250.
- (8) Failure to comply with OAR 735-150-0110(1), prohibiting a dealer from allowing a person not employed by the dealership to engage in dealer activity:
  - (a) For the first violation: \$250;
  - (b) For the second violation: \$500;
  - (c) For the third and subsequent violation(s): \$1,000.
- (9) Failure to comply with OAR 735-150-0110(2), concerning failing to submit all taxes and fees:
  - (a) For the first violation: \$250;
  - (b) For the second violation: \$500;
  - (c) For the third and subsequent violation(s): \$1,000.
- (10) Failure to comply with OAR 735-150-0110(3), concerning a dealer who signs the name or allows any other person to sign the name of an owner, security interest holder or lessor on title or transfer documents without a Power of Attorney:
  - (a) For the first violation: \$500;
  - (b) For the second and subsequent violation(s): \$1,000.
- (11) Failure to comply with OAR 735-150-0110(4), concerning dealing in stolen vehicles: \$1,000 for the first and subsequent violation(s).
- (12) Failure to comply with OAR 735-150-0110(6), concerning altered vehicle identification numbers: \$1,000 for the first and subsequent violation(s).
- (13) Failure to comply with OAR 735-150-0110(7), concerning odometers, except violations of ORS 815.410, 815.420 and 815.430:
  - (a) For the first violation: warning;
  - (b) For the second violation: \$250;
  - (c) For the third violation: \$500;
  - (d) For the fourth and subsequent violation(s): \$1,000.
- (14) Violation of ORS 815.410, 815.420 and 815.430, concerning odometer tampering and notices: \$1,000 for the first and subsequent violation(s).
- (15) Failure to comply with OAR 735-150-0110(8), concerning fraudulent title or registration documents: \$1,000 for the first and subsequent violation(s).
- (16) Except as otherwise provided in OAR 735-150-0140, the following apply for any violation of ORS 822.045, including the failure to comply with OAR 735-150-0110(10), concerning acting as a vehicle dealer any time between the day DMV receives notice of cancellation of bond or insurance and the day the vehicle dealer presents proof to DMV of another bond or certificate of insurance:
  - (a) For the first violation: warning;
  - (b) For the second violation: \$250;
  - (c) For the third violation: \$500;
  - (d) For the fourth and subsequent violation(s): \$1,000.
- (17) Violation of ORS 822.045(1)(d), (e), (j) or (k) or OAR 735-150-0039: \$1,000 for the first and subsequent violation(s).
- (18) Failure to comply with OAR 735-150-0110(11), concerning issuance of temporary registration permits to persons not eligible:
  - (a) For the first violation: warning;
  - (b) For the second violation: \$250;
  - (c) For the third violation: \$500;
  - (d) For the fourth and subsequent violation(s): \$1,000.
- (19) Failure to comply with OAR 735-150-0110(12), concerning failure to notify DMV of a vehicle transferred to the dealer:
  - (a) For the first violation: warning;
  - (b) For the second violation: \$50;
  - (c) For the third violation: \$100;
  - (d) For the fourth violation: \$250;
  - (e) For the fifth and subsequent violation(s): \$500.



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(20) Failure to comply with OAR 735-150-0110(13), concerning failure to remove foreign registration plates:

- (a) For the first violation: warning;
- (b) For the second violation: \$50;
- (c) For the third violation: \$100;
- (d) For the fourth and subsequent violation(s): \$250.

(21) Failure to comply with OAR 735-150-0110(14), concerning failure to destroy foreign registration plates:

- (a) For the first violation: warning;
- (b) For the second violation: \$50;
- (c) For the third violation: \$100;
- (d) For the fourth and subsequent violation(s): \$250.

(22) Failure to comply with OAR 735-150-0110(15), concerning the physical inspection of vehicle identification numbers:

- (a) For the first violation: warning;
- (b) For the second violation: \$250;
- (c) For the third violation: \$500;
- (d) For the fourth and subsequent violation(s): \$1,000.

(23) Failure to comply with OAR 735-150-0110(16), concerning the sale of vehicles of a type not authorized by the dealer certificate:

- (a) For the first violation: warning;
- (b) For the second violation: \$250;
- (c) For the third violation: \$500;
- (d) For the fourth and subsequent violation(s): \$1,000.

(24) Failure to comply with ORS 822.060(1)(a), (b), (c), (e), (h) or (i), concerning consignment sales:

- (a) For the first violation: warning;
- (b) For the second violation: \$250;
- (c) For the third violation: \$500;
- (d) For the fourth and subsequent violation(s): \$1,000.

(25) Violations of ORS 822.060(1)(d), (f) or (g) or 822.065, concerning consignment sales:

- (a) For the first violation: \$500;
- (b) For the second and subsequent violation(s): \$1,000.

(26) Failure to comply with OAR 735-150-0110(20) concerning making a false statement of material fact:

- (a) For the first violation: \$500;
- (b) For the second and subsequent violation(s): \$1,000.

(27) Any violation of the Oregon Vehicle Code or OAR chapter 735 not otherwise classified in this rule:

- (a) For the first violation: warning;
- (b) For the second violation: \$250;
- (c) For the third violation: \$500;
- (d) For the fourth and subsequent violation(s): \$1,000.

(28) Violations of OAR 735-150-0035 concerning dealer records:

- (a) For the first violation: warning;
- (b) For the second violation: \$500;
- (c) For the third and subsequent violation(s): \$1,000.

(29) Violations of OAR 735-150-0045 and, ORS 822.082 through 822.084 concerning special rules and statutory provisions for RV dealers:

- (a) For a certified dealer or person acting as a show organizer that conducts a show without a license:
  - (A) For the first violation: \$250;
  - (B) For the second violation: \$500;
  - (C) For the third and subsequent violation(s): \$1,000.
- (b) For failing to display a show license at a show:
  - (A) For the first violation: \$250;
  - (B) For the second violation: \$500;
  - (C) For the third and subsequent violation(s): \$1,000.
- (c) For a certified dealer or person acting as a show organizer that fails to include a dealer in a show license application:
  - (A) For the first violation: \$250;
  - (B) For the second violation: \$500;
  - (C) For the third and subsequent violation(s): \$1,000.
- (d) For selling a new RV without maintaining a service facility:
  - (A) For the first violation: \$250;
  - (B) For the second violation: \$500;
  - (C) For the third and subsequent violation(s): \$1,000.
- (e) For selling a new RV while maintaining a service facility that is not primarily engaged in the service and repair of RVs:
  - (A) For the first violation: \$250;
  - (B) For the second violation: \$500;
  - (C) For the third and subsequent violation(s): \$1,000.
- (f) For failing to prominently display the location of the dealer's service facility at a sales facility or RV show:

- (A) For the first violation: Warning;
- (B) For the second violation: \$500;
- (C) For the third and subsequent violation(s): \$1,000.

(g) For subcontracting a service facility rather than directing the service operation:

- (A) For the first violation: \$250;
- (B) For the second violation: \$500;
- (C) For the third and subsequent violation(s): \$1,000.

(h) For a certified dealer or person acting as a show organizer that conducts a show beyond the scope of the show license. For example, for additional days or hours:

- (A) For the first violation: \$250;
- (B) For the second violation: \$500;
- (C) For the third and subsequent violation(s): \$1,000.

(i) For submitting an application that contains a false statement or omission of material fact:

- (A) For the first violation: \$250;
- (B) For the second violation: \$500;
- (C) For the third and subsequent violation(s): \$1,000.

(j) Except as otherwise provided in OAR 735-150-0140, the following apply for any violation of OAR 735-150-0045 and ORS 822.082 to 822.084:

- (A) For the first violation: \$250;
- (B) For the second violation: \$500;
- (C) For the third and subsequent violation(s): \$1,000.

(30) Violation of OAR 735-150-0055 concerning charging document processing fees for submitting titles and registrations to DMV:

- (a) For the first violation: \$250;
- (b) For the second violation: \$500;
- (c) For the third and subsequent violation(s): \$1,000.

(31) Violation of OAR 735-150-0037 concerning records; satisfying prior interest; providing clear title:

- (a) For the first violation: Warning;
- (b) For the second violation: \$250;
- (c) For the third violation: \$500;
- (d) For the fourth and subsequent violation(s): \$1,000.

(32) Violation of OAR 735-150-0110(24), concerning the unlawful use of any certificate or registration plate:

- (a) For the first violation: \$100;
- (b) For the second violation: \$500;
- (c) For the third violation: \$750;
- (d) For the fourth and subsequent violation(s): \$1,000.

(33) Failure to comply with any provision of ORS 822.047 or OAR 735-150-0110(19), concerning the requirements for providing brokerage services:

- (a) For the first violation: warning;
- (b) For the second violation: \$250;
- (c) For the third violation: \$500;
- (d) For the fourth and subsequent violation(s): \$1,000.

(34) Violations of OAR 735-150-0033 and, ORS 822.040(4) concerning the display of a vehicle at a location other than the dealers place of business for the purpose of advertising:

- (a) For the first violation: Warning;
- (b) For the second violation: \$250;
- (c) For the third violation: \$500;
- (d) For the fourth and subsequent violation(s): \$1,000.

(35) Violation of OAR 735-150-0110(21) and ORS 822.605 concerning false swearing relating to regulation of a vehicle dealer business: \$1,000 for the first and subsequent violation(s).

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.009 & 822.035  
Stats. Implemented: ORS 822.009, 822.035 & 822.045

Hist.: MV 22-1991, f. 9-27-91, cert. ef. 9-29-91; MV 19-1992, f. 12-23-92, cert. ef. 1-1-93; DMV 6-1994, f. & cert. ef. 7-21-94; DMV 2-1996, f. & cert. ef. 4-18-96; DMV 10-1998, f. & cert. ef. 8-20-98; DMV 12-1998(Temp), f. & cert. ef. 9-14-98; DMV 12-1998(Temp), f. & cert. ef. 9-14-98 thru 3-12-99; DMV 2-1999, f. & cert. ef. 2-19-99; DMV 8-2000, f. & cert. ef. 8-10-00; DMV 10-2001, f. & cert. ef. 6-14-01; DMV 22-2001(Temp), f. & cert. ef. 10-17-01 thru 4-14-02; DMV 26-2001 f. 12-14-01, cert. ef. 1-1-02; DMV 18-2002, f. & cert. ef. 9-20-02; DMV 20-2004, f. & cert. ef. 8-20-04; DMV 11-2005, f. 4-25-05, cert. ef. 5-1-05; DMV 24-2005, f. 11-18-05, cert. ef. 1-1-06; DMV 3-2014, f. & cert. ef. 5-19-14

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**Rule Caption:** Amends Vehicle Dealer Record Rules to Comply with Chapter 21, Oregon Laws 2014 (SB 1557)  
**Adm. Order No.:** DMV 4-2014(Temp)  
**Filed with Sec. of State:** 5-19-2014  
**Certified to be Effective:** 5-19-14 thru 11-14-14  
**Notice Publication Date:**  
**Rules Amended:** 735-150-0037

# ADMINISTRATIVE RULES

**Subject:** The temporary amendment of this rule was necessitated by the enactment of Chapter 21, Oregon Laws 2014, which became effective March 3, 2014. DMV intends to permanently amend this rule; however, there was not sufficient time to complete the permanent rulemaking process before the March 3, 2014 effective date of the Act.

In pertinent part, Chapter 21, Oregon Laws 2014 amends ORS 822.045(1)(j)(B) to clarify the requirements for satisfying security interest for dealer-to-dealer transactions. DMV has temporarily amended its dealer record rules to comply with the legislative act.

**Rules Coordinator:** Lauri Kunze—(503) 986-3171

## 735-150-0037

### Records; Satisfying Prior Interest; Providing Clear Title

Vehicle dealers must satisfy the interest in a vehicle they purchase within 15 days of transfer or receipt of clear title pursuant to ORS 822.045(1)(j) and OAR 735-150-0035. To verify that they have complied with this requirement, dealers must maintain records that show:

(1) The date a vehicle consumer transferred any interest in a vehicle or camper to a dealer.

(2) The date a purchasing dealer receives clear title from another dealer on a vehicle or camper. This date is either the date:

(a) The purchasing dealer took physical possession of the certificate of title, including who it was received from; or

(b) Written notice was mailed by certified or registered mail, return receipt requested, to the purchasing dealer that the certificate of title was available for pickup at a time and place prearranged by the purchasing dealer and the dealer.

(3) The date the purchasing dealer satisfied:

(a) The interest of any person from whom the dealer purchased or obtained the vehicle or camper;

(b) The interest of any person from whom a vehicle consumer leased the vehicle or camper; and

(c) Except as provided by 822.045(2), all security interests in the vehicle or camper entered into before the date of transfer.

(d) The interest of the selling dealer.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.035, 822.042, 822.045, 2014 OL Ch. 21

Stats. Implemented: ORS 822.009, 822.035, 822.042, 822.045 & 2014 OL Ch. 21

Hist.: DMV 20-2002, f. & cert. ef. 10-14-02; DMV 20-2004, f. & cert. ef. 8-20-04; DMV 4-

2014(Temp), f. & cert. ef. 5-19-14 thru 11-14-14

## Employment Department Chapter 471

**Rule Caption:** Update Relief of Charges

**Adm. Order No.:** ED 4-2014(Temp)

**Filed with Sec. of State:** 5-19-2014

**Certified to be Effective:** 5-19-14 thru 11-1-14

**Notice Publication Date:**

**Rules Amended:** 471-030-0081, 471-030-0082

**Subject:** Retroactive application of a technical correction. The technical correction updated ORS references, which were modified with Senate Bill 192 in the 2013 Legislative Session, and took effect in October 2013. This retroactive application aligns with that change.

**Rules Coordinator:** Courtney Brooks—(503) 947-1724

## 471-030-0081

### Relief of Charges to Employers

(1) For the purposes of ORS 657.471(7)(a)(B), the “most recent separation from the employer” means the latest separation from such employer at the time notice of an initial valid determination of a claim filed by an individual is mailed to the employer’s last known address as shown by the records of the Employment Department.

(2) The effective date for implementing this rule shall apply retroactively, beginning October 7, 2013.

Stat. Auth.: ORS 657

Stats. Implemented: ORS 657.471(7)

Hist.: IDE 151, f. 9-28-77, ef. 10-4-77; ED 4-2014(Temp), f. & cert. ef. 5-19-14 thru 11-1-14

## 471-030-0082

### Charge Relief for Part-Time Work

(1) For purposes of ORS 657.471(9)(a) and (c):

(a) “Part-time work” means hours of work which are less than full-time as defined in OAR 471-030-0022;

(b) “Substantially the same amount” means wages have been earned by the part-time employee, with respect to a week in the benefit year, in an amount equal to 90 percent or more of the claimant’s average part-time weekly base year wage as determined in accordance with section (2) of this rule.

(2) A claimant’s average part-time weekly base year wage shall be calculated by dividing the claimant’s total base year part-time wages paid by the employer requesting relief of charges, by the total weeks of part-time work associated with such wages.

(3) The effective date for implementing this rule shall apply retroactively, beginning October 7, 2013.

Stat. Auth.: ORS 657

Stats. Implemented: ORS 657.471(10)

Hist.: IDE 2-1984, f. & ef. 9-28-84; ED 4-2014(Temp), f. & cert. ef. 5-19-14 thru 11-1-14

## Landscape Contractors Board Chapter 808

**Rule Caption:** Clarifies “employee” and requires admission or denial of each fact with a hearing request

**Adm. Order No.:** LCB 6-2014

**Filed with Sec. of State:** 5-30-2014

**Certified to be Effective:** 6-1-14

**Notice Publication Date:** 3-1-2014

**Rules Adopted:** 808-009-0315

**Rules Amended:** 808-002-0360

**Subject:** Clarifies “employee” and requires admission or denial of each fact with a hearing request

**Rules Coordinator:** Kim Gladwill-Rowley—(503) 967-6291, ext. 223

## 808-002-0360

### Employee

“Employee” means any individual working for remuneration who does not meet the requirements of an independent contractor in ORS 670.600. Employee does not include either a subcontractor that is an independent contractor, or a leased or temporary employee.

Stat. Auth.: ORS 183.325 - 183.410, 670.310 & 671.670

Stats. Implemented: ORS 305, 314, 316, 317, 318, 656, 657, 671.525, 671.520, 671.565, 671.660 & 447.060

Hist.: LC 3, f. & ef. 2-7-77; LC 1-1981, f. & ef. 10-8-81; LC 1-1984, f. & ef. 7-17-84; LC 2-1984, f. & ef. 10-2-84; LC 1-1985, f. & ef. 7-1-85; LC 1-1986, f. & ef. 1-3-86; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; Renumbered from 808-010-0010; LCB 1-1991, f. & cert. ef. 7-22-91; LCB 3-1991(Temp), f. & cert. ef. 12-3-91; LCB 1-1992, f. 1-27-92, cert. ef. 2-1-92; LCB 2-1992, f. 7-14-92, cert. ef. 7-15-92; LCB 3-1992(Temp), f. & cert. ef. 7-16-92; LCB 1-1993, f. & cert. ef. 1-19-93; LCB 4-1993, f. & cert. ef. 11-1-93; LSCB 2-1997, f. & cert. ef. 11-3-97; LCB 1-1998, f. & cert. ef. 2-6-98; LCB 3-1998(Temp), f. & cert. ef. 11-16-98 thru 5-15-99; LCB 1-1999, f. & cert. ef. 2-11-99; LCB 3-1999, f. & cert. ef. 11-17-99, Renumbered from 808-002-0010; LCB 1-2000, f. & cert. ef. 2-1-00; LCB 6-2005, f. 12-30-05, cert. ef. 1-1-06; LCB 6-2014, f. 5-30-14, cert. ef. 6-1-14

## 808-009-0315

### Hearing Request and Answers; Consequences of Failure to Answer

(1) A hearing request and answer must be made in writing to the board by the party or the party’s attorney within 60 days of the board’s issuance of a notice of license denial and within 21 days of the board’s issuance of any other notice.

(2) Failure to raise an affirmative defense in the answer shall be considered a waiver of such defense. New matters alleged in the answer (affirmative defenses) shall be presumed denied by the Board.

(3) Evidence at a hearing shall not be taken on any issue not raised in the notice and answer.

(4) The party or party’s attorney may amend the response and answer, but no later than 10 days before the scheduled contested case hearing.

(5) For certain complex cases, the hearing request and answer must include specific elements. The types of cases that for which a special hearing request and answer are required are:

(a) Unlicensed performance of landscaping work as a landscape construction professional or operating as a landscape contracting business;

(b) Unlicensed advertisement or representation of a landscape contracting business or landscape construction professional;

(c) Violations of failure to comply with ORS 671.510 to 671.760 and/or OAR chapter 808.

(6) The specific elements required when a hearing request and answer are made for a type of case listed in subsection (2) are:

(a) An answer must include an admission or denial of each factual matter alleged in the notice;

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(b) An answer must include a short and plain explanation of each denial;

(c) Factual matters alleged in the board's proposed order and not denied in the answer shall be presumed admitted.

Stat. Auth.: ORS 670.310 & 671.670  
Stats. Implemented: ORS 305, 314, 316, 317, 318, 656, 657, 671.525, 671.520  
Hist.: LCB 6-2014, f. 5-30-14, cert. ef. 6-1-14

## Oregon Business Development Department Chapter 123

**Rule Caption:** This rule amendment relates to the Water Fund.

**Adm. Order No.:** OBDD 10-2014

**Filed with Sec. of State:** 5-30-2014

**Certified to be Effective:** 6-1-14

**Notice Publication Date:** 5-1-2014

**Rules Amended:** 123-043-0041

**Subject:** On January 1, 2014 amended rules were filed for the Water Fund resulting from SB 181 in the 2013 Regular Legislative Session. The amendment in this filing should have been included in the January filing. Maximum loan amounts have been changed from \$50,000 to \$60,000. Interest shall be at 50 rather than 75 percent of the annual interest rate for other loans made within this division.

**Rules Coordinator:** Mindee Sublette—(503) 986-0036

### 123-043-0041

#### Criteria and Limitations for Funding — Technical Assistance Projects

(1) Awards are available to municipalities with populations of less than 15,000 people for technical assistance. If the project is for a facility plan or study required by a regulatory agency, the municipality is not required to document non-compliance. Other Technical Assistance projects may be considered after consulting with and receiving documentation of non-compliance from the regulatory agency.

(2) Technical assistance grants and loans are subject to the following limitations:

(a) A grant of up to \$20,000 per water, sewer, and storm drainage system may be awarded once every three (3) years for a project;

(b) A loan of up to \$60,000 may be awarded for a project. Interest shall be at 50 percent of the annual interest rate for other loans made in accordance with the requirements of this OAR chapter 123, division 43. The loan term shall not exceed seven years;

(c) Pre-award expenses are not eligible for reimbursement;

(d) No more than \$600,000 shall be expended from the fund on technical assistance in any biennium. When awarding a grant under this section the Authority will not first consider a municipality's ability to repay a loan; and

(e) The application must meet the requirements listed in OAR 123-043-0075(2).

(3) The loan shall be a full faith and credit obligation which is payable from any taxes which the municipality may levy within the limitations of Article XI of the Oregon Constitution and all legally available revenues and other funds of the municipality. A pledge of specific revenues of the municipality may be pledged in addition to the foregoing.

Stat. Auth.: ORS 285B.563 & 285A.075  
Stats. Implemented: ORS 285B.560 - 285B.599  
Hist.: OBDD 2-2010(Temp), f. & cert. ef. 1-14-10 thru 7-13-10; OBDD 30-2010, f. 6-30-10, cert. ef. 7-1-10; OBDD 12-2013, f. 12-30-13, cert. ef. 1-1-14; OBDD 10-2014, f. 5-30-14, cert. ef. 6-1-14

## Oregon Department of Education Chapter 581

**Rule Caption:** Allows Department of Education to distribute additional funding to Long Term Care and Treatment Program

**Adm. Order No.:** ODE 19-2014

**Filed with Sec. of State:** 6-3-2014

**Certified to be Effective:** 6-3-14

**Notice Publication Date:** 5-1-2014

**Rules Amended:** 581-015-2572

**Subject:** Currently OAR 581-015-2572(c) states "If the total state funding available for all LTCT programs is less than the total state funding needed to fully fund each LTCT contract, the amount of state funding in each contract determined under paragraph (b) of this subsection will be prorated." This language creates a conflict when there is additional funding allocated by the legislature. The current lan-

guage does not specifically allow the department to allocate additional funds and does not indicate the manner in which additional funds should be allocated. Therefore it is recommended that the language be amended to read "If the total state funding available for all LTCT programs is more or less than the total state funding needed to fully fund each LTCT contract . . ." This will give the department the ability to address surplus funds in a like manner.

**Rules Coordinator:** Cindy Hunt—(503) 947-5651

### 581-015-2572

#### Long-Term Care and Treatment (LTCT) Education Program Funding Formula

The Department of Education shall provide funding to education programs based on the following:

(1) For the purpose of allocation of state funds under this rule, the following definitions apply:

(a) "Net operating expenditures (NOE)" means the sum of expenditures as defined in ORS 327.006(6), divided by the average daily membership of the school district, or in the case of an ESD, its districts, which contracts for education services offered in the program;

(b) "Service level factors" means:

(A) 1.75 for students in Psychiatric Day Treatment Programs; or

(B) 2.00 for students in Psychiatric Residential Treatment Facilities.

(c) "State agency slots" means the number of slots available for students in education programs under ORS 343.961, as determined by the Department based on information received from the Oregon Department of Human Services, the Oregon Health Authority, the Oregon Youth Authority and eligible day treatment programs and eligible residential treatment programs for the school year;

(2) The Department shall use the following formula for distribution of funding: (Service level factors) x [(the contracting district's NOE in year one) x (state agency slots for year one) + (the contracting district's NOE in year two) x (state agency slots for year two)] = total state funding contract amount;

(3) If the total state funding available for all LTCT programs is more or less than the total state funding needed to fully fund each LTCT contract, the amount of state funding in each contract determined under paragraph (2) of this subsection will be prorated.

(4) A special needs fund is established at the Oregon Department of Education which will be up to five percent of the total state monies made available for the LTCT program during a biennium:

(a) Individual applications may be made to the Department for this fund to cover unexpected, emergency expenses;

(b) Funds not utilized under this paragraph for the first year of the biennium will be carried forward by the Department to the next fiscal year.

Stat. Auth. ORS 326.051 & 343.961

Stats. Implemented: ORS 343.243 & 343.961

Hist.: ODE 14-2009, f. & cert. ef. 12-10-09; ODE 15-2011, f. & cert. ef. 12-15-11; ODE 19-2014, f. & cert. ef. 6-3-14

### Rule Caption: Vision Screening Certification

**Adm. Order No.:** ODE 20-2014

**Filed with Sec. of State:** 6-3-2014

**Certified to be Effective:** 6-3-14

**Notice Publication Date:** 4-1-2014

**Rules Adopted:** 581-021-0031

**Subject:** Rule implements 2013 legislation relating to requiring vision screening for students who are 7 years of age or younger upon entering an educational program for the first time. Specifies duties for educational providers. Specifies requirements for documentation.

**Rules Coordinator:** Cindy Hunt—(503) 947-5651

### 581-021-0031

#### Vision Screening Certification

(1) Definitions:

(a) "Education provider" means:

(A) Oregon prekindergarten as defined in OAR 581-019-0005 to 0035; and

(B) School district board as defined in ORS 332.002.

(b) "Eye examination" means an eye exam that:

(A) Is conducted by a person licensed by the Oregon Board of Optometry under ORS 683.010 to 683.340; or

(B) Is conducted by a person licensed by the Oregon Medical Board under ORS 677 and trained in eye surgery and eye disease; and



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(C) Involves any diagnosis of the eye and any measurement or assistance of the powers or range of vision of the eye.

(c) "Health care practitioner," for the purposes of this rule, means a Physician (MD), Physician's Assistant (PA), Doctor of Osteopathic Medicine (DO) licensed by the Oregon Medical Board, a Nurse Practitioner licensed by the Oregon State Board of Nursing, or a Naturopathic Physician licensed by the Board of Naturopathic Medicine.

(d) "Vision screening" means an eye screening test to identify potential vision health that is conducted by:

(A) A person licensed by the Oregon Board of Optometry under ORS 683.010 to 683.340;

(B) A person licensed by the Oregon Medical Board under ORS 677 and trained in eye surgery and eye disease;

(C) A health care practitioner as defined in section (1)(c) of this rule;

(D) A school nurse, an employee of an education provider, including a licensed Registered Nurse or Nurse Practitioner working for a school district to provide school health services, or a person designated by the Department of Education who has completed instruction on how to perform vision screening by an established program which:

(i) Is evidence based; and

(ii) Uses medically accepted standards for screening by non-medically licensed persons, including volunteers.

(e) "Vision Health Record," for the purposes of this rule, has the same meaning as "Education Records" in OAR 581-021-0220(6).

(2) Each education provider must:

(a) Require a student who is age seven or younger and entering an educational program for the first time to submit certification within 120 days of the student beginning school, that the student received:

(A) A vision screening or an eye examination; and

(B) Any further eye examinations or necessary treatments or assistance of the powers or range of vision of the eye.

(b) If a child enters an educational program without certification of vision screening, provide the parent with informational resources about:

(A) Student vision screenings, eye examinations; and

(B) Any further examinations or necessary eye or vision treatments.

(c) File in the student's vision health record any certifications or results of vision screening or eye examination;

(d) Ensure that the requirements of this rule are met.

(3) A student is not required to submit certification required in subsection (2) of this rule if the student provides a statement from the parent of the child that:

(a) The student submitted certification to a prior education provider;

or

(b) The student's or parents' religious beliefs are contrary to vision screening or eye examination.

(4) Failure by a student or parent to meet the requirements of this rule may not result in prohibiting the student from attending school, but may result in withholding report cards or similar actions.

(5) Certification of a vision screening or eye exam is documented using any written communication method selected by the screening entity to report results of the screening and/or eye exam to parents. The communication must include the:

(a) Child's name;

(b) Screening and/or eye exam date;

(c) Results of the screening and/or eye exam; and

(d) Name of the entity conducting the screening and/or eye exam.

Stat Auth: ORS 336.211

Stat. Implemented: ORS 336.211

Hist.: ODE 16-2014(Temp), f. & cert. ef. 3-12-14 thru 9-8-14; ODE 20-2014, f. & cert. ef. 6-3-14

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**Rule Caption:** Administration of prescription and non-prescription medication to students by school personnel.

**Adm. Order No.:** ODE 21-2014

**Filed with Sec. of State:** 6-3-2014

**Certified to be Effective:** 6-3-14

**Notice Publication Date:** 4-1-2014

**Rules Amended:** 581-021-0037

**Subject:** Modifies rule on administration of medication to K-12 students by school personnel. Allows for administration of bronchodilators or auto-injectable epinephrine prescribed by licensed health care professionals for asthma or severe allergies.

**Rules Coordinator:** Cindy Hunt—(503) 947-5651

## 581-021-0037

### Administration of Prescription and Nonprescription Medication to Students

(1) As used in this rule, definitions of terms shall be as follows:

(a) "Age appropriate guidelines" means the student must be able to demonstrate the ability, developmentally and behaviorally, to self-medicate with permission from a parent or guardian, building administrator and in the case of a prescription medication a physician;

(b) "Asthma" means a chronic inflammatory disorder of the airways that requires ongoing medical intervention;

(c) "Designated staff" means the school staff person who is designated by the building level school administrator, either the principal or head teacher, to administer nonprescription or prescription medication pursuant to district policy and procedure;

(d) "Instruction from physician, physician assistant or nurse practitioner" means a written instruction for the administration of a prescription medication to a student which:

(A) Shall include:

(i) Name of student;

(ii) Name of medication;

(iii) Dosage;

(iv) Method of administration;

(v) Frequency of administration; and

(vi) Other special instruction, if any.

(B) Shall include the prescription medication label prepared by a pharmacist at the direction of a physician, physician assistant or nurse practitioner will meet the requirements for a written instruction if it contains the information listed in (i) through (vi) of this paragraph;

(e) "Instruction from the student's parent or guardian" means a written instruction for the administration of a nonprescription medication to a student which shall include:

(A) Name of student;

(B) Name of medication;

(C) Dosage;

(D) Method of administration;

(E) Frequency of administration;

(F) Other special instructions; and

(G) Signature of parent or guardian.

(f) "Nonprescription medication" means only commercially prepared, non-alcohol-based medication to be taken at school that is necessary for the child to remain in school. This shall be limited to eyes, nose and cough drops, cough suppressants, analgesics, decongestants, antihistamines, topical antibiotics, anti-inflammatories and antacids that do not require written or oral instructions from a physician. Nonprescription medication does not include dietary food supplements;

(g) "Physician" means:

(A) A doctor of medicine or osteopathy or a physician assistant licensed to practice by the Board of Medical Examiners for the State of Oregon;

(B) A nurse practitioner with prescriptive authority licensed by the Oregon State Board of Nursing;

(C) A dentist licensed by the Board of Dentistry for the State of Oregon;

(D) An optometrist licensed by the Board of Optometry for the State of Oregon; or

(E) A naturopathic physician licensed by the Board of Naturopathy for the State of Oregon;

(h) "Prescription medication" means any non-injectable drug, chemical compound, suspension or preparation in suitable form for use as a curative or remedial substance taken either internally or externally by a student under the written direction of a physician. For the purpose of this rule, prescription medication includes any prescription for bronchodilators or auto-injectable epinephrine prescribed by a student's Oregon licensed health care professional for asthma or severe allergies. Prescription medication does not include dietary food supplements;

(i) "Qualified trainer" means a person who is familiar with the delivery of health services in a school setting and who is:

(A) A Registered Nurse licensed by the Oregon State Board of Nursing;

(B) A physician; or

(C) A pharmacist licensed by the State Board of Pharmacy for the State of Oregon.

(j) "Severe allergy" means a life-threatening hypersensitivity to a specific substance such as food, pollen or dust;

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(k) "Student self-medication" means students must be able to administer medication to him or herself without requiring a trained school staff member to assist in the administration of the medication;

(l) "Training" means yearly instruction provided by qualified trainers to designated school staff on the administration of prescription and nonprescription medications, based on requirements set out in guidelines approved by the Department of Education, including discussion of applicable district policies, procedures and materials;

(2) Each school district shall adopt policies and procedures that provide for:

(a) The administration of prescription and nonprescription medication to students by trained school personnel; and

(b) Student self-medication including age appropriate guidelines.

(3) Policies and procedures shall:

(a) Include a process to designate, train and supervise appropriate staff that takes into account when a student is in school, at a school sponsored activity, under the supervision of school personnel, in before-school or after-school care programs on school-owned property, and in transit to or from school or school-sponsored activities;

(b) Permit designated staff to administer prescription medication under the written permission from the student's parent or guardian and instruction from a physician, physician assistant or nurse practitioner if, because of its prescribed frequency, the medication must be given while in school, at a school sponsored activity, while under the supervision of school personnel, in before-school or after-school care programs on school-owned property, and in transit to or from school or school-sponsored activities;

(c) Permit designated staff to administer nonprescription medication under the written permission and instruction from the student's parent or guardian; and

(d) Permit student self-medication;

(e) Include procedures for the administration of premeasured doses of epinephrine by school personnel trained as provided by ORS 433.815 to any student or other individual on school premises who the personnel believe in good faith is experiencing a severe allergic reaction, regardless of whether the student or individual has a prescription for epinephrine;

(f) Provide guidelines for the management of students with life-threatening food allergies while the student is in school, at a school sponsored activity, while under the supervision of school personnel, in before-school or after-school care programs on school-owned property, and in transit to or from school or school-sponsored activities. The guidelines must include:

(A) Standards for the education and training of school personnel to manage students with life threatening allergies;

(B) Procedures for responding to life-threatening allergic reactions;

(C) A process for the development of individualized health care and allergy plans for every student with a known life-threatening allergy;

(D) Protocols for preventing exposures to allergens;

(E) A process for determining when a student may self-carry prescription medication;

(F) Policies and procedures that provide for self-administration of medication by kindergarten through grade 12 students with asthma or severe allergies. The policies and procedures must:

(i) Require that an Oregon licensed health care professional prescribe the medication to be used by the student while in school, at a school sponsored activity, while under the supervision of school personnel, in before-school or after-school care programs on school-owned property, and in transit to or from school or school-sponsored activities, and instruct the student in the correct and responsible use of the medication;

(ii) Require that an Oregon licensed health care professional, acting within the scope of the person's license; formulate a written treatment plan for managing the student's asthma or severe allergy;

(4) Policies and procedures related to administration of prescription and nonprescription medication and student self-medication must discuss:

(a) Safe storage, handling, monitoring supply and disposing of medications;

(b) Record keeping and reporting of medication administration, including errors in administration;

(c) Emergency medical response for life threatening side effects and allergic reactions, including the administration of premeasured doses of epinephrine to students and other individuals; and

(d) Student confidentiality.

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 339.870

Hist.: ODE 3-1998(Temp), f. & cert. ef. 2-27-98 thru 8-25-98; ODE 6-1998, f. & cert. ef. 4-23-98; ODE 10-1999, f. & cert. ef. 2-12-99; ODE 8-2005, f. & cert. ef. 3-23-05; ODE 17-2009, f. & cert. ef. 12-10-09; ODE 4-2010, f. & cert. ef. 3-18-10; ODE 21-2014, f. & cert. ef. 6-3-14

**Rule Caption:** Amend OAR 172-005-0020(3) addressing Consideration of Application by Authority.

**Adm. Order No.:** OFA 3-2014

**Filed with Sec. of State:** 5-28-2014

**Certified to be Effective:** 5-28-14

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

**Rules Amended:** 172-005-0020

**Subject:** Changes the approval process so that the approval resolution is in the form recommended, not provided, by the Authority's bond counsel, and allows different or additional provisions in such resolution, as the Authority deems necessary or appropriate. Also allows the preliminary agreement executed by the participating institution to contain such additional or different provisions as the Authority deems necessary or appropriate.

**Rules Coordinator:** Gwendolyn Griffith—(503) 802-5710

### 172-005-0020

#### Consideration of Application by the Authority

(1) At the meeting for which an application has been placed on the agenda, the Authority shall consider whether to approve or disapprove such application; provided that action by the Authority on an application may be deferred to a later meeting upon the vote of a majority of the members of the Authority. With the permission of the chairperson of the Authority and subject to such reasonable regulation as may be imposed from time to time by the Authority or the chairperson of the Authority, representatives of the participating institution filing the application and members of the public shall have the right to address the Authority, orally or in writing, concerning the merits of the proposed project and financing plan. The Authority, at any time while an application is pending, may in its discretion require the participating institution filing such application to provide additional information with respect to, or clarification of, any matter pertaining to the application, the participating institution, the proposed project or the financing thereof as the Authority determines to be reasonably necessary, convenient or appropriate to the Authority's discharge of its functions under ORS Chapter 289 or these rules.

(2) In considering whether to approve or disapprove an application, the Authority shall consider the extent to which the proposed project qualifies as a "project" within the meaning of ORS 289.005 in addition to any other factors it deems relevant, which may include any of the following:

(a) The extent to which the proposed project and the financing plan conform to the requirements under the Internal Revenue Code for federal tax-exempt financing or are eligible for a federal tax credit or subsidy;

(b) The economic viability of the proposed project, including the creditworthiness of the participating institution and credit enhancement provider (if any), the experience of the participating institution in constructing, equipping and operating projects of the type proposed, and the likelihood that all amounts owing on any bonds issued to finance the proposed project will be paid when due;

(c) The public benefits expected to be derived from the proposed project, including the extent to which the proposed project furthers the objectives sought to be promoted under ORS 289.005 to 289.240, and the benefits to and impact on the community in which the project is to be located;

(d) The ability of the participating institution to provide such information concerning itself and the proposed project as may be necessary or appropriate in order to ensure that any bonds issued are sold on the basis of full and complete disclosure of all material information; and

(e) The likelihood that any bonds issued can be successfully marketed at rates of interest which will not jeopardize the economic viability of the proposed project or the participating institution.

(3) Approval by the Authority of an application for financing shall be by a resolution in the form recommended by the Authority's bond counsel, but with such additional or different provisions, terms or conditions as the Authority deems necessary or appropriate, which resolution shall require the execution and delivery by the participating institution of a preliminary agreement regarding the requested financing substantially in the form which is attached to the resolution as an exhibit, with such additional or different provisions, terms or conditions as the Authority deems necessary or appropriate. Upon the approval of an application by the Authority, the Executive Director shall promptly request the Treasurer to consider the approval or disapproval of the application. Notwithstanding the approval of an application and regardless of whether the legal requirements and other

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terms and conditions imposed are met, the approval of an application shall not bind the Authority or the Treasurer to proceed with the requested financing, but shall merely evidence the intent of the Authority and the Treasurer to proceed with the financing subject always to the exercise of their discretion to refuse to proceed. Unless extended by the Authority upon request of the participating institution that filed the application, the financing of a project described in an approved application must be closed within six months of the date upon which such application is approved by the Authority; provided that the foregoing shall not preclude a participating institution from resubmitting an application for the financing of a project which was not closed within such six months period (as the same may have been extended by the Authority), but such resubmitted application shall be filed in the same manner and accompanied by payment of the application fee required by OAR 172-005-0065(2).

(4) If an application is not approved by the Authority, the participating institution filing such application may request that such application be placed on the agenda for the Authority's next regular meeting for reconsideration.

Stat. Auth.: ORS 289.240(2) & 289.125(1)  
Stats. Implemented: ORS 289.005(11), 289.010, 289.125 & 289.200  
Hist.: HECF 2-1990(Temp), f. & cert. ef. 3-26-90; HECF 4-1990, f. & cert. ef. 10-4-90; OFA 1-2011, f. & cert. ef. 1-10-11; OFA 1-2014, f. & cert. ef. 5-14-14; OFA 3-2014, f. & cert. ef. 5-28-14

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**Rule Caption:** Adoption of OAR 172-005-0045 addressing Post-Issuance Compliance

**Adm. Order No.:** OFA 4-2014

**Filed with Sec. of State:** 5-30-2014

**Certified to be Effective:** 5-30-14

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

**Rules Adopted:** 172-005-0045

**Subject:** This amendment addresses post-issuance compliance procedures with participating institutions to ensure compliance with federal tax, federal and state securities, and other applicable laws and regulations. OAR 172-005-0045 establishes that participating institutions are required to provide the following at the time of issuance of the bonds: 1) a copy of any post-issuance compliance procedures duly adopted that establish appropriate internal procedures to ensure compliance; 2) a copy of any modification or amendment of such procedures; and 3) a copy of evidence of due adoption and approval of such procedures. The rule also requires participating institutions to designate the person(s) with primary responsibility for compliance.

**Rules Coordinator:** Gwendolyn Griffith—(503) 802-5710

## 172-005-0045

### Post-Issuance Compliance

It is the policy of the Authority that participating institutions have appropriate written procedures in place at the time of issuance to ensure post issuance compliance with applicable federal tax and securities law requirements. A participating institution shall submit to the Authority prior to the time of issuance (a) a copy of the post-issuance compliance procedures duly adopted by the participating institution that establish appropriate internal procedures to ensure compliance by the participating institution with federal tax, federal and state securities, and other applicable laws and regulations, (b) a copy of any modification or amendment of such procedures, and (c) a copy of evidence of the due adoption and approval of such procedures or any modification or amendment of such procedures by the participating institution. The post-issuance compliance procedures of the participating institution shall designate the person or persons with primary responsibility for compliance with federal tax and securities law requirements and shall establish appropriate detailed procedures to ensure compliance by the participating institution with (a) federal tax requirements, including but limited to those related to the expenditure of bond proceeds, project use, investment of bond proceeds, restriction on arbitrage yield and rebate, and (b) if applicable, federal securities law requirements regarding the annual filing of financial information and the timely disclosure of certain material events.

Stat. Auth.: ORS 289.125(1), 289.240(2)  
Stats. Implemented: ORS 289.005, 289.010, 289.125, 289.200, 289.240(2)  
Hist.: OFA 2-2014, f. & cert. ef. 5-14-14; OFA 4-2014, f. & cert. ef. 5-3-14

## Oregon Health Authority, Addictions and Mental Health Division: Addiction Services Chapter 415

**Rule Caption:** Permanent amendments to OAR 415-012 related to licensing of alcohol and other drug abuse programs.

**Adm. Order No.:** ADS 3-2014

**Filed with Sec. of State:** 6-10-2014

**Certified to be Effective:** 6-19-14

**Notice Publication Date:** 6-1-2014

**Rules Adopted:** 415-012-0057, 415-012-0058

**Rules Amended:** 415-012-0000

**Subject:** These rules establish procedures for approval of the following:

(1) Any substance use disorder service provider which is, or seeks to be, contractually affiliated with the Addictions and Mental Health Division (AMH), a Coordinated Care Organization, or local mental health authority for the purpose of providing alcohol and other drug abuse treatment and prevention services;

(2) Any service provider using public funds in the provision of substance use disorder prevention, intervention, or treatment services in Oregon;

(3) Performing providers under AMH rules under OAR 309-016-0000 through 309-016-0120;

(4) Organizations that provide substance use disorder treatment services seeking approval from the Division to establish eligibility for insurance reimbursement as provided in ORS 430.065;

(5) Organizations seeking approval from the Division for provision of residential services as provided in ORS 430.010 and 443.400 or detoxification services under ORS 430.306; or

(6) Alcohol and drug evaluation specialists designated to do Driving Under the Influence of Intoxicants (DUI) diagnostic screenings and assessments under ORS 813.020 and 813.260.

**Rules Coordinator:** Nola Russell—(503) 945-7652

## 415-012-0000

### Purpose and Scope

**Purpose.** These rules establish procedures for approval of the following:

(1) Any substance use disorder service provider which is, or seeks to be, contractually affiliated with the Addictions and Mental Health Division (AMH), a Coordinated Care Organization, or local mental health authority for the purpose of providing alcohol and other drug abuse treatment and prevention services;

(2) Any service provider using public funds in the provision of substance use disorder prevention, intervention, or treatment services in Oregon;

(3) Performing providers under AMH rules under OAR 309-016-0000 through 309-016-0120;

(4) Organizations seeking approval from the Division for provision of residential services as provided in ORS 430.010 and 443.400 or detoxification services under ORS 430.306; or

(5) Alcohol and drug evaluation specialists designated to do Driving Under the Influence of Intoxicants (DUI) diagnostic screenings and assessments under ORS 813.020 and 813.260.

(6) Scope. These rules do not establish procedures for regulating behavioral health care practitioners that are otherwise licensed to render behavioral healthcare services in accordance with applicable statutes. These rules do not establish procedures for regulating practices exclusively comprised of behavioral healthcare practitioners that are otherwise licensed to render behavioral healthcare services in accordance with applicable statutes.

Stat. Auth.: ORS 413.042 & 430.256  
Stats. Implemented: ORS 430.010, 430.306, 430.397, 430.405, 430.450, 430.590, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500  
Hist.: ADAP 2-1993, f. & cert. ef. 11-5-93; ADS 2-2008, f. & cert. ef. 11-13-08; ADS 2-2013(Temp), f. & cert. ef. 1-14-13 thru 7-12-13; ADS 4-2013, f. & cert. ef. 5-3-13; ADS 1-2014(Temp), f. & cert. ef. 1-28-14 thru 7-21-14; ADS 3-2014, f. 6-10-14, cert. ef. 6-19-14

## 415-012-0057

### Organizational Provider Assessment Information

In addition to the review procedures outlined in Section 415-012-0055, the Division will ensure that the following minimum information will be obtained during the site reviews;



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- (1) A current program description that reflects the type and scope of behavioral health services provided by the applicant;
  - (2) Provider policies regarding credentialing practices of individual practitioners. The policies must reflect current credentialing standards as defined by nationally accepted accrediting bodies such as The Joint Commission, the National Committee for Quality Assurance, and/or URAC;
  - (3) Copies of the provider's liability insurance coverage;
  - (4) Copies of the provider's policies and procedures regarding seclusion and restraint practices; and
  - (5) Copies of the provider's Code of Conduct.
- Stat. Auth.: ORS 413.042 & 430.256  
Stats. Implemented: ORS 430.01030, 430.306, 430.397, 430.405, 430.450, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500  
Hist.: ADS 8-2013(Temp), f. & cert. ef. 12-20-13 thru 6-18-14; ADS 3-2014, f. 6-10-14, cert. ef. 6-19-14

## 415-012-0058

### Availability of Information to Coordinated Care Organizations and Other Health Plans

Upon completion of the site review process and the issuance of a Certificate of Approval for Mental Health Services, the Division shall make copies of the following information available to Coordinated Care Organizations and other health plans for the purpose of credentialing a provider:

- (1) A current program description that reflects the type and scope of behavioral health services provided by the applicant;
  - (2) Provider policies and procedures regarding the provider's credentialing practices of individual clinicians;
  - (3) Statements of provider's liability insurance coverage;
  - (4) An attestation from the Authority verifying that the provider has passed a screening and meets the minimum requirements to Medicaid provider;
  - (5) Reports detailing the findings of the Division's site review of the provider;
  - (6) The provider's Medicaid Vendor Identification Number issued by the Authority;
  - (7) Copies of the provider's policies and procedures regarding seclusion and restraint practices; and
  - (8) Copies of the provider's Code of Conduct.
- Stat. Auth.: ORS 413.042 & 430.256  
Stats. Implemented: ORS 430.01030, 430.306, 430.397, 430.405, 430.450, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500  
Hist.: ADS 8-2013(Temp), f. & cert. ef. 12-20-13 thru 6-18-14; ADS 3-2014, f. 6-10-14, cert. ef. 6-19-14

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

**Rule Caption:** Permanent amendments to OAR 309-012 regarding Certificates of Approval for mental health services.

**Adm. Order No.:** MHS 10-2014

**Filed with Sec. of State:** 6-10-2014

**Certified to be Effective:** 6-19-14

**Notice Publication Date:** 6-1-2014

**Rules Adopted:** 309-012-0230

**Rules Amended:** 309-012-0130, 309-012-0150, 309-012-0180, 309-012-0190

**Subject:** These rules establish procedures for approval of the following kinds of organizations:

1. Any mental health service provider which is, or seeks to be, contractually affiliated with the Division or community mental health authority for the purpose of providing services described in ORS 430.630(3);
2. Performing providers under OAR 309-016;
3. Organizations seeking Division approval of insurance reimbursement as provided in ORS 743A.168; and
4. Holding facilities.

**Rules Coordinator:** Nola Russell—(503) 945-7652

## 309-012-0130

### Purpose and Scope

(1) Purpose. These rules establish procedures for approval of the following kinds of organizations:

- (a) Any mental health service provider which is, or seeks to be, contractually affiliated with the Division or community mental health authority for the purpose of providing services described in ORS 430.630(3);
  - (b) Performing providers under OAR 309-016-0070;
  - (c) Organizations seeking Division approval of insurance reimbursement as provided in ORS 743A.168; and
  - (d) Holding facilities.
- (2) These rules do not establish procedures for residential licensure under ORS 443.410 and 443.725.
- (3) These rules do not establish procedures for regulating behavioral health care practitioners that are otherwise licensed to render behavioral healthcare services in accordance with applicable statutes.
- (4) These rules do not establish procedures for regulating practices exclusively comprised of behavioral healthcare practitioners that are otherwise licensed to render behavioral healthcare services in accordance with applicable statutes.

Stat. Auth.: ORS 179.040, 430.640, 743.556 & 743A.168

Stats. Implemented: ORS 179.505, 430.010 & 430.620

Hist.: MHD 4-1992, f. & cert. ef. 8-14-92; MHS 14-2013(Temp), f. & cert. ef. 12-20-13 thru 6-18-14; MHS 10-2014, f. 6-10-14, cert. ef. 6-19-14

## 309-012-0150

### Applicability of Certificates of Approval

Certificates of Approval are awarded to mental health services providers and non-inpatient providers that are found to be in substantial compliance with applicable administrative rules:

(1) Mental health services providers are required to maintain Certificates of Approval as follows:

- (a) Each community mental health program or provider operating under an Intergovernmental Agreement or a direct contract with the Division must maintain a Certificate of Approval as set forth in these rules;
- (b) Each local mental health service provider operating under subcontract with a CMHP must maintain a Certificate of Approval as set forth in these rules in order to receive funds administered by the Division through the local subcontract relationship.

(2) Hospitals and other facilities which operate as holding facilities in providing care, custody, and treatment of allegedly mentally ill persons under the emergency provisions of ORS 426.070 & 426.140 must maintain a Certificate of Approval as set forth in these rules.

(3) A provider not described above which offers services that may be reimbursable under group health coverage as set forth in ORS 743A.168 for mental or emotional conditions may seek to obtain a Division Certificate of Approval in order to establish reimbursement eligibility.

(4) Certificates of Approval are not awarded as a substitute for a license such as those required in ORS 443.410 and 443.725 for residential facilities. However, the Division may require such licensed providers to obtain a Certificate of Approval if services exceeding those required for licensure are provided in return for Division financial support as set forth in section (1) of this rule.

(3) These rules do not establish procedures for regulating behavioral health care practitioners that are otherwise licensed to render behavioral healthcare services in accordance with applicable statutes.

(4) These rules do not establish procedures for regulating practices exclusively comprised of behavioral healthcare practitioners that are otherwise licensed to render behavioral healthcare services in accordance with applicable statutes.

Stat. Auth.: ORS 179.040, 179.505, 426.175, 430.010, 430.640 & 743.556

Stats. Implemented: 430.620

Hist.: MHD 4-1992, f. & cert. ef. 8-14-92; MHS 14-2013(Temp), f. & cert. ef. 12-20-13 thru 6-18-14; MHS 10-2014, f. 6-10-14, cert. ef. 6-19-14

## 309-012-0180

### Duration and Renewal of Certificates of Approval

(1) Mental health services providers. Unless revoked pursuant to OAR 309-012-0210 or unless otherwise specified on the Certificate, Certificates of Approval for mental health services providers are valid for three years.

(2) Non-inpatient providers. Certificates of Approval for providers described in ORS 743.556(3) are valid for up to three years or as otherwise specified on the Certificate. When a non-inpatient provider seeks a Certificate of Approval to be in effect at the expiration date of a Letter of Approval or a prior Certificate of Approval, an application conforming to the instructions of the Division must be received no later than 90 days prior to the expiration of the earlier Letter of Approval or Certificate.

Stat. Auth.: ORS 430.041, 430.640(l) & 430.640(h)

Stats. Implemented:

Hist.: MHD 4-1992, f. & cert. ef. 8-14-92; MHS 14-2013(Temp), f. & cert. ef. 12-20-13 thru 6-18-14; MHS 10-2014, f. 6-10-14, cert. ef. 6-19-14

# ADMINISTRATIVE RULES

## 309-012-0190

### Conduct of Periodic and Interim Reviews

#### (1) Review Schedules:

(a) Periodic reviews of mental health service providers will be routinely conducted every three years;

(b) Periodic reviews of non-inpatient providers approved under ORS 743.556 will be conducted following the provider's submission of an application for recertification as set forth in OAR 309-012-0180;

(c) Interim reviews of any provider holding a Certificate of Approval may be conducted at any time at the discretion of the Division, or in the case of a subcontractor of a CMHP, at the discretion of either Division or the CMHP.

(2) Notification of Review. Notification that a review will be conducted, along with all instructions and requests for information from the provider, will be made in writing by the designee of the Assistant Administrator of the Division. For reviews of subcontractors initiated by the CMHP, notification and instructions will be made by the designee of the director of the CMHP.

#### (3) Initiation of Reviews:

(a) Reviews of new applicants, and periodic reviews will be scheduled with at least one month's notice from the Division to the CMHP, direct contractor, or non-inpatient provider. Subcontractors will be notified by the CMHP;

(b) The Division and, in the case of a subcontractor, the CMHP may conduct an interim review without prior notification when there is reason to believe any of the following conditions have occurred or may occur:

(A) Operations of the service provider threaten the health or safety of any person;

(B) The provider may act to alter records or make them unavailable for inspections.

(c) Interim reviews other than those specified in subsection (b) of this section will be initiated with at least two week's notice by the Division to the CMHP or direct contractor.

(4) Review Procedures. The Division, and in the case of reviewing a subcontractor, the CMHP, may employ review procedures which it deems adequate to determine compliance with applicable administrative rules. These procedures may include but are not limited to:

(a) Entry and inspection of any facility used in the delivery of approved services;

(b) A request for the submission to the Division or CMHP, of a copy of any document required by applicable administrative rules or needed to verify compliance with such rules, or access to such documents for on-site review. Such documentation could include, for example, records of utilization and quality assurance reviews, copies of portions of selected consumer records, and copies of staff academic degrees or professional licenses;

(c) The completion by the provider of self-assessment checklists reporting compliance or non-compliance with specific rule requirements; and

(d) Conduct of interviews with, and administration of questionnaires to persons knowledgeable of service operations, including, for example, staff and management of a provider, governing and advisory board members, allied agencies, service consumers, their family members, and significant others;

(e) In the case of subcontracts and reviews initiated by the county, the county may request Division assistance in conducting the reviews.

#### (5) Organizational Provider Assessment Information

(a) In addition to the review procedures outlined in Section 309-012-0057, the Division will ensure that the following minimum information will be obtained during the site reviews;

(b) A current program description that reflects the type and scope of behavioral health services provided by the applicant;

(c) Provider policies regarding credentialing practices of individual practitioners. The policies must reflect current credentialing standards as defined by nationally accepted accrediting bodies such as The Joint Commission, the National Committee for Quality Assurance, and/or URAC;

(d) Copies of the provider's liability insurance coverage;

(e) Copies of the provider's policies and procedures regarding seclusion and restraint practices; and

(f) Copies of the provider's Code of Conduct.(6) Reports of Review Findings:

(a) Completion Deadlines. The Division will issue a completed report of review findings, a Certificate of Approval, and any conditions to approval, or denial of approval within 60 days of the completion of an on-site review, or within 60 days of the date of submission of all review mate-

rials which have been requested for the purpose of conducting the review, whichever is later;

(b) Content and scope of reports. Reports of reviews will include the following:

(A) A description of the review findings regarding program operations relative to applicable administrative rules, and contract or agreement provisions;

(B) A specification of any conditions set as described in OAR 309-012-0200, which the provider must meet, and the time permitted to meet the conditions;

(C) A statement clarifying the provider's approval status; and

(D) An appendix containing any report of findings or observations clearly qualified as unrelated to the provider's approval status which may be useful as information and recommendations to the service provider or the CMHP.

(c) Transmittal of Reports. Each report shall be issued along with a document of transmission signed by the Assistant Administrator of the Division, and any Certificates of Approval being awarded;

(d) Report Distribution. The Division will address and issue reports as follows:

(A) Reports of reviews of a directly operated or subcontracted portion of a community mental health program will be issued to the local mental health authority;

(B) Reports of reviews of direct contractors of the Division will be issued to the signator(s) of the direct contract; and, the Chairperson of the Board of Directors of the contractor;

(C) Reports of reviews of holding facilities which are not subcontractors of a community mental health program, and reviews of non-inpatient providers will be issued to the provider's officer or employer requesting the review.

Stat. Auth.: ORS 179.040, 179.505, 426.175, 430.010, 430.640 & 743.556

Stats. Implemented: 430.620

Hist.: MHD 4-1992, f. & cert. ef. 8-14-92; MHS 14-2013(Temp), f. & cert. ef. 12-20-13 thru 6-18-14; MHS 10-2014, f. 6-10-14, cert. ef. 6-19-14

## 309-012-0230

### Availability of Information to Coordinated Care Organizations and Other Health Plans

Upon completion of the site review process and the issuance of a Certificate of Approval for Mental Health Services, the Division shall make copies of the following information available to Coordinated Care Organizations and other health plans for the purpose of credentialing a provider:

(1) A current program description that reflects the type and scope of behavioral health services provided by the applicant;

(2) Provider policies and procedures regarding the provider's credentialing practices of individual clinicians;

(3) Statements of provider's liability insurance coverage;

(4) An attestation from the Authority verifying that the provider has passed a screening and meets the minimum requirements to Medicaid provider;

(5) Reports detailing the findings of the Division's site review of the provider;

(6) The provider's Medicaid Vendor Identification Number issued by the Authority;

(7) Copies of the provider's policies and procedures regarding seclusion and restraint practices; and

(8) Copies of the provider's Code of Conduct.

Stat. Auth.: ORS 413.042 & 430.256

Stats. Implemented: ORS 430.01030, 430.306, 430.397, 430.405, 430.450, 430.630, 430.850, 443.400, 813.020, 813.260 & 813.500

Hist.: MHS 14-2013(Temp), f. & cert. ef. 12-20-13 thru 6-18-14; MHS 10-2014, f. 6-10-14, cert. ef. 6-19-14

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

**Rule Caption:** Extends Deadline to Change Non-emergent Medical Transportation Program; Makes Technical Changes

**Adm. Order No.:** DMAP 29-2014

**Filed with Sec. of State:** 5-20-2014

**Certified to be Effective:** 5-20-14

**Notice Publication Date:** 4-1-2014

**Rules Amended:** 410-136-3000, 410-136-3020, 410-136-3060, 410-136-3140, 410-136-3220, 410-136-3240

# ADMINISTRATIVE RULES

**Rules Repealed:** 410-136-3000(T), 410-136-3020(T), 410-136-3060(T), 410-136-3140(T), 410-136-3220(T), 410-136-3240(T)

**Subject:** Amendments fix numbering issues; remove Standard as a designation of OHP clients who are not eligible for the NEMT benefit to respond to Oregon Health Plan changes effective on January 1, 2014; extend the time clients have to return reimbursement paperwork from 30 to 45 days in response to constituent requests; and clarify that an overpayment includes reimbursements made to a client and a service provider for the same service.

**Rules Coordinator:** Sandy Cafourek—(503) 945-6430

## 410-136-3000

### Responsibility for Providing Non-emergent Medical Transportation

(1) The Authority shall provide non-emergent medical transportation (NEMT) for eligible clients who receive their OHP covered medical services on a fee-for-service basis or are members enrolled in prepaid health plans (PHP) or coordinated care organizations (CCO). The Authority shall cease providing this service to CCO enrollees when CCOs provide the service to their enrollees pursuant to section (2) of this rule.

(2) When a CCO begins providing NEMT services for its enrollees, the Authority shall provide NEMT services in the CCO's service area only to clients not enrolled in a CCO for health care services:

(a) The Authority may not pay for services covered by a CCO; reimbursement is a matter between the CCO and its transportation subcontractor.

(b) For clients enrolled in a CCO responsible for NEMT, the transportation provider must coordinate all transportation services with the client's transportation brokerage or CCO prior to providing services.

(3) The requirements in OAR 410-136-3000–410-136-3360 apply to NEMT services for which the Authority is responsible pursuant to this rule.

(4) A brokerage may request that the Authority delay responsibility for reimbursement to clients pursuant to OAR 410-136-3240, Client Reimbursed Mileage, Meals and Lodging, until a CCO in the brokerage's service area assumes NEMT services for the CCO's enrollees. The delay of the brokerage's responsibility also includes reimbursing clients in the fee-for-service delivery system.

(5) OAR 410-136-3040, Vehicle Equipment and Subcontractor Standards and 410-136-3120, Secured Transports do not apply to ambulance providers, ambulance vehicles, or ambulance personnel that are licensed and regulated by ORS Chapter 682 and OAR chapter 333, divisions 250, 255, 260 and 265, whether providing ambulance or stretcher transports.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Hist: DMAP 36-2013, f. 6-27-13, cert. ef. 7-1-13; DMAP 69-2013(Temp), f. 12-24-13, cert. ef. 1-1-14 thru 6-30-14; DMAP 29-2014, f. & cert. ef. 5-20-14

## 410-136-3020

### General Requirements for NEMT

(1) The Authority may enroll governmental transportation brokerages (local units of government) or other entities to arrange rides and pay subcontractors for NEMT services. The Authority may limit the enrollment with brokerages to units of local government.

(2) For purposes of the rules (OAR 410-136-3000 through 410-136-3360), "subcontractor" means the individual or entity with which the brokerage subcontracts or employs to drive the client to and from OHP covered medical services.

(3) The brokerage shall:

(a) Prior authorize and pay subcontractors for the least costly but most appropriate mode of transport for the client's medical needs to and from an OHP covered medical service. The most appropriate and least costly ride may include requiring the client to share the ride with other clients;

(b) Verify that the client is obtaining OHP covered medical services in the client's local area. "Local area" means an area within the accepted community standard and includes the client's metropolitan area, city, or town of residence;

(c) Verify the client's OHP eligibility and that the client's benefit package includes NEMT services. The brokerage shall verify this through electronic eligibility information;

(d) Assess the client's access to other means of transportation, such as driving their own car or getting a ride from a family member or neighbor;

(e) Verify the client's attendance for continuing requests for rides if the medical provider could not affirm an appointment for a previous ride;

(f) Schedule a ride with an alternate subcontractor if the subcontractor originally assigned is unable to provide the ride; and

(g) Assign rides based on an evaluation of several factors including, but not limited to:

(A) Cost;

(B) The client's need for appropriate equipment and transportation;

(C) Any factors related to a subcontractor's capabilities, availability, and past performance; and

(D) Any factors related to the brokerage's need to maintain sufficient service capacity to meet client needs.

(4) Pursuant to OAR 410-120-1210, Medical Assistance Benefit Packages and Delivery System, clients receiving the following benefit packages are not eligible for NEMT:

(a) Citizen Alien Waived Emergency Medical (CWM); and

(b) Qualified Medicare Beneficiary (QMB) only.

(5) The brokerage shall maintain records of the reasons for authorizing a ride:

(a) That is not cost effective or not based on the factors specified in section (3);

(b) With more than two attendants for an ambulance or stretcher car; or

(c) With more than one attendant for a wheelchair van.

(6) The brokerage shall provide a ride to a client to fill prescription medication only in the following situation:

(a) The client needs to stop on the way home to fill or pick up prescribed medication related to the medical service for which the brokerage provided the ride;

(b) It is medically necessary to fill or pick up the medication immediately; and

(c) The pharmacy is located on the return route or is the closest pharmacy to the return route.

(7) The brokerage may provide a ride to a client to fill prescribed medication under the following situations:

(a) The brokerage asks the client if the prescription service is available through the Authority's contracted postal prescription service, and the client responds that it is not available through that source;

(b) The client has an urgent need to fill or pick up prescribed medication because the postal prescription service mailed the wrong medication, or the client has an unexpected problem caused by the medication; or

(c) The client is transient or without regular access to a mailbox. In this situation, the brokerage may evaluate the need on a case-by-case basis.

(8) The brokerage shall provide rides outside the brokerage's service area, as described in Table 136-3380, under the following circumstances:

(a) The client is receiving an OHP covered medical service that is not available in the service or local area but is available in another area of the state;

(b) The client is receiving a covered service in California, Idaho, or Washington where the service location is no more than 75 miles from the Oregon border; or

(c) No local medical provider or facility will provide OHP covered medical services for the client.

(9) Brokerages may coordinate to provide a return ride to a client who receives medical services outside the client's local area.

(10) Brokerages shall retroactively authorize and pay for NEMT services that have already occurred only when the brokerage could not prior authorize the service because the brokerage was closed, and the request for authorization is within 30 days of the date of service. The brokerage also must confirm that one of the following circumstances supported the ride:

(a) The eligible client needed urgent medical care;

(b) The eligible client required secured transport pursuant to OAR 410-136-3120, Secured Transports; or

(c) The client was in a hospital, and the hospital discharged or transferred the client.

(11) Notwithstanding section (10), a brokerage shall retroactively authorize NEMT services for ambulance transports when:

(a) An ambulance provider responds to an emergency call, but the client's medical condition does not warrant an emergency transport;

(b) The ambulance provider transports the client as a NEMT service; and

(c) The ambulance provider requests retroactive authorization within 30 days of the NEMT service.

(12) Brokerages shall not authorize or pay for rides outside their service areas based only on client preference or convenience.

(13) Brokerages shall provide toll-free call centers for clients to request rides. The following pertain to the brokerage's call center and scheduling of rides:



# ADMINISTRATIVE RULES

(a) The call center shall operate at a minimum Monday through Friday from 9:00 a.m. to 5:00 p.m., but the brokerage may close the call center on New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving, and Christmas. The Authority may approve, in writing, additional days of closure if the brokerage requests the closure at least 30 days in advance.

(b) Brokerages shall make all reasonable efforts for clients to have access to available NEMT services 24 hours a day. When the call center is closed, the brokerages shall provide a recording or answering service to refer the client directly to a subcontractor. If no subcontractor is available, the brokerage must provide clients with recorded information about service hours and how to reach emergency services by calling 911;

(c) The brokerage shall allow a client to schedule rides at least 30 days in advance of the medical service; and

(d) The brokerage shall allow a client to request multiple ride requests at one time.

(e) The brokerage shall develop procedures and make reasonable efforts to arrange a ride requested on the day of the medical service when the medical service is:

(A) For an urgent medical condition; and

(B) Due to the urgency of the medical condition, the client scheduled an immediate medical appointment.

(14) The brokerage is not responsible for providing emergency medical transportation services. However, brokerages shall have procedures for referring clients requesting emergency medical transportation services to the appropriate emergency transportation resources and procedures for subcontractors per OAR 410-136-3040, Vehicle Equipment and Subcontractor Standards.

(15) The Authority shall collaborate with brokerages and CCOs to develop and conduct a statewide client satisfaction survey at least once every two years. The Authority may contract with one or more brokerages to conduct the survey. The Authority shall use the results of the survey to identify and address potential operational deficiencies and to identify and share successes in the NEMT program.

(16) Brokerages shall establish regional advisory groups consisting of representatives from the Authority, DHS, Area Agencies on Aging, consumers, representatives of client advocacy groups from within the service or local area, brokerage subcontractors, and providers of NEMT ambulance services. The role of the group includes, but is not limited to:

(a) Assisting in monitoring and evaluating the NEMT program; and

(b) Recommending potential policy or procedure changes and program improvements to brokerages and the Authority and assisting in prioritizing those changes and improvements.

(17) Brokerages shall have the discretion to use or not use DHS-approved volunteers. DHS shall provide brokerages with a list of approved and trained volunteers. DHS shall supervise the volunteers and assumes all liability for each volunteer as provided by law.

(18) Brokerages or their subcontractors shall not bill eligible clients for any transports to and from OHP covered medical services or any transports where the Authority denied reimbursement.

(19) On a minimum of five percent of the ride requests, brokerages shall contact medical providers to verify appointments and that the appointments are for OHP covered medical services.

(20) Brokerages may purchase tickets for common carrier transportation, such as inter- or intra-city bus, train, or commercial airline when deemed cost effective and safe for the client.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Hist: DMAP 36-2013, f. 6-27-13, cert. ef. 7-1-13; DMAP 69-2013(Temp), f. 12-24-13, cert. ef. 1-1-14 thru 6-30-14; DMAP 29-2014, f. & cert. ef. 5-20-14

## 410-136-3060

### Insurance Requirements

(1) Brokerages must obtain and maintain general and automobile liability coverage for personal injury and death in accordance with ORS 30.271, Limitations on Liability of State for Personal Injury and Death.

(2) Brokerages must obtain and maintain general and automobile liability coverage for property damage and destruction in accordance with ORS 30.273, Limitations on Liability of Public Bodies for Property Damage or Destruction.

(3) The liability coverage required by sections (1) and (2) of this rule shall include the State of Oregon, Oregon Health Authority and its divisions, officers, employees, and agents as additional insureds but only as related to the brokerages' NEMT services.

(4) In lieu of purchasing liability coverage under sections (1) and (2) of this rule, the Authority may authorize a brokerage to establish and main-

tain a Self-Insurance Reserve Fund. The following apply to requirements of the fund:

(a) The Authority shall establish the fund at \$1 million through the fixed rate for rides established in OAR 410-136-3200, Reimbursement and Accounting for all Modes of Transport;

(b) The fund shall comply with OMB Circular 87;

(c) If the brokerage subsequently terminates its enrollment with the state as a Medicaid provider, the brokerage shall refund the Authority the balance of any monies in the fund within two years from the termination of its enrollment or at the conclusion of any claim or litigation related to the brokerage's NEMT services for eligible clients;

(d) Once funded, the fund shall be maintained at an amount not less than \$1 million through the fixed rate for rides established in OAR 410-136-3200, Reimbursement and Accounting for all Modes of Transport;

(e) The Authority shall reconcile the fund amount during the annual cost settlement process pursuant to OAR 410-136-3200, Reimbursement and Accounting for all Modes of Transport, and shall increase or decrease the fixed rate for rides to maintain the \$1 million fund amount; and

(f) The brokerage shall maintain a separate account for the fund.

(5) Brokerages and their subcontractors that employ workers as defined in ORS 656.027 shall comply with 656.017 and shall provide workers' compensation insurance coverage for those workers, unless they meet the requirement for an exemption under 656.126(2). Brokerages shall require each of their subcontractors to comply with this requirement.

(6) In lieu of purchasing workers' compensation insurance coverage as required by section (5), a brokerage may self-insure for all of its subject workers. The Authority shall not fund this reserve and shall only reimburse the brokerage for costs of self-insurance in the event of a claim arising from the brokerage's NEMT services to eligible clients.

(7) Brokerages and their subcontractors shall furnish proof of liability coverage and insurance to the Authority upon request.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Hist: DMAP 36-2013, f. 6-27-13, cert. ef. 7-1-13; DMAP 69-2013(Temp), f. 12-24-13, cert. ef. 1-1-14 thru 6-30-14; DMAP 29-2014, f. & cert. ef. 5-20-14

## 410-136-3140

### Transports of Clients Changing Hospitals or Other Facilities

(1) Brokerages shall arrange and pay for transporting an eligible client who has had a change in condition, noted in the client's DHS care plan, resulting in a need for a new service setting with a lower or higher level of care. This includes clients who are changing levels of care between their community-based care settings or between institutional and community-based settings. The client's DHS worker must request the ride.

(2) Brokerages shall not arrange or pay for:

(a) The transport or return of an inpatient client from an admitting hospital to another hospital (or facility) for diagnostic or other short-term services when the patient will return to the admitting hospital within the first 24-hours of admission. The subcontractor shall bill the admitting hospital directly for these transports;

(b) The transport of a client receiving long-term care service in their home or residing in a long-term care facility for the sole purpose of shopping for another long-term care facility, even if the client is looking for a new facility to receive a lower or higher level of care;

(c) The transport of a client moving from one type of facility to a facility of the same type, such as from an adult foster home to another adult foster home; and

(d) The transport of a client who is relocating to another state, unless the transport is to receive an OHP covered medical service pursuant to OAR 410-136-3080, Out-of-State Transportation.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Hist: DMAP 36-2013, f. 6-27-13, cert. ef. 7-1-13; DMAP 69-2013(Temp), f. 12-24-13, cert. ef. 1-1-14 thru 6-30-14; DMAP 29-2014, f. & cert. ef. 5-20-14

## 410-136-3220

### Brokerage Reimbursements to Subcontractors

(1) Brokerages shall reimburse their NEMT subcontractors for the most cost-effective route from point of origin to point of destination that most benefits the client's condition.

(2) Brokerages shall establish a base rate with its subcontractors. "Base rate" for all modes of transportation except ground and air ambulance means the rate the brokerage and its subcontractors agree on for each mode of transportation.

(3) If a subcontractor uses an ambulance as a stretcher car or van, the brokerage shall reimburse the subcontractor using the base rate for stretcher cars or vans.

# ADMINISTRATIVE RULES

(4) Notwithstanding section (3), brokerages shall pay ambulance subcontractors at the ambulance rate instead of the stretcher car or van rate when the transport exceeds two hours, necessitating a health care professional to care for the client during the ride.

(5) Brokerages shall not reimburse their subcontractors for waiting for clients to get to the vehicle or for assisting clients to get in or out of a vehicle.

(6) Brokerages may reimburse their subcontractors for waiting time:

(a) In special situations, such as when the subcontractor has to wait for a client who is using the subcontractor's gurney and cannot transfer to a gurney at a medical facility; or

(b) Because of a medical issue during the ride, such as:

(A) The client is nauseous or is vomiting after dialysis or chemotherapy; or

(B) The client needs to stop to get prescription medication or medical supplies related to the medical service.

(7) Brokerages shall reimburse their subcontractors at the base rate for ambulatory vehicles if the subcontractor provides a ride to an ambulatory client in a non-ambulatory vehicle.

(8) Brokerages may authorize a subcontractor to transport a non-ambulatory client in an ambulatory vehicle if the vehicle can accommodate and transport the client and if allowed by local ordinance. The brokerage shall reimburse its subcontractor at the non-ambulatory vehicle rate.

(9) The wheelchair base rate applies to the transport of a client with a reclining wheelchair; wheelchairs do not qualify as stretchers or gurneys.

(10) The following applies to reimbursement for deceased clients:

(a) If a client dies before the subcontractor arrives at the scene, the brokerage shall not reimburse its subcontractors; or

(b) If a client dies after the transport begins but before reaching the destination, the brokerage's payment is limited to the base rate for the mode of transportation and mileage. For ambulance transports, the payment also would include costs for an extra attendant, if applicable.

(11) Brokerages may authorize shared-ride transports of two or more clients at the same time when the shared-ride transports are allowable under the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

(12) Brokerages shall reimburse subcontractors:

(a) At the full base rate for the first client and one-half the base rate for each additional client when all of these clients need the same mode of transportation, such as by wheelchair van; or

(b) At the full base rate for the client with the need for the highest mode of transportation and one-half the base rate of the appropriate mode of transportation for each additional client. This applies when the additional client needs a less costly mode of transportation than the first client. For example, the first client needs an ambulance, but the additional client needs a less costly wheelchair van.

(13) When transporting two or more clients at the same time, brokerages shall pay subcontractors only from the first pickup point to the final destination under the following circumstances:

(a) The clients have a single pick up point but different destinations;

(b) The clients have different pick up points but a single destination;

or

(c) The clients have different pick up points and different destinations.

(14) Brokerages shall reimburse subcontractors only for actual miles traveled, regardless of the number of clients transported.

(15) A brokerage shall not reimburse a subcontractor if:

(a) A county or city ordinance prohibits any charging for services identified in the medical transportation services administrative rules; or

(b) The subcontractor does not charge the public for such services.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Hist: DMAP 36-2013, f. 6-27-13, cert. ef. 7-1-13; DMAP 69-2013(Temp), f. 12-24-13, cert. ef. 1-1-14 thru 6-30-14; DMAP 29-2014, f. & cert. ef. 5-20-14

## 410-136-3240

### Client Reimbursed Mileage, Meals and Lodging

(1) The brokerage must prior authorize a client's mileage, meals, and lodging to an OHP covered medical service in order for the client to qualify for reimbursement. If the brokerage prior authorized the travel costs, a client may request reimbursement up to 45 days after the travel.

(2) The client must return any documentation the brokerage requires before receiving reimbursement. Documentation required shall include a receipt for lodging.

(3) The brokerage may hold reimbursements under the amount of \$10 until the client's reimbursement reaches \$10.

(4) Brokerages shall reimburse clients for meals when a client, with or without an attendant, travels a minimum of four hours round-trip out of their local area. The travel, however, must span the following meal times:

(a) For a breakfast allowance, the travel must begin before 6 a.m.;

(b) For a lunch allowance, the travel must span the entire period from 11:30 a.m. through 1:30 p.m.; and

(c) For a dinner allowance, the travel must end after 6:30 p.m.

(5) Brokerages shall reimburse for meals at the Authority's allowable rate.

(6) Brokerages shall not reimburse clients for meals that a hospital or other medical facility provides.

(7) Brokerages shall reimburse clients for lodging when:

(a) A client would otherwise be required to begin travel before 5 a.m. in order to reach a scheduled appointment;

(b) Travel from a scheduled appointment would end after 9 p.m.; or

(c) The client's health care provider documents a medical need.

(8) Brokerages shall reimburse for lodging at the Authority's allowable rate or the actual cost of the lodging, whichever is less.

(9) Brokerages shall reimburse for meals or lodging for only one attendant, which may be a parent, to accompany the client if medically necessary but only if:

(a) The client is a minor child and unable to travel without an attendant;

(b) The client's attending physician provides a signed statement indicating the reason an attendant must travel with the client;

(c) The client is mentally or physically unable to reach his or her medical appointment without assistance; or

(d) The client is or would be unable to return home without assistance after the treatment or service.

(10) The brokerage shall not reimburse for the attendant's time or services.

(11) If a client's health care provider admits the client for inpatient care, an attendant is no longer medically necessary because the facility provides all necessary services for the client. Therefore, the attendant is no longer eligible for lodging and travel expenses. The brokerage shall reimburse for meals and lodging for the attendant's transportation home. However, the brokerage may pay for the attendant's meals and lodging if it is more cost effective for the attendant to remain near the client to accompany the client on the return trip as allowed by section (12).

(12) Upon the client's release from inpatient care, if the attendant is medically necessary based on one of the conditions or circumstances listed in section (9), the brokerage shall reimburse for the attendant to return to the inpatient facility to accompany the client on the return trip. This only applies if the brokerage prior authorizes the attendant's travel.

(13) Brokerages shall not reimburse for mileage, meals, and lodging for an attendant visiting an inpatient client unless the physician provides a signed statement of the medical need. This exclusion includes, but is not limited to, parents of minors, breastfeeding mothers, and spouses.

(14) The state shall recover overpayments made to a client. Overpayments occur when the brokerage paid the client:

(a) For mileage, meals, and lodging, and another resource also paid:

(A) The client or;

(B) The ride, meal, or lodging provider directly;

(b) Directly to travel to medical appointments, and the client did not use the money for that purpose, did not attend the appointment, or shared the ride with another client whom the brokerage also directly paid;

(c) For common carrier or public transportation tickets or passes, and the client sold or otherwise transferred the tickets or passes to another person.

(15) If a person or entity other than the client or the minor client's parent or legal guardian provides the ride, the brokerage may reimburse the person or entity that provided the ride. However, the client or the minor client's parent or legal guardian must approve in writing of the reimbursement.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.065

Hist: DMAP 36-2013, f. 6-27-13, cert. ef. 7-1-13; DMAP 69-2013(Temp), f. 12-24-13, cert. ef. 1-1-14 thru 6-30-14; DMAP 29-2014, f. & cert. ef. 5-20-14

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**Rule Caption:** Add "Without Cause" to CCO, FCHP, PCP and DCO Disenrollment Criteria Pursuant to Federal Regulations

**Adm. Order No.:** DMAP 30-2014

**Filed with Sec. of State:** 5-23-2014

**Certified to be Effective:** 6-1-14

**Notice Publication Date:** 4-1-2014

# ADMINISTRATIVE RULES

**Rules Amended:** 410-141-0080, 410-141-3080

**Rules Repealed:** 410-141-0080(T), 410-141-3080(T)

**Subject:** The Division needs to amend these rules to modify the Oregon Health Plan member “without cause” disenrollment language. This change will align with federal regulations, 42 CFR 438.56(c)(2), which allows flexibility and choice for members.

This rule revision is needed immediately to assist the Coordinated Care Organizations (CCO), the Physician Care Organizations (PCO), the Fully Capitated Health Plans (FCHP) and the Dental Care Organizations (DCO) with facilitation of disenrollment requests made to the Authority. The Division is amending these rules to comply with federal requirements and allow members to disenroll from a CCO, FCHP, PCO or DCO based on a “without cause” criteria.

**Rules Coordinator:** Sandy Cafourek—(503) 945-6430

## 410-141-0080

### Managed Care Disenrollment from Prepaid Health Plans

For purposes of this rule, “Managed Care Prepaid Health Plan” means Fully Capitated Health Plan, Dental Care Organization, Physician Care Organization, and Mental Health Organization.

(1) All Oregon Health Plan (OHP) member-initiated requests for disenrollment from a Prepaid Health Plan (PHP) shall be initiated, orally or in writing, by the primary person in the benefit group enrolled with a PHP, where primary person and benefit group are defined in OAR 461-001-0000, 461-001-0035, and 461-110-0750, respectively. For members who are not able to request disenrollment on their own, the request may be initiated by the member’s representative.

(2) In accordance with 42 CFR 438.56(c)(2), the Authority and PHP shall honor a member or representative request for disenrollment for the following:

(a) Without cause:

(A) Newly eligible members may change their PHP assignment within 12 months following the date of initial enrollment. The effective date of disenrollment shall be the first of the month following the Division’s approval of disenrollment;

(B) At least once every 12 months;

(C) Existing members may change their PHP assignment within 30 days of the Authority’s automatic assignment or reenrollment in a PHP;

(D) In accordance with ORS 414.645, members may disenroll from a PHP during their redetermination (enrollment period) or one additional time during their enrollment period based on the members choice and with Authority approval. The disenrollment shall be considered “recipient choice.”

(b) With cause:

(A) At any time;

(B) Division members who disenroll from a Medicare Advantage plan shall also be disenrolled from the corresponding PHP. The effective date of disenrollment shall be the first of the month that the member’s Medicare Advantage plan disenrollment is effective;

(C) Members who are receiving Medicare (dual eligible) and who are enrolled in a PHP that has a corresponding Medicare Advantage component shall be disenrolled from the PHP if the contractor has declared its decision to disenroll members in accordance with OAR 410-141-0060 in the annual Dual Eligible Clients with Medicare Advantage Plans (Schedule 5) form. The effective date of disenrollment from the PHP shall be the first of the month following the date of request for disenrollment. Dual eligible shall receive choice counseling prior to reassignment;

(D) PHP does not, because of moral or religious objections, cover the service the member seeks;

(E) The member needs related services (for example a cesarean section and a tubal ligation) to be performed at the same time, not all related services are available within the network, and the member’s primary care provider or another provider determines that receiving the services separately would subject the member to unnecessary risk; or

(F) Other reasons including, but not limited to, poor quality of care, lack of access to services covered under the contract, or lack of access to participating providers experienced in dealing with the member’s health care needs. Examples of sufficient cause include, but are not limited to:

(i) The member moves out of the PHP’s service area;

(ii) The member is a Native American or Alaskan Native with Proof of Indian Heritage who wishes to obtain primary care services from his or her Indian Health Service facility, tribal health clinic/program, or urban clinic and the Fee-For-Service (FFS) delivery system;

(iii) Continuity of care that is not in conflict with any section of 410-141-0060 or this rule. Participation in the Oregon Health Plan, including managed care, does not guarantee that any Oregon Health Plan member has a right to continued care or treatment by a specific provider. A request for disenrollment based on continuity of care shall be denied if the basis for this request is primarily for the convenience of an Oregon Health Plan member or a provider of a treatment, service, or supply, including, but not limited to, a decision of a provider to participate or decline to participate in a PHP;

(iv) As specified in ORS 414.645, the Authority may approve the transfer of 500 or more members from one PHP to another PHP if:

(I) The members’ provider has contracted with the receiving PHP and has stopped accepting patients from or has terminated providing services to members in the transferring PHP; and

(II) Members are offered the choice of remaining enrolled in the transferring PHP; and

(III) The member and all family (case) members shall be transferred to the provider’s new PHP;

(IV) The transfer shall take effect when the provider’s contract with their current PHP contractual relationship ends, or on a date approved by the Division.

(V) Members may not be transferred under section 2(E)(vi) until the Division has evaluated the receiving PHP and determined that the PHP meets criteria established by the Division as stated in rule, including, but not limited to, ensuring that the PHP maintains a network of providers sufficient in numbers, areas of practice, and geographically distributed in a manner to ensure that the health services provided under the contract are reasonably accessible to members; and

(VI) The Division shall provide notice of a transfer to members that will be affected by the transfer at least 90 days before the scheduled date of the transfer.

(G) Members whose request for disenrollment is denied shall receive notice in accordance with OAR 410-141-0263 and 410-141-3263 of their right to file a grievance or request a hearing over the denial.

(c) If the following conditions are met:

(A) The applicant is in the third trimester of her pregnancy and has just been determined eligible for OHP, or the OHP client has just been re-determined eligible and was not enrolled in a PHP within the past 3 months; and

(B) The new PHP the member is enrolled with does not contract with the member’s current OB provider, and the member wishes to continue obtaining maternity services from that non-participating OB provider; and

(C) The request to change PHP or return to FFS is made prior to the date of delivery.

(d) For purposes of a member’s right to file a grievance or request a hearing, disenrollment does not include the following:

(A) Transfer of a member from a PHP to a CCO or DCO.

(B) Involuntary transfer of a member from a PHP to another PHP; or

(C) Automatic enrollment of a member in a PHP.

(e) Member disenrollment requests are subject to the following requirements:

(A) The member shall join another PHP unless the member resides in a service area where enrollment is voluntary, or the member meets the exemptions to enrollment as stated in 410-141-0060(4), and the member meets disenrollment criteria state in 42 CFR 438.56(c)(2), or there isn’t another PHP in the service area;

(B) The effective date of disenrollment shall be the end of the month in which disenrollment was requested unless the Division approves retroactively;

(C) If the Division fails to make a disenrollment determination by the first day of the second month following the month in which the member files a request for disenrollment, the disenrollment is considered approved.

(3) The PHP may not disenroll members solely for the following reasons:

(a) Because of a physical, intellectual, developmental, or mental disability;

(b) Because of an adverse change in the member’s health;

(c) Because of the member’s utilization of services, either excessive or lack thereof;

(d) Because the member requests a hearing;

(e) Because the member exercises their option to make decisions regarding their medical care with which the PHP disagrees;

(f) Because of uncooperative or disruptive behavior resulting from the member’s special needs.



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(4) Subject to applicable disability discrimination laws, the Division may disenroll members for cause when the PHP requests it for cause, which includes, but is not limited to, the following:

(a) Member commits fraudulent or illegal acts related to the member's participation in the OHP such as: permitting the use of their medical ID card by others, altering a prescription, theft, or other criminal acts. The PHP shall report any illegal acts to law enforcement authorities and, if appropriate, to DHS Fraud Investigations Unit at 1-888-Fraud01 (1-888-372-8301) or <http://www.oregon.gov/DHS/aboutdhs/fraud/> as appropriate, consistent with 42 CFR 455.13;

(b) Member became eligible through a hospital hold process and placed in the Adults and Couples category as required under 410-141-0060(4).

(c) Requests by the PHP for routine disenrollment of specific members shall include the following procedures to be followed and documented prior to requesting disenrollment of a member:

(A) A request shall be submitted in writing to the Coordinated Account Representative (CAR). The PHP shall document the reasons for the request, provide written evidence to support the basis for the request, and document that attempts at intervention were made.

(B) There shall be notification from the provider to the PHP at the time the problem is identified. The notification shall describe the problem and allow time for appropriate resolution by the PHP. Such notification shall be documented in the member's clinical record. The PHP shall conduct provider education or training regarding the need for early intervention, disability accommodation, and the services available to the provider;

(C) The PHP shall contact the member either verbally or in writing if it is a severe problem to inform the member of the problem that has been identified and attempt to develop an agreement with the member regarding the issue(s). Any contact with the member shall be documented in the member's clinical record. The PHP shall inform the member that their continued behavior may result in disenrollment from the PHP;

(D) The PHP shall provide individual education, disability accommodation, counseling, and other interventions with the member in a serious effort to resolve the problem;

(E) The PHP shall contact the member's care team regarding the problem and, if needed and with the agreement of the member, involve the care team and other appropriate individuals working with the member in the resolution within the laws governing confidentiality;

(F) If the severity of the problem warrants, the PHP shall develop a care plan that details how the problem is going to be addressed and coordinate a care conference with the member, their care team, and other individuals chosen by the member. If necessary, the PHP shall obtain an authorization for release of information from the member for the providers and agencies in order to involve them in the resolution of the problem. If the release is verbal, it shall be documented in the member's record;

(G) The PHP shall submit any additional information or assessments requested by the Division CAR;

(H) The Authority shall notify the member in writing of a disenrollment made as defined in the section above;

(I) If the member's behavior is uncooperative or disruptive including, but not limited to, threats or acts of physical violence, as the result of his or her special needs or disability, the PHP shall also document each of the following:

(i) A written description of the relationship of the behavior to the special needs or disability of the individual and whether the individual's behavior poses a direct threat to the health or safety of others. Direct threat means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures. In determining whether a member poses a direct threat to the health or safety of others, the PHP shall make an individualized assessment based on reasonable judgment that relies on current medical knowledge or best available objective evidence to ascertain the nature, duration, and severity of the risk to the health or safety of others; the probability that potential injury to others shall actually occur; and whether reasonable modifications of policies, practices, or procedures shall mitigate the risk to others;

(ii) A PHP-staffed interdisciplinary team review that includes a mental health professional or behavioral specialist and other health care professionals who have the appropriate clinical expertise in treating the member's condition to assess the behavior, the behavioral history, and previous history of efforts to manage behavior;

(iii) If warranted, a clinical assessment of whether the behavior will respond to reasonable clinical or social interventions;

(iv) Documentation of any accommodations that have been attempted and why the accommodations haven't worked;

(v) Documentation of the PHP's rationale for concluding that the member's continued enrollment in the PHP seriously impairs the PHP's ability to furnish services to either this particular member or other members.

(vi) If a Primary Care Provider (PCP) terminates the member as a patient, the PHP shall attempt to locate another PCP on their panel who will accept the member as their patient. If needed, the PHP shall obtain an authorization for release of information from the member in order to share the information necessary for a new provider to evaluate whether they can treat the member. All terminations of members as patients shall be according to the PHP's policies and shall be consistent with PHP or PCP's policies for commercial members and with applicable disability discrimination laws. The PHP shall determine whether the PCP's termination of the member as a patient is based on behavior related to the member's disability and shall provide education to the PCP about disability discrimination laws.

(d) In addition to the requirements as stated above, requests by the PHP for an exception to the routine disenrollment process shall include the following:

(A) In accordance with 42 CFR 438.56, the PHP shall submit a request in writing to the CAR for approval. An exception to the disenrollment process may only be requested for members who have committed an act of or made a credible threat of physical violence directed at a health care provider, the provider's staff, other patients, or the PHP's staff so that it seriously impairs the PHP's ability to furnish services to either this particular member or other members. A credible threat means that there is a significant risk that the member will cause grievous physical injury to others (including, but not limited to, death) in the near future, and that risk cannot be eliminated by a modification of policies, practices, or procedures. The PHP shall document the reasons for the request and provide written evidence to support the basis for the request prior to requesting an Exception to the Disenrollment Process of a Member:

(B) The provider shall immediately notify the PHP about the incident with the member. The notification shall describe the problem and shall be maintained for documentation purposes;

(C) The PHP shall attempt and document contact with the member and their care team regarding the problem and, if needed, involve the care team and other appropriate individuals in the resolution within the laws governing confidentiality;

(D) The PHP shall provide any additional information requested by the CAR, the Authority, or Department of Human Services assessment team;

(E) If the member's behavior could reasonably be perceived as the result of his or her special needs or disability, the PHP shall also document each of the following:

(i) A written description of the relationship between the behavior to the special needs or disability of the individual and whether the individual's behavior poses a credible threat of physical violence as defined above;

(ii) In determining whether a member poses a credible threat to the health or safety of others, the PHP shall make an individualized assessment based on reasonable judgment that relies on current medical knowledge or best available objective evidence to ascertain the nature, duration, and severity of the risk to the health or safety of others; the probability that potential injury to others will actually occur; and whether reasonable modifications of policies, practices, or procedures will mitigate the risk to others;

(F) Documentation shall exist that verifies the provider or PHP immediately reported the incident to law enforcement. The PHP shall submit a copy of the police report or case number. If a report is not available, submit a signed entry in the OHP member's clinic record documenting the report to law enforcement or other reasonable evidence;

(G) Documentation shall exist that verifies what reasonable modifications were considered and why reasonable modifications of policies, practices, or procedures will not mitigate the risk to others;

(H) Documentation shall exist that verifies any past incidents and attempts to accommodate similar problems with this member;

(I) Documentation shall exist that verifies the PHP's rationale for concluding that the member's continued enrollment in the PHP seriously impairs the PHP's ability to furnish services to either this particular member or other members.

(e) Approval or denial of disenrollment requests shall include the following:

(A) If there is sufficient documentation, the request shall be evaluated by the PHP's CAR, or a team of CARs who may request additional information from Ombudsman Services, AMH, or other agencies as needed. If the request involves the member's mental health condition or behav-

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iors related to substance abuse, the CAR shall also confer with the AMH's substance use disorder specialist;

(B) In cases where the member is also enrolled in the PHP's Medicare Advantage plan, the PHP shall provide proof to the Division of CMS' approval to disenroll the member. If approved by the Division, the date of disenrollment from both plans shall be the disenrollment date approved by CMS;

(C) If there is not sufficient documentation, the CAR shall notify the PHP within two (2) business days of initial receipt what supporting documentation is needed for final consideration of the request;

(D) The CARs shall review the request and notify the PHP of the decision within ten working days of receipt of sufficient documentation from the PHP.

(E) Written decisions, including reasons for denials, shall be sent to the PHP within 15 working days from receipt of request and sufficient documentation from the CAR.

(5) The following procedures apply to all denied disenrollment requests:

(a) The CAR shall send the member a notice within five (5) days after the decision for denial with a copy to the PHP and the member's care team.

(b) The notice shall give the reason for the denial of the disenrollment request, and the notice of a member's right to file a complaint (as specified in 410-141-0260 through 410-141-0266) and to request an administrative hearing in accordance with 42 CFR 438.56.

(c) Written decisions, including the reason for denials, shall be sent to the PHP within 15 working days from receipt of request and sufficient documentation from the CAR.

(6) The following procedures apply to all approved disenrollment requests:

(a) The CAR shall send the member a notice within five days after the request was approved with a copy to the PHP and the member's care team.

(b) The notice shall give the disenrollment date, the reason for disenrollment, and the notice of the member's right to file a complaint (as specified in 410-141-0260 through 410-141-0266) and to request an administrative hearing and the option to continue enrollment in the PHP pending the outcome of the hearing, in accordance with 42 CFR 438.420. If the member requests a hearing, the disenrollment will proceed unless the member requests continued enrollment, pending a decision:

(c) The disenrollment effective date will be ten calendar days after the disenrollment notice is sent to the member, unless the member requests a hearing and ongoing enrollment, pending a hearing decision. The disenrollment will take effect immediately upon the issuing of a hearing officer's decision to uphold disenrollment.

(d) If disenrollment is approved, the CAR shall contact the member's care team to arrange enrollment in a different plan. The Division may require the member to obtain services from FFS providers or a PCM until such time as they can be enrolled with another PHP;

(e) If no other PHP is available to the member, the member will be exempt from enrollment in that type of managed care plan for 12 months. If a member who has been disenrolled for cause is re-enrolled in the PHP, the PHP may request a disenrollment review by the CAR. A member may not be involuntarily disenrolled from the same PHP for a period of more than 12 months. If the member is re-enrolled after the 12-month period and the PHP again requests disenrollment for cause, the request shall be referred to the OHA assessment team for review.

(7) Other reasons for the PHP's request for disenrollment shall include the following:

(a) If the member is enrolled in the PHP on the same day the member is admitted to the hospital, the PHP shall be responsible for said hospitalization. If the member is enrolled after the first day of the inpatient stay, the member shall be disenrolled and enrolled on the next available enrollment date following discharge from inpatient hospital services;

(b) The member has surgery scheduled at the time their enrollment is effective with the PHP, the provider is not on the PHP's provider panel, and the member wishes to have the services performed by that provider;

(c) The Medicare member is enrolled in a Medicare Advantage plan and was receiving hospice services at the time of enrollment in the PHP;

(d) The member had End Stage Renal Disease at the time of enrollment in the PHP;

(e) Excluding the DCOs, if the PHP determines that the member has Third Party Liability (TPL), the PHP will contact the Health Insurance Group (HIG) to request disenrollment;

(f) If a PHP has knowledge of a member's change of address, the PHP shall notify the member's care team. The care team shall verify the address information and disenroll the member from the PHP, if the member no

longer resides in the PHP's service area. Members shall be disenrolled if out of the PHP's service area for more than three (3) months, unless previously arranged with the PHP. The effective date of disenrollment shall be the date specified by the Division and if a partial month remains, the Division shall recoup the balance of that month's capitation payment from the PHP;

(g) The member is an inmate who is serving time for a criminal offense or confined involuntarily in a state or federal prison, jail, detention facility, or other penal institution. This does not include members on probation, house arrest, living voluntarily in a facility after their case has been adjudicated, infants living with an inmate, or inmates who become inpatients. The PHP is responsible for identifying the members and providing sufficient proof of incarceration to the Division for review of the disenrollment request. The Division shall approve requests for disenrollment from PHPs for members who have been taken into custody;

(h) The member is in a state psychiatric institution.

(8) The Division has authority to initiate and disenroll members as follows:

(a) If informed that a member has a third party insurer (TPL), the Division shall refer the case to the HIG for investigation and possible exemption from PHP enrollment. The Division shall disenroll members who have TPL effective the end of the month in which HIG makes such a determination. In some situations, the Division may approve retroactive disenrollment;

(b) If the member moves out of the PHP's service area(s), the effective date of disenrollment shall be the date specified by the Division, and the Division shall recoup the balance of that month's capitation payment from the PHP;

(c) If the member is no longer eligible for the Oregon Health Plan, the effective date of disenrollment shall be the date specified by the Division;

(d) If the member dies, the last date of enrollment shall be the date of death.

(9) Unless specified otherwise in these rules or in the Division notification of disenrollment to the PHP, all disenrollments are effective the end of the month the Authority approves the request with the following exceptions:

(a) The Authority may retroactively disenroll or suspend enrollment when the member is taken into custody. The effective date shall be the date the member was incarcerated.

(b) The Authority may retroactively disenroll enrollment if the member has TPL pursuant to this rule. The effective date shall be the end of the month in which HIG makes the determination.

Stat. Auth.: ORS 413.042, 414.645, 414.647

Stats. Implemented: ORS 414.065, 414.645, 414.647

Hist.: HR 31-1993, f. 10-14-93, cert. ef. 2-1-94; HR 33-1994, f. & cert. ef. 11-1-94; HR 39-1994, f. 12-30-94, cert. ef. 1-1-95; HR 17-1995, f. 9-28-95, cert. ef. 10-1-95; HR 19-1996, f. & cert. ef. 10-1-96; HR 21-1996(Temp), f. & cert. ef. 11-1-96; HR 11-1997, f. 3-28-97, cert. ef. 4-1-97; HR 14-1997, f. & cert. ef. 7-1-97; HR 25-1997, f. & cert. ef. 10-1-97; OMAP 21-1998, f. & cert. ef. 7-1-98; OMAP 49-1998(Temp), f. 12-31-98, cert. ef. 1-1-99 thru 6-30-99; Administrative correction 8-9-99; OMAP 39-1999, f. & cert. ef. 10-1-99; OMAP 26-2000, f. 9-28-00, cert. ef. 10-1-00; OMAP 29-2001, f. 8-13-01, cert. ef. 10-1-01; OMAP 4-2003, f. 1-31-03, cert. ef. 2-1-03; OMAP 24-2003, f. 3-26-03 cert. ef. 4-1-03; OMAP 61-2003, 9-5-03, cert. ef. 10-1-03; OMAP 37-2004(Temp), f. 5-27-04 cert. ef. 6-1-04 thru 11-15-04; OMAP 47-2004, f. 7-22-04 cert. ef. 8-1-04; OMAP 27-2005, f. 4-20-05, cert. ef. 5-1-05; OMAP 46-2005, f. 9-9-05, cert. ef. 10-1-05; OMAP 65-2005, f. 11-30-05, cert. ef. 1-1-06; OMAP 46-2006, f. 12-15-06, cert. ef. 1-1-07; DMAP 42-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 34-2011(Temp), f. 12-9-11, cert. ef. 1-1-12 thru 6-28-12; DMAP 24-2012, f. 4-27-12, cert. ef. 5-1-12; DMAP 8-2014(Temp), f. 1-31-14, cert. ef. 2-1-14 thru 7-31-14; DMAP 30-2014, f. 5-23-14, cert. ef. 6-1-14

## 410-141-3080

### Disenrollment from Coordinated Care Organizations

(1) All member-initiated requests for disenrollment from a Coordinated Care Organization (CCO) or Dental Care Organization (DCO) shall be initiated orally or in writing by the primary person in the benefit group enrolled with a CCO or DCO, where primary person and benefit group are defined in OAR 461-001-0000, 461-001-0035, and 461-110-0750, respectively. For members who are not able to request disenrollment on their own, the request may be initiated by the member's representative.

(2) In accordance with 42 CFR 438.56(c)(2), the Authority, CCO, or DCO shall honor a member or representative request for disenrollment for the following:

(a) Without cause:

(A) Newly eligible members may change their CCO or DCO assignment within 12 months following the date of initial enrollment. The effective date of disenrollment shall be the first of the month following the Division's approval of disenrollment;

(B) At least once every 12 months;

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(C) Existing members may change their CCO or DCO assignment within 30 days of the Authority's automatic assignment or reenrollment in a CCO or DCO;

(D) In accordance with ORS 414.645, members may disenroll from a CCO or DCO during their redetermination (enrollment period) or one additional time during their enrollment period based on the member's choice and with Authority approval. The disenrollment shall be considered "recipient choice."

(b) With cause:

(A) At any time;

(B) Due to moral or religious objections, the CCO or DCO does not cover the service the member seeks;

(C) When the member needs related services (for example a cesarean section and a tubal ligation) to be performed at the same time, not all related services are available within the network, and the member's primary care provider or another provider determines that receiving the services separately would subject the member to unnecessary risk; or

(D) Other reasons including, but not limited to, poor quality of care, lack of access to services covered under the contract, or lack of access to participating providers who are experienced in dealing with the member's health care needs. Examples of sufficient cause include, but are not limited to:

(i) The member moves out of the CCO or DCO's service area;

(ii) The member is a Native American or Alaskan Native with Proof of Indian Heritage who wishes to obtain primary care services from his or her Indian Health Service facility, tribal health clinic/program, or urban clinic and the Fee-For-Service (FFS) delivery system;

(iii) Continuity of care that is not in conflict with any section of OAR 410-141-3060 or this rule. Participation in OHP, including coordinated care or dental care, does not guarantee that any OHP member has a right to continued care or treatment by a specific provider. A request for disenrollment based on continuity of care shall be denied if the basis for this request is primarily for the convenience of an OHP member or a provider of a treatment, service, or supply, including, but not limited to, a decision of a provider to participate or decline to participate in a CCO or DCO;

(iv) As specified in ORS 414.645, the Authority may approve the transfer of 500 or more members from one CCO or DCO to another CCO or DCO if:

(I) The member's provider has contracted with the receiving CCO or DCO and has stopped accepting patients from or has terminated providing services to members in the transferring CCO or DCO; and

(II) Members are offered the choice of remaining enrolled in the transferring CCO or DCO; and

(III) The member and all family (case) members shall be transferred to the provider's new CCO or DCO; and

(IV) The transfer shall take effect when the provider's contract with their current CCO or DCO contractual relationship ends, or on a date approved by the Division; and

(V) Members may not be transferred under section (2)(E)(vi) until the Division has evaluated the receiving CCO or DCO and determined that the CCO or DCO meets criteria established by the Division as stated in rule including, but not limited to, ensuring that the CCO or DCO maintains a network of providers sufficient in numbers, areas of practice and geographically distributed in a manner to ensure that the health services provided under the contract are reasonably accessible to members; and

(VI) The Division shall provide notice of a transfer to members that will be affected by the transfer at least 90 days before the scheduled date of the transfer.

(E) If a member's disenrollment is denied, notice of denial shall be sent to the member pursuant to OAR 410-141-0263 and 410-141-3263 of their right to file a grievance or request a hearing.

(c) If the following conditions are met:

(A) The applicant is in the third trimester of pregnancy and has just been determined eligible for OHP, or the OHP client has just been re-determined eligible and was not enrolled in a CCO or DCO within the past three months; and

(B) The new CCO or DCO the member is enrolled with does not contract with the member's current OB provider and the member wishes to continue obtaining maternity services from that non-participating OB provider; and

(C) The request to change CCO or DCO or return to FFS is made prior to the date of delivery.

(d) For purposes of a member's right to file a grievance or request a hearing, disenrollment does not include the following:

(A) Transfer of a member from a PHP to a CCO or DCO.

(B) Involuntary transfer of a member from a CCO or DCO to another CCO or DCO; or

(C) Automatic enrollment of a member in a CCO or DCO.

(e) Member disenrollment requests are subject to the following requirements:

(A) The member shall join another CCO or DCO, unless the member resides in a service area where enrollment is voluntary, or the member meets the exemptions to enrollment set forth in OAR 410-141-3060(4) or 410-141-0060(4), the member meets disenrollment criteria state in 42 CFR 438.56(c)(2), or there is not another CCO or DCO in the service area;

(B) The effective date of disenrollment shall be the end of the month in which disenrollment was requested unless the Division approves retroactively;

(C) If the Authority fails to make a disenrollment determination by the first day of the second month following the month in which the member files a request for disenrollment, the disenrollment is considered approved.

(3) The CCO or DCO may not disenroll members solely for the following reasons:

(a) Because of a physical, intellectual, developmental, or mental disability;

(b) Because of an adverse change in the member's health;

(c) Because of the member's utilization of services, either excessive or lack thereof;

(d) Because the member requests a hearing;

(e) Because the member exercises their option to make decisions regarding their medical care with which the CCO or DCO disagrees;

(f) Because of uncooperative or disruptive behavior resulting from the member's special needs.

(4) Subject to applicable disability discrimination laws, the Division may disenroll members for cause when the CCO or DCO requests it for cause, which includes, but is not limited to, the following:

(a) The member commits fraudulent or illegal acts related to the member's participation in the OHP, such as: permitting the use of their medical ID card by others, altering a prescription, theft, or other criminal acts. The CCO or DCO shall report any illegal acts to law enforcement authorities and, if appropriate, to DHS Fraud Investigations Unit at 888-Fraud01 (888-372-8301) or <http://www.oregon.gov/DHS/aboutdhs/fraud/> as appropriate, consistent with 42 CFR 455.13.;

(b) The member became eligible through a hospital hold process and placed in the Adults and Couples category as required under OAR 410-141-3060(4)

(c) Requests by the CCO for routine disenrollment of specific members shall include the following procedures to be followed and documented prior to requesting disenrollment of a member:

(A) A request shall be submitted in writing to the Coordinated Account Representative (CAR). The CCO or DCO shall document the reasons for the request, provide written evidence to support the basis for the request, and document that attempts at intervention were made as described below. The procedures cited below shall be followed and documented prior to requesting disenrollment of a member;

(B) There shall be notification from the provider to the CCO or DCO at the time the problem is identified. The notification shall describe the problem and allow time for appropriate resolution by the CCO or DCO. Such notification shall be documented in the member's clinical record. The CCO or DCO shall conduct provider education or training regarding the need for early intervention, disability accommodation, and the services available to the provider;

(C) The CCO or DCO shall contact the member either verbally or in writing, if it is a severe problem, to inform the member of the problem that has been identified and attempt to develop an agreement with the member regarding the issue. Any contact with the member shall be documented in the member's clinical record. The CCO or DCO shall inform the member that their continued behavior may result in disenrollment from the CCO or DCO;

(D) The CCO or DCO shall provide individual education, disability accommodation, counseling, or other interventions with the member in a serious effort to resolve the problem;

(E) The CCO or DCO shall contact the member's care team regarding the problem and, if needed and with the agreement of the member, involve the care team and other appropriate individuals working with the member in the resolution, within the laws governing confidentiality;

(F) If the severity of the problem warrants, the CCO or DCO shall develop a care plan that details how the problem is going to be addressed and coordinate a care conference with the member, their care team, and other individuals chosen by the member. If necessary, the CCO or DCO



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shall obtain an authorization for release of information from the member for the providers and agencies in order to involve them in the resolution of the problem. If the release is verbal, it shall be documented in the member's record;

(G) The CCO or DCO shall submit any additional information or assessments requested by the Division CAR;

(H) The Authority shall notify the member in writing of a disenrollment made as defined in the section above;

(I) If the member's behavior is uncooperative or disruptive including, but not limited to, threats or acts of physical violence as the result of his or her special needs or disability, the CCO or DCO shall also document each of the following:

(i) A written description of the relationship of the behavior to the special needs or disability of the individual and whether the individual's behavior poses a direct threat to the health or safety of others. Direct threat means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures. In determining whether a member poses a direct threat to the health or safety of others, the CCO or DCO shall make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or best available objective evidence to ascertain the nature, duration, and severity of the risk to the health or safety of others; the probability that potential injury to others shall actually occur; and whether reasonable modifications of policies, practices, or procedures shall mitigate the risk to others;

(ii) A CCO or DCO-staffed interdisciplinary team review that includes a mental health professional or behavioral specialist and other health care professionals who have the appropriate clinical expertise in treating the member's condition to assess the behavior, the behavioral history, and previous history of efforts to manage behavior;

(iii) If warranted, a clinical assessment of whether the behavior will respond to reasonable clinical or social interventions;

(iv) Documentation of any accommodations that have been attempted and why the accommodations haven't worked;

(v) Documentation of the CCO or DCO's rationale for concluding that the member's continued enrollment in the CCO or DCO seriously impairs the CCO's or DCO's ability to furnish services to either this particular member or other members.

(vi) If a Primary Care Provider (PCP) terminates the provider/patient relationship, the CCO or DCO shall attempt to locate another PCP on their panel who will accept the member as their patient. If needed, the CCO or DCO shall obtain an authorization for release of information from the member in order to share the information necessary for a new provider to evaluate whether they can treat the member. All terminations of provider/patient relationships shall be according to the CCO or DCO's policies and shall be consistent with CCO or DCO or PCP's policies for commercial members and with applicable disability discrimination laws. The CCO or DCO shall determine whether the PCP's termination of the provider/patient relationship is based on behavior related to the member's disability and shall provide education to the PCP about disability discrimination laws.

(d) In addition to the requirements in subsection (c), requests by the CCO or DCO for an exception to the routine disenrollment process shall include the following:

(A) In accordance with 42 CFR 438.56 the CCO or DCO shall submit a request in writing to the CAR for approval. An exception to the disenrollment process may only be requested for members who have committed an act of or made a credible threat of physical violence directed at a health care provider, the provider's staff, other patients, or the CCO or DCO's staff so that it seriously impairs the CCO or DCO's ability to furnish services to either this particular member or other members. A credible threat means that there is a significant risk that the member will cause grievous physical injury to others (including but not limited to death) in the near future, and that risk cannot be eliminated by a modification of policies, practices, or procedures. The CCO or DCO shall document the reasons for the request and provide written evidence to support the basis for the request prior to requesting an exception to the disenrollment process of a member;

(B) Providers shall immediately notify the CCO or DCO about the incident with the member. The notification shall describe the problem and be maintained for documentation purposes;

(C) The CCO or DCO shall attempt and document contact with the member and their care team regarding the problem and, if needed, involve the care team and other appropriate individuals in the resolution, within the laws governing confidentiality;

(D) The CCO or DCO shall provide any additional information requested by the CAR, the Authority, or Department of Human Services assessment team;

(E) If the member's behavior could reasonably be perceived as the result of their special needs or disability, the CCO or DCO shall also document each of the following:

(i) A written description of the relationship between the behavior to the special needs or disability of the individual and whether the individual's behavior poses a credible threat of physical violence as defined in section (2)(b)(C)(i) of this rule;

(ii) In determining whether a member poses a credible threat to the health or safety of others, the CCO or DCO shall make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or best available objective evidence to ascertain the nature, duration, and severity of the risk to the health or safety of others; the probability that potential injury to others will actually occur; and whether reasonable modifications of policies, practices, or procedures will mitigate the risk to others;

(F) Documentation shall exist that verifies the provider or CCO or DCO immediately reported the incident to law enforcement. The CCO or DCO shall submit a copy of the police report or case number. If a report is not available, submit a signed entry in the member's clinical record documenting the report to law enforcement or other reasonable evidence;

(G) Documentation shall exist that verifies what reasonable modifications were considered and why reasonable modifications of policies, practices, or procedures will not mitigate the risk to others;

(H) Documentation shall exist that verifies any past incidents and attempts to accommodate similar problems with this member;

(I) Documentation shall exist that verifies the CCO or DCO's rationale for concluding that the member's continued enrollment in the CCO or DCO seriously impairs the CCO or DCO's ability to furnish services to either this particular member or other members.

(e) Approval or denial of disenrollment requests shall include the following:

(A) If there is sufficient documentation, the request shall be evaluated by the CCO or DCO's CAR or a team of CARs who may request additional information from Ombudsman Services, AMH, or other agencies as needed. If the request involves the member's mental health condition or behaviors related to substance abuse, the CAR shall also confer with the AMH's substance use disorder specialist;

(B) In cases where the member is also enrolled in the CCO or DCO's Medicare Advantage plan, the CCO or DCO shall provide proof to the Division of CMS' approval to disenroll the member. If approved by the Division, the date of disenrollment from both plans shall be the disenrollment date approved by CMS;

(C) If there is insufficient documentation, the CAR shall notify the CCO or DCO within two business days of initial receipt what supporting documentation is needed for final consideration of the request;

(D) The CARs shall review the request and notify the CCO or DCO of the decision within ten working days of receipt of sufficient documentation from the CCO or DCO.

(E) Written decisions shall be sent to the CCO or DCO within 15 working days from receipt of request and sufficient documentation from the CAR.

(5) The following procedures apply to all denied disenrollment requests:

(a) The CAR shall send the member a notice within five days after the decision for denial with a copy to the CCO or DCO and the member's care team.

(b) The notice shall give the disenrollment date, the reason for disenrollment, and the notice of the member's right to file a complaint (as specified in 410-141-0260 through 410-141-0266) and to request an administrative hearing and the option to continue enrollment in the PHP pending the outcome of the hearing, in accordance with 42 CFR 438.420. If the member requests a hearing, the disenrollment will proceed unless the member requests continued enrollment, pending a decision:

(c) If disenrollment is approved, the CAR shall contact the member's care team to arrange enrollment in a different plan. The Division may require the member to obtain services from FFS providers or a PCM until such time as they can be enrolled with another CCO or DCO;

(d) If no other CCO or DCO is available to the member, the member will be exempt from enrollment in that type of managed care plan for 12 months. If a member who has been disenrolled for cause is re-enrolled in the CCO or DCO, the CCO or DCO may request a disenrollment review by the CAR. A member may not be involuntarily disenrolled from the same

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CCO or DCO for a period of more than 12 months. If the member is re-enrolled after the 12-month period and the CCO or DCO again requests disenrollment for cause, the request shall be referred to the OHA assessment team for review.

(6) The following procedures apply to all approved disenrollment requests:

(a) The CAR shall send the member a notice within five days after the request was approved with a copy to the CCO or DCO and the member's care team.

(b) The notice shall give the disenrollment date, the reason for disenrollment, and the notice of member's right to file a complaint (as specified in OAR 410-141-3260 through 410-141-3266) and to request an administrative hearing and the option to continue enrollment in the CCO or DCO pending the outcome of the hearing, in accordance with 42 CFR 438.420. If the member requests a hearing, the disenrollment shall proceed unless the member requests continued enrollment pending a decision:

(c) The disenrollment effective date will be ten calendar days after the disenrollment notice is sent to the member, unless the member requests a hearing and ongoing enrollment pending a hearing decision. The disenrollment shall become effective immediately upon the issuing of an Administrative Law Judge's decision to uphold disenrollment.

(d) If disenrollment is approved, the CAR shall contact the member's care team to arrange enrollment in a different plan. The Division may require the member to obtain services from FFS providers or a PCM until such time as they can be enrolled with another CCO or DCO;

(e) If no other CCO or DCO is available to the member, the member shall be exempt from enrollment in that type of managed care plan for 12 months. If a member who has been disenrolled for cause is re-enrolled in the CCO or DCO, the CCO or DCO may request a disenrollment review by the CAR. A member may not be involuntarily disenrolled from the same CCO or DCO for a period of more than 12 months. If the member is re-enrolled after the 12-month period and the CCO or DCO or the member again requests disenrollment for cause, the request shall be referred to the Authority's assessment team for review.

(7) Other reasons for the CCO or DCO's requests for disenrollment may include the following:

(a) If the member is enrolled in the CCO or DCO on the same day the member is admitted to the hospital, the CCO or DCO shall be responsible for the hospitalization. If the member is enrolled after the first day of the inpatient stay, the member shall be disenrolled and enrolled on the next available enrollment date following discharge from inpatient hospital services;

(b) The member has surgery scheduled at the time their enrollment is effective with the CCO or DCO, the provider is not on the CCO or DCO's provider panel, and the member wishes to have the services performed by that provider;

(c) The Medicare member is enrolled in a Medicare Advantage plan and was receiving hospice services at the time of enrollment in the CCO or DCO;

(d) Excluding the DCOs, if the CCO determines that the member or MHO member has Third Party Liability (TPL), the CCO will contact the Health Insurance Group (HIG) to request disenrollment;

(e) If a CCO or DCO has knowledge of a member's change of address, the CCO or DCO shall notify the member's care team. The care team shall verify the address information and disenroll the member from the CCO or DCO, if the member no longer resides in the CCO or DCO's service area. Members shall be disenrolled if out of the CCO or DCO's service area for more than three months, unless previously arranged with the CCO or DCO. The effective date of disenrollment shall be the date specified by the Division, and if a partial month remains, the Division shall recoup the balance of that month's capitation payment from the CCO or DCO;

(f) The member is an inmate who is serving time for a criminal offense or confined involuntarily in a state or federal prison, jail, detention facility, or other penal institution. This does not include members on probation, house arrest, living voluntarily in a facility after their case has been adjudicated, infants living with an inmate, or inmates who become inpatients. The CCO or DCO shall identify the members and provide sufficient proof of incarceration to the Division for review of the disenrollment request. The Division shall approve requests for disenrollment from CCO or DCOs for members who have been taken into custody;

(g) The member is in a state psychiatric institution.

(8) The Division may initiate and disenroll members as follows:

(a) If informed that a member has TPL, the Division shall refer the case to the HIG for investigation and possible exemption from CCO or

DCO enrollment. The Division shall disenroll members who have TPL effective the end of the month in which HIG makes such a determination. In some situations, the Division may approve retroactive disenrollment;

(b) If the member moves out of the CCO or DCO's service area, the effective date of disenrollment shall be the date specified by the Division, and the Division shall recoup the balance of that month's capitation payment from the CCO or DCO;

(c) If the member is no longer eligible for OHP, the effective date of disenrollment shall be the date specified by the Division;

(d) If the member dies, the last date of enrollment shall be the date of death.

(9) Unless specified otherwise in these rules or in the Division notification of disenrollment to the CCO or DCO, all disenrollments are effective the end of the month the Authority approves the disenrollment with the following exceptions;

(a) The Authority may retroactively disenroll or suspend enrollment when the member is taken into custody. The effective date shall be the date the member was incarcerated.

(b) The Authority may retroactively disenroll enrollment if the member has TPL pursuant to this rule. The effective date shall be the end of the month in which HIG makes the determination.

Stat. Auth.: ORS 413.032, 414.615, 414.625, 414.635 & 414.651

Stats. Implemented: ORS 414.610 - 414.685

Hist.: DMAP 16-2012(Temp), f. & cert. ef. 3-26-12 thru 9-21-12; DMAP 37-2012, f. & cert. ef. 8-1-12; DMAP 47-2012(Temp), f. & cert. ef. 10-16-12 thru 4-13-13; DMAP 55-2012(Temp), f. & cert. ef. 11-15-12 thru 4-13-13; Administrative correction 4-22-13; DMAP 19-2013, f. & cert. ef. 4-23-13; DMAP 25-2013, f. & cert. ef. 6-11-13; DMAP 38-2013(Temp), f. 7-8-13, cert. ef. 7-9-13 thru 1-5-14; DMAP 65-2013, f. & cert. ef. 11-29-13; DMAP 8-2014(Temp), f. 1-31-14, cert. ef. 2-1-14 thru 7-31-14; DMAP 30-2014, f. 5-23-14, cert. ef. 6-1-14

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**Rule Caption:** Amendment of HERC Prioritized List of Health Services Reflecting Approved Modifications Effective April 1, 2014

**Adm. Order No.:** DMAP 31-2014

**Filed with Sec. of State:** 5-30-2014

**Certified to be Effective:** 7-1-14

**Notice Publication Date:** 5-1-2014

**Rules Amended:** 410-141-0520

**Rules Repealed:** 410-141-0520(T)

**Subject:** The OHP Program administrative rules govern the Division of Medical Assistance Programs' payments for services provided to clients. The Division needs to amend 410-141-0520 to reference the Health Evidenced Review Committee (HERC) Prioritized List of Health Services January 1, 2011 through December 31, 2013. The HERC has made interim modifications and technical changes to the October 13, 2013 Prioritized List of Health Services. The changes will be effective April 1, 2014.

**Rules Coordinator:** Sandy Cafourek—(503) 945-6430

## 410-141-0520

### Prioritized List of Health Services

(1) The Health Evidenced Review Commission (HERC) Prioritized List of Health Services (Prioritized List) is the listing of physical and mental health services with "expanded definitions" of preventive services and the practice guidelines, as presented to the Oregon Legislative Assembly. The Prioritized List is generated and maintained by HERC. The HERC maintains the most current list on their website: <http://www.oregon.gov/oha/herc/Pages/PrioritizedList.aspx>. For a hardcopy, contact the Medical Assistance Programs within the Oregon Health Authority (OHA). This rule incorporates by reference the Centers for Medicare and Medicaid Services' (CMS) approved biennial January 1, 2011–December 31, 2013 Prioritized List, including April 1, 2014 interim modifications and technical changes, expanded definitions, practice guidelines and condition treatment pairs funded through line 498.

(2) Certain mental health services are only covered for payment when provided by a Mental Health Organization (MHO), Community Mental Health Program (CMHP) or authorized Coordinated Care Organization (CCO).

(3) Substance Use Disorder (SUD) treatment services are covered for eligible OHP clients when provided by an FCHP, PCO, and CCO or by a provider who has a letter of approval from the Addictions and Mental Health Division and approval to bill Medicaid for SUD services.

Stat. Auth.: ORS 192.527, 192.528, 413.042 & 414.065

Stats. Implemented: ORS 192.527, 192.528, 414.065 & 414.727

# ADMINISTRATIVE RULES

Hist.: HR 7-1994, f. & cert. ef. 2-1-94; OMAP 33-1998, f. & cert. ef. 9-1-98; OMAP 40-1998(Temp), f. & cert. ef. 10-1-98 thru 3-1-99; OMAP 48-1998(Temp), f. & cert. ef. 12-1-98 thru 5-1-99; OMAP 21-1999, f. & cert. ef. 4-1-99; OMAP 39-1999, f. & cert. ef. 10-1-99; OMAP 9-2000(Temp), f. & cert. ef. 4-27-00 thru 9-26-00; OMAP 13-2000, f. & cert. ef. 9-12-00; OMAP 14-2000(Temp), f. & cert. ef. 9-15-00, cert. ef. 10-1-00 thru 3-30-01; OMAP 40-2000, f. 11-17-00, cert. ef. 11-20-00; OMAP 22-2001(Temp), f. 3-30-01, cert. ef. 4-1-01 thru 9-1-01; OMAP 28-2001, f. & cert. ef. 8-10-01; OMAP 53-2001, f. & cert. ef. 10-1-01; OMAP 18-2002, f. 4-15-02, cert. ef. 5-1-02; OMAP 64-2002, f. & cert. ef. f. & cert. ef. 10-2-02; OMAP 65-2002(Temp), f. & cert. ef. 10-2-02 thru 3-15-04; OMAP 88-2002, f. 12-24-02, cert. ef. 1-1-03; OMAP 14-2003, f. 2-28-03, cert. ef. 3-1-03; OMAP 30-2003, f. 3-31-03 cert. ef. 4-1-03; OMAP 79-2003(Temp), f. & cert. ef. 10-2-03 thru 3-15-04; OMAP 81-2003(Temp), f. & cert. ef. 10-23-03 thru 3-15-04; OMAP 94-2003, f. 12-31-03 cert. ef. 1-1-04; OMAP 17-2004(Temp), f. 3-15-04 cert. ef. 4-1-04 thru 9-15-04; OMAP 28-2004, f. 4-22-04 cert. ef. 5-1-04; OMAP 48-2004, f. 7-28-04 cert. ef. 8-1-04; OMAP 51-2004, f. 9-9-04, cert. ef. 10-1-04; OMAP 68-2004(Temp), f. 9-14-04, cert. ef. 10-1-04 thru 3-15-05; OMAP 83-2004, f. 10-29-04 cert. ef. 11-1-04; OMAP 27-2005, f. 4-20-05, cert. ef. 5-1-05; OMAP 54-2005(Temp), f. & cert. ef. 10-14-05 thru 4-1-06; OMAP 62-2005, f. 11-29-05, cert. ef. 12-1-05; OMAP 71-2005, f. 12-21-05, cert. ef. 1-1-06; OMAP 6-2006, f. 3-22-06, cert. ef. 4-1-06; OMAP 46-2006, f. 12-15-06, cert. ef. 1-1-07; DMAP 14-2007(Temp), f. & cert. ef. 10-1-07 thru 3-28-08; DMAP 28-2007(Temp), f. & cert. ef. 12-20-07 thru 3-28-08; DMAP 8-2008, f. & cert. ef. 3-27-08; DMAP 10-2008(Temp), f. & cert. ef. 4-1-08 thru 9-15-08; DMAP 23-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 31-2008(Temp), f. & cert. ef. 10-1-08 thru 3-29-09; DMAP 40-2008, f. 12-11-08, cert. ef. 1-1-09; DMAP 4-2009(Temp), f. & cert. ef. 1-30-09 thru 6-25-09; DMAP 6-2009(Temp), f. 3-26-09, cert. ef. 4-1-09 thru 9-25-09; DMAP 8-2009(Temp), f. & cert. ef. 4-17-09 thru 9-25-09; DMAP 26-2009, f. 8-3-09, cert. ef. 8-5-09; DMAP 30-2009(Temp), f. 9-15-09, cert. ef. 10-1-09 thru 3-29-10; DMAP 36-2009(Temp), f. 12-10-09 ef. 1-1-10 thru 3-29-10; DMAP 1-2010(Temp), f. & cert. ef. 1-15-10 thru 3-29-10; DMAP 3-2010, f. 3-5-10, cert. ef. 3-17-10; DMAP 5-2010(Temp), f. 3-26-10, cert. ef. 4-1-10 thru 9-1-10; DMAP 10-2010, f. & cert. ef. 4-26-10; DMAP 27-2010(Temp), f. 9-24-10, cert. ef. 10-1-10 thru 3-25-11; DMAP 43-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 4-2011, f. 3-23-11, cert. ef. 4-1-11; DMAP 24-2011(Temp), f. 9-15-11, cert. ef. 10-1-11 thru 3-26-12; DMAP 45-2011, f. 12-21-11, cert. ef. 12-23-11; DMAP 47-2011(Temp), f. 12-13-11, cert. ef. 1-1-12 thru 6-25-12; DMAP 22-2012(Temp), f. 3-30-12, cert. ef. 4-1-12 thru 9-21-12; DMAP 43-2012(Temp), f. 9-21-12, cert. ef. 9-23-12 thru 3-21-13; DMAP 11-2013, f. & cert. ef. 3-21-13; DMAP 50-2013(Temp), f. & cert. ef. 10-1-13 thru 3-30-14; DMAP 57-2013(Temp), f. & cert. ef. 10-29-13 thru 3-30-14; DMAP 7-2014, f. & cert. ef. 1-31-14; DMAP 13-2014(Temp), f. 3-20-14, cert. ef. 4-1-14 thru 9-28-14; DMAP 31-2014, f. 5-30-14, cert. ef. 7-1-14

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**Rule Caption:** Allow for CCOs to Pay for Outpatient and Physician Administered Medications

**Adm. Order No.:** DMAP 32-2014

**Filed with Sec. of State:** 5-30-2014

**Certified to be Effective:** 7-1-14

**Notice Publication Date:** 5-1-2014

**Rules Amended:** 410-141-3070

**Rules Repealed:** 410-141-3070(T)

**Subject:** The Division needs to amend this rule to modify the allowance for Coordinated Care Organizations (CCO) to pay for outpatient and physician administered drugs produced by manufacturers that have valid rebate agreements with the Centers for Medicare and Medicaid (CMS). This change will align with federal regulations as stated in the State Medicaid Director Letter that allows CCOs flexibility with pharmacy payments.

**Rules Coordinator:** Sandy Cafourek—(503) 945-6430

## 410-141-3070

### Pharmaceutical Drug List Requirements

(1) Prescription drugs are a covered service based on the funded Condition/Treatment Pairs. CCOs shall pay for prescription drugs except:

(a) As otherwise provided, mental health drugs that are in Class 7 & 11 (based on the National Drug Code (NDC)) as submitted by the manufacturer to First Data Bank);

(b) Depakote, Lamictal, and those drugs that the Authority specifically carved out from capitation according to sections (8) and (9) of this rule;

(c) Any applicable co-payments;

(d) For drugs covered under Medicare Part D when the client is fully dual eligible.

(2) CCOs may use the statewide Practitioner-Managed Prescription Drug Plan under ORS 414.330 to 414.337. CCOs may use a restrictive drug list as long as it allows access to other drug products not on the drug list through some process such as prior authorization (PA). The drug list shall:

(a) Include Federal Drug Administration (FDA) approved drug products for each therapeutic class sufficient to ensure the availability of covered drugs with minimal prior approval intervention by the provider of pharmaceutical services;

(b) Include at least one item in each therapeutic class of over-the-counter medications; and

(c) Be revised periodically to assure compliance with this requirement.

(3) CCOs shall provide their participating providers and their pharmacy subcontractor with:

(a) Their drug list and information about how to make non-drug list-requests;

(b) Updates made to their drug list within 30 days of a change that may include but are not limited to:

(A) Addition of a new drug;

(B) Removal of a previously listed drug; and

(C) Generic substitution.

(4) If a drug cannot be approved within the 72-hour time requirement for prior authorization and the medical need for the drug is immediate, CCOs must provide, within 24 hours of receipt of the drug prior authorization request, for the dispensing of at least a 72-hour supply of a drug that requires prior authorization.

(5) CCOs shall authorize the provision of a drug requested by the Primary Care Provider or referring provider if the approved prescriber certifies medical necessity for the drug such as:

(a) The equivalent of the drug listed has been ineffective in treatment; or

(b) The drug listed causes or is reasonably expected to cause adverse or harmful reactions to the member.

(6) Prescriptions for Physician Assisted Suicide under the Oregon Death with Dignity Act are excluded. Payment is governed by OAR 410-121-0150.

(7) CCOs may not authorize payment for any Drug Efficacy Study Implementation (DESI) Less Than Effective (LTE) drugs which have reached the FDA Notice of Opportunity for Hearing (NOOH) stage, as specified in OAR 410-121-0420 (DESI)(LTE) Drug List. The DESI LTE drug list is available at: [http://www.cms.hhs.gov/MedicaidDrugRebateProgram/12 LTEIRSDrugs.asp](http://www.cms.hhs.gov/MedicaidDrugRebateProgram/12%20LTEIRSDrugs.asp).

(8) A CCO may seek to add drugs to the list contained in section (1) of this rule by submitting a request to the Authority no later than March 1 of any contract year. The request must contain all of the following information:

(a) The drug name;

(b) The FDA approved indications that identifies the drug may be used to treat a severe mental health condition; and

(c) The reason that the Authority should consider this drug for carve out.

(9) If a CCO requests that a drug not be paid within the global budget, the Authority shall exclude the drug from the global budget for the following January contract cycle if the Authority determines that the drug has an approved FDA indication for the treatment of a severe mental health condition such as major depressive, bi-polar or schizophrenic disorders.

(10) The Authority shall pay for a drug that is not included in the global budget pursuant to the Pharmaceutical Services Program rules (chapter 410, division 121). A CCO may not reimburse providers for carved-out drugs.

(11) CCOs shall submit quarterly utilization data within 60 days of the date of service as part of the CMS Medicaid Drug Rebate Program requirements pursuant to Section 2501 of the Affordable Care Act.

(12) CCOs are encouraged to provide payment only for outpatient and physician administered drugs produced by manufacturers that have valid rebate agreements in place with the CMS as part of the Medicaid Drug Rebate Program. CCOs may continue to have some flexibility in maintaining formularies of drugs regardless of whether the manufacturers of those drugs participate in the Medicaid Drug Rebate Program.

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

Stats. Implemented: ORS 414.610-414.685

Hist.: DMAP 16-2012(Temp), f. & cert. ef. 3-26-12 thru 9-21-12; DMAP 37-2012, f. & cert. ef. 8-1-12; DMAP 21-2014(Temp), f. & cert. ef. 4-1-14 thru 9-28-14; DMAP 32-2014, f. 5-30-14, cert. ef. 7-1-14

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**Rule Caption:** Revise Form Number and Title of DMAP 1234 Referenced in Rules

**Adm. Order No.:** DMAP 33-2014

**Filed with Sec. of State:** 5-30-2014

**Certified to be Effective:** 7-1-14

**Notice Publication Date:** 5-1-2014

**Rules Amended:** 410-141-0263, 410-141-3260

**Subject:** OAR 410-141-0263 and 410-141-3260 are being amended to change the name and form number of the DMAP 1234, referenced in the rules, to Division of Medical Assistance Programs Service Denial Appeal and Request form, DMAP 3302.

**Rules Coordinator:** Sandy Cafourek—(503) 945-6430



# ADMINISTRATIVE RULES

## 410-141-0263

### Notice of Action by a Prepaid Health Plan

The Division of Medical Assistance Programs (Division) may have specific definitions for common terms. Please use OAR 410-141-0000, Definitions, in conjunction with this rule.

(1) When a Prepaid Health Plan (PHP) or authorized practitioner (see definition) acting on behalf of the PHP takes or intends to take any "action," including but not limited to denials or limiting prior authorizations of a requested service in an amount, duration or scope that is less than requested, or reductions, suspension, discontinuation or termination of a previously authorized service, or any other action, the PHP or authorized practitioner acting on behalf of the PHP shall mail a written client (see definition) Notice of Action (NOA) in accordance with section (2) of this rule to the Division member (see definition) within the timeframes specified in subsection (3) of this rule.

(2) The written client Notice of Action must be on a Division approved form and must be used for all denials of a requested service, reductions, discontinuations or terminations of previously authorized services, denials of claims payment or other action. The client Notice of Action must meet the language and format requirements of 42 CFR 438.10(c) and (d) and shall inform the Division member of the following:

(a) Relevant information shall include, but is not limited to, the following:

- (A) Date of client Notice of Action;
- (B) PHP name;
- (C) PCP/PCD name;
- (D) The Division member's name and ID number;
- (E) Date of service or item requested or provided;
- (F) Who requested or provided the item or service;
- (G) Effective date of the action, if different from the date of the NOA;
- (H) Whether the PHP considered other conditions as co-morbidity factors if the service was below the funding line on the OHP Prioritized List of Health Services;

(b) The action the PHP or its participating provider (see definition) has taken or intends to take;

(c) Reasons for the action with enough specificity to clearly explain the actual reason for the denial, including but not limited to the following reasons:

(A) The item requires pre-authorization, and it was not pre-authorized;

(B) The service or item is received in an emergency care setting and does not qualify as an Emergency Service under the prudent layperson standard;

(C) The person was not a Division member at the time of the service or is not a Division member at the time of a requested service; and

(D) The provider is not on the PHP's panel and prior approval was not obtained (if such prior authorization would be required under the Oregon Health Plan rules);

(d) A reference to the particular sections of the statutes and rules involved for each reason identified in the Notice of Action pursuant to subsection (b) of this section in compliance with the notice requirements in ORS 183.415(2)(c);

(e) The Division member's right to file an appeal with the PHP and how to exercise that right as required in OAR 410-141-0262;

(f) The Division member's right to request a Division administrative hearing and how to exercise that right. A copy of the following forms must be attached to the Notice of Action:

(A) Hearing Request form (DHS 443) and the Notice of Hearing Rights (DMAP 3030), or

(B) The Division of Medical Assistance Programs Service Denial Appeal and Hearing Request form DMAP 3302 or approved facsimile.

(g) The circumstances under which expedited appeal resolution is available and how to request it;

(h) The Division member's right to have benefits continue pending resolution of the appeal, how to request that benefit be continued and the circumstances under which the Division member may be required to pay the costs of these services; and

(i) The telephone number to contact the PHP for additional information.

(3) The PHP or practitioner acting on behalf of the PHP must mail the Notice of Action within the following time frames:

(a) For termination, suspension or reduction of previously authorized OHP covered services (see definition), the following time frames apply:

(A) The notice must be mailed at least ten calendar days before the date of action, except as permitted under subsections (B) or (C) of this section;

(B) The PHP or authorized practitioner acting on behalf of the PHP may mail a notice not later than the date of action if:

(i) The PHP or practitioner receives a clear written statement signed by the Division member that he or she no longer wishes services or gives information that requires termination or reduction of services and indicates that he or she understands that this must be the result of supplying the information;

(ii) The Division member has been admitted to an institution where he or she is ineligible for covered services from the PHP;

(iii) The Division member's whereabouts are unknown and the post office returns PHP or practitioner's mail directed to him or her indicating no forwarding address;

(iv) The PHP establishes the fact that another state, territory, or commonwealth has accepted the Division member for Medicaid services;

(v) A change in the level of medical or dental care is prescribed by the Division member's PCP or PCD; or

(vi) The date of action will occur in less than ten calendar days in accordance with 42 CFR 483.12(a)(5)(ii) related to discharges or transfers and long-term care facilities;

(C) The PHP may shorten the period of advance notice to five calendar days before the date of the action if the PHP has facts indicating that an action should be taken because of probable fraud by the Division member. Whenever possible, these facts should be verified through secondary sources:

(b) For denial of payment at the time of any action affecting the claim;

(c) For standard prior authorizations that deny a requested service or that authorize a service in an amount, duration or scope that is less than requested, the PHP must provide Notice of Action as expeditiously as the Division member's health condition requires and within 14 calendar days following receipt of the request for service, except that:

(A) The PHP may have a possible extension of up to 14 additional calendar days if the Division member or the provider requests the extension or if the PHP justifies (to the Division upon request) a need for additional information and how the extension is in the Division member's interest;

(B) If the PHP extends the timeframe in accordance with subsection (A) of this section, it shall give the Division member written notice of the reason for the decision to extend the timeframe and inform the Division member of their right to file a grievance if he or she disagrees with that decision. The PHP must issue and carry out its prior authorization determination as expeditiously as the Division member's health condition requires and no later than the date the extension expires;

(d) For prior authorization decisions not reached within the timeframes specified in subsection (c) of this section (which constitutes a denial and is thus an adverse action) on the date that the timeframes expire;

(e) For expedited prior authorizations within the timeframes specified in OAR 410-141-0265.

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

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 414.065

Hist.: HR 19-1996, f. & cert. ef. 10-1-96; HR 25-1997, f. & cert. ef. 10-1-97; OMAP 39-1999, f. & cert. ef. 10-1-99; OMAP 26-2000, f. 9-28-00, cert. ef. 10-1-00; OMAP 50-2003, f. 7-31-03 cert. ef. 8-1-03; OMAP 35-2004, f. 5-26-04 cert. ef. 6-1-04; OMAP 46-2005, f. 9-9-05, cert. ef. 10-1-05; DMAP 22-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 45-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 42-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 60-2013, f. & cert. ef. 10-31-13; DMAP 33-2014, f. 5-30-14, cert. ef. 7-1-14

## 410-141-3260

### Grievance System: Grievances, Appeals and Contested Case Hearings

(1) This rule applies to requirements related to the grievance system, which includes appeals, contested case hearings, and grievances. For purposes of this rule and OAR 410-141-3261 through 410-141-3264, references to member means a member, member's representative and the representative of a deceased member's estate.

(2) The CCO must establish and have a Division approved process and written procedures for the following:

(a) Member rights to appeal and request a CCO's review of an action;

(b) Member rights to request a contested case hearing on a CCO action under the Administrative Procedures Act; and

(c) Member rights to file a grievance for any matter other than an appeal or contested case hearing;

(d) An explanation of how CCOs shall accept, process and respond to appeals, hearing requests and grievances;

(e) Compliance with grievance system requirements as part of the state quality strategy and to monitor and enforce consumer rights and protections within the Oregon Integrated and Coordinated Health Care

# ADMINISTRATIVE RULES

Delivery System and ensure consistent response to complaints of violations of consumer right and protections.

(3) Upon receipt of a grievance or appeal, the CCO must:

(a) Acknowledge receipt to the member;

(b) Give the grievance or appeal to staff with the authority to act upon the matter;

(c) Obtain documentation of all relevant facts concerning the issues;

(d) Ensure staff making decisions on the grievance or appeal are:

(A) Not involved in any previous level of review or decision-making; and

(B) Health care professionals as defined in OAR 410-120-0000 with appropriate clinical expertise in treating the member's condition or disease if the grievance or appeal involves clinical issues or if the member requests an expedited review.

(4) The CCO must analyze all grievances, appeals and hearings in the context of quality improvement activity pursuant to OAR 410-141-3200 and 410-141-3260.

(5) CCOs must keep all healthcare information concerning a member's request confidential, consistent with appropriate use or disclosure as the terms treatment, payment or CCO health care operations are defined in 45 CFR 164.501.

(6) The following pertains to release of a member's information:

(a) The CCO and any provider whose authorizations, treatments, services, items, quality of care or requests for payment are involved in the grievance, appeal or hearing may use this information without the member's signed release for purposes of:

(A) Resolving the matter; or

(B) Maintaining the grievance or appeals log.

(b) If the CCO needs to communicate with other individuals or entities not listed in subsection (a) to respond to the matter, the CCO must obtain the member's signed release and retain the release in the member's record.

(7) The CCO must provide members with any reasonable assistance in completing forms and taking other procedural steps related to filing grievances, appeals or hearing requests. Reasonable assistance includes, but is not limited to:

(a) Assistance from qualified community health workers, qualified peer wellness specialists or personal health navigators to participate in processes affecting the member's care and services;

(b) Free interpreter services;

(c) Toll-free phone numbers that have adequate TTY/TTD and interpreter capabilities; and

(d) Reasonable accommodation or policy and procedure modifications as required by any disability of the member.

(8) The CCO and its participating providers may not:

(a) Discourage a member from using any aspect of the grievance, appeal or hearing process;

(b) Encourage the withdrawal of a grievance, appeal or hearing request already filed; or

(c) Use the filing or resolution of a grievance, appeal or hearing request as a reason to retaliate against a member or to request member disenrollment.

(9) In all CCO administrative offices and in those physical, behavioral and oral health offices where the CCO has delegated response to the appeal, hearing request or grievance, the CCO must have the following forms available:

(a) OHP Complaint Form (OHP 3001);

(b) Appeal forms;

(c) Hearing request form (DHS 443) and Notice of Hearing Rights (DMAP 3030); or

(d) The Division of Medical Assistance Programs Service Denial Appeal and Hearing Request form (DMAP 3302) or approved facsimile.

(10) A member's provider:

(a) Acting on behalf of and with written consent of the member may file an appeal;

(b) May not act as the member's authorized representative for requesting a hearing or filing a grievance.

(11) The CCO and its participating providers must cooperate with the Department of Human Services Governor's Advocacy Office, the Authority's Ombudsman and hearing representatives in all activities related to member appeals, hearing requests and grievances including providing all requested written materials.

(12) If the CCO delegates the grievance and appeal process to a subcontractor, the CCO must:

(a) Ensure the subcontractor meets the requirements consistent with this rule and OAR 410-141-3261 through 410-141-3264;

(b) Monitor the subcontractor's performance on an ongoing basis;

(c) Perform a formal compliance review at least once a year to assess performance, deficiencies or areas for improvement; and

(d) Ensure the subcontractor takes corrective action for any identified areas of deficiencies that need improvement.

(13) CCO's must maintain yearly logs of all appeals and grievances for seven calendar years with the following requirements:

(a) The logs must contain the following information pertaining to each member's appeal or grievance:

(A) The member's name, ID number, and date the member filed the grievance or appeal;

(B) Documentation of the CCO's review, resolution or disposition of the matter, including the reason for the decision and the date of the resolution or disposition;

(C) Notations of oral and written communications with the member; and

(D) Notations about appeals and grievances the member decides to resolve in another way if the CCO is aware of this.

(b) For each calendar year, the logs must contain the following aggregate information:

(A) The number of actions; and

(B) A categorization of the reasons for and resolutions or dispositions of appeals and grievances.

(14) The CCO must review the log monthly for completeness and accuracy, which includes but is not limited to timeliness of documentation and compliance with procedures.

(15) A member or a member's provider may request an expedited resolution of an appeal or a contested case hearing if the member or provider believes taking the standard time of resolution could seriously jeopardize the member's:

(a) Life, health, mental health or dental health; or

(b) Ability to attain, maintain or regain maximum function.

(16) A member who may be entitled to continuing benefits may request and receive continuing benefits in the same manner and same amount while an appeal or contested case hearing is pending:

(a) To be entitled to continuing benefits, the member must complete a hearing request or request for appeal requesting continuing benefits no later than:

(A) The tenth day following the date of the notice or the notice of appeal resolution; and

(B) The effective date of the action proposed in the notice, if applicable.

(b) In determining timeliness under section (3)(a) of this rule, delay for good cause, as defined in OAR 137-002-0528, is not counted;

(c) The benefits must be continued until:

(A) A final appeal resolution resolves the appeal unless the member requests a hearing with continuing benefits no later than ten days following the date of the notice of appeal resolution;

(B) A final order resolves the contested case;

(C) The time period or service limits of a previously authorized service have been met; or

(D) The member withdraws the request for hearing.

(17) The CCO shall review and report to the Authority complaints that raise issues related to racial or ethnic background, gender, religion, sexual orientation, socioeconomic status, culturally or linguistically appropriate service requests, disability status and other identity factors for consideration in improving services for health equity.

(18) If a CCO receives a complaint or grievance related to a member's entitlement of continuing benefits in the same manner and same amount during the transition of transferring from one CCO to another CCO for reasons defined in OAR 410-141-3080 (15) the CCO shall log the complaint/grievance and work with the receiving/sending CCO to ensure continuity of care during the transition.

Stat. Auth.: ORS 413.032, 414.615, 414.625, 414.635, 414.651

Stats. Implemented: ORS 414.610 - 414.685

Hist.: DMAP 16-2012(Temp), f. & cert. ef. 3-26-12 thru 9-21-12; DMAP 37-2012, f. & cert. ef. 8-1-12; DMAP 54-2012(Temp), f. & cert. ef. 11-1-2 thru 4-29-13; DMAP 22-2013, f. & cert. ef. 4-26-13; DMAP 60-2013, f. & cert. ef. 10-31-13; DMAP 33-2014, f. 5-30-14, cert. ef. 7-1-14

# ADMINISTRATIVE RULES

## Oregon Health Authority, Public Employees' Benefit Board Chapter 101

**Rule Caption:** Temporary rule clarifies the definition of spouse and other Core Benefits definitions.

**Adm. Order No.:** PEBB 2-2014(Temp)

**Filed with Sec. of State:** 6-9-2014

**Certified to be Effective:** 6-9-14 thru 12-5-14

**Notice Publication Date:**

**Rules Amended:** 101-010-0005

**Subject:** Temporary rule clarifies the definition of spouse and other Core Benefits definitions.

**Rules Coordinator:** Cherie Taylor—(503) 378-6296

### 101-010-0005

#### Definitions

Unless the context indicates otherwise, as used in OAR chapter 101, divisions 1 through 60, the following definitions will apply:

(1) "Actively at work" for medical and dental insurance coverage means an active eligible employee at work, in paid status and scheduled for work during the month. Optional plan policies or plan certificates contain "actively at work" criteria specific to the individual plan.

(2) "Active Participation" in reference to a Flexible Spending Account (FSA) means an eligible employee currently enrolled in the plan and who each month deposits the required dollar contribution in the account.

(3) "Affidavit of Dependency" means a notarized document that attests a dependent child meets the criteria for a dependent child under OAR 101-015-0011.

(4) "Affidavit of Domestic Partnership" means a notarized document that attests the eligible employee and one other individual meet the criteria in OAR 101-015-0026(2).

(5) "Agency" means a PEBB participating organization such as an individual state of Oregon public agency, semi-independent agency, and individual OUS University.

(6) "Benefit amount" means the amount of money paid by a PEBB participating organization for the purchase of core benefit plans on behalf of active eligible employees. PEBB does not determine the benefit amount.

(7) "CBIW" means Continuation of Benefits for Injured Workers.

(8) "Certificate of Registered Domestic Partnership" means the certificate issued by an Oregon county clerk to two individuals of the same sex after they file a Declaration of Domestic Partnership with the county clerk.

(9) "COBRA" means the federal Consolidated Omnibus Reconciliation Act of 1985.

(10) "Core Benefits" means specific benefit plans that a PEBB employer contributes a benefit amount premium cost for active eligible employees (e.g., medical, dental, vision, and employee basic term life coverage).

(11) "Dependent Care Flexible Spending Account" or "Dependent Care FSA" means the Dependent Care Assistance Program (DCAP) that PEBB has adopted in accordance with section 129 of the Internal Revenue Code.

(12) "Dependent child" means a child that satisfies the conditions of OAR 101-015-0011, as applicable.

(13) "Domestic partner" means an eligible employee's partner in a registered domestic partnership under Chapter 99 Oregon Laws 2007 or unmarried partner of the same or opposite sex that meets the requirements as outlined in OAR 101-015-0026(2).

(14) "Eligible employee" means an individual eligible to enroll in PEBB plan benefits and includes:

(a) "Active eligible employee" means an employee of a PEBB participating organization who is eligible for PEBB core benefits and some optional plans depending on their job classification and the employee is a state official in exempt, unclassified, classified, and management service position and is expected to work at least 90 days; and who works at least half-time or is in a position classified as job share.

(b) "Retired eligible employee" means a previously active eligible employee, who meets retiree eligibility as defined in OAR 101-050-0005. A retired eligible employee is eligible to self-pay for only the benefit plans established in division 50 of this chapter.

(c) "Other eligible employee" means an individual of a specific self-pay group as established by ORS 243.140 and 243.200. These groups are eligible only for medical or dental benefits as approved by PEBB.

(15) "Family member" means a spouse, domestic partner, or a qualifying child.

(16) "FMLA" means the federal Family Medical Leave Act.

(17) "FTE" means full time equivalent job position.

(18) "Grandchild Affidavit" means a notarized document that attests a grandchild of an eligible employee, spouse, or domestic partner meets the eligibility criteria for PEBB grandchild coverage as defined in OAR 101-015-0011(1)(B).

(19) "Half-time" means an eligible employee who works less than full time but at least:

(a) Eighty paid regular hours per month; or

(b) 0.5 FTE for unclassified OUS employees; or

(c) Eighty paid hours per month and is employed at a minimum of .5 FTE, for Oregon Judicial Department employees; or

(d) As defined by collective bargaining.

(20) "Health Flexible Spending Account" or "Health FSA" means the health flexible spending arrangement that PEBB has adopted in accordance with the Internal Revenue Code.

(21) "Imputed value" means a dollar amount established yearly for an insurance premium at fair market value. The IRS or the Oregon Department of Revenue may view the imputed value as taxable income. The imputed value dollar amount is added to the eligible employee's taxable wages.

(22) "Ineligible individual" means an individual who does not meet the definition of an eligible employee, spouse, domestic partner, or dependent child as defined in PEBB administrative rules.

(23) "Job share" means two eligible employees sharing one full time equivalent position. Each eligible employee's percentage of the total position determines the benefit amount the employee receives. The monthly benefit percentage amount remains the same regardless of each individual's hours worked per month. Job share employees may not donate their portion of the benefit amount to the job share co-worker.

**Example:** John and Jill share one full time equivalent position. When they were hired into the position in July, John's percentage of the total position was 40 percent; Jill's percentage was 60 percent. John worked 70 percent of the available hours in September. John's benefit amount percentage for September remains at 40 percent. Jill's benefit amount percentage remains at 60 percent.

(24) "Midyear plan change event" means an event that provides an eligible employee an exception to the general plan year irrevocability rule that applies to PEBB plan elections. Permissible midyear events fall into three broad groups with allowable subgroups:

(a) Change in status (QSC),

(b) Cost or coverage changes; or

(c) Other laws or court orders.

(25) "OFLA" means the Oregon Family Leave Act.

(26) "OSPS" means the Oregon State Payroll System.

(27) "OUS" means the Oregon University System.

(28) "Open enrollment period" means an annual period chosen by PEBB when both active and other eligible employees and COBRA participants can make benefit plan changes or elections for the next plan year.

(29) "Optional plans" means, but is not limited to:

(a) Dependent life insurance;

(b) Employee, spouse, or domestic partner optional life insurance;

(c) Accidental Death & Dismemberment (AD&D) insurance;

(d) Short Term Disability insurance;

(e) Long Term Disability insurance;

(f) Flexible Spending Accounts (Health and Dependent Care); and

(g) Long Term Care insurance.

(30) "Paid regular status" means in current payroll status, and receiving payment for work time. Paid regular status includes the use of vacation, sick, holiday, or personal leave accruals, compensatory time, or other employer approved paid status such as furlough.

(31) "Pebb.benefits" means the electronic benefit management system sponsored by PEBB. The system allows electronic enrollment and termination of an eligible individual's benefit plans, personal information updates, and the transmittal of data to plans, payroll centers, and third party administrators.

(32) "PEBB participating organization" means a state agency, board, commission, university, or other entity that receives approval to participate in PEBB benefit plans.

(33) "Plan change period" means a period chosen by PEBB when retirees can make limited benefit plan changes.

(34) "Plan year" means a period of twelve consecutive months. PEBB's plan year is a calendar year.

(35) "Qualified status change" (QSC) means a change in family or work status that allows or requires limited mid-year changes of benefit plans consistent with the individual event.



# ADMINISTRATIVE RULES

(36) “Rescission” means a cancellation or discontinuance of coverage that has a retroactive effect. A cancellation or discontinuance of coverage that is prospective only, or one that is effective retroactively but is attributable to nonpayment of premiums or contributions, is not a rescission.

(37) “Reinstate” means to reactivate previous benefits and enrollments, if they are available, to an eligible employee returning to eligible status within a specific time frame. Reinstated enrollment does not include FSAs or Long Term C

(38) “Spouse” means an individual who is legally married. A marriage or a relationship recognized as a legal marriage between two individuals in Oregon, or another state or foreign country, will be recognized in Oregon even though such a relationship would not be a marriage if the same facts had been relied upon to create the marriage in Oregon. The definition of spouse does not include a former spouse and a former spouse does not qualify as a dependent.

Stat. Auth.: ORS 243.061 - 243.302  
Stats. Implemented: ORS 243.061 - 302, 659A.060 - 069, 743.600 - 602, 743.707  
Hist.: PEBB 1-1999, f. 12-8-99, cert. ef. 1-1-00; PEBB 1-2000, f. 11-15-00, cert. ef. 1-1-01; PEBB 1-2001, f. & cert. ef. 9-6-01; PEBB 1-2002, f. 7-30-02, cert. ef. 8-1-02; PEBB 1-2003, f. & cert. ef. 12-4-03; PEBB 1-2004, f. & cert. ef. 7-2-04; PEBB 3-2004, f. & cert. ef. 10-7-04; PEBB 3-2005, f. 8-31-05, cert. ef. 9-1-05; PEBB 2-2006(Temp), f. & cert. ef. 12-14-06 thru 6-12-07; PEBB 1-2007(Temp), f. & cert. ef. 6-11-07 thru 12-8-07; PEBB 2-2007, f. 9-28-07, cert. ef. 10-1-07; PEBB 1-2008(Temp), f. & cert. ef. 2-4-08 thru 8-1-08; PEBB 2-2008, f. & cert. ef. 8-1-08; PEBB 3-2009, f. 9-29-09 cert. ef. 10-1-09; HLA 4-2010, f. & cert. ef. 5-18-10; PEBB 1-2010(Temp), f. & cert. ef. 6-1-10 thru 11-28-10; PEBB 7-2010, f. 12-10-10, cert. ef. 1-1-11; PEBB 1-2013, f. & cert. ef. 9-24-13; PEBB 2-2014(Temp), f. & cert. ef. 6-9-14 thru 12-5-14

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**Oregon Health Authority,  
Public Health Division  
Chapter 333**

**Rule Caption:** Patient notification by practitioners as required by the passage of SB 683 (2013).

**Adm. Order No.:** PH 15-2014

**Filed with Sec. of State:** 6-2-2014

**Certified to be Effective:** 6-2-14

**Notice Publication Date:** 1-1-2014

**Rules Adopted:** 333-072-0200, 333-072-0205, 333-072-0210, 333-072-0215, 333-072-0220, 333-072-0225

**Subject:** The Oregon Health Authority, Public Health Division is adopting Oregon Administrative Rules in chapter 333, division 72 related to notice of patient choice and financial interest in response to the passage of SB 683 during the 2013 legislative session.

The Legislature delegated to the Oregon Health Authority rule-making authority to implement SB 683’s requirements for certain medical practitioners to provide notice of patient choice and notice of financial interest when making referrals for diagnostic tests, health care services or treatment.

These rules provide for oral and written notice of patient choice and financial choice at designated times.

Implementation of the rules will ensure that health care consumers are aware of their rights to choose care providers and when their provider has a financial interest in a facility to which they are being referred.

**Rules Coordinator:** Alayna Nest—(971) 673-1291

## 333-072-0200

### Purpose

The purpose of these rules is to establish notice requirements for patient choice and financial interest as required in ORS 441.098 when health practitioners refer patients for diagnostic testing or health care treatment or services.

Stat. Auth.: ORS 441.098  
Stats. Implemented: ORS 441.092, OL 2013, ch. 552  
Hist.: PH 15-2014, f. & cert. ef. 6-2-14

## 333-072-0205

### Applicability

These rules do not apply to a referral for a diagnostic test or health care treatment or service:

(1) When a patient is receiving inpatient hospital services or emergency department services if the referral is for a diagnostic test or health care treatment or service to be provided while the patient is in the hospital or emergency department.

(2) When a referral is made to a particular facility after the initial referral of the patient to that facility, when notice was provided at the initial referral in accordance with these rules.

(3) When a patient has been directed or transferred to a facility for emergency department services.

(4) When a patient is being directed back to the referring practitioner by the practitioner or facility who received the referral.

Stat. Auth.: ORS 441.098  
Stats. Implemented: ORS 441.092, OL 2013, ch. 552  
Hist.: PH 15-2014, f. & cert. ef. 6-2-14

## 333-072-0210

### Definitions

As used in OAR 333-072-0200 through 333-072-0225 the following definitions apply:

(1) “Emergency department services” means services provided in the part of a licensed hospital facility open 24 hours a day to provide acute care treatment and services for a wide range of illnesses and injuries.

(2) “Facility” means a hospital, outpatient clinic owned by a hospital, ambulatory surgical center, freestanding birthing center as defined in ORS 442.015, or a facility that receives Medicare reimbursement as an independent diagnostic testing facility.

(3) “Financial interest” means the direct or indirect ownership interest of five percent or more held by a health practitioner or the practitioner’s immediate family member.

(4)(a) “Health practitioner” means a physician, podiatric physician and surgeon, dentist, direct entry midwife, certified nurse practitioner, licensed registered nurse who is certified by the Oregon State Board of Nursing as a nurse midwife nurse practitioner, licensed physician assistant or medical imaging licensee under ORS 688.405 to 688.605.

(b) “Health practitioner” does not include a provider in health maintenance organizations as that term is defined in ORS 750.005.

(5) “Immediate family member” means a health practitioner’s spouse, domestic partner, child, stepchild, mother, father or sibling.

(6) “Inpatient hospital services” means all medical and nursing services provided to persons who require 24-hour supervision because of acute or chronic medical or psychiatric illness.

(7) “Outpatient clinic owned by a hospital” means a satellite or mobile satellite indorsed under a hospital’s license under OAR 333-500-0025.

(8) “Physician” has the meaning given that term in ORS 677.010.

(9) “Referral” means the direction of a patient to a facility for a diagnostic test or health care treatment or service.

(10) “These rules” means OAR 333-072-0200 through 333-072-0225.  
Stat. Auth.: ORS 441.098  
Stats. Implemented: ORS 441.092, OL 2013, ch. 552  
Hist.: PH 15-2014, f. & cert. ef. 6-2-14

## 333-072-0215

### Requirements for Notification of Patient Choice

(1) A referral for a diagnostic test or health care treatment or service shall be based on the patient’s clinical needs and personal health choices.

(2) A health practitioner shall not deny, limit or withdraw a referral solely because the patient chooses to have the diagnostic test or health care treatment or service at a facility other than the one recommended by the health practitioner.

(3) A health practitioner or the practitioner’s designee shall provide notice of patient choice at the time the patient establishes care with the practitioner and at the time the referral is communicated to the patient.

(a) Notice may be provided either orally or in writing.

(b) If a referral is provided to a patient electronically or telephonically and the patient does not present for treatment in person or is not present at the time of the referral, the health practitioner or the practitioner’s designee shall provide either written or oral notice to the patient at the same time the referral is communicated to the patient.

(4) The oral notice of patient choice shall clearly inform the patient:

(a) That when referred, a patient has a choice about where to receive services; and

(b) Where the patient can access more information about patient choice.

(5) The written notice of patient choice shall include language that clearly informs the patient that:

(a) The patient has a choice and when referred to a facility for a diagnostic test or health care treatment or service the patient may receive the diagnostic test or health care treatment or service at a facility other than the one recommended by the health practitioner;

# ADMINISTRATIVE RULES

(b) If the patient chooses to have the diagnostic test, health care treatment or service at a facility different from the one recommended by a practitioner, the patient is responsible for determining the extent of coverage or the limitation on coverage for the diagnostic test, health care treatment or service at the facility chosen by the patient.

(c) A health practitioner shall not deny, limit or withdraw a referral solely because the patient chooses to have the diagnostic test or health care treatment or service at a facility other than the one recommended by the health practitioner.

(6) In addition to providing notice of patient choice at the time the patient establishes care with the practitioner and at the time the referral is communicated to the patient, practitioners shall post notice in a conspicuous location.

(a) The notice shall include at minimum:

(A) Information that notifies patients that they have a choice about where to receive diagnostic testing, healthcare treatment and services.

(B) Direction to talk to a provider about their choices when a referral is made.

(C) Where to get additional information.

(b) Posted notice does not replace either the written or oral notice required by section (3) of this rule.

Stat. Auth.: ORS 441.098

Stats. Implemented: ORS 441.092, OL 2013, ch. 552

Hist.: PH 15-2014, f. & cert. ef. 6-2-14

## 333-072-0220

### Requirement for Notice of Financial Interest

If a health practitioner refers a patient for a diagnostic test or health care treatment or service to a facility in which the health practitioner or an immediate family member has a financial interest of five percent or more, the practitioner or the practitioner's designee shall provide notice of that financial interest orally and in writing at the time of the referral.

Stat. Auth.: ORS 441.098

Stats. Implemented: ORS 441.092, OL 2013, ch. 552

Hist.: PH 15-2014, f. & cert. ef. 6-2-14

## 333-072-0225

### Violations and Enforcement

(1) A health practitioner who fails to comply with these rules shall be subject to investigation and disciplinary action in accordance with ORS 441.098.

(2) When investigating an allegation that notice was not provided in accordance with ORS 441.098 and these rules, the Oregon Health Licensing Agency and a health professional regulatory board may:

(a) Review documentation of a health practitioner's policies and procedures for provision of notice and accept the policies and procedures as proof that notice was given in accordance with the policies.

(b) Rely on the practitioner's documentation of notice as proof that notice was given, if no policies or procedures exist.

Stat. Auth.: ORS 441.098

Stats. Implemented: ORS 441.092, 2013 OL Ch. 552

Hist.: PH 15-2014, f. & cert. ef. 6-2-14

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**Rule Caption:** Updating rules for medical marijuana pertaining to registration fees for disabled veterans.

**Adm. Order No.:** PH 16-2014

**Filed with Sec. of State:** 6-5-2014

**Certified to be Effective:** 6-5-14

**Notice Publication Date:** 4-1-2014

**Rules Amended:** 333-008-0020

**Subject:** The Oregon Health Authority, Public Health Division, Oregon Medical Marijuana Program (OMMP) is amending OAR 333-008-0020 relating to reduced fees for veterans with disabilities or who receive need-based pensions from the Veterans Administration.

The Oregon Medical Marijuana Act (OMMA) mandates the Authority to adopt a fee structure in rule. The OMMP is amending its rules to reduce the application fee for veterans with 100% service-connected disabilities or who receive a needs-based pension from the VA based on a finding by the VA of non-service connected disability.

**Rules Coordinator:** Alayna Nest—(971) 673-1291

## 333-008-0020

### New Registration Application and Verification

(1) A person may apply for a registry identification card on forms prescribed by the Authority. In order for an application to be considered complete, an applicant must submit the following:

(a) An application form signed and dated by the applicant;

(b) Copies of legible and valid U.S. state or federal issued photographic identification that includes last name, first name, and date of birth from the applicant, the designated primary caregiver, and grower, as applicable. Acceptable forms of current U.S. state or federal issued photographic identification include but are not limited to:

(A) Driver's license;

(B) State identification card;

(C) Passport; or

(D) Military identification card.

(c) Written documentation, which may consist of relevant portions of the applicant's medical record, signed by the applicant's attending physician within 90 days of the date of receipt by the Authority, which describes the applicant's debilitating medical condition and states that the use of marijuana may mitigate the symptoms or effects of the applicant's debilitating medical condition;

(d) If applicable, a completed and notarized "Declaration of Person Responsible for Minor" form for any person under 18 years of age, signed and dated by the person responsible for the minor;

(e) The name of a designated primary caregiver, if any;

(f) The name of a designated grower (either the patient or another person), if any and the location of the grow site; and

(g) An application fee and grow site registration fee, if applicable, in the form of cash, bank check, money order, or personal check.

(2) The Authority shall process an application prior to issuing registry identification cards to assure that the application is complete and information provided has been verified.

(a) The Authority shall only accept applications that are mailed or are hand-delivered.

(b) If an applicant does not provide all the information required and the application is considered incomplete, the Authority shall notify the applicant of the information that is missing, and shall allow the applicant 14 days to submit the missing information.

(c) If an applicant does not provide the information necessary to declare an application complete, or to complete the verification process within the timelines established in subsections (2)(b) and (3)(e) of this rule, the application shall be rejected as incomplete. An applicant whose application is rejected as incomplete may reapply at any time. If an applicant submits an application fee and the application is subsequently denied or rejected, the application fee may be applied toward a new application submitted within one year of the denial or rejection date.

(d) The Authority may reject an application if the application or supporting documents appear to be altered (for example, writing is whited out). An application shall be denied in accordance with OAR 333-008-0030 if an application or supporting documents are determined to have been falsified.

(e) The Authority may verify information on each application and accompanying documentation, including:

(A) Contacting each applicant by telephone or by mail. If proof of identity is uncertain, the Authority may require a face-to-face meeting and may require the production of additional identification materials;

(B) Contacting a minor's parent or legal guardian;

(C) Contacting the Oregon Medical Board to verify that an attending physician is licensed to practice in the state and is in good standing;

(D) Contacting the attending physician to request further documentation to support a finding that the physician is the applicant's attending physician. The Authority shall notify the applicant of the intent to review the medical records and request the applicant's authorization to conduct the review. Failure to authorize a review of medical records may result in the application being declared incomplete, or denial of an application. If the Authority is unable to verify that the applicant's attending physician meets the definition under OAR 333-008-0010(3) the applicant will be allowed 30 days to submit written documentation or a new attending physician's declaration from a physician meeting the requirements of these rules. Failure to submit the required attending physician documentation is grounds for denial under ORS 475.309 and OAR 333-008-0030;

(E) Contacting the Division of Medical Assistance Programs, Department of Human Services-Self Sufficiency, or the Social Security Administration (SSA) to verify eligibility for benefits; and

(F) Conducting a criminal records check under ORS 181.534 of any person whose name is submitted as a grower.

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(3) Application fees.

(a) A non-refundable application fee of \$200 is required at the time of application.

(b) If applicable as specified in OAR 333-008-0025, a non-refundable grow site registration fee of \$50 is required at the time of application.

(c) An applicant who can demonstrate current receipt of SSI benefits, current eligibility for OHP benefits or current receipt of food stamp benefits through the Oregon SNAP program qualifies for a reduced non-refundable application fee.

(A) An applicant demonstrating receipt of SSI benefits by providing a copy of a current monthly SSI benefit card showing dates of coverage is entitled to a reduced application fee of \$20.

(B) An applicant demonstrating current eligibility for OHP benefits by providing a copy of the applicant's current eligibility statement is entitled to a reduced application fee of \$50.

(C) An applicant demonstrating receipt of current food stamp benefits, verified by enrollment in Oregon's Food Stamp Management Information System database system and by providing current proof of his or her food stamp benefits, is entitled to a reduced application fee of \$60.

(D) An applicant who falls within one of the categories listed in subparagraph (i) or (ii) of this paragraph and who provides a copy of the applicable determination from the United States Department of Veteran's Affairs (VA), is entitled to a reduced application fee of \$20:

(i) Receives service-connected compensation from the VA based on a finding by the VA of 100 percent service-connected disability; or

(ii) Receives a needs-based pension from the VA based on a finding by the VA of non-service connected disability.

(d) The Authority shall place a 10-day hold on the issuance of a registry identification card for an application accompanied by a personal check. Upon receipt by the Authority of a notice of non-sufficient funds (NSF) or stop payment, an applicant will be allowed 14 days to submit payment in the form of a bank check or cash. Application fees paid in the form of cash must be hand-delivered. Applicants are advised not to make payments in cash through the United States mail or private delivery services. The Authority will not accept responsibility for payments of cash that are lost in the mail or stolen in transit.

(e) The Authority shall notify an applicant who submits a reduced application fee for which the applicant is not eligible and will allow the applicant 14 days from the date of notice to pay the correct application fee and submit a current valid proof of eligibility.

(4) The application forms referenced in this rule may be obtained by contacting the Oregon Medical Marijuana Program (OMMP) at PO Box 14450, Portland, OR 97293-0450 or by calling 971-673-1234.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.300 - 475.346

Hist.: OHD 3-1999, f. & cert. ef. 4-29-99; OHD 13-2000(Temp), f. & cert. ef. 12-21-00 thru 6-15-01; OHD 18-2001, f. & cert. ef. 8-9-01; OHD 19-2001(Temp), f. & cert. ef. 8-10-01 thru 1-31-02; Administrative correction 3-14-02; OHD 6-2002, f. & cert. ef. 3-25-02; PH 9-2003, f. 6-26-03, cert. ef. 7-1-03; PH 38-2004, f. 12-22-04, cert. ef. 1-1-05; PH 17-2005, f. 11-25-05, cert. ef. 12-1-05; PH 18-2005, f. 12-30-05, cert. ef. 1-1-06; PH 15-2007, f. 12-19-07, cert. ef. 1-1-08; PH 14-2010(Temp), f. & cert. ef. 7-6-10 thru 12-31-10; PH 27-2010, f. & cert. ef. 12-28-10; PH 8-2011, f. 9-30-11, cert. ef. 10-1-11; PH 9-2013(Temp), f. & cert. ef. 10-2-13 thru 3-30-14; PH 1-2014, f. & cert. ef. 1-13-14; PH 2-2014(Temp), f. 1-14-14, cert. ef. 1-15-14 thru 7-13-14; PH 16-2014, f. & cert. ef. 6-5-14

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**Rule Caption:** Health care acquired infection reporting and addition of long term care facility annual survey

**Adm. Order No.:** PH 17-2014

**Filed with Sec. of State:** 6-9-2014

**Certified to be Effective:** 6-9-14

**Notice Publication Date:** 5-1-2014

**Rules Adopted:** 333-018-0127

**Rules Amended:** 333-018-0100, 333-018-0110, 333-018-0115, 333-018-0120, 333-018-0125, 333-018-0130, 333-018-0135

**Subject:** The Oregon Health Authority (Authority), Public Health Division is permanently adopting and amending rules in chapter 333, division 18 related to health care acquired infection reporting and public disclosures. Oregon Laws 2009, Chapter 838 directs the Authority to the extent practicable and appropriate to align the requirements for reporting health care acquired infection (HAI) measures by health care facilities with the requirements for the

Department of Human Services and to the Centers for Medicare and Medicaid Services (CMS).

The changes will also add a requirement for long term care facilities (LTCF) to submit an annual Infection Prevention survey.

**Rules Coordinator:** Alayna Nest—(971) 673-1291

## 333-018-0100

### Definitions

The following definitions apply to OAR 333-018-0100 through 333-018-0145:

(1) "Adult ICU" means all specialty and non-specialty intensive care units that care for adults as defined in the NHSN Manual.

(2) "ASC" means an ambulatory surgical center as defined in ORS 442.015 and that is licensed pursuant to ORS 441.015.

(3) "Authority" means the Oregon Health Authority.

(4) "CBGB" means coronary bypass graft surgery with both chest and graft incisions, as defined in the NHSN Manual.

(5) "CAUTI" means catheter-associated urinary tract infection as defined in the NHSN Manual.

(6) "CDC" means the federal Centers for Disease Control and Prevention.

(7) "CDI" means Clostridium difficile infection as defined in the NHSN Manual.

(8) "CLABSI" means central line associated bloodstream infection as defined in the NHSN Manual.

(9) "CMS" means the federal Centers for Medicare and Medicaid Services.

(10) "Collection Month" means the month in which an infection was identified.

(11) "COLO" means colon procedures as defined in the NHSN Manual.

(12) "Committee" means the Health Care Acquired Infections Advisory Committee established in section 4, chapter 838, Oregon Laws 2007.

(13) "Dialysis facility" means outpatient renal dialysis facility as defined in ORS 442.015.

(14) "Dialysis Event" means an event that occurs in individuals who receive dialysis as defined by the NHSN Manual.

(15) "Follow-up" means post-discharge surveillance intended to detect CBGB, COLO, HPRO, HYST, KRPO, and LAM surgical site infection (SSI) cases occurring after a procedure.

(16) "HAI" means health care acquired infection as defined in section 2, chapter 838, Oregon Laws 2007.

(17) "Health care facility" means a facility as defined in ORS 442.015.

(18) "Hospital" means a facility as defined in ORS 442.015 and that is licensed pursuant to ORS 441.015.

(19) "Hospital Inpatient Quality Reporting Program (HIQRP)" means the initiative administered by CMS that provides a financial incentive to hospitals to report designated quality measures, mandated by section 501(b) of the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003.

(20) "HPRO" means hip prosthesis procedure as defined in the NHSN Manual.

(21) "HYST" means abdominal hysterectomy procedure as defined in the NHSN Manual.

(22) "ICU" means an intensive care unit as defined in the NHSN Manual.

(23) "KPRO" means knee prosthesis procedure as defined in the NHSN Manual.

(24) "Lab ID" means laboratory-identified event as defined in the NHSN Manual.

(25) "LAM" means laminectomy procedure as defined in the NHSN Manual.

(26) "LTCF" means a long term care facility as defined in ORS 442.015.

(27) "MDS" means the CMS minimum data set nursing home resident assessment and screening tool.

(28) "Medical ICU" means a non-specialty intensive care unit in which at least 80 percent of patients served are adult medical patients.

(29) "Medical/Surgical ICU" means a non-specialty intensive care unit in which less than 80 percent of patients served are adult medical, adult surgical, or specialty patients.

(30) "MRSA" means methicillin-resistant Staphylococcus aureus as defined in the NHSN Manual.



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(31) "NHSN" means the CDC's National Healthcare Safety Network.

(32) "NHSN Inpatient" means a patient whose date of admission to the healthcare facility and the date of discharge are different days as defined in the NHSN Manual.

(33) "NHSN Manual" means the 2014 patient safety component protocols, established by the CDC's NHSN, which govern the HAIs and other information required by CMS to be reported by health care facilities, found at <http://www.cdc.gov/nhsn/Training/patient-safety-component/>, and incorporated by reference.

(34) "NICU" means a specialty intensive care unit that cares for neonatal patients.

(35) "Non-specialty ICU" means an intensive care unit in which patients are medical, surgical, or medical/surgical patients.

(36) "Oregon HAI group" means the NHSN group administered by the Authority.

(37) "Overall-facility wide" means data are collected for the entire facility as defined in the NHSN Manual.

(38) "Patient information" means individually identifiable health information as defined in ORS 179.505.

(39) "Pediatric ICU" means a specialty intensive care unit that cares for pediatric patients.

(40) "Person" has the meaning given that term in ORS 442.015.

(41) "Procedure" means an operative procedure as defined in the NHSN Manual.

(42) "Provider" means health care services provider as defined in ORS 179.505.

(43) "QIO" means the quality improvement organization designated by CMS for Oregon.

(44) "SCIP" means the Surgical Care Improvement Project, established through collaborative efforts of the Joint Commission and CMS.

(45) "SCIP-Inf-1" means the HAI process measure defined as prophylactic antibiotic received within one hour prior to surgical incision, published by SCIP effective July 1, 2006.

(46) "SCIP-Inf-2" means the HAI process measure defined as prophylactic antibiotic selection for surgical patients, published by SCIP effective July 1, 2006.

(47) "SCIP-Inf-3" means the HAI process measure defined as prophylactic antibiotics discontinued within 24 hours after surgery end time (48 hours for cardiac patients), published by SCIP effective July 1, 2006.

(48) "SCIP-Inf-4" means the HAI process measure defined as cardiac surgery patients with controlled 6 a.m. postoperative serum glucose, published by SCIP effective July 1, 2006.

(49) "SCIP-Inf-6" means the HAI process measure defined as surgery patients with appropriate hair removal, published by SCIP effective July 1, 2006.

(50) "SCIP-Inf-9" means the HAI process measure defined as urinary catheter removed on postoperative day one or postoperative day two with day of surgery being day zero, published by SCIP effective July 1, 2006.

(51) "SCIP-Inf-10" means the HAI process measure defined as surgery patients with perioperative temperature management, published by SCIP effective July 1, 2006.

(52) "Specialty ICU" means an intensive care unit in which at least 80 percent of adult patients served are specialty patients, including but not limited to oncology, trauma, and neurology.

(53) "SSI" means a surgical site infection event as defined in the NHSN manual.

(54) "Staff" means any employee of a health care facility or any person contracted to work within a health care facility.

(55) "State agency" has the meaning given that term in ORS 192.410.

(56) "Surgical ICU" means a non-specialty intensive care unit in which at least 80 percent of patients served are adult surgical patients.

Stat. Auth.: ORS 442.420 & OL 2007, Ch. 838 § 1-6 & 12

Stats. Implemented: ORS 179.505, 192.410, 192.496, 192.502, 441.015, 442.400, 442.405, & OL 2007, Ch. 838 § 1-6 & 12

Hist.: OHP 1-2008, f. & cert. ef. 7-1-08; OHP 1-2009, f. & cert. ef. 7-1-09; OHP 4-2010, f. 6-30-10, cert. ef. 7-1-10; OHP 4-2011(Temp), f. 7-28-11, cert. ef. 8-1-11 thru 1-25-12; OHP 7-2011, f. 9-30-11, cert. ef. 10-1-11; Renumbered from 409-023-0000 by PH 13-2013, f. 12-26-13, cert. ef. 1-1-14; PH 17-2014, f. & cert. ef. 6-9-14

## 333-018-0110

### HAI Reporting for Hospitals

(1) Hospitals must report to the Authority the following HAIs:

(a) SSIs for HPRO, LAM, CBGB and KPRO procedures.

(b) SSIs for inpatient COLO and HYST;

(c) MRSA bacteremia lab ID events;

(d) CLABSI in:

(A) Adult, pediatric, and neonatal ICUs; and

(B) On or after January 1, 2015, all adult, pediatric, medical, surgical, and medical/surgical wards.

(e) Inpatient CDI facility-wide, excluding neonatal and well-baby units;

(f) CAUTI in:

(A) Adult and pediatric ICUs; and

(B) On or after January 1, 2015, all adult and pediatric medical, surgical, and medical/surgical wards; and

(2) Hospitals must report to the Authority all fields required to be reported by NHSN in accordance with the NHSN manual, including discharge dates.

(3) A hospital must report the information required in section (1) of this rule to the Authority no later than 30 days after the end of the collection month.

(4) A hospital must have an infection control professional (ICP) who actively seeks out HAIs required to be reported under this rule by screening a variety of data from various sources that may include but are not limited to:

(a) Laboratory;

(b) Pharmacy;

(c) Admission;

(d) Discharge;

(e) Transfer;

(f) Radiology;

(g) Imaging;

(h) Pathology; and

(i) Patient charts, including history and physical notes, nurses' and physicians' notes, and temperature charts.

(5) An ICP shall use follow-up surveillance methods to detect SSIs for procedures listed in section (1) of this rule using at least one of the following:

(a) Direct examination of patients' wounds during follow-up visits to either surgery clinics or physicians' offices;

(b) Review of medical records, subsequent hospitalization records, or surgery clinic records;

(c) Surgeon surveys by mail or telephone;

(d) Patient surveys by mail or telephone; or

(e) Other facility surveys by mail or telephone.

(6) A hospital may train others employed by the facility to screen data sources for these infections required to be reported in section (1) of this rule but the ICP must determine that the infection meets the criteria established by these rules.

(7) Hospitals that report the information in subsection (1)(a) to (e) of this rule through NHSN in order to meet CMS reporting requirements, may, in lieu of reporting this information directly to the Authority, permit the Authority to access the information through NHSN. A hospital that permits the Authority to access the information through NHSN must:

(a) Join the Oregon HAI group in NHSN;

(b) Authorize disclosure of NHSN data to the Authority as necessary for compliance with these rules, including but not limited to summary data and denominator data for all SSIs, the annual hospital survey and data analysis components for all SSIs, and summary data and denominator data for all adult, pediatric and neonatal ICUs; and

(c) Permit the Authority to access data reported through NHSN dating back to when reporting was first required by CMS for the different HAIs.

(8) All hospitals must report to the Authority on a quarterly basis the following HAI process measures, including but not limited to definitions, data collection, data reporting and training requirements:

(a) SCIP-Inf-1;

(b) SCIP-Inf-2;

(c) SCIP-Inf-3;

(d) SCIP-Inf-4;

(e) SCIP-Inf-6;

(f) SCIP-Inf-9; and

(g) SCIP-Inf-10.

(9) Hospitals that report the information in section (8) of this rule to CMS or the Joint Commission do not have to provide the information directly to the Authority; the Authority will access the information through CMS or the Joint Commission. If a hospital is not reporting the information in section (8) of this rule to CMS or the Joint Commission, in accordance with CMS or Joint Commission reporting requirements, it must provide the information to the Authority no later than on the 15th calendar day, four months after the end of the quarter.

Stat. Auth.: ORS 442.420 & 2007 OL Ch. 838 § 1-6 & 12

Stats. Implemented: ORS 442.405 & 2007 OL Ch. 838 § 1-6 & 12

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Hist.: OHP 1-2008, f. & cert. ef. 7-1-08; OHP 1-2009, f. & cert. ef. 7-1-09; OHP 4-2010, f. 6-30-10, cert. ef. 7-1-10; OHP 4-2011(Temp), f. 7-28-11, cert. ef. 8-1-11 thru 1-25-12; OHP 7-2011, f. 9-30-11, cert. ef. 10-1-11; Renumbered from 409-023-0010 by PH 13-2013, f. 12-26-13, cert. ef. 1-1-14; PH 17-2014, f. & cert. ef. 6-9-14

## 333-018-0115

### HAI Reporting for Ambulatory Surgery Centers

All Ambulatory Surgical Centers must complete the Evidence-Based Elements of Patient Safety Performance (EBEPPS) Survey provided by the Authority, annually, no later than 30 days after receipt of the survey.

Stat. Auth.: ORS 442.420 & OL 2007, Ch. 838 § 1-6 and 12

Stats. Implemented: ORS 442.405 & OL 2007, Ch. 838 § 1-6 and 12

Hist.: OHP 1-2009, f. & cert. ef. 7-1-09; OHP 4-2011(Temp), f. 7-28-11, cert. ef. 8-1-11 thru 1-25-12; OHP 7-2011, f. 9-30-11, cert. ef. 10-1-11; Renumbered from 409-023-0012 by PH 13-2013, f. 12-26-13, cert. ef. 1-1-14; PH 17-2014, f. & cert. ef. 6-9-14

## 333-018-0120

### HAI Reporting for Long Term Care Facilities

(1) All LTCFs must report urinary tract infections to the Authority except as provided in subsection (b) of this section.

(a) A LTCF must report infections to the Authority in the same manner established by MDS, including but not limited to reporting definitions, data collection, data submission, and administrative and training requirements.

(b) If a LTCF reports infections in accordance with MDS to CMS, the LTCF is not required to report that information directly to the Authority; the Authority will access the information through CMS.

(2) All LTCFs must submit the Evidence-Based Elements of Patient Safety Performance Survey to the Authority annually, no later than 30 days after receipt of the survey.

(3) All LTCFs must submit the Infection Prevention Program Survey to the Authority annually, no later than 30 days after receipt of the survey.

Stat. Auth.: ORS 442.420 & 2007 OL Ch. 838 § 1-6 & 12

Stats. Implemented: ORS 442.405 & 2007 OL Ch. 838 § 1-6 & 12

Hist.: OHP 1-2009, f. & cert. ef. 7-1-09; Renumbered from 409-023-0013 by PH 13-2013, f. 12-26-13, cert. ef. 1-1-14; PH 17-2014, f. & cert. ef. 6-9-14

## 333-018-0125

### HAI Reporting for Other Health Care Facilities

(1) All dialysis facilities shall report dialysis events to the Authority.

(2) A dialysis facility that reports dialysis events to NHSN may, in lieu of reporting the information directly to the Authority, permit the Authority access to NHSN.

(3) All Inpatient Rehabilitation Facilities (IRF) shall report to the Authority CAUTIs for adult and pediatric wards.

(4) The reporting system for IRFs shall be NHSN.

(5) IRFs that report information in order to meet CMS reporting requirements, may, in lieu of reporting information directly to the Authority, permit the Authority to access the information through NHSN. An IRF that permits the Authority to access the information through NHSN must:

(a) Join the Oregon HAI group in NHSN;

(b) Authorize disclosure of NHSN data to the Authority as necessary for compliance with these rules, including but not limited to summary data and denominator data for all SSIs, the annual hospital survey and data analysis components for all SSIs, and summary data and denominator data for all adult, pediatric and neonatal ICUs; and

(c) Permit the Authority to access data reported through NHSN dating back to when reporting was first required by CMS for the different HAIs.

Stat. Auth.: ORS 442.420 & OL 2007, Ch. 838 § 1-6 and 12

Stats. Implemented: ORS 442.405 & OL 2007, Ch. 838 § 1-6 and 12

Hist.: OHP 1-2008, f. & cert. ef. 7-1-08; OHP 1-2009, f. & cert. ef. 7-1-09; OHP 4-2011(Temp), f. 7-28-11, cert. ef. 8-1-11 thru 1-25-12; OHP 7-2011, f. 9-30-11, cert. ef. 10-1-11; Renumbered from 409-023-0015 by PH 13-2013, f. 12-26-13, cert. ef. 1-1-14; PH 17-2014, f. & cert. ef. 6-9-14

## 333-018-0127

### Annual Influenza Summary

Each hospital, ASC, LTCF and IRF must submit an annual survey to the Authority, no later than May 31, on a form prescribed by the Authority, regarding influenza vaccination of staff. Facilities must report at least the following information:

(1) Number of staff with a documented influenza vaccination during the previous influenza season;

(2) Number of staff with a documented medical contraindication to influenza vaccination during the previous influenza season;

(3) Number of staff with a documented refusal of influenza vaccination during the previous influenza season; and

(4) Facility assessment of influenza vaccine coverage of facility staff during the previous influenza season and plans to improve vaccine coverage of facility staff during the upcoming influenza season.

Stat. Auth.: ORS 442.420 & OL 2007, Ch. 838 § 1-6 and 12

Stats. Implemented: ORS 442.405 & OL 2007, Ch. 838 § 1-6 and 12

Hist.: PH 17-2014, f. & cert. ef. 6-9-14

## 333-018-0130

### HAI Public Disclosure

(1) The Authority shall disclose to the public facility-level and state-level HAI outcomes quarterly.

(2) The Authority may disclose state-level and facility-level HAI data, including but not limited to observed frequencies, expected frequencies, proportions, and ratios.

(3) The Authority shall summarize HAI data by facilities subject to this reporting in an annual report. The Authority shall publish the annual report no later than April 30 of each calendar year.

(4) The Authority shall disclose data and accompanying explanatory documentation to facilities and the general public.

(5) The Authority may use statistically valid methods to make comparisons by facility, and to state, regional, and national statistics.

(6) The Authority shall provide a maximum of 30 calendar days for facilities to review facility-reported data prior to public release of data.

(7) The Authority shall provide facilities the opportunity to submit written comments and may include any submitted information in the annual report.

(8) Pending recommendations from the committee, the Authority may publish additional reports intended to serve the public's interest.

Stat. Auth.: ORS 442.420 & 2007 OL Ch. 838 § 1-6 & 12

Stats. Implemented: ORS 442.405, 192.496, 192.502, 192.243, 192.245 & 2007 OL Ch. 838 § 1-6 & 12

Hist.: OHP 1-2008, f. & cert. ef. 7-1-08; Renumbered from 409-023-0020 by PH 13-2013, f. 12-26-13, cert. ef. 1-1-14; PH 17-2014, f. & cert. ef. 6-9-14

## 333-018-0135

### HAI Data Security

The Authority shall undertake precautions to prevent unauthorized disclosure of the raw data files. These precautions include but are not limited to:

(1) Storing the raw data files on the internal storage hardware of a password-protected personal computer that is physically located within the Authority;

(2) Restricting staff access to the raw data files;

(3) Restricting network access to the raw data files; and

(4) If applicable, storing patient information within a strongly-encrypted and password-protected virtual drive or using other methods to reliably achieve the same level of security.

Stat. Auth.: ORS 442.420 & 2007 OL Ch. 838 § 1-6 & 12

Stats. Implemented: ORS 192.496, 192.502 & 2007 OL Ch. 838 § 1-6 & 12

Hist.: OHP 1-2008, f. & cert. ef. 7-1-08; Renumbered from 409-023-0025 by PH 13-2013, f. 12-26-13, cert. ef. 1-1-14; PH 17-2014, f. & cert. ef. 6-9-14

## Oregon Health Licensing Agency Chapter 331

**Rule Caption:** Allow certified clinical sex offender therapists to supervise up to 4 certified associate therapists.

**Adm. Order No.:** HLA 3-2014

**Filed with Sec. of State:** 5-29-2014

**Certified to be Effective:** 6-1-14

**Notice Publication Date:** 4-1-2014

**Rules Amended:** 331-810-0055

**Subject:** Allow certified clinical sex offender therapists to supervise up to 4 certified associate sex offender therapists.

**Rules Coordinator:** Samantha Patnode—(503) 373-1917

## 331-810-0055

### Supervision Requirements

Supervision of a certified associate sex offender therapist is considerably different than consultation with other professionals. Consultation is solely advisory; consultants do not assume responsibility for those individuals with whom they consult. Supervision of associates requires that the supervisor take full ethical and legal responsibility for the quality of work of the associate therapist.

(1) An associate therapist shall establish and maintain a supervision contract with a clinical therapist which, at a minimum, meets the requirements of OAR 331-810-0050, in addition to the provisions of 331-810-0040.

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(2) A minimum of two hours supervision by a clinical therapist is required for each 45 hours of direct clinical contact an associate therapist has with a sex offender.

**NOTE:** The Board recommends one hour of supervision for each 10 hours of direct clinical contact with a sex offender.

(3) Documentation of the dates and content of supervision meetings shall be submitted to the agency to verify appropriate supervision requirements have been met.

(4) All supervision shall take place concurrently with practice hours.

(5) Supervision includes, but is not limited to:

(a) Discussion of services provided by the associate therapist;

(b) Case selection, diagnosis, treatment plan, and review of each case or work unit of the associate therapist;

(c) Discussions regarding theory and practice of the work being conducted;

(d) Review of Oregon's laws, rules, and criminal justice procedures relevant to the work being conducted;

(e) Discussion of the standards of practice for supervisors and associates as adopted by the agency and the ethical issues involved in providing professional services for sex offenders;

(f) Discussion regarding coordination of work with other professionals and parties;

(g) Discussion of relevant professional literature and research; and

(h) Periodic review of the contract.

(6) The supervisor shall:

(a) Avoid presenting to the associate therapist as having qualifications in areas that they do not have;

(b) Provide sufficient training and supervision to the associate therapist to assure the health and safety of the client and community;

(c) Have expertise and knowledge to directly supervise the associate therapist's work; and

(d) Assure that the associate therapist being supervised has sufficient and appropriate education, background, and preparation for the work he or she will be doing.

(7) The supervisor and associate therapist shall enter into a formal written contract that defines the parameters of the professional relationship. The contract shall be submitted to the agency for approval and shall include:

(a) Supervised areas of professional activity;

(b) Amount of supervision time and the frequency of supervisory meetings. This information may be presented as a ratio of supervisory time to clinical work conducted by the associate therapist;

(c) Supervisory fees and business arrangements, when applicable;

(d) Nature of the supervisory relationship and the anticipated process of supervision;

(e) Selection and review of clinical cases;

(f) Methodology for recordkeeping, evaluation of the associate, and feedback; and

(g) How the associate therapist will be represented to the public and the parties.

(8) Supervision of associate therapists shall involve regular, direct, face-to-face supervision. Depending on the associate therapist's skill and experience levels, the clinical therapist's supervision shall include direct observation of the associate therapist by sitting in session, audio tape recording, videotaping, or other means of observation.

(9) In some cases, such as geographic location or disability, more flexible supervision arrangements may be allowed. The supervisor shall submit requests for more flexible supervision arrangements to the agency for approval.

(10) The supervisor shall assure that the associate therapist is prepared to conduct professional work, and shall assure adequate supervision of the associate therapist. The supervisor should meet face-to-face with the associate therapist one hour for every ten hours of supervised professional work; but shall meet minimally 2 hours for every 45 hours of direct contact with sex offenders. Supervision meetings shall regularly occur at least every other week.

(11) A supervisor may not undertake a contract that exceeds the supervisor's ability to comply with supervision standards.

(12) The agency recognizes the needs of certain locales, particularly rural areas, and may allow a variance from the standards of this rule. Any variance request shall be submitted to the agency for approval with the supervision contract. Variances will be granted or denied in writing within thirty days.

(13) The nature of the associate therapist and clinical therapist supervisory relationship shall be communicated to the public, other professionals, and all clients served.

(14) An associate therapist shall represent himself or herself as an associate when performing clinical work and shall provide the name of the contracted supervisor.

(15) The supervisor shall cosign all written reports and correspondence prepared by the associate therapist. The written reports and correspondence shall include a statement that indicates the work has been conducted by the associate therapist acting under the clinical therapist's supervision.

(16) Both the supervisor and associate therapist shall maintain full documentation of the work done and supervision provided. The agency may audit the supervisor and associate therapist's records to assure compliance with laws and rules.

(17) All work conducted by the associate therapist is the responsibility of the supervisor. The supervisor shall have authority to direct the practice of the associate therapist.

(18) It is the supervisor's responsibility to correct problems or end the supervision contract if the associate therapist's work does not protect the interests of the clients and community. If the supervisor ends the contract, he or she shall notify the agency in writing within thirty days of ending the contract. A new contract must be filed with the agency.

(19) Supervision is a power relationship. The supervisor shall not use his or her position to take advantage of the associate therapist. This subsection is not intended to prevent a supervisor from seeking reasonable compensation for supervisory services.

(20) A supervisor shall only delegate responsibilities to an associate therapist, who has been assessed to have the competency to perform the delegated professional tasks.

(a) Supervision arrangements for associate therapists shall be agreed upon in writing and shall specify:

(b) Expected associate therapist duties;

(c) The scope and focus of the supervision; and

(d) The frequency and durations of meetings between the supervisor and the associate therapist to review the associate therapist's professional performance.

(e) The supervision of the associate therapist shall provide proper training to persons who delegate professional tasks and take reasonable steps to see that such persons perform services responsibly, completely, and ethically.

(f) The supervisor shall not engage in sexual relationships with an associate therapist over whom the supervisor has evaluative or direct authority, as such relationships are likely to impair judgment or be exploitative.

(21) A supervisor may supervise up to four full time equivalent associate therapists.

Stat. Auth.: ORS 675.375, 675.400, 675.410, 676.615

Stat. Implemented: ORS 675.375, 675.400, 675.410

Hist.: HLA 2-2008, f. 5-27-08, cert. ef. 6-1-08; HLA 1-2014(Temp), f. 1-16-14, cert. ef. 1-17-14 thru 7-16-14; HLA 3-2014, f. 5-29-14, cert. ef. 6-1-14

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## Oregon Housing and Community Services Department Chapter 813

**Rule Caption:** Adopts transfer of owner requirements and amends monitoring and compliance requirements.

**Adm. Order No.:** OHCS 26-2014(Temp)

**Filed with Sec. of State:** 6-2-2014

**Certified to be Effective:** 6-2-14 thru 11-29-14

**Notice Publication Date:**

**Rules Adopted:** 813-090-0089

**Rules Amended:** 813-090-0095

**Subject:** Adopts the requirements for transferring of owner interest in a project. The monitoring and compliance rules are amended to reflect current requirements.

**Rules Coordinator:** Sandy McDonnell—(503) 986-2012

### 813-090-0089

#### Transfer of Owner, Tax Credit or Project Ownership

(1) The sponsor of a project to which low-income housing tax credits are allocated under the Low-Income Housing Tax Credit Program and an owner of such project may not transfer or allow any transfer of any interest in itself, the tax credits or the project or otherwise encumber the project, or any portion or interest therein, unless the department first approves the transfer or encumbrance in writing. Any such transfer or encumbrance is subject to payment to the department by the sponsor or owner of a transfer or encumbrance charge as required by the department. The owner shall



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notify in writing and obtain the agreement of any buyer or successor or other person acquiring the project or any interest therein that such acquisition is subject to declaration requirements. If the sponsor or owner effects or allows a transfer or encumbrance without prior written approval by the department, the transfer or encumbrance is voidable and remains subject to the approval or disapproval of the department and the sponsor or owner and transferees, jointly and severally, are subject to a transfer or encumbrance review charge by the department. The owner agrees that the department may, in addition to the exercise of other remedies, void any sale, transfer, or exchange of the project found in noncompliance.

(2) The department may condition its approval upon such terms and conditions as it, in its sole discretion, may require. Factors the department may consider in determining whether to give approval to a transfer or encumbrance include but are not limited to:

- (a) The financial investment of the department in the project;
- (b) Preservation of existing housing;

(c) The proposed transferee's ability to maintain and manage the project property for the needs of the residents, the integrity of the housing and as security for any financing;

(d) The effect of the transfer or encumbrance upon the financial integrity of the project, the tax credits, the repayment of project financing, use of the project for its intended purposes, and continuity of the program; and

(e) Continued compliance with applicable program requirements including, but not limited to terms and conditions of applicable funding documents, resultant restrictive covenants and equitable servitudes, and state and federal laws, rules and regulations.

Stat. Auth.: ORS 456.555  
Stats. Implemented: ORS 456.508, 456.510, 456.513, 456.559, 456.605, 456.625, 456.722  
Hist.: OHCS 26-2014(Temp), f. & cert. ef. 6-2-14 thru 11-29-14

## 813-090-0095 Monitoring and Compliance

(1) The department will notify the Internal Revenue Service in writing when the department determines that a project is not complying with applicable provisions of Internal Revenue Code Section 42. The department is not liable to the project or project owner for any adverse consequences resulting from the department's notification.

(2) The department will send to the project owner a copy of the department's notification of non-compliance to the Internal Revenue Service regarding the project.

(3) A project owner shall submit such information and documents, including but not limited to an annual report to the department when the department so requires for monitoring compliance.

(4) The department may inspect the project and inspect and copy project records as it deems appropriate. The project owner will fully cooperate in such inspections. File reviews may be completed electronically.

(5) The reservation and extended use agreement (REUA) and the declaration of land use restrictive covenants under OAR 813-090-0039, and all related documents, are subject to enforcement by the department or its designee as they may determine appropriate, including but not limited to any failure by the project owner to timely satisfy any requirement of such documents or applicable law.

(6) The declaration of land use restrictive covenants is a contract that is enforceable according to its terms by one or more tenants as third-party beneficiaries of the declaration and the agreement of which the declaration is part.

(7) The department or one or more tenants or beneficiaries may recover legal costs, including legal charges, court and appeal costs when the legal costs are incurred because of failure by the project owner to satisfy any of the requirements of the declaration, reservation and extended use agreement, other documents or applicable law. The department also may recover reasonable legal fees as provided in relevant documents.

(8) The department may charge the project owner for reasonable costs of administration including, but not limited to, monitoring and enforcing the project owner's compliance with program requirements established by the department and Internal Revenue Code Section 42 or other applicable law.

(9) The department reserves the right, consistent with applicable law, to waive, modify and release REUA, declaration and other funding document terms and conditions including, but not limited to restrictive covenants and equitable servitudes related thereto. Any waiver, modification, or release must be in writing and signed by an authorized department representative.

Stat. Auth.: ORS 456.515 - 456.720  
Stats. Implemented: ORS 456.559(1)(f)

Hist.: HSG 12-1990(Temp), f. & cert. ef. 5-29-90; HSG 14-1990, f. & cert. ef. 10-26-90; HSG 2-1991(Temp), f. & cert. ef. 8-7-91; HSG 7-1991, f. & cert. ef. 12-19-91; OHCS 9-2006(Temp), f. & cert. ef. 8-4-06 thru 1-30-07; OHCS 8-2007, f. & cert. ef. 1-11-07; Renumbered from 813-090-0095 by OHCS 5-2013, f. & cert. ef. 6-21-13; OHCS 10-2013(Temp), f. & cert. ef. 6-21-13 thru 12-18-13; Administrative correction, 2-5-14; OHCS 26-2014(Temp), f. & cert. ef. 6-2-14 thru 11-29-14

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**Rule Caption:** Amends process for soliciting and administering funding awards for the Low-Income Housing Tax Credits Program

**Adm. Order No.:** OHCS 27-2014(Temp)

**Filed with Sec. of State:** 6-5-2014

**Certified to be Effective:** 6-5-14 thru 12-2-14

**Notice Publication Date:**

**Rules Adopted:** 813-090-0110

**Rules Amended:** 813-090-0005, 813-090-0010, 813-090-0015, 813-090-0031, 813-090-0036, 813-090-0037, 813-090-0039, 813-090-0080

**Rules Suspended:** 813-090-0027

**Subject:** The Low Income Housing Tax Credit Program assists and encourages the development of multifamily housing development rental units through the allocation of housing tax credits. The rules reflect changes in the allocation of the tax credits and adds remedies for material failure or default with with any requirement of the program.

**Rules Coordinator:** Sandy McDonnell—(503) 986-2012

## 813-090-0005

### Purpose

The rules of OAR 813, division 090, are promulgated to carry out the provisions and enforce ORS 456.515 through 456.720, and specifically 456.559(1)(f). These rules implement the Low-Income Housing Tax Credit (LIHTC) Program. The Program's objective is to assist and encourage the development of affordable housing rental units for low-income households through the allocation of housing tax credits as provided by Section 42 of 1986, as amended of the Internal Revenue Code (IRC). The Department has been designated as the housing tax credit allocating agency for the State of Oregon. Additional LIHTC program policies and instructions are outlined in the LIHTC Program Manual dated June 2, 2014 (the "LIHTC Manual" or "Manual," and the General Policy and Guideline Manual may be accessed online on the Department's website.

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

Stat. Auth.: ORS 183 & 456.515 - 456.720

Stats. Implemented: ORS 456.559(1)(f)

Hist.: HSG 13-1987(Temp), f. & cert. ef. 9-28-87; HSG 1-1988, f. & cert. ef. 3-8-88; HSG 3-1989(Temp), f. & cert. ef. 6-8-89; HSG 18-1989, f. & cert. ef. 11-3-89; HSG 12-1990(Temp), f. & cert. ef. 5-29-90; HSG 14-1990, f. & cert. ef. 10-26-90; HSG 2-1991(Temp), f. & cert. ef. 8-7-91; HSG 7-1991, f. & cert. ef. 12-19-91; OHCS 10-2013(Temp), f. & cert. ef. 6-21-13 thru 12-18-13; Administrative correction, 2-5-14; OHCS 27-2014(Temp), f. & cert. ef. 6-5-14 thru 12-2-14

## 813-090-0010

### Definitions

All words and terms used in OAR 813, division 90 are as provided in 813-005-0005 and herein. As used in these rules:

(1) "Applicant" means a person or entity that applies for an allocation of Housing Credit from the Department by completing an application provided by the Department.

(2) "Carryover Allocation" means an allocation of Housing Credit made to a proposed Project owner by the Department for a proposed Project which is not yet eligible to receive an allocation Form 8609 and which is over ten percent completed as of the end of the calendar year in which the allocation is made.

(3) "Credit Authority" means the dollar amount of Housing Credit available for allocation by the Department for any calendar year and may include estimates of future amounts.

(4) "Housing Credit" means the low-income housing tax credit available to a Project pursuant to IRC Section 42. The amount of low income housing tax credit available for allocation to a Project is that amount which the Department determines is necessary to make the Project financially feasible but in no instance may it be greater than the applicable percentage of the qualified basis of each qualified low income building.

(5) "IRC" means the Internal Revenue Code of 1986, as amended.

(6) "Oregon agency" and "Department" mean the Oregon state agency of the State of Oregon.

(7) "Project" means a qualified low income housing project as defined in IRC Section 42(g). A Project may include one or more buildings and any associated common area and may be located on scattered sites, if

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each of the dwelling units within each building is rent-restricted as required in IRC Section 42(g).

(8) "NOFA" means Notice of Funding Availability.

(9) "Reservation and Extended Use Agreement" is a contract between the Department and the proposed Project owner whereby the proposed Project owner agrees, among other things, to provide and maintain the Project and to guarantee its compliance with the requirements of IRC Section 42 and the Department by executing and recording the Declaration of Land Use Restrictive Covenants on the Project in return for an allocation of Housing Credit in accordance with IRC Section 42(h)(6). It will also include by reference the Carryover Allocation Agreement.

Stat. Auth.: ORS 183 & 456.515 - 456.720

Stats. Implemented: ORS 456.559(1)(f)

Hist.: HSG 13-1987(Temp), f. & cert. ef. 9-28-87; HSG 1-1988, f. & cert. ef. 3-8-88; HSG 3-1989(Temp), f. & cert. ef. 6-8-89; HSG 18-1989, f. & cert. ef. 11-3-89; HSG 12-1990(Temp), f. & cert. ef. 5-29-90; HSG 14-1990, f. & cert. ef. 10-26-90; HSG 2-1991(Temp), f. & cert. ef. 8-7-91; HSG 7-1991, f. & cert. ef. 8-7-91; HSG 7-1991, f. & cert. ef. 12-19-91; OHCS 10-2013(Temp), f. & cert. ef. 6-21-13 thru 12-18-13; Administrative correction, 2-5-14; OHCS 27-2014(Temp), f. & cert. ef. 6-5-14 thru 12-2-14

## 813-090-0015

### Allocation of Credit Authority

(1) The Department may, to the extent of its Credit Authority, allocate Housing Credits pursuant to a qualified allocation plan of the Department approved by Executive Order.

(2) The Department shall allocate the Housing Credit in compliance with the requirements of IRC Section 42, applicable regulations and revenue procedures enacted or adopted thereunder, ORS 456.559(1)(f) and the rules of this division. Applications will be solicited during specified periods within the Department's Notice of Funding Availability (NOFA). The Department may also select from a pool of qualified applicants, or such other process the Department deems appropriate.

(3) The Department shall maintain a record of allocations and the balance of Credit Authority remaining for each calendar year. The records shall account separately for Credit Authority set-aside under OAR 813-090-0067 and 813-090-0027.

Stat. Auth.: ORS 456.555

Stats. Implemented: ORS 456.508, 456.510, 456.513, 456.559, 456.605, 456.626, 456.722  
Hist.: HSG 13-1987(Temp), f. & cert. ef. 9-28-87; HSG 1-1988, f. & cert. ef. 3-8-88; HSG 3-1989(Temp), f. & cert. ef. 6-8-89; HSG 18-1989, f. & cert. ef. 11-3-89; HSG 12-1990(Temp), f. & cert. ef. 5-29-90; HSG 14-1990, f. & cert. ef. 10-26-90; HSG 2-1991(Temp), f. & cert. ef. 8-7-91; HSG 7-1991, f. & cert. ef. 12-19-91; OHCS 10-2013(Temp), f. & cert. ef. 6-21-13 thru 12-18-13; Administrative correction, 2-5-14; OHCS 27-2014(Temp), f. & cert. ef. 6-5-14 thru 12-2-14

## 813-090-0027

### Farmers Home Administration 515 Program Set Aside

(1) Ten percent of the Credit Authority for any calendar year may be set aside for Projects financed through the Farmers Home Administration (FmHA) 515 Program.

(2)(a) To qualify for Housing Credit set aside under OAR 813-090-0025(1), Applicants shall submit documentation from FmHA substantiating they are approved for financing under the FmHA 515 Program. A completed Form AD622, or its equivalent will be acceptable for this purpose if the Form AD622 indicates that the project has been determined to be eligible for funding in competition with similar applications and the Applicant has been invited to file a formal application with FmHA in time to be funded by November 1st of the year from which Housing Credit will be allocated. The Department may revoke an offer of Housing Credit allocation to an FmHA 515 Project or terminate a Reservation and Extended Use Agreement under OAR 813-090-0060 if FmHA funding is not committed to by November 1st of the Housing Credit allocation year;

(b) If the full set aside is not allocated through an application process, other rural housing (as defined by FmHA rules) will have first priority for the balance of the set aside with any unused tax credit added to non-rural projects.

Stat. Auth.: ORS 183 & 456.515 - 456.720

Stats. Implemented: ORS 456.559(1)(f)

Hist.: HSG 13-1987(Temp), f. & cert. ef. 9-28-87; HSG 1-1988, f. & cert. ef. 3-8-88; HSG 3-1989(Temp), f. & cert. ef. 6-8-89; HSG 18-1989, f. & cert. ef. 11-3-89; HSG 12-1990(Temp), f. & cert. ef. 5-29-90; HSG 14-1990, f. & cert. ef. 10-26-90; HSG 2-1991(Temp), f. & cert. ef. 8-7-91; HSG 7-1991, f. & cert. ef. 12-19-91; Suspended by OHCS 10-2013(Temp), f. & cert. ef. 6-21-13 thru 12-18-13; Suspended by OHCS 27-2014(Temp), f. & cert. ef. 6-5-14 thru 12-2-14

## 813-090-0031

### Application Requests and Charges

(1) The Department may solicit applications for an allocation of Housing Credit from interested parties when such credit is available.

(2) The Department may require a non-refundable application charge from any applicant requesting Low Income Housing Tax Credits through the Consolidated Funding Cycle or otherwise.

(3) The Department may require a supplemental application charge from applicants requesting additional resources for projects that have already been funded by the Department.

(4) The Department may require a transfer application charge from owners of projects that receive grants or tax credits through the Department, who request the Department's approval of a change in project ownership. The Department may assess a transfer review charge to project owners and transferees who effect a change in project ownership without prior written Department approval.

(5) The Department may require a reservation charge from any applicant prior to the execution of a Reservation and Extended Use Agreement.

(6) The Department may assess additional late charges to an applicant if its LIHTC final application is received by the Department after established deadlines. The Department also may assess a supplemental charge to an applicant if the Department determines that a re-evaluation of the applicant's final application is necessary or warranted.

(7) If the Housing Credits awarded to a project cannot be used by the end of the calendar year of the tax credit allocation and the owner has expended or incurred 10% of project costs, an application for a Carryover Allocation of Housing Credits must be made by the deadline established by the Department for the credit year or the credits will be lost. The Department may require a supplemental application charge from an applicant who submits an LIHTC carryover application after the deadlines established by the Department. The Department also may assess a supplemental charge to an applicant if the Department determines that a re-evaluation of the applicant's carryover application is necessary or warranted.

(8) The Carryover requirements do not apply to LIHTC projects using tax-exempt bond financing.

(9) The applicant shall submit an Application for final allocation of Housing Credits when the Project is placed in service. The Department shall prescribe the period for submitting a final Application. The Department may assess a late charge for applicants that submit Applications after the prescribed deadline. The Department also may assess a supplemental charge to an applicant if the Department determines that a re-evaluation of the applicant's final application is necessary or warranted.

(10) The Department may charge the Project owner reasonable charges for the Department's costs of monitoring the project owner's compliance with restrictions established by the Department and IRC Section 42 or applicable law.

(11) The Department shall evaluate completed applications based on a ranking system consistent with IRC Section 42(m)(l), established by the Department and set forth in the Department's qualified allocation plan.

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

Stat. Auth.: ORS 456.515 - 456.720

Stats. Implemented: ORS 456.559(1)(f)

Hist. HSG 12-1990(Temp), f. & cert. ef. 5-29-90; HSG 14-1990, f. & cert. ef. 10-26-90; HSG 2-1991(Temp), f. & cert. ef. 8-7-91; HSG 7-1991, f. & cert. ef. 12-19-91; OHCS 9-2006(Temp), f. & cert. ef. 8-4-06 thru 1-30-07; OHCS 8-2007, f. & cert. ef. 1-11-07; Suspended by OHCS 10-2013(Temp), f. & cert. ef. 6-21-13 thru 12-18-13; OHCS 27-2014(Temp), f. & cert. ef. 6-5-14 thru 12-2-14

## 813-090-0036

### Procedures for Allocation of Low-Income Housing Tax Credit (the "Carryover Allocation Agreement")

(1) Applicants selected for an offer under OAR 813-090-0035 must execute with the Department a Reservation and Extended Use Agreement in a form satisfactory to the Department. The Reservation and Extended Use Agreement will include, among other things, a provision for financial evaluation of the Project based on cost certification and will incorporate a Declaration of Land Use Restrictive Covenants to be executed and recorded prior to the Department completing a Form 8609 and delivering a copy thereof to the Applicant.

(2) If the Housing Credit cannot be used in the year of allocation but the proposed Project is over 10 percent completed, a Carryover Allocation may be made. If a Carryover Allocation has been made, the owner shall submit the application for final allocation of Housing Credit when the Project is placed in service. The Department shall limit at the time of the extension of a Carryover Allocation, the maximum credit which the proposed project may receive.

(3) Upon receipt of a certified copy of the recorded Declaration of Land Use Restrictive Covenants in a form satisfactory to the Department, the Department shall complete and issue Part I of Internal Revenue Service Form 8609 to confirm final allocation of Housing Credits.

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(4) The Project owner shall be responsible for filing the required IRS Form with his or her tax return.

(5) An allocation may not be rescinded or reduced by the Department except as provided under OAR 813-090-0080. Proposed Project owners may return unneeded Housing Credit by completing and filing with the Department, forms supplied by the Department.

Stat. Auth.: ORS 456.515 - 456.720  
Stats. Implemented: ORS 456.559(1)(f)  
Hist.: HSG 12-1990(Temp), f. & cert. ef. 5-29-90; HSG 14-1990, f. & cert. ef. 10-26-90; HSG 2-1991(Temp), f. & cert. ef. 8-7-91; HSG 7-1991, f. & cert. ef. 12-19-91; OHCS 9-2006(Temp), f. & cert. ef. 8-4-06 thru 1-30-07; OHCS 8-2007, f. & cert. ef. 1-11-07; Suspended by OHCS 10-2013(Temp), f. & cert. ef. 6-21-13 thru 12-18-13; OHCS 27-2014(Temp), f. & cert. ef. 6-5-14 thru 12-2-14

## 813-090-0037

### Qualified Allocation Plan and Project Evaluation

(1) The Department shall develop and maintain a Capitalized Qualified Allocation Plan for the allocation of Housing Credit.

(2) The Department may periodically solicit applications or select projects from a pool of qualified applications for the allocation of Housing Credit pursuant to the Department's Capitalized Qualified Allocation Plan ("QAP"), Program Manual and General Policy and Guideline Manual. Applications will be evaluated consistent with IRC Section 42, ORS 456.559(1)(f), the rules of this division and procedures consistent with the Department goals to provide long term affordable housing.

Stat. Auth.: ORS 456.515 - 456.720  
Stats. Implemented: ORS 456.559(1)(f)  
Hist. HSG 12-1990(Temp), f. & cert. ef. 5-29-90; HSG 14-1990, f. & cert. ef. 10-26-90; HSG 2-1991(Temp), f. & cert. ef. 8-7-91; HSG 7-1991, f. & cert. ef. 12-19-91; Renumbered from 813-090-0030 by OHCS 5-2013, f. & cert. ef. 6-21-13; OHCS 10-2013(Temp), f. & cert. ef. 6-21-13 thru 12-18-13; Administrative correction, 2-5-14; OHCS 27-2014(Temp), f. & cert. ef. 6-5-14 thru 12-2-14

## 813-090-0039

### Reservation and Extended Use Agreement Low-Income Commitment

(1) No allocation shall be made by the Department to an Applicant until or unless the Department and the Applicant enter into a Reservation and Extended Use Agreement ("REUA"). The Reservation and Extended Use Agreement shall specify, among other things, a minimum applicable unit fraction as defined by IRC Section 42(c)(1)(B) and the rent formula to be maintained for the Project to continue to qualify for Housing Credit.

(2) An executed Reservation and Extended Use Agreement shall be enforceable in any State court by any individual who qualified for occupancy by virtue of the income limitation set for

such buildings; shall be binding on all successors of the Applicant; and the Declaration of Land Use Restrictive Covenants incorporated within the Reservation and Extended Use Agreement shall be recorded pursuant to State law as a restrictive covenant.

(3) The Housing Credit allocation may not exceed the amount necessary for the financial feasibility of those units of the Project represented by the applicable fraction at the restricted rents specified in the Reservation and Extended Use Agreement.

(4) The Reservation and Extended Use Agreement shall include a commitment to meet the applicable fraction and restricted rent requirements for 15 years or more beyond the initial 15 year compliance period and may postpone for a specific time the project owner's rights under IRC Section 42(h)(6) to terminate the commitment after the initial 15 year compliance period.

Stat. Auth.: ORS 456.515 - 456.720  
Stats. Implemented: ORS 456.559(1)(f)  
Hist.: HSG 14-1990, f. & cert. ef. 10-26-90; HSG 2-1991(Temp), f. & cert. ef. 8-7-91; HSG 7-1991, f. & cert. ef. 12-19-91; Renumbered from 813-090-0029, OHCS 5-2013, f. & cert. ef. 6-21-13; OHCS 10-2013(Temp), f. & cert. ef. 6-21-13 thru 12-18-13; Administrative correction, 2-5-14; OHCS 27-2014(Temp), f. & cert. ef. 6-5-14 thru 12-2-14

## 813-090-0080

### Revocation or Reduction of Housing Credit

(1) The Department may refuse to make an offer, may revoke an offer of a Housing Credit allocation, or may terminate a Reservation and Extended Use Agreement, if the Department determines that:

(a) The proposed Project owner will not obtain a construction loan or building permit, or close its equity agreement for the proposed Project in a timely manner;

(b) The proposed Project will not be placed in service by the date mutually agreed upon;

(c) The proposed Project financing is not committed as indicated; or

(d) The Applicant has supplied misleading information.

(2) The Department may reduce the allocation amount identified in the Reservation and Extended Use Agreement prior to the issuance of a copy of a Carryover Allocation or Form 8609 to the project owner if the

Department determines that the project requires a lesser amount of Housing Credit to be financially feasible, as required in IRC Section 42(m).

(3) When the Department has issued a Carryover Allocation, the Department may reduce the allocation amount identified in the Carryover Allocation prior to the delivery of a copy of a Form 8609 to the Project owner if the Department determines that the project requires a lesser amount of Housing Credit than previously determined to be financially feasible.

(4) The Department may revoke a Carryover Allocation if the Department determines that at least 10% of the total project cost will not be expended by the end of the calendar year in which the Carryover Allocation is made, or that the Project will not be placed in service within two years following the calendar year in which a Carryover Allocation is made or by the dates mutually agreed upon.

Stat. Auth.: ORS 183 & 456.515 - 456.720  
Stats. Implemented: ORS 456.559(1)(f)  
Hist.: HSG 13-1987(Temp), f. & cert. ef. 9-28-87; HSG 1-1988, f. & cert. ef. 3-8-88; HSG 3-1989(Temp), f. & cert. ef. 6-8-89; HSG 18-1989, f. & cert. ef. 11-3-89; HSG 12-1990(Temp), f. & cert. ef. 5-29-90; HSG 14-1990, f. & cert. ef. 10-26-90; HSG 2-1991(Temp), f. & cert. ef. 8-7-91; HSG 7-1991, f. & cert. ef. 12-19-91; Renumbered from 813-090-0060, OHCS 5-2013, f. & cert. ef. 6-21-13; OHCS 10-2013(Temp), f. & cert. ef. 6-21-13 thru 12-18-13; Administrative correction, 2-5-14; OHCS 27-2014(Temp), f. & cert. ef. 6-5-14 thru 12-2-14

## 813-090-0110

### Remedies

(1) If the Department determines that there has been any material failure or default with respect to any term, covenant or condition of the applicable solicitation or funding documents, applicable rules, directives, other program requirements, or otherwise, it (or as applicable, the IRS) may exercise any remedy available under OAR chapter 813 (including remedies available in the 9 % LIHTC Program Manual and General Policy and Guideline Manual), relevant solicitation or funding documents, or applicable law. Remedies include, but are not limited to corrective orders or directives, recapture of LIHTC, recovery for damages, specific performance, injunctive relief, declaratory actions, appointment of a receiver for the project, foreclosure of lien interests, debarment from other Department funding, and other remedies available at law.

(2) The remedies set forth in this section are cumulative and not exclusive and are in addition to any other rights and remedies provided in this Division, other Department rules, the solicitation and funding documents, or otherwise available at law or otherwise. The Department may exercise any or all remedies available to it, and in such manner as it, in its sole discretion, determines appropriate.

Stat. Auth.: ORS 456.555  
Stats. Implemented: ORS 456.508, 456.510, 456.513, 456.559, 456.605, 456.625, 456.722  
Hist.: OHCS 27-2014(Temp), f. & cert. ef. 6-5-14 thru 12-2-14

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**Rule Caption:** Amends the date of the applicable General Housing Account Program Manual

**Adm. Order No.:** OHCS 28-2014(Temp)

**Filed with Sec. of State:** 6-5-2014

**Certified to be Effective:** 6-5-14 thru 12-2-14

**Notice Publication Date:**

**Rules Amended:** 813-055-0001

**Subject:** The rule amends the date of the applicable General Housing Account Program Manual

**Rules Coordinator:** Sandy McDonnell—(503) 986-2012

## 813-055-0001

### Purpose

OAR chapter 813, division 55, is promulgated to carry out the allocation of monies deposited in the General Housing Account and to carry out the account's purpose of meeting critical housing needs, building the organizational capacity of affordable housing partners throughout the state, and requiring equitable distribution of resources over time based on objective measures of need. Additional policies and instructions are outlined in the General Housing Account Program (GHAP) Manual dated June 2, 2014 (the "GHAP Manual" or "Manual"), incorporated herein by reference. The Manual may be accessed online at the department's website.

Stat. Auth.: ORS 456.555, 458.665  
Stats. Implemented: ORS 456.515 - 456.725, 458.665  
Hist.: OHCS 5-2009, f. & cert. ef. 12-22-09; OHCS 13-2013(Temp), f. & cert. ef. 6-21-13 thru 12-18-13; OHCS 23-2013, f. & cert. ef. 12-18-13; OHCS 28-2014(Temp), f & cert. ef. 6-5-14 thru 12-2-14

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**Rule Caption:** Amends the date of the applicable Oregon Affordable Housing Tax Credit Manual



# ADMINISTRATIVE RULES

**Adm. Order No.:** OHCS 29-2014(Temp)

**Filed with Sec. of State:** 6-5-2014

**Certified to be Effective:** 6-5-14 thru 12-2-14

**Notice Publication Date:**

**Rules Amended:** 813-110-0005

**Subject:** The rule amends the date of the applicable Oregon Affordable Housing Tax Credit Program manual.

**Rules Coordinator:** Sandy McDonnell—(503) 986-2012

## 813-110-0005

### Purpose

OAR chapter 813, division 110, is promulgated to carry out the provisions of ORS 317.097 under which the department certifies affordable multifamily rental housing development projects sponsored by government entities, nonprofit corporations and certain persons (“sponsoring entities or “sponsors”) so as to enable a lending institution to claim Oregon affordable housing tax credits (“OAHTC” or “tax credits”) against Oregon taxes with respect to loans for the construction or acquisition, and rehabilitation of such projects. The purpose of the tax credits is to encourage the creation or preservation of safe, sanitary and affordable housing for lower-income Oregonians. Additional policies and instructions are outlined in the Oregon Affordable Housing Tax Credits (OAHTC) Manual dated June 2, 2014 (the “OAHTC Manual” or “Manual”), incorporated herein by reference. The manual may be accessed online at the department’s website.

Stat. Auth.: ORS 317.097 & 456.555

Stats. Implemented: ORS 317.097, 456.508, 456.510, 456.513, 456.559, 456.605, 456.625 & 456.722

Hist.: HSG 1-1990(Temp), f. & cert. ef. 1-5-90; HSG 3-1990(Temp), f. & cert. ef. 3-1-90; HSG 9-1990, f. & cert. ef. 5-11-90; HSG 2-1991(Temp), f. & cert. ef. 8-7-91; HSG 6-1991(Temp), f. & cert. ef. 11-5-91; HSG 3-1992, f. & cert. ef. 2-4-92; HSG 2-1994(Temp), f. & cert. ef. 3-25-94; HSG 7-1994, f. & cert. ef. 9-9-94; HSG 2-1995, f. & cert. ef. 9-25-95; OHCS 7-2006, f. & cert. ef. 5-17-06; OHCS 14-2007(Temp), f. & cert. ef. 10-16-07 thru 4-12-08; OHCS 5-2008, f. & cert. ef. 4-11-08; OHCS 9-2013(Temp), f. & cert. ef. 6-21-13 thru 12-18-13; OHCS 22-2013, f. & cert. ef. 12-18-13; OHCS 29-2014(Temp), f. & cert. ef. 6-5-14 thru 12-2-14

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**Rule Caption:** Suspends temporary rules adopted June 2, 2014 regarding transfer of owner and monitoring and compliance.

**Adm. Order No.:** OHCS 30-2014(Temp)

**Filed with Sec. of State:** 6-5-2014

**Certified to be Effective:** 6-5-14 thru 11-29-14

**Notice Publication Date:**

**Rules Suspended:** 813-090-0089(T), 813-090-0095(T)

**Subject:** This action retroactively suspends the temporary rules adopted on June 2, 2014 relating to the transfer of owner and monitoring and compliance requirements.

**Rules Coordinator:** Sandy McDonnell—(503) 986-2012

## 813-090-0089

### Transfer of Owner, Tax Credit or Project Ownership

(1) The sponsor of a project to which low-income housing tax credits are allocated under the Low-Income Housing Tax Credit Program and an owner of such project may not transfer or allow any transfer of any interest in itself, the tax credits or the project or otherwise encumber the project, or any portion or interest therein, unless the department first approves the transfer or encumbrance in writing. Any such transfer or encumbrance is subject to payment to the department by the sponsor or owner of a transfer or encumbrance charge as required by the department. The owner shall notify in writing and obtain the agreement of any buyer or successor or other person acquiring the project or any interest therein that such acquisition is subject to declaration requirements. If the sponsor or owner effects or allows a transfer or encumbrance without prior written approval by the department, the transfer or encumbrance is voidable and remains subject to the approval or disapproval of the department and the sponsor or owner and transferees, jointly and severally, are subject to a transfer or encumbrance review charge by the department. The owner agrees that the department may, in addition to the exercise of other remedies, void any sale, transfer, or exchange of the project found in noncompliance.

(2) The department may condition its approval upon such terms and conditions as it, in its sole discretion, may require. Factors the department may consider in determining whether to give approval to a transfer or encumbrance include but are not limited to:

- (a) The financial investment of the department in the project;
- (b) Preservation of existing housing;

(c) The proposed transferee’s ability to maintain and manage the project property for the needs of the residents, the integrity of the housing and as security for any financing;

(d) The effect of the transfer or encumbrance upon the financial integrity of the project, the tax credits, the repayment of project financing, use of the project for its intended purposes, and continuity of the program; and

(e) Continued compliance with applicable program requirements including, but not limited to terms and conditions of applicable funding documents, resultant restrictive covenants and equitable servitudes, and state and federal laws, rules and regulations.

Stat. Auth.: ORS 456.555

Stats. Implemented: ORS 456.508, 456.510, 456.513, 456.559, 456.605, 456.625, 456.722  
Hist.: OHCS 26-2014(Temp), f. & cert. ef. 6-2-14 thru 11-29-14; Suspended by OHCS 30-2014(Temp), f. 6-5-14 thru 11-29-14

## 813-090-0095

### Monitoring and Compliance

(1) The department will notify the Internal Revenue Service in writing when the department determines that a project is not complying with applicable provisions of Internal Revenue Code Section 42. The department is not liable to the project or project owner for any adverse consequences resulting from the department’s notification.

(2) The department will send to the project owner a copy of the department’s notification of non-compliance to the Internal Revenue Service regarding the project.

(3) A project owner shall submit such information and documents, including but not limited to an annual report to the department when the department so requires for monitoring compliance.

(4) The department may inspect the project and inspect and copy project records as it deems appropriate. The project owner will fully cooperate in such inspections. File reviews may be completed electronically.

(5) The reservation and extended use agreement (REUA) and the declaration of land use restrictive covenants under OAR 813-090-0039, and all related documents, are subject to enforcement by the department or its designee as they may determine appropriate, including but not limited to any failure by the project owner to timely satisfy any requirement of such documents or applicable law.

(6) The declaration of land use restrictive covenants is a contract that is enforceable according to its terms by one or more tenants as third-party beneficiaries of the declaration and the agreement of which the declaration is part.

(7) The department or one or more tenants or beneficiaries may recover legal costs, including legal charges, court and appeal costs when the legal costs are incurred because of failure by the project owner to satisfy any of the requirements of the declaration, reservation and extended use agreement, other documents or applicable law. The department also may recover reasonable legal fees as provided in relevant documents.

(8) The department may charge the project owner for reasonable costs of administration including, but not limited to, monitoring and enforcing the project owner’s compliance with program requirements established by the department and Internal Revenue Code Section 42 or other applicable law.

(9) The department reserves the right, consistent with applicable law, to waive, modify and release REUA, declaration and other funding document terms and conditions including, but not limited to restrictive covenants and equitable servitudes related thereto. Any waiver, modification, or release must be in writing and signed by an authorized department representative.

Stat. Auth.: ORS 456.515 - 456.720

Stats. Implemented: ORS 456.559(1)(f)

Hist.: HSG 12-1990(Temp), f. & cert. ef. 5-29-90; HSG 14-1990, f. & cert. ef. 10-26-90; HSG 2-1991(Temp), f. & cert. ef. 8-7-91; HSG 7-1991, f. & cert. ef. 12-19-91; OHCS 9-2006(Temp), f. & cert. ef. 8-4-06 thru 1-30-07; OHCS 8-2007, f. & cert. ef. 1-11-07; Renumbered from 813-090-0095 by OHCS 5-2013, f. & cert. ef. 6-21-13; OHCS 10-2013(Temp), f. & cert. ef. 6-21-13 thru 12-18-13; Administrative correction, 2-5-14; OHCS 26-2014(Temp), f. & cert. ef. 6-2-14 thru 11-29-14; Suspended by OHCS 30-2014(Temp), f. 6-5-14 thru 11-29-14

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**Rule Caption:** Amends the definition for net worth and adds a definition for pension account

**Adm. Order No.:** OHCS 31-2014

**Filed with Sec. of State:** 6-12-2014

**Certified to be Effective:** 6-12-14

**Notice Publication Date:** 5-1-2014

**Rules Amended:** 813-300-0010

# ADMINISTRATIVE RULES

**Subject:** Amends the definition for net worth and adds a definition for pension account

**Rules Coordinator:** Sandy McDonnell—(503) 986-2012

## 813-300-0010

### Definitions

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

(1) “Account holder” means a member, age 12 or older, of a lower income household that has a net worth of less than \$20,000 who is the named depositor of an individual development account.

(2) “Contributor” means a person or entity contributing funds to the Department or to a fiduciary organization for the purpose of matching IDA deposits by an account holder or for funding program plan operations.

(3) “Department” means the Housing and Community Services Department established in ORS 456.555 and, where applicable, its designee.

(4) “Designated beneficiary” means a minor-age member of the account holder’s household who is the beneficiary of an IDA used to pay the member’s extracurricular non-tuition expenses designed to prepare the member for post-secondary education or job training.

(5) “Fiduciary organization” means a non-profit, fund raising organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code as amended and in effect on January 1, 1999, or a federally recognized Oregon Indian tribe that is located, to a significant degree, within the boundaries of this state, as selected by the department under these rules.

(6) “Fiduciary organization program plan” or “program plan” means a mission statement by a fiduciary organization and the corresponding detailed plan by it for the solicitation of contributions (tax credit or otherwise) and prospective account holders, the management of IDA’s and their associated personal development plans, and the operation of the fiduciary organization itself — all as approved by the Department and with such modifications as the Department may require. A prospective program plan must accompany any application to the Department for its approval of a fiduciary organization.

(7) “Financial institution” means an organization regulated under ORS Chapters 706 to 716, 722 or 723, or in the case of an account established for the purpose described in 458.685(1)(c) related to college savings plans, a financial institution as defined in 348.841.

(8) “Individual development account (IDA)” or “account” means a contract between an account holder and a fiduciary organization for the deposit of funds into a financial institution by the account holder, and the deposit of matching funds into a financial institution by the fiduciary organization, to allow the account holder to accumulate assets for use toward achieving a specific purpose approved by the fiduciary organization.

(9) “Lower income household” means a household having an income equal to or less than the greater of the following:

(a) 80 percent of the median household income for the area as determined by the Department. In making the determination, the Department shall give consideration to any data on area household income published by the United States Department of Housing and Urban Development.

(b) 200 percent of the poverty guidelines as determined by the Department. In making the determination, the Department shall give consideration to poverty guidelines published by the United States Department of Health and Human Services or may consider other income data periodically published by other federal or Oregon agencies.

(10) “Median Household Income” means, for the appropriate household size, the higher of:

(a) The median family income for the Metropolitan Statistical Area or county as published annually by the United States Department of Housing and Urban Development, or

(b) The statewide median family income for Oregon as published annually by the United States Department of Housing and Urban Development.

(11) “Net worth” means the value of all assets owned in whole or part by household members excluding equity in a residence and one vehicle, and excluding holdings in pension accounts, as defined by the Housing and Community Services Department by rule, that are valued at \$60,000 or less, minus the total debts and obligations of household members, all as measured at the time the prospective account holder applies to establish the IDA.

(12) “Oregon individual development account tax credit” or “tax credit” means a credit against taxes otherwise due under ORS Chapter 316, 317, or 318, as allowed in return for contributions to a fiduciary organization for eventual distribution to individual development accounts established under ORS 458.685.

(13) “Pension Account” means an account that is funded by an employee and/or the employer specifically to provide a retirement income, and in which the account is structured so that the funds in the account are either inaccessible to the employee until he/she terminates employment or reaches retirement or are accessible with an early withdrawal penalty.

(14) “Personal development plan” means a written plan developed jointly by the fiduciary organization and the prospective account holder for an IDA that is designed to provide the account holder with appropriate financial and asset training, counseling, career or business planning and other services that will increase the self-reliance of the account holder and his/her household through achievement of the IDA’s approved purposes. The personal development plan must be in conformance with ORS 458.680, these rules and other requirements of the Department.

(15) “Related funds” means contributions to fiduciary organizations for IDA program purposes that do not qualify for tax credits and supplemental funding from the Department for IDA program purposes.

(16) “Resident of this state” has the meaning given in ORS 316.027

(17) “Reverted funds” means matching IDA deposits that devolve to a fiduciary organization because of the termination or revocation of a person as an account holder or unused tax credit contributions or supplemental funds upon termination or revocation of a fiduciary organization or at the expiration of its program plan.

(18) “Supplemental funding” means funds provided by the Department to fiduciary organizations for program plan purposes.

(19) “Tax credit contributor” means a contributor who receives a corresponding tax credit as allowed in ORS 315.271.

(20) “Tax credit contributions” means funds obtained from tax credit contributors who, in return, earn a tax credit.

(21) “Trust Land” means all lands held in trust by the United States on behalf of an Indian Tribe or individual Indian.

Stat. Auth.: ORS 456.555, 456.625 & 458.700

Stats. Implemented: ORS 315.271 & 458.670 - 458.700

Hist.: OHCS 12-2002(Temp), f. & cert. ef. 10-8-02 thru 4-5-03; OHCS 1-2003, f. & cert. ef. 4-4-03; OHCS 9-2003, f. & cert. ef. 12-19-03; OHCS 13-2007(Temp), f. & cert. ef. 10-2-07 thru 3-30-08; OHCS 2-2008, f. & cert. ef. 3-18-08; OHCS 3-2010, f. & cert. ef. 1-7-10; OHCS 25-2013(Temp), f. & cert. ef. 12-18-13 thru 6-16-14; OHCS 31-2014, f. & cert. ef. 6-12-14

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## Oregon Patient Safety Commission Chapter 325

**Rule Caption:** Establishes rules required by Oregon Laws 2013, Chapter 5 to implement Early Discussion and Resolution

**Adm. Order No.:** PSC 2-2014

**Filed with Sec. of State:** 6-12-2014

**Certified to be Effective:** 7-1-14

**Notice Publication Date:** 4-1-2014

**Rules Adopted:** 325-035-0001, 325-035-0005, 325-035-0010, 325-035-0015, 325-035-0020, 325-035-0025, 325-035-0030, 325-035-0035, 325-035-0040, 325-035-0045

**Subject:** These rules summarize the confidential process that patients and healthcare facilities or healthcare providers can use to resolve adverse health care incidents, which was established by Oregon Laws 2013, Chapter 5. These rules specify: the form and content for filing a notice of adverse health care incident; the process for conducting discussions that seek to resolve incidents; the process for reporting information about resolution of incidents; the process for mediation; the qualifications for inclusion on the mediator panel; and the role of the administrative entity.

**Rules Coordinator:** Bethany A. Walmsley—(503) 224-9226

## 325-035-0001

### Definitions

As used in OAR 325-035-0001 to 325-035-0050:

(1) “Adverse health care incident” means an objective, definable and unanticipated consequence of patient care that is usually preventable and results in the death of or serious physical injury to the patient.

(2) “Business day” means any day other than a federal or State of Oregon legal holiday or a day other than a day on which offices of the State of Oregon are otherwise authorized by law to remain closed.

(3) “Commission” means the Oregon Patient Safety Commission.

(4) “Discussion” means:

(a) All communications, written and oral, that are made in the course of a discussion under Oregon Laws 2013, Chapter 5, Section 3; and

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(b) All memoranda, work products, documents and other materials that are prepared for or submitted in the course of or in connection with a discussion under Oregon Laws 2013, Chapter 5, Section 3.

(5) "Early Discussion and Resolution" means the confidential process established in Oregon Laws 2013, Chapter 5 that includes, but is not limited to: the filing a notice of adverse health care incident with the Commission by a patient, health care provider or health care facility, discussions with all parties to seek resolution about the incident, and mediation if necessary to attempt to resolve the matter.

(6) "Health care facility" as defined in ORS 442.015 means a hospital, a long term care facility, an ambulatory surgical center, a freestanding birthing center, or an outpatient renal dialysis center.

(7) "Health care provider" means a person practicing within the scope of the person's license, registration or certification to practice as:

(a) A psychologist under ORS 675.030 to 675.070, 675.085 and 675.090;

(b) An occupational therapist under ORS 675.230 to 675.300;

(c) A physician under ORS 677.100 to 677.228;

(d) An emergency medical services provider under ORS chapter 682;

(e) A podiatric physician and surgeon under ORS 677.820 to 677.840;

(f) A registered nurse under ORS 678.010 to 678.410, including nurse practitioner;

(g) A dentist under ORS 679.060 to 679.180;

(h) A dental hygienist under ORS 680.040 to 680.100;

(i) A denturist under ORS 680.515 to 680.535;

(j) An audiologist or speech-language pathologist under ORS 681.250 to 681.350;

(k) An optometrist under ORS 683.040 to 683.155 and 683.170 to 683.220;

(l) A chiropractor under ORS 684.040 to 684.105;

(m) A naturopath under ORS 685.060 to 685.110, 685.125 and 685.135;

(n) A massage therapist under ORS 687.011 to 687.250;

(o) A direct entry midwife under ORS 687.405 to 687.495;

(p) A physical therapist under ORS 688.040 to 688.145;

(q) A medical imaging licensee under ORS 688.445 to 688.525;

(r) A pharmacist under ORS 689.151 and 689.225 to 689.285;

(s) A physician assistant under ORS 677.505 to 677.525; or

(t) A professional counselor or marriage and family therapist under ORS 675.715 to 675.835.

(8) "Location operated by a health care facility" means a satellite as defined by OAR 333-500-0010.

(9) "Mediation" as defined in ORS 36.110(5) means a process in which a mediator assists and facilitates two or more parties to a controversy in reaching a mutually acceptable resolution of the controversy and includes all contacts between a mediator and any party or agent of a party, until such time as a resolution is agreed to by the parties or the mediation process is terminated.

(10) "Minor" means anyone under the age of 18 but does not mean a minor who has been emancipated in accordance with ORS 419B.550 to 419B.558.

(11) "Notice" means a written or oral report, submitted by a patient, health care provider or health care facility to the Commission in the form and manner specified in OAR 325-035-0010, that indicates the filer's desire to engage in Early Discussion and Resolution.

(12) "Party or Parties" means any health care facility, health care provider, employer of a health care provider, and patient involved in the adverse health care incident.

(13) "Patient" means:

(a) The patient; or

(b) If the patient is a minor, is deceased or has been medically confirmed by the patient's treating physician to be incapable of making decisions for purposes of Oregon Laws 2013, Chapter 5, Sections 1 to 10, the patient's representative as provided in Oregon Laws 2013, Chapter 5, Section 8.

(14) "Serious physical injury" means an injury that:

(a) Is life threatening; or

(b) Results in significant impairment of a body function or significant damage to a body structure; or

(c) Necessitates medical or surgical intervention to prevent, mitigate or correct significant impairment of a body function or significant damage to a body structure.

Stat. Auth.: Oregon Law 2013, Ch. 5

Stats. Implemented: Oregon Law 2013, Ch. 5

Hist.: PSC 2-2014, f. 6-12-14, cert. ef. 7-1-14

## 325-035-0005

### Filing a Notice of Adverse Health Care Incident

When an adverse health care incident occurs in a health care facility, a location operated by a health care facility, or outside a health care facility and the incident involves a health care provider, the health care facility, health care provider or employer of the health care provider, or a patient, may file a notice with the Commission in accordance with this rule. The filing of a notice enables the parties to engage in Early Discussion and Resolution.

(1) A notice may be filed with the Commission electronically, by telephone, or by submitting a written form prescribed by the Commission that contains the information described in sections (3) or (5) of this rule.

(2) A notice should not be filed with the Commission if:

(a) The incident does not meet the definition of an adverse health care incident;

(b) The adverse health care incident occurred before July 1, 2014;

(c) The adverse health care incident occurred outside of Oregon;

(d) The adverse health care incident did not involve at least one health care facility, location operated by a health care facility, or health care provider; or

(e) The filer is an inmate as defined in ORS 30.642.

(3) A notice filed by a health care facility, a health care provider, or an employer of a health care provider must include, but is not limited to:

(a) Incident date (this may be an approximation);

(b) Incident location; and

(c) Incident description.

(4) A notice filed by a health care facility or an employer of a health care provider shall not include the name of a health care provider.

(5) A notice filed by a patient must include, but is not limited to:

(a) Patient name;

(b) Patient date of birth;

(c) Incident date (this may be an approximation);

(d) Incident description;

(e) Incident location; and

(f) Adequate contact information for any health care facility or health care provider involved in the incident so the Commission may notify the facility or provider that a notice has been filed.

Stat. Auth.: Oregon Law 2013, Ch. 5, Secs. 2, 9

Stats. Implemented: Oregon Law 2013, Ch. 5, Secs. 2, 9

Hist.: PSC 2-2014, f. 6-12-14, cert. ef. 7-1-14

## 325-035-0010

### Notifying a Health Care Facility, Health Care Provider, or Patient of a Notice of Adverse Health Care Incident

(1) When the Commission receives a notice from a patient, the Commission must notify all health care facilities and health care providers named in the notice, using email, telephone, or the US mail as appropriate. The Commission will attempt to contact all health care facilities and health care providers within seven business days of receiving the notice. If a patient is unable to provide accurate contact information for a health care facility or a health care provider, the Commission must attempt to notify the health care facility or health care provider and provide the required notice.

(a) If the Commission is not able to identify and contact a health care facility or a health care provider, the Commission must notify the patient in writing that unless accurate contact information for the health care facility or health care provider is received by the Commission within 30 days, the Commission will consider the matter closed.

(b) If the Commission does not receive accurate contact information for the health care facility or health care provider within 30 days, the Commission must inform the patient in writing that the Commission has closed the matter.

(2) A health care facility, health care provider, or employer of a health care provider who files a notice must:

(a) Provide a copy of the notice to the patient; and

(b) Notify any health care provider involved in the adverse health care incident of the notice.

(3) The Commission must notify a health care provider or health care facility of any notice that is filed by a patient, regardless of whether it appears that incident falls within the definition of an adverse health care incident. A health care provider or health care facility must make its own determination, after being notified by the Commission that a notice has been filed, as to whether the incident is an adverse health care incident such that the parties may engage in discussions.

Stat. Auth.: Oregon Law 2013, Ch. 5, Sec. 9

Stats. Implemented: Oregon Law 2013, Ch. 5, Secs. 2, 9

Hist.: PSC 2-2014, f. 6-12-14, cert. ef. 7-1-14



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## 325-035-0015

### Procedures for Conducting Discussions

(1) A health care facility, health care provider, or employer of a health care provider who files or is named in a notice of adverse health care incident and the patient who is the subject of the adverse health care incident may engage in Early Discussion and Resolution in an attempt to resolve the incident.

(2) If the parties choose to participate in Early Discussion and Resolution, the initial discussion should take place as soon as possible and generally within 72 hours of a health care facility or health care provider filing a notice or being informed by the Commission that a notice was filed by a patient, and conclude within 180 days of the initial filing of the notice.

(3) The parties may agree to extend the 180 day time limit described in section (2) of this rule if they also agree to extend the statute of limitations applicable to a negligence claim.

(4) Each party involved in Early Discussion and Resolution may include other persons in the discussion, including a mediator as outlined in OAR 325-035-0035.

(5) The health care facility, health care provider, or employer of a health care provider who chooses to participate in Early Discussion and Resolution must notify the patient and all other parties involved in the adverse health care incident of the date, time, and location of the discussions and shall reasonably accommodate all persons who have been invited to participate by the parties and wish to attend.

(6) Discussions may include:

(a) An explanation of what occurred and the implications for the patient's health and well-being;

(b) An explanation of the causes of the incident;

(c) An apology or expression of regret to the patient;

(d) The steps the health care facility or health care provider will take to prevent future occurrences of the adverse health care incident; and

(e) Compensation for the adverse health care incident.

(7) If the health care facility or health care provider is not going to make an offer of compensation, the health care facility or health care provider may communicate that to the patient orally or in writing.

(8) If compensation is offered, the offer must be in writing and the patient must be advised by the health care facility or health care provider of their right to seek legal advice before accepting the offer.

(9) Discussions and offers of compensation made in Early Discussion and Resolution:

(a) Do not constitute an admission of liability;

(b) Are confidential and may not be disclosed; and

(c) Except as provided in Oregon Laws 2013, Chapter 5, Section 3, are not admissible as evidence in any subsequent adjudicatory proceeding and may not be disclosed by the parties in any subsequent adjudicatory proceeding.

Stat. Auth.: Oregon Law 2013, Ch. 5, Sec. 3, 9

Stats. Implemented: Oregon Law 2013, Ch. 5, Secs. 3, 4, 9

Hist.: PSC 2-2014, f. 6-12-14, cert. ef. 7-1-14

## 325-035-0020

### Filing Reports about Resolution

(1) The Commission must request a confidential report indicating the status of the matter from the person that filed the notice within 180 days after the notice was filed. If the matter is not resolved 180 days after the notice was filed, the Commission may request additional reports from the person that filed the notice as necessary.

(2) A report may include:

(a) Whether the matter has been resolved;

(b) Whether an apology was offered or there were expressions of regret;

(c) Whether the health care facility or health care provider agreed to take steps to prevent future occurrences of the adverse health care incident;

(d) How many oral communications, including face-to-face discussions, the parties have had;

(e) Who has participated in the oral communications, including face-to-face discussions;

(f) Whether the parties engaged in mediation; and

(g) Whether compensation was offered and accepted.

(3) If an offer of compensation is accepted by a patient at any point during discussions, the health care facility or provider must notify the Commission.

(4) If the parties to Early Discussion and Resolution resolve the matter, the person who filed the notice may submit a report about resolution as described in section (1) of this rule.

(5) If resolution is not achieved within 180 days, the Commission may request a report about resolution at a later date.

(6) The Commission may accept a report about resolution from an individual to whom the person who filed the notice has delegated authority to submit the report.

Stat. Auth.: Oregon Law 2013, Ch. 5, Sec. 9

Stats. Implemented: Oregon Law 2013, Ch. 5, Secs. 3, 9

Hist.: PSC 2-2014, f. 6-12-14, cert. ef. 7-1-14

## 325-035-0025

### Mediation

(1) If a discussion as described in OAR 325-035-0015 does not result in the resolution of an adverse health care incident, the patient and the health care facility or health care provider who files or is named in a notice of adverse health care incident may enter into mediation.

(2) The parties who have agreed to participate in mediation shall bear the cost of mediation equally unless otherwise mutually agreed.

(3) Other persons that may participate in the mediation include, but are not limited to:

(a) Members of the patient's family, at the discretion of the patient;

(b) Attorneys for the patient, the health care facility and the health care provider;

(c) Professional liability insurance carriers;

(d) Risk management personnel; and

(e) Any lien holder with an interest in the dispute.

(4) Mediation under this rule is subject to ORS 36.110 through 36.238.

Stat. Auth.: Oregon Law 2013, Ch. 5, Sec. 9

Stats. Implemented: Oregon Law 2013, Ch. 5, Secs. 5, 9

Hist.: PSC 2-2014, f. 6-12-14, cert. ef. 7-1-14

## 325-035-0030

### Adding a Mediator to the Mediator Panel

(1) The Commission must develop and maintain a panel of mediators that meet the qualifications established in this rule.

(2) To be included in the Commission's panel of mediators, an individual must meet the qualifications set forth in OAR 325-035-0035 and provide information to the Commission about themselves and their qualifications by completing and submitting the mediator panel application on the Commission's website (<http://oregonpatientsafety.org>). Information provided must include but is not limited to:

(a) Contact information;

(b) Education level;

(c) Number of mediations conducted, approximate number of hours of mediation experience, and approximate number of hours dealing with cases or matters involving medical malpractice or personal injury;

(d) General mediator training;

(e) Specific subject training;

(f) Continuing education;

(g) Professional standards of mediation practice to which the mediator adheres;

(h) Counties of Oregon that they are willing to serve;

(i) Languages spoken;

(j) Website links, if applicable; and

(k) Fee information.

Stat. Auth.: Oregon Law 2013, Ch. 5, Secs. 5, 9

Stats. Implemented: Oregon Law 2013, Ch. 5, Secs. 5, 9

Hist.: PSC 2-2014, f. 6-12-14, cert. ef. 7-1-14

## 325-035-0035

### Mediator Qualifications

(1) The Commission will consider a mediator to have met the required qualifications if the individual has:

(a) Formally mediated 50 cases or engaged in 500 hours of formal mediation;

(b) Completed 30 hours of education meeting the standards in Appendix A or equivalent training;

(c) Received an orientation to Early Discussion and Resolution, made available by the Commission;

(d) Completed at least 16 additional hours of professionally accredited subject-specific training (which may include, but is not limited to: training related to medicine, health care, medical or hospital culture, health care transformation, mental health, grief counseling, psychology, risk management, key substantive, procedural or evidentiary laws relating to personal injury or adverse health care incidents, and adverse incident mediation discussion or role-playing);

(e) Have at least 150 hours of experience dealing with cases or matters that involve medical malpractice or personal injury as a mediator, fac-

# ADMINISTRATIVE RULES

itor, doctor, nurse, social worker, judge, consultant, psychologist, or attorney; and

(f) Provided the ethics and standards of practice to which they adhere.

(2) A mediator may request a waiver from the Commission from any mediator qualification. Such a request must be in writing and must describe why the qualification cannot be met and the facts that otherwise make the mediator qualified to be listed on the panel. The Commission may, in its discretion, waive a requirement for mediator qualification if it appears that the mediator has qualifications or the experience necessary to appropriately mediate matters involving adverse health care incidents.

Stat. Auth.: Oregon Law 2013, Ch. 5, Secs. 5, 9  
Stats. Implemented: Oregon Law 2013, Ch. 5, Secs. 5, 9  
Hist.: PSC 2-2014, f. 6-12-14, cert. ef. 7-1-14

## 325-035-0040

### Publication of Mediator Panel

(1) If a mediator has submitted information in accordance with OAR 325-035-0030 and attested that he or she meets the qualifications in OAR 325-035-0035, the Commission must publish the mediator's name, contact information, and responses to questions asked on the mediator panel application on the Commission's website.

(2) Annually, the Commission must contact all listed mediators requesting that they update or confirm their information and qualifications. Mediators who do not confirm their information or continuing qualifications within the timeframe established by the Commission must be removed from the list, but may reapply for inclusion. Mediators may update or confirm their information at any time.

(3) If at any time the Commission discovers that a mediator does not meet qualifications, they will be removed from the list.

Stat. Auth.: Oregon Law 2013, Ch. 5, Sec. 9  
Stats. Implemented: Oregon Law 2013, Ch. 5, Secs. 5, 9  
Hist.: PSC 2-2014, f. 6-12-14, cert. ef. 7-1-14

## 325-035-0045

### The Role of the Administrative Entity

(1) The Commission shall use notices of adverse health care incidents to:

(a) Establish quality improvement techniques to reduce patient care errors that contribute to adverse health care incidents;

(b) Develop evidence-based prevention practices to improve patient outcomes and disseminate information about those practices; and

(c) Upon the request of a health care facility or health care provider, assist the facility or provider in reducing the frequency of a particular adverse health care incident, including, but not limited to, determining the underlying cause of the incident and providing advice regarding preventing reoccurrence of the incident.

(2) The Commission may disseminate information relating to a notice of adverse health care incident to the public and to health care providers and health care facilities not involved in the incident as necessary to meet the goals described in section 1 of this rule. Information disclosed must not identify a health care facility, health care provider or patient involved in the adverse health care incident.

(3) The Commission may not disclose any information provided pursuant to a discussion under Oregon Laws 2013, Chapter 5, Section 3 to a regulatory agency or licensing board.

(4) The Commission may use and disclose information provided pursuant to a discussion under Oregon Laws 2013, Chapter 5, Section 3 as necessary to assist a health care facility or health care provider involved in an adverse health care incident in determining the cause of and potential mitigation of the incident. If the Commission discloses information under this section to a person not involved in the incident, the information may not identify a health care facility, health care provider or patient involved in the incident.

(5) The Commission will periodically disseminate aggregate information about incidents reported in notices and what has been learned about successful resolution. Additional information may be disseminated depending on data available.

Stat. Auth.: Oregon Law 2013, Ch. 5, Sec. 9  
Stats. Implemented: Oregon Law 2013, Ch. 5, Secs. 9, 10  
Hist.: PSC 2-2014, f. 6-12-14, cert. ef. 7-1-14

## Oregon University System Chapter 580

**Rule Caption:** To supersede all prior Academic Year and Summer Session Fee Book rules.

**Adm. Order No.:** OUS 2-2014

**Filed with Sec. of State:** 6-13-2014

**Certified to be Effective:** 6-13-14

**Notice Publication Date:** 4-1-2014

**Rules Amended:** 580-040-0040

**Subject:** To establish tuition and fees for the Academic Year 2014–15 and Summer Session 2015. Online public comment website will be available 4/21/14 through 5/2/14 and may be accessed at [www.ous.edu/factreport/tuition](http://www.ous.edu/factreport/tuition).

**Rules Coordinator:** Ginger Shaw — (541) 346-5716

## 580-040-0040

### Oregon University System Annual Fee Book

The document entitled "2014–15 Academic Year & 2015 Summer Session Fee Book" dated, June 6, 2014, 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. & ef. 6-15-78; HEB 5-1979, f. & ef. 7-20-79; HEB 11-1979, f. & ef. 8-22-79; HEB 1-1980, f. & ef. 4-18-80; HEB 7-1980, f. & ef. 6-18-80; HEB 11-1980, f. & ef. 8-20-80; HEB 4-1981(Temp), f. 6-30-81, ef. 7-1-81; HEB 5-1981, f. & ef. 8-18-81; HEB 15-1981(Temp), f. & ef. 12-18-81; HEB 5-1982, f. & ef. 7-14-82; HEB 4-1983, f. & ef. 7-29-83; HEB 4-1984, f. & ef. 6-20-84; HEB 5-1985, f. & ef. 8-12-85; HEB 12-1986, f. & ef. 7-30-86; HEB 6-1987, f. & ef. 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; OUS 2-2014, f. & cert. ef. 6-13-14

## Oregon University System, Southern Oregon University Chapter 573

**Rule Caption:** Code of Student Conduct

**Adm. Order No.:** SOU 2-2014

**Filed with Sec. of State:** 6-4-2014

**Certified to be Effective:** 6-4-14

**Notice Publication Date:** 5-1-2014

**Rules Amended:** 573-076-0050, 573-076-0060, 573-076-0070, 573-076-0080, 573-076-0110, 573-076-0120, 573-076-0130

**Subject:** Southern Oregon University's published expectations for the conduct of its students, as well as processes and procedures for adjudicating matters in which students are alleged to have violated prohibited student conduct. Revisions are made to this document on an annual basis to bring it into compliance with legislation, organizational change, and nationally-recognized best practices.

**Rules Coordinator:** Treasa Sprague—(541) 552-6319

## 573-076-0050

### Conduct Officers and Conduct Boards

In matters of alleged violations of this code, the Director or designee will determine the appropriate forum for hearings proceedings outlined in this code. The University maintains an active pool of faculty, administrators, and specially trained students for the purpose of hearing and resolving student conduct allegations. Hearings or other proceedings outlined in this Code may be held before the following individuals or boards:

(1) Peer Review Board: Generally consisting of no fewer than three trained SOU students, a peer review board will primarily hear allegations involving disruption of community standards, and may also act as a mediating body for disputes that occur outside the scope of this code.

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(2) University Review Board: Consisting of at least one faculty member, one administrator, and one student. A University review board will hear allegations as deemed appropriate by the Director or designee.

(3) Administrative Conference: The Director or designee may hear allegations in a one-to-one format where appropriate.

(4) Sexual Misconduct Review Board: Consisting of specially trained faculty and administrators. The Sexual Misconduct Review Board will hear all allegations of sexual misconduct as outlined in the Prohibited Conduct section of this code.

(5) At the discretion of the Director or designee, cases involving assault, intimidation, or other matters posing an immediate threat to the campus community, may be heard by the Director or designee, independent of conduct board action.

(6) Student members of any conduct board who are charged with any violation of this Code or with a criminal offense may be suspended from their conduct positions by the Director or designee until a final resolution of the situation is obtained. Students found responsible for any such violation or offense may be disqualified from any further participation in the University conduct system by the Director or designee.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09; SOU 3-2011, f. & cert. ef. 6-13-11; SOU 2-2013, f. & cert. ef. 6-20-13; SOU 2-2014, f. & cert. ef. 6-4-14

## 573-076-0060

### Conduct Referrals and Hearing Procedures

(1) Any person may refer a student or a student group or organization suspected of violating University policy to the Office of Student Support and Intervention. Persons making such referrals are required to provide information pertinent to the situation and will normally be expected to provide an incident report and written statement, and/or appear at a hearing as the complainant. The hearing format for resolution will be selected at the discretion of the Director or designee.

(2) The Director or designee may conduct an investigation (or request conduct of an investigation by other University officials) to determine if the allegations have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Director or designee. Such disposition shall be final and there shall be no subsequent proceedings. If the charges cannot be disposed of by mutual consent, the Director or designee will proceed with a hearing.

(3) All allegations of misconduct are presented to the accused student in written form. The notification includes the date or date range, location, and description of the prohibited conduct relevant to the alleged violation. A time is set for a hearing, not less than three (3) calendar days and not more than fifteen (15) calendar days after the student has been notified. Minimum and maximum time limits for scheduling of hearings may be extended at the discretion of the Director or designee based on the academic calendar or at the written request of the accused student.

(4) Hearings are conducted according to the following guidelines:

(a) Hearings are conducted in private, unless both the accused student(s) and the complainant(s) agree to an open hearing.

(b) Admission of any person to the hearing is at the discretion of the Director or designee.

(c) In hearings involving more than one accused student, the Director or designee may permit the hearings concerning each student to be conducted separately.

(d) The complainant and the accused may be accompanied by an advisor. The advisor may not make a presentation or represent the party bringing the complaint or responding student during the hearing. They may confer quietly with their advisee, exchange notes, clarify procedural questions with the chair and suggest questions to their advisee. The complainant and/or the accused is responsible for presenting his or her own information. Comments from advisors may be requested from the Director or Designee facilitating the hearing.

(e) The complainant, the accused, and the conduct officer/board have the privilege of presenting witnesses, subject to questioning by the conduct officer/board.

(f) Pertinent records, exhibits, and written statements may be accepted for consideration by a conduct officer/board at the discretion of the Director or designee.

(g) All procedural questions are subject to the final decision of the Director or designee.

(h) After the hearing, the accused student is dismissed and the conduct officer or board (by majority vote) determines whether the student is responsible for each alleged policy violation.

(i) The conduct officer/board's determination is made on the basis of whether it is "more likely than not" that the accused student violated the policy(ies).

(j) Not more than ten (10) working days following the hearing, the accused student is notified in writing of the decision and its rationale, including any sanction(s) imposed, and the opportunity to appeal the decision.

(k) There is a record of all hearings before a hearing board, consisting of an audio recording and all written documentation including notes taken during the hearing. The record is the property of the University and is maintained in the Office of Student Support and Intervention.

(l) Except in the case of a student accused of violating the "failure to comply with directives" policy by not appearing before a conduct board or University official, no student may be found to have violated the policy(ies) in question solely because the student failed to appear. In all hearings, the information in support of the allegations is presented and considered. Final decisions are based on the information available.

(5) Principles governing Honor Board decisions of alleged academic misconduct are as follows:

(a) Academic penalties (grades) are imposed only by faculty members (course instructor).

(b) Because academic misconduct is a policy violation, disciplinary penalties (probation, suspension, or dismissal) may be imposed only by the Director or designee, upon recommendation from the Academic Misconduct Review Board, or when the Board cannot meet, upon recommendation from the faculty member.

(6) Sexual Misconduct Review Board hearings are conducted in accordance with guidelines established in the Sexual Misconduct Policy.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09; SOU 3-2011, f. & cert. ef. 6-13-11; SOU 2-2013, f. & cert. ef. 6-20-13; SOU 2-2014, f. & cert. ef. 6-4-14

## 573-076-0070

### Sanctions

(1) A disciplinary sanction is an educational tool designed to send a clear message regarding violation of University policy. Sanctions relate to the nature of the violation, with stronger sanctions imposed for more aggravated or repeated misconduct. Sanctions of probation, suspension, and dismissal require the approval of the Director or designee. All students, as members of the University community, are expected to comply with conduct sanctions within the timeframe specified by the Director or designee. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions up to and including suspension from the University. In such situations, resident students may be required to vacate University housing within 24 hours of notification by the Director or designee. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Director or designee.

(2) The following sanctions may be imposed when a student is found responsible for policy violation(s):

(a) Warning: A notice in writing to the student that the student is violating or has violated University policy.

(b) Loss of Privileges: Denial of specified privileges for a designated period of time.

(c) Fines: Previously established and published fines may be charged to a student's account.

(d) Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

(e) Discretionary Sanctions: Work assignments, censure, research, apology letters, service to the University, or other related discretionary assignments.

(f) Educational classes to be paid by fee assessed to violator. Fee may be paid directly or through community restitution.

(g) University Probation: A written reprimand which may place the student's participation in University activities in a provisional status. Probation may exclude the student from participation in co-curricular activities in which the student represents the University (e.g. varsity athletics and club sports, elected student office, debate, musical and dramatic groups). Probation may include mandatory counseling and includes the probability of more severe disciplinary sanctions if the student further violates University regulation(s) during the probationary period. Probation may also serve as an elevated warning where appropriate.

(h) Residence Hall Suspension: Separation of the student from the residence halls for a stated period of time, after which the student is eligi-



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ble to return. Because the University maintains a one year residency requirement, a residence hall suspension may result in a suspension from the University, if the student has not completed the one year residency requirement. Conditions for readmission may be specified. The student may be issued a written trespass notice from one or more residence halls for the duration of the suspension.

(i) Residence Hall Expulsion: Permanent separation of the student from the residence halls. The student will be issued a written trespass notice from all residence halls at the time of the expulsion.

(j) Eviction from University Housing: Removal from any University owned or operated housing other than the residence halls. The student will be issued a written trespass notice from all University housing at the time of the eviction.

(k) Unconditional Probation: Immediate invocation of University suspension if additional violation(s) of University policies occur during a specified period of time. Unconditional Probation also includes the provisions of a disciplinary probation.

(l) University Suspension: Separation of the student from the University for a specific period of time after which the student is eligible to return. Conditions for readmission may be specified. At the discretion of the Director or designee, a University trespass order is in effect for the period of the suspension. A suspension may be deferred to the end of a term at the discretion of the Director or designee.

(m) University Dismissal: Permanent separation of the student from the University.

(3) The following sanctions may be imposed upon groups or organizations:

(a) Those sanctions listed above.

(b) Deactivation—Loss of all privileges, including University recognition, for a specified period of time.

(4) Interim Suspension—in certain circumstances, the Director or designee may impose a University or residence hall suspension prior to the hearing.

(a) Interim suspension may be imposed only:

(A) To ensure the comfort, safety, and wellbeing of members of the University community or preservation of University property and/or;

(B) To ensure the student's own physical or emotional safety and wellbeing and/or;

(C) If the student poses a definite threat of disruption of or interference with the normal operations of the University.

(b) During the interim suspension, the student is denied access to the campus (including classes) and all other University activities or privileges for which the student might otherwise be eligible, as the Director or designee may determine to be appropriate.

(5) More than one of the sanctions listed above may be imposed for any single violation.

(6) Other than University dismissal, disciplinary sanctions are not made part of the student's permanent academic record, but are part of the student's confidential disciplinary record.

(7) Where sanctions involve the separation of the responsible student from University housing, the student is accountable for all financial penalties or other conditions as outlined in the residential housing contract.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09; SOU 3-2011, f. & cert. ef. 6-13-11; SOU 2-2013, f. & cert. ef. 6-20-13; SOU 2-2014, f. & cert. ef. 6-4-14

## 573-076-0080

### Appeals

(1) A decision may be appealed within ten (10) working days of the date of the decision letter to the Associate Provost. Such appeals must be in writing and must be delivered by mail or email.

(2) An appeal is limited to one or more of the following purposes:

(a) To determine whether the original hearing was conducted fairly in light of the allegations and information presented and in conformity with the procedures outlined in this Code.

(b) To determine whether the decision reached regarding the accused student was based on substantial information, that is, whether the facts were sufficient to establish that a violation of University policy occurred under the "more likely than not" standard.

(c) To determine whether the sanction(s) imposed were appropriate for the violation(s) which the student was found to have committed.

(d) To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original hearing.

(3) If an appeal is granted, this written decision will be communicated to the original conduct officer/ board for action, if appropriate.

(4) In cases of sexual misconduct, the complainant or victim will be notified of the decision and pertinent sanctions, and may appeal the decision and sanctions according to the standard outlined above.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09; SOU 3-2011, f. & cert. ef. 6-13-11; SOU 2-2013, f. & cert. ef. 6-20-13; SOU 2-2014, f. & cert. ef. 6-4-14

## 573-076-0110

### Disciplinary Files and Records

(1) The formal hearing process prompts creation of a disciplinary file in the Office of Student Support and Intervention. The file contains information related to the incident as well as the following:

(a) Any written statements from earlier documents bearing the name of the student violator which have been maintained at the residence hall level.

(b) Copies of letters regarding prior disciplinary matters.

(c) Any subsequent correspondence related to the case.

(d) Materials related to sanctions.

(e) Other reports at the discretion of the Director or designee.

(2) Accused students involved in disciplinary processes may review the contents of this confidential file (to the extent that the materials therein do not compromise the confidentiality of other students, faculty or staff), and may contest in writing anything in the file.

(3) Disciplinary records of students will be destroyed pursuant to the Oregon University System retention schedule governing institutional records. Prior access is granted to students who have requested access before the records are destroyed, and the State Archivist is empowered to order the retention of some categories of records.

(4) Student conduct files are maintained permanently in the event of dismissal.

(5) 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.

(6) Student conduct records may be voided by the Director or designee for good cause, upon written petition of the student. Factors to be considered in review of such petitions include:

(a) The present demeanor of the student;

(b) The conduct of the student subsequent to the violation;

(c) The length of time between the violation and the request;

(d) The nature of the violation and the severity of any damage, injury, or harm resulting from it.

(7) Disciplinary files are treated as "education 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 conduct of their official duties, as determined by the Director or designee. Otherwise, content of the file may be released to others only with consent of the student whose name is on the file.

(8) A maximum delay of forty-five (45) days is authorized in granting access to education records involving students.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09; SOU 2-2013, f. & cert. ef. 6-20-13; SOU 2-2014, f. & cert. ef. 6-4-14

## 573-076-0120

### Interpretation and Revision

(1) Any question of interpretation regarding this Code and University Policy must be referred to the Director or designee for final determination.

(2) This Code and University policies are reviewed annually under the direction of the Director or designee, who consults with students, faculty, and staff as appropriate.

(3) Changes to the Code recommended through this consultative process are subject to approval by the Executive Council of the University.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09; SOU 2-2013, f. & cert. ef. 6-20-13; SOU 2-2014, f. & cert. ef. 6-4-14

## 573-076-0130

### Prohibited Conduct

(1) Academic Misconduct University Statement on Academic Misconduct: Each student's education is the product of his or her own intellectual effort and engagement in a process of critical exchange. Breaches of academic integrity compromise the overall quality of scholarship, and detract from the value of the SOU degree. The University must respond to

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any act of academic misconduct to honor and protect responsible citizenship, both globally and within the University community. Prohibited academic conduct is as follows:

(a) Acts of academic misconduct involve the use or attempted use of any method that enables a student to misrepresent the quality or integrity of his or her academic work and are prohibited.

(b) Academic misconduct with respect to examinations includes but is not limited to copying from the work of another, allowing another student to copy from one's own work, unauthorized use of crib notes during exam time, arranging for another person to substitute in taking an examination, or giving or receiving unauthorized information prior to or during the examination.

(c) Academic misconduct with respect to written or other types of assignments includes but is not limited to:

(A) Failure to acknowledge the ideas or words of another that have been intentionally taken from any published or unpublished source;

(B) Placing one's name on papers, reports, or other documents that are the work of another individual;

(C) Flagrant misuse of the assistance provided by another in the process of completing academic work, or the submission of unacceptably similar work resulting from inappropriate collaboration or assistance.

(D) Submission of the same paper or project for separate courses without prior authorization by faculty members;

(E) Fabrication, alteration, or other manipulation of data; or

(F) Knowingly aiding in or inciting the academic dishonesty of another.

(G) Inappropriate collaboration on papers, exams, or other work.

(d) Academic dishonesty with respect to intellectual property includes but is not limited to theft, alteration, or destruction of the academic work of other members of the community, or of the educational resources, materials, or official documents of the University and is prohibited.

(2) Deliberate Acts of Dishonesty. In general, acts of dishonesty are prohibited. Such acts may include, but are not limited to:

(a) Furnishing false and/or misleading information to any University or community official, faculty member, administrative office, or conduct body;

(b) Forgery, alteration, and/or misuse of any University record, document, or instrument of identification;

(c) Bribery and/or coercion;

(d) Fraud and/or other misrepresentation.

(3) Animal Control

(a) The following animal-related behavior is prohibited:

(A) Inhumane or cruel treatment of animals on University premises;

(B) Bringing any animal inside a University Building, with the exception of guide or service animals approved by Disability Resources, or by special permission of the Director for Student Development and Support Services;

(C) Leaving an animal unattended on University premises, even when tethered;

(D) Leaving an animal in a closed vehicle on University premises.

(b) Additionally, resident students may not own or care for pets, other than fish in approved aquaria, in campus residence halls.

(4) Controlled Substances

(a) The unlawful use, abuse, sale, purchase, transfer, possession, manufacture, distribution, or dispensing of alcohol or other drugs on University property or as part of any University activity is prohibited.

(b) Use, possession, cultivation, manufacture, promotion, sale, and/or distribution of narcotics or other controlled substances, except as expressly permitted by law, is prohibited.

(c) Use and/or possession of prescription drugs prescribed to another is prohibited.

(d) The service of alcohol to and/or consumption by any person who is under the age of 21 or is intoxicated is prohibited.

(e) Public intoxication at any age is prohibited.

(f) Intoxication to the point of incapacitation at any age is prohibited.

(g) Common source containers of alcohol, such as kegs, are prohibited on campus except with prior written permission from the Vice President for Academic and Student Affairs.

(h) Alcohol and other drugs may not be consumed in the course of any class, laboratory, or other activity at which attendance is required as part of a student's course or degree requirements.

(5) Disorderly Conduct. Loud, aggressive, profane, abusive, drunken, and/or other behavior which disrupts or obstructs the orderly functioning of the University or disturbs the peace and/or comfort of person(s) on campus, on University owned or controlled property, or at University sponsored or

supervised functions is prohibited. Exhibiting behavior that creates a concern for harm to self or others, or behavior that suggests a serious problem which is detrimental to the University and University community is prohibited.

(6) Disruption, Obstruction, or Interference. Engaging in, or inciting others to engage in the disruption, obstruction, and/or interference with of any of the following is prohibited:

(a) University student conduct proceedings;

(b) Educational activities in classrooms (both physical and online), lecture halls, campus library, laboratories, computer laboratories, theatres, or any other place where education and teaching activities take place;

(c) Classroom expectations. Disruption, obstruction, or interference includes classroom behavior, which, in the judgment of the instructor, impedes other students' opportunity to learn and/or which interferes with class objectives. This provision includes University classes held on and off Southern Oregon University premises, including distance learning and online courses.

(d) Operations of Campus Public Safety, fire, police, emergency services, and/or residential life staff;

(e) Interference with campus safety instruments;

(f) Any student's ability to study, learn, and/or complete academic requirements including, but not limited to: destroying, preventing, and/or limiting access to information or records;

(g) Intentionally interfering with the freedom of expression of others on University premises or at University sponsored activities;

(h) University activities, including its public service functions, whether on- or off-campus, and other non-University activities which occur on University premises.

(7) Failure to Comply

(a) Failure to comply with University regulations, state and/or federal laws, and/or the directives of University and/or community officials while acting in their duties is prohibited.

(b) Failure to comply with the conditions of the Residential Life Housing Contract is prohibited.

(c) Failure to comply with University student conduct proceedings, including rules governing hearings procedures and sanctions imposed by University student conduct officials is prohibited.

(8) Gambling. Illegal gambling or wagering on University premises, or at any official function sponsored by the University is prohibited.

(9) Harassment, Discrimination, or other Abusive Behavior

(a) Physical or written/verbal abuse, threats, intimidation, harassment, coercion, 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 a 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) University Statement on Hate and Bias-motivated language: The University appreciates the complexity of defining language and actions that are not acceptable in a community which values freedom of expression. All members of the SOU community must be free to hold views that others may find distressing or offensive. However, freedom of expression does not include the right to intentionally and maliciously aggravate, intimidate, ridicule, or humiliate another person.

(10) Hazing. Any act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization is prohibited.

(11) Interference with Community Standards. Verbal or physical threats and/or intimidation of a person participating in a student conduct proceeding in any capacity is prohibited. Influencing or attempting to influence another person to commit an abuse of community standards is prohibited. Attempting to influence the impartiality of a member of a conduct body prior to, and/or during the course of, the conduct proceeding is prohibited. Failure to comply with the sanction(s) imposed under the Code is prohibited.

(12) Misuse of Emergency Equipment and Procedures

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(a) Tampering with, damage of, or intentional misuse of emergency devices or blocking of fire exits or other means of impeding traffic is prohibited.

(a) Use of fire escapes, ground level fire doors, fire hoses, extinguishers, and/or alarm equipment in non-emergency situations is prohibited.

(b) Failure to comply with fire drill procedures or emergency building evacuation is prohibited.

(c) Initiating a false report or warning, or the threat of fire, explosion, false fire alarm, or other emergency is prohibited.

## (13) Weapons & Destructive, Chemical, and/or Incendiary Devices

(a) On-campus use, possession, storage (unless authorized), or manufacture of the following is prohibited:

(A) Firearms or other devices capable of casting a projectile;

(B) Any weapon, device, instrument, material, or substance which is designed to, or may by use, inflict injury upon another person;

(C) Explosives, bombs, or other incendiary or destructive devices;

(D) Fireworks of any kind.

(b) Attempting, committing, or aiding the intentional commission of an act which results in a fire being ignited which causes damage, or is intended to cause damage, to the property of the University, to the property of another individual, or to personal property is prohibited.

(14) Noise. Activities in violation of established quiet hours in residence halls and academic buildings or which violate local, state or federal noise ordinances is prohibited.

(15) Obstruction. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised functions is prohibited.

(16) 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 is 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 or the same 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 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:

(A) Submission to such conduct is made a term or condition of employment or academic advancement (explicitly or implicitly).

(B) Submission or rejection to such conduct is used as a basis for employment or academic advancement decisions, or

(C) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or learning environment; or cre-

ating an intimidating, hostile or offensive work, academic, residential living, or any University-related environment.

(17) Smoking. Smoking, including but not limited to the use of smokeless products such as e-cigarettes and others, is prohibited:

(a) In any University building;

(b) Within 25 feet of any University building;

(c) In any University vehicle;

(d) In any other designated areas.

(18) 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 victims 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.

(19) Theft. Attempted or actual theft and/or damage to University property or property of students, other members of the University, or others legitimately using College property is prohibited.

(20) Vandalism or Unauthorized Use of Property. Unauthorized use and/or abuse of University property is prohibited. Such acts may include, but are not limited to:

(a) Alteration, duplication, and/or misuse of keys, University documents, or identification;

(b) Unauthorized entry into, or use of, University premises or equipment, including but not limited to camping, building a fire, or use of an unauthorized heating, cooking or electrical device.

(c) Damage, vandalism, misuse, or theft of University property, or the property of another person, group, or agency;

(d) Graffiti, which is defined as intentionally defacing public and/or private property, regardless of the purpose;

(e) Littering, which is defined as throwing, discarding, placing, or depositing items in University buildings or on University grounds, except in receptacles provided for such purposes.

(21) Unwelcome Use of Electronic Devices. Unwanted communication with another person using computers, email, cell phones, or any other digital device is prohibited. Abuse, misuse, and/or theft of computer data, equipment, and/or software, including unauthorized file-sharing and distribution of electronic materials is also prohibited.

(22) Violation of Local, State, or Federal Laws. Violation of local, state, or federal laws on or off University premises that may be reasonably expected to have a negative impact on the University or members of the University community in any form is prohibited.

(23) Violent, Threatening, Coercive, or Abusive Conduct. Examples of prohibited violence and abusive behavior include, but are not limited to, the following:

(a) Slapping, punching, or otherwise physically attacking a person;

(b) A direct or implied threat of harm or hostile behavior that creates a reasonable fear of injury to another person or unreasonably subjects another individual to emotional distress;

(c) Brandishing a weapon or an object which appears to be a weapon in a threatening manner;

(d) Intimidating, threatening, or directing abusive language toward another person;

(e) Intentionally damaging University property and/or the property of a member of the SOU community or a visitor;

(f) Committing acts motivated by and/or related to racial or sexual harassment or domestic violence;

(g) Retaliation and/or harassment against a person making a report in good faith.

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Stats. Implemented: ORS 351.070

Hist.: SOU 2-2009, f. 8-5-09 cert. ef. 8-7-09; SOU 3-2011, f. & cert. ef. 6-13-11; SOU 2-2013, f. & cert. ef. 6-20-13; SOU 2-2014, f. & cert. ef. 6-4-14



# ADMINISTRATIVE RULES

## Public Utility Commission Chapter 860

**Rule Caption:** In the Matter of a Rulemaking Regarding Due Dates For Certain Energy Utility Reports

**Adm. Order No.:** PUC 4-2014

**Filed with Sec. of State:** 5-28-2014

**Certified to be Effective:** 5-28-14

**Notice Publication Date:** 3-1-2014

**Rules Amended:** 860-027-0005, 860-027-0015, 860-027-0045, 860-027-0070

**Subject:** These rule changes update due dates for certain energy utility reports per 2013 HB 2266.

**Rules Coordinator:** Cheryl Walker—(503) 378-2849

### 860-027-0005

#### Utilities Required to File Reports

Each energy utility operating within Oregon and having gross operating revenues of \$50,000 or more per annum is required to file with the Commission on or before March 31 of each year, a copy of its proposed Budget of Expenditures, on forms approved by the Commission.

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.105 & 757.105

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 9-1998, f. & cert. ef. 4-28-98; PUC 16-2001, f. & cert. ef. 6-21-01; PUC 12-2007, f. & cert. ef. 10-31-07; PUC 4-2014, f. & cert. ef. 5-28-14

### 860-027-0015

#### New Construction Budget

Each energy utility operating within Oregon is required to file annually on or before March 31 on forms approved by the Commission information on new construction, extensions, and additions to the utility's property.

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.105 & 757.105

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 9-1998, f. & cert. ef. 4-28-98; PUC 16-2001, f. & cert. ef. 6-21-01; PUC 12-2002, f. & cert. ef. 3-12-02; PUC 2-2013, f. & cert. ef. 3-21-13; PUC 4-2014, f. & cert. ef. 5-28-14

### 860-027-0045

#### Uniform System of Accounts for Electric Utilities — Major and Nonmajor

(1) The Uniform System of Accounts prescribed for Public Utilities and Licensees, Part 101, Chapter 1, 18 Code of Federal Regulations (April 1, 2013, edition) is hereby adopted and prescribed by the Commission for each electric company.

(2) Each electric company having multistate operations must maintain records in such detail that the cost of property located in and business done in Oregon in accordance with geographic boundaries can be readily ascertained.

(3) Each electric company having multistate operations must file annually its Oregon allocated results of operations using allocation methods acceptable to the Commission. The results of operations report must be filed with the Commission on or before May 1 of each year.

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.105, 757.120, 757.125 & 757.135

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 5-1985, f. & ef. 4-24-85 (Order No. 85-355); PUC 3-1992, f. & cert. ef. 2-14-92 (Order No. 92-246); PUC 9-2001, f. & cert. ef. 3-21-01; PUC 19-2001, f. & cert. ef. 6-21-01; PUC 7-2005, f. & cert. ef. 11-30-05; PUC 4-2014, f. & cert. ef. 5-28-14

### 860-027-0070

#### Annual Report Requirements for Electric, Gas, Steam Heat, and Large Telecommunications Utilities

(1) Annual Reports must be submitted by electric, gas, and steam heat utilities. The report must be submitted on or before May 1, using the most current forms approved by the Commission. For energy utilities, the annual reports include but are not limited to the FERC 1 (including the Oregon Supplement) or the FERC 2 (including the Oregon Supplement), and the Results of Operations.

(2) Annual Reports will be submitted by large telecommunications utilities. The report Form O for the previous calendar year shall be submitted on or before April 1, using the most current forms approved by the Commission. The report Form I for the previous calendar year shall be submitted on or before October 31 using the most current forms approved by the Commission.

[ED. NOTE: Forms referenced are available from the Agency.]

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

Stats. Implemented: ORS 756.040, 756.105, 757.120, 757.125, 757.135 & 759.225

Hist.: PUC 164, f. 4-18-74, ef. 5-11-74 (Order No. 74-307); PUC 9-1985, f. & ef. 6-25-85 (Order No. 85-574); PUC 3-1995, f. & cert. ef. 6-19-95 (Order No. 95-516); PUC 13-1997, f. & cert. ef. 11-12-97; PUC 2-1998, f. & cert. ef. 2-24-98; PUC 3-1999, f. & cert. ef. 8-10-99; PUC 19-2000, f. & cert. ef. 12-28-00; PUC 16-2001, f. & cert. ef. 6-21-01; PUC 4-2014, f. & cert. ef. 5-28-14

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## Public Utility Commission, Board of Maritime Pilots Chapter 856

**Rule Caption:** Training rule amendments for the Columbia-Willamette River pilotage ground.

**Adm. Order No.:** BMP 2-2014(Temp)

**Filed with Sec. of State:** 5-23-2014

**Certified to be Effective:** 5-23-14 thru 11-19-14

**Notice Publication Date:**

**Rules Amended:** 856-010-0010, 856-010-0011, 856-010-0012

**Subject:** Training rules for the Columbia-Willamette River pilotage ground are being amended to address changes in traffic patterns. This has resulted in a need to redistribute some of the requirements across various stages of the program in order to make sure the trainees are able to meet the requirements.

**Rules Coordinator:** Susan Johnson—(971) 673-1530

### 856-010-0010

#### Original Licensing Requirements

In addition to the qualifications required for licensing of pilots under ORS 776, the applicant shall:

(1) Present an application in writing to the administrator of the board on the form provided by the board for the pilotage ground for which the applicant intends to become licensed. The application shall be filed not less than 30 days prior to appearance before the board for a written examination and may be supplemented at any time until the examination is taken. The board shall consider the application and upon approval, the written examination will be scheduled. The examination shall be proctored by the board's administrator. The examination for each pilotage ground shall be prepared by the board with the assistance of the board's licensed training organization for that pilotage ground. The examination will test for skill and knowledge of those factors identified in ORS 776.035(2) and 776.325(1)(b). The examination will be graded by the board member from the pilotage ground for which the applicant is seeking a license. If requested by the training course monitor, up to two additional pilots selected by the training course monitor and approved by the board may participate with the board member in grading the exam. The examination will be pass/fail.

(2) Accompany the application with a photocopy of a U.S. Coast Guard physical examination report and signed by an Oregon or Washington licensed physician verifying that the applicant meets the physical, medical and mental criteria required to qualify for a federal pilot's license.

(a) If the examining physician determines that the applicant is not competent to perform the duties of a pilot, the applicant is not then medically eligible to receive a license from the board.

(b) If the examining physician determines that the applicant is competent to perform the duties of a pilot, or if the examining physician determines that the applicant's physical, medical or mental condition is in need of further review, then the applicant is then considered medically eligible to receive a license from the board, subject to any later review and conclusion by the U.S. Coast Guard that the applicant is not competent for continued federal licensure as a pilot

(c) If the U.S. Coast Guard undertakes further medical review of an applicant's physical, medical or mental competency, either upon recommendation by the examining physician or otherwise, then the applicant shall report to the board at least every 30 days regarding the status of such further review. If, at the conclusion of such review process, the U.S. Coast Guard declines to approve the applicant for continued federal licensure as a pilot, the applicant shall immediately notify the board and the board will treat the decision as a suspension of the applicant's federal license. Any license issued by the board shall be automatically suspended as of the date the board receives notice of the U.S. Coast Guard's decision, notwithstanding any appeal that may be taken from such decision. If the Coast Guard concludes its review by issuing a waiver to the applicant, the terms of the waiver shall be immediately reported to the board, and the license issued by the board shall become subject to the terms of the waiver issued by the Coast Guard.

(3) Have actual experience as a pilot handling ships over the pilotage ground for which a state license is sought and state in the application the

# ADMINISTRATIVE RULES

names of ships piloted, dates, draft, gross tonnage, and length over all, as specified in (but not limited to) (4), (5), (6) and/or (7) in this section, and:

(a) Hold a valid license as Master endorsed for Radar Observer issued by the U.S. Coast Guard;

(b) Hold an unlimited federal pilot's endorsement for the ground for which a state license is sought; and

(c) Have served at least two years as Master aboard vessels, or when applying for a license over the Columbia and Willamette River pilotage ground, have completed a program of apprenticeship training which has been approved by the Board.

(4) In addition to the requirements in OAR 856-010-0010(1), (2), (3), to qualify for a Grade "C" license over the Columbia and Willamette River pilotage ground, the applicant shall, prior to taking the board's examination required under section (1) above:

(a) Have served at least 730 active working days as captain of towing vessels on the Columbia River and its tributaries, or have completed a program of apprenticeship training which has been approved by the Board, as specified in OAR 856-010-0014;

(b) Complete at least six trips under the supervision of an unlimited state-licensed pilot while on the bridge of a ship of not less than 500 feet length over-all (L.O.A.) through the bridges in the upper harbor in Portland, up to and including the Broadway Bridge, which shall be made with and without the aid of a tug or towboat, including at least one trip in each direction. The training course monitor may defer satisfaction of the requirement for trips through the Broadway Bridge if insufficient training trip opportunities through that bridge are available, provided that any license issued without fully satisfying this subsection will be restricted to below the Broadway Bridge until the requirements of this subsection are fully satisfied, and provided further than the holder of such a restricted license must complete the requirements at the earliest opportunity training trips through the Broadway Bridge are available;

(c) Complete at least 110 transits while on the bridge of a ship of not less than 500 feet L.O.A. within the 270 days preceding the examination, with at least 70 of these transits made under the supervision of an unlimited state-licensed pilot and at least 80 of the transits completed within 150 days after the first transit is completed;

(d) When combining trip segments to establish a transit, each trip segment may be used only once;

(e) Complete at least six trips under the supervision of an unlimited state-licensed pilot within the 270 days preceding the examination while on the bridge of a ship of not less than 500 feet L.O.A. in a combination of the following directions, with at least three trips in each direction:

(A) From the Willamette River, turning east (upstream) into the Columbia River; and

(B) From the Columbia River upstream of the mouth of the Willamette River, turning south into the Willamette River.

(f) Complete at least 10 trips in either direction between Astoria and Longview or Kalama under the supervision of an unlimited state-licensed pilot.

(g) Complete at least 4 trips from dock to dock or anchor to dock while on ships not less than 500 feet L.O.A. while under the supervision of an unlimited state-licensed pilot, with each such trip requiring a 180 degree turn before docking.

(h) Train at least 25 additional days as directed by the training course monitor, with assignments chosen at the discretion of the training course monitor that may include, but need not be limited to, shipboard training, electronic navigation training, manned model training, attendance at meetings with maritime-related governmental agencies or exposure to maritime related administrative activities.

(i) Present recommendations from the training course monitor and from at least ten unlimited state-licensed pilots who participated in the training, certifying that the applicant has demonstrated sufficient knowledge and shiphandling skills to pilot ocean-going ships up to 600 feet L.O.A. on the pilotage ground.

(5) When applying for a license on the Coos Bay bar pilotage ground, the applicant shall:

(a) Hold a valid license as Master endorsed for Radar Observer issued by the U.S. Coast Guard and shall have served at least two years as Master aboard vessels;

(b) Obtain an unlimited federal pilot's endorsement for the Coos Bay bar pilotage ground;

(c) Complete at least one hundred (100) crossings of the Coos Bay bar while under the supervision of an unlimited state-licensed Coos Bay bar pilot, with at least ten crossings with each unlimited state-licensed Coos

Bay bar pilot and with at least 25 of the bar crossings completed during hours of darkness;

(d) Dock and undock at least 25 ships under the supervision of an unlimited state-licensed pilot;

(e) Make at least 25 trips through each of the bridges; and

(f) Submit letters from each of the Coos Bay bar pilots who have supervised the training of the applicant, certifying that the applicant has demonstrated local knowledge of the pilotage ground and shiphandling skills sufficient to pilot ocean-going ships on the pilotage ground.

(6) When applying for a license on the Yaquina Bay bar pilotage ground the applicant shall:

(a) Hold a valid license as Master endorsed for Radar Observer issued by the U.S. Coast Guard and shall have served at least two years as Master aboard vessels;

(b) Obtain an unlimited federal pilot's endorsement for the Yaquina Bay bar pilotage ground;

(c) Complete at least one hundred (100) crossings of the Yaquina Bay bar while under the supervision of an unlimited state-licensed Yaquina Bay bar pilot, or after completing two years of piloting with a state license in Coos Bay, the number of bar crossings at Yaquina Bay may be reduced to 12, with at least one such crossing with each unlimited state-licensed Yaquina Bay bar pilot and with at least twenty-five percent (25%) of the bar crossings completed during the hours of darkness;

(d) Dock and undock at least 25 ships under the supervision of an unlimited state-licensed Yaquina Bay bar pilot, or after completing two years of piloting with a state license in Coos Bay, the number of dockings and undockings may be reduced to 12;

(e) Make at least twenty-five (25) trips through the bridge, or after completing two years of piloting with a state license in Coos Bay, the number of trips may be reduced to 12; and

(f) Submit letters from each of the Yaquina Bay bar pilots who have supervised training of the applicant, certifying that the applicant has demonstrated local knowledge of the pilotage ground and shiphandling skills sufficient to pilot ocean-going ships on the pilotage ground.

(7) When applying for an original license on the Columbia River bar pilotage ground the applicant shall:

(a) Hold a valid license issued by the U.S. Coast Guard as "Unlimited Master any oceans — any tonnage", endorsed for Radar Observer;

(b) Have served at least two years as Master of an offshore merchant ship of 5,000 gross tons or more, certified by Certificates of Discharge or Continuous Discharge Book;

(c) Obtain a federal pilot's endorsement for the Columbia River bar pilotage ground, after which a minimum of one hundred (100) crossings of the Columbia River bar shall be made under the supervision of an unlimited state-licensed pilot, and make crossings with at least five unlimited state-licensed Columbia River bar pilots;

(d) Be on board a minimum of ten ships docking or undocking from the Astoria Port Docks, Tongue Point, and other facilities;

(e) Make approximately twenty-five percent (25%) of the crossings of the Columbia River bar during the hours of darkness.

Stat. Auth.: ORS 776, 670

Stats. Implemented: ORS 776.115, 670.310

Hist.: PC 1, f. 10-29-57, ef. 7-1-57; PC 7, f. 6-13-73, ef. 7-15-73; MP 2-1984, f. & ef. 10-4-84; MP 3-1988, f. & cert. ef. 11-9-88; MP 1-1992, f. & cert. ef. 4-29-92; MP 3-1995, f. & cert. ef. 3-16-95; MP 1-1996, f. & cert. ef. 5-9-96; BMP 2-1999, f. & cert. ef. 6-24-99; BMP 3-2001, f. & cert. ef. 10-30-01; BMP 1-2003, f. & cert. ef. 2-26-03; BMP 3-2006, f. 9-29-06, cert. ef. 10-1-06; BMP 1-2007, f. 1-25-07, cert. ef. 1-26-07; BMP 2-2007, f. & cert. ef. 5-22-07; BMP 4-2008, f. & cert. ef. 1-24-08; BMP 2-2009, f. 6-19-09, cert. ef. 6-23-09; BMP 4-2009, f. & cert. ef. 8-5-09; BMP 4-2011, f. 6-28-11, cert. ef. 6-29-11; BMP 5-2011, f. 6-28-11, cert. ef. 6-29-11; BMP 2-2014(Temp), f. & cert. ef. 5-23-14 thru 11-19-14

## 856-010-0011

### Restrictions on Licenses

After receiving an original license the following restrictions shall apply:

(1) Columbia and Willamette River Grade "C" and Grade "B" license holders shall not pilot vessels with a draft of 38 feet or greater. Columbia and Willamette River Grade "A" license holders shall not pilot vessels with a draft of 40 feet or greater. Columbia and Willamette River Grade "C", "B" and "A" license holders shall not pilot tankers.

(2) Columbia and Willamette River license holders shall not pilot any vessel through or above the Broadway Bridge in the upper harbor of Portland until the licensee has completed the requirements of OAR 856-010-0010(4)(b) for the Broadway Bridge.

(3) Except for Columbia River bar pilots who have a minimum of two years' experience on tankers as Master or pilot, no Columbia River bar pilot shall pilot a loaded tanker during the first two years as a licensee.

# ADMINISTRATIVE RULES

(4) Coos Bay bar pilots shall not move any ship exceeding 40,000 gross tons, or exceeding 700 feet in length, or exceeding 106 feet of beam, or any ship exceeding 300 feet in length with the wheelhouse forward of amidships, during the first two years as a licensee.

(5) Coos Bay bar pilots shall not move loaded tankers during the first two years as a licensee, nor shall Coos Bay bar pilots move any ship exceeding 23,000 gross tons through the bridges during the first two years as a licensee.

(6) Yaquina Bay bar pilots shall not move any ship exceeding 23,000 gross tons, or any ship exceeding 300 feet in length with the wheelhouse forward of amidships, during the first two years as a licensee.

(7) Yaquina Bay bar pilots shall not move loaded tankers during the first two years as a licensee.

(8) The Board may, upon application by the licensee, recognize any combination of master's tanker and pilot's experience to equal any time period required by this rule.

Stat. Auth.: ORS 670 & 776

Stats. Implemented: ORS 776.115 & 670.310

Hist.: MP 1-1992, f. & cert. ef. 4-29-92; MP 1-1996, f. & cert. ef. 5-9-96; BMP 1-2007, f. 1-25-07, cert. ef. 1-26-07; BMP 4-2011, f. 6-28-11, cert. ef. 6-29-11; BMP 2-2014(Temp), f. & cert. ef. 5-23-14 thru 11-19-14

## 856-010-0012

### Degrees of Licenses for the Columbia and Willamette River Pilotage Ground

(1) Grade "C" License: The initial license issued by the Board to a pilot for the Columbia and Willamette River pilotage ground shall only authorize the pilot to pilot vessels under 600 feet length over-all (L.O.A.).

(2) To obtain a Grade "B" License while holding a Grade "C" License: In order to obtain authority from the Board to pilot vessels from and including 600 feet L.O.A. up to 700 feet L.O.A. on the Columbia and Willamette River pilotage ground, an applicant must meet the following requirements:

(a) Complete at least 180 days service on the pilotage ground while holding a Grade "C" license;

(b) Complete at least 30 transits on the pilotage ground piloting ships of between 300 and 600 feet L.O.A.;

(c) Complete at least 25 transits on ships 600 feet L.O.A. or greater under the supervision of a minimum of ten different pilots, at least six of whom have held unlimited state licenses for at least 5 years;

(d) Complete at least 5 trips in either direction between Astoria and either Longview or Kalama on ships 600 feet L.O.A. or greater under the supervision of an unlimited state-licensed pilot;

(e) Make at least 6 trips under the supervision of unlimited state-licensed pilots while on the bridge of ships not less than 500 feet L.O.A., with at least 3 trips in each of the following directions:

(A) From the Willamette River, turning east (upstream) into the Columbia River; and

(B) From the Columbia River upstream of the mouth of the Willamette River, turning south (upstream) into the Willamette River;

(f) Complete at least 2 trips from dock to dock or anchor to dock while on ships not less than 600 feet L.O.A. while under the supervision of an unlimited state-licensed pilot, with each such trip requiring a 180 degree turn before docking;

(g) Present recommendations from the training course monitor and from at least ten pilots holding unlimited state licenses who participated in the training, certifying that the applicant has sufficient knowledge and shiphandling skills to pilot vessels from and including 600 feet L.O.A. up to 700 feet L.O.A.; and

(h) The requirements specified in subsections (b), (c), (d), (e), and (f) of this section must have been met during the 180 days preceding application for authority to pilot vessels from and including 600 feet L.O.A. up to 700 feet L.O.A.; and

(i) When the foregoing requirements are met, the Board shall issue a license to the applicant authorizing the applicant to pilot vessels which are less than 700 feet L.O.A., except that the applicant shall not pilot tankers, or vessels with a draft of 38 feet or greater, on the pilotage ground.

(3) To obtain a Grade "A" License while holding a Grade "B" License: In order to obtain authority from the Board to pilot vessels from and including 700 feet L.O.A. up to 800 feet L.O.A. on the Columbia and Willamette River pilotage ground, an applicant must meet the following requirements:

(a) Complete at least 270 days service on the pilotage ground while holding a Grade "B" license;

(b) Complete at least 40 transits piloting ships of between 300 and 700 feet L.O.A. as a state-licensed pilot;

(c) Complete at least 20 transits on ships 700 feet L.O.A. or greater while under the supervision of at least ten unlimited state-licensed pilots;

(d) Complete 2 trips from dock to dock or from an anchorage to a dock under the supervision of unlimited state-licensed pilots while on ships

700 feet L.O.A. or greater, with each trip including a 180 degree turn before docking;

(e) Make at least 4 trips under the supervision of unlimited state-licensed pilots within the 270 days preceding the application while on the bridge of a ship 700 feet L.O.A. or greater, with trips in each of the following directions:

(A) At least 3 trips from the Willamette River, turning east (upstream) into the Columbia River; and

(B) At least 3 trips from the Columbia River upstream of the mouth of the Willamette River, turning south (upstream) into the Willamette River;

(f) Train at least 5 additional days as directed by the training course monitor, with assignments chosen at the discretion of the training course monitor;

(g) Present recommendations from the training course monitor and from at least ten unlimited pilots who participated in the training, certifying that the applicant has sufficient knowledge and shiphandling skills to pilot vessels from and including 700 feet L.O.A. up to 800 feet L.O.A. on the pilotage ground;

(h) The requirements specified in subsections (b), (c), (d), (e) and (f) of this section must have been met during the 270 days preceding application for authority to pilot vessels from and including 700 feet L.O.A. up to 800 feet L.O.A.; and

(i) When the foregoing requirements are met, the Board shall issue a license to the applicant authorizing the applicant to pilot vessels which are less than 800 feet L.O.A. on the pilotage ground, except that the applicant shall not pilot tankers, or vessels with a draft of 40 feet or greater.

(4) To obtain an Unlimited License while holding a Grade "A" License: In order to obtain authority from the Board to pilot vessels on the Columbia and Willamette River pilotage ground without any limitation on the length and draft of the vessels, including tankers and vessels with a draft of 40 feet or greater, an applicant must meet the following requirements:

(a) Complete at least 180 days service on the pilotage ground while holding a Grade "A" license;

(b) Complete at least 30 transits on ships of between 300 and 800 feet L.O.A. during the 180 days preceding application for an unlimited license;

(c) Train at least 10 additional days as directed by the training course monitor, with assignments chosen at the discretion of the training course monitor;

(d) While holding a Grade "B" or Grade "A" license, complete at least ten transits on ships greater than 800 feet L.O.A. while under the supervision of ten different unlimited pilots. Five of these transits must be supervised by pilots with not less than five years' experience as unlimited state-licensed pilots;

(e) Present recommendations from the training course monitor and from at least ten unlimited pilots who participated in training, certifying that the applicant has sufficient knowledge and shiphandling skills to pilot vessels 800 feet L.O.A. or greater on the pilotage ground;

(f) While holding a Grade "B" or Grade "A" license, complete at least 12 transits on tankers (including at least nine transits on loaded tankers) while under the supervision of at least six different state-licensed pilots with not less than five years' experience as unlimited state-licensed pilots;

(g) Present recommendations from the training course monitor and from at least six pilots who participated in training on tankers, certifying that the applicant has sufficient knowledge and shiphandling skills to pilot tankers on the pilotage ground and understands the risks and hazards peculiar to piloting tankers on the pilotage ground;

(h) While holding a Grade "B" or a Grade "A" license, complete at least twelve transits on ships with drafts of 40 feet or greater while under the supervision of at least six different state-licensed pilots with not less than five years' experience as unlimited state-licensed pilots;

(i) Present recommendations from the training course monitor and from at least six unlimited pilots who participated in training on vessels with drafts 40 feet or greater, certifying that the applicant has sufficient knowledge and shiphandling skills to pilot vessels with drafts 40 feet or greater;

(j) Provide proof of completion of a United States Coast Guard approved course in automatic radar plotting aids (ARPA).

(k) When the foregoing requirements are met, the Board shall issue an unlimited license to the applicant authorizing the applicant to pilot vessels of any length and draft, including tankers, on the pilotage ground.

(5) Each grade of license will be valid for one year. No license except an unlimited license may be renewed.

Stat. Auth.: ORS 776, 670

Stats. Implemented: ORS 776.115, 670.310

Hist.: MP 2-1985, f. & cert. ef. 6-7-85; MP 3-1988, f. & cert. ef. 11-9-88; MP 1-1992, f. & cert. ef. 4-29-92; BMP 3-2001, f. & cert. ef. 10-30-01; BMP 1-2005, f. & cert. ef. 11-29-05; BMP 1-2007, f. 1-25-07, cert. ef. 1-26-07; BMP 4-2008, f. & cert. ef. 1-24-08; BMP 5-2011, f. 6-28-11, cert. ef. 6-29-11; BMP 2-2014(Temp), f. & cert. ef. 5-23-14 thru 11-19-14



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111-020-0001	12-27-2013	Amend	2-1-2014	123-043-0041	6-1-2014	Amend	7-1-2014
111-020-0001(T)	12-27-2013	Repeal	2-1-2014	123-043-0055	1-1-2014	Amend	2-1-2014
111-020-0005	12-27-2013	Amend	2-1-2014	123-043-0075	1-1-2014	Amend	2-1-2014
111-020-0005(T)	12-27-2013	Repeal	2-1-2014	123-043-0102	1-1-2014	Amend	2-1-2014
111-020-0010	12-27-2013	Adopt	2-1-2014	123-043-0115	1-1-2014	Amend	2-1-2014
111-020-0010(T)	12-27-2013	Repeal	2-1-2014	123-051-0100	1-1-2014	Adopt	2-1-2014
111-030-0050	12-27-2013	Amend	2-1-2014	123-051-0200	1-1-2014	Adopt	2-1-2014
111-030-0050(T)	12-27-2013	Repeal	2-1-2014	123-051-0300	1-1-2014	Adopt	2-1-2014
111-040-0001	12-27-2013	Amend(T)	2-1-2014	123-051-0400	1-1-2014	Adopt	2-1-2014
111-040-0001	3-7-2014	Amend	4-1-2014	123-051-0500	1-1-2014	Adopt	2-1-2014
111-040-0001(T)	3-7-2014	Repeal	4-1-2014	123-051-0600	1-1-2014	Adopt	2-1-2014
111-040-0005	12-27-2013	Amend(T)	2-1-2014	123-051-0700	1-1-2014	Adopt	2-1-2014
111-040-0005	3-7-2014	Amend	4-1-2014	123-051-0800	1-1-2014	Adopt	2-1-2014
111-040-0005(T)	3-7-2014	Repeal	4-1-2014	123-051-0900	1-1-2014	Adopt	2-1-2014
111-040-0010	12-27-2013	Amend(T)	2-1-2014	123-051-1000	1-1-2014	Adopt	2-1-2014
111-040-0010	3-7-2014	Amend	4-1-2014	123-051-1100	1-1-2014	Adopt	2-1-2014
111-040-0010(T)	3-7-2014	Repeal	4-1-2014	123-051-1200	1-1-2014	Adopt	2-1-2014
111-040-0011	12-27-2013	Amend(T)	2-1-2014	123-052-0010	4-1-2014	Adopt(T)	5-1-2014
111-040-0011	3-7-2014	Amend	4-1-2014	123-052-0020	4-1-2014	Adopt(T)	5-1-2014
111-040-0011(T)	3-7-2014	Repeal	4-1-2014	123-052-0030	4-1-2014	Adopt(T)	5-1-2014
111-040-0015	12-27-2013	Amend(T)	2-1-2014	123-052-0040	4-1-2014	Adopt(T)	5-1-2014
111-040-0015	3-7-2014	Amend	4-1-2014	123-052-0050	4-1-2014	Adopt(T)	5-1-2014
111-040-0015(T)	3-7-2014	Repeal	4-1-2014	123-052-0060	4-1-2014	Adopt(T)	5-1-2014
111-040-0025	12-27-2013	Amend(T)	2-1-2014	123-052-0070	4-1-2014	Adopt(T)	5-1-2014
111-040-0025	3-7-2014	Amend	4-1-2014	123-052-0080	4-1-2014	Adopt(T)	5-1-2014
111-040-0025(T)	3-7-2014	Repeal	4-1-2014	123-052-0090	4-1-2014	Adopt(T)	5-1-2014
111-040-0030	12-27-2013	Amend(T)	2-1-2014	123-052-0100	4-1-2014	Adopt(T)	5-1-2014
111-040-0030	3-7-2014	Amend	4-1-2014	123-052-0110	4-1-2014	Adopt(T)	5-1-2014
111-040-0030(T)	3-7-2014	Repeal	4-1-2014	123-052-0120	4-1-2014	Adopt(T)	5-1-2014
111-040-0040	12-27-2013	Amend(T)	2-1-2014	123-052-0130	4-1-2014	Adopt(T)	5-1-2014
111-040-0040	3-7-2014	Amend	4-1-2014	123-052-0140	4-1-2014	Adopt(T)	5-1-2014
111-040-0040(T)	3-7-2014	Repeal	4-1-2014	123-052-0150	4-1-2014	Adopt(T)	5-1-2014
111-040-0050	12-27-2013	Amend(T)	2-1-2014	123-061-0010	5-1-2014	Adopt	6-1-2014
111-040-0050	3-7-2014	Amend	4-1-2014	123-061-0020	5-1-2014	Adopt	6-1-2014
111-040-0050(T)	3-7-2014	Repeal	4-1-2014	123-061-0030	5-1-2014	Adopt	6-1-2014
115-025-0005	3-14-2014	Amend(T)	4-1-2014	123-061-0035	5-1-2014	Adopt	6-1-2014
115-025-0010	3-14-2014	Amend(T)	4-1-2014	123-061-0040	5-1-2014	Adopt	6-1-2014

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123-095-0000	12-1-2013	Amend	1-1-2014	123-630-0110	4-1-2014	Adopt	5-1-2014
123-095-0000(T)	12-1-2013	Repeal	1-1-2014	125-015-0200	4-9-2014	Adopt	5-1-2014
123-095-0010	12-1-2013	Amend	1-1-2014	125-015-0200(T)	4-9-2014	Repeal	5-1-2014
123-095-0010(T)	12-1-2013	Repeal	1-1-2014	125-045-0235	1-1-2014	Amend	2-1-2014
123-095-0020	12-1-2013	Repeal	1-1-2014	125-055-0100	1-1-2014	Amend	2-1-2014
123-095-0030	12-1-2013	Amend	1-1-2014	125-055-0105	1-1-2014	Amend	2-1-2014
123-095-0030(T)	12-1-2013	Repeal	1-1-2014	125-055-0115	1-1-2014	Amend	2-1-2014
123-095-0035	12-1-2013	Adopt	1-1-2014	125-055-0120	1-1-2014	Amend	2-1-2014
123-095-0035(T)	12-1-2013	Repeal	1-1-2014	125-055-0125	1-1-2014	Amend	2-1-2014
123-095-0040	12-1-2013	Amend	1-1-2014	125-055-0130	1-1-2014	Amend	2-1-2014
123-095-0040(T)	12-1-2013	Repeal	1-1-2014	125-246-0100	1-1-2014	Amend	2-1-2014
123-097-0100	5-1-2014	Adopt	6-1-2014	125-246-0110	1-1-2014	Amend	2-1-2014
123-097-0200	5-1-2014	Adopt	6-1-2014	125-246-0130	1-1-2014	Amend	2-1-2014
123-097-0500	5-1-2014	Adopt	6-1-2014	125-246-0165	1-1-2014	Amend	2-1-2014
123-097-1000	5-1-2014	Adopt	6-1-2014	125-246-0170	1-1-2014	Amend	2-1-2014
123-097-1500	5-1-2014	Adopt	6-1-2014	125-246-0350	1-1-2014	Amend	2-1-2014
123-097-2000	5-1-2014	Adopt	6-1-2014	125-246-0360	1-1-2014	Amend	2-1-2014
123-097-2200	5-1-2014	Adopt	6-1-2014	125-246-0400	1-1-2014	Amend	2-1-2014
123-097-2500	5-1-2014	Adopt	6-1-2014	125-246-0500	1-1-2014	Amend	2-1-2014
123-097-2600	5-1-2014	Adopt	6-1-2014	125-246-0556	1-1-2014	Amend	2-1-2014
123-097-3000	5-1-2014	Adopt	6-1-2014	125-246-0570	1-1-2014	Amend	2-1-2014
123-097-3500	5-1-2014	Adopt	6-1-2014	125-246-0900	1-1-2014	Amend	2-1-2014
123-097-3600	5-1-2014	Adopt	6-1-2014	125-247-0170	1-1-2014	Amend	2-1-2014
123-097-3700	5-1-2014	Adopt	6-1-2014	125-247-0200	1-1-2014	Amend	2-1-2014
123-097-4000	5-1-2014	Adopt	6-1-2014	125-247-0265	1-1-2014	Amend	2-1-2014
123-097-4500	5-1-2014	Adopt	6-1-2014	125-247-0270	1-1-2014	Amend	2-1-2014
123-097-4800	5-1-2014	Adopt	6-1-2014	125-247-0805	1-1-2014	Amend	2-1-2014
123-098-0010	5-1-2014	Adopt	6-1-2014	125-248-0130	1-1-2014	Amend	2-1-2014
123-098-0020	5-1-2014	Adopt	6-1-2014	125-700-0010	5-1-2014	Amend	6-1-2014
123-098-0030	5-1-2014	Adopt	6-1-2014	125-700-0015	5-1-2014	Amend	6-1-2014
123-098-0040	5-1-2014	Adopt	6-1-2014	125-700-0120	5-1-2014	Repeal	6-1-2014
123-098-0050	5-1-2014	Adopt	6-1-2014	125-700-0125	5-1-2014	Amend	6-1-2014
123-098-0060	5-1-2014	Adopt	6-1-2014	125-700-0130	5-1-2014	Repeal	6-1-2014
123-098-0070	5-1-2014	Adopt	6-1-2014	125-700-0135	5-1-2014	Amend	6-1-2014
123-630-0000	4-1-2014	Amend	5-1-2014	125-700-0140	5-1-2014	Amend	6-1-2014
123-630-0000(T)	4-1-2014	Repeal	5-1-2014	125-700-0145	5-1-2014	Amend	6-1-2014
123-630-0010	4-1-2014	Amend	5-1-2014	125-700-0150	5-1-2014	Amend	6-1-2014
123-630-0010(T)	4-1-2014	Repeal	5-1-2014	125-700-0155	5-1-2014	Amend	6-1-2014
123-630-0020	4-1-2014	Amend	5-1-2014	137-003-0505	2-1-2014	Amend(T)	3-1-2014
123-630-0020(T)	4-1-2014	Repeal	5-1-2014	137-003-0505	4-1-2014	Amend	5-1-2014
123-630-0030	4-1-2014	Amend	5-1-2014	137-003-0505(T)	4-1-2014	Repeal	5-1-2014
123-630-0030(T)	4-1-2014	Repeal	5-1-2014	137-003-0640	2-1-2014	Amend(T)	3-1-2014
123-630-0040	4-1-2014	Amend	5-1-2014	137-003-0640	4-1-2014	Amend	5-1-2014
123-630-0040(T)	4-1-2014	Repeal	5-1-2014	137-003-0640(T)	4-1-2014	Repeal	5-1-2014
123-630-0050	4-1-2014	Amend	5-1-2014	137-050-0710	5-22-2014	Amend	7-1-2014
123-630-0050(T)	4-1-2014	Repeal	5-1-2014	137-050-0735	5-22-2014	Amend	7-1-2014
123-630-0060	4-1-2014	Amend	5-1-2014	137-050-0740	5-22-2014	Amend	7-1-2014
123-630-0060(T)	4-1-2014	Repeal	5-1-2014	137-050-0745	5-22-2014	Amend	7-1-2014
123-630-0070	4-1-2014	Amend	5-1-2014	137-050-0755	5-22-2014	Amend	7-1-2014
123-630-0070(T)	4-1-2014	Repeal	5-1-2014	137-055-1100	4-1-2014	Amend	5-1-2014
123-630-0080	4-1-2014	Amend	5-1-2014	137-055-2045	5-22-2014	Amend	7-1-2014
123-630-0080(T)	4-1-2014	Repeal	5-1-2014	137-055-2170	1-13-2014	Amend(T)	2-1-2014
123-630-0090	4-1-2014	Amend	5-1-2014	137-055-2170	5-22-2014	Amend	7-1-2014
123-630-0090(T)	4-1-2014	Repeal	5-1-2014	137-055-2170(T)	5-22-2014	Repeal	7-1-2014
123-630-0100	4-1-2014	Amend	5-1-2014	137-055-3300	4-1-2014	Amend	5-1-2014
123-630-0100(T)	4-1-2014	Repeal	5-1-2014	137-055-3360	4-1-2014	Amend	5-1-2014

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137-055-3420	5-22-2014	Amend	7-1-2014	141-040-0214	2-1-2014	Amend	2-1-2014
137-055-3420(T)	5-22-2014	Repeal	7-1-2014	141-045-0010	2-1-2014	Amend	2-1-2014
137-055-3435	4-1-2014	Amend	5-1-2014	141-045-0031	2-1-2014	Amend	2-1-2014
137-055-3660	4-1-2014	Amend	5-1-2014	141-045-0041	2-1-2014	Amend	2-1-2014
137-055-5510	4-1-2014	Amend	5-1-2014	141-045-0061	2-1-2014	Amend	2-1-2014
137-055-6024	5-22-2014	Amend	7-1-2014	141-045-0100	2-1-2014	Amend	2-1-2014
137-055-6120	4-1-2014	Amend	5-1-2014	141-089-0640	1-1-2014	Amend	1-1-2014
137-055-7180	4-1-2014	Amend	5-1-2014	141-089-0645	1-1-2014	Amend	1-1-2014
137-084-0500	4-1-2014	Amend	5-1-2014	141-089-0820	1-1-2014	Amend	1-1-2014
137-110-0001	1-31-2014	Repeal	3-1-2014	141-089-0825	1-1-2014	Amend	1-1-2014
137-110-0005	1-31-2014	Repeal	3-1-2014	141-089-0830	1-1-2014	Amend	1-1-2014
137-110-0010	1-31-2014	Amend	3-1-2014	141-089-0835	1-1-2014	Amend	1-1-2014
137-110-0020	1-31-2014	Repeal	3-1-2014	141-145-0000	2-1-2014	Adopt	2-1-2014
137-110-0110	1-31-2014	Amend	3-1-2014	141-145-0005	2-1-2014	Adopt	2-1-2014
137-110-0200	1-31-2014	Amend	3-1-2014	141-145-0010	2-1-2014	Adopt	2-1-2014
137-110-0210	1-31-2014	Amend	3-1-2014	141-145-0015	2-1-2014	Adopt	2-1-2014
137-110-0300	1-31-2014	Adopt	3-1-2014	141-145-0020	2-1-2014	Adopt	2-1-2014
137-110-0410	1-31-2014	Amend	3-1-2014	141-145-0025	2-1-2014	Adopt	2-1-2014
137-110-0420	1-31-2014	Amend	3-1-2014	141-145-0030	2-1-2014	Adopt	2-1-2014
137-110-0430	1-31-2014	Repeal	3-1-2014	141-145-0035	2-1-2014	Adopt	2-1-2014
137-110-0500	1-31-2014	Repeal	3-1-2014	141-145-0040	2-1-2014	Adopt	2-1-2014
137-110-0510	1-31-2014	Repeal	3-1-2014	141-145-0045	2-1-2014	Adopt	2-1-2014
137-110-0520	1-31-2014	Repeal	3-1-2014	141-145-0050	2-1-2014	Adopt	2-1-2014
137-110-0600	1-31-2014	Amend	3-1-2014	141-145-0055	2-1-2014	Adopt	2-1-2014
137-110-0605	1-31-2014	Adopt	3-1-2014	141-145-0060	2-1-2014	Adopt	2-1-2014
137-110-0610	1-31-2014	Amend	3-1-2014	141-145-0065	2-1-2014	Adopt	2-1-2014
137-110-0620	1-31-2014	Amend	3-1-2014	141-145-0070	2-1-2014	Adopt	2-1-2014
137-110-0630	1-31-2014	Amend	3-1-2014	141-145-0075	2-1-2014	Adopt	2-1-2014
137-110-0640	1-31-2014	Amend	3-1-2014	141-145-0080	2-1-2014	Adopt	2-1-2014
137-110-0650	1-31-2014	Amend	3-1-2014	141-145-0085	2-1-2014	Adopt	2-1-2014
137-110-0660	1-31-2014	Repeal	3-1-2014	141-145-0090	2-1-2014	Adopt	2-1-2014
137-110-0670	1-31-2014	Amend	3-1-2014	150-118.005	12-26-2013	Adopt	2-1-2014
137-110-0675	1-31-2014	Adopt	3-1-2014	150-118.010	12-26-2013	Adopt	2-1-2014
137-120-0010	1-31-2014	Repeal	3-1-2014	150-118.010(1)	12-26-2013	Amend	2-1-2014
137-120-0020	1-31-2014	Amend	3-1-2014	150-118.010(2)	12-26-2013	Amend	2-1-2014
141-030-0015	2-1-2014	Amend	2-1-2014	150-118.010(3)	12-26-2013	Amend	2-1-2014
141-030-0025	2-1-2014	Amend	2-1-2014	150-118.010(4)(b)	12-26-2013	Amend	2-1-2014
141-030-0036	2-1-2014	Repeal	2-1-2014	150-118.010(7)	12-26-2013	Amend	2-1-2014
141-030-0037	2-1-2014	Amend	2-1-2014	150-118.010(8)	12-26-2013	Adopt	2-1-2014
141-035-0012	2-1-2014	Amend	2-1-2014	150-118.100(1)	12-26-2013	Amend	2-1-2014
141-035-0013	2-1-2014	Amend	2-1-2014	150-118.100(6)	12-26-2013	Adopt	2-1-2014
141-035-0015	2-1-2014	Repeal	2-1-2014	150-118.140	12-26-2013	Amend	2-1-2014
141-035-0016	2-1-2014	Amend	2-1-2014	150-118.160	12-26-2013	Adopt	2-1-2014
141-035-0018	2-1-2014	Amend	2-1-2014	150-118.160(B)	12-26-2013	Amend	2-1-2014
141-035-0020	2-1-2014	Amend	2-1-2014	150-118.171	12-26-2013	Amend	2-1-2014
141-035-0025	2-1-2014	Amend	2-1-2014	150-118.225	12-26-2013	Amend	2-1-2014
141-035-0030	2-1-2014	Amend	2-1-2014	150-118.250(1)	12-26-2013	Am. & Ren.	2-1-2014
141-035-0035	2-1-2014	Amend	2-1-2014	150-118.260	12-26-2013	Adopt	2-1-2014
141-035-0040	2-1-2014	Amend	2-1-2014	150-118.260(6)	12-26-2013	Amend	2-1-2014
141-035-0045	2-1-2014	Amend	2-1-2014	150-118.265	12-26-2013	Adopt	2-1-2014
141-035-0047	2-1-2014	Amend	2-1-2014	150-118.300	12-26-2013	Amend	2-1-2014
141-035-0048	2-1-2014	Amend	2-1-2014	150-137.300(3)	12-26-2013	Am. & Ren.	2-1-2014
141-035-0050	2-1-2014	Amend	2-1-2014	150-305.145(3)	1-1-2014	Amend	2-1-2014
141-035-0065	2-1-2014	Amend	2-1-2014	150-305.230	1-1-2014	Amend	2-1-2014
141-035-0068	2-1-2014	Amend	2-1-2014	150-305.285	1-1-2014	Amend	2-1-2014



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150-305.810	12-26-2013	Amend	2-1-2014	161-570-0030	4-22-2014	Amend	6-1-2014
150-306.135	1-1-2014	Amend	2-1-2014	161-570-0030	5-20-2014	Amend	7-1-2014
150-308.010	1-1-2014	Amend	2-1-2014	162-010-0000	2-13-2014	Amend	3-1-2014
150-308A.724	1-1-2014	Repeal	2-1-2014	162-010-0010	2-13-2014	Amend	3-1-2014
150-309.100(3)-(B)	1-1-2014	Amend	2-1-2014	162-010-0020	2-13-2014	Amend	3-1-2014
150-309.110(1)-(A)	1-1-2014	Amend	2-1-2014	162-010-0030	2-13-2014	Amend	3-1-2014
150-311.223(4)	1-1-2014	Amend	2-1-2014	162-010-0050	2-13-2014	Amend	3-1-2014
150-311.674	1-1-2014	Repeal	2-1-2014	162-010-0115	2-13-2014	Amend	3-1-2014
150-311.689	1-1-2014	Repeal	2-1-2014	162-010-0120	2-13-2014	Amend	3-1-2014
150-314.280(3)	1-1-2014	Amend	2-1-2014	162-010-0130	2-13-2014	Amend	3-1-2014
150-314.380(2)-(B)	1-1-2014	Amend	2-1-2014	162-010-0140	2-13-2014	Amend	3-1-2014
150-314.385(4)	12-26-2013	Amend	2-1-2014	162-010-0160	2-13-2014	Repeal	3-1-2014
150-314.410(4)	1-1-2014	Amend	2-1-2014	162-010-0170	2-13-2014	Repeal	3-1-2014
150-314.415(7)	12-26-2013	Amend	2-1-2014	162-010-0190	2-13-2014	Amend	3-1-2014
150-314.775	1-1-2014	Amend	2-1-2014	162-010-0200	2-13-2014	Amend	3-1-2014
150-314.778	1-1-2014	Amend	2-1-2014	162-010-0230	2-13-2014	Amend	3-1-2014
150-314.HB2071(B)	12-26-2013	Repeal	2-1-2014	162-010-0260	2-13-2014	Amend	3-1-2014
150-315.068	1-1-2014	Amend	2-1-2014	165-001-0050	1-2-2014	Amend	2-1-2014
150-315.204-(A)	1-1-2014	Amend	2-1-2014	165-010-0005	1-2-2014	Amend	2-1-2014
150-315.304(9)	1-1-2014	Amend	2-1-2014	165-010-0080	1-2-2014	Repeal	2-1-2014
150-315.514	12-26-2013	Amend	2-1-2014	165-012-0005	1-2-2014	Amend	2-1-2014
150-316.014	12-26-2013	Am. & Ren.	2-1-2014	165-012-0240	1-2-2014	Amend	2-1-2014
150-316.102	1-1-2014	Amend	2-1-2014	165-013-0010	1-2-2014	Amend	2-1-2014
150-316.127(10)	1-1-2014	Amend	2-1-2014	165-014-0005	1-2-2014	Amend	2-1-2014
150-316.368	1-1-2014	Amend	2-1-2014	165-014-0030	1-7-2014	Amend	2-1-2014
150-316.680(1)(c)-(A)	1-1-2014	Repeal	2-1-2014	165-016-0000	3-11-2014	Adopt	4-1-2014
150-316.680(1)(c)-(B)	1-1-2014	Repeal	2-1-2014	165-016-0040	3-11-2014	Repeal	4-1-2014
150-316.693	1-1-2014	Adopt	2-1-2014	165-016-0045	3-11-2014	Repeal	4-1-2014
150-316.789	1-1-2014	Repeal	2-1-2014	165-016-0050	3-11-2014	Repeal	4-1-2014
150-316.791	1-1-2014	Repeal	2-1-2014	165-016-0055	3-11-2014	Repeal	4-1-2014
150-316.792	1-1-2014	Adopt	2-1-2014	165-016-0060	3-11-2014	Repeal	4-1-2014
150-317.010(4)	1-1-2014	Amend	2-1-2014	165-016-0070	3-11-2014	Repeal	4-1-2014
150-317.067	1-1-2014	Amend	2-1-2014	165-016-0080	3-11-2014	Repeal	4-1-2014
150-457.440(9)	1-1-2014	Amend	2-1-2014	165-016-0100	3-11-2014	Repeal	4-1-2014
160-010-0700	1-1-2014	Adopt	2-1-2014	165-016-0105	3-11-2014	Repeal	4-1-2014
160-010-0700	1-3-2014	Adopt	2-1-2014	165-016-2014	2-13-2014	Adopt(T)	3-1-2014
160-010-0701	1-1-2014	Adopt	2-1-2014	165-020-0025	1-2-2014	Repeal	2-1-2014
160-010-0701	1-3-2014	Adopt	2-1-2014	166-005-0010	2-25-2014	Amend	4-1-2014
160-010-0710	1-1-2014	Adopt	2-1-2014	166-150-0005	2-25-2014	Amend	4-1-2014
160-010-0710	1-3-2014	Adopt	2-1-2014	166-150-0035	2-25-2014	Amend	4-1-2014
160-010-0720	1-1-2014	Adopt	2-1-2014	166-150-0040	2-25-2014	Amend	4-1-2014
160-010-0720	1-3-2014	Adopt	2-1-2014	166-150-0095	2-25-2014	Amend	4-1-2014
160-100-0000	3-6-2014	Amend	4-1-2014	166-150-0135	2-25-2014	Amend	4-1-2014
161-006-0155	1-1-2014	Amend(T)	2-1-2014	166-150-0210	2-25-2014	Amend	4-1-2014
161-006-0155	4-22-2014	Amend	6-1-2014	167-001-0007	3-1-2014	Amend	4-1-2014
161-006-0155	5-20-2014	Amend	7-1-2014	167-001-0020	3-1-2014	Amend	4-1-2014
161-006-0160	1-1-2014	Amend(T)	2-1-2014	167-001-0030	3-1-2014	Amend	4-1-2014
161-006-0160	4-22-2014	Amend	6-1-2014	167-001-0040	3-1-2014	Repeal	4-1-2014
161-006-0160	5-20-2014	Amend	7-1-2014	167-001-0050	3-1-2014	Repeal	4-1-2014
161-025-0060	1-1-2014	Amend(T)	2-1-2014	167-001-0060	3-1-2014	Repeal	4-1-2014
161-025-0060	4-22-2014	Amend	6-1-2014	167-001-0065	3-1-2014	Repeal	4-1-2014
161-025-0060	5-20-2014	Amend	7-1-2014	167-001-0070	3-1-2014	Repeal	4-1-2014
161-570-0025	1-1-2014	Amend(T)	2-1-2014	167-001-0081	3-1-2014	Amend	4-1-2014
161-570-0025	4-22-2014	Amend	6-1-2014	167-001-0085	3-1-2014	Repeal	4-1-2014
161-570-0025	5-20-2014	Amend	7-1-2014	167-001-0300	3-1-2014	Amend	4-1-2014

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167-001-0600	3-1-2014	Amend	4-1-2014	250-015-0021	1-15-2014	Repeal	2-1-2014
167-001-0620	3-1-2014	Amend	4-1-2014	250-015-0022	1-15-2014	Amend	2-1-2014
167-001-0625	3-1-2014	Repeal	4-1-2014	250-015-0023	1-15-2014	Repeal	2-1-2014
167-001-0635	3-1-2014	Amend	4-1-2014	250-015-0024	1-15-2014	Repeal	2-1-2014
170-063-0000	1-15-2014	Amend(T)	2-1-2014	250-015-0025	1-15-2014	Repeal	2-1-2014
170-063-0000	4-11-2014	Amend	5-1-2014	250-015-0026	1-15-2014	Amend	2-1-2014
172-005-0020	5-14-2014	Amend	6-1-2014	250-015-0027	1-15-2014	Repeal	2-1-2014
172-005-0020	5-28-2014	Amend	7-1-2014	250-015-0028	1-15-2014	Repeal	2-1-2014
172-005-0045	5-14-2014	Adopt	6-1-2014	250-015-0029	1-15-2014	Repeal	2-1-2014
172-005-0045	5-30-2014	Adopt	7-1-2014	250-015-0031	1-15-2014	Repeal	2-1-2014
173-006-0005	12-19-2013	Amend	2-1-2014	250-015-0032	1-15-2014	Repeal	2-1-2014
173-008-0005	12-19-2013	Amend	2-1-2014	250-015-0033	1-15-2014	Repeal	2-1-2014
177-075-0040	12-1-2013	Amend	1-1-2014	250-015-0035	1-15-2014	Adopt	2-1-2014
177-075-0040(T)	12-1-2013	Repeal	1-1-2014	250-016-0080	1-15-2014	Amend	2-1-2014
177-094-0100	4-6-2014	Adopt	5-1-2014	250-016-0090	1-15-2014	Adopt	2-1-2014
177-099-0095	1-1-2014	Amend	2-1-2014	250-019-0010	1-15-2014	Repeal	2-1-2014
177-099-0100	4-1-2014	Amend	5-1-2014	250-019-0020	1-15-2014	Repeal	2-1-2014
213-003-0001	2-3-2014	Amend	3-1-2014	250-019-0030	1-15-2014	Repeal	2-1-2014
213-008-0002	2-3-2014	Amend	3-1-2014	250-019-0040	1-15-2014	Repeal	2-1-2014
213-017-0004	2-3-2014	Amend	3-1-2014	250-019-0050	1-15-2014	Repeal	2-1-2014
213-017-0005	2-3-2014	Amend	3-1-2014	250-019-0060	1-15-2014	Repeal	2-1-2014
213-017-0005(T)	2-3-2014	Repeal	3-1-2014	250-019-0070	1-15-2014	Repeal	2-1-2014
213-017-0006	2-3-2014	Amend	3-1-2014	250-019-0080	1-15-2014	Repeal	2-1-2014
213-017-0006(T)	2-3-2014	Repeal	3-1-2014	250-020-0032	1-15-2014	Amend	2-1-2014
213-017-0008	2-3-2014	Amend	3-1-2014	250-020-0033	3-10-2014	Amend(T)	4-1-2014
213-017-0008(T)	2-3-2014	Repeal	3-1-2014	250-020-0033(T)	3-13-2014	Suspend	4-1-2014
213-017-0009	2-3-2014	Amend	3-1-2014	250-020-0221	4-11-2014	Amend(T)	5-1-2014
213-017-0009(T)	2-3-2014	Repeal	3-1-2014	250-020-0385	1-15-2014	Amend	2-1-2014
213-018-0012	2-3-2014	Adopt	3-1-2014	250-026-0005	6-1-2014	Adopt	6-1-2014
213-018-0012(T)	2-3-2014	Repeal	3-1-2014	250-026-0010	6-1-2014	Adopt	6-1-2014
213-018-0013	2-3-2014	Adopt	3-1-2014	250-026-0015	6-1-2014	Adopt	6-1-2014
213-018-0013(T)	2-3-2014	Repeal	3-1-2014	250-026-0020	6-1-2014	Adopt	6-1-2014
213-018-0036	2-3-2014	Adopt	3-1-2014	250-026-0025	6-1-2014	Adopt	6-1-2014
213-018-0036(T)	2-3-2014	Repeal	3-1-2014	250-026-0030	6-1-2014	Adopt	6-1-2014
213-019-0008	2-3-2014	Amend	3-1-2014	250-026-0035	6-1-2014	Adopt	6-1-2014
213-019-0008(T)	2-3-2014	Repeal	3-1-2014	250-026-0040	6-1-2014	Adopt	6-1-2014
213-019-0010	2-3-2014	Amend	3-1-2014	250-026-0045	6-1-2014	Adopt	6-1-2014
213-019-0012	2-3-2014	Amend	3-1-2014	250-026-0050	6-1-2014	Adopt	6-1-2014
213-019-0015	2-3-2014	Amend	3-1-2014	250-026-0055	6-1-2014	Adopt	6-1-2014
250-001-0000	1-15-2014	Amend	2-1-2014	255-030-0010	11-27-2013	Amend	1-1-2014
250-001-0005	1-15-2014	Amend	2-1-2014	255-030-0013	11-27-2013	Amend	1-1-2014
250-001-0040	1-15-2014	Adopt	2-1-2014	255-030-0021	11-27-2013	Amend	1-1-2014
250-001-0050	1-15-2014	Adopt	2-1-2014	255-030-0023	11-27-2013	Amend	1-1-2014
250-001-0060	1-15-2014	Adopt	2-1-2014	255-030-0024	11-27-2013	Amend	1-1-2014
250-015-0001	1-15-2014	Amend	2-1-2014	255-030-0025	11-27-2013	Amend	1-1-2014
250-015-0002	1-15-2014	Amend	2-1-2014	255-030-0026	11-27-2013	Amend	1-1-2014
250-015-0005	1-15-2014	Amend	2-1-2014	255-030-0027	11-27-2013	Amend	1-1-2014
250-015-0006	1-15-2014	Amend	2-1-2014	255-030-0032	11-27-2013	Amend	1-1-2014
250-015-0008	1-15-2014	Amend	2-1-2014	255-030-0035	11-27-2013	Amend	1-1-2014
250-015-0010	1-15-2014	Amend	2-1-2014	255-030-0040	11-27-2013	Amend	1-1-2014
250-015-0011	1-15-2014	Repeal	2-1-2014	255-030-0046	11-27-2013	Adopt	1-1-2014
250-015-0015	1-15-2014	Repeal	2-1-2014	255-030-0055	11-27-2013	Amend	1-1-2014
250-015-0016	1-15-2014	Repeal	2-1-2014	255-060-0012	1-17-2014	Amend(T)	3-1-2014
250-015-0017	1-15-2014	Repeal	2-1-2014	255-060-0012	5-15-2014	Amend	6-1-2014
250-015-0019	1-15-2014	Repeal	2-1-2014	255-062-0016	11-27-2013	Amend	1-1-2014

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255-075-0079	2-14-2014	Amend(T)	3-1-2014	291-073-0100	3-3-2014	Adopt	4-1-2014
255-075-0079(T)	2-24-2014	Suspend	4-1-2014	291-073-0110	3-3-2014	Adopt	4-1-2014
255-080-0008	3-27-2014	Amend(T)	5-1-2014	291-077-0035	12-1-2013	Amend	1-1-2014
255-080-0011	3-27-2014	Amend(T)	5-1-2014	291-077-0035	1-14-2014	Amend	2-1-2014
259-008-0005	1-2-2014	Amend	2-1-2014	291-097-0231	12-13-2013	Adopt(T)	1-1-2014
259-008-0005	1-29-2014	Amend	3-1-2014	291-097-0231	1-17-2014	Adopt(T)	3-1-2014
259-008-0010	1-2-2014	Amend	2-1-2014	291-097-0231	5-5-2014	Adopt	6-1-2014
259-008-0020	1-2-2014	Amend	2-1-2014	291-097-0231(T)	5-5-2014	Repeal	6-1-2014
259-008-0020	1-29-2014	Amend	3-1-2014	291-104-0111	2-12-2014	Amend(T)	3-1-2014
259-008-0025	1-2-2014	Amend	2-1-2014	291-104-0111	5-1-2014	Amend	6-1-2014
259-008-0025	1-2-2014	Amend	2-1-2014	291-104-0111(T)	5-1-2014	Repeal	6-1-2014
259-008-0025	4-10-2014	Amend	5-1-2014	291-104-0116	2-12-2014	Amend(T)	3-1-2014
259-008-0060	1-2-2014	Amend	2-1-2014	291-104-0116	5-1-2014	Amend	6-1-2014
259-008-0067	1-29-2014	Amend	3-1-2014	291-104-0116(T)	5-1-2014	Repeal	6-1-2014
259-008-0069	1-2-2014	Amend	2-1-2014	291-104-0125	2-12-2014	Amend(T)	3-1-2014
259-008-0070	1-2-2014	Amend	2-1-2014	291-104-0125	5-1-2014	Amend	6-1-2014
259-008-0070	1-28-2014	Amend	3-1-2014	291-104-0125(T)	5-1-2014	Repeal	6-1-2014
259-008-0070	2-27-2014	Amend(T)	4-1-2014	291-104-0135	2-12-2014	Amend(T)	3-1-2014
259-008-0075	1-2-2014	Amend	2-1-2014	291-104-0135	5-1-2014	Amend	6-1-2014
259-008-0080	1-2-2014	Amend	2-1-2014	291-104-0135(T)	5-1-2014	Repeal	6-1-2014
259-008-0080	1-29-2014	Amend	3-1-2014	291-104-0140	2-12-2014	Amend(T)	3-1-2014
259-008-0090	1-2-2014	Amend	2-1-2014	291-104-0140	5-1-2014	Amend	6-1-2014
259-008-0090	1-29-2014	Amend	3-1-2014	291-104-0140(T)	5-1-2014	Repeal	6-1-2014
259-008-0100	1-2-2014	Amend	2-1-2014	291-109-0125	12-13-2013	Suspend	1-1-2014
259-009-0005	2-6-2014	Amend	3-1-2014	291-109-0125	1-17-2014	Suspend	3-1-2014
259-009-0005	4-3-2014	Amend	5-1-2014	291-109-0125	3-3-2014	Repeal	4-1-2014
259-009-0062	2-6-2014	Amend	3-1-2014	291-109-0125(T)	3-3-2014	Repeal	4-1-2014
259-009-0062	4-3-2014	Amend	5-1-2014	291-109-0180	12-13-2013	Amend(T)	1-1-2014
259-009-0070	1-28-2014	Amend	3-1-2014	291-109-0180	1-17-2014	Amend(T)	3-1-2014
259-013-0000	1-2-2014	Amend	2-1-2014	291-109-0180	3-3-2014	Amend	4-1-2014
259-013-0220	1-2-2014	Amend	2-1-2014	291-109-0180(T)	3-3-2014	Repeal	4-1-2014
259-013-0230	1-2-2014	Amend	2-1-2014	291-109-0200	12-13-2013	Adopt(T)	1-1-2014
259-060-0300	1-2-2014	Amend	2-1-2014	291-109-0200	1-17-2014	Adopt(T)	3-1-2014
259-060-0300	1-28-2014	Amend	3-1-2014	291-109-0200	3-3-2014	Adopt	4-1-2014
259-060-0300	3-6-2014	Amend(T)	4-1-2014	291-109-0200(T)	3-3-2014	Repeal	4-1-2014
259-061-0040	5-5-2014	Amend	6-1-2014	291-209-0010	5-13-2014	Adopt(T)	6-1-2014
259-061-0300	5-5-2014	Adopt	6-1-2014	291-209-0020	5-13-2014	Adopt(T)	6-1-2014
274-015-0010	1-1-2014	Amend	2-1-2014	291-209-0030	5-13-2014	Adopt(T)	6-1-2014
274-015-0010(T)	1-1-2014	Repeal	2-1-2014	291-209-0040	5-13-2014	Adopt(T)	6-1-2014
291-014-0100	12-13-2013	Amend	1-1-2014	291-209-0050	5-13-2014	Adopt(T)	6-1-2014
291-014-0100	1-14-2014	Amend	2-1-2014	291-209-0060	5-13-2014	Adopt(T)	6-1-2014
291-014-0110	12-13-2013	Amend	1-1-2014	291-209-0070	5-13-2014	Adopt(T)	6-1-2014
291-014-0110	1-14-2014	Amend	2-1-2014	309-011-0070	1-28-2014	Repeal	3-1-2014
291-014-0120	12-13-2013	Amend	1-1-2014	309-011-0075	1-28-2014	Repeal	3-1-2014
291-014-0120	1-14-2014	Amend	2-1-2014	309-011-0080	1-28-2014	Repeal	3-1-2014
291-016-0020	6-6-2014	Amend(T)	7-1-2014	309-011-0085	1-28-2014	Repeal	3-1-2014
291-016-0120	6-6-2014	Adopt(T)	7-1-2014	309-011-0090	1-28-2014	Repeal	3-1-2014
291-041-0018	12-13-2013	Adopt(T)	1-1-2014	309-011-0095	1-28-2014	Repeal	3-1-2014
291-041-0018	1-17-2014	Adopt(T)	3-1-2014	309-012-0130	12-20-2013	Amend(T)	2-1-2014
291-041-0018	3-4-2014	Adopt	4-1-2014	309-012-0130	6-19-2014	Amend	7-1-2014
291-041-0018(T)	3-4-2014	Repeal	4-1-2014	309-012-0150	12-20-2013	Amend(T)	2-1-2014
291-041-0020	12-13-2013	Amend(T)	1-1-2014	309-012-0150	6-19-2014	Amend	7-1-2014
291-041-0020	1-17-2014	Amend(T)	3-1-2014	309-012-0180	12-20-2013	Amend(T)	2-1-2014
291-041-0020	3-4-2014	Amend	4-1-2014	309-012-0180	6-19-2014	Amend	7-1-2014
291-041-0020(T)	3-4-2014	Repeal	4-1-2014	309-012-0190	12-20-2013	Amend(T)	2-1-2014
291-055-0019	4-22-2014	Amend	6-1-2014	309-012-0190	6-19-2014	Amend	7-1-2014





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309-022-0130(T)	2-3-2014	Repeal	3-1-2014	309-034-0400	2-3-2014	Repeal	3-1-2014
309-022-0135	2-3-2014	Adopt	3-1-2014	309-034-0410	2-3-2014	Repeal	3-1-2014
309-022-0135(T)	2-3-2014	Repeal	3-1-2014	309-034-0420	2-3-2014	Repeal	3-1-2014
309-022-0140	2-3-2014	Adopt	3-1-2014	309-034-0430	2-3-2014	Repeal	3-1-2014
309-022-0140(T)	2-3-2014	Repeal	3-1-2014	309-034-0440	2-3-2014	Repeal	3-1-2014
309-022-0145	2-3-2014	Adopt	3-1-2014	309-034-0450	2-3-2014	Repeal	3-1-2014
309-022-0145(T)	2-3-2014	Repeal	3-1-2014	309-034-0460	2-3-2014	Repeal	3-1-2014
309-022-0150	2-3-2014	Adopt	3-1-2014	309-034-0470	2-3-2014	Repeal	3-1-2014
309-022-0150(T)	2-3-2014	Repeal	3-1-2014	309-034-0480	2-3-2014	Repeal	3-1-2014
309-022-0155	2-3-2014	Adopt	3-1-2014	309-034-0490	2-3-2014	Repeal	3-1-2014
309-022-0155(T)	2-3-2014	Repeal	3-1-2014	309-034-0500	2-3-2014	Repeal	3-1-2014
309-022-0160	2-3-2014	Adopt	3-1-2014	309-039-0500	12-20-2013	Amend(T)	2-1-2014
309-022-0160(T)	2-3-2014	Repeal	3-1-2014	309-039-0510	12-20-2013	Amend(T)	2-1-2014
309-022-0165	2-3-2014	Adopt	3-1-2014	309-039-0520	12-20-2013	Amend(T)	2-1-2014
309-022-0165(T)	2-3-2014	Repeal	3-1-2014	309-039-0530	12-20-2013	Amend(T)	2-1-2014
309-022-0170	2-3-2014	Adopt	3-1-2014	309-039-0540	12-20-2013	Amend(T)	2-1-2014
309-022-0170(T)	2-3-2014	Repeal	3-1-2014	309-039-0570	12-20-2013	Amend(T)	2-1-2014
309-022-0175	2-3-2014	Adopt	3-1-2014	309-041-1190	4-1-2014	Repeal	5-1-2014
309-022-0175(T)	2-3-2014	Repeal	3-1-2014	309-041-1200	4-1-2014	Repeal	5-1-2014
309-022-0180	2-3-2014	Adopt	3-1-2014	309-041-1210	4-1-2014	Repeal	5-1-2014
309-022-0180(T)	2-3-2014	Repeal	3-1-2014	309-041-1220	4-1-2014	Repeal	5-1-2014
309-022-0185	2-3-2014	Adopt	3-1-2014	309-041-1230	4-1-2014	Repeal	5-1-2014
309-022-0185(T)	2-3-2014	Repeal	3-1-2014	309-041-1240	4-1-2014	Repeal	5-1-2014
309-022-0190	2-3-2014	Adopt	3-1-2014	309-041-1250	4-1-2014	Repeal	5-1-2014
309-022-0190(T)	2-3-2014	Repeal	3-1-2014	309-100-0000	1-28-2014	Repeal	3-1-2014
309-022-0192(T)	2-3-2014	Repeal	3-1-2014	309-114-0000	4-24-2014	Amend	6-1-2014
309-022-0195	2-3-2014	Adopt	3-1-2014	309-114-0010	4-24-2014	Amend	6-1-2014
309-022-0195(T)	2-3-2014	Repeal	3-1-2014	309-114-0020	4-24-2014	Amend	6-1-2014
309-022-0200	2-3-2014	Adopt	3-1-2014	325-005-0015	3-21-2014	Amend	5-1-2014
309-022-0200(T)	2-3-2014	Repeal	3-1-2014	325-035-0001	7-1-2014	Adopt	7-1-2014
309-022-0205	2-3-2014	Adopt	3-1-2014	325-035-0005	7-1-2014	Adopt	7-1-2014
309-022-0205(T)	2-3-2014	Repeal	3-1-2014	325-035-0010	7-1-2014	Adopt	7-1-2014
309-022-0210	2-3-2014	Adopt	3-1-2014	325-035-0015	7-1-2014	Adopt	7-1-2014
309-022-0210(T)	2-3-2014	Repeal	3-1-2014	325-035-0020	7-1-2014	Adopt	7-1-2014
309-022-0215	2-3-2014	Adopt	3-1-2014	325-035-0025	7-1-2014	Adopt	7-1-2014
309-022-0215(T)	2-3-2014	Repeal	3-1-2014	325-035-0030	7-1-2014	Adopt	7-1-2014
309-022-0220	2-3-2014	Adopt	3-1-2014	325-035-0035	7-1-2014	Adopt	7-1-2014
309-022-0220(T)	2-3-2014	Repeal	3-1-2014	325-035-0040	7-1-2014	Adopt	7-1-2014
309-022-0225	2-3-2014	Adopt	3-1-2014	325-035-0045	7-1-2014	Adopt	7-1-2014
309-022-0225(T)	2-3-2014	Repeal	3-1-2014	330-070-0014	1-1-2014	Amend	2-1-2014
309-022-0230	2-3-2014	Adopt	3-1-2014	330-070-0019	1-1-2014	Repeal	2-1-2014
309-022-0230(T)	2-3-2014	Repeal	3-1-2014	330-070-0020	1-1-2014	Amend	2-1-2014
309-032-1500	2-3-2014	Repeal	3-1-2014	330-070-0021	1-1-2014	Amend	2-1-2014
309-032-1505	2-3-2014	Repeal	3-1-2014	330-070-0022	1-1-2014	Amend	2-1-2014
309-032-1510	2-3-2014	Repeal	3-1-2014	330-070-0025	1-1-2014	Amend	2-1-2014
309-032-1515	2-3-2014	Repeal	3-1-2014	330-070-0026	1-1-2014	Amend	2-1-2014
309-032-1520	2-3-2014	Repeal	3-1-2014	330-070-0029	1-1-2014	Amend	2-1-2014
309-032-1525	2-3-2014	Repeal	3-1-2014	330-070-0064	1-1-2014	Amend	2-1-2014
309-032-1530	2-3-2014	Repeal	3-1-2014	330-070-0073	1-1-2014	Amend	2-1-2014
309-032-1535	2-3-2014	Repeal	3-1-2014	330-070-0073	5-15-2014	Amend(T)	6-1-2014
309-032-1540	2-3-2014	Repeal	3-1-2014	330-090-0133	4-1-2014	Amend	5-1-2014
309-032-1545	2-3-2014	Repeal	3-1-2014	330-092-0005	1-1-2014	Amend	2-1-2014
309-032-1550	2-3-2014	Repeal	3-1-2014	330-092-0010	1-1-2014	Amend	2-1-2014
309-032-1555	2-3-2014	Repeal	3-1-2014	330-092-0015	1-1-2014	Amend	2-1-2014
309-032-1560	2-3-2014	Repeal	3-1-2014	330-092-0020	1-1-2014	Amend	2-1-2014

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330-092-0030	1-1-2014	Amend	2-1-2014	331-720-0015	1-1-2014	Amend	2-1-2014
330-092-0035	1-1-2014	Amend	2-1-2014	331-720-0020	1-1-2014	Amend	2-1-2014
330-092-0040	1-1-2014	Amend	2-1-2014	331-810-0055	1-17-2014	Amend(T)	3-1-2014
330-092-0045	1-1-2014	Amend	2-1-2014	331-810-0055	6-1-2014	Amend	7-1-2014
330-092-0050	1-1-2014	Amend	2-1-2014	331-900-0010	1-1-2014	Amend	2-1-2014
330-092-0055	1-1-2014	Amend	2-1-2014	331-900-0015	1-1-2014	Amend	2-1-2014
330-092-0060	1-1-2014	Repeal	2-1-2014	331-900-0020	1-1-2014	Amend	2-1-2014
330-092-0065	1-1-2014	Repeal	2-1-2014	331-900-0040	1-1-2014	Amend	2-1-2014
330-092-0070	1-1-2014	Amend	2-1-2014	331-900-0050	1-1-2014	Amend	2-1-2014
330-110-0010	12-12-2013	Amend	1-1-2014	331-900-0077	1-1-2014	Adopt	2-1-2014
330-110-0012	3-7-2014	Adopt	4-1-2014	331-900-0085	1-1-2014	Amend	2-1-2014
330-110-0040	12-12-2013	Amend	1-1-2014	331-900-0090	1-1-2014	Amend	2-1-2014
330-110-0040(T)	12-12-2013	Repeal	1-1-2014	331-900-0095	1-1-2014	Amend	2-1-2014
330-110-0060	12-12-2013	Adopt	1-1-2014	331-900-0097	1-1-2014	Amend	2-1-2014
330-135-0010	12-23-2013	Amend	2-1-2014	331-900-0098	1-1-2014	Amend	2-1-2014
330-135-0015	12-23-2013	Amend	2-1-2014	331-900-0099	1-1-2014	Amend	2-1-2014
330-135-0018	12-23-2013	Amend	2-1-2014	331-900-0115	1-1-2014	Amend	2-1-2014
330-135-0020	12-23-2013	Amend	2-1-2014	331-905-0020	1-1-2014	Amend	2-1-2014
330-135-0025	12-23-2013	Amend	2-1-2014	331-905-0030	1-1-2014	Amend	2-1-2014
330-135-0030	12-23-2013	Amend	2-1-2014	331-905-0052	1-1-2014	Amend	2-1-2014
330-135-0035	12-23-2013	Amend	2-1-2014	331-905-0058	1-1-2014	Amend	2-1-2014
330-135-0040	12-23-2013	Amend	2-1-2014	331-905-0095	1-1-2014	Amend	2-1-2014
330-135-0045	12-23-2013	Amend	2-1-2014	331-910-0005	1-1-2014	Amend	2-1-2014
330-135-0047	12-23-2013	Repeal	2-1-2014	331-910-0010	1-1-2014	Amend	2-1-2014
330-135-0048	12-23-2013	Am. & Ren.	2-1-2014	331-910-0055	1-1-2014	Amend	2-1-2014
330-135-0050	12-23-2013	Amend	2-1-2014	331-910-0060	1-1-2014	Amend	2-1-2014
330-135-0055	12-23-2013	Amend	2-1-2014	331-915-0020	1-1-2014	Amend	2-1-2014
330-135-0060	12-23-2013	Adopt	2-1-2014	331-915-0055	1-1-2014	Amend	2-1-2014
330-160-0015	2-10-2014	Amend	3-1-2014	331-915-0060	1-1-2014	Amend	2-1-2014
330-160-0020	2-10-2014	Amend	3-1-2014	331-915-0065	1-1-2014	Amend	2-1-2014
330-160-0025	2-10-2014	Amend	3-1-2014	331-915-0070	1-1-2014	Amend	2-1-2014
330-160-0030	2-10-2014	Amend	3-1-2014	331-925-0050	1-1-2014	Amend	2-1-2014
330-160-0035	2-10-2014	Adopt	3-1-2014	331-940-0000	1-1-2014	Amend	2-1-2014
330-160-0037	2-10-2014	Adopt	3-1-2014	331-950-0040	1-1-2014	Amend	2-1-2014
330-160-0038	2-10-2014	Adopt	3-1-2014	332-020-0010	1-1-2014	Amend	2-1-2014
330-160-0040	2-10-2014	Amend	3-1-2014	332-020-0015	1-1-2014	Amend	2-1-2014
330-160-0050	2-10-2014	Amend	3-1-2014	333-008-0010	1-13-2014	Amend	2-1-2014
330-160-0060	2-10-2014	Adopt	3-1-2014	333-008-0010	1-15-2014	Amend(T)	2-1-2014
330-160-0070	2-10-2014	Adopt	3-1-2014	333-008-0020	1-13-2014	Amend	2-1-2014
330-170-0010	1-1-2014	Amend	2-1-2014	333-008-0020	1-15-2014	Amend(T)	2-1-2014
330-170-0020	1-1-2014	Amend	2-1-2014	333-008-0020	6-5-2014	Amend	7-1-2014
330-170-0030	1-1-2014	Amend	2-1-2014	333-008-0020(T)	1-13-2014	Repeal	2-1-2014
330-170-0040	1-1-2014	Amend	2-1-2014	333-008-0025	1-15-2014	Amend(T)	2-1-2014
330-170-0050	1-1-2014	Amend	2-1-2014	333-008-0045	1-13-2014	Amend	2-1-2014
330-170-0060	1-1-2014	Amend	2-1-2014	333-008-0045	1-15-2014	Amend(T)	2-1-2014
331-010-0060	4-3-2014	Adopt(T)	5-1-2014	333-008-0050	1-15-2014	Amend(T)	2-1-2014
331-010-0070	4-3-2014	Adopt(T)	5-1-2014	333-008-0120	1-15-2014	Amend(T)	2-1-2014
331-440-0000	2-1-2014	Amend	2-1-2014	333-008-1000	1-15-2014	Adopt(T)	2-1-2014
331-710-0050	1-1-2014	Amend	2-1-2014	333-008-1010	1-15-2014	Adopt(T)	2-1-2014
331-710-0060	1-1-2014	Amend	2-1-2014	333-008-1020	1-15-2014	Adopt(T)	2-1-2014
331-710-0070	1-1-2014	Amend	2-1-2014	333-008-1030	1-15-2014	Adopt(T)	2-1-2014
331-710-0080	1-1-2014	Amend	2-1-2014	333-008-1040	1-15-2014	Adopt(T)	2-1-2014
331-710-0090	1-1-2014	Amend	2-1-2014	333-008-1050	1-15-2014	Adopt(T)	2-1-2014
331-710-0100	1-1-2014	Amend	2-1-2014	333-008-1060	1-15-2014	Adopt(T)	2-1-2014
331-710-0110	1-1-2014	Amend	2-1-2014	333-008-1070	1-15-2014	Adopt(T)	2-1-2014



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333-008-1090	1-15-2014	Adopt(T)	2-1-2014	333-011-0076	1-1-2014	Am. & Ren.	2-1-2014
333-008-1100	1-15-2014	Adopt(T)	2-1-2014	333-011-0096	1-1-2014	Repeal	2-1-2014
333-008-1110	1-15-2014	Adopt(T)	2-1-2014	333-011-0101	1-1-2014	Am. & Ren.	2-1-2014
333-008-1120	1-15-2014	Adopt(T)	2-1-2014	333-011-0106	1-1-2014	Am. & Ren.	2-1-2014
333-008-1130	1-15-2014	Adopt(T)	2-1-2014	333-011-0110	1-1-2014	Am. & Ren.	2-1-2014
333-008-1140	1-15-2014	Adopt(T)	2-1-2014	333-011-0116	1-1-2014	Repeal	2-1-2014
333-008-1150	1-15-2014	Adopt(T)	2-1-2014	333-011-0155	1-1-2014	Repeal	2-1-2014
333-008-1160	1-15-2014	Adopt(T)	2-1-2014	333-011-0200	1-1-2014	Am. & Ren.	2-1-2014
333-008-1170	1-15-2014	Adopt(T)	2-1-2014	333-011-0205	1-1-2014	Adopt	2-1-2014
333-008-1180	1-15-2014	Adopt(T)	2-1-2014	333-011-0210	1-1-2014	Adopt	2-1-2014
333-008-1190	1-15-2014	Adopt(T)	2-1-2014	333-011-0215	1-1-2014	Adopt	2-1-2014
333-008-1190	2-21-2014	Adopt(T)	4-1-2014	333-011-0220	1-1-2014	Adopt	2-1-2014
333-008-1190(T)	2-21-2014	Suspend	4-1-2014	333-011-0225	1-1-2014	Adopt	2-1-2014
333-008-1200	1-15-2014	Adopt(T)	2-1-2014	333-011-0230	1-1-2014	Adopt	2-1-2014
333-008-1210	1-15-2014	Adopt(T)	2-1-2014	333-011-0235	1-1-2014	Adopt	2-1-2014
333-008-1220	1-15-2014	Adopt(T)	2-1-2014	333-011-0240	1-1-2014	Adopt	2-1-2014
333-008-1225	4-1-2014	Adopt(T)	5-1-2014	333-011-0245	1-1-2014	Adopt	2-1-2014
333-008-1230	1-15-2014	Adopt(T)	2-1-2014	333-011-0250	1-1-2014	Adopt	2-1-2014
333-008-1240	1-15-2014	Adopt(T)	2-1-2014	333-011-0255	1-1-2014	Adopt	2-1-2014
333-008-1240(T)	4-1-2014	Suspend	5-1-2014	333-011-0260	1-1-2014	Adopt	2-1-2014
333-008-1245	4-1-2014	Adopt(T)	5-1-2014	333-011-0265	1-1-2014	Adopt	2-1-2014
333-008-1250	1-15-2014	Adopt(T)	2-1-2014	333-011-0270	1-1-2014	Adopt	2-1-2014
333-008-1260	1-15-2014	Adopt(T)	2-1-2014	333-011-0280	1-1-2014	Adopt	2-1-2014
333-008-1270	1-15-2014	Adopt(T)	2-1-2014	333-011-0285	1-1-2014	Adopt	2-1-2014
333-008-1270(T)	4-1-2014	Suspend	5-1-2014	333-011-0300	1-1-2014	Adopt	2-1-2014
333-008-1275	4-1-2014	Adopt(T)	5-1-2014	333-011-0305	1-1-2014	Adopt	2-1-2014
333-008-1280	1-15-2014	Adopt(T)	2-1-2014	333-011-0310	1-1-2014	Adopt	2-1-2014
333-008-1290	1-15-2014	Adopt(T)	2-1-2014	333-011-0320	1-1-2014	Adopt	2-1-2014
333-008-1400	4-1-2014	Adopt(T)	5-1-2014	333-011-0325	1-1-2014	Adopt	2-1-2014
333-010-0105	4-22-2014	Amend(T)	6-1-2014	333-011-0330	1-1-2014	Adopt	2-1-2014
333-010-0155	4-22-2014	Amend(T)	6-1-2014	333-017-0000	1-1-2014	Amend	2-1-2014
333-010-0205	4-18-2014	Amend(T)	6-1-2014	333-018-0005	1-1-2014	Amend	2-1-2014
333-010-0215	4-18-2014	Amend(T)	6-1-2014	333-018-0010	1-1-2014	Amend	2-1-2014
333-010-0220	4-18-2014	Amend(T)	6-1-2014	333-018-0015	1-1-2014	Amend	2-1-2014
333-010-0225	4-18-2014	Amend(T)	6-1-2014	333-018-0018	1-1-2014	Amend	2-1-2014
333-010-0235	4-18-2014	Amend(T)	6-1-2014	333-018-0020	1-1-2014	Amend	2-1-2014
333-010-0245	4-18-2014	Amend(T)	6-1-2014	333-018-0035	1-1-2014	Amend	2-1-2014
333-010-0250	4-18-2014	Amend(T)	6-1-2014	333-018-0100	6-9-2014	Amend	7-1-2014
333-010-0260	4-18-2014	Amend(T)	6-1-2014	333-018-0110	6-9-2014	Amend	7-1-2014
333-010-0265	4-18-2014	Amend(T)	6-1-2014	333-018-0115	6-9-2014	Amend	7-1-2014
333-010-0270	4-18-2014	Amend(T)	6-1-2014	333-018-0120	6-9-2014	Amend	7-1-2014
333-010-0275	4-18-2014	Amend(T)	6-1-2014	333-018-0125	6-9-2014	Amend	7-1-2014
333-010-0280	4-18-2014	Amend(T)	6-1-2014	333-018-0127	6-9-2014	Adopt	7-1-2014
333-010-0285	4-18-2014	Amend(T)	6-1-2014	333-018-0130	6-9-2014	Amend	7-1-2014
333-010-0290	4-18-2014	Amend(T)	6-1-2014	333-018-0135	6-9-2014	Amend	7-1-2014
333-011-0006	1-1-2014	Repeal	2-1-2014	333-019-0010	1-1-2014	Amend	2-1-2014
333-011-0011	1-1-2014	Repeal	2-1-2014	333-019-0014	1-1-2014	Amend	2-1-2014
333-011-0016	1-1-2014	Repeal	2-1-2014	333-019-0031	1-1-2014	Amend	2-1-2014
333-011-0021	1-1-2014	Repeal	2-1-2014	333-019-0046	1-1-2014	Repeal	2-1-2014
333-011-0043	1-1-2014	Repeal	2-1-2014	333-019-0052	1-1-2014	Adopt	2-1-2014
333-011-0047	1-1-2014	Am. & Ren.	2-1-2014	333-024-0205	5-1-2014	Amend	5-1-2014
333-011-0048	1-1-2014	Repeal	2-1-2014	333-024-0210	5-1-2014	Amend	5-1-2014
333-011-0061	1-1-2014	Repeal	2-1-2014	333-024-0215	5-1-2014	Amend	5-1-2014
333-011-0067	1-1-2014	Repeal	2-1-2014	333-024-0220	5-1-2014	Amend	5-1-2014
333-011-0072	1-1-2014	Repeal	2-1-2014	333-024-0225	5-1-2014	Amend	5-1-2014

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333-024-0231	5-1-2014	Amend	5-1-2014	333-061-0232	5-8-2014	Adopt	6-1-2014
333-024-0232	5-1-2014	Amend	5-1-2014	333-061-0235	5-8-2014	Amend	6-1-2014
333-024-0235	5-1-2014	Amend	5-1-2014	333-061-0245	5-8-2014	Amend	6-1-2014
333-024-0240	1-30-2014	Amend	3-1-2014	333-061-0250	5-8-2014	Amend	6-1-2014
333-024-0240	5-1-2014	Amend	5-1-2014	333-061-0260	5-8-2014	Amend	6-1-2014
333-024-0241	1-30-2014	Repeal	3-1-2014	333-061-0265	5-8-2014	Amend	6-1-2014
333-028-0200	1-1-2014	Adopt	2-1-2014	333-061-0270	5-8-2014	Amend	6-1-2014
333-028-0210	1-1-2014	Adopt	2-1-2014	333-061-0272	5-8-2014	Amend	6-1-2014
333-028-0220	1-1-2014	Adopt	2-1-2014	333-061-0290	5-8-2014	Repeal	6-1-2014
333-028-0230	1-1-2014	Adopt	2-1-2014	333-072-0200	6-2-2014	Adopt	7-1-2014
333-028-0240	1-1-2014	Adopt	2-1-2014	333-072-0205	6-2-2014	Adopt	7-1-2014
333-028-0250	1-1-2014	Adopt	2-1-2014	333-072-0210	6-2-2014	Adopt	7-1-2014
333-028-0260	4-1-2014	Adopt	5-1-2014	333-072-0215	6-2-2014	Adopt	7-1-2014
333-028-0270	4-1-2014	Adopt	5-1-2014	333-072-0220	6-2-2014	Adopt	7-1-2014
333-028-0280	4-1-2014	Adopt	5-1-2014	333-072-0225	6-2-2014	Adopt	7-1-2014
333-050-0010	3-1-2014	Amend	3-1-2014	333-076-0670	1-1-2014	Amend(T)	2-1-2014
333-050-0020	3-1-2014	Amend	3-1-2014	333-081-0000	2-1-2014	Adopt	3-1-2014
333-050-0040	3-1-2014	Amend	3-1-2014	333-081-0005	2-1-2014	Adopt	3-1-2014
333-050-0050	3-1-2014	Amend	3-1-2014	333-081-0010	2-1-2014	Adopt	3-1-2014
333-050-0060	3-1-2014	Amend	3-1-2014	333-081-0015	2-1-2014	Adopt	3-1-2014
333-050-0070	3-1-2014	Amend	3-1-2014	333-081-0020	2-1-2014	Adopt	3-1-2014
333-050-0080	3-1-2014	Amend	3-1-2014	333-081-0025	2-1-2014	Adopt	3-1-2014
333-050-0100	3-1-2014	Amend	3-1-2014	333-081-0030	2-1-2014	Adopt	3-1-2014
333-050-0110	3-1-2014	Amend	3-1-2014	333-081-0035	2-1-2014	Adopt	3-1-2014
333-050-0120	3-1-2014	Amend	3-1-2014	333-081-0040	2-1-2014	Adopt	3-1-2014
333-050-0130	3-1-2014	Amend	3-1-2014	333-081-0045	2-1-2014	Adopt	3-1-2014
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333-052-0040	1-30-2014	Amend	3-1-2014	333-081-0055	2-1-2014	Adopt	3-1-2014
333-052-0043	1-30-2014	Amend	3-1-2014	333-081-0060	2-1-2014	Adopt	3-1-2014
333-052-0044	1-30-2014	Amend	3-1-2014	333-081-0065	2-1-2014	Adopt	3-1-2014
333-052-0120	1-30-2014	Amend	3-1-2014	333-081-0070	2-1-2014	Adopt	3-1-2014
333-053-0000	1-30-2014	Adopt	3-1-2014	333-081-0075	2-1-2014	Adopt	3-1-2014
333-054-0052	1-30-2014	Adopt	3-1-2014	333-081-0080	2-1-2014	Adopt	3-1-2014
333-055-0100	11-19-2013	Adopt	1-1-2014	333-081-0085	2-1-2014	Adopt	3-1-2014
333-055-0100(T)	11-19-2013	Repeal	1-1-2014	333-081-0090	2-1-2014	Adopt	3-1-2014
333-055-0105	11-19-2013	Adopt	1-1-2014	333-106-0735	1-1-2014	Adopt	2-1-2014
333-055-0105(T)	11-19-2013	Repeal	1-1-2014	333-116-0660	1-1-2014	Amend	2-1-2014
333-055-0110	11-19-2013	Adopt	1-1-2014	333-116-0680	1-1-2014	Amend	2-1-2014
333-055-0110(T)	11-19-2013	Repeal	1-1-2014	333-116-0683	1-1-2014	Amend	2-1-2014
333-055-0115	11-19-2013	Adopt	1-1-2014	333-116-0687	1-1-2014	Amend	2-1-2014
333-056-0020	1-1-2014	Amend	2-1-2014	333-116-0690	1-1-2014	Amend	2-1-2014
333-056-0030	1-1-2014	Amend	2-1-2014	333-116-0700	1-1-2014	Amend	2-1-2014
333-056-0040	1-1-2014	Amend	2-1-2014	333-116-0715	1-1-2014	Amend	2-1-2014
333-056-0045	1-1-2014	Adopt	2-1-2014	333-118-0040	1-1-2014	Amend	2-1-2014
333-056-0050	1-1-2014	Amend	2-1-2014	333-119-0010	1-1-2014	Amend	2-1-2014
333-061-0020	5-8-2014	Amend	6-1-2014	333-119-0090	1-1-2014	Amend	2-1-2014
333-061-0065	5-8-2014	Amend	6-1-2014	333-119-0110	1-1-2014	Amend	2-1-2014
333-061-0072	5-8-2014	Amend	6-1-2014	333-520-0060	1-1-2014	Amend(T)	2-1-2014
333-061-0073	5-8-2014	Amend	6-1-2014	334-010-0005	1-1-2014	Amend	1-1-2014
333-061-0090	5-8-2014	Amend	6-1-2014	334-010-0006	1-1-2014	Adopt	1-1-2014
333-061-0205	5-8-2014	Repeal	6-1-2014	334-010-0010	1-1-2014	Amend	1-1-2014
333-061-0210	5-8-2014	Amend	6-1-2014	334-010-0033	1-1-2014	Amend	1-1-2014
333-061-0220	5-8-2014	Amend	6-1-2014	334-010-0050	1-1-2014	Amend	1-1-2014
333-061-0225	5-8-2014	Amend	6-1-2014	334-020-0005	1-1-2014	Amend	1-1-2014
333-061-0228	5-8-2014	Amend	6-1-2014	334-040-0010	1-1-2014	Amend	1-1-2014

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335-060-0007	3-7-2014	Amend	4-1-2014	340-012-0083	1-6-2014	Amend	2-1-2014
337-021-0055	7-1-2014	Adopt	7-1-2014	340-012-0097	1-6-2014	Amend	2-1-2014
340-011-0005	1-6-2014	Amend	2-1-2014	340-012-0130	1-6-2014	Amend	2-1-2014
340-011-0010	1-6-2014	Amend	2-1-2014	340-012-0135	1-6-2014	Amend	2-1-2014
340-011-0024	1-6-2014	Amend	2-1-2014	340-012-0140	1-6-2014	Amend	2-1-2014
340-011-0029	1-6-2014	Amend	2-1-2014	340-012-0145	1-6-2014	Amend	2-1-2014
340-011-0046	1-6-2014	Amend	2-1-2014	340-012-0150	1-6-2014	Amend	2-1-2014
340-011-0053	1-6-2014	Amend	2-1-2014	340-012-0155	1-6-2014	Amend	2-1-2014
340-011-0061	1-6-2014	Amend	2-1-2014	340-012-0160	1-6-2014	Amend	2-1-2014
340-011-0310	1-6-2014	Amend	2-1-2014	340-012-0162	1-6-2014	Amend	2-1-2014
340-011-0330	1-6-2014	Amend	2-1-2014	340-012-0165	1-6-2014	Amend	2-1-2014
340-011-0340	1-6-2014	Amend	2-1-2014	340-012-0170	1-6-2014	Amend	2-1-2014
340-011-0360	1-6-2014	Amend	2-1-2014	340-018-0030	1-2-2014	Amend	2-1-2014
340-011-0370	1-6-2014	Amend	2-1-2014	340-040-0020	12-23-2013	Amend	2-1-2014
340-011-0380	1-6-2014	Amend	2-1-2014	340-040-0080	12-23-2013	Amend	2-1-2014
340-011-0390	1-6-2014	Amend	2-1-2014	340-041-0009	12-23-2013	Amend	2-1-2014
340-011-0500	1-6-2014	Amend	2-1-2014	340-041-0033	4-18-2014	Amend	2-1-2014
340-011-0510	1-6-2014	Amend	2-1-2014	340-054-0010	2-3-2014	Amend	3-1-2014
340-011-0515	1-6-2014	Amend	2-1-2014	340-054-0011	2-3-2014	Amend	3-1-2014
340-011-0520	1-6-2014	Amend	2-1-2014	340-054-0071	2-3-2014	Adopt	3-1-2014
340-011-0525	1-6-2014	Amend	2-1-2014	340-054-0072	2-3-2014	Adopt	3-1-2014
340-011-0530	1-6-2014	Amend	2-1-2014	340-071-0100	1-2-2014	Amend	2-1-2014
340-011-0535	1-6-2014	Amend	2-1-2014	340-071-0115	1-2-2014	Amend	2-1-2014
340-011-0540	1-6-2014	Amend	2-1-2014	340-071-0120	1-2-2014	Amend	2-1-2014
340-011-0545	1-6-2014	Amend	2-1-2014	340-071-0130	1-2-2014	Amend	2-1-2014
340-011-0550	1-6-2014	Amend	2-1-2014	340-071-0131	1-2-2014	Repeal	2-1-2014
340-011-0555	1-6-2014	Amend	2-1-2014	340-071-0135	1-2-2014	Amend	2-1-2014
340-011-0565	1-6-2014	Amend	2-1-2014	340-071-0140	1-2-2014	Amend	2-1-2014
340-011-0570	1-6-2014	Amend	2-1-2014	340-071-0150	1-2-2014	Amend	2-1-2014
340-011-0573	1-6-2014	Amend	2-1-2014	340-071-0155	1-2-2014	Amend	2-1-2014
340-011-0575	1-6-2014	Amend	2-1-2014	340-071-0160	1-2-2014	Amend	2-1-2014
340-011-0580	1-6-2014	Amend	2-1-2014	340-071-0162	1-2-2014	Amend	2-1-2014
340-011-0585	1-6-2014	Amend	2-1-2014	340-071-0165	1-2-2014	Amend	2-1-2014
340-011-0605	1-6-2014	Repeal	2-1-2014	340-071-0170	1-2-2014	Amend	2-1-2014
340-012-0026	1-6-2014	Amend	2-1-2014	340-071-0205	1-2-2014	Amend	2-1-2014
340-012-0027	1-6-2014	Repeal	2-1-2014	340-071-0215	1-2-2014	Amend	2-1-2014
340-012-0028	1-6-2014	Amend	2-1-2014	340-071-0220	1-2-2014	Amend	2-1-2014
340-012-0030	1-6-2014	Amend	2-1-2014	340-071-0260	1-2-2014	Amend	2-1-2014
340-012-0038	1-6-2014	Amend	2-1-2014	340-071-0265	1-2-2014	Amend	2-1-2014
340-012-0041	1-6-2014	Amend	2-1-2014	340-071-0270	1-2-2014	Repeal	2-1-2014
340-012-0045	1-6-2014	Amend	2-1-2014	340-071-0275	1-2-2014	Amend	2-1-2014
340-012-0053	1-6-2014	Amend	2-1-2014	340-071-0290	1-2-2014	Amend	2-1-2014
340-012-0054	1-6-2014	Amend	2-1-2014	340-071-0295	1-2-2014	Amend	2-1-2014
340-012-0055	1-6-2014	Amend	2-1-2014	340-071-0302	1-2-2014	Amend	2-1-2014
340-012-0060	1-6-2014	Amend	2-1-2014	340-071-0325	1-2-2014	Amend	2-1-2014
340-012-0065	1-6-2014	Amend	2-1-2014	340-071-0335	1-2-2014	Amend	2-1-2014
340-012-0066	1-6-2014	Amend	2-1-2014	340-071-0340	1-2-2014	Amend	2-1-2014
340-012-0067	1-6-2014	Amend	2-1-2014	340-071-0345	1-2-2014	Amend	2-1-2014
340-012-0068	1-6-2014	Amend	2-1-2014	340-071-0360	1-2-2014	Amend	2-1-2014
340-012-0071	1-6-2014	Amend	2-1-2014	340-071-0400	1-2-2014	Amend	2-1-2014
340-012-0072	1-6-2014	Amend	2-1-2014	340-071-0415	1-2-2014	Amend	2-1-2014
340-012-0073	1-6-2014	Amend	2-1-2014	340-071-0420	1-2-2014	Amend	2-1-2014
340-012-0074	1-6-2014	Amend	2-1-2014	340-071-0425	1-2-2014	Amend	2-1-2014
340-012-0079	1-6-2014	Amend	2-1-2014	340-071-0435	1-2-2014	Amend	2-1-2014
340-012-0081	1-6-2014	Amend	2-1-2014	340-071-0445	1-2-2014	Amend	2-1-2014



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340-071-0600	1-2-2014	Amend	2-1-2014	409-110-0015	2-24-2014	Repeal	4-1-2014
340-071-0650	1-2-2014	Amend	2-1-2014	409-110-0020	2-24-2014	Repeal	4-1-2014
340-200-0040	12-19-2013	Amend	2-1-2014	410-050-0100	4-1-2014	Repeal	5-1-2014
340-200-0040	1-6-2014	Amend	2-1-2014	410-050-0110	4-1-2014	Repeal	5-1-2014
340-200-0040	3-31-2014	Amend	5-1-2014	410-050-0120	4-1-2014	Repeal	5-1-2014
340-200-0040	3-31-2014	Amend	5-1-2014	410-050-0130	4-1-2014	Repeal	5-1-2014
340-200-0040	3-31-2014	Amend	5-1-2014	410-050-0140	4-1-2014	Repeal	5-1-2014
340-253-0040	1-1-2014	Amend(T)	2-1-2014	410-050-0150	4-1-2014	Repeal	5-1-2014
340-253-0060	1-1-2014	Amend(T)	2-1-2014	410-050-0160	4-1-2014	Repeal	5-1-2014
340-253-0100	1-1-2014	Amend(T)	2-1-2014	410-050-0170	4-1-2014	Repeal	5-1-2014
340-253-0250	1-1-2014	Amend(T)	2-1-2014	410-050-0180	4-1-2014	Repeal	5-1-2014
340-253-0310	1-1-2014	Amend(T)	2-1-2014	410-050-0190	4-1-2014	Repeal	5-1-2014
340-253-0320	1-1-2014	Amend(T)	2-1-2014	410-050-0200	4-1-2014	Repeal	5-1-2014
340-253-0340	1-1-2014	Amend(T)	2-1-2014	410-050-0210	4-1-2014	Repeal	5-1-2014
340-253-0400	1-1-2014	Amend(T)	2-1-2014	410-050-0220	4-1-2014	Repeal	5-1-2014
340-253-0500	1-1-2014	Amend(T)	2-1-2014	410-050-0230	4-1-2014	Repeal	5-1-2014
340-253-0600	1-1-2014	Amend(T)	2-1-2014	410-050-0240	4-1-2014	Repeal	5-1-2014
340-253-0630	1-1-2014	Amend(T)	2-1-2014	410-050-0250	4-1-2014	Repeal	5-1-2014
340-253-0650	1-1-2014	Amend(T)	2-1-2014	410-050-0870	3-25-2014	Amend	5-1-2014
340-253-3000	1-1-2014	Amend(T)	2-1-2014	410-050-0870(T)	3-25-2014	Repeal	5-1-2014
340-253-3010	1-1-2014	Amend(T)	2-1-2014	410-120-0000	12-27-2013	Amend	2-1-2014
340-253-3020	1-1-2014	Amend(T)	2-1-2014	410-120-0000(T)	12-27-2013	Repeal	2-1-2014
340-257-0010	12-19-2013	Amend	2-1-2014	410-120-0003	1-1-2014	Adopt	2-1-2014
340-257-0020	12-19-2013	Amend	2-1-2014	410-120-0006	2-1-2014	Amend(T)	3-1-2014
340-257-0030	12-19-2013	Amend	2-1-2014	410-120-0006	3-31-2014	Amend	5-1-2014
340-257-0050	12-19-2013	Amend	2-1-2014	410-120-0006(T)	2-1-2014	Suspend	3-1-2014
340-257-0070	12-19-2013	Amend	2-1-2014	410-120-0006(T)	3-31-2014	Repeal	5-1-2014
340-257-0080	12-19-2013	Amend	2-1-2014	410-120-0030	12-3-2013	Amend	1-1-2014
340-257-0090	12-19-2013	Amend	2-1-2014	410-120-0030	1-1-2014	Amend(T)	2-1-2014
340-257-0100	12-19-2013	Amend	2-1-2014	410-120-0030	4-4-2014	Amend	5-1-2014
340-257-0110	12-19-2013	Amend	2-1-2014	410-120-0030(T)	4-4-2014	Repeal	5-1-2014
340-257-0120	12-19-2013	Amend	2-1-2014	410-120-0045	12-27-2013	Amend	2-1-2014
340-259-0010	3-31-2014	Amend	5-1-2014	410-120-0045(T)	12-27-2013	Repeal	2-1-2014
407-025-0010	2-14-2014	Adopt	3-1-2014	410-120-1160	12-27-2013	Amend	2-1-2014
407-025-0050	2-14-2014	Adopt	3-1-2014	410-120-1160(T)	12-27-2013	Repeal	2-1-2014
409-022-0050	2-24-2014	Amend	4-1-2014	410-120-1200	12-27-2013	Amend	2-1-2014
409-023-0000	1-1-2014	Am. & Ren.	2-1-2014	410-120-1200(T)	12-27-2013	Repeal	2-1-2014
409-023-0005	1-1-2014	Am. & Ren.	2-1-2014	410-120-1210	12-27-2013	Amend	2-1-2014
409-023-0010	1-1-2014	Am. & Ren.	2-1-2014	410-120-1210	1-1-2014	Amend(T)	2-1-2014
409-023-0012	1-1-2014	Am. & Ren.	2-1-2014	410-120-1210	4-4-2014	Amend	5-1-2014
409-023-0013	1-1-2014	Am. & Ren.	2-1-2014	410-120-1210(T)	12-27-2013	Repeal	2-1-2014
409-023-0015	1-1-2014	Am. & Ren.	2-1-2014	410-120-1210(T)	4-4-2014	Repeal	5-1-2014
409-023-0020	1-1-2014	Am. & Ren.	2-1-2014	410-120-1230	1-1-2014	Amend(T)	2-1-2014
409-023-0025	1-1-2014	Am. & Ren.	2-1-2014	410-120-1230	4-4-2014	Amend	5-1-2014
409-023-0030	1-1-2014	Am. & Ren.	2-1-2014	410-120-1230(T)	4-4-2014	Repeal	5-1-2014
409-023-0035	1-1-2014	Am. & Ren.	2-1-2014	410-120-1340	12-30-2013	Amend(T)	2-1-2014
409-045-0105	1-1-2014	Adopt(T)	2-1-2014	410-120-1340	4-4-2014	Amend	5-1-2014
409-045-0110	1-1-2014	Adopt(T)	2-1-2014	410-120-1340(T)	4-4-2014	Repeal	5-1-2014
409-045-0115	1-1-2014	Adopt(T)	2-1-2014	410-120-1855	12-27-2013	Amend	2-1-2014
409-045-0120	1-1-2014	Adopt(T)	2-1-2014	410-120-1855(T)	12-27-2013	Repeal	2-1-2014
409-045-0125	1-1-2014	Adopt(T)	2-1-2014	410-121-0030	1-1-2014	Amend(T)	2-1-2014
409-045-0130	1-1-2014	Adopt(T)	2-1-2014	410-121-0030	1-10-2014	Amend(T)	2-1-2014
409-045-0135	1-1-2014	Adopt(T)	2-1-2014	410-121-0030	3-21-2014	Amend(T)	5-1-2014
409-110-0000	2-24-2014	Repeal	4-1-2014	410-121-0030	5-2-2014	Amend(T)	6-1-2014
409-110-0005	2-24-2014	Repeal	4-1-2014	410-121-0030(T)	1-10-2014	Suspend	2-1-2014

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410-121-0040	3-21-2014	Amend(T)	5-1-2014	410-136-3020(T)	5-20-2014	Repeal	7-1-2014
410-121-0040	5-2-2014	Amend(T)	6-1-2014	410-136-3060	1-1-2014	Amend(T)	2-1-2014
410-121-0111	1-28-2014	Amend	3-1-2014	410-136-3060	5-20-2014	Amend	7-1-2014
410-121-4005	11-19-2013	Amend	1-1-2014	410-136-3060(T)	5-20-2014	Repeal	7-1-2014
410-121-4010	11-19-2013	Amend	1-1-2014	410-136-3140	1-1-2014	Amend(T)	2-1-2014
410-121-4020	11-19-2013	Amend	1-1-2014	410-136-3140	5-20-2014	Amend	7-1-2014
410-122-0055	1-1-2014	Suspend	2-1-2014	410-136-3140(T)	5-20-2014	Repeal	7-1-2014
410-122-0055	4-4-2014	Repeal	5-1-2014	410-136-3220	1-1-2014	Amend(T)	2-1-2014
410-122-0186	2-1-2014	Amend(T)	2-1-2014	410-136-3220	5-20-2014	Amend	7-1-2014
410-123-1060	1-1-2014	Amend(T)	2-1-2014	410-136-3220(T)	5-20-2014	Repeal	7-1-2014
410-123-1200	1-1-2014	Amend(T)	2-1-2014	410-136-3240	1-1-2014	Amend(T)	2-1-2014
410-123-1200	4-1-2014	Amend(T)	5-1-2014	410-136-3240	5-20-2014	Amend	7-1-2014
410-123-1200(T)	4-1-2014	Suspend	5-1-2014	410-136-3240(T)	5-20-2014	Repeal	7-1-2014
410-123-1260	12-23-2013	Amend	1-1-2014	410-136-3260	3-11-2014	Amend	4-1-2014
410-123-1260	1-1-2014	Amend(T)	2-1-2014	410-136-3260(T)	3-11-2014	Repeal	4-1-2014
410-123-1260	2-28-2014	Amend(T)	4-1-2014	410-138-0000	1-1-2014	Amend(T)	2-1-2014
410-123-1260	4-1-2014	Amend(T)	5-1-2014	410-138-0000	4-4-2014	Amend	5-1-2014
410-123-1260(T)	4-1-2014	Suspend	5-1-2014	410-138-0007	1-1-2014	Amend(T)	2-1-2014
410-123-1540	1-1-2014	Amend(T)	2-1-2014	410-138-0007	4-4-2014	Amend	5-1-2014
410-123-1670	1-1-2014	Suspend	2-1-2014	410-138-0007(T)	4-4-2014	Repeal	5-1-2014
410-123-1670	4-4-2014	Repeal	5-1-2014	410-138-0009	1-1-2014	Amend(T)	2-1-2014
410-125-0020	1-1-2014	Amend(T)	2-1-2014	410-138-0009	4-4-2014	Amend	5-1-2014
410-125-0020	4-4-2014	Amend	5-1-2014	410-138-0009(T)	4-4-2014	Repeal	5-1-2014
410-125-0020(T)	4-4-2014	Repeal	5-1-2014	410-140-0020	5-8-2014	Amend	6-1-2014
410-125-0047	1-1-2014	Suspend	2-1-2014	410-140-0040	5-8-2014	Amend	6-1-2014
410-125-0047	4-4-2014	Repeal	5-1-2014	410-140-0050	5-8-2014	Amend	6-1-2014
410-125-0080	1-1-2014	Amend(T)	2-1-2014	410-140-0060	5-8-2014	Repeal	6-1-2014
410-125-0080	4-4-2014	Amend	5-1-2014	410-140-0110	5-8-2014	Repeal	6-1-2014
410-125-0080(T)	4-4-2014	Repeal	5-1-2014	410-140-0120	5-8-2014	Amend	6-1-2014
410-125-0085	1-1-2014	Amend(T)	2-1-2014	410-140-0140	5-8-2014	Amend	6-1-2014
410-125-0085	4-4-2014	Amend	5-1-2014	410-140-0160	5-8-2014	Amend	6-1-2014
410-125-0085(T)	4-4-2014	Repeal	5-1-2014	410-140-0180	5-8-2014	Repeal	6-1-2014
410-127-0050	1-1-2014	Suspend	2-1-2014	410-140-0200	5-8-2014	Amend	6-1-2014
410-127-0055	4-4-2014	Repeal	5-1-2014	410-140-0210	5-8-2014	Repeal	6-1-2014
410-129-0020	4-2-2014	Amend	5-1-2014	410-140-0220	5-8-2014	Repeal	6-1-2014
410-129-0065	4-2-2014	Amend	5-1-2014	410-140-0240	5-8-2014	Repeal	6-1-2014
410-129-0070	4-2-2014	Amend	5-1-2014	410-140-0260	5-8-2014	Amend	6-1-2014
410-129-0195	1-1-2014	Suspend	2-1-2014	410-140-0280	5-8-2014	Amend	6-1-2014
410-129-0195	4-4-2014	Repeal	5-1-2014	410-140-0300	5-8-2014	Amend	6-1-2014
410-130-0015	1-1-2014	Adopt	2-1-2014	410-140-0320	5-8-2014	Repeal	6-1-2014
410-130-0163	1-1-2014	Suspend	2-1-2014	410-140-0380	5-8-2014	Repeal	6-1-2014
410-130-0163	4-4-2014	Repeal	5-1-2014	410-140-0400	5-8-2014	Amend	6-1-2014
410-130-0240	1-1-2014	Amend(T)	2-1-2014	410-141-0065	1-31-2014	Adopt	3-1-2014
410-130-0240	4-4-2014	Amend	5-1-2014	410-141-0080	2-1-2014	Amend(T)	3-1-2014
410-130-0240(T)	4-4-2014	Repeal	5-1-2014	410-141-0080	6-1-2014	Amend	7-1-2014
410-130-0255	3-13-2014	Amend	4-1-2014	410-141-0080(T)	6-1-2014	Repeal	7-1-2014
410-131-0120	1-1-2014	Amend(T)	2-1-2014	410-141-0263	7-1-2014	Amend	7-1-2014
410-131-0120	4-4-2014	Amend	5-1-2014	410-141-0520	1-31-2014	Amend	3-1-2014
410-131-0120(T)	4-4-2014	Repeal	5-1-2014	410-141-0520	4-1-2014	Amend(T)	5-1-2014
410-132-0055	1-1-2014	Suspend	2-1-2014	410-141-0520	7-1-2014	Amend	7-1-2014
410-132-0055	4-4-2014	Repeal	5-1-2014	410-141-0520(T)	7-1-2014	Repeal	7-1-2014
410-136-3000	1-1-2014	Amend(T)	2-1-2014	410-141-0860	1-1-2014	Amend(T)	2-1-2014
410-136-3000	5-20-2014	Amend	7-1-2014	410-141-0860	4-4-2014	Amend	5-1-2014
410-136-3000(T)	5-20-2014	Repeal	7-1-2014	410-141-0860(T)	4-4-2014	Repeal	5-1-2014
410-136-3020	1-1-2014	Amend(T)	2-1-2014	410-141-3060	11-29-2013	Amend	1-1-2014

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410-141-3065	1-31-2014	Adopt	3-1-2014	410-200-0010(T)	1-15-2014	Suspend	2-1-2014
410-141-3070	4-1-2014	Amend(T)	5-1-2014	410-200-0010(T)	3-28-2014	Repeal	5-1-2014
410-141-3070	7-1-2014	Amend	7-1-2014	410-200-0015	1-15-2014	Adopt(T)	2-1-2014
410-141-3070(T)	7-1-2014	Repeal	7-1-2014	410-200-0015	3-28-2014	Adopt	5-1-2014
410-141-3080	11-29-2013	Amend	1-1-2014	410-200-0015(T)	1-15-2014	Suspend	2-1-2014
410-141-3080	2-1-2014	Amend(T)	3-1-2014	410-200-0015(T)	3-28-2014	Repeal	5-1-2014
410-141-3080	6-1-2014	Amend	7-1-2014	410-200-0100	1-15-2014	Adopt(T)	2-1-2014
410-141-3080(T)	6-1-2014	Repeal	7-1-2014	410-200-0100	3-28-2014	Adopt	5-1-2014
410-141-3220	11-29-2013	Amend	1-1-2014	410-200-0100(T)	1-15-2014	Suspend	2-1-2014
410-141-3260	7-1-2014	Amend	7-1-2014	410-200-0100(T)	3-28-2014	Repeal	5-1-2014
410-141-3268	1-1-2014	Amend(T)	2-1-2014	410-200-0105	1-15-2014	Adopt(T)	2-1-2014
410-141-3420	11-29-2013	Amend	1-1-2014	410-200-0105	3-28-2014	Adopt	5-1-2014
410-142-0040	1-1-2014	Amend(T)	2-1-2014	410-200-0105(T)	1-15-2014	Suspend	2-1-2014
410-142-0040	4-4-2014	Amend	5-1-2014	410-200-0105(T)	3-28-2014	Repeal	5-1-2014
410-142-0040(T)	4-4-2014	Repeal	5-1-2014	410-200-0110	1-15-2014	Adopt(T)	2-1-2014
410-146-0022	1-1-2014	Suspend	2-1-2014	410-200-0110	3-28-2014	Adopt	5-1-2014
410-146-0022	4-4-2014	Repeal	5-1-2014	410-200-0110(T)	1-15-2014	Suspend	2-1-2014
410-146-0380	1-1-2014	Suspend	2-1-2014	410-200-0110(T)	3-28-2014	Repeal	5-1-2014
410-146-0380	4-4-2014	Repeal	5-1-2014	410-200-0111	1-15-2014	Adopt(T)	2-1-2014
410-147-0125	1-1-2014	Suspend	2-1-2014	410-200-0111	3-28-2014	Adopt	5-1-2014
410-147-0125	4-4-2014	Repeal	5-1-2014	410-200-0111(T)	1-15-2014	Suspend	2-1-2014
410-148-0090	1-1-2014	Suspend	2-1-2014	410-200-0111(T)	3-28-2014	Repeal	5-1-2014
410-148-0090	4-4-2014	Repeal	5-1-2014	410-200-0115	1-15-2014	Adopt(T)	2-1-2014
410-180-0300	12-3-2013	Adopt	1-1-2014	410-200-0115	3-28-2014	Adopt	5-1-2014
410-180-0300(T)	12-3-2013	Repeal	1-1-2014	410-200-0115(T)	1-15-2014	Suspend	2-1-2014
410-180-0305	12-3-2013	Adopt	1-1-2014	410-200-0115(T)	3-28-2014	Repeal	5-1-2014
410-180-0305(T)	12-3-2013	Repeal	1-1-2014	410-200-0120	1-15-2014	Adopt(T)	2-1-2014
410-180-0310	12-3-2013	Adopt	1-1-2014	410-200-0120	3-28-2014	Adopt	5-1-2014
410-180-0310(T)	12-3-2013	Repeal	1-1-2014	410-200-0120(T)	1-15-2014	Suspend	2-1-2014
410-180-0312	12-3-2013	Adopt	1-1-2014	410-200-0120(T)	3-28-2014	Repeal	5-1-2014
410-180-0315	12-3-2013	Adopt	1-1-2014	410-200-0125	1-15-2014	Adopt(T)	2-1-2014
410-180-0315(T)	12-3-2013	Repeal	1-1-2014	410-200-0125	3-28-2014	Adopt	5-1-2014
410-180-0320	12-3-2013	Adopt	1-1-2014	410-200-0125(T)	1-15-2014	Suspend	2-1-2014
410-180-0320(T)	12-3-2013	Repeal	1-1-2014	410-200-0125(T)	3-28-2014	Repeal	5-1-2014
410-180-0325	1-15-2014	Adopt	2-1-2014	410-200-0130	1-15-2014	Adopt(T)	2-1-2014
410-180-0325(T)	1-15-2014	Repeal	2-1-2014	410-200-0130	3-28-2014	Adopt	5-1-2014
410-180-0326	1-15-2014	Adopt	2-1-2014	410-200-0130(T)	1-15-2014	Suspend	2-1-2014
410-180-0327	12-3-2013	Adopt	1-1-2014	410-200-0130(T)	3-28-2014	Repeal	5-1-2014
410-180-0327(T)	12-3-2013	Repeal	1-1-2014	410-200-0135	1-15-2014	Adopt(T)	2-1-2014
410-180-0340	12-3-2013	Adopt	1-1-2014	410-200-0135	3-28-2014	Adopt	5-1-2014
410-180-0340(T)	12-3-2013	Repeal	1-1-2014	410-200-0135(T)	1-15-2014	Suspend	2-1-2014
410-180-0345	12-3-2013	Adopt	1-1-2014	410-200-0135(T)	3-28-2014	Repeal	5-1-2014
410-180-0345(T)	12-3-2013	Repeal	1-1-2014	410-200-0140	1-15-2014	Adopt(T)	2-1-2014
410-180-0350	12-3-2013	Adopt	1-1-2014	410-200-0140	3-28-2014	Adopt	5-1-2014
410-180-0350(T)	12-3-2013	Repeal	1-1-2014	410-200-0140(T)	1-15-2014	Suspend	2-1-2014
410-180-0355	12-3-2013	Adopt	1-1-2014	410-200-0140(T)	3-28-2014	Repeal	5-1-2014
410-180-0355(T)	12-3-2013	Repeal	1-1-2014	410-200-0145	1-15-2014	Adopt(T)	2-1-2014
410-180-0360	12-3-2013	Adopt	1-1-2014	410-200-0145	3-28-2014	Adopt	5-1-2014
410-180-0370	12-3-2013	Adopt	1-1-2014	410-200-0145(T)	1-15-2014	Suspend	2-1-2014
410-180-0370(T)	12-3-2013	Repeal	1-1-2014	410-200-0145(T)	3-28-2014	Repeal	5-1-2014
410-180-0375	12-3-2013	Adopt	1-1-2014	410-200-0146	1-15-2014	Adopt(T)	2-1-2014
410-180-0375(T)	12-3-2013	Repeal	1-1-2014	410-200-0146	3-28-2014	Adopt	5-1-2014
410-180-0380	12-3-2013	Adopt	1-1-2014	410-200-0146(T)	1-15-2014	Suspend	2-1-2014
410-180-0380(T)	12-3-2013	Repeal	1-1-2014	410-200-0146(T)	3-28-2014	Repeal	5-1-2014
410-200-0010	1-15-2014	Adopt(T)	2-1-2014	410-200-0200	1-15-2014	Adopt(T)	2-1-2014
410-200-0010	3-28-2014	Adopt	5-1-2014	410-200-0200	3-28-2014	Adopt	5-1-2014



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410-200-0200(T)	1-15-2014	Suspend	2-1-2014	410-200-0406(T)	3-28-2014	Repeal	5-1-2014
410-200-0200(T)	3-28-2014	Repeal	5-1-2014	410-200-0410	1-15-2014	Adopt(T)	2-1-2014
410-200-0205	1-15-2014	Adopt(T)	2-1-2014	410-200-0410	3-28-2014	Adopt	5-1-2014
410-200-0205	3-28-2014	Adopt	5-1-2014	410-200-0410(T)	1-15-2014	Suspend	2-1-2014
410-200-0205(T)	1-15-2014	Suspend	2-1-2014	410-200-0410(T)	3-28-2014	Repeal	5-1-2014
410-200-0205(T)	3-28-2014	Repeal	5-1-2014	410-200-0415	1-15-2014	Adopt(T)	2-1-2014
410-200-0210	1-15-2014	Adopt(T)	2-1-2014	410-200-0415	3-28-2014	Adopt	5-1-2014
410-200-0210	3-28-2014	Adopt	5-1-2014	410-200-0415(T)	1-15-2014	Suspend	2-1-2014
410-200-0210(T)	1-15-2014	Suspend	2-1-2014	410-200-0415(T)	3-28-2014	Repeal	5-1-2014
410-200-0210(T)	3-28-2014	Repeal	5-1-2014	410-200-0420	1-15-2014	Adopt(T)	2-1-2014
410-200-0215	1-15-2014	Adopt(T)	2-1-2014	410-200-0420	3-28-2014	Adopt	5-1-2014
410-200-0215	3-28-2014	Adopt	5-1-2014	410-200-0420(T)	1-15-2014	Suspend	2-1-2014
410-200-0215(T)	1-15-2014	Suspend	2-1-2014	410-200-0420(T)	3-28-2014	Repeal	5-1-2014
410-200-0215(T)	3-28-2014	Repeal	5-1-2014	410-200-0425	1-15-2014	Adopt(T)	2-1-2014
410-200-0220	1-15-2014	Adopt(T)	2-1-2014	410-200-0425	3-28-2014	Adopt	5-1-2014
410-200-0220	3-28-2014	Adopt	5-1-2014	410-200-0425(T)	1-15-2014	Suspend	2-1-2014
410-200-0220(T)	1-15-2014	Suspend	2-1-2014	410-200-0425(T)	3-28-2014	Repeal	5-1-2014
410-200-0220(T)	3-28-2014	Repeal	5-1-2014	410-200-0435	1-15-2014	Adopt(T)	2-1-2014
410-200-0225	1-15-2014	Adopt(T)	2-1-2014	410-200-0435	3-28-2014	Adopt	5-1-2014
410-200-0225	3-28-2014	Adopt	5-1-2014	410-200-0435(T)	1-15-2014	Suspend	2-1-2014
410-200-0225(T)	1-15-2014	Suspend	2-1-2014	410-200-0435(T)	3-28-2014	Repeal	5-1-2014
410-200-0225(T)	3-28-2014	Repeal	5-1-2014	410-200-0440	1-15-2014	Adopt(T)	2-1-2014
410-200-0230	1-15-2014	Adopt(T)	2-1-2014	410-200-0440	3-28-2014	Adopt	5-1-2014
410-200-0230	3-28-2014	Adopt	5-1-2014	410-200-0440(T)	1-15-2014	Suspend	2-1-2014
410-200-0230(T)	1-15-2014	Suspend	2-1-2014	410-200-0440(T)	3-28-2014	Repeal	5-1-2014
410-200-0230(T)	3-28-2014	Repeal	5-1-2014	410-200-0500	1-15-2014	Adopt(T)	2-1-2014
410-200-0235	1-15-2014	Adopt(T)	2-1-2014	410-200-0500	3-28-2014	Adopt	5-1-2014
410-200-0235	3-28-2014	Adopt	5-1-2014	410-200-0500(T)	1-15-2014	Suspend	2-1-2014
410-200-0235(T)	1-15-2014	Suspend	2-1-2014	410-200-0500(T)	3-28-2014	Repeal	5-1-2014
410-200-0235(T)	3-28-2014	Repeal	5-1-2014	410-200-0505	1-15-2014	Adopt(T)	2-1-2014
410-200-0240	1-15-2014	Adopt(T)	2-1-2014	410-200-0505	3-28-2014	Adopt	5-1-2014
410-200-0240	3-28-2014	Adopt	5-1-2014	410-200-0505(T)	1-15-2014	Suspend	2-1-2014
410-200-0240(T)	1-15-2014	Suspend	2-1-2014	410-200-0505(T)	3-28-2014	Repeal	5-1-2014
410-200-0240(T)	3-28-2014	Repeal	5-1-2014	410-200-0510	1-15-2014	Adopt(T)	2-1-2014
410-200-0305	1-15-2014	Adopt(T)	2-1-2014	410-200-0510	3-28-2014	Adopt	5-1-2014
410-200-0305	3-28-2014	Adopt	5-1-2014	410-200-0510(T)	1-15-2014	Suspend	2-1-2014
410-200-0305(T)	1-15-2014	Suspend	2-1-2014	410-200-0510(T)	3-28-2014	Repeal	5-1-2014
410-200-0305(T)	3-28-2014	Repeal	5-1-2014	410-200-0515(T)	1-15-2014	Suspend	2-1-2014
410-200-0310	1-15-2014	Adopt(T)	2-1-2014	410-200-0515(T)	3-28-2014	Repeal	5-1-2014
410-200-0310	3-28-2014	Adopt	5-1-2014	411-001-0100	1-1-2014	Amend	2-1-2014
410-200-0310(T)	1-15-2014	Suspend	2-1-2014	411-001-0110	1-1-2014	Amend	2-1-2014
410-200-0310(T)	3-28-2014	Repeal	5-1-2014	411-001-0118	1-1-2014	Amend	2-1-2014
410-200-0315	1-15-2014	Adopt(T)	2-1-2014	411-001-0120	1-1-2014	Amend	2-1-2014
410-200-0315	3-28-2014	Adopt	5-1-2014	411-001-0120	5-9-2014	Amend(T)	6-1-2014
410-200-0315	4-14-2014	Amend(T)	5-1-2014	411-001-0510	12-15-2013	Amend	1-1-2014
410-200-0315(T)	1-15-2014	Suspend	2-1-2014	411-001-0510	6-4-2014	Amend	7-1-2014
410-200-0315(T)	3-28-2014	Repeal	5-1-2014	411-001-0510(T)	12-15-2013	Repeal	1-1-2014
410-200-0400	1-15-2014	Adopt(T)	2-1-2014	411-015-0005	12-15-2013	Amend	1-1-2014
410-200-0400	3-28-2014	Adopt	5-1-2014	411-015-0005	4-21-2014	Amend(T)	6-1-2014
410-200-0400(T)	1-15-2014	Suspend	2-1-2014	411-015-0005(T)	12-15-2013	Repeal	1-1-2014
410-200-0400(T)	3-28-2014	Repeal	5-1-2014	411-015-0006	4-21-2014	Amend(T)	6-1-2014
410-200-0405	1-15-2014	Adopt(T)	2-1-2014	411-015-0008	12-15-2013	Amend	1-1-2014
410-200-0405	3-28-2014	Adopt	5-1-2014	411-015-0008(T)	12-15-2013	Repeal	1-1-2014
410-200-0405(T)	1-15-2014	Suspend	2-1-2014	411-015-0015	12-15-2013	Amend	1-1-2014
410-200-0405(T)	3-28-2014	Repeal	5-1-2014	411-015-0015	4-21-2014	Amend(T)	6-1-2014
410-200-0406(T)	1-15-2014	Suspend	2-1-2014	411-015-0015(T)	12-15-2013	Repeal	1-1-2014

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411-015-0100	4-21-2014	Amend(T)	6-1-2014	411-035-0000	6-4-2014	Adopt	7-1-2014
411-015-0100(T)	12-15-2013	Repeal	1-1-2014	411-035-0010	6-4-2014	Adopt	7-1-2014
411-027-0005	3-20-2014	Amend(T)	5-1-2014	411-035-0015	6-4-2014	Adopt	7-1-2014
411-027-0020	3-20-2014	Amend(T)	5-1-2014	411-035-0020	6-4-2014	Adopt	7-1-2014
411-027-0025	3-20-2014	Amend(T)	5-1-2014	411-035-0025	6-4-2014	Adopt	7-1-2014
411-028-0000	12-15-2013	Adopt	1-1-2014	411-035-0030	6-4-2014	Adopt	7-1-2014
411-028-0000(T)	12-15-2013	Repeal	1-1-2014	411-035-0035	6-4-2014	Adopt	7-1-2014
411-028-0010	12-15-2013	Adopt	1-1-2014	411-035-0040	6-4-2014	Adopt	7-1-2014
411-028-0010	4-21-2014	Amend(T)	6-1-2014	411-035-0045	6-4-2014	Adopt	7-1-2014
411-028-0010(T)	12-15-2013	Repeal	1-1-2014	411-035-0050	6-4-2014	Adopt	7-1-2014
411-028-0020	12-15-2013	Adopt	1-1-2014	411-035-0055	6-4-2014	Adopt	7-1-2014
411-028-0020	4-21-2014	Amend(T)	6-1-2014	411-035-0060	6-4-2014	Adopt	7-1-2014
411-028-0020(T)	12-15-2013	Repeal	1-1-2014	411-035-0065	6-4-2014	Adopt	7-1-2014
411-028-0030	12-15-2013	Adopt	1-1-2014	411-035-0070	6-4-2014	Adopt	7-1-2014
411-028-0030	4-21-2014	Amend(T)	6-1-2014	411-035-0075	6-4-2014	Adopt	7-1-2014
411-028-0030(T)	12-15-2013	Repeal	1-1-2014	411-035-0080	6-4-2014	Adopt	7-1-2014
411-028-0040	12-15-2013	Adopt	1-1-2014	411-035-0085	6-4-2014	Adopt	7-1-2014
411-028-0040(T)	12-15-2013	Repeal	1-1-2014	411-035-0090	6-4-2014	Adopt	7-1-2014
411-028-0050	12-15-2013	Adopt	1-1-2014	411-035-0095	6-4-2014	Adopt	7-1-2014
411-028-0050(T)	12-15-2013	Repeal	1-1-2014	411-040-0000	12-15-2013	Amend	1-1-2014
411-030-0020	4-21-2014	Amend(T)	6-1-2014	411-040-0000	6-4-2014	Amend	7-1-2014
411-030-0040	4-21-2014	Amend(T)	6-1-2014	411-040-0000(T)	12-15-2013	Repeal	1-1-2014
411-030-0070	12-15-2013	Amend	1-1-2014	411-040-0010	6-4-2014	Adopt	7-1-2014
411-030-0070	5-1-2014	Amend	6-1-2014	411-040-0020	6-4-2014	Adopt	7-1-2014
411-030-0070(T)	12-15-2013	Repeal	1-1-2014	411-040-0030	6-4-2014	Adopt	7-1-2014
411-030-0100	12-15-2013	Amend	1-1-2014	411-040-0035	6-4-2014	Adopt	7-1-2014
411-030-0100(T)	12-15-2013	Repeal	1-1-2014	411-040-0036	6-4-2014	Adopt	7-1-2014
411-031-0020	12-15-2013	Amend	1-1-2014	411-040-0037	6-4-2014	Adopt	7-1-2014
411-031-0020(T)	12-15-2013	Repeal	1-1-2014	411-040-0040	6-4-2014	Adopt	7-1-2014
411-031-0040	12-15-2013	Amend	1-1-2014	411-040-0050	6-4-2014	Adopt	7-1-2014
411-031-0040(T)	12-15-2013	Repeal	1-1-2014	411-040-0060	6-4-2014	Adopt	7-1-2014
411-031-0050	12-15-2013	Amend	1-1-2014	411-045-0010	12-15-2013	Amend	1-1-2014
411-034-0000	12-15-2013	Amend	1-1-2014	411-045-0010(T)	12-15-2013	Repeal	1-1-2014
411-034-0000(T)	12-15-2013	Repeal	1-1-2014	411-045-0050	12-15-2013	Amend	1-1-2014
411-034-0010	12-15-2013	Amend	1-1-2014	411-045-0050(T)	12-15-2013	Repeal	1-1-2014
411-034-0010	4-21-2014	Amend(T)	6-1-2014	411-048-0150	12-15-2013	Amend	1-1-2014
411-034-0010	5-1-2014	Amend(T)	6-1-2014	411-048-0150(T)	12-15-2013	Repeal	1-1-2014
411-034-0010(T)	12-15-2013	Repeal	1-1-2014	411-048-0160	12-15-2013	Amend	1-1-2014
411-034-0010(T)	5-1-2014	Suspend	6-1-2014	411-048-0160	5-1-2014	Amend(T)	6-1-2014
411-034-0020	12-15-2013	Amend	1-1-2014	411-048-0160(T)	12-15-2013	Repeal	1-1-2014
411-034-0020(T)	12-15-2013	Repeal	1-1-2014	411-048-0170	12-15-2013	Amend	1-1-2014
411-034-0030	12-15-2013	Amend	1-1-2014	411-048-0170	5-1-2014	Amend(T)	6-1-2014
411-034-0030	4-21-2014	Amend(T)	6-1-2014	411-048-0170(T)	12-15-2013	Repeal	1-1-2014
411-034-0030(T)	12-15-2013	Repeal	1-1-2014	411-050-0602	4-1-2014	Amend	5-1-2014
411-034-0035	12-15-2013	Amend	1-1-2014	411-050-0610	4-1-2014	Amend	5-1-2014
411-034-0035(T)	12-15-2013	Repeal	1-1-2014	411-050-0625	4-1-2014	Amend	5-1-2014
411-034-0040	12-15-2013	Amend	1-1-2014	411-050-0630	4-1-2014	Amend	5-1-2014
411-034-0040(T)	12-15-2013	Repeal	1-1-2014	411-050-0640	4-1-2014	Amend	5-1-2014
411-034-0050	12-15-2013	Amend	1-1-2014	411-050-0640(T)	4-1-2014	Repeal	5-1-2014
411-034-0050(T)	12-15-2013	Repeal	1-1-2014	411-050-0642	4-1-2014	Amend	5-1-2014
411-034-0055	12-15-2013	Amend	1-1-2014	411-050-0645	4-1-2014	Amend	5-1-2014
411-034-0055(T)	12-15-2013	Repeal	1-1-2014	411-050-0650	4-1-2014	Amend	5-1-2014
411-034-0070	12-15-2013	Amend	1-1-2014	411-050-0660	4-1-2014	Amend	5-1-2014
411-034-0070(T)	12-15-2013	Repeal	1-1-2014	411-050-0685	4-1-2014	Amend	5-1-2014
411-034-0090	12-15-2013	Amend	1-1-2014	411-065-0000	12-15-2013	Amend	1-1-2014

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411-065-0000(T)	12-15-2013	Repeal	1-1-2014	411-088-0020	4-1-2014	Amend	5-1-2014
411-069-0000	4-1-2014	Amend	5-1-2014	411-088-0070	4-1-2014	Amend	5-1-2014
411-069-0000(T)	4-1-2014	Repeal	5-1-2014	411-088-0070(T)	4-1-2014	Repeal	5-1-2014
411-069-0010	4-1-2014	Amend	5-1-2014	411-088-0080	4-1-2014	Amend	5-1-2014
411-069-0010(T)	4-1-2014	Repeal	5-1-2014	411-089-0030	4-1-2014	Amend	5-1-2014
411-069-0020	4-1-2014	Amend	5-1-2014	411-200-0010	2-1-2014	Amend	3-1-2014
411-069-0020(T)	4-1-2014	Repeal	5-1-2014	411-200-0020	2-1-2014	Amend	3-1-2014
411-069-0030	4-1-2014	Amend	5-1-2014	411-200-0030	2-1-2014	Amend	3-1-2014
411-069-0030(T)	4-1-2014	Repeal	5-1-2014	411-200-0035	2-1-2014	Amend	3-1-2014
411-069-0040	4-1-2014	Amend	5-1-2014	411-200-0040	2-1-2014	Amend	3-1-2014
411-069-0040(T)	4-1-2014	Repeal	5-1-2014	411-300-0100	12-28-2013	Amend	2-1-2014
411-069-0050	4-1-2014	Amend	5-1-2014	411-300-0110	12-28-2013	Amend	2-1-2014
411-069-0050(T)	4-1-2014	Repeal	5-1-2014	411-300-0110(T)	12-28-2013	Repeal	2-1-2014
411-069-0060	4-1-2014	Amend	5-1-2014	411-300-0120	12-28-2013	Amend	2-1-2014
411-069-0060(T)	4-1-2014	Repeal	5-1-2014	411-300-0120(T)	12-28-2013	Repeal	2-1-2014
411-069-0070	4-1-2014	Amend	5-1-2014	411-300-0130	12-28-2013	Amend	2-1-2014
411-069-0070(T)	4-1-2014	Repeal	5-1-2014	411-300-0130(T)	12-28-2013	Repeal	2-1-2014
411-069-0080	4-1-2014	Amend	5-1-2014	411-300-0140	12-28-2013	Amend	2-1-2014
411-069-0080(T)	4-1-2014	Repeal	5-1-2014	411-300-0140(T)	12-28-2013	Repeal	2-1-2014
411-069-0090	4-1-2014	Amend	5-1-2014	411-300-0150	12-28-2013	Amend	2-1-2014
411-069-0090(T)	4-1-2014	Repeal	5-1-2014	411-300-0150(T)	12-28-2013	Repeal	2-1-2014
411-069-0100	4-1-2014	Amend	5-1-2014	411-300-0155	12-28-2013	Amend	2-1-2014
411-069-0100(T)	4-1-2014	Repeal	5-1-2014	411-300-0170	12-28-2013	Amend	2-1-2014
411-069-0110	4-1-2014	Amend	5-1-2014	411-300-0190	12-28-2013	Amend	2-1-2014
411-069-0110(T)	4-1-2014	Repeal	5-1-2014	411-300-0200	12-28-2013	Amend	2-1-2014
411-069-0120	4-1-2014	Amend	5-1-2014	411-300-0205	12-28-2013	Amend	2-1-2014
411-069-0120(T)	4-1-2014	Repeal	5-1-2014	411-300-0210	12-28-2013	Amend	2-1-2014
411-069-0130	4-1-2014	Amend	5-1-2014	411-300-0220	12-28-2013	Amend	2-1-2014
411-069-0130(T)	4-1-2014	Repeal	5-1-2014	411-308-0010	12-28-2013	Amend	2-1-2014
411-069-0140	4-1-2014	Amend	5-1-2014	411-308-0010(T)	12-28-2013	Repeal	2-1-2014
411-069-0140(T)	4-1-2014	Repeal	5-1-2014	411-308-0020	12-28-2013	Amend	2-1-2014
411-069-0150	4-1-2014	Amend	5-1-2014	411-308-0020(T)	12-28-2013	Repeal	2-1-2014
411-069-0150(T)	4-1-2014	Repeal	5-1-2014	411-308-0030	12-28-2013	Amend	2-1-2014
411-069-0160	4-1-2014	Amend	5-1-2014	411-308-0030(T)	12-28-2013	Repeal	2-1-2014
411-069-0160(T)	4-1-2014	Repeal	5-1-2014	411-308-0040	12-28-2013	Amend	2-1-2014
411-069-0170	4-1-2014	Amend	5-1-2014	411-308-0050	12-28-2013	Amend	2-1-2014
411-069-0170(T)	4-1-2014	Repeal	5-1-2014	411-308-0050(T)	12-28-2013	Repeal	2-1-2014
411-070-0005	4-1-2014	Amend	4-1-2014	411-308-0060	12-28-2013	Amend	2-1-2014
411-070-0005(T)	4-1-2014	Repeal	4-1-2014	411-308-0060(T)	12-28-2013	Repeal	2-1-2014
411-070-0033	12-15-2013	Amend	1-1-2014	411-308-0070	12-28-2013	Amend	2-1-2014
411-070-0033(T)	12-15-2013	Repeal	1-1-2014	411-308-0070(T)	12-28-2013	Repeal	2-1-2014
411-070-0300	4-1-2014	Amend	4-1-2014	411-308-0080	12-28-2013	Amend	2-1-2014
411-070-0300(T)	4-1-2014	Repeal	4-1-2014	411-308-0080(T)	12-28-2013	Repeal	2-1-2014
411-070-0437	4-1-2014	Adopt	4-1-2014	411-308-0090	12-28-2013	Amend	2-1-2014
411-070-0437(T)	4-1-2014	Repeal	4-1-2014	411-308-0100	12-28-2013	Amend	2-1-2014
411-070-0442	4-1-2014	Amend	4-1-2014	411-308-0100(T)	12-28-2013	Repeal	2-1-2014
411-070-0442(T)	4-1-2014	Repeal	4-1-2014	411-308-0110	12-28-2013	Amend	2-1-2014
411-070-0452	12-28-2013	Amend	2-1-2014	411-308-0120	12-28-2013	Amend	2-1-2014
411-070-0452(T)	12-28-2013	Repeal	2-1-2014	411-308-0120(T)	12-28-2013	Repeal	2-1-2014
411-085-0005	4-1-2014	Amend	5-1-2014	411-308-0130	12-28-2013	Amend	2-1-2014
411-085-0025	4-1-2014	Amend	5-1-2014	411-308-0140	12-28-2013	Amend	2-1-2014
411-085-0025(T)	4-1-2014	Repeal	5-1-2014	411-308-0150	12-28-2013	Amend	2-1-2014
411-085-0210	4-1-2014	Amend	5-1-2014	411-320-0010	12-28-2013	Amend	2-1-2014
411-085-0210(T)	4-1-2014	Repeal	5-1-2014	411-320-0020	12-28-2013	Amend	2-1-2014
411-086-0100	3-31-2014	Amend	5-1-2014	411-320-0020(T)	12-28-2013	Repeal	2-1-2014
411-086-0100(T)	3-31-2014	Repeal	5-1-2014	411-320-0030	12-28-2013	Amend	2-1-2014





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411-330-0070(T)	12-28-2013	Repeal	2-1-2014	411-335-0290	1-1-2014	Suspend	2-1-2014
411-330-0080	12-28-2013	Amend	2-1-2014	411-335-0290	4-1-2014	Repeal	5-1-2014
411-330-0080(T)	12-28-2013	Repeal	2-1-2014	411-335-0310	1-1-2014	Suspend	2-1-2014
411-330-0090	12-28-2013	Amend	2-1-2014	411-335-0310	4-1-2014	Repeal	5-1-2014
411-330-0090(T)	12-28-2013	Repeal	2-1-2014	411-335-0320	1-1-2014	Suspend	2-1-2014
411-330-0100	12-28-2013	Amend	2-1-2014	411-335-0320	4-1-2014	Repeal	5-1-2014
411-330-0110	12-28-2013	Amend	2-1-2014	411-335-0330	1-1-2014	Suspend	2-1-2014
411-330-0110(T)	12-28-2013	Repeal	2-1-2014	411-335-0330	4-1-2014	Repeal	5-1-2014
411-330-0120	12-28-2013	Amend	2-1-2014	411-335-0340	1-1-2014	Suspend	2-1-2014
411-330-0130	12-28-2013	Amend	2-1-2014	411-335-0340	4-1-2014	Repeal	5-1-2014
411-330-0140	12-28-2013	Amend	2-1-2014	411-335-0350	1-1-2014	Suspend	2-1-2014
411-330-0150	12-28-2013	Amend	2-1-2014	411-335-0350	4-1-2014	Repeal	5-1-2014
411-330-0160	12-28-2013	Amend	2-1-2014	411-335-0360	1-1-2014	Suspend	2-1-2014
411-330-0170	12-28-2013	Amend	2-1-2014	411-335-0360	4-1-2014	Repeal	5-1-2014
411-335-0010	1-1-2014	Suspend	2-1-2014	411-340-0010	12-28-2013	Amend	2-1-2014
411-335-0010	4-1-2014	Repeal	5-1-2014	411-340-0020	12-28-2013	Amend	2-1-2014
411-335-0020	1-1-2014	Suspend	2-1-2014	411-340-0020(T)	12-28-2013	Repeal	2-1-2014
411-335-0020	4-1-2014	Repeal	5-1-2014	411-340-0030	12-28-2013	Amend	2-1-2014
411-335-0030	1-1-2014	Suspend	2-1-2014	411-340-0040	12-28-2013	Amend	2-1-2014
411-335-0030	4-1-2014	Repeal	5-1-2014	411-340-0050	12-28-2013	Amend	2-1-2014
411-335-0040	1-1-2014	Suspend	2-1-2014	411-340-0060	12-28-2013	Amend	2-1-2014
411-335-0040	4-1-2014	Repeal	5-1-2014	411-340-0070	12-28-2013	Amend	2-1-2014
411-335-0060	1-1-2014	Suspend	2-1-2014	411-340-0080	12-28-2013	Amend	2-1-2014
411-335-0060	4-1-2014	Repeal	5-1-2014	411-340-0090	12-28-2013	Amend	2-1-2014
411-335-0120	1-1-2014	Suspend	2-1-2014	411-340-0100	12-28-2013	Amend	2-1-2014
411-335-0120	4-1-2014	Repeal	5-1-2014	411-340-0100(T)	12-28-2013	Repeal	2-1-2014
411-335-0130	1-1-2014	Suspend	2-1-2014	411-340-0110	12-28-2013	Amend	2-1-2014
411-335-0130	4-1-2014	Repeal	5-1-2014	411-340-0110(T)	12-28-2013	Repeal	2-1-2014
411-335-0150	1-1-2014	Suspend	2-1-2014	411-340-0120	12-28-2013	Amend	2-1-2014
411-335-0150	4-1-2014	Repeal	5-1-2014	411-340-0120(T)	12-28-2013	Repeal	2-1-2014
411-335-0160	1-1-2014	Suspend	2-1-2014	411-340-0125	12-28-2013	Amend	2-1-2014
411-335-0160	4-1-2014	Repeal	5-1-2014	411-340-0125(T)	12-28-2013	Repeal	2-1-2014
411-335-0170	1-1-2014	Suspend	2-1-2014	411-340-0130	12-28-2013	Amend	2-1-2014
411-335-0170	4-1-2014	Repeal	5-1-2014	411-340-0130(T)	12-28-2013	Repeal	2-1-2014
411-335-0180	1-1-2014	Suspend	2-1-2014	411-340-0140	12-28-2013	Amend	2-1-2014
411-335-0180	4-1-2014	Repeal	5-1-2014	411-340-0150	12-28-2013	Amend	2-1-2014
411-335-0190	1-1-2014	Suspend	2-1-2014	411-340-0150(T)	12-28-2013	Repeal	2-1-2014
411-335-0190	4-1-2014	Repeal	5-1-2014	411-340-0160	12-28-2013	Amend	2-1-2014
411-335-0200	1-1-2014	Suspend	2-1-2014	411-340-0170	12-28-2013	Amend	2-1-2014
411-335-0200	4-1-2014	Repeal	5-1-2014	411-340-0180	12-28-2013	Amend	2-1-2014
411-335-0210	1-1-2014	Suspend	2-1-2014	411-345-0010	12-28-2013	Amend	2-1-2014
411-335-0210	4-1-2014	Repeal	5-1-2014	411-345-0020	12-28-2013	Amend	2-1-2014
411-335-0220	1-1-2014	Suspend	2-1-2014	411-345-0020(T)	12-28-2013	Repeal	2-1-2014
411-335-0220	4-1-2014	Repeal	5-1-2014	411-345-0095	12-28-2013	Amend	2-1-2014
411-335-0230	1-1-2014	Suspend	2-1-2014	411-345-0110	12-28-2013	Amend	2-1-2014
411-335-0230	4-1-2014	Repeal	5-1-2014	411-345-0130	12-28-2013	Amend	2-1-2014
411-335-0240	1-1-2014	Suspend	2-1-2014	411-345-0140	12-28-2013	Amend	2-1-2014
411-335-0240	4-1-2014	Repeal	5-1-2014	411-345-0140(T)	12-28-2013	Repeal	2-1-2014
411-335-0250	1-1-2014	Suspend	2-1-2014	411-345-0160	12-28-2013	Amend	2-1-2014
411-335-0250	4-1-2014	Repeal	5-1-2014	411-345-0170	12-28-2013	Amend	2-1-2014
411-335-0260	1-1-2014	Suspend	2-1-2014	411-345-0180	12-28-2013	Amend	2-1-2014
411-335-0260	4-1-2014	Repeal	5-1-2014	411-345-0190	12-28-2013	Amend	2-1-2014
411-335-0270	1-1-2014	Suspend	2-1-2014	411-345-0200	12-28-2013	Amend	2-1-2014
411-335-0270	4-1-2014	Repeal	5-1-2014	411-345-0230	12-28-2013	Amend	2-1-2014
411-335-0280	1-1-2014	Suspend	2-1-2014	411-345-0240	12-28-2013	Amend	2-1-2014
411-335-0280	4-1-2014	Repeal	5-1-2014	411-345-0250	12-28-2013	Amend	2-1-2014

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411-345-0270	12-28-2013	Amend	2-1-2014	413-010-0065	1-1-2014	Amend	2-1-2014
411-346-0100	12-28-2013	Amend	2-1-2014	413-010-0068	1-1-2014	Amend	2-1-2014
411-346-0110	12-28-2013	Amend	2-1-2014	413-010-0075	1-1-2014	Amend	2-1-2014
411-346-0110(T)	12-28-2013	Repeal	2-1-2014	413-010-0170	1-1-2014	Amend	2-1-2014
411-346-0120	12-28-2013	Amend	2-1-2014	413-010-0175	1-1-2014	Amend	2-1-2014
411-346-0130	12-28-2013	Amend	2-1-2014	413-010-0180	1-1-2014	Amend	2-1-2014
411-346-0140	12-28-2013	Amend	2-1-2014	413-010-0185	1-1-2014	Adopt	2-1-2014
411-346-0150	12-28-2013	Amend	2-1-2014	413-010-0300	1-1-2014	Amend	2-1-2014
411-346-0160	12-28-2013	Amend	2-1-2014	413-010-0310	1-1-2014	Amend	2-1-2014
411-346-0165	12-28-2013	Amend	2-1-2014	413-010-0310	6-3-2014	Amend	7-1-2014
411-346-0170	12-28-2013	Amend	2-1-2014	413-010-0320	1-1-2014	Amend	2-1-2014
411-346-0180	12-28-2013	Amend	2-1-2014	413-010-0330	1-1-2014	Amend	2-1-2014
411-346-0180(T)	12-28-2013	Repeal	2-1-2014	413-010-0340	1-1-2014	Amend	2-1-2014
411-346-0190	12-28-2013	Amend	2-1-2014	413-015-0100	5-27-2014	Amend	7-1-2014
411-346-0200	12-28-2013	Amend	2-1-2014	413-015-0105	5-27-2014	Amend	7-1-2014
411-346-0210	12-28-2013	Amend	2-1-2014	413-015-0110	5-27-2014	Repeal	7-1-2014
411-346-0220	12-28-2013	Amend	2-1-2014	413-015-0115	5-27-2014	Amend	7-1-2014
411-346-0230	12-28-2013	Amend	2-1-2014	413-015-0125	5-27-2014	Amend	7-1-2014
411-350-0010	12-28-2013	Amend	2-1-2014	413-015-0205	5-27-2014	Amend	7-1-2014
411-350-0020	12-28-2013	Amend	2-1-2014	413-015-0210	5-27-2014	Amend	7-1-2014
411-350-0020(T)	12-28-2013	Repeal	2-1-2014	413-015-0211	5-27-2014	Amend	7-1-2014
411-350-0030	12-28-2013	Amend	2-1-2014	413-015-0212	5-27-2014	Amend	7-1-2014
411-350-0030(T)	12-28-2013	Repeal	2-1-2014	413-015-0213	5-27-2014	Amend	7-1-2014
411-350-0040	12-28-2013	Amend	2-1-2014	413-015-0215	5-27-2014	Amend	7-1-2014
411-350-0040(T)	12-28-2013	Repeal	2-1-2014	413-015-0220	5-27-2014	Amend	7-1-2014
411-350-0050	12-28-2013	Amend	2-1-2014	413-015-0225	5-27-2014	Amend	7-1-2014
411-350-0050(T)	12-28-2013	Repeal	2-1-2014	413-015-0400	5-27-2014	Amend	7-1-2014
411-350-0080	12-28-2013	Amend	2-1-2014	413-015-0403	5-27-2014	Amend	7-1-2014
411-350-0100	12-28-2013	Amend	2-1-2014	413-015-0404	5-27-2014	Adopt	7-1-2014
411-350-0110	12-28-2013	Amend	2-1-2014	413-015-0405	5-27-2014	Amend	7-1-2014
411-350-0115	12-28-2013	Amend	2-1-2014	413-015-0409	5-27-2014	Amend	7-1-2014
411-350-0118	12-28-2013	Amend	2-1-2014	413-015-0415	5-27-2014	Amend	7-1-2014
411-350-0120	12-28-2013	Amend	2-1-2014	413-015-0420	5-27-2014	Amend	7-1-2014
411-355-0000	12-28-2013	Amend	2-1-2014	413-015-0422	5-27-2014	Adopt	7-1-2014
411-355-0010	12-28-2013	Amend	2-1-2014	413-015-0425	5-27-2014	Amend	7-1-2014
411-355-0010(T)	12-28-2013	Repeal	2-1-2014	413-015-0428	5-27-2014	Adopt	7-1-2014
411-355-0020	12-28-2013	Amend	2-1-2014	413-015-0430	5-27-2014	Repeal	7-1-2014
411-355-0020(T)	12-28-2013	Repeal	2-1-2014	413-015-0432	5-27-2014	Adopt	7-1-2014
411-355-0030	12-28-2013	Amend	2-1-2014	413-015-0435	5-27-2014	Amend	7-1-2014
411-355-0030(T)	12-28-2013	Repeal	2-1-2014	413-015-0437	5-27-2014	Adopt	7-1-2014
411-355-0040	12-28-2013	Amend	2-1-2014	413-015-0440	5-27-2014	Amend	7-1-2014
411-355-0040(T)	12-28-2013	Repeal	2-1-2014	413-015-0445	5-27-2014	Amend	7-1-2014
411-355-0050	12-28-2013	Amend	2-1-2014	413-015-0450	5-27-2014	Amend	7-1-2014
411-355-0060	12-28-2013	Amend	2-1-2014	413-015-0455	5-27-2014	Amend	7-1-2014
411-355-0070	12-28-2013	Amend	2-1-2014	413-015-0470	5-27-2014	Amend	7-1-2014
411-355-0080	12-28-2013	Amend	2-1-2014	413-015-0475	5-27-2014	Amend	7-1-2014
411-355-0090	12-28-2013	Amend	2-1-2014	413-015-0520	5-27-2014	Amend	7-1-2014
411-355-0100	12-28-2013	Amend	2-1-2014	413-015-0525	5-27-2014	Amend	7-1-2014
411-355-0110	12-28-2013	Amend	2-1-2014	413-015-0535	5-27-2014	Amend	7-1-2014
411-355-0120	12-28-2013	Amend	2-1-2014	413-015-0550	5-27-2014	Amend	7-1-2014
413-010-0000	1-1-2014	Amend	2-1-2014	413-015-0560	5-27-2014	Amend	7-1-2014
413-010-0010	1-1-2014	Amend	2-1-2014	413-015-0565	5-27-2014	Amend	7-1-2014
413-010-0030	1-1-2014	Amend	2-1-2014	413-015-1110	5-27-2014	Amend	7-1-2014
413-010-0035	1-1-2014	Amend	2-1-2014	413-015-1125	5-27-2014	Amend	7-1-2014
413-010-0045	1-1-2014	Amend	2-1-2014	413-015-1210	5-27-2014	Amend	7-1-2014



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413-015-1220	5-27-2014	Amend	7-1-2014	413-100-0435(T)	6-12-2014	Repeal	7-1-2014
413-015-1230	5-27-2014	Amend	7-1-2014	413-100-0440	1-1-2014	Suspend	2-1-2014
413-015-9000	5-27-2014	Adopt	7-1-2014	413-100-0440	6-12-2014	Repeal	7-1-2014
413-015-9010	5-27-2014	Adopt	7-1-2014	413-100-0445	1-1-2014	Amend(T)	2-1-2014
413-015-9020	5-27-2014	Adopt	7-1-2014	413-100-0445	6-12-2014	Amend	7-1-2014
413-015-9030	5-27-2014	Adopt	7-1-2014	413-100-0445(T)	6-12-2014	Repeal	7-1-2014
413-015-9040	5-27-2014	Adopt	7-1-2014	413-100-0450	1-1-2014	Suspend	2-1-2014
413-040-0370	4-1-2014	Repeal	5-1-2014	413-100-0450	6-12-2014	Repeal	7-1-2014
413-040-0380	4-1-2014	Repeal	5-1-2014	413-100-0451	6-12-2014	Adopt	7-1-2014
413-040-0390	4-1-2014	Repeal	5-1-2014	413-100-0455	1-1-2014	Amend(T)	2-1-2014
413-070-0063	6-3-2014	Amend	7-1-2014	413-100-0455	6-12-2014	Amend	7-1-2014
413-070-0505	6-3-2014	Amend	7-1-2014	413-100-0455(T)	6-12-2014	Repeal	7-1-2014
413-070-0620	6-3-2014	Amend	7-1-2014	413-100-0457	2-4-2014	Adopt(T)	3-1-2014
413-070-0655	6-3-2014	Amend	7-1-2014	413-100-0457	6-12-2014	Adopt	7-1-2014
413-070-0800	1-1-2014	Amend	2-1-2014	413-100-0457(T)	6-12-2014	Repeal	7-1-2014
413-070-0810	1-1-2014	Amend	2-1-2014	413-100-0460	1-1-2014	Amend(T)	2-1-2014
413-070-0830	1-1-2014	Amend	2-1-2014	413-100-0460	6-12-2014	Amend	7-1-2014
413-070-0840	1-1-2014	Amend	2-1-2014	413-100-0460(T)	6-12-2014	Repeal	7-1-2014
413-070-0855	1-1-2014	Amend	2-1-2014	413-100-0470	1-1-2014	Suspend	2-1-2014
413-070-0860	1-1-2014	Amend	2-1-2014	413-100-0470	6-12-2014	Repeal	7-1-2014
413-070-0870	1-1-2014	Amend	2-1-2014	413-100-0480	1-1-2014	Suspend	2-1-2014
413-070-0880	1-1-2014	Amend	2-1-2014	413-100-0480	6-12-2014	Repeal	7-1-2014
413-070-0900	2-1-2014	Amend	3-1-2014	413-100-0490	1-1-2014	Suspend	2-1-2014
413-070-0905	2-1-2014	Amend	3-1-2014	413-100-0490	6-12-2014	Repeal	7-1-2014
413-070-0905	6-3-2014	Amend	7-1-2014	413-100-0500	1-1-2014	Suspend	2-1-2014
413-070-0909	2-1-2014	Amend	3-1-2014	413-100-0500	6-12-2014	Repeal	7-1-2014
413-070-0917	2-1-2014	Amend	3-1-2014	413-100-0510	1-1-2014	Suspend	2-1-2014
413-070-0919	2-1-2014	Amend	3-1-2014	413-100-0510	6-12-2014	Repeal	7-1-2014
413-070-0925	2-1-2014	Amend	3-1-2014	413-100-0520	1-1-2014	Suspend	2-1-2014
413-070-0934	2-1-2014	Amend	3-1-2014	413-100-0520	6-12-2014	Repeal	7-1-2014
413-070-0939	2-1-2014	Amend	3-1-2014	413-100-0530	1-1-2014	Amend(T)	2-1-2014
413-070-0949	2-1-2014	Amend	3-1-2014	413-100-0530	6-12-2014	Amend	7-1-2014
413-070-0959	2-1-2014	Amend	3-1-2014	413-100-0530(T)	6-12-2014	Repeal	7-1-2014
413-070-0964	2-1-2014	Amend	3-1-2014	413-100-0540	1-1-2014	Suspend	2-1-2014
413-070-0969	2-1-2014	Amend	3-1-2014	413-100-0540	6-12-2014	Repeal	7-1-2014
413-070-0974	2-1-2014	Amend	3-1-2014	413-100-0550	1-1-2014	Suspend	2-1-2014
413-080-0050	5-27-2014	Amend	7-1-2014	413-100-0550	6-12-2014	Repeal	7-1-2014
413-080-0052	5-27-2014	Amend	7-1-2014	413-100-0560	1-1-2014	Suspend	2-1-2014
413-080-0054	5-27-2014	Amend	7-1-2014	413-100-0560	6-12-2014	Repeal	7-1-2014
413-080-0055	5-27-2014	Amend	7-1-2014	413-100-0580	12-31-2013	Renumber	2-1-2014
413-080-0059	5-27-2014	Amend	7-1-2014	413-100-0590	12-31-2013	Renumber	2-1-2014
413-100-0400	1-1-2014	Amend(T)	2-1-2014	413-100-0600	1-1-2014	Suspend	2-1-2014
413-100-0400	6-12-2014	Amend	7-1-2014	413-100-0600	6-12-2014	Repeal	7-1-2014
413-100-0400(T)	6-12-2014	Repeal	7-1-2014	413-100-0610	1-1-2014	Suspend	2-1-2014
413-100-0410	1-1-2014	Amend(T)	2-1-2014	413-100-0610	6-12-2014	Repeal	7-1-2014
413-100-0410	6-12-2014	Amend	7-1-2014	413-120-0010	6-3-2014	Amend	7-1-2014
413-100-0410(T)	6-12-2014	Repeal	7-1-2014	413-120-0195	6-3-2014	Amend	7-1-2014
413-100-0420	1-1-2014	Amend(T)	2-1-2014	413-120-0510	6-3-2014	Amend	7-1-2014
413-100-0420	6-12-2014	Amend	7-1-2014	413-120-0710	6-3-2014	Amend	7-1-2014
413-100-0420(T)	6-12-2014	Repeal	7-1-2014	413-120-0900	5-1-2014	Amend	6-1-2014
413-100-0430	1-1-2014	Amend(T)	2-1-2014	413-120-0905	5-1-2014	Amend	6-1-2014
413-100-0430	6-12-2014	Amend	7-1-2014	413-120-0910	5-1-2014	Amend	6-1-2014
413-100-0430(T)	6-12-2014	Repeal	7-1-2014	413-120-0920	5-1-2014	Amend	6-1-2014
413-100-0432	6-12-2014	Adopt	7-1-2014	413-120-0925	5-1-2014	Amend	6-1-2014
413-100-0435	1-1-2014	Adopt(T)	2-1-2014	413-120-0930	5-1-2014	Amend	6-1-2014
413-100-0435	6-12-2014	Adopt	7-1-2014	413-120-0940	5-1-2014	Amend	6-1-2014

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413-120-0950	5-1-2014	Amend	6-1-2014	413-330-0030	1-1-2014	Suspend	2-1-2014
413-120-0960	5-1-2014	Amend	6-1-2014	413-330-0030	4-1-2014	Repeal	5-1-2014
413-120-0970	5-1-2014	Amend	6-1-2014	413-330-0040	1-1-2014	Suspend	2-1-2014
413-130-0000	2-1-2014	Amend	3-1-2014	413-330-0040	4-1-2014	Repeal	5-1-2014
413-130-0010	2-1-2014	Amend	3-1-2014	413-330-0050	1-1-2014	Suspend	2-1-2014
413-130-0015	2-1-2014	Amend	3-1-2014	413-330-0050	4-1-2014	Repeal	5-1-2014
413-130-0020	2-1-2014	Amend	3-1-2014	413-330-0060	1-1-2014	Suspend	2-1-2014
413-130-0040	2-1-2014	Amend	3-1-2014	413-330-0060	4-1-2014	Repeal	5-1-2014
413-130-0050	2-1-2014	Amend	3-1-2014	413-330-0080	1-1-2014	Suspend	2-1-2014
413-130-0055	2-1-2014	Amend	3-1-2014	413-330-0080	4-1-2014	Repeal	5-1-2014
413-130-0070	2-1-2014	Amend	3-1-2014	413-330-0085	4-1-2014	Repeal	5-1-2014
413-130-0075	2-1-2014	Amend	3-1-2014	413-330-0087	4-1-2014	Repeal	5-1-2014
413-130-0077	2-1-2014	Amend	3-1-2014	413-330-0090	4-1-2014	Repeal	5-1-2014
413-130-0080	2-1-2014	Amend	3-1-2014	413-330-0095	4-1-2014	Repeal	5-1-2014
413-130-0110	2-1-2014	Amend	3-1-2014	413-330-0097	4-1-2014	Repeal	5-1-2014
413-130-0125	2-1-2014	Amend	3-1-2014	413-330-0098	4-1-2014	Repeal	5-1-2014
413-130-0130	2-1-2014	Amend	3-1-2014	413-330-0100	4-1-2014	Repeal	5-1-2014
413-140-0000	1-1-2014	Amend	2-1-2014	413-330-0200	4-1-2014	Repeal	5-1-2014
413-140-0010	1-1-2014	Amend	2-1-2014	413-330-0210	4-1-2014	Repeal	5-1-2014
413-140-0026	1-1-2014	Amend	2-1-2014	413-330-0220	4-1-2014	Repeal	5-1-2014
413-140-0030	1-1-2014	Amend	2-1-2014	413-330-0230	4-1-2014	Repeal	5-1-2014
413-140-0031	1-1-2014	Adopt	2-1-2014	413-330-0240	4-1-2014	Repeal	5-1-2014
413-140-0032	1-1-2014	Adopt	2-1-2014	413-330-0250	4-1-2014	Repeal	5-1-2014
413-140-0033	1-1-2014	Adopt	2-1-2014	413-330-0260	4-1-2014	Repeal	5-1-2014
413-140-0035	1-1-2014	Amend	2-1-2014	413-330-0270	4-1-2014	Repeal	5-1-2014
413-140-0040	1-1-2014	Amend	2-1-2014	413-330-0280	4-1-2014	Repeal	5-1-2014
413-140-0045	1-1-2014	Repeal	2-1-2014	413-330-0290	4-1-2014	Repeal	5-1-2014
413-140-0047	1-1-2014	Adopt	2-1-2014	413-330-0300	4-1-2014	Repeal	5-1-2014
413-140-0055	1-1-2014	Repeal	2-1-2014	413-330-0310	4-1-2014	Repeal	5-1-2014
413-140-0065	1-1-2014	Amend	2-1-2014	413-330-0320	4-1-2014	Repeal	5-1-2014
413-140-0080	1-1-2014	Repeal	2-1-2014	413-330-0330	4-1-2014	Repeal	5-1-2014
413-140-0110	1-1-2014	Amend	2-1-2014	413-330-0340	4-1-2014	Repeal	5-1-2014
413-140-0120	1-1-2014	Repeal	2-1-2014	413-330-0350	4-1-2014	Repeal	5-1-2014
413-200-0409	5-27-2014	Amend	7-1-2014	413-330-0360	4-1-2014	Repeal	5-1-2014
413-215-0918	2-1-2014	Amend	3-1-2014	413-330-0500	4-1-2014	Repeal	5-1-2014
413-310-0000	4-1-2014	Repeal	5-1-2014	413-330-0510	4-1-2014	Repeal	5-1-2014
413-310-0010	4-1-2014	Repeal	5-1-2014	413-330-0520	4-1-2014	Repeal	5-1-2014
413-310-0020	4-1-2014	Repeal	5-1-2014	413-330-0530	4-1-2014	Repeal	5-1-2014
413-310-0030	4-1-2014	Repeal	5-1-2014	413-330-0540	4-1-2014	Repeal	5-1-2014
413-310-0040	4-1-2014	Repeal	5-1-2014	413-330-0600	4-1-2014	Repeal	5-1-2014
413-310-0050	4-1-2014	Repeal	5-1-2014	413-330-0610	4-1-2014	Repeal	5-1-2014
413-310-0060	4-1-2014	Repeal	5-1-2014	413-330-0700	4-1-2014	Repeal	5-1-2014
413-310-0070	4-1-2014	Repeal	5-1-2014	413-330-0800	4-1-2014	Repeal	5-1-2014
413-310-0080	4-1-2014	Repeal	5-1-2014	413-330-0810	4-1-2014	Repeal	5-1-2014
413-310-0090	4-1-2014	Repeal	5-1-2014	413-330-0820	4-1-2014	Repeal	5-1-2014
413-310-0095	4-1-2014	Repeal	5-1-2014	413-330-0830	4-1-2014	Repeal	5-1-2014
413-310-0100	4-1-2014	Repeal	5-1-2014	414-002-0005	1-15-2014	Adopt	2-1-2014
413-310-0110	4-1-2014	Repeal	5-1-2014	414-002-0010	1-15-2014	Adopt	2-1-2014
413-310-0120	4-1-2014	Repeal	5-1-2014	414-800-0005	1-15-2014	Adopt(T)	2-1-2014
413-310-0130	4-1-2014	Repeal	5-1-2014	414-800-0010	1-15-2014	Adopt(T)	2-1-2014
413-330-0000	1-1-2014	Suspend	2-1-2014	414-800-0015	1-15-2014	Adopt(T)	2-1-2014
413-330-0000	4-1-2014	Repeal	5-1-2014	414-800-0020	1-15-2014	Adopt(T)	2-1-2014
413-330-0010	1-1-2014	Suspend	2-1-2014	414-800-0025	1-15-2014	Adopt(T)	2-1-2014
413-330-0010	4-1-2014	Repeal	5-1-2014	414-800-0030	1-15-2014	Adopt(T)	2-1-2014
413-330-0020	1-1-2014	Suspend	2-1-2014	414-800-0105	1-15-2014	Adopt(T)	2-1-2014

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414-800-0115	1-15-2014	Adopt(T)	2-1-2014	436-009-0008	4-1-2014	Amend	4-1-2014
414-800-0120	1-15-2014	Adopt(T)	2-1-2014	436-009-0010	4-1-2014	Amend	4-1-2014
414-800-0125	1-15-2014	Adopt(T)	2-1-2014	436-009-0010	4-15-2014	Amend(T)	5-1-2014
414-800-0130	1-15-2014	Adopt(T)	2-1-2014	436-009-0010	7-1-2014	Amend	7-1-2014
414-900-0005	1-15-2014	Adopt	2-1-2014	436-009-0010(T)	7-1-2014	Repeal	7-1-2014
414-900-0010	1-15-2014	Adopt	2-1-2014	436-009-0015	4-1-2014	Repeal	4-1-2014
414-900-0015	1-15-2014	Adopt	2-1-2014	436-009-0018	4-1-2014	Amend	4-1-2014
414-900-0020	1-15-2014	Adopt	2-1-2014	436-009-0020	4-1-2014	Amend	4-1-2014
415-012-0000	1-28-2014	Amend(T)	3-1-2014	436-009-0020	4-15-2014	Amend(T)	5-1-2014
415-012-0000	6-19-2014	Amend	7-1-2014	436-009-0020	7-1-2014	Amend	7-1-2014
415-012-0057	12-20-2013	Adopt(T)	2-1-2014	436-009-0020(T)	7-1-2014	Repeal	7-1-2014
415-012-0057	6-19-2014	Adopt	7-1-2014	436-009-0023	4-1-2014	Adopt	4-1-2014
415-012-0058	12-20-2013	Adopt(T)	2-1-2014	436-009-0025	4-1-2014	Amend	4-1-2014
415-012-0058	6-19-2014	Adopt	7-1-2014	436-009-0030	4-1-2014	Amend	4-1-2014
415-065-0005	4-24-2014	Amend	6-1-2014	436-009-0035	4-1-2014	Amend	4-1-2014
415-065-0010	4-24-2014	Amend	6-1-2014	436-009-0040	4-1-2014	Amend	4-1-2014
415-065-0015	4-24-2014	Repeal	6-1-2014	436-009-0050	4-1-2014	Repeal	4-1-2014
415-065-0025	4-24-2014	Repeal	6-1-2014	436-009-0060	4-1-2014	Amend	4-1-2014
415-065-0030	4-24-2014	Amend	6-1-2014	436-009-0070	4-1-2014	Repeal	4-1-2014
415-065-0035	4-24-2014	Amend	6-1-2014	436-009-0080	4-1-2014	Amend	4-1-2014
415-065-0040	4-24-2014	Amend	6-1-2014	436-009-0090	4-1-2014	Amend	4-1-2014
415-065-0045	4-24-2014	Amend	6-1-2014	436-009-0095	4-1-2014	Repeal	4-1-2014
415-065-0050	4-24-2014	Amend	6-1-2014	436-009-0110	4-1-2014	Amend	4-1-2014
415-065-0055	4-24-2014	Amend	6-1-2014	436-009-0114	4-1-2014	Repeal	4-1-2014
415-065-0060	4-24-2014	Amend	6-1-2014	436-009-0115	4-1-2014	Repeal	4-1-2014
415-065-0065	4-24-2014	Repeal	6-1-2014	436-009-0120	4-1-2014	Repeal	4-1-2014
415-065-0070	4-24-2014	Amend	6-1-2014	436-009-0125	4-1-2014	Repeal	4-1-2014
415-065-0075	4-24-2014	Amend	6-1-2014	436-009-0130	4-1-2014	Repeal	4-1-2014
415-065-0080	4-24-2014	Adopt	6-1-2014	436-009-0135	4-1-2014	Repeal	4-1-2014
416-530-0000	1-15-2014	Amend	2-1-2014	436-009-0140	4-1-2014	Repeal	4-1-2014
416-530-0010	1-15-2014	Amend	2-1-2014	436-009-0145	4-1-2014	Repeal	4-1-2014
416-530-0020	1-15-2014	Amend	2-1-2014	436-009-0155	4-1-2014	Repeal	4-1-2014
416-530-0030	1-15-2014	Amend	2-1-2014	436-009-0160	4-1-2014	Repeal	4-1-2014
416-530-0035	1-15-2014	Amend	2-1-2014	436-009-0165	4-1-2014	Repeal	4-1-2014
416-530-0040	1-15-2014	Amend	2-1-2014	436-009-0170	4-1-2014	Repeal	4-1-2014
416-530-0050	1-15-2014	Amend	2-1-2014	436-009-0175	4-1-2014	Repeal	4-1-2014
416-530-0060	1-15-2014	Amend	2-1-2014	436-009-0177	4-1-2014	Repeal	4-1-2014
416-530-0070	1-15-2014	Amend	2-1-2014	436-009-0180	4-1-2014	Repeal	4-1-2014
416-530-0080	1-15-2014	Amend	2-1-2014	436-009-0185	4-1-2014	Repeal	4-1-2014
416-530-0090	1-15-2014	Amend	2-1-2014	436-009-0200	4-1-2014	Repeal	4-1-2014
416-530-0100	1-15-2014	Amend	2-1-2014	436-009-0205	4-1-2014	Repeal	4-1-2014
416-530-0110	1-15-2014	Amend	2-1-2014	436-009-0206	4-1-2014	Repeal	4-1-2014
416-530-0125	1-15-2014	Amend	2-1-2014	436-009-0207	4-1-2014	Repeal	4-1-2014
416-530-0130	1-15-2014	Amend	2-1-2014	436-009-0210	4-1-2014	Repeal	4-1-2014
416-530-0140	1-15-2014	Amend	2-1-2014	436-009-0215	4-1-2014	Repeal	4-1-2014
416-530-0150	1-15-2014	Amend	2-1-2014	436-009-0220	4-1-2014	Repeal	4-1-2014
416-530-0160	1-15-2014	Amend	2-1-2014	436-009-0225	4-1-2014	Repeal	4-1-2014
416-530-0170	1-15-2014	Amend	2-1-2014	436-009-0230	4-1-2014	Repeal	4-1-2014
416-530-0200	1-15-2014	Amend	2-1-2014	436-009-0235	4-1-2014	Repeal	4-1-2014
436-001-0030	3-28-2014	Amend	4-1-2014	436-009-0240	4-1-2014	Repeal	4-1-2014
436-009-0001	4-1-2014	Amend	4-1-2014	436-009-0245	4-1-2014	Repeal	4-1-2014
436-009-0002	4-1-2014	Repeal	4-1-2014	436-009-0255	4-1-2014	Repeal	4-1-2014
436-009-0003	4-1-2014	Repeal	4-1-2014	436-009-0260	4-1-2014	Repeal	4-1-2014
436-009-0004	4-1-2014	Amend	4-1-2014	436-009-0265	4-1-2014	Repeal	4-1-2014
436-009-0005	4-1-2014	Amend	4-1-2014	436-009-0270	4-1-2014	Repeal	4-1-2014



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436-009-0275	4-1-2014	Repeal	4-1-2014	441-730-0025	1-1-2014	Amend(T)	2-1-2014
436-009-0285	4-1-2014	Repeal	4-1-2014	441-730-0030	1-1-2014	Amend(T)	2-1-2014
436-009-0290	4-1-2014	Repeal	4-1-2014	441-910-0096	4-8-2014	Adopt	5-1-2014
436-009-0998	4-1-2014	Amend	4-1-2014	442-001-0000	1-2-2014	Repeal	2-1-2014
436-010-0005	4-1-2014	Amend	4-1-2014	442-001-0005	1-2-2014	Repeal	2-1-2014
436-010-0230	4-1-2014	Amend	4-1-2014	442-001-0050	1-2-2014	Repeal	2-1-2014
436-010-0240	4-1-2014	Amend	4-1-2014	442-001-0060	1-2-2014	Repeal	2-1-2014
436-010-0270	4-1-2014	Amend	4-1-2014	442-001-0070	1-2-2014	Repeal	2-1-2014
436-010-0280	4-1-2014	Amend	4-1-2014	442-001-0080	1-2-2014	Repeal	2-1-2014
436-010-0290	4-1-2014	Amend	4-1-2014	442-001-0090	1-2-2014	Repeal	2-1-2014
436-010-0330	4-1-2014	Amend	4-1-2014	442-001-0100	1-2-2014	Repeal	2-1-2014
436-160-0001	7-1-2014	Amend(T)	7-1-2014	442-001-0110	1-2-2014	Repeal	2-1-2014
436-160-0004	7-1-2014	Amend(T)	7-1-2014	442-001-0120	1-2-2014	Repeal	2-1-2014
436-160-0005	7-1-2014	Amend(T)	7-1-2014	442-001-0130	1-2-2014	Repeal	2-1-2014
436-160-0011	7-1-2014	Adopt(T)	7-1-2014	442-001-0140	1-2-2014	Repeal	2-1-2014
436-160-0012	7-1-2014	Adopt(T)	7-1-2014	442-001-0150	1-2-2014	Repeal	2-1-2014
436-160-0013	7-1-2014	Adopt(T)	7-1-2014	442-001-0160	1-2-2014	Repeal	2-1-2014
436-160-0014	7-1-2014	Adopt(T)	7-1-2014	442-005-0000	2-1-2014	Repeal	3-1-2014
436-160-0015	7-1-2014	Adopt(T)	7-1-2014	442-005-0010	2-1-2014	Repeal	3-1-2014
436-160-0016	7-1-2014	Adopt(T)	7-1-2014	442-005-0020	2-1-2014	Repeal	3-1-2014
436-160-0017	7-1-2014	Adopt(T)	7-1-2014	442-005-0030	2-1-2014	Repeal	3-1-2014
436-160-0018	7-1-2014	Adopt(T)	7-1-2014	442-005-0040	2-1-2014	Repeal	3-1-2014
436-160-0019	7-1-2014	Adopt(T)	7-1-2014	442-005-0050	2-1-2014	Repeal	3-1-2014
436-160-0040	7-1-2014	Amend(T)	7-1-2014	442-005-0060	2-1-2014	Repeal	3-1-2014
436-160-0060	7-1-2014	Amend(T)	7-1-2014	442-005-0070	2-1-2014	Repeal	3-1-2014
436-160-0405	7-1-2014	Amend(T)	7-1-2014	442-005-0080	2-1-2014	Repeal	3-1-2014
436-160-0410	7-1-2014	Amend	3-1-2014	442-005-0090	2-1-2014	Repeal	3-1-2014
436-160-0410	7-1-2014	Amend(T)	7-1-2014	442-005-0100	2-1-2014	Repeal	3-1-2014
436-160-0415	7-1-2014	Amend(T)	7-1-2014	442-005-0110	2-1-2014	Repeal	3-1-2014
436-160-0420	7-1-2014	Amend(T)	7-1-2014	442-005-0120	2-1-2014	Repeal	3-1-2014
436-160-0430	7-1-2014	Amend(T)	7-1-2014	442-005-0130	2-1-2014	Repeal	3-1-2014
436-160-0440	7-1-2014	Amend(T)	7-1-2014	442-005-0140	2-1-2014	Repeal	3-1-2014
436-160-0445	7-1-2014	Amend(T)	7-1-2014	442-005-0150	2-1-2014	Repeal	3-1-2014
437-002-0005	12-12-2013	Amend	1-1-2014	442-005-0160	2-1-2014	Repeal	3-1-2014
437-002-0080	12-12-2013	Amend	1-1-2014	442-005-0170	2-1-2014	Repeal	3-1-2014
437-002-0140	12-12-2013	Amend	1-1-2014	442-005-0180	2-1-2014	Repeal	3-1-2014
437-002-0240	5-14-2014	Amend	6-1-2014	442-005-0190	2-1-2014	Repeal	3-1-2014
437-002-0312	12-12-2013	Amend	1-1-2014	442-005-0200	2-1-2014	Repeal	3-1-2014
437-003-0001	12-12-2013	Amend	1-1-2014	442-005-0210	2-1-2014	Repeal	3-1-2014
437-007-0780	5-29-2014	Amend	7-1-2014	442-005-0220	2-1-2014	Repeal	3-1-2014
438-005-0035	4-1-2014	Amend	1-1-2014	442-005-0230	2-1-2014	Repeal	3-1-2014
438-005-0046	4-1-2014	Amend	1-1-2014	442-005-0235	2-1-2014	Repeal	3-1-2014
438-006-0020	4-1-2014	Amend	1-1-2014	442-005-0240	2-1-2014	Repeal	3-1-2014
438-006-0031	4-1-2014	Amend	1-1-2014	442-005-0250	2-1-2014	Repeal	3-1-2014
438-006-0036	4-1-2014	Amend	1-1-2014	442-005-0260	2-1-2014	Repeal	3-1-2014
438-006-0045	4-1-2014	Amend	1-1-2014	442-005-0270	2-1-2014	Repeal	3-1-2014
438-006-0062	4-1-2014	Amend	1-1-2014	442-005-0275	2-1-2014	Repeal	3-1-2014
438-006-0075	4-1-2014	Amend	1-1-2014	442-005-0280	2-1-2014	Repeal	3-1-2014
438-006-0105	4-1-2014	Repeal	1-1-2014	442-005-0290	2-1-2014	Repeal	3-1-2014
438-007-0005	4-1-2014	Amend	1-1-2014	442-005-0300	2-1-2014	Repeal	3-1-2014
438-007-0018	4-1-2014	Amend	1-1-2014	442-005-0310	2-1-2014	Repeal	3-1-2014
438-007-0020	4-1-2014	Amend	1-1-2014	442-005-0320	2-1-2014	Repeal	3-1-2014
438-009-0020	4-1-2014	Amend	1-1-2014	442-005-0330	2-1-2014	Repeal	3-1-2014
438-011-0055	4-1-2014	Adopt	1-1-2014	442-005-0340	2-1-2014	Repeal	3-1-2014
441-505-2000	2-12-2014	Adopt	3-1-2014	442-006-0000	1-2-2014	Repeal	2-1-2014
441-730-0010	1-1-2014	Amend(T)	2-1-2014	442-006-0010	1-2-2014	Repeal	2-1-2014

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442-006-0020	1-2-2014	Repeal	2-1-2014	443-003-0105	1-1-2014	Adopt(T)	2-1-2014
442-006-0030	1-2-2014	Repeal	2-1-2014	443-003-0110	1-1-2014	Adopt(T)	2-1-2014
442-006-0040	1-2-2014	Repeal	2-1-2014	443-003-0115	1-1-2014	Adopt(T)	2-1-2014
442-010-0010	2-1-2014	Repeal	3-1-2014	443-003-0120	1-1-2014	Adopt(T)	2-1-2014
442-010-0020	2-1-2014	Repeal	3-1-2014	443-003-0125	1-1-2014	Adopt(T)	2-1-2014
442-010-0030	2-1-2014	Repeal	3-1-2014	459-001-0005	3-31-2014	Amend	5-1-2014
442-010-0040	2-1-2014	Repeal	3-1-2014	459-001-0030	1-31-2014	Amend	3-1-2014
442-010-0050	2-1-2014	Repeal	3-1-2014	459-005-0220	3-31-2014	Amend	5-1-2014
442-010-0055	2-1-2014	Repeal	3-1-2014	459-005-0510	3-31-2014	Adopt	5-1-2014
442-010-0060	2-1-2014	Repeal	3-1-2014	459-005-0520	3-31-2014	Adopt	5-1-2014
442-010-0070	2-1-2014	Repeal	3-1-2014	459-005-0525	1-31-2014	Amend	3-1-2014
442-010-0075	2-1-2014	Repeal	3-1-2014	459-005-0545	1-31-2014	Amend	3-1-2014
442-010-0080	2-1-2014	Repeal	3-1-2014	459-005-0610	11-22-2013	Amend	1-1-2014
442-010-0085	2-1-2014	Repeal	3-1-2014	459-017-0060	1-31-2014	Amend	3-1-2014
442-010-0090	2-1-2014	Repeal	3-1-2014	459-035-0001	3-31-2014	Amend	5-1-2014
442-010-0100	2-1-2014	Repeal	3-1-2014	459-035-0050	3-31-2014	Amend	5-1-2014
442-010-0120	2-1-2014	Repeal	3-1-2014	459-040-0060	11-22-2013	Amend	1-1-2014
442-010-0130	2-1-2014	Repeal	3-1-2014	459-040-0070	11-22-2013	Amend	1-1-2014
442-010-0140	2-1-2014	Repeal	3-1-2014	459-045-0010	11-22-2013	Amend	1-1-2014
442-010-0150	2-1-2014	Repeal	3-1-2014	459-070-0100	1-31-2014	Amend	3-1-2014
442-010-0160	2-1-2014	Repeal	3-1-2014	459-080-0500	1-31-2014	Amend	3-1-2014
442-010-0170	2-1-2014	Repeal	3-1-2014	461-001-0000	1-1-2014	Amend	2-1-2014
442-010-0180	2-1-2014	Repeal	3-1-2014	461-001-0000	1-1-2014	Amend(T)	2-1-2014
442-010-0190	2-1-2014	Repeal	3-1-2014	461-001-0000	4-1-2014	Amend	5-1-2014
442-010-0210	2-1-2014	Repeal	3-1-2014	461-001-0000(T)	1-1-2014	Repeal	2-1-2014
442-010-0215	2-1-2014	Repeal	3-1-2014	461-001-0000(T)	4-1-2014	Repeal	5-1-2014
442-010-0220	2-1-2014	Repeal	3-1-2014	461-001-0030	1-1-2014	Amend	2-1-2014
442-010-0230	2-1-2014	Repeal	3-1-2014	461-025-0310	4-1-2014	Amend	5-1-2014
442-010-0240	2-1-2014	Repeal	3-1-2014	461-025-0315	1-1-2014	Amend	2-1-2014
442-010-0260	2-1-2014	Repeal	3-1-2014	461-025-0316	4-1-2014	Amend	5-1-2014
442-010-0270	2-1-2014	Repeal	3-1-2014	461-025-0375	1-1-2014	Amend	2-1-2014
443-003-0005	1-1-2014	Adopt(T)	2-1-2014	461-101-0010	1-1-2014	Amend	2-1-2014
443-003-0010	1-1-2014	Adopt(T)	2-1-2014	461-101-0010(T)	1-1-2014	Repeal	2-1-2014
443-003-0015	1-1-2014	Adopt(T)	2-1-2014	461-105-0100	1-1-2014	Amend	2-1-2014
443-003-0015	2-26-2014	Adopt(T)	4-1-2014	461-105-0130	1-1-2014	Amend	2-1-2014
443-003-0020	1-1-2014	Adopt(T)	2-1-2014	461-110-0210	1-1-2014	Amend	2-1-2014
443-003-0020	2-26-2014	Adopt(T)	4-1-2014	461-110-0210(T)	1-1-2014	Repeal	2-1-2014
443-003-0025	1-1-2014	Adopt(T)	2-1-2014	461-110-0330	1-1-2014	Amend	2-1-2014
443-003-0025	2-26-2014	Adopt(T)	4-1-2014	461-110-0330(T)	1-1-2014	Repeal	2-1-2014
443-003-0030	1-1-2014	Adopt(T)	2-1-2014	461-110-0340	1-1-2014	Amend	2-1-2014
443-003-0035	1-1-2014	Adopt(T)	2-1-2014	461-110-0340(T)	1-1-2014	Repeal	2-1-2014
443-003-0035	2-26-2014	Adopt(T)	4-1-2014	461-110-0350	1-8-2014	Amend(T)	2-1-2014
443-003-0040	1-1-2014	Adopt(T)	2-1-2014	461-110-0400(T)	1-1-2014	Repeal	2-1-2014
443-003-0045	1-1-2014	Adopt(T)	2-1-2014	461-110-0530	1-1-2014	Amend	2-1-2014
443-003-0050	1-1-2014	Adopt(T)	2-1-2014	461-110-0530(T)	1-1-2014	Repeal	2-1-2014
443-003-0055	1-1-2014	Adopt(T)	2-1-2014	461-110-0630	1-1-2014	Amend	2-1-2014
443-003-0060	1-1-2014	Adopt(T)	2-1-2014	461-110-0630(T)	1-1-2014	Repeal	2-1-2014
443-003-0065	1-1-2014	Adopt(T)	2-1-2014	461-115-0016	1-1-2014	Amend(T)	2-1-2014
443-003-0070	1-1-2014	Adopt(T)	2-1-2014	461-115-0030	1-1-2014	Amend	2-1-2014
443-003-0070	2-26-2014	Adopt(T)	4-1-2014	461-115-0030(T)	1-1-2014	Repeal	2-1-2014
443-003-0075	1-1-2014	Adopt(T)	2-1-2014	461-115-0050	1-1-2014	Amend	2-1-2014
443-003-0080	1-1-2014	Adopt(T)	2-1-2014	461-115-0050(T)	1-1-2014	Repeal	2-1-2014
443-003-0085	1-1-2014	Adopt(T)	2-1-2014	461-115-0071	1-1-2014	Amend	2-1-2014
443-003-0090	1-1-2014	Adopt(T)	2-1-2014	461-115-0071(T)	1-1-2014	Repeal	2-1-2014
443-003-0095	1-1-2014	Adopt(T)	2-1-2014	461-115-0150	1-1-2014	Amend	2-1-2014
443-003-0100	1-1-2014	Adopt(T)	2-1-2014	461-115-0430	1-1-2014	Amend	2-1-2014

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461-115-0530	1-1-2014	Repeal	2-1-2014	461-135-0950(T)	1-1-2014	Repeal	2-1-2014
461-115-0705	1-1-2014	Repeal	2-1-2014	461-135-1060	1-1-2014	Repeal	2-1-2014
461-120-0030	1-1-2014	Amend	2-1-2014	461-135-1070	1-1-2014	Amend	2-1-2014
461-120-0030(T)	1-1-2014	Repeal	2-1-2014	461-135-1070(T)	1-1-2014	Repeal	2-1-2014
461-120-0050	1-1-2014	Amend	2-1-2014	461-135-1100	1-1-2014	Repeal	2-1-2014
461-120-0050(T)	1-1-2014	Repeal	2-1-2014	461-135-1101	1-1-2014	Repeal	2-1-2014
461-120-0125	1-1-2014	Amend	2-1-2014	461-135-1102	1-1-2014	Repeal	2-1-2014
461-120-0125(T)	1-1-2014	Repeal	2-1-2014	461-135-1120	1-1-2014	Repeal	2-1-2014
461-120-0210	1-1-2014	Amend	2-1-2014	461-135-1125	1-1-2014	Repeal	2-1-2014
461-120-0210(T)	1-1-2014	Repeal	2-1-2014	461-135-1149	1-1-2014	Repeal	2-1-2014
461-120-0310	1-1-2014	Amend	2-1-2014	461-140-0020	1-1-2014	Amend	2-1-2014
461-120-0310(T)	1-1-2014	Repeal	2-1-2014	461-140-0040	1-1-2014	Amend	2-1-2014
461-120-0315	1-1-2014	Amend	2-1-2014	461-140-0040(T)	1-1-2014	Repeal	2-1-2014
461-120-0315(T)	1-1-2014	Repeal	2-1-2014	461-140-0120	1-1-2014	Amend	2-1-2014
461-120-0330	1-1-2014	Amend	2-1-2014	461-140-0120(T)	1-1-2014	Repeal	2-1-2014
461-120-0345	1-1-2014	Amend	2-1-2014	461-140-0210	1-1-2014	Amend	2-1-2014
461-120-0345(T)	1-1-2014	Repeal	2-1-2014	461-140-0210(T)	1-1-2014	Repeal	2-1-2014
461-120-0350	1-1-2014	Amend	2-1-2014	461-140-0270	1-1-2014	Amend	2-1-2014
461-120-0350(T)	1-1-2014	Repeal	2-1-2014	461-140-0270(T)	1-1-2014	Repeal	2-1-2014
461-120-0510	1-1-2014	Amend	2-1-2014	461-140-0300	1-1-2014	Amend	2-1-2014
461-120-0510(T)	1-1-2014	Repeal	2-1-2014	461-145-0040	1-1-2014	Amend	2-1-2014
461-120-0630	1-1-2014	Amend	2-1-2014	461-145-0040(T)	1-1-2014	Repeal	2-1-2014
461-120-0630(T)	1-1-2014	Repeal	2-1-2014	461-145-0050	1-1-2014	Amend	2-1-2014
461-125-0150	1-1-2014	Amend	2-1-2014	461-145-0050(T)	1-1-2014	Repeal	2-1-2014
461-125-0150(T)	1-1-2014	Repeal	2-1-2014	461-145-0080	1-1-2014	Amend	2-1-2014
461-130-0328	1-1-2014	Amend	2-1-2014	461-145-0080(T)	1-1-2014	Repeal	2-1-2014
461-130-0328(T)	1-1-2014	Repeal	2-1-2014	461-145-0086	1-1-2014	Amend	2-1-2014
461-135-0010	1-1-2014	Amend	2-1-2014	461-145-0086(T)	1-1-2014	Repeal	2-1-2014
461-135-0010(T)	1-1-2014	Repeal	2-1-2014	461-145-0090	1-1-2014	Amend	2-1-2014
461-135-0070	1-1-2014	Amend	2-1-2014	461-145-0090(T)	1-1-2014	Repeal	2-1-2014
461-135-0070(T)	1-1-2014	Repeal	2-1-2014	461-145-0110	1-1-2014	Amend	2-1-2014
461-135-0080	1-1-2014	Amend	2-1-2014	461-145-0110(T)	1-1-2014	Repeal	2-1-2014
461-135-0080(T)	1-1-2014	Repeal	2-1-2014	461-145-0120	1-1-2014	Amend	2-1-2014
461-135-0095	1-1-2014	Repeal	2-1-2014	461-145-0120(T)	1-1-2014	Repeal	2-1-2014
461-135-0096	1-1-2014	Repeal	2-1-2014	461-145-0130	1-1-2014	Amend	2-1-2014
461-135-0170	1-1-2014	Repeal	2-1-2014	461-145-0130(T)	1-1-2014	Repeal	2-1-2014
461-135-0405	4-10-2014	Amend(T)	5-1-2014	461-145-0150	1-1-2014	Amend	2-1-2014
461-135-0407	5-1-2014	Amend(T)	6-1-2014	461-145-0150(T)	1-1-2014	Repeal	2-1-2014
461-135-0505	1-1-2014	Amend	2-1-2014	461-145-0220	1-1-2014	Amend	2-1-2014
461-135-0505	1-1-2014	Amend(T)	2-1-2014	461-145-0220(T)	1-1-2014	Repeal	2-1-2014
461-135-0505	4-1-2014	Amend	5-1-2014	461-145-0230	1-1-2014	Amend	2-1-2014
461-135-0505(T)	4-1-2014	Repeal	5-1-2014	461-145-0230(T)	1-1-2014	Repeal	2-1-2014
461-135-0750	4-1-2014	Amend	5-1-2014	461-145-0250	1-1-2014	Amend	2-1-2014
461-135-0780	1-1-2014	Amend	2-1-2014	461-145-0250(T)	1-1-2014	Repeal	2-1-2014
461-135-0832	1-1-2014	Amend	2-1-2014	461-145-0280	1-1-2014	Amend(T)	2-1-2014
461-135-0835	1-1-2014	Amend	2-1-2014	461-145-0280	4-1-2014	Amend	5-1-2014
461-135-0841	1-1-2014	Amend	2-1-2014	461-145-0280(T)	4-1-2014	Repeal	5-1-2014
461-135-0845	1-1-2014	Amend	2-1-2014	461-145-0300	1-1-2014	Amend	2-1-2014
461-135-0875	1-1-2014	Amend	2-1-2014	461-145-0300(T)	1-1-2014	Repeal	2-1-2014
461-135-0875(T)	1-1-2014	Repeal	2-1-2014	461-145-0330	1-1-2014	Amend	2-1-2014
461-135-0900	1-1-2014	Amend	2-1-2014	461-145-0330(T)	1-1-2014	Repeal	2-1-2014
461-135-0900(T)	1-1-2014	Repeal	2-1-2014	461-145-0340	1-1-2014	Amend	2-1-2014
461-135-0930	1-1-2014	Amend	2-1-2014	461-145-0340(T)	1-1-2014	Repeal	2-1-2014
461-135-0930(T)	1-1-2014	Repeal	2-1-2014	461-145-0360	1-1-2014	Amend	2-1-2014
461-135-0950	1-1-2014	Amend	2-1-2014	461-145-0360(T)	1-1-2014	Repeal	2-1-2014



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461-145-0365(T)	1-1-2014	Repeal	2-1-2014	461-155-0030(T)	1-1-2014	Repeal	2-1-2014
461-145-0380	1-1-2014	Amend	2-1-2014	461-155-0150	3-31-2014	Amend	5-1-2014
461-145-0380(T)	1-1-2014	Repeal	2-1-2014	461-155-0180	1-1-2014	Amend	2-1-2014
461-145-0410	1-1-2014	Amend	2-1-2014	461-155-0180	2-1-2014	Amend	3-1-2014
461-145-0410(T)	1-1-2014	Repeal	2-1-2014	461-155-0180(T)	1-1-2014	Repeal	2-1-2014
461-145-0420	1-1-2014	Amend	2-1-2014	461-155-0225	1-1-2014	Amend	2-1-2014
461-145-0420(T)	1-1-2014	Repeal	2-1-2014	461-155-0225(T)	1-1-2014	Repeal	2-1-2014
461-145-0430	1-1-2014	Amend	2-1-2014	461-155-0235	1-1-2014	Repeal	2-1-2014
461-145-0430(T)	1-1-2014	Repeal	2-1-2014	461-155-0250	1-1-2014	Amend	2-1-2014
461-145-0433	1-1-2014	Amend	2-1-2014	461-155-0270	1-1-2014	Amend	2-1-2014
461-145-0433(T)	1-1-2014	Repeal	2-1-2014	461-155-0290	3-1-2014	Amend(T)	3-1-2014
461-145-0440	1-1-2014	Amend	2-1-2014	461-155-0290	3-7-2014	Amend	4-1-2014
461-145-0440(T)	1-1-2014	Repeal	2-1-2014	461-155-0290(T)	3-7-2014	Repeal	4-1-2014
461-145-0455	1-1-2014	Amend	2-1-2014	461-155-0291	3-1-2014	Amend(T)	3-1-2014
461-145-0455(T)	1-1-2014	Repeal	2-1-2014	461-155-0291	3-7-2014	Amend	4-1-2014
461-145-0460	1-1-2014	Amend	2-1-2014	461-155-0291(T)	3-7-2014	Repeal	4-1-2014
461-145-0460(T)	1-1-2014	Repeal	2-1-2014	461-155-0295	3-1-2014	Amend(T)	3-1-2014
461-145-0470	1-1-2014	Amend	2-1-2014	461-155-0295	3-7-2014	Amend	4-1-2014
461-145-0470(T)	1-1-2014	Repeal	2-1-2014	461-155-0295(T)	3-7-2014	Repeal	4-1-2014
461-145-0505	1-1-2014	Amend	2-1-2014	461-155-0300	1-1-2014	Amend	2-1-2014
461-145-0505(T)	1-1-2014	Repeal	2-1-2014	461-155-0350	1-1-2014	Amend	2-1-2014
461-145-0510	1-1-2014	Amend	2-1-2014	461-155-0350(T)	1-1-2014	Repeal	2-1-2014
461-145-0510(T)	1-1-2014	Repeal	2-1-2014	461-155-0670	1-1-2014	Amend	2-1-2014
461-145-0540	1-1-2014	Amend	2-1-2014	461-155-0670(T)	1-1-2014	Repeal	2-1-2014
461-145-0540(T)	1-1-2014	Repeal	2-1-2014	461-160-0015	1-1-2014	Amend	2-1-2014
461-145-0580	1-1-2014	Amend	2-1-2014	461-160-0015(T)	1-1-2014	Repeal	2-1-2014
461-145-0580(T)	1-1-2014	Repeal	2-1-2014	461-160-0040	1-1-2014	Amend	2-1-2014
461-145-0590	1-1-2014	Amend	2-1-2014	461-160-0040(T)	1-1-2014	Repeal	2-1-2014
461-145-0590(T)	1-1-2014	Repeal	2-1-2014	461-160-0060	1-1-2014	Amend	2-1-2014
461-145-0600	1-1-2014	Amend	2-1-2014	461-160-0060(T)	1-1-2014	Repeal	2-1-2014
461-145-0600(T)	1-1-2014	Repeal	2-1-2014	461-160-0100	1-1-2014	Amend	2-1-2014
461-145-0820	1-1-2014	Amend	2-1-2014	461-160-0100(T)	1-1-2014	Repeal	2-1-2014
461-145-0820(T)	1-1-2014	Repeal	2-1-2014	461-160-0120	1-1-2014	Repeal	2-1-2014
461-145-0830	1-1-2014	Amend	2-1-2014	461-160-0125	1-1-2014	Repeal	2-1-2014
461-145-0830(T)	1-1-2014	Repeal	2-1-2014	461-160-0160	1-1-2014	Amend	2-1-2014
461-145-0860	1-1-2014	Amend	2-1-2014	461-160-0160(T)	1-1-2014	Repeal	2-1-2014
461-145-0860(T)	1-1-2014	Repeal	2-1-2014	461-160-0190	1-1-2014	Repeal	2-1-2014
461-145-0870	1-1-2014	Repeal	2-1-2014	461-160-0200	1-1-2014	Repeal	2-1-2014
461-145-0910	1-1-2014	Amend	2-1-2014	461-160-0420	5-20-2014	Amend(T)	7-1-2014
461-145-0910(T)	1-1-2014	Repeal	2-1-2014	461-160-0580	1-1-2014	Amend	2-1-2014
461-145-0920	1-1-2014	Amend	2-1-2014	461-160-0620	1-1-2014	Amend	2-1-2014
461-145-0920(T)	1-1-2014	Repeal	2-1-2014	461-160-0620	2-1-2014	Amend	3-1-2014
461-145-0930	1-1-2014	Amend	2-1-2014	461-160-0630	1-1-2014	Amend	2-1-2014
461-145-0930(T)	1-1-2014	Repeal	2-1-2014	461-160-0630(T)	1-1-2014	Repeal	2-1-2014
461-150-0020	1-1-2014	Amend	2-1-2014	461-160-0700	1-1-2014	Repeal	2-1-2014
461-150-0020(T)	1-1-2014	Repeal	2-1-2014	461-160-0780	1-1-2014	Amend	2-1-2014
461-150-0055	1-1-2014	Repeal	2-1-2014	461-165-0030	1-1-2014	Amend	2-1-2014
461-150-0060	1-1-2014	Amend	2-1-2014	461-165-0030(T)	1-1-2014	Repeal	2-1-2014
461-150-0060(T)	1-1-2014	Repeal	2-1-2014	461-165-0070	1-1-2014	Amend	2-1-2014
461-150-0070	1-1-2014	Amend	2-1-2014	461-165-0120	1-1-2014	Amend	2-1-2014
461-150-0070(T)	1-1-2014	Repeal	2-1-2014	461-165-0120(T)	1-1-2014	Repeal	2-1-2014
461-150-0080	1-1-2014	Amend	2-1-2014	461-165-0180	3-1-2014	Amend(T)	3-1-2014
461-150-0080(T)	1-1-2014	Repeal	2-1-2014	461-165-0180	4-1-2014	Amend(T)	5-1-2014
461-150-0090	1-1-2014	Amend	2-1-2014	461-165-0180(T)	4-1-2014	Suspend	5-1-2014
461-150-0090(T)	1-1-2014	Repeal	2-1-2014	461-170-0011	1-1-2014	Amend	2-1-2014

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461-170-0130	1-1-2014	Amend	2-1-2014	471-030-0036	2-23-2014	Amend	2-1-2014
461-170-0130(T)	1-1-2014	Repeal	2-1-2014	471-030-0040	2-23-2014	Amend	2-1-2014
461-170-0200	1-1-2014	Amend	2-1-2014	471-030-0040	2-23-2014	Amend	2-1-2014
461-170-0200(T)	1-1-2014	Repeal	2-1-2014	471-030-0040(T)	2-23-2014	Repeal	2-1-2014
461-175-0200	1-1-2014	Amend	2-1-2014	471-030-0040(T)	2-23-2014	Repeal	2-1-2014
461-175-0200(T)	1-1-2014	Repeal	2-1-2014	471-030-0045	2-23-2014	Amend	2-1-2014
461-175-0203(T)	1-1-2014	Repeal	2-1-2014	471-030-0045	2-23-2014	Amend	2-1-2014
461-175-0206	1-1-2014	Amend	2-1-2014	471-030-0045(T)	2-23-2014	Repeal	2-1-2014
461-175-0210	1-1-2014	Amend	2-1-2014	471-030-0045(T)	2-23-2014	Repeal	2-1-2014
461-175-0210(T)	1-1-2014	Repeal	2-1-2014	471-030-0052	2-23-2014	Amend	2-1-2014
461-175-0230	4-1-2014	Amend	5-1-2014	471-030-0052	2-23-2014	Amend	2-1-2014
461-175-0270	1-1-2014	Amend	2-1-2014	471-030-0052(T)	2-23-2014	Repeal	2-1-2014
461-175-0270(T)	1-1-2014	Repeal	2-1-2014	471-030-0052(T)	2-23-2014	Repeal	2-1-2014
461-175-0305	1-1-2014	Amend	2-1-2014	471-030-0053	2-23-2014	Amend	2-1-2014
461-175-0305(T)	1-1-2014	Repeal	2-1-2014	471-030-0053	2-23-2014	Amend	2-1-2014
461-180-0010	1-1-2014	Amend	2-1-2014	471-030-0053(T)	2-23-2014	Repeal	2-1-2014
461-180-0010(T)	1-1-2014	Repeal	2-1-2014	471-030-0053(T)	2-23-2014	Repeal	2-1-2014
461-180-0020	1-1-2014	Amend	2-1-2014	471-030-0058	2-23-2014	Adopt	2-1-2014
461-180-0020(T)	1-1-2014	Repeal	2-1-2014	471-030-0058	2-23-2014	Adopt	2-1-2014
461-180-0050	1-1-2014	Amend	2-1-2014	471-030-0058(T)	2-23-2014	Repeal	2-1-2014
461-180-0050(T)	1-1-2014	Repeal	2-1-2014	471-030-0058(T)	2-23-2014	Repeal	2-1-2014
461-180-0065	1-1-2014	Amend	2-1-2014	471-030-0078	2-23-2014	Repeal	2-1-2014
461-180-0065(T)	1-1-2014	Repeal	2-1-2014	471-030-0078	2-23-2014	Repeal	2-1-2014
461-180-0085	1-1-2014	Amend	2-1-2014	471-030-0081	5-19-2014	Amend(T)	7-1-2014
461-180-0085(T)	1-1-2014	Repeal	2-1-2014	471-030-0082	5-19-2014	Amend(T)	7-1-2014
461-180-0090	1-1-2014	Amend	2-1-2014	471-030-0083	2-23-2014	Adopt	2-1-2014
461-180-0090(T)	1-1-2014	Repeal	2-1-2014	471-030-0083	2-23-2014	Adopt	2-1-2014
461-180-0097(T)	1-1-2014	Repeal	2-1-2014	471-030-0210	2-23-2014	Amend	2-1-2014
461-180-0100	1-1-2014	Amend	2-1-2014	471-030-0210	2-23-2014	Amend	2-1-2014
461-180-0100(T)	1-1-2014	Repeal	2-1-2014	471-031-0151	2-23-2014	Amend	2-1-2014
461-180-0105	1-1-2014	Amend	2-1-2014	471-031-0151	2-23-2014	Amend	2-1-2014
461-180-0105(T)	1-1-2014	Repeal	2-1-2014	471-040-0020	2-23-2014	Amend	2-1-2014
461-180-0120	1-1-2014	Amend	2-1-2014	471-040-0020	2-23-2014	Amend	2-1-2014
461-180-0120(T)	1-1-2014	Repeal	2-1-2014	573-040-0005	5-12-2014	Amend	6-1-2014
461-180-0140	1-1-2014	Amend	2-1-2014	573-076-0050	6-4-2014	Amend	7-1-2014
461-180-0140(T)	1-1-2014	Repeal	2-1-2014	573-076-0060	6-4-2014	Amend	7-1-2014
461-185-0050	1-1-2014	Amend	2-1-2014	573-076-0070	6-4-2014	Amend	7-1-2014
461-190-0211	3-5-2014	Amend(T)	4-1-2014	573-076-0080	6-4-2014	Amend	7-1-2014
461-195-0301	1-1-2014	Amend	2-1-2014	573-076-0110	6-4-2014	Amend	7-1-2014
461-195-0310	1-1-2014	Amend	2-1-2014	573-076-0120	6-4-2014	Amend	7-1-2014
461-195-0501	4-1-2014	Amend	5-1-2014	573-076-0130	6-4-2014	Amend	7-1-2014
461-195-0501(T)	4-1-2014	Repeal	5-1-2014	574-050-0005	1-28-2014	Amend	3-1-2014
461-195-0521	4-1-2014	Amend	5-1-2014	576-005-0005	2-11-2014	Amend(T)	3-1-2014
461-195-0521(T)	4-1-2014	Repeal	5-1-2014	576-005-0010	2-11-2014	Amend(T)	3-1-2014
461-195-0541	4-1-2014	Amend	5-1-2014	576-005-0020	2-11-2014	Amend(T)	3-1-2014
461-195-0541(T)	4-1-2014	Repeal	5-1-2014	576-005-0025	2-11-2014	Amend(T)	3-1-2014
461-195-0551	1-1-2014	Amend	2-1-2014	576-005-0032	2-11-2014	Amend(T)	3-1-2014
461-195-0561	4-1-2014	Amend	5-1-2014	576-005-0041	2-11-2014	Amend(T)	3-1-2014
461-195-0561(T)	4-1-2014	Repeal	5-1-2014	576-010-0000	12-18-2013	Amend	2-1-2014
462-120-0060	2-13-2014	Amend	3-1-2014	576-010-0000	4-9-2014	Amend(T)	4-1-2014
462-200-0635	2-13-2014	Adopt	3-1-2014	576-015-0043	3-6-2014	Amend(T)	4-1-2014
471-020-0010	2-28-2014	Amend	4-1-2014	576-015-0043	4-16-2014	Amend(T)	5-1-2014
471-020-0010(T)	2-28-2014	Repeal	4-1-2014	576-015-0045	3-6-2014	Amend(T)	4-1-2014
471-020-0035	2-28-2014	Amend	4-1-2014	576-015-0050	3-6-2014	Amend(T)	4-1-2014
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576-015-0056	3-6-2014	Amend(T)	4-1-2014	581-017-0347	2-19-2014	Adopt(T)	4-1-2014
576-015-0060	3-6-2014	Amend(T)	4-1-2014	581-017-0350	2-19-2014	Adopt(T)	4-1-2014
576-020-0010	4-16-2014	Amend(T)	5-1-2014	581-017-0353	2-19-2014	Adopt(T)	4-1-2014
579-020-0006	5-8-2014	Amend	6-1-2014	581-017-0356	2-19-2014	Adopt(T)	4-1-2014
579-040-0005	12-6-2013	Amend	1-1-2014	581-017-0359	2-19-2014	Adopt(T)	4-1-2014
579-040-0007	12-6-2013	Amend	1-1-2014	581-017-0362	2-19-2014	Adopt(T)	4-1-2014
579-040-0010	12-6-2013	Amend	1-1-2014	581-018-0005	12-18-2013	Adopt	2-1-2014
579-040-0013	12-6-2013	Amend	1-1-2014	581-018-0010	12-18-2013	Adopt	2-1-2014
579-040-0015	12-6-2013	Amend	1-1-2014	581-018-0020	12-18-2013	Adopt	2-1-2014
579-040-0020	12-6-2013	Repeal	1-1-2014	581-018-0100	12-18-2013	Adopt	2-1-2014
579-040-0030	12-6-2013	Amend	1-1-2014	581-018-0105	12-18-2013	Adopt	2-1-2014
579-040-0035	12-6-2013	Amend	1-1-2014	581-018-0110	12-18-2013	Adopt	2-1-2014
579-040-0045	12-6-2013	Amend	1-1-2014	581-018-0115	12-18-2013	Adopt	2-1-2014
579-070-0010	12-6-2013	Amend	1-1-2014	581-018-0120	12-18-2013	Adopt	2-1-2014
579-070-0030	12-6-2013	Amend	1-1-2014	581-018-0125	12-18-2013	Adopt	2-1-2014
579-070-0035	12-6-2013	Amend	1-1-2014	581-018-0200	12-18-2013	Adopt	2-1-2014
579-070-0041	12-6-2013	Amend	1-1-2014	581-018-0205	12-18-2013	Adopt	2-1-2014
579-070-0042	12-6-2013	Amend	1-1-2014	581-018-0210	12-18-2013	Adopt	2-1-2014
579-070-0045	12-6-2013	Amend	1-1-2014	581-018-0215	12-18-2013	Adopt	2-1-2014
580-021-0030	11-20-2013	Amend(T)	1-1-2014	581-018-0220	12-18-2013	Adopt	2-1-2014
580-021-0030	3-21-2014	Amend	5-1-2014	581-018-0225	12-18-2013	Adopt	2-1-2014
580-040-0040	6-13-2014	Amend	7-1-2014	581-018-0250	12-18-2013	Adopt	2-1-2014
581-015-2000	12-18-2013	Amend	2-1-2014	581-018-0255	12-18-2013	Adopt	2-1-2014
581-015-2245	12-18-2013	Amend	2-1-2014	581-018-0260	12-18-2013	Adopt	2-1-2014
581-015-2540	12-18-2013	Amend	2-1-2014	581-018-0265	12-18-2013	Adopt	2-1-2014
581-015-2550	12-18-2013	Amend	2-1-2014	581-018-0270	12-18-2013	Adopt	2-1-2014
581-015-2555	12-18-2013	Amend	2-1-2014	581-018-0275	12-18-2013	Adopt	2-1-2014
581-015-2572	6-3-2014	Amend	7-1-2014	581-018-0300	2-19-2014	Adopt	4-1-2014
581-015-2930	12-18-2013	Adopt	2-1-2014	581-018-0305	2-19-2014	Adopt	4-1-2014
581-017-0005	12-18-2013	Adopt	2-1-2014	581-018-0310	2-19-2014	Adopt	4-1-2014
581-017-0010	12-18-2013	Adopt	2-1-2014	581-018-0315	2-19-2014	Adopt	4-1-2014
581-017-0020	12-18-2013	Adopt	2-1-2014	581-018-0320	2-19-2014	Adopt	4-1-2014
581-017-0100	12-18-2013	Adopt	2-1-2014	581-018-0325	2-19-2014	Adopt	4-1-2014
581-017-0105	12-18-2013	Adopt	2-1-2014	581-018-0327	2-19-2014	Adopt(T)	4-1-2014
581-017-0110	12-18-2013	Adopt	2-1-2014	581-018-0330	2-19-2014	Adopt(T)	4-1-2014
581-017-0115	12-18-2013	Adopt	2-1-2014	581-018-0333	2-19-2014	Adopt(T)	4-1-2014
581-017-0200	2-19-2014	Adopt	4-1-2014	581-018-0336	2-19-2014	Adopt(T)	4-1-2014
581-017-0205	2-19-2014	Adopt	4-1-2014	581-018-0380	11-22-2013	Adopt(T)	1-1-2014
581-017-0210	2-19-2014	Adopt	4-1-2014	581-018-0385	11-22-2013	Adopt(T)	1-1-2014
581-017-0215	2-19-2014	Adopt	4-1-2014	581-018-0390	11-22-2013	Adopt(T)	1-1-2014
581-017-0220	2-19-2014	Adopt	4-1-2014	581-018-0395	11-22-2013	Adopt(T)	1-1-2014
581-017-0300	11-22-2013	Adopt(T)	1-1-2014	581-018-0397	11-22-2013	Adopt(T)	1-1-2014
581-017-0305	11-22-2013	Adopt(T)	1-1-2014	581-018-0399	11-22-2013	Adopt(T)	1-1-2014
581-017-0308	11-22-2013	Adopt(T)	1-1-2014	581-018-0400	11-22-2013	Adopt(T)	1-1-2014
581-017-0311	11-22-2013	Adopt(T)	1-1-2014	581-018-0405	11-22-2013	Adopt(T)	1-1-2014
581-017-0314	11-22-2013	Adopt(T)	1-1-2014	581-018-0410	11-22-2013	Adopt(T)	1-1-2014
581-017-0317	11-22-2013	Adopt(T)	1-1-2014	581-018-0415	11-22-2013	Adopt(T)	1-1-2014
581-017-0320	11-22-2013	Adopt(T)	1-1-2014	581-018-0420	11-22-2013	Adopt(T)	1-1-2014
581-017-0323	11-22-2013	Adopt(T)	1-1-2014	581-018-0424	11-22-2013	Adopt(T)	1-1-2014
581-017-0326	11-22-2013	Adopt(T)	1-1-2014	581-018-0430	12-18-2013	Adopt(T)	2-1-2014
581-017-0329	11-22-2013	Adopt(T)	1-1-2014	581-018-0433	12-18-2013	Adopt(T)	2-1-2014
581-017-0332	11-22-2013	Adopt(T)	1-1-2014	581-018-0436	12-18-2013	Adopt(T)	2-1-2014
581-017-0335	2-19-2014	Adopt(T)	4-1-2014	581-018-0439	12-18-2013	Adopt(T)	2-1-2014
581-017-0338	2-19-2014	Adopt(T)	4-1-2014	581-018-0442	12-18-2013	Adopt(T)	2-1-2014
581-017-0341	2-19-2014	Adopt(T)	4-1-2014	581-018-0500	2-19-2014	Adopt(T)	4-1-2014



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581-018-0506	2-19-2014	Adopt(T)	4-1-2014	581-021-0556	2-19-2014	Amend	4-1-2014
581-018-0509	2-19-2014	Adopt(T)	4-1-2014	581-021-0556	3-4-2014	Amend	4-1-2014
581-018-0512	2-19-2014	Adopt(T)	4-1-2014	581-021-0559	2-19-2014	Amend	4-1-2014
581-018-0515	2-19-2014	Adopt(T)	4-1-2014	581-021-0559	3-4-2014	Amend	4-1-2014
581-018-0520	3-28-2014	Adopt(T)	5-1-2014	581-021-0563	2-19-2014	Amend	4-1-2014
581-018-0523	3-28-2014	Adopt(T)	5-1-2014	581-021-0563	3-4-2014	Amend	4-1-2014
581-018-0526	3-28-2014	Adopt(T)	5-1-2014	581-021-0566	2-19-2014	Amend	4-1-2014
581-018-0529	3-28-2014	Adopt(T)	5-1-2014	581-021-0566	3-4-2014	Amend	4-1-2014
581-018-0532	3-28-2014	Adopt(T)	5-1-2014	581-021-0568	2-19-2014	Adopt	4-1-2014
581-018-0535	3-28-2014	Adopt(T)	5-1-2014	581-021-0568	3-4-2014	Amend	4-1-2014
581-018-0540	2-19-2014	Adopt(T)	4-1-2014	581-021-0569	2-19-2014	Adopt	4-1-2014
581-018-0540	3-4-2014	Adopt(T)	4-1-2014	581-021-0569	3-4-2014	Amend	4-1-2014
581-018-0543	2-19-2014	Adopt(T)	4-1-2014	581-021-0570	2-19-2014	Adopt	4-1-2014
581-018-0543	3-4-2014	Adopt(T)	4-1-2014	581-021-0570	3-4-2014	Amend	4-1-2014
581-018-0546	2-19-2014	Adopt(T)	4-1-2014	581-022-0606	12-18-2013	Amend	2-1-2014
581-018-0546	3-4-2014	Adopt(T)	4-1-2014	581-023-0015	12-18-2013	Amend	2-1-2014
581-018-0549	2-19-2014	Adopt(T)	4-1-2014	581-023-0102	7-1-2014	Adopt	4-1-2014
581-018-0549	3-4-2014	Adopt(T)	4-1-2014	581-026-0005	2-19-2014	Adopt	4-1-2014
581-018-0552	2-19-2014	Adopt(T)	4-1-2014	581-026-0055	2-19-2014	Adopt	4-1-2014
581-018-0552	3-4-2014	Adopt(T)	4-1-2014	581-026-0060	2-19-2014	Adopt	4-1-2014
581-018-0553	2-19-2014	Adopt(T)	4-1-2014	581-026-0110	2-19-2014	Adopt	4-1-2014
581-018-0553	3-4-2014	Adopt(T)	4-1-2014	581-026-0125	2-19-2014	Adopt	4-1-2014
581-018-0556	2-19-2014	Adopt(T)	4-1-2014	581-026-0130	2-19-2014	Adopt	4-1-2014
581-018-0556	3-4-2014	Adopt(T)	4-1-2014	581-045-0001	4-23-2014	Am. & Ren.	6-1-2014
581-018-0575	3-28-2014	Adopt(T)	5-1-2014	581-045-0003	4-23-2014	Am. & Ren.	6-1-2014
581-018-0578	3-28-2014	Adopt(T)	5-1-2014	581-045-0006	4-23-2014	Am. & Ren.	6-1-2014
581-018-0581	3-28-2014	Adopt(T)	5-1-2014	581-045-0007	4-23-2014	Am. & Ren.	6-1-2014
581-018-0584	3-28-2014	Adopt(T)	5-1-2014	581-045-0008	4-23-2014	Am. & Ren.	6-1-2014
581-018-0587	3-28-2014	Adopt(T)	5-1-2014	581-045-0009	4-23-2014	Am. & Ren.	6-1-2014
581-018-0590	3-28-2014	Adopt(T)	5-1-2014	581-045-0012	4-23-2014	Am. & Ren.	6-1-2014
581-020-0301	2-19-2014	Am. & Ren.	4-1-2014	581-045-0013	4-23-2014	Am. & Ren.	6-1-2014
581-020-0311	2-19-2014	Am. & Ren.	4-1-2014	581-045-0014	4-23-2014	Am. & Ren.	6-1-2014
581-020-0321	2-19-2014	Am. & Ren.	4-1-2014	581-045-0018	4-23-2014	Am. & Ren.	6-1-2014
581-020-0331	2-19-2014	Am. & Ren.	4-1-2014	581-045-0019	4-23-2014	Am. & Ren.	6-1-2014
581-020-0334	2-19-2014	Am. & Ren.	4-1-2014	581-045-0022	4-23-2014	Am. & Ren.	6-1-2014
581-020-0336	2-19-2014	Am. & Ren.	4-1-2014	581-045-0023	4-23-2014	Am. & Ren.	6-1-2014
581-020-0338	2-19-2014	Am. & Ren.	4-1-2014	581-045-0029	4-23-2014	Am. & Ren.	6-1-2014
581-020-0341	2-19-2014	Repeal	4-1-2014	581-045-0032	4-23-2014	Am. & Ren.	6-1-2014
581-020-0342	2-19-2014	Am. & Ren.	4-1-2014	581-045-0033	4-23-2014	Am. & Ren.	6-1-2014
581-020-0343	2-19-2014	Am. & Ren.	4-1-2014	581-045-0034	4-23-2014	Am. & Ren.	6-1-2014
581-020-0345	2-19-2014	Repeal	4-1-2014	581-045-0036	4-23-2014	Am. & Ren.	6-1-2014
581-020-0359	12-18-2013	Amend	2-1-2014	581-045-0037	4-23-2014	Am. & Ren.	6-1-2014
581-020-0359	2-19-2014	Am. & Ren.	4-1-2014	581-045-0038	4-23-2014	Am. & Ren.	6-1-2014
581-020-0361	2-19-2014	Am. & Ren.	4-1-2014	581-045-0039	4-23-2014	Am. & Ren.	6-1-2014
581-020-0380	2-19-2014	Am. & Ren.	4-1-2014	581-045-0060	4-23-2014	Am. & Ren.	6-1-2014
581-020-0385	2-19-2014	Am. & Ren.	4-1-2014	581-045-0061	4-23-2014	Am. & Ren.	6-1-2014
581-020-0390	2-19-2014	Am. & Ren.	4-1-2014	581-045-0062	4-23-2014	Am. & Ren.	6-1-2014
581-020-0395	2-19-2014	Am. & Ren.	4-1-2014	581-045-0063	4-23-2014	Am. & Ren.	6-1-2014
581-021-0031	3-12-2014	Adopt(T)	4-1-2014	581-045-0064	4-23-2014	Am. & Ren.	6-1-2014
581-021-0031	6-3-2014	Adopt	7-1-2014	581-045-0065	4-23-2014	Am. & Ren.	6-1-2014
581-021-0037	6-3-2014	Amend	7-1-2014	581-045-0066	4-23-2014	Am. & Ren.	6-1-2014
581-021-0500	2-19-2014	Amend	4-1-2014	581-045-0067	4-23-2014	Am. & Ren.	6-1-2014
581-021-0550	2-19-2014	Amend	4-1-2014	581-045-0068	4-23-2014	Am. & Ren.	6-1-2014
581-021-0550	3-4-2014	Amend	4-1-2014	581-045-0190	4-23-2014	Am. & Ren.	6-1-2014
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581-045-0210	4-23-2014	Am. & Ren.	6-1-2014	603-052-1245	4-29-2014	Amend	6-1-2014
581-045-0586	2-19-2014	Amend	4-1-2014	603-052-1250	4-29-2014	Amend	6-1-2014
581-054-0007	2-19-2014	Repeal	4-1-2014	603-052-1320	2-14-2014	Amend	3-1-2014
584-018-0125	3-15-2014	Amend	4-1-2014	603-054-0016	5-1-2014	Amend	6-1-2014
584-020-0040	3-15-2014	Amend	4-1-2014	603-054-0017	5-1-2014	Amend	6-1-2014
584-023-0005	3-15-2014	Amend(T)	4-1-2014	603-054-0018	5-1-2014	Amend	6-1-2014
584-023-0030	3-15-2014	Adopt(T)	4-1-2014	603-054-0024	5-1-2014	Amend	6-1-2014
584-036-0070	3-15-2014	Amend	4-1-2014	603-054-0030	5-1-2014	Amend	6-1-2014
584-050-0030	3-15-2014	Amend	4-1-2014	603-100-0010	2-24-2014	Amend	4-1-2014
584-050-0060	3-15-2014	Amend	4-1-2014	629-028-0002	7-1-2014	Adopt	7-1-2014
584-050-0066	3-15-2014	Amend	4-1-2014	629-028-0003	7-1-2014	Adopt	7-1-2014
584-060-0012	3-15-2014	Amend	4-1-2014	629-028-0004	7-1-2014	Adopt	7-1-2014
584-060-0013	3-15-2014	Amend	4-1-2014	629-028-0005	7-1-2014	Am. & Ren.	7-1-2014
584-060-0014	3-15-2014	Amend	4-1-2014	629-028-0010	7-1-2014	Amend	7-1-2014
584-060-0051	3-15-2014	Amend	4-1-2014	629-028-0015	7-1-2014	Amend	7-1-2014
584-060-0052	3-15-2014	Amend	4-1-2014	629-028-0020	7-1-2014	Amend	7-1-2014
584-060-0200	3-15-2014	Amend	4-1-2014	629-028-0025	7-1-2014	Amend	7-1-2014
584-060-0525	3-15-2014	Adopt(T)	4-1-2014	629-060-0000	1-1-2014	Am. & Ren.	1-1-2014
584-060-0530	3-15-2014	Adopt(T)	4-1-2014	629-060-0005	1-1-2014	Am. & Ren.	1-1-2014
584-066-0015	3-15-2014	Adopt	4-1-2014	629-061-0000	1-1-2014	Am. & Ren.	1-1-2014
584-066-0020	4-8-2014	Adopt(T)	5-1-2014	629-061-0005	1-1-2014	Am. & Ren.	1-1-2014
584-070-0012	3-15-2014	Amend(T)	4-1-2014	629-061-0015	1-1-2014	Am. & Ren.	1-1-2014
584-070-0211	3-15-2014	Amend	4-1-2014	629-061-0020	1-1-2014	Am. & Ren.	1-1-2014
584-070-0271	3-15-2014	Amend	4-1-2014	629-061-0025	1-1-2014	Repeal	1-1-2014
584-080-0008	3-15-2014	Amend(T)	4-1-2014	629-061-0035	1-1-2014	Am. & Ren.	1-1-2014
584-080-0012	3-15-2014	Amend	4-1-2014	629-061-0040	1-1-2014	Repeal	1-1-2014
584-080-0022	3-15-2014	Amend	4-1-2014	629-061-0045	1-1-2014	Repeal	1-1-2014
584-100-0061	3-15-2014	Amend(T)	4-1-2014	629-061-0050	1-1-2014	Repeal	1-1-2014
584-100-0066	3-15-2014	Amend(T)	4-1-2014	629-061-0060	1-1-2014	Am. & Ren.	1-1-2014
584-100-0071	3-15-2014	Amend(T)	4-1-2014	629-061-0065	1-1-2014	Am. & Ren.	1-1-2014
589-002-0120	12-16-2013	Amend(T)	2-1-2014	629-061-0075	1-1-2014	Repeal	1-1-2014
589-002-0120	3-20-2014	Amend	5-1-2014	629-165-0005	1-1-2014	Adopt	1-1-2014
589-006-0050	3-14-2014	Amend(T)	4-1-2014	629-165-0010	1-1-2014	Adopt	1-1-2014
589-006-0100	3-14-2014	Amend(T)	4-1-2014	629-165-0200	1-1-2014	Adopt	1-1-2014
589-006-0150	3-14-2014	Amend(T)	4-1-2014	629-165-0210	1-1-2014	Adopt	1-1-2014
589-006-0200	3-14-2014	Amend(T)	4-1-2014	632-035-0005	4-2-2014	Amend	5-1-2014
589-006-0300	3-14-2014	Amend(T)	4-1-2014	632-035-0010	4-2-2014	Amend	5-1-2014
589-006-0350	3-14-2014	Amend(T)	4-1-2014	632-035-0015	4-2-2014	Amend	5-1-2014
589-006-0400	3-14-2014	Amend(T)	4-1-2014	632-035-0016	4-2-2014	Amend	5-1-2014
589-007-0400	3-14-2014	Amend(T)	4-1-2014	632-035-0017	4-2-2014	Amend	5-1-2014
589-007-0500	3-14-2014	Amend(T)	4-1-2014	632-035-0020	4-2-2014	Amend	5-1-2014
589-008-0100	4-24-2014	Amend(T)	6-1-2014	632-035-0025	4-2-2014	Amend	5-1-2014
603-052-0075	4-29-2014	Amend	6-1-2014	632-035-0030	4-2-2014	Amend	5-1-2014
603-052-0120	4-29-2014	Amend	6-1-2014	632-035-0035	4-2-2014	Amend	5-1-2014
603-052-0126	2-14-2014	Amend	3-1-2014	632-035-0040	4-2-2014	Amend	5-1-2014
603-052-0127	2-14-2014	Amend	3-1-2014	632-035-0045	4-2-2014	Amend	5-1-2014
603-052-0129	2-14-2014	Amend	3-1-2014	632-035-0050	4-2-2014	Amend	5-1-2014
603-052-0150	2-14-2014	Amend	3-1-2014	632-035-0055	4-2-2014	Amend	5-1-2014
603-052-0825	4-29-2014	Amend	6-1-2014	632-035-0060	4-2-2014	Amend	5-1-2014
603-052-1025	2-20-2014	Amend	4-1-2014	632-037-0005	4-2-2014	Amend	5-1-2014
603-052-1200	2-20-2014	Amend	4-1-2014	632-037-0010	4-2-2014	Amend	5-1-2014
603-052-1205	5-1-2014	Amend	6-1-2014	632-037-0015	4-2-2014	Amend	5-1-2014
603-052-1211	2-20-2014	Amend	4-1-2014	632-037-0020	4-2-2014	Amend	5-1-2014
603-052-1221	2-14-2014	Amend	3-1-2014	632-037-0025	4-2-2014	Amend	5-1-2014
603-052-1230	4-29-2014	Amend	6-1-2014	632-037-0030	4-2-2014	Amend	5-1-2014
603-052-1241	1-15-2014	Adopt	2-1-2014	632-037-0035	4-2-2014	Amend	5-1-2014

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632-037-0045	4-2-2014	Amend	5-1-2014	635-013-0004	1-1-2014	Amend	2-1-2014
632-037-0050	4-2-2014	Amend	5-1-2014	635-013-0007	6-10-2014	Amend	7-1-2014
632-037-0055	4-2-2014	Amend	5-1-2014	635-014-0080	1-1-2014	Amend	2-1-2014
632-037-0060	4-2-2014	Amend	5-1-2014	635-014-0090	1-1-2014	Amend	2-1-2014
632-037-0075	4-2-2014	Amend	5-1-2014	635-016-0080	1-1-2014	Amend	2-1-2014
632-037-0077	4-2-2014	Amend	5-1-2014	635-016-0090	1-1-2014	Amend	2-1-2014
632-037-0080	4-2-2014	Amend	5-1-2014	635-017-0080	1-1-2014	Amend	2-1-2014
632-037-0085	4-2-2014	Amend	5-1-2014	635-017-0090	1-1-2014	Amend	2-1-2014
632-037-0095	4-2-2014	Amend	5-1-2014	635-017-0090	6-10-2014	Amend(T)	7-1-2014
632-037-0100	4-2-2014	Amend	5-1-2014	635-017-0090	6-13-2014	Amend(T)	7-1-2014
632-037-0105	4-2-2014	Amend	5-1-2014	635-017-0090(T)	6-13-2014	Suspend	7-1-2014
632-037-0110	4-2-2014	Amend	5-1-2014	635-017-0095	1-1-2014	Amend	2-1-2014
632-037-0115	4-2-2014	Amend	5-1-2014	635-018-0080	1-1-2014	Amend	2-1-2014
632-037-0117	4-2-2014	Repeal	5-1-2014	635-018-0090	1-1-2014	Amend	2-1-2014
632-037-0118	4-2-2014	Amend	5-1-2014	635-018-0090	4-15-2014	Amend(T)	4-1-2014
632-037-0120	4-2-2014	Amend	5-1-2014	635-019-0080	1-1-2014	Amend	2-1-2014
632-037-0125	4-2-2014	Amend	5-1-2014	635-019-0090	1-1-2014	Amend	2-1-2014
632-037-0130	4-2-2014	Amend	5-1-2014	635-019-0090	5-17-2014	Amend(T)	6-1-2014
632-037-0135	4-2-2014	Amend	5-1-2014	635-019-0090	5-31-2014	Amend(T)	7-1-2014
632-037-0140	4-2-2014	Amend	5-1-2014	635-019-0090	6-1-2014	Amend(T)	7-1-2014
632-037-0145	4-2-2014	Amend	5-1-2014	635-019-0090	6-21-2014	Amend(T)	7-1-2014
632-037-0150	4-2-2014	Amend	5-1-2014	635-019-0090(T)	5-31-2014	Suspend	7-1-2014
632-037-0155	4-2-2014	Amend	5-1-2014	635-019-0090(T)	6-1-2014	Suspend	7-1-2014
635-003-0003	5-8-2014	Amend(T)	6-1-2014	635-019-0090(T)	6-21-2014	Suspend	7-1-2014
635-003-0003	6-10-2014	Amend	7-1-2014	635-021-0080	1-1-2014	Amend	2-1-2014
635-003-0003(T)	6-10-2014	Repeal	7-1-2014	635-021-0090	1-1-2014	Amend	2-1-2014
635-003-0077	6-10-2014	Amend	7-1-2014	635-021-0090	6-11-2014	Amend(T)	7-1-2014
635-003-0078	6-10-2014	Amend	7-1-2014	635-023-0080	1-1-2014	Amend	2-1-2014
635-003-0085	6-10-2014	Amend	7-1-2014	635-023-0090	1-1-2014	Amend	2-1-2014
635-004-0215	1-1-2014	Amend	2-1-2014	635-023-0090	3-1-2014	Amend(T)	3-1-2014
635-004-0275	12-9-2013	Amend(T)	1-1-2014	635-023-0095	1-1-2014	Amend	2-1-2014
635-004-0275	1-1-2014	Amend	2-1-2014	635-023-0095	1-1-2014	Amend(T)	1-1-2014
635-004-0275	4-23-2014	Amend(T)	6-1-2014	635-023-0095	2-1-2014	Amend(T)	3-1-2014
635-004-0275(T)	12-9-2013	Suspend	1-1-2014	635-023-0095	2-24-2014	Amend(T)	4-1-2014
635-004-0275(T)	4-23-2014	Suspend	6-1-2014	635-023-0095	5-1-2014	Amend(T)	5-1-2014
635-004-0320	1-1-2014	Amend	2-1-2014	635-023-0095	6-13-2014	Amend(T)	7-1-2014
635-004-0350	1-1-2014	Amend	2-1-2014	635-023-0095(T)	1-1-2014	Suspend	1-1-2014
635-004-0360	1-1-2014	Amend	2-1-2014	635-023-0095(T)	2-1-2014	Suspend	3-1-2014
635-004-0505	1-1-2014	Amend(T)	1-1-2014	635-023-0095(T)	2-24-2014	Suspend	4-1-2014
635-004-0585	5-1-2014	Amend	6-1-2014	635-023-0095(T)	5-1-2014	Suspend	5-1-2014
635-005-0355	6-13-2014	Amend(T)	7-1-2014	635-023-0095(T)	6-13-2014	Suspend	7-1-2014
635-005-0465	12-1-2013	Amend(T)	1-1-2014	635-023-0125	1-1-2014	Amend	2-1-2014
635-005-0705	12-9-2013	Amend(T)	1-1-2014	635-023-0125	3-1-2014	Amend(T)	3-1-2014
635-006-0210	1-1-2014	Amend	2-1-2014	635-023-0125	4-4-2014	Amend(T)	5-1-2014
635-006-0213	1-1-2014	Amend	2-1-2014	635-023-0125	4-19-2014	Amend(T)	6-1-2014
635-006-0232	1-13-2014	Amend	2-1-2014	635-023-0125	5-9-2014	Amend(T)	6-1-2014
635-008-0151	7-4-2014	Amend	7-1-2014	635-023-0125	5-15-2014	Amend(T)	6-1-2014
635-011-0100	12-10-2013	Amend(T)	1-1-2014	635-023-0125	5-31-2014	Amend(T)	7-1-2014
635-011-0100	1-1-2014	Amend	2-1-2014	635-023-0125(T)	4-4-2014	Suspend	5-1-2014
635-011-0104	12-1-2013	Amend(T)	1-1-2014	635-023-0125(T)	4-19-2014	Suspend	6-1-2014
635-011-0104	12-9-2013	Amend	1-1-2014	635-023-0125(T)	5-9-2014	Suspend	6-1-2014
635-011-0104	6-1-2014	Amend(T)	7-1-2014	635-023-0125(T)	5-15-2014	Suspend	6-1-2014
635-011-0104(T)	12-9-2013	Repeal	1-1-2014	635-023-0125(T)	5-31-2014	Suspend	7-1-2014
635-013-0003	5-8-2014	Amend(T)	6-1-2014	635-023-0128	1-1-2014	Amend	2-1-2014
635-013-0003	6-10-2014	Amend	7-1-2014	635-023-0128	6-16-2014	Amend(T)	7-1-2014



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635-023-0134	1-1-2014	Amend	2-1-2014	635-042-0145	6-4-2014	Amend(T)	7-1-2014
635-023-0134	4-26-2014	Amend(T)	6-1-2014	635-042-0145(T)	3-10-2014	Suspend	4-1-2014
635-023-0140	2-1-2014	Adopt(T)	3-1-2014	635-042-0145(T)	3-17-2014	Suspend	4-1-2014
635-023-0140	2-10-2014	Adopt	3-1-2014	635-042-0145(T)	4-22-2014	Suspend	6-1-2014
635-023-0140(T)	2-10-2014	Repeal	3-1-2014	635-042-0145(T)	4-24-2014	Suspend	6-1-2014
635-039-0080	1-1-2014	Amend	2-1-2014	635-042-0145(T)	5-8-2014	Suspend	6-1-2014
635-039-0080	5-1-2014	Amend	6-1-2014	635-042-0145(T)	5-20-2014	Suspend	6-1-2014
635-039-0085	5-1-2014	Amend	6-1-2014	635-042-0145(T)	5-28-2014	Suspend	7-1-2014
635-039-0090	1-1-2014	Amend	2-1-2014	635-042-0145(T)	6-4-2014	Suspend	7-1-2014
635-041-0045	3-12-2014	Amend(T)	4-1-2014	635-042-0160	2-10-2014	Amend(T)	3-1-2014
635-041-0045	5-6-2014	Amend(T)	6-1-2014	635-042-0160	4-24-2014	Amend(T)	6-1-2014
635-041-0045(T)	5-6-2014	Suspend	6-1-2014	635-042-0160	5-8-2014	Amend(T)	6-1-2014
635-041-0061	2-1-2014	Amend(T)	3-1-2014	635-042-0160(T)	4-24-2014	Suspend	6-1-2014
635-041-0061	3-1-2014	Amend(T)	4-1-2014	635-042-0160(T)	5-8-2014	Suspend	6-1-2014
635-041-0061	3-12-2014	Amend(T)	4-1-2014	635-042-0170	2-10-2014	Amend(T)	3-1-2014
635-041-0061(T)	3-1-2014	Suspend	4-1-2014	635-042-0170	4-24-2014	Amend(T)	6-1-2014
635-041-0061(T)	3-12-2014	Suspend	4-1-2014	635-042-0170	5-8-2014	Amend(T)	6-1-2014
635-041-0065	2-1-2014	Amend(T)	3-1-2014	635-042-0170(T)	4-24-2014	Suspend	6-1-2014
635-041-0065	2-26-2014	Amend(T)	4-1-2014	635-042-0170(T)	5-8-2014	Suspend	6-1-2014
635-041-0065	3-1-2014	Amend(T)	4-1-2014	635-042-0180	2-10-2014	Amend(T)	3-1-2014
635-041-0065	3-12-2014	Amend(T)	4-1-2014	635-045-0000	6-10-2014	Amend	7-1-2014
635-041-0065	5-6-2014	Amend(T)	6-1-2014	635-045-0002	6-10-2014	Amend	7-1-2014
635-041-0065	5-20-2014	Amend(T)	7-1-2014	635-050-0070	6-11-2014	Amend	7-1-2014
635-041-0065	5-28-2014	Amend(T)	7-1-2014	635-050-0080	6-11-2014	Amend	7-1-2014
635-041-0065	6-3-2014	Amend(T)	7-1-2014	635-050-0090	6-11-2014	Amend	7-1-2014
635-041-0065	6-10-2014	Amend(T)	7-1-2014	635-050-0100	6-11-2014	Amend	7-1-2014
635-041-0065(T)	2-26-2014	Suspend	4-1-2014	635-050-0110	6-11-2014	Amend	7-1-2014
635-041-0065(T)	3-1-2014	Suspend	4-1-2014	635-050-0120	6-11-2014	Amend	7-1-2014
635-041-0065(T)	3-12-2014	Suspend	4-1-2014	635-050-0130	6-11-2014	Amend	7-1-2014
635-041-0065(T)	5-6-2014	Suspend	6-1-2014	635-050-0140	6-11-2014	Amend	7-1-2014
635-041-0065(T)	5-20-2014	Suspend	7-1-2014	635-050-0150	6-11-2014	Amend	7-1-2014
635-041-0065(T)	5-28-2014	Suspend	7-1-2014	635-050-0170	6-11-2014	Amend	7-1-2014
635-041-0065(T)	6-3-2014	Suspend	7-1-2014	635-050-0180	6-11-2014	Amend	7-1-2014
635-041-0065(T)	6-10-2014	Suspend	7-1-2014	635-050-0183	6-11-2014	Amend	7-1-2014
635-041-0065(T)	6-16-2014	Suspend	7-1-2014	635-050-0189	6-11-2014	Amend	7-1-2014
635-041-0076	6-16-2014	Amend(T)	7-1-2014	635-055-0002	3-11-2014	Amend	4-1-2014
635-042-0022	4-1-2014	Amend(T)	5-1-2014	635-055-0030	3-11-2014	Amend	4-1-2014
635-042-0022	5-7-2014	Amend(T)	6-1-2014	635-055-0035	3-11-2014	Amend	4-1-2014
635-042-0022	5-20-2014	Amend(T)	6-1-2014	635-055-0037	3-11-2014	Amend	4-1-2014
635-042-0022	5-28-2014	Amend(T)	7-1-2014	635-056-0000	3-11-2014	Amend	4-1-2014
635-042-0022	6-4-2014	Amend(T)	7-1-2014	635-056-0002	3-11-2014	Adopt	4-1-2014
635-042-0022(T)	5-7-2014	Suspend	6-1-2014	635-056-0050	3-11-2014	Amend	4-1-2014
635-042-0022(T)	5-20-2014	Suspend	6-1-2014	635-056-0060	3-11-2014	Amend	4-1-2014
635-042-0022(T)	5-28-2014	Suspend	7-1-2014	635-056-0060	4-16-2014	Amend(T)	5-1-2014
635-042-0022(T)	6-4-2014	Suspend	7-1-2014	635-056-0075	4-1-2014	Amend(T)	5-1-2014
635-042-0022(T)	6-16-2014	Suspend	7-1-2014	635-056-0130	3-11-2014	Amend	4-1-2014
635-042-0027	6-16-2014	Amend(T)	7-1-2014	635-056-0140	3-11-2014	Amend	4-1-2014
635-042-0130	2-10-2014	Amend(T)	3-1-2014	635-056-0150	3-11-2014	Amend	4-1-2014
635-042-0145	2-10-2014	Amend(T)	3-1-2014	635-065-0001	12-20-2013	Amend	2-1-2014
635-042-0145	3-10-2014	Amend(T)	4-1-2014	635-065-0011	12-20-2013	Amend	2-1-2014
635-042-0145	3-17-2014	Amend(T)	4-1-2014	635-065-0015	12-20-2013	Amend	2-1-2014
635-042-0145	4-22-2014	Amend(T)	6-1-2014	635-065-0015	6-10-2014	Amend	7-1-2014
635-042-0145	4-24-2014	Amend(T)	6-1-2014	635-065-0090	12-20-2013	Amend	2-1-2014
635-042-0145	5-8-2014	Amend(T)	6-1-2014	635-065-0401	12-20-2013	Amend	2-1-2014
635-042-0145	5-20-2014	Amend(T)	6-1-2014	635-065-0501	12-20-2013	Amend	2-1-2014

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635-065-0740	12-20-2013	Amend	2-1-2014	635-500-0515	6-10-2014	Repeal	7-1-2014
635-065-0760	12-20-2013	Amend	2-1-2014	635-500-0520	6-10-2014	Repeal	7-1-2014
635-065-0765	12-20-2013	Amend	2-1-2014	635-500-0600	6-10-2014	Amend	7-1-2014
635-065-0772	3-13-2014	Amend(T)	4-1-2014	635-500-0605	6-10-2014	Repeal	7-1-2014
635-065-0772	6-10-2014	Amend	7-1-2014	635-500-0610	6-10-2014	Repeal	7-1-2014
635-065-0772(T)	6-10-2014	Repeal	7-1-2014	635-500-0620	6-10-2014	Repeal	7-1-2014
635-066-0000	12-20-2013	Amend	2-1-2014	635-500-0625	6-10-2014	Repeal	7-1-2014
635-066-0010	12-20-2013	Amend	2-1-2014	635-500-0630	6-10-2014	Repeal	7-1-2014
635-067-0000	12-20-2013	Amend	2-1-2014	635-500-4010	6-10-2014	Amend	7-1-2014
635-067-0000	6-10-2014	Amend	7-1-2014	635-500-4030	6-10-2014	Repeal	7-1-2014
635-067-0041	12-20-2013	Amend	2-1-2014	635-500-4040	6-10-2014	Repeal	7-1-2014
635-068-0000	2-27-2014	Amend	4-1-2014	635-500-4060	6-10-2014	Repeal	7-1-2014
635-068-0000	6-10-2014	Amend	7-1-2014	635-500-4070	6-10-2014	Repeal	7-1-2014
635-069-0000	1-22-2014	Amend	3-1-2014	635-500-4310	6-10-2014	Amend	7-1-2014
635-069-0000	6-10-2014	Amend	7-1-2014	635-500-4330	6-10-2014	Repeal	7-1-2014
635-070-0000	3-11-2014	Amend	4-1-2014	635-500-4340	6-10-2014	Repeal	7-1-2014
635-070-0000	6-10-2014	Amend	7-1-2014	635-500-4350	6-10-2014	Repeal	7-1-2014
635-070-0020	2-12-2014	Amend(T)	3-1-2014	635-500-4370	6-10-2014	Repeal	7-1-2014
635-070-0020	3-11-2014	Amend	4-1-2014	635-500-4380	6-10-2014	Repeal	7-1-2014
635-070-0020	6-10-2014	Amend	7-1-2014	635-500-4510	6-10-2014	Amend	7-1-2014
635-070-0020(T)	2-12-2014	Suspend	3-1-2014	635-500-4530	6-10-2014	Repeal	7-1-2014
635-071-0000	3-11-2014	Amend	4-1-2014	635-500-4540	6-10-2014	Repeal	7-1-2014
635-071-0000	6-10-2014	Amend	7-1-2014	635-500-4550	6-10-2014	Repeal	7-1-2014
635-072-0000	12-20-2013	Amend	2-1-2014	635-500-4560	6-10-2014	Repeal	7-1-2014
635-073-0000	1-22-2014	Amend	3-1-2014	635-500-4580	6-10-2014	Repeal	7-1-2014
635-073-0000	6-10-2014	Amend	7-1-2014	635-500-4590	6-10-2014	Repeal	7-1-2014
635-073-0015	6-10-2014	Amend	7-1-2014	635-500-4600	6-10-2014	Repeal	7-1-2014
635-075-0005	6-10-2014	Amend	7-1-2014	635-500-4810	6-10-2014	Amend	7-1-2014
635-075-0010	6-10-2014	Amend	7-1-2014	635-500-4830	6-10-2014	Repeal	7-1-2014
635-075-0011	6-10-2014	Amend	7-1-2014	635-500-4840	6-10-2014	Repeal	7-1-2014
635-075-0020	6-10-2014	Amend	7-1-2014	635-500-4850	6-10-2014	Repeal	7-1-2014
635-095-0100	7-4-2014	Amend	7-1-2014	635-500-4860	6-10-2014	Repeal	7-1-2014
635-095-0105	7-4-2014	Amend	7-1-2014	635-500-4880	6-10-2014	Repeal	7-1-2014
635-095-0125	7-4-2014	Amend	7-1-2014	635-500-4890	6-10-2014	Repeal	7-1-2014
635-110-0000	1-14-2014	Amend	2-1-2014	635-500-5010	6-10-2014	Amend	7-1-2014
635-110-0010	1-14-2014	Amend	2-1-2014	635-500-5030	6-10-2014	Repeal	7-1-2014
635-110-0010(T)	1-14-2014	Repeal	2-1-2014	635-500-5040	6-10-2014	Repeal	7-1-2014
635-110-0020	1-14-2014	Amend	2-1-2014	635-500-5050	6-10-2014	Repeal	7-1-2014
635-110-0030	1-14-2014	Amend	2-1-2014	635-500-5070	6-10-2014	Repeal	7-1-2014
635-200-0040	6-11-2014	Amend	7-1-2014	635-500-5080	6-10-2014	Repeal	7-1-2014
635-500-0130	6-10-2014	Repeal	7-1-2014	635-500-5210	6-10-2014	Amend	7-1-2014
635-500-0135	6-10-2014	Repeal	7-1-2014	635-500-5230	6-10-2014	Repeal	7-1-2014
635-500-0140	6-10-2014	Repeal	7-1-2014	635-500-5240	6-10-2014	Repeal	7-1-2014
635-500-0145	6-10-2014	Repeal	7-1-2014	635-500-5250	6-10-2014	Repeal	7-1-2014
635-500-0150	6-10-2014	Repeal	7-1-2014	635-500-5270	6-10-2014	Repeal	7-1-2014
635-500-0175	6-10-2014	Repeal	7-1-2014	635-500-5280	6-10-2014	Repeal	7-1-2014
635-500-0200	6-10-2014	Amend	7-1-2014	635-500-5290	6-10-2014	Repeal	7-1-2014
635-500-0385	6-10-2014	Amend	7-1-2014	635-500-5400	6-10-2014	Repeal	7-1-2014
635-500-0390	6-10-2014	Repeal	7-1-2014	635-500-6775	6-10-2014	Adopt	7-1-2014
635-500-0400	6-10-2014	Repeal	7-1-2014	642-010-0010	7-1-2014	Amend	5-1-2014
635-500-0405	6-10-2014	Repeal	7-1-2014	646-010-0020	5-5-2014	Amend	6-1-2014
635-500-0415	6-10-2014	Repeal	7-1-2014	646-030-0020	5-5-2014	Amend	6-1-2014
635-500-0420	6-10-2014	Repeal	7-1-2014	646-040-0000	5-5-2014	Amend	6-1-2014
635-500-0425	6-10-2014	Repeal	7-1-2014	647-010-0010	5-5-2014	Amend	6-1-2014
635-500-0500	6-10-2014	Amend	7-1-2014	655-015-0020	5-6-2014	Amend	6-1-2014

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656-030-0040	1-24-2014	Amend	3-1-2014	735-022-0000	5-19-2014	Amend	7-1-2014
656-040-0010	1-24-2014	Amend	3-1-2014	735-022-0010	5-19-2014	Repeal	7-1-2014
660-006-0025	1-1-2014	Amend	2-1-2014	735-022-0030	5-19-2014	Amend	7-1-2014
660-006-0026	1-1-2014	Amend	2-1-2014	735-022-0050	5-19-2014	Amend	7-1-2014
660-006-0055	1-1-2014	Amend	2-1-2014	735-022-0060	5-19-2014	Amend	7-1-2014
660-018-0020	1-1-2014	Amend	2-1-2014	735-022-0090	5-19-2014	Amend	7-1-2014
660-018-0040	1-1-2014	Amend	2-1-2014	735-028-0000	4-1-2014	Amend(T)	5-1-2014
660-033-0030	1-1-2014	Amend	2-1-2014	735-028-0005	4-1-2014	Adopt(T)	5-1-2014
660-033-0120	1-1-2014	Amend	2-1-2014	735-028-0040	4-1-2014	Amend(T)	5-1-2014
660-033-0130	1-1-2014	Amend	2-1-2014	735-046-0000	5-19-2014	Amend	7-1-2014
660-033-0140	1-1-2014	Amend	2-1-2014	735-050-0120	11-25-2013	Amend	1-1-2014
661-010-0000	2-26-2014	Amend	4-1-2014	735-050-0120(T)	11-25-2013	Repeal	1-1-2014
661-010-0021	1-1-2014	Amend	2-1-2014	735-062-0007	1-1-2014	Amend	2-1-2014
661-010-0025	1-1-2014	Amend	2-1-2014	735-062-0010	1-1-2014	Amend	2-1-2014
661-010-0030	1-1-2014	Amend	2-1-2014	735-062-0385	1-1-2014	Amend	2-1-2014
661-010-0050	1-1-2014	Amend	2-1-2014	735-064-0070	1-1-2014	Amend	2-1-2014
661-010-0067	1-1-2014	Amend	2-1-2014	735-070-0082	1-1-2014	Adopt	2-1-2014
661-010-0071	1-1-2014	Amend	2-1-2014	735-070-0085	11-25-2013	Amend	1-1-2014
661-010-0073	1-1-2014	Amend	2-1-2014	735-070-0085(T)	11-25-2013	Repeal	1-1-2014
661-010-0075	1-1-2014	Amend	2-1-2014	735-070-0185	1-1-2014	Amend	2-1-2014
690-022-0020	4-1-2014	Adopt(T)	5-1-2014	735-070-0190	1-1-2014	Amend	2-1-2014
690-022-0025	4-1-2014	Adopt(T)	5-1-2014	735-072-0035	1-1-2014	Amend	2-1-2014
690-022-0030	4-1-2014	Adopt(T)	5-1-2014	735-150-0037	5-19-2014	Amend(T)	7-1-2014
710-001-0000	2-11-2014	Adopt	3-1-2014	735-150-0045	1-1-2014	Amend	2-1-2014
710-001-0005	2-11-2014	Adopt	3-1-2014	735-150-0105	1-1-2014	Amend	2-1-2014
710-005-0005	2-11-2014	Adopt	3-1-2014	735-150-0140	5-19-2014	Amend	7-1-2014
715-001-0020	2-19-2014	Adopt(T)	4-1-2014	735-152-0037	1-1-2014	Amend	2-1-2014
715-001-0025	2-19-2014	Adopt(T)	4-1-2014	736-010-0040	3-6-2014	Amend	4-1-2014
731-012-0030	4-23-2014	Amend	6-1-2014	737-015-0010	3-1-2014	Amend	3-1-2014
731-035-0010	12-20-2013	Amend	2-1-2014	737-015-0020	3-1-2014	Amend	3-1-2014
731-035-0020	12-20-2013	Amend	2-1-2014	737-015-0030	3-1-2014	Amend	3-1-2014
731-035-0050	12-20-2013	Amend	2-1-2014	737-015-0035	3-1-2014	Adopt	3-1-2014
731-035-0060	12-20-2013	Amend	2-1-2014	737-015-0070	3-1-2014	Amend	3-1-2014
731-035-0080	12-20-2013	Amend	2-1-2014	737-015-0074	3-1-2014	Adopt	3-1-2014
731-147-0010	1-1-2014	Amend	2-1-2014	737-015-0076	3-1-2014	Adopt	3-1-2014
731-147-0040	1-1-2014	Amend	2-1-2014	737-015-0085	3-1-2014	Adopt	3-1-2014
731-149-0010	1-1-2014	Amend	2-1-2014	737-015-0090	3-1-2014	Amend	3-1-2014
734-020-0010	2-21-2014	Amend	4-1-2014	737-015-0100	3-1-2014	Amend	3-1-2014
734-026-0010	11-25-2013	Amend	1-1-2014	737-015-0105	3-1-2014	Adopt	3-1-2014
734-026-0020	11-25-2013	Amend	1-1-2014	737-015-0110	3-1-2014	Amend	3-1-2014
734-026-0030	11-25-2013	Amend	1-1-2014	737-015-0120	3-1-2014	Adopt	3-1-2014
734-051-8010	1-1-2014	Adopt(T)	2-1-2014	737-015-0130	3-1-2014	Adopt	3-1-2014
734-051-8015	1-1-2014	Adopt(T)	2-1-2014	737-025-0010	2-26-2014	Amend	4-1-2014
734-051-8020	1-1-2014	Adopt(T)	2-1-2014	740-100-0010	4-23-2014	Amend	6-1-2014
734-051-8025	1-1-2014	Adopt(T)	2-1-2014	740-100-0065	4-23-2014	Amend	6-1-2014
734-051-8030	1-1-2014	Adopt(T)	2-1-2014	740-100-0070	4-23-2014	Amend	6-1-2014
734-055-0017	11-25-2013	Repeal	1-1-2014	740-100-0080	4-23-2014	Amend	6-1-2014
735-010-0250	12-20-2013	Adopt	2-1-2014	740-100-0085	4-23-2014	Amend	6-1-2014
735-018-0010	12-20-2013	Amend	2-1-2014	740-100-0090	4-23-2014	Amend	6-1-2014
735-018-0010	3-25-2014	Amend	5-1-2014	740-110-0010	4-23-2014	Amend	6-1-2014
735-018-0020	3-25-2014	Amend	5-1-2014	740-200-0010	1-1-2014	Amend	2-1-2014
735-018-0050	3-25-2014	Amend	5-1-2014	740-200-0020	1-1-2014	Amend	2-1-2014
735-018-0070	3-25-2014	Amend	5-1-2014	740-200-0040	1-1-2014	Amend	2-1-2014
735-018-0080	3-25-2014	Amend	5-1-2014	741-040-0040	12-20-2013	Amend	2-1-2014
735-018-0130	12-20-2013	Adopt	2-1-2014	800-010-0020	2-1-2014	Amend	3-1-2014



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800-010-0040	2-1-2014	Amend	3-1-2014	812-003-0250	1-1-2014	Amend	2-1-2014
800-010-0041	2-1-2014	Amend	3-1-2014	812-003-0260	1-1-2014	Amend	2-1-2014
800-010-0050	2-1-2014	Amend	3-1-2014	812-003-0260	4-30-2014	Amend	6-1-2014
800-015-0015	2-1-2014	Amend	3-1-2014	812-003-0260	5-5-2014	Amend(T)	6-1-2014
800-020-0025	2-1-2014	Amend	3-1-2014	812-003-0290	1-1-2014	Amend	2-1-2014
800-020-0065	2-1-2014	Amend	3-1-2014	812-003-0310	1-1-2014	Amend	2-1-2014
800-025-0020	2-1-2014	Amend	3-1-2014	812-003-0320	1-1-2014	Amend	2-1-2014
800-025-0040	2-1-2014	Amend	3-1-2014	812-003-0340	5-5-2014	Amend(T)	6-1-2014
800-025-0060	2-1-2014	Amend	3-1-2014	812-003-0350	5-5-2014	Amend(T)	6-1-2014
801-001-0035	3-1-2014	Amend	3-1-2014	812-003-0360	5-5-2014	Amend(T)	6-1-2014
801-010-0050	3-1-2014	Amend	3-1-2014	812-003-0370	5-5-2014	Amend(T)	6-1-2014
801-010-0085	3-1-2014	Amend	3-1-2014	812-003-0380	5-5-2014	Amend(T)	6-1-2014
804-003-0000	12-12-2013	Amend	1-1-2014	812-003-0390	1-1-2014	Amend	2-1-2014
804-022-0005	12-12-2013	Amend	1-1-2014	812-003-0390	4-30-2014	Amend	6-1-2014
804-022-0010	12-12-2013	Amend	1-1-2014	812-003-0400	1-1-2014	Amend	2-1-2014
804-025-0010	12-12-2013	Amend	1-1-2014	812-003-0430	1-1-2014	Amend	2-1-2014
806-010-0035	1-1-2014	Amend	2-1-2014	812-003-0440	1-1-2014	Amend	2-1-2014
806-010-0045	1-1-2014	Amend	2-1-2014	812-005-0200	4-30-2014	Amend	6-1-2014
806-010-0060	5-22-2014	Amend	7-1-2014	812-005-0210	4-30-2014	Amend	6-1-2014
806-010-0105	4-24-2014	Amend	6-1-2014	812-005-0250	4-30-2014	Amend	6-1-2014
806-010-0145	4-24-2014	Amend	6-1-2014	812-006-0200	5-5-2014	Amend(T)	6-1-2014
808-001-0020	4-1-2014	Amend(T)	5-1-2014	812-006-0205	5-5-2014	Adopt(T)	6-1-2014
808-002-0240	2-1-2014	Amend	3-1-2014	812-008-0030	1-1-2014	Amend	2-1-2014
808-002-0330	4-1-2014	Amend(T)	5-1-2014	812-008-0040	1-1-2014	Amend	2-1-2014
808-002-0360	6-1-2014	Amend	7-1-2014	812-012-0110	1-1-2014	Amend	2-1-2014
808-003-0035	3-1-2014	Amend	4-1-2014	812-020-0071	4-30-2014	Amend	6-1-2014
808-003-0040	3-1-2014	Amend	4-1-2014	812-021-0005	1-1-2014	Amend	2-1-2014
808-003-0040	3-1-2014	Amend(T)	4-1-2014	812-021-0021	1-1-2014	Amend	2-1-2014
808-003-0045	3-1-2014	Amend	4-1-2014	812-021-0045	1-1-2014	Amend	2-1-2014
808-003-0045	3-1-2014	Amend(T)	4-1-2014	812-021-0047	1-1-2014	Amend	2-1-2014
808-003-0060	3-1-2014	Amend	4-1-2014	812-022-0000	4-30-2014	Amend	6-1-2014
808-003-0065	3-1-2014	Amend(T)	4-1-2014	812-022-0005	4-30-2014	Amend	6-1-2014
808-009-0315	6-1-2014	Adopt	7-1-2014	812-022-0010	2-6-2014	Amend	3-1-2014
811-015-0005	11-27-2013	Amend	1-1-2014	812-022-0010	3-26-2014	Amend(T)	5-1-2014
811-015-0036	6-4-2014	Repeal	7-1-2014	812-022-0010(T)	2-6-2014	Repeal	3-1-2014
811-035-0015	1-29-2014	Amend	3-1-2014	812-022-0011	4-30-2014	Amend	6-1-2014
812-002-0120	1-1-2014	Amend	2-1-2014	812-022-0015	11-26-2013	Amend(T)	1-1-2014
812-002-0640	4-30-2014	Amend	6-1-2014	812-022-0015	2-6-2014	Amend	3-1-2014
812-003-0100	4-30-2014	Amend	6-1-2014	812-022-0015(T)	2-6-2014	Repeal	3-1-2014
812-003-0130	1-1-2014	Repeal	2-1-2014	812-022-0016	4-30-2014	Amend	6-1-2014
812-003-0131	1-1-2014	Amend	2-1-2014	812-022-0018	4-30-2014	Amend	6-1-2014
812-003-0140	1-1-2014	Repeal	2-1-2014	812-022-0021	11-26-2013	Amend(T)	1-1-2014
812-003-0141	1-1-2014	Repeal	2-1-2014	812-022-0021	2-6-2014	Amend	3-1-2014
812-003-0142	5-5-2014	Adopt(T)	6-1-2014	812-022-0021	3-26-2014	Amend(T)	5-1-2014
812-003-0150	1-1-2014	Repeal	2-1-2014	812-022-0021(T)	2-6-2014	Repeal	3-1-2014
812-003-0152	1-1-2014	Amend	2-1-2014	812-022-0022	3-26-2014	Adopt(T)	5-1-2014
812-003-0153	1-1-2014	Amend	2-1-2014	812-022-0025	12-12-2013	Amend(T)	1-1-2014
812-003-0160	4-30-2014	Amend	6-1-2014	812-022-0025	2-6-2014	Amend	3-1-2014
812-003-0170	1-1-2014	Repeal	2-1-2014	812-022-0025(T)	2-6-2014	Repeal	3-1-2014
812-003-0171	1-1-2014	Amend	2-1-2014	812-022-0026	12-12-2013	Amend(T)	1-1-2014
812-003-0175	1-1-2014	Amend	2-1-2014	812-022-0026	2-6-2014	Amend	3-1-2014
812-003-0180	1-1-2014	Amend	2-1-2014	812-022-0026(T)	2-6-2014	Repeal	3-1-2014
812-003-0190	4-30-2014	Amend	6-1-2014	812-022-0027	12-12-2013	Amend(T)	1-1-2014
812-003-0220	1-1-2014	Repeal	2-1-2014	812-022-0027	2-6-2014	Amend	3-1-2014
812-003-0221	1-1-2014	Amend	2-1-2014	812-022-0027(T)	2-6-2014	Repeal	3-1-2014

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812-022-0028(T)	2-6-2014	Repeal	3-1-2014	813-005-0050	12-18-2013	Adopt	2-1-2014
812-022-0029	2-6-2014	Adopt	3-1-2014	813-005-0050(T)	12-18-2013	Repeal	2-1-2014
812-022-0029(T)	2-6-2014	Repeal	3-1-2014	813-005-0060	12-18-2013	Adopt	2-1-2014
812-022-0033	4-30-2014	Amend	6-1-2014	813-005-0060(T)	12-18-2013	Repeal	2-1-2014
812-022-0034	2-6-2014	Adopt	3-1-2014	813-005-0070	12-18-2013	Adopt	2-1-2014
812-022-0034(T)	2-6-2014	Repeal	3-1-2014	813-005-0070(T)	12-18-2013	Repeal	2-1-2014
812-022-0035	2-6-2014	Adopt	3-1-2014	813-006-0005	12-18-2013	Amend	2-1-2014
812-022-0035(T)	2-6-2014	Repeal	3-1-2014	813-006-0005(T)	12-18-2013	Repeal	2-1-2014
812-022-0036	4-30-2014	Amend	6-1-2014	813-006-0010	12-18-2013	Amend	2-1-2014
812-022-0037	4-30-2014	Amend	6-1-2014	813-006-0010(T)	12-18-2013	Repeal	2-1-2014
812-022-0040	4-30-2014	Amend	6-1-2014	813-006-0015	12-18-2013	Amend	2-1-2014
812-022-0042	4-30-2014	Amend	6-1-2014	813-006-0015(T)	12-18-2013	Repeal	2-1-2014
812-022-0045	4-30-2014	Amend	6-1-2014	813-006-0020	12-18-2013	Amend	2-1-2014
812-022-0047	4-30-2014	Amend	6-1-2014	813-006-0020(T)	12-18-2013	Repeal	2-1-2014
812-025-0000	1-1-2014	Amend	2-1-2014	813-006-0025	12-18-2013	Amend	2-1-2014
812-025-0005	1-1-2014	Amend	2-1-2014	813-006-0025(T)	12-18-2013	Repeal	2-1-2014
812-025-0010	1-1-2014	Amend	2-1-2014	813-006-0030	12-18-2013	Amend	2-1-2014
812-030-0000	1-1-2014	Amend	2-1-2014	813-006-0030(T)	12-18-2013	Repeal	2-1-2014
812-030-0240	1-1-2014	Amend	2-1-2014	813-006-0035	12-18-2013	Repeal	2-1-2014
812-032-0000	1-1-2014	Adopt	2-1-2014	813-006-0040	12-18-2013	Adopt	2-1-2014
812-032-0000	4-30-2014	Amend	6-1-2014	813-006-0040(T)	12-18-2013	Repeal	2-1-2014
812-032-0100	1-1-2014	Adopt	2-1-2014	813-046-0000	1-27-2014	Amend(T)	3-1-2014
812-032-0100	4-30-2014	Amend	6-1-2014	813-046-0000(T)	2-10-2014	Suspend	3-1-2014
812-032-0110	1-1-2014	Adopt	2-1-2014	813-046-0011	1-27-2014	Amend(T)	3-1-2014
812-032-0110	4-30-2014	Amend	6-1-2014	813-046-0011(T)	2-10-2014	Suspend	3-1-2014
812-032-0120	1-1-2014	Adopt	2-1-2014	813-046-0021	1-27-2014	Amend(T)	3-1-2014
812-032-0120	4-30-2014	Amend	6-1-2014	813-046-0021(T)	2-10-2014	Suspend	3-1-2014
812-032-0123	1-1-2014	Adopt	2-1-2014	813-046-0030	1-27-2014	Renumber	3-1-2014
812-032-0123	4-30-2014	Amend	6-1-2014	813-046-0040	1-27-2014	Amend(T)	3-1-2014
812-032-0130	1-1-2014	Adopt	2-1-2014	813-046-0040(T)	2-10-2014	Suspend	3-1-2014
812-032-0130	4-30-2014	Amend	6-1-2014	813-046-0045	1-27-2014	Amend(T)	3-1-2014
812-032-0135	1-1-2014	Adopt	2-1-2014	813-046-0045(T)	2-10-2014	Suspend	3-1-2014
812-032-0135	4-30-2014	Amend	6-1-2014	813-046-0050	1-27-2014	Amend(T)	3-1-2014
812-032-0140	1-1-2014	Adopt	2-1-2014	813-046-0050(T)	2-10-2014	Suspend	3-1-2014
812-032-0140	4-30-2014	Amend	6-1-2014	813-046-0061	1-27-2014	Amend(T)	3-1-2014
812-032-0150	1-1-2014	Adopt	2-1-2014	813-046-0061(T)	2-10-2014	Suspend	3-1-2014
812-032-0150	4-30-2014	Amend	6-1-2014	813-046-0065	1-27-2014	Amend(T)	3-1-2014
813-001-0007	12-18-2013	Amend	2-1-2014	813-046-0065(T)	2-10-2014	Suspend	3-1-2014
813-001-0007	12-18-2013	Amend	2-1-2014	813-046-0070	1-27-2014	Amend(T)	3-1-2014
813-001-0007	4-17-2014	Amend(T)	6-1-2014	813-046-0070(T)	2-10-2014	Suspend	3-1-2014
813-001-0007(T)	12-18-2013	Amend	2-1-2014	813-046-0081	1-27-2014	Amend(T)	3-1-2014
813-001-0007(T)	12-18-2013	Repeal	2-1-2014	813-046-0081(T)	2-10-2014	Suspend	3-1-2014
813-005-0001	12-18-2013	Amend	2-1-2014	813-046-0100	1-27-2014	Suspend	3-1-2014
813-005-0001(T)	12-18-2013	Repeal	2-1-2014	813-046-0100(T)	2-10-2014	Suspend	3-1-2014
813-005-0005	12-18-2013	Amend	2-1-2014	813-049-0001	1-27-2014	Amend(T)	3-1-2014
813-005-0005	4-17-2014	Amend(T)	6-1-2014	813-049-0001(T)	2-10-2014	Suspend	3-1-2014
813-005-0005(T)	12-18-2013	Repeal	2-1-2014	813-049-0005	1-27-2014	Amend(T)	3-1-2014
813-005-0016	12-18-2013	Amend	2-1-2014	813-049-0005(T)	2-10-2014	Suspend	3-1-2014
813-005-0016(T)	12-18-2013	Repeal	2-1-2014	813-049-0007	1-27-2014	Adopt(T)	3-1-2014
813-005-0020	12-18-2013	Adopt	2-1-2014	813-049-0007(T)	2-10-2014	Suspend	3-1-2014
813-005-0020	4-17-2014	Amend(T)	6-1-2014	813-049-0010	1-27-2014	Amend(T)	3-1-2014
813-005-0020(T)	12-18-2013	Repeal	2-1-2014	813-049-0010(T)	2-10-2014	Suspend	3-1-2014
813-005-0030	12-18-2013	Adopt	2-1-2014	813-049-0020	1-27-2014	Amend(T)	3-1-2014
813-005-0030(T)	12-18-2013	Repeal	2-1-2014	813-049-0020(T)	2-10-2014	Suspend	3-1-2014
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813-049-0040	1-27-2014	Adopt(T)	3-1-2014	813-090-0015	6-5-2014	Amend(T)	7-1-2014
813-049-0040(T)	2-10-2014	Suspend	3-1-2014	813-090-0027	6-5-2014	Suspend	7-1-2014
813-049-0050	1-27-2014	Adopt(T)	3-1-2014	813-090-0031	6-5-2014	Amend(T)	7-1-2014
813-049-0050(T)	2-10-2014	Suspend	3-1-2014	813-090-0036	6-5-2014	Amend(T)	7-1-2014
813-049-0060	1-27-2014	Adopt(T)	3-1-2014	813-090-0037	6-5-2014	Amend(T)	7-1-2014
813-049-0060(T)	2-10-2014	Suspend	3-1-2014	813-090-0039	6-5-2014	Amend(T)	7-1-2014
813-051-0000	1-27-2014	Amend(T)	3-1-2014	813-090-0080	6-5-2014	Amend(T)	7-1-2014
813-051-0000(T)	2-10-2014	Suspend	3-1-2014	813-090-0089	6-2-2014	Adopt(T)	7-1-2014
813-051-0010	1-27-2014	Amend(T)	3-1-2014	813-090-0089(T)	6-5-2014	Suspend	7-1-2014
813-051-0010(T)	2-10-2014	Suspend	3-1-2014	813-090-0095	6-2-2014	Amend(T)	7-1-2014
813-051-0020	1-27-2014	Amend(T)	3-1-2014	813-090-0095(T)	6-5-2014	Suspend	7-1-2014
813-051-0020(T)	2-10-2014	Suspend	3-1-2014	813-090-0110	6-5-2014	Adopt(T)	7-1-2014
813-051-0030	1-27-2014	Amend(T)	3-1-2014	813-110-0005	12-18-2013	Amend	2-1-2014
813-051-0030(T)	2-10-2014	Suspend	3-1-2014	813-110-0005	6-5-2014	Amend(T)	7-1-2014
813-051-0040	1-27-2014	Amend(T)	3-1-2014	813-110-0005(T)	12-18-2013	Repeal	2-1-2014
813-051-0040(T)	2-10-2014	Suspend	3-1-2014	813-110-0010	12-18-2013	Amend	2-1-2014
813-051-0050	1-27-2014	Amend(T)	3-1-2014	813-110-0010(T)	12-18-2013	Repeal	2-1-2014
813-051-0050(T)	2-10-2014	Suspend	3-1-2014	813-110-0012	12-18-2013	Repeal	2-1-2014
813-051-0060	1-27-2014	Amend(T)	3-1-2014	813-110-0013	12-18-2013	Amend	2-1-2014
813-051-0060(T)	2-10-2014	Suspend	3-1-2014	813-110-0013(T)	12-18-2013	Repeal	2-1-2014
813-051-0070	1-27-2014	Amend(T)	3-1-2014	813-110-0015	12-18-2013	Amend	2-1-2014
813-051-0070(T)	2-10-2014	Suspend	3-1-2014	813-110-0015(T)	12-18-2013	Repeal	2-1-2014
813-051-0080	1-27-2014	Amend(T)	3-1-2014	813-110-0020	12-18-2013	Amend	2-1-2014
813-051-0080(T)	2-10-2014	Suspend	3-1-2014	813-110-0020(T)	12-18-2013	Repeal	2-1-2014
813-051-0090	1-27-2014	Amend(T)	3-1-2014	813-110-0021	12-18-2013	Amend	2-1-2014
813-051-0090(T)	2-10-2014	Suspend	3-1-2014	813-110-0021(T)	12-18-2013	Repeal	2-1-2014
813-051-0100	1-27-2014	Suspend	3-1-2014	813-110-0022	12-18-2013	Amend	2-1-2014
813-051-0100(T)	2-10-2014	Suspend	3-1-2014	813-110-0022(T)	12-18-2013	Repeal	2-1-2014
813-055-0001	12-18-2013	Amend	2-1-2014	813-110-0023	12-18-2013	Repeal	2-1-2014
813-055-0001	6-5-2014	Amend(T)	7-1-2014	813-110-0025	12-18-2013	Amend	2-1-2014
813-055-0001(T)	12-18-2013	Repeal	2-1-2014	813-110-0025(T)	12-18-2013	Repeal	2-1-2014
813-055-0010	12-18-2013	Amend	2-1-2014	813-110-0026	12-18-2013	Adopt	2-1-2014
813-055-0010(T)	12-18-2013	Repeal	2-1-2014	813-110-0026(T)	12-18-2013	Repeal	2-1-2014
813-055-0020	12-18-2013	Amend	2-1-2014	813-110-0027	12-18-2013	Adopt	2-1-2014
813-055-0020(T)	12-18-2013	Repeal	2-1-2014	813-110-0027(T)	12-18-2013	Repeal	2-1-2014
813-055-0040	12-18-2013	Amend	2-1-2014	813-110-0030	12-18-2013	Amend	2-1-2014
813-055-0040(T)	12-18-2013	Repeal	2-1-2014	813-110-0030(T)	12-18-2013	Repeal	2-1-2014
813-055-0050	12-18-2013	Amend	2-1-2014	813-110-0032	12-18-2013	Adopt	2-1-2014
813-055-0050(T)	12-18-2013	Repeal	2-1-2014	813-110-0032(T)	12-18-2013	Repeal	2-1-2014
813-055-0060	12-18-2013	Repeal	2-1-2014	813-110-0033	12-18-2013	Repeal	2-1-2014
813-055-0065	12-18-2013	Adopt	2-1-2014	813-110-0034	12-18-2013	Adopt	2-1-2014
813-055-0065(T)	12-18-2013	Repeal	2-1-2014	813-110-0034(T)	12-18-2013	Repeal	2-1-2014
813-055-0075	12-18-2013	Amend	2-1-2014	813-110-0035	12-18-2013	Amend	2-1-2014
813-055-0075(T)	12-18-2013	Repeal	2-1-2014	813-110-0035(T)	12-18-2013	Repeal	2-1-2014
813-055-0085	12-18-2013	Amend	2-1-2014	813-110-0037	12-18-2013	Adopt	2-1-2014
813-055-0085(T)	12-18-2013	Repeal	2-1-2014	813-110-0037(T)	12-18-2013	Repeal	2-1-2014
813-055-0095	12-18-2013	Adopt	2-1-2014	813-110-0040	12-18-2013	Amend	2-1-2014
813-055-0095(T)	12-18-2013	Repeal	2-1-2014	813-110-0040(T)	12-18-2013	Repeal	2-1-2014
813-055-0100	12-18-2013	Repeal	2-1-2014	813-110-0045	12-18-2013	Adopt	2-1-2014
813-055-0105	12-18-2013	Amend	2-1-2014	813-110-0045(T)	12-18-2013	Repeal	2-1-2014
813-055-0105(T)	12-18-2013	Repeal	2-1-2014	813-110-0050	12-18-2013	Repeal	2-1-2014
813-055-0110	12-18-2013	Repeal	2-1-2014	813-130-0000	12-18-2013	Amend	2-1-2014
813-055-0115	12-18-2013	Amend	2-1-2014	813-130-0000(T)	12-18-2013	Repeal	2-1-2014
813-055-0115(T)	12-18-2013	Repeal	2-1-2014	813-130-0010	12-18-2013	Amend	2-1-2014
813-090-0005	6-5-2014	Amend(T)	7-1-2014	813-130-0010(T)	12-18-2013	Repeal	2-1-2014



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813-130-0020(T)	12-18-2013	Repeal	2-1-2014	813-200-0017(T)	2-10-2014	Suspend	3-1-2014
813-130-0030	12-18-2013	Amend	2-1-2014	813-200-0019	1-27-2014	Adopt(T)	3-1-2014
813-130-0030(T)	12-18-2013	Repeal	2-1-2014	813-200-0019(T)	2-10-2014	Suspend	3-1-2014
813-130-0040	12-18-2013	Amend	2-1-2014	813-200-0020	1-27-2014	Amend(T)	3-1-2014
813-130-0040(T)	12-18-2013	Repeal	2-1-2014	813-200-0020(T)	2-10-2014	Suspend	3-1-2014
813-130-0050	12-18-2013	Amend	2-1-2014	813-200-0030	1-27-2014	Amend(T)	3-1-2014
813-130-0050(T)	12-18-2013	Repeal	2-1-2014	813-200-0030(T)	2-10-2014	Suspend	3-1-2014
813-130-0060	12-18-2013	Amend	2-1-2014	813-200-0040	1-27-2014	Amend(T)	3-1-2014
813-130-0060(T)	12-18-2013	Repeal	2-1-2014	813-200-0040(T)	2-10-2014	Suspend	3-1-2014
813-130-0070	12-18-2013	Amend	2-1-2014	813-200-0050	1-27-2014	Amend(T)	3-1-2014
813-130-0070(T)	12-18-2013	Repeal	2-1-2014	813-200-0050(T)	2-10-2014	Suspend	3-1-2014
813-130-0080	12-18-2013	Amend	2-1-2014	813-200-0055	1-27-2014	Adopt(T)	3-1-2014
813-130-0080(T)	12-18-2013	Repeal	2-1-2014	813-200-0055(T)	2-10-2014	Suspend	3-1-2014
813-130-0090	12-18-2013	Amend	2-1-2014	813-200-0060	1-27-2014	Suspend	3-1-2014
813-130-0090(T)	12-18-2013	Repeal	2-1-2014	813-200-0060(T)	2-10-2014	Suspend	3-1-2014
813-130-0100	12-18-2013	Amend	2-1-2014	813-200-0070	1-27-2014	Adopt(T)	3-1-2014
813-130-0100(T)	12-18-2013	Repeal	2-1-2014	813-200-0070(T)	2-10-2014	Suspend	3-1-2014
813-130-0110	12-18-2013	Amend	2-1-2014	813-202-0001	1-27-2014	Adopt(T)	3-1-2014
813-130-0110(T)	12-18-2013	Repeal	2-1-2014	813-202-0001(T)	2-10-2014	Suspend	3-1-2014
813-130-0120	12-18-2013	Amend	2-1-2014	813-202-0005	1-27-2014	Amend(T)	3-1-2014
813-130-0120(T)	12-18-2013	Repeal	2-1-2014	813-202-0005(T)	2-10-2014	Suspend	3-1-2014
813-130-0130	12-18-2013	Repeal	2-1-2014	813-202-0008	1-27-2014	Adopt(T)	3-1-2014
813-130-0140	12-18-2013	Repeal	2-1-2014	813-202-0008(T)	2-10-2014	Suspend	3-1-2014
813-130-0150	12-18-2013	Amend	2-1-2014	813-202-0010	1-27-2014	Amend(T)	3-1-2014
813-130-0150(T)	12-18-2013	Repeal	2-1-2014	813-202-0010(T)	2-10-2014	Suspend	3-1-2014
813-145-0000	1-27-2014	Amend(T)	3-1-2014	813-202-0015	1-27-2014	Suspend	3-1-2014
813-145-0000(T)	2-10-2014	Suspend	3-1-2014	813-202-0015(T)	2-10-2014	Suspend	3-1-2014
813-145-0010	1-27-2014	Amend(T)	3-1-2014	813-202-0017	1-27-2014	Adopt(T)	3-1-2014
813-145-0010(T)	2-10-2014	Suspend	3-1-2014	813-202-0017(T)	2-10-2014	Suspend	3-1-2014
813-145-0020	1-27-2014	Amend(T)	3-1-2014	813-202-0019	1-27-2014	Adopt(T)	3-1-2014
813-145-0020(T)	2-10-2014	Suspend	3-1-2014	813-202-0019(T)	2-10-2014	Suspend	3-1-2014
813-145-0025	1-27-2014	Adopt(T)	3-1-2014	813-202-0020	1-27-2014	Amend(T)	3-1-2014
813-145-0025(T)	2-10-2014	Suspend	3-1-2014	813-202-0020(T)	2-10-2014	Suspend	3-1-2014
813-145-0030	1-27-2014	Amend(T)	3-1-2014	813-202-0030	1-27-2014	Amend(T)	3-1-2014
813-145-0030(T)	2-10-2014	Suspend	3-1-2014	813-202-0030(T)	2-10-2014	Suspend	3-1-2014
813-145-0040	1-27-2014	Amend(T)	3-1-2014	813-202-0040	1-27-2014	Amend(T)	3-1-2014
813-145-0040(T)	2-10-2014	Suspend	3-1-2014	813-202-0040(T)	2-10-2014	Suspend	3-1-2014
813-145-0050	1-27-2014	Amend(T)	3-1-2014	813-202-0050	1-27-2014	Amend(T)	3-1-2014
813-145-0050(T)	2-10-2014	Suspend	3-1-2014	813-202-0050(T)	2-10-2014	Suspend	3-1-2014
813-145-0060	1-27-2014	Amend(T)	3-1-2014	813-202-0060	1-27-2014	Amend(T)	3-1-2014
813-145-0060(T)	2-10-2014	Suspend	3-1-2014	813-202-0060(T)	2-10-2014	Suspend	3-1-2014
813-145-0070	1-27-2014	Amend(T)	3-1-2014	813-202-0070	1-27-2014	Adopt(T)	3-1-2014
813-145-0070(T)	2-10-2014	Suspend	3-1-2014	813-202-0070(T)	2-10-2014	Suspend	3-1-2014
813-145-0080	1-27-2014	Amend(T)	3-1-2014	813-205-0000	12-18-2013	Amend	2-1-2014
813-145-0080(T)	2-10-2014	Suspend	3-1-2014	813-205-0000(T)	12-18-2013	Repeal	2-1-2014
813-145-0090	1-27-2014	Suspend	3-1-2014	813-205-0010	12-18-2013	Repeal	2-1-2014
813-145-0090(T)	2-10-2014	Suspend	3-1-2014	813-205-0020	12-18-2013	Amend	2-1-2014
813-200-0001	1-27-2014	Amend(T)	3-1-2014	813-205-0020(T)	12-18-2013	Repeal	2-1-2014
813-200-0001(T)	2-10-2014	Suspend	3-1-2014	813-205-0030	12-18-2013	Amend	2-1-2014
813-200-0005	1-27-2014	Amend(T)	3-1-2014	813-205-0030(T)	12-18-2013	Repeal	2-1-2014
813-200-0005(T)	2-10-2014	Suspend	3-1-2014	813-205-0040	12-18-2013	Amend	2-1-2014
813-200-0007	1-27-2014	Adopt(T)	3-1-2014	813-205-0040(T)	12-18-2013	Repeal	2-1-2014
813-200-0007(T)	2-10-2014	Suspend	3-1-2014	813-205-0050	12-18-2013	Amend	2-1-2014
813-200-0010	1-27-2014	Amend(T)	3-1-2014	813-205-0050(T)	12-18-2013	Repeal	2-1-2014
813-200-0010(T)	2-10-2014	Suspend	3-1-2014	813-205-0051	12-18-2013	Amend	2-1-2014

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813-205-0051(T)	12-18-2013	Repeal	2-1-2014	813-220-0001	1-27-2014	Amend(T)	3-1-2014
813-205-0052	12-18-2013	Amend	2-1-2014	813-220-0001(T)	2-10-2014	Suspend	3-1-2014
813-205-0052(T)	12-18-2013	Repeal	2-1-2014	813-220-0005	1-27-2014	Amend(T)	3-1-2014
813-205-0060	12-18-2013	Amend	2-1-2014	813-220-0005(T)	2-10-2014	Suspend	3-1-2014
813-205-0060(T)	12-18-2013	Repeal	2-1-2014	813-220-0010	1-27-2014	Amend(T)	3-1-2014
813-205-0070	12-18-2013	Amend	2-1-2014	813-220-0010(T)	2-10-2014	Suspend	3-1-2014
813-205-0070(T)	12-18-2013	Repeal	2-1-2014	813-220-0015	1-27-2014	Amend(T)	3-1-2014
813-205-0080	12-18-2013	Amend	2-1-2014	813-220-0015(T)	2-10-2014	Suspend	3-1-2014
813-205-0080(T)	12-18-2013	Repeal	2-1-2014	813-220-0020	1-27-2014	Amend(T)	3-1-2014
813-205-0082	12-18-2013	Adopt	2-1-2014	813-220-0020(T)	2-10-2014	Suspend	3-1-2014
813-205-0082(T)	12-18-2013	Repeal	2-1-2014	813-220-0030	1-27-2014	Amend(T)	3-1-2014
813-205-0085	12-18-2013	Amend	2-1-2014	813-220-0030(T)	2-10-2014	Suspend	3-1-2014
813-205-0085(T)	12-18-2013	Repeal	2-1-2014	813-220-0050	1-27-2014	Amend(T)	3-1-2014
813-205-0100	12-18-2013	Amend	2-1-2014	813-220-0050(T)	2-10-2014	Suspend	3-1-2014
813-205-0100(T)	12-18-2013	Repeal	2-1-2014	813-220-0060	1-27-2014	Amend(T)	3-1-2014
813-205-0110	12-18-2013	Amend	2-1-2014	813-220-0060(T)	2-10-2014	Suspend	3-1-2014
813-205-0110(T)	12-18-2013	Repeal	2-1-2014	813-220-0070	1-27-2014	Suspend	3-1-2014
813-205-0120	12-18-2013	Amend	2-1-2014	813-220-0070(T)	2-10-2014	Suspend	3-1-2014
813-205-0120(T)	12-18-2013	Repeal	2-1-2014	813-220-0080	1-27-2014	Adopt(T)	3-1-2014
813-205-0130	12-18-2013	Amend	2-1-2014	813-220-0080(T)	2-10-2014	Suspend	3-1-2014
813-205-0130(T)	12-18-2013	Repeal	2-1-2014	813-240-0001	1-27-2014	Amend(T)	3-1-2014
813-205-0140	12-18-2013	Repeal	2-1-2014	813-240-0001(T)	2-10-2014	Suspend	3-1-2014
813-205-0145	12-18-2013	Adopt	2-1-2014	813-240-0005	1-27-2014	Amend(T)	3-1-2014
813-205-0145(T)	12-18-2013	Repeal	2-1-2014	813-240-0005(T)	2-10-2014	Suspend	3-1-2014
813-205-0150	12-18-2013	Adopt	2-1-2014	813-240-0010	1-27-2014	Amend(T)	3-1-2014
813-205-0150(T)	12-18-2013	Repeal	2-1-2014	813-240-0010(T)	2-10-2014	Suspend	3-1-2014
813-210-0001	1-27-2014	Amend(T)	3-1-2014	813-240-0015	1-27-2014	Amend(T)	3-1-2014
813-210-0001(T)	2-10-2014	Suspend	3-1-2014	813-240-0015(T)	2-10-2014	Suspend	3-1-2014
813-210-0009	1-27-2014	Amend(T)	3-1-2014	813-240-0020	1-27-2014	Amend(T)	3-1-2014
813-210-0009(T)	2-10-2014	Suspend	3-1-2014	813-240-0020(T)	2-10-2014	Suspend	3-1-2014
813-210-0010	1-27-2014	Repeal	3-1-2014	813-240-0030	1-27-2014	Repeal	3-1-2014
813-210-0015	1-27-2014	Amend(T)	3-1-2014	813-240-0041	1-27-2014	Amend(T)	3-1-2014
813-210-0015(T)	2-10-2014	Suspend	3-1-2014	813-240-0041(T)	2-10-2014	Suspend	3-1-2014
813-210-0022	1-27-2014	Adopt(T)	3-1-2014	813-240-0050	1-27-2014	Amend(T)	3-1-2014
813-210-0022(T)	2-10-2014	Suspend	3-1-2014	813-240-0050(T)	2-10-2014	Suspend	3-1-2014
813-210-0025	1-27-2014	Amend(T)	3-1-2014	813-240-0060	1-27-2014	Amend(T)	3-1-2014
813-210-0025(T)	2-10-2014	Suspend	3-1-2014	813-240-0060(T)	2-10-2014	Suspend	3-1-2014
813-210-0030	1-27-2014	Repeal	3-1-2014	813-240-0070	1-27-2014	Amend(T)	3-1-2014
813-210-0040	1-27-2014	Suspend	3-1-2014	813-240-0070(T)	2-10-2014	Suspend	3-1-2014
813-210-0040(T)	2-10-2014	Suspend	3-1-2014	813-240-0080	1-27-2014	Amend(T)	3-1-2014
813-210-0050	1-27-2014	Amend(T)	3-1-2014	813-240-0080(T)	2-10-2014	Suspend	3-1-2014
813-210-0050(T)	2-10-2014	Suspend	3-1-2014	813-240-0090	1-27-2014	Suspend	3-1-2014
813-210-0052	1-27-2014	Amend(T)	3-1-2014	813-240-0090(T)	2-10-2014	Suspend	3-1-2014
813-210-0052(T)	2-10-2014	Suspend	3-1-2014	813-250-0000	1-27-2014	Amend(T)	3-1-2014
813-210-0055	1-27-2014	Suspend	3-1-2014	813-250-0000(T)	2-10-2014	Suspend	3-1-2014
813-210-0055(T)	2-10-2014	Suspend	3-1-2014	813-250-0005	1-27-2014	Adopt(T)	3-1-2014
813-210-0056	1-27-2014	Adopt(T)	3-1-2014	813-250-0005(T)	2-10-2014	Suspend	3-1-2014
813-210-0056(T)	2-10-2014	Suspend	3-1-2014	813-250-0015	1-27-2014	Adopt(T)	3-1-2014
813-210-0060	1-27-2014	Amend(T)	3-1-2014	813-250-0015(T)	2-10-2014	Suspend	3-1-2014
813-210-0060(T)	2-10-2014	Suspend	3-1-2014	813-250-0020	1-27-2014	Amend(T)	3-1-2014
813-210-0065	1-27-2014	Suspend	3-1-2014	813-250-0020(T)	2-10-2014	Suspend	3-1-2014
813-210-0065(T)	2-10-2014	Suspend	3-1-2014	813-250-0030	1-27-2014	Amend(T)	3-1-2014
813-210-0075	1-27-2014	Adopt(T)	3-1-2014	813-250-0030(T)	2-10-2014	Suspend	3-1-2014
813-210-0075(T)	2-10-2014	Suspend	3-1-2014	813-250-0040	1-27-2014	Amend(T)	3-1-2014
813-210-0085	1-27-2014	Adopt(T)	3-1-2014	813-250-0040(T)	2-10-2014	Suspend	3-1-2014
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813-250-0060	1-27-2014	Adopt(T)	3-1-2014	817-080-0005	3-1-2014	Repeal	4-1-2014
813-250-0060(T)	2-10-2014	Suspend	3-1-2014	817-090-0025	3-1-2014	Amend	4-1-2014
813-250-0070	1-27-2014	Adopt(T)	3-1-2014	817-090-0045	3-1-2014	Amend	4-1-2014
813-250-0070(T)	2-10-2014	Suspend	3-1-2014	817-090-0050	3-1-2014	Amend	4-1-2014
813-300-0010	12-18-2013	Amend(T)	2-1-2014	817-090-0055	3-1-2014	Amend	4-1-2014
813-300-0010	6-12-2014	Amend	7-1-2014	817-090-0065	3-1-2014	Amend	4-1-2014
817-005-0005	3-1-2014	Amend	4-1-2014	817-090-0070	3-1-2014	Amend	4-1-2014
817-010-0007	3-1-2014	Amend	4-1-2014	817-090-0075	3-1-2014	Amend	4-1-2014
817-010-0009	3-1-2014	Repeal	4-1-2014	817-090-0085	3-1-2014	Amend	4-1-2014
817-010-0014	1-1-2014	Amend	2-1-2014	817-090-0090	3-1-2014	Amend	4-1-2014
817-010-0021	3-1-2014	Amend	4-1-2014	817-090-0105	3-1-2014	Amend	4-1-2014
817-010-0035	3-1-2014	Amend	4-1-2014	817-090-0110	3-1-2014	Amend	4-1-2014
817-010-0040	3-1-2014	Amend	4-1-2014	817-090-0115	3-1-2014	Amend	4-1-2014
817-010-0055	3-1-2014	Amend	4-1-2014	817-100-0005	3-1-2014	Amend	4-1-2014
817-010-0060	3-1-2014	Amend	4-1-2014	817-120-0005	3-1-2014	Amend	4-1-2014
817-010-0065	3-1-2014	Amend	4-1-2014	820-001-0020	12-5-2013	Amend(T)	1-1-2014
817-010-0068	3-1-2014	Amend	4-1-2014	820-001-0020	2-26-2014	Amend	4-1-2014
817-010-0069	3-1-2014	Amend	4-1-2014	820-001-0020(T)	12-5-2013	Suspend	1-1-2014
817-010-0075	3-1-2014	Amend	4-1-2014	820-001-0020(T)	12-5-2013	Suspend	1-1-2014
817-010-0085	3-1-2014	Amend	4-1-2014	820-001-0020(T)	2-26-2014	Repeal	4-1-2014
817-010-0095	3-1-2014	Amend	4-1-2014	820-001-0025	12-5-2013	Amend(T)	1-1-2014
817-010-0101	3-1-2014	Amend	4-1-2014	820-001-0025	2-26-2014	Amend	4-1-2014
817-010-0106	3-1-2014	Amend	4-1-2014	820-010-0010	12-5-2013	Amend(T)	1-1-2014
817-010-0110	3-1-2014	Amend	4-1-2014	820-010-0010	2-26-2014	Amend	4-1-2014
817-010-0300	3-1-2014	Repeal	4-1-2014	820-010-0010(T)	12-5-2013	Suspend	1-1-2014
817-015-0010	3-1-2014	Repeal	4-1-2014	820-010-0010(T)	12-5-2013	Suspend	1-1-2014
817-015-0030	3-1-2014	Amend	4-1-2014	820-010-0010(T)	2-26-2014	Repeal	4-1-2014
817-015-0065	3-1-2014	Amend	4-1-2014	820-010-0225	2-14-2014	Amend(T)	3-1-2014
817-020-0001	3-1-2014	Amend	4-1-2014	820-010-0226	2-14-2014	Amend(T)	3-1-2014
817-020-0006	3-1-2014	Amend	4-1-2014	820-010-0227	12-5-2013	Amend(T)	1-1-2014
817-020-0007	3-1-2014	Amend	4-1-2014	820-010-0227	2-14-2014	Amend(T)	3-1-2014
817-020-0009	3-1-2014	Amend	4-1-2014	820-010-0227(T)	12-5-2013	Suspend	1-1-2014
817-020-0305	3-1-2014	Amend	4-1-2014	820-010-0227(T)	12-5-2013	Suspend	1-1-2014
817-020-0325	3-1-2014	Adopt	4-1-2014	820-010-0228	12-5-2013	Amend(T)	1-1-2014
817-020-0350	3-1-2014	Adopt	4-1-2014	820-010-0228	2-14-2014	Amend(T)	3-1-2014
817-030-0003	3-1-2014	Amend	4-1-2014	820-010-0228(T)	12-5-2013	Suspend	1-1-2014
817-030-0005	3-1-2014	Amend	4-1-2014	820-010-0228(T)	12-5-2013	Suspend	1-1-2014
817-030-0028	1-1-2014	Adopt	2-1-2014	820-010-0260(T)	12-5-2013	Suspend	1-1-2014
817-030-0030	3-1-2014	Amend	4-1-2014	820-010-0260(T)	12-5-2013	Suspend	1-1-2014
817-030-0065	1-1-2014	Amend	2-1-2014	820-010-0305	12-5-2013	Amend(T)	1-1-2014
817-030-0071	3-1-2014	Amend	4-1-2014	820-010-0305	2-26-2014	Amend	4-1-2014
817-030-0080	3-1-2014	Amend	4-1-2014	820-010-0305(T)	12-5-2013	Suspend	1-1-2014
817-035-0010	3-1-2014	Amend	4-1-2014	820-010-0305(T)	12-5-2013	Suspend	1-1-2014
817-035-0048	3-1-2014	Amend	4-1-2014	820-010-0305(T)	2-26-2014	Repeal	4-1-2014
817-035-0050	3-1-2014	Amend	4-1-2014	820-010-0420	2-14-2014	Amend(T)	3-1-2014
817-035-0052	3-1-2014	Amend	4-1-2014	820-010-0442	12-5-2013	Amend(T)	1-1-2014
817-035-0068	3-1-2014	Amend	4-1-2014	820-010-0442	2-26-2014	Amend	4-1-2014
817-035-0070	3-1-2014	Amend	4-1-2014	820-010-0442(T)	12-5-2013	Suspend	1-1-2014
817-035-0090	3-1-2014	Amend	4-1-2014	820-010-0442(T)	12-5-2013	Suspend	1-1-2014
817-035-0093	3-1-2014	Adopt	4-1-2014	820-010-0442(T)	2-26-2014	Repeal	4-1-2014
817-035-0095	3-1-2014	Adopt	4-1-2014	820-010-0620	12-5-2013	Amend(T)	1-1-2014
817-035-0110	3-1-2014	Amend	4-1-2014	820-010-0620	2-26-2014	Amend	4-1-2014
817-060-0010	3-1-2014	Amend	4-1-2014	820-010-0620(T)	12-5-2013	Suspend	1-1-2014
817-060-0020	3-1-2014	Amend	4-1-2014	820-010-0620(T)	12-5-2013	Suspend	1-1-2014
817-060-0030	3-1-2014	Amend	4-1-2014	820-010-0620(T)	2-26-2014	Repeal	4-1-2014



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820-010-0621	2-26-2014	Amend	4-1-2014	836-053-0040	1-1-2014	Repeal	2-1-2014
820-010-0621(T)	12-5-2013	Suspend	1-1-2014	836-053-0050	1-1-2014	Amend	2-1-2014
820-010-0621(T)	12-5-2013	Suspend	1-1-2014	836-053-0060	1-1-2014	Repeal	2-1-2014
820-010-0621(T)	2-26-2014	Repeal	4-1-2014	836-053-0063	1-1-2014	Adopt	2-1-2014
833-020-0051	1-8-2014	Amend	2-1-2014	836-053-0065	1-1-2014	Amend	2-1-2014
833-020-0075	7-1-2014	Amend(T)	7-1-2014	836-053-0066	4-11-2014	Adopt(T)	5-1-2014
833-040-0021	1-8-2014	Amend	2-1-2014	836-053-0070	1-1-2014	Amend	2-1-2014
833-050-0061	6-11-2014	Amend	7-1-2014	836-053-0081	1-1-2014	Repeal	2-1-2014
833-050-0131	6-11-2014	Amend	7-1-2014	836-053-0210	1-1-2014	Repeal	2-1-2014
833-060-0012	1-8-2014	Amend	2-1-2014	836-053-0211	1-1-2014	Adopt	2-1-2014
833-100-0021	6-11-2014	Amend	7-1-2014	836-053-0220	1-1-2014	Repeal	2-1-2014
836-007-0001	12-31-2013	Adopt(T)	2-1-2014	836-053-0221	1-1-2014	Adopt	2-1-2014
836-010-0011	1-1-2014	Amend	2-1-2014	836-053-0250	1-1-2014	Repeal	2-1-2014
836-010-0013	4-24-2014	Adopt(T)	6-1-2014	836-053-0410	1-1-2014	Amend	2-1-2014
836-010-0051	1-1-2014	Adopt	2-1-2014	836-053-0415	1-1-2014	Amend	2-1-2014
836-011-0000	2-14-2014	Amend	3-1-2014	836-053-0430	1-1-2014	Repeal	2-1-2014
836-011-0050	2-14-2014	Adopt	3-1-2014	836-053-0431	1-1-2014	Adopt	2-1-2014
836-020-0770	1-1-2014	Amend	2-1-2014	836-053-0431	2-4-2014	Amend(T)	3-1-2014
836-020-0775	1-1-2014	Amend	2-1-2014	836-053-0431	4-2-2014	Amend(T)	5-1-2014
836-020-0780	1-1-2014	Amend	2-1-2014	836-053-0431	4-16-2014	Amend(T)	6-1-2014
836-020-0785	1-1-2014	Amend	2-1-2014	836-053-0440	1-1-2014	Repeal	2-1-2014
836-020-0806	1-1-2014	Amend	2-1-2014	836-053-0460	1-1-2014	Repeal	2-1-2014
836-027-0005	1-1-2014	Amend	2-1-2014	836-053-0465	1-1-2014	Amend	2-1-2014
836-027-0005	1-8-2014	Amend	2-1-2014	836-053-0465	4-11-2014	Amend(T)	5-1-2014
836-027-0010	1-1-2014	Amend	2-1-2014	836-053-0471	1-1-2014	Repeal	2-1-2014
836-027-0010	1-8-2014	Amend	2-1-2014	836-053-0472	1-1-2014	Adopt	2-1-2014
836-027-0030	1-1-2014	Amend	2-1-2014	836-053-0473	1-1-2014	Adopt	2-1-2014
836-027-0030	1-8-2014	Amend	2-1-2014	836-053-0475	1-1-2014	Amend	2-1-2014
836-027-0035	1-1-2014	Amend	2-1-2014	836-053-0510	1-1-2014	Amend	2-1-2014
836-027-0035	1-8-2014	Amend	2-1-2014	836-053-0700	1-1-2014	Repeal	2-1-2014
836-027-0045	1-1-2014	Amend	2-1-2014	836-053-0710	1-1-2014	Repeal	2-1-2014
836-027-0045	1-8-2014	Amend	2-1-2014	836-053-0750	1-1-2014	Repeal	2-1-2014
836-027-0050	1-1-2014	Amend	2-1-2014	836-053-0760	1-1-2014	Repeal	2-1-2014
836-027-0050	1-8-2014	Amend	2-1-2014	836-053-0780	1-1-2014	Repeal	2-1-2014
836-027-0100	1-1-2014	Amend	2-1-2014	836-053-0785	1-1-2014	Repeal	2-1-2014
836-027-0100	1-8-2014	Amend	2-1-2014	836-053-0790	1-1-2014	Repeal	2-1-2014
836-027-0125	1-1-2014	Adopt	2-1-2014	836-053-0800	1-1-2014	Repeal	2-1-2014
836-027-0125	1-8-2014	Adopt	2-1-2014	836-053-0825	1-1-2014	Amend	2-1-2014
836-027-0140	1-1-2014	Adopt	2-1-2014	836-053-0830	1-1-2014	Amend	2-1-2014
836-027-0140	1-8-2014	Adopt	2-1-2014	836-053-0835	1-1-2014	Adopt	2-1-2014
836-052-0142	12-5-2013	Amend(T)	1-1-2014	836-053-0851	1-1-2014	Amend	2-1-2014
836-052-0142	5-19-2014	Amend	7-1-2014	836-053-0900	1-1-2014	Amend	2-1-2014
836-052-0676	1-1-2014	Amend	2-1-2014	836-053-0910	1-1-2014	Amend	2-1-2014
836-052-0800	1-1-2014	Amend	2-1-2014	836-053-1000	1-1-2014	Amend	2-1-2014
836-052-0830	1-1-2014	Repeal	2-1-2014	836-053-1020	1-1-2014	Amend	2-1-2014
836-052-0860	1-1-2014	Amend	2-1-2014	836-053-1030	1-1-2014	Amend	2-1-2014
836-053-0000	1-1-2014	Amend	2-1-2014	836-053-1035	1-1-2014	Amend	2-1-2014
836-053-0001	1-1-2014	Amend	2-1-2014	836-053-1040	1-1-2014	Repeal	2-1-2014
836-053-0002	1-1-2014	Adopt	2-1-2014	836-053-1070	1-1-2014	Amend	2-1-2014
836-053-0003	1-1-2014	Amend	2-1-2014	836-053-1080	1-1-2014	Amend	2-1-2014
836-053-0005	1-1-2014	Amend	2-1-2014	836-053-1100	1-1-2014	Amend	2-1-2014
836-053-0007	1-1-2014	Amend	2-1-2014	836-053-1110	1-1-2014	Amend	2-1-2014
836-053-0008	1-1-2014	Adopt	2-1-2014	836-053-1130	1-1-2014	Amend	2-1-2014
836-053-0009	1-1-2014	Adopt	2-1-2014	836-053-1140	1-1-2014	Amend	2-1-2014
836-053-0021	1-1-2014	Amend	2-1-2014	836-053-1170	1-1-2014	Amend	2-1-2014

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836-053-1180	1-1-2014	Adopt	2-1-2014	837-040-0010	7-1-2014	Amend	6-1-2014
836-053-1190	1-1-2014	Amend	2-1-2014	837-040-0020	7-1-2014	Amend	6-1-2014
836-053-1200	1-1-2014	Amend	2-1-2014	837-040-0140	7-1-2014	Amend	6-1-2014
836-053-1315	1-1-2014	Amend	2-1-2014	837-085-0040	1-9-2014	Amend	2-1-2014
836-053-1320	1-1-2014	Amend	2-1-2014	837-085-0090	1-9-2014	Amend	2-1-2014
836-053-1325	1-1-2014	Amend	2-1-2014	837-085-0280	1-9-2014	Amend	2-1-2014
836-053-1330	1-1-2014	Amend	2-1-2014	839-001-0300	5-5-2014	Amend	6-1-2014
836-053-1335	1-1-2014	Amend	2-1-2014	839-001-0440	1-1-2014	Amend	2-1-2014
836-053-1340	1-1-2014	Amend	2-1-2014	839-001-0450	1-1-2014	Amend	2-1-2014
836-053-1342	1-1-2014	Amend	2-1-2014	839-003-0005	12-30-2013	Amend	2-1-2014
836-053-1345	1-1-2014	Amend	2-1-2014	839-003-0020	12-30-2013	Amend	2-1-2014
836-053-1350	1-1-2014	Amend	2-1-2014	839-003-0031	12-30-2013	Amend	2-1-2014
836-053-1355	1-1-2014	Amend	2-1-2014	839-003-0090	12-30-2013	Amend	2-1-2014
836-053-1360	1-1-2014	Amend	2-1-2014	839-003-0100	12-30-2013	Amend	2-1-2014
836-053-1365	1-1-2014	Amend	2-1-2014	839-003-0235	12-30-2013	Amend	2-1-2014
836-053-1400	1-1-2014	Amend	2-1-2014	839-003-0245	12-30-2013	Amend	2-1-2014
836-053-1401	1-1-2014	Repeal	2-1-2014	839-005-0003	12-30-2013	Amend	2-1-2014
836-053-1410	1-1-2014	Amend	2-1-2014	839-005-0011	12-30-2013	Amend	2-1-2014
836-053-1415	1-1-2014	Amend	2-1-2014	839-005-0030	12-30-2013	Amend	2-1-2014
836-071-0405	1-1-2014	Adopt	2-1-2014	839-005-0060	12-30-2013	Amend	2-1-2014
836-071-0410	1-1-2014	Adopt	2-1-2014	839-005-0065	12-30-2013	Amend	2-1-2014
836-071-0415	1-1-2014	Adopt	2-1-2014	839-005-0070	12-30-2013	Amend	2-1-2014
836-071-0420	1-1-2014	Adopt	2-1-2014	839-005-0075	12-30-2013	Amend	2-1-2014
836-071-0425	1-1-2014	Adopt	2-1-2014	839-005-0080	12-30-2013	Amend	2-1-2014
836-071-0430	1-1-2014	Adopt	2-1-2014	839-005-0085	12-30-2013	Amend	2-1-2014
836-075-0045	1-1-2014	Adopt	2-1-2014	839-005-0160	12-30-2013	Amend	2-1-2014
836-080-0050	1-1-2014	Amend	2-1-2014	839-005-0170	12-30-2013	Amend	2-1-2014
836-080-0055	1-1-2014	Amend	2-1-2014	839-005-0200	12-30-2013	Amend	2-1-2014
836-080-0080	1-1-2014	Amend	2-1-2014	839-005-0206	12-30-2013	Amend	2-1-2014
836-081-0005	1-1-2014	Amend	2-1-2014	839-005-0300	12-30-2013	Adopt	2-1-2014
836-082-0050	1-1-2014	Amend	2-1-2014	839-005-0305	12-30-2013	Adopt	2-1-2014
836-082-0055	1-1-2014	Amend	2-1-2014	839-005-0310	12-30-2013	Adopt	2-1-2014
836-085-0001	1-1-2014	Amend	2-1-2014	839-005-0315	12-30-2013	Adopt	2-1-2014
836-085-0005	1-1-2014	Amend	2-1-2014	839-005-0320	12-30-2013	Adopt	2-1-2014
836-085-0010	1-1-2014	Amend	2-1-2014	839-005-0325	12-30-2013	Adopt	2-1-2014
836-085-0025	1-1-2014	Amend	2-1-2014	839-005-0400	12-30-2013	Adopt	2-1-2014
836-085-0035	1-1-2014	Amend	2-1-2014	839-006-0205	12-30-2013	Amend	2-1-2014
836-085-0045	1-1-2014	Amend	2-1-2014	839-006-0212	12-30-2013	Amend	2-1-2014
836-085-0050	1-1-2014	Amend	2-1-2014	839-006-0270	12-30-2013	Amend	2-1-2014
836-100-0011	1-1-2014	Repeal	2-1-2014	839-006-0290	12-30-2013	Amend	2-1-2014
836-100-0016	1-1-2014	Repeal	2-1-2014	839-006-0291	12-30-2013	Adopt	2-1-2014
836-100-0020	1-1-2014	Repeal	2-1-2014	839-006-0292	12-30-2013	Adopt	2-1-2014
836-100-0025	1-1-2014	Repeal	2-1-2014	839-006-0295	12-30-2013	Amend	2-1-2014
836-100-0030	1-1-2014	Repeal	2-1-2014	839-006-0305	12-30-2013	Amend	2-1-2014
836-100-0035	1-1-2014	Repeal	2-1-2014	839-006-0307	12-30-2013	Am. & Ren.	2-1-2014
836-100-0040	1-1-2014	Repeal	2-1-2014	839-006-0332	12-30-2013	Renumber	2-1-2014
836-100-0045	1-1-2014	Repeal	2-1-2014	839-006-0345	12-30-2013	Adopt	2-1-2014
836-100-0100	1-1-2014	Amend	2-1-2014	839-006-0450	12-16-2013	Amend(T)	1-1-2014
836-100-0105	1-1-2014	Amend	2-1-2014	839-006-0450	2-19-2014	Amend(T)	4-1-2014
836-100-0110	1-1-2014	Amend	2-1-2014	839-006-0450	5-30-2014	Amend	7-1-2014
836-100-0115	1-1-2014	Amend	2-1-2014	839-006-0450(T)	2-19-2014	Suspend	4-1-2014
836-200-0400	1-2-2014	Adopt(T)	2-1-2014	839-009-0210	12-31-2013	Amend	2-1-2014
836-200-0405	1-2-2014	Adopt(T)	2-1-2014	839-009-0230	12-31-2013	Amend	2-1-2014
836-200-0410	1-2-2014	Adopt(T)	2-1-2014	839-009-0240	12-31-2013	Amend	2-1-2014
836-200-0415	1-2-2014	Adopt(T)	2-1-2014	839-009-0250	12-31-2013	Amend	2-1-2014
836-200-0420	1-2-2014	Adopt(T)	2-1-2014	839-009-0270	12-31-2013	Amend	2-1-2014

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839-009-0325	12-31-2013	Amend	2-1-2014	839-021-0490	1-1-2014	Amend	2-1-2014
839-009-0330	12-31-2013	Amend	2-1-2014	839-022-0000	1-1-2014	Repeal	2-1-2014
839-009-0340	12-31-2013	Amend	2-1-2014	839-022-0010	1-1-2014	Repeal	2-1-2014
839-009-0345	12-31-2013	Amend	2-1-2014	839-022-0100	1-1-2014	Repeal	2-1-2014
839-009-0362	12-31-2013	Amend	2-1-2014	839-022-0105	1-1-2014	Repeal	2-1-2014
839-009-0363	12-31-2013	Amend	2-1-2014	839-022-0110	1-1-2014	Repeal	2-1-2014
839-009-0380	12-31-2013	Amend	2-1-2014	839-022-0115	1-1-2014	Repeal	2-1-2014
839-009-0390	12-31-2013	Amend	2-1-2014	839-022-0120	1-1-2014	Repeal	2-1-2014
839-009-0430	12-31-2013	Amend	2-1-2014	839-022-0125	1-1-2014	Repeal	2-1-2014
839-010-0000	12-30-2013	Amend	2-1-2014	839-022-0130	1-1-2014	Repeal	2-1-2014
839-010-0300	12-30-2013	Adopt	2-1-2014	839-022-0135	1-1-2014	Repeal	2-1-2014
839-010-0305	12-30-2013	Adopt	2-1-2014	839-022-0140	1-1-2014	Repeal	2-1-2014
839-010-0310	12-30-2013	Adopt	2-1-2014	839-022-0145	1-1-2014	Repeal	2-1-2014
839-015-0155	1-21-2014	Amend(T)	3-1-2014	839-022-0150	1-1-2014	Repeal	2-1-2014
839-015-0155	4-10-2014	Amend	5-1-2014	839-022-0155	1-1-2014	Repeal	2-1-2014
839-019-0004	1-1-2014	Amend	2-1-2014	839-022-0160	1-1-2014	Repeal	2-1-2014
839-019-0010	1-1-2014	Amend	2-1-2014	839-022-0165	1-1-2014	Repeal	2-1-2014
839-019-0100	1-1-2014	Amend	2-1-2014	839-025-0004	1-1-2014	Amend	2-1-2014
839-020-0004	1-1-2014	Amend	2-1-2014	839-025-0010	1-1-2014	Amend	2-1-2014
839-020-0025	1-1-2014	Amend	2-1-2014	839-025-0013	1-1-2014	Amend	2-1-2014
839-020-0040	1-1-2014	Amend	2-1-2014	839-025-0020	1-1-2014	Amend	2-1-2014
839-020-0050	1-1-2014	Amend	2-1-2014	839-025-0035	1-1-2014	Amend	2-1-2014
839-020-0070	1-1-2014	Amend	2-1-2014	839-025-0043	1-1-2014	Amend	2-1-2014
839-020-1010	1-1-2014	Amend	2-1-2014	839-025-0085	1-1-2014	Amend	2-1-2014
839-021-0006	1-1-2014	Amend	2-1-2014	839-025-0090	1-1-2014	Amend	2-1-2014
839-021-0067	1-1-2014	Amend	2-1-2014	839-025-0095	1-1-2014	Amend	2-1-2014
839-021-0070	1-1-2014	Amend	2-1-2014	839-025-0230	1-1-2014	Amend	2-1-2014
839-021-0072	1-1-2014	Amend	2-1-2014	839-025-0530	1-1-2014	Amend	2-1-2014
839-021-0087	1-1-2014	Amend	2-1-2014	839-025-0700	1-1-2014	Amend	2-1-2014
839-021-0097	1-1-2014	Amend	2-1-2014	839-025-0700	4-2-2014	Amend	5-1-2014
839-021-0102	1-1-2014	Amend	2-1-2014	839-025-0700	7-1-2014	Amend	7-1-2014
839-021-0104	1-1-2014	Amend	2-1-2014	839-050-0000	4-15-2014	Amend	5-1-2014
839-021-0175	1-1-2014	Amend	2-1-2014	839-050-0010	4-15-2014	Amend	5-1-2014
839-021-0220	1-1-2014	Amend	2-1-2014	839-050-0020	4-15-2014	Amend	5-1-2014
839-021-0221	1-1-2014	Amend	2-1-2014	839-050-0030	4-15-2014	Amend	5-1-2014
839-021-0246	1-1-2014	Amend	2-1-2014	839-050-0040	4-15-2014	Amend	5-1-2014
839-021-0248	1-1-2014	Amend	2-1-2014	839-050-0050	4-15-2014	Amend	5-1-2014
839-021-0255	1-1-2014	Amend	2-1-2014	839-050-0060	4-15-2014	Amend	5-1-2014
839-021-0265	1-1-2014	Amend	2-1-2014	839-050-0070	4-15-2014	Amend	5-1-2014
839-021-0280	1-1-2014	Amend	2-1-2014	839-050-0080	4-15-2014	Amend	5-1-2014
839-021-0290	1-1-2014	Amend	2-1-2014	839-050-0090	4-15-2014	Amend	5-1-2014
839-021-0292	1-1-2014	Amend	2-1-2014	839-050-0100	4-15-2014	Amend	5-1-2014
839-021-0294	1-1-2014	Amend	2-1-2014	839-050-0110	4-15-2014	Amend	5-1-2014
839-021-0297	1-1-2014	Amend	2-1-2014	839-050-0120	4-15-2014	Amend	5-1-2014
839-021-0315	1-1-2014	Amend	2-1-2014	839-050-0130	4-15-2014	Amend	5-1-2014
839-021-0320	1-1-2014	Amend	2-1-2014	839-050-0140	4-15-2014	Amend	5-1-2014
839-021-0325	1-1-2014	Amend	2-1-2014	839-050-0150	4-15-2014	Amend	5-1-2014
839-021-0330	1-1-2014	Amend	2-1-2014	839-050-0160	4-15-2014	Amend	5-1-2014
839-021-0335	1-1-2014	Amend	2-1-2014	839-050-0170	4-15-2014	Amend	5-1-2014
839-021-0340	1-1-2014	Amend	2-1-2014	839-050-0180	4-15-2014	Amend	5-1-2014
839-021-0345	1-1-2014	Amend	2-1-2014	839-050-0190	4-15-2014	Amend	5-1-2014
839-021-0350	1-1-2014	Amend	2-1-2014	839-050-0200	4-15-2014	Amend	5-1-2014
839-021-0355	1-1-2014	Amend	2-1-2014	839-050-0210	4-15-2014	Amend	5-1-2014
839-021-0360	1-1-2014	Amend	2-1-2014	839-050-0220	4-15-2014	Amend	5-1-2014
839-021-0365	1-1-2014	Amend	2-1-2014	839-050-0230	4-15-2014	Amend	5-1-2014



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839-050-0240	4-15-2014	Amend	5-1-2014	848-001-0005	1-1-2014	Amend	1-1-2014
839-050-0250	4-15-2014	Amend	5-1-2014	848-005-0020	1-1-2014	Amend	1-1-2014
839-050-0255	4-15-2014	Amend	5-1-2014	848-005-0030	1-1-2014	Amend	1-1-2014
839-050-0260	4-15-2014	Amend	5-1-2014	848-010-0010	1-1-2014	Amend	1-1-2014
839-050-0270	4-15-2014	Amend	5-1-2014	848-010-0015	1-1-2014	Amend	1-1-2014
839-050-0280	4-15-2014	Amend	5-1-2014	848-010-0020	1-1-2014	Amend	1-1-2014
839-050-0290	4-15-2014	Amend	5-1-2014	848-010-0026	1-1-2014	Amend	1-1-2014
839-050-0300	4-15-2014	Amend	5-1-2014	848-010-0033	1-1-2014	Amend	1-1-2014
839-050-0310	4-15-2014	Amend	5-1-2014	848-010-0035	1-1-2014	Amend	1-1-2014
839-050-0320	4-15-2014	Amend	5-1-2014	848-010-0044	1-1-2014	Amend	1-1-2014
839-050-0330	4-15-2014	Amend	5-1-2014	848-015-0030	1-1-2014	Amend	1-1-2014
839-050-0340	4-15-2014	Amend	5-1-2014	848-020-0000	1-1-2014	Amend	1-1-2014
839-050-0350	4-15-2014	Amend	5-1-2014	848-020-0060	1-1-2014	Amend	1-1-2014
839-050-0360	4-15-2014	Amend	5-1-2014	848-035-0010	4-1-2014	Amend	4-1-2014
839-050-0370	4-15-2014	Amend	5-1-2014	848-035-0015	4-1-2014	Amend	4-1-2014
839-050-0380	4-15-2014	Amend	5-1-2014	848-035-0020	4-1-2014	Amend	4-1-2014
839-050-0400	4-15-2014	Amend	5-1-2014	848-035-0030	4-1-2014	Amend	4-1-2014
839-050-0410	4-15-2014	Amend	5-1-2014	848-035-0035	4-1-2014	Amend	4-1-2014
839-050-0420	4-15-2014	Amend	5-1-2014	848-035-0040	4-1-2014	Amend	4-1-2014
839-050-0430	4-15-2014	Amend	5-1-2014	848-040-0105	1-1-2014	Amend	1-1-2014
839-050-0440	4-15-2014	Amend	5-1-2014	848-040-0110	1-1-2014	Amend	1-1-2014
839-050-0445	4-15-2014	Amend	5-1-2014	848-040-0117	1-1-2014	Amend	1-1-2014
845-004-0001	1-1-2014	Amend	1-1-2014	848-040-0147	1-1-2014	Amend	1-1-2014
845-005-0311	1-1-2014	Amend	1-1-2014	848-040-0150	1-1-2014	Amend	1-1-2014
845-005-0329	6-1-2014	Adopt	6-1-2014	848-045-0010	1-1-2014	Amend	1-1-2014
845-005-0331	6-1-2014	Amend	6-1-2014	850-060-0226	4-9-2014	Amend	5-1-2014
845-005-0431	3-1-2014	Amend	3-1-2014	851-021-0005	1-1-2014	Amend	1-1-2014
845-005-0440	3-1-2014	Amend	3-1-2014	851-021-0010	1-1-2014	Amend	1-1-2014
845-006-0309	6-1-2014	Adopt	6-1-2014	851-021-0025	1-1-2014	Amend	1-1-2014
845-006-0335	1-1-2014	Amend	1-1-2014	851-021-0050	1-1-2014	Amend	1-1-2014
845-006-0392	1-1-2014	Amend	1-1-2014	851-021-0120	1-1-2014	Amend	1-1-2014
845-006-0396	1-1-2014	Amend	1-1-2014	851-050-0000	1-1-2014	Amend	1-1-2014
845-006-0452	3-1-2014	Amend	3-1-2014	851-050-0001	1-1-2014	Amend	1-1-2014
845-009-0130	6-1-2014	Amend	6-1-2014	851-050-0002	1-1-2014	Amend	1-1-2014
845-013-0001	1-1-2014	Amend	1-1-2014	851-054-0010	1-1-2014	Amend	1-1-2014
845-020-0020	5-1-2014	Amend	5-1-2014	851-054-0020	1-1-2014	Amend	1-1-2014
847-001-0024	1-14-2014	Adopt	2-1-2014	851-054-0021	1-1-2014	Amend	1-1-2014
847-001-0045	4-9-2014	Adopt	5-1-2014	851-054-0030	1-1-2014	Adopt	1-1-2014
847-005-0005	4-9-2014	Amend	5-1-2014	851-054-0035	1-1-2014	Adopt	1-1-2014
847-008-0003	4-9-2014	Amend	5-1-2014	851-054-0040	1-1-2014	Amend	1-1-2014
847-008-0070	1-14-2014	Amend	2-1-2014	851-056-0020	1-1-2014	Amend	1-1-2014
847-010-0053	1-14-2014	Repeal	2-1-2014	851-056-0022	1-1-2014	Amend	1-1-2014
847-010-0060	1-14-2014	Amend	2-1-2014	851-061-0020	1-1-2014	Amend	1-1-2014
847-020-0110	1-14-2014	Amend	2-1-2014	851-061-0030	1-1-2014	Amend	1-1-2014
847-020-0183	4-9-2014	Amend	5-1-2014	851-061-0080	1-1-2014	Amend	1-1-2014
847-050-0020	1-14-2014	Amend	2-1-2014	851-061-0090	1-1-2014	Amend	1-1-2014
847-050-0023	1-14-2014	Amend	2-1-2014	851-062-0010	1-1-2014	Amend	1-1-2014
847-050-0025	1-14-2014	Amend	2-1-2014	851-062-0050	1-1-2014	Amend	1-1-2014
847-050-0026	1-14-2014	Repeal	2-1-2014	851-062-0080	1-1-2014	Amend	1-1-2014
847-050-0043	4-9-2014	Amend	5-1-2014	851-062-0130	1-1-2014	Amend	1-1-2014
847-070-0019	1-14-2014	Amend	2-1-2014	851-070-0005	4-1-2014	Amend	4-1-2014
847-070-0036	1-14-2014	Repeal	2-1-2014	851-070-0040	4-1-2014	Amend	4-1-2014
847-070-0037	1-14-2014	Amend	2-1-2014	851-070-0080	4-1-2014	Amend	4-1-2014
847-070-0045	4-9-2014	Amend	5-1-2014	851-070-0090	4-1-2014	Amend	4-1-2014
847-080-0002	1-14-2014	Amend	2-1-2014	851-070-0100	4-1-2014	Amend	4-1-2014
847-080-0021	4-9-2014	Amend	5-1-2014	852-010-0080	1-3-2014	Amend	2-1-2014

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852-050-0005	1-3-2014	Amend	2-1-2014	859-200-0080	3-5-2014	Adopt	4-1-2014
852-050-0016	1-3-2014	Amend	2-1-2014	859-200-0085	3-5-2014	Adopt	4-1-2014
855-007-0080	1-24-2014	Amend	3-1-2014	859-200-0090	3-5-2014	Adopt	4-1-2014
855-011-0020	1-24-2014	Amend	3-1-2014	859-200-0095	3-5-2014	Adopt	4-1-2014
855-019-0130	4-25-2014	Amend(T)	6-1-2014	859-200-0100	3-5-2014	Adopt	4-1-2014
855-019-0150	2-28-2014	Amend(T)	4-1-2014	859-200-0105	3-5-2014	Adopt	4-1-2014
855-019-0205	1-24-2014	Amend	3-1-2014	859-200-0110	3-5-2014	Adopt	4-1-2014
855-019-0270	1-24-2014	Amend	3-1-2014	859-200-0115	3-5-2014	Adopt	4-1-2014
855-019-0280	1-24-2014	Amend	3-1-2014	859-200-0120	3-5-2014	Adopt	4-1-2014
855-041-1001	1-24-2014	Adopt	3-1-2014	859-200-0125	3-5-2014	Adopt	4-1-2014
855-041-1030	1-24-2014	Amend	3-1-2014	859-200-0130	3-5-2014	Adopt	4-1-2014
855-041-1105	1-24-2014	Amend	3-1-2014	859-200-0135	3-5-2014	Adopt	4-1-2014
855-041-2300	1-24-2014	Adopt	3-1-2014	859-200-0140	3-5-2014	Adopt	4-1-2014
855-041-2300(T)	1-24-2014	Repeal	3-1-2014	859-200-0145	3-5-2014	Adopt	4-1-2014
855-041-2310	1-24-2014	Adopt	3-1-2014	859-200-0150	3-5-2014	Adopt	4-1-2014
855-041-2310(T)	1-24-2014	Repeal	3-1-2014	859-200-0200	3-5-2014	Adopt	4-1-2014
855-041-2320	1-24-2014	Adopt	3-1-2014	859-200-0205	3-5-2014	Adopt	4-1-2014
855-041-2320(T)	1-24-2014	Repeal	3-1-2014	859-200-0210	3-5-2014	Adopt	4-1-2014
855-041-2330	1-24-2014	Adopt	3-1-2014	859-200-0215	3-5-2014	Adopt	4-1-2014
855-041-2330(T)	1-24-2014	Repeal	3-1-2014	859-200-0220	3-5-2014	Adopt	4-1-2014
855-041-4200	1-3-2014	Amend	2-1-2014	859-200-0225	3-5-2014	Adopt	4-1-2014
855-080-0021	12-20-2013	Amend(T)	2-1-2014	859-200-0230	3-5-2014	Adopt	4-1-2014
855-080-0021	2-28-2014	Amend(T)	4-1-2014	859-200-0235	3-5-2014	Adopt	4-1-2014
855-080-0021	4-15-2014	Amend(T)	5-1-2014	859-200-0300	3-5-2014	Adopt	4-1-2014
855-110-0005	1-3-2014	Amend	2-1-2014	859-200-0305	3-5-2014	Adopt	4-1-2014
855-110-0007	1-3-2014	Amend	2-1-2014	859-200-0310	3-5-2014	Adopt	4-1-2014
856-010-0003	1-23-2014	Amend	3-1-2014	860-001-0310	1-9-2014	Amend	2-1-2014
856-010-0006	1-23-2014	Adopt	3-1-2014	860-023-0055	1-22-2014	Amend	3-1-2014
856-010-0010	5-23-2014	Amend(T)	7-1-2014	860-027-0005	5-28-2014	Amend	7-1-2014
856-010-0011	5-23-2014	Amend(T)	7-1-2014	860-027-0015	5-28-2014	Amend	7-1-2014
856-010-0012	5-23-2014	Amend(T)	7-1-2014	860-027-0045	5-28-2014	Amend	7-1-2014
858-010-0036	3-24-2014	Amend	5-1-2014	860-027-0070	5-28-2014	Amend	7-1-2014
858-010-0075	6-2-2014	Amend	7-1-2014	860-032-0012	1-22-2014	Amend	3-1-2014
858-040-0015	1-1-2015	Amend	7-1-2014	860-033-0001	12-20-2013	Amend	2-1-2014
858-040-0020	1-1-2015	Am. & Ren.	7-1-2014	860-033-0001(T)	12-20-2013	Repeal	2-1-2014
858-040-0025	1-1-2015	Amend	7-1-2014	860-033-0005	12-20-2013	Amend	2-1-2014
858-040-0026	1-1-2015	Amend	7-1-2014	860-033-0005(T)	12-20-2013	Repeal	2-1-2014
858-040-0035	1-1-2015	Amend	7-1-2014	860-033-0006	12-20-2013	Amend	2-1-2014
858-040-0036	1-1-2015	Amend	7-1-2014	860-033-0006(T)	12-20-2013	Repeal	2-1-2014
858-040-0055	1-1-2015	Amend	7-1-2014	860-033-0007	12-20-2013	Amend	2-1-2014
858-040-0065	1-1-2015	Amend	7-1-2014	860-033-0007(T)	12-20-2013	Repeal	2-1-2014
859-200-0005	3-5-2014	Adopt	4-1-2014	860-033-0010	12-20-2013	Amend	2-1-2014
859-200-0010	3-5-2014	Adopt	4-1-2014	860-033-0010(T)	12-20-2013	Repeal	2-1-2014
859-200-0015	3-5-2014	Adopt	4-1-2014	860-033-0030	12-20-2013	Amend	2-1-2014
859-200-0020	3-5-2014	Adopt	4-1-2014	860-033-0030(T)	12-20-2013	Repeal	2-1-2014
859-200-0025	3-5-2014	Adopt	4-1-2014	860-033-0035	12-20-2013	Amend	2-1-2014
859-200-0030	3-5-2014	Adopt	4-1-2014	860-033-0035(T)	12-20-2013	Repeal	2-1-2014
859-200-0035	3-5-2014	Adopt	4-1-2014	860-033-0040	12-20-2013	Amend	2-1-2014
859-200-0040	3-5-2014	Adopt	4-1-2014	860-033-0040(T)	12-20-2013	Repeal	2-1-2014
859-200-0045	3-5-2014	Adopt	4-1-2014	860-033-0045	12-20-2013	Amend	2-1-2014
859-200-0050	3-5-2014	Adopt	4-1-2014	860-033-0045(T)	12-20-2013	Repeal	2-1-2014
859-200-0055	3-5-2014	Adopt	4-1-2014	860-033-0046	12-20-2013	Amend	2-1-2014
859-200-0060	3-5-2014	Adopt	4-1-2014	860-033-0046(T)	12-20-2013	Repeal	2-1-2014
859-200-0065	3-5-2014	Adopt	4-1-2014	860-033-0050	12-20-2013	Amend	2-1-2014
859-200-0070	3-5-2014	Adopt	4-1-2014	860-033-0050(T)	12-20-2013	Repeal	2-1-2014
859-200-0075	3-5-2014	Adopt	4-1-2014	860-033-0055	12-20-2013	Repeal	2-1-2014

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860-033-0100(T)	12-20-2013	Repeal	2-1-2014	863-024-0050	4-28-2014	Amend	5-1-2014
860-033-0110	12-20-2013	Adopt	2-1-2014	863-024-0062	4-28-2014	Amend	5-1-2014
860-033-0110(T)	12-20-2013	Repeal	2-1-2014	863-024-0063	4-28-2014	Amend	5-1-2014
860-033-0530	12-20-2013	Amend	2-1-2014	863-024-0065	4-28-2014	Amend	5-1-2014
860-033-0530(T)	12-20-2013	Repeal	2-1-2014	863-024-0066	4-28-2014	Amend	5-1-2014
860-033-0535	12-20-2013	Amend	2-1-2014	863-024-0095	4-28-2014	Amend	5-1-2014
860-033-0535(T)	12-20-2013	Repeal	2-1-2014	863-024-0100	4-28-2014	Amend	5-1-2014
860-033-0536	12-20-2013	Amend	2-1-2014	863-025-0010	4-28-2014	Amend	5-1-2014
860-033-0536(T)	12-20-2013	Repeal	2-1-2014	875-005-0005	1-17-2014	Amend	3-1-2014
860-033-0537	12-20-2013	Amend	2-1-2014	875-010-0000	1-17-2014	Amend	3-1-2014
860-033-0537(T)	12-20-2013	Repeal	2-1-2014	875-010-0016	1-17-2014	Amend	3-1-2014
860-033-0540	12-20-2013	Amend	2-1-2014	875-010-0021	1-17-2014	Amend	3-1-2014
860-033-0540(T)	12-20-2013	Repeal	2-1-2014	875-010-0045	1-17-2014	Amend	3-1-2014
860-034-0390	1-22-2014	Amend	3-1-2014	875-010-0050	1-17-2014	Amend	3-1-2014
860-038-0005	3-7-2014	Amend	4-1-2014	875-010-0090	1-17-2014	Amend	3-1-2014
860-038-0300	3-7-2014	Amend	4-1-2014	875-015-0020	1-17-2014	Amend	3-1-2014
863-003-0000	4-28-2014	Adopt	5-1-2014	875-015-0030	1-17-2014	Amend	3-1-2014
863-003-0005	4-28-2014	Adopt	5-1-2014	875-030-0010	1-17-2014	Amend	3-1-2014
863-003-0010	4-28-2014	Adopt	5-1-2014	875-030-0020	1-17-2014	Amend	3-1-2014
863-003-0020	4-28-2014	Adopt	5-1-2014	875-030-0025	4-22-2014	Amend	6-1-2014
863-003-0040	4-28-2014	Adopt	5-1-2014	875-030-0030	1-17-2014	Amend	3-1-2014
863-003-0050	4-28-2014	Adopt	5-1-2014	875-030-0040	1-17-2014	Amend	3-1-2014
863-003-0060	4-28-2014	Adopt	5-1-2014	875-030-0050	1-17-2014	Amend	3-1-2014
863-003-0070	4-28-2014	Adopt	5-1-2014	918-001-0025	3-24-2014	Amend	5-1-2014
863-003-0080	4-28-2014	Adopt	5-1-2014	918-008-0000	4-1-2014	Amend	3-1-2014
863-003-0090	4-28-2014	Adopt	5-1-2014	918-020-0090	1-1-2014	Amend	2-1-2014
863-003-0100	4-28-2014	Adopt	5-1-2014	918-020-0370	1-1-2014	Amend	2-1-2014
863-003-0110	4-28-2014	Adopt	5-1-2014	918-020-0370(T)	1-1-2014	Repeal	2-1-2014
863-014-0003	4-28-2014	Amend	5-1-2014	918-098-1000	4-1-2014	Amend	5-1-2014
863-014-0010	4-28-2014	Amend	5-1-2014	918-098-1005	4-1-2014	Amend	5-1-2014
863-014-0015	4-28-2014	Amend	5-1-2014	918-098-1010	1-1-2014	Amend	2-1-2014
863-014-0015	4-28-2014	Amend	5-1-2014	918-098-1010	4-1-2014	Amend	5-1-2014
863-014-0020	4-28-2014	Amend	5-1-2014	918-098-1015	4-1-2014	Amend	5-1-2014
863-014-0035	4-28-2014	Amend	5-1-2014	918-098-1030	4-1-2014	Repeal	5-1-2014
863-014-0040	4-28-2014	Amend	5-1-2014	918-098-1210	4-1-2014	Amend	5-1-2014
863-014-0050	4-28-2014	Amend	5-1-2014	918-098-1215	4-1-2014	Amend	5-1-2014
863-014-0062	4-28-2014	Amend	5-1-2014	918-098-1450	4-1-2014	Amend	5-1-2014
863-014-0063	4-28-2014	Amend	5-1-2014	918-098-1470	4-1-2014	Amend	5-1-2014
863-014-0065	4-28-2014	Amend	5-1-2014	918-098-1470	4-1-2014	Amend	5-1-2014
863-014-0066	4-28-2014	Amend	5-1-2014	918-098-1500	4-1-2014	Amend	5-1-2014
863-014-0095	4-28-2014	Amend	5-1-2014	918-098-1525	4-1-2014	Adopt	5-1-2014
863-014-0100	4-28-2014	Amend	5-1-2014	918-098-1550	4-1-2014	Amend	5-1-2014
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863-020-0000	4-28-2014	Amend	5-1-2014	918-282-0455	2-12-2014	Adopt(T)	3-1-2014
863-020-0010	4-28-2014	Amend	5-1-2014	918-282-0455	2-21-2014	Adopt(T)	4-1-2014
863-020-0015	4-28-2014	Amend	5-1-2014	918-282-0455(T)	2-21-2014	Suspend	4-1-2014
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863-020-0060	4-28-2014	Amend	5-1-2014	943-014-0415	2-18-2014	Adopt	3-1-2014
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863-024-0015	4-28-2014	Amend	5-1-2014	943-014-0430	2-18-2014	Adopt	3-1-2014
863-024-0015	4-28-2014	Amend	5-1-2014	943-014-0435	2-18-2014	Adopt	3-1-2014
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943-014-0455	2-18-2014	Adopt	3-1-2014	945-040-0180	11-18-2013	Adopt(T)	1-1-2014
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