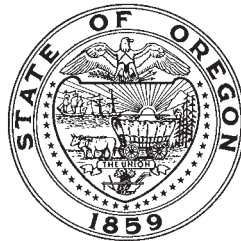


OREGON BULLETIN

Supplements the 2014 *Oregon Administrative Rules Compilation*

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Secretary of State
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INFORMATION ABOUT ADMINISTRATIVE RULES

General Information

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

Background on Oregon Administrative Rules

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

OAR Citations

Every Administrative Rule uses the same numbering sequence of a three-digit chapter number followed by a three-digit division number and a four-digit rule number (000-000-0000). For example, Oregon Administrative Rules, chapter 166, division 500, rule 0020 is cited as OAR 166-500-0020.

Understanding an Administrative Rule’s “History”

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

Locating Current Versions of Administrative Rules

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

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

Locating Administrative Rule Publications

Printed volumes of the Compilation are deposited in Oregon’s Public Documents Depository Libraries listed in OAR 543-070-0000. Complete sets and individual volumes of the printed OAR Compilation may be ordered from the Administrative Rules Unit, Archives Division, 800 Summer Street NE, Salem, Oregon 97301, (503) 373-0701.

Filing Administrative Rules and Notices

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

Administrative Rules Coordinators and Delegation of Signing Authority

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

Publication Authority

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

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

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EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 14 - 03

DETERMINATION OF A STATE OF EMERGENCY IN HOOD RIVER COUNTY DUE TO SEVERE WINTER WEATHER INCLUDING LANDSLIDES, SNOW FALL, AND ICE ACCUMULATION

Pursuant to ORS 401.165, I find that severe winter weather, including landslides, snow fall, ice accumulation and heavy rain created a threat to life, safety and property in Hood River County. Beginning February 6, 2014, severe weather conditions resulted in significant accumulations of snow and ice in the Hood River region. This severe weather system was immediately followed by an increase in temperature starting on February 11, 2014, which resulted in freeze-thaw and heavy rain conditions leading to a major landslide on February 12, 2014. This landslide resulted in significant damage to portions of Interstate 84. Current estimates of damage to the highway system in Hood River County total \$2.1 million.

NOW, THEREFORE, IT IS DIRECTED AND ORDERED:

The Oregon Department of Transportation shall provide appropriate assistance and seek federal resources to effect repair and reconstruction of the federal highway system within Hood River County.

Done at Salem, Oregon, this 30th day of April, 2014.

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

ATTEST

/s/ Kate Brown
Kate Brown
SECRETARY OF STATE

EXECUTIVE ORDER NO. 14 - 04

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

At the request of Jackson County by and through its County Commission in a letter dated March 19, 2014, on the recommendation of the Drought Council and Water Advisory 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 Jackson County.

Projected forecasts are not expected to alleviate the severe drought conditions and the drought is having significant economic impact on Jackson County's 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 Jackson County; I am therefore declaring a state of drought emergency in Jackson County 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 Jackson County.

II. The Department of Water Resources is directed to coordinate and provide assistance and regulation for Jackson County 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 Jackson County.

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 Jackson County.

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

Done at Salem, Oregon this 6th day of May, 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 CLEANUP APPROVAL AND DELISTING FORMER TEXACO PRODUCT PIPELINE

COMMENTS DUE: 5 p.m., Monday, June 30, 2014

PROJECT LOCATION: 4350 NW Front Ave., Portland, OR

PROPOSAL: As required by ORS 465.320, the Oregon Department of Environmental Quality invites public comment on its proposal to approve the cleanup of a gasoline release from a former Texaco petroleum pipeline and remove the site from the DEQ Confirmed Release List and Inventory List.

HIGHLIGHTS: Gasoline-impacted soil and groundwater from a petroleum pipeline release resulted in DEQ adding the site to the DEQ list of sites that have had a release of hazardous substances and the list of sites that require cleanup: the DEQ Confirmed Release List and Inventory of Hazardous Substance Sites. Cleanup occurred between 1998 and 2003. The investigation, cleanup, confirmation sampling and residual risk evaluation related to the release are summarized in a 2014 Closure Report approved by DEQ. No further action is necessary.

HOW TO COMMENT: Send comments to DEQ Project Manager Matt McClincy at 2020 SW Fourth Avenue, Suite 400, Portland, OR or mcclincy.matt@deq.state.or.us. For more information contact the project manager at 503-229-5538.

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 2117 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 2117 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/Web/docs/Forms/Output/FPCcontroller.ashx?SourceId=2117&SourceIdType=11>.

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

THE NEXT STEP: Pending review and consideration of all comments, DEQ will proceed with the proposed actions.

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

REQUEST FOR COMMENT PROPOSED CONSENT JUDGMENT FOR SETTLEMENT OF CLEANUP COSTS BETWEEN THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY AND MARGERY MCAYEAL MC AYEAL'S WARDROBE CLEANERS, EUGENE, LANE COUNTY, OREGON

COMMENT DUE DATE EXTENDED TO: June 30, 2014

PROJECT LOCATION: 1060 Olive Street, Eugene, Oregon

PROPOSAL: DEQ is extending the public comment period to June 30, 2014 on a proposed settlement between the Oregon Department of Environmental Quality and Margery McAyeal, former owner of McAyeal's Wardrobe Cleaners in downtown Eugene. The settlement would be in the form of a consent judgment and would require Mrs. McAyeal to pay DEQ a specified amount for cleanup costs DEQ has incurred at the property and for additional cleanup activities to be completed by DEQ.

The proposed consent judgment will also provide McAyeal 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 will also provide Mrs. McAyeal with third party liability protection.

HIGHLIGHTS: McAyeal's Wardrobe Cleaners operated at 1060 Olive Street in Eugene from 1972 to 2010. Lane County foreclosed on the property in 2012 after taxes went unpaid. Spills and releases of dry cleaning solvents, including tetrachloroethylene (PCE), occurred at the site and have contaminated soil and groundwater. Investigations for construction of the city library in the 1990s revealed groundwater contamination from the McAyeal property. The library is located immediately north of the now-shuttered cleaners building. Groundwater pumped from beneath the library to keep the basement parking garage from flooding is contaminated with PCE and related solvent chemicals and is currently treated before being discharged to the city storm drain under a water quality permit.

Environmental sampling conducted by McAyeal's insurer between 2009–2012 identified elevated concentrations of PCE in soil and groundwater beneath the former cleaners building. This contamination is a source of the contamination affecting the groundwater at the Library. The soil contamination at the former cleaners exceeds DEQ's risk based concentrations for vapor intrusion.

DEQ has not selected a cleanup plan for the property, but an evaluation of cleanup alternatives will be completed in 2014. The settlement will allow DEQ to conduct cleanup activities and help facilitate returning the property to productive use in a way that is protective of human health and the environment.

HOW TO COMMENT: Send comments to DEQ Project Manager Don Hanson at 165 E. 7th Ave., Suite 100, or hanson.don@deq.state.or.us by 5:00, June 30, 2014. For more information contact the project manager at 541-687-7349.

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

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

To access site summary information and the proposed consent judgment in DEQ's Environmental Cleanup Site Information (ECSI) database on the Internet, go to www.deq.state.or.us/lq/ECSI/ecsiquery.asp, then enter ECSI#2490 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled ECSI #2490 in the Site ID/Info column. Alternatively, you may go directly to the database website for this page at www.deq.state.or.us/Web/docs/Forms/Output/FPCcontroller.ashx?SourceId=2490&SourceIdType=11. If you do not have web access and want to review the project file contact Don Hanson.

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

ACCESSIBILITY INFORMATION: DEQ is committed to accommodating people with disabilities. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications & Outreach 503-229-5696 or toll free in Oregon at 800-452-4011; fax to 503-229-6762; or e-mail to deqinfo@deq.state.or.us. People with hearing impairments may call DEQ's TTY number, 800-735-2900 or 711.

REQUEST FOR COMMENTS PROPOSED NO FURTHER ACTION DETERMINATION FOR KEN JERNSTEDT AIRFIELD AGRICULTURAL SPRAYING FACILITIES

COMMENTS DUE: 5 p.m., Tuesday, July 1, 2014

PROJECT LOCATION: Tucker Road and Airport Way, Hood River, Oregon

PROPOSAL: Based on the results of the investigation and cleanup conducted to date, DEQ recommends a No Further Action determination for the former Agri-Aviation site and the Aero Spray site. These are in the southwest portion of the Ken Jernstedt Airfield.

This recommendation is in accordance with Oregon Revised Statutes (ORS) 465.200 through 465.455 and Oregon Administrative Rules (OAR) Chapter 340, Division 122, Sections 0010 to 0140.

OTHER NOTICES

HIGHLIGHTS: The two facilities shared a septic tank and drain field to handle pesticide washdown water and domestic sewage. The tank, sludge and surrounding soil were removed and disposed of in 2000 and 2001. Environmental impacts from residual contamination were evaluated between 2008 and 2012. Based on testing of soil, groundwater and sediment, DEQ concludes that remaining contamination does not exceed safe levels.

HOW TO COMMENT: Send comments by 5 p.m., July 1, 2014, to DEQ Project Manager Bob Schwarz at 400 E. Scenic Drive, Suite 307, The Dalles, Oregon, 97058, schwarz.bob@deq.state.or.us or by fax to 541-298-7330.

To review the project file, call Mr. Schwarz at 541-298-7255 x230 for a file review appointment.

To access site summary information and other documents in the DEQ Environmental Cleanup Site Information database, go to <http://www.deq.state.or.us/lq/ECSI/ecsi.htm>, then select, "Search Complete ECSI database." Enter ECSI# **4097** in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled **4097** in the Site ID/Info column.

THE NEXT STEP: DEQ will consider all public comments received by the end of the public comment period. Based on this review, we will determine whether this decision needs to be modified or reconsidered. Otherwise, we will issue the No Further Action determination.

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

REQUEST FOR COMMENTS DEQ PROPOSES PROSPECTIVE PURCHASER AGREEMENT CONSENT ORDER WITH LARRY BOYDSTON

COMMENTS DUE: 5 p.m., June 30, 2014

Project location: Fort Rock General Store, 64608 Fort Rock Rd., Fort Rock

PROPOSAL: The Department of Environmental Quality proposes to enter into a prospective purchaser agreement consent order with Larry Boydston to facilitate the sale and re-opening of the rural store and gas station. Mr. Boydston will provide access to DEQ and its contractors to perform remedial actions. The re-opening of the sole store and gas station in the rural Fort Rock area will result in a substantial public benefit.

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

Highlights: The property is a closed rural store and gas station. The property has been a rural store since the early 1900s. On September 12, 1991, a release of petroleum from leaking underground storage tanks (USTs) was reported to DEQ after petroleum products were identified on groundwater in the Store well. Investigations and cleanup actions have been performed at the property since the contamination was documented. The consent order will require Mr. Boydston to continue to allow DEQ access for on-going cleanup actions.

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

HOW TO COMMENT: Send comments by 5 p.m., June 30, 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 or by fax at 541-278-0168.

To access site summary information and other documents in DEQ's Environmental Cleanup Site Information database, go to www.deq.state.or.us/lq/ECSI/ecsi.htm, select "Search complete ECSI database" link, enter 4915 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 4915 in the Site ID/Info column. To review the project file, contact the project manager above for a file review appointment.

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

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

NOTICES OF PROPOSED RULEMAKING

Notices of Proposed Rulemaking and Proposed Rulemaking Hearings

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

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

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

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

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

Board of Licensed Professional Counselors and Therapists
Chapter 833

Rule Caption: Amends experience requirements for licensure as a marriage and family therapist.

Stat. Auth.: ORS 675.705–675.835

Stats. Implemented: ORS 675.705–675.835

Proposed Amendments: 833-030-0021, 833-040-0021, 833-050-0071

Last Date for Comment: 6-30-14, Close of Business

Summary: Amends experience requirements for licensure as marriage and family therapist to be equivalent to requirements for a license as a professional counselor.

Rules Coordinator: Becky Eklund

Address: Board of Licensed Professional Counselors and Therapists, 3218 Pringle Rd. SE, Suite 250, Salem, OR 97302

Telephone: (503) 378-5499, ext. 3

Board of Nursing
Chapter 851

Rule Caption: To define the term “attempt” and add language related to CNA testing eligibility

Date:	Time:	Location:
6-19-14	9 a.m.	17938 SW Upper Boones Ferry Rd. Portland, OR 97224

Hearing Officer: Kay Carnegie, Board President

Stat. Auth.: ORS 678.440 & 678.442

Stats. Implemented: ORS 678.442

Proposed Amendments: 851-062-0010, 851-062-0050

Last Date for Comment: 6-19-14, 5 p.m.

Summary: The recommended housekeeping revision to Division 62 is to define the term “attempt” for clarification purposes under OAR 851-062-0010. Proposed additional language to OAR 851-062-0050, related to CNA testing eligibility.

Rules Coordinator: Peggy A. Lightfoot

Address: Board of Nursing, 17938 SW Upper Boones Ferry Rd., Portland, OR 97224

Telephone: (971) 673-0638

Bureau of Labor and Industries
Chapter 839

Rule Caption: Amending rules to implement newly enacted legislation on source of income in housing discrimination.

Stat. Auth.: ORS 659A.805

Stats. Implemented: HB 2639, 77th Leg., Reg. Session (Or. 2013)

Proposed Amendments: Rules in 839-005, 839-005-0205

Last Date for Comment: 6-17-14, 5 p.m.

Summary: Proposed Amendments would add language based on newly enacted legislation to specify that prohibited discrimination in housing based on source of income includes discrimination based on income from federal rent subsidy payments under 42 U.S.C. 1437f, and any other local, state, or federal housing assistance. Amendments also clarify situations in which a person may refuse to sell, lease or rent any real property to a purchaser.

Rules Coordinator: Marcia Ohlemiller

Address: Bureau of Labor and Industries, 800 NE Oregon St., Ste. 1045, Portland, OR 97232

Telephone: (971) 673-0784

Construction Contractors Board
Chapter 812

Rule Caption: RCE, definition of “casual, minor or inconsequential”, penalties, advertising, pre-licensure provider bond, fees, housekeeping

Date:	Time:	Location:
6-24-14	11 a.m.	West Salem Roths IGA Oregon Rm. 425 Glen Creek Rd. Salem, OR

Hearing Officer: Rob Yorke

Stat. Auth.: ORS 183.310 to 183.500, 670.301, 670.310, 701.082, 701.083, 701.086, 701.122, 701.126, 701.235, 701.238, 701.515, 701.992, 701.995

Other Auth.: Oregon Laws 2013, Chapter 718 (SB 783)

Stats. Implemented: ORS 87.093, 183.450, 25.270, 25.785, 25.990, 279C.590, 656.027, 701.005, 701.010, 701.021, 701.026, 701.035, 701.042, 701.046, 701.050, 701.056, 701.063, 701.068, 701.073, 701.081, 701.082, 701.083, 701.086, 701.088, 701.091, 701.098, 701.106, 701.109, 701.122, 701.227, 701.238, 701.305, 701.315, 701.330, 701.345, 701.480, 701.485, 701.510, 701.515, 701.992, 701.995

Proposed Adoptions: 812-003-0142, 812-006-0205, 812-022-0022

Proposed Amendments: 812-002-0120, 812-003-0120, 812-003-0260, 812-003-0340, 812-003-0350, 812-003-0360, 812-003-0370, 812-003-0380, 812-005-0800, 812-006-0200, 812-009-0340, 812-020-0050, 812-020-0055, 812-020-0060, 812-020-0062, 812-020-0065, 812-020-0070, 812-020-0071, 812-020-0072, 812-020-0080, 812-020-0085, 812-020-0087, 812-020-0090, 812-022-0010, 812-022-0015, 812-022-0021

Proposed Repeals: 812-003-0142(T), 812-006-0200(T), 812-006-0205(T), 812-022-0010(T), 812-022-0021(T), 812-022-0022(T)

Last Date for Comment: 6-24-14, Close of Hearing

Summary: 812-002-0120 is amended to clarify that “casual, minor or inconsequential” work does not include that which requires a structural permit; to change the word “value” to “aggregate contract price” to clarify that the exemption relates to only one structure or project; and to add language relating to work covered by lead-based paint requirements.

812-003-0120 is amended to exempt permanently attached or affixed signs at business locations that primarily and prominently display the contractor's name.

NOTICES OF PROPOSED RULEMAKING

812-003-0142 is adopted to replace the previous rule (812-003-0140) that was mistakenly included in a repeal of rules in December 2013. This rule establishes the fees for CCB licensure. The current fees were adopted in January 26, 2010 and became effective 7/1/10 as authorized by the CCB Legislatively Approved Budget (LAB) (budget).

812-003-0260, 812-003-0340, 812-003-0350, 812-003-0360, 812-003-0370, and 812-003-0380 are amended to correct the cite references to the match the new license application fee rule (812-003-0142).

812-005-0800 is amended include reference to OAR 812-003-0280 (renewal or reissue of license), clarify when a contractor must notify CCB of its assumed business name, and to make the penalties match in sections (10) and (11).

812-006-0200 is amended to add a surety bond requirement to pre-licensure provider approvals.

812-006-0205 is adopted to create a surety bond (form) for pre-licensure provider approval.

812-009-0340 is amended to correct cite references and to add a reference to OAR 812-003-0260 that outlines information that an applicant must provide in order to obtain a license.

812-020-0050, 812-020-0055, 812-020-0060, 812-020-0062, 812-020-0065, 812-020-0070, 812-020-0072, 812-020-0080, 812-020-0085, 812-020-0087, and 812-020-0090 are amended to correct cite references (ORS 701.124 was renumbered to 701.086 in 2013).

812-020-0071 is amended to permit commercially endorsed contractors to “count” their RCE hours towards their commercial continuing education requirements. The rule refers to ORS 701.126, which was repealed in 2013. Subsection (1) of the rule allows commercial contractors to use “old” RCE until the end of 2014 (as is permitted for residential contractor renewals). Subsection (2) of the rule corresponds with the new RCE program.

812-022-0010 is amended to extend the period of time to December 31, 2015, during which a contractor may renew their CCB license based upon RCE earned before January 1, 2014; and to clarify that: 1) CCB-LRB substitutes for new CCB-LRB requirements (up to three hours); 2) BEST and Building Codes substitutes for new Series A course requirements (up to five hours); and 3) electives substitute for new Series B course requirements (up to eight hours).

812-022-0015 is amended to provide hours in excess of the three required CCB-LRB hours will be counted towards the 8 hour requirement of less experienced residential contractors. Effectively, they will substitute for “Series B” courses.

812-022-0021 is amended to remove references to course substitution and to add exemptions for contractors with a registered architect (owner or officer), and contractors with a licensed professional engineer (owner or officer).

812-022-0022 is adopted to permit a contractor to count any period during which it was licensed towards the six-year requirement to qualify for renewal by completing eight, rather than 16, hours of continuing education, permit contractors to use the experience of its RMI to qualify for renewal by completing eight, rather than 16 hours of continuing education, and clarifies that the licensing or experience does not need to be continuous.

NOTE: In order to save postage and printing costs in these difficult times, CCB is only providing a copy of the notice. To view the language of each individual rule change, please go to our web site at http://www.oregon.gov/CCB/Laws_Rules.shtml#Administrative_Rule_Notices. If you don't have web access, contact Rules Coordinator Cathy Dixon at (503) 934-2185 for assistance in receiving a copy.

Rules Coordinator: Catherine Dixon

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

Telephone: (503) 934-2185

Department of Agriculture Chapter 603

Rule Caption: Repeals 603-052-1250 and harmonizes 603-052-1230 with new federal orders for *Phytophthora ramorum*.

Date:	Time:	Location:
6-19-14	10 a.m.	151 Hawthorne Ave. NE Salem, OR 97310

Hearing Officer: Stephanie Page

Stat. Auth.: ORS 561.190 & 561.560, 561.510 & 570.305

Stats. Implemented: ORS 561.560 & 561.190

Proposed Amendments: 603-052-1230

Proposed Repeals: 603-052-1250

Last Date for Comment: 6-23-14, 5 p.m.

Summary: The USDA Animal and Plant Health Inspection Service (APHIS) has made significant changes to 7 CFR 301.92, the federal domestic quarantine for *Phytophthora ramorum*. These include: 1) removing the requirement for all Oregon nurseries to enter into compliance agreements with USDA APHIS to ship plants interstate; 2) requiring only interstate-shipping nurseries in which *P. ramorum* has been found since March 31, 2011, to continue to be inspected and certified free of the pathogen; and, 3) amending federal protocols for nursery certification and for response to pathogen detection in nurseries and other areas. We propose to: 1) amend Oregon's state quarantine for *P. ramorum* (603-052-1230) to be in harmony with the new federal requirements; and, 2) repeal Oregon's *P. ramorum* regulated area for nursery stock (603-052-1250) as the requirements listed are no longer mandatory for all nurseries shipping plants interstate.

Rules Coordinator: Sue Gooch

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

Telephone: (503) 986-4583

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Rule Caption: Adds a disease to the grape quarantine and updates pest distribution data and testing methods.

Date:	Time:	Location:
6-20-14	10 a.m.	151 Hawthorne Ave NE Salem, OR 97310

Hearing Officer: Kathleen Wickman

Stat. Auth.: ORS 561.190, 561.510 to 561.540 & 561.990–561.995

Stats. Implemented: ORS 561.510–561.540

Proposed Amendments: 603-052-0051, 603-052-1221

Last Date for Comment: 6-23-14, 5 p.m.

Summary: We are proposing to amend the grape and glassy winged sharpshooter (GWSS) quarantines to: (1) update the distribution information for GWSS in California counties; (2) add the pathogen pierce's disease (*Xylella fastidiosa*) to the grape quarantine; and (3) update the testing methods for pierce's disease. Research has demonstrated pierce's disease can survive in Oregon and this pathogen is more widely distributed in California than GWSS. By placing it to the grape quarantine and updating our accepted testing methods, we improve our protection from this disease while enabling shippers to more easily meet our quarantine requirements.

Rules Coordinator: Sue Gooch

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

Telephone: (503) 986-4583

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Department of Agriculture, Oregon Sheep Commission Chapter 644

Rule Caption: Change assessed commodity to sheep (per head basis); modify handler definition, collection process, commissioner qualifications

Date:	Time:	Location:
6-20-14	10 a.m.	Marion County Extension 3180 Center St. NE Salem, OR 97301

Hearing Officer: Staff

NOTICES OF PROPOSED RULEMAKING

Stat. Auth.: ORS 576.304(14), 576.225(3) & 576.325(2)
Stats. Implemented: ORS 576.325(4)(f) SB 719 (2013)
Proposed Amendments: 644-010-0005, 644-010-0010, 644-010-0015, 644-010-0020, 644-010-0025, 644-030-0020
Last Date for Comment: 6-20-14, 12 p.m.
Summary: These rules implement the provisions of Senate Bill 719 (2013) that changed the assessed commodity for the Oregon Sheep Commission from wool to a per head assessment on any sheep produced and sold in the State regardless of the disposition of the sheep and regardless of whether the sale is a casual sale. References to wool are deleted and new assessment rate of 50¢ per head of sheep sold is established. Rules are modified to broaden the definition of handler to anyone who buys and receives sheep from the producer in the first instance. The handler is responsible for remitting the assessment on a quarterly basis to the Commission. In those instances where a producer markets his/her sheep directly to the consumer or processor, the producer will remit the assessment. These rules follow the collection process utilized by the American Lamb Board for the national assessment. If the handler is receiving sheep for resale, the assessment is deducted from the producer's proceeds and this amount is forwarded to the subsequent purchaser, generally the out of state processor, who remits the assessment to the Oregon Sheep Commission. Due to the declining number of producers in certain regions of the state and fewer qualified handlers, these rules reduce the number of handler positions from two to one, with the remaining position to be filled by a producer. Regional qualifications for producer membership on the Commission are removed.
Rules Coordinator: Richard Kosesan
Address: Department of Agriculture, Oregon Sheep Commission, 1270 Chemeketa St. NE, Salem, OR 97301-4145
Telephone: (503) 370-7024

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

Rule Caption: Amend rule pertaining to Community College Instructor Approval
Stat. Auth.: ORS 341.015 & 326.051
Stats. Implemented: ORS 341.015 & 341.547
Proposed Amendments: 589-008-0100
Last Date for Comment: 6-24-14, Close of Business
Summary: Two administrative rules influence faculty qualifications at Oregon community colleges. One is specific to instructors of dual credit programs (589-007-0200), and one is a general rule pertaining to personnel policies and instructor approval (589-008-0100). This rule amendment aligns community college faculty qualifications between both rules.
This rule amendment was approved by the State Board of Education at its June 21, 2013 meeting, and was intended to be filed with rulemaking for 589-007-0200.
Rules Coordinator: Linda Hutchins
Address: Department of Community Colleges and Workforce Development, Public Service Bldg., 255 Capitol St. NE, Salem, OR 97310
Telephone: (503) 947-2456

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

Rule Caption: Adopts 2014 OESC and low-rise electrical provisions the 2014 ORSC
Date: 6-17-14 **Time:** 10 a.m. **Location:** 1535 Edgewater St. NW
Salem, OR 97304
Hearing Officer: Shawn Haggin
Stat. Auth.: ORS 455.610, 479.540, 479.550, 479, 560, 479.630, 479.680, 479.730 & 479.870

Stats. Implemented: ORS 455.083, 455.610, 479.540, 479.550, 479.560, 479.680, 479.630, 479.730 & 479.870
Proposed Adoptions: Rules in 918-251, 918-261, 918-283, 918-305, 918-306, 918-309 & 918-480
Proposed Amendments: Rules in 918-251, 918-261, 918-283, 918-305, 918-306, 918-309 & 918-480
Proposed Repeals: Rules in 918-251, 918-261, 918-283, 918-305, 918-306, 918-309 & 918-480
Last Date for Comment: 6-20-14, 5 p.m.
Summary: These proposed rules adopt the 2014 Oregon Electrical Specialty Code based upon 2014 edition of the NFPA 70, National Electrical Code, with Oregon specific amendments. These proposed rules also adopt the low-rise residential electrical provisions for the 2014 Oregon Residential Specialty Code. Additionally, the proposed rules include some non-substantive housekeeping changes to administrative rules that provide clarity and consistency among the division's rules.
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: Adopts 2014 OPSC and low-rise plumbing provisions of 2014 ORSC
Date: 6-17-14 **Time:** 9:30 a.m. **Location:** 1535 Edgewater St. NW
Salem, OR 97304

Hearing Officer: Andy Skinner
Stat. Auth.: ORS 447.010, 447.020, 455.020, 447.072, 447.076, 455.020, 455.030, 455.110, 455.154, 455.155 & 455.610
Stats. Implemented: ORS 447.010, 447.020, 455.020, 447.072, 447.076, 455.020, 455.030, 455.110, 455.154, 455.155 & 455.610
Proposed Adoptions: Rules in 918-480, 918-690, 918-750, 918-780 & 918-785
Proposed Amendments: Rules in 918-480, 918-690, 918-750, 918-780 & 918-785
Proposed Repeals: Rules in 918-480, 918-690, 918-750, 918-780 & 918-785
Proposed Renumberings: Rules in 918-480, 918-690, 918-750, 918-780 & 918-785
Proposed Ren. & Amends: Rules in 918-480, 918-690, 918-750, 918-780 & 918-785
Last Date for Comment: 6-20-14, 5 p.m.
Summary: These proposed rules adopt the 2014 Oregon Plumbing Specialty Code based upon 2011 Oregon Plumbing Specialty Code with Oregon specific amendments. These proposed rules also adopt the low-rise residential plumbing provisions for the 2014 Oregon Residential Specialty Code. Additionally, the proposed rules include some non-substantive housekeeping changes to administrative rule that provide clarity and consistency among the division's rules.
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: Equality in Treatment of Same-Sex Marriages Validly Performed in Other Jurisdictions
Date: 6-25-14 **Time:** 1:30 p.m. **Location:** Labor & Industries Bldg., CR E
350 Winter St. NE
Salem, OR
Hearing Officer: Jeannette Holman
Stat. Auth.: ORS 731.244
Other Auth.: United States v. Windsor, 570 U.S. 12 (2013); Oregon Department of Justice Letter of Advice dated October 16, 2013

NOTICES OF PROPOSED RULEMAKING

Stats. Implemented: ORS 731.008, 731.016 & 731.236

Proposed Adoptions: 836-010-0150

Last Date for Comment: 6-27-14, Close of Business

Summary: This proposed rule requires entities regulated by the Department of Consumer and Business Services to treat same-sex marriages validly performed in other jurisdictions the same as any marriage of heterosexual couples performed in another jurisdiction. The rule is necessary to comply with the federal Constitution in accordance with recent a United States Supreme Court decision.

Rules Coordinator: Victor Garcia

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

Telephone: (503) 947-7260

Rule Caption: Elimination of \$4 cap on amount producer may charge for obtaining motor vehicle report

Date:	Time:	Location:
7-9-14	10:30 a.m.	Labor & Industries Bldg. Conference Rm. E 350 Winter St. NE, Salem OR

Hearing Officer: Jeannette Holman

Stat. Auth.: ORS 731.244 & 744.077

Stats. Implemented: ORS 731.256 & 744.077

Proposed Amendments: 836-071-0267

Last Date for Comment: 7-15-14, Close of Business

Summary: Currently, this rule allows an insurance producer to impose an incidental charge for the actual cost of obtaining a motor vehicle report from the Motor Vehicle Division of the Oregon Department of Transportation or from the comparable agency, but limits the charge to not more than \$4. The Motor Vehicle Division of the Oregon Department of Transportation currently charges \$9.68 for electronically obtained reports. The changes in the proposed rule eliminate the \$4 cap and simply allow the producer to pass on to the consumer the actual cost imposed by the Motor Vehicle Division for obtaining the report.

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: Adoption of rules governing electronic medical billing standards

Date:	Time:	Location:
6-23-14	9 a.m.	Labor & Industries Bldg., Rm. F 350 Winter St. NE Salem, Oregon

Hearing Officer: Fred Bruyns

Stat. Auth.: ORS 656.252, 656.254 & 656.726(4)

Stats. Implemented: ORS 656.252, 656.254, 656.726(4) & 656.745

Proposed Adoptions: Rules in 436-008, 436-008-0001, 436-008-0004, 436-008-0005, 436-008-0010, 436-008-0015, 436-008-0020, 436-008-0025, 436-008-0030, 436-008-0040

Last Date for Comment: 6-27-14, Close of Business

Summary: The agency proposes to adopt OAR 436-008, Electronic Medical Billing, to establish uniform standards for electronic medical billing in the workers' compensation system, including:

- Adopting national-level electronic medical billing standards for use in Oregon;
- Defining terms used to explain electronic medical billing standards;
- Providing an option for an insurer to become exempt from the requirement to accept electronic medical bills;

- Allowing for use of alternative billing formats if those formats include all of the data elements required under the standard;

- Describing how to track and submit related documentation (attachments);

- Prescribing standards for electronic medical bill acknowledgements, remittance advice, and explanations of benefits; and

- Explaining the potential for application of civil penalties.

Teleconference dial-in number for hearing: 1-626-677-3000
Access code: 786664

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

Department of Environmental Quality Chapter 340

Rule Caption: WQ Permit Fees — 2014 Increase

Date:	Time:	Location:
6-17-14	6 p.m.	811 SW Sixth Ave. Portland, OR

Hearing Officer: Angela Parker

Stat. Auth.: ORS 454.625, 468.020 & 468.065

Stats. Implemented: ORS 454.745, 454.755, 468.065, 468B.035, 468B.050, 468B.051 & 468B.195

Proposed Amendments: 340-045-0075, 340-071-0140

Last Date for Comment: 6-19-14, 5 p.m.

Summary: Short summary:

DEQ proposes rules to increase water quality fees by 2.9 percent for individuals, businesses and government agencies that hold the following permits effective Nov. 1 2014:

- National Pollutant Discharge Elimination System permits;
- Water Pollution Control Facility permits;
- Water Pollution Control Facility permits specific to onsite septic systems.

Background

ORS 468B.051 allows water quality permit fee increases. In:

- 2002, DEQ convened the Blue Ribbon Committee on Wastewater Permitting to recommend improvements to DEQ's water quality permit program. The committee included industry, environmental and local government representatives.
- 2004, the committee published a report containing a variety of recommendations, including increasing fee revenue by no more than 3 percent each year to address increasing program costs.
- 2005, the Oregon Legislature adopted the committee's recommended annual fee increase into chapter 468B of Oregon Revised Statutes.

DEQ implemented fee increases each year between 2007 and 2013, excluding 2009.

The proposed fee increases would not affect fees for the following permits:

- Suction dredge discharge 700-PM permit fees set in Oregon statute. DEQ rules cannot change this law.
- Graywater WPCF 2401 and 2402, permit fees to encourage graywater reuse.
- Small off-stream mining operations WPCF 600 permits do not have application fees or annual fees.

The Water Quality Permitting program is responsible for:

Permit issuance. These permits cover a wide range of activities such as:

- Municipal wastewater treatment;
- Industrial wastewater treatment;
- Stormwater treatment;
- Fish hatcheries;
- Suction dredge mining;
- Seafood processing;
- Onsite sewage treatment.

Compliance and inspection. DEQ reviews Discharge Monitoring Reports submitted by permit holders and conducts inspections.

NOTICES OF PROPOSED RULEMAKING

Enforcement. DEQ may take enforcement action against permit holders that do not comply with the terms of their permits.

Pretreatment. Those facilities that receive wastewater from “significant industrial users” are required to have pretreatment programs. DEQ is required to oversee these programs.

Plan Review. Municipal wastewater treatment facilities that wish to upgrade their facilities must submit plans for review.

Regulated parties.

The proposed fee increases would affect:

- Parties that currently hold a permit;
- Parties that apply for modifications to or transfer of these permits;

- Any party that applies for a new permit;

- Any party that needs technical assistance related to these permits.

- Request for other options: During the public comment period, DEQ requests public comment on whether to consider other options for achieving the rules’ substantive goals while reducing negative economic impact of the rule on business.

Rules Coordinator: Maggie Vandehey

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

Telephone: (503) 229-6878

Rule Caption: Increase Title V Permit Fees by the Consumer Price Index

Date:

Time:

Location:

6-16-14

5:30 p.m.

811 SW Sixth Ave.
Portland, OR 97204

Hearing Officer: DEQ Staff

Stat. Auth.: ORS 468.020, 468.065, 468A.025, 468A.040, 468A.050, 468A.310 & 468A.315

Stats. Implemented: ORS 468.065, 468A.050 & 468A.315

Proposed Amendments: 340-220-0030, 340-220-0040, 340-220-0050, 340-220-0060

Last Date for Comment: 6-19-14, 5 p.m.

Summary: Short summary:

DEQ proposes rules to increase Title V operating permit fees by the change in the consumer price index as authorized by federal and state law. The proposed fee increases are necessary for DEQ to provide essential services associated with Oregon’s Title V operating permit program.

The proposed rules would increase fees in two phases. This approach would save administrative costs by holding a single public notice and comment period for two rulemakings.

Phase one: The proposed fee increase effective for invoice year 2014 is 1.7 percent based on the Bureau of Labor Statistics September 2013 consumer price index for the period September 2012 to August 2013. DEQ would apply this CPI to permit fees on the invoices DEQ will issue in August 2014 for emission fees and the operating period Nov. 15, 2014 to Nov. 14, 2015. DEQ will present this proposal to the Environmental Quality Commission in August 2014.

Phase two: The proposed fee increase for invoice year 2015 is an additional 1.7 percent. It is an estimate identical to the 2014 increase. DEQ will recalculate the percentage after the Bureau of Labor Statistics publishes the September 2014 consumer price index for the period September 2013 to August 2014. DEQ would apply the 2014 CPI to permit fees on the invoices DEQ will issue in August 2015 for emission fee and the operating period Nov. 15, 2015 to Nov. 14, 2016. DEQ will present this proposal to the commission in December 2014.

Background:

Title V of the federal Clean Air Act requires each state to develop and implement a comprehensive operating permit program for major industrial sources of air pollution.

Oregon’s Title V program:

- Administers federal health standards, air toxic requirements and other regulations to protect air quality.

- Issues, renews or modifies Title V permits to prevent or reduce air pollution through permit requirements.

- Completes required Title V inspections.

- Ensures that existing sources of air pollution comply with state and federal air emissions standards.

- Ensures that new sources of air pollution install controls such as filtration equipment, combustion controls and vapor controls needed to protect air quality.

- Issues public notices and information about the Title V program; and

- Provides other essential services such as emission inventories, technical assistance, inspections, enforcement, rule and policy development, data management and reporting to EPA.

Regulated parties:

The proposed rules would affect facilities that currently have a Title V permit and any facility that applies for this type of permit in the future.

Request for other options:

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

Rules Coordinator: Maggie Vandehey

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

Telephone: (503) 229-6878

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

Rule Caption: Repeal inapplicable rules for Individual Support Plans in OAR chapter 411, division 341

Date:

Time:

Location:

6-16-14

4 p.m.

Human Services Bldg.
500 Summer St. NE, Rm. 160
Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 409.050

Proposed Repeals: 411-341-1300, 411-341-1310, 411-341-1320, 411-341-1330, 411-341-1340, 411-341-1350, 411-341-1360, 411-341-1370

Last Date for Comment: 6-23-14, 5 p.m.

Summary: The Department of Human Services (Department) is proposing to repeal the rules for individual support plans (ISP) for individuals with intellectual or developmental disabilities in OAR chapter 411, division 341 because the rules are no longer applicable. Current ISP rule requirements are located in corresponding program rules for developmental disability services.

Rules Coordinator: Kimberly Colkitt-Hallman

Address: Department of Human Services, Aging and People with Disabilities and Developmental Disabilities, 500 Summer St. NE, E48, Salem, OR 97301

Telephone: (503) 945-6398

Rule Caption: Nursing Facility Rates

Date:

Time:

Location:

6-16-14

2 p.m.

Human Services Bldg.
500 Summer St. NE, Rm. 160
Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 410.070

Other Auth.: HB 2216 (2013)

Stats. Implemented: ORS 410.070

Proposed Amendments: 411-070-0442, 411-070-0452

Last Date for Comment: 6-23-14, 5 p.m.

NOTICES OF PROPOSED RULEMAKING

Summary: The Department of Human Services (Department) is proposing to amend the Medicaid Nursing Facility rules set forth in OAR chapter 411, division 070 to allow the Department to do an annual rebasing of the nursing facility rate as authorized in HB 2216. The current rule reflects biennial language in regards to inflation that is applied to nursing facility rates. The Department needs to change the language to take out the biennial terminology in regards to inflation. The proposed rulemaking allows the Department to address inflation used for annual rebasing of nursing facility rates.

Rules Coordinator: Kimberly Colkitt-Hallman
Address: Department of Human Services, Aging and People with Disabilities and Developmental Disabilities, 500 Summer St. NE, E48, Salem, OR 97301
Telephone: (503) 945-6398

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

Rule Caption: Adopt, by reference, the Hazardous Substance Possession Fee schedule effective July 1, 2014.

Stat. Auth.: ORS 453.367

Stats. Implemented: ORS 453.307–453.414

Proposed Amendments: 837-090-1030

Last Date for Comment: 6-23-14, 5 p.m.

Summary: Fee schedules are established by Office of State Fire Marshal for any person possessing a hazardous substance at a facility in this state. This rule amendment adopts, by reference, the Hazardous Substance Possession Fee schedule effective July 1, 2014.

This rule amendment will take effect July 1, 2014.

Rules Coordinator: Valerie Abrahamson
Address: Department of Oregon State Police, Office of State Fire Marshal, 4760 Portland Rd. NE, Salem, OR 97305-1760
Telephone: (503) 934-8211

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Department of Public Safety Standards and Training Chapter 259

Rule Caption: Adds an additional certification requirement for armed private security professionals regarding firearms instruction.

Stat. Auth.: ORS 181.873–181.878 & 181.883–181.885

Stats. Implemented: ORS 181.873–181.878 & 181.883–181.885

Proposed Amendments: 259-060-0120

Last Date for Comment: 6-23-14, Close of Business

Summary: This proposed rule change adds the requirement to rule that armed private security professionals who fail to complete the armed annual refresher course must complete the 24-hours of basic firearms instruction before reissuance of certification.

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: Updates fingerprint card processes and requirements; housekeeping.

Stat. Auth.: ORS 181.640, 181.644 & 183.341

Stats. Implemented: ORS 181.640, 181.644 & 183.341

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

Last Date for Comment: 6-23-14, Close of Business

Summary: Current rule requires that all Oregon public safety officers be fingerprinted upon employment as a public safety officer. Due to advances in technology, DPSST's rules regarding submitting applicant fingerprint cards are outdated. This proposed rule change updates the rule to reflect current fingerprint card processes and requirements.

Further, this proposed rule change also revises the wording in both 259-008-0010 and 259-008-0011 to ensure rule continuity and consistency. Finally, it eliminates obsolete language and provides minor housekeeping changes for clarity.

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: Extend the application date on the intermediate and advanced certification chart.

Stat. Auth.: ORS 181.640, 181.644, 181.651, 181.652, 181.653, 181.654 & 181.665

Stats. Implemented: ORS 181.640, 181.644, 181.651, 181.652, 181.653, 181.654 & 181.665

Proposed Amendments: 259-008-0060

Last Date for Comment: 6-23-14, Close of Business

Summary: A multi-disciplined workgroup was formed in 2007 to evaluate DPSST's Intermediate and Advanced certification charts. The mission of the workgroup was to review the charts and update the minimum standards for achieving upper levels of certification in the criminal justice profession. The workgroup was comprised of management and represented staff from each of the four disciplines; police, corrections, parole and probation, and telecommunications.

From 2007 to 2012, the workgroup met to develop updated charts that addressed the needs of both the profession and public safety personnel. This was a lengthy process that involved the Board, all the Policy Committees, the OSSA, OACP, APCO/NENA, and OACCD.

The workgroup developed two charts; one that applied to police, corrections, and parole and probation and one that applied to telecommunications.

The new certification charts were approved by all involved entities and became effective November 1, 2012; however, a stipulation was added to rule that allowed public safety professionals to apply for intermediate or advanced certification under either the old or new certification system until October 31, 2014.

A number of constituents expressed frustration with the new application process for intermediate and advanced certification. To alleviate these frustrations, DPSST is reevaluating the manner the applications are processed internally. Current rule allows officers to apply under either the old chart or the new chart until October 31, 2014. This proposed rule change extends this deadline to October 31, 2015, to allow time to refine the application process.

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: Amend the definition of "Temporary Work Permit" and provide consistency throughout the rule set.

Stat. Auth.: ORS 181.870 & 181.878

Stats. Implemented: ORS 181.870 & 181.878

Proposed Amendments: 259-060-0010

Last Date for Comment: 6-23-14, Close of Business

Summary: This proposed rule change amends the definition of "Temporary Work Permit." The amended definition clarifies that only managers that are both employers and are licensed by DPSST may issue temporary work permits. The change also provides consistency throughout the rule set.

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 regarding discretionary disqualifying crimes.

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

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

Proposed Amendments: 259-008-0070

Proposed Repeals: 259-008-0070(T)

Last Date for Comment: 6-23-14, Close of Business

NOTICES OF PROPOSED RULEMAKING

Summary: On September 23, 2013, DPSST filed a permanent rule regarding changes stemming from HB 2712 (Oregon Laws, Chapter 597). OAR 259-008-0070 was changed to add numerous discretionary disqualifying crimes and presumptive categories. Additional rule changes included removing crimes in the category of Misconduct (Category V) from the discretionary list and adding language to allow for summary staff disposition or administrative closure for crimes with a presumptive category of only Misconduct (Category V) if the conviction occurred over seven years prior to the date of review and it represented the sole criminal conviction in the officer's history.

In November of 2013, DPSST initialed another rule change to OAR 259-008-0070 regarding default orders. This rule change updated and clarified the contested case process. This rule change was filed permanently on January 28, 2014. During the process of this rule change, the permanent changes made to OAR 259-008-0070 on September 23, 2013, were inadvertently omitted.

On February 27, 2014, with DPSST Director Eriks Gabliks' consent, a temporary rule correcting this error was filed with the Secretary of State. This temporary rule is in effect from February 27, 2014 to August 1, 2014.

On April 24, 2014, The Board on Public Safety Standards and Training unanimously voted to approve filing the proposed rule language for OAR 259-008-0070 and begin the permanent rulemaking process to replace the current temporary rule.

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 regarding denial/suspension/revocation.

Stat. Auth.: ORS 181.878, 181.882 & 181.885

Stats. Implemented: ORS 181.878 & 181.885

Proposed Amendments: 259-060-0300

Proposed Repeals: 259-060-0300(T)

Last Date for Comment: 6-23-14, Close of Business

Summary: On January 2, 2014, DPSST filed a permanent rule change to OAR 259-060-0300, which allowed DPSST staff to consult and reach a consensus to summarily dispose of or administratively close cases involving discretionary disqualifying misconduct of private security providers. Additionally, the rule change corrected an ORS citation for the crime of Interfering with Public Transportation and minor housekeeping.

On January 28, 2014, DPSST filed another permanent rule change to OAR 259-060-0300, updating and clarifying the contested case process involving default orders and housekeeping.

During the process of this rule change, the permanent changes made to OAR 259-060-0300 on January 2, 2014, were inadvertently omitted.

On March 6, 2014, with DPSST Director Eriks Gabliks' consent, a temporary rule correcting this error was filed with the Secretary of State. This temporary rule is in effect from March 6, 2014 to August 1, 2014.

On April 24, 2014, The Board on Public Safety Standards and Training unanimously voted to approve filing the proposed rule language for OAR 259-060-0300 and begin the permanent rulemaking process to replace the current temporary rule.

Rules Coordinator: Sharon Huck

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

Telephone: (503) 378-2432

Department of Revenue Chapter 150

Rule Caption: W2, 1099 penalties; Corporation sales factor; state/foreign tax addback; foreign tax havens; Electronic filing/signature methods

Date: 6-23-14

Time: 10 a.m.

Location:
955 Center St. NE,
Fishbowl Conference Rm.
Salem OR 97301

Hearing Officer: Mika Timmons

Stat. Auth.: ORS 305.100, 305.145, 305.810 & 317.715

Stats. Implemented: ORS 84.052, 305.100, 305.145, 305.810, 314.360, 314.665, 316.202, 317.314, 317.715, 323.105, 323.106 & 323.520

Proposed Adoptions: 150-305.100-(D), 150-305.145(5), 150-317.715(5), 150-323.106

Proposed Amendments: 150-305.810, 150-314.360, 150-316.202(3), 150-314.665(1)-(A), 150-317.314, 150-323.105, 150-323.520

Proposed Ren. & Amends: 150-317.715(2)-(A) to 150-317.715(3)-(A), 150-317.715(2)-(B) to 150-317.715(3)-(B), 150-317.715(3)(b) to 150-317.715(4)(b)

Last Date for Comment: 6-23-14, 5 p.m.

Summary: 150-305.145(5) — provides for waiver of W-2 or 1099 (information return) penalties in certain circumstances.

150-305.100-(D) — clarifies acceptable methods of filing returns, statements, and other documents with the Department of Revenue, including electronic filing.

150-305.810 — prescribes methods in which person filing return, statement, or other document may verify filing made under penalties for false swearing.

150-314.360 — clarifies penalty provisions in HB 2464 (2013). HB 2464 added penalties for employers who fail to file a timely W-2G or 1099 (information return) or file an incorrect or incomplete information return with the department. HB 2464 also added enhanced penalties for knowingly failing to file a timely information return or knowingly filing a false, misleading or incomplete information return.

150-314.665(1)-(A) — provides method by which the sales factor is computed - the rule is amended to clarify intangible property associated with the incidental or occasional sale of a fixed asset, and sales tax receipts, are excluded from the sales factor.

150-316.202(3) — clarifies penalty provisions in HB 2464 (2013). HB 2464 added penalties for employers who fail to file a timely federal form W-2 (W-2) or file an incorrect or incomplete W-2 with the department. HB 2464 also added enhanced penalties for knowingly failing to file a timely W-2 or knowingly filing a false, misleading or incomplete W-2.

150-317.314 — provides guidance to the subjectivity of the state/foreign net income tax addback.

150-317.715(2)-(A) — renumbers the rule due to 2013 regular legislative session change to ORS 317.715 (HB 2460) and revises the "publications" statement.

150-317.715(2)-(B) — renumbers the rule due to 2013 regular legislative session change to ORS 317.715 (HB 2460), updates the tax years used in the examples and revises the "publications" statement.

150-317.715(3)(b) — renumbers the rule due to 2013 regular legislative session change to ORS 317.715 (HB 2460) and clarifies that intercompany eliminations addressed in subsection (3) of the rule apply to unitary members incorporated in a listed foreign jurisdiction.

150-317.715(5) — adopts the legislatively required rules per subsection (5) of ORS 317.715 (HB 2460, 2013 regular session).

150-323.105 — deletes section (2) from 150-323.105 and transfers that language to 150-323.106.

150-323.106 — incorporates section (2) from 150-323.105 and specifies the methods in which a person applying for a cigarette dis-

NOTICES OF PROPOSED RULEMAKING

tributor license may certify the applicant will comply with provisions in the Master Settlement Agreement.

150-323.520 — specifies the methods in which a person applying for a tobacco products distributor license may certify the applicant will comply with provisions in the Master Settlement Agreement.

Rules Coordinator: Deanna Mack

Address: Department of Revenue, 955 Center St. NE, Salem, OR 97301

Telephone: (503) 947-2082

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Rule Caption: Personal Income Tax: Nonresident income; substantial income understatement; biomass/farmworker credits, interest on estimated tax underpayment

Date:	Time:	Location:
6-23-14	10 a.m.	955 Center St. NE Fishbowl Conference Rm. Salem, OR 97301

Hearing Officer: Mika Timmons

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 314.410, 315.164, 317.147, 316.127 & 316.587

Proposed Amendments: 150-314.410(2), 150-315.164, 150-317.147, 150-316.127-(A), 150-316.587(8)-(A)

Proposed Repeals: 150-315.141

Last Date for Comment: 6-23-14, 5 p.m.

Summary: 150-314.410(2) — ties the definition of gross income for a trade or business to IRC 6501 for substantial understatement of income penalty.

150-315.164 — conforms language in rule to HB 3367 (2013 Legislation) that changed “farmworker housing” to “agriculture workforce housing” and “farmworker” to “agricultural worker.”

150-317.147 — conforms language in rule to HB 3367 (2013 Legislation) that changed “farmworker housing” to “agriculture workforce housing” and “farmworker” to “agricultural worker.”

150-316.127-(A) — clarifies how to allocate lump sum payments of sick leave, holiday and vacation pay when the leave is accrued over multiple years within and without Oregon.

150-316.587(8)-(A) — eliminates the requirement that the prior year return has to be timely filed to qualify for a safe harbor for underpayment of estimated taxes.

Rules Coordinator: Deanna Mack

Address: Department of Revenue, 955 Center St. NE, Salem, OR 97301

Telephone: (503) 947-2082

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Rule Caption: Property tax: ORMAP, Leases, Exemptions, Hardships, Extensions, Expenditures, Appropriations, Nonprofit Housing, Communication Companies, and Deferral

Date:	Time:	Location:
6-23-14	10 a.m.	955 Center St. NE Fishbowl Conference Rm. Salem, OR 97301

Hearing Officer: Mika Timmons

Stat. Auth.: ORS 294.495, 305.100, 307.112, 308.156, 308.205, 308.215, 308.707, 310.090 & 311.683

Stats. Implemented: ORS 294.456, 306.132, 307.166, 307.175, 307.475, 307.547, 308.290, 308A.056, 308A.092, 311.684 & 311.691

Proposed Adoptions: 150-308A.056(1)(g)

Proposed Amendments: 150-294.456(3), 150-306.132, 150-307.166, 150-307.175, 150-307.475, 150-307.547, 150-308.290-(A), 150-308A.092, 150-311.684, 150-311.691

Proposed Repeals: 150-294.352(1)-(B), 150-308.515(1)(h), 150-311.686(2)

Last Date for Comment: 6-23-14, 5 p.m.

Summary: 150-294.352(1)-(B) — is redundant (merely repeats the statute) and therefore is not needed.

150-294.456(3) — conforms the rule to multiple statutes governing appropriations.

150-306.132 — makes changes to the funding criteria consistent with recent ORMAP governing body recommendations.

150-307.166 — conforms exemption application process consistent with recent law changes for property under a government to government lease.

150-307.175 — conforms with new law changes for the qualification criteria and application of the property tax exemptions of alternative energy systems.

150-307.475 — adds “active military service” as a condition of a good and sufficient cause claim for failure to timely file for an exemption in certain circumstances.

150-307.547 — conforms the filing deadline to be consistent with changes made by 2013’s HB 2227.

150-308.290-(A) — changes the extension filing deadline for personal and industrial returns from March 1 to February 15th.

150-308.515(1)(h) — repealed because of an appellate court ruling.

150-308A.056(1)(g) — describes procedures relating to donations to local food banks or schools as a farm use.

150-308A.092 — removes the reference to the small claims process that was eliminated by the 2005 legislature.

150-311.684 — makes a clerical change to punctuation at the end of one sentence.

150-311.686(2) — due to changes made to the law in 2013 for the property tax deferral program the rule is no longer necessary.

150-311.691 — conforms the “delay of foreclosure” process for property tax deferral due to recent law changes.

Rules Coordinator: Deanna Mack

Address: Department of Revenue, 955 Center St. NE, Salem, OR 97301

Telephone: (503) 947-2082

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Economic Recovery Review Council

Chapter 966

Rule Caption: This rule amendment relates to the Economic Recovery Review Council.

Stat. Auth.: ORS 197.723

Stats. Implemented: ORS 197.723

Proposed Amendments: Rules in 966-100

Last Date for Comment: 6-20-14, Close of Business

Summary: The Economic Recovery Review Council met on March 27, 2014 and approved a new Regionally Significant Industrial Area (RISA) named the Spalding Industrial Area. This rule amendment describes this new RISA specifying acreage and parcel areas.

Rules Coordinator: Mindee Sublette

Address: Economic Recovery Review Council, 775 Summer St. NE, Suite 200, Salem, OR 97301

Telephone: (503) 986-0036

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Oregon Board of Dentistry

Chapter 818

Rule Caption: Amends Rules regarding Fees, Practice, Conduct, Infection Control, Continuing Education, Hygiene, Anesthesia and Radiologic Proficiency.

Date:	Time:	Location:
6-26-14	7 p.m.	OHSU Center for Health & Healing 749 SW Whitaker St. Conference Rm. 1A, 3rd Floor Portland, OR 97239

Hearing Officer: Board President

Stat. Auth.: ORS 183.325-183.355, 183.400, 679.250, 679.255, 680.150, 680.200 & 680.205

Stats. Implemented: ORS 670.260, 676.185, 676.190, 676.195, 676.200, 679.010, 679.020, 679.025, 679.060, 679.090, 679.115, 679.120, 679.140, 679.160, 679.170, 679.250, 680.050, 680.072, 680.075, 680.082, 680.100, 680.150, 680.200 & 680.205

Proposed Amendments: 818-001-0087, 818-012-0005, 818-012-0030, 818-012-0040, 818-021-0060, 818-021-0070, 818-026-0050,

NOTICES OF PROPOSED RULEMAKING

818-026-0055, 818-026-0060, 818-026-0065, 818-026-0070, 818-035-0025, 818-035-0030, 818-035-0040, 818-042-0040, 818-042-0050, 818-042-0060, 818-042-0090, 818-042-0120, 818-042-0130

Last Date for Comment: 6-26-14, 4 p.m.

Summary: The Board is amending 818-001-0087 Fees to add a Non-Resident Dental Permit fee.

The Board is amending 818-012-0005 Scope of Practice to correct the name of an organization referenced in rule.

The Board is amending 818-012-0030 Unprofessional Conduct so that failure to maintain a current BLS/CPR training or its equivalent is unprofessional conduct.

The Board is amending 818-012-0040 Infection Control Guidelines to clarify the rule regarding testing and proper function of heat sterilization devices each calendar week.

The Board is amending 818-021-0060 Continuing Education - Dentists to add 2 hours of continuing education related to infection control.

The Board is amending 818-021-0070 Continuing Education - Dental Hygienists to add 2 hours of continuing education related to infection control.

The Board is amending 818-026-0050 Minimal Sedation Permit to add that after training a dental assistant may administer oral sedative agents or anxiolysis agents calculated and dispensed by a dentist under direct supervision.

The Board is amending 818-026-0055 Dental Hygiene and Dental Assistant Procedures Performed Under Nitrous Oxide or Minimal Sedation to clarify the protocols and pre and post operative care required.

The Board is amending 818-026-0060 Moderate Sedation Permit to allow dental assistants to dispense oral medications that have been prepared by the dentist permit holder for oral administration under direct supervision.

The Board is amending 818-026-0065 Deep Sedation Permit to clarify the criteria for recovery and transportation of a patient that has been sedated.

The Board is amending 818-026-0070 General Anesthesia Permit to clarify that a patient remain in operatory for the duration of treatment until criteria for recovery have been met.

The Board is amending 818-035-0025 Prohibitions to remove the word prescribe from the rule. OBD legal counsel has opined that dental hygienists do not have statutory authority to prescribe drugs referenced in OARs.

The Board is amending 818-035-0030 Additional Functions of Dental Hygienists to remove the word prescribe from the rule. OBD legal counsel has opined that dental hygienists do not have statutory authority to prescribe drugs referenced in rule. The rule change would also allow the removal of cement and adhesive material when using high-speed handpieces.

The Board is amending 818-035-0040 Expanded Functions of Dental Hygienists to add the ability to administer local anesthetic reversal agents and clarify the age and weight of patients for this.

The Board is amending 818-042-0040 Prohibited Acts to clarify that over the counter medications may be administered per package instructions.

The Board is amending 818-042-0050 Taking of X-Rays - Exposing of Radiographs to clarify the rules regarding assistants exposing radiographs.

The Board is amending 818-042-0060 Certification- Radiologic Proficiency to rename agency referenced in rule.

The Board is amending 818-042-0090 Additional Functions of EFDAs to clarify the wording of the rule

The Board is amending 818-042-0120 Certification by Credential to rename a state agency referenced in rule.

The Board is amending 818-042-0130 Application for Certification by Credential to rename a state agency referenced in rule.

Rules Coordinator: Stephen Prisby

Address: Oregon Board of Dentistry, 1500 SW 1st Ave., Suite 770, Portland, OR 97201

Telephone: (971) 673-3200

Oregon Business Development Department Chapter 123

Rule Caption: These rule amendments relate to the Entrepreneurial Development Loan Fund.

Stat. Auth.: ORS 285A.075, 285B.740-285B.758 & 1993 OL Ch. 765

Stats. Implemented: ORS 285A.075, 285B.740-285B.758 & 1993 OL Ch. 765

Proposed Amendments: Rules in 123-019

Last Date for Comment: 6-20-14, Close of Business

Summary: In the 2014 Regular Legislative Session, SB 1563 was passed. The amendments in these rules increase the maximum Entrepreneurial Development Loan Fund (EDLF) loan amount from \$70,000 to \$100,000 per borrower and modifies the maximum loan term from 5 years to 10 years.

Rules Coordinator: Mindee Sublette

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

Telephone: (503) 986-0036

Rule Caption: These rule amendments relate to the Oregon Low Income Community Jobs Initiative.

Stat. Auth.: ORS 285C.650-285C.656 & 315.526-315.536

Stats. Implemented: ORS 285C.650-285C.656 & 315.526-315.536

Proposed Amendments: 123-630-0090, 123-630-0100

Last Date for Comment: 6-20-14, Close of Business

Summary: Rules for the Oregon Low Income Community Jobs Initiative were recently filed and made permanent in April. This filing amends two items that were not identified in the last filing. \$130 million of qualified equity investment authority in 123-630-0090(3) has been changed to \$170 million and number 3 in 123-630-0100 has been moved to 123-630-0090(5) the language remains the same.

Rules Coordinator: Mindee Sublette

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

Telephone: (503) 986-0036

Oregon Department of Education Chapter 581

Rule Caption: Pupil Transportation updates and clarifications

Date:	Time:	Location:
6-23-14	9 a.m.	Public Service Bldg., Rm. 251B Salem, OR

Hearing Officer: Emily Nazarov

Stat. Auth.: ORS 820.100-820.190

Stats. Implemented: ORS 820.100-820.190

Proposed Amendments: 581-053-0003, 581-053-0004, 581-053-0040, 581-053-0050, 581-053-0060, 581-053-0130, 581-053-0140, 581-053-0220, 581-053-0225, 581-053-0230, 581-053-0240, 581-053-0250, 581-053-0440, 581-053-0540, 581-053-0630, 581-053-0640

Last Date for Comment: 6-23-14, 5 p.m.

Summary: The purpose of the rules ensure the safety of students while being transported to or from school or authorized school activities.

OAR 581-053-0003 Definitions:

- Added definitions for CFR, FMCSA, and Type 21 School Activity Vehicle, Modified Definition of a SPAB.

OAR 581-053-0004 Administration of Pupil Transportation — Generally:

- Added requirement that aides on school buses be trained on emergency procedures and safe riding practices.

NOTICES OF PROPOSED RULEMAKING

- Added requirement that transportation entities verify that medical examiners are certified through FMCSA when issuing a medical certificate to a CDL driver.

OAR 581-053-0040 Physical Examinations:

- Changes requirement for medical examiners to require them to be part of FMCSA National Registry of Certified Medical Examiner.

OAR 581-053-0050 Driving and Criminal Records:

- Removed date reference to seat belt violations.

OAR 581-053-0060 Refusals, Suspensions, Revocations and Invalid Certificates:

- Amended table to better align with rule 0050 relating to criminal records.

- Grammatical updates.

OAR 581-053-0130 Assistant Trainer Certificate:

- Clarified requirements when training a type 20 driver.

OAR 581-053-0140 Behind-the-Wheel Trainer Certificate:

- Clarified requirements when training a type 20 driver.

- Clarified when a skills test can be administered by someone who did the skills training.

OAR 581-053-0220 School Bus Driver's Permit and Certificate:

- Clarified when the exception from 15 hours of behind the wheel training for a new school bus can be used.

OAR 581-053-0225 Approved Training for School Bus Drivers:

- Added first aid classes to approved classes for continuing education. Established instructor qualifications.

OAR 581-053-0230 Rules Pertaining to School Bus Drivers:

- Added a requirement that school bus drivers verify the bus is empty before leaving unattended.

OAR 581-053-0240 Minimum Standards for School Buses:

- Added a requirement that used diesel buses entering Oregon meet 2007 emission standards.

- Clarified that seat/knee room is measured at the center of the seat.

OAR 581-053-0250 Retrofit Standards for Oregon School Buses:

- Prohibits school buses that operate on diesel fuel and do not meet 2007 engine standards from being retrofitted on or after January 1, 2017 and from being used on or after January 1, 2025.

OAR 581-053-0440 Minimum Standards for Purpose Built Type 20 Vehicles:

- Grammatical update and title change.

OAR 581-053-0540 Minimum Standards for Type 21 Vehicles:

- Grammatical update.

OAR 581-053-0630 Rules Pertaining to SPAB Drivers:

- Specified that drivers are not to exceed 55 mph.

OAR 581-053-0640 Minimum Standards for Special Pupil Activity Buses:

- Added a requirement to have Air Brakes on the SPAB.

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: Pupil Transportation – Approval for payments from State School Fund

Date:	Time:	Location:
6-23-14	9 a.m.	Public Service Bldg., Rm. 251B Salem, OR

Hearing Officer: Emily Nazarov

Stat. Auth.: ORS 327.013 & 820.100-820.120

Stats. Implemented: ORS 327.013 & 820.100-820.120

Proposed Amendments: 581-023-0040

Last Date for Comment: 6-23-14, 5 p.m.

Summary: Updates cost reimbursement for 2013-14 and 2014-15 school years; eliminates obsolete provisions.

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 Department of Education, Early Learning Division Chapter 414

Rule Caption: Healthy Families Oregon program

Date:	Time:	Location:
6-24-14	9 a.m.	255 Capitol St. NE Salem, OR

Hearing Officer: Emily Nazarov

Stat. Auth.: ORS 326.425

Stats. Implemented: ORS 417.795

Proposed Ren. & Amends: 423-045-0005 to 414-525-0005, 423-045-0010 to 414-525-0010, 423-045-0015 to 414-525-0015

Last Date for Comment: 6-24-14, 5 p.m.

Summary: Amends rules to reflect 2013 legislative changes to old Healthy Start program. Changes program to Healthy Families Oregon. Reflects new local early childhood structure. Specifies program is for children ages prenatal to three.

Rules Coordinator: Cindy Hunt

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

Telephone: (503) 947-5651

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Oregon Health Authority, Addictions and Mental Health Division: Addiction Services Chapter 415

Rule Caption: Permanent Amendments to OAR 415-012 entitled Licensure of Alcohol and Other Drug Abuse Programs.

Date:	Time:	Location:
6-12-14	9 a.m.	500 Summer St. NE, Rm. 137-A Salem OR

Hearing Officer: Nola Russell

Stat. Auth.: ORS 413.042 & 430.256

Other Auth.: HB 2020 (2013 Regular Session)

Stats. Implemented: ORS 430.010, 430.306, 430.397, 430.405, 430.450, 430.630, 430.850, 443.400, 813.260 & 813.500

Proposed Adoptions: 415-012-0057, 415-012-0058

Last Date for Comment: 6-17-14, Close of Business

Summary: 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 (DUII) diagnostic screenings and assessments under ORS 813.020 and 813.260.

Rules Coordinator: Nola Russell

Address: Oregon Health Authority, Addictions and Mental Health Division: Addiction Services, 500 Summer St. NE, E86, Salem, OR 97301-1118

Telephone: (503) 945-7652

NOTICES OF PROPOSED RULEMAKING

**Oregon Health Authority,
Addictions and Mental Health Division:
Mental Health Services
Chapter 309**

Rule Caption: Permanent Amendments to OAR 309-012 entitled Certificates of Approval for Mental Health Services.

Date: 6-12-14 **Time:** 9 a.m. **Location:** 500 Summer St. NE, Rm. 137-A Salem OR

Hearing Officer: Nola Russell

Stat. Auth.: ORS 413.042 & 430.256

Stats. Implemented: ORS 430.010, 430.306, 430.397, 430.405, 430.450 & 430.630

Proposed Adoptions: 309-012-0230

Proposed Amendments: 309-012-0130, 309-012-0150, 309-012-0180, 398-012-0190

Last Date for Comment: 6-17-14, Close of Business

Summary: (1) 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.

Rules Coordinator: Nola Russell

Address: Oregon Health Authority, Addictions and Mental Health Division: Mental Health Services, 500 Summer St. NE, E86, Salem, OR 97301-1118

Telephone: (503) 945-7652

Rule Caption: Permanent Amendments to OAR 309-039 entitled Non-Inpatient Mental Health Treatment Services.

Date: 6-12-14 **Time:** 9 a.m. **Location:** 500 Summer St. NE, Rm. 137-A Salem OR

Hearing Officer: Nola Russell

Stat. Auth.: ORS 413.042 & 743A.160

Other Auth.: HB 2737 (2013 Regular Session)

Stats. Implemented: ORS 743A.160 & 743.168

Proposed Amendments: 309-039-0500, 309-039-0520, 309-039-0530, 309-039-0540, 309-039-0570

Last Date for Comment: 6-17-14, Close of Business

Summary: These rules apply to non-inpatient certifications to provider organizations rendering mental health treatment services. The certifications exist solely for the purpose of qualifying for insurance reimbursement. Agencies that contract with OHA, subcontract with OHA, or contract with a Community Mental Health Program are not eligible for the "non-inpatient" certification.

Rules Coordinator: Nola Russell

Address: Oregon Health Authority, Addictions and Mental Health Division: Mental Health Services, 500 Summer St. NE, E86, Salem, OR 97301-1118

Telephone: (503) 945-7652

Rule Caption: Repeal inapplicable rules for developmental disabilities in OAR chapter 309 related to training centers

Date: 6-16-14 **Time:** 3:30 p.m. **Location:** Human Services Bldg., Rm. 160 500 Summer St. NE Salem, OR 97301

Hearing Officer: Staff

Stat. Auth.: ORS 409.050

Stats. Implemented: ORS 409.050

Proposed Repeals: 309-042-0000, 309-042-0001, 309-042-0002, 309-042-0003, 309-042-0004, 309-042-0005, 309-042-0006, 309-042-0007, 309-042-0008, 309-042-0009, 309-042-0015, 309-042-0030, 309-042-0035, 309-042-0050, 309-042-0060, 309-042-0065, 309-042-0070, 309-042-0075, 309-042-0080, 309-042-0100, 309-042-0110, 309-042-0120, 309-042-0130, 309-042-0140, 309-042-0150, 309-042-0160, 309-042-0170, 309-042-0180, 309-042-0190, 309-042-0200, 309-042-0210, 309-042-0220, 309-043-0230, 309-043-0240, 309-043-0250, 309-043-0260, 309-043-0270, 309-043-0280, 309-043-0290, 309-043-0300, 309-043-0310, 309-043-0320, 309-043-0330, 309-043-0340, 309-043-0350, 309-043-0360, 309-043-0370, 309-043-0380, 309-043-0390, 309-043-0400, 309-043-0410, 309-043-0420, 309-043-0430, 309-043-0440, 309-043-0450, 309-043-0460, 309-043-0470, 309-043-0480, 309-043-0490, 309-043-0500, 309-043-0510, 309-043-0520, 309-043-0530, 309-043-0540, 309-043-0550, 309-043-0560, 309-043-0570, 309-043-0580

Last Date for Comment: 6-23-14, 5 p.m.

Summary: The Department of Human Services (Department) is proposing to repeal rules for developmental disabilities in OAR chapter 309, divisions 42 and 43 relating to state and residential training centers because the rules are no longer applicable. In addition, rules for developmental disabilities do not belong in OAR chapter 309 because OAR chapter 309 belongs to the Oregon Health Authority (Authority), Addictions and Mental Health Division.

Rules Coordinator: Nola Russell

Address: Oregon Health Authority, Addictions and Mental Health Division: Mental Health Services, 500 Summer St. NE, E86, Salem, OR 97301-1118

Telephone: (503) 945-7652

Rule Caption: OAR 309-033: Involuntary Commitment Proceedings Permanent Amendments

Date: 6-27-14 **Time:** 9 a.m. **Location:** 500 Summer St. NE, Rm. 137-B Salem, OR

Hearing Officer: Nola Russell

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 426.005, 426.060, 426.110, 426.232, 426.236 & 430.041

Proposed Adoptions: 309-033-0725, 309-033-0732, 309-033-0733

Proposed Amendments: 309-033-0700, 309-033-0710, 309-033-0720, 309-033-0730, 309-033-0735, 309-033-0740

Last Date for Comment: 7-2-14, Close of Business

Summary: These rules establish standards for approval of community hospitals and non-hospital facilities which provide seclusion and restraint to committed persons and to persons in custody or on diversion.

Rules Coordinator: Nola Russell

Address: Oregon Health Authority, Addictions and Mental Health Division: Mental Health Services, 500 Summer St. NE, E86, Salem, OR 97301-1118

Telephone: (503) 945-7652

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

Rule Caption: Income Eligibility Guidelines for OCCS Medical Programs

NOTICES OF PROPOSED RULEMAKING

Date: 6-17-14
Time: 10:30 a.m.
Location: 500 Summer St. NE, Rm. 137B
Salem, OR 97301

Hearing Officer: Sandy Cafourek
Stat. Auth.: ORS 411.402, 411.404, 413.042 & 414.534
Other Auth.: 42 CFR: 435.110, 435.112, 435.115, 435.116, 435.118, 435.403, 435.940, 435.1200, 457.80, 457.340, 458.350, 435.3, 435.4, 435.406, 435.407, 435.940, 435.952, 435.956, 435.1008, 457.320, 457.380, 435.940, 435.956, 435.406, 457.380, 435.117, 435.170, 435.190, 435.916, 435.917, 435.926, 435.952, 435.1200, 435.1205, 447.56, 457.340, 457.350, 457.360, 457.805, 433.145, 433.147, 433.148, 433.146, 435.610, 435.115, 435.403, 435.1200, 457.80, 457.340, 458.350, 435.119, 435.222, 435.118, 433.138, 433.147, 433.148, 435.602 & 435.608
Stats. Implemented: ORS 411.060, 411.095, 411.400, 411.402, 411.404, 411.406, 411.439, 411.443, 413.032, 413.038, 414.025, 414.231, 414.440, 414.534, 414.536 & 414.706

Proposed Amendments: 410-200-0315

Proposed Repeals: 410-200-0315(T)

Last Date for Comment: 6-20-14, 5 p.m.

Summary: Every year the Federal Poverty Levels (FPL) are adjusted and published to the Federal Register. A number of OCCS medical programs and income disregards are based on percentages of the FPL and must be updated now that the FPLs have been published and must be aligned with Cover Oregon's implementation timeline.

Rules Coordinator: Sandy Cafourek

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

Telephone: (503) 945-6430

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Rule Caption: Including Additional Form Number as a Temporary Medicaid ID

Date: 6-17-14
Time: 10:30 a.m.
Location: 500 Summer St. NE, Rm. 137B
Salem, OR 97301

Hearing Officer: Sandy Cafourek
Stat. Auth.: ORS 413.042
Stats. Implemented: ORS 414.025, 414.065, 411.400-463
Proposed Amendments: 410-120-1140
Last Date for Comment: 6-20-14, 5 p.m.

Summary: The Affordable Care Act set forth a series of changes for Medicaid and CHIP eligibility including allowing hospitals to make presumptive eligibility determinations (Section 2202). This rule is amended in order to incorporate the hospital approval form as a temporary ID that guarantees eligibility for benefits.

Rules Coordinator: Sandy Cafourek

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

Telephone: (503) 945-6430

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Rule Caption: Adopts OAR 410-136-3010 Regarding the Relationship of Coordinated Care Organizations and Non-Emergent Medical Transportation

Date: 6-17-14
Time: 10:30 a.m.
Location: 500 Summer St. NE
Salem, OR 97301

Hearing Officer: Sandy Cafourek
Stat. Auth.: ORS 413.042
Stats. Implemented: ORS 413.042 & 414.065
Proposed Adoptions: 410-136-3010
Last Date for Comment: 6-20-14, 5 p.m.

Summary: This rule delineates under what circumstance a Coordinated Care Organization is responsible for providing non-emergent medical transportation (NEMT) benefits to an Oregon Health Plan recipient.

Rules Coordinator: Sandy Cafourek

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

Telephone: (503) 945-6430

Rule Caption: Eliminate OHP Standard; Expand Age Fluoride in Medical Setting; Incorporate changes to Prioritized List

Date: 6-17-14
Time: 10:30 a.m.
Location: 500 Summer St. NE, Rm. 137B
Salem, OR 97301

Hearing Officer: Sandy Cafourek
Stat. Auth.: ORS 413.042, 414.065, 414.651 & 414.707
Stats. Implemented: ORS 414.065, 414.651 & 414.707

Proposed Amendments: 410-123-1060, 410-123-1200, 410-123-1260, 410-123-1540

Proposed Repeals: 410-123-1060(T), 410-123-1200(T), 410-123-1260(T), 410-123-1540(T)

Last Date for Comment: 6-20-14, 5 p.m.

Summary: This rulemaking incorporates three prior temporary actions amending OAR 410-123-1060, 410-123-1200, 410-123-1260, and 410-123-1540. The first, "Elimination of OHP Standard Benefit Plan effective January 1, 2014," was effective 1/1/14 through 6/30/2014. The second, "Expand Age for Topical Fluoride Varnish in Medical Setting and Update Language for Dental Integration," was effective 2/28/2014 through 6/30/2014. The third, "Elimination of OHP Standard; Expand Age Fluoride in Medical Setting; Incorporate changes to Prioritized List," was effective 4/1/14 through 6/30/2014. This filing makes permanent all of these previous temporary rule changes as follows:

OAR 410-123-1060 to reflect the elimination of DMAP's OHP Standard benefit package in compliance with the Affordable Care Act;

OAR 410-123-1200 to reflect the elimination of DMAP's OHP Standard benefit package in compliance with the Affordable Care Act and to add two dental services (carries risk assessment and documentation and gingival irrigation) to the list of services that are not separately reimbursed. Both services have new Current Dental Terminology codes for 2014;

OAR 410-123-1260 to reflect the elimination of DMAP's OHP Standard benefit package in compliance with the Affordable Care Act, to restore language that was inadvertently removed from a previous rule filing, to expand the age for topical fluoride varnish in medical setting, and to remove misleading language concerning coverage of D0191 in medical settings. The amendment also aligns OHP Plus coverage to changes by the Health Evidence Review Commission's Prioritized List of Health Services effective April 1, 2014; and

OAR 410-123-1540 to more clearly state existing policy for clients eligible for OHP through the CAWEM (Citizen/Alien-Waived Emergency Medical).

Rules Coordinator: Sandy Cafourek

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

Telephone: (503) 945-6430

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Rule Caption: Amending Prior Authorization Guide May 23, July 25, Sept. 26, 2013, Jan. 30, March 27, 2014 DUR/P&T Action

Date: 6-17-14
Time: 10:30 a.m.
Location: 500 Summer St. SE
Salem, OR 97301

Hearing Officer: Sandy Cafourek
Stat. Auth.: ORS 413.032, 413.042, 414.065, 414.325, 414.330 to 414.414, 414.312 & 414.316
Stats. Implemented: ORS 414.065; 414.325, 414.334, 414.361, 414.369, 414.371, 414.353 & 414.354

Proposed Amendments: 410-121-0040

Proposed Repeals: 410-121-0040(T)

Last Date for Comment: 6-20-14, 5 p.m.

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

410-121-0040:

Hydroxyprogesterone Caproate (Makena®) — new criteria.

NOTICES OF PROPOSED RULEMAKING

Analgesics, Non-Steroidal Anti-Inflammatory Drugs — updated criteria.

Antiemetics — updated criteria.

Anti-Parkinsons Agents — updated criteria.

Cysteamine Delayed Release — new criteria.

Fentanyl Transmucosal, Buccal, and Sprays — updated criteria.

Hepatitis C Oral Protease Inhibitors/Triple Therapy — updated criteria.

Incretin Enhancers — updated criteria.

Incretin Mimetics — updated criteria.

LABA / ICS Inhalers — updated criteria.

Mipomersen and Lomitapide — new criteria.

Naltrexone Extended Release Inj (Vivitrol®) — new criteria.

Omega-3 fatty acids — new criteria.

Oral MS Drugs — updated criteria.

Oral Direct Factor Xa Inhibitor — updated criteria.

Oral Direct Thrombin Inhibitor — updated criteria.

Repository Corticotropin Injection (Acthar Gel®) — new criteria.

Roflumilast — updated criteria.

Sofosbuvir (Sovaldi®).

Saproterin — updated criteria.

Skeletal Muscle Relaxants — updated criteria.

Rules Coordinator: Sandy Cafourek

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

Telephone: (503) 945-6430

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Rule Caption: Amending PDL May 23, July 25, Sept. 26, 2013 and Jan. 30, 2014 DUR/P&T Action, and SR Contract Updates

Date:	Time:	Location:
6-17-14	10:30 a.m.	500 Summer St. NE, Rm. 137B Salem, OR 97301

Hearing Officer: Sandy Cafourek

Stat. Auth.: ORS 413.032, 413.042, 414.065, 414.325, 414.330 to 414.414, 414.312 & 414.316

Stats. Implemented: ORS 414.065; 414.325, 414.334, 414.361, 414.369, 414.371, 414.353 & 414.354

Proposed Amendments: 410-121-0030

Proposed Repeals: 410-121-0030(T)

Last Date for Comment: 6-20-14, 5 p.m.

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

410-121-0030:

Preferred:

Butorphanol Tartrate Spray.

Sumatriptan Succinate.

Peginterferon Alpha-2A.

Peginterferon Alpha-2A Sub Q.

Tricor™.

Trilipix™.

Bacitracin Zinc/Polymyx B Sulfate.

Somatropin (Norditropin®).

Mesalamine (Lialda®).

Golimumab (Simponi®).

Valproic Acid solution.

Interferon Beta-1A/Albumin (Refib™).

Interferon Beta-1B (Betaseron™).

Carbidopa/Levodopa tablet ER.

Metadate™.

Methylphenidate (Daytrana™).

Buprenorphine.

Buprenorphine-Naloxone (Suboxone™).

Buprenorphine HCL/Naloxone (Suboxone™).

Ipratropium/Albuterol Sulfate (Combivent Respimat™).

Budesonide (Pulmicort Flexhaler®).

Budesonide/Formoterol Fumarate (Symbicort®).

Benzonatate.

Guaifenesin.

Guaifenesin/Codeine Phosphate.

Guaifenesin/Dextromethorphan.

Pseudoephedrine HCL.

Atomoxetine HCL (Strattera®).

Chlorpromazine HCL.

Fluphenazine Decanoate.

Fluphenazine HCL.

Haloperidol.

Haloperidol Decanoate.

Haloperidol Lactate.

Loxapine HCL.

Loxapine Succinate.

Perhenazine.

Promazine HCL.

Thioridazine HCL.

Thiothixene.

Thiothixene HCL.

Trifluoperazine HCL.

Triflupromazine HCL.

Sofosbuvir (Sovaldi®).

Simeprevir (Olysio®).

Estradiol Transdermal patch (Vivelle Dot®, Alora®).

Tobi® — Brand only.

Non-Preferred:

Methadone HCL.

Tramadol HCL.

Imitrex®.

Zolmitriptan.

Fenofibrate, Nanocrystallized.

Spinosad (Natroba®).

Testosterone patch TD24.

Dextroamphetamine Sulfate.

Ciclesonide.

Montelukast Sodium gram pack.

Zafirlukast.

Insulin Lispro (Humalog®).

Insulin NPL/Insulin Lispro (Humalog Mix 50/50®).

Insulin NPL/Insulin Lispro (Humalog Mix 75/25®).

Nadolol.

Captopril.

Captopril/Hydrochlorothiazide.

Fosinopril Sodium.

Fosinopril/Hydrochlorothiazide.

Moexipril HCL.

Moexipril/Hydrochlorothiazide.

Quinapril HCL.

Quinapril/Hydrochlorothiazide.

Trandolapril.

Rules Coordinator: Sandy Cafourek

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

Telephone: (503) 945-6430

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Rule Caption: Revision to Fee-For-Service Medicaid rule; Additional Services Will Require Prior Authorization

Date:	Time:	Location:
6-17-14	10:30 a.m.	500 Summer St. SE Salem, OR 97301

Hearing Officer: Sandy Cafourek

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.025 & 414.065

Proposed Amendments: 410-130-0200

Last Date for Comment: 6-20-14, 5 p.m.

Summary: This rule lists medical services by billing code for which the Division requires prior authorization (PA). It applies to Medicaid clients who are fee-for-service, i.e., not enrolled in a CCO. It includes

NOTICES OF PROPOSED RULEMAKING

a link to the required forms and directions. This revision adds language to specify when providers must obtain PA and outlines the criteria the Division uses to make authorization decisions. Additionally, this revision adds PA requirement to new groups of billing codes for tonsillectomy, cholecystectomy, and ear tubes, and it adds codes to several existing groups, such as bariatric surgery, that already require PA.

Rules Coordinator: Sandy Cafourek

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

Telephone: (503) 945-6430

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Rule Caption: Add Non-Emergent Medical Transportation (NEMT) Language for Integration into Coordinated Care Organization Benefit Package

Date:	Time:	Location:
6-17-14	10:30 a.m.	500 Summer St. NE, Rm. 137B Salem, OR 97301

Hearing Officer: Sandy Cafourek

Stat. Auth.: ORS 413.042 & 414.625

Stats. Implemented: ORS 414.625

Proposed Adoptions: 410-141-3435, 410-141-3440, 410-141-3445, 410-141-3450, 410-141-3455, 410-141-3460, 410-141-3465, 410-141-3470, 410-141-3475, 410-141-3480, 410-141-3485

Last Date for Comment: 6-20-14, 5 p.m.

Summary: These rules include, but are not limited to, the requirement to implement the NEMT program within the CCO set of covered services, effective July 1, 2014; the definition of terms related to this program; and designation of who can receive services, under what circumstances, and how. Additional rule parameters include: equipment requirements, insurance requirements, what constitutes out-of-state requirements, rules applicable for children younger than 12 years old, rules relating to young adults with special physical or developmental needs (regardless of age), and secured transport for those in danger of harming themselves or others. Lastly included are ambulance transport when a medical facility or provider states the member's medical condition requires the presence of a health care professional during the emergency or non-emergency transport, modifications based on member circumstance, member rights and confidentiality, reports and documentation, audit requirements, and client reimbursed mileage, meals, and lodging.

Rules Coordinator: Sandy Cafourek

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

Telephone: (503) 945-6430

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Rule Caption: Amendment to program updates; marketing, benefits, assessment plan, measures and enrollment

Date:	Time:	Location:
6-17-14	10:30 a.m.	500 Summer St. NE, Rm. 137B Salem, OR 97301

Hearing Officer: Sandy Cafourek

Stat. Auth.: ORS 414.042, 414.625, 414.635 & 414.651

Stats. Implemented: ORS 414.610

Proposed Amendments: 410-141-0000, 410-141-0050, 410-141-0120, 410-141-0180, 410-141-0270, 410-141-0410, 410-141-0420, 410-141-0480, 410-141-0740, 410-141-3010, 410-141-3015, 410-141-3050, 410-141-3120, 410-141-3145, 410-141-3200, 410-141-3270

Last Date for Comment: 6-20-14, 5 p.m.

Summary: The OHP program administrative rules govern the Division of Medical Assistance Programs' payments for services provided to clients. The Division needs to permanently amend these rules to incorporate program updates, federal and state regulations, and housekeeping changes.

Rules Coordinator: Sandy Cafourek

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

Telephone: (503) 945-6430

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Oregon Health Authority, Office for Oregon Health Policy and Research Chapter 409

Rule Caption: Adoption of rules relating to Health Care Practitioner Credentialing, Amendments to Telemedicine and Physician Credentialing

Date:	Time:	Location:
6-19-14	10 a.m.	1225 Ferry St. SE Mt. Neahkanie Rm., 1st Floor Salem, OR 97301

Hearing Officer: Zarie Haverkate

Stat. Auth.: ORS 413.042, 441.056, 441.223, OL 2013, Ch. 603

Stats. Implemented: ORS 441.056, 441.221-441.223, 442.015, OL 2013, Ch. 603

Proposed Adoptions: 409-045-0025, 409-045-0030, 409-045-0035, 409-045-0040, 409-045-0045, 409-045-0050, 409-045-0055, 409-045-0060, 409-045-0065, 409-045-0070, 409-045-0075

Proposed Amendments: 409-045-0115, 409-045-0120, 409-045-0125, 409-045-0130, 409-045-0135

Proposed Repeals: 409-045-0000, 409-045-0105, 409-045-0110

Last Date for Comment: 6-23-14, 5 p.m.

Summary: In response to Senate Bill (SB) 604 (Ch. 603, OL 2013) from the 2013 Regular Legislative Session, the Oregon Health Authority (OHA), Office for Oregon Health Policy and Research (OHPR) has been working to establish a program and database to provide credentialing organizations access to information necessary to credential or recredential all health care practitioners in Oregon. More specifically, health care practitioners or their designees must submit necessary credentialing information into a web-based common credentialing solution one time and credentialing organizations will be required to use the solution to obtain that information. An efficient common credentialing solution will capture and store credentialing information and documents, perform verifications of select credentialing information, and execute user education. As part of the legislation, OHA needs to develop rules on the submittal and verification of health care practitioner credentialing information and the imposition of fees. OHA intends to use chapter 409, division 45 for these rules which includes credentialing rules for physicians related to the mandated credentialing forms developed by the Advisory Committee on Physician Credentialing Information (ACPCI) and to amend and make permanent the temporary rules relating to telemedicine credentialing. To ensure alignment and consistency, OHA is proposing changes to the credentialing form rules and also clarifying changes to the telemedicine credentialing rules to become permanent by June 30, 2014. The title of division 45 is proposed to be changed to Health Care Practitioner Credentialing having a broader practitioner focus.

A copy of the proposed rule is available on OHPR's website at: <http://www.oregon.gov/OHA/OHPR/pages/rulemaking/index.aspx>.

Rules Coordinator: Zarie Haverkate

Address: Oregon Health Authority, Office for Oregon Health Policy and Research, 1225 Ferry St. SE, Salem, OR 97301

Telephone: (503) 373-1574

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Oregon Public Employees Retirement System Chapter 459

Rule Caption: Implementation of HB 4155 to provide additional financial data to employers and allocate associated costs.

Date:	Time:	Location:
6-17-14	2 p.m.	PERS Boardroom 11410 SW 68th Pkwy. Tigard, OR

Hearing Officer: Daniel Rivas

Stat. Auth.: ORS 238.650, 238A.450 & HB 4155 (2014)

NOTICES OF PROPOSED RULEMAKING

Stats. Implemented: HB 4155 (2014)

Proposed Adoptions: 459-007-0009

Last Date for Comment: 7-3-14, 5 p.m.

Summary: The Governmental Accounting Standards Board (GASB) has adopted new standards for public pension plan financial reporting (GASB 67 and GASB 68). GASB 68 expands the pension liability information to be included by government bodies in their annual financial statements. The most efficient way for PERS-participating employers to obtain the needed additional data is for PERS to provide it, but the costs of doing so cannot be borne by the PERS Trust.

House Bill 4155, adopted in the 2014 Regular Legislative Session, allows the PERS Board to establish by rule procedures for recovering the additional actuarial and auditing costs associated with GASB 68 compliance. Costs will be recovered from investment earnings on employer contributions. This rule will clarify the additional information to be provided by PERS under GASB 68 and the process by which the associated costs will be allocated to employers.

This rule will have no fiscal impact to PERS administration, the PERS Fund, or PERS members. There will be a fiscal impact to PERS employers, via a reduction in annual earnings crediting, in the amount necessary to cover actual costs of providing audited financial information to comply with GASB 68 and generally accepted accounting principles.

Rules Coordinator: Daniel Rivas

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

Telephone: (503) 603-7713

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Rule Caption: Minor edits to disability rules for consistency.

Date:	Time:	Location:
6-17-14	2 p.m.	PERS Boardroom 11410 SW 68th Pkwy. Tigard, OR

Hearing Officer: Daniel Rivas

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

Stats. Implemented: ORS 238.320, 238.335 & 238A.235

Proposed Amendments: 459-015-0010, 459-076-0010

Last Date for Comment: 7-3-14, 5 p.m.

Summary: The PERS chapter 459, division 76 administrative rules clarify and implement the standards for determining eligibility and the administration of the disability program under the OPSRP Pension Program. The rules incorporate the policy decisions reflected in the Division 15 rules on the PERS Chapter 238 disability program, in accordance with the policy to keep disability standards parallel whenever possible. When the disability rules were adopted in 2005, an error was made while creating OAR 459-076-0010 to be parallel to 459-015-0010. OAR 459-076-0010 should state "orthopedic specialist" in (4)(b), but (4)(b) incorrectly states "orthopedic specialist or neurosurgeon." The proposed housekeeping edits delete the erroneous phrase "or neurosurgeon" in 459-076-0010(4)(b).

Also for consistency, section (2) in 459-076-0010 was incorporated into renumbered section (6) and into 459-015-0010(6): "The Board may deny any application or discontinue any disability benefit if an applicant: (a) Refuses to submit to an independent medical or vocational examination; or (b) Refuses to submit to any medical examination or supply a completed application or review form."

Other minor edits were made to the rules to improve readability and update citations.

Rules Coordinator: Daniel Rivas

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

Telephone: (503) 603-7713

Oregon University System,

Portland State University

Chapter 577

Rule Caption: Schedule of Fines and Fees for General Services and Other Charges.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Proposed Amendments: 577-060-0020

Last Date for Comment: 6-20-14, 5 p.m.

Summary: Portland State University (PSU) hereby adopts by reference a list of fees and other charges for fiscal year 2014-2015. The list of fees and other charges is available at Portland State University's Office of Finance and Administration website: <http://www.pdx.edu/fadm/rulemaking-portland-state> and is hereby incorporated by reference in the rule.

Rules Coordinator: Lorraine D. Baker

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

Telephone: (503) 725-8050

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Rule Caption: PSU's Population Research Center forecast schedule and process guidelines for the Oregon Population Forecasts Program.

Stat. Auth.: ORS 190 & 195

Stats. Implemented: ORS 190 & 195

Proposed Adoptions: Rules in 577-050, 577-050-0030, 577-050-0040, 577-050-0050, 577-050-0060, 577-050-0070

Proposed Amendments: Rules in 577-050, 577-050-0005, 577-050-0010, 577-050-0015, 577-050-0020

Last Date for Comment: 6-21-14, Close of Business

Summary: As required by ORS 195, these new rules establish the schedule for issuance of city-county coordinated population forecasts, the forecast intervals, and population cohorts. The rules further detail the process by which an affected local government or public member may file an objection to a proposed forecast. Text of rules changes available at <http://www.pdx.edu/fadm/rulemaking-portland-state>

Rules Coordinator: Lorraine D. Baker

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

Telephone: (503) 725-8050

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Oregon University System,

Southern Oregon University

Chapter 573

Rule Caption: Parking Enforcement and Appeals

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 352.360

Proposed Amendments: 573-050-0025

Last Date for Comment: 6-30-14, 4 p.m.

Summary: This amendment in Div. 050 edits language to correct subsections of the rule.

Rules Coordinator: Treasa Sprague

Address: Oregon University System, Southern Oregon University, 1250 Siskiyou Blvd., Ashland, OR 97520

Telephone: (541) 552-6319

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Oregon University System,

University of Oregon

Chapter 571

Rule Caption: Repeal of all Chapter 571 Oregon Administrative Rules.

Date:	Time:	Location:
6-17-14	3 p.m.	Columbia 150 University of Oregon Eugene, OR

Hearing Officer: Kathie Stanley

NOTICES OF PROPOSED RULEMAKING

Stat. Auth.: ORS 351 & 352 & 2013 OL Ch. 768

Stats. Implemented: ORS 351 & 352 & 2013 OL Ch. 768

Proposed Repeals: 571-001-0000, 571-001-0005, 571-001-0010, 571-001-0015, 571-001-0020, 571-001-0025, 571-001-0030, 571-001-0035, 571-001-0040, 571-001-0045, 571-001-0050, 571-002-0000, 571-002-0005, 571-002-0010, 571-002-0015, 571-002-0020, 571-002-0022, 571-002-0025, 571-002-0030, 571-002-0035, 571-002-0040, 571-002-0045, 571-003-0000, 571-003-0001, 571-003-0003, 571-003-0004, 571-003-0005, 571-003-0006, 571-003-0007, 571-003-0015, 571-003-0016, 571-003-0017, 571-003-0020, 571-003-0025, 571-003-0100, 571-003-0105, 571-003-0110, 571-003-0115, 571-003-0120, 571-003-0125, 571-004-0005, 571-004-0007, 571-004-0010, 571-004-0015, 571-004-0016, 571-004-0020, 571-004-0025, 571-004-0030, 571-004-0037, 571-004-0045, 571-004-0050, 571-004-0055, 571-010-0005, 571-010-0010, 571-010-0015, 571-010-0020, 571-010-0025, 571-010-0030, 571-010-0035, 571-010-0040, 571-010-0045, 571-010-0050, 571-010-0055, 571-010-0060, 571-010-0065, 571-010-0070, 571-010-0075, 571-010-0080, 571-010-0085, 571-010-0090, 571-010-0095, 571-010-0100, 571-010-0110, 571-010-0120, 571-010-0130, 571-010-0140, 571-011-0005, 571-011-0010, 571-011-0015, 571-011-0020, 571-011-0025, 571-020-0100, 571-020-0110, 571-020-0120, 571-020-0130, 571-020-0140, 571-020-0150, 571-020-0160, 571-020-0170, 571-020-0180, 571-020-0190, 571-020-0200, 571-020-0210, 571-020-0220, 571-020-0230, 571-020-0240, 571-020-0250, 571-021-0100, 571-021-0105, 571-021-0110, 571-021-0115, 571-021-0120, 571-021-

0125, 571-021-0130, 571-021-0140, 571-021-0150, 571-021-0160, 571-021-0165, 571-021-0200, 571-021-0205, 571-021-0210, 571-021-0215, 571-021-0220, 571-021-0230, 571-021-0240, 571-021-0250, 571-022-0005, 571-022-0010, 571-022-0015, 571-022-0020, 571-022-0025, 571-022-0026, 571-022-0027, 571-022-0060, 571-022-0065, 571-022-0070, 571-022-0080, 571-022-0100, 571-022-0105, 571-023-0000, 571-023-0005, 571-023-0025, 571-023-0100, 571-023-0105, 571-023-0110, 571-023-0115, 571-023-0120, 571-024-0005, 571-030-0005, 571-030-0010, 571-030-0015, 571-030-0020, 571-030-0025, 571-030-0030, 571-030-0035, 571-030-0040, 571-030-0045, 571-030-0050, 571-050-0005, 571-050-0011, 571-050-0020, 571-050-0025, 571-050-0030, 571-050-0035, 571-051-0005, 571-051-0010, 571-060-0005, 571-060-0010, 571-060-0015, 571-060-0020, 571-060-0025, 571-060-0040, 571-100-0000, 571-100-0010, 571-100-0020, 571-100-0030, 571-100-0040, 571-100-0050, 571-100-0060, 571-100-0070, 571-100-0080, 571-100-0090, 571-100-0100, 571-100-0110, 571-100-0120, 571-100-0130, 571-100-0140, 571-100-0150, 571-100-0160

Last Date for Comment: 6-18-14, 12 p.m.

Summary: The University of Oregon is repealing all Chapter 571 Oregon Administrative Rules. These rules will be adopted as University Policies with the full force of law as of July 1, 2014

Rules Coordinator: DeAnna Heying

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

Telephone: (541) 346-3037

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 1-2014

Filed with Sec. of State: 4-22-2014

Certified to be Effective: 4-22-14

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 Allegation Reports; and Rule 0030, regarding Complaints, Investigations and Audits.

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

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

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 ORS 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. 7-27-94; 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. 7-1-98; 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; ACLB 3-2001(Temp), f. & cert. ef. 7-12-01 thru 1-8-02; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 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.

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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

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

Board of Architect Examiners
Chapter 806

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

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

Rule Caption: Initial Registration Fee

Adm. Order No.: BAE 1-2014

Filed with Sec. of State: 4-24-2014

Certified to be Effective: 4-24-14

Notice Publication Date: 4-1-2014

Rules Amended: 806-010-0105

Subject: Simplifies fee structure by changing fee for initial registration from the existing dual fee system of \$75 or \$150 to a single fee of \$115.

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

806-010-0105

Fee Schedule

- (1) Initial Registration — \$115;
- (2) Renewal — \$200 (Fee for renewal in 2013 and 2014 is \$250);
 - (a) Late Renewal — \$100;
 - (b) Late CEH — \$100;
- (3) Examination Application — \$75;
- (4) Reciprocal Application — \$100;
- (5) Duplicate Wallet Card or Certificate — \$25;
- (6) Firm Registration — \$100;
- (7) Firm Renewal — \$100;
- (8) Reinstatement — \$400; (9) Miscellaneous:
 - (a) Labels, lists, or computer disk of licensees — \$50;
 - (b) Copying charges:
 - (A) The first 5 pages — free;
 - (B) Additional pages — \$0.25 per page. Stat. Auth.: ORS 671.125

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.085

Hist.: AE 3-1983, f. 1-12-83, ef. 3-1-83; AE 2-1984, f. & ef. 10-23-84; AE 1-1986, f. 11-12-86, ef. 11-13-86; AE 1-1988, f. & cert. ef. 3-14-88; AE 2-1988, f. & cert. ef. 9-9-88; AE 4-1992, f. & cert. ef. 9-2-92; AE 1-1996, f. 1-23-96, cert. ef. 2-1-96; AE 2-1997, f. & cert. ef. 9-24-97; BAE 2-1998, f. & cert. ef. 6-22-98; BAE 5-2001, f. & cert. ef. 10-24-01; BAE 2-2002, f. & cert. ef. 4-30-02; BAE 4-2002, f. & cert. ef. 8-7-02; BAE 1-2003, f. & cert. ef. 1-15-03; BAE 2-2008, f. 3-7-08, cert. ef. 7-1-08; BAE 3-2010, f. & cert. ef. 12-14-10; BAE 3-2011, f. & cert. ef. 7-22-11; BAE 3-2012, f. & cert. ef. 8-13-12; BAE 1-2013, f. & cert. ef. 2-12-13; BAE 1-2014, f. & cert. ef. 4-24-14

Rule Caption: Continuing Education Rules

Adm. Order No.: BAE 2-2014

Filed with Sec. of State: 4-24-2014

Certified to be Effective: 4-24-14

Notice Publication Date: 4-1-2014

Rules Amended: 806-010-0145

Subject: Clarifies rules for continuing education; caps requirement for reinstatement of registration at 24 hours obtained with the previous 24 months.

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

806-010-0145

Continuing Education

(1) In order to renew or reinstate architect registration an individual must:

- (a) Report 24 CEH obtained within the 2-year registration period, or
- (b) If the previous registration period was the individual's initial registration in Oregon, report the number of CEH required by the board, calculated at one hour per month of registration, beginning with the first full month following date of initial registration.
- (c) For reinstatement of registration, report one CEH per month since last date of active registration in Oregon up to a maximum of 24 hours obtained within the previous 24 months.

(d) For renewal of registration, CEH obtained after the renewal deadline in 806-010-0090(1) is subject to the late CEH fee in 806-010-0105(2)(b).

(e) Report CEH in minimum one-hour increments.

(2) A Continuing Education Hour (CEH) is defined as one continuous instructional hour (50 to 60 minutes of contact) spent in structured educational activities intended to increase or update the architect's knowledge and competence in Health, Safety and Welfare (HSW) subjects. If the

ADMINISTRATIVE RULES

provider of the structured educational activities prescribes a customary time for completion of such an activity, then such prescribed time shall, unless the Board finds the prescribed time to be unreasonable, be accepted as the architect's time for CEH purposes irrespective of actual time spent on the activity.

(3) Making false statements or misrepresentations related to continuing education activities, or failure to comply with continuing education requirements may result in revocation or non-renewal of registration, or disciplinary action.

(4) All CEH must be in HSW subjects, which are those technical and professional subjects deemed appropriate to safeguard the public and that are necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment, including but not limited to:

(a) Building Systems: structural, mechanical, electrical, plumbing, communications, security, fire protection;

(b) Construction Contract Administration: contracts, bidding, contract negotiations.

(c) Construction Documents: drawings, specifications, delivery methods;

(d) Design: urban planning, master planning, building design, site design, interiors, safety and security measures;

(e) Environmental: energy efficiency, sustainability, natural resources, natural hazards, hazardous materials, weatherproofing, insulation;

(f) Legal: laws, codes, zoning, regulations, standards, life safety, accessibility, ethics, insurance to protect owners and public;

(g) Materials and Methods: construction systems, products, finishes, furnishings, equipment;

(h) Pre-Design: land use analysis; programming, site selection, site and soils analysis, surveying;

(i) Preservation: historic, reuse, adaptation;

(5) CEH may be audited to verify compliance with these requirements. Evidence of compliance must be maintained by the architect for two years from the date of completion of the CEH. If selected for audit, the individual must provide evidence to verify completion of CEH requirements. Acceptable evidence of completion is documentary evidence issued by the AIA or other CEH provider verifying that the individual completed the continuing education activity. If audited:

(a) For renewal of registration, the individual will be notified in writing if the requirements have not been met, and shall have 60 days from the date of written notice to complete the required number of CEH and pay the late CEH fee in 806-010-0105(2)(b).

(b) For reinstatement of registration, the individual will be notified in writing if the requirements have not been met. Reinstatement will not be granted until CEH requirements have been met.

(6) Time spent on any continuing education activity may be used only once to meet CEH requirements for renewal or reinstatement of registration.

(7) The following continuing education activities do not qualify for meeting CEH requirements:

(a) Time spent in unstructured programs or self-directed study.

(b) Time spent on architectural educational tours of cities, buildings, or public places, unless there is a significant HSW component to the tour curriculum.

(c) Time spent in any teaching program sharing professional skills, such as the Architects in Schools (AIS) program.

(d) Time spent as a mentor for a person enrolled in the IDP.

(8) An individual may be granted full or partial exemption from CEH requirements if the individual submits acceptable documentation that one of the following exemption criteria has been met:

(a) Honorable active duty military service during the registration period;

(b) Individual hardship, which shall include health (certified by a medical doctor) or other good cause. The individual must provide any information requested by the board to substantiate the hardship. Individual hardship exemption is granted at the sole discretion of the board.

[ED. NOTE: Schedules & Forms referenced are available from the agency.]

Stat. Auth.: ORS 671.125

Stats. Implemented: ORS 671.125 & 671.080

Hist.: BAE 1-2000, f. & cert. ef. 2-23-00; BAE 2-2000, f. & cert. ef. 7-24-00; BAE 3-2001, f. & cert. ef. 10-4-01; BAE 3-2002, f. 7-10-02 cert. ef. 7-15-02; BAE 4-2002, f. & cert. ef. 8-7-02; BAE 1-2003, f. & cert. ef. 1-15-03; BAE 5-2004, f. & cert. ef. 5-5-04; BAE 7-2006, f. & cert. ef. 12-13-06; BAE 2-2008, f. 3-7-08, cert. ef. 7-1-08; BAE 1-2010, f. & cert. ef. 4-6-10; BAE 3-2012, f. & cert. ef. 8-13-12; BAE 2-2014, f. & cert. ef. 4-24-14

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

Rule Caption: Implements authority to conduct criminal background checks requiring fingerprints, for applicants, licensees and other individuals

Adm. Order No.: SPA 2-2014(Temp)

Filed with Sec. of State: 5-6-2014

Certified to be Effective: 5-19-14 thru 11-15-14

Notice Publication Date:

Rules Adopted: 335-005-0026

Subject: Implements authority to conduct enhanced state and national criminal background checks, including requiring fingerprints, to provide for the reasonable screening of applicants and licensees to determine if they have a history of criminal behavior such that they are not fit to be granted or hold a license issued by the Board.

Also allows for such checks to be required for current or prospective employees, Board members, volunteers, vendors or other contractors as a condition of employment or Board service.

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

335-005-0026

Determination of Fitness; State and Nationwide Criminal Background Checks

(1) The purpose of these rules is to provide for the reasonable screening of applicants and licensees to determine if they have a history of criminal behavior such that they are not fit to be granted or hold a license that is issued by the Board.

(2) These rules are to be applied when evaluating the criminal history of an applicant or licensee and conducting fitness determinations based upon such history. The fact that an applicant or licensee has cleared the criminal history check does not guarantee the granting or renewal of a license.

(3) The Board may request applicants and licensees to undergo a state criminal history check and a national criminal history check, using fingerprint identification of applicants or licensees. State criminal records checks using the Law Enforcement Data System maintained by the Department of State Police and national checks using the Federal Bureau of Investigation system will be conducted in accordance with ORS Chapter 181 and applicable rules adopted and procedures established by the Department of State Police. Applicants and licensees are required to:

(a) Comply with Board requirements in completing these checks;

(b) Pay relevant fees as outlined in OAR 335-060-0010(1)(f).

(4) The Board will determine if an applicant or licensee is fit to practice, or whether they are subject to denial, suspension, or revocation or a license under ORS 681.350. If an applicant is determined to be unfit, the applicant may not be granted a license. If a licensee is determined to be unfit the licensee's license may not be renewed or it may be suspended or revoked. The Board may make a fitness determination conditional upon applicant's or licensee's acceptance of probation, conditions, limitations, or other restrictions upon licensure. To make this determination, the Board may consider:

(a) A criminal records background check;

(b) Any false statements made by the applicant or licensee regarding their criminal history or other background;

(c) Any refusal to submit or consent to a criminal records check including fingerprint identification;

(d) Any other pertinent information provided by the applicant or licensee or obtained as part of an investigation.

(5) Except as otherwise provided in section (2), in making the fitness determination the Board shall consider:

(a) The nature of the crime;

(b) The facts that support the conviction or pending indictment or that indicate the making of the false statement;

(c) The relevancy, if any, of the crime or the false statement to the specific requirements of the applicant's or licensee's present or proposed license; and

(d) Intervening circumstances relevant to the responsibilities and circumstances of the license. Intervening circumstances include but are not limited to:

(A) The passage of time since the commission of the crime;

(B) The age of the applicant or licensee at the time of the crime;

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(C) The likelihood of a repetition of offenses or of the commission of another crime;

(D) The subsequent commission of another relevant crime;

(E) Whether the conviction was set aside and the legal effect of setting aside the conviction; and

(F) A recommendation of an employer.

(e) Any other relevant information.

(6) All background checks shall be requested to include available state and national data, unless obtaining one or the other is an acceptable alternative.

(7) In order to conduct the Oregon and National Criminal Records Check and fitness determination, the Board may require additional information from the licensee or applicant as necessary, such as but not limited to, proof of identity; residential and employment history; names used while living at each residence; or additional criminal, judicial or other background information.

(8) Criminal offender information is confidential. Dissemination of information received under this rule is part of the investigation of an applicant or licensee and as such is confidential pursuant to ORS 676.175.

(9) The Board will permit the individual for whom a fingerprint-based criminal records check was conducted to inspect the individual's own state and national criminal offender records and, if requested by the subject individual, provide the individual with a copy of the individual's own state and national criminal offender records.

(10) The Board may consider any conviction of any violation of the law for which the court could impose a punishment and in compliance with ORS 681.490. The Board may also consider any arrests and court records that may be indicative of an individual's inability to perform as a licensee with care and safety to the public.

(11) If an applicant or licensee is determined not to be fit for a license, the applicant or licensee is entitled to a contested case process pursuant to ORS 183.414-470. Challenges to the accuracy or completeness of information provided by the Oregon Department of State Police, Federal Bureau of Investigation and agencies reporting information must be made through the Oregon Department of State Police, Federal Bureau of Investigation, or reporting agency and not through the contested case process pursuant to ORS 183.

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

(13) The Board may require current or prospective employees, Board members, volunteers, vendors or other contractors to undergo a criminal background check as described in this rule as a condition of employment or Board service.

Stat. Auth.: ORS 181.534, 676.303, 681.330, 681.350

Stat. Implemented: ORS 181.534, 676.175, 676.303, 681.260, 681.264, 681.320, 681.325, 681.350, 681.360

Hist.: SPA 2-2014(Temp), f. 5-6-14, cert. ef. 5-19-14 thru 11-15-14

Board of Parole and Post-Prison Supervision Chapter 255

Rule Caption: Update the rule governing the release to post-prison supervision or parole and exit interviews.

Adm. Order No.: PAR 5-2014

Filed with Sec. of State: 5-15-2014

Certified to be Effective: 5-15-14

Notice Publication Date: 3-1-2014

Rules Amended: 255-060-0012

Subject: To clarify Board practice regarding the ordering and use of psychological or psychiatric reports in advance of exit interview hearings, other Board hearings, or release to parole

Rules Coordinator: Shawna Harnden—(503) 945-0914

255-060-0012

Psychological or Psychiatric Reports

Sections (1)–(6) of this rule apply to: inmates whose crimes were committed before November 1, 1989; all inmates convicted of aggravated murder; and inmates convicted of murder committed on or after June 30, 1995.

(1) Pursuant to ORS 144.125, the Board may order any available psychiatric/psychological report(s) from the Department of Corrections.

(2) Pursuant to ORS 144.223, the Board may postpone the parole release date administratively and order a psychiatric/psychological evaluation of any inmate anytime prior to release, except for inmates convicted of

murder committed on or between November 1, 1989, and June 29, 1995, and not designated a dangerous offender at sentencing.

(3) After review of the psychiatric/psychological reports, and all other information or documents presented during the hearing the Board may defer parole release until a specified future date upon finding: The inmate has a present severe emotional disturbance, such as to constitute a danger to the health or safety of the community.

(4) The Board shall not deny release on parole solely because of an inmate's present severe emotional disturbance. The Board must also find the condition constitutes a danger to the health or safety of the community.

(5) The Board may defer a scheduled parole release date for no fewer than two years and no longer than ten years. A deferral of longer than two years must comply with OAR 255 division 62 of these rules.

(6) If the Board finds the inmate does not have a present severe emotional disturbance such as to constitute a danger to the health or safety of the community, the Board shall affirm the parole release date and set parole conditions.

(7) If the Board finds the inmate has a present severe emotional disturbance, but that the disturbance is not so severe as to constitute a danger to the health or safety of the community, the Board may affirm the parole release date and set parole conditions.

(8) For purposes of the Board finding that an inmate/offender is a sexually violent dangerous offender pursuant to OAR 255-060-0008, the Board may order a psychological or psychiatric evaluation.

Stat. Auth.: ORS 144.125, 144.223, 144.280, 144.635, 144.637

Stats. Implemented:

Hist.: PAR 2-1990, f. & cert. ef. 4-5-90; PAR 6-1997, f. 3-11-97, cert. ef. 3-14-97; PAR 5-1998, f. & cert. ef. 11-9-98; PAR 4-2000, f. & cert. ef. 2-15-00; PAR 1-2014(Temp), f. & cert. ef. 1-17-14 thru 7-16-14; PAR 5-2014, f. & cert. ef. 5-15-14

Board of Pharmacy Chapter 855

Rule Caption: Amends Division 019 Pharmacist Licensure by Reciprocity.

Adm. Order No.: BP 6-2014(Temp)

Filed with Sec. of State: 4-25-2014

Certified to be Effective: 4-25-14 thru 10-22-14

Notice Publication Date:

Rules Amended: 855-019-0130

Subject: These temporary rules allow pharmacy residents who have been accepted into a program the ability to reciprocate sooner in order to satisfy residency requirements. This is applicable to non-resident pharmacists who have obtained licensure in another state, but have less than one full year of pharmacist licensure to reciprocate.

Rules Coordinator: Karen MacLean—(971) 673-0001

855-019-0130

Licensure by Reciprocity

(1) An applicant for licensure as a pharmacist by reciprocity must meet the requirements of ORS 689.265 and the following requirements:

(a) Be a graduate of a school or college of pharmacy approved by the Board;

(b) Have passed the NAPLEX or equivalent examination with a score of not less than 75;

(c) Have passed the MPJE with a score of not less than 75;

(d) Be licensed and in good standing in the state from which the applicant bases the reciprocity application;

(e) Have either:

(A) Been engaged in the practice of pharmacy for period of at least one year including a minimum of 1440 hours of work experience as a licensed pharmacist. Evidence supporting this work experience shall be provided at time of application; or

(B) Met the internship requirements of this state within the one-year period immediately before the date of this application. Evidence from the school or college of pharmacy supporting this internship shall be provided at time of application.

(2) Licensure as a pharmacist in another state precludes licensure to practice as an intern in the State of Oregon, except an applicant that has been accepted into an Oregon pharmacy residency program or for licensure by examination or by reciprocity who must acquire internship hours to become eligible for licensure, and then only until the required hours have been acquired.

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(3) An applicant who has obtained their professional degree outside the United States is not eligible for licensure by reciprocity until they have met the requirements of OAR 855-019-0150.

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 689.151 & 689.265

Hist.: 1PB 2-1979(Temp), f. & ef. 10-3-79; 1PB 2-1980, f. & ef. 4-3-80; 1PB 2-1981, f. & ef. 8-20-81; 1PB 1-1984, f. & ef. 2-16-84; PB 1-1989, f. & cert. ef. 1-3-89; PB 4-1992, f. & cert. ef. 8-25-92; PB 1-1996, f. & cert. ef. 4-5-96; BP 1-2002, f. & cert. ef. 1-8-02; BP 4-2002, f. 6-27-02, cert. ef. 7-1-02; Renumbered from 855-019-0015 & 855-019-0030, BP 2-2008, f. & cert. ef. 2-20-08; BP 3-2010, f. 4-29-10, cert. ef. 4-30-10; BP 6-2014(Temp), f. & cert. ef. 4-25-14 thru 10-22-14

Bureau of Labor and Industries Chapter 839

Rule Caption: Removes requirement that civil penalty be assessed pursuant only to the Administrative Procedures Act

Adm. Order No.: BLI 6-2014

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

Certified to be Effective: 5-5-14

Notice Publication Date: 4-1-2014

Rules Amended: 839-001-0300

Subject: The rule amendment removes the requirement of the previous rule that restricts assessment of the civil penalty for issuance of a dishonored check for wages to the provisions of the Administrative Procedure Act (ORS 183.413 to 183.470). The proposed rule would allow implementation of ORS 652.195 to be consistent with BOLI's existing wage claim enforcement procedure.

Rules Coordinator: Marcia Ohlemiller—(971) 673-0784

839-001-0300

Liability of Employer for Issuance of Dishonored Check in Payment of Wages

(1) As used in this rule:

(a) "Check" means a check, draft or order for the payment of money.

(b) "Drawee" means a person ordered in a draft to make payment pursuant to ORS 73.0103(1)(b).

(2) Pursuant to ORS 30.701, an employer that issues a dishonored check to an employee for payment of wages due is liable to the employee for damages in an amount equal to \$100 or triple the amount for which the check is drawn, whichever is greater, in addition to the amount for which the check was drawn. The amount of damages may not exceed the amount for which the check was drawn by more than \$500.

(3) Pursuant to the provisions of ORS 652.195, the Commissioner of the Bureau of Labor and Industries may assess a civil penalty payable to the employee in an amount equal to the statutory damages provided by ORS 30.701 against an employer that issues a dishonored check to an employee for payment of wages due.

(4) The commissioner may not assess a civil penalty as provided in this rule if:

(a) After the employee or the employee's assignee has made written demand of the employer not less than 30 days before commencing the action, the employer pays the employee before the commencement of the action an amount of money not less than the amount for which the check was drawn and all interest that has accrued on the check under ORS 82.010 as of the date of demand; or

(b) The employee has commenced an action under ORS 30.701 against the employer for the same dishonored check.

(5) If the commissioner determines that the failure of the employer to satisfy the dishonored check at the time demand was made under subsection (4)(a) of this rule was due to economic hardship, the commissioner may waive all or part of the statutory damages provided for in section (2) of this rule.

(6) The provisions of this rule apply only to a check that has been dishonored because of a lack of funds or credit to pay the check, because the employer has no account with the drawee, or because the employer has stopped payment on the check without good cause. An employee is entitled to the remedies provided in this rule without regard to the reasons given by the employer for dishonoring the check.

(7) An employee may not bring an action under ORS 30.701 against an employer for the same dishonored check if the commissioner has assessed or proposed to assess a civil penalty under this rule.

Stat. Auth.: ORS 30.701, 651.060 & Ch. 652

Stats. Implemented: ORS 652

Hist.: BLI 11-2011, f. 12-30-11, cert. ef. 1-1-12; BLI 6-2014, f. & cert. ef. 5-5-14

Construction Contractors Board Chapter 812

Rule Caption: Housekeeping and Cite Reference Revisions

Adm. Order No.: CCB 3-2014

Filed with Sec. of State: 4-30-2014

Certified to be Effective: 4-30-14

Notice Publication Date: 4-1-2014

Rules Amended: 812-002-0640, 812-003-0100, 812-003-0160, 812-003-0190, 812-003-0260, 812-003-0390, 812-005-0200, 812-005-0210, 812-005-0250, 812-020-0071, 812-022-0000, 812-022-0005, 812-022-0011, 812-022-0016, 812-022-0018, 812-022-0033, 812-022-0036, 812-022-0037, 812-022-0040, 812-022-0042, 812-022-0045, 812-022-0047, 812-032-0000, 812-032-0100, 812-032-0110, 812-032-0120, 812-032-0123, 812-032-0130, 812-032-0135, 812-032-0140, 812-032-0150

Subject: 812-003-0260 is amended to correct cite references to match 2013 legislative changes and to correct the term Home Energy Performance Score Contractor; the word "Score" was left out the rule when filed.

812-005-0250 is amended to correct cite references and to remove redundant language in 812-0250(3)(d).

812-002-0640, 812-003-0100, 812-003-0160, 812-003-0190, 812-003-0390, 812-005-0200, 812-005-0210, 812-020-0071, 812-022-0000, 812-022-0005, 812-022-0011, 812-022-0016, 812-022-0018, 812-022-0033, 812-022-0036, 812-022-0037, 812-022-0040, 812-022-0042, 812-022-0045, 812-022-0047, 812-032-0000, 812-032-0100, 812-032-0110, 812-032-0120, 812-032-0123, 812-032-0130, 812-032-0135, 812-032-0140 and 812-032-0150 are amended to correct cite references.

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

812-002-0640

Renewal

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

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 670.310, 701.056, 701.063, 701.068, 701.073, 701.088, 701.131 & 701.238

Hist.: CCB 4-1998, f. & cert. ef. 4-30-98; CCB 6-1998, f. 8-31-98, cert. ef. 9-1-98; CCB 7-2000, f. 6-29-00, cert. ef. 7-1-00; CCB 4-2003, f. & cert. ef. 6-3-03; CCB 7-2005, f. 12-7-05, cert. ef. 1-1-06; CCB 7-2007, f. 12-13-07, cert. ef. 1-1-08; CCB 9-2008, f. 6-11-08, cert. ef. 7-1-08; CCB 2-2011, f. 4-28-11, cert. ef. 5-1-11; CCB 1-2013, f. 4-30-13, cert. ef. 5-1-13; CCB 3-2014, f. & cert. ef. 4-30-14

812-003-0100

Licensing Generally

(1) A license and its identifying license number will be issued to one entity only. Other entities shall not be included in that license, but each shall be separately licensed and shall separately meet the licensing requirements. No entity may perform work subject to ORS Chapter 701 through the use of another entity's license.

(2) Entities shall include but not be limited to the following:

(a) Sole proprietorship;

(b) Partnership, limited liability partnership or joint venture;

(c) Limited partnership;

(d) Corporation;

(e) Limited liability company; or

(f) Trust. For purposes of licensing, a trust will be treated the same as a corporation.

(3) All partners or joint venturers listed in subsection (2)(b) of this rule shall be on record with the agency.

(4) All general partners listed in subsection (2)(c) of this rule shall be on record with the agency. The agency shall not maintain a record of limited partners.

(5) If an entity listed in section (2) of this rule seeks to change to another entity, the former license may be terminated. The new entity must license anew.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 701.021

Hist.: CCB 9-2004, f. & cert. ef. 12-10-04; CCB 3-2005, f. & cert. ef. 8-24-05; CCB 3-2014, f. & cert. ef. 4-30-14

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812-003-0160

Entity Name Required on Bond, Letter of Credit or Cash Deposit

(1) The name of the entity as it appears on the bond, letter of credit or cash deposit must be the same as the name on the application and entity name filed at the Oregon Corporation Division (if applicable).

(a) If the entity is a sole proprietorship, the bond, letter of credit or cash deposit must include the name of the sole proprietor;

(b) If the entity is a partnership, or joint venture, the bond, letter of credit or cash deposit must include the names of all partners (except limited partners);

(c) If the entity is a limited liability partnership, the bond, letter of credit or cash deposit must be issued in the name of all partners and the name of the limited liability partnership;

(d) If the entity is a limited partnership, the bond, letter of credit or cash deposit must be issued in the name of all general partners and the name of the limited partnership and any other business names(s) used. Limited partners do not need to be listed on the bond, letter of credit or cash deposit;

(e) If the entity is a corporation or trust, the bond, letter of credit or cash deposit must be issued showing the corporate or trust name; or

(f) If the entity is a limited liability company, the bond, letter of credit or cash deposit must be issued in the name of the limited liability company.

(2) If at any time an entity amends its entity name, the agency must be notified within 30 days of the date of the change.

(3) The inclusion or exclusion of business name(s) on a bond, letter of credit or cash deposit does not limit the liability of an entity. Complaints against a licensed entity will be processed regardless of business names used by an entity.

Stat. Auth.: ORS 670.310, 701.068, 701.088 & 701.235

Stats. Implemented: ORS 701.068 & 701.088

Hist.: CCB 9-2004, f. & cert. ef. 12-10-04; CCB 15-2006, f. 12-12-06, cert. ef. 1-1-07; CCB 7-2007, f. 12-13-07, cert. ef. 1-1-08; CCB 9-2008, f. 6-11-08, cert. ef. 7-1-08; CCB 3-2014, f. & cert. ef. 4-30-14

812-003-0190

New Bond, Letter of Credit or Cash Deposit Required for Change in Entity

(1) If an entity licenses as a sole proprietorship, partnership, limited liability partnership, limited partnership, joint venture, corporation, limited liability company, business trust or any other entity and seeks to change the licensed entity to one of the other entity types, the application must be accompanied by a new:

(a) Bond separate from the bond held for the previous entity;

(b) Letter of credit separate from the letter of credit held for the previous entity; or

(c) Cash deposit separate from the previous cash deposit held for the previous entity.

(2) Riders to existing bonds changing the type of entity bonded will be construed as a cancellation of the bond and will not be otherwise accepted.

Stat. Auth.: ORS 670.310, 701.068, 701.088 & 701.235

Stats. Implemented: ORS 701.068 & 701.088

Hist.: CCB 9-2004, f. & cert. ef. 12-10-04; CCB 7-2007, f. 12-13-07, cert. ef. 1-1-08; CCB 9-2008, f. 6-11-08, cert. ef. 7-1-08; CCB 3-2014, f. & cert. ef. 4-30-14

812-003-0260

Application for New License

(1) Each entity must complete an application form prescribed by the agency. Information provided on the form must include, but not be limited to:

(a) Name of business entity, all additional business names, including assumed business names, under which business as a contractor is conducted, and Corporation Division registry numbers (if applicable);

(b) Mailing and location address of the business entity;

(c) Legal name and address (which may be the business address) of:

(A) The owner of a sole proprietorship;

(B) All partners of a general partnership or limited liability partnership;

(C) All joint venturers of a joint venture;

(D) All general partners of a limited partnership;

(E) All corporate officers of a corporation;

(F) All trustees of a trust;

(G) The manager and all members of a manager-managed limited liability company, and, if one or more of the members is a partnership, limited liability partnership, joint venture, limited partnership, corporation, trust or limited liability company, the general partners, venturers, corporate officers, trustees, managers or members of the entity that is a member of the limited liability company that is the subject of this paragraph;

(H) All members of a member-managed limited liability company, and, if one or more of the members is a partnership, limited liability partnership, joint venture, limited partnership, corporation, trust or limited liability company, the general partners, venturers, corporate officers, trustees, managers or members of the entity that is a member of the limited liability company that is the subject of this paragraph; or

(I) The responsible managing individual designated by the applicant.

(d) Except for a public company, the date of birth and driver license number of:

(A) The owner of a sole proprietorship;

(B) All partners of a general partnership or limited liability partnership;

(C) All joint venturers of a joint venture;

(D) All general partners of a limited partnership;

(E) All corporate officers of a corporation;

(F) All trustees of a trust;

(G) The manager and all members of a manager-managed limited liability company, and, if one or more of the members is a partnership, limited liability partnership, joint venture, limited partnership, corporation, trust or limited liability company, the general partners, venturers, corporate officers, trustees, managers or members of the entity that is a member of the limited liability company that is the subject of this paragraph;

(H) All members of a member-managed limited liability company, and, if one or more of the members is a partnership, limited liability partnership, joint venture, limited partnership, corporation, trust or limited liability company, the general partners, venturers, corporate officers, trustees, managers or members of the entity that is a member of the limited liability company that is the subject of this paragraph; or

(I) The responsible managing individual designated by the applicant.

(J) For purposes of this subsection, a "public company" means any business entity that offers securities registered for sale by the federal Securities and Exchange Commission to the general public.

(e) Social security number of the owner of a sole proprietorship or partners, if partners are human beings, in a general partnership;

(f) Class of independent contractor license and employer account numbers as required under OAR 812-003-0250;

(g) License endorsement sought, as provided for under OAR 812-003-0131;

(h) The identification number of the responsible managing individual who has completed the education and passed the examination required under ORS 701.122 or is otherwise exempt under division 6 of these rules;

(i) The Standard Industrial Classification (SIC) numbers of the main construction activities of the entity;

(j) Names and certification numbers of all certified locksmiths if the entity is a Residential Locksmith Services Contractor or will do work providing locksmith services under ORS 701.475 to 701.490;

(k) Names and certification numbers of all certified home inspectors if the entity will do work as a home inspector under ORS 701.350;

(l) Names and certification numbers of all certified home energy assessors if the entity is a Home Energy Performance Score Contractor providing home energy performance scores under ORS 701.527 to 701.536 or will do work providing home energy performance scores.

(m) For each person described in subsection (1)(c) of this section, the following information if related to construction activities:

(A) If unsatisfied on the date of application, a copy of a final judgment by a court in any state entered within five years preceding the application date that requires the person to pay money to another person or to a public body;

(B) If unsatisfied on the date of application, a copy of a final order by an administrative agency in any state issued within five years preceding the application date that requires the person to pay money to another person or public body;

(C) If pending on the date of application, a copy of a court complaint filed in any state that alleges that the person owes money to another person or public body; or

(D) If pending on the date of application, a copy of an administrative notice of action issued in any state that alleges that the person owes money to another person or public body.

(n) For each person described in subsection (1)(c) of this section, the following information if related to construction activities:

(A) A copy of a judgment of conviction for a crime listed in ORS 701.098(1)(i), entered within five years preceding the application date; or

(B) A copy of an indictment for a crime listed in ORS 701.098(1)(i), entered within five years preceding the application date.

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(C) In addition to documents required in paragraphs (1)(I)(A) and (B) of this section, copies of police reports, parole or probation reports indicating parole or probation officer's name and phone number, and letters of reference.

(o) Independent contractor certification statement and a signed acknowledgment that if the licensee qualifies as an independent contractor the licensee understands that the licensee and any heirs of the licensee will not qualify for workers' compensation or unemployment compensation unless specific arrangements have been made for the licensee's insurance coverage and that the licensee's election to be an independent contractor is voluntary and is not a condition of any contract entered into by the licensee;

(p) Signature of owner, partner, joint venturer, corporate officer, member or trustee, signifying that the information provided in the application is true and correct; and

(2) A complete license application includes but is not limited to:

(a) A completed application form as provided in section (1) of this rule;

(b) The new application license fee as required under OAR 812-003-0140;

(c) A properly executed bond, letter of credit or assignment of savings as required under OAR 812-003-0152, 812-003-0153 or 812-003-0155; and

(d) The certification of insurance coverage as required under OAR 812-003-0200.

(3) The agency may return an incomplete license application to the applicant with an explanation of the deficiencies.

(4) All entities listed in section (1) of this rule that are otherwise required to be registered with the Oregon Corporation Division must be registered with the Oregon Corporation Division and be active and in good standing. All assumed business names used by persons or entities listed in section (1) of this rule must be registered with the Oregon Corporation Division as the assumed business name of the person or entity using that name.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 25.270, 25.785, 25.990, 701.035, 701.050, 701.056, 701.068, 701.073, 701.081, 701.088 & 701.122

Hist.: CCB 9-2004, f. & cert. ef. 12-10-04; CCB 3-2005, f. & cert. ef. 8-24-05; CCB 6-2006, f. 5-25-06, cert. ef. 6-1-06; CCB 8-2006, f. & cert. ef. 9-5-06; CCB 15-2006, f. 12-12-06, cert. ef. 1-1-07; CCB 6-2007, f. 8-29-07, cert. ef. 9-1-07; CCB 7-2007, f. 12-13-07, cert. ef. 1-1-08; CCB 5-2008, f. 2-29-08, cert. ef. 7-1-08; CCB 6-2008, f. & cert. ef. 3-24-08; CCB 8-2008, f. 4-28-08, cert. ef. 7-1-08; CCB 12-2008, f. 6-30-08, cert. ef. 7-1-08; CCB 16-2008, f. 9-26-08, cert. ef. 10-1-08; CCB 6-2013, f. 12-19-13, cert. ef. 1-1-14; CCB 3-2014, f. & cert. ef. 4-30-14

812-003-0390

Revocation or Suspension of License

(1) Except as provided in section (2) of this rule, if the agency issues a final order, arbitration award, or determination directing a licensee to pay monetary damages and the licensee or the licensee's surety fails to pay the order, award or determination in full, the agency will revoke, suspend, or refuse to issue or reissue a license.

(2) Section (1) of this rule shall not apply if the licensee submits proof to the agency that:

(a) A United States Bankruptcy Court issued an automatic stay under Title 11 of the United States Bankruptcy Code and that stay is currently in force; or

(b) The order, award or determination described in section (1) of this rule arises from a debt that:

(A) Is included in an order of discharge issued by a United States Bankruptcy Court; or

(B) Is included in a chapter 11 plan and order conforming the plan issued by a United States Bankruptcy Court that prohibits the agency from revoking, suspending, or refusing to issue or reissue the licensee's contractor's license and the licensee is in compliance with the terms of the plan and order.

(3) The agency shall revoke, suspend, or refuse to issue or reissue a license under section (1) of this rule if:

(a) The agency previously was prevented from revoking or suspending a license or was required to issue or reissue a license under section (2) of this rule; and

(b) The licensee's bankruptcy discharge is revoked or the bankruptcy stay is lifted.

Stat. Auth.: ORS 183.310 - 183.545, 670.310, 701.235 & 701.280

Stats. Implemented: ORS 701.098

Hist.: 1BB 5, f. 6-15-76, ef. 7-1-76; 1BB 1-1978, f. & ef. 5-23-78; 1BB 6-1980, f. & ef. 11-4-80; 1BB 5-1981(Temp), f. 12-30-81, ef. 1-1-82; 1BB 1-1982, f. 3-31-82, ef. 4-1-82; 1BB 4-1982, f. & ef. 10-7-82; 1BB 1-1983, f. & ef. 3-1-83; Renumbered from 812-011-0040; 1BB 3-1983, f. 10-5-83, ef. 10-15-83; 1BB 3-1984, f. & ef. 5-11-84; BB 3-1987, f. 12-30-87, cert.

ef. 1-1-88; CCB 1-1995, f. & cert. ef. 2-2-95; CCB 7-2000, f. 6-29-00, cert. ef. 7-1-00; CCB 5-2002, f. 5-28-02, cert. ef. 6-1-02; CCB 9-2004, f. & cert. ef. 12-10-04, Renumbered from 812-003-0030; CCB 9-2008, f. 6-11-08, cert. ef. 7-1-08; CCB 6-2013, f. 12-19-13, cert. ef. 1-1-14; CCB 3-2014, f. & cert. ef. 4-30-14

812-005-0200

Unpaid Final Orders, Arbitration Awards or Determinations that Exceed the Contractor's Bond, Letter of Credit or Cash Deposit

(1) Under ORS 701.068(5), the agency must suspend the license of a licensee if the agency issues a final order, arbitration award or determination on a complaint that exceeds the amount of the bond, letter of credit or cash deposit available to pay the order, arbitration award or determination.

(2) A suspension issued under section (1) of this rule must remain in effect until the unpaid amount of the order, arbitration award or determination is paid or until the license of the licensee expires.

(3) The agency may not reinstate or renew a license suspended under section (1) of this rule until the final order, arbitration award or determination described in section (1) of this rule and any subsequently issued order, arbitration award or determination that is unpaid, is paid, or discharged in bankruptcy.

(4) As a condition of ending a suspension or renewing a license that was suspended under ORS 701.068, and section (1) of this rule, the agency may require a licensee to file a bond, letter of credit or cash deposit up to five times as much as the amount required of a licensee under 701.081 or 701.084. The amount of the increased bond, letter of credit or cash deposit required must conform to the following schedule:

(a) If the sum of unpaid amounts on final orders, arbitration awards and determinations described in section (4) of this rule exceeds the licensee's most recent bond, letter of credit or cash deposit by less than 50 percent, the agency may require a bond, letter of credit or cash deposit two times the amount required under ORS 701.081 or 701.084.

(b) If the sum of the unpaid final orders, arbitration awards and determinations described in section (4) of this rule exceeds the licensee's most recent bond, letter of credit or cash deposit by 50 percent or more, but less than 100 percent, the agency may require a bond, letter of credit or cash deposit three times the bond, letter of credit or cash deposit amount required under ORS 701.081 or 701.084.

(c) If the sum of unpaid amounts on final orders, arbitration awards and determinations exceeds the licensee's most recent bond, letter of credit or cash deposit by 100 percent or more, the agency may require a bond, letter of credit or cash deposit in the amount of five times the normal amount required under ORS 701.081 or 701.084.

(d) For purposes of this section, if a contractor has both residential and commercial bonds, the increased bond requirement will apply to both bonds, even if the unpaid amounts occurred only with respect to one of the two bonds.

Stat. Auth.: ORS 670.310, 701.068, 701.088 & 701.235

Stats. Implemented: ORS 701.068 & 701.088

Hist.: CCB 9-2004, f. & cert. ef. 12-10-04; CCB 2-2005, f. 6-29-05, cert. ef. 7-1-05; Renumbered from 812-003-0170(3)(c), CCB 7-2005, f. 12-7-05, cert. ef. 1-1-06; CCB 15-2006, f. 12-12-06, cert. ef. 1-1-07; CCB 7-2007, f. 12-13-07, cert. ef. 1-1-08; CCB 9-2008, f. 6-11-08, cert. ef. 7-1-08; CCB 6-2012, f. 4-25-12, cert. ef. 5-1-12; CCB 3-2014, f. & cert. ef. 4-30-14

812-005-0210

Conditions to Require an Increased Bond, Letter of Credit or Cash Deposit

(1) Under ORS 701.068(6), the agency may require a bond, letter of credit or cash deposit of up to five times the normally required amount, if it determines that a licensee or a current or previous owner, officer or responsible managing individual, as those terms are defined in division 2 of these rules, has:

(a) A history of unpaid final orders, arbitration awards or determinations consisting of two or more final orders, arbitration awards or determinations, which remain unpaid for longer than thirty (30) days following the date of issuance.

(b) Five or more complaints filed under ORS 701.140 and processed under 701.145 or 701.146 by five or more separate complainants within a one-year period from the date of filing of the most recent Dispute Resolution Services complaint.

(c) An unpaid construction debt as defined in ORS 701.005(4) or unpaid judgment arising from construction activity that exceeds the amount of the bond, letter of credit or cash deposit.

(d) Board final orders, arbitration awards or determinations issued in favor of one or more complainants under ORS 701.145 where the amount that must be paid exceeds the amount of the residential bond.

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(e) Board final orders or determinations issued in favor of one or more complainants under ORS 701.146 where the amount that must be paid exceeds the amount of the commercial bond.

(2) The amount of the increased bond, letter of credit or cash deposit required under subsection (1)(a) of this rule must conform to the following schedule:

(a) If the sum of unpaid amounts on final orders, arbitration awards and determinations exceeds the licensee's most recent bond, letter of credit or cash deposit by less than 50 percent, the agency may require a bond, letter of credit or cash deposit two times the amount required under ORS 701.081 or 701.084.

(b) If the sum of the unpaid final orders, arbitration awards and determinations exceeds the licensee's most recent bond, letter of credit or cash deposit by 50 percent or more, but less than 100 percent, the agency may require a bond, letter of credit or cash deposit three times the bond, letter of credit or cash deposit amount required under ORS 701.081 or 701.084.

(c) If the sum of unpaid amounts on final orders, arbitration awards and determinations exceeds the licensee's most recent bond, letter of credit or cash deposit by 100 percent or more, the agency may require a bond, letter of credit or cash deposit in the amount of five times the normal amount required under ORS 701.081 or 701.084.

(d) For purposes of this section, if a contractor has both residential and commercial bonds, the increased bond requirement will apply to both bonds, even if the unpaid amounts occurred only with respect to one of the two bonds.

(3) The amount of increased bond, letter of credit or cash deposit the agency may require under subsection (1)(b) of this rule will be based on the number of complaints filed and the time period that the complaints were received as follows:

(a) Two times the bond, letter of credit or cash deposit amount required under ORS 701.081 or 701.084 if five or more complaints are received in any twelve-month period.

(b) Three times the bond, letter of credit or cash deposit amount required under ORS 701.081 or 701.084 if five or more complaints are received in any six-month period.

(c) Five times the bond, letter of credit or cash deposit amount required under ORS 701.081 or 701.084 if five or more complaints are received in any three-month period.

(d) For purposes of this section, if a contractor has both residential and commercial bonds, the increased bond requirement will apply to both bonds, even if the unpaid amounts occurred only with respect to one of the two bonds.

(4) The amount of the increased bond, letter of credit or cash deposit required under subsection (1)(c) of this rule must conform to the following schedule:

(a) If the sum of the unpaid construction debt or judgment exceeds the licensee's most recent bond, letter of credit or cash deposit by less than 50 percent, the agency may require a bond, letter of credit or cash deposit two times the bond, letter of credit or cash deposit amount required under ORS 701.081 or 701.084.

(b) If the sum of the unpaid construction debt or judgment exceeds the licensee's most recent bond, letter of credit or cash deposit by 50 percent or more, but less than 100 percent, the agency may require a bond, letter of credit or cash deposit three times the bond, letter of credit or cash deposit amount required under ORS 701.081 or 701.084.

(c) If the sum of the unpaid construction debt or judgment exceeds the licensee's most recent bond, letter of credit or cash deposit by 100 percent or more, the agency may require a bond, letter of credit or cash deposit five times the bond, letter of credit or cash deposit amount required under ORS 701.081 or 701.084.

(d) For purposes of this section, if a contractor has both residential and commercial bonds, the increased bond requirement will apply to both bonds, even if the unpaid amounts occurred only with respect to one of the two bonds.

(5) The amount of the increased bond, letter of credit or cash deposit required under subsection (1)(d) of this rule must conform to the following schedule:

(a) If the amount of the board final orders, arbitration awards or determinations exceeds the licensee's most recent bond, letter of credit or cash deposit by less than 50 percent, the agency may require bonds, letter of credit or cash deposit two times the bond, letter of credit or cash deposit amount required under ORS 701.081 and 701.084.

(b) If the amount of the board final orders, arbitration awards or determinations exceeds the licensee's most recent bond, letter of credit or cash deposit by 50 percent or more, but less than 100 percent, the agency may

require bonds, letter of credit or cash deposit three times the bond, letter of credit or cash deposit amount required under ORS 701.081 and 701.084.

(c) If the amount of the board final orders, arbitrations or determinations exceeds the licensee's most recent bond, letter of credit or cash deposit by 100 percent or more, the agency may require bonds, letter of credit or cash deposit five times the bond, letter of credit or cash deposit amount required under ORS 701.081 or 701.084.

(6) Notwithstanding sections (2) through (5) of this rule, a business (including an individual person) licensed as a residential general contractor or residential specialty contractor that applies to be licensed as, or seeks to change its endorsement to, a residential limited contractor must file a residential bond, letter of credit or cash deposit in an amount of five times the amount of the residential limited contractor bond, namely \$50,000, if the business or its previous owner, officer or responsible managing individual has:

(a) A history of unpaid final orders, arbitration awards or determinations consisting of two or more final orders, arbitration awards or determinations unpaid for longer than thirty (30) days following the date of issuance.

(b) Five or more complaints filed under ORS 701.140 and processed under 701.145 by five or more separate complainants within a one-year period from the date of filing of the most recent Dispute Resolution Services complaint.

(c) An unpaid construction debt as defined in ORS 701.005(4) that exceeds the amount of the residential bond, letter of credit or cash deposit previously held by the business.

(d) Board final orders, arbitration awards or determinations issued in favor of one or more complainants under ORS 701.145 where the amount that must be paid exceeds the amount of the residential bond previously held by the business.

Stat. Auth.: ORS 670.310, 701.068, 701.088 & 701.235

Stats. Implemented: ORS 701.005, 701.068, 701.088 & 701.094

Hist.: CCB 9-2004, f. & cert. ef. 12-10-04; CCB 2-2005, f. 6-29-05, cert. ef. 7-1-05;

Renumbered from 812-003-0170(3)(a)-(c), CCB 7-2005, f. 12-7-05, cert. ef. 1-1-06; CCB 7-

2006, f. & cert. ef. 6-23-06; CCB 9-2006, f. & cert. ef. 9-5-06; CCB 12-2006, f. 12-12-06,

cert. ef. 1-1-07; CCB 6-2007, f. 8-29-07, cert. ef. 9-1-07; CCB 7-2007, f. 12-13-07, cert. ef.

1-1-08; CCB 9-2008, f. 6-11-08, cert. ef. 7-1-08; CCB 17-2008, f. 9-26-08, cert. ef. 10-1-08;

CCB 14-2010, f. 8-24-10, cert. ef. 9-1-10; CCB 6-2012, f. 4-25-12, cert. ef. 5-1-12; CCB 3-

2014, f. & cert. ef. 4-30-14

812-005-0250

Repeal of Increased Bond, Letter of Credit or Cash Deposit Requirement

(1) Under ORS 701.068 or 701.088 after three years of operating under the increased bond, letter of credit or cash deposit, an applicant or licensee may submit a written request to the agency to be relieved of that obligation after demonstrating three full years of acceptable business practices while having posted the increased bond, letter of credit or cash deposit.

(2) Petitions for return to normal bond, letter of credit or cash deposit requirements under ORS 701.068 or 701.088 must be made in writing and delivered to the agency. The petition should address each requirement set forth in section (3) of this rule.

(3) The agency shall consider the applicant's or licensee's petition. The agency shall grant the petition for return to a normal bond if, within three-years period in which the increased bond was in effect, applicant or licensee satisfies all of the following requirements.

(a) The applicant or licensee paid Dispute Resolution Services final orders, arbitration awards and determinations within thirty (30) days of its issuance.

(b) The applicant or licensee paid unpaid construction related court judgments issued against the applicant or licensee.

(c) The agency did not issue any enforcement final order against the applicant or licensee.

(d) There were no criminal convictions for any of the crimes set forth in ORS 701.098(i) entered against the applicant or licensee, its owners or officers.

(4) If the applicant or licensee fails to satisfy all of the conditions set forth in section (3), the agency will require the applicant or licensee to maintain the increased bond for an additional three years from the date of the agency's decision. After that three year period, the applicant or licensee may again petition to return to a normal bond.

(5) The agency shall notify the licensee or applicant in writing of the agency's decision within 30 days of receiving the petition.

(6) If the agency denies the petition, the agency shall notify the licensee or applicant of the reasons for the denial. The licensee or applicant may seek judicial review of the agency's denial as an order in other than a contested case.

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Stat. Auth.: ORS 670.310, 701.068, 701.088 & 701.235
Stats. Implemented: ORS 701.068 & 701.088
Hist.: CCB 9-2006, f. & cert. ef. 9-5-06; CCB 7-2007, f. 12-13-07, cert. ef. 1-1-08; CCB 9-2008, f. 6-11-08, cert. ef. 7-1-08; CCB 3-2012, f. & cert. ef. 3-2-12; CCB 3-2014, f. & cert. ef. 4-30-14

812-020-0071

Hours Earned as Residential Contractor — Continuing Education for Commercial Contractors

A commercial contractor also endorsed as a residential contractor may take credit for continuing education earned under ORS 701.082 & OAR division 22.

Stat. Auth.: ORS 670.310, 701.082 & 701.235
Stats. Implemented: ORS 701.082

Hist.: CCB 5-2009, f. 6-25-09, cert. ef. 7-1-09; CCB 3-2014, f. & cert. ef. 4-30-14

812-022-0000

Authority, Purpose, Scope, Applicable Dates — Continuing Education for Residential Contractors (SB 783)

(1) Authority. These rules are promulgated in accordance with ORS 701.082, which requires CCB to establish a residential continuing education system for licensed residential contractors, other than developers.

(2) Purpose. The purpose of these rules is to create a residential continuing education system. The Board shall adopt minimum standards for:

- (a) Approving providers of residential continuing education;
- (b) Approving courses for residential continuing education; and
- (c) Where available, giving consideration to any residential continuing education program adopted by national construction licensing trade associations.

(3) Scope.

(a) These rules establish the content and hours required for residential continuing education.

(b) These rules establish procedures for recordkeeping, for verifying attendance or completion of residential continuing education hours and for sanctions for failing to comply.

(c) These rules establish procedures and standards for provider and course approval.

(d) These rules establish fees for:

- (A) Provider approvals;
- (B) Course approvals;
- (C) Specialized education program approvals;
- (D) Per attendee charge to providers for each completed approved course;

(E) Training offered by the agency; and

(F) Charge to providers that, by agreement, offer the agency-developed training.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.082

Hist.: CCB 2-2013, f. & cert. ef. 10-24-13; CCB 3-2014, f. & cert. ef. 4-30-14

812-022-0005

Definitions — Continuing Education for Residential Contractors (SB 783)

The following definitions apply to OAR 812-022-0000 to 812-022-0047:

(1) “Employee” means:

(a) Any individual employed by a contractor; or
(b) A leased worker provided to a contractor by contract with a work-leasing company defined under 701.005(19) (2013) or licensed under ORS 656.850(2).

(c) “Employee” does not include a subcontractor, which is an independent contractor, or a temporary employee.

(2) “Instructor” means:

(a) Any individual who develops, or assists in developing, curriculum for any course;

(b) Any individual who presents a course in live format; or

(c) Any individual who is available to answer questions from course attendees or participants.

(3) “Licensing period” means the two-year period from the date a contractor’s license is first issued or last renewed until the date the license is next scheduled to expire.

(4) “Officer” means an individual person as defined in ORS 701.005(12).

(5) “Owner” means an individual person as defined in OAR 812-002-0537.

(6) “Residential contractor” means a licensed contractor as defined in ORS 701.005(13).

(7) “Responsible managing individual (RMI)” means an individual person as defined in ORS 701.005(16).

(8) “Series A Courses” means courses required under OAR 812-022-0015(2)(b) that CCB has approved pursuant to 812-022-0028.

(9) “Series B Courses” means courses satisfying requirements under OAR 812-022-0015(3)(b) that do not require CCB approval.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.082; 701.005 & 701.035

Hist.: CCB 2-2013, f. & cert. ef. 10-24-13; CCB 3-2014, f. & cert. ef. 4-30-14

812-022-0011

Residential Developer Exemption — Continuing Education for Residential Contractors (SB 783)

Residential developers are exempt from the residential continuing education requirements in OAR 812-022-0000 to 812-022-0047.

Stat. Auth.: ORS 670.310, 701.082 & 701.235

Stats. Implemented: ORS 701.082

Hist.: CCB 2-2013, f. & cert. ef. 10-24-13; CCB 3-2014, f. & cert. ef. 4-30-14

812-022-0016

Fees for Agency Courses — Continuing Education for Residential Contractors (SB 783)

(1) The agency may charge a fee of \$15 per course hour for courses in laws, regulations, and business practices, offered by the agency as provided in OAR 812-022-0015(2)(a).

(2) In addition to the fee for the course, CCB may charge for processing, shipping and handling course materials made available other than online.

(3) If the agency enters into agreements with providers to provide the agency’s courses on laws, regulations and business practices, the agency may charge providers an additional fee of \$4 per student per course hour, in addition to the fees charged in section (1).

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.267

Hist.: CCB 2-2013, f. & cert. ef. 10-24-13; CCB 3-2014, f. & cert. ef. 4-30-14

812-022-0018

Agreements to Offer Agency Courses — Continuing Education for Residential Contractors (SB 783)

The agency may enter into agreements with approved providers to provide the agency’s courses on laws, regulations and business practices.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.267

Hist.: CCB 2-2013, f. & cert. ef. 10-24-13; CCB 3-2014, f. & cert. ef. 4-30-14

812-022-0033

Provider Rosters, Notification of Completion and Certificates of Completion for Series A Course Hours — Continuing Education for Residential Contractors (SB 783)

(1) Providers will maintain rosters capturing data for all contractors that complete Series A Courses, as described in 812-022-0015(2)(b). Rosters will contain the following information:

(a) Course name and any other information identifying course, as required by agency;

(b) Contractor’s name;

(c) Contractor’s license number;

(d) Name of individual attending or completing the course;

(e) Relationship of individual completing the course to contractor (e.g. owner, officer, member, employee);

(f) Date individual attended or completed the course;

(g) Number of hours credit obtained by attending or completing the course; and

(h) Certification by individual completing the course that the identified individual:

(A) Attended or completed the entire course; and

(B) No other individual attended, completed or assisted in completing the course in place of the individual.

(2) Providers will transmit data, as directed by the agency, containing the information in section (1) and notifying the agency when a contractor completes a Series A Course. Providers must submit data by 12:00 noon of the business day following the date the contractor completes the course.

(3) Upon satisfactory completion of each Series A Course, providers will prepare a certificate of completion for the person completing the course. The certificate of completion will contain the following information:

(a) Provider name;

(b) Provider number assigned by the agency;

(c) Course name;

(d) Course number assigned by the agency;

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- (e) Number of credit hours;
- (f) Date of course completion;
- (g) Student name;
- (h) Name of contractor with which student is associated;
- (i) Contractor CCB number; and
- (j) Any other information required by the agency.

Stat. Auth.: ORS 670.310, 701.267 & 701.235
Stats. Implemented: ORS 701.267
Hist.: CCB 2-2013, f. & cert. ef. 10-24-13; CCB 3-2014, f. & cert. ef. 4-30-14

812-022-0036

Agency Tracking of Hours — Continuing Education for Residential Contractors (SB 783)

- (1) The agency will track completion of Series A and Series B Course hours.
- (2) The agency may notify contractors, in advance of their renewal dates, of the number of Series A Course hours left to be completed before renewal.
- (3) The agency may notify contractors, in advance of their renewal dates, of reported Series B.

Stat. Auth.: ORS 670.310, 701.082 & 701.235
Stats. Implemented: ORS 701.082
Hist.: CCB 2-2013, f. & cert. ef. 10-24-13; CCB 3-2014, f. & cert. ef. 4-30-14

812-022-0037

Certification, Recordkeeping, and Review — Continuing Education for Residential Contractors (SB 783)

- (1) Contractors shall maintain records of continuing education courses completed for a period of:
 - (a) 24 months after the renewal date for which the residential continuing education was reported; or
 - (b) For a lapsed license, a period of 24 months after the date the license ceased to be lapsed.
- (2) The agency may request any contractor's residential continuing education records for review.
- (3) If a contractor cannot prove that it completed the residential continuing education, the agency may suspend or refuse to renew the license until the contractor proves compliance or completes the missing courses.

Stat. Auth.: ORS 670.310, 701.082 & 701.235
Stats. Implemented: ORS 701.082
Hist.: CCB 2-2013, f. & cert. ef. 10-24-13; CCB 3-2014, f. & cert. ef. 4-30-14

812-022-0040

Inactive Status During the License Period or Upon Renewal — Continuing Education for Residential Contractors (SB 783)

- (1) If a contractor is inactive for less than one year and seeks to renew in active status, the contractor must complete all residential continuing education required under OAR 812-022-0015. The contractor may satisfy the requirement by residential continuing education completed during the inactive period.
- (2) If a contractor is inactive for one year or more during the licensing period and seeks to renew in active status, the contractor is not required to complete the residential continuing education requirements under OAR 812-022-0015.
- (3) If a contractor is inactive for any period of time and seeks to renew in inactive status, the contractor is not required to complete residential continuing education required under OAR 812-022-0015.
- (4) If a contractor is active at the time of renewal and seeks to renew in inactive status, the contractor is not required to complete the residential continuing education requirements under OAR 812-022-0015.
- (5) Notwithstanding section (4), if an inactive contractor renews to inactive status and seeks to change to active status during the two-year licensing period, the contractor must complete residential continuing education required in OAR 812-022-0015. The contractor may satisfy the requirement by residential continuing education completed during the inactive period. Hours completed and credited towards this renewal may not be included for contractor's next renewal.
- (6) Hours completed and credited towards one renewal may not be included for contractor's next renewal.

Stat. Auth.: ORS 670.310, 701.082 & 701.235
Stats. Implemented: ORS 701.063 & 701.082
Hist.: CCB 2-2013, f. & cert. ef. 10-24-13; CCB 3-2014, f. & cert. ef. 4-30-14

812-022-0042

Lapse in License — Continuing Education for Residential Contractors (SB 783)

If a license lapses and a contractor applies for renewal as provided in ORS 701.063(4) and OAR 812-003-0300, the contractor must satisfy the residential continuing education requirements of 812-022-0015. The con-

tractor may satisfy the requirement by residential continuing education completed during the lapse period.

Stat. Auth.: ORS 670.310, 701.082 & 701.235
Stats. Implemented: ORS 701.063 & 701.082
Hist.: CCB 2-2013, f. & cert. ef. 10-24-13; CCB 3-2014, f. & cert. ef. 4-30-14

812-022-0045

Claiming Continuing Education Credits — Continuing Education for Residential Contractors

- (1) A contractor may claim continuing education hours for courses completed during the time an employee is employed by the contractor. If the employee is a leased worker, the employee must complete the continuing education hours while leased to the contractor.
- (2) If an employee completed continuing education before being hired by a contractor, the contractor may not claim those hours to satisfy its continuing education requirement.
- (3) A contractor may claim continuing education hours for courses completed at the time the owner, officer or RMI is associated with the contractor.
- (4) If an owner, officer or RMI completed continuing education before associating with a contractor, the contractor may not claim those hours to satisfy the continuing education requirement.

Stat. Auth.: ORS 670.310, 701.082 & 701.235
Stats. Implemented: ORS 701.082
Hist.: CCB 2-2013, f. & cert. ef. 10-24-13; CCB 3-2014, f. & cert. ef. 4-30-14

812-022-0047

Personnel of More than One Contractor— Continuing Education for Residential Contractors

- (1) If an employee who completes a continuing education course is employed by more than one contractor at the time the employee completes the course, each employing contractor may claim the continuing education hours. For purposes of this rule, "employed by more than one contractor" does not include leased workers leased by more than one contractor. For leased workers, only one contractor may claim the continuing education credits.

(2) If an owner, officer or RMI who completes a continuing education course is associated with more than one contractor at the time the owner, officer or RMI completes the course, each affiliated contractor may claim the continuing education hours.

Stat. Auth.: ORS 670.310, 701.082 & 701.235
Stats. Implemented: ORS 701.082
Hist.: CCB 2-2013, f. & cert. ef. 10-24-13; CCB 3-2014, f. & cert. ef. 4-30-14

812-032-0000

General Definitions

The following definitions apply to OAR 812-032-0000 to 812-032-0150:

(1) "Certificate" means the authorization issued by the board to an individual home energy assessor.

(2) "License" means the construction contractor license issued by the board under ORS 701.046 to a business offering or providing home energy performance scores, including, but not limited to, a home energy performance score contractor.

Stat. Auth.: ORS 670.310 & 701.235
Stats. Implemented: ORS 701.527-701.536
Hist.: CCB 6-2013, f. 12-19-13, cert. ef. 1-1-14; CCB 3-2014, f. & cert. ef. 4-30-14

812-032-0100

General Application Requirements

An individual must submit the following to qualify for a home energy assessor certificate:

- (1) An application on a form provided by the board;
- (2) Proof of passing a training program designated by the Department of Energy;
- (3) If applicable, the CCB license number of the business owned by or employing the applicant; and
- (4) The fee established in OAR 812-032-0150.

Stat. Auth.: ORS 670.310, 701.235 & 701.532
Stats. Implemented: ORS 701.527-701.536
Hist.: CCB 6-2013, f. 12-19-13, cert. ef. 1-1-14; CCB 3-2014, f. & cert. ef. 4-30-14

812-032-0110

Certificate Issuance

- (1) The effective date of the certificate will be the date that the applicant meets all board requirements, including paying the fee required under OAR 812-032-0150.

(2) A unique number will be assigned to each certificate.

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(3) If the board issues a certificate, it will mail the certificate to the applicant.

(4) If the board denies a certificate, it will state, in writing, the reasons for denial.

(5) A certificate shall be non-transferable.

(6) A certificate shall be effective for one year from the date of issue.

Stat. Auth.: ORS 670.310, 701.235 & 701.532

Stats. Implemented: ORS 701.532

Hist.: CCB 6-2013, f. 12-19-13, cert. ef. 1-1-14; CCB 3-2014, f. & cert. ef. 4-30-14

812-032-0120

Requirements for Certificate Renewal

A certified home energy assessor shall submit the following to the board for renewal of the home energy assessor's certificate:

(1) Renewal application information as required by the board;

(2) If applicable the CCB license number of the business owned by or employing the applicant; and

(3) The fee established in OAR 812-032-0150.

Stat. Auth.: ORS 670.310, 701.235 & 701.532

Stats. Implemented: ORS 701.532

Hist.: CCB 6-2013, f. 12-19-13, cert. ef. 1-1-14; CCB 3-2014, f. & cert. ef. 4-30-14

812-032-0123

Certificate Cards

(1) The agency shall issue a certificate and pocket card effective on the date on which the certificate becomes effective under OAR 812-032-0110 or 812-032-0120.

(2) A certificate and pocket card is valid for the term for which it is issued.

(3) If a certificate becomes invalid, the agency may require the return of the certificate and pocket card.

(4) There is no charge for the original certificate and pocket card issued by the agency.

(5) There is a \$10 fee to replace a certificate and pocket card.

Stat. Auth.: ORS 670.310, 701.235 & 701.532

Stats. Implemented: ORS 701.532

Hist.: CCB 6-2013, f. 12-19-13, cert. ef. 1-1-14; CCB 3-2014, f. & cert. ef. 4-30-14

812-032-0130

Certificate Renewal — Effective Date; Effect of Lapse

(1) A renewed certificate shall be effective on the day following the expiration date for which the renewal is sought if the certified home energy assessor fulfills all of the requirements in OAR 812-032-0120 on or before the expiration date.

(2) Except as provided in subsection (4), if a certified home energy assessor fails to fulfill all of the requirements in OAR 812-032-0120 on or before the expiration date, but fulfills the requirements at a future date, the renewal shall be effective on the date that all the requirements for renewal have been fulfilled. During the period from the expiration date to the effective date, the certificate is deemed to have lapsed.

(a) A home energy assessor may not offer to assign, or assign, home energy scores while the certificate is lapsed.

(b) A home energy assessor may not use the title of home energy assessor or similar other title while the certificate is lapsed.

(3) If the certificate lapses for one year or less, the applicant may renew its certification by renewing the certificate as provided for in OAR 812-032-0120.

(4) If the certificate lapses for more than one year, the applicant must apply for a new certificate as provided for in OAR 812-032-0100.

Stat. Auth.: ORS 670.310, 701.235 & 701.532

Stats. Implemented: ORS 701.532

Hist.: CCB 6-2013, f. 12-19-13, cert. ef. 1-1-14; CCB 3-2014, f. & cert. ef. 4-30-14

812-032-0135

Mailing and E-mail Address Changes

(1) Certified home energy assessors shall notify the board of any change in mailing or e-mail addresses while certified and for one year following the certification expiration date. Such persons must notify the board within 10 days after changing an address.

(2) No charge will be made for a mailing or e-mail address change to the board's records.

Stat. Auth.: ORS 670.310, 701.235 & 701.532

Stats. Implemented: ORS 701.532

Hist.: CCB 6-2013, f. 12-19-13, cert. ef. 1-1-14; CCB 3-2014, f. & cert. ef. 4-30-14

812-032-0140

Requirement that Home Energy Assessor Own or Work for a Licensed Contractor

(1) In order to work as a home energy assessor, a certified home energy assessor must be an owner or employee of a licensed construction contractor, including, but not limited to, a home energy performance score contractor.

(2) If the board refuses to issue, refuses to reissue, suspends or revokes the contractor's license, or if the construction contractor's license expires or becomes inactive, the certified home energy assessor may not:

(a) Undertake, offer to assign or assign home energy performance scores; or

(b) Use the title of home energy assessor or similar other title.

Stat. Auth.: ORS 670.310, 701.235 & 701.532

Stats. Implemented: ORS 701.532

Hist.: CCB 6-2013, f. 12-19-13, cert. ef. 1-1-14; CCB 3-2014, f. & cert. ef. 4-30-14

812-032-0150

Application, Renewal and Certificate Fees

(1) The application fee for a home energy assessor certificate is \$100.

(2) The fee for issuance of an initial one-year certificate is \$100.

(3) The fee for renewal of a one-year certificate is \$100.

(4) All fees are non-refundable and non-transferrable.

Stat. Auth.: ORS 670.310, 701.235 & 701.532

Stats. Implemented: ORS 701.532

Hist.: CCB 6-2013, f. 12-19-13, cert. ef. 1-1-14; CCB 3-2014, f. & cert. ef. 4-30-14

Rule Caption: CCB License Application Fees

Adm. Order No.: CCB 4-2014(Temp)

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

Certified to be Effective: 5-5-14 thru 10-31-14

Notice Publication Date:

Rules Adopted: 812-003-0142

Rules Amended: 812-003-0260, 812-003-0340, 812-003-0350, 812-003-0360, 812-003-0370, 812-003-0380

Subject: 812-003-0142 is adopted to replace the previous rule (812-003-0140) that was mistakenly included in a repeal of rules in December 2013. This rule establishes the fees for CCB licensure. The current fees were adopted in January 26, 2010 and became effective 7/1/10 as authorized by the CCB Legislatively Approved Budget (LAB) (budget).

812-003-0260, 812-003-0340, 812-003-0350, 812-003-0360, 812-003-0370, and 812-003-0380 are amended to correct the cite references to the match the new license application fee rule (812-003-0142).

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

812-003-0142

License Application Fees

(1) The application fee for all new, renewal, or reissued licenses is \$325.

(2) Except as provided in section (3) of this rule, application fees will not be refunded.

(3) If a licensee submits an application to renew a license and the agency cannot renew the license because the applicant has formed a new business entity, the agency may refund the renewal application fee, less a \$40 processing fee.

(4)(a) Any licensee in the United States armed forces need not pay a license renewal fee if such fee would be due during the licensee's active duty service.

(b) A licensee in the United States armed forces shall pay the next license renewal fee that will become due after the licensee is discharged from active duty service.

(c) The agency may request that the licensee provide documentation of active duty status and of discharge.

(d) Section (4) of this rule applies to licensees that are sole proprietors or partners in a general partnership.

Stat. Auth.: ORS 670.310, 701.238 & 701.235

Stats. Implemented: ORS 701.056, 701.063 & 701.238

Hist.: CCB 4-2014(Temp), f. & cert. ef. 5-5-14 thru 10-31-14

ADMINISTRATIVE RULES

812-003-0260

Application for New License

(1) Each entity must complete an application form prescribed by the agency. Information provided on the form must include, but not be limited to:

(a) Name of business entity, all additional business names, including assumed business names, under which business as a contractor is conducted, and Corporation Division registry numbers (if applicable);

(b) Mailing and location address of the business entity;

(c) Legal name and address (which may be the business address) of:

(A) The owner of a sole proprietorship;

(B) All partners of a general partnership or limited liability partnership;

(C) All joint venturers of a joint venture;

(D) All general partners of a limited partnership;

(E) All corporate officers of a corporation;

(F) All trustees of a trust;

(G) The manager and all members of a manager-managed limited liability company, and, if one or more of the members is a partnership, limited liability partnership, joint venture, limited partnership, corporation, trust or limited liability company, the general partners, venturers, corporate officers, trustees, managers or members of the entity that is a member of the limited liability company that is the subject of this paragraph;

(H) All members of a member-managed limited liability company, and, if one or more of the members is a partnership, limited liability partnership, joint venture, limited partnership, corporation, trust or limited liability company, the general partners, venturers, corporate officers, trustees, managers or members of the entity that is a member of the limited liability company that is the subject of this paragraph; or

(I) The responsible managing individual designated by the applicant.

(d) Except for a public company, the date of birth and driver license number of:

(A) The owner of a sole proprietorship;

(B) All partners of a general partnership or limited liability partnership;

(C) All joint venturers of a joint venture;

(D) All general partners of a limited partnership;

(E) All corporate officers of a corporation;

(F) All trustees of a trust;

(G) The manager and all members of a manager-managed limited liability company, and, if one or more of the members is a partnership, limited liability partnership, joint venture, limited partnership, corporation, trust or limited liability company, the general partners, venturers, corporate officers, trustees, managers or members of the entity that is a member of the limited liability company that is the subject of this paragraph;

(H) All members of a member-managed limited liability company, and, if one or more of the members is a partnership, limited liability partnership, joint venture, limited partnership, corporation, trust or limited liability company, the general partners, venturers, corporate officers, trustees, managers or members of the entity that is a member of the limited liability company that is the subject of this paragraph; or

(I) The responsible managing individual designated by the applicant.

(J) For purposes of this subsection, a "public company" means any business entity that offers securities registered for sale by the federal Securities and Exchange Commission to the general public.

(e) Social security number of the owner of a sole proprietorship or partners, if partners are human beings, in a general partnership;

(f) Class of independent contractor license and employer account numbers as required under OAR 812-003-0250;

(g) License endorsement sought, as provided for under OAR 812-003-0131;

(h) The identification number of the responsible managing individual who has completed the education and passed the examination required under ORS 701.122 or is otherwise exempt under division 6 of these rules;

(i) The Standard Industrial Classification (SIC) numbers of the main construction activities of the entity;

(j) Names and certification numbers of all certified locksmiths if the entity is a Residential Locksmith Services Contractor or will do work providing locksmith services under ORS 701.475 to 701.490;

(k) Names and certification numbers of all certified home inspectors if the entity will do work as a home inspector under ORS 701.350;

(l) Names and certification numbers of all certified home energy assessors if the entity is a Home Energy Performance Score Contractor providing home energy performance scores under ORS 701.527 to 701.536 or will do work providing home energy performance scores.

(m) For each person described in subsection (1)(c) of this section, the following information if related to construction activities:

(A) If unsatisfied on the date of application, a copy of a final judgment by a court in any state entered within five years preceding the application date that requires the person to pay money to another person or to a public body;

(B) If unsatisfied on the date of application, a copy of a final order by an administrative agency in any state issued within five years preceding the application date that requires the person to pay money to another person or public body;

(C) If pending on the date of application, a copy of a court complaint filed in any state that alleges that the person owes money to another person or public body; or

(D) If pending on the date of application, a copy of an administrative notice of action issued in any state that alleges that the person owes money to another person or public body.

(n) For each person described in subsection (1)(c) of this section, the following information if related to construction activities;

(A) A copy of a judgment of conviction for a crime listed in ORS 701.098(1)(i), entered within five years preceding the application date; or

(B) A copy of an indictment for a crime listed in ORS 701.098(1)(i), entered within five years preceding the application date.

(C) In addition to documents required in paragraphs (1)(l)(A) and (B) of this section, copies of police reports, parole or probation reports indicating parole or probation officer's name and phone number, and letters of reference.

(o) Independent contractor certification statement and a signed acknowledgment that if the licensee qualifies as an independent contractor the licensee understands that the licensee and any heirs of the licensee will not qualify for workers' compensation or unemployment compensation unless specific arrangements have been made for the licensee's insurance coverage and that the licensee's election to be an independent contractor is voluntary and is not a condition of any contract entered into by the licensee;

(p) Signature of owner, partner, joint venturer, corporate officer, member or trustee, signifying that the information provided in the application is true and correct; and

(2) A complete license application includes but is not limited to:

(a) A completed application form as provided in section (1) of this rule;

(b) The new application license fee as required under OAR 812-003-0142;

(c) A properly executed bond, letter of credit or assignment of savings as required under OAR 812-003-0152, 812-003-0153, or 812-003-0155; and

(d) The certification of insurance coverage as required under OAR 812-003-0200.

(3) The agency may return an incomplete license application to the applicant with an explanation of the deficiencies.

(4) All entities listed in section (1) of this rule that are otherwise required to be registered with the Oregon Corporation Division must be registered with the Oregon Corporation Division and be active and in good standing. All assumed business names used by persons or entities listed in section (1) of this rule must be registered with the Oregon Corporation Division as the assumed business name of the person or entity using that name.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 25.270, 25.785, 25.990, 701.035, 701.050, 701.056, 701.068, 701.073, 701.081, 701.088 & 701.122

Hist.: CCB 9-2004, f. & cert. ef. 12-10-04; CCB 3-2005, f. & cert. ef. 8-24-05; CCB 6-2006, f. 5-25-06, cert. ef. 6-1-06; CCB 8-2006, f. & cert. ef. 9-5-06; CCB 15-2006, f. 12-12-06, cert. ef. 1-1-07; CCB 6-2007, f. 8-29-07, cert. ef. 9-1-07; CCB 7-2007, f. 12-13-07, cert. ef. 1-1-08; CCB 5-2008, f. 2-29-08, cert. ef. 7-1-08; CCB 6-2008, f. & cert. ef. 3-24-08; CCB 8-2008, f. 4-28-08, cert. ef. 7-1-08; CCB 12-2008, f. 6-30-08, cert. ef. 7-1-08; CCB 16-2008, f. 9-26-08, cert. ef. 10-1-08; CCB 6-2013, f. 12-19-13, cert. ef. 1-1-14; CCB 3-2014, f. & cert. ef. 4-30-14; CCB 4-2014(Temp), f. & cert. ef. 5-5-14 thru 10-31-14

812-003-0340

Inactive Status Request at Renewal

(1) A request to convert a license to inactive status made at the time of renewal of the license must be accompanied by fees required under OAR 812-003-0142.

(2) If a license is converted to inactive status at the time of renewal of the license, the effective date of the renewed license shall be the expiration date of the previous license. An inactive license, if renewed, shall expire two years after its effective date.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 701.063

ADMINISTRATIVE RULES

Hist.: CCB 9-2004, f. & cert. ef. 12-10-04; CCB 5-2008, f. 2-29-08, cert. ef. 7-1-08; CCB 4-2014(Temp), f. & cert. ef. 5-5-14 thru 10-31-14

812-003-0350

Inactive Status Request at Interim Renewal Period

(1) A request to convert a license to inactive status made prior to the expiration date of the license, but at a time other than the time of renewal of the license, will be accepted only if the licensee making the request has paid all applicable fees required under OAR 812-003-0142 and 812-003-0320.

(2) If a license is converted to inactive status prior to the expiration date of the license but at a time other than the time of renewal of the license, the effective dates of the license will remain unchanged and the license will expire at the upcoming expiration date.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 701.063

Hist.: CCB 9-2004, f. & cert. ef. 12-10-04; CCB 2-2005, f. 6-29-05, cert. ef. 7-1-05; CCB 9-2008, f. 6-11-08, cert. ef. 7-1-08; CCB 4-2014(Temp), f. & cert. ef. 5-5-14 thru 10-31-14

812-003-0360

Inactive Status Request after Lapse

(1) A request to renew a license and convert it to inactive status made after a lapse due to the expiration of the license must be accompanied by fees required under OAR 812-003-0142.

(2) If a license is renewed and converted to inactive status after a lapse due to expiration of the license, the agency will establish the effective date of the license. An inactive license, if renewed, shall expire two years after its effective date.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 701.063

Hist.: CCB 9-2004, f. & cert. ef. 12-10-04; CCB 5-2008, f. 2-29-08, cert. ef. 7-1-08; CCB 4-2014(Temp), f. & cert. ef. 5-5-14 thru 10-31-14

812-003-0370

Renewal of Inactive Status

To renew an inactive license in an inactive status:

(1) If the licensee was subject to discipline by the agency, the licensee must satisfy any conditions imposed by the agency as a result of the discipline;

(2) The licensee must submit the request to renew the license in inactive status on forms provided by the agency; and

(3) The licensee must submit the fees required under OAR 812-003-0142.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 701.056 & 701.063

Hist.: CCB 9-2004, f. & cert. ef. 12-10-04; CCB 9-2008, f. 6-11-08, cert. ef. 7-1-08; CCB 4-2014(Temp), f. & cert. ef. 5-5-14 thru 10-31-14

812-003-0380

Converting From Inactive Back to Active Status

(1) To convert from an inactive status to an active status, the licensee must:

(a) Submit a request to convert to an active status on forms provided by the agency; and

(b) Comply with section (3), (4) or (5) of this rule as applicable.

(2) A licensee requesting conversion from an inactive status to an active status at the time of renewal must:

(a) Submit the fees required under OAR 812-003-0142;

(b) Submit the required surety bond, or letter of credit, or cash deposit, and general liability insurance for the category requested; and

(c) Comply with all other licensing requirements prescribed by the Board.

(3) A licensee requesting conversion from an inactive status to an active status at a time other than renewal and prior to the expiration date of the license must:

(a) Submit all fees to date as required by OAR 812-003-0142 and 812-003-0320;

(b) Submit the required surety bond, or letter of credit, or cash deposit, and general liability insurance for the category requested; and

(c) Comply with all other licensing requirements prescribed by the Board.

(4) A licensee requesting conversion from an inactive status to an active status during a lapse due to the expiration of the license must:

(a) Request the conversion within two years from the date of lapse;

(b) Comply with all licensing requirements prescribed by the Board;

(c) Submit the required surety bond, or letter of credit, or cash deposit, and general liability insurance for the category requested; and

(d) Submit all fees required under OAR 812-003-0142.

(5) If a license is converted from an inactive to an active status, the agency shall establish the effective date of the license.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 701.056, 701.063 & 701.088

Hist.: CCB 9-2004, f. & cert. ef. 12-10-04; CCB 2-2005, f. 6-29-05, cert. ef. 7-1-05; CCB 9-2007, f. 12-13-07, cert. ef. 1-1-08; CCB 9-2008, f. 6-11-08, cert. ef. 7-1-08; CCB 4-2014(Temp), f. & cert. ef. 5-5-14 thru 10-31-14

Rule Caption: Pre-Licensure Training Providers Bond Requirements

Adm. Order No.: CCB 5-2014(Temp)

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

Certified to be Effective: 5-5-14 thru 10-31-14

Notice Publication Date:

Rules Adopted: 812-006-0205

Rules Amended: 812-006-0200

Subject: 812-006-0200 is amended to require pre-licensure training providers obtain a surety bond as part of the approval process to provide the CCB pre-licensure training.

812-006-0205 is adopted to establish the bond form.

NOTE: In order to save postage and printing costs in these difficult times, CCB is only providing a copy of the notice. To view the language of each individual rule change, please go to our web site at http://www.oregon.gov/CCB/Laws_Rules.shtml#Administrative_Rule_Notices. If you don't have web access, contact Cathy Dixon at (503) 934-2185 for assistance in receiving a copy.

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

812-006-0200

Pre-Licensure Training Provider Approval

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(k) Except as provided in OAR 812-006-0205(2), the pre-licensure training provider will obtain and maintain a surety bond as described in 812-006-0205 in the amount of \$20,000 obligating the surety to pay the State of Oregon for the benefit of third-parties.

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

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

- (a) Meet any requirement of the agreement; or
- (b) Comply with these rules.

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

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

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

Stat. Auth.: ORS 670.310, 701.122 & 701.235

Stats. Implemented: ORS 701.122

Hist.: CCB 1-1992, f. 1-27-92, cert. ef. 2-1-92; CCB 4-2000, f. & cert. ef. 5-2-00; CCB 8-2001, f. 12-12-01, cert. ef. 1-1-02; CCB 5-2002, f. 5-28-02, cert. ef. 6-1-02; CCB 4-2003, f. & cert. ef. 6-3-03; CCB 1-2005(Temp), f. & cert. ef. 1-5-05 thru 7-1-05; CCB 2-2005, f. 6-29-05, cert. ef. 7-1-05; CCB 3-2005, f. & cert. ef. 8-24-05; CCB 7-2005, f. 12-7-05, cert. ef. 1-1-06; CCB 7-2006, f. & cert. ef. 6-23-06; Renumbered from 812-006-0030, CCB 10-2006, f. 9-5-06, cert. ef. 10-1-06; CCB 9-2008, f. 6-11-08, cert. ef. 7-1-08; CCB 20-2008, f. & cert. ef. 11-20-08; CCB 1-2013, f. 4-30-13, cert. ef. 5-1-13; CCB 5-2014(Temp), f. & cert. ef. 5-14 thru 10-31-14

812-006-0205

Surety Bond to Assure Performance of Agency Agreements

(1) Providers approved under OAR 812-006-0200 will maintain a surety bond in the amount of \$20,000, issued by a surety company authorized to do business in the State of Oregon, for the benefit of the State of Oregon, Construction Contractors Board. The bond must be in the form "Approved Pre-Licensure Training Provider Surety Bond," dated May 5, 2014.

(2) Section (1) of this rule does not apply to Oregon public community colleges or small business development centers (including BizCenter Online Learning).

Stat. Auth.: ORS 670.310, 701.122 & 701.235

Stats. Implemented: ORS 701.122

Hist.: CCB 5-2014(Temp), f. & cert. ef. 5-5-14 thru 10-31-14

Department of Administrative Services Chapter 125

Rule Caption: Amends and repeals rules to better streamline internal audit activities within the state.

Adm. Order No.: DAS 2-2014

Filed with Sec. of State: 4-30-2014

Certified to be Effective: 5-1-14

Notice Publication Date: 4-1-2014

Rules Amended: 125-700-0010, 125-700-0015, 125-700-0125, 125-700-0135, 125-700-0140, 125-700-0145, 125-700-0150, 125-700-0155

Rules Repealed: 125-700-0120, 125-700-0130

Subject: This rule provides administrative guidance on ORS 184.360 relating to internal auditing. The changes proposed streamline and clarify the rules for users. Additionally, references to the Statewide Audit Advisory Committee are removed as the committee no longer

exists due to budgetary reductions during the 2013 Legislative Session.

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

125-700-0010

Purpose

The Oregon Department of Administrative Services is responsible for adopting rules setting standards and policies for internal audit functions within state government under authority provided in ORS 184.360(3). The rules include, but are not limited to:

- (1) Standards for internal audits that are consistent with and incorporate commonly recognized industry standards and practices; and
- (2) Policies and procedures that ensure the integrity of the internal audit process.

Stat. Auth.: ORS 184.360

Stats. Implemented: ORS 184.360(3)

Hist.: DAS 1-2006, f. & cert. ef. 1-30-06; DAS 2-2014, f. 4-30-14, cert. ef. 5-1-14

125-700-0015

Definitions

(1) Agency: "State Agency" means any elected or appointed officer, board, commission, department, institution, branch or other unit of the state government.

(2) Audit: An objective examination of evidence for the purpose of providing an independent assessment on risk management, control, or governance processes for the organization. Examples include financial, performance, compliance, systems security and due diligence assurance engagements.

(3) Audit Committee: A committee that provides oversight of internal auditing for the agency. The purpose of the audit committee is to enhance the quality and independence of the internal audit function, thereby helping to ensure the integrity of the internal audit process.

(4) Chief Audit Executive: Top position within the organization responsible for internal audit activities. Normally, this would be the internal audit director. In the case where internal audit activities are obtained from outside service providers, the chief audit executive is the person responsible for overseeing the service contract and the overall quality assurance of these activities, reporting to senior management and the board regarding internal audit activities, and follow-up of engagement results.

(5) Internal Audit Function: A program within an agency that provides independent, objective assurance and consulting services designed to add value and improve an organization's operations and facilitate oversight, accountability, and transparency.

(6) Internal Auditing: An independent, objective assurance and consulting activity designed to add value and improve an organization's operations. It helps an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

(7) Professional Auditing Standards: Principles established to ensure the competence and independence of the audit function and the quality of audit work. The Code of Ethics and International Standards for the Professional Practice of Internal Auditing promulgated by the Institute of Internal Auditors, and Generally Accepted Government Auditing Standards, promulgated by the Government Accountability Office, are the two major sets of standards that govern both the conduct of audit work and the audit function.

(8) Risk: The possibility of an event occurring that will have an impact on the achievement of objectives. Risk is measured in terms of impact (the effect) and likelihood (the probability the event will occur).

(9) Risk Assessment: A process of identifying, analyzing and prioritizing risks to the achievement of an agency's mission, goals, or objectives.

(10) Risk Management: A process to identify, assess, manage, and control potential events or situations to provide reasonable assurance regarding the achievement of the organization's objectives.

Stat. Auth.: ORS 184.360

Stats. Implemented: ORS 184.360(3)

Hist.: DAS 1-2006, f. & cert. ef. 1-30-06; DAS 1-2010(Temp), f. & cert. ef. 6-29-10 thru 12-26-10; Administrative correction 1-25-11; DAS 1-2011, f. 6-23-11, cert. ef. 6-30-11; DAS 2-2014, f. 4-30-14, cert. ef. 5-1-14

125-700-0125

Internal Auditing Requirements

(1) In every agency that meets one or more of the criteria below, the agency head shall establish, maintain, and fully support an internal audit function or contract for the equivalent, within existing resources.

- (a) Total biennial expenditures exceed \$100 million; or
- (b) Number of full-time equivalent employees exceeds 400; or

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(c) Dollar value of cash and cash equivalent items received and processed annually exceeds \$10 million.

(2) Exceptions to having an internal audit function or contract equivalent may be requested in writing by agency heads to the Chief Operating Officer of the Department of Administrative Services. Each exception request will be reviewed and decisions made on a case-by-case basis.

(3) For agencies not meeting the criteria above, an internal audit function is encouraged. Agencies that have an internal audit function must follow this OAR.

Stat. Auth.: ORS 184.360

Stats. Implemented: ORS 184.360(3)

Hist.: DAS 1-2011, f. 6-23-11, cert. ef. 6-30-11; DAS 2-2014, f. 4-30-14, cert. ef. 5-1-14

125-700-0135

Agency Internal Audit Function Governance

(1) Agency internal audit functions shall select appropriate professional auditing standards to follow in performing their audit work.

(2) To help ensure the integrity of the internal audit process agency management shall take reasonable steps necessary to assist the internal audit function to comply with the selected professional auditing standards.

(3) The agency's internal audit charter shall specify the internal audit function's purpose, authority, responsibilities, and the professional auditing standards the function will follow. The agency's charter must be approved by the audit committee.

(4) The internal audit staff shall have unrestricted access to all systems, processes, operations, functions, and activities within an agency as needed to perform job responsibilities.

(5) Each agency having an internal audit function shall establish and maintain an audit committee.

(a) The role and function of the audit committee shall be stated in a formal, written charter that describes the authority, responsibilities, and structure of the audit committee. The charter must be approved and periodically reviewed by the audit committee and governing board (or agency head in the absence of a governing board).

(b) The primary purpose of the audit committee is to enhance the quality and independence of the audit function, thereby helping ensure the integrity of the internal audit process.

(c) If the agency has a governing board or commission, the audit committee must include one or more board or commission members. If there is no board or commission, agencies are encouraged to include qualified individuals from outside the agency on the audit committee, to enhance public accountability and transparency, and increase independence of the internal audit activity.

(6) The agency's audit committee will assure follow-up on internal audit reporting findings and recommendations to determine whether proper corrective action has been completed or that senior management has assumed the risk of not taking the recommended corrective action.

(7) The internal audit function shall report results to the agency head, executive designee, agency management and the audit committee on internal audit activities.

Stat. Auth.: ORS 184.360

Stats. Implemented: ORS 184.360(3)

Hist.: DAS 1-2011, f. 6-23-11, cert. ef. 6-30-11; DAS 2-2014, f. 4-30-14, cert. ef. 5-1-14

125-700-0140

Planning and Reporting Responsibilities

(1) Each agency's Chief Audit Executive shall prepare an audit plan of engagements based on the most recent risk assessment. The plan should be risk-based and consistent with organizational goals. The plan must be reviewed and approved by the audit committee. At least one risk-based audit shall be selected and performed from the risk assessment each calendar year.

(2) Each agency's Chief Audit Executive shall identify an audit topic related to governance and risk management at least once every five years. Examples of audit topics include ethics, strategic management, performance management, the alignment of information technology with the agency's strategies and objectives, systems in place to assure compliance with laws and regulations, and processes in place to prevent and detect fraud.

(3) Each agency's Chief Audit Executive shall prepare an annual report covering the time period of July 1 through June 30 of the preceding year, in a format that has been requested by the Oregon Department of Administrative Services.

(a) The annual report must be submitted to the agency head, audit committee, and the Internal Audit Section of the Oregon Department of Administrative Services no later than September 30th of each year.

(b) Information not included in an agency's report must be available for review upon request of the Oregon Department of Administrative Services.

(4) Completed risk assessments and internal audits need to be filed with the Division of Audits of the Office of the Secretary of State.

Stat. Auth.: ORS 297.250, ORS 184.360

Stats. Implemented: ORS 297.250(1), 184.360(4), 184.360(5), 184.360(6)

Hist.: DAS 1-2011, f. 6-23-11, cert. ef. 6-30-11; DAS 2-2014, f. 4-30-14, cert. ef. 5-1-14

125-700-0145

External Review

(1) Agency internal audit functions must have an external review to determine whether the function is operating in accordance with professional auditing standards. This review must result in an issued report.

(2) A copy of the external review report will be provided to the audit committee and to the Internal Audit Section of the Oregon Department of Administrative Services with the internal audit function's annual report.

(3) Agency internal audit functions may have the review performed by an external provider, or may participate in a coordinated effort through the Department of Administrative Services to have a review performed by internal audit staff from other state agencies.

(a) Reviews performed under this coordinated effort must be performed by at least two auditors, and led by an auditor with formal training or experience performing external reviews.

(b) Agency internal audit functions who choose to participate in the coordinated effort must also volunteer time to perform reviews at other agencies.

Stats. Auth.: ORS 184.360

Stats. Implemented: ORS 184.360(3)

Hist.: DAS 1-2011, f. 6-23-11, cert. ef. 6-30-11; DAS 2-2014, f. 4-30-14, cert. ef. 5-1-14

125-700-0150

Internal Audit Independence

(1) The agency's Chief Audit Executive reporting position must be at an administrative level that will maximize both independence and objectivity. In most cases, the Chief Audit Executive must report administratively to the agency head or executive designee, and must report functionally to the audit committee.

(2) The Chief Audit Executive must have unrestricted access to decision-makers and decision-making bodies and to the information and employees needed to perform internal audit duties and responsibilities. The Chief Audit Executive must be free to obtain advice and information from sources inside and outside the agency.

(3) The internal auditor(s) must be free of undue influence to limit the audit scope and audit assignment schedule.

(4) The internal audit function must be free of any responsibilities that would impair its ability to make independent reviews of all aspects of the agency's operations.

(5) A scope limitation, including resource limitations, placed upon an internal audit function that precludes it from meeting objectives must be communicated in writing to the audit committee and, if applicable, agency management, along with its potential effect.

Stat. Auth.: ORS 184.360

Stats. Implemented: ORS 184.360(3)

Hist.: DAS 1-2011, f. 6-23-11, cert. ef. 6-30-11; DAS 2-2014, f. 4-30-14, cert. ef. 5-1-14

125-700-0155

Audit Records and Retention

(1) The agency's internal audit function, must maintain audit work papers and reports in accordance with records retention requirements. The internal audit function should ensure that its records retention schedule will allow it to keep the documents until an external peer review has been performed, and audit findings and recommendations have been appropriately followed-up on. Refer to State Archive requirements and OAR 166-300-0025 for record retention schedules. Records must be kept so they can be retrieved, if necessary.

(2) The agency's Chief Audit Executive must follow appropriate data classification procedures to monitor and control confidential and sensitive internal audit documents. Confidential documents are those designated as confidential by agency policy or covered by ORS 192.496 through 192.505.

Stat. Auth.: ORS 184.360

Stats. Implemented: ORS 184.360(3)

Hist.: DAS 1-2011, f. 6-23-11, cert. ef. 6-30-11; DAS 2-2014, f. 4-30-14, cert. ef. 5-1-14

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Department of Agriculture Chapter 603

Rule Caption: Housekeeping updates to plant disease quarantine.

Adm. Order No.: DOA 5-2014

Filed with Sec. of State: 4-29-2014

Certified to be Effective: 4-29-14

Notice Publication Date: 12-1-2013

Rules Amended: 603-052-0075, 603-052-0120, 603-052-0825, 603-052-1230, 603-052-1245, 603-052-1250

Subject: The Department of Agriculture amendments changed the following:

(1) Changed “special quarantine exemption” to “special permit” in the chestnut blight quarantine;

(2) Added a special permits section to oak wilt quarantine to harmonize with other plant quarantines;

(3) Deleted an orphan heading in the hazelnut quarantine;

(4) Updated references to federal protocols and fix a typo in the sudden oak death quarantine;

(5) Added three additional hosts to the blueberry nursery stock control area (*Vaccinium macrocarpon*, *V. membranaceum*, and *Sambucus nigra*); and

(6) Updated references to federal protocols in the *Phytophthora ramorum* regulated area for nursery stock.

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

603-052-0075

Quarantine; Chestnut Blight

(1) A quarantine is established against chestnut blight, a disease of chestnuts (*Castanea* spp.) which is caused by the fungus *Cryphonectria parasitica* (*Endothia parasitica*), and against all insect pests of chestnuts, including: large chestnut weevil (*Curculio caryatrypes*), small chestnut weevil (*Curculio sayi*), nut curculio (*Conotrachelus* spp.), and oriental chestnut gall wasp (*Dryocosmus kuriphilus*).

(2) Area Under Quarantine. All states and districts of the United States are included.

(3) Commodities Covered. All trees, plants, cuttings, scions, tissue cultures, and nuts in shell of all species and varieties of chestnut (*Castanea* spp.) and chinquapin (*Castanopsis* spp.).

(4) Provisions of the Quarantine:

(a) From all states and districts east of and including Colorado, Montana, New Mexico, and Wyoming, no chestnut (*Castanea* spp.) or chinquapin (*Castanopsis* spp.) trees, plants, cuttings, scions, tissue cultures, and nuts in shell may be shipped into Oregon except by special permit by the Director of the Oregon Department of Agriculture as provided in OAR 603-052-0020;

(b) From all states west of Colorado, Montana, New Mexico, and Wyoming, trees, plants, cuttings, scions, tissue cultures, and nuts in shell of chestnut and chinquapin may be shipped into Oregon provided that each shipment is accompanied by a certificate bearing the original signature of an authorized agricultural official affirming that the plant material has been inspected and found free from chestnut blight, that the plant material has been grown in the shipping state for at least two years and that chestnut blight disease, large chestnut weevil, small chestnut weevil, nut curculio, *Conotrachelus* spp., and oriental chestnut gallwasp are not known to occur in the production area. Such document shall be sent to the Oregon Department of Agriculture, c/o Plant Program Area Director, 635 Capitol Street, N.E., Salem, OR 97310, ten days prior to shipment of stock;

(c) Any and all varieties and species of the chestnut and chinquapin trees, (*Castanea* spp. and *Castanopsis* spp.), tissue cultures, parts or the nuts thereof arriving in the state of Oregon without proper documentation will be immediately sent out of the state or destroyed at the option and expense of the owner(s) or his or their responsible agent(s).

(5) Exemptions: No restrictions are placed by this quarantine upon the shelled nuts of all species and varieties of chestnut and chinquapin grown in and imported from foreign countries when reshipped into or arriving in this state in the unopened original container.

Stat. Auth.: ORS 561 & 570

Stats. Implemented: ORS 561.190, 561.510 - 561.600, 570.305, 570.405 & 570.410 - 570.415

Hist.: Quarantine Order No. 27(A series), ef. 2-5-37; AD 2-1988, f. & cert. ef. 3-10-88; DOA 3-2013, f. & cert. ef. 3-1-13; DOA 5-2014, f. & cert. ef. 4-29-14

603-052-0120

Quarantine; Oak Wilt Disease

(1) Establishing a Quarantine. A quarantine is established against Oak Wilt Disease (*Ceratocystis fagacearum*).

(2) Area Under Quarantine. All states and districts of the United States.

(3) Commodities Covered. All rooted trees, seedling plants, cuttings, scions, bark, leaf mold, roots, or other unpeeled parts, except seed, of all species of oak (*Quercus* spp.), chestnut (*Castanea* spp.), chinquapin (*Castanopsis* spp.), and tanbark oak (*Lithocarpus densiflora*). Tissue culture plantlets in sealed, sterile containers are exempt from this quarantine.

(4) Restrictions:

(a) Commodities Prohibited from Quarantine Areas: All commodities described in section (3) of this rule originating or grown within or shipped from any state or district described in section (2) of this rule, except as provided in subsection (b) of this section, are prohibited entry into the State of Oregon whether moved directly from said areas or diverted or reconsigned from any such area;

(b) Commodities Admitted Under Origin Certificate: Commodities described in section (3) of this rule may be permitted entry into Oregon provided each lot or shipment is accompanied by a certificate issued by an official agency of the state of origin certifying that all commodities covered by the certificate are a product of the state from which shipped or of another state, neither of which is known to have oak wilt disease occur; certifying that such commodities are free from the described disease; and setting forth in either case the name of the state where produced and the kind and amount of commodities covered by the certificate.

(5) Special Permits. The Department, upon receipt of an application in writing, may issue a special permit allowing entry into the state of quarantined commodities not otherwise eligible for movement under the provisions of this quarantine. Movement of such commodities will be subject to any conditions or restrictions stipulated in the special permit, and these conditions and restrictions may vary depending upon the intended use of the commodity and the potential risk of escape and spread of oak wilt.

Stat. Auth.: ORS 561.190, 561.510 - 561.600, 570.305, 570.405 & 570.410 - 570.415

Stats. Implemented: ORS 561.190, 561.510 - 561.600, 570.305, 570.405 & 570.410 - 570.415

Hist.: AD 1087(10-76), f. 3-22-76, ef. 4-1-76; DOA 2-2007, f. & cert. ef. 1-30-07; DOA 5-2014, f. & cert. ef. 4-29-14

603-052-0825

Hazelnut Nursery Stock Control Area

(1) A control area is established as authorized under ORS 561.510 and 570.405 to protect Oregon’s hazelnut industry from the introduction of Eastern filbert blight, caused by the fungus *Anisogramma anomala*. Eastern filbert blight causes stem cankers in ornamental and commercial hazelnuts leading to a decline in productivity and eventual death of the plant. Eastern filbert blight does occur in the Pacific Northwest but new commercial varieties of hazelnut are resistant to the local strain. However, a more virulent strain of Eastern filbert blight occurs in other areas that would have a severe impact on Oregon’s ornamental and commercial hazelnut industries if it were introduced into Oregon. The strains of Eastern filbert blight cannot be readily distinguished by standard laboratory testing methods.

(2) This control area includes the entire state of Oregon.

(3) The following definitions apply to ORS 603-052-0825:

(a) “Hazelnut plants” means plants and plant parts of *Corylus* species.

(b) “Pest Free Area” means an area where Eastern filbert blight does not occur as demonstrated by scientific evidence and, where appropriate, this condition is being officially maintained.

(c) “Director” means the director of the Oregon Department of Agriculture or the director’s authorized representative.

(d) “Micropropagate” means plant propagation using aseptic laboratory techniques and an artificial culture medium.

(4) To prevent the introduction of Eastern filbert blight, hazelnut plants shown to be a host of Eastern filbert blight that are imported into the control area must meet at least one of the following conditions. A phytosanitary certificate with an additional declaration corresponding to one of the options below is required.

(a) The hazelnut plants must originate from a pest free area.

(b) The importer of the hazelnut plants agrees to the following conditions:

(A) A maximum of 25 plants of each cultivar will be imported.

(B) The plants will be segregated in a greenhouse or similar secure location for a post-entry quarantine period of two (2) years.

(C) An official inspector will inspect the plants twice per year during the post-entry quarantine period. At least one inspection will take place during the dormant season. Plants that pass all inspections will be released

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from post-entry quarantine with no further restrictions. Plants on which Eastern filbert blight is detected must be destroyed immediately at the importer's expense.

(c) The importer of the hazelnut plants will import a maximum of 25 plants of each cultivar for the specific purpose of micropropagation. The micropropagated plants may be released from post-entry quarantine provided an official inspection reveals no evidence of disease while the plants are growing in the artificial culture medium. Parent plants must be maintained as described in (4)(b) or destroyed.

(d) The hazelnut plants are micropropagated and are shipped in an artificial culture medium in sealed containers.

(e) Hazelnut nuts must be free of green twigs and other green plant debris before being imported into the control area. Notification and phytosanitary certificates are not required for shipments of hazelnut nuts.

(5) Notification of regulated commodity shipment is required. The shipper shall mail, FAX or e-mail documents including the phytosanitary certificate of compliance, listing the type and quantity of plants, address of shipper, address of recipient, test results, contact numbers to: Nursery Program Supervisor, Plant Division, Oregon Department of Agriculture, 635 Capitol Street NE, Salem, Oregon 97301; FAX 503-986-4786; e-mail: quarantine@oda.state.or.us. The department may require that shipments be held until inspected and released. In addition, field grown plants may be required to be held for up to two years so they can be inspected for the disease as necessary before final release. ODA will contact importers within one business day of the receipt of notification, if the hazelnut plants must be held for inspection.

(6) Violation of the control area may result in a fine, if convicted, of not less than \$500 nor more than \$5,000 as provided by ORS 561.990. Violators may also be subject to civil penalties of up to \$10,000 as provided by 570.410, 570.990, and 570.995; nursery license suspension or nursery license revocation. Commodities shipped in violation may be treated, destroyed or returned to their point of origin at the importer's expense.

(7) The need for this control area and its effectiveness will be reviewed by the department and other interested parties biennially.

Stat. Auth.: ORS 570.405

Stats. Implemented: ORS 561.510

Hist.: DOA 22-2008, f. & cert. ef. 10-16-08; DOA 5-2014, f. & cert. ef. 4-29-14

603-052-1230

Quarantine: *Phytophthora ramorum*

(1) Establishing a quarantine: A quarantine is established against *Phytophthora ramorum*, the cause of sudden oak death and other plant diseases. This quarantine is established under ORS 561.510 and 561.540 to protect Oregon's agricultural industries and natural resources from the artificial spread of *P. ramorum*. This pathogen causes mortality in susceptible oak (*Quercus* spp.), tanoak (*Notholithocarpus densiflorus* syn. *Lithocarpus densiflorus*), rhododendron (*Rhododendron* spp.), viburnum (*Viburnum* spp.), evergreen huckleberry (*Vaccinium ovatum*), and other plant species. In other susceptible plants it causes leaf spots, twig dieback and/or stem cankers. Methods for exclusion of commodities potentially infected with this disease and procedures for eradication of incipient infections are prescribed in this quarantine.

(2) Area under quarantine:

(a) The following counties in California: Alameda, Contra Costa, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma;

(b) The following portion of Curry County that lies inside the area starting at the point where the northern border of T37S R15W section 13 meets the Pacific Ocean and continuing east to the northwest corner of T37S R14W section 15, then south to the northeast corner of S38S R14W section 15, then east to the northeast corner of T38S R13W section 18, then south to the northeast corner of T39S R13W section 6, then east to the northeast corner of T38S R12W section 29, then south to the northeast corner of T39S R12W section 17, then east to the northeast corner of T39S R12W section 15, then south to the northeast corner of T40S R12W section 10, then east to the northeast corner of T40S R11W section 7, then south to the southeast corner of the northeast quarter section of T41S R11W section 18, then west to the intersection with US Highway 101 ¼ mile north of the California border and then northeast of US Highway 101 to the intersection with West Benham Lane and then north of West Benham Lane directly west to the Pacific Coastline; then following the coastline north-northwest back to the point of beginning;

(c) Any country, state, county, province or area covered by the federal interim rule, 7 CFR 301.92, *Phytophthora ramorum*; quarantine and regulations;

(d) Any property in Oregon where *P. ramorum* is found, including a buffer zone of up to three (3) miles surrounding the infested site during any eradication or containment program.

(3) The following definitions apply to ORS 603-052-1230:

(a) "Best management practices" is defined as any actions or activities that can be used to prevent or eliminate new *P. ramorum* infections.

(b) "Disease-free area" means an area located more than one-quarter (1/4) mile from the generally infested area, or any other infested sites, which has been officially surveyed within the past 6-months and found free of *P. ramorum*.

(c) "Generally-infested area" means the area within the quarantine boundary where *P. ramorum* has been commonly found or in which there is reason to believe *P. ramorum* is present because of the proximity, one-quarter (1/4) mile or less, to known infested sites. A map showing the generally infested area is available from the Oregon Department of Agriculture, http://www.oregon.gov/ODA/CID/PLANT_HEALTH/, 635 Capitol St. NE, Salem, OR 97301, telephone: 503-986-4620.

(d) "Hosts and associated plants" means plants on the USDA APHIS List of Regulated Hosts and Plants Associated with *Phytophthora ramorum*, last revised March 1, 2012.

NOTE: This list is available from the Oregon Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301, telephone: 503-986-4644.

(e) "Infested site" is defined as the area within fifty (50) feet of one or more plants officially confirmed as infested with *P. ramorum*.

(f) "Treatment area" is defined as the area delimited by the Oregon Department of Agriculture (ODA) or an official cooperator in which treatments to eliminate or reduce *P. ramorum* inoculum and sources thereof is required or recommended. The treatment area may range from 50 to 300 or more feet from infested or symptomatic plants.

(g) "Type 1" is defined as an infested site(s) that because of its geographical location in relationship to other infested sites, surrounding flora, and based on the best available data on disease spread, is considered to be of highest risk for advancing further spread of *P. ramorum* into previously un-infested areas. By definition, Type 1 sites are typically located outside of the generally infested area.

(h) "Type 2" is defined as an infested site(s) that because of its geographical location in relationship to other infested sites, surrounding flora, and based on the best available epidemiological data on disease spread, is considered to be of less risk for advancing further spread of *P. ramorum* into previously un-infested areas. By definition, Type 2 sites are typically located inside of the generally infested area.

(i) "Non-commercial" is defined as any activity or entity that does not in some sense involve commerce, relative to similar activities that do have a commercial objective.

(j) "Nursery stock" is defined in ORS 571.005. Tissue culture plantlets in sealed, sterile containers are exempt from this regulation;

(4) Commodities regulated:

(a) All plants and plant parts of hosts and associated plants: Examples of regulated commodities include all portions of the plants including, but not limited to nursery stock, logs, bark, wood chips, mulch, firewood, sawdust, green waste, other plant products that may contain bark or foliage;

(b) Any other plant found to be naturally infected with *P. ramorum*, any product or article that an official inspector determines to present a risk of spreading *P. ramorum*. All life stages of *P. ramorum*.

(5) Provisions of the quarantine: Movement out of the quarantined area of regulated commodities originating from the area under quarantine, and any other area found to be infested with *P. ramorum* during the life of this quarantine, is prohibited unless one of the following requirements has been met:

(a) The regulated commodity meets the official treatment and certification requirements for interstate movement as defined in the federal interim rule, 7 CFR 301.92. The regulated commodity must be accompanied by an official certificate that includes the following additional declaration "The (type of covered commodity) from (name of county or other location identifier) has been treated for *Phytophthora ramorum* as required prior to shipment." As applicable, the specific requirements of the treatment must be recorded on the official certificate;

(b) Provisions for Douglas fir, grand fir, alder, and other non-hosts and non-bole hosts (as defined in 7 CFR 301.92) harvested within the quarantine area, including the generally-infested area. Logs and firewood of non-hosts and non-bole hosts are not regulated per 7 CFR 301.92 and can move freely within or outside the quarantine area. Soil, needles, foliage, and plant debris (including branches less than or equal to one (1) inch in diameter) must stay within the quarantine area.

(c) Provisions for tanoak logs and firewood harvested within the quarantine area.

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(A) Tanoak logs and firewood - Intrastate. Tanoak logs and firewood may be shipped intrastate provided the logs were harvested from a disease-free area and the logs and firewood are safeguarded from contamination prior to shipment out of the quarantine area.

(B) Tanoak logs and firewood - Interstate. Tanoak logs and firewood may be shipped interstate provided the logs and firewood were harvested from a disease-free area, have been debarked according to federal requirements (see 7 CFR 301.92), and are accompanied by an official phytosanitary certificate verifying the debarking of the logs and firewood prior to shipment.

(C) Tanoak logs and firewood harvested within the generally-infested area are not eligible for movement outside of the quarantine area.

(d) Nursery stock grown in a quarantined county or area may be eligible for shipment to and within Oregon providing the nursery is part of an official certification program and has been inspected and tested as required by the federal interim rule, 7 CFR 301.92, for *P. ramorum*. The official certificate must include the following additional declaration: "The (covered commodity) from (name of county or other location identifier) has met the *Phytophthora ramorum* quarantine requirements for shipment into and within Oregon."

NOTE: Recipients of tree and shrub nursery stock imported into the state must notify the ODA no later than two business days after its arrival as required by OAR 603-054-0027.

(e) Soil and potting media from the quarantine area at a known infested site or from within five (5) meters of an infested host plant must be sterilized before shipment. The soil or potting media must reach a minimum temperature of 60 degrees C (140 degrees F) for one (1) hour measured at the center of the mass of soil or potting media. Soil or potting media that has never been associated with the covered commodities is exempt. Treatments must be officially verified. The official certificate must include the following additional declaration "The (soil or potting media) from (name of county or other location identifier) has been treated for *Phytophthora ramorum* as required prior to shipment." The length and temperature of the treatment must be recorded on the official certificate.

(6) Infested properties in Oregon: Confirmation of a *P. ramorum* infection must be made by the ODA or an official cooperater. The required response depends on whether the infested site is of high priority (Type 1) or normal priority (Type 2) in terms of importance for slowing disease spread as determined by ODA or an official cooperater. The ODA or an official cooperater will notify the landowner when a Type 1 infested site has been detected on their property.

(a) Type 1 sites must be treated as quickly as possible in accordance with USDA APHIS's Official Regulatory Protocol for *Phytophthora ramorum* Detections in Residential or Landscaped Commercial Settings, last revised September 1, 2009 or the *Phytophthora ramorum* APHIS Response Protocol for Forest and Wildland Environments Version 1.0, updated November 21, 2008. Subject to the availability of funds dedicated to the rapid treatment of *P. ramorum* infested sites, the cost of treatment will be borne by the State.

NOTE: These protocols are available from the Oregon Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301, telephone: 503-986-4644.

Affected property owners will be issued infestation and treatment area location and treatment requirements in the form of an Administrative Directive. For public and private forested lands, the Oregon Departments of Agriculture and Forestry (ODF) will work with the landowner to develop a treatment plan that will be based on the best available science. The treatment plan may include some or all of the following activities:

- (A) Cutting and piling susceptible trees and shrubs;
- (B) Burning the wood and plant debris when safe to do so;
- (C) Herbicide treatment of stumps, standing trees, and sprouts;
- (D) Fungicide application;
- (E) Sampling and monitoring;
- (F) Replanting with suitable plant species to meet landowner objectives and to prevent intensification and spread of the disease.

(b) On Type 2 sites disease suppression through the implementation of best management practices is encouraged. Subject to availability of funds dedicated to the suppression of *P. ramorum* in urban and forested environments, a cost-share program may be available through the ODF to help defray costs of implementing best management practices to suppress disease spread (Oregon Department of Forestry, 415 Redwood Street, Brookings, OR 97415, telephone: 541-469-5040). A landowner with a Type 2 site may, after consultation with the ODA and ODF, allow use of their infested site(s) for *P. ramorum*-related research by Oregon State University, ODF, or ODA. Trees killed by *P. ramorum* within an infested Type 2 treatment area may be used as firewood under the following conditions:

(A) The firewood from the infested tree(s) is for non-commercial use only;

(B) The firewood does not leave the generally-infested area.

NOTE: Best management practices for managing *P. ramorum* infestations within the generally infested area are available on the California Oak Mortality website, <http://www.suddenoakdeath.org>, or from the Oregon Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301, telephone: 503-986-4644, or the Oregon Department of Forestry - Coos Bay, 63612 Fifth Road, Coos Bay, 97420, telephone: 541-267-4136.

(7) Infested nurseries in Oregon: Confirmation of a *P. ramorum* infestation must be made by the ODA or an official cooperater. Nurseries are required to eradicate the disease as quickly as possible in accordance with USDA APHIS's Official Regulatory Protocol for Wholesale and Production Nurseries Containing Plants Infected with *Phytophthora ramorum* Version 8.1, updated July 3, 2013, or the Official Regulatory Protocol for Retail Nurseries Containing Plants Infected with *Phytophthora ramorum* modified July 3, 2013, will be implemented immediately. Infected nurseries must also notify their customers of shipments high-risk nursery stock [*Camellia*, *Kalmia*, *Pieris*, *Rhododendron* (including *Azalea*), and *Viburnum*] to non-regulated areas as required by the Federal Order for *Phytophthora ramorum*, (DA-2012-53, December 10, 2012). Nurseries from which *P. ramorum* has been detected in multiple growing seasons will be required to implement best management practices as described in USDA APHIS's official regulatory protocols for positive nurseries for the mitigation of *Phytophthora* disease in plants for planting; alternatively, nurseries from which *P. ramorum* has been detected in multiple growing seasons may enter Oregon's Grower Assisted Inspection Program (GAIP).

NOTE: These best management practices and protocols and information about the GAIP for nurseries are available from the Oregon Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301, telephone: 503-986-4644.

(8) Special permits: The Department, upon receipt of an application in writing, may issue a special permit allowing movement into this state, or movement within this state, of regulated commodities not otherwise eligible for movement under the provisions of this quarantine order. Movement of such commodities will be subject to any conditions or restrictions stipulated in the permit, and these conditions and restrictions may vary depending upon the intended use of the commodity and the potential risk of escape or spread of *P. ramorum*.

(9) Violation of quarantine: Violation of this quarantine may result in a fine, if convicted, of not less than \$500 no more than \$5,000, as provided by ORS 561.990. In addition, violators will be subject to civil penalties of up to \$10,000 as provided by 561.995. Commodities shipped in violation of this quarantine may be treated, destroyed or returned to their point of origin without expense or indemnity paid by the state.

Stat. Auth.: ORS 561.190 & 561.560

Stats. Implemented: ORS 561.560

Hist.: DOA 1-2001(Temp), f. & cert. ef. 1-5-01 thru 4-4-01, DOA 5-2001, f. & cert. ef. 3-27-01; DOA 1-2005, f. & cert. ef. 1-24-05; DOA 4-2006, f. & cert. ef. 3-10-06; DOA 7-2007, f. & cert. ef. 3-27-07; DOA 5-2008, f. & cert. ef. 1-16-08; DOA 5-2009, f. & cert. ef. 4-9-09; DOA 21-2010, f. & cert. ef. 12-17-10; DFW 14-2011, f. & cert. ef. 9-9-11; DOA 6-2012, f. & cert. ef. 3-22-12; DOA 4-2013, f. & cert. ef. 3-1-13; DOA 5-2014, f. & cert. ef. 4-29-14

603-052-1245

Blueberry Nursery Stock Control Area

(1) A Control area is established as authorized under ORS 570.405 to 570.435 to protect Oregon's blueberry fruit industry from the introduction of blueberry scorch virus. Blueberry scorch virus is an aphid-borne plant disease that causes necrosis of leaves and flowers in blueberry leading to a decline in productivity. Blueberry scorch virus does occur in the Pacific Northwest but does not cause symptoms on the commonly grown varieties. However, a more virulent strain of blueberry scorch virus occurs in other areas that would have a severe impact on Oregon's blueberry industry if it were introduced into Oregon. The strains of blueberry scorch virus cannot be readily distinguished by standard laboratory testing methods.

(2) This control area includes the entire state of Oregon.

(3) The following definitions apply to ORS 603-052-1245:

(a) "Host plant" means plants and plant parts of *Vaccinium corymbosum*, *Vaccinium macrocarpon*, *V. membranaceum*, and *Sambucus nigra* are symptomless carriers of blueberry scorch virus and are also considered host plants.

(b) "Pest Free Area" means an area where blueberry scorch virus does not occur as demonstrated by scientific evidence and in which, where appropriate, this condition is being officially maintained.

(c) "Director" means the director of the Oregon Department of Agriculture or the director's authorized representative.

(d) "Micropropagated" means plant propagation using aseptic laboratory techniques and an artificial culture medium.

(4) To prevent the introduction of blueberry scorch virus, plants and plant parts of *Vaccinium corymbosum* and any other host plants of blueberry scorch virus that are imported, planted, sold, or offered for sale within the control area must meet at least one of the following conditions. A

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phytosanitary certificate with an additional declaration corresponding to one of the options below is required.

(a) The host plants must originate from a pest free area.

(b) The host plants are certified in accordance with the regulations of an official certification program in the state or province of origin that includes testing and inspection for blueberry viruses and is approved by the director.

(c) The host plants are free of blueberry scorch virus based on an official laboratory test using a protocol approved by the director.

(d) The host plants are micropropagated and/or grown in an insect-proof greenhouse or screenhouse and originate from mother plants that have been tested and found free of blueberry scorch virus.

(e) Blueberry fruit must be free of leaf tissue and other plant debris before being imported into the control area. Notification and phytosanitary certificates are not required for shipments of blueberry fruit.

(f) The ODA will operate official testing and certification programs on a cost-recovery basis. Fees charged by the Department are payable on or before December 31 of each year, and are for the sole purpose of defraying expenses incurred by the Department in conducting official testing procedures provided for in this control area order. Payment thereof shall not be construed as granting any right or privilege to the program participant.

(5) Notification of regulated commodity shipment is required. The shipper shall mail, FAX or e-mail documents including the phytosanitary certificate of compliance, listing the type and quantity of plants, address of shipper, address of recipient, test results, contact numbers to: Nursery Program Supervisor, Plant Division, Oregon Department of Agriculture, 635 Capitol Street NE, Salem, Oregon 97301; FAX 503-986-4786; e-mail: quarantine@oda.state.or.us. The department may require that shipments be held until inspected and released.

(6) Violation of the control area may result in a fine, if convicted, of not less than \$500 nor more than \$5,000 as provided by ORS 561.990. Violators may also be subject to civil penalties of up to \$10,000 as provided by 570.410, 570.990, and 570.995; nursery license suspension or nursery license revocation. Commodities shipped in violation may be treated, destroyed or returned to their point of origin at shippers expense.

(7) Review of this Control area: The necessity for this quarantine and its effectiveness will be reviewed by the department and other interested parties annually.

Stat. Auth.: ORS 570.405

Stats. Implemented: ORS 561.510

Hist.: DOA 8-2002, f. & cert. ef. 2-1-02; DOA 15-2006, f. & cert. ef. 7-13-06; DOA 5-2014, f. & cert. ef. 4-29-14

603-052-1250

Phytophthora ramorum Regulated Area for Nursery Stock

(1) A regulated area is established as authorized under ORS 570.305, 571.015 and 571.145, to protect Oregon from introduction of *Phytophthora ramorum* (sudden oak death, ramorum canker and blight). This pathogen causes leaf blight, dieback or death in certain trees and shrubs including tanoak, rhododendron, viburnum and camellia. Susceptible plants include species important to Oregon's native forests, horticultural landscapes and nursery industry.

(2) This regulated area includes the entire state of Oregon.

(3) The following definitions apply to OAR 603-052-1250:

(a) "Hosts and associated plants" means plants on the USDA APHIS's List of Regulated Hosts and Plants Associated with *Phytophthora ramorum*, last revised January 2012.

NOTE: This list is available from the Oregon Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301, telephone 503-986-4644.

(b) "Grower" and "nursery stock" are defined in ORS 571.005;

(c) Tissue culture plantlets in sealed, sterile containers are exempt from this regulation. Also exempt are: acorns and seeds; turf or sod; bulbs; tubers, corms or rhizomes (except those species listed as hosts or associated plants); greenhouse grown cactus, succulents and orchids; aquarium grown aquatic plants; and greenhouse, container or field grown palms and cycads.

(4) All growers of host and associated plants in the regulated area shall enter into compliance agreements with the department and/or USDA, APHIS as described in section (6). Before growers can enter into a compliance agreement they must be inspected, tested and certified free of *P. ramorum*, as described in sections (5) or (7).

(5) Growers in the certification program shall be inspected and tested for *P. ramorum* in accordance with federal interim rule, 7 CFR 301.92.

NOTE: This interim rule is available from the Oregon Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301, telephone 503-986-4644. Inspection and sampling procedures will meet or exceed USDA standards for nurseries in regulated and

quarantine areas. The department, using federally approved laboratory protocols, will test the samples.

(6) Growers who enter compliance agreements will be required to:

(a) Comply with OAR 603-054-0027 that requires all recipients of shipments of tree and shrub nursery stock imported from out-of-state, to notify the department within two business days of arrival of the shipment;

(b) Purchase hosts and associated hosts only from certified sources when such purchases originate in a Federally quarantined or regulated areas where official *P. ramorum* certification programs acceptable to the department exist;

(c) Have an official inspector inspect and test for *P. ramorum*, hosts and associated hosts purchased from sources in Federally quarantined or regulated areas where no official certification program exists; these plants must be safeguarded, segregated and held off sale until test results are complete;

(d) Maintain records of all incoming and outgoing shipments of hosts and associated hosts for a minimum of 24 months;

(e) Include appropriate Federal or State certification with all host nursery stock and associated plants shipped interstate.

(7) Alternately, such nurseries may be inspected, sampled and tested through an official "State Nursery Stock Cleanliness Program" (SNSCP), which documents inspection of all nursery stock for the presence of *P. ramorum*, at the appropriate time of year. The SNSCP inspection, sampling, and testing program must be approved by USDA, APHIS. Until testing is completed and the nursery is found free of evidence of *P. ramorum* the following plants must be withheld from interstate shipment:

(a) All host nursery stock and associated plants;

(b) All plants within the same genus as any host or associated plant; and

(c) Any plants located within 10 meters of a host or associated plant.

(8) Failure to comply with all articles of a compliance agreement will result in revocation of the compliance agreement and decertification.

(9) A list of growers compliant with these rules will be maintained on the department's web site. The department will update the list as necessary to maintain an accurate accounting of growers participating in the program.

(10) If *P. ramorum* is officially confirmed within a nursery, delimitation and eradication procedures as outlined in USDA APHIS's Official Regulatory Protocol for Wholesale and Production Nurseries Containing Plants Infected with *Phytophthora ramorum* Version 8.1, updated July 3, 2013, or the Official Regulatory Protocol for Retail Nurseries Containing Plants Infected with *Phytophthora ramorum*, modified July 3, 2013, will be implemented immediately.

NOTE: These protocols are available from the Oregon Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301, telephone 503-986-4644. Hosts and associated hosts shall not be moved from the nursery/growing site until all conditions of the protocol are met and the department releases the plants.

(12) Violators of this regulated area are subject to the penalties provided by ORS 570.410 and 570.990 and 570.995, including civil penalties up to \$10,000.

Stat. Auth.: ORS 561.510 & 570.305

Stats. Implemented: ORS 561.190

Hist.: DOA 13-2005, f. & cert. ef. 3-25-05; DOA 4-2006, f. & cert. ef. 3-10-06; DOA 7-2007, f. & cert. ef. 3-27-07; DOA 5-2008, f. & cert. ef. 1-16-08; DOA 5-2009, f. & cert. ef. 4-9-09; DOA 21-2010, f. & cert. ef. 12-17-10; DOA 5-2014, f. & cert. ef. 4-29-14

Rule Caption: Raises fees for nursery licenses and phytosanitary certificates to adjust for inflation.

Adm. Order No.: DOA 6-2014

Filed with Sec. of State: 5-1-2014

Certified to be Effective: 5-1-14

Notice Publication Date: 4-1-2014

Rules Amended: 603-054-0016, 603-054-0017, 603-054-0018, 603-054-0024, 603-054-0030

Subject: The Department of Agriculture amendments changed the following:

(1) Adjusted Nursery License Fees and Fees for phytosanitary certificates for inflation since 2008 and covered the cost of the certification program.

(2) Fees adjusted 15%.

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

603-054-0016

License Fees: Growers and Collectors

(1) The license fee for nursery growers, other than greenhouse growers of herbaceous plants, and for collectors of native plants shall be as follows: If Annual Sales are — The license fee is:

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- (a) Up to \$20,000 = \$129;
- (b) \$20,001-\$100,000 = \$129 plus .0040 over \$20,000;
- (c) \$100,001-\$200,000 = \$449 plus .0037 over \$100,000;
- (d) \$200,001-\$500,000 = \$819 plus .0030 over \$200,000;
- (e) \$500,001-\$2,000,000 = \$1,719 plus .0018 over \$500,000;
- (f) \$2,000,001 & above = \$4,419 plus .00052 over \$2,000,000;
- (g) Maximum Fee = \$20,000.

(2) In addition to the annual license fee above, there will be a research assessment equal to .0002 of annual sales. The minimum research assessment is \$10.

(3) In addition to the annual license fee (1) and research assessment fee (2) above, there will be an assessment for the Plant Pest and Disease Emergency Response Fund. The assessment will be adjusted annually to maintain a fund balance of \$250,000 and will not exceed .0002 of annual sales.

Stat. Auth.: ORS 561 & 571
Stats. Implemented: ORS 571.057
Hist.: AD 8-1986, f. & ef. 5-22-86; AD 11-1995(Temp), f. & cert. ef. 6-14-95; AD 13-1997, f. & cert. ef. 7-31-97; Administrative correction 8-26-97; DOA 2-2003, f. & cert. ef. 1-7-03; DOA 9-2006, f. & cert. ef. 3-22-06; DOA 3-2008, f. & cert. ef. 1-7-08; DOA 13-2008, f. & cert. ef. 4-15-08; DOA 6-2014, f. & cert. ef. 5-1-14

603-054-0017

License Fees: Greenhouse Growers of Herbaceous Plants

(1) The license fee for greenhouse growers of herbaceous plants shall be as follows: If Annual Sales are — The license fee is:

- (a) Up to \$20,000 = \$129;
- (b) \$20,001-\$100,000 = \$129 plus .0016 over \$20,000;
- (c) 100,001-\$200,000 = \$257 plus .0013 over \$100,000;
- (d) \$200,001-\$500,000 = \$387 plus .00064 over \$200,000;
- (e) \$500,001-\$2,000,000 = \$579 plus .00057 over \$500,000;
- (f) \$2,000,001 & above = \$1,434 plus .00052 over \$2,000,000;
- (g) Maximum Fee = \$20,000.

(2) In addition to the annual license fee above, there will be a research assessment equal to .0002 of annual sales. The minimum research assessment is \$10.

(3) In addition to the annual license fee (1) and research assessment fee (2) above, there will be an assessment for the Plant Pest and Disease Emergency Response Fund. The assessment will be adjusted annually to maintain a fund balance of \$250,000 and will not exceed .0002 of annual sales.

Stat. Auth.: ORS 561 & 571
Stats. Implemented: ORS 571.057
Hist.: AD 8-1986, f. & ef. 5-22-86; AD 11-1995(Temp), f. & cert. ef. 6-14-95; AD 13-1997, f. & cert. ef. 7-31-97; Administrative correction 8-26-97; DOA 2-2003, f. & cert. ef. 1-7-03; DOA 9-2006, f. & cert. ef. 3-22-06; DOA 3-2008, f. & cert. ef. 1-7-08; DOA 13-2008, f. & cert. ef. 4-15-08; DOA 6-2014, f. & cert. ef. 5-1-14

603-054-0018

License Fees: Dealers, Florist and Landscape Contractors

(1) The license fee for dealers, florist, and landscape contractors shall be as follows: If annual purchases (live plant material only, cut flowers are exempt) are The license fee is:

- (a) Up to \$20,000 = \$129;
- (b) \$20,001-\$100,000 = \$129 plus .0016 over \$20,000;
- (c) 100,001-\$200,000 = \$257 plus .0013 over \$100,000;
- (d) \$200,001-\$500,000 = \$387 plus .00064 over \$200,000;
- (e) \$500,001-\$2,000,000 = \$579 plus .00057 over \$500,000;
- (f) \$2,000,001 & above = \$1,434 plus .00052 over \$2,000,000;
- (g) Maximum Fee = \$20,000.

(2) In addition to the annual license fee above, there will be a research assessment equal to .0002 of annual purchases. The minimum research assessment is \$10.

(3) In addition to the annual license fee (1) and research assessment fee (2) above, there will be an assessment for the Plant Pest and Disease Emergency Response Fund. The assessment will be adjusted annually to maintain a fund balance of \$250,000 and will not exceed .0002 of annual purchases.

Stat. Auth.: ORS 561 & 571
Stats. Implemented: ORS 571.057
Hist.: AD 8-1986, f. & ef. 5-22-86; AD 11-1995(Temp), f. & cert. ef. 6-14-95; AD 13-1997, f. & cert. ef. 7-31-97; Administrative correction 8-26-97; DOA 2-2003, f. & cert. ef. 1-7-03; DOA 9-2006, f. & cert. ef. 3-22-06; DOA 3-2008, f. & cert. ef. 1-7-08; DOA 13-2008, f. & cert. ef. 4-15-08; DOA 6-2014, f. & cert. ef. 5-1-14

603-054-0024

Fees for Issuance of Phytosanitary and Other Certificates

The following fees and charges are established for inspections requested by nurseries in order to issue state or federal phytosanitary certificates and any other certificate that requires inspection prior to issuance

of such certificates. The base charge for certificates will be \$25 each. The USDA administrative charge for federal phytosanitary certificates will be \$12 for federal phytosanitary certificates completed by ODA personnel or \$6 for federal phytosanitary certificates issued through PCIT.

Stat. Auth.: ORS 561 & 571
Stats. Implemented: ORS 571.145
Hist.: DOA 2-2003, f. & cert. ef. 1-7-03; DOA 9-2006, f. & cert. ef. 3-22-06; DOA 3-2008, f. & cert. ef. 1-7-08; DOA 4-2010, f. & cert. ef. 1-28-10; DOA 6-2014, f. & cert. ef. 5-1-14

603-054-0030

Inspection and Service Fees for Unlicensed Nursery Persons

The fees for inspection and special services performed for persons not required to be licensed pursuant to ORS Chapter 571 are as follows:

(1) Inspections and issuance of phytosanitary or other certificates at locations or premises of persons requesting such service shall be \$60 per hour, chargeable to the nearest one-quarter hour, with a minimum of \$45 for each inspection or issuance of a certificate.

(2) Inspections and issuance of phytosanitary certificates or other certificates at a State Department of Agriculture facility shall be \$20 for each such certificate for non-commercial shipments (less than \$1000 value) and \$35 per certificate for commercial shipments (greater than \$1000 value).

(3) Fees for laboratory services will be sufficient to recover the costs of such services.

Stat. Auth.: ORS 561 & 571
Stats. Implemented: ORS 561.020 & 571.145
Hist.: AD 2-1978, f. & ef. 1-19-78; AD 4-1979, f. & ef. 4-22-79; AD 1-1983, f. & ef. 1-4-83; AD 14-1997, f. & cert. ef. 7-30-97; DOA 2-2003, f. & cert. ef. 1-7-03; DOA 6-2014, f. & cert. ef. 5-1-14

Rule Caption: Extension of Weed Free Tree Seedling Requirement.

Adm. Order No.: DOA 7-2014

Filed with Sec. of State: 5-1-2014

Certified to be Effective: 5-1-14

Notice Publication Date: 3-1-2014

Rules Amended: 603-052-1205

Subject: The Department of Agriculture amendments changed the following:

(1) Allows methyl bromide to be used as a fumigant in tree seedling nurseries for another five years until December 31, 2018.

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

603-052-1205

Weed-Free Tree Seedling Nurseries

(1) Nursery-grown tree seedlings for commercial forest production can spread noxious weeds if they become contaminated with weed seeds. In order to prevent the spread of noxious weeds, it is necessary to keep them out of the seedling production fields at nurseries that grow conifer and hardwood seedlings for commercial forest plantings. Noxious weeds found in seedling nurseries include, but are not limited to, yellow nutsedge, thistles, St. Johnswort, creeping yellow cress, and quackgrass. OAR 603-052-1200 has a complete list of noxious weeds quarantined in Oregon.

(2) To prevent the establishment and spread of noxious weeds via tree seedlings used for commercial forest plantings, seedling production fields must be kept noxious weed-free.

(3) Currently the preferred method of treatment of seedling production fields, though not the only acceptable treatment, is fumigation with methyl bromide prior to seeding or transplanting of seedlings. This rule is intended as a bridge to ensure effective noxious weed control until technically viable and economically feasible alternative controls and methods can be developed and tested. Active testing of alternatives is underway but has not yet proven operationally successful. This section (3) of this rule may be repealed on December 31, 2018 unless a thorough review as to its importance results in a finding that it is still necessary.

Stat. Auth.: ORS 570.505 & 571.200
Stats. Implemented: ORS 570.505 & 571.200
Hist.: DOA 23-2008, f. & cert. ef. 10-31-08; DOA 7-2014, f. & cert. ef. 5-1-14

Department of Agriculture, Oregon Albacore Commission Chapter 972

Rule Caption: Amend required data on payment assessment form and add Secretary/Treasurer to Officers elected

Adm. Order No.: AC 1-2014

Filed with Sec. of State: 5-7-2014

Certified to be Effective: 5-7-14

ADMINISTRATIVE RULES

Notice Publication Date: 4-1-2014

Rules Amended: 972-010-0020, 972-030-0040

Subject: Amends the required data on the commission assessment form to delete unnecessary information and streamline the reporting process; adds Secretary/Treasurer to the officers elected.

Rules Coordinator: Nancy Fitzpatrick—(541) 994-2647

972-010-0020

Reports and Payment of Assessment Monies

(1) First Purchasers and handlers must submit completed and signed assessment reports on commission approved forms. Assessment reports shall include all purchases by or deliveries to a first purchaser or handler of Oregon Albacore.

(2) Assessment collections that total \$200 or more for the current season must be reported monthly. Monthly assessment reports are due in the commission office by 5:00 pm on the 20th day of each month. Example: Assessment reports for August 1–August 31 would be due in the commission office by 5:00 pm on September 20th.

(3) Assessment collections that total less than \$200 for the current season must be reported annually. Annual assessment reports are due in the commission office by 5:00 pm on December 20th.

(4) When a first purchaser has completed, signed, and forwarded a report covering the final purchase of albacore for the year, the report shall be marked in large letters "FINAL REPORT FOR THIS YEAR." No further reports are necessary unless or until additional purchases are made.

(5) At the time that reports as required in section (1) of this rule are due, the first purchaser shall attach and forward payment to the Commission for the assessment due. Reports shall be on forms prescribed by the Commission. The forms shall be signed by the first purchaser and completed with the required data, including, but not limited to month and year of report, total pounds purchased during the month, total price paid for all albacore purchases during the month, and total monthly assessment remitted by the first purchaser.

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

Stat. Auth.: ORS 576

Stats. Implemented: ORS 576

Hist.: AC 1-2000, f. & cert. ef. 5-4-00; AC 1-2002, f. & cert. ef. 2-21-02; AC 1-2014, f. & cert. ef. 5-7-14

972-030-0040

Chair and Other Officers

Annually, at the Budget Hearing the Commission for the new fiscal year, the Commission will elect from its members a Chair, a Vice Chair, and a Secretary/Treasurer who will serve until their successors are elected and qualified. The Chair, Vice Chair or Secretary/Treasurer may resign as such or may be removed from that position by vote of five Commissioners. If the Chair, Vice Chair, or Secretary/Treasurer ceases to be a Commissioner, the office will be vacant and a successor will be selected at the next regular meeting of the Commission. The Chair will preside over all meetings of the Commission. The Vice Chair or Secretary/Treasurer will act in lieu of the Chair when the Chair is unable to perform the duties of the office of Chair or while the office is vacant.

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

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

Hist.: AC 1-2004, f. 1-15-04 cert. ef. 1-16-04; AC 1-2014, f. & cert. ef. 5-7-14

Department of Agriculture, Oregon Orchardgrass Seed Producers Commission Chapter 655

Rule Caption: Amends qualifications of commissioners to make all positions represent state at large.

Adm. Order No.: OSPC 1-2014

Filed with Sec. of State: 5-6-2014

Certified to be Effective: 5-6-14

Notice Publication Date: 4-1-2014

Rules Amended: 655-015-0020

Subject: Makes all positions on the commission represent the state at large, gets rid of previous geographic representation requirements.

Rules Coordinator: Misty Slagle—(503) 924-1181

655-015-0020

Qualifications of Commissioners

(1) For purposes of this rule:

(a) "Producer" means a person growing or producing within this state or procuring within the state, its rivers or the offshore waters, but not the

Columbia River, for commercial handling within the state, a commodity for market, or receiving a share thereof as landowner, landlord, tenant, share-cropper, boat skipper or otherwise. A producer must have paid the commission assessment on the commodity in each of the preceding three calendar years.

(b) "Handler" means any producer, processor, distributor or other person engaged in handling or marketing of or dealing in the commodity, whether as owner, agent, employee, broker or otherwise. A handler must have collected the Commission assessment, if any, each of the preceding three calendar years.

(c) "Commission" means the Oregon Orchardgrass Seed Producers Commission.

(2) Members of the Commission will have the following qualifications, which will continue during the term of office of the member:

(a) No more than one member of the Commission will be a member of the public with an active interest in the positive economic development, production and marketing of the commodity, but who is not associated with the production or handling of orchardgrass seed;

(b) A majority of the Commission members, seven (7), will be producers;

(c) No more than one Commission member will be a handler;

(d) All Commission members who are not the handler or the public member will be producers.

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

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

Hist.: OSPC 1-2004, f. 1-15-04 cert. ef. 1-16-04; OSPC 1-2014, f. & cert. ef. 5-6-14

Department of Agriculture, Oregon Processed Vegetable Commission Chapter 647

Rule Caption: Amend rules related to assessment rates.

Adm. Order No.: OPVC 1-2014

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

Certified to be Effective: 5-5-14

Notice Publication Date: 4-1-2014

Rules Amended: 647-010-0010

Subject: The rule sets the assessment rate for the six processed vegetable crops governed by the Commission.

Rules Coordinator: Misty Slagle—(503) 924-1181

647-010-0010

Assessments

(1) Any first purchaser shall deduct and withhold an assessment of the following amounts from each of the above named vegetable crops:

(a) Beans — \$.895 per ton based on the net weight of the beans delivered.

(b) Sweet Corn — \$.297 per ton based on the gross weight of the sweet corn delivered.

(c) Table Beets — \$.446 per ton based on the net weight of the table beets delivered.

(d) Carrots — \$.051 per ton based on the net weight of the carrots delivered.

(e) Broccoli — \$2.238 per ton based on the net weight of the broccoli delivered.

(f) Cauliflower — \$1.533 per ton based on the net weight of the cauliflower delivered.

(2) From the price paid to the producer thereof, after July 1, 2014 for all of the above named vegetables for processing and grown in Oregon.

Stat. Auth.: ORS 576.051 - 576.595

Stats. Implemented: ORS 576.051 - 576.595

Hist.: PVC 2-1985, f. 7-17-85, ef. 7-22-85; PVC 1-1986, f. 5-30-86, ef. 6-1-86; PVC 2-1987, f. & ef. 6-16-87; PVC 1-1988, f. 4-22-88, cert. ef. 6-1-88; PVC 1-1989, f. 5-4-89, cert. ef. 6-1-89; PVC 1-1990, f. 4-24-90, cert. ef. 6-1-90; PVC 1-1991, f. 5-7-91, cert. ef. 6-1-91; PVC 1-1992, f. 4-15-92, cert. ef. 6-1-92; PVC 1-1993, f. 4-28-93, cert. ef. 6-21-93; PVC 1-1994, f. 4-22-94, cert. ef. 6-21-94; PVC 2-1995, f. 5-24-95, cert. ef. 6-1-95; PVC 1-1996, f. 5-14-96, cert. ef. 1-1-96; PVC 1-1997, f. 5-6-97, cert. ef. 6-1-97; OPVC 1-1998, f. 5-28-98, cert. ef. 6-1-98; OPVC 2-1999 f. 4-26-99, cert. ef. 6-1-99; OPVC 1-2000, f. 5-2-00, cert. ef. 6-1-00; OPVC 2-2001, f. 5-15-01, cert. ef. 6-1-01; OPVC 1-2002, f. 4-26-02, cert. ef. 6-1-02; OPVC 1-2003, f. 5-8-03, cert. ef. 6-1-03; OPVC 2-2004, f. 5-11-04, cert. ef. 6-1-04; OPVC 1-2005, f. 5-13-05, cert. ef. 6-1-05; OPVC 1-2006, f. 5-9-06, cert. ef. 6-1-06; OPVC 1-2007, f. 5-14-07, cert. ef. 6-1-07; OPVC 2-2008, f. 5-2-08, cert. ef. 6-1-08; OPVC 1-2009, f. 5-14-09, cert. ef. 7-1-09; OPVC 1-2010, f. 4-26-10, cert. ef. 7-1-10; OPVC 1-2011, f. 5-3-11, cert. ef. 7-1-11; OPVC 1-2012, f. 5-14-12, cert. ef. 7-1-12; OPVC 1-2013, f. & cert. ef. 5-10-13; OPVC 1-2014, f. & cert. ef. 5-5-14

ADMINISTRATIVE RULES

Department of Agriculture, Oregon Salmon Commission Chapter 646

Rule Caption: Amend late assessment penalties, set specific number of commissioners, amend commissioner per diem compensation

Adm. Order No.: OSC 1-2014

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

Certified to be Effective: 5-5-14

Notice Publication Date: 4-1-2014

Rules Amended: 646-010-0020, 646-030-0020, 646-040-0000

Subject: Sets the penalty for delaying transmittal of assessment moneys at ten percent of the amount due for the first month and one and one-half percent of the amount due for each month of delay thereafter.

Sets a specific number of commissioners as producers (six) and handlers (two).

Sets per diem for commissioners at \$100.00. ORS 576.265 exempts commissions from the per diem limits set in OAR 292.495.

Rules Coordinator: Nancy Fitzpatrick—(541) 994-2647

646-010-0020

Penalties

Penalty for delaying transmittal of assessment moneys is provided in ORS 576.355, which states, "In addition to the penalties prescribed in 576.991, and any first purchaser or other person who delays transmittal of funds beyond the time set by the Commission shall pay ten percent of the amount due for the first month of delay and one and a half percent of the amount due for each month of delay thereafter."

Stat. Auth.: ORS 576.265

Stats. Implemented: ORS 576.355(1)

Hist.: OSC 2-1984, f. & ef. 6-20-84; OSC 1-2014, f. & cert. ef. 5-5-14

646-030-0020

Qualifications of Commissioners

(1) For purposes of this rule:

(a) A "producer" is a person growing or producing within this state or procuring within the state, its rivers or the offshore waters, but not the Columbia River, for commercial handling within the state, a commodity for market, or receiving a share thereof as landowner, landlord, tenant, share-cropper, boat skipper or otherwise. A producer must have paid the commission assessment on the commodity in each of the preceding three calendar years.

(b) A "handler" is any producer, processor, distributor or other person engaged in handling or marketing of or dealing in the commodity, whether as owner, agent, employee, broker or otherwise. A handler must have collected the commission assessment, if any, each of the preceding three calendar years.

(2) Members of the Salmon Commission will have the following qualifications, which will continue during the term of office of the member:

(a) One member of the commission will be a member of the public with an active interest in the positive economic development, production and/or marketing of the commodity, but who is not associated with the production or handling of salmon;

(b) Six of the members will be producers;

(c) Two members will be handlers;

(3) In addition to the qualifications set forth in subsection (2) of this rule, at least one member(s) shall be from each of the following regions:

(a) Northern Oregon border to North of Cascade Head;

(b) Cascade Head to south of Florence;

(c) South of Florence to southern Oregon border.

Stat. Auth.: 2003 OL Ch. 604 & ORS 576.225

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

Hist.: OSC 1-2004, f. 1-15-04 cert. ef. 1-16-04; OSC 2-2004, f. & cert. ef. 4-8-04; OSC 1-2014, f. & cert. ef. 5-5-14

646-040-0000

Per Diem Compensation

(1) Subject to the availability of funds in the budget of the commission, the Oregon Salmon Commission must pay any member of the commission, other than a member who is employed in full-time public service, compensation for each day or portion thereof during which the member is actually engaged in the performance of official commission duties.

(2) The rate of compensation is \$100 per day.

(3) In order to receive compensation, a member must submit to the Oregon Salmon Commission a written claim for compensation by the 15th day of the calendar month following the quarter for which the member seeks compensation. The member must specify the amount of time the member spent on official commission duties as well as the nature of the duties performed for any day or portion thereof for which the member claims compensation.

Stat. Auth.: ORS 292.495, 576.206, 574.416 & 576.304

Stats. Implemented: ORS 292.495, 576.206(7) & 576.265

Hist.: OSC 1-2008, f. & cert. ef. 1-23-08; OSC 1-2011, f. & cert. ef. 5-31-11; OSC 1-2014, f. & cert. ef. 5-5-14

Department of Community Colleges and Workforce Development Chapter 589

Rule Caption: Amend rule pertaining to Community College Instructor Approval

Adm. Order No.: DCCWD 4-2014(Temp)

Filed with Sec. of State: 4-23-2014

Certified to be Effective: 4-24-14 thru 10-21-14

Notice Publication Date:

Rules Amended: 589-008-0100

Subject: Two administrative rules influence faculty qualifications at Oregon community colleges. One is specific to instructors of dual credit programs (589-007-0200), and one is a general rule pertaining to personnel policies and instructor approval (589-008-0100). The attached temporary rule aligns community college faculty qualifications between both rules.

This rule amendment was approved by the State Board of Education at its June 21, 2013 meeting, and was intended to be filed with rulemaking for 589-007-0200.

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

589-008-0100

Guidelines for Formation of Community College Personnel Policies

(1) Each community college Board of Education shall establish a personnel policy statement, including a policy on instructor selection and development that must include, but need not be limited to, the following:

(a) Definitions of the main terms used in the policy;

(b) Institutional standards for instructor qualifications (standards for teachers of lower division collegiate courses must include a master's degree in a subject area closely related to that in which the instructor will be teaching; however in subject areas in which individuals have demonstrated their competencies and served in professional fields, and in cases in which documentation to support the individual's proficiency and high level of competency can be assembled, the master's degree requirement may be waived by the college president or substituted according to the community college's personnel policy);

(c) Position descriptions;

(d) Procedures for instructor approval, including period of instructor approval;

(e) Procedures for providing individual, written notice of reasonable assurance of continued employment to all employees who are to perform services in the same or a similar capacity during a subsequent academic year or term or in the period immediately following a recess period. Such notice shall be given by May 30 of each year for employees employed as of that date and as of the date of hire for employees employed subsequent to May 30. Pursuant to ORS 341.547, faculty members on annual or indefinite tenure, classified staff members on regular status and management service employees are considered to have been given notice for the purposes of this section;

(f) A statement regarding academic freedom and responsibility;

(g) Procedures for staff development for full-time and part-time instructors;

(h) Procedures for staff evaluation;

(i) Grievance and appeals procedures;

(j) Affirmative action and nondiscrimination practices;

(k) College organization; and

(l) Methods of policy development and review.

(2) Personnel policies adopted by community college boards shall be filed with the Commissioner within one year following establishment of the community college district. Thereafter, each college shall file annually, between December 1 and January 1, either any policy revisions made or a statement that policies currently on file are being continued. In the event the

ADMINISTRATIVE RULES

governing board of the community college fails to enact the personnel policies as required by subsection (1) of this rule, the Commissioner may withhold the next scheduled Community College Support Fund payment until such personnel policies are enacted and submitted to the Department.

(3) Each community college board shall develop a policy outlining the procedure for faculty selection. The policy shall include procedures by which the college will maintain records documenting the faculty member's credentials, professional development activities and other information supporting the faculty member's instructional assignment. In no case shall the standards for faculty selection fall below those set forth in the most recent Accreditation Handbook published by the Commission on Colleges and Universities of the Northwest Association of Schools and Colleges.

(4) Each community college board shall develop policies for professional development for full and part-time instructors consistent with the standards as required by the most recent Accreditation Handbook published by the Commission on Colleges and Universities of the Northwest Association of Schools and Colleges.

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

Stat. Auth.: ORS 326.051 & 341.015

Stats. Implemented: ORS 341.015 & 341.547

Hist.: 1EB 131, f. 5-19-72, ef. 6-1-72; 1EB 135, f. 7-11-72, ef. 8-1-72; 1EB 153, f. 7-20-73, ef. 8-1-73; 1EB 167, f. 2-20-74, ef. 3-11-74; EB 14-1991, f. & cert. ef. 7-19-91; Renumbered from 581-043-0005, 581-043-0010, 581-043-0015, 581-043-0020, 581-043-0025, 581-043-0030, 581-043-0035, 581-043-0100, 581-043-0105 & 581-043-0110; DCCWD 1-2001, f. & cert. ef. 3-21-01, Renumbered from 581-043-0700; DCCWD 1-2003, f. & cert. ef. 1-9-03; DCCWD 5-2003, f. & cert. ef. 10-20-03; DCCWD 4-2014(Temp), f. 4-23-14, cert. ef. 4-24-14 thru 10-21-14

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Department of Consumer and Business Services, Insurance Division Chapter 836

Rule Caption: Special Enrollment Period for Individuals Applying for Health Benefit Plans during April 2014

Adm. Order No.: ID 7-2014(Temp)

Filed with Sec. of State: 4-16-2014

Certified to be Effective: 4-16-14 thru 9-24-14

Notice Publication Date:

Rules Amended: 836-053-0431

Subject: The open enrollment period for individual health benefit plans ended on March 31, 2014. Due to ongoing technical problems, delays and resulting confusion, and market issues relating to implementation of the Affordable Care Act, there is a need to establish a special enrollment period to allow Oregonians to submit health benefit plan applications during April 2014. This additional special enrollment period will provide Oregonians an additional opportunity to obtain health insurance coverage and maintain uniformity throughout the market regarding the enrollment period for individual health insurance coverage.

The time required to complete a permanent rule making does not allow the special enrollment period to be put in place in a timely manner. This would hinder the ability of Oregon citizens to obtain necessary coverage.

This temporary rule allows an individual to apply for individual health insurance outside of the Exchange through April 30, 2014.

This temporary rule was originally filed April 2, 2014. It was refiled on April 16, 2014 due to a filing error.

Rules Coordinator: Victor Garcia—(503) 947-7260

836-053-0431

Underwriting, Enrollment and Benefit Design

(1) A carrier must offer all of its approved nongrandfathered individual health benefit plans and plan options, including individual plans offered through associations, to all individuals eligible for such plans on a guaranteed issue basis without regard to health status, age, immigration status or lawful presence in the United States. Except as provided in section (2) of this rule:

(a) For individual health benefit plans approved by October 1 of each calendar year for sale in the following calendar year, a carrier may limit enrollment to:

(A) October 1, 2013 to March 31, 2014 for coverage effective in 2014;

(B) November 15, 2014 through January 15, 2015 for coverage effective in 2015; and

(C) October 15 to December 7 of each preceding calendar year for coverage effective on or after January 1, 2016; and

(b) Coverage must be effective consistent with the dates described in 45 CFR 155.410(c) and (f).

(2)(a) Notwithstanding section (1) of this rule, a carrier must deny enrollment under the following circumstances:

(A) To an individual who is not lawfully present in the United States in a plan provided through the Oregon Health Insurance Exchange Corporation.

(B) To an individual entitled to benefits under a Medicare plan under part A or B or a Medicare Choice or Medicare Advantage plan described in 42 USC 1395W-21, if and only if the individual is enrolled in such a plan.

(b) A carrier must enroll an individual who, within 60 days before application for coverage with the carrier:

(A) Loses minimum essential coverage. Loss of minimum essential coverage does not include termination or loss due to failure to pay premiums or rescission as specified in 45 CFR 147.128. The effective date of coverage for the loss of minimum essential must be consistent with the requirements of 45 CFR 155.420(b)(1).

(B) Gains a dependent or becomes a dependent through marriage, birth, adoption or placement for adoption or foster care. The effective date for coverage for enrollment under this paragraph must be:

(i) In the case of marriage, no later than the first day of the first calendar month following the date the carrier receives the request for special enrollment.

(ii) In the case of birth, on the date of birth.

(iii) In the case of adoption or placement for adoption or foster care, no later than the date of adoption or placement for adoption or foster care.

(C) Experiences a qualifying event as defined under section 603 of the Employee Retirement Income Security Act of 1974, as amended.

(D) Experiences an event described in 45 CFR 155.420(d)(4), (5), (6), or (7). The effective date of coverage for enrollment under this paragraph must be:

(i) For 45 CFR 155.420(d)(4) or (d)(5), consistent with the requirements of 45 CFR 155.420(b)(2)(iii).

(ii) For 45 CFR 155.420(d)(6) or (d)(7), consistent with the requirements of 45 CFR 155.420(b)(1).

(E) Loses eligibility for coverage under a Medicaid plan under title XIX of the Social Security Act or a state child health plan under title XXI of the Social Security Act. The effective date of coverage for enrollment under this paragraph must be consistent with the requirements of 45 CFR 155.420(b)(1).

(c) During the month of April 2014, a carrier must allow special enrollment on the basis that an individual who applies during April 2014 has experienced an event described in 45 CFR 155.420(d)(9), if no other basis for special enrollment exists. The effective date of coverage for enrollment under this paragraph must be no less restrictive than those described in 45 CFR 155.420(b)(2)(iii)(B).

(3) Notwithstanding section (1)(a)(A) of this rule, a carrier must enroll an individual who is enrolled in an individual health benefit plan with a policy year that terminates after March 31, 2014 if the individual applies for coverage within 30 calendar days before the end of the individual's individual health benefit plan policy year. This subsection does not require a carrier to enroll an individual enrolled in an individual health benefit plan with a policy year that ends after December 31, 2014 if enrollment is not otherwise required under section (1) or (2) of this rule. The effective date of coverage for enrollment under this subsection must be effective consistent with the requirements of 45 CFR 155.420(b)(1).

(4) Except as permitted under a preexisting condition provision of a grandfathered individual plan, a carrier may not modify the benefit provisions of an individual health benefit plan for any enrollee by means of a rider, endorsement or otherwise for the purpose of restricting or excluding coverage for medical services or conditions that are otherwise covered by the plan.

(5) A carrier may offer wrap-around occupational coverage to an accepted individual health benefit plan applicant.

(6) A carrier may impose an individual coverage waiting period on the coverage of certain new enrollees in a grandfathered individual health benefit plan in accordance with ORS 743.766. The terms of the waiting period must be specified in the policy form and enrollee summary. The waiting period may apply only when the carrier has determined that the enrollee has a preexisting health condition warranting the application of a waiting period through evaluation of the form entitled "Oregon Individual Standard Health Statement" as set forth on the website of the Insurance Division of

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the Department of Consumer and Business Services at www.insurance.oregon.gov.

(7) A carrier may treat a request by an enrollee in an individual health benefit plan to enroll in another individual plan as a new application for coverage.

(8) Unless otherwise required by law, a carrier must implement a modification of a nongrandfathered individual health benefit plan required by statute on the next anniversary or fixed renewal date of the plan that occurs on or after the operative date of the statutory provision requiring the modification.

(9) For a grandfathered individual health benefit plan:

(a) Unless otherwise required by law, a carrier must implement a modification required by statute on the first day of the calendar year that occurs on or after the operative date of the statutory provision requiring the modification.

(b) A carrier must eliminate and deem ineffective a rider or endorsement in effect for an enrollee based on the actual or expected health status of the enrollee and that excludes coverage for diseases or medical conditions otherwise covered by the plan as of the next renewal date;

(c) If an enrollee who is subject to a preexisting condition provision has a rider or endorsement eliminated in accordance with subsection (a) of this section, the enrollee's medical condition that is subject to the rider or endorsement may be subject to the preexisting conditions provision of the plan, including the prior coverage credit provisions;

(10) In accordance with applicable federal law, a carrier may not deny continuation or renewal of an individual health benefit plan based on Medicare eligibility of an individual but an individual health benefit plan may contain a Medicare non-duplication provision.

(11) Violation of this rule is an unfair trade practice under ORS 746.240.

Stat. Auth.: ORS 731.244, 743.745 & 743.769
Stats. Implemented: ORS 743.745 & 743.766 - 743.769
Hist.: ID 12-2013, f. 12-31-13, cert. ef. 1-1-14; ID 2-2014(Temp), f. & cert. ef. 2-4-14 thru 7-31-14; ID 5-2014(Temp), f. & cert. ef. 4-2-14 thru 9-24-14; ID 7-2014(Temp), f. & cert. ef. 4-16-14 thru 9-24-14

Rule Caption: Relating to guidance for filing individual and small group transitional health benefit plans.

Adm. Order No.: ID 8-2014(Temp)

Filed with Sec. of State: 4-24-2014

Certified to be Effective: 4-24-14 thru 10-20-14

Notice Publication Date:

Rules Adopted: 836-010-0013

Subject: This rule provides guidance to insurers to follow when submitting rate filings for individual and small business transitional health benefit plans. The rule incorporates as part of the rule Exhibits 1 and 2 which contain previous guidance provided to insurers on the process for rate filings for these plans.

Rules Coordinator: Victor Garcia—(503) 947-7260

836-010-0013

Additional Filing Requirements for Transitional Health Benefit Plans

(1) Under section 5, chapter 80, Oregon Laws 2014, a transitional health benefit plan must comply with the Insurance Code as of December 31, 2013.

(2) In addition to the requirements of OAR 836-010-0000, 836-010-0011, and 836-010-0021 when submitting a filing for a rate change to a transitional health benefit plan, the insurer shall comply with the guidance provided in Exhibits 1 and 2 of this rule.

Stat. Auth.: ORS 731.244, 743.018
Stats. Implementing: Section 5, chapter 80, Oregon Laws 2014 (Enrolled Senate Bill 1582)
Hist.: ID 8-2014(Temp), f. & cert. ef. 4-24-14 thru 10-20-14

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

Rule Caption: Adopt federal OSHA amendments to the Mechanical Power Presses Standard in General Industry.

Adm. Order No.: OSHA 1-2014

Filed with Sec. of State: 5-14-2014

Certified to be Effective: 5-14-14

Notice Publication Date: 4-1-2014

Rules Amended: 437-002-0240

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

Oregon OSHA is adopting amendments to 29 CFR 1910.217 Mechanical Power Presses, in Division 2/O; as published in the November 20, 2013 Federal Register. With this rulemaking, federal OSHA made two main revisions. First, federal OSHA revised a provision that requires employers to develop and maintain certification records of periodic inspections performed on the presses by adding a requirement that they develop and maintain certification records of any maintenance and repairs they perform on the presses. Second, federal OSHA removed the requirement from another provision that employers develop and maintain certification records of weekly inspections and tests performed on the presses.

No comments were received during the open comment period. Oregon OSHA makes these amendments to 1910.217(e)(1), in Division 2/O in general industry.

Please visit our website: www.oregosh.org

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

Rules Coordinator: Sue C. Joye—(503) 947-7449

437-002-0240

Adoption by Reference

In addition to and not in lieu of, any other health and safety codes contained in OAR chapter 437, the Department adopts by reference the following federal regulations printed as part of the Code of Federal Regulations, 29 CFR 1910 in the Federal Register:

(1) 29 CFR 1910.211 Definitions; published 12/3/74, FR vol. 39, pp. 41846-41848; 3/14/88, FR vol. 53, p. 8353.

(2) 29 CFR 1910.212 General requirements for all machines; published 10/24/78, FR vol. 43, p. 49750.

(3) 29 CFR 1910.213 Woodworking machines; published 2/10/84., FR vol. 49, p. 5323.

(4) Reserved for 29 CFR 1910.214 Cooperage machinery.

(5) 29 CFR 1910.215 Abrasive wheel machinery; published 3/7/96, FR vol. 61, no. 46, p. 9240.

(6) 29 CFR 1910.216 Mills and calendars in the rubber and plastics industries; published 3/7/96, FR vol. 61, no. 46, p. 9240.

(7) 29 CFR 1910.217 Mechanical power presses; published 11/20/13, FR vol. 78, no. 224, p. 69543.

(8) 29 CFR 1910.218 Forging machines; published 3/7/96, FR vol. 61, no.46, p. 9240.

(9) 29 CFR 1910.219 Mechanical power-transmission apparatus; published 6/8/04, FR vol. 69, p. 31880-31882.

NOTE: These standards are available from the Oregon Occupational Safety and Health Division (OR-OSHA), Department of Consumer and Business Services; and the United States Government Printing Office.

Stat. Auth.: ORS 654.025(2) & 656.726(4)
Stats. Implemented: ORS 654.001 - 654.295
Hist.: APD 22-1988, f. 12-30-88, ef. 1-1-89; OSHA 4-1997, f. & cert. ef. 4-2-97; OSHA 4-2004, f. & cert. ef. 9-15-04; OSHA 1-2012, f. & cert. ef. 4-10-12; OSHA 7-2012, f. & cert. ef. 12-14-12; OSHA 1-2014, f. & cert. ef. 5-14-14

Department of Corrections Chapter 291

Rule Caption: Assignment of Maximum Custody Inmates to Special Security Housing

Adm. Order No.: DOC 10-2014

Filed with Sec. of State: 4-22-2014

Certified to be Effective: 4-22-14

Notice Publication Date: 12-1-2013

Rules Amended: 291-055-0019

Subject: This rule amendment is necessary for the department to clarify and conform the rule to reflect the department's historical policy and practice of classifying inmates that are pending retrial in a case in which a death sentence may be re-imposed as maximum custody, and assigning these inmates to special security housing separate from the general inmate population, to provide the maximum level of inmate security, control and supervision.

Rules Coordinator: Janet R. Worley—(503) 945-0933

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291-055-0019

IMU Assignments

(1) Maximum custody inmates shall be assigned to an IMU or IMU status cell. Maximum custody inmates who have received a sentence of death (inmates on death row status) or who are pending retrial in a case in which a death sentence may be re-imposed may be assigned housing in an IMU or IMU status cell.

(a) An inmate demonstrates the need for maximum custody housing by demonstrating behaviors that cannot be controlled in other housing as indicated by high severity and/or chronic misconduct sanctions, escape activity or security threat group activities causing serious management concerns.

(b) Inmates assigned to an IMU or IMU status cell may be temporarily assigned to other housing, treatment, program or service units (i.e., Infirmary, Administrative Housing, mental health special housing, Death Row) for housing, treatment, or programming as deemed necessary or advisable by the department.

(2) Assignment Request: A request for assignment to an IMU shall be initiated if an inmate scores maximum, or when an override request to maximum is made. A Classification Summary (CD1120D), Intensive Management Unit Administrative Action Sheet (CD8a) and all pertinent information which demonstrates the need for IMU assignment shall be sent to the Classification and Transfer Unit. Staff shall indicate the reason for referral and a short statement describing the reason for requesting an IMU assignment. Classification and Transfer will approve or deny the request.

(3) Documentation of Decisions: All decisions by the Classification and Transfer Unit will be documented on the Intensive Management Unit Administrative Action Sheet (CD 8a) and returned to the facility initiating the request. The signed copy of the action sheet shall be filed in the inmate's institution file.

(4) Notice: Decisions by the Classification and Transfer Unit that assign an inmate to IMU status will be sent to the inmate along with a Classification Summary (CD1120D), Intensive Management Unit Administrative Action Sheet (CD8a), Request for Administrative Review (CD1120aD), and a description of the inmate's review options.

(5) Administrative Review: An inmate assigned to IMU status shall have an opportunity for administrative review of his/her maximum custody classification/assignment to IMU as provided in the department's rule on Classification (Inmate), OAR 291-104.

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

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

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

Hist.: CD 21-1994, f. 11-16-94, cert. ef. 12-1-94; CD 21-1994, f. 11-16-94, cert. ef. 12-1-94; DOC 7-2000(Temp), f. 2-24-00, cert. ef. 2-24-00 thru 8-22-00; DOC 20-2000, f. & cert. ef. 8-18-00, Renumbered from 291-055-0011; DOC 10-2002(Temp), f. & cert. ef. 7-10-02 thru 1-6-03; DOC 14-2002, f. & cert. ef. 11-8-02; DOC 9-2013(Temp), f. & cert. ef. 10-23-13 thru 4-21-14; DOC 10-2014, f. & cert. ef. 4-22-14

Rule Caption: Changes in Classification System for Assigning Custody Levels to Inmates in DOC Custody

Adm. Order No.: DOC 11-2014

Filed with Sec. of State: 5-1-2014

Certified to be Effective: 5-1-14

Notice Publication Date: 4-1-2014

Rules Amended: 291-104-0111, 291-104-0116, 291-104-0125, 291-104-0135, 291-104-0140

Rules Repealed: 291-104-0111(T), 291-104-0116(T), 291-104-0125(T), 291-104-0135(T), 291-104-0140(T)

Subject: These modifications are necessary to update the policy and procedure for the classification system for assigning inmates with the appropriate custody level, and to provide clarification for scoring the custody classification guide.

In OAR 291-104-0111, the definition for custody level 5 (maximum custody) has been modified to conform the rule to reflect the department's historical policy and practice of classifying inmates that are pending retrial in a case in which a death sentence may be re-imposed as maximum custody, and assigning these inmates to special security housing separate from the general inmate population,

to provide the maximum level of inmate security, control and supervision.

Within the custody classification guide, the designators for escape history have been modified to more accurately assess as inmate's escape risk.

Other changes are of a housekeeping nature to reflect operational changes within the agency.

Rules Coordinator: Janet R. Worley—(503) 945-0933

291-104-0111

Definitions for OAR 291-104-0106 to 291-104-0140

(1) Administrative Review: A review of classification scoring, classification level, or classification override requested by an inmate and completed by the designated institution committee, facility functional unit manager, or Classification Manager.

(2) Arrest: For the purposes of these rules, arrest means placing a person under full custody (i.e. after being fully restrained or after being placed in a law enforcement vehicle for transport) for the purpose of charging that person with an offense.

(3) Classification Action: Initiation of initial classification, classification review or classification override to determine an inmate's custody classification level.

(4) Classification Manager: A Department of Corrections employee responsible for the development, implementation, training, auditing, oversight and management of the classification function within the department.

(5) Classification Review: The process used by the department to re-evaluate an inmate's assigned custody classification level. The assigned custody classification level may be changed as a result of the review.

(6) Corrections Information System (CIS): A computer system dedicated to tracking information critical to the management of inmates and offenders under the custody, supervision or both of the Department of Corrections.

(7) Custody: As it relates to escape, a person is in custody if a peace officer has placed the person under arrest for the purpose of charging that person with an offense.

(8) Custody Classification Guide (Attachment 1): Criteria and guidelines that assist in understanding an inmate's assigned custody classification level utilizing scoring elements determined by the Department of Corrections.

(9) Custody Classification Level: One of five levels of supervision assigned to an inmate through initial and classification review procedures.

(a) Level 5: An inmate assigned at this custody classification level meets one of the following criteria:

(A) Has demonstrated behaviors causing serious management concerns, or has demonstrated behaviors that in the judgment of the department present a threat sufficient to require special security housing on intensive management status.

(B) Has a sentence of death or is pending retrial in a case in which a sentence of death may be re-imposed.

(b) Level 4: An inmate assigned at this custody classification level presents a serious risk of escape or institutional violence, or has time remaining of 121 months to life with or without parole.

(c) Level 3: An inmate assigned at this custody classification level presents a moderate risk of escape, or has demonstrated behavior causing moderate management concern, or has time remaining of 49 to 121 months.

(d) Level 2: An inmate assigned at this custody classification level presents a limited risk of escape, or has demonstrated behavior causing limited management concern, and has time remaining of less than 49 months.

(e) Level 1: An inmate assigned at this custody classification level presents a minimal risk of escape and has demonstrated behavior causing minimal management concern and has time remaining of less than 49 months.

(10) Department of Corrections (DOC) Facility: Any institution, facility or staff office, including the grounds, operated by the Department of Corrections.

(11) Designators: Information, alerts or statutory designations important for sentence computation and crucial to determining work crew eligibility, unfenced housing assignment, and the management of inmates and offenders both in institutions and in the community.

(12) Escape: For purposes of these rules, escape means an unlawful departure of a person from custody (as defined herein); or escape, attempted escape, or conspiracy to escape from any correctional facility, including state, federal, county or juvenile facilities; or departure and failure to return to any facility in which a person was court ordered to reside. Escape includes the unauthorized departure or absence from this state by a person

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who is under the jurisdiction of the Psychiatric Security Review Board or under the jurisdiction of the Oregon Health Authority under ORS 161.315 to 161.351; abscond while on temporary release or transitional leave from a facility; or escape, attempted escape, or conspiracy to escape from the custody of officials while in a legitimate criminal justice building for a court appearance.

(13) Initial Classification: The process used by the Department of Corrections to assign an inmate a custody level upon his/her admission to the physical custody of the department.

(14) Inmate: Any person under the supervision of the Department of Corrections who is not on parole, probation, or post-prison supervision status.

(15) Office of Population Management: A functional unit of the department that oversees capacity and resource management, the inmate classification system, high risk inmate placement, Interstate Corrections Compact, treatment and program screening, Oregon Youth Authority/ghost caseloads, centralized Static 99R assessments, centralized transfer authority, and staff and inmate conflict review.

(16) Override: An option utilized when there is a documented issue(s) not addressed in the classification scoring elements, or a degree of seriousness in a classification factor that justifies a higher or lower custody classification level than indicated by the classification action.

(17) Peace Officer: A civil officer appointed to preserve law and order, such as a sheriff, police officer, or parole officer.

(18) Policy Elements: Areas of potential risk that determine the inmate's custody classification level: escape history, sentence remaining, detainers, and institutional behavior.

(19) Serious Management Concerns:

(a) Participation, either individually or in a group, in behavior that in the judgment of the department poses a threat to the safe and secure operation of the facility, including but not limited to, threatening or inflicting serious bodily harm on another inmate or on staff, or that poses an immediate risk of escape;

(b) Promoting or engaging in group disruptive behavior, or being involved in the planning of any activities that in the judgment of the department would significantly threaten the safe and secure operation of the facility; or

(c) Demonstration of behavior that in the judgment of the department poses a threat sufficient to require special secure housing on Intensive Management Unit status.

(20) Special Population Management (SPM) Committee: A committee composed of at least three department administrative staff to include a representative from Institution Operations, Behavioral Health Services, and the Office of Population Management.

(21) Violence Predictor Score (VPS): A score based on a mathematical equation used to determine an inmate's potential risk for violence in an institutional setting during the first twelve months of incarceration. The equation includes calculations based on an inmate's age, gender, prior incarcerations, type of crime, aggression, drug history, and certain personality disorders.

(22) Violence Predictor Score Deactivator (VPSD): A designator that may be placed to deactivate the VPS as determined by department policy.

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

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

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

Hist.: DOC 4-2006, f. 5-31-06, cert. ef. 6-1-06; DOC 11-2008, f. 5-8-08, cert. ef. 5-13-08; DOC 11-2012(Temp), f. & cert. ef. 11-5-12 thru 5-4-13; DOC 4-2013, f. & cert. ef. 4-15-13; DOC 9-2013(Temp), f. & cert. ef. 10-23-13 thru 4-21-14; DOC 6-2014(Temp), f. 2-6-14, cert. ef. 2-12-14 thru 8-11-14; DOC 11-2014, f. & cert. ef. 5-1-14

291-104-0116

Initial Classification

(1) The Department of Corrections shall assign inmates an initial custody level in accordance with the Custody Classification Guide (Attachment 1) or the inmate's Violence Predictor Score, whichever is higher. An inmate will generally be assigned an initial custody classification level within 30 days of admission to the physical custody of the Department of Corrections.

(2) The Violence Predictor Score is used as a classification scoring element only during the first twelve months of an inmate's incarceration in the Department of Corrections, and may be reviewed for deactivation as described in the Custody Classification Guide (Attachment 1).

(3) Upon admission to the physical custody of the Department of Corrections, the inmate's assigned counselor will determine an inmate's initial custody level and forward the classification action to the functional unit manager or designee for approval.

(4) No classification action is official until the functional unit manager or designee approves the classification action.

(5) Final approval for any override of one step will be made by Intake or institution staff and shall be documented on the classification override comment screen, describing the override reason.

(6) A custody classification override of more than a single step is not official until approved by the designated institution committee and the Classification Manager or designee.

(7) A custody classification of Level 5 is not official until approved by the designated institution committee, the SPM Committee, and the High Risk Placement Manager or designee.

(8) An inmate may request a copy of his/her official classification action.

(9) All official classification actions are historically recorded and maintained in the CIS system.

(10) The Office of Population Management may modify any classification. In such cases, the affected facility will be notified of the reason(s) for the modification.

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

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

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

Hist.: DOC 4-2006, f. 5-31-06, cert. ef. 6-1-06; DOC 11-2008, f. 5-8-08, cert. ef. 5-13-08; DOC 6-2014(Temp), f. 2-6-14, cert. ef. 2-12-14 thru 8-11-14; DOC 11-2014, f. & cert. ef. 5-1-14

291-104-0125

Classification Review

(1) An inmate's custody classification level will be reviewed when new information is received that affects a classification scoring policy element, when an inmate's Violence Predictor Score has expired, or if a Violence Predictor Score Deactivator (VPSD) designator has been added by the assigned counselor.

(2) Custody Classification Levels 1- 4: When new information is received that affects the inmate's custody classification level, the inmate's assigned counselor will review the classification action for accuracy and forward it to the functional unit manager for approval.

(a) No classification action is official until the functional unit manager or designee approves the classification action.

(b) Final approval for any override of one step will be made at the institutional level and shall be documented on the classification override comment screen describing the override reason.

(c) Overrides of more than a single step are not official until approved by the designated institution committee and the Classification Manager or designee.

(d) An inmate may request a copy of his/her official classification action.

(e) All official classification actions are historically recorded and maintained in the CIS.

(f) The Office of Population Management may modify any classification action. In such cases, the affected facility will be formally notified of the reason(s) for the modification.

(3) Custody Classification Level 5:

(a) When an inmate's institutional behavior is determined to create serious management concerns, the classification action will be reviewed by the designated institution committee and forwarded to the Special Population Management (SPM) Committee for review.

(A) If the SPM committee approves an inmate's classification at Level 5, the Office of Population Management will officially assign a custody classification score of 5.

(B) Inmates not approved at Level 5 will be scored at custody classification Level 4, and remain at Level 4 for a period of one year from the date of the assignment.

(b) Once an inmate is assigned to custody classification Level 5, the automated classification program will maintain the inmate's Level 5 custody classification status until the inmate is manually scored to a lower custody classification level by the assigned institution counselor or the Office of Population Management.

(4) The VPS may be reviewed for deactivation based on the institution counselor's discretion, within timeframes established in department policy.

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

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

Hist.: DOC 4-2006, f. 5-31-06, cert. ef. 6-1-06; DOC 11-2008, f. 5-8-08, cert. ef. 5-13-08; DOC 6-2014(Temp), f. 2-6-14, cert. ef. 2-12-14 thru 8-11-14; DOC 11-2014, f. & cert. ef. 5-1-14

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291-104-0135

Administrative Review

(1) An inmate may request an administrative review of his/her classification action. Administrative review is available to an inmate to contest three aspects of his/her classification action:

- (a) The accuracy of custody classification levels 1-4 scoring;
- (b) An override of a scored custody classification level; or
- (c) A Level 5 custody classification.

(2) Custody Classification Levels 1-4 Accuracy of Scoring:

(a) To obtain an administrative review of a Level 1-4 custody classification score, an inmate must complete the top portion of a Request for Administrative Review form (CD1120aD) and send the completed form, together with any supporting documentation, to the designated institution committee at the facility where the inmate is currently housed.

(b) The institution committee must receive the request within 30 calendar days of the classification approval date. The institution committee should complete its review within 30 days after receiving an inmate's review request.

(c) If, after receiving the review decision of the designated institution committee, an inmate is not satisfied with the decision, the inmate may obtain further review of the custody classification Level 1-4 score by sending another completed Request for Administrative Review (CD1120aD) form, together with any supporting documentation, and a copy of the institution committee's decision, to the functional unit manager or designee of the facility where the inmate is currently housed.

(d) The functional unit manager or designee must receive the review request within 30 calendar days of the institution committee's review decision. The functional unit manager or designee should complete his/her review within 30 days after receiving the inmate's review request.

(e) There shall be no further administrative review of a custody classification Level 1-4 score.

(f) Inmates engaged in the intake process may not submit a request for review of their custody classification score until they are removed from intake status.

(3) Override of a Scored Custody Classification Level 1-4:

(a) To obtain an administrative review of classification that has been overridden at the institution level, an inmate must complete the bottom portion of a Request for Administrative Review (CD1120aD) form and send the completed form to the Classification Manager, together with any supporting documentation.

(b) The Classification Manager must receive the review request within 30 calendar days of the classification action approval date. The Classification Manager should complete the review within 30 days after receiving an inmate's review request.

(c) There shall be no further administrative review of an override decision.

(4) Level Five:

(a) To obtain an administrative review of a Level 5 custody classification, an inmate must complete the bottom portion of a Request for Administrative Review (CD1120aD) form and send the completed form to the Classification Manager. The request for review by the inmate shall include any supporting documentation to be considered in reviewing the appropriateness of the Level 5 custody classification.

(b) If an inmate has been assigned to the Intensive Management Unit (IMU), the matter shall be reviewed only once while the inmate is completing IMU programming.

(c) If an inmate has been assigned to Long-Term IMU placement due to serious management concerns, the inmate will be provided a packet containing a Request for Administrative Review of Custody Classification Level 5/Long Term IMU Placement (CD1120aE). An inmate may request further review of the Level 5 custody classification/long term IMU placement once annually.

(5) A copy of administrative review decisions will be provided to the inmate and retained in the inmate's institution file.

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

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

Hist.: DOC 4-2006, f. 5-31-06, cert. ef. 6-1-06; DOC 11-2008, f. 5-8-08, cert. ef. 5-13-08; DOC 6-2014(Temp), f. 2-6-14, cert. ef. 2-12-14 thru 8-11-14; DOC 11-2014, f. & cert. ef. 5-1-14

291-104-0140

Classification Quality Assurance Review

(1) The Classification Manager is responsible for auditing facility classification procedures and decisions.

(2) Auditing shall consist of routine review of custody Level 1 and 2 placements and review of individual classification actions at each facility. Such reviews shall be conducted to ensure:

(a) The policies and procedures set forth in this rule are followed; and

(b) The actions taken by the facility are adequately documented.

(3) Findings inconsistent with rule and established procedures shall be documented and reported to the appropriate functional unit manager or to the Institution Administrators for corrective action.

(4) The Classification Manager is responsible to review the last classification action for any inmate who is involved in an escape or escape attempt from a Department of Corrections facility and to submit a report to the Operations Division Institution Administrators.

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

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

Hist.: DOC 11-2008, f. 5-8-08, cert. ef. 5-13-08; DOC 6-2014(Temp), f. 2-6-14, cert. ef. 2-12-14 thru 8-11-14; DOC 11-2014, f. & cert. ef. 5-1-14

Rule Caption: Earned Time Credits for Crimes Committed on or after July 1, 2013

Adm. Order No.: DOC 12-2014

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

Certified to be Effective: 5-5-14

Notice Publication Date: 1-1-2014

Rules Adopted: 291-097-0231

Rules Repealed: 291-097-0231(T)

Subject: This rule is necessary to establish by administrative rule changes made to 421.121 with regard to earned time credits from 2010 legislation (SB 1007) that went into effect on July 1, 2013. Inmates serving sentences from crimes committed on or after July 1 2013 may earn sentence reductions credits up to 20 percent.

Rules Coordinator: Janet R. Worley—(503) 945-0933

291-097-0231

Earned Time Credits for Crimes Committed on or after July 1, 2013

(1) Pursuant to ORS 421.121, inmates with crimes committed on or after July 1, 2013, may earn sentence reduction credits up to 20 percent of the total sentencing guidelines prison term imposed for acceptable participation in case plan requirements and for maintaining appropriate institution conduct, except inmates:

(a) Serving a sentence subject to ORS 137.635;

(b) Serving presumptive sentences or required incarceration terms under ORS 161.737;

(c) Serving statutory minimum sentences under ORS 137.700 or 137.707;

(d) Serving a presumptive sentence under ORS 137.719;

(e) Subject to ORS 137.750 and whose judgment does not state that the inmate may be considered for sentence reductions;

(f) Serving time as a sanction for violation of conditions of post-prison supervision;

(g) Serving a mandatory minimum incarceration term of 90 days under ORS 813.011(3) for Felony Driving under the Influence of Intoxicants under ORS 813.010(5)(a) and 813.011 committed on or after December 2, 2010; or

(h) Subject to any other Oregon statutes restricting earned time credits.

(2) In determining whether an inmate will receive earned time credits for the review period under consideration, inmate performance will be evaluated in two areas: half credit for compliance with the Case Plan and half credit for maintaining appropriate institution conduct. The only possible determination for each area is noncompliance or compliance.

Stat. Auth.: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030, 423.075

Stats. Impl: ORS 137.635, 144.108, 144.110, 161.610, 179.040, 421.120 - 421.122, 423.020, 423.030, 423.075

Hist.: DOC 17-2013(Temp), f. & cert. ef. 12-13-13 thru 6-11-14; DOC 4-2014(Temp), f. & cert. ef. 1-17-14 thru 7-16-14; DOC 12-2014, f. & cert. ef. 5-5-14

Rule Caption: Earned Discharge for Offenders

Adm. Order No.: DOC 13-2014(Temp)

Filed with Sec. of State: 5-7-2014

Certified to be Effective: 5-13-14 thru 11-9-14

Notice Publication Date:

Rules Adopted: 291-209-0010, 291-209-0020, 291-209-0030, 291-209-0040, 291-209-0050, 291-209-0060, 291-209-0070

Subject: 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

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ORS 137.124(2) to receive a reduction in the period of supervision for compliance with the terms of their supervision. These rules establish 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 — (503) 945-0933

291-209-0010

Authority, Purpose, and Policy

(1) Authority: The authority for this rule is granted to the Director of the Department of Corrections in accordance with ORS 137.633, 179.040, 423.020, 423.030, and 423.075.

(2) Purpose: The purpose of these rules is to describe the manner in which an offender sentenced to felony probation or to the legal and physical custody of the supervisory authority under ORS 137.124(2) may receive a reduction in the period of supervision in accordance with the provisions of 137.633.

(3) Policy:

(a) It is the policy of the Department of Corrections that eligible offenders be considered by the supervisory authority for a reduction in the period of supervision for complying with their terms of supervision, including the payment of restitution and participation in recidivism reduction programs, as provided in these rules.

(b) Offenders whose supervision has been transferred to Oregon under the Interstate Compact for Adult Offender Supervision are ineligible for earned discharge under these rules.

(c) These rules apply to offenders convicted of a felony and sentenced on or after August 1, 2013, to probation or to the legal and physical custody of the supervisory authority under ORS 137.124(2).

(d) These rules do not apply to persons who:

(A) Were originally sentenced before August 1, 2013, and who are subsequently resentenced on or after August 1, 2013, as the result of an appellate decision or a post-conviction relief proceeding or for any other reason; or

(B) Were sentenced on or after August 1, 2013, to probation or to the legal and physical custody of the supervisory authority but the supervision is under the jurisdiction of the Board of Parole and Post-Prison Supervision.

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
Hist.: DOC 13-2014(Temp), f. 5-7-14, cert. ef. 5-13-14 thru 11-9-14

291-209-0020

Definitions for OAR 291-209-0020 to 291-209-0070

(1) Compensatory Fines: A court-imposed penalty for the commission of a crime resulting in injury for which the person injured by the act constituting a crime has a remedy by civil action (unless the issue of punitive damages has been previously decided on a civil case arising out of the same act and transaction).

(2) Compliance with the Conditions of Supervision and the Supervision Case Plan: For purposes of these rules, the supervisory authority shall deem an eligible offender to be in compliance with the conditions of supervision and any applicable supervision case plan if the offender:

(a) Has fully paid any restitution or compensatory fines ordered by the court; and

(b) Is actively participating in his/her supervision case plan.

(3) Earned Discharge: A discharge from probation or local control post-prison supervision prior to the scheduled supervision expiration date.

(4) Interventions: Interventions imposed by the Department of Corrections or a county community corrections agency for violations of one or more conditions of supervision. Interventions include, but are not limited to, verbal reprimand, written reprimand, job search programming, increased reporting requirements, curfew, day reporting, modification of conditions, and outpatient treatment. Intervention responses are not counted as custody units and may be imposed along with sanctions.

(5) Offender: Any person under the supervision of local community corrections who is on probation, parole, or post-prison supervision status.

(6) Restitution: Full, partial or nominal payment of economic damages to a victim.

(7) Supervising Officer: The parole and probation officer assigned to supervise the offender.

(8) Supervision: Supervision requiring the supervising officer's regular contact with and monitoring of the offender to assure continued compliance with the general and special conditions of probation supervision.

(9) Supervisory Authority: The state or local corrections agency or official designated in each county by that county's Board of County Commissioners or county court to operate correction supervision services, custodial facilities, or both per ORS 144.087(1).

(10) Time Credits: Reduction credits applied to the period of supervision imposed for the case under consideration.

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
Hist.: DOC 13-2014(Temp), f. 5-7-14, cert. ef. 5-13-14 thru 11-9-14

291-209-0030

Period of Supervision

(1) All persons convicted of a felony and sentenced on or after August 1, 2013, to probation or to the legal and physical custody of the supervisory authority under ORS 137.124(2) shall serve a minimum period of supervision before consideration for earned discharge under these rules.

(2) The maximum amount of time credits earned under this rule may not exceed 50 percent of the period of supervision imposed.

(3) Time credits may not be used to shorten the period of supervision to less than six months.

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
Hist.: DOC 13-2014(Temp), f. 5-7-14, cert. ef. 5-13-14 thru 11-9-14

291-209-0040

Earned Discharge

At 60 days prior to completion of the minimum period of supervision as authorized in OAR 291-209-0030, the supervising officer or designee shall review the offender's file and determine if the offender is in compliance with the offender's conditions and any applicable supervision case plan as defined in these rules.

(1) If the supervising officer or designee determines that the offender is in compliance, the supervising officer shall recommend to the supervisory authority that it grant time credits to the offender.

(2) Upon receiving a request from the supervising officer, the supervisory authority shall grant the offender time credits if the supervisory authority determines that the offender is in compliance with his or her conditions of supervision and any applicable supervision case plan as defined in these rules.

(3) If the supervising officer or designee determines that the offender is not in compliance, time credits shall not be granted; and the supervising officer shall conduct a subsequent earned discharge review every 60 calendar days thereafter until the offender is approved for time credits or the case under consideration reaches its sentence expiration date.

(4) If the offender has been found in violation by the court or sanctioned for new criminal activity while on supervision for the case under consideration, the offender is not eligible for time credits.

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
Hist.: DOC 13-2014(Temp), f. 5-7-14, cert. ef. 5-13-14 thru 11-9-14

291-209-0050

Retraction of Time Credits

(1) Time credits previously applied will be retracted in accordance with the Earned Discharge Review Grid (Attachment A) when the offender has absconded supervision, been sanctioned while on supervision for the case under review, or has violated a no contact order.

(2) If an offender has been arrested for a person-to-person crime while on supervision for the case under review, all time credits previously applied will be retracted.

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
Hist.: DOC 13-2014(Temp), f. 5-7-14, cert. ef. 5-13-14 thru 11-9-14

291-209-0060

Restoration of Time Credits

(1) For good cause shown, time credits that have been retracted may be restored upon recommendation by the supervising officer or designee and upon approval by the supervisory authority.

(2) If time credits were retracted in accordance with OAR 291-209-0050(2), those time credits, excluding any credits retracted in accordance with 291-209-0050(1), shall be restored if the charges are dismissed, not complained, or acquitted.

(3) Restored time credits may not exceed those previously retracted or exceed those credits remaining on the case under review.

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
Hist.: DOC 13-2014(Temp), f. 5-7-14, cert. ef. 5-13-14 thru 11-9-14

291-209-0070

Appeals

Appeals will be processed through the supervisory authority's grievance policy.

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

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Stats. Implemented: ORS 137.633, 179.040, 423.020, 423.030, 423.075
Hist.: DOC 13-2014(Temp), f. 5-7-14, cert. ef. 5-13-14 thru 11-9-14

Department of Energy Chapter 330

Rule Caption: Amend minimum HSPF rating for RETC eligible High Efficiency Air Source Heat Pump Systems.

Adm. Order No.: DOE 4-2014(Temp)

Filed with Sec. of State: 5-15-2014

Certified to be Effective: 5-15-14 thru 11-10-14

Notice Publication Date:

Rules Amended: 330-070-0073

Subject: The Residential Energy Tax Credit (RETC) program aims to change behavior and encourage above-code and appliance standards for consumer investments in energy-efficient products. The temporary rule amendment lowers the minimum Heating Season Performance Factor (HSPF) for eligible High Efficiency Air Source Heat Pump Systems from 10.0 to 9.0. The HSPF requirement in rule for this device was inadvertently raised during the 2013 rulemaking. The department has been approving applications that meet all other RETC requirements with ratings of 9.0 HSPF or greater. The RETC tax credit rate chart lists tax credits starting at the 9.0 HSPF level. Without this rule, the department would continue to create stakeholder confusion with a greater HSPF minimum in rule than listed on the RETC tax credit chart.

Rules Coordinator: Elizabeth Ross—(503) 373-8534

330-070-0073

Energy-Efficient Appliances and Alternative Fuel Devices

(1) Energy-efficient appliances must meet or exceed the following energy efficiency ratings, as measured in accordance with current United States Department of Energy (USDOE) test procedures where applicable, and be currently listed with the department as qualifying premium efficiency appliances.

(2) Where USDOE test procedures do not exist, the department will designate a nationally recognized test procedure that will apply instead.

(3) Water Heating Appliances.

(a) Water heater efficiency requirements:

(A) Equipment efficiency requirements for units of nominal 1-ton or less capacity are based on listing by ENERGY STAR® or California Energy Commission or on the USDOE Energy Factor, as derived from the USDOE Appendix E test procedure for residential water heating equipment in effect at the time the rules are adopted. Efficiency requirements for units larger than 1-ton in capacity and smaller than 6-tons in capacity, are based on the system COP at 47 degrees F outdoor air temperature or other rating point appropriate for the system deemed equivalent by the department.

(B) High-efficiency heat pump water heaters (HPWH) for domestic hot water must meet the “Northern Climate” specifications for electricity by the Northwest Energy Efficiency Alliance (NEEA). Split systems with a capacity greater than 1-ton and less than 6-tons must have a COP rating of not less than 2.5. HPWH less than 1-ton must have a minimum energy factor (EF) for the appropriate Tier Level stated in the specifications.

(C) Natural gas, propane, or oil-fired residential storage type water heaters, as defined by Title 10, Code of Federal Regulations, Chapter 11, Part 430, Subpart B, Appendix E, must have an Energy Factor of 0.80 or greater as tested with natural gas fuel.

(D) Whole-home gas fired instantaneous water heaters, as defined by Title 10, Code of Federal Regulations, Chapter 11, Part 430, Subpart B, Appendix E, must have:

(i) An Energy Factor of at least 0.80, a maximum firing rate of at least 140,000 Btu/hour and a minimum firing rate no higher than 24,000 Btu/hour if installed prior to January 1, 2011;

(ii) An Energy Factor of at least 0.82 or greater if installed on or after January 1, 2011.

(E) Equipment efficiency requirements are based on either the listing by ENERGY STAR®, the directory of the Air-Conditioning, Heating, and Refrigeration Institute (AHRI), or other third-party certified list approved by the Director.

(b) Combined space/water-heating system efficiency must be based on the water heating Energy Factor for Combined Systems (CEF) as derived from the American National Standards Institute/American Society of Heating, Refrigerating, and Air Conditioning Engineers (ANSI/ASHRAE) 124-1991 test method. Water heaters that are part of a

combined space and water heating system may not receive a tax credit for space heating efficiency as a boiler in addition to the tax credit as a water heating appliance.

(4) For Wastewater Heat Recovery Systems, field performance data submitted to and approved by the department will be the basis for tax credit qualification. The following rules also apply:

(a) The system must meet all plumbing code requirements for vented double-wall heat exchangers;

(b) The system must not interfere with the proper operation of the dwelling’s wastewater system; and

(c) Energy recovered must be re-introduced into the dwelling’s hot water supply system.

(5) Performance Checked Space Conditioning Duct Systems must meet the following requirements:

(a) All work must be done in accordance with Performance Tested Comfort Systems (PTCS) specifications, a regionally developed set of protocols with provisions for testing and sealing duct work that is maintained by the Regional Technical Forum (RTF), as adopted by the RTF and in effect at the time the work is performed.

(b) If the home serviced by the performance checked duct system is new, or the building envelope is being altered, the house must meet residential energy conservation requirements of the Oregon Structural Specialty Code or of the Oregon One and Two Family Dwelling Code in effect at the time the home is constructed or structurally altered.

(c) Duct leakage must be tested in accordance with Performance Tested Comfort Systems (PTCS) approved testing protocols.

(d) Testing to verify that these standards have been achieved must be conducted by technicians approved by the department.

(e) Costs eligible for the purpose of calculating a performance checked duct system tax credit include:

(A) For new construction, the cost of:

(i) Duct sealing labor and materials;

(ii) Heating and cooling load calculations;

(iii) Duct system sizing and design calculations;

(iv) Labor and materials for installing multiple returns;

(v) Labor and materials for installing passive pressure relief grilles;

(vi) Duct testing; and

(vii) Labor and materials for bringing duct systems inside heated space.

(B) For new ducts in existing homes, the cost of:

(i) Duct sealing labor and materials;

(ii) Heating and cooling load calculations;

(iii) Duct system sizing and design calculations;

(iv) Labor and materials for installing multiple returns;

(v) Labor and materials for installing passive pressure relief grilles;

and

(vi) Duct testing.

(C) For duct repair and sealing/existing ducts in existing homes, the cost of:

(i) Duct sealing labor and materials;

(ii) Labor and materials for installing multiple returns;

(iii) Labor and materials for installing passive pressure relief grilles;

and

(iv) Duct testing.

(f) To apply for a performance checked duct tax credit, the following information must be submitted in a form approved by the department:

(A) Application form;

(B) Test results worksheet for “new construction,” “new duct systems in existing homes,” or “duct repair and sealing”/existing ducts in existing homes, as applicable; and inclusion of the PTCS identification number associated with the “duct repair and sealing” measure being submitted for tax credit on the application form.

(C) Copies of heating and cooling load calculations and/or duct sizing calculations, as applicable, must be made available to the department upon request; and

(D) Itemized invoice identifying costs detailed in (e).

(6) Performance Checked Heat Pumps and Central Air Conditioners must meet the following standards:

(a) Systems must be tested and serviced as needed to confirm correct refrigerant charge and air flow by a tax-credit technician authorized by the department and by an approved Performance Tested Comfort System (PTCS) provider.

(b) Testing must be in accordance with PTCS specifications, a regionally developed set of protocols with provisions for testing the operation of air-source heat pumps and air conditioners that are maintained by the

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Regional Technical Forum (RTF), as adopted by the RTF and in effect at the time the work is performed.

(c) Eligible systems must be confirmed by the system diagnostic tests using PTCS protocols in use at the time of measure installation. Duplicate tax credits may not be claimed.

(d) Costs eligible for the purpose of calculating a performance checked heat pump/air conditioner tax credit include costs for:

(A) System diagnostic tests;

(B) Adding or removing refrigerant when initial diagnostic tests indicate need for refrigerant adjustment and post repair tests indicate correct charge has been installed;

(C) Altering the duct system to improve air flow when initial diagnostic tests show low air flow and post repair tests show an air flow improvement of 10 percent or more;

(D) Cleaning the inside coil when initial diagnostic tests indicate low air flow and post repair tests show an air flow improvement of 10 percent or more;

(E) Replacing an existing inside fan motor with an electronically commutated permanent magnet motor (ECPM DC) when initial diagnostic tests show low air flow and tests after ECPM DC installation show an air flow improvement of 10 percent or more; and

(F) Control modifications necessary for the system to pass the diagnostic test.

(e) To apply for a performance checked heat pump/air conditioner tax credit, the following information must be submitted in a form approved by the department:

(A) Application form;

(B) Performance checked heat pump/AC diagnostics data entry form;

(C) Pre- and post-repair system air flow measurements using approved methods listed in (b), if applicable; and

(D) Itemized labor and materials cost information for applicable measures, testing, and repairs.

(7) Alternative Fuel Vehicles must have equipment installed to make the vehicle capable of storing and utilizing an alternative fuel for vehicle propulsion.

(a) Equipment may consist of:

(A) Original equipment manufacturer components;

(B) Components for natural gas powered vehicles that meet EPA1-A requirements current at the time these rules are adopted;

(C) Components for hybrid vehicles must provide the hybrid vehicle with a combination of power between propulsion energy systems such that the peak power ratio of the vehicle is 0.10 or greater; or

(D) Other components as recognized by the department as necessary for alternative fuel use.

(b) Those applying for alternative fuel vehicle tax credits must acknowledge that they do not intend to transfer ownership of the vehicle to a non-Oregon resident for a period of one year.

(c) Vehicles must be purchased before January 1, 2012.

(8) Alternative Fuel Fueling Systems must be permanently installed to meet all state and local safety codes and be capable of re-fueling or recharging an alternative fuel vehicle within 14 hours.

(9) Energy Recovery Ventilators (ERVs) must:

(a) Be tested, rated and certified through the Home Ventilating Institute (HVI) Division of the Air Movement and Control Association (AMCA) International, Inc., and listed in the HVI directory;

(b) Be capable of at least 30 percent Latent Recovery/Moisture Transfer (LRMT) at 32°F when operating on the lowest fan speed;

(c) Have a maximum EUI of 1.10 watts/cfm at the lowest fan speed for which performance data is published in the HVI directory; and

(d) Have a minimum Sensible Recovery Efficiency (SRE) of:

(A) 75 percent at 32°F/0°C when operating at the lowest fan speed; and

(B) 68 percent at 32°F/0°C when operating at the highest fan speed.

(10) Heat Recovery Ventilators must:

(a) Be tested, rated and certified through the Home Ventilating Institute (HVI) Division of the Air Movement and Control Association (AMCA) International, Inc., and listed in the HVI directory;

(b) Have a maximum EUI of 1.10 watts/cfm at the lowest fan speed for which performance data is published in the HVI directory; and

(c) Have a minimum Sensible Recovery Efficiency (SRE) of:

(A) 75 percent at 32°F/0°C when operating at the lowest fan speed; and

(B) 68 percent at 32°F/0°C when operating at the highest fan speed.

(11) High Efficiency Air Conditioning Systems must:

(a) Be a central, split-system designed and installed to operate in conjunction with the air handling unit or furnace of a home's heating system;

(b) Be tested and rated in accordance with the DOE test procedure for residential air-conditioning systems in effect at the time these rules are adopted, and certified by, and listed in the directory of the Air-Conditioning, Heating, and Refrigeration Institute (AHRI) in effect at the time these rules are adopted;

(c) Consist of a matched outdoor unit and indoor unit (air handler and coil or furnace and coil), as tested, rated and listed in the directory of the Air-Conditioning, Heating, and Refrigeration Institute (AHRI);

(d) Have a minimum EER rating at DOE standard test condition "A" conditions of 13.0;

(e) Be installed in accordance with the protocols specified in OAR 330-070-0073(9); and

(f) Be purchased before January 1, 2012.

(12) High Efficiency Air Source Heat Pump Systems must:

(a) Be tested and rated in accordance with the USDOE Appendix M test procedure for residential air-conditioning systems in effect at the time these rules are adopted, and be certified by, and be listed in the directory of the Air-Conditioning, Heating, and Refrigeration Institute (AHRI) that is in effect at the time these rules are adopted;

(b) Consist of a matched outdoor unit and indoor unit (air handler and coil or furnace and coil), as tested, rated and listed in the directory of the Air-Conditioning, Heating, and Refrigeration Institute (AHRI);

(c) On or after January 1, 2014, have a minimum DOE Region IV HSPF rating of 9.0 or greater;

(d) Have a minimum EER rating at DOE's standard test condition "A" of at least 12.0; and

(e) Be installed in accordance with the protocols specified in OAR 330-070-0073(9).

(13) High Efficiency Warm Air Furnace Systems must:

(a) Be tested and rated in accordance with the USDOE Appendix N test procedure for furnaces in effect at the time these rules are adopted, and be certified by and listed in the directory of the Air-Conditioning, Heating, and Refrigeration Institute (AHRI) in effect at the time these rules are adopted;

(b) Have a minimum AFUE rating:

(A) of 0.90 (90 percent) for installations completed prior to January 1, 2009;

(B) of 0.92 (92 percent) for installations completed on or after January 1, 2009 and prior to January 1, 2011;

(C) of 0.94 (94 percent) for installations completed on or after January 1, 2011 and prior to January 1, 2012; and

(D) of 0.95 (95 percent) for installations completed on or after January 1, 2012.

(c) Use ducted outdoor air for combustion; and

(d) Must be listed in the Air-Conditioning, Heating, and Refrigeration Institute (AHRI) directory of Certified Energy Rating in effect at the time these rules are adopted as an "e" "electrically efficient" furnace. The "e" electrically efficient designation applies to furnaces whose electricity consumption is 2 percent or less of the furnaces total energy use, according to the department's official test procedure, and is determined according to the following formula: $(3413 \times \text{EAE}) / [(3413 \times \text{EAE}) + (1,000,000 \times \text{EF})] \leq 2.0$ percent. EAE is the average annual auxiliary electrical energy consumption for a gas furnace in kilowatt-hours per year (kWh/yr). It is a measure of the total electrical energy supplied to a furnace during a one-year period. EF is the average annual fuel energy consumption for a gas furnace in millions of Btus per year (MMBtu/yr).

(14) High Efficiency Air Handlers must:

(a) Be installed as part of a hydronic space heating system; and

(b) Be equipped with an electronically commutated, permanent magnet variable speed DC (ECPM) motor.

(15) High Efficiency Ductless Air Source Heat Pump Systems must:

(a) Include an inverter-driven variable speed compressor;

(b) Be listed in the Air-Conditioning, Heating and Refrigeration Institute (AHRI) Directory of Certified Products;

(c) Deliver at least 50 percent of its AHRI-certified rated heating capacity at 17°F outside temperature;

(d) Include no integrated electric resistance backup heat;

(e) Be sized and installed per manufacturer specifications; and

(f) Be installed by a technician trained by the equipment manufacturer within the last five years.

(16) Premium Efficiency Biomass Combustion Devices must be:

(a) Less than one quarter of a million British thermal units (<250,000 Btus) per hour heat output;

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(b) Installed in an Oregon residential dwelling;
(c) Installed in accordance with appliance manufacturer's instructions;

(d) Installed with a dedicated outside combustion air intake within five feet of the device, which may be a duct, barometric damper or grill; and
(e) Efficiency tested, as evidenced by:

(A) A listing in the United States Department Environmental Protection Agency (EPA) List of EPA Certified Wood Stoves with emissions of 4.0 grams of particulate per hour or less if it is designated in that list as a non-catalytic wood stove purchased in 2013 and 3.5 grams of particulate per hour or less designated in that list as a non-catalytic wood stove purchased on or after January 1, 2014;

(B) A listing in the List of EPA Certified Wood Stoves with emissions of 2.5 grams of particulate per hour or less if it is designated in that list as a catalytic wood or pellet stove;

(C) Having a certificate of performance for the specific manufacturer and model of wood burning device from a current US EPA certified wood-stove testing laboratory, tested in accordance with CSA B415.1 and submitted and approved by EPA. The certificate must show emissions of 4.0 grams of particulate per hour or less if it is designated as a non-catalytic wood stove purchased in 2013 and 3.5 grams of particulate per hour or less designated as a non-catalytic wood stove purchased on or after January 1, 2014 or emissions of 2.5 grams of particulate per hour or less if it is designated as a catalytic wood or pellet stove; or

(D) A certificate of performance including the grams of smoke per hour, for pellet stoves on the List of EPA Exempt Wood Heating Appliances, for the specific manufacturer and model from a currently US EPA certified stove testing laboratory, tested in accordance with CSA B415.1. The certificate must be submitted to the department. The department will use the EPA default efficiency for pellet stoves as the device efficiency beginning on January 1, 2014.

(17) Ground Source Heat Pump Compressor Upgrade must comply with the following requirements:

(a) All units must be installed on systems that comply with OAR 330-070-0025, 330-070-0040 and 330-070-0070. See also OAR 330-070-0027.

(b) All units must be installed on systems that use an operational closed-loop ground coupled heat exchanger. Open-loop systems do not qualify.

(c) The compressor upgrade unit must be sized within 15 percent of the unit it is replacing, based on rated cooling capacity in Btus. The department may grant an exception to this limit for an upgrade that is accompanied by a written justification including measured data and appropriate engineering calculations.

(d) All units must be manufactured by a company appearing in the Air-Conditioning and Refrigeration Institute (ARI) Unitary Directory.

(e) Post-upgrade system COP must be at least 3.3 for closed loop systems and 3.5 for direct expansion (DX) systems, including energy used by pumps. COP must be determined by the following methods:

(A) For water source heat pumps, the COP must be determined in accordance with ARI Standard 325-85, at an entering water temperature of 50 degrees F.

(B) For water source or ground loop heat pumps using ambient surface water as an energy source and for solar assisted heat pumps, the COP must be the measured ratio of the heating season energy output divided by the heating season energy input. Both energy values must be expressed in the same units.

(18) Any other standards adopted by the department for energy-efficient appliances and alternative fuel devices, their components, and/or systems as determined by the Director.

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

Stat. Auth.: ORS 469.040; 469B.103

Stats. Implemented: ORS 469B.100-469B.118; 316.116

Hist.: DOE 1-1982, f. 1-12-82, ef. 2-1-82; DOE 1-1986, f. & ef. 2-7-86; DOE 4-1987, f. 12-18-87, ef. 1-1-88; DOE 1-1996, f. & cert. ef. 4-1-96; DOE 1-1997, f. 12-15-97, cert. ef. 1-1-98; DOE 1-1999, f. 12-21-99, cert. ef. 1-1-00; DOE 2-2000, f. 12-29-00, cert. ef. 1-1-01; DOE 2-2001, f. 10-5-01, cert. ef. 10-8-01; DOE 1-2004, f. & cert. ef. 1-21-04; DOE 4-2004, f. & cert. ef. 8-2-04; DOE 2-2005, f. 12-30-05, cert. ef. 1-1-06; DOE 4-2006, f. 12-29-06, cert. ef. 1-1-07; DOE 4-2007, f. 11-30-07, cert. ef. 12-1-07; DOE 7-2008, f. 10-31-08, cert. ef. 11-1-08; DOE 16-2010, f. & cert. ef. 12-22-10; DOE 11-2011, f. 12-16-11, cert. ef. 1-1-12; DOE 14-2012, f. 12-26-12, cert. ef. 1-1-13; DOE 8-2013, f. 12-27-13, cert. ef. 1-1-14; DOE 4-2014(Temp), f. & cert. ef. 5-15-14 thru 11-10-14

Department of Fish and Wildlife Chapter 635

Rule Caption: Columbia River Recreational Spring Chinook and Steelhead Seasons Amended

Adm. Order No.: DFW 31-2014(Temp)

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Rules Suspended: 635-023-0125(T)

Subject: This amended rule modifies 2014 regulations for 2014 Columbia River recreational spring Chinook and steelhead seasons with descriptions of areas, dates, and bag limits for harvest of adipose fin-clipped Chinook salmon and adipose fin-clipped steelhead. Revisions are consistent with action taken April 16, 2014 by Columbia River Compact agencies of the states of Oregon and Washington.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-023-0125

Spring Sport Fishery

(1) The **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 Saturday April 19, 2014 from the mouth at Buoy 10 upstream to the Rooster Rock (boat and bank) plus bank angling only from Rooster Rock upstream to the Bonneville Dam deadline with the following restrictions:

(a) Only adipose fin-clipped Chinook salmon and adipose fin-clipped steelhead may be retained.

(b) All non-adipose fin-clipped Chinook salmon and non-adipose fin-clipped steelhead must be released immediately unharmed.

(c) 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**.

(d) The upstream boat angling boundary at Rooster Rock is defined as a line from a Rooster Rock on the Oregon shore true north to the Washington shore.

(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 March 16 through May 9, 2014 (55 retention days).

(a) Only adipose fin-clipped Chinook salmon and adipose fin-clipped steelhead may be retained.

(b) All non-adipose fin-clipped Chinook salmon and non-adipose fin-clipped steelhead must be released immediately unharmed.

(c) 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 May 15, 2014, the mainstem Columbia River will be open for retention of adipose fin-clipped steelhead and shad only during days and in areas open for retention of adipose fin-clipped spring Chinook.

(5) 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 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;

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DFW 73-2006(Temp), f. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 16-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; DFW 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 45-2007(Temp), f. 6-15-07, cert. ef. 6-25-07 thru 7-31-07; DFW 50-2007(Temp), f. 6-29-07, cert. ef. 7-4-07 thru 7-31-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 30-2008(Temp), f. 3-27-08, cert. ef. 3-30-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 24-2009(Temp), f. 3-10-09, cert. ef. 3-11-09 thru 7-31-09; DFW 49-2009(Temp), f. 5-14-09, cert. ef. 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; DFW 17-2010(Temp), f. & cert. ef. 2-22-10 thru 7-31-10; DFW 20-2010(Temp), f. & cert. ef. 2-26-10 thru 7-31-10; DFW 30-2010(Temp), f. 3-11-10, cert. ef. 3-14-10 thru 7-31-10; DFW 35-2010(Temp), f. 3-23-10, cert. ef. 3-24-10 thru 7-31-10; DFW 40-2010(Temp), f. & cert. ef. 4-1-10 thru 7-31-10; DFW 46-2010(Temp), f. & cert. ef. 4-21-10 thru 7-31-10; DFW 53-2010(Temp), f. & cert. ef. 5-4-10 thru 7-31-10; DFW 57-2010(Temp), f. & cert. ef. 5-11-10 thru 7-31-10; DFW 69-2010(Temp), f. & cert. ef. 5-18-10 thru 7-31-10; DFW 113-2010(Temp), f. 8-2-10, cert. ef. 8-4-10 thru 10-31-10; DFW 129-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; Administrative correction 11-23-10; DFW 12-2011(Temp), f. 2-10-11, cert. ef. 2-13-11 thru 7-29-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 32-2011(Temp), f. 4-20-11, cert. ef. 4-21-11 thru 7-29-11; DFW 35-2011(Temp), f. & cert. ef. 4-28-11 thru 7-29-11; DFW 46-2011(Temp), f. & cert. ef. 5-12-11 thru 7-29-11; DFW 52-2011(Temp), f. & cert. ef. 5-18-11 thru 7-29-11; DFW 76-2011(Temp), f. 6-24-11, cert. ef. 6-27-11 thru 7-29-11; DFW 106-2011(Temp), f. 8-2-11, cert. ef. 8-3-11 thru 10-31-11; DFW 121-2011(Temp), f. 8-29-11, cert. ef. 9-5-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 12-2012(Temp), f. 2-8-12, cert. ef. 2-12-12 thru 7-31-12; DFW 24-2012(Temp), f. 3-15-12, cert. ef. 3-18-12 thru 7-31-12; DFW 26-2012(Temp), f. 3-20-12, cert. ef. 3-21-12 thru 7-31-12; DFW 27-2012(Temp), f. 3-27-12, cert. ef. 3-29-12 thru 7-31-12; DFW 28-2012(Temp), f. 3-30-12, cert. ef. 4-1-12 thru 7-31-12; DFW 30-2012(Temp), f. 4-4-12, cert. ef. 4-5-12 thru 7-31-12; DFW 36-2012(Temp), f. 4-16-12, cert. ef. 4-19-12 thru 7-31-12; DFW 82-2012(Temp), f. 6-29-12, cert. ef. 7-2-12 thru 7-31-12; DFW 96-2012(Temp), f. 7-30-12, cert. ef. 8-1-12 thru 10-31-12; Administrative correction 11-23-12; DFW 11-2013(Temp), f. 2-8-13, cert. ef. 2-11-13 thru 7-31-13; DFW 22-2013(Temp), f. 3-12-13, cert. ef. 3-13-13 thru 7-31-13; DFW 34-2013(Temp), f. 5-14-13, cert. ef. 5-15-13 thru 7-31-13; DFW 36-2013(Temp), f. & cert. ef. 5-22-13 thru 7-31-13; DFW 44-2013(Temp), f. & cert. 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. & cert. 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. & cert. 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

Rule Caption: Open Spring Chinook Sport Fishery on the Snake River below Hells Canyon Dam.

Adm. Order No.: DFW 33-2014(Temp)

Filed with Sec. of State: 4-21-2014

Certified to be Effective: 4-26-14 thru 9-30-14

Notice Publication Date:

Rules Amended: 635-023-0134

Subject: Amended rule opens a spring chinook fishery from Dug Bar Boat Ramp upstream to the deadline below Hells Canyon Dam on the Snake River beginning on April 26, 2014 to coincide with the State of Idaho's regulations for this fishery.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-023-0134

Snake River Fishery

(1) The 2014 Oregon Sport Fishing Regulations provide requirements for the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the 2014 Oregon Sport Fishing Regulations.

(2) Notwithstanding, all other specifications and restrictions as outlined in the 2014 Oregon Sport Fishing Regulations, the following conditions apply:

(a) The Snake River from Dug Bar boat ramp upstream to the deadline below Hell's Canyon Dam is open seven (7) days per week, effective Saturday, April 26, 2014 until further notice.

(b) Daily bag limit is Four (4) adipose fin-clipped spring Chinook salmon per day, of which no more than two (2) can be an adult in excess of 24 inches in length. Anglers must cease fishing for salmon for the day when either four (4) salmon or two (2) adult salmon have been retained, whichever comes first.

(c) Barbless hooks are required.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 47-2005(Temp), f. 5-19-05, cert. ef. 5-21-05 thru 6-20-05; Administrative correction 7-20-05; DFW 31-2006(Temp), f. 5-18-06, cert. ef. 5-20-06 thru 6-19-06; Administrative correction 7-21-06; DFW 31-2007(Temp), f. 5-9-07, cert. ef. 5-11-07 thru 6-18-07; DFW 43-2007(Temp), f. 6-14-07, cert. ef. 6-19-07

thru 7-2-07; Administrative correction 2-8-08; DFW 43-2008(Temp), f. 4-25-08, cert. ef. 4-26-08 thru 7-20-08; DFW 64-2008(Temp), f. 6-18-08, cert. ef. 6-21-08 thru 7-31-08; Administrative correction 8-21-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 58-2009(Temp), f. 5-27-09, cert. ef. 5-30-09 thru 7-12-09; DFW 80-2009(Temp), f. 6-30-09, cert. ef. 7-1-09 thru 7-17-09; Administrative correction 7-21-09; DFW 128-2009(Temp), f. 10-12-09, cert. ef. 10-18-09 thru 4-15-10; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 42-2010(Temp), f. 4-13-10, cert. ef. 4-24-10 thru 7-31-10; DFW 107-2010(Temp), f. 7-26-10, cert. ef. 7-31-10 thru 8-4-10; Administrative correction, 8-18-10; DFW 119-2010(Temp), f. 8-18-10, cert. ef. 9-1-10 thru 12-31-10; DFW 171-2010, f. 12-30-10, cert. ef. 1-1-11; DFW 29-2011(Temp), f. 4-12-11, cert. ef. 4-23-11 thru 10-19-11; DFW 118-2011(Temp), f. 8-23-11, cert. ef. 9-1-11 thru 12-31-11; DFW 163-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 35-2012(Temp), f. 4-16-12, cert. ef. 4-22-12 thru 9-30-12; DFW 93-2012(Temp), f. 7-24-12, cert. ef. 8-5-12 thru 9-30-12; DFW 109-2012(Temp), f. 8-21-12, cert. ef. 9-1-12 thru 12-31-12; DFW 149-2012, f. 12-27-12, cert. ef. 1-1-13; DFW 29-2013(Temp), f. 4-25-13, cert. ef. 5-4-13 thru 9-30-13; DFW 76-2013(Temp), f. 7-16-13, cert. ef. 7-21-13 thru 9-30-13; DFW 94-2013(Temp), f. 8-23-13, cert. ef. 9-1-13 thru 11-30-13; Administrative correction, 12-19-13; DFW 137-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 33-2014(Temp), f. 4-21-14, cert. ef. 4-26-14 thru 9-30-14

Rule Caption: Federal Actions and Management Measures Implemented for Commercial Groundfish Limited Entry Trawl Fisheries

Adm. Order No.: DFW 34-2014(Temp)

Filed with Sec. of State: 4-23-2014

Certified to be Effective: 4-23-14 thru 9-30-14

Notice Publication Date:

Rules Amended: 635-004-0275

Rules Suspended: 635-004-0275(T)

Subject: This amended rule implements in-season actions previously adopted by the federal government for 2013 and 2014 Pacific ocean commercial groundfish fisheries, including but not limited to changes in commercial groundfish limited entry trawl RCA adjustments.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-004-0275

Scope, Inclusion, and Modification of Rules

(1) The commercial groundfish fishery in the Pacific Ocean off Oregon is jointly managed by the state of Oregon and the federal government through the Pacific Fishery Management Council process. The Code of Federal Regulations provides federal requirements for this fishery, including but not limited to the time, place, and manner of taking groundfish. However, additional regulations may be promulgated subsequently by publication in the Federal Register, and these supersede, to the extent of any inconsistency, the Code of Federal Regulations. Therefore, the following publications are incorporated into Oregon Administrative Rule by reference:

(a) Code of Federal Regulations, Part 660, Subparts C, D, E and F (October 1, 2013 ed.);

(b) Federal Register Vol. 78, No. 2, dated January 3, 2013 (78 FR 580).

(2) Persons must consult the federal regulations in addition to Division 004 to determine all applicable groundfish fishing requirements. Where federal regulations refer to the fishery management area, that area is extended from shore to three nautical miles from shore coterminous with the Exclusive Economic Zone.

(3) The Commission may adopt additional or modified regulations that are more conservative than federal regulations, in which case Oregon Administrative Rule takes precedence. See OAR 635-004-0205 through 635-004-0235 and 635-004-0280 through 635-004-0365 for additions or modifications to federal groundfish regulations.

(4) Notwithstanding the regulations defined in section (1) of this rule, the National Marine Fisheries Service, by means of Federal Register/Vol.78, No. 232/Tuesday, December 3, 2013, announced inseason actions and management measures effective December 3, 2013, including but not limited to: 1) Changes to limited entry fixed gear and open access fixed gear sablefish DTL fishery trip limits for Period 6, 2013 and 2) Changes to limited entry fixed gear and open access fixed gear sablefish DTL fishery trip limits for Periods 1-6, 2014.

(5) Notwithstanding the regulations defined in section (1) of this rule, the National Marine Fisheries Service, by means of Federal Register/Vol.79, No. 74/Thursday, April 17, 2014, announced in-season adjustments to Pacific Coast Commercial Limited Entry Trawl Fishery regulations effective April 17, 2014, including but not limited to trawl RCA adjustments.

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

Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119 & 506.129

Stats. Implemented: ORS 496.162, 506.109 & 506.129

Hist.: DFW 75-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 78-2012(Temp), f. 6-28-12, cert. ef. 7-1-12 thru 10-27-12; DFW 106-2012(Temp), f. 8-15-12, cert. ef. 9-1-12 thru 12-31-12;

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DFW 1-2013, f. & cert. ef. 1-3-13; DFW 96-2013(Temp), f. 8-27-13, cert. ef. 9-1-13 thru 12-31-13; DFW 132-2013(Temp), f. & cert. ef. 12-9-13 thru 6-7-14; DFW 136-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 34-2014(Temp), f. & cert. ef. 4-23-14 thru 9-30-14

Rule Caption: 2014 Commercial Spring Fisheries Rescinded and Amended for Columbia River Select Areas

Adm. Order No.: DFW 35-2014(Temp)

Filed with Sec. of State: 4-24-2014

Certified to be Effective: 4-24-14 thru 7-31-14

Notice Publication Date:

Rules Amended: 635-042-0145, 635-042-0160, 635-042-0170

Rules Suspended: 635-042-0145(T), 635-042-0160(T), 635-042-0170(T)

Subject: The amended rules rescind and amend seasons, area boundaries and allowable sales for spring commercial fisheries in the Columbia River Select Areas. Modifications are consistent with the action taken April 23, 2014 by the Columbia River Compact agencies of the states of Oregon and Washington and the state of Oregon.

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: Entire Youngs Bay: Mondays, Wednesdays, and Thursdays from February 10 through March 7 (12 days) open hours are from 6:00 a.m. to midnight (18 hours) on Mondays and Thursdays, and 6:00 a.m. to 6:00 p.m. (12 hours) on Wednesdays. Beginning March 10 the following open periods apply:

Monday, March 10, 3:30 p.m.–7:30 p.m. (4 hrs.);
Wednesday, March 12, 5:00 p.m.–9:00 p.m. (4 hrs.);
Thursday, March 13, 6:00 p.m.–10:00 p.m. (4 hrs.);
Monday, March 17, 8:00 p.m.–midnight (4 hrs.);
Wednesday, March 19, 9:00 a.m.–1:00 p.m. (4 hrs.);
Thursday, March 20, 9:00 p.m.–1:00 a.m. Friday, March 21 (4 hrs.);
Monday, March 24, 2:00 p.m.–6:00 p.m. (4 hrs.);
Wednesday, March 26 4:00 p.m.–8:00 p.m. (4 hrs.).

(B) Spring Season: Entire Youngs Bay from April 17 through Friday, June 13 during the following periods:

Thursday, April 17, 6:00 p.m.–midnight (6 hrs.);
Thursday, May 1, 7:00 p.m.–11:00 p.m. (4 hrs.);
Thursday, May 8, 1:00 p.m.–7:00 p.m. (6 hrs.); and
Noon Monday through Noon Friday (4 days/week) from May 12 through June 13 (16 days total).

(C) Summer Season: Beginning June 16 the following open periods apply:

Noon Monday through Noon Friday (4 days/week) from June 16 through July 4 (12 days);
Noon Monday July 7 through Noon Thursday July 10 (3 days); and
Noon Tuesday through Noon Thursday (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 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

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121-2011(Temp), f. 8-29-11, cert. ef. 9-5-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 12-2012(Temp), f. 2-8-12, cert. ef. 2-12-12 thru 7-31-12; DFW 24-2012(Temp), f. 3-15-12, cert. ef. 3-18-12 thru 7-31-12; DFW 26-2012(Temp), f. 3-20-12, cert. ef. 3-21-12 thru 7-31-12; DFW 27-2012(Temp), f. 3-27-12, cert. ef. 3-29-12 thru 7-31-12; DFW 28-2012(Temp), f. 3-30-12, cert. ef. 4-1-12 thru 7-31-12; DFW 30-2012(Temp), f. 4-4-12, cert. ef. 4-5-12 thru 7-31-12; DFW 36-2012(Temp), f. 4-16-12, cert. ef. 4-19-12 thru 7-31-12; DFW 82-2012(Temp), f. 6-29-12, cert. ef. 7-2-12 thru 7-31-12; DFW 96-2012(Temp), f. 7-30-12, cert. ef. 8-1-12 thru 10-31-12; Administrative correction 11-23-12; DFW 11-2013(Temp), f. 2-8-13, cert. ef. 2-11-13 thru 7-31-13; DFW 22-2013(Temp), f. 3-12-13, cert. ef. 3-13-13 thru 7-31-13; DFW 34-2013(Temp), f. 5-14-13, cert. ef. 5-15-13 thru 7-31-13; DFW 36-2013(Temp), f. & cert. ef. 5-22-13 thru 7-31-13; DFW 44-2013(Temp), f. & cert. ef. 5-29-13 thru 7-31-13; DFW 82-2013(Temp), f. 7-29-13, cert. ef. 7-31-13 thru 10-31-13; DFW 87-2013(Temp), f. & cert. 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. & cert. 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. & cert. ef. 4-24-14 thru 7-31-14

635-042-0160

Blind Slough and Knappa Slough Select Area Salmon Season

(1) Salmon and shad may be taken for commercial purposes during open 2014 fishing periods described as the winter fishery and the spring fishery in subsections (1)(a)(A) and (1)(a)(B) respectively, of this rule in those waters of Blind Slough and Knappa Slough. The following restrictions apply:

(a) The open fishing periods are established in segments categorized as the winter fishery in Blind Slough and Knappa Slough in subsection (1)(a)(A), the winter fishery in Blind Slough only in subsection (1)(a)(B), and the spring fishery in Blind Slough and Knappa Slough in subsection (1)(a)(C). The seasons are open nightly from 7:00 p.m. to 7:00 a.m. the following morning (12 hours), as follows:

(A) Blind Slough and Knappa Slough: Monday and Thursday nights beginning Monday, February 10 through Friday, March 14 (10 nights);

(B) Blind Slough Only: Monday and Thursday nights beginning Monday, March 17 through Tuesday, April 1 (5 nights).

(C) Blind Slough and Knappa Slough during the following periods: Thursday, April 17 from 7:00 p.m. to 7:00 a.m. the following morning (12 hours); Tuesday, April 22 from 7:00 p.m. to 7:00 a.m. the following morning (12 hours); Thursday May 1 from 7:00 p.m. to 7:00 a.m. the following morning (12 hours); and Thursday May 8 from 7:00 p.m. to 7:00 a.m. the following morning (12 hours) and Monday and Thursday nights from 7:00 p.m. to 7:00 a.m. the following morning (12 hours) beginning May 12 through June 13 (14 nights in all).

(b) The fishing areas for the winter and spring seasons are:

(A) Blind Slough are those waters from markers at the mouth of Blind Slough upstream to markers at the mouth of Gnat Creek which is located approximately ½ mile upstream of the county road bridge.

(B) Knappa Slough are all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to a north-south line defined by a marker on the eastern end of Minaker Island to markers on Karlson Island and the Oregon shore.

(C) During the period from May 12 through June 13, 2014, the Knappa Slough fishing area extends downstream to the boundary lines defined by markers on the west end of Minaker Island to markers on Karlson Island and the Oregon shore.

(c) Gear restrictions are as follows:

(A) During the winter and spring fisheries, outlined above in subsections (1)(a)(A), (1)(a)(B), and (1)(a)(C), gill nets may not exceed 100 fathoms in length with no weight limit on the lead line. The attachment of additional weight and/or anchors directly to the lead line is permitted.

(B) It is unlawful to use a gill net having a mesh size that is less than 7-inches during the winter fishery or greater than 9.75-inches during the spring fishery.

(C) Nets not specifically authorized for use in these areas may be onboard a vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(2) Oregon licenses are required in the open waters upstream from the railroad bridge.

(3) As a condition of fishing, owners or operators of commercial fishing vessels must cooperate with Department observers or observers collecting data for the Department, when notified by the observer of his or her intent to board the commercial vessel for observation and sampling during an open fishery. Additionally, cooperation with Department personal or observers prior to an open fishery is expected.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 86-1998(Temp), f. & cert. ef. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 48-1999(Temp), f. & cert. ef. 6-24-99 thru 7-2-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 65-2000(Temp) f. 9-22-00, cert. ef. 9-25-00 thru 12-31-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 86-2001, f. & cert. ef. 9-4-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 14-2002(Temp), f. 2-13-02, cert. ef. 2-18-02 thru 8-17-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. 4-8-04, cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 16-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 14-2006(Temp), f. 3-15-06, cert. ef. 3-16-06 thru 7-27-06; DFW 16-2006(Temp), f. 3-23-06 & cert. ef. 3-26-06 thru 7-27-06; DFW 18-2006(Temp), f. 3-29-06, cert. ef. 4-2-06 thru 7-27-06; DFW 20-2006(Temp), f. 4-7-06, cert. ef. 4-9-06 thru 7-27-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 75-2006(Temp), f. 8-8-06, cert. ef. 9-5-06 thru 12-31-06; DFW 92-2006(Temp), f. 9-1-06, cert. ef. 9-5-06 thru 12-31-06; DFW 98-2006(Temp), f. & cert. ef. 9-12-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 103(Temp), f. 8-26-08, cert. ef. 9-2-08 thru 10-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 49-2009(Temp), f. 5-14-09, cert. ef. 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; DFW 15-2010(Temp), f. 2-19-10, cert. ef. 2-21-10 thru 6-11-10; DFW 46-2010(Temp), f. & cert. ef. 4-21-10 thru 7-31-10; DFW 53-2010(Temp), f. & cert. ef. 5-4-10 thru 7-31-10; DFW 57-2010(Temp), f. & cert. ef. 5-11-10 thru 7-31-10; DFW 69-2010(Temp), f. & cert. ef. 5-18-10 thru 7-31-10; DFW 113-2010(Temp), f. 8-2-10, cert. ef. 8-4-10 thru 10-31-10; DFW 129-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; Administrative correction 11-23-10; DFW 12-2011(Temp), f. 2-10-11, cert. ef. 2-13-11 thru 7-29-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 32-2011(Temp), f. 4-20-11, cert. ef. 4-21-11 thru 7-29-11; DFW 44-2011(Temp), f. & cert. ef. 5-11-11 thru 6-10-11; Administrative correction 6-28-11; DFW 113-2011(Temp), f. 8-10-11, cert. ef. 8-15-11 thru 10-31-11; Administrative correction 11-18-11; DFW 12-2012(Temp), f. 2-8-12, cert. ef. 2-12-12 thru 7-31-12; DFW 104-2012(Temp), f. 8-6-12, cert. ef. 8-13-12 thru 10-31-12; Administrative correction 11-23-12; DFW 11-2013(Temp), f. 2-8-13, cert. ef. 2-11-13 thru 7-31-13; DFW 24-2013(Temp), f. & cert. ef. 3-21-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 91-2013(Temp), f. 8-22-13, cert. ef. 8-26-13 thru 10-31-13; DFW 110-2013(Temp), f. 9-27-13, cert. ef. 9-30-13 thru 10-31-13; Administrative correction, 11-22-13; DFW 8-2014(Temp), f. & cert. ef. 2-10-14 thru 7-31-14; DFW 35-2014(Temp), f. & cert. ef. 4-24-14 thru 7-31-14

635-042-0170

Tongue Point Basin and South Channel

(1) Tongue Point includes all waters bounded by a line extended from the upstream (southern most) pier (#1) at the Tongue Point Job Corps facility through navigation marker #6 to Mott Island (new spring lower dead-line), a line from a marker at the southeast end of Mott Island northeasterly to a marker on the northwest tip of Lois Island, and a line from a marker on the southwest end of Lois Island westerly to a marker on the Oregon shore.

(2) South Channel area includes all waters bounded by a line from a marker on John Day Point through the green USCG buoy "7" to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to the flashing red USCG marker #10, northwesterly to a marker on Burnside Island defining the upstream terminus of South Channel.

(3) Salmon and shad may be taken for commercial purposes in those waters of Tongue Point and South Channel as described in section (1) and section (2) of this rule. The 2014 open fishing periods are:

(a) Winter Season: Monday and Thursday nights from 7:00 p.m. to 7:00 a.m. the following morning (12 hours) beginning Monday, February 10 through Friday, March 14 (10 nights).

(b) Spring Season: Nights of Thursday May 1 and Thursday May 8, 7:00 p.m. to 1:00 a.m. the following morning (6 hours) and Monday and

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Thursday nights from 7:00 p.m. to 7:00 a.m. the following morning (12 hours) beginning Monday, May 12 through Friday, June 13 (12 nights).

(4) Gear restrictions are as follows:

(a) In waters described in section (1) as Tongue Point basin, gill nets may not exceed 250 fathoms in length and weight limit on the lead line is not to exceed two pounds on any one fathom. It is unlawful to use a gill net having a mesh size that is less than 7 inches during the winter season or more than 9.75-inches during the spring season.

(b) In waters described in section (2) as South Channel, nets are restricted to 250 fathoms in length with no weight restrictions on the lead line. The attachment of additional weight and/or anchors directly to the lead line is permitted. It is unlawful to use a gill net having a mesh size that is less than 7 inches during the winter season or more than 9.75 inches during the spring season.

(c) Nets not specifically authorized for use in these areas may be onboard a vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(5) As a condition of fishing, owners or operators of commercial fishing vessels must cooperate with Department observers or observers collecting data for the Department, when notified by the observer of his or her intent to board the commercial vessel for observation and sampling during an open fishery. Additionally, cooperation with Department personal or observers prior to an open fishery is expected.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 61-1997(Temp), f. 9-23-97, cert. ef. 9-24-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 41-1998(Temp), f. 5-28-98, cert. ef. 5-29-98; DFW 42-1998(Temp), f. 5-29-98, cert. ef. 5-31-98 thru 6-6-98; DFW 45-1998(Temp), f. 6-5-98, cert. ef. 6-6-98 thru 6-10-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 86-1998, f. & cert. ef. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; Administrative correction 7-30-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 76-2006(Temp), f. 8-8-06, cert. ef. 9-5-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative Correction 1-24-08; DFW 44-2008(Temp), f. 4-25-08, cert. ef. 4-28-08 thru 10-24-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; DFW 29-2010(Temp), f. 3-9-10, cert. ef. 4-19-10 thru 6-12-10; DFW 46-2010(Temp), f. & cert. ef. 4-21-10 thru 7-31-10; DFW 53-2010(Temp), f. & cert. ef. 5-4-10 thru 7-31-10; DFW 57-2010(Temp), f. & cert. ef. 5-11-10 thru 7-31-10; DFW 69-2010(Temp), f. & cert. ef. 5-18-10 thru 7-31-10; DFW 113-2010(Temp), f. 8-2-10, cert. ef. 8-4-10 thru 10-31-10; DFW 129-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; Administrative correction 11-23-10; DFW 12-2011(Temp), f. 2-10-11, cert. ef. 2-13-11 thru 7-29-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 32-2011(Temp), f. 4-20-11, cert. ef. 4-21-11 thru 7-29-11; DFW 44-2011(Temp), f. & cert. ef. 5-11-11 thru 6-10-11; Administrative correction 6-28-11; DFW 113-2011(Temp), f. 8-10-11, cert. ef. 8-15-11 thru 10-31-11; DFW 122-2011(Temp), f. 8-29-11, cert. ef. 9-19-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 41-2012(Temp), f. 4-24-12, cert. ef. 4-26-12 thru 6-30-12; Administrative correction, 8-1-12; DFW 104-2012(Temp), f. 8-6-12, cert. ef. 8-13-12 thru 10-31-12; Administrative correction 11-23-12; DFW 11-2013(Temp), f. 2-8-13, cert. ef. 2-11-13 thru 7-31-13; DFW 34-2013(Temp), f. 5-14-13, cert. ef. 5-15-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 91-2013(Temp), f. 8-22-13, cert. ef. 8-26-13 thru 10-31-13; DFW 110-2013(Temp), f. 9-27-13, cert. ef. 9-30-13 thru 10-31-13; Administrative correction, 11-22-13; DFW 8-2014(Temp), f. & cert. ef. 2-10-14 thru 7-31-14; DFW 35-2014(Temp), f. & cert. ef. 4-24-14 thru 7-31-14

Rule Caption: Amend Rules for Sport and Commercial Halibut Seasons

Adm. Order No.: DFW 36-2014

Filed with Sec. of State: 4-29-2014

Certified to be Effective: 5-1-14

Notice Publication Date: 3-1-2014

Rules Amended: 635-004-0585, 635-039-0080, 635-039-0085

Subject: Amendments to Oregon's regulations for sport halibut and commercial halibut will bring the State concurrent with federally

adopted regulations. Modifications establish 2014 seasons and/or quotas for these halibut. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-004-0585

Scope, Inclusion, and Modification of Rules

(1) The commercial Pacific halibut fishery in the Pacific Ocean off Oregon is jointly managed by the state of Oregon, the federal government, and the International Pacific Halibut Commission (IPHC). The **Code of Federal Regulations** provides federal requirements for this fishery, including but not limited to the time, place, and manner of taking Pacific halibut. However, additional federal regulations may be promulgated subsequently by publication in the Federal Register, and these supersede, to the extent of any inconsistency, the **Code of Federal Regulations**. Therefore, the following publications are incorporated into Oregon Administrative Rule by reference:

(a) **Code of Federal Regulations**, Part 660, Subpart E, (October 1, 2013 ed.); and

(b) Federal Register Vol. 79, No. 48, dated March 12, 2014 (79 FR 3906)

(2) Persons must consult the federal regulations in addition to Division 004 to determine all applicable Pacific halibut fishing requirements. The area that federal regulations apply to is hereby extended to the area from shore to three nautical miles from shore, coterminous with the Exclusive Economic Zone.

(3) The Commission may adopt additional or modified regulations that are more conservative than federal regulations, in which case Oregon Administrative Rule takes precedence.

(4) It is *unlawful* to take Pacific halibut for commercial purposes except as set by federal regulations and the IPHC and in accordance with a valid permit issued by the IPHC.

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

Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119 & 506.129

Stats. Implemented: ORS 469.162, 506.109, 506.129 & 508.306

Hist.: DFW 75-2012, f. 6-28-12, cert. ef. 7-1-12; DFW 32-2013, f. & cert. ef. 5-14-13; DFW 36-2014, f. 4-29-14, cert. ef. 5-1-14

635-039-0080

Purpose and Scope

(1) The purpose of division 39 is to provide for management of sport fisheries for marine fish, shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and beaches over which the State has jurisdiction.

(2) Division 39 incorporates into Oregon Administrative Rules, by reference:

(a) The sport fishing regulations of the State, included in the document entitled **2014 Oregon Sport Fishing Regulations**;

(b) **Title 50 of the Code of Federal Regulations, Part 300, Subpart E** (October 1, 2013 ed.), as amended;

(c) **Title 50 of the Code of Federal Regulations, Part 660, Subpart G** (October 1, 2013 ed.), as amended;

(d) **Federal Register Vol. 78, No. 2**, dated January 3, 2013 (78 FR 580);

(e) **Federal Register Vol. 79, No. 48**, dated March 12, 2014 (79 FR 3906); and

(f) **Federal Register Vol. 79, No. 65**, dated April 4, 2014 (79 FR 18827)

(3) Therefore, persons must consult all publications referenced in this rule in addition to division 11 and division 39 to determine all applicable sport fishing requirements for marine fish, shellfish and marine invertebrates.

[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.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; Renumbered from 635-39-105 - 635-39-135; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 25-1997, f. 4-22-97, cert. ef. 5-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 91-1998, f. & cert. ef. 11-25-98; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 98-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 81-2000, f. 12-22-00, cert. ef. 1-1-01; DFW 118-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 120-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 33-2005(Temp), f. 4-29-05, cert. ef. 5-1-05 thru 10-27-05; DFW 54-2005(Temp), f. 6-10-05, cert. ef. 6-12-05 thru 11-30-05; DFW 56-2005, f. 6-21-05, cert. ef. 7-1-05; DFW 71-2005(Temp), f. & cert. ef. 7-7-05 thru 11-30-05; DFW 89-2005(Temp), f. & cert. ef. 8-12-05 thru 12-12-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 138-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 134-2006(Temp), f. 12-21-06, cert. ef. 1-1-07 thru 6-29-07; DFW 3-2007, f. & cert. ef. 1-12-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 39-2009, f. & cert. ef. 4-27-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 32-2010, f. & cert. ef. 3-15-10; DFW 37-2010, f. 3-30-10, cert. ef. 4-1-10; DFW 157-2010, f.

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12-6-10, cert. ef. 1-1-11; DFW 24-2011, f. & cert. ef. 3-22-11; DFW 164-2011, f. 12-27-11, cert. ef. 1-1-12; DFW 39-2012, f. & cert. ef. 4-24-12; DFW 1-2013, f. & cert. ef. 1-3-13; DFW 25-2013(Temp), f. 4-2-13, cert. ef. 5-1-13 thru 5-31-13; DFW 32-2013, f. & cert. ef. 5-14-13; DFW 136-2013, f. 12-19-13, cert. ef. 1-1-14; DFW 36-2014, f. 4-29-14, cert. ef. 5-1-14

635-039-0085

Halibut Seasons

(1) The Pacific halibut sport fishery in Oregon is regulated by the federal government and the International Pacific Halibut Commission (IPHC). OAR chapter 635, division 039 incorporates into Oregon Administrative Rules, by reference:

(a) **Title 50 of the Code of Federal Regulations, Part 300, Subpart E** (October 1, 2013 ed.), as amended;

(b) **Federal Register Vol. 79, No. 48**, dated March 12, 2014 (79 FR 3906); and

(c) **Federal Register Vol. 79, No. 65**, dated April 4, 2014 (79 FR 18827)

(2) Therefore, persons must consult all publications referenced in this rule in addition to Division 039 to determine applicable halibut fishing seasons.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119, 506.129
Stats. Implemented: ORS 496.162, 506.129
Hist.: DFW 56-2005, f. 6-21-05, cert. ef. 7-1-05; DFW 89-2005(Temp), f. & cert. ef. 8-12-05 thru 12-12-05; DFW 107-2005(Temp), f. 9-14-05, cert. ef. 9-15-05 thru 10-31-05; DFW 121-2005(Temp), f. 10-12-05, cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-19-06; DFW 34-2006(Temp), f. 5-25-06, cert. ef. 5-27-06 thru 8-3-06; Administrative correction 8-22-06; DFW 3-2007, f. & cert. ef. 1-12-07; DFW 35-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 8-2-07; DFW 67-2007(Temp), f. 8-9-07, cert. ef. 8-12-07 thru 9-30-07; DFW 76-2007(Temp), f. 8-17-07, cert. ef. 8-24-07 thru 9-30-07; DFW 84-2007(Temp), f. 9-5-07, cert. ef. 9-15-07 thru 9-30-07; DFW 87-2007(Temp), f. 9-10-07, cert. ef. 9-14-07 thru 10-28-07; DFW 90-2007(Temp), f. 9-19-07, cert. ef. 9-20-07 thru 10-31-07; Administrative correction 11-17-07; DFW 57-2008(Temp), f. 5-30-08, cert. ef. 6-1-08 thru 7-31-08; DFW 81-2008(Temp), f. 7-11-08, cert. ef. 8-2-08 thru 9-30-08; DFW 92-2008(Temp), f. & cert. ef. 8-11-08 thru 9-30-08; DFW 101-2008(Temp), f. 8-25-08, cert. ef. 8-29-08 thru 9-30-08; DFW 107-2008(Temp), f. 9-5-08, cert. ef. 9-7-08 thru 12-31-08; DFW 111-2008(Temp), f. & cert. ef. 9-16-08 thru 12-31-08; DFW 120-2008(Temp), f. 9-25-08, cert. ef. 9-27-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 39-2009, f. & cert. ef. 4-27-09; DFW 55-2009(Temp), f. & cert. ef. 5-22-09 thru 8-6-09; DFW 94-2009(Temp), f. 8-14-09, cert. ef. 8-16-09 thru 12-31-09; Administrative correction 1-25-10; DFW 32-2010, f. & cert. ef. 3-15-10; DFW 37-2010, f. 3-30-10, cert. ef. 4-1-10; DFW 100-2010(Temp), f. 7-15-10, cert. ef. 7-17-10 thru 10-31-10; DFW 118-2010(Temp), f. & cert. ef. 8-13-10 thru 10-31-10; Administrative correction 11-23-10; DFW 24-2011, f. & cert. ef. 3-22-11; DFW 58-2011(Temp), f. 5-27-11, cert. ef. 6-4-11 thru 8-4-11; DFW 82-2011(Temp), f. 6-30-11, cert. ef. 7-1-11 thru 8-4-11; DFW 85-2011(Temp), f. 7-5-11, cert. ef. 7-6-11 thru 10-31-11; DFW 114-2011(Temp), f. & cert. ef. 8-12-11 thru 10-31-11; DFW 135-2011(Temp), f. 9-21-11, cert. ef. 10-1-11 thru 12-31-11; DFW 39-2012, f. & cert. ef. 4-24-12; DFW 84-2012(Temp), f. & cert. ef. 7-5-12 thru 8-2-12; DFW 91-2012(Temp), f. 7-19-12, cert. ef. 7-22-12 thru 10-31-12; DFW 111-2012(Temp), f. 8-23-12, cert. ef. 8-24-12 thru 12-31-12; DFW 123-2012(Temp), f. 9-19-12, cert. ef. 9-24-12 thru 10-31-12; Administrative correction 11-23-12; DFW 65-2013(Temp), f. 6-27-13, cert. ef. 6-28-13 thru 8-2-13; DFW 78-2013(Temp), f. & cert. ef. 7-23-13 thru 10-31-13; DFW 86-2013(Temp), f. & cert. ef. 8-8-13 thru 10-31-13; Administrative correction, 11-22-13; DFW 36-2014, f. 4-29-14, cert. ef. 5-1-14

Rule Caption: Columbia River Mainstem and Tributary Treaty Indian Commercial Fisheries Amended

Adm. Order No.: DFW 37-2014(Temp)

Filed with Sec. of State: 5-6-2014

Certified to be Effective: 5-6-14 thru 7-31-14

Notice Publication Date:

Rules Amended: 635-041-0045, 635-041-0065

Rules Suspended: 635-041-0045(T), 635-041-0065(T)

Subject: These amended rules set a platform and hook-and-line fishery in all of Zone 6 from 6:00 p.m. May 6 through 11:59 p.m. July 31, 2014. Modifications clarify that sales of fish landed in Treaty fisheries downstream of Bonneville Dam, allowed under agreements with the State of Oregon, are allowed any time fishing is permitted under Treaty regulations. Modifications are consistent with action taken May 6, 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

635-041-0045

Closed Commercial Fishing Areas

Unless otherwise specified in this rule and OAR 635-041-0063, the following waters are closed to commercial fishing:

(1) All Oregon tributaries of the Columbia River.

(2) The Columbia River: westerly and downstream of the Bridge of the Gods except:

(a) From 6:00 p.m. Tuesday May 6 through 11:59 p.m. Thursday July 31, 2014 sales are allowed by enrolled members of the Yakima, Warm Springs, Nez Perce, and Umatilla tribes when lawfully permitted by Treaty regulations under provisions of the agreements with the states of Oregon and Washington. Allowable sales include Chinook, steelhead, sockeye, coho, walleye, shad, yellow perch, bass and carp. Fish landed during lawfully permitted seasons may be sold at any time. Sturgeon caught in the tribal fisheries below Bonneville Dam may not be retained or sold. Fish may not be sold on USACE property below Bonneville Dam, but may be caught and transported off USACE property for sale.

(b) Gear is restricted to subsistence fishing gear which includes hoop-nets, dipnets, spears, gaffs, clubs, fouling hooks and rod and reel with hook-and-line.

(c) Platform and hook-and-line fisheries from the Bridge of the Gods downstream to the subsistence fishing deadline as described in OAR 635-041-0020(1) are open to commercial sales whenever sales are authorized for platform and hook-and-line fisheries in the remainder of Bonneville Pool.

(3) The Columbia River easterly and upstream of a line extending at a right angle across the thread of the river from a deadline marker one mile downstream of McNary Dam.

(4) The Columbia River between a line extending at a right angle across the thread of the river from a deadline marker at the west end of 3-Mile Rapids located approximately 1.8 miles below The Dalles Dam, upstream to a line from a deadline marker on the Oregon shore located approximately ¾ mile above The Dalles Dam east fishway exit, thence at a right angle to the thread of the river to a point in midriver, thence downstream to Light "1" on the Washington shore; except that dip nets, bag nets, and hoop nets are permitted during commercial salmon and shad fishing seasons at the Lone Pine Indian fishing site located immediately above The Dalles Interstate Bridge.

(5) The Columbia River between a line extending at a right angle across the thread of the river from a deadline marker at Preachers Eddy light below the John Day Dam and a line approximately 4.3 miles upstream extending from a marker on the Oregon shore approximately one-half mile above the upper easterly bank of the mouth of the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, thence turning downstream to a marker located on the Washington shore approximately opposite the mouth of the John Day River.

(6) The Columbia River within areas at and adjacent to the mouths of the Deschutes River and the Umatilla River. The closed areas are along the Oregon side of the Columbia River and extend out to the midstream from a point one-half mile above the intersection of the upper bank of the tributary with the Columbia River to a point one mile downstream from the intersection of the lower bank of the tributary with the Columbia River. All such points are posted with deadline markers.

(7) The Columbia River within an area and adjacent to the mouth of the Big White Salmon River. The closed area is along the Washington side of the Columbia River and extends out to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

(8) The Columbia River within an area at and adjacent to the mouth of Drano Lake (Little White Salmon River). The closed area is along the Washington side of the Columbia River and extends out to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately ½ mile upriver of the outlet of Drano Lake.

(9) The Columbia River within an area and adjacent to the mouth of the Wind River. The closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between markers located 1-1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

(10) The Columbia River within areas at and adjacent to the mouth of Hood River. The closed area is along the Oregon side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at end of the breakwall at the west end of the Port of Hood River and ½ mile upriver from the east bank.

(11) The Columbia River within a radius of 150 feet of the Spring Creek Hatchery fishway, except that during the period of August 25–September 20 inclusive the closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between a marker located 1-1/2 miles downriver of the Spring Creek Hatchery fishway up to the downstream marker of the Big

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White Salmon sanctuary located approximately 1/2 mile upriver of the Spring Creek Hatchery fishway.

(12) Herman Creek upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(13) The Columbia River within an area and adjacent to the mouth of the Klickitat River. The closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1-1/8 miles downstream from the west bank.

Stat. Auth.: ORS 183.325, 506.109 & 506.111

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 89, f. & ef. 1-28-77; FWC 133, f. & ef. 8-4-77; FWC 149(Temp), f. & ef. 9-21-77 thru 1-18-78; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0045; FWC 6-1980, f. & ef. 1-28-80; FWC 4-1980(Temp), f. & ef. 8-22-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 4-1984, f. & ef. 1-31-84; FWC 55-1985(Temp), f. & ef. 9-6-85; FWC 4-1986 (Temp), f. & ef. 1-28-86; FWC 25-1986(Temp), f. & ef. 6-25-86; FWC 42-1986, f. & ef. 8-15-86; FWC 2-1987, f. & ef. 1-23-87; FWC 10-1988, f. & ef. cert. ef. 3-4-88; FWC 54-1989 (Temp), f. & cert. ef. 8-7-89; FWC 90-1989, f. & cert. ef. 9-6-89; FWC 80-1990(Temp), f. & cert. ef. 8-8-90; FWC 142-2008, f. & cert. ef. 11-21-08; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 40-2011(Temp), f. & cert. ef. 5-5-11 thru 10-31-11; DFW 43-2011(Temp), f. & cert. ef. 5-10-11 thru 10-31-11; DFW 60-2011(Temp), f. & cert. ef. 6-6-11 thru 10-31-11; DFW 63-2011(Temp), f. & cert. ef. 6-9-11 thru 10-31-11; DFW 66-2011(Temp), f. & cert. ef. 6-14-11, cert. ef. 6-16-11 thru 10-31-11; DFW 88-2011(Temp), f. & cert. ef. 7-10-11 thru 10-31-11; DFW 119-2011(Temp), f. & cert. ef. 8-29-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 5-2012(Temp), f. & cert. ef. 2-1-12 thru 3-31-12; DFW 18-2012(Temp), f. & cert. ef. 2-28-12, cert. ef. 2-29-12 thru 6-15-12; DFW 46-2012(Temp), f. & cert. ef. 5-14-12, cert. ef. 5-15-12 thru 6-30-12; DFW 74-2012(Temp), f. & cert. ef. 6-29-12, cert. ef. 7-1-12 thru 10-31-12; DFW 87-2012(Temp), f. & cert. ef. 7-11-12, cert. ef. 7-12-12 thru 8-31-12; DFW 94-2012(Temp), f. & cert. ef. 7-27-12 thru 10-31-12; DFW 119-2012(Temp), f. & cert. ef. 9-10-12, cert. ef. 9-11-12 thru 10-31-12; DFW 143-2012(Temp), f. & cert. ef. 11-7-12, cert. ef. 11-8-12 thru 1-29-13; DFW 8-2013(Temp), f. & cert. ef. 1-31-13, cert. ef. 2-1-13 thru 3-31-13; DFW 18-2013(Temp), f. & cert. ef. 3-5-13, cert. ef. 3-6-13 thru 6-15-13; DFW 57-2013(Temp), f. & cert. ef. 6-12-13, cert. ef. 6-16-13 thru 7-31-13; DFW 88-2013(Temp), f. & cert. ef. 8-9-13, cert. ef. 8-12-13 thru 12-31-13; DFW 116-2013(Temp), f. & cert. ef. 10-9-13 thru 12-31-13; DFW 22-2014(Temp), f. & cert. ef. 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

635-041-0065

Winter 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.

(3) Closed areas as set forth in OAR 635-041-0045 remain in effect.

(4)(a) White sturgeon between 43–54 inches in fork length caught in The Dalles Pool and John Day pools may not be sold but may be retained for subsistence use.

(b) White sturgeon between 38–54 inches in fork length caught in the Bonneville Pool may not be sold but retained for subsistence purposes.

(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 & 506.111

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. & ef. 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. & cert. ef. 2-7-89; FWC 13-1989(Temp), f. & cert. ef. 3-21-89; FWC 15-1990(Temp), f. & cert. ef. 2-9-90; FWC 20-1990, f. & 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. & 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. 2-5-00; DFW 19-2000, f. & cert. ef. 3-18-00, cert. ef. 3-18-00 thru 3-21-00; DFW 26-2000(Temp), f. & cert. ef. 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. & cert. ef. 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. & cert. ef. 3-7-02, cert. ef. 3-8-02 thru 9-1-02; DFW 18-2002(Temp), f. & cert. ef. 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. & cert. ef. 3-12-03, cert. ef. 3-13-03 thru 4-1-03; DFW 131-2003(Temp), f. & cert. ef. 12-26-03, cert. ef. 1-1-04 thru 4-1-04; DFW 5-2004(Temp), f. & cert. ef. 1-26-04, cert. ef. 2-2-04 thru 4-1-04; DFW 15-2004(Temp), f. & cert. ef. 3-8-04, cert. ef. 3-10-04 thru 4-1-04; DFW 130-2004(Temp), f. & cert. ef. 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. & cert. ef. 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. & cert. ef. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 20-2008(Temp), f. & cert. ef. 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. & cert. ef. 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. & cert. ef. 1-30-09, cert. ef. 2-2-09 thru 8-1-09; DFW 11-2009(Temp), f. & cert. ef. 2-13-09, cert. ef. 2-16-09 thru 7-31-09; DFW 22-2009(Temp), f. & cert. ef. 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. & cert. ef. 2-10-10, cert. ef. 2-11-10 thru 8-1-10; DFW 18-2010(Temp), f. & cert. ef. 2-24-10, cert. ef. 2-26-10 thru 4-1-10; DFW 24-2010(Temp), f. & cert. ef. 3-2-10 thru 4-1-10; Administrative correction 4-21-10; DFW 8-2011(Temp), f. & cert. ef. 1-31-11, cert. ef. 2-1-11 thru 4-1-11; DFW 9-2011(Temp), f. & cert. ef. 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. & cert. ef. 2-1-12 thru 3-31-12; DFW 18-2012(Temp), f. & cert. ef. 2-28-12, cert. ef. 2-29-12 thru 6-15-12; DFW 19-2012(Temp), f. & cert. ef. 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. & cert. ef. 5-14-12, cert. ef. 5-15-12 thru 6-30-12; Administrative correction, 8-1-12; DFW 9-2013(Temp), f. & cert. ef. 1-31-13, cert. ef. 2-1-13 thru 3-31-13; DFW 15-2013(Temp), f. & cert. ef. 2-22-13, cert. ef. 2-27-13 thru 6-15-13; DFW 18-2013(Temp), f. & cert. ef. 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. & cert. ef. 6-7-13, cert. ef. 6-8-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 6-2014(Temp), f. & cert. ef. 1-30-14, cert. ef. 2-1-14 thru 7-30-14; DFW 15-2014(Temp), f. & cert. ef. 2-25-14, cert. ef. 2-26-14 thru 7-30-14; DFW 17-2014(Temp), f. & cert. ef. 2-28-14, cert. ef. 3-1-14 thru 7-30-14; DFW 23-2014(Temp), f. & cert. ef. 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

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Rule Caption: Commercial Spring Chinook Drift Net Fishery Set for the Mainstem Columbia River

Adm. Order No.: DFW 38-2014(Temp)

Filed with Sec. of State: 5-7-2014

Certified to be Effective: 5-7-14 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 fishery for the mainstem Columbia River in Zones 1 thru 5 to commence on May 7, 2014 from 1:00 p.m. to 10:00 p.m. (9 hours). Modifications were made consistent with Joint State Action taken May 6, 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 tangle net for commercial purposes from the mouth of the Columbia River upstream to Beacon Rock (Zones 1–5) during the period from 1:00 p.m. to 10:00 p.m. Wednesday, May 7, 2014 (9 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:

(a) It is unlawful to use other than a single-wall multi-filament net. Monofilament tangle nets are not allowed. Maximum mesh size is 4-1/4 inches stretched taut. Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. Other permanent gear regulations remain in effect.

(b) Mesh size is determined by placing three consecutive meshes under hand tension and the measurement is taken from the inside of one knot to the inside of the opposite knot of the center mesh. Hand tension means sufficient linear tension to draw opposing knots of meshes into contact.

(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.

ADMINISTRATIVE RULES

(5) On tangle nets, an optional use of a steelhead excluder panel of mesh may be hung between the corkline and the 4-1/4 inch maximum mesh size tangle net. The excluder panel web must be a minimum mesh size of 12 inches when stretched taut under hand tension. Monofilament mesh is allowed for the excluder panel. The excluder panel (including any associated hangings) must be a minimum of 5 linear feet in depth and not exceed 10 linear feet in depth, as measured from the corkline to the upper margin of the tangle net mesh as the net hangs naturally from a taut corkline. Weedlines or droppers (bobber-type) may be used in place of the steelhead excluder panel. A weedline-type excluder means the net is suspended below the corkline by lines of no less than five feet in length between the corkline and the upper margin of the tangle net. A dropper-type excluder means the entire net is suspended below the surface of the water by lines of no less than five feet in length extending from individual surface floats to a submerged corkline. The corkline cannot be capable of floating the net in its entirety (including the leadline) independent of the attached floats. Weedlines or droppers must extend a minimum of 5 feet above the 4-1/4 inch maximum mesh size tangle net.

(a) Tangle nets constructed with a steelhead excluder panel, weedlines, or droppers, may extend to a maximum length of 1,050 feet (175 fathoms).

(b) Tangle nets constructed with a steelhead excluder panel, weedlines, or droppers, along with a red cork every 25 fathoms as required in section (5) above, must have two red corks at each end of the net.

(6) There are no restrictions on the use of slackers or stringers to slacken the net vertically.

(7) 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.

(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 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 Grays River, Elokomin-B, Abernathy Creek, Cowlitz River, Kalama-B, Lewis-B, Sandy and Washougal sanctuaries are in effect during the open fishing periods identified.

Stat. Auth.: ORS 496.138, ORS 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. 3-2-05, cert. ef. 3-3-05 & 7-31-05; DFW 13-2005(Temp), f. & cert. ef. 3-7-05 thru 7-31-05; DFW 14-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; DFW 20-2005(Temp), f. & cert. ef. 3-29-05 thru 3-30-05; DFW 21-2005(Temp), f. & cert. ef. 3-31-05 thru 4-1-05; Administrative correction, 4-20-05; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 7-2006(Temp), f. & cert. ef. 2-23-06 thru 7-31-06; DFW 9-2006(Temp), f. 3-1-06, cert. ef. 3-2-06 thru 7-31-06; DFW 10-2006(Temp), f. 3-6-06, cert. ef. 3-7-06 thru 7-31-06; DFW 11-2006(Temp), f. & cert. ef. 3-9-06 thru 7-31-06; DFW 12-2006(Temp), f. 3-13-06, cert. ef. 3-14-06 thru 7-31-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 30-2006(Temp), f. & cert. ef. 5-18-06 thru 7-31-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; Administrative correction 8-22-06; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 17-2007(Temp), f. & cert. ef. 3-20-07 thru 9-15-07; DFW 19-2007(Temp), f. & cert. ef. 3-22-07 thru 9-17-07; DFW 44-2007(Temp), f. & cert. ef. 6-14-07 thru 9-17-07; Administrative correction 9-18-07; DFW 31-2008(Temp), f. 3-31-08, cert. ef. 4-1-08 thru 9-27-08; DFW 33-2008(Temp), f. 4-7-08, cert. ef. 4-8-08 thru 9-27-08; DFW 34-2008(Temp), f. 4-14-08, cert. ef. 4-15-08 thru 9-27-08; Suspended by DFW 71-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 8-31-08; Administrative correction 10-21-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 30-2009(Temp), f. 3-23-09, cert. ef. 3-27-09 thru 4-30-09; DFW 34-2009(Temp), f. 4-6-09, cert. ef. 4-7-09 thru 4-30-09; DFW 36-2009(Temp), f. 4-13-09, cert. ef. 4-14-09 thru 4-30-09; Administrative correction 5-20-09; DFW 32-2010(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

Rule Caption: Commercial Spring Fisheries Amended for Columbia River Select Areas

Adm. Order No.: DFW 39-2014(Temp)

Filed with Sec. of State: 5-7-2014

Certified to be Effective: 5-8-14 thru 7-31-14

Notice Publication Date:

Rules Amended: 635-042-0145, 635-042-0160, 635-042-0170

Rules Suspended: 635-042-0145(T), 635-042-0160(T), 635-042-0170(T)

Subject: These amended rules amend seasons and area boundaries for spring commercial fisheries in the Columbia River Select Areas. Modifications are consistent with the action taken May 6, 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 April 17 through Friday, June 13 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).

(C) Summer Season: Beginning June 16 the following open periods apply:

ADMINISTRATIVE RULES

DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; DFW 29-2010(Temp), f. 3-9-10, cert. ef. 4-19-10 thru 6-12-10; DFW 46-2010(Temp), f. & cert. ef. 4-21-10 thru 7-31-10; DFW 53-2010(Temp), f. & cert. ef. 5-4-10 thru 7-31-10; DFW 57-2010(Temp), f. & cert. ef. 5-11-10 thru 7-31-10; DFW 69-2010(Temp), f. & cert. ef. 5-18-10 thru 7-31-10; DFW 113-2010(Temp), f. 8-2-10, cert. ef. 8-4-10 thru 10-31-10; DFW 129-2010(Temp), f. & cert. ef. 9-10-10 thru 10-31-10; Administrative correction 11-23-10; DFW 12-2011(Temp), f. 2-10-11, cert. ef. 2-13-11 thru 7-29-11; DFW 23-2011, f. & cert. ef. 3-21-11; DFW 32-2011(Temp), f. 4-20-11, cert. ef. 4-21-11 thru 7-29-11; DFW 44-2011(Temp), f. & cert. ef. 5-11-11 thru 6-10-11; Administrative correction 6-28-11; DFW 113-2011(Temp), f. 8-10-11, cert. ef. 8-15-11 thru 10-31-11; DFW 122-2011(Temp), f. 8-29-11, cert. ef. 9-19-11 thru 10-31-11; Administrative correction, 11-18-11; DFW 41-2012(Temp), f. 4-24-12, cert. ef. 4-26-12 thru 6-30-12; Administrative correction, 8-1-12; DFW 104-2012(Temp), f. 8-6-12, cert. ef. 8-13-12 thru 10-31-12; Administrative correction 11-23-12; DFW 11-2013(Temp), f. 2-8-13, cert. ef. 2-11-13 thru 7-31-13; DFW 34-2013(Temp), f. 5-14-13, cert. ef. 5-15-13 thru 7-31-13; Administrative correction, 8-21-13; DFW 91-2013(Temp), f. 8-22-13, cert. ef. 8-26-13 thru 10-31-13; DFW 110-2013(Temp), f. 9-27-13, cert. ef. 9-30-13 thru 10-31-13; Administrative correction, 11-22-13; DFW 8-2014(Temp), f. & cert. ef. 2-10-14 thru 7-31-14; DFW 35-2014(Temp), f. & cert. 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

Rule Caption: Columbia River Recreational Spring Chinook, Steelhead and Shad Seasons Amended

Adm. Order No.: DFW 40-2014(Temp)

Filed with Sec. of State: 5-7-2014

Certified to be Effective: 5-9-14 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 with descriptions of the areas, dates, and bag limits for harvest of adipose fin-clipped Chinook salmon, adipose fin-clipped steelhead and shad. Revisions are consistent with action taken May 6, 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 Friday May 9 through May 10, 2014 (for two days only) from the Tongue Point/Rocky Point line upstream to Rooster Rock (boat and bank) plus bank angling only from Rooster Rock upstream to the Bonneville Dam deadline (defined as a deadline marker on the Oregon bank, approximately four miles downstream from Bonneville Dam Powerhouse 1, in a straight line through the western tip of Pierce Island to a deadline marker on the Washington bank at Rooster Rock 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 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**.

(d) The upstream boat angling boundary at Rooster Rock is defined as a line from a Rooster Rock on the Oregon shore true north to the Washington shore.

(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 March 16 through May 9, 2014 (55 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

Rule Caption: Salmon Seasons Commercial and Sport Fisheries In the Pacific Ocean.

Adm. Order No.: DFW 41-2014(Temp)

Filed with Sec. of State: 5-8-2014

Certified to be Effective: 5-8-14 thru 6-30-14

Notice Publication Date:

Rules Amended: 635-003-0003, 635-013-0003

Subject: These amended rules incorporate by reference, the annual ocean commercial (OAR 635-003-0003) troll salmon and annual ocean sport (635-013-0003) salmon specifications and management measures as adopted by the Pacific Fishery Management Council at its annual Ocean Salmon Management Measures and Impacts meeting, as finalized in April 2014.

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

ADMINISTRATIVE RULES

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 7:00 p.m. Tuesday, May 20 to 5:00 a.m. Wednesday, May 21, 2014 (10 hours). Modifications were made consistent with Joint State Action taken May 13, 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 7:00 p.m. Tuesday, May 20 to 5:00 a.m. Wednesday, May 21, 2014 (10 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 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 attend 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, Elokomb-B, Cowlitz River, Kalama-B, Lewis-B, Sandy and Washouk sanctuaries are in effect during the open fishing periods identified.

Stat. Auth.: ORS 496.138, ORS 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, 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. 3-6-06, cert. ef. 3-7-06 thru 7-31-06; DFW 11-2006(Temp), f. & cert. ef. 3-9-06 thru 7-31-06; DFW 12-2006(Temp), f. & cert. ef. 3-13-06, cert. ef. 3-14-06 thru 7-31-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 30-2006(Temp), f. & cert. ef. 5-18-06 thru 7-31-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; Administrative correction 8-22-06; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 17-2007(Temp), f. & cert. ef. 3-20-07 thru 9-15-07; DFW 19-2007(Temp), f. & cert. ef. 3-22-07 thru 9-17-07; DFW 44-2007(Temp), f. & cert. ef. 6-14-07 thru 9-17-07; Administrative correction 9-18-07; DFW 31-2008(Temp), f. & cert. ef. 4-1-08 thru 9-27-08; DFW 33-2008(Temp), f. & cert. ef. 4-7-08, cert. ef. 4-8-08 thru 9-27-08; DFW 34-2008(Temp), f. & cert. ef. 4-14-08, cert. ef. 4-15-08 thru 9-27-08; Suspended by DFW 71-2008(Temp), f. & cert. ef. 6-27-08, cert. ef. 6-28-08 thru 8-31-08; Administrative correction 10-21-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 30-2009(Temp), f. & cert. ef. 3-23-09, cert. ef. 3-27-09 thru 4-30-09; DFW 34-2009(Temp), f. & cert. ef. 4-6-09, cert. ef. 4-7-09 thru 4-30-09; DFW 36-2009(Temp), f. & cert. ef. 4-13-09, cert. ef. 4-14-09 thru 4-30-09; Administrative correction 5-20-09; DFW 38-2010(Temp), f. & cert. ef. 3-30-10 thru 4-30-10; DFW 41-2010(Temp), f. & cert. ef. 4-7-10 thru 4-30-10; Administrative correction 5-19-10; DFW 25-2011(Temp), f. & cert. ef. 3-29-11 thru 4-1-11; DFW 27-2011(Temp), f. & cert. ef. 4-5-11, cert. ef. 4-6-11 thru 4-10-11; Administrative correction, 4-25-11; DFW 45-2011(Temp), f. & cert. ef. 5-12-11 thru 6-30-11; DFW 51-2011(Temp), f. & cert. ef. 5-18-11 thru 6-30-11; Administrative correction 7-22-11; DFW 29-2012(Temp), f. & cert. ef. 4-3-12 thru 4-30-12; DFW 32-2012(Temp), f. & cert. ef. 4-9-12, cert. ef. 4-10-12 thru 4-30-12; Administrative correction, 5-25-12; DFW 27-2013(Temp), f. & cert. ef. 4-8-13, cert. ef. 4-9-13 thru 4-30-13; DFW 34-2013(Temp), f. & cert. ef. 5-14-13, cert. ef. 5-15-13 thru 7-31-13; DFW 37-2013(Temp), f. & cert. ef. 5-22-13 thru 5-31-13; DFW 45-2013(Temp), f. & cert. ef. 5-29-13 thru 6-15-13; 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. 5-20-14 thru 7-31-14

Rule Caption: Columbia River Recreational Spring Chinook, Steelhead and Shad Seasons Amended

Adm. Order No.: DFW 44-2014(Temp)

Filed with Sec. of State: 5-14-2014

Certified to be Effective: 5-15-14 thru 6-15-14

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 with descriptions of the areas, dates, and bag limits for harvest of adipose fin-clipped Chinook salmon, adipose fin-clipped steelhead and shad. Revisions are consistent with action taken May 13, 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,

ADMINISTRATIVE RULES

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 (defined as a deadline marker on the Oregon bank, approximately four miles downstream from Bonneville Dam Powerhouse 1, in a straight one through the western tip of Pierce Island to a deadline marker on the Washington bank at Rooster Rock 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**.

(d) The upstream boat angling boundary at Rooster Rock is defined as a line from a Rooster Rock on the Oregon shore true north to the Washington shore.

(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 March 16 through May 9, 2014 (55 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

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Rule Caption: Commercial Spring Fishery Modified for the Youngs Bay Select Area

Adm. Order No.: DFW 45-2014(Temp)

Filed with Sec. of State: 5-14-2014

Certified to be Effective: 5-20-14 thru 7-31-14

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 13, 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 April 17 through Friday, June 13 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. Monday, May 20 through 12:00 noon Tuesday, May 21, 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

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(g) "Stand-by" means a provider is at the side of an individual ready to step in and take over the task if the individual is unable to complete the task independently.

(h) "Support" means to enhance the environment to enable an individual to be as independent as possible.

(8) "Assistive Devices" means any category of durable medical equipment, mechanical apparatus, electrical appliance, or instrument of technology used to assist and enhance an individual's independence in performing any activity of daily living. Assistive devices include the use of service animals, general household items, or furniture to assist the individual.

(9) "Behavioral Care Plan" means a documented set of procedures, reviewed by the Department or AAA representative, which describes interventions for use by a provider to prevent, mitigate, or respond to behavioral symptoms that negatively impact the health and safety of an individual or others in a home or community-based services setting. The preferences of an individual are included in developing a Behavioral Care Plan.

(10) "Business Days and Hours" means Monday through Friday and excludes Saturdays, Sundays, and state or federal holidays. Hours are from 8:00 AM to 5:00 PM.

(11) "CA/PS" means "Client Assessment and Planning System" as defined in this rule.

(12) "Care Setting" means a Medicaid contracted facility at which a Medicaid eligible individual resides and receives services. Care settings include adult foster homes, residential care facilities, assisted living facilities, specialized living contracted residences, and nursing facilities.

(13) "Case Manager" means an employee of the Department or Area Agency on Aging who assesses the service needs of individuals, determines eligibility, and offers service choices to eligible individuals. The case manager authorizes and implements an individual's service plan and monitors the services delivered as described in OAR chapter 411, division 28.

(14) "Client" means "individual" as defined in this rule.

(15) "Client Assessment and Planning System (CA/PS)":

(a) Is a single entry data system used for:

(A) Completing a comprehensive and holistic assessment;

(B) Surveying an individual's physical, mental, and social functioning; and

(C) Identifying risk factors, individual choices and preferences, and the status of service needs.

(b) The CA/PS documents the level of need and calculates an individual's service priority level in accordance with these rules, calculates the service payment rates, and accommodates individual participation in service planning.

(16) "Cost Effective" means being responsible and accountable with Department resources. This is accomplished by offering less costly alternatives when providing choices that adequately meet an individual's service needs. Those choices consist of all available services under the Medicaid home and community-based service options, the utilization of assistive devices, natural supports, architectural modifications, and alternative service resources not paid for by the Department.

(17) "Department" means the Department of Human Services (DHS).

(18) "Disability" means a physical, cognitive, or emotional impairment which, for an individual, constitutes or results in a functional limitation in one or more of the activities of daily living defined in OAR 411-015-0006.

(19) "Extraordinary Circumstances" means:

(a) An individual being assessed is working full time during business hours; or

(b) A family member, whose presence is requested by an individual being assessed, is traveling from outside the area, and is available for only a limited period of time that does not include business days and hours.

(20) "Functional Impairment" means an individual's pattern of mental and physical limitations that restricts the individual's ability to perform activities of daily living and instrumental activities of daily living without the assistance of another person.

(21) "Independent" means an individual does not meet the definition of "assist" or "full assist" when assessing an activity of daily living as described in OAR 411-015-0006 or when assessing an instrumental activity of daily living as described in 411-015-0007.

(22) "Individual" means an older adult or an adult with a disability applying for or eligible for services. The term "individual" is synonymous with "client".

(23) "Medicaid Home and Community-Based Services" means the services approved and funded by the Centers for Medicare and Medicaid

Services for eligible individuals in accordance with Title XIX of the Social Security Act.

(24) "Medicaid OHP Plus Benefit Package" means only the Medicaid benefit packages provided under OAR 410-120-1210(4)(a) and (b). This excludes individuals receiving Title XXI benefits.

(25) "Mental or Emotional Disorder" means:

(a) A schizophrenic, mood, paranoid, panic, or other anxiety disorder;

(b) Somatoform, personality, dissociative, factitious, eating, sleeping, impulse control, or adjustment disorder; or

(c) Other psychotic disorder as defined by the American Psychiatric Association in the Diagnostic and Statistical Manual.

(26) "Natural Support" 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.

(27) "Older Adult" means any person at least 65 years of age.

(28) "Service Priority Level (SPL)" means the order in which Department and Area Agency on Aging staff identify individuals eligible for a nursing facility level of care, Oregon Project Independence, or Medicaid home and community-based services. A lower service priority level number indicates greater or more severe functional impairment. The number is synonymous with the service priority level.

(29) "SPL" means "service priority level" as defined in this rule.

(30) "Substance Abuse Related Disorders" means disorders related to the taking of a drug or toxin of abuse (including alcohol).

(a) Substance abuse related disorders include:

(A) Substance dependency and substance abuse;

(B) Alcohol dependency and alcohol abuse; and

(C) Substance induced disorders and alcohol induced disorders as defined by the American Psychiatric Association in the Diagnostic and Statistical Manual.

(b) Substance abuse related disorders are not considered physical disabilities. Dementia or other long term physical or health impairments resulting from substance abuse may be considered physical disabilities.

(31) "These Rules" means the rules in OAR chapter 411, division 015.

(32) "Without Supports" means an individual lacks the assistance of another person, a care setting and staff, or an alternative service resource as defined in this rule.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.060, 410.070 & 414.065

Hist.: SSD 3-1985, f. & ef. 4-1-85; SSD 5-1986, f. & ef. 4-14-86; SSD 9-1986, f. & ef. 7-1-86; SSD 12-1987, f. 12-31-87, cert. ef. 1-1-88; SSD 12-1991(Temp), f. 6-28-91, cert. ef. 7-1-91; SSD 21-1991, f. 12-31-91, cert. ef. 1-1-92, Renumbered from former 411-015-0000(2)(a) - (b); SDSD 11-2002(Temp), f. 12-5-02, cert. ef. 12-6-02 thru 6-3-03; SPD 12-2003, f. 5-30-03, cert. ef. 6-4-03; SPD 16-2003(Temp), f. & cert. ef. 10-27-03 thru 4-23-04; SPD 8-2004, f. & cert. ef. 4-27-04; SPD 19-2005, f. & cert. ef. 12-29-05; SPD 19-2006, f. 5-26-06, cert. ef. 6-1-06; SPD 14-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SPD 45-2013, f. 12-13-13, cert. ef. 12-15-13; APD 9-2014(Temp), f. 4-17-14, cert. ef. 4-21-14 thru 10-18-14

411-015-0006

Activities of Daily Living (ADL)

(1) "Activities of Daily Living (ADL)" mean those personal functional activities required by an individual for continued well being which are essential for health and safety. Activities include eating, dressing/grooming, bathing/personal hygiene, mobility (ambulation and transfer), elimination (toileting, bowel and bladder management), and cognition/behavior.

(2) Evaluation of the individual's needs for assistance in Activities of Daily Living is based on:

(a) The individual's abilities rather than the services provided; and

(b) How the individual functioned during the thirty days prior to the assessment date, with consideration of how the person is likely to function in the thirty days following the assessment date; and

(c) Evidence of the actual or predicted need for assistance of another person within the assessment time frame and it can not be based on possible or preventative needs.

(3) "Independent" means the individual does not meet the definition of "Assist" or "Full Assist" for each Activity of Daily Living as defined in this rule.

(4) Bathing/Personal Hygiene. Bathing/Personal Hygiene is comprised of two components. To be considered Assist, the individual must require Assistance in Bathing or Full Assistance in Hygiene. To be considered Full Assist, the individual must require Full Assistance in Bathing:

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(a) Bathing means the activities of bathing and washing hair and using assistive devices if needed. Bathing includes the act of getting in and out of the bathtub or shower:

(A) Assist: Even with assistive devices, the individual is unable to accomplish some tasks of bathing without the assistance of another person. This means hands-on assistance for part of the task, cueing during the activity or stand-by presence during the activity.

(B) Full Assist: Even with assistive devices, the individual is unable to accomplish any task of bathing without the assistance of another person. This means the individual needs hands-on assistance of another person through all phases of the activity, every time the activity is attempted.

(b) Personal Hygiene means the activities of shaving and caring for the mouth or assistance with the tasks of menstruation:

(A) Assist: Even with assistive devices, the individual is unable to accomplish some tasks of personal hygiene activities without the assistance of another person. This means hands-on assistance for part of the task, cueing during the activity or stand-by presence during the activity.

(B) Full Assist: Even with assistive devices, the individual is unable to accomplish personal hygiene activities, without the assistance of another person. This means the individual needs hands-on assistance of another person through all phases of the activity, every time the activity is attempted.

(5) Cognition/Behavior means functions of the brain of adaptation, awareness, judgment/decision-making, memory and orientation. Cognition/Behavior includes three components of behavioral symptoms: demands on others, danger to self or others and wandering:

(a) The individual's ability to manage each component of cognition/behavior is assessed by how the person would function without supports, meaning the assistance of another person, a care setting or an alternative service resource as defined in OAR 411-015-0005. Lack of medication or lack of medication management is not considered when evaluating cognition/behavior.

(b) The assessment time frame in OAR 411-015-0008 of thirty (30) days prior to the date of the assessment may be expanded when assessing cognition/behavior without supports. History or incidents in the past more than 30 days prior to the assessment date may be considered if they negatively impacted health and safety in the past and are also current concerns that need to be addressed.

(c) An individual under age 65 with cognition/behavior assistance or full assistance needs based on a mental or emotional disorder does not meet the criteria for service eligibility per OAR 411-015-0015.

(d) An individual must require assistance in at least three of the eight components of cognition/behaviors to meet the criteria for assist in cognition/behaviors. An individual must require full assistance in three of the eight components to meet the criteria for full assistance in cognition/behaviors.

(A) Adaptation is the ability to respond, cope and adjust to major life changes such as a change in living situation or a loss (such as health, close relationship, pet, divorce or a death):

(i) Assist: The individual requires reassurance from another person to cope with or adjust to change. Assistance involves multiple occurrences less than daily.

(ii) Full Assist: The individual requires constant emotional support and reassurance or is unable to adapt to change. These occurrences are ongoing and daily.

(B) Awareness means the ability to understand basic health and safety needs (such as the need for food, shelter and clothing):

(i) Assist: The individual requires assistance of another person to understand basic health and safety needs.

(ii) Full Assist: The individual does not have the ability to understand those needs and requires ongoing and daily intervention by another person.

(C) Judgment means decision-making. It is the ability to identify choices and understand the benefits, risks and consequences of those choices. Individuals who lack the ability to understand choices or the potential risks and consequences need assistance in decision-making. Judgment/Decision making does not include what others might deem a poor choice:

(i) Assist: At least weekly, the individual needs protection, monitoring and guidance from another person to make decisions.

(ii) Full Assist: The individual's decisions require daily intervention by another person.

(D) Memory means the ability to remember and appropriately use current information, impacting the health and safety of the individual:

(i) Assist: The individual has difficulty remembering and using current information and requires reminding from another person.

(ii) Full Assist: The individual cannot remember or use information and requires assistance beyond reminding.

(E) Orientation means the ability to accurately understand or recognize person or place or time to maintain health and safety:

(i) Assist: The individual is disoriented to person, or place or time and requires the assistance of another person. These occurrences are episodic during the week but less than daily.

(ii) Full Assist: The individual is disoriented daily to person, or place or time and requires the assistance of another person.

(F) Danger to Self or Others means behavioral symptoms, other than wandering, that are hazardous to the individual (including self-injury), or harmful or disruptive to those around the individual:

(i) Assist: At least monthly, the individual is disruptive or aggressive in a non-physical way, agitated, or sexually inappropriate and needs the assistance of another person. These behavioral symptoms are challenging but the individual can be verbally redirected.

(ii) Full Assist: The individual has had more than one episode of aggressive, disruptive, agitated, dangerous, or physically abusive or sexually aggressive behavioral symptoms directed at self or others. These behavioral symptoms are extreme, may be unpredictable, and necessitate intervention beyond verbal redirection, requiring an individualized behavioral care plan (as defined in OAR 411-015-0005) that all staff are trained to deliver.

(G) Demands on Others means behavioral symptoms, other than wandering, that negatively impact and affect living arrangements, providers or other residents:

(i) Assist: The individual's habits and emotional states limit the types of living arrangements and companions, but can be modified with individualized routines, changes to the environment (such as roommates or noise reduction) or general training for the provider that is not specific to the individual.

(ii) Full Assist: The individual's habits and emotional states can be modified only with a 24-hour specialized care setting or an individualized behavioral care plan (as defined in OAR 411-015-0005) that all staff are trained to deliver.

(H) Wandering means moving about aimlessly, or elopement, without relationship to needs or safety:

(i) Assist: The individual wanders within the home or facility, but does not jeopardize safety.

(ii) Full Assist: The individual wanders inside or out and jeopardizes safety.

(6) Dressing/Grooming: This is comprised of two elements. To be considered Assist, the individual must require Assistance in Dressing or Full Assistance in Grooming. To be considered Full Assist the individual must require Full Assistance in Dressing:

(a) Dressing means the activities of dressing and undressing:

(A) Assist: Even with assistive devices, the individual is unable to accomplish some tasks of dressing without the assistance of another person. This means hands-on assistance for part of the task, cueing during the activity, or stand-by presence during the activity.

(B) Full Assist: Even with assistive devices, the individual is unable to accomplish any tasks of dressing without the assistance of another person. This means the individual needs hands-on assistance of another person through all phases of the activity, every time the activity is attempted.

(b) Grooming means nail care and the activities of brushing and combing hair.

(A) Assist: Even with assistive devices, the individual is unable to accomplish some tasks of grooming without the assistance of another person. This means hands-on assistance for part of the task, cueing during the activity, or stand-by presence during the activity.

(B) Full Assist: Even with assistive devices, the individual is unable to perform any tasks of grooming without the assistance of another person. This means the individual needs the assistance of another person through all phases of the activity, every time the activity is attempted.

(7) Eating means the activity of feeding and eating and may include using assistive devices:

(a) Assist: When eating, the individual requires another person to be immediately available and within sight. Assistance requires hands-on feeding, hands-on assistance with special utensils, cueing during the act of eating, or monitoring to prevent choking or aspiration. Assistance with eating is a daily need or can vary if an individual's medical condition fluctuates significantly during a one-month period.

(b) Full Assist: When eating, the individual always requires one-on-one assistance for direct feeding, constant cueing, or to prevent choking or aspiration. This includes nutritional IV or feeding tube set-up by another

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person. This means the individual needs the assistance of another person through all phases of the activity, every time the activity is attempted.

(8) Elimination: This is comprised of three components. To be considered Assist, the individual must require Assistance in at least one of the three components. To be considered Full Assist the individual must require Full Assist in any of the three components. Dialysis care needs are not assessed as part of elimination, except for dialysis that occurs at the individual's home or care setting:

(a) Bladder means managing bladder care. This includes tasks such as catheter care, toileting schedule, monitoring for infection, ostomy care and changing incontinence supplies.

(A) Assist: Even with assistive devices or supplies, the individual is unable to accomplish some of the tasks of bladder care without the assistance from another person at least monthly.

(B) Full Assist: The individual is unable to manage any part of bladder or catheter care without the assistance of another person. This means the individual needs the assistance of another person through all phases of the activity, every time the activity is attempted.

(b) Bowel means managing bowel care. This includes tasks such as digital stimulation, toileting schedule, suppository insertion, ostomy care, enemas and changing incontinence supplies.

(A) Assist: Even with assistive devices the individual is unable to accomplish some tasks of bowel care without the assistance of another person at least monthly.

(B) Full Assist: The individual is unable to accomplish any part of bowel care without the assistance of another person. This means the individual needs the assistance of another person through all phases of the activity, every time the activity is attempted.

(c) Toileting means the activity of getting to and from, and on and off the toilet (including bedpan, commode or urinal), cleansing after elimination or adjusting clothing, cleaning and maintaining assistive devices, or cleaning the toileting area after elimination because of unsanitary conditions that would pose a health risk. This does not include routine bathroom cleaning.

(A) Assist: Even with assistive devices, the individual is unable to accomplish some tasks of toileting without hands-on assistance of another person at least monthly.

(B) Full Assist: The individual is unable to accomplish any part of toileting without the assistance of another person. This means the individual needs hands-on assistance of another person through all phases of the activity, every time the activity is attempted.

(9) Mobility: This is comprised of two components, Ambulation and Transfer. In the Mobility cluster only, assistance is categorized into three levels. To be considered Minimal Assist, the individual must require Minimal Assistance in Ambulation. To be considered Substantial Assist, the individual must require Substantial Assistance with Ambulation or an Assist with Transfer. To be considered Full Assist, the individual must require Full Assistance with Ambulation or Transfer:

(a) Mobility does not include the following activities: getting in and out of a motor vehicle, getting in or out of a bathtub/shower, moving on or off the toilet, or moving to and from the toilet.

(b) In mobility, for the purposes of this rule, inside the home or care setting means inside the entrance to the client's home or apartment unit or inside the care setting (as defined in OAR 411-015-0005). Courtyards, balconies, stairs or hallways exterior to the doorway of the home or apartment unit that is not within a care setting are not considered inside.

(c) A history of falls with an inability to rise without the assistance of another person or with negative physical health consequences may be considered in assessing ambulation or transfer if occurring within the assessment time frame, Falls previous to the assessment time frame or the need for prevention of falls alone, even if recommended by medical personnel, is not a sufficient qualifier for assistance in ambulation or transfer.

(d) Ambulation means the activity of moving around both inside within the home or care setting and outside, during the assessment time frame while using assistive devices, if needed. Ambulation does not include exercise or physical therapy:

(A) Minimal Assist: Even with assistive devices, if needed, the individual can get around inside his or her home or care setting without the assistance of another person. Outside of the individual's home or care setting, the individual requires hands-on assistance of another person.

(B) Substantial Assist: Even with assistive devices, the individual is unable to ambulate sometimes during the assessment time frame without hands-on assistance of another person inside his or her home or care setting. Even with assistive devices, this assistance may also be needed outside. This means the individual does not need assistance each and every time the

activity occurs, but it is predicted the individual will need hands-on assistance.

(C) Full Assist: Even with assistive devices, the individual is unable to ambulate without the assistance from another person. This means the individual needs the hands-on assistance of another person through all phases of the activity, every time the activity is attempted.

(e) Transfer means the activity of moving to or from a chair, bed or wheelchair using assistive devices, if needed. This assistance must be needed inside the individual's home or care setting:

(A) Assist: Even with assistive devices, the individual is unable to accomplish a transfer without hands-on assistance of another person at least four days during a month.

(B) Full Assist: Even with assistive devices, the individual is unable to transfer and is dependent on one or more other persons to perform the transfer. This means the individual needs hands-on assistance of another person through all phases of the activity, every time the activity is attempted.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

Hist.: SPD 19-2006, f. 5-26-06, cert. ef. 6-1-06; APD 9-2014(Temp), f. 4-17-14, cert. ef. 4-21-14 thru 10-18-14

411-015-0015

Current Limitations

(1) The Department has the authority to establish by administrative rule service eligibility within which to manage the Department's limited resources. The Department is currently able to serve:

(a) Individuals determined eligible for the Medicaid OHP Plus benefit package who are assessed as meeting at least one of the service priority levels (1) through (13) as described in OAR 411-015-0010.

(b) Individuals eligible for Oregon Project Independence funded services if the individuals meet at least one of the service priority levels (1) through (18) of OAR 411-015-0010.

(c) Individuals needing risk intervention services in areas designated to provide such services. Individuals with the lowest service priority level number under OAR 411-015-0010 are served first.

(2) Individuals 65 years of age or older determined eligible for developmental disability services or having a primary diagnosis of a mental or emotional disorder are eligible for nursing facility or Medicaid home and community-based services if the individual meets section (1) of this rule and the individual is not in need of specialized mental health treatment services or other specialized Department residential program interventions as identified through the mental health assessment process or PASRR process described in OAR 411-070-0043.

(3) Individuals less than 65 years of age determined eligible for developmental disability services or having a primary diagnosis of a mental or emotional disorder are not eligible for Department nursing facility services unless determined appropriate through the PASRR process described in OAR 411-070-0043.

(4) Individuals less than 65 years of age determined to be eligible for developmental disability services are not eligible for Medicaid home and community-based services administered by the Department's Aging and People with Disabilities. Eligibility for Medicaid home and community-based services for individuals with intellectual or developmental disabilities is determined by the Department's Office of Developmental Disability Services or designee.

(5) Individuals less than 65 years of age who have a diagnosis of mental or emotional disorder or substance abuse related disorder are not eligible for Medicaid home and community-based services administered by the Department's Aging and People with Disabilities unless:

(a) The individual has a medical non-psychiatric diagnosis or physical disability; and

(b) The individual's need for services is based on his or her medical, non-psychiatric diagnosis, or physical disability; and

(c) The individual provides supporting documentation demonstrating that his or her need for services is based on the medical, non-psychiatric diagnosis, or physical disability. The Department authorizes documentation sources through approved and published policy transmittals.

(6) Medicaid home and community-based services are not intended to replace a natural support system as defined by OAR 411-015-0005. Paid support is provided if a natural support is unwilling or unable to provide identified services.

(7) Individuals with excess income must contribute to the cost of service pursuant to OAR 461-160-0610 and 461-160-0620.

Stat. Auth.: ORS 410.070 & 411.070

Stats. Implemented: ORS 410.070

ADMINISTRATIVE RULES

Hist.: SSD 3-1985, f. & cert. ef. 4-1-85; SSD 5-1986, f. & cert. ef. 4-14-86; SSD 9-1986, f. & cert. ef. 7-1-86; SSD 12-1987, f. 12-31-87, cert. ef. 1-1-88; SSD 12-1991(Temp), f. 6-28-91, cert. ef. 7-1-91; SSD 21-1991, f. 12-31-91, cert. ef. 1-1-92, Renumbered from former 411-015-0000(4); SSD 1-1993, f. 3-19-93, cert. ef. 4-1-93; SDDSD 11-2002(Temp), f. 12-5-02, cert. ef. 12-6-02 thru 6-3-03; SPD 1-2003(Temp), f. 1-7-03, cert. ef. 2-1-03 thru 6-3-03; SDP 3-2003(Temp), f. 2-14-03, cert. ef. 2-18-03 thru 6-3-03; SPD 5-2003(Temp), f. & cert. ef. 3-12-03 thru 6-3-03; SPD 6-2003(Temp), f. & cert. ef. 3-20-03 thru 6-3-03; SPD 12-2003, f. 5-30-03, cert. ef. 6-4-03; SPD 16-2003(Temp), f. & cert. ef. 10-27-03 thru 4-23-04; SPD 5-2004(Temp), f. & cert. ef. 3-23-04 thru 4-27-04; SPD 8-2004, f. & cert. ef. 4-27-04; SPD 20-2004(Temp), f. & cert. ef. 7-7-04; SPD 29-2004(Temp), f. & cert. ef. 8-6-04 thru 1-3-05; SPD 1-2005, f. & cert. ef. 1-4-05; SPD 8-2006, f. 1-26-06, cert. ef. 2-1-06; SPD 19-2006, f. 5-26-06, cert. ef. 6-1-06; SPD 14-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SPD 45-2013, f. 12-13-13, cert. ef. 12-15-13; APD 9-2014(Temp), f. 4-17-14, cert. ef. 4-21-14 thru 10-18-14

411-015-0100

Eligibility for Nursing Facility or Medicaid Home and Community-Based Services

(1) To be eligible for nursing facility services or Medicaid home and community-based services, a person must:

- (a) Be age 18 or older; and
- (b) Be eligible for the Medicaid OHP Plus benefit package; and
- (c) Meet the functional impairment level within the service priority levels currently served by the Department as outlined in OAR 411-015-0010 and the requirements in OAR 411-015-0015.

(2) To be eligible for services paid through the Spousal Pay Program, an individual must meet the requirements listed above in section (1) of this rule, and in addition, the requirements in OAR 411-030-0080.

(3) Individuals who are age 17 or younger and reside in a nursing facility are eligible for nursing facility services only and are not eligible to receive Medicaid home and community-based services administered by the Department's Aging and People with Disabilities.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.060, 410.070 & 414.065

Hist.: SSD 7-1991(Temp), f. & cert. ef. 4-1-91; SSD 13-1991, f. 6-28-91, cert. ef. 7-1-91; SDDSD 11-2002(Temp), f. 12-5-02, cert. ef. 12-6-02 thru 6-3-03; SPD 1-2003(Temp), f. 1-7-03, cert. ef. 2-1-03 thru 6-3-03; SPD 12-2003, f. 5-30-03, cert. ef. 6-4-03; SPD 17-2003(Temp), f. 10-31-03, cert. ef. 11-1-03 thru 4-28-04; SPD 8-2004, f. & cert. ef. 4-27-04; SPD 29-2004(Temp), f. & cert. ef. 8-6-04 thru 1-3-05; SPD 1-2005, f. & cert. ef. 1-4-05; SPD 19-2005, f. & cert. ef. 12-29-05; SPD 19-2006, f. 5-26-06, cert. ef. 6-1-06; SPD 14-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SPD 45-2013, f. 12-13-13, cert. ef. 12-15-13; APD 9-2014(Temp), f. 4-17-14, cert. ef. 4-21-14 thru 10-18-14

411-028-0010

Definitions

Unless the context indicates otherwise, the following definitions apply to the rules in OAR chapter 411, division 028:

(1) "Adult" means any person at least 18 years of age.

(2) "Adult Protective Services" mean the services provided in response to the need for protection from abuse described in OAR chapter 411, division 020, OAR chapter 407, division 045, and OAR chapter 943, division 045.

(3) "Case Management" means the functions described in OAR 411-028-0020 performed by a case manager or higher level management staff.

(4) "Case Manager" means a Department employee or an employee of the Department's designee that meets the minimum qualifications in OAR 411-028-0040 who is responsible for service eligibility, assessment of need, offering service choices to eligible individuals, service planning, service authorization and implementation, and evaluation of the effectiveness of Medicaid home and community-based services.

(5) "Collateral Contact" means contact by a case manager with others who may provide information regarding an individual's health, safety, functional needs, social needs, or effectiveness of the individual's plan for services. Collateral contact may include family members, service providers, medical providers, neighbors, pharmacy staff, friends, or other professionals involved in the service coordination of an individual receiving Medicaid home and community-based services.

(6) "Department" means the Department of Human Services.

(7) "Designee" means an organization that the Department contracts with or has an interagency agreement with for the purposes of providing case management services.

(8) "Disability" means a physical, cognitive, or emotional impairment which, for an individual, constitutes or results in a functional limitation in one or more of the activities of daily living defined in OAR 411-015-0006.

(9) "Individual" means an older adult or an adult with a disability applying for or determined eligible for Medicaid home and community-based services.

(10) "Medicaid Home and Community-Based Services" mean the services for older adults and adults with disabilities approved for Oregon by the Centers for Medicare and Medicaid Services.

(11) "Medicaid OHP Plus Benefit Package" means only the Medicaid benefit packages provided under OAR 410-120-1210(4)(a) and (b). This excludes individuals receiving Title XXI benefits.

(12) "Older Adult" means any person at least 65 years of age.

(13) "Representative" is a person either appointed by an individual to participate in service planning on the individual's behalf or a person with longstanding involvement in assuring the individual's health, safety, and welfare.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

Hist.: SPD 15-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SPD 46-2013, f. 12-13-13, cert. ef. 12-15-13; APD 9-2014(Temp), f. 4-17-14, cert. ef. 4-21-14 thru 10-18-14

411-028-0020

Scope of Case Management Services

(1) DIRECT CASE MANAGEMENT SERVICES. Direct case management services are provided by a case manager or higher level staff, who communicates directly with an individual or the individual's representative. Direct case management services may occur by phone call, face-to-face contact, or email. Direct case management services do not include contact with collateral contacts unless the collateral contact is the individual's authorized representative. Direct case management services include:

(a) An assessment as described in OAR 411-015-0008;

(b) Service Plan development and review as described in OAR 411-015-0008;

(c) Service options choice counseling as described in OAR 411-030-0050;

(d) Risk assessment and monitoring:

(A) Identifying and documenting risks;

(B) Working with an individual to eliminate or reduce risks;

(C) Developing and implementing a Risk Mitigation Plan;

(D) Monitoring risks over time; and

(E) Making adjustments to an individual's Service Plan as needed.

(e) Diversion activities. Assisting an individual with finding alternatives to a nursing facility admission;

(f) Other program coordination. Helping an individual navigate or coordinate with other social, health, and assistance programs;

(g) Crisis response and intervention. Assisting an individual with problem resolution; and

(h) Service provision issues. Assisting an individual with problem solving to resolve issues that occur with providers, services, or hours that don't meet the individual's needs.

(2) INDIRECT CASE MANAGEMENT SERVICES. Indirect case management services are services provided by a case manager or higher level staff, in which direct contact with an individual is not occurring. Indirect case management services include:

(a) Monitoring Service Plan implementation. Reviewing implementation of an individual's Service Plan by reviewing and comparing authorized and billed services to ensure that adequate services are being provided;

(b) Service options choice counseling. Assisting an individual's caregiver, family member, or other support person with understanding all available Medicaid home and community-based service options;

(c) Risk monitoring. Working with a collateral contact to review an individual's risks, eliminating or reducing risks, and developing and implementing a Risk Mitigation Plan. Adjustments to an individual's Service Plan based on risk monitoring activities are classified as direct case management;

(d) Diversion activities. Finding alternatives to a nursing facility admission. Diversion activities do not include transition activities to help an individual move from a nursing facility.

(e) Adult protective services referral including collateral contact and investigative work;

(f) Other program coordination. Helping collateral contacts navigate or coordinate with other social, health, and assistance programs;

(g) Service provision issues. Assisting with problem solving issues that occur with providers, services, or hours that do not meet an individual's needs; and

(h) Other case management activities not included in any criteria in this section of the rule.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

Hist.: SPD 15-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SPD 46-2013, f. 12-13-13, cert. ef. 12-15-13; APD 9-2014(Temp), f. 4-17-14, cert. ef. 4-21-14 thru 10-18-14

411-028-0030

Eligibility for Case Management Services

To be eligible for case management services a person must:

ADMINISTRATIVE RULES

- (1) Be 18 years of age or older;
- (2) Be eligible for the Medicaid OHP Plus Benefit package; and
- (3) Meet the functional impairment level within the service priority levels currently served by the Department as outlined in OAR 411-015-0010 and 411-015-0015.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

Hist.: SPD 15-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SPD 46-2013, f. 12-13-13, cert. ef. 12-15-13; APD 9-2014(Temp), f. 4-17-14, cert. ef. 4-21-14 thru 10-18-14

411-030-0020

Definitions

Unless the context indicates otherwise, the following definitions apply to the rules in OAR chapter 411, division 030:

- (1) "AAA" means "Area Agency on Aging" as defined in this rule.
- (2) "Activities of Daily Living (ADL)" mean those personal, functional activities required by an individual for continued well-being, which are essential for health and safety. Activities include eating, dressing/grooming, bathing/personal hygiene, mobility (ambulation and transfer), elimination (toileting, bowel, and bladder management), and cognition/behavior as defined in OAR 411-015-0006.
- (3) "ADL" means "activities of daily living" as defined in this rule.
- (4) "Architectural Modifications" means any service leading to the alteration of the structure of a dwelling to meet a specific service need of an eligible individual.
- (5) "Area Agency on Aging (AAA)" means the Department designated agency charged with the responsibility to provide a comprehensive and coordinated system of services to individuals 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 ORS 410.210 to 410.300.
- (6) "Assistive Devices" means any category of durable medical equipment, mechanical apparatus, electrical appliance, or instrument of technology used to assist and enhance an individual's independence in performing any activity of daily living. Assistive devices include the use of service animals, general household items, or furniture to assist the individual.
- (7) "Business Days" means Monday through Friday and excludes Saturdays, Sundays, and state or federal holidays.
- (8) "CA/PS" means the "Client Assessment and Planning System" as defined in this rule.
- (9) "Case Manager" means an employee of the Department or Area Agency on Aging who assesses the service needs of an individual applying for services, 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 028.
 - (10) "Client Assessment and Planning System (CA/PS)":
 - (A) Is a single entry data system used for;
 - (B) Completing a comprehensive and holistic assessment;
 - (B) Surveying an individual's physical, mental, and social functioning; and
 - (C) Identifying risk factors, individual choices and preferences, and the status of service needs.
 - (b) The CA/PS documents the level of need and calculates an individual's service priority level in accordance with the rules in OAR chapter 411, division 015, calculates the service payment rates, and accommodates individual participation in service planning.
 - (11) "Collective Bargaining Agreement" means the ratified Collective Bargaining Agreement between the Home Care Commission and the Service Employees International Union, Local 503. The Collective Bargaining Agreement is maintained on the Department's website: (<http://www.oregon.gov/dhs/spd/adv/hcc/docs/contract1113.pdf>). Printed copies may be obtained by calling (503) 945-6398 or writing the Department of Human Services, Aging and People with Disabilities, ATTN: Rules Coordinator, 500 Summer Street NE, E-48, Salem, Oregon 97301-1067.
 - (12) "Consumer" or "Consumer-Employer" means an individual eligible for in-home services.
 - (13) "Consumer-Employed Provider Program" refers to the program described in OAR chapter 411, division 031 wherein a provider is directly employed by a consumer to provide either hourly or live-in in-home services.
 - (14) "Contingency Fund" means a monetary amount that continues month to month if approved by a case manager that is set aside in the

Independent Choices Program service budget to purchase identified items that substitute for personal assistance.

(15) "Contracted In-Home Care Agency" means an incorporated entity or equivalent, licensed in accordance with OAR chapter 333, division 536 that provides hourly contracted in-home services to individuals receiving services through the Department or Area Agency on Aging.

(16) "Cost Effective" means being responsible and accountable with Department resources. This is accomplished by offering less costly alternatives when providing choices that adequately meet an individual's service needs. Those choices consist of the available services under the Medicaid home and community-based service options, the utilization of assistive devices, natural supports, architectural modifications, and alternative service resources (defined in OAR 411-015-0005). Less costly alternatives may include resources not paid for by the Department.

(17) "Department" means the Department of Human Services (DHS).

(18) "Discretionary Fund" means a monetary amount set aside in the Independent Choices Program service budget to purchase items not otherwise delineated in the monthly service budget or agreed to be savings for items not traditionally covered under Medicaid home and community-based services. Discretionary funds are expended as described in OAR 411-030-0100.

(19) "Disenrollment" means either voluntary or involuntary termination of a participant from the Independent Choices Program.

(20) "DMAP" means the Oregon Health Authority, Division of Medical Assistance Programs.

(21) "Employee Provider" means a worker who provides services to, and is a paid provider for, a participant in the Independent Choices Program.

(22) "Employment Relationship" means the relationship of employee and employer involving an employee provider and a participant.

(23) "Exception" means an approval for payment of a service plan granted to a specific individual in their current residence or in the proposed residence identified in the exception request that exceeds the CA/PS assessed service payment levels for individuals residing in community-based care facilities or the maximum hours of service as described in OAR 411-030-0070 for individuals residing in their own homes or the home of a relative. The approval of an exception is based on the service needs of the individual and is contingent upon the individual's service plan meeting the requirements in 411-027-0020, 411-027-0025, and 411-027-0050. The term "exception" is synonymous with "exceptional rate" or "exceptional payment."

(24) "FICA" is the acronym for the Social Security payroll taxes collected under authority of the Federal Insurance Contributions Act.

(25) "Financial Accountability" refers to guidance and oversight which act as fiscal safeguards to identify budget problems on a timely basis and allow corrective action to be taken to protect the health and welfare of individuals.

(26) "FUTA" is the acronym for Federal Unemployment Tax Assessment which is a United States payroll (or employment) tax imposed by the federal government on both employees and employers.

(27) "Homecare Worker" means a provider, as described in OAR 411-031-0040, that is directly employed by a consumer to provide either hourly or live-in services to the eligible consumer.

(a) The term homecare worker includes:

(A) A consumer-employed provider in the Spousal Pay and Oregon Project Independence Programs;

(B) A consumer-employed provider that provides state plan personal care services to individuals; and

(C) A relative providing Medicaid in-home services to an individual living in the relative's home.

(b) The term homecare worker does not include an Independent Choices Program provider or a personal support worker enrolled through Developmental Disability Services or the Addictions and Mental Health Division.

(28) "Hourly Services" mean the in-home services, including activities of daily living and instrumental activities of daily living, that are provided at regularly scheduled times.

(29) "IADL" means "instrumental activities of daily living" as defined in this rule.

(30) "ICP" means "Independent Choices Program" as defined in this rule.

(31) "Independent Choices Program (ICP)" means a self-directed in-home services program in which a participant is given a cash benefit to purchase goods and services identified in the participant's service plan and prior approved by the Department or Area Agency on Aging.

ADMINISTRATIVE RULES

(32) "Individual" means a person age 65 or older, or an adult with a physical disability, applying for or eligible for services.

(33) "Individualized Back-Up Plan" means a plan incorporated into an Independent Choices Program service plan to address critical contingencies or incidents that pose a risk or harm to a participant's health and welfare.

(34) "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.

(35) "Instrumental Activities of Daily Living (IADL)" mean those activities, other than activities of daily living, required by an individual to continue independent living. The definitions and parameters for assessing needs in IADL are identified in OAR 411-015-0007.

(36) "Liability" refers to the dollar amount an individual with excess income contributes to the cost of service pursuant to OAR 461-160-0610 and 461-160-0620.

(37) "Live-In Services" mean services provided when an individual requires activities of daily living, instrumental activities of daily living, and twenty-four hour availability. Time spent by any live-in employee doing instrumental activities of daily living and twenty-four hour availability are exempt from federal and state minimum wage and overtime requirements.

(38) "Medicaid OHP Plus Benefit Package" means only the Medicaid benefit packages provided under OAR 410-120-1210(4)(a) and (b). This excludes individuals receiving Title XXI benefits.

(39) "Natural Supports" or "Natural Support System" 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.

(40) "Oregon Project Independence (OPI)" means the program of in-home services described in OAR chapter 411, division 032.

(41) "Participant" means an individual eligible for the Independent Choices Program.

(42) "Provider" means the person who renders the services.

(43) "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: Rules Coordinator, 500 Summer Street NE, E-48, Salem, Oregon 97301-1064.

(44) "Relative" means a person, excluding an individual's spouse, who is related to the individual by blood, marriage, or adoption.

(45) "Representative" is a person either appointed by an individual to participate in service planning on the individual's behalf or an individual's natural support with longstanding involvement in assuring the individual's health, safety, and welfare. There are additional responsibilities for an Independent Choices Program (ICP) representative as described in OAR 411-030-0100. An ICP representative is not a paid employee provider regardless of relationship to a participant.

(46) "Service Budget" means a participant's plan for the distribution of authorized funds that are under the control and direction of the participant within the Independent Choices Program. A service budget is a required component of the participant's service plan.

(47) "Service Need" means the assistance an individual requires from another person for those functions or activities identified in OAR 411-015-0006 and OAR 411-015-0007.

(48) "SUTA" is the acronym for State Unemployment Tax Assessment. State unemployment taxes are paid by employers to finance the unemployment benefit system that exists in each state.

(49) "These Rules" mean the rules in OAR chapter 411, division 030.

(50) "Twenty-Four Hour Availability" means the availability and responsibility of a homecare worker to meet activities of daily living and instrumental activities of daily living needs of a consumer as required by the consumer over a twenty-four hour period. Twenty-four hour availability services are provided by a live-in homecare worker and are exempt from federal and state minimum wage and overtime requirements.

Stat. Auth.: ORS 409.050, 410.070 & 410.090

Stats. Implemented: ORS 410.010, 410.020 & 410.070

Hist.: SSD 5-1983, f. 6-7-83, ef. 7-1-83; SSD 3-1985, f. & ef. 4-1-85; SSD 5-1987, f. & ef. 7-1-87; SSD 4-1993, f. 4-30-93, cert. ef. 6-1-93; SSD 6-1994, f. & cert. ef. 11-15-94; SPD 14-2003, f. & cert. ef. 7-31-03; SPD 15-2003 f. & cert. ef. 9-30-03; SPD 18-2003(Temp), f. & cert. ef. 12-11-03 thru 6-7-04; SPD 15-2004, f. 5-28-04, cert. ef. 6-7-04; SPD 18-2005(Temp), f. 12-20-05, cert. ef. 12-21-05 thru 6-1-06; SPD 20-2006, f. 5-26-06, cert. ef. 6-1-06; SPD 3-2007(Temp), f. 4-11-07, cert. ef. 5-1-07 thru 10-28-07; SPD 17-2007, f. 10-26-07, cert. ef. 10-28-07; SPD 4-2008(Temp), f. & cert. ef. 4-1-08 thru 9-24-08; SPD 13-2008,

f. & cert. ef. 9-24-08; SPD 15-2008, f. 12-26-08, cert. ef. 1-1-09; SPD 10-2013(Temp), f. & cert. ef. 5-23-13 thru 11-19-13; SPD 16-2013(Temp), f. & cert. ef. 7-1-13 thru 11-19-13; SPD 43-2013, f. 10-31-13, cert. ef. 11-1-13; APD 9-2014(Temp), f. 4-17-14, cert. ef. 4-21-14 thru 10-18-14

411-030-0040

Eligibility Criteria

(1) In-home services are provided to individuals who meet the established priorities for service as described in OAR chapter 411, division 15 who have been assessed to be in need of in-home services.

(a) Payments for in-home services are not intended to replace the resources available to an individual from the individual's natural supports.

(b) An individual whose service needs are sufficiently and appropriately met by available natural supports is not eligible for in-home services.

(2) An individual receiving Medicaid in-home services or services through the Independent Choices Program must:

(a) Meet the established priorities for service as described in OAR chapter 411, division 015;

(b) Be a current recipient of a Medicaid OHP Plus benefit package.

(c) Reside in a living arrangement described in OAR 411-030-0033; and

(d) Be 18 years of age or older.

(3) To be eligible for Medicaid in-home services, an individual must employ an enrolled homecare worker or contracted in-home care agency. To be eligible for ICP, a participant must employ an employee provider.

(4) Initial eligibility for Medicaid in-home services or the ICP does not begin until an individual's service plan has been authorized by the Department or the Department's designee. The service plan must identify the provider who delivers the authorized services, include the date when the provision of services begins, and include the maximum number of hours authorized. Service plans must be based upon the least costly means of providing adequate services.

(5) If, for any reason, the employment relationship between an individual and provider is discontinued, an enrolled homecare worker or contracted in-home care agency must be employed within 14 business days for the individual to remain eligible for in-home services. A participant of ICP must employ an employee provider within 14 business days to remain eligible for ICP services. The individual's case manager has the authority to waive the 14 business day restriction if the individual is making progress towards employing a provider.

(6) An eligible individual who has been receiving in-home services who temporarily enters a nursing facility or medical institution must employ an enrolled homecare worker or contracted in-home care agency within 14 business days of discharge from the facility or institution for the individual to remain eligible for in-home services. A participant of ICP must employ an employee provider within 14 business days of discharge to remain eligible for ICP services.

(7) EMPLOYER RESPONSIBILITIES.

(a) In order to be eligible for in-home services provided by a homecare worker, an individual must be able to, or designate a representative to:

(A) Locate, screen, and hire a qualified homecare worker;

(B) Supervise and train the homecare worker;

(C) Schedule the homecare worker's work, leave, and coverage;

(D) Track the hours worked and verify the authorized hours completed by the homecare worker;

(E) Recognize, discuss, and attempt to correct any performance deficiencies with the homecare worker; and

(F) Discharge an unsatisfactory homecare worker.

(b) Individuals who are unable to meet the responsibilities in subsection (a) of this section are ineligible for in-home services provided by a homecare worker. Except as set forth in subsection (f) of this section, individuals ineligible for in-home services provided by a homecare worker may designate a representative to manage the individual's responsibilities as an employer on the individual's behalf. A representative of an individual may not be a homecare worker providing homecare worker services to the individual. Individuals must also be offered other available community-based service options to meet the individual's service needs, including contracted in-home care agency services, nursing facility services, or other community-based service options.

(c) An individual determined ineligible for in-home services provided by a homecare worker and who does not have a representative may request in-home services provided by a homecare worker at the individual's next re-assessment, but no sooner than 12 months from the date the individual was determined ineligible. To reestablish eligibility for in-home services provided by a homecare worker, an individual must attend training and acquire or otherwise demonstrate the ability to meet the employer respon-

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sibilities in subsection (a) of this section. Improvements in health and cognitive functioning, for example, may be factors in demonstrating the individual's ability to meet the employer responsibilities in subsection (a) of this section. If the Department determines that an individual may not meet the individual's employer responsibilities, the Department may require that the individual appoint an acceptable representative.

(d) The Department retains the right to approve the representative selected by an individual. Approval may be based on, but is not limited to, the representative's criminal history, protective services history, or credible allegations of fraud or collusion in fraudulent activities involving a public assistance program.

(e) If an individual's designated representative is unable to meet the employer responsibilities of subsection (a) of this section or the Department does not approve the representative, the individual must designate a different representative or select other available services.

(f) An individual with a history of credible allegations of fraud or collusion in fraud with respect to in-home services is not eligible for in-home services provided by a homecare worker.

(8) REPRESENTATIVE.

(a) The Department or the Department's designee may deny an individual's request for any representative if the representative has a history of a substantiated adult protective service complaint as described in OAR chapter 411, division 20. The individual may select another representative.

(b) An individual with a guardian must have a representative for service planning purposes. A guardian may designate themselves the representative.

(9) Additional eligibility criteria for Medicaid in-home services exist for individuals eligible for:

(a) The Consumer-Employed Provider Program as described in OAR chapter 411, division 31;

(b) The Independent Choices Program as described in OAR 411-030-0100 of these rules; and

(c) The Spousal Pay Program as described in OAR 411-030-0080 of these rules.

(10) Residents of licensed community-based care facilities, nursing facilities, prisons, hospitals, and other institutions that provide assistance with ADLs are not eligible for in-home services.

(11) Individuals with excess income must contribute to the cost of service pursuant to OAR 461-160-0610 and 461-160-0620.

Stat. Auth.: ORS 409.050, 410.070 & 410.090

Stats. Implemented: ORS 410.010, 410.020 & 410.070

Hist.: SSD 3-1985, f. & ef. 4-1-85; SSD 4-1993, f. 4-30-93, cert. ef. 6-12-93, Renumbered from 411-030-0001; SPD 2-2003(Temp), f. 1-31-03, cert. ef. 2-1-03 thru 7-30-03; SPD 14-2003, f. & cert. ef. 7-31-03; SPD 15-2003 f. & cert. ef. 9-30-03; SPD 18-2003(Temp), f. & cert. ef. 12-11-03 thru 6-7-04; SPD 15-2004, f. 5-28-04, cert. ef. 6-7-04; SPD 18-2005(Temp), f. 12-20-05, cert. ef. 12-21-05 thru 6-1-06; SPD 1-2006(Temp), f. & cert. ef. 1-13-06 thru 6-1-06; SPD 20-2006, f. 5-26-06, cert. ef. 6-1-06; SPD 4-2008(Temp), f. & cert. ef. 4-1-08 thru 9-24-08; SPD 13-2008, f. & cert. ef. 9-24-08; SPD 15-2008, f. 12-26-08, cert. ef. 1-1-09; SPD 10-2013(Temp), f. & cert. ef. 5-23-13 thru 11-19-13; SPD 43-2013, f. 10-31-13, cert. ef. 11-1-13; APD 9-2014(Temp), f. 4-17-14, cert. ef. 4-21-14 thru 10-18-14

411-034-0010

Definitions

Unless the context indicates otherwise, the following definitions apply to the rules in OAR chapter 411, division 34:

(1) "AAA" means "Area Agency on Aging" as defined in this rule.

(2) "Adult" means any person at least 18 years of age.

(3) "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 and adults with disabilities in a planning and service area. The terms AAA and Area Agency on Aging are 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.

(4) "Assistance" means an individual requires help from another person with the personal care or supportive services described in OAR 411-034-0020. Assistance may include cueing, hands-on, monitoring, reassurance, redirection, set-up, standby, or support as defined in 411-015-0005. Assistance may also require verbal reminding to complete one of the tasks described in 411-034-0020.

(5) "Assistive Devices" means any category of durable medical equipment, mechanical apparatus, electrical appliance, or instrument of technology used to assist and enhance an individual's independence in performing any task described in OAR 411-034-0020.

(6) "Assistive Supports" means the aid of service animals, general household items, or furniture used to assist and enhance an individual's independence in performing any task described in OAR 411-034-0020.

(7) "Background Check" means a criminal records check and abuse check as defined in OAR 407-007-0210.

(8) "Case Management" means the functions performed by a case manager, services coordinator, personal agent, or manager. Case management includes determining service eligibility, developing a plan of authorized services, and monitoring the effectiveness of services.

(9) "Case Manager" means a Department employee or an employee of the Department's designee, services coordinator, or personal agent who assesses the service needs of individuals, determines eligibility, and offers service choices to eligible individuals. A case manager authorizes and implements an individual's plan for services and monitors the services delivered.

(10) "Central Office" means the main office of the Department, Division, or Designee.

(11) "Child" means an individual who is less than 18 years of age.

(12) "Community Developmental Disability Program (CDDP)" means the Department's designee that is responsible for plan authorization, delivery, and monitoring of services for individuals with intellectual or developmental disabilities according to OAR chapter 411, division 320.

(13) "Contracted In-Home Care Agency" means an incorporated entity or equivalent, licensed in accordance with OAR chapter 333, division 536 that provides hourly contracted in-home services to individuals receiving services through the Department or Area Agency on Aging.

(14) "Cost Effective" means being responsible and accountable with Department resources. This is accomplished by offering less costly alternatives when providing choices that adequately meet an individual's service needs. Those choices consist of the available service options, the utilization of assistive devices or assistive supports, 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.

(15) "Delegated Nursing Task" means a registered nurse (RN) authorizes an unlicensed person (defined in OAR 851-047-0010) to provide a nursing task normally requiring the education and license of an RN. In accordance with 851-047-0000, 851-047-0010, and 851-047-0030, the RN's written authorization of a delegated nursing task includes assessing a specific eligible individual, evaluating an unlicensed person's ability to perform a specific nursing task, teaching the nursing task, and supervising and re-evaluating the individual and the unlicensed person at regular intervals.

(16) "Department" means the Department of Human Services.

(17) "Designee" means an organization with which the Department contracts or has an interagency agreement.

(18) "Developmental Disability" as defined in OAR 411-320-0020 and described in OAR 411-320-0080.

(19) "Disability" means a physical, cognitive, or emotional impairment which, for an individual, constitutes or results in a functional limitation in one or more of the activities of daily living defined in OAR 411-015-0006.

(20) "Division" means:

(a) Oregon Health Authority, Addictions and Mental Health Division (AMHD);

(b) Department of Human Services, Aging and People with Disabilities Division (APD);

(c) Area Agencies on Aging (AAA);

(d) Department of Human Services, Self-Sufficiency Programs (SSP);

(e) Department of Human Services, Office of Developmental Disability Services (ODDS);

(f) Community Developmental Disability Programs (CDDP); and

(g) Support Services Brokerages.

(21) "Fiscal Improprieties" means a homecare or personal support worker committed financial misconduct involving an individual's money, property, or benefits.

(a) Fiscal improprieties include but are not limited to financial exploitation, borrowing money from an individual, taking an individual's property or money, having an individual purchase items for the homecare or personal support worker, forging an individual's signature, falsifying payment records, claiming payment for hours not worked, or similar acts intentionally committed for financial gain.

(b) Fiscal improprieties do not include the exchange of money, gifts, or property between a homecare or personal support worker whose employer is a relative unless an allegation of financial exploitation, as defined in OAR 411-020-0002 or 407-045-0260, has been substantiated based on an adult protective services investigation.

(22) "Guardian" means a parent for an individual less than 18 years of age or a person or agency appointed and authorized by the courts to make decisions about services for an individual.

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(23) "Homecare Worker" means a provider as described in OAR 411-031-0040, that is directly employed by an individual to provide either hourly or live-in services to the individual.

(a) The term homecare worker includes:

(A) A consumer-employed provider in the Spousal Pay and Oregon Project Independence Programs;

(B) A consumer-employed provider that provides State Plan personal care services; and

(C) A relative providing Medicaid in-home services to an individual living in the relative's home.

(b) The term homecare worker does not include an Independent Choices Program provider or a personal support worker enrolled through Developmental Disability Services or the Addictions and Mental Health Division.

(24) "Individual" means the person applying for or determined eligible for State Plan personal care services.

(25) "Intellectual Disability" as defined in OAR 411-320-0020 and described in 411-320-0080.

(26) "Lacks the Skills, Knowledge, and Ability to Adequately or Safely Perform the Required Work" means a homecare or personal support worker does not possess the skills to perform services needed by individuals receiving services from the Department. The homecare or personal support worker may not be physically, mentally, or emotionally capable of providing services to individuals. The homecare or personal support worker's lack of skills may put individuals at risk because the homecare or personal support worker fails to perform, or learn to perform, the duties needed to adequately meet the needs of the individuals.

(27) "Legal Representative" means:

(a) For a child, the parent or step-parent unless a court appoints another person or agency to act as the guardian; and

(b) For an adult:

(A) A spouse;

(B) A family member who has legal custody or legal guardianship according to ORS 125.005, 125.300, 125.315, and 125.310;

(C) An attorney at law who has been retained by or for an individual; or

(D) A person or agency authorized by the courts to make decisions about services for an individual.

(28) "Long Term Care Community Nursing" means the nursing services described in OAR chapter 411, division 048.

(29) "Medicaid OHP Plus Benefit Package" means only the Medicaid benefit packages provided under OAR 410-120-1210(4)(a) and (b). This excludes individuals receiving Title XXI benefits.

(30) "Natural Support" 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.

(31) "Older Adult" means any person at least 65 years of age.

(32) "Ostomy" means assistance that an individual needs with a colostomy, urostomy, or ileostomy tube or opening used for elimination.

(33) "Personal Agent" means a person who is a case manager for the provision of case management services, works directly with individuals and the individuals' legal or designated representatives and families to provide or arrange for support services as described in OAR chapter 411, division 340, meets the qualifications set forth in OAR 411-340-0150, and is a trained employee of a support services brokerage or a person who has been engaged under contract to the brokerage to allow the brokerage to meet responsibilities in geographic areas where personal agent resources are severely limited.

(34) "Personal Care" means the functional activities described in OAR 411-034-0020 that an individual requires for continued well-being.

(35) "Personal Support Worker" means:

(a) A provider:

(A) Who is hired by an individual with an intellectual or developmental disability or the individual's representative;

(B) Who receives money from the Department for the purpose of providing services to the individual in the individual's home or community; and

(C) Whose compensation is provided in whole or in part through the Department or community developmental disability program.

(b) This definition of personal support worker is intended to reflect the term as defined in ORS 410.600.

(36) "Provider" or "Qualified Provider" means a homecare worker or personal support worker that meets the qualifications in OAR 411-034-0050 that performs State Plan personal care services.

(37) "Provider Enrollment" means a homecare worker's or personal support worker's authorization to work as a provider employed by an eligible individual, representative, or legal representative for the purpose of receiving payment for services authorized by the Department. Provider enrollment includes the issuance of a Medicaid provider number.

(38) "Provider Number" means an identifying number issued to each homecare or personal support worker who is enrolled as a provider through the Department.

(39) "Relative" means a person, excluding an individual's spouse, who is related to the individual by blood, marriage, or adoption.

(40) "Representative" means:

(a) A person appointed by an individual or legal representative to participate in service planning on the individual's behalf that is either the individual's guardian or natural support with longstanding involvement in assuring the individual's health, safety and welfare; and

(b) For the purpose of obtaining State Plan personal care services through a homecare or personal support worker, the person selected by an individual or the individual's legal representative to act on the individual's behalf to provide the employer responsibilities described in OAR 411-034-0040.

(41) "Respite" means services for the relief of a person normally providing supports to an individual unable to care for him or herself.

(42) "Service Need" means the assistance with personal care and supportive services needed by an individual receiving Department services.

(43) "Service Plan" or "Service Authorization" means an individual's written plan for services that identifies:

(a) The individual's qualified provider who is to deliver the authorized services;

(b) The date when the provision of services is to begin; and

(c) The maximum monthly hours of personal care and supportive services authorized by the Department or the Department's designee.

(44) "Services Coordinator" means an employee of a community developmental disability program or other agency that contracts with the county or Department, who is selected to plan, procure, coordinate, and monitor an individual's plan for services, and to act as a proponent for individuals with intellectual or developmental disabilities.

(45) "State Plan Personal Care Services" means the assistance with personal care and supportive services described in OAR 411-034-0020 provided to an individual by a homecare worker or personal support worker. The assistance may include cueing, hands-on, monitoring, reassurance, redirection, set-up, standby, or support as defined in 411-015-0005. The assistance may also require verbal reminding to complete one of the personal care tasks described in 411-034-0020.

(46) "Sub-Acute Care Facility" means a care center or facility that provides short-term rehabilitation and complex medical services to an individual with a condition that does not require acute hospital care but prevents the individual from being discharged to his or her home.

(47) "Support Services Brokerage" means an entity, or distinct operating unit within an existing entity, that uses the principles of self-determination to perform the functions associated with planning and implementation of support services for individuals with intellectual or developmental disabilities.

(48) "These Rules" mean the rules in OAR chapter 411, division 34.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.020, 410.070, 410.710 & 411.675

Hist.: SSD 2-1996, f. 3-13-96, cert. ef. 3-15-96; SPD 35-2004, f. 11-30-04, cert. ef. 12-1-04; SPD 16-2007, f. 10-4-07, cert. ef. 10-5-07; SPD 31-2010, f. 12-29-10, cert. ef. 1-1-11; SDP 19-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SPD 48-2013, f. 12-13-13, cert. ef. 12-15-13; APD 9-2014(Temp), f. 4-17-14, cert. ef. 4-21-14 thru 10-18-14

411-034-0030

Eligibility for State Plan Personal Care Services

(1) To be eligible for State Plan personal care services, an individual must:

(a) Require assistance (defined in OAR 411-034-0010) from a qualified provider with one or more of the personal care tasks described in 411-034-0020; and

(b) Be a current recipient of a Medicaid OHP Plus benefit package.

(2) An individual is not eligible to receive State Plan personal care services if:

(a) The individual is receiving assistance with activities of daily living (as described in OAR 411-015-0006) from a licensed 24-hour residential services program (such as an adult foster home, assisted living facility, group home, or residential care facility);

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(b) The individual is in a prison, hospital, sub-acute care facility, nursing facility, or other medical institution;

(c) The individual's service needs are met through the individual's natural support system (defined in OAR 411-034-0010); or

(d) The individual assessed service needs are being met under other Medicaid-funded home and community-based service options of the individual's choosing.

(3) Payment for State Plan personal care services is not intended to replace the resources available to an individual from the individual's natural support system (defined in OAR 411-034-0010).

(4) State Plan personal care services are not intended to replace routine care commonly needed by an infant or child typically provided by the infant's or child's parent.

(5) State Plan personal care services may not be used to replace other non-Medicaid governmental services.

(6) The Department, Division, or Designee has the authority to close the eligibility and authorization for State Plan personal care services if an individual fails to:

(a) Employ a provider that meets the requirements in OAR 411-034-0050; or

(b) Receive personal care from a qualified provider paid by the Department for 30 continuous calendar days or longer.

(7) State Plan personal care services cannot duplicate other Medicaid services.

Stat. Auth.: ORS 409.050 & 410.070

Stats. Implemented: ORS 409.010, 410.020, 410.070, 410.608 & 410.710

Hist.: SSD 2-1996, f. 3-13-96, cert. ef. 3-15-96; SPD 35-2004, f. 11-30-04, cert. ef. 12-1-04; SPD 9-2005, f. & cert. ef. 7-1-05; SPD 16-2007, f. 10-4-07, cert. ef. 10-5-07; SDP 19-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SPD 48-2013, f. 12-13-13, cert. ef. 12-15-13; APD 9-2014(Temp), f. 4-17-14, cert. ef. 4-21-14 thru 10-18-14

Rule Caption: Correction — Modified Adjusted Gross Income (MAGI) Eligibility

Adm. Order No.: APD 10-2014(Temp)

Filed with Sec. of State: 5-1-2014

Certified to be Effective: 5-1-14 thru 10-18-14

Notice Publication Date:

Rules Amended: 411-034-0010

Rules Suspended: 411-034-0010(T)

Subject: The Department of Human Services (Department) is immediately amending OAR 411-034-0010 and suspending the temporary amendment of OAR 411-034-0010 to correct an error to a newly added definition.

OAR 411-034-0010 was temporarily amended on April 21, 2014 to define the "Medicaid OHP Plus Benefit Package" to allow the Department to expand the Oregon Supplemental Income Program — Medical (OSIPM) Medicaid eligibility criteria for individuals receiving State Plan K-option and waived case management services to include the expanded Medicaid for Modified Adjusted Gross Income (MAGI) eligible individuals. The Department inadvertently included language in the definition to exclude individuals receiving Medicaid Title XXI benefits. The Department is immediately amending OAR 411-034-0010 to remove the exclusion from the definition of the "Medicaid OHP Plus Benefit Package".

Rules Coordinator: Kimberly Colkitt-Hallman—(503) 945-6398

411-034-0010

Definitions

Unless the context indicates otherwise, the following definitions apply to the rules in OAR chapter 411, division 034:

(1) "AAA" means "Area Agency on Aging" as defined in this rule.

(2) "Adult" means any person at least 18 years of age.

(3) "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 and adults with disabilities in a planning and service area. The terms AAA and Area Agency on Aging are 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.

(4) "Assistance" means an individual requires help from another person with the personal care or supportive services described in OAR 411-034-0020. Assistance may include cueing, hands-on, monitoring, reassurance, redirection, set-up, standby, or support as defined in 411-015-0005. Assistance may also require verbal reminding to complete one of the tasks described in 411-034-0020.

(5) "Assistive Devices" means any category of durable medical equipment, mechanical apparatus, electrical appliance, or instrument of technology used to assist and enhance an individual's independence in performing any task described in OAR 411-034-0020.

(6) "Assistive Supports" means the aid of service animals, general household items, or furniture used to assist and enhance an individual's independence in performing any task described in OAR 411-034-0020.

(7) "Background Check" means a criminal records check and abuse check as defined in OAR 407-007-0210.

(8) "Case Management" means the functions performed by a case manager, services coordinator, personal agent, or manager. Case management includes determining service eligibility, developing a plan of authorized services, and monitoring the effectiveness of services.

(9) "Case Manager" means a Department employee or an employee of the Department's designee, services coordinator, or personal agent who assesses the service needs of individuals, determines eligibility, and offers service choices to eligible individuals. A case manager authorizes and implements an individual's plan for services and monitors the services delivered.

(10) "Central Office" means the main office of the Department, Division, or Designee.

(11) "Child" means an individual who is less than 18 years of age.

(12) "Community Developmental Disability Program (CDDP)" means the Department's designee that is responsible for plan authorization, delivery, and monitoring of services for individuals with intellectual or developmental disabilities according to OAR chapter 411, division 320.

(13) "Contracted In-Home Care Agency" means an incorporated entity or equivalent, licensed in accordance with OAR chapter 333, division 536 that provides hourly contracted in-home services to individuals receiving services through the Department or Area Agency on Aging.

(14) "Cost Effective" means being responsible and accountable with Department resources. This is accomplished by offering less costly alternatives when providing choices that adequately meet an individual's service needs. Those choices consist of the available service options, the utilization of assistive devices or assistive supports, 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.

(15) "Delegated Nursing Task" means a registered nurse (RN) authorizes an unlicensed person (defined in OAR 851-047-0010) to provide a nursing task normally requiring the education and license of an RN. In accordance with 851-047-0000, 851-047-0010, and 851-047-0030, the RN's written authorization of a delegated nursing task includes assessing a specific eligible individual, evaluating an unlicensed person's ability to perform a specific nursing task, teaching the nursing task, and supervising and re-evaluating the individual and the unlicensed person at regular intervals.

(16) "Department" means the Department of Human Services.

(17) "Designee" means an organization with which the Department contracts or has an interagency agreement.

(18) "Developmental Disability" as defined in OAR 411-320-0020 and described in OAR 411-320-0080.

(19) "Disability" means a physical, cognitive, or emotional impairment which, for an individual, constitutes or results in a functional limitation in one or more of the activities of daily living defined in OAR 411-015-0006.

(20) "Division" means:

(a) Oregon Health Authority, Addictions and Mental Health Division (AMHD);

(b) Department of Human Services, Aging and People with Disabilities Division (APD);

(c) Area Agencies on Aging (AAA);

(d) Department of Human Services, Self-Sufficiency Programs (SSP);

(e) Department of Human Services, Office of Developmental Disability Services (ODDS);

(f) Community Developmental Disability Programs (CDDP); and

(g) Support Services Brokerages.

(21) "Fiscal Improprieties" means a homecare or personal support worker committed financial misconduct involving an individual's money, property, or benefits.

(a) Fiscal improprieties include but are not limited to financial exploitation, borrowing money from an individual, taking an individual's property or money, having an individual purchase items for the homecare or personal support worker, forging an individual's signature, falsifying payment records, claiming payment for hours not worked, or similar acts intentionally committed for financial gain.

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(b) Fiscal improprieties do not include the exchange of money, gifts, or property between a homecare or personal support worker whose employer is a relative unless an allegation of financial exploitation, as defined in OAR 411-020-0002 or 407-045-0260, has been substantiated based on an adult protective services investigation.

(22) "Guardian" means a parent for an individual less than 18 years of age or a person or agency appointed and authorized by the courts to make decisions about services for an individual.

(23) "Homecare Worker" means a provider as described in OAR 411-031-0040, that is directly employed by an individual to provide either hourly or live-in services to the individual.

(a) The term homecare worker includes:

(A) A consumer-employed provider in the Spousal Pay and Oregon Project Independence Programs;

(B) A consumer-employed provider that provides State Plan personal care services; and

(C) A relative providing Medicaid in-home services to an individual living in the relative's home.

(b) The term homecare worker does not include an Independent Choices Program provider or a personal support worker enrolled through Developmental Disability Services or the Addictions and Mental Health Division.

(24) "Individual" means the person applying for or determined eligible for State Plan personal care services.

(25) "Intellectual Disability" as defined in OAR 411-320-0020 and described in 411-320-0080.

(26) "Lacks the Skills, Knowledge, and Ability to Adequately or Safely Perform the Required Work" means a homecare or personal support worker does not possess the skills to perform services needed by individuals receiving services from the Department. The homecare or personal support worker may not be physically, mentally, or emotionally capable of providing services to individuals. The homecare or personal support worker's lack of skills may put individuals at risk because the homecare or personal support worker fails to perform, or learn to perform, the duties needed to adequately meet the needs of the individuals.

(27) "Legal Representative" means:

(a) For a child, the parent or step-parent unless a court appoints another person or agency to act as the guardian; and

(b) For an adult:

(A) A spouse;

(B) A family member who has legal custody or legal guardianship according to ORS 125.005, 125.300, 125.315, and 125.310;

(C) An attorney at law who has been retained by or for an individual;

or

(D) A person or agency authorized by the courts to make decisions about services for an individual.

(28) "Long Term Care Community Nursing" means the nursing services described in OAR chapter 411, division 48.

(29) "Medicaid OHP Plus Benefit Package" means only the Medicaid benefit packages provided under OAR 410-120-1210(4)(a) and (b).

(30) "Natural Support" 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.

(31) "Older Adult" means any person at least 65 years of age.

(32) "Ostomy" means assistance that an individual needs with a colostomy, urostomy, or ileostomy tube or opening used for elimination.

(33) "Personal Agent" means a person who is a case manager for the provision of case management services, works directly with individuals and the individuals' legal or designated representatives and families to provide or arrange for support services as described in OAR chapter 411, division 340, meets the qualifications set forth in 411-340-0150, and is a trained employee of a support services brokerage or a person who has been engaged under contract to the brokerage to allow the brokerage to meet responsibilities in geographic areas where personal agent resources are severely limited.

(34) "Personal Care" means the functional activities described in OAR 411-034-0020 that an individual requires for continued well-being.

(35) "Personal Support Worker" means:

(a) A provider:

(A) Who is hired by an individual with an intellectual or developmental disability or the individual's representative;

(B) Who receives money from the Department for the purpose of providing services to the individual in the individual's home or community; and

(C) Whose compensation is provided in whole or in part through the Department or community developmental disability program.

(b) This definition of personal support worker is intended to reflect the term as defined in ORS 410.600.

(36) "Provider" or "Qualified Provider" means a homecare worker or personal support worker that meets the qualifications in OAR 411-034-0050 that performs State Plan personal care services.

(37) "Provider Enrollment" means a homecare worker's or personal support worker's authorization to work as a provider employed by an eligible individual, representative, or legal representative for the purpose of receiving payment for services authorized by the Department. Provider enrollment includes the issuance of a Medicaid provider number.

(38) "Provider Number" means an identifying number issued to each homecare or personal support worker who is enrolled as a provider through the Department.

(39) "Relative" means a person, excluding an individual's spouse, who is related to the individual by blood, marriage, or adoption.

(40) "Representative" means:

(a) A person appointed by an individual or legal representative to participate in service planning on the individual's behalf that is either the individual's guardian or natural support with longstanding involvement in assuring the individual's health, safety and welfare; and

(b) For the purpose of obtaining State Plan personal care services through a homecare or personal support worker, the person selected by an individual or the individual's legal representative to act on the individual's behalf to provide the employer responsibilities described in OAR 411-034-0040.

(41) "Respite" means services for the relief of a person normally providing supports to an individual unable to care for him or herself.

(42) "Service Need" means the assistance with personal care and supportive services needed by an individual receiving Department services.

(43) "Service Plan" or "Service Authorization" means an individual's written plan for services that identifies:

(a) The individual's qualified provider who is to deliver the authorized services;

(b) The date when the provision of services is to begin; and

(c) The maximum monthly hours of personal care and supportive services authorized by the Department or the Department's designee.

(44) "Services Coordinator" means an employee of a community developmental disability program or other agency that contracts with the county or Department, who is selected to plan, procure, coordinate, and monitor an individual's plan for services, and to act as a proponent for individuals with intellectual or developmental disabilities.

(45) "State Plan Personal Care Services" means the assistance with personal care and supportive services described in OAR 411-034-0020 provided to an individual by a homecare worker or personal support worker. The assistance may include cueing, hands-on, monitoring, reassurance, redirection, set-up, standby, or support as defined in 411-015-0005. The assistance may also require verbal reminding to complete one of the personal care tasks described in 411-034-0020.

(46) "Sub-Acute Care Facility" means a care center or facility that provides short-term rehabilitation and complex medical services to an individual with a condition that does not require acute hospital care but prevents the individual from being discharged to his or her home.

(47) "Support Services Brokerage" means an entity, or distinct operating unit within an existing entity, that uses the principles of self-determination to perform the functions associated with planning and implementation of support services for individuals with intellectual or developmental disabilities.

(48) "These Rules" mean the rules in OAR chapter 411, division 34. Stat. Auth.: ORS 410.070
Stat. Implemented: ORS 410.020, 410.070, 410.710 & 411.675
Hist.: SSD 2-1996, f. 3-13-96, cert. ef. 3-15-96; SPD 35-2004, f. 11-30-04, cert. ef. 12-1-04; SPD 16-2007, f. 10-4-07, cert. ef. 10-5-07; SPD 31-2010, f. 12-29-10, cert. ef. 1-1-11; SDP 19-2013(Temp), f. & cert. ef. 7-1-13 thru 12-28-13; SPD 48-2013, f. 12-13-13, cert. ef. 12-15-13; APD 9-2014(Temp), f. 4-17-14, cert. ef. 4-21-14 thru 10-18-14; APD 10-2014(Temp), f. & cert. ef. 5-1-14 thru 10-18-14

Rule Caption: In-Home Services — Instrumental Activities of Daily Living (IADL)

Adm. Order No.: APD 11-2014

Filed with Sec. of State: 5-1-2014

Certified to be Effective: 5-1-14

ADMINISTRATIVE RULES

Notice Publication Date: 4-1-2014

Rules Amended: 411-030-0070

Subject: The Department of Human Services (Department) is proposing to permanently amend OAR 411-030-0070 to increase the instrumental activities of daily living (IADL) service hours for meal preparation and housekeeping by 10 percent. The Department reduced the IADL service hours for meal preparation and housekeeping on January 1, 2012 in response to a budgetary shortfall. The Department's amendments to restore the IADL service hours for meal preparation and housekeeping to the hours in effect prior to January 1, 2012 is dependent on the outcome of the 2014 legislative session.

Rules Coordinator: Kimberly Colkitt-Hallman—(503) 945-6398

411-030-0070

Maximum Hours of Service

(1) LEVELS OF ASSISTANCE FOR DETERMINING SERVICE PLAN HOURS.

(a) "Minimal Assistance" means an individual is able to perform the majority of an activity but requires some assistance from another person.

(b) "Substantial Assistance" means an individual is able to perform only a small portion of the tasks that comprise an activity without assistance from another person.

(c) "Full Assistance" means an individual needs assistance from another person through all phases of an activity every time the activity is attempted.

(2) MAXIMUM MONTHLY HOURS FOR ADL.

(a) The planning process uses the following limitations for time allotments for ADL tasks. Hours authorized must be based on the service needs of an individual. Case managers may authorize up to the amount of hours identified in these assistance levels (minimal, substantial, or full assist).

(A) Eating:

- (i) Minimal assistance, 5 hours;
- (ii) Substantial assistance, 20 hours;
- (iii) Full assistance, 30 hours.

(B) Dressing/Grooming:

- (i) Minimal assistance, 5 hours;
- (ii) Substantial assistance, 15 hours;
- (iii) Full assistance, 20 hours.

(C) Bathing and Personal Hygiene:

- (i) Minimal assistance, 10 hours;
- (ii) Substantial assistance, 20 hours;
- (iii) Full assistance, 25 hours.

(D) Mobility:

- (i) Minimal assistance, 10 hours;
- (ii) Substantial assistance, 15 hours;
- (iii) Full assistance, 25 hours.

(E) Elimination (Toileting, Bowel, and Bladder):

- (i) Minimal assistance, 10 hours;
- (ii) Substantial assistance, 20 hours;
- (iii) Full assistance, 25 hours.

(F) Cognition/Behavior:

- (i) Minimal assistance, 5 hours;
- (ii) Substantial assistance, 10 hours;
- (iii) Full assistance, 20 hours.

(b) Service plan hours for ADL may only be authorized for an individual if the individual requires assistance (minimal, substantial, or full assist) from another person in that activity of daily living as determined by a service assessment applying the parameters in OAR 411-015-0006.

(c) For households with two or more eligible individuals, each individual's ADL service needs must be considered separately. In accordance with section (3)(c) of this rule, authorization of IADL hours is limited for each additional individual in the home.

(d) Hours authorized for ADL are paid at hourly rates in accordance with the rate schedule. The Independent Choices Program cash benefit is based on the hours authorized for ADLs paid at the hourly rates. Participants of the Independent Choices Program may determine their own employee provider pay rates.

(3) MAXIMUM MONTHLY HOURS FOR IADL.

(a) The planning process uses the following limitations for time allotments for IADL tasks. Hours authorized must be based on the service needs of an individual. Case managers may authorize up to the amount of hours identified in these assistance levels (minimal, substantial, or full assist).

(A) Medication and Oxygen Management:

- (i) Minimal assistance, 2 hours;
- (ii) Substantial assistance, 4 hours;
- (iii) Full assistance, 6 hours.

(B) Transportation or Escort Assistance:

- (i) Minimal assistance, 2 hours;
- (ii) Substantial assistance, 3 hours;
- (iii) Full assistance, 5 hours.

(C) Meal Preparation:

- (i) Minimal assistance:
 - (I) Breakfast, 4 hours;
 - (II) Lunch, 4 hours;
 - (III) Supper, 8 hours.
- (ii) Substantial assistance:
 - (I) Breakfast, 8 hours;
 - (II) Lunch, 8 hours;
 - (III) Supper, 16 hours.

- (iii) Full assistance:
 - (I) Breakfast, 12 hours;
 - (II) Lunch, 12 hours;
 - (III) Supper, 24 hours.

(D) Shopping:

- (i) Minimal assistance, 2 hours;
- (ii) Substantial assistance, 4 hours;
- (iii) Full assistance, 6 hours.

(E) Housecleaning:

- (i) Minimal assistance, 5 hours.
- (ii) Substantial assistance, 10 hours.
- (iii) Full assistance, 20 hours.

(b) Rates are paid in accordance with the rate schedule.

(A) When a live-in employee is present, IADL hours may be paid at less than minimum wage according to the Fair Labor Standards Act.

(B) The Independent Choices Program cash benefit is based on the hours authorized for IADL tasks paid at the hourly rates. Participants of the Independent Choices Program may determine their own employee provider pay rates.

(c) When two or more individuals eligible for IADL task hours live in the same household, the assessed IADL need of each individual must be calculated. Payment is made for the highest of the allotments and a total of four additional IADL hours per month for each additional individual to allow for the specific IADL needs of the other individuals.

(d) Service plan hours for IADL tasks may only be authorized for an individual if the individual requires assistance (minimal, substantial, or full assist) from another person in that IADL task as determined by a service assessment applying the parameters in OAR 411-015-0007.

(4) TWENTY-FOUR HOUR AVAILABILITY.

(a) Payment for 24-hour availability is authorized only when an individual employs a live-in homecare worker or Independent Choices Program employee provider and requires 24-hour availability due to the following:

(A) The individual requires assistance with ADL or IADL tasks at unpredictable times throughout most 24-hour periods; and

(B) The individual requires minimal, substantial, or full assistance with ambulation and requires assistance with transfer (as defined in OAR 411-015-0006); or

(C) The individual requires full assistance in transfer or elimination (as defined in OAR 411-015-0006); or

(D) The individual requires full assist in at least three of the eight components of cognition/behavior (as defined in OAR 411-015-0006).

(b) The number of hours allowed per month shall have the following maximums. Hours authorized are based on the service needs of an individual. Case managers may authorize up to the amount of hours identified in these assistance levels (minimal, substantial, or full assist).

(A) Minimal assistance — 60 hours. Minimal assistance hours may be authorized when an individual requires one of these assessed needs as defined in OAR 411-015-0006:

- (i) Full assist in cognition; or
- (ii) Full assist in toileting or bowel or bladder.

(B) Substantial assistance — 110 hours. Substantial assistance hours may be authorized when an individual requires these assessed needs as defined in OAR 411-015-0006:

- (i) Assist in transfer; and
- (ii) Assist in ambulation; and
- (iii) Full assist in cognition; or
- (iv) Full assist in toileting or bowel or bladder.

(C) Full assistance — 159 hours. Full assistance hours may be authorized when:

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(i) The authorized provider is unable to get at least five continuous hours of sleep in an eight hour period during a 24-hour work period; and

(ii) The eligible individual requires the following assessed needs as defined in OAR 411-015-0006:

- (I) Full assist in transfer; and
- (II) Assist in mobility; or
- (III) Full assist in toileting or bowel or bladder; or
- (IV) Full assist in cognition.

(c) Service plans that include full-time live-in homecare workers or Independent Choices Program employee providers must include a minimum of 60 hours per month of 24-hour availability.

(A) When a live-in homecare worker or Independent Choices Program employee provider is employed less than full time, the hours must be pro-rated.

(B) Full-time means the live-in homecare worker is providing services to the consumer-employer seven days per week throughout a calendar month.

(d) Rates for 24-hour availability are in accordance with the rate schedule and paid at less than minimum wage according to the Fair Labor Standards Act and ORS 653.020.

(e) Twenty-four hour availability assumes the homecare worker is available to address the service needs of an individual as they arise throughout a 24-hour period. A homecare worker who engages in employment outside the eligible individual's home or building during the work periods the homecare worker is on duty is not considered available to meet the service needs of the individual.

(5) A provider may not receive payment from the Department for more than the total amount authorized by the Department on the service plan authorization form under any circumstances. All service payments must be prior-authorized by a case manager.

(6) Case managers must assess and utilize as appropriate, natural supports, cost-effective assistive devices, durable medical equipment, housing accommodations, and alternative service resources (as defined in OAR 411-015-0005) that may reduce the need for paid assistance.

(7) The Department may authorize paid in-home services only to the extent necessary to supplement potential or existing resources within an individual's natural supports system.

(8) Payment by the Department for Medicaid home and community-based services are only made for the tasks described in this rule as ADL, IADL tasks, and 24-hour availability. Services must be authorized to meet the needs of an eligible individual and may not be provided to benefit an entire household.

(9) EXCEPTIONS TO MAXIMUM HOURS OF SERVICE.

(a) To meet an extraordinary ADL service need that has been documented, the hours authorized for ADL may exceed the full assistance hours (described in section (2) of this rule) as long as the total number of ADL hours in the service plan does not exceed 145 hours per month.

(b) Monthly service payments that exceed 145 ADL hours per month may be approved by the Department when the exceptional payment criteria identified in OAR 411-027-0020 and 411-027-0050 is met.

(c) Monthly service plans that exceed 145 ADL, 85 IADL, and 159 24-hour availability hours per month for a live-in homecare worker or Independent Choices Program employee provider, or that exceed the equivalent monthly service payment for an hourly services plan, may be approved by the Department when the exceptional payment criteria identified in OAR 411-027-0020 and 411-027-0050 is met.

(d) As long as the total number of IADL task hours in the service plan does not exceed 85 hours per month and the service need is documented, the hours authorized for IADL tasks may exceed the hours for full assistance (as described in section (3) of this rule) for the following tasks and circumstances:

(A) Housekeeping based on medical need (such as immune deficiency);

(B) Short-term extraordinary housekeeping services necessary to reverse unsanitary conditions that jeopardize the health of an individual; or

(C) Extraordinary IADL needs in medication management or service-related transportation.

(e) Monthly service plans that exceed 85 hours per month in IADL tasks may be approved by the Department when an individual meets the exceptional payment criteria identified in OAR 411-027-0020 and 411-027-0050.

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

Stat. Auth.: ORS 409.050, 410.070 & 410.090

Stats. Implemented: ORS 410.010, 410.020 & 410.070

Hist.: SSD 4-1993, f. 4-30-93, cert. ef. 6-1-93; SSD 6-1994, f. & cert. ef. 11-15-94; SDDS 8-1999(Temp), f. & cert. ef. 10-15-99 thru 4-11-00; SDDS 3-2000, f. 4-11-00, cert. ef. 4-12-00; SPD 14-2003, f. & cert. ef. 7-31-03; SPD 15-2003 f. & cert. ef. 9-30-03; SPD 15-2004, f. 5-

28-04, cert. ef. 6-7-04; SPD 15-2004, f. 5-28-04, cert. ef. 6-7-04; SPD 18-2005(Temp), f. 12-20-05, cert. ef. 12-21-05 thru 6-1-06; SPD 20-2006, f. 5-26-06, cert. ef. 6-1-06; SPD 4-2008(Temp), f. & cert. ef. 4-1-08 thru 9-24-08; SPD 13-2008, f. & cert. ef. 9-24-08; SPD 15-2008, f. 12-26-08, cert. ef. 1-1-09; SPD 24-2011(Temp), f. 11-15-11, cert. ef. 1-1-12 thru 6-29-12; SPD 6-2012, f. 5-31-12, cert. ef. 6-1-12; 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 11-2014, f. & cert. ef. 5-1-14

Rule Caption: Long Term Care Community Nursing

Adm. Order No.: APD 12-2014(Temp)

Filed with Sec. of State: 5-1-2014

Certified to be Effective: 5-1-14 thru 10-28-14

Notice Publication Date:

Rules Amended: 411-048-0160, 411-048-0170

Subject: The Department of Human Services (DHS), Aging and People with Disabilities Division (APD) is immediately amending the Medicaid Long Term Care Community Nursing Services rules set forth within OAR chapter 411, division 048 to expand eligibility to allow individuals who are enrolled in brokerages, and are currently unable to receive services, to receive long term care community nursing services.

Rules Coordinator: Kimberly Colkitt-Hallman—(503) 945-6398

411-048-0160

Definitions

Unless the context indicates otherwise, the following definitions apply to the rules in OAR chapter 411, division 48:

(1) "AAA" means the Area Agency on Aging designated by the Department that is responsible for providing a comprehensive and coordinated system of services to older adults and adults with disabilities in a designated planning and service area.

(2) "Abuse" means:

(a) Abuse of a child:

(A) As defined in ORS 419B.005; and

(B) As defined in OAR 407-045-0260, when a child resides in a foster home licensed by the Department to provide residential services to a child with intellectual or developmental disabilities.

(b) Abuse of an adult or older adult:

(A) As defined in ORS 124.050-095 and 430.735-765; and

(B) As defined in OAR 407-045-0260 for individuals 18 years or older with intellectual or developmental disabilities that reside in a Department licensed adult foster home; or

(C) As defined in OAR 411-020-0002 for older adults and adults with a physical disability who are 18 years of age or older that reside in a Department licensed adult foster home.

(3) "Acute Care Nursing" means nursing services provided on an intermittent or time limited basis such as those provided by a hospice agency as defined in ORS 443.850, or a home health agency as defined in ORS 443.005. Acute care nursing may include direct service and is designed to address a specific task of nursing or a short term health condition.

(4) "Business Day" means the day that the "Local Office" is open for business.

(5) "Care Coordination" means the email, faxes, phone calls, meetings and other types of information exchange, consultation, and advocacy provided by a registered nurse on behalf of an individual that is necessary for the registered nurse to conduct assessments, complete medication reviews, provide for individual safety needs, and implement an individual's Nursing Service Plan.

(6) "Caregiver" means any person responsible for providing services to an eligible individual in a home-based or foster home setting. A caregiver may include an unlicensed person defined as a designated caregiver in OAR chapter 851, division 48 (Standards for Provision of Nursing Care by a Designated Caregiver).

(7) "Case Manager" means a person employed by the Department, Community Developmental Disability Program, Support Services Brokerage, or Area Agency on Aging who assesses the service needs of an applicant, determines eligibility, and offers service choices to the eligible individual. The case manager authorizes and implements an individual's plan for services and monitors the services delivered.

(8) "CDDP" means the Community Developmental Disability Program responsible for plan authorization, delivery, and monitoring of services for individuals with intellectual or developmental disabilities according to OAR chapter 411, division 320.

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(9) "Community Nursing Services" means "long term care community nursing services" as defined in this rule.

(10) "Delegation" means the standards and processes described in OAR chapter 851, division 047 (Standards for Community Based Care Registered Nurse Delegation).

(11) "Department" means the Department of Human Services or the Department's designee.

(12) "Department Approved Form" means forms used by registered nurses and case managers to support these rules. The Department maintains these documents on the Department's website (<http://www.oregon.gov/dhs/spd/pages/provtools/nursing/forms.aspx>). Printed copies may be obtained by contacting the Department of Human Services, ATTN: Rule Coordinator, 500 Summer Street NE, E48, Salem, OR 97301.

(13) "Direct Hands-on Nursing" means a registered nurse provides treatment or therapies directly to an individual instead of teaching or delegating the tasks of nursing to the individual's caregiver. Payment for direct hands-on nursing services is not reimbursed unless an exception has been granted by the Department as described in OAR 411-048-0170.

(14) "Documentation" means a written record of all services provided to, and for, an individual and an individual's caregiver that is maintained by the registered nurse as described in OAR 411-048-0200.

(15) "Enrolled Medicaid Provider" means an entity or individual that meets and completes all the requirements in these rules, OAR 407-120-0300 to 0400 (Medicaid Provider Enrollment and Claiming), and OAR chapter 410, division 120 (Medicaid General Rules) as applicable.

(16) "Foster Home" means any Department licensed or certified family home in which residential services are provided as described in:

(a) OAR chapter 411, division 050 for adult foster homes for older adults and adults with physical disabilities;

(b) OAR chapter 411, division 346 for foster homes for children with intellectual or developmental disabilities; and

(c) OAR chapter 411, division 360 for adult foster homes for individuals with intellectual or developmental disabilities.

(17) "Healthcare Provider" means a licensed provider providing services such as but not limited to home health, hospice, mental health, primary care, specialty care, durable medical equipment, pharmacy, or hospitalization to an eligible individual.

(18) "Home" means a non-licensed setting where an individual is receiving Medicaid home and community-based services.

(19) "Home and Community-Based Services" mean the services approved and funded by the Centers for Medicare and Medicaid Services for eligible individuals who are aged and physically disabled and for eligible individuals with intellectual disabilities and developmental disabilities in accordance with Title XIX of the Social Security Act.

(20) "Home Health Agency" has the meaning given that term in ORS 443.005.

(21) "Individual" means a person eligible for community nursing services under these rules.

(22) "In-Home Care Agency" has the meaning given that term in ORS 443.305.

(23) "Local Office" means the Department office, Area Agency on Aging, Community Development Disability Program, or Support Services Brokerage, responsible for Medicaid services including case management, referral, authorization, and oversight of long term care community nursing services in the region where the individual lives and where the community nursing services are delivered.

(24) "Long Term Care Community Nursing Services" mean the nursing services provided under these rules to individuals living in a home-based or foster home setting where the monthly Medicaid home and community-based services rate does not include nursing services. Long term care community nursing services are a distinct set of services that focus on an individual's chronic and ongoing health and activity of daily living needs. Long term care community nursing services include an assessment, monitoring, delegation, teaching, and coordination of services that addresses an individual's health and safety needs in a Nursing Service Plan that supports individual choice and autonomy. The requirements in these rules are provided in addition to any nursing related requirements stipulated in the licensing rules governing the individual's place of residence.

(25) "Medication Review" means a review focused on an individual's medication regime that includes examination of the prescriber's orders and related administration records, consultation with a pharmacist or the prescriber, clarification of PRN (as needed) parameters, and the development of a teaching plan based upon the needs of the individual or the individual's caregiver. In an unlicensed setting, the medication review may include

observation and teaching related to administration methods and storage systems.

(26) "Nursing Assessment" means one of the following assessments selected by the registered nurse based on an individual's need and situation:

(a) A "nursing assessment" as defined in OAR 851-047-0010 (Standards for Community Based Care Registered Nurse Delegation); or

(b) A "comprehensive assessment" or "focused assessment" as defined in OAR 851-045-0030 (Standards and Scope of Practice for the Licensed Practical Nurse and Registered Nurse).

(27) "Nursing Service Plan" means the plan that is developed by a registered nurse based on an individual's initial nursing assessment, reassessment, or updates made to a nursing assessment as a result of monitoring visits.

(a) The Nursing Service Plan is specific to the individual and identifies the individual's diagnoses and health needs, the caregiver's teaching needs, and any care coordination, teaching, or delegation activities.

(b) The Nursing Service Plan is separate from the case manager's service plan, the foster home provider's service plan, and any service plans developed by other health professionals.

(c) Nursing service plans must meet the standards in OAR chapter 851, division 45 (Standards and Scope of Practice for the Licensed Practical Nurse and Registered Nurse).

(28) "OSBN" means the Oregon State Board of Nursing. OSBN is the agency responsible for regulating nursing practice and education for the purpose of protecting the public's health, safety, and well-being.

(29) "Rate Schedule" means the communication tool issued by the Department to transmit rate changes to partners, subcontractors, and stakeholders. The Department maintains this document on the Department's website (<http://www.oregon.gov/dhs/spd/provtools/rateschedule.pdf>). Printed copies may be obtained by contacting the Department of Human Services, ATTN: Rule Coordinator, 500 Summer Street NE, E48, Salem, OR 97301.

(30) "RN" means a registered nurse licensed by the Oregon State Board of Nursing. An RN providing long term care community nursing services under these rules is either an independent contractor who is an enrolled Medicaid provider or an employee of an organization that is an enrolled Medicaid provider.

(31) "Support Services Brokerage" means an entity, or distinct operating unit within an existing entity, that uses the principles of self-determination to perform the functions associated with planning and implementation of support services for individuals with intellectual or developmental disabilities.

(32) "These Rules" mean the rules in OAR chapter 411, division 048.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

Hist.: SPD 8-2013, f. & cert. ef. 4-15-13; 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 12-2014(Temp), f. & cert. ef. 5-1-14 thru 10-28-14

411-048-0170

Eligibility and Limitations

(1) ELIGIBILITY. Community nursing services may be provided by an RN to an individual if the individual meets the following requirements:

(a) The individual must be determined eligible for Medicaid home and community-based services provided through the Department;

(b) The individual must be receiving services through one of the following:

(A) In-home supports for children with intellectual or developmental disabilities as described in OAR chapter 411, division 308;

(B) Adult foster homes for individuals with intellectual or developmental disabilities as described in OAR chapter 411, division 360;

(C) Foster homes for children with intellectual or developmental disabilities as described in OAR chapter 411, division 346;

(D) Comprehensive in home support for adults with intellectual or developmental disabilities as described in OAR chapter 411, division 330;

(E) Adult foster homes for older adults and adults with physical disabilities as described in OAR chapter 411, division 050;

(F) Independent Choices Program participants as described in OAR chapter 411, division 030;

(G) State Plan personal care participants as described in OAR chapter 411, division 034;

(H) An individual enrolled in a brokerage described in OAR chapter 411, division 340;

(I) 1915C Nursing Facility Waiver; or

(J) State Plan K Community First Choice;

(c) The individual must live in a home or a foster home as defined in OAR 411-048-0160;

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(d) The individual must be referred by their case manager for long term care community nursing services. Individuals may request long term community nursing services through their case manager.

(2) LIMITATIONS.

(a) Long term care community nursing services may not be provided to:

(A) A resident of a nursing facility, assisted living facility, residential care facility, 24-hour developmental disability group home, or intermediate care facility for individuals with intellectual or developmental disabilities; or

(B) An individual enrolled in a program or residing in a setting where nursing services are provided under a monthly service rate.

(b) Case managers may not prior authorize long term care community nursing services that duplicate nursing services provided by Medicare or other Medicaid programs.

(c) Long term care community nursing services do not include nursing activities used for administrative functions such as protective service investigations, pre-admission screenings, eligibility determinations, licensing inspections, case manager assessments, or corrective action activities. This limitation does not include authorized care coordination as defined in OAR 411-048-0160.

(d) Long term care community nursing services do not include reimbursement for direct hands-on nursing as defined in OAR 411-048-0160.

(3) EXCEPTIONS. An exception to sections (2)(c) and (2)(d) of this rule may be requested as described in OAR 411-048-0250.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

Hist.: SPD 8-2013, f. & cert. ef. 4-15-13; 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 12-2014(Temp), f. & cert. ef. 5-1-14 thru 10-28-14

Rule Caption: Medicaid Long Term Care Quality and Reimbursement Advisory Council

Adm. Order No.: APD 13-2014(Temp)

Filed with Sec. of State: 5-8-2014

Certified to be Effective: 5-9-14 thru 11-5-14

Notice Publication Date:

Rules Amended: 411-001-0120

Subject: The Department of Human Services (DHS) must immediately amend OAR 411-001-0120 to bring the rules in compliance with statute. The Department will do this by removing language that allows the Department or Oregon Health Authority (Authority) to enact rules affecting the Medicaid Reimbursement System without the Medicaid Long Term Care Quality and Reimbursement Advisory Council's (Council) recommendation.

Rules Coordinator: Kimberly Colkitt-Hallman—(503) 945-6398

411-001-0120

Council Operation

(1) Within 60 calendar days after receipt from the Department or Authority of any proposed change or modification to the Medicaid reimbursement system, the Council shall issue a written advisory recommendation to the Department or Authority. The 60-day period begins the day following delivery to the chairperson of the Council if a proposed change or modification is faxed, hand-delivered, or e-mailed. Otherwise, the 60-day period begins the third day after the date of mailing first class.

(2) A written advisory recommendation issued by the Council must state:

(a) Whether the Council supports or opposes the proposed change or modification;

(b) Whether the Council concludes that the proposed change or modification shall have an adverse or positive effect on the quality of long term care and community-based services provided under the Oregon Medicaid program; and

(c) The basis for the Council's recommendation, which must include:

(A) The reason for the Council's position;

(B) A list of the principal documents, reports, or studies, if any, relied upon in considering the proposed change or modification; and

(C) Other information deemed appropriate by the Council.

(3) Timeline for written recommendation.

(a) Notwithstanding section (1) of this rule, the Department or Authority may shorten the time within which the Council must issue a written recommendation if the Department or Authority decides to adopt a proposed change or modification by temporary rule and if the Department or

Authority prepares a written statement in which the Department or Authority:

(A) Finds that failure to make proposed changes or modifications promptly is likely to result in serious prejudice to the public interest or to the interests of individuals receiving Department or Authority services, providers of long term care or community-based services, or other affected parties;

(B) Specifies reasons why the Department or Authority's failure to act promptly is likely to result in serious prejudice to those interests;

(C) States the need for the proposed change or modification and how the change or modification is intended to meet the need;

(D) Lists the principal documents, reports, or studies, if any, prepared or relied upon by the Department or Authority in evaluating the need for the proposed change or modification; and

(E) Cites the legal authority relied upon and bearing upon the adoption, amendment, or suspension of the rule if the proposed change or modification is to be made by administrative rule.

(b) However, the Department or Authority may not shorten the time for written recommendation to less than five business days.

(4) If the Department or Authority intends to adopt an administrative rule that directly or indirectly proposes a change or modification to the Medicaid reimbursement system, the Department or Authority may not proceed with notice requirements provided for in ORS 183.335 until the Department or Authority has received the Council's written recommendation as described in section (2) or (3) of this rule.

Stat. Auth.: ORS 410.070 & 410.555

Stats. Implemented: ORS 410.550 - 410.555

Hist.: SSD 7-1996, f. 8-30-96, cert. ef. 9-1-96; SPD 18-2006, f. 5-12-06, cert. ef. 6-1-06; SPD 18-2009, f. 12-23-09, cert. ef. 1-1-10; SPD 49-2013, f. 12-17-13, cert. ef. 1-1-14; APD 13-2014(Temp), f. 5-8-14, cert. ef. 5-9-14 thru 11-5-14

Department of Human Services,

Child Welfare Programs

Chapter 413

Rule Caption: Changing OARs affecting Child Welfare programs

Adm. Order No.: CWP 9-2014

Filed with Sec. of State: 5-1-2014

Certified to be Effective: 5-1-14

Notice Publication Date: 4-1-2014

Rules Amended: 413-120-0900, 413-120-0905, 413-120-0910, 413-120-0920, 413-120-0925, 413-120-0930, 413-120-0940, 413-120-0945, 413-120-0950, 413-120-0960, 413-120-0970

Subject: The rules on Intercountry Adoption Pursuant to the Hague Convention and Intercountry Adoption Act are being changed to adopt as permanent a temporary rule that expanded the definition of "relative" to include the unrelated parent of a half-sibling and their specified blood relatives, for the purpose of placing the half-siblings together in an intercountry adoption. In addition, the rules are being changed to update related definitions and references and remove unnecessary language.

Rules Coordinator: Kris Skaro—(503) 945-6067

413-120-0900

Purpose

These rules (OAR 413-120-0900 to 413-120-0970) describe:

(1) The Department's responsibilities in cases that are subject to the requirements of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (Convention) and the Intercountry Adoption Act of 2000, 42 USC 14901 to 14954 (IAA). The Convention and IAA apply to any case where a child who is a habitual resident of one Convention country has been, is being, or will be moved to another Convention country for the purpose of adoption. The Convention and IAA are intended to protect the rights of and prevent abuses against children, birth families, and adoptive parents involved in any adoption that is subject to the Convention and IAA and to ensure that such adoptions are in the best interests of the child.

(2) The duty of the Department to enter into a formal agreement with the foreign authorized entity of the receiving Convention country for an outgoing Convention adoption to assure that the prospective adoptive parents are suitable and willing to adopt the child, support child safety, and assure the provision of needed services during the period of post-placement supervision prior to finalization of the adoption.

Stat. Auth.: ORS 417.262, 417.265, 418.005

Stats. Implemented: ORS 417.262, 417.265, 418.005

ADMINISTRATIVE RULES

Hist.: CWP 8-2010(Temp), f. & cert. ef. 6-30-10 thru 12-27-10; CWP 23-2010, f. & cert. ef. 12-28-10; CWP 9-2014, f. & cert. ef. 5-1-14

413-120-0905

Definitions

The following definitions apply to OAR 413-120-0900 to 413-120-0970:

(1) "Adoption" means a legal or administrative process that establishes a permanent legal parent-child relationship between a child and an adult who is not already the child's legal parent and terminates the legal parent-child relationship between the adopted child and any former parent.

(2) "Central authority" means the entity designated as such by a Convention country that is authorized to discharge the duties imposed on Convention countries.

(3) "Central authority functions" means any duty required to be carried out by a central authority or foreign authorized entity under the Convention.

(4) "Child" means a person under 18 years of age.

(5) "Convention" means the Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoptions, concluded at The Hague, the Netherlands, on May 29, 1993, which went into effect in the United States on April 1, 2008.

(6) "Convention adoption" means an adoption of a child who is a habitual resident in a Convention country by an individual in another Convention country when the child has been, is being, or will be moved between the two Convention countries for the purpose of adoption.

(7) "Convention country" means a country that is a party to the Convention.

(8) "Department" means the Department of Human Services, Child Welfare.

(9) "Foreign authorized entity" means a foreign central authority or an accredited entity authorized by the foreign country to perform central authority functions in Convention adoption cases.

(10) "Hague adoption certificate" means a certificate issued by the Secretary of State in an outgoing Convention adoption certifying that the child has been adopted in the United States in conformity with the Convention and IAA.

(11) "Hague custody declaration" means a declaration issued by the Secretary of State in an outgoing Convention adoption declaring that custody of the child for purposes of adoption has been granted in the United States in conformity with the Convention and IAA.

(12) "IAA" means the Intercountry Adoption Act of 2000, Public Law 106-279, 42 USC 14901 to 14954.

(13) "Incoming Convention adoption" means a case in which a child who is a resident of another Convention country has been, is being, or will be moved to the United States for placement and adoption.

(14) "Outgoing Convention adoption" means a case in which a child in the United States has been, is being, or will be moved to another Convention country for placement and adoption.

(15) "Prospective adoptive parents" means the parents, family members, or other people who reside in the residence, or the physical home location of the family, who have been studied and approved by a foreign authorized entity to adopt a child in the legal and physical custody of the Department and with whom the Department has made an official decision to place the child in the family home for the purpose of adoption.

(16) "Receiving Convention country" means a Convention country in which a child who is the subject of an outgoing adoption will be placed for the purpose of adoption.

(17) "Relative" means:

(a) An individual with one of the following relationships to the child or young adult through the parent of the child or young adult:

(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) An aunt, uncle, nephew, niece, first cousin, and first cousin once removed.

(D) A sibling, also to include an individual with a sibling relationship to the child or young adult through a putative father.

(b) The unrelated legal or biological father or mother of a half-sibling of the child or young adult for the purpose of placing the half-siblings together.

(c) An individual with a relationship to the child or young adult's half-sibling through the half-sibling's legal or biological father or mother as

described in paragraphs (a)(A) through (D) of this section, for the purpose of placing the half-siblings together.

(18) "Secretary of State" means the Secretary of the United States Department of State, the central authority for the United States.

(19) "U.S. State Department" means the United States Department of State.

(20) "Young adult" means a person aged 18 through 20 years.

Stat. Auth.: ORS 417.262, 417.265 & 418.005

Stats. Implemented: ORS 417.262, 417.265 & 418.005

Hist.: CWP 8-2010(Temp), f. & cert. ef. 6-30-10 thru 12-27-10; CWP 23-2010, f. & cert. ef. 12-28-10; CWP 9-2013(Temp), f. & cert. ef. 11-1-13 thru 4-30-14; CWP 9-2014, f. & cert. ef. 5-1-14

413-120-0910

Duty to Provide Information to Convention Case Registry

(1) Notwithstanding any other Department rule regarding the disclosure of information related to adoptions, the Department must provide all information to the U.S. State Department that is required for registry reporting. This includes, but is not limited to, information on each of the following actions for a Convention adoption, either incoming or outgoing, pending or finalized by the Department:

(a) A child immigrating to the United States for the purpose of adoption;

(b) A child emigrating from the United States for the purpose of adoption;

(c) Number of disruptions;

(d) Number of dissolutions; and

(e) Average length of time to finalization.

(2) The Department must maintain a database of all Oregon, licensed, private agency adoption placements, disruptions, finalizations, and dissolutions. This information must be reported to the U.S. Department of Health and Human Services Administration for Children, Youth, and Families Children's Bureau.

Stat. Auth.: ORS 417.262, 417.265, 418.005

Stats. Implemented: ORS 417.262, 417.265, 418.005

Hist.: CWP 8-2010(Temp), f. & cert. ef. 6-30-10 thru 12-27-10; CWP 23-2010, f. & cert. ef. 12-28-10; CWP 9-2014, f. & cert. ef. 5-1-14

413-120-0920

Adoption of a Child Immigrating to the United States (Incoming Convention Adoption)

(1) An incoming Convention adoption can involve a child who:

(a) Holds or is eligible for dual United States and foreign citizenship; or

(b) Is undocumented, but the foreign authorized entity of the child's birth country has determined that the Convention applies to the adoption.

(2) The Department will cooperate with each applicable foreign authorized entity and comply with the requirements of the Convention and IAA with respect to each incoming Convention adoption.

(3) Adoption planning for a child that may be the subject of an incoming Convention adoption must comply with all other applicable Department rules.

Stat. Auth.: ORS 417.262, 417.265, 418.005

Stats. Implemented: ORS 417.262, 417.265, 418.005

Hist.: CWP 8-2010(Temp), f. & cert. ef. 6-30-10 thru 12-27-10; CWP 23-2010, f. & cert. ef. 12-28-10; CWP 9-2014, f. & cert. ef. 5-1-14

413-120-0925

Adoption of a Child Emigrating from the United States (Outgoing Convention Adoption)

(1) The Department may pursue an outgoing Convention adoption provided that:

(a) It is in the best interest of the child;

(b) The child has not been abducted, sold, or trafficked in connection with the adoption; and

(c) The prospective adoptive parent:

(A) Is a relative;

(B) Has been assessed, approved, and trained; and

(C) Has been determined able and willing to permanently provide for the safety, well-being, and special needs of the child.

(2) An outgoing Convention adoption may involve a child who meets the requirements of one of the following subsections:

(a) The child is, or is eligible to become, a:

(A) United States citizen;

(B) Legal United States resident; or

(C) Dual United States and foreign citizen.

(b) The child is undocumented, but the foreign authorized entity of the child's birth country has determined that the Convention applies to the adoption.

ADMINISTRATIVE RULES

(3) Adoption planning for a child that may be the subject of an outgoing Convention adoption must comply with other Department rules, including Child Welfare polices: I-AB.4 “CPS Assessment”, OAR 413-015-0400 to 413-015-0485; I-F.2 “Determining the Appropriateness of Adoption as a Permanency Plan for a Child”, 413-110-0300 to 413-110-0360; I-E.1.1 “Search for and Engagement of Relatives”, 413-070-0060 to 413-070-0087; I-F.6 “Sibling Adoption Placement Planning”, 413-110-0100 to 413-110-0150; I-G.1.2 Identification and Consideration of Potential Adoptive Resources”, 413-120-0700 to 413-120-0760; I-G.1.5 “Adoption Placement Selection”, 413-120-0000 to 413-120-0060; and I-G.1.10 “Supervision and Support of an Adoptive Placement”, 413-120-0800 to 413-120-0880.

(4) Before a child may be placed in a prospective adoptive home in another Convention country the Department must meet the requirements of each of the following subsections:

(a) Make a written determination that the child is eligible for adoption, that an outgoing Convention adoption is in the child’s best interests, and that placement with the prospective adoptive parents is in the best interests of the child.

(b) Complete or obtain a written child background study that includes information about the child’s identity; upbringing; adoptability; ethnic, religious, and cultural background; social environment; family history; personal medical history; family medical history; and special needs.

(c) Determine that the prospective adoptive parents meet the definition of relative and document that determination.

(d) Work with the foreign authorized entity in the receiving Convention country to determine whether the prospective adoptive parents are suitable, qualified, and eligible to adopt the child. To do so the Department must meet the requirements in each of following paragraphs:

(A) Provide a copy of the child’s background study to the foreign authorized entity in the receiving Convention country.

(B) Obtain from the foreign authorized entity a comprehensive home study on the prospective adoptive parents that is prepared in accordance with the laws of the receiving country; meets the standards established by the Department using the Department’s Hague Home Study template; addresses the capacity of the prospective adoptive parents to meet the child’s safety, permanency and well-being needs; and includes all of the following:

(i) Information on the prospective adoptive parents, including: identity, eligibility and suitability to adopt, background, family and medical history, social environment, reasons for adoption, ability to undertake an inter-country adoption, and the characteristics of a child for whom they would be qualified to care;

(ii) Confirmation that a foreign authorized entity has determined that the prospective adoptive parents are eligible and suitable to adopt and has ensured that the prospective adoptive parents have been counseled as necessary;

(iii) The results of a criminal background check; and

(iv) Information from competent references for the prospective adoptive parents.

(C) Obtain written confirmation from the foreign authorized entity that the prospective adoptive parents have completed a minimum of 10 hours of Department-approved training that includes training on all of the following:

(i) The effects of physical, emotional, and sexual abuse and neglect on a child;

(ii) The effects of drugs and alcohol on a child;

(iii) The effects of relocating a child and transition issues;

(iv) The significance of the birth family, include grief and loss issues;

(v) Openness in adoption;

(vi) Attachment process and attachment difficulties;

(vii) Positive behavior management; and

(viii) The specific needs of the child to be adopted by the prospective adoptive parents.

(D) Provide notice to the foreign authorized entity studying the prospective adoptive family and providing required training to the prospective adoptive parents that the Department does not condone the use of corporal punishment.

(E) Obtain from the foreign authorized entity a written, signed Supervision Agreement using the approved Department form that describes the responsibilities of the Department and foreign authorized entity with regard to the child’s placement with the prospective adoptive parents and includes each of the following:

(i) Requirements for face-to-face visits with the child and the prospective adoptive parents at least every 30 days. These meetings must occur in the prospective adoptive home at least once every 60 days.

(ii) Requirements for face-to-face visits in the prospective adoptive home with other individuals living in the home who can provide information about the child’s safety and well-being, as well as any concerns with the placement.

(iii) Requirements for contact at least once every 30 days with professional persons who have established a relationship to the child who can provide collateral observations regarding the child’s functioning and the adoptive placement.

(iv) Minimum standards for written reports to be provided every 90 days on contacts with the child, prospective adoptive family, other family members, and collateral contacts.

(v) Confirmation that the child will be authorized to enter and reside in the receiving country permanently or on the same basis as the prospective adoptive parents.

(vi) Confirmation that the foreign authorized entity consents to the adoption of the child by the prospective adoptive family.

(vii) Confirmation that the foreign authorized entity agrees that the child’s adoption by the prospective adoptive family may proceed.

(e) After the child is fully free for adoption, establish proof of citizenship for the child and apply for applicable passports.

(f) Submit to the foreign authorized entity written confirmation of the reasons the Department determined that the proposed adoptive placement is in the best interests of the child.

(g) Establish a direct means for the child’s collateral contacts in the receiving Convention country to communicate any health or safety concerns about the child to the Department.

(h) Counsel and inform the child, as appropriate in light of the child’s age and maturity, of the effects of the adoption, consider the child’s views regarding the adoption, and document the discussion and how the child’s views were considered.

(i) If the child’s consent to the adoption is required, counsel and inform the child about the effects of granting consent, obtain written consent from the child in a manner that assures the consent is given freely and without any inducement by compensation of any kind, and document the discussion.

(j) Determine whether the receiving Convention country requires a Hague custody declaration prior to placement of the child in the home of the prospective adoptive parents, and, if required, apply for and obtain a Hague custody declaration from the U.S. State Department, as provided in OAR 413-120-0970.

(k) Assure that the child’s move to the receiving Convention country will be made under secure and appropriate circumstances and in the company of the child’s prospective adoptive parents, caseworker, or with another adult.

(5) Following completion of all of requirements in section (4) of this rule and prior to the child traveling to the receiving Convention country for placement with the prospective adoptive parents, the Department must obtain an order from the court that makes findings:

(a) In support of an application for a Hague adoption certificate;

(b) That the prospective adoptive placement is in the best interests of the child;

(c) Authorizing the child to travel to the foreign country for placement with the prospective adoptive parents; and

(d) Authorizing release of the court order for purposes of affecting the child’s placement.

Stat. Auth.: ORS 417.262, 417.265, 418.005

Stats. Implemented: ORS 417.262, 417.265, 418.005

Hist.: CWP 8-2010(Temp), f. & cert. ef. 6-30-10 thru 12-27-10; CWP 23-2010, f. & cert. ef. 12-28-10; CWP 9-2014, f. & cert. ef. 5-1-14

413-120-0930

Transition, Travel, Placement, and Registration Requirements

For an outgoing Convention adoption:

(1) The Department is responsible for assuring that the child is fully prepared for transition to a new home, community, and country.

(2) A component of transition is establishing that the region the child will travel to and reside in is approved as a safe place to travel by the U.S. State Department.

(3) The child’s move to the receiving Convention country must be made under secure and appropriate circumstances and in the company of the child’s prospective adoptive parents, caseworker, or another adult.

(4) The child must carry a regular passport from all countries in which the child is a citizen.

ADMINISTRATIVE RULES

(5) If the receiving Convention country requires a Hague custody declaration, the individual accompanying the child during travel must carry a copy of the Hague custody declaration.

(6) After a child is placed in another country for the purpose of adoption, the Department must register the child with the U.S. State Department as a United States citizen living abroad.

Stat. Auth.: ORS 417.262, 417.265, 418.005
Stats. Implemented: ORS 417.262, 417.265, 418.005
Hist.: CWP 8-2010(Temp), f. & cert. ef. 6-30-10 thru 12-27-10; CWP 23-2010, f. & cert. ef. 12-28-10; CWP 9-2014, f. & cert. ef. 5-1-14

413-120-0940 Post-Placement Supervision

(1) Notwithstanding the provisions of OAR 413-120-0830 the Department may not consent to an outgoing Convention adoption until at least 6 months after the child has been placed with the prospective adoptive parents. This post-placement supervision period may not be waived.

(2) The Department must keep the foreign authorized entity fully informed about the adoption process and the steps taken to complete the adoption.

(3) The Department must comply with the requirements of each of the following subsections:

(a) Monitor the child's adoption placement by reviewing the 90-day written progress reports received from the foreign authorized entity.

(b) Assess, based on the information in the 90-day reports, whether the child is adjusting to and being integrated into the prospective adoptive family's household.

(c) Complete all necessary steps related to the adoption assistance process, if applicable.

(4) When it becomes known to the Department that there are significant changes to the situation of the prospective adoptive parents, including changes in family structure, the Department may require an updated adoption home study prior to making a determination to proceed with finalization of the adoption.

(5) Prior to finalization of the adoption, when the local child welfare office determines the prospective adoptive parents are no longer appropriate for the child, the requirements of OAR 413-120-0870 apply.

Stat. Auth.: ORS 417.262, 417.265, 418.005
Stats. Implemented: ORS 417.262, 417.265, 418.005
Hist.: CWP 8-2010(Temp), f. & cert. ef. 6-30-10 thru 12-27-10; CWP 23-2010, f. & cert. ef. 12-28-10; CWP 9-2014, f. & cert. ef. 5-1-14

413-120-0945 Finalization and Post-Finalization Duties

(1) After the post-placement supervision period has expired and before finalization of an outgoing Convention adoption the Department must submit to the foreign authorized entity proof of the Department's consent to the child's adoption.

(2) An outgoing Convention adoption must be finalized in Oregon pursuant to ORS 419B.529.

(3) Concurrent with finalization of the outgoing Convention adoption the Department must request an order from the court making all of the necessary findings required by the Convention and IAA to support an application for a Hague adoption certificate.

(4) After finalization of the outgoing Convention adoption the Department must apply for a Hague adoption certificate. To apply for a Hague adoption certificate the Department must submit all of the following to the Secretary of State:

(a) A completed Hague adoption certificate application on the form prescribed by the Secretary of State;

(b) A certified copy of the court's order finding that the child is eligible for adoption, that the adoption is in the child's best interest, granting the adoption, and verifying that the requirements of 22 C.F.R. 97.3 have been met; and

(c) Any other additional documentation and information required by the Secretary of State.

(5) For an outgoing Convention adoption, the Department must request two original Hague adoption certificates. The Department provides one original Hague adoption certificate to the adoptive parents and enters one original Hague adoption certificate into the sealed adoption record.

Stat. Auth.: ORS 417.262, 417.265, 418.005
Stats. Implemented: ORS 417.262, 417.265, 418.005, 419B.529
Hist.: CWP 8-2010(Temp), f. & cert. ef. 6-30-10 thru 12-27-10; CWP 23-2010, f. & cert. ef. 12-28-10; CWP 9-2014, f. & cert. ef. 5-1-14

413-120-0950 Adoption Assistance

To be eligible for adoption assistance a child who is the subject of a Convention adoption must be a United States citizen and meet all other eligibility requirements under Child Welfare Policy I-G.3.1 "Adoption Assistance", OAR 413-130-0000 to 413-130-0130.

Stat. Auth.: ORS 417.262, 417.265, 418.005
Stats. Implemented: ORS 417.262, 417.265, 418.005
Hist.: CWP 8-2010(Temp), f. & cert. ef. 6-30-10 thru 12-27-10; CWP 23-2010, f. & cert. ef. 12-28-10; CWP 9-2014, f. & cert. ef. 5-1-14

413-120-0960 Disclosure to the Adoptive Family

The Department must provide the prospective adoptive parents in an outgoing Convention adoption all the child summary and medical history in both the original format and translated into the primary language of the prospective adoptive parents.

Stat. Auth.: ORS 417.262, 417.265, 418.005
Stats. Implemented: ORS 417.262, 417.265, 418.005
Hist.: CWP 8-2010(Temp), f. & cert. ef. 6-30-10 thru 12-27-10; CWP 23-2010, f. & cert. ef. 12-28-10; CWP 9-2014, f. & cert. ef. 5-1-14

413-120-0970 Hague Custody Declarations

(1) When a child will be placed for adoption in a Convention country the Secretary of State may issue a Hague custody declaration acknowledging that legal custody of the child has been granted to prospective adoptive parents for the purpose of immigration and adoption in another Convention country. If the receiving Convention country requires a Hague custody declaration for placement of a child for adoption in the receiving Convention country, the Department must apply for and obtain a Hague custody declaration by completing the U.S. State Department's application and submitting the application with a court order with the proper findings supporting the application.

(2) The Hague custody declaration must accompany the child when the child leaves the United States and travels to the other Convention country.

Stat. Auth.: ORS 417.262, 417.265, 418.005
Stats. Implemented: ORS 417.262, 417.265, 418.005
Hist.: CWP 8-2010(Temp), f. & cert. ef. 6-30-10 thru 12-27-10; CWP 23-2010, f. & cert. ef. 12-28-10; CWP 9-2014, f. & cert. ef. 5-1-14

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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 12-2014(Temp)

Filed with Sec. of State: 5-1-2014

Certified to be Effective: 5-1-14 thru 10-28-14

Notice Publication Date:

Rules Amended: 461-135-0407

Subject: OAR 461-135-0407 about eligibility for contracted child care between Oregon Program of Quality (OPQ) providers and the Department, is being amended to add eligibility for children receiving TANF program benefits for placement in a contracted child care slot with an OPQ provider.

Rules Coordinator: Kris Skaro—(503) 945-6067

461-135-0407 Children in Oregon Program of Quality Contracted Child Care; ERDC and TANF

(1) Initial eligibility for the ERDC program (see OAR 461-135-0400) or the TANF program must be met prior to receiving child care under a contract between an Oregon Program of Quality (OPQ) provider and the Department.

(2) Each of the following subsections apply when a child (see OAR 461-001-0000) in the ERDC or TANF programs receives child care under a contract between an OPQ provider and the Department.

(a) The payment made by the Department on behalf of the child is made only to the OPQ provider. The child is ineligible for child care payments for care not provided under the contract between the OPQ provider and the Department.

ADMINISTRATIVE RULES

(b) Once the Department makes a child care payment for the child under the contract, the child may not lose child care benefits until the next August 31, unless any of the following paragraphs apply:

(A) The child is no longer attending an OPQ contracted provider.

(B) The filing group (see OAR 461-110-0350) was found eligible because of inaccurate information provided to the Department or because information was withheld from the Department when eligibility was determined.

(C) The filing group fails to meet the requirements of the agreement between the client and the OPQ provider.

(D) The caretaker of the child voluntarily quits their job or causes their own dismissal, and does not meet the "good cause" criteria set out in OAR 461-135-0070(3).

(E) The caretaker of the child enrolls in school, unless the caretaker is:

(i) Continuing to actively seek employment during the hours the OPQ contracted child care program is operating; and

(ii) Available to work during the operating hours of the OPQ provider.

(F) In the ERDC program:

(i) The caretaker of the child has been found ineligible under OAR 461-135-0415 for failure to make a copayment.

(ii) The caretaker of the child is found ineligible due to self-employment (see OAR 461-160-0040(5)), unless during the operating hours of the OPQ contracted provider, the caretaker is:

(I) Continuing to actively seek employment (other than self-employment); and

(II) Available to work (other than self-employment).

(G) In the TANF program:

(i) The case closes due to disqualification (see OAR 461-130-0330); or

(ii) The caretaker is not actively participating in an open case plan (see OAR 461-001-0025).

(3) Except as provided in section (4) of this rule, for any month in which a child is eligible to be served under a contract covered by this rule, the client's copayment is established under OAR 461-155-0150(12)(a).

(4) For any month in which a child in an OPQ contracted slot is eligible for and receiving TANF, the copay is zero.

Stat. Auth.: ORS 409.050, 411.060, 411.116, 412.049

Stats. Implemented: ORS 409.010, 409.610, 411.060, 411.116, 411.121, 411.122, 411.135, 412.049

Hist.: SSP 29-2012(Temp), f. 8-31-12, cert. ef. 9-1-12 thru 2-28-13; SSP 37-2012, f. 12-28-12, cert. ef. 1-1-13; SSP 11-2013(Temp), f. & cert. ef. 5-15-13 thru 11-11-13; SSP 24-2013, f. & cert. ef. 10-1-13; SSP 12-2014(Temp), f. & cert. ef. 5-1-14 thru 10-28-14

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

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

Adm. Order No.: OSFM 2-2014

Filed with Sec. of State: 5-7-2014

Certified to be Effective: 7-1-14

Notice Publication Date: 6-1-2013

Rules Amended: 837-040-0010, 837-040-0020, 837-040-0140

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

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

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

Rules Coordinator: Valerie Abrahamson—(503) 934-8211

837-040-0010

Adoption of the International Fire Code

(1) The Oregon Fire Code is generally adopted every three years coinciding with the publication of a nationally recognized fire code.

(2) Effective July 1, 2014 the 2014 Oregon Fire Code is the 2012 edition of the International Fire Code, as published by the International Code Council, and as amended by the Office of State Fire Marshal. (Referenced

publications are available for review at the agency. See agency web site for information on where to purchase publications.)

(3)(a) For the purposes of new construction plan review only a phase-in period is being implemented for the 2010 Oregon Fire Code, the 2010 Oregon Fire Code is adopted for a period of 90-days beginning July 1, 2014 and ending September 30, 2014.

(b) During the 90-day phase-in period established in subsection (3)(a), new construction plan review will be done to either the 2014 Oregon Fire Code or the 2010 Oregon Fire Code as directed by the local building official.

Stat. Auth.: ORS 476.030

Stats. Implemented: ORS 476.030

Hist.: FM 3-1986, f. & ef. 3-11-86; FM 5-1986 (corrects FM 3-1986), f. & ef. 4-30-86 & Renumbered from 837-040-0005, Sec. (3) Uniform Fire Code; FM 3-1989, f. 6-30-89, cert. ef. 7-1-89; FM 6-1990, f. & cert. ef. 9-13-90; FM 6-1992, f. 6-15-92, cert. ef. 7-15-92; FM 2-1996, f. 1-22-96, cert. ef. 4-1-96; OSFM 1-1998, f. & cert. ef. 4-30-98; OSFM 3-1998, f. & cert. ef. 9-30-98; OSFM 4-1999, f. 12-29-99, cert. ef. 1-1-00; OSFM 3-2000, f. 4-1-00, cert. ef. 5-1-00; OSFM 13-2000, f. 10-3-00, cert. ef. 11-1-00; OSFM 9-2001, f. 10-3-01, cert. ef. 2-1-02; OSFM 4-2004, f. 3-26-04, cert. ef. 10-1-04; OSFM 8-2004(Temp), f. 12-29-04, cert. ef. 1-3-05 thru 6-30-05; OSFM 11-2005, f. & cert. ef. 6-27-05; OSFM 1-2006(Temp), f. 1-9-06 cert. ef. 2-1-06 thru 7-28-06; OSFM 9-2006, f. & cert. ef. 6-12-06; OSFM 13-2006, f. 12-1-06, cert. ef. 4-1-07; OSFM 4-2009, f. 11-19-09, cert. ef. 4-1-10; OSFM 2-2010(Temp), f. 2-3-10, cert. ef. 7-1-10 thru 9-30-10; Administrative correction 10-26-10; OSFM 4-2010, f. & cert. ef. 11-3-10; OSFM 2-2014, f. 5-7-14, cert. ef. 7-1-14

837-040-0020

Amendments to the Oregon Fire Code

(1) The Office of State Fire Marshal may amend the Oregon Fire Code approximately midway between publications of the International Fire Code based on proposed code amendments submitted for consideration by interested persons.

(2) Any time between publications of the international Fire Code, the Office of State Fire Marshal may initiate and adopt code amendments to the Oregon Fire Code, as circumstances merit (Referenced publications are available for review at the agency. See agency web site for information on where to purchase publications). [Publications: Publications referenced are available from the agency.]

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

Stat. Auth.: ORS 476.030

Stats. Implemented: ORS 476.030

Hist.: OSFM 1-2006(Temp), f. 1-9-06 cert. ef. 2-1-06 thru 7-28-06; OSFM 9-2006, f. & cert. ef. 6-12-06; OSFM 13-2006, f. 12-1-06, cert. ef. 4-1-07; OSFM 6-2008, f. 9-2-08, cert. ef. 10-1-08; OSFM 10-2008, f. 12-18-09, cert. ef. 12-31-09; OSFM 4-2009, f. 11-19-09, cert. ef. 4-1-10; OSFM 2-2010(Temp), f. 2-3-10, cert. ef. 7-1-10 thru 9-30-10; Administrative correction 10-26-10; OSFM 4-2010, f. & cert. ef. 11-3-10; OSFM 2-2011, f. 3-15-11, cert. ef. 4-1-11; OSFM 4-2011, f. 11-10-11, cert. ef. 1-1-12; OSFM 2-2012, f. 1-24-12, cert. ef. 3-1-12; OSFM 5-2012(Temp), f. & cert. ef. 2-10-12 thru 8-3-12; OSFM 7-2012, f. 5-16-12, cert. ef. 8-2-12; OSFM 2-2014, f. 5-7-14, cert. ef. 7-1-14

837-040-0140

Adoption of the Oregon Structural Specialty Code and Oregon Mechanical Specialty Code

The fire and life safety provisions of the 2014 edition of the Oregon Structural Specialty Code and the 2014 edition of the Oregon Mechanical Specialty Code is hereby adopted as a standard for the purpose of evaluation of existing buildings. (Referenced publications are available for review at the agency. See Building Codes Division web site for information on where to purchase publications.)

Stat. Auth.: ORS 476.030

Stats. Implemented: ORS 476.030

Hist.: OSFM 1-1998, f. & cert. ef. 4-30-98; OSFM 9-2001, f. 10-3-01, cert. ef. 2-1-02; OSFM 4-2004, f. 3-26-04, cert. ef. 10-1-04; OSFM 1-2006(Temp), f. 1-9-06 cert. ef. 2-1-06 thru 7-28-06; OSFM 9-2006, f. & cert. ef. 6-12-06; OSFM 13-2006, f. 12-1-06, cert. ef. 4-1-07; OSFM 4-2009, f. 11-19-09, cert. ef. 4-1-10; OSFM 2-2010(Temp), f. 2-3-10, cert. ef. 7-1-10 thru 9-30-10; Administrative correction 10-26-10; OSFM 4-2010, f. & cert. ef. 11-3-10; OSFM 2-2014, f. 5-7-14, cert. ef. 7-1-14

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Department of Public Safety Standards and Training Chapter 259

Rule Caption: Adds core values; Clarifies denial, suspension and revocation process; adds mandatory and discretionary disqualifiers.

Adm. Order No.: DPSST 11-2014

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

Certified to be Effective: 5-5-14

Notice Publication Date: 12-1-2013

Rules Adopted: 259-061-0300

Rules Amended: 259-061-0040

Subject: ORS 703.465 and 703.480 authorize the Board on Public Safety Standards and Training, in consultation with the Private Security/Investigator Policy Committee (PSIPC), to develop rules out-

ADMINISTRATIVE RULES

lining reasonable minimum standards of moral fitness to be upheld by licensed private investigators in the State of Oregon. The Board, through the Policy Committee, has developed rules establishing procedures which detail when and how private investigator licensure may be denied, suspended, or revoked.

This proposed rule change adds core values which are believed to be integral to the private investigator profession. All person felonies as defined by the Criminal Justice Commission will be an automatic disqualifier for licensure. Any arrest or conviction which does not constitute a person felony or any violation of the core values committed by a licensed investigator or committed within 10 years of an application for licensure would be considered a discretionary disqualifier.

Staff will have the ability to consult and reach a consensus to summarily dispose of or administratively close cases involving discretionary disqualifying misconduct. Only cases in which staff are unable to reach a consensus will be presented to the Board, through the Private Investigator Subcommittee and Policy Committee, for final determination.

Rules Coordinator: Sharon Huck—(503) 378-2432

259-061-0040

Minimum Standards for Licensure

(1) An applicant for licensure as a private investigator must satisfy all license qualifications pursuant to ORS 703.415 and 703.425.

(2) Moral Fitness. All private investigators must be of good moral fitness as determined by criminal background check, department investigation, or other reliable sources.

(a) Lack of good moral fitness includes, but is not limited to, mandatory or discretionary disqualifying misconduct as described in OAR 259-061-0300.

(b) For the purposes of this standard, the Department, through the Policy Committee and Board, has defined core values that are integral to the private investigator profession. These values are:

(A) Character. Good character includes being respectful and courteous, being faithful and diligent, using discretion, demonstrating compassion and exhibiting courage;

(B) Honesty. Honesty includes integrity, credibility, acting honorably, adhering to the facts and maintaining confidences;

(C) Striving for Justice. Striving for justice includes just treatment, the quality or characteristics of being just, impartial, fair and non-discriminatory;

(D) Public Trust. Public trust includes maintaining public confidences, being law-abiding and adhering to recognized industry standards; and

(E) Respect for the laws and constitutions of this state and nation.
Stat. Auth.: ORS 703.415, 703.425, 703.430, 703.435, 703.445, 703.450, 703.460, 703.465 & 703.480
Stats. Implemented: ORS 703.401 - 703.995
Hist.: DPSST 7-2006, f. & cert. ef. 5-15-06; DPSST 7-2008(Temp), f. & cert. ef. 5-15-08 thru 10-16-08; DPSST 12-2008, f. & cert. ef. 7-15-08; DPSST 11-2014, f. & cert. ef. 5-5-14

259-061-0300

Denial/Suspension/Revocation

(1) It is the responsibility of the Board, through the Private Security and Investigator Policy Committee, to set the standards, and of the Department to uphold them, to ensure the highest level of professionalism and discipline. The Board will uphold these standards at all times unless the Board determines that neither the safety of the public or respect of the profession is compromised.

Mandatory Grounds for Denying, Suspending or Revoking Private Investigator Licensure

(2) The Department must deny or revoke the license of any applicant or private investigator after written notice and hearing, if requested, upon finding that the applicant or private investigator has been convicted of a person felony as defined by the Criminal Justice Commission in OAR 213-003-0001 in effect on April 27, 2012 or any crime with similar elements in any other jurisdiction;

(3) Emergency Suspension Order: The Department may issue an emergency suspension order pursuant to OAR 137-003-0560 immediately suspending a private investigator's licensure upon finding that a person has been charged with any of the mandatory disqualifying crimes listed in section (2) of this rule. The report may be in any form and from any source.

(a) The Department may combine the hearing on the Emergency Suspension Order with any underlying proceeding affecting the license.

(b) The sole purpose of the emergency suspension hearing will be to determine whether the individual was charged with a mandatory disqualifying crime. Upon showing that an individual was not charged with a mandatory disqualifying crime, the suspension of the individual's license will be rescinded, otherwise the suspension will remain in effect until final disposition of the charges.

Discretionary Grounds for Denying, Suspending or Revoking Private Investigator Licensure

(4) The Department may deny or revoke the licensure of any applicant or private investigator after written notice and hearing, if requested, upon finding that an applicant or private investigator:

(a) Fails to meet the minimum standards for licensure as a private investigator as defined in OAR 259-061-0040;

(b) Has falsified any information submitted on the application for licensure, including failing to disclose any criminal convictions, or any other documents submitted to the Department pertaining to private investigator licensure;

(c) Has violated any of the conditions of a temporary or provisional license as described in ORS 703.401-703.995 and these rules;

(d) Has failed to submit properly completed forms or documentation in a time frame as designated by the Department;

(e) Has failed to pay a civil penalty or fee imposed by the Department when due;

(f) Has failed to comply with any provisions found in ORS 703.401-703.995 or these rules;

(g) Has engaged in any of the conduct described in ORS 703.450; or

(h) Lacks moral fitness. For the purposes of this standard, the Department, through the Policy Committee and Board, has defined lack of moral fitness as:

(A) Lack of Character. Lack of character includes, but is not limited to, being disrespectful, failing to be faithful and diligent to an investigative charge, and failing to use discretion or compassion;

(B) Dishonesty. Lack of honesty includes, but is not limited to, untruthfulness, dishonesty by admission or omission, deception, misrepresentation or falsification;

(C) Failure to strive for justice. Failing to strive for justice includes, but is not limited to, unjust treatment or being partial, unfair or discriminatory;

(D) Lack of Public Trust. Failure to maintain public trust and confidence includes, but is not limited to, acting in an unlawful manner or not adhering to industry standards; or

(E) Lack of Respect for the Laws of this State or Nation. Lack of respect for the laws of this state and nation includes behavior which leads to an arrest or conviction within a ten-year period prior to application or during licensure. Procedure for Denial or Revocation of Licensure:

(5) Scope of Revocation. Whenever the Department revokes the licensure of a private investigator under the provisions of this rule, the revocation will encompass all private investigator licenses the Department has issued to that person.

(6) Denial and Revocation Procedure.

(a) Department Initiated Review: Upon receipt of factual written information from any source the Department may request that the Board deny, revoke or suspend the private investigator's licensure.

(b) Department Staff Review: When the Department receives information from any source that a private investigator may not meet the established standards for Oregon private investigators, the Department will review the request and supporting factual information to determine if a sufficient factual basis exists to support the request for denial, suspension or revocation of a private investigator license under ORS 703.401-703.995 and these rules.

(A) If the Department determines that a private investigator may have engaged in discretionary disqualifying misconduct:

(i) The Department will seek input from the affected private investigator by allowing the individual to provide, in writing, information for review.

(ii) The Department may take action upon discovery of discretionary disqualifying misconduct when consensus is reached that the nature of the discretionary disqualifying misconduct is appropriate for summary staff disposition or administrative closure.

(iii) If the Department determines that a private security provider may have engaged in discretionary disqualifying misconduct, but is unable to reach a consensus to summarily dispose of or administratively close the case, the case will be presented to the Board, through the Private Investigator Subcommittee and the Policy Committee.

ADMINISTRATIVE RULES

(B) In making a decision to authorize initiation of proceedings under section (4) of this rule based on discretionary disqualifying misconduct, Department staff, the Private Investigator Subcommittee, the Policy Committee and Board will consider mitigating and aggravating circumstances.

(c) Initiation of Proceedings: Upon determination that a sufficient factual basis exists to support the request for denial, suspension, or revocation of a private investigator license under ORS 703.401-703.995 or these administrative rules, the Department will prepare and serve a contested case notice on the private investigator.

(A) All contested case notices will be prepared in accordance with the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

(B) In discretionary cases heard by a policy committee, the contested case notice will be served on the private investigator prior to Board review. If the Board disapproves the Policy Committee's recommendation, the Department will withdraw the contested case notice.

(C) Applicants who choose to withdraw their application forfeit their application fees.

(d) Response Time:

(A) A party who has been served with an Emergency Suspension Order has 90 days from the date of mailing or personal service of the Order in which to file a written request for hearing with the Department.

(B) A party who has been served with a Contested Case Notice of Intent to Deny Licensure has 60 days from the date of mailing or personal service of the notice in which to file a written request for a hearing or a written request withdrawing their application from consideration with the Department.

(C) A party who has been served with a Contested Case Notice of Intent to Revoke Licensure has 20 days from the date of the mailing or personal service in which to file a written request for hearing with the Department.

(e) Default Order: If a timely request for a hearing is not received, the Contested Case Notice will become a final order denying or revoking licensure pursuant to OAR 137-003-0672.

(f) Final Order:

(A) A final order will be issued pursuant to the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015 if a private investigator fails to file exceptions and arguments within 20 days of issuance of the proposed order.

(B) Department-proposed amendments to the proposed order in a case that was originally heard by a policy committee must be considered and approved by the policy committee that originally reviewed the case before a final order is issued.

(g) Stipulated Order Revoking Licensure: The Department may enter a stipulated order revoking licensure of a private investigator upon the person's voluntary agreement to terminate an administrative proceeding to revoke a license, or to surrender a license, under the terms and conditions provided in the stipulated order. Appeals, Ineligibility Period and Reconsideration:

(7) Appeal Procedure: Applicants and private investigators aggrieved by the findings and Order of the Department may file an appeal with the Court of Appeals from the Final Order of the Department, as provided in ORS 183.480.

(8) Upon denial or revocation of a licensure, an individual is ineligible to reapply for future licensure for a period of three years from the date of the final order issued by the Department.

(a) Any applicant reapplying for licensure must reapply in accordance OAR 259-061-0020.

(b) Pursuant to ORS 703.465(4), an applicant reapplying for licensure must prove by a preponderance of the evidence that the grounds for the denial or revocation no longer exist.

(c) In reconsidering the application of an applicant whose certification or licensure was previously denied or revoked for discretionary grounds, the Department, the Policy Committee and the Board may consider mitigating and aggravating circumstances.

(d) The Board's decision to deny an application for reconsideration will be subject to the contested case procedure described under subsection (6) of this rule.

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

Stats. Implemented: ORS 703.401 - 703.995

Hist.: DPSST 11-2014, f. & cert. ef. 5-5-14

Department of Transportation Chapter 731

Rule Caption: Reduction of vehicle-carrying capacity on highways termed freight routes

Adm. Order No.: DOT 1-2014

Filed with Sec. of State: 4-23-2014

Certified to be Effective: 4-23-14

Notice Publication Date: 3-1-2014

Rules Amended: 731-012-0030

Subject: During rulemaking to establish a program involving reduction of vehicle-carrying capacity, a list of reduction review routes was adopted in 731-012-0030. A small section of highway was inadvertently left out of that list and this rulemaking corrects the error.

Rules Coordinator: Lauri Kunze—(503) 986-3171

731-012-0030

Reduction Review Routes

(1) The Department will establish a system of Reduction Review Routes for the purposes of the implementation of ORS 366.215. The Reduction Review Routes will consist of the routes listed below. Reduction Review Routes include all parts of the state highway(s) that must be travelled to complete the prescribed route and/or connect with other state highways. This includes couplets and on and off ramps. [Table not included. See ED. NOTE.]

(2) The Reduction Review Routes will be added to the OHP policy section. After the Commission adopts this amendment, the OHP Reduction Review Routes subject to Commission jurisdiction will be used to implement this rule.

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

Stat. Auth.: ORS 184.616, 184.619 & 366.205

Stats. Implemented: ORS 366.215

Hist.: DOT 4-2013, f. & cert. ef. 8-26-13; DOT 1-2014, f. & cert. ef. 4-23-14

Department of Transportation, Motor Carrier Transportation Division Chapter 740

Rule Caption: Amendment of Federal safety and hazardous materials transportation regulations affecting motor carriers

Adm. Order No.: MCTD 1-2014

Filed with Sec. of State: 4-23-2014

Certified to be Effective: 4-23-14

Notice Publication Date: 3-1-2014

Rules Amended: 740-100-0010, 740-100-0065, 740-100-0070, 740-100-0080, 740-100-0085, 740-100-0090, 740-110-0010

Subject: These rules contain the annual adoption of federal motor carrier safety and hazardous materials transportation regulations and the adoption of international standards related to driver, vehicle and hazardous materials out-of-service violations. The changes ensure Oregon's motor carrier safety; hazardous materials; and driver, vehicle and hazardous materials out-of-service requirements are current with national and international standards. Minor language was added to OAR 740-100-0010 to comply with federal regulations pertaining to the thirty-four restart rules.

Rules Coordinator: Lauri Kunze—(503) 986-3171

740-100-0010

Adoption of Federal Safety Regulations

(1) Except as provided in section (4) of this rule, the rules and regulations adopted by the United States Department of Transportation contained in Title 49, Code of Federal Regulations (CFR), Parts 380 (Special Training Requirements), 382 (Controlled Substances and Alcohol Use and Testing), 383 (Commercial Driver's License Standards Requirements and Penalties), 385 (Safety Fitness Procedures), 387 (Minimum Levels of Financial Responsibility for Motor Carriers), 390 (Federal Motor Carrier Safety Regulations: General), 391 (Qualification of Drivers), 392 (Driving of Motor Vehicles), 393 (Parts and Accessories Necessary for Safe Operation), 395 (Hours of Service of Drivers), 396 (Inspection, Repair and Maintenance), 398 (Transportation of Migrant Workers), 399 (Employee Safety and Health Standards) and all amendments thereto in effect April 1, 2014, are adopted and prescribed by the Department of Transportation (ODOT) to be observed by carriers conducting operations in interstate commerce, subject to ORS Chapter 825.

ADMINISTRATIVE RULES

(2) The provisions of section (1) of this rule as adopted are prescribed by the Department to be observed by carriers conducting operations in intrastate commerce, subject to ORS Chapter 825, except:

(a) Relating to Part 385:

(A) The provisions of Part 385.1(b), 385.13(b), 385.13(c), 385.13(d)(3), 385.301 through 385.337 and Appendix A to Part 385 do not apply to a motor carrier operating exclusively in intrastate commerce.

(B) With reference to Part 385.13(a), 385.19(c) and 385.19(d), current intrastate safety rating information is available from ODOT only by telephone at (503) 378-6963.

(C) With reference to Part 385.15 and 385.17, requests for administrative review of an intrastate safety rating or requests for a change to a proposed or final intrastate safety rating based on corrective actions must be submitted in writing to the ODOT Motor Carrier Transportation Division, 3930 Fairview Industrial Drive SE, Salem OR 97302.

(D) With reference to Appendix B of Part 385, a final intrastate safety rating will be determined by the Department and the motor carrier to whom the rating applies will be notified in writing of its intrastate safety rating.

(E) In addition to the violations described in the List of Acute and Critical Violations in Appendix B of Part 385, the Department will include the following violations in a determination of an intrastate or an interstate safety rating:

(i) Financial responsibility requirements in OAR 740-040-0010 (critical) and 740-040-0020 (acute); and

(ii) Intrastate drivers hours-of-service requirements found in OAR 740-100-0010(2)(i) (critical).

(b) The provisions of Part 387 will apply to intrastate motor carriers only when transporting hazardous materials, hazardous substances or hazardous wastes.

(c) With reference to Part 390.21, external identification requirements do not apply to vehicles operated exclusively in intrastate private carriage provided that neither the gross vehicle weight, the gross vehicle weight rating, the gross combination weight or the gross combination weight rating exceeds 26,000 pounds, except those vehicles transporting hazardous materials of a type or quantity requiring placarding or passenger vehicles designed or used to transport more than 15 passengers including the driver.

(d) The rules in Part 391.11(b)(1) regarding the minimum age for a commercial motor vehicle operator do not apply to a driver engaged in intrastate commerce. A driver engaged in intrastate commerce must be at least 18 years old.

(e) The rules in Part 391 (except Part 391.11(b)(2), English Speaking Driver, Part 391.11(b)(5), Valid Operator's License and Part 391.15, Disqualification of Drivers) do not apply to a driver who is employed by a private carrier and:

(A) Does not transport hazardous materials of a type or quantity requiring the vehicle to be marked or placarded in accordance with Title 49, CFR, Part 177.823, and drives a motor vehicle with a gross vehicle weight, gross vehicle weight rating, gross combination weight or gross combination weight rating of 26,000 pounds or less; or

(B) Operates a passenger vehicle designed or used to transport fewer than 16 passengers, including the driver.

(f) Notwithstanding Parts 391.41 to 391.49 (Subpart E — Physical Qualifications and Examinations) the Department may issue a waiver of physical disqualification to a commercial vehicle driver who has met the conditions established by the Driver and Motor Vehicle Services Division.

(g) With reference to Part 395.1(e)(1), motor carriers conducting intrastate transportation of property may not require or permit any driver used by it to exceed 12 hours driving following ten consecutive hours off-duty;

(h) With reference to Part 395.1(g), motor carriers conducting intrastate transportation of property may not require or permit any driver used by it to drive a commercial motor vehicle, nor may any such driver:

(A) Exceed 12 hours driving following ten consecutive hours off-duty;

(B) Drive for any period beyond the 16th hour after coming on-duty following ten consecutive hours off-duty;

(i) With reference to Part 395.1(e)(2) and Part 395.3, a motor carrier conducting intrastate transportation of property may not require or permit any driver used by it to drive a commercial motor vehicle, nor may any such driver:

(A) Exceed 12 hours driving following ten consecutive hours off-duty;

(B) Drive for any period beyond the 16th hour after coming on-duty following ten consecutive hours off-duty;

(C) Drive for any period following 70 hours on-duty in any seven consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week, however, any period of seven consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours which must include two periods from 1 a.m. to 5 a.m. and may only be used once per week; or

(D) Drive for any period following 80 hours on-duty in any eight consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week, however, any period of eight consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours which must include two periods from 1 a.m. to 5 a.m. and may only be used once per week.

(j) The provisions of subsections (g) through (i) of this section are not applicable to the transportation of hazardous materials of a type or quantity requiring placarding. A motor carrier transporting hazardous materials of a type or quantity requiring placarding must comply with Part 395.

(3) The provisions of Part 386.83(a)(1) and Part 386.84(a)(1), related to sanctions for failure to pay civil monetary penalties are adopted for operations conducted in intrastate commerce and apply to penalties and sanctions found in ORS Chapter 825, pursuant to the provisions of ORS Chapter 183.

(4) The intracity operation exemption adopted by the US Department of Transportation found in Part 391.62 is not adopted and prescribed.

(5) Wherever reference is made in Title 49 of the CFR as adopted by this rule to a federal entity, including but not limited to "Federal Highway Administrator," "Regional Director," "Special Agent of the Federal Highway Administration" or the "Federal Motor Carrier Safety Administration," it will be construed to mean the Oregon Department of Transportation or a person authorized by the Oregon Department of Transportation to act on its behalf.

(6) Copies of the federal regulations referred to in this rule are available from ODOT Motor Carrier Transportation Division or may be accessed on the Federal Motor Carrier Safety Administration website, www.fmcsa.dot.gov.

Stat. Auth.: ORS 184.616, 184.619, 823.011, 825.232 & 825.252

Stats. Implemented: ORS 825.210, 825.250 & 825.252

Hist.: PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); PUC 4-1979, f. & ef. 9-21-79 (Order No. 79-641); PUC 5-1979, f. & ef. 9-21-79 (Order No. 79-635); PUC 2-1980, f. & ef. 3-27-80 (Order No. 80-179); PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order No. 79-805); Part 2, f. & ef. 6-30-80 (Order No. 80-475); PUC 7-1980, f. & ef. 11-6-80 (Order No. 80-845); Renumbered from 860-035-0010; PUC 12-1981, f. & ef. 12-16-81 (Order No. 81-880); PUC 12-1982(Temp), f. 12-20-82, ef. 1-1-83 (Order No. 82-872); PUC 1-1983, f. & ef. 1-17-83 (Order No. 83-024); PUC 2-1983, f. & ef. 3-1-83 (Order No. 83-117); PUC 13-1984, f. & ef. 7-26-84 (Order No. 84-546); PUC 19-1984, f. & ef. 9-10-84 (Order No. 84-713); PUC 8-1985, f. & ef. 6-10-85 (Order No. 85-499); PUC 17-1986 (Temp), f. & ef. 12-3-86; (Order No. 86-1239); PUC 2-1987 (Temp), f. & ef. 2-25-87 (Order No. 87-248); PUC 4-1987, f. & ef. 6-9-87 (Order No. 87-509); PUC 16-1987(Temp), f. & ef. 12-11-87 (Order No. 87-1244); PUC 4-1988(Temp), f. & cert. ef. 2-12-88 (Order No. 88-161); PUC 6-1988(Temp), f. & cert. ef. 3-9-88 (Order No. 88-818); PUC 14-1988, f. & cert. ef. 7-22-88 (Order No. 88-245); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (and corrected 1-31-91) (Order No. 91-20); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 13-1992(Temp), f. & cert. ef. 9-4-92 (Order No. 92-1303); PUC 10-1993, f. & cert. ef. 6-3-93 (Order No. 93-693 & 93-761); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0010; MCT 4-1996, f. 3-20-96, cert. ef. 4-1-96; MCT 5-1996, f. & cert. ef. 9-17-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCT 2-1997, f. & cert. ef. 5-9-97; MCT 6-1997, f. & cert. ef. 8-26-97; MCT 10-1997, f. & cert. ef. 12-22-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 2-1998, f. & cert. ef. 8-20-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00; MCTB 2-2001, f. 3-13-01, cert. ef. 4-1-01; MCTB 2-2002, f. & cert. ef. 6-21-02; MCTD 2-2003, f. & cert. ef. 4-21-03; MCTD 6-2003, f. & 11-18-03, cert. ef. 1-1-04; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 5-2005(Temp), f. 9-16-05, cert. ef. 10-1-05 thru 3-29-06; MCTD 2-2006, f. 3-17-06, cert. ef. 4-1-06; MCTD 1-2007, f. 3-26-07, cert. ef. 4-1-07; MCTD 1-2008, f. 3-20-08, cert. ef. 4-1-08; MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11; MCTD 3-2011, f. & cert. ef. 10-26-11; MCTD 1-2012, f. 2-21-12, cert. ef. 4-1-12; MCTD 5-2012, f. & cert. ef. 5-18-12; MCTD 3-2013, f. & cert. ef. 4-22-13; MCTD 1-2014, f. & cert. ef. 4-23-14

740-100-0065

North American Standard Administrative Out-of-Service Criteria

(1) The North American Standard Administrative Out-of-Service Criteria, published by the Commercial Vehicle Safety Alliance, in effect April 1, 2014, is adopted and incorporated into this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to out-of-service action. Condition(s) categorized as "Out-of-Service" must not be allowed to continue in commerce until the condition(s) is/are corrected and the shipment complies with Title 49, CFR. If at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it will be towed, transported, or escorted to a safe location only at the direction of an official authority.

ADMINISTRATIVE RULES

(2) Copies of the North American Standard Administrative Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.

Stat. Auth.: ORS 823.011 & 825.232
Stats. Implemented: ORS 825.210 & 825.252
Stat. Auth.: ORS 823.011 & 825.232
Stats. Implemented: ORS 825.210 & 825.252
Hist.: MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11; MCTD 1-2012, f. 2-21-12, cert. ef. 4-1-12; MCTD 5-2012, f. & cert. ef. 5-18-12; MCTD 3-2013, f. & cert. ef. 4-22-13; MCTD 1-2014, f. & cert. ef. 4-23-14

740-100-0070

North American Standard Vehicle Out-of-Service Criteria

(1) The North American Standard Vehicle Out-of-Service Criteria, published by the Commercial Vehicle Safety Alliance, in effect April 1, 2014, is adopted by and incorporated into this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to one or more of the following:

(a) Out-of-Service Condition: When any motor vehicle by reason of its mechanical condition or loading, is determined to be so unsafe as to likely cause an accident or breakdown or when such conditions would likely contribute to loss of control of the vehicle by the driver, said vehicle must be placed out-of-service. No motor carrier shall permit or require nor shall any person operate any motor vehicle declared and marked "out-of-service" until all required repairs of violations which resulted in the out-of-service condition have been completed. If, at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it will be towed, transported or escorted only at the direction of an official authority.

(b) Other: Violations other than out-of-service conditions detected during the inspection process will not preclude the completion of the current trip or dispatch. However, such violations must be corrected or repaired prior to redispach.

(2) Copies of the North American Standard Vehicle Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.

Stat. Auth.: ORS 823.011 & 825.232
Stats. Implemented: ORS 825.250 & 825.252
Hist.: PUC 3-1986, f. & ef. 4-18-86 (Order No. 86-372); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); PUC 6-1991, f. & cert. ef. 4-9-91 (Order No. 91-455); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 10-1993, f. & cert. ef. 6-3-93 (Order No. 93-693 & 93-761); PUC 15-1993(Temp), f. & cert. ef. 8-19-93 (Order No. 93-1156); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0030; MCT 4-1996, f. 3-20-96, cert. ef. 4-1-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00; MCTB 2-2001, f. 3-13-01, cert. ef. 4-1-01; MCTB 2-2002, f. & cert. ef. 6-21-02; MCTD 2-2003, f. & cert. ef. 4-21-03; MCTD 6-2003, f. & 11-18-03, cert. ef. 1-1-04; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 2-2006, f. 3-17-06, cert. ef. 4-1-06; MCTD 1-2007, f. 3-26-07, cert. ef. 4-1-07; MCTD 1-2008, f. 3-20-08, cert. ef. 4-1-08; MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11; MCTD 1-2012, f. 2-21-12, cert. ef. 4-1-12; MCTD 3-2013, f. & cert. ef. 4-22-13; MCTD 1-2014, f. & cert. ef. 4-23-14

740-100-0080

North American Standard Hazardous Material Out-of-Service Criteria

(1) The North American Standard Hazardous Materials Out-of-Service Criteria, published by the Commercial Vehicle Safety Alliance, in effect April 1, 2014, is adopted and incorporated in this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to out-of-service action. Condition(s) categorized as "Out-of-Service" must not be allowed to continue in commerce until the condition(s) is/are corrected and the shipment complies with Title 49, CFR. If at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it will be towed, transported or escorted to a safe location only at the direction of an official authority.

(2) Copies of the North American Standard Hazardous Materials Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.

Stat. Auth.: ORS 823.011 & 825.232
Stats. Implemented: ORS 825.250, 825.258 & 825.260
Hist.: PUC 3-1986, f. & ef. 4-18-86 (Order No. 86-377); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); PUC 6-1991, f. & cert. ef. 4-9-91 (Order No. 91-455); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 10-1993, f. & cert. ef. 6-3-93 (Order No. 93-693 & 93-761); PUC 15-1993(Temp), f. & cert. ef. 8-19-93 (Order No. 93-1156); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0035; MCT 4-1996, f. 3-20-96, cert. ef. 4-1-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00; MCTB 2-2001, f. 3-13-01, cert. ef. 4-1-01; MCTB 2-2002, f. & cert. ef. 6-21-02; MCTD 2-2003, f. & cert. ef. 4-21-03; MCTD 6-2003, f. & 11-18-03, cert. ef. 1-1-04; MCTD 2-2005, f. 3-18-05,

cert. ef. 4-1-05; MCTD 2-2006, f. 3-17-06, cert. ef. 4-1-06; MCTD 1-2007, f. 3-26-07, cert. ef. 4-1-07; MCTD 1-2008, f. 3-20-08, cert. ef. 4-1-08; MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11; MCTD 1-2012, f. 2-21-12, cert. ef. 4-1-12; MCTD 3-2013, f. & cert. ef. 4-22-13; MCTD 1-2014, f. & cert. ef. 4-23-14

740-100-0085

North American Standard Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials

(1) The North American Standard Out-of-Service Criteria Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials, published by the Commercial Vehicle Safety Alliance, in effect April 1, 2014, is adopted and incorporated in this rule. Inspection violations identified in the Out-of-Service Criteria may be subject to out-of-service action. Condition(s) categorized as "Out-of-Service" must not be allowed to continue in commerce until the condition(s) is/are corrected and the shipment complies with Title 49, CFR. If at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it will be towed, transported or escorted to a safe location only at the direction of an official authority.

(2) Copies of North American Standard Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.

Stat. Auth.: ORS 823.011 & 825.232
Stats. Implemented: ORS 825.250, 825.258 & 825.260
Hist.: MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11; MCTD 1-2012, f. 2-21-12, cert. ef. 4-1-12; MCTD 3-2013, f. & cert. ef. 4-22-13; MCTD 1-2014, f. & cert. ef. 4-23-14

740-100-0090

North American Standard Driver Out-of-Service Criteria

(1) Except for any content that conflicts with requirements of section (2) of this rule, the North American Standard Driver Out-of-Service Criteria, published by the Commercial Vehicle Safety Alliance, in effect April 1, 2014, is adopted and incorporated by reference. Inspection violations identified in the Out-of-Service Criteria may be subject to one or both of the following:

(a) Out-of-Service Violation: Drivers with violations under this category must not operate a commercial motor vehicle for a specified period of time or for some violations until a required condition is met.

(b) Other: Violations other than out-of-service violations require no immediate action by the driver or motor carrier. The carrier must certify in accordance with the terms contained on the inspection document and return it to the Department of Transportation within 15 days.

(2) Drivers found to be disqualified in this state or any other jurisdiction, as specified in 49 CFR 391.15 will be placed Out-of-Service until requalification is established.

(3) Copies of the North American Standard Driver Out-of-Service Criteria are available from the Commercial Vehicle Safety Alliance at: 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319.

Stat. Auth.: ORS 823.011 & 825.232
Stats. Implemented: ORS 825.250 & 825.252
Hist.: PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); PUC 6-1991, f. & cert. ef. 4-9-91 (Order No. 91-455); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 15-1993(Temp), f. & cert. ef. 8-19-93 (Order No. 93-1156); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 3-1996, f. & cert. ef. 3-14-96; Renumbered from 860-065-0040; MCT 4-1996, f. 3-20-96, cert. ef. 4-1-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00; MCTB 2-2001, f. 3-13-01, cert. ef. 4-1-01; MCTB 2-2002, f. & cert. ef. 6-21-02; MCTD 2-2003, f. & cert. ef. 4-21-03; MCTD 6-2003, f. & 11-18-03, cert. ef. 1-1-04; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 2-2006, f. 3-17-06, cert. ef. 4-1-06; MCTD 1-2007, f. 3-26-07, cert. ef. 4-1-07; MCTD 1-2008, f. 3-20-08, cert. ef. 4-1-08; MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11; MCTD 1-2012, f. 2-21-12, cert. ef. 4-1-12; MCTD 3-2013, f. & cert. ef. 4-22-13; MCTD 6-2013, f. & cert. ef. 8-26-13; MCTD 1-2014, f. & cert. ef. 4-23-14

740-110-0010

Adoption of United States Department of Transportation Hazardous Materials Regulations

(1) Any person subject to ORS Chapter 825 who transports a hazardous material and any person subject to 823.061 who causes to be transported a hazardous material must comply with the rules and regulations governing the transportation of hazardous materials as prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, Part 397 and such portions of Parts 107-178 and 180 as are applicable and amendments thereto, in effect on April 1, 2014.

(2) Copies of the federal regulations referred to in this rule are available from ODOT, Motor Carrier Transportation Division or may be

ADMINISTRATIVE RULES

accessed on the Federal Motor Carrier Safety Administration website, www.fmcsa.dot.gov.

Stat. Auth.: ORS 823.011, 823.061 & 825.258
Stats. Implemented: ORS 823.061 & 825.258
Hist.: Refiled in PUC 18, f. 1-21-55, ef. 9-1-54 (Order No. 33203); PUC 98, f. 1-18-61, ef. 1-12-61 (Order No. 37620); PUC 120, f. 10-26-62, ef. 11-15-62 (Order No. 38811); PUC 132, f. 3-29-65, ef. 4-1-65 (Order No. 41035); PUC 135, f. 5-9-66, ef. 5-15-66 (Order No. 42332); PUC 148, f. 7-29-68, ef. 9-1-68 (Order No. 44783); PUC 150, f. 11-7-68, ef. 12-1-68 (Order No. 45141); PUC 156, f. 8-6-73, ef. 8-15-73 (Order No. 73-507); PUC 181, f. 12-30-77, ef. 1-15-78 (Order No. 77-896); PUC 2-1980, f. & ef. 3-27-80 (Order No. 80-179); PUC 3-1980, Part 1, f. & ef. 6-30-80 (Order No. 79-805); PUC 5-1980, f. & ef. 10-13-80 (Order No. 80-758); Renumbered from 860-036-0055; PUC 1-1981, f. & ef. 2-9-81; PUC 12-1981, f. & ef. 12-16-81 (Order No. 81-880); PUC 6-1982, f. & ef. 5-6-82 (Order No. 82-336); PUC 1-1983, f. & ef. 1-17-83 (Order No. 83-024); PUC 1-1984, f. & ef. 2-9-84 (Order No. 84-076); PUC 13-1984, f. & ef. 7-26-84 (Order No. 84-546); PUC 8-1985, f. & ef. 6-10-85 (Order No. 85-499); PUC 7-1986(Temp), f. & ef. 7-25-86 (Order No. 86-736); PUC 13-1986, f. & ef. 10-30-86 (Order No. 86-1106); PUC 7-1989, f. & cert. ef. 5-23-89 (Order No. 89-663); PUC 1-1991, f. & cert. ef. 1-11-91 (Order No. 91-20); PUC 6-1992, f. & cert. ef. 2-26-92 (Order No. 92-292); PUC 10-1993, f. & cert. ef. 6-3-93 (Order No. 93-693 & 93-761); PUC 6-1994, f. & cert. ef. 3-28-94 (Order No. 94-525); PUC 6-1995, f. & cert. ef. 7-13-95 (Order No. 95-562); MCT 1-1996, f. 2-16-96, cert. ef. 4-1-96; Renumbered from 860-066-0055; MCT 3-1996, f. & cert. ef. 3-14-96; MCT 5-1996, f. & cert. ef. 9-17-96; MCT 1-1997, f. 3-24-97, cert. ef. 4-1-97; MCTB 1-1998, f. 3-10-98, cert. ef. 4-1-98; MCTB 1-1999, f. & cert. ef. 4-22-99; MCTB 1-2000, f. 3-16-00, cert. ef. 4-1-00; MCTB 2-2001, f. 3-13-01, cert. ef. 4-1-01; MCTB 2-2002, f. & cert. ef. 6-21-02; MCTD 2-2003, f. & cert. ef. 4-21-03; MCTD 6-2003, f. 11-18-03, cert. ef. 1-1-04; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05; MCTD 2-2006, f. 3-17-06, cert. ef. 4-1-06; MCTD 1-2007, f. 3-26-07, cert. ef. 4-1-07; MCTD 1-2008, f. 3-20-08, cert. ef. 4-1-08; MCTD 1-2009, f. 3-20-09, cert. ef. 4-1-09; MCTD 1-2010, f. 3-17-10, cert. ef. 4-1-10; MCTD 2-2011, f. & cert. ef. 5-27-11; MCTD 1-2012, f. 2-21-12, cert. ef. 4-1-12; MCTD 3-2013, f. & cert. ef. 4-22-13; MCTD 1-2014, f. & cert. ef. 4-23-14

Higher Education Coordinating Commission Chapter 715

Rule Caption: Renumber administrative rules concerning career schools. Update rules to reflect Commission's oversight of career schools

Adm. Order No.: HECC 2-2014

Filed with Sec. of State: 4-23-2014

Certified to be Effective: 4-23-14

Notice Publication Date: 12-1-2013

Rules Ren. & Amend: 581-045-0001 to 715-045-0001, 581-045-0003 to 715-045-0003, 581-045-0006 to 715-045-0006, 581-045-0007 to 715-045-0007, 581-045-0008 to 715-045-0008, 581-045-0009 to 715-045-0009, 581-045-0012 to 715-045-0012, 581-045-0013 to 715-045-0013, 581-045-0014 to 715-045-0014, 581-045-0018 to 715-045-0018, 581-045-0019 to 715-045-0019, 581-045-0022 to 715-045-0022, 581-045-0023 to 715-045-0023, 581-045-0029 to 715-045-0029, 581-045-0032 to 715-045-0032, 581-045-0033 to 715-045-0033, 581-045-0034 to 715-045-0034, 581-045-0036 to 715-045-0036, 581-045-0037 to 715-045-0037, 581-045-0038 to 715-045-0038, 581-045-0039 to 715-045-0039, 581-045-0060 to 715-045-0060, 581-045-0061 to 715-045-0061, 581-045-0062 to 715-045-0062, 581-045-0063 to 715-045-0063, 581-045-0064 to 715-045-0064, 581-045-0065 to 715-045-0065, 581-045-0066 to 715-045-0066, 581-045-0067 to 715-045-0067, 581-045-0068 to 715-045-0068, 581-045-0190 to 715-045-0190, 581-045-0200 to 715-045-0200, 581-045-0210 to 715-045-0210

Subject: In 2012, the Legislative Assembly transferred the duties, functions, and powers of the State Board of Education, Department of Education, and Superintendent of Public Instruction relating to career schools to the Higher Education Coordinating Commission, see sections 13 through 39, chapter 104, Oregon Laws 2012. The commission is renumbering the department's administrative rules regarding career schools for the purpose of bringing them into the commission's chapter of the Oregon Administrative Rules (OAR chapter 715). The commission is also amending these rules to replace references to the board, department, and superintendent in the rules with references to the commission and its executive director.

Rules Coordinator: Angela Rico—(503) 378-5690

715-045-0001

Definitions

The following definitions apply to OAR 715-045-0001 through 715-045-0210, unless otherwise indicated by the context:

(1) "Ability to benefit" is a term used in reference to federal Title IV federal student aid regulations and the methods of determining whether a

student has the requisite academic skills necessary to successfully complete a program of study, to be used only for the purposes of establishing eligibility for Title IV funding.

(2) "Addendum" used in reference to a school's catalog means a separate document that contains revisions of policies or other information appearing in the school catalog. Information listed in an addendum to a catalog should be incorporated into the catalog at the next printing of the catalog. An addendum does not include errata, but errata can appear on the same page as addendum information, if properly labeled.

(3) "Advertising" means any form of public notice used in recruiting and promoting activities, however disseminated, including but not limited to print media, catalogs, and other school publications, signs, mailing pieces, radio or television ads, audiovisual material, and the internet on behalf of a licensed school.

(4) "Agent" has the meaning given in ORS 345.010(1).

(5) "Application for admission" or "admission application" means a form, separate from the enrollment agreement, which is submitted by an applicant prior to the signing of the enrollment agreement and evaluated by the school for admission purposes. Schools may charge a non-refundable application fee; however, the fee must be clearly identified on the application.

(6) "Application fee," when used in reference to a school's admissions process, or "admission fee" means the initial fee charged by a school to cover those expenses incurred by the school in establishing an admissions file for a prospective student. The application or admission fee is not inclusive of and does not preclude other fees necessary to assess the suitability of a student for the intended program, or that student's appropriate level of placement in the program based on prior training, education, or experience. At the school's option, the application fee may be non-refundable. The school shall not charge an application fee of more than \$50.00.

(7) "Approved" means accepted by the Higher Education Coordinating Commission or by the commission's executive director in matters relating to school licensing requirements.

(8) "Assessment" or "Performance Assessment" when used in reference to the instructional program, as outlined in OAR 715-045-0009, means a performance-based evaluation of an applicant's progress towards mastery of the stated competencies of the instructional program.

(9) "At-risk" means the school demonstrates a pattern or history of one or more of the following conditions that the Executive Director of the Higher Education Coordinating Commission determines, may cause potential serious problems for the continued successful and profitable operation of the organization:

(a) Failure to meet the standards of financial responsibility or reporting;

(b) Misrepresentation;

(c) Frequent substantiated complaints filed with the Higher Education Coordinating Commission;

(d) A decrease in enrollment from the previous reporting period of 50 percent or more or 25 students, whichever is greater;

(e) Staff turnover from the previous reporting period of 50 percent or more or three staff, whichever is greater; and

(f) If conditions listed in paragraphs (d) and (e) of this subsection can be shown to be caused by unusual circumstance or reason the school may request an exemption from an "at risk" designation. Exemption request will be evaluated by the Executive Director of the Higher Education Coordinating Commission.

(10) "Auxiliary facility" means a facility that does not use or list its address as a school location and:

(a) Absorbs a temporary overload that the principal facility cannot accommodate; or

(b) Provides a specialized training facility away from the principal school location; or

(c) Provides training under contract that is not open to general enrollment; or

(d) Is a site approved by the Higher Education Coordinating Commission for teaching a short-term course that is taught by registered teachers from the principal facility.

(11) "Barbering" has the meaning given in ORS 690.005.

(12) "Bona fide organization or group" means any body or entity that is nationally chartered or recognized by a national or state educational/occupational policy board that has operated or functioned in good faith without fraud or deceit for at least 25 years.

(13) "Capacity to complete" means that a student has the cognitive or physical capacity to complete a program of study, with or without reasonable accommodations, and become employment eligible in the specific

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field of training for which they are enrolling. A school has an obligation to determine whether applicants have capacity to complete during the admissions process, and to assess this capacity when information is obtained or received by the school through any means which suggests the student may not have capacity to complete the program. Any information obtained shall be treated as confidential and kept in a secure manner. Capacity to complete must be assessed before enrollment is completed; however, if information is received by the school after instruction has commenced that cognitive or physical circumstances exist that may impede a student's satisfactory progress through their program of study, capacity to complete must be assessed immediately after receipt of such information, and appropriate adjustments, accommodations, or tuition refunds made.

(14) "Chairperson" means the person who is responsible for overseeing the business of the advisory committee.

(15) "Class" means a scheduled meeting of persons for instructional purposes.

(16) "Clinic lab" or "clinic floor" means a place where students perform assigned instructional tasks identified in the approved curriculum on models or the general public.

(17) "Completion" means the student has satisfactorily finished all the requirements of the program in which he or she is enrolled, has fulfilled the terms of the enrollment agreement, and has been awarded an appropriate certificate, diploma, or completion document.

(18) "Continuing education" means the enrollment in and completion of ongoing instruction approved by the Higher Education Coordinating Commission, outside the normal teaching schedule, which upgrades a teacher's skills and knowledge with the intent of making the teacher more proficient and current in subject matter taught, instructional methodology, or other skills and knowledge relevant to the teaching of adult learners.

(19) "Course" means an aggregation of classes to achieve a completed set of competencies.

(20) "Discount" means a specified amount of money to be deducted at the time of enrollment from the costs associated with an instructional program, according to a specified set of criteria. The criteria and details of any discounts offered by a school will be given to all persons eligible to receive the discount, and documented and maintained as part of a school's approved advertising. A discount that is granted must be listed as a discount on the enrollment agreement, and is not revocable.

(21) "Discrimination" means any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either of which is based on age, disability, national origin, race, color, marital status, religion, sex or sexual orientation, or any other protected class.

(22) "Distance learning instruction" means education provided by written correspondence or any electronic medium for students enrolled in a private career school in pursuit of an identified occupational objective, but not attending classes at an approved school site or training establishment.

(23) "Enrollment" means a student has agreed to the purchase of a course or program of instruction offered by a school and has signed an enrollment agreement, however named, that commits both the student and the school to a legal and binding obligation. Instruction in a program or course may not begin without a signed enrollment agreement in place.

(24) "Enrollment fee" means the fee a school charges that covers those expenses incurred by a school in processing the student enrollment agreement and establishing a student records system. The enrollment fee is limited to 15% of the total tuition cost, or \$150, whichever is less, and is identified as an enrollment fee on the student enrollment agreement.

(25) "Errata" in reference to a school's catalog means a listing of errors appearing in a school's published catalog and the corrections of those errors. Errors do not include revisions to policies or other information in the catalog. Errata may be published only via electronic means, at the discretion of the school, in which case a reference in the school catalog must be included that specifies the URL or website where errata may be found. Errors included on the errata list should be corrected in the next printing of the school's catalog.

(26) "Esthetics" has the meaning given in ORS 690.005.

(27) "Evaluation fee" means any fee, however named, covering those expenses incurred by a school in evaluating a prospective student's prior training, education, experience, or other indicators of beginning level of mastery in technical program competencies before enrolling in a program of instruction at the school, or for other uses of an assessment for competency evaluation (e.g., licensing reciprocity) approved by the Executive Director of the Higher Education Coordinating Commission. The evaluation fee shall not exceed the reasonable costs incurred by the school in administering and scoring the assessment, preparing official documenta-

tion, providing appropriate feedback to the applicant, and designing a program of study based on the assessment results (if applicable).

(28) "Executive Director" means the Executive Director of the Higher Education Coordinating Commission, or the executive director's designee.

(29) "Fiscal reporting period" means the period of time for which the school provides financial information required by the Higher Education Coordinating Commission. The fiscal reporting period is identified by the school owner in the initial license application and must remain consistent unless a written request for a change is approved by the Superintendent. The fiscal reporting period may be the calendar year or another 12-month time period.

(30) "Fund" means the private career school Tuition Protection Fund (TPF).

(31) "Grant," as used in reference to tuition assistance, means actual funds made available through any source to prospective or enrolled students through an application process whereby applicants must meet predetermined criteria and may or may not be required to maintain a certain status or performance criteria in order to retain the award. For in-house grants, funds in the amount of the full amount of the award for grants awarded on an annual basis will be deposited by the school in an account separate from the school's operating funds at the time of the award, or at the beginning of each new year of an on-going award, and drawn out by the school as the tuition is earned. For third party grants, all monies received by the school on behalf of the student will be deposited into an account separate from the school's operating funds and drawn out as the tuition is earned. In-house grants are revocable only in the amount that has not been earned by the student, according to the terms of the grant award, which are to be articulated to the recipient of the award and agreed upon by signature through an official award letter. The signed award letter will be kept in the student's file, and a copy given to the student. Any grant awarded a student from any source will be documented on the enrollment agreement as a grant at the time of the award. If the award is made after the initial enrollment agreement has been signed, a rider to that agreement must be executed and attached.

(32) "Gross tuition income" means all direct tuition charges from programs for which the school is licensed under OAR chapter 715, division 45, including any laboratory fee. Total gross tuition income does not include:

(a) Tuition refund;

(b) Enrollment and application fees; or

(c) Costs for books, supplies, tools, and equipment purchased by students.

(33) "Hair design" has the meaning given in ORS 690.005.

(34) "In default" is defined in ORS 345.115(5) as "when a course or program is discontinued or canceled or the school closes prior to completion of contracted services."

(35) "Incentive," as used in reference to tuition assistance, means a monetary reward or inducement offered by a school for the purpose of encouraging or motivating a student to perform a specific action, such as completing or course or instructional program within a certain period of time. Any terms or conditions that apply to an incentive must be published by the school, and maintained as part of the school's approved advertising. Students who are working towards an incentive award will have in their file a copy of the terms and conditions of the incentive along with a record of the date each condition is satisfied. Once all conditions have been satisfied the incentive is considered earned and cannot be cancelled or revoked. A rider to the enrollment agreement must be prepared at the time of award detailing the application of the incentive to the student's outstanding financial obligation.

(36) "License" means a license to operate a private career school.

(37) "Nail technology" has the meaning given in ORS 690.005.

(38) "On-site review" means a visit to the school by authorized staff from the Higher Education Coordinating Commission who may review the facilities, classrooms, and school records; talk with students, staff, and administrators; and determine whether the school is in compliance with Oregon law.

(39) "Operating" or "operation" means any form of marketing, advertising, instruction, recruitment, or any other activity regulated under ORS Chapter 345 and OAR chapter 715, division 45.

(40) "Placement" means the student has been employed in the occupation for which trained.

(41) "Post-secondary" for the purposes of recognizing private career schools in Oregon as institutions of post-secondary study means any school licensed under ORS Chapter 345 that:

(a) Admits as regular students, or maintains as a majority of its enrollment, those students who have earned a recognized high school diploma,

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the equivalent of a recognized high school diploma, or a GED certificate, or who are beyond the age of compulsory education in the State of Oregon, and

(b) Is authorized by the Higher Education Coordinating Commission to offer one or more educational programs beyond secondary education.

(42) "Probation" means that a school has been officially notified by the Executive Director of the Higher Education Coordinating Commission that it has deficiencies that must be corrected within a specified time.

(43) "Program" means an aggregation of courses to meet an identified occupational objective.

(44) "Program advisory committee" means a representative group appointed by the school, which advises the school ownership and administration.

(45) "Program improvement plan" or "school improvement plan" means a written plan that describes how the school will resolve or comply with violations of state rule or regulation assessed, or correct any deficiencies identified, by the Executive Director of the Higher Education Coordinating Commission, and usually includes interim outcome measures to track progress towards the overall improvement goals.

(46) "Pro rata" means in accordance with a fixed proportion.

(47) "Published Class Schedule" (for the purpose of calculating tuition charges) means the period of time between the commencement of classes and the student's last date of attendance as offered by the school and scheduled by the student.

(48) "Recruiting" means personally soliciting or attracting a person or persons by a school or its agent(s) with the intention of actively pursuing enrollment in the school. Recruiting does not include leaving materials at or near an office or other site for a person to pick up of his or her own accord or handing a brochure or other materials to a person.

(49) "Registration" means the process by which directors, agents, or teachers either request registration by the Superintendent to teach at the school or notify the Superintendent of their appointment of an agent to represent the school.

(50) "Reporting period" means the period of time that corresponds with the school's fiscal year on which the school bases all individual program student completion and placement reporting that must be submitted to the Higher Education Coordinating Commission. The school's fiscal year may be the calendar year or another 12-month time period.

(51) "Resident instruction" means education provided at an approved school site or training establishment for students enrolled in and attending classes at the school facility in pursuit of an identified occupational objective.

(52) "Revocation" as referenced in OAR 715-045-0012 means that the Executive Director of the Higher Education Coordinating Commission has notified an employee of a licensed private career school that because of violations of 715-045-0012(9)(a)-(c) the commission's approval of the employee's registration is permanently withdrawn. When notice of revocation is issued, the employee shall be notified and upon written request, shall be granted a contested case hearing under the Administrative Procedures Act, ORS chapter 183.

(53) "Revoke" means the Higher Education Coordinating Commission terminates the school license. When the license is revoked, the school is not authorized to continue operating. Probation or suspension may, but is not required to, precede revocation.

(54) "Rider" means an attachment, schedule, amendment, or other writing that is added to the enrollment agreement that alters the terms, conditions, or financial obligation of the original instrument without altering the instrument in its entirety. The contents of a rider to the enrollment agreement are understood to be incorporated into the enrollment agreement.

(55) "Scholarship" means actual funds, from any source, made available to prospective or enrolled students through an application process whereby applicants must meet predetermined criteria and may or may not be required to maintain a certain status in order to retain the award. For in-house scholarships, funds in the amount of the full amount of the award for scholarships awarded on an annual basis will be deposited by the school in an account separate from the school's operating funds at the time of the award, or at the beginning of each new year of an on-going award, and drawn out by the school as the tuition is earned. For third party scholarships, all monies received by the school on behalf of the student will be deposited into an account separate from the school's operating funds and drawn out as the tuition is earned. In-house scholarships are revocable according to the terms of the scholarship award, which are to be articulated to the recipient of the award and agreed upon by signature through an official award letter. The signed award letter will be kept in the student's

file, and a copy given to the student. Any scholarship awarded a student from any source will be documented on the enrollment agreement as a scholarship at the time of the award. If the award is made after the initial enrollment agreement has been signed, a rider to that agreement must be executed and attached.

(56) "Self-directed instruction" means a course of instruction or an instructional program in which the instructional materials and curriculum are sufficient in design and scope to prepare a student for the program's occupational objectives without the provision of direct instruction. These objectives can be achieved without regular or scheduled interaction either by mail, telephone, or in person between the student and faculty employed by the school and do not require the school to measure attendance or lesson completion for satisfactory progress.

(57) "School" or "career school" or "private career school" has the meaning given in ORS 345.010(4).

(58) "Short term course" means a course no longer than 16 clock hours in duration.

(59) "State advisory committee" means a representative, statutory advisory committee appointed by the Superintendent of Public Instruction, consisting of members who shall serve for terms of three years ending June 30.

(60) "Structured work experience" or "externship" means a work site educational activity that correlates the value of classroom training and on-site job performance, is an integral part of the student's training plan, and is supervised/evaluated by appropriate school personnel.

(61) "Supplement" in reference to a school's catalog means a document that is separate from the catalog and which contains new information not appearing in the catalog, or information that is related, but in addition, to information already appearing in the catalog. Information contained in a catalog supplement may or may not need to be incorporated into the catalog at the next regular revision and printing of the catalog.

(62) "Suspension" as referenced in OAR 715-045-0012 means that the Executive Director of the Higher Education Coordinating Commission has notified an employee of a licensed private career school that because of violations of 715-045-0012(9)(a)-(c) the commission's approval of the employee's registration is temporarily withdrawn. When notice of suspension is issued, the employee shall be notified and upon written request, shall be granted a contested case hearing under the Administrative Procedures Act, ORS chapter 183.

(63) "Suspend" means the Executive Director of the Higher Education Coordinating Commission has notified a school that because of deficiencies, it may not advertise, recruit, enroll students, or begin instruction of new students, but may remain open to complete training of currently enrolled students. Probation may, but is not required to precede suspension.

(64) "Teachout" means a defaulting school or the Higher Education Coordinating Commission makes provisions for students enrolled at the time of the default to complete a comparable program at no additional cost beyond the original enrollment agreement with the defaulting school. Teachout arrangements, if made by the defaulting school, shall be approved in advance by the commission's executive director and, if ongoing, approved annually by the executive director.

(65) "Transcript" means a written record that shall include, but is not limited to, name and address of student, first and last date of attendance, all programs or courses undertaken, grades achieved, whether the courses or programs were successfully completed, and signature of a school official.

(66) "Tuition" means money or other compensation paid or credited to a school by a student or on behalf of a student that is applied to the costs of instruction and training actually received or to be received by the student.

(67) "Tuition aid" or "Tuition assistance" means any award of monetary value, including, but not limited, to scholarships, grants, discounts, or incentives offered by a career school or by a third party, that is received by a student who will enroll in, or is enrolled in, a specific program of instruction, and is:

(a) Provided directly to the student for the purposes of covering, in full or in part, the costs of tuition or other allowed educational expenses incurred by the student, or

(b) Paid or credited to a career school on behalf of the student by the school or a third party for the purpose of covering, in full or in part, the costs of tuition or other allowed educational expenses incurred by the student.

(68) "Withdrawal fee" means any fee, however named, covering those expenses incurred by a school in processing student paperwork relat-

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ing to program changes (i.e., course additions/drops or transfers) or withdrawal from school and so identified on the student enrollment agreement.

Stat. Auth.: ORS 345.020

Stats. Implemented: ORS 345.030 & 345.325

Hist.: 1 EB 31-1986, f. & cert. ef. 7-23-86; EB 11-1990, f. & cert. ef. 2-1-90; EB 13-1996, f. & cert. ef. 7-26-96; ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; ODE 21-2002, f. 9-26-02 cert. ef. 10-1-02; ODE 17-2003, f. 12-30-03, cert. ef. 1-1-04; ODE 15-2006, f. 12-11-06, cert. ef. 1-1-07; ODE 13-2008, f. & cert. ef. 5-23-08; ODE 13-2008, f. & cert. ef. 5-23-08; ODE 3-2010, f. & cert. ef. 2-8-10; ODE 27-2012, f. 9-13-12, cert. ef. 9-17-12; Renumbered from 581-045-0001 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0003

Fingerprinting of Subject Individuals in Schools Accepting Enrollment of Minors

(1) Pursuant to ORS 345.030(6), subject individuals include:

(a) Faculty, and agents of a career school, and individuals who hold positions of authority and control in any career school accepting enrollment of persons under the age of 18; and

(b) Any agents of career schools who will have contact with persons under the age of 18 on behalf of the career school.

(2) Each application for a new school license or renewal of an existing school license shall be accompanied by, for each subject individual:

(a) One properly completed FBI fingerprint card #USGPO 1990-262-201-2000;

(b) A properly completed Department of Education criminal history information form; and

(c) A fee in an amount equal to the actual charges of conducting the criminal background check as allowed under ORS 181.534. The fee amount and distribution shall be as follows:

(A) Oregon State Police (OSP) — \$28.00;

(B) Federal Bureau of Investigation (FBI) — \$16.50;

(C) Oregon Department of Education (ODE) — \$14.50;

(D) TOTAL — \$59.00

(3) An applicant school is not required to submit fingerprints for subject individuals if the Higher Education Coordinating Commission has conducted a criminal records check of the subject individual within the three years preceding the date of application.

(4) For the purposes of criminal background checks pursuant to ORS 345.030, conducted in relation to individuals subject to such criminal background verification, the following definitions of a crime applies:

(a) Any adjudication in any criminal court of law, in this state or in any other jurisdiction, finding the individual committed a crime. A crime is an offense for which a sentence of imprisonment is authorized.

(b) Any adjudication in a juvenile proceeding, in this state or in any other jurisdiction, determining the individual committed a crime, which if done by an adult, would constitute a crime listed in ORS 342.143.

(c) Any conduct which resulted in either mandatory registration or reporting, or both, as a sex offender in this state or any other jurisdiction. A later court order or other action relieving the individual of either the sex offender registration or reporting requirement, or both, does not affect the status of the conduct as a conviction for purposes of this rule.

(d) Any plea of guilty, no contest or nolo contendere in connection with a crime, in this state or in any other jurisdiction.

(e) A conviction exists for the purposes of this rule, regardless of whether a dismissal was later entered into the record in connection with diversion or on any sort of deferred adjudication or delayed entry of judgment.

(f) A conviction exists for purposes of this rule even if a crime was expunged or removed from the record of the individual under the laws of another jurisdiction if the crime would be ineligible under ORS 137.225 for expunction or removal from the record if the conviction had occurred in Oregon. A conviction does not exist where an Oregon court has expunged or otherwise removed a conviction from the record of an individual.

(g) A conviction does not exist, except as noted above, only where there was a judicial adjudication that the individual did not commit the offense in question, or when a conviction, adjudication or plea is overturned by an appellate court of record and no later conviction, adjudication or plea indicating the individual committed the offense in question is on the record.

(5) Fingerprints may be collected by a local or state law enforcement agency.

(6) The Higher Education Coordinating Commission shall:

(a) Request criminal information from the Department of State Police in the manner prescribed by law;

(b) Review the criminal records of the subject individual upon the submission of the required FBI and state forms and the Superintendent or

designee shall issue a statement of criminal history status and related impact on employment or contract qualification.

(c) Not provide copies of criminal records to anyone except as provided by law. The subject individual may inspect his or her personal criminal records under the supervision of properly certified LEDS (Law Enforcement Data Systems) personnel at the Oregon Department of Education.

(7) Subject individuals who refuse to consent to the criminal records check or refuse to be fingerprinted shall be terminated from employment by the applicant school.

(8) Subject individuals who have been convicted of any of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number, shall be refused employment or continued employment, or have their employment terminated, by the career school upon notification from the Superintendent.

(9) Subject individuals who have been convicted of any of the crimes listed in ORS 161.405 or an attempt to commit any of the crimes listed in 324.143 shall be refused employment, continued employment, or have their employment terminated by the applicant school upon notification from the Superintendent.

(10) Evaluations of crimes shall be based on Oregon laws in effect at the time of conviction, regardless of the jurisdiction in which the conviction occurred.

(11) Prior to making a determination that results in a notice and opportunity for hearing, as allowed under ORS 181.534, the Superintendent may cause an investigation to be undertaken. Subject individuals and applicant schools shall cooperate with the investigation and may be required to furnish oral or written statements by affidavit or under oath. If the Superintendent determines through investigation that a violation of this rule has not occurred, a written decision explaining the basis for the decision will be provided to the subject individual.

(12) Subject individuals may appeal a determination that prevents their employment or eligibility to contract with an applicant school as a contested case under ORS 183.413 to 183.470 to the Superintendent.

(13) Only cards and forms approved by the Oregon Department of Education will be accepted. The Higher Education Coordinating Commission and the department will return any incomplete or incorrectly completed fingerprint cards and associated forms without taking any other action.

(14) The Oregon Department of Education shall maintain a record of all properly submitted fingerprint cards. The record shall include at least the following:

(a) Card sequence number;

(b) Name of applicant school submitting the cards;

(c) Date cards and Department forms were received;

(d) Date incomplete cards returned to applicant school, if applicable;

(e) Date completed cards sent to Oregon State Police;

(f) Date denial or probationary approval sent to applicant schools;

(g) Date FBI card returned to Department; and

(h) Date denial or final approval sent to applicant school.

Stat. Auth.: ORS 345.020

Stats. Implemented: ORS 345.030

Hist.: ODE 3-2010, f. & cert. ef. 2-8-10; ODE 31-2012(Temp), f. 11-7-12, cert. ef. 11-9-12 thru 5-7-13; ODE 3-2013, f. & cert. ef. 1-15-13; Renumbered from 581-045-0003 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0006

Application for Private Career School License

(1) Any person, partnership, association, corporation, or Limited Liability Company desiring to function as a private career school as defined in ORS 345.010 shall submit an application for its first approval year on forms provided by the Higher Education Coordinating Commission. No person, partnership, association, corporation, or Limited Liability Company shall hold itself out to be a school, solicit students, or collect fees prior to the date of the license. A school requesting exemption from licensure must request such exemption from the Executive Director of the Higher Education Coordinating Commission under the provision of 345.015.

(2) An initial site inspection may be required prior to approval of the application. Any deficiencies must be corrected prior to issuance of a license.

(3) A license may be denied by the executive director, 60-days after the school has been notified of the application deficiencies, for failure to submit accurate and complete materials required by the application, or for other substantiated just cause.

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(4) A separate license shall be required for each location of a school except those approved by the executive director as auxiliary sites. A license for the specific location must be issued prior to operating at that location.

(5) An initial license shall be granted after:

(a) Receipt of a complete application by the commission;

(b) Completion of an interview with and approval by the executive director; and

(c) Correction of all deficiencies in the application, as communicated by the executive director to the applicant school in writing or by verbal means during phone or in-person interviews. Alternatively, if circumstances warrant, the executive director may choose to issue a conditional license, pursuant to the provisions of ORS 345.030(8). The conditional license issued by the commission shall include the period and dates of effectiveness of the license.

(6) Except as provided in paragraph (b) of this subsection, each license shall be issued to the owner of an applicant school and shall be non-transferable.

(a) In the event of a change of ownership of a school due to sale or transfer of a majority interest in the school, and when continuous operation is desired, the buyer or majority interest holder must apply for and obtain approval of a new license prior to the completion of the sale. The buyer or majority interest holder must provide notice to the commission of the transfer of ownership at least 30 days prior to the transfer of notice.

(b) The commission may transfer a license or allow ownership of a school to transfer with less than 30 days' notice if:

(A) The owner of the school dies, is incapacitated or is incarcerated; or

(B) The executive director determines that a successful and timely completion of the sale is critical to protect the financial viability of the school, or to mitigate disruption of the instruction of currently enrolled students, or for other reasons deemed appropriate by the executive director.

(c) In the event of a transfer of ownership, the executive director may choose to issue a conditional license, pursuant to the provisions of ORS 345.030(8). The conditional license issued by the commission shall include the period and dates of effectiveness of the license.

(7) Prior to the completion of the sale, unless the owner dies or is incapacitated, the current owner of the school (seller) must submit to the commission a statement signed by both the seller and the buyer indicating who:

(a) Will acquire the school's assets, which are directly related to the school's educational activities;

(b) Will assume liability on the date the school is sold for the outstanding debts incurred as a direct result of the school's educational activities under previous ownership;

(c) Has authority to make all refunds that on the date the school is sold may be due to eligible persons;

(d) Has agreed to honor all student contracts that were signed or approved by the school's authorities before the effective date of the change of ownership; and

(e) Has responsibility to transfer all educational transcripts of former and current students to the possession of the new school owner.

(8) Failure of the seller to notify the commission prior to completion of the sale may result in the imposition of civil penalties established in OAR 715-045-0190.

(9) Before an individually-owned (commonly referred to as a sole proprietorship), Limited Liability Company, or partnership-owned school elects to incorporate or when there are changes in existing ownership that affect financial control of the school, the Superintendent shall be notified in writing, and a new license shall be required. Such notice shall occur prior to the ownership change. Control is affected when a new party or entity assumes ownership of more than 50 percent of the school's net worth. Instances in which control is affected and a new license is required include but are not limited to the following examples:

(a) Owner(s) sells more than 50 percent to another party;

(b) Partner(s) owning less than 50 percent buy out the other partner(s) interest; or

(c) The type of ownership is changing (i.e., individual, partnership, company, or corporation).

(10) Request for confidentiality regarding the purchase/sale of a school will be honored by the commission in accordance with the public records law.

(11) The initial application for licensure shall include:

(a) The name and address of the school, the names and addresses of its owners, governing body, officials, and faculty with attendant qualification forms;

(b) Course syllabi as required by OAR 715-045-0009(1);

(c) School facility description as required by OAR 715-045-0022;

(d) Application for admissions form if used by the school;

(e) Enrollment agreement (contract) information and procedures, including a copy of the contract or enrollment agreement for only those courses offered by the schools that are licensed by the commission;

(f) A copy of school policies and procedures relating to:

(A) Admissions standards,

(B) Ability to benefit examination. If an ability to benefit examination is used, it must be:

(i) Approved by the commission's executive director; and

(ii) Proctored in a manner approved by the executive director.

(C) Enrollment and entrance dates;

(D) Credit for previous training;

(E) Attendance;

(i) Policy on attendance; and

(ii) A statement of how the school will monitor and report enrollment and attendance information as required by federal and/or state statutes.

(F) Grading policies;

(G) Make-up work;

(H) Tardiness;

(I) Satisfactory progress standard;

(J) Methods and frequency of reporting progress;

(K) Student conduct;

(L) Suspensions, terminations, re-entry;

(M) Leaves of absence;

(N) Students filing a grievance or complaint about the school or program;

(O) Safe, healthy environment; and

(P) Discriminatory behaviors.

(g) A statement explaining how the policies and the procedures in subsection (11)(f) of this rule are disseminated to all students and how they are monitored by the school;

(h) Information relating to tuition charges and all other fees or costs;

(i) Policy of the school relating to cancellations and refunds of unused tuition, fees, and other charges. The policy must be consistent with the schedules established by OAR 581-045-0036, 581-045-0037, and 581-045-0038;

(j) A copy of the buy/sell agreement if the submission of the initial application is a result of the purchase of a currently licensed private career school. The buy/sell agreement shall be kept confidential within the limits permitted by the Oregon Public Records law;

(k) A written plan designed to protect the contractual rights of students in the event the school closes or undergoes a change of status as described in OAR 715-045-0067;

(l) Labor market information showing current employment, replacement, and expansion data for regional, state, and national labor markets for the occupational area being served;

(m) A description of placement information provided to students;

(n) The school calendar;

(o) The signature of authorized officials of the school including each owner, partner, or member of the board. If the institution is incorporated, each owner of ten percent or more of stock must sign. If the institution is incorporated and the stock is publicly traded through a stock exchange, the president or chief executive officer of the corporation must sign. If the applicant is a nonprofit corporation, each member of the governing body must sign;

(p) Full disclosure by owners, directors, and teachers of any conviction or crime referenced under OAR 715-045-0012(12), accompanied by the required form and fingerprint card to conduct a criminal background check as specified, and if applicable, under 715-045-0003; and

(q) If information required by paragraphs (a) through (n) of this subsection is provided in the school catalog, references to catalog and page number will be acceptable.

(12) The application shall be accompanied by:

(a) The nonrefundable license fee required by ORS 345.080 (see OAR 715-045-0007);

(b) The initial capitalization payment for the student tuition protection plan required by ORS 345.110;

(c) A complete résumé of education and work experience for the school owner(s), corporate officer(s), directors, and teachers, including social security number, date of birth, home address, and telephone numbers;

(d) A draft of the proposed school catalog or brochure required by OAR 715-045-0019;

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(e) A copy of proposed advertising and promotional information to be used by the school;

(f) Copies of program materials prescribed by OAR 715-045-0009(b), or relating to schools also regulated by another state agency as described in OAR 715-045-0014;

(g) All inspection documents required by OAR 715-045-0022(2);

(h) Copies of incorporation certificates, if applicable;

(i) A financial statement, which provides information required by OAR 715-045-0032. The financial statement shall be kept confidential within the limits permitted by the public records law;

(j) An enrollment agreement that is legally binding on both the school and the student, which shall include, but is not limited to:

(A) A description of the instructional program in which the student is enrolled;

(B) Beginning and ending dates;

(C) Length of program;

(D) Registration fee;

(E) Tuition cost (excluding the registration and other identified program fees or costs);

(F) All other program costs listed separately;

(G) Total program cost (registration, tuition cost, and all other identified program fees or costs);

(H) Installment payment plan, if available;

(I) The state-specified refund schedule or one approved by the Superintendent as being more favorable to the students;

(J) A clear and conspicuous disclosure of the student's cancellation rights; and

(K) A statement informing students who have questions regarding the enrollment agreement that they may contact the Higher Education Coordinating Commission (use current address) Salem, Oregon.

(k) Schools implementing program changes cannot require students who are currently enrolled to complete the requirements of the revised program. Enrolled students are to be taught out under the program identified in their most current signed enrollment agreement and identified in the catalog in effect at the time of their enrollment. Exceptions may be allowed when and if the school and student mutually agree to the program change(s) and a new or amended enrollment agreement is negotiated, accepted, and signed by the student and school. Examples of program changes as used in this rule include, but are not limited to, increase or decrease of hours required, changes in the schedule of hours of instruction, adding or dropping required courses, increasing program costs or fees, changes in the payment plan.

(l) The school must maintain documentation signed by each student to substantiate that the student has received and read all information contained in paragraph (j) of this subsection. The school must also indicate any special rules or publications that the student signature acknowledges. Additional information not listed in the enrollment agreement may be published in the current school catalog or catalog addendum.

(13) Out-of-state schools:

(a) Any private career school whose principal place of business is outside of Oregon shall obtain an Oregon private career school license whenever it maintains a physical presence in Oregon or when the Oregon occupational licensure board requires the school to be licensed;

(b) The executive director may consider the following factors to determine whether a school has established a physical presence in Oregon:

(A) Maintains an office in the state;

(B) Conducts any part of the instructional program from or in the state,

(C) Employs sales representatives, who reside or solicit students within the state;

(D) Canvasses for prospective students within the state;

(E) Operates career or information booths at fairs or other such public gatherings within the state;

(F) Presents school information at high school career days within the state; or

(G) Advertises in local media that originate in Oregon.

(c) Out-of-state schools shall submit upon initial application and annually thereafter:

(A) Out-of-state application form;

(B) Copy of the most recent licensure application for the state in which the school is located;

(C) Copy of current resident state license certificate;

(D) If accredited, copy of the report for the most recent school accreditation review;

(E) List of approved programs; and

(F) Copy of the school's most recent catalog to include the items listed below. If any of the following items do not appear in the body of the catalog but appear in other specific documents they must also be submitted.

(i) Name and address of the school;

(ii) Date of publication or other reference identifier such as years(s), volume, or edition or version numbers;

(iii) The educational or vocational objective of each course or program including the name and the level of occupations for which the course or programs purport to train;

(iv) The number of clock or credit hours of instruction in each course and the length of time in weeks or months normally required for completion;

(v) A complete listing and description of courses or programs offered specifying subjects included in each course or program that clearly identifies coverage of the training;

(vi) A description of the school's physical facilities, equipment available for student use, and the maximum or usual class size;

(vii) Policies relating to tardiness, absences, make-up work, conduct, termination, reentry, and other rules and regulations of the school, including the student appeals process;

(viii) The grading system, including definition of ratings and credit units, if any;

(ix) Refund policy;

(x) The requirements for graduation;

(xi) Statement describing certificates, diplomas, or degrees awarded upon graduation;

(xii) Information regarding any limitations on transfer of credits, and

(G) Teachers' education and experience requirements for employment at the school, including teacher registration forms and supporting documentation for any teachers providing training for any portion of the licensed programs within the State of Oregon. Information about individual teachers does not need to be submitted if:

(i) The teachers are licensed or approved in the state in which the school is located; and

(ii) Those teachers will not be providing training for any portion of the licensed programs of instruction within the State of Oregon.

(H) If the applicant school accepts enrollment of minors, and proposes to employ agents who will interact with persons under the age of 18 within the State of Oregon, employ persons in positions of authority or control who will carry out their function within the State of Oregon, or employ faculty or teachers who will provide training within the State or Oregon for any portion of the licensed programs of instruction, those agents and teachers will be subject to the provisions of OAR 715-045-0003, regardless of the individuals' states of residence.

Stat. Auth.: ORS 345.030

Stats. Implemented: ORS 345.030

Hist.: 1EB 257, f. 1-3-77, ef. 7-1-77; 1EB 23-1978, f. 6-30-78, ef. 7-1-78; 1EB 30-1986, f. & ef. 7-23-86; EB 11-1990, f. & cert. ef. 2-1-90; EB 32-1991, f. & cert. ef. 12-18-91; EB 13-1996, f. & cert. ef. 7-26-96; ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; ODE 21-2002, f. 9-26-02 cert. ef. 10-1-02; ODE 15-2006, f. 12-11-06, cert. ef. 1-1-07; ODE 3-2010, f. & cert. ef. 2-8-10; Renumbered from 581-045-0006 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0007

License Fees

(1) Before issuing a license under ORS 345.010 to 345.470, the Executive Director of the Higher Education Coordinating Commission shall collect license fees based on the license fee schedule in ORS 345.080.

(2) The initial license fee will be based on the fourth step of the license fee schedule. Thereafter, the renewal license fee will be computed on the basis of the previous fiscal or calendar year's total gross tuition income.

(3) Total gross tuition income includes all direct tuition charges including any laboratory fee. Total gross tuition income does not include tuition refunds or registration fees and costs for books, supplies, tools and equipment purchased by students.

(4) The renewal license fee for out-of-state schools as defined in OAR 581-045-0006(11) shall be computed on total gross tuition income received from students recruited and enrolled from Oregon.

(5) All license fees are nonrefundable.

Stat. Auth.: ORS 345.080

Stats. Implemented: ORS 345.080

Hist.: EB 13-1996, f. & cert. ef. 7-26-96; Renumbered from 581-045-0002, ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; Renumbered from 581-045-0007 by HECC 2-2014, f. & cert. ef. 4-23-14

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715-045-0008

Advanced Deposits

Prior to the beginning of classes, no private career school shall require from an enrollee an advance deposit in excess of twenty (20) percent of the total tuition and fees:

(1) Schools that offer short term programs designed to be completed in one (1) term or four (4) months, whichever is less, can require payment of all tuition and fees on the first day instruction begins;

(2) For those programs designed to be four (4) months or longer, a school cannot require more than one (1) term or four (4) months of advanced payment of tuition at a time. When fifty (50) percent of the program has been offered, the school can require payment of all tuition;

(3) This limitation shall not apply to federal and state financial aid payments received by the school;

(4) At the student's option, a school may accept payment in full for tuition and fees after the student has been accepted and enrolled and the date for commencement of classes is specifically disclosed on the enrollment agreement; and

(5) The Executive Director of the Higher Education Coordinating Commission may grant a waiver to this limitation if sufficient evidence is submitted indicating that a larger advance deposit would be more appropriate and not compromise the intent of ORS 345.115(4).

Stat. Auth.: ORS 345.010

Stats. Implemented: ORS 345.115

Hist.: ODE 21-2002, f. 9-26-02 cert. ef. 10-1-02; Renumbered from 581-045-0008 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0009

Instructional Programs

(1) All schools shall:

(a) Offer programs of quality, content and duration, that are based on specific industry standards or an occupational task analysis, and with appropriate entrance criteria, instructional materials, staff, equipment and facilities to prepare students for the programs' occupational objectives; and

(b) Operate programs evaluated by appropriate program advisory committees as defined in OAR 715-045-0013, unless a program is exempt from the advisory committee requirement under 715-045-0014. Materials for exempt programs will be reviewed by the Superintendent to determine the adequacy and appropriateness of the instructional methodology. The school shall prepare instructional design documentation for review, evaluation and analysis that includes:

(A) A program outcome summary for each program offered that clearly states the program title, duration, educational or professional technical objective(s) of the program, and the job(s) title and level for which the training prepares the student. In addition the program outcome summary must include the following information:

(i) A description of the target population for enrollment;

(ii) The entrance requirements and prerequisite knowledge or skills needed to enroll;

(iii) Any state license exams or other certifications the student will be prepared to take upon successful completion of the program;

(B) A list of the industry standards or the occupational task analysis used to formulate the instructional design, and the associated competencies for each standard or occupational task;

(C) A list of core abilities taught in the program and the associated competencies, if any;

(D) A list of competencies taught in the program, sequenced by learning plans;

(E) All learning plans, which shall include:

(i) Core abilities and competencies taught in the lesson;

(ii) Learning objectives for each competency;

(iii) Learning activities that achieve the learning objectives;

(iv) Sequence of learning activities;

(v) Performance assessment statement(s);

(F) The performance assessment(s) plan(s) for each competency, which shall include directions for the student and the evaluator, the performance conditions and criteria, and checklists, rubrics, or scoring guides used;

(G) A program map indicating the number of clock hours allowed for each course and for each unit or major topic within each course.

(i) If the school is approved to use a credit hour measurement, an explanation of how credit hours convert to clock hours must also be submitted;

(ii) If the instructional program is self-directed or measured in lessons, the total number of clock hours for the program and how that number

is derived, the total number of lessons, and the maximum time allowed for completion of the program must be submitted.

(H) A teaching syllabus for each course in each program, copies of written instructional materials used by the students or citations for specific editions of textbooks used, and an inventory of instructional equipment and materials (including software and AV materials) available to be used in the programs; the content of the syllabus shall follow the sample provided by the Department;

(I) The grading system, standards of satisfactory progress, attendance and performance required of students in the program, as referenced in OAR 715-045-0019;

(c) Submit additional documentation that includes:

(A) A description of the instructional area or facility with space allocations and dimensions, equipment placement, and teaching stations for each program appropriately indicated;

(B) A description of the admission requirements and process for evaluating those requirements, including the criteria or tests used in the selection and placement of enrollees for the program;

(C) Labor market information, updated every two years with data no more than three years old, as described in OAR 715-045-0006(11); and

(D) A written placement assistance plan for assisting graduates in efforts to obtain employment in the field for which training was offered, or a related field, as described in OAR 715-045-0019.

(2) The program advisory committee shall submit to the school and the Higher Education Coordinating Commission its analysis of the quality, content, duration and curriculum sequencing of the program of study, instructional materials, equipment and facilities provided to prepare the student in skills currently necessary for entry level employment in the occupation for which the program was designed:

(a) Program material prepared for the program advisory committee, as prescribed in subsection (1) of this rule, will be filed with the commission;

(b) The commission's executive director may review:

(A) The school's program development procedures; and

(B) The program advisory committee's involvement in program development;

(c) The executive director will review the instructional design materials and the program advisory committee's analysis of the adequacy of the program and reject or accept the committee's findings. The executive director's written approval is required prior to commencement of any marketing, recruitment, enrollment or instructional activities.

Stat. Auth.: ORS 345.080

Stats. Implemented: ORS 345.080

Hist.: ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; ODE 19-2010, f. 12-17-10, cert. ef. 1-1-11; Renumbered from 581-045-0009 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0012

Personnel

(1) A school shall establish, publish, and enforce specific written policies that set standards for the staff's:

(a) Professional performance and conduct;

(b) Evaluation; and

(c) Continuing education.

(2) Schools shall employ only teachers who are registered with the Higher Education Coordinating Commission and who meet the requirements of subsection (3) of this rule. All applications for approval of teachers shall:

(a) Be recorded on forms provided by the commission;

(b) Indicate the specific subjects the prospective teacher will teach;

(c) Be signed by the prospective teacher and the school director, except teachers regulated by OAR 715-045-0200 need only the prospective teacher's signature; and

(d) Be accompanied by relevant official transcripts, letters, and documents that confirm that the teacher meets the minimum requirements listed in subsection (3) of this rule.

(3) Teachers must:

(a) Hold all Oregon licenses, certificates and ratings, and successfully pass qualifying exams legally required for employment in the field in which they teach. The Superintendent may grant a waiver upon written request from the school;

(b) Have graduated from high school as evidenced by a photocopy of a transcript indicating graduation, or a diploma or its foreign equivalent. As an alternative, the teacher may show evidence of a General Education Development (GED) certificate. The Superintendent may grant a waiver to this limitation if sufficient evidence of post-secondary education is submitted;

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(c) Have at least two years of work experience or two years of education, or any combination of both, in the subject that they instruct. For new teachers the work experience must have been within the last five years. The commission's executive director may grant a waiver upon written request from the school;

(A) Part-time experience will be allowed if the total hours equal the equivalent of two years of full-time work experience,

(B) Full-time work experience is a minimum of 1,875 hours per year (37.5 hours per week times 50 weeks).

(4) In emergency situations, not to exceed three months, schools may hire substitute teachers who are the best-qualified persons available. Under no circumstances shall students be allowed to substitute as approved teachers.

(5) If a school utilizes any form of teacher assistants, aides, or trainees, it shall establish and maintain policies that set forth qualifications, duties, procedures for use of these personnel, and maintain a copy of these policies for review by the Department. Teacher assistants, aides, and/or trainees shall:

(a) Not be used as substitutes or replacements for regular teachers,

(b) Work under the direct supervision of an approved teacher, and

(c) Evaluate students only under direct supervision of an approved teacher.

(6) The school shall have and implement written policies to promote improvement of teacher competency in their fields and in levels of performance in their teaching assignments. A recommended minimum for continuing education is 30 hours during each three-year period.

(7) The teacher's registration shall not be transferable from one school to another and shall terminate on cessation of the teacher's employment with the school. Exceptions to this rule include registered instructors of hair design, nail technology, esthetics, and barbering.

(8) Directors must have at least two years of experience in school or business administration, teaching, or other experience directly related to their duties within the school's organization. The experience must have been within the last five years. Part-time experience will be allowed if the total hours equal the equivalent of two years of full-time experience. Full-time work experience is a minimum of 1,875 hours per year (37.5 hours per week times 50 weeks). Qualified persons who do not meet the criteria in subsection (12) of this rule may be appointed as directors with prior approval by the executive director and with a letter as required in subsection (12) of this rule.

(9) Owners and directors, administrators, agents, supervisors, and instructors (hereinafter collectively "employees") subject to registration, licensure, or approval pursuant to ORS 345.010 to 345.450 are subject to suspension, revocation, or other discipline if the employee:

(a) Is charged with knowingly making any false statements in the application for a license, registration, or approval;

(b) Is charged with gross neglect of duty; or

(c) Is charged with gross unfitness.

(10) Gross neglect of duty is any serious and material inattention to or breach of professional responsibilities. The following acts constitute gross neglect of duty:

(a) Knowing falsification of any document or knowing misrepresentation directly related to licensure, employment, or professional duties;

(b) Substantial deviation from professional standards of competency;

(c) Violation of any ethical standard contained in OAR 581-045-0012(13);

(d) Engaging in acts in violation of laws or rules applicable to the profession;

(e) Failure or refusal to respond to questions, to provide information, or to furnish documents to a representative of the commission pursuant to review, assessment, or investigation; or

(f) Any other statement or act or omission not consistent with personal integrity, ethics, or honesty.

(11) Gross unfitness is any conduct that renders an owner or employee unqualified to perform duties. The following acts constitute gross unfitness:

(a) Convictions of a crime or offense specified in OAR 715-045-0012(12) or engaging in such wrongful acts even in the absence of a conviction;

(b) Commission of fraud, misrepresentation, or deceit;

(c) Commission of unfair, deceptive, or unlawful trade practices as defined in the Oregon Unlawful Trade Practices Act.

(12) No licensed school shall be owned by or employ an individual who is not of good moral character and reputation.

(a) Upon review by the commission, the executive director may find a person not to be of good moral character and reputation when the person:

(A) Has been convicted of a felony or a misdemeanor that involves the illegal use, sale or possession of a controlled substance, or that involves any sexual offense, or any violent offense;

(B) Has been convicted of an offense involving fraud or misrepresentation, or has committed fraud, misrepresentation, or deceit or has committed unfair, deceptive, or unlawful trade practices regulated by the Oregon Unlawful Trade Practices Act (ORS 646.605 - 646.652), or

(C) Is currently subject to suspension or revocation under OAR 715-045-0012(9).

(b) The executive director shall not make a finding that a person is not of good moral character and reputation solely for the reason that the person has been convicted of a crime, but shall consider the relationship of the facts that support the conviction and all intervening circumstances as they relate to the specific occupational standards and requirements; and

(c) If the prospective employee has been convicted of a crime listed in paragraphs (a) and (b) of this subsection, the executive director shall request a letter of recommendation from the employing school and the individual's most recent employer, parole officer, or other appropriate professional source. The executive director shall fully consider such recommendation along with all other supporting materials submitted by the prospective employee. The executive director, after reviewing submitted materials, may approve an employee registration on a probationary basis for a period not to exceed one year. Upon completion of the probationary period, if no further violation of this subsection has occurred, the probationary status will be removed.

(13) The school shall set minimum expectations and provide training for all instructional personnel and supervisors of instructional personnel in:

(a) Curriculum and Instruction — including the educator's competent application of:

(A) The school approved curriculum; and

(B) Effective teaching strategies; and

(b) Supervision and Evaluation of Students — including the educator's responsibility to:

(A) Record progress of individual students;

(B) Evaluate student performance; and

(C) Use effective classroom management;

(c) Ethics — including the educator's responsibility to:

(A) Know, respect, and obey all policies of the school;

(B) Exemplify personal integrity, ethics, and honesty;

(C) Keep student information confidential; and

(D) Avoid exploiting students for personal profit or advantage.

Stat. Auth.: ORS 345.325

Stats. Implemented: ORS 345.325

Hist.: ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; ODE 21-2002, f. 9-26-02 cert. ef. 10-1-02;

ODE 17-2003, f. 12-30-03, cert. ef. 1-1-04; ODE 15-2006, f. 12-11-06, cert. ef. 1-1-07;

Renumbered from 581-045-0012 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0013

Program Advisory Committees

(1) The school shall appoint and utilize a program advisory committee for each program being offered. If the school programs are in the same or similar vocational areas, the same advisory committee can be used for all related programs.

(2) Each committee shall be composed of not less than three members, knowledgeable in the occupational area being offered by the school and who are not employees of and have no financial interest in the school and who are not related to the owner(s) or administrator(s). When a program or curriculum is regulated, approved or certified by a state agency or Oregon State licensing board other than the Higher Education Coordinating Commission as identified in OAR 715-045-0014, that program or curriculum is exempt from the advisory committee requirement.

(a) A list of the program advisory committee members and a resume of each shall be furnished to the Superintendent. The list and resumes shall include each member's name, address, telephone number, present occupation and training experience; and

(b) The membership of the program advisory committee shall include:

(A) At least three members employed in the occupation served by the program, one of whom shall be employed or working in a supervisory capacity, and

(B) Each of the three members shall have at least two years' experience in the occupation or industry. Other members having less experience may be added to the committee as desired.

(3) All program advisory committees must officially meet at least one time per year to review school policies, facilities, instructional materials, equipment, curriculum standards and technical updating:

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(a) The program advisory committee shall meet to evaluate all new proposed program offerings and whenever the school proposes major revisions in existing programs. At least one such meeting per year shall be at the school. The following criteria will be used to determine what constitutes a major program revision:

(A) A change of 25% or more of the previously approved contract hours, credits, curriculum content (courses offered), or program length, or

(B) A change in academic measurement from clock-hours to credit-hours or vice versa, or a change from quarter or trimesters to semester credits or vice versa, or

(C) Any additions or deletions of courses offered that might change the overall objective of a currently approved program;

(b) Minutes of all program advisory committee meetings shall be on file in the school office. A copy of the committee findings or recommendations, if any, shall be included with the annual license renewal application; and

(c) If the school's report of enrollments, completions, retentions and placements, as prescribed in OAR 715-045-0062(3), does not provide information that the school is meeting the provisions of ORS 345.325, the commission's executive director may call for the school to convene the program advisory committee(s) for program evaluation(s) as prescribed in paragraph (a) of this subsection.

Stat. Auth.: ORS 345.080

Stats. Implemented: ORS 345.080

Hist.: ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; Renumbered from 581-045-0013 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0014

Exceptions for Schools with Programs also Regulated by Another State Agency

(1) Private career school programs with curriculum or other requirements that are established and approved by another state agency are exempt from having a program advisory committee as defined in OAR 715-045-0013.

(2) While the programs described in section (1) of this rule must meet the Higher Education Coordinating Commission's approval criteria for teacher registration, the commission's executive director may defer approval of the school's teachers to the appropriate state agency.

(3) The executive director may modify the financial reporting requirements as described in OAR 715-045-0032 or Student Completion and Placement reporting requirements as described in 715-045-0064 for any school or programs described in subsection (1) of this rule.

Stat. Auth.: ORS 345.325

Stats. Implemented: ORS 345.325

Hist.: ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; ODE 15-2006, f. 12-11-06, cert. ef. 1-1-07; ODE 16-2010, f. 11-15-10, cert. ef. 1-1-11; Renumbered from 581-045-0014 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0018

Recordkeeping

(1) Schools must furnish each prospective student, and have evidence of receipt acknowledged by student signature at the time of enrollment, with the following items:

(a) A copy of the school's most recent catalog that complies with OAR 715-045-0019, with any supplements and correction sheets;

(b) Completion and relevant program performance measures, including but not limited to placement data, as required by accrediting agencies, or certification or state licensing examination passage rates, or placement data for students enrolled in the program for the last two years;

(c) A program outline for the program(s) in which the student may potentially enroll that details the program outcomes, broken down by course including, the core abilities and individual course competencies addressed by the program(s); and

(d) Upon request of the student, a copy of or the web address for the Oregon Revised Statutes and Oregon Administrative Rules that govern Private Career Schools.

(2) Upon enrollment, the student shall receive:

(a) A copy of their enrollment agreement, signed by the student and a school official; the actual enrollment agreement will be retained by the school;

(b) A document signed by the student and that is separate from the enrollment agreement detailing the school's cancellation policy, which must include a statement that the enrollment agreement constitutes a binding contract; a copy of this document will be retained by the school.

(3) Schools shall maintain a file for each student that must include:

(a) A statement signed by the student at the time of enrollment certifying receipt of all materials indicated in subsections (1) and (2) of this rule (or copies of materials where indicated);

(b) The student's actual signed enrollment agreement and cancellation policy acknowledgment;

(c) A copy of the student's signed statement acknowledging receipt of any books, supplies, kits, or other substantial materials required to participate in the instructional program that are issued to the student subsequent to enrollment. The statement must be itemized, indicate the fee paid by the student for the materials (if any), and identify the date the materials were received by the student. If not all materials are issued at the same time, the student must initial the date of receipt each time materials are issued; alternatively, the materials list may contain a statement to the effect that certain indicated materials will be issued at the time of instruction when they are to be used. By initialing the statement, students acknowledge that indicated materials are to be received at a date that corresponds with the sequencing of the instructional program.

(d) If an orientation is offered by the school on or before the first day of classes, an indication of attendance signed by the student on that orientation day acknowledging that school policies and procedures were explained and student questions were answered.

(e) A copy of the student's signed payment plan if separate from the enrollment agreement;

(f) A schedule of anticipated student payments due, payments made, and copies of receipts for all payments;

(g) All documentation regarding third party training contracts, e.g., NAFTA, Vocational Rehabilitation, etc.;

(h) Written progress reports that shall include at a minimum information on how the student is progressing in areas such as classroom attendance and performance (but not used as final grades) updated at appropriate intervals;

(i) Progress reports may be maintained by electronic means provided there is an electronic system in place with sufficient security protocols to allow for student access while maintaining confidentiality. A log of student access activity must be placed in the student file at intervals corresponding with the stated progress report intervals to demonstrate that the student is reviewing the progress report and receiving appropriate feedback and improvement planning;

(j) Copies of any documentation required for admission, or a written evaluation of required documentation, when appropriate, signed by a member of the school admissions staff explaining scoring of documentation and evaluation criteria;

(k) A copy of the results of any enrollment evaluation or examination or evaluation of transfer credit or competencies, and any calculations used to determine awarding of credit or hours;

(l) Record of operations completed, if applicable, with dates and scores received;

(m) Student information that shall include:

(A) Legal name of the student;

(B) Mailing address;

(C) Telephone number;

(D) Student identification number assigned, if any;

(E) Social security number (if student signs disclaimer);

(F) Copy of disclaimer if signed by student acknowledging receipt of disclosure statement regarding the collection and use of social security number;

(G) Date of birth;

(H) Course or program of instruction; and

(I) Date of transfer if appropriate.

(n) The student file must be maintained for a minimum of 3 years after the student has completed or withdrawn.

(4) Schools shall maintain a record of each student's attendance, updated weekly. This record shall include each student's dates and hours of attendance.

(5) Upon the student's satisfactory completion of instruction, schools shall:

(a) Issue an appropriate certificate or diploma; and

(b) Issue appropriate educational transcripts that shall include, but are not limited to:

(A) School name and location;

(B) Student's name;

(C) First and last date of attendance;

(D) Specific program(s) taken;

(E) Clock and credit hours (if applicable);

(F) Grade for each course;

(G) Name of accrediting agency, if the school is accredited;

(H) Statement indicating the school maintains transcripts for a minimum of 25 years; and

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(l) Signature of the appropriate school official with school seal (if any) and date of issue.

(6) Schools shall maintain and issue transcripts as follows:

(a) Store transcripts in a safe, vault, or file having a minimum one-hour fire-safe rating unless duplicate records are kept in a safe location outside the school building. The address of locations outside the school building must be on file with the Higher Education Coordinating Commission;

(b) Keep transcripts of all former students that include the information described in subsection (5)(b) of this rule for a period of no less than 25 years from date of termination of enrollment. Transcripts must be stored under the same conditions as described in paragraph (a) of this subsection;

(c) Make a student's records available to the student upon request. Availability of records shall comply with the "Family Educational Rights and Privacy Act of 1974" (20 USC § 1232g; 34 CFR Part 99). The educational institution shall respond within a reasonable period of time, but not more than 45 days after receipt of the request;

(d) Deliver to the commission's executive director all permanent student transcripts for safekeeping if the school should cease to operate. The commission will maintain the transcripts of all closed schools. If available, certified copies of the transcripts will be provided, when a written request signed by the student, is received at the commission. A non-refundable search fee of \$10 must accompany the request; and

(e) A school may withhold an official transcript, certificate of completion, or diploma if the student has any outstanding debt owed to the school. Forms, letters, questionnaires, or other material printed or written for the purpose of debt collection must clearly and conspicuously state that they are used for the purpose of attempting to collect a debt or attempting to obtain information concerning a debtor.

Stat. Auth.: ORS 345.325

Stats. Implemented: ORS 345.325

Hist.: ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; ODE 21-2002, f. 9-26-02 cert. ef. 10-1-02; ODE 17-2003, f. 12-30-03, cert. ef. 1-1-04; ODE 15-2006, f. 12-11-06, cert. ef. 1-1-07; ODE 16-2010, f. 11-15-10, cert. ef. 1-1-11; Renumbered from 581-045-0018 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0019

School Catalogs

A school catalog shall have numbered pages and include the following elements. If any of the following elements do not appear in the body of the catalog, a reference to other specific documents where the required information appears must be in the catalog. Copies of ancillary documents referred to in the catalog must be approved by and on file with the Department:

(1) Name, address, phone number, and other relevant contact information (e.g., fax number, website address) of the school;

(2) Effective dates for the catalog, not to exceed one year, and other reference identifiers such as volume or edition, or version numbers, etc.;

(3) A Table of Contents;

(4) Name(s) of school owner(s);

(5) Names and positions of administrative and instructional staff;

(6) Names and contact information for all licensing and accrediting institutions that have governing authority over the school;

(7) School's mission statement;

(8) The educational or vocational objective of each program including the name and level of occupations for which the program purports to train;

(9) The number of clock hours and credit hours (if applicable) of instruction in each program and the length of time in weeks or months expected for completion; if a program is lesson based, the number of lessons comprising the program must also be included;

(10) Maximum time allowed for completion of each program;

(11) A complete listing and description of courses offered by program, describing subjects included in each course in sufficient detail to clearly identify the scope, sequence, and coverage of the training. If a course is for the purpose of continuing education or self-improvement, the course must be clearly identified as such;

(12) A description of the school's physical facilities, equipment, and instructional resources available for student use, including a description of any library or media resources available to the student, and the policies governing use of these resources;

(13) Admission process including:

(a) Admission requirements;

(b) Documentation requirements;

(c) Criteria for acceptance on each requirement;

(d) Schedule of all admission fees and the purpose of each listed fee;

(e) Ability to benefit (ATB) policy;

(A) If a school uses an ATB test, the school must provide;

(i) The name of ATB test used;

(ii) The name and location of proctor;

(iii) The method of test administration; and

(iv) The minimum acceptable score; or

(B) If the school does not use an ATB test, the alternative methods of determining ability to benefit and accompanying procedures and criteria used by the school;

(f) Identity verification policy (if applicable);

(g) Drug testing policy (if applicable);

(h) Policy for notification of acceptance or denial of admissions request including time lines;

(i) Reapplication policy for denied applicants;

(j) A statement of non-discrimination for admission on the basis of sex, age, race, color, religion, ethnic origin, or sexual orientation.

(14) Transfer policy, including:

(a) Documentation requirements for previous training or experience;

(b) Method for evaluating documentation of previous training or experience;

(c) Description of any skills evaluation processes or exams given by the school to determine credit to award for previous training or experience;

(d) Time line for evaluation process and notification of results;

(e) Description of how program requirements, cost and length will be adjusted;

(15) Enrollment process, including:

(a) A school calendar indicating enrollment / registration dates, start and end dates for each program, holidays, other days school is not in session, and any other important dates that are reasonably likely to affect the decision of a potential student to enroll;

(b) Schedule of enrollment fees showing cost of tuition, registration fee, other instructional fees for books, supplies, laboratory time, etc., and any other costs for which the student may be responsible. Schedule will present total costs for each program offered and provide clear disclosure of what is and is not included specifically in the individual fee for tuition. This information may be presented as an addendum or insert to the publication. A copy of the current fee schedule must be on file with the Department at all times.

(c) Options and terms for payment of tuition and other fees, including clear disclosure of any associated discounts and deposits required, with timing of such deposits indicated;

(d) Fee waiver policy, criteria, and procedure;

(e) Criteria for any in-house scholarship programs available, the process for application, notification of award or denial, the disbursement schedule, and the credit methodology;

(f) Clear disclosure of policy for return of books, supplies, or other materials, and refund of fees paid for such items;

(g) State approved refund policy or school's refund policy if determined by the Superintendent or designee to be more favorable to the student;

(h) Clear and conspicuous disclosure of student's cancellation rights;

(16) Policies and procedures relating to:

(a) Attendance, including course minimum and program cumulative satisfactory progress standards;

(b) Excused and unexcused absence criteria and effect of such absence on satisfactory attendance progress;

(c) Tardiness;

(d) Leaves of absence, including how a leave of absence affects satisfactory attendance progress;

(e) Make-up work;

(f) Overall grading system, including rating scale, point system, or other rubric used, with definitions of performance indicated by rating levels or ranges;

(g) All institutions with which the school has an articulation agreement, if applicable;

(h) Academic satisfactory progress standards for:

(A) Minimum acceptable performance for courses and programs according to grading system;

(B) Cumulative acceptable performance for programs according to grading system; and

(C) Frequency and method of reporting student progress, including:

(i) Elements of performance reported on;

(ii) Recourse of student to challenge report information and process for doing so;

(iii) Process for performance improvement planning and other uses of progress reports;

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(iv) Effect of course incompletes, repetitions, and remedial courses on satisfactory progress calculations

(17) Specific requirements for graduation or completion;

(18) Description of the certificate, diploma, or credential awarded upon graduation or completion;

(19) If the school has negotiated any articulation agreements with other institutions for transfer or awarding of credit based on course completion at the school, a description of those articulation agreements will be included in the school catalog. Description will include at a minimum:

(a) Name of all institutions with which an official articulation agreement is in place;

(b) Name of all programs or courses that are eligible for transfer to each institution identified;

(c) Description of process to initiate request for transfer of credit.

(20) Policies and procedures relating to discipline:

(a) Description of verbal and written warning systems including number and timing of warnings issued of each type and how warnings trigger further disciplinary action. When a student receives a verbal or written warning, the student will sign an acknowledgment that they have received a warning. This acknowledgment does not constitute agreement by the student with the content of the warning.

(b) Student conduct standards, including:

(A) Standards regarding discriminatory behavior of students against other students, school personnel, or other related persons;

(B) Clear disclosure of types of conduct violations;

(c) Probation, including:

(A) Clear indicators for when probation is invoked, according to stated standards for conduct and satisfactory progress;

(B) Length of probation and terms for reinstatement to good standing;

(C) Number of times probation is allowed in a set period of time and the consequences if that number is exceeded;

(D) Effect of probationary status on satisfactory progress standards and student financial obligations and awards;

(d) Suspension, including:

(A) Clear indicators for when suspension is invoked, according to stated standards for conduct and satisfactory progress;

(B) Length of suspension and terms for reinstatement to good standing;

(C) Number of times suspension is allowed in a set period of time and the consequences if that number is exceeded;

(D) Effect of suspension status on satisfactory progress standards and student financial obligations and awards;

(e) Termination, including:

(A) Clear indicators for when termination is invoked, according to stated standards for conduct and satisfactory progress;

(B) Effect of termination on student's financial obligation to the school.

(f) Policies and procedures relating to reinstatement or reentry:

(A) When student's withdrawal was voluntary and the student was in compliance with all school policies, and

(B) When the student's withdrawal was not voluntary and involved noncompliance of academic, attendance, or conduct policies, or financial obligations, or any combination thereof.

(g) A discrimination policy, including:

(A) Standards for treatment of students who are members of protected classes as defined in ORS 659.850;

(B) Recourse of students who believe they have been discriminated against, including this statement: "Any person unlawfully discriminated against, as described in ORS 345.240, may file a complaint under 659A.820 with the Commissioner of the Bureau of Labor and Industries";

(C) Statement that school's policies governing employees will be enforced in situations where instructional staff or other school personnel have been found to have engaged in discriminatory behavior;

(21) A student grievance policy, which includes:

(a) The process for initiating a complaint or grievance against the school, its staff, or students;

(b) Appeal process, including point of contact for initiating appeal;

(c) School personnel, by name or by position, involved in evaluating an appeal. This staff person or group of persons shall not include the same staff that evaluated and ruled on the initial grievance;

(d) Time line for issuing a decision on an appeal; and

(e) This statement: "students aggrieved by action of the school should attempt to resolve these problems with appropriate school officials. Should this procedure fail students may contact: Higher Education Coordinating Commission, (use current address), Salem, OR (use current ZIP code)."

After consultation with appropriate staff and if the complaint alleges a violation of Oregon Revised Statutes 345.010 to 345.470 or standards of the Oregon Administrative Rules 715-045-0001 through 715-045-0210, the commission's executive director will begin the complaint investigation process as defined in OAR 715-045-0023, Appeals and Complaints.

(22) Student Services, including:

(a) A description of the extent and nature of placement assistance provided to students and graduates, including but not limited to:

(A) Job search techniques;

(B) Resume' writing or the industry equivalent;

(C) Job interview techniques or the industry equivalent;

(D) The assistance the school provides in establishing job contacts or interviews for graduates;

(E) A clear statement that the institution does not and cannot guarantee employment;

(b) Specifics describing the availability of and eligibility for student housing,

(c) Availability of career or other counseling services,

(d) Statement of rights of student to access their files and procedure for doing so,

(e) Policy regarding release of information about an individual student, including applicable requirements of the "Family Educational Rights and Privacy Act of 1974" (FERPA) (20 USC § 1232g; 34 CFR Part 99), and

(f) Other student services, if any.

Stat. Auth.: ORS 345.325

Stats. Implemented: ORS 345.325

Hist.: ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; ODE 17-2003, f. 12-30-03, cert. ef. 1-1-04; ODE 15-2006, f. 12-11-06, cert. ef. 1-1-07; ODE 16-2010, f. 11-15-10, cert. ef. 1-1-11; Renumbered from 581-045-0019 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0022

Facilities

(1) All schools shall demonstrate that premises owned, rented, leased, occupied, maintained, used or approved by the school, are maintained in compliance with applicable city, county or state ordinances and laws relating to safety and health of persons on the premises.

(2) Safety and health inspection data required by OR-OSHA (ORS 654.010) and other applicable statute, ordinance or administrative rule shall be available for review by Higher Education Coordinating Commission staff. All applicants for an initial license must have a fire inspection by appropriate city or county Fire Marshall's office prior to issuance of a license and all licensees must have an annual fire inspection if annual service is provided by applicable Fire Marshall's office. Schools must be clean, well maintained and provide good lighting and ventilation. Schools must arrange classrooms, equipment and demonstration areas to enhance instruction, provide sufficient storage, use prescribed containers for hazardous materials, and provide for safe and orderly classroom management for the type of educational programs offered.

(3) A school shall notify the Superintendent in writing at least 30 calendar days in advance of any change of its principal location or name. In the event of change of location, Department staff may inspect the new site. Deficiencies, if any, must be corrected in a timely manner for continued approval to operate in the new location. Failure to notify the commission's executive director of name or address change may result in the imposing of civil penalties per OAR 715-045-0190. An exception may be granted if the executive director determines a legitimate emergency or a circumstance exists which would prevent the school from complying.

Stat. Auth.: ORS 345.080

Stats. Implemented: ORS 345.080

Hist.: ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; Renumbered from 581-045-0022 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0023

Appeals and Complaints

(1) Each school shall implement a process for the prompt resolution of a complaint by a student of the school. Unless specifically provided by state or federal law or administrative rule, the decision of the school shall be final.

(2) Complaints filed on behalf of or by a student against a school must be postmarked within one year of the student's last date of attendance.

(3) If the complaint alleges a violation of Oregon Revised Statutes, ORS 345.010 to 345.470 or standards of OAR 715-045-0006 through 715-045-0210, the complainant may direct an appeal to the Higher Education Coordinating Commission, after exhausting the school's procedures or after 45 days from filing a written complaint with the school, whichever occurs first. The appeal shall be in writing and shall contain:

(a) The complainant's name, address, phone number, and signature;

(b) School name, address, and phone number;

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(c) A brief statement indicating which statute or rule the school is alleged to have violated and how the school is alleged to have violated it, e.g., failure to refund tuition, failure to provide a portion of the program described in the enrollment agreement;

(d) Facts detailing dates of attendance, termination date, date of occurrence, names, addresses and positions of school officials contacted, financial loss, if any, and any other pertinent information;

(e) An explanation of what efforts have been taken to resolve the problem with the school, if any; and

(f) Copies of pertinent documents, such as the enrollment agreement, catalog and advertisements.

(4) After receipt of a complaint or other allegation that a school has failed or is failing to comply with the provisions of any laws or rules, the commission's executive director shall investigate the facts surrounding the allegations.

(5) The executive director shall notify the complainant and the school of the findings resulting from the investigation.

(6) The commission may impose penalties as defined in OAR 581-045-0190 if the school is found to be in violation of any standard or rule.

(7) Subsections (1) and (2) of this rule do not limit the statutory authority of the commission to investigate schools regardless of receiving allegations from the public.

(8) At the request of the executive director, complaints may be resolved with the assistance of such other parties as the Oregon Student Assistance Commission, Oregon Department of Justice, U.S. Department of Education, and other appropriate organizations and/or individuals.

Stat. Auth.: ORS 345.120

Stats. Implemented: ORS 345.120

Hist.: ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; ODE 17-2003, f. 12-30-03, cert. ef. 1-1-04; ODE 15-2006, f. 12-11-06, cert. ef. 1-1-07; Renumbered from 581-045-0023 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0029

Tuition Protection Fund

(1) There shall be a fund known as the Private Career School Tuition Protection Fund (as described in ORS 345.110). The Tuition Protection Fund is hereby established in the custody of the State Treasurer. The Executive Director of the Higher Education Coordinating Commission shall deposit in the fund all monies received under this rule. Monies from the fund shall be spent only for the purposes under this rule. Disbursements from the fund shall be on authorization from the commission and no appropriation is required for such disbursements. All earnings on investments of the fund shall be credited to the fund. To be and remain licensed, each private career school authorized in accordance with the provisions of ORS Chapter 345 shall pay to the state an initial capitalization deposit and 14 semiannual payments. The fund shall be initially capitalized at a minimum of \$200,000 and shall achieve and maintain an operating balance of at least \$1 million. Said fund is intended to be a fund of last resort.

(2) Purpose of the fund:

(a) Students attending schools licensed by the State of Oregon, other than students covered by another state's tuition protection, may apply to the commission, when a school ceases to provide educational services, for a refund of tuition from the fund established pursuant to this rule to the extent that such fund exists or has reached the level necessary to pay outstanding approved claims. The liability of the fund for claims against the school shall not exceed the total amount of the liability limit assigned to the school under subsection (3)(a) of this rule. Such limitation on each school's liability remains unchanged by single or cumulative disbursements made on behalf of the school. If the commission's executive director finds that a student is entitled to a refund of tuition, the executive director shall determine the amount of refund based on criteria established by the commission;

(b) The commission shall direct the State Treasurer to pay the refund on behalf of the student to the student and/or the student's financial sponsor(s). If the student is a minor, payment shall be made to the student's financial sponsor(s). Each recipient of a tuition refund shall, as a condition for receiving the claim, assign all rights to the commission of any action against the school or its owner(s) for tuition amounts reimbursed pursuant to this section;

(c) Upon such assignment, the executive director shall take appropriate action against the school or its owner(s) in order to reimburse the Tuition Protection Fund for any expenses or claims that are paid from the fund and to reimburse the commission for the reasonable and necessary expenses in undertaking such action;

(d) The executive director shall attempt to recover from the school all funds disbursed from the Tuition Protection Fund and other costs of recovery;

(e) The Tuition Protection Fund shall not be used to reimburse private party attorney fees;

(f) Under no circumstances will any party, person or entity, other than the commission, be allowed to access funds from the Tuition Protection Fund; and

(g) No liability accrues to the State of Oregon from claims made against the fund.

(3) Establishment of fund liability limits:

(a) The amount of liability that can be satisfied by this fund, on behalf of each individual school licensed under this rule, shall be based on the gross tuition income reported on the last license renewal application: [Table not included. See ED. NOTE]

(b) The calculation of gross annual tuition for a school located outside the State of Oregon shall include only that income derived from residents of this state during the school's preceding year of operation, as evidenced in the financial statement required by OAR 581-045-0032;

(c) Institutions not yet in operation or otherwise lacking a full year's financial data prior to initial licensing, shall have a liability limit calculated on the basis of an estimation of gross annual tuition;

(d) Each school subject to this rule shall submit to the commission in cash or by check or money order, the following nonrefundable* amounts for its initial capitalization deposit into the Tuition Protection Fund: [Table not included. See ED. NOTE]

(e) After the date of its nonrefundable initial capitalization deposit, as a condition to remaining licensed, each school shall remit to the commission for deposit into the Tuition Protection Fund semiannual payments (on January 31 and July 31) in cash or by check or money order, in accordance with the schedule in subsection (3)(d) of this rule. If the semiannual payment is not postmarked (or date stamped if hand delivered to the Department) before or on the due date, the commission may impose a civil penalty as allowed under ORS 345.995 and OAR 715-045-0190. Failure of a school to make payment within 30 days of due date shall be grounds for suspension or revocation of the school's license; and

(f) The executive director shall prepare and mail to each licensee semiannual notices of the due dates and amounts of deposits required under subsection (3) of this rule. Each notice shall include therein at least once each year:

(A) A notation showing the licensee's aggregate prior deposits into the fund;

(B) A notation showing the licensee's balance of remaining payments based on the most recent deposit received;

(C) A notation showing the cumulated balance existing in the fund at the most recent half-year accounting; and

(D) A summary showing all disbursements made from the fund to satisfy claims in the period since the last such similar summary was disseminated.

(4) After disbursements made to settle claims reduce the operating balance below \$500,000, and recovery of such funds has not been ensured by the affected school within 30 days, the commission shall assess each licensee a pro rata share of the amount required to restore the balance in the fund to \$500,000. When calculating each share, the commission shall employ a pro rata percentage of liability. If the amount of any single such assessment equals or is less than the semiannual amount of deposit established for the licensee, the assessment shall be paid within 30 days of notice. If any single assessment exceeds the amount of its semiannual deposit, the school may apply to the commission for a schedule of deferred payments. The commission shall grant such deferrals on application, but in no case shall the time extended exceed one year beyond the date of an assessment.

(5) The executive director shall determine, based on annual financial data supplied by the school, whether the semiannual deposit assigned to the school on the matrix established under subsection (3) has changed. If an increase or decrease has occurred, a corresponding change in the semiannual deposit shall be made before the date of its next scheduled deposit into the fund.

(6) When any ownership interest in a school is conveyed through sale or other means that results in the transferee (buyer) owning more than 50 percent of the school, the contribution schedule of the prior owner is canceled. All contributions made up to the date of the transfer accrue to the fund. The new owner commences contributions under provisions applying to a new applicant. Exception shall be granted to any transferee (buyer) who held more than 50 percent of the ownership interest prior to the transfer and to any transferee who owned any interest in the school for more than four years prior to the transfer. In such instances the transferee (buyer) shall

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provide the executive director with legal evidence to validate the percent and time period of ownership.

(7) When deposits total \$3,000,000, and the history of disbursements so warrants, the commission may reduce the schedule of deposits whether as to time, amount, or both. When such level is achieved, the commission may return any excess funds to currently licensed schools that have completed their required contributions to the fund.

(8) Additional procedures established to deal with a school that ceases to provide educational services:

(a) A school ceases to provide educational services when the school or a division of the school ceases to provide classes or instruction;

(b) The executive director shall attempt to notify all potential claimants within 60 days of the date the executive director determines a school has ceased to provide educational services. The absence of records and other circumstances may make it impossible or unreasonable for the executive director to ascertain the name and address of each potential claimant, but the executive director shall make reasonable inquiries to secure that information from all likely sources including but not limited to public notification. The notification to students shall inform them of the opportunity and the deadline for submitting claims against the Tuition Protection Fund;

(c) Claims against the Tuition Protection Fund may be made only by students who were enrolled at the time a school ceases to provide educational services;

(d) All claims must be filed with the commission by the deadline established in the executive director's notification. Each student filing a claim must specify and verify any and all sources and amounts of tuition that were paid on the student's behalf. The commission may refuse to pay any claim that does not contain sufficient verification or other information required by the executive director;

(e) The executive director shall not consider any claims filed after the deadline established in the executive director's notification. Failure of a student to receive notification shall not be a basis for the commission to consider any claims filed after the deadline;

(f) The executive director shall seek to recover such disbursed funds from the assets of the defaulted school, including but not limited to asserting claims as a creditor in bankruptcy proceedings; and

(g) A school shall have no vested right, claim or interest in any deposit to the Tuition Protection Fund and all payments shall accrue to the fund.

(9) In the event of a potential and actual school closure a school shall inform its students in writing of their rights under the provisions governing the Tuition Protection Fund.

(10) If a school closure is in violation of OAR 715-045-0067, the commission may allocate monies from the Tuition Protection Fund, as a fund of last resort, to teach-out arrangements for displaced students. The liability level for teach-out costs shall be the same as that established in subsection (3) of this rule. Students signing a written agreement as a result of this option would not be entitled to a refund from the school or the Tuition Protection Fund.

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

Stat. Auth.: ORS 345.110 & 345.995

Stats. Implemented: ORS 345.110

Hist.: EB 32-1991, f. & cert. ef. 12-18-91; EB 18-1992 (Temp), f. & cert. ef. 5-13-92; EB 34-1992, f. & cert. ef. 11-3-92; EB 13-1996, f. & cert. ef. 7-26-96; ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; ODE 21-2002, f. 9-26-02 cert. ef. 10-1-02; Renumbered from 581-045-0029 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0032

Standards for Financial Reporting

(1) All private career schools shall submit at initial licensing, and annually thereafter in conjunction with the license renewal, financial information reflecting the fiscal condition of the school at its start-up or at the close of its most recent fiscal or calendar year, whichever is applicable. For such purposes the information submitted shall conform to the following:

(a) At initial application for licensing, the school must submit a business plan based on the major goals of the school for the first two years of operation along with the methods and procedures for achieving the goals. Included as part of the plan will be an opening balance sheet, along with worksheets documenting the source and method of calculation for amounts listed on the balance sheet. The school shall have sufficient capital to provide all the appropriate instruction, support and administrative services (including appropriate comprehensive general liability insurance), staffing, equipment, and facilities. The Executive Director of the Higher Education Coordinating Commission will use financial ratios relevant to the private career school industry, such as those suggested by national professional organizations, accrediting organizations, and other appropriate financial statistics to determine the sufficiency of the planned capital. The plan also

shall include a projected income statement showing the projected income and expenses for each of the first two years of operation, with the first year's projections calculated on a monthly basis, and the second year's projections calculated on a quarterly basis.

(b) In addition to the licensing requirements cited in paragraph (a) of this subsection, financial requirements shall be based on a school's ability to fulfill its obligations to students, meet refund obligations, meet operational expenses and other financial obligations, and make the required contributions to the existing tuition protection fund. When the sufficiency of the planned capital is questionable, the executive director may require mechanisms be put in place to ensure the availability of operating funds and funds required to satisfy student tuition refund requests, including but not limited to a letter of credit, or the escrow of unearned tuition funds.

(c) The financial report for license renewal may be prepared by the school owner or competent school personnel for schools with gross annual tuition income of less than \$225,000. Such report shall cover the most recent annual accounting period completed. The balance sheet information must clearly show all assets, liabilities, and net worth, while the income statement must clearly show the profit or loss for the fiscal year. Each school also must provide a cash flow statement showing its:

(A) Cash flow from operations;

(B) Cash flow used in investing; and

(C) Cash flow from financing activities.

(d) The information for license renewal must also show total instructional income and expense for the school for the preceding fiscal year, along with supporting worksheets and documentation as provided by the commission. If a school offers both licensed programs and programs exempt from licensure, total instructional income for licensed programs and exempt programs shall be displayed separately so that gross tuition income from which license fees and the tuition protection fund assessment will be computed is clearly identified. At the option of the school owner, expenses may or may not be displayed separately for licensed and exempt programs. The amount of the tuition protection fund assessment required for an initial license will be computed on the basis of projected first year tuition income but shall not be less than a liability limit of \$6,250;

(e) At the option of the school, the financial report may be in the format provided by the commission;

(f) Each school must certify in its financial report that all refunds due students have been made and are not in default. If any refund requests are pending, the school must disclose this information along with a status report of the request(s); documentation prepared for accreditation reviews or from reviewed financial reports may be submitted to satisfy this requirement;

(g) In all instances, information supplied must be certified true and correct by the school owner or an authorized representative;

(h) Schools reporting gross tuition income between \$225,000 and \$1,999,999, inclusive, will submit a reviewed financial report that conforms to Generally Accepted Accounting Principles (GAAP) and is completed and signed by an independent Certified Public Accountant (CPA). In lieu of a reviewed financial report, schools may submit income tax forms if all of the following conditions are met:

(A) The income tax forms were prepared and signed by an independent Certified Public Accountant (CPA), and

(B) The income tax forms are reporting financial information solely for the career school or the organization within which the school function is embedded if the career school is not a legal entity in its own right, and

(C) The school or organization's fiscal year matches the tax year, and

(D) All sensitive information such as social security numbers have been redacted, and

(E) The income tax forms are complete with all related schedules and worksheets and include all information that would be used to prepare a reviewed financial report, and

(F) The requirements of paragraph (d) of this subsection are met. Separate forms displaying tuition costs for licensed programs versus exempt programs and other activities must be included if the career school is embedded within the operation of a larger organization and is not a legal entity in its own right.

(G) Any income tax forms received by the commission that do not meet the requirements of paragraph (h) of this subsection will be shredded upon receipt.

(i) Schools that are accredited and offer students state or federal financial aid may not submit income tax forms and must submit an audited financial report signed by an independent Certified Public Accountant, regardless of amount of gross tuition income.

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from 581-045-0585; Renumbered from 581-045-0585, ODE 12-2001, f. & cert. ef. 5-15-01; Renumbered from 581-045-0034 by HECC 2-2014, f. & cert. ef. 4-23-14

(j) Schools reporting gross tuition income of \$2,000,000 or more will submit an audited financial report that conforms to Generally Accepted Accounting Principles, (GAAP), Generally Accepted Audit Standards, (GAAS), and Statements for Accounting and Review Services (SAARS) currently in effect.

(2) If after analyzing a school's financial reports and records, the executive director determines the school is not financially responsible, as described in OAR 581-045-0063, or that the school's records are incomplete or inaccurate, the executive director may require the school to submit within 75 calendar days of written notice:

(a) An audited financial report signed by an independent Certified Public Accountant (CPA); and

(b) Its most recent federal and state income tax reports.

(3) The executive director may waive or modify all or part of the requirements in subsections (1) and (2) of this rule for a school that operates within the context of a larger business structure and is not a legal business entity in its own right, or has other financial considerations that are best evaluated through examination of a different set of financial data.

Stat. Auth.: ORS 345.325(8)

Stats. Implemented: ORS 345.325

Hist.: 1EB 34-1978, f. & ef. 10-5-78; 1EB 30-1986, f. & ef. 7-23-86; EB 11-1990, f. & cert. ef. 2-1-90; EB 13-1996, f. & cert. ef. 7-26-96; Renumbered from 581-045-0016, ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; ODE 17-2003, f. 12-30-03, cert. ef. 1-1-04; ODE 15-2006, f. 12-11-06, cert. ef. 1-1-07; ODE 16-2010, f. 11-15-10, cert. ef. 1-1-11; Renumbered from 581-045-0032 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0033

Standards for Advertising

(1) Printed school publications, brochures, or pamphlets shall be on file at the school and available upon request to any prospective student, enrolled student, and the Department.

(2) A school catalog shall meet the requirements of OAR 715-045-0019.

(3) Upon request of the student, the school must provide the following information no later than at the time the student signs an enrollment agreement:

(a) Number of students enrolled in the program at the beginning of the current reporting period;

(b) Number of students who enrolled in the program during the last reporting period;

(c) Number of students who left the program without completing it during the last reporting period;

(d) Number of students who graduated from the program during the last reporting period; and

(e) Number of those who graduated and were placed or working full time in directly related occupations during the last reporting period.

(4) Subsections (3)(b) through (e) of this rule do not apply to prelicense schools as in OAR 715-045-0014.

(5) A school shall have records available to document any statements made by the school through its advertising including salary and placement claims.

(6) A school shall not advertise that it is endorsed, recommended, or approved by the Higher Education Coordinating commission or the commission's executive director. The school may use the phrase "licensed by the Oregon Higher Education Coordinating Commission" in its advertising material.

(7) If a school offers programs licensed by the commission and also offers programs that do not require licensure, the school shall clearly identify each type of program in any publication.

(8) Any school that performs services for the public shall conspicuously display in the reception area a sign indicating that exclusively either students or employees, or both perform its services.

Stat. Auth.: ORS 345.325 & SB 326.051

Stats. Implemented: ORS 345.325

Hist.: 1EB 257, f. 1-3-77, ef. 7-1-77; 1EB 30-1986, f. & ef. 7-23-86; EB 11-1990, f. & cert. ef. 2-1-90; EB 13-1996, f. & cert. ef. 7-26-96; ODE 23-2000(Temp), f. 7-27-00, cert. ef. 7-27-00 thru 1-22-01; Renumbered from 581-045-0021, ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; ODE 21-2002, f. 9-26-02 cert. ef. 10-1-02; Renumbered from 581-045-0033 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0034

False, Deceptive, Inaccurate or Misleading Representations

No private career school or its agents may intentionally or knowingly make false, deceptive, inaccurate or misleading representations of fact in any oral, written, visual or electronic presentation in connection with the offering or publicizing of a subject or course of instruction.

Stat. Auth.: ORS 345.325 & 326.051

Stats. Implemented: ORS 345.325

Hist.: ODE 23-2000(Temp), f. 7-27-00, cert. ef. 7-27-00 thru 1-22-01; ODE 31-2000, f. 12-11-00, cert. ef. 1-1-01; ODE 9-2001(Temp), f. & cert. ef. 2-27-01 thru 8-17-01, Renumbered

715-045-0036

Cancellation and Refund Policy: Resident Instruction

(1) A student may cancel enrollment by giving written notice to the school. Unless the school has discontinued the program of instruction, the student is financially obligated to the school according to the following:

(a) If cancellation occurs within five business days of the date of enrollment, and before the commencement of classes, all monies specific to the enrollment agreement shall be refunded;

(b) If cancellation occurs after five business days of the date of enrollment, and before the commencement of classes, the school may retain only the published registration fee. Such fee shall not exceed 15 percent of the tuition cost, or \$150, whichever is less;

(c) If withdrawal or termination occurs after the commencement of classes and before completion of 50 percent of the contracted instruction program, the student shall be charged according to the published class schedule. The student shall be entitled to a pro rata refund of the tuition when the amount paid exceeds the charges owed to the school. In addition to the pro rated tuition, the school may retain the registration fee, book and supply fees, and other legitimate charges owed by the student;

(d) If withdrawal or termination occurs after completion of 50 percent or more of the program, the student shall be obligated for the tuition charged for the entire program and shall not be entitled to any refund;

(e) The enrollment agreement shall be signed and dated by both the student and the authorized school official. For cancellation of the enrollment agreement referenced in subsections (1)(a) and (b) of this rule, the "date of enrollment" will be the date that the enrollment agreement is signed by both the student and the school official, whichever is later.

(2) Published Class Schedule (for the purpose of calculating tuition charges) means the period of time between the commencement of classes and the student's last date of attendance as offered by the school and scheduled by the student.

(3) The term "Pro rata Refund" means a refund of tuition that has been paid for a portion of the program beyond the last recorded date of attendance.

(4) When a program is measured in clock hours, the portion of the program for which the student will be charged is determined by dividing the total clock hours into the number of clock hours accrued according to the published class schedule as of the last date of attendance.

(5) When a program is measured in credit hours, the portion of the program for which the student will be charged is determined by dividing the total number of weeks into the number of weeks accrued according to the published class schedule as of the last date of attendance.

(6) For other measurements of time such as days or weeks, the portion of the enrollment period for which the student will be charged is determined by dividing the total number of days or weeks into the number of days or weeks, accrued according to the published class schedule as of the last date of attendance.

(7) The term "tuition cost" means the charges for instruction including any lab fees. "Tuition cost" does not include application fees, registration fees, or other identified program fees and costs. The school shall adopt and publish policies regarding the return of resalable books and supplies and/or the prorating of user fees, other than lab fees.

(8) The school shall not charge a withdrawal fee of more than \$25.

(9) The school may adopt and apply refund calculations more favorable to the student than those described under this policy.

(10) When a cancellation, withdrawal, termination, or completion occurs, a calculation of all allowable charges under this rule shall be made. If such calculations evidence that the school received total payments greater than its allowable charges:

(a) Within 40 days after notification of such cancellation, withdrawal, termination, or completion, a written statement showing allowable charges and total payments received shall be delivered to the student by the school, together with a refund equal in amount to monies paid to the school in excess of those allowable charges;

(b) In the event payments to a student account are derived from federal and/or state tuition assistance program(s), including student loan programs, regulations governing refund notification and awarding within respective program(s) shall prevail in lieu of paragraph (a) of this subsection, but only with respect to the covered portions thereof; and

(c) In the event payments to a student account are derived from a sponsoring public agency, private agency, or any source other than the student, the statement of charges and payments received together with an appropriate refund described under paragraph (a) of this subsection may be

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delivered instead to such party(ies) in interest, but only with respect to the covered portions thereof.

(11) In case of disabling illness or accident, death in the immediate family, or other circumstances beyond the control of the student that causes the student to leave school, the school shall arrange a prorated tuition settlement that is reasonable and fair to both parties.

(12) A school shall be considered in default of the enrollment agreement when a course or program is discontinued or canceled or the school closes prior to completion of contracted services. When a school is in default, student tuition may be refunded by the school on a pro rata basis. The pro rata refund shall be allowed only if the Superintendent determines that the school has made provision for students enrolled at the time of default to complete a comparable program at another institution. The provision for program completion shall be at no additional cost to the student in excess of the original contract with the defaulting school. If the school does not make such provision, a refund of all tuition and fees shall be made by the school to the students.

Stat. Auth.: ORS 345.115

Stats. Implemented: ORS 345.115

Hist.: 1EB 24-1978, f. 6-30-78, ef. 7-1-78; 1EB 30-1986, f. & ef. 7-23-86; EB 11-1990, f. & cert. ef. 2-1-90; EB 41-1990, f. & cert. ef. 7-10-90; EB 13-1996, f. & cert. ef. 7-26-96; ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; ODE 21-2002, f. 9-26-02 cert. ef. 10-1-02; ODE 17-2003, f. 12-30-03, cert. ef. 1-1-04; Renumbered from 581-045-0026, ODE 15-2006, f. 12-11-06, cert. ef. 1-1-07; Renumbered from 581-045-0036 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0037

Cancellation and Refund Policies: Distance Learning Instruction

(1) A student may cancel enrollment by giving written notice to the school. Unless the school has discontinued the program of instruction, the student is financially obligated to the school according to the following:

(a) If cancellation occurs within 5 business days of the date of enrollment and lesson materials have not been delivered, all monies related to the enrollment agreement shall be refunded;

(b) If cancellation occurs within 5 business days of the date of enrollment and lesson materials have been delivered, all monies related to the enrollment agreement shall be refunded with the exception of the cost of unreturned lesson materials or the cost of replacement for returned materials that are damaged or marked;

(c) If cancellation occurs after five business days of the date of enrollment and the lesson materials have been shipped but not delivered to the student:

(A) The school may charge an amount equal to 15 percent of the tuition cost, or \$150, whichever is less; that being established as its registration fee;

(B) If the student returns the unopened books and supplies to the school within five days of receipt, the school will refund the total cost of lesson materials.

(d) If cancellation occurs after five business days of the date of enrollment and the lesson materials have been delivered to the student but not returned within five days of receipt, and before the completion of the first lesson assignment, the school may charge:

(A) An amount equal to 15 percent of the tuition cost, or \$150, whichever is less; that being established as its registration fee; and

(B) The total cost of books and supplies.

(e) If withdrawal or termination occurs after the completion of the first lesson assignment and before 50 percent of the total lesson assignments are completed, the student shall be entitled to a pro rata refund of the tuition when the amount paid for the instructional program exceeds the charges owed to the school. In addition to the pro rated tuition charge, the school may retain the registration fee, book and supply fees, and any other legitimate charges owed by the student;

(f) If withdrawal or termination occurs after completion of 50 percent or more of the total lesson assignments, the student shall be obligated for the tuition charged for the entire instructional program and shall not be entitled to any refund;

(2) For cancellation under subsection (1) of this rule, the "date of enrollment" will be determined:

(a) When enrollment occurs by a document exchange through a mail delivery service, the enrollment date shall be the date the enrollment agreement is signed by both the student and the authorized school official, whichever is later;

(b) When the enrollment occurs online, the date of enrollment will be the date the school receives:

(A) A copy of the enrollment agreement signed by the student and the student is granted access to the program; or

(B) Submission of student enrollment information through a secured website. The website must have a registration process that includes, but is not limited to, statements detailing the legal and financial obligations related to enrollment in a school. The student must verify that he/she has read and understands the enrollment agreement. A copy of the student enrollment agreement information that includes "a declaration by the student acknowledging the reading, understanding and acceptance of the enrollment obligations" shall be placed in the student file in lieu of a signed enrollment agreement.

(3) When a program is measured in lesson assignments, the portion of tuition cost for which the student will be charged is determined by dividing the number of lesson assignments completed by the total number of lesson assignments for the program.

(4) A program that includes both distance learning and resident instruction must state separately on the enrollment agreement the costs for the distance learning portion of the program and the costs for the resident portion. The appropriate refund policies for distance learning and resident instruction will apply for each portion of the program.

(5) Resident instruction dates must be scheduled by the time the student completes 50 percent of the distance learning portion of the program.

(a) For the resident portion, charges can be assessed only after a student attends the first resident class session;

(b) Maximum charges shall be calculated by applying the pro rata refund requirements established under subsection (1) of this rule; and

(c) In the event that a school denies a student entrance in the residence portion of the program because of scheduling delays exceeding 30 days between completion of the distance learning portion and commencement of the residence portion, or other changes in contract conditions, all tuition paid for both the distance learning and scheduled residence portions must be refunded.

(6) "Withdrawal or Termination" is acknowledged to have occurred when:

(a) Written notice of same is provided to the school by the student; or

(b) The student has failed to submit completed lesson assignments and/or to otherwise maintain the school's published standards of satisfactory progress; or

(c) In the instance of a resident portion of a program, the student has failed to attend classes and/or to otherwise maintain the school's published standards for satisfactory progress.

(7) The term "tuition cost" means the charges for instruction including any lab fees. Tuition cost does not include application fees, registration fees, or other identified program fees and costs. The school shall adopt and publish policies regarding the return of resalable books and supplies and/or the prorating of user fees, other than lab fees.

(8) The term "Pro rata refund" means a refund of tuition paid for that portion of the program not completed by the student.

(9) The school shall not charge a withdrawal fee of more than \$25.

(10) The school may adopt and apply refund calculations more favorable to the student than those described under this policy.

(11) When a cancellation, withdrawal, termination, or completion occurs, a calculation of all allowable charges under this rule shall be made. If such calculations evidence that the school received total payments greater than its allowable charges:

(a) Within 40 days after notification of such cancellation, withdrawal, termination, or completion, a written statement showing allowable charges and total payments received shall be delivered to the student by the school, together with a refund equal in amount to monies paid to the school in excess of those allowable charges;

(b) In the event payments to a student account are derived from federal and/or state tuition assistance program(s), a sponsoring public agency, private agency, or any source other than the student, the statement of charges and payments received together with an appropriate refund described under paragraph (a) of this subsection may be delivered instead to such party(ies) in interest, but only with respect to the covered portions thereof.

(12) In case of disabling illness or accident, death in the immediate family, or other circumstances beyond the control of the student that causes the student to leave school, the school shall arrange a prorated tuition settlement that is reasonable and fair to both parties.

(13) A school shall be considered in default of the enrollment agreement when a functioning course or program is discontinued or canceled or the school closes prior to completion of contracted services. When a school is in default, student tuition may be refunded by the school on a pro rata basis. The pro rata refund shall be allowed only if the Superintendent determines that the school has made provision for students enrolled at the time

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of default to complete a comparable program at another institution. The provision for program completion shall be at no additional cost to the student in excess of the original contract with the defaulting school. If the school does not make such provision, a refund of all tuition and fees shall be made by the school to the students.

Stat. Auth.: ORS 345.115

Stats. Implemented: ORS 345.115

Hist.: 1EB 31-1986, f. & ef. 7-23-86; EB 11-1990, f. & cert. ef. 2-1-90; EB 41-1990, f. & cert. ef. 7-10-90; EB 13-1996, f. & cert. ef. 7-26-96; ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; Renumbered from 581-045-0027, ODE 15-2006, f. 12-11-06, cert. ef. 1-1-07; Renumbered from 581-045-0037 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0038

Cancellation and Refund Policy: Self-Directed Instruction (Clock Hour Program/Lesson Based)

(1) A student may cancel enrollment by giving written notice to the school. Unless the school has discontinued the program of instruction, the student is financially obligated to the school according to the following:

(a) If cancellation occurs within five business days of the date of enrollment, and lesson materials have not been delivered, all monies specific to the enrollment agreement shall be refunded;

(b) If cancellation occurs within 5 business days of the date of enrollment and lesson materials have been delivered, all monies related to the enrollment agreement shall be refunded with the exception of the cost of unreturned lesson materials or the cost of replacement for returned materials that are damaged or marked;

(c) If cancellation occurs after five business days of the date of enrollment and the lesson materials have been shipped but not delivered to the student:

(A) The school may charge an amount equal to 15 percent of the tuition cost, or \$150, whichever is less; that being established as its registration fee;

(B) If the student returns the unopened books and supplies to the school within five days of receipt, the school will refund the total cost of lesson materials.

(d) If cancellation occurs after five business days of the date of enrollment and lesson materials have been delivered to the student but not returned within five days of receipt, and before the commencement of the accrual of clock-hours or the completion of the first lesson, the school may charge:

(A) An amount equal to 15 percent of the tuition cost, or \$150, whichever is less; that being established as its registration fee; and

(B) The total cost of books and supplies.

(e) If withdrawal or termination occurs after the commencement of the accrual of clock-hours or the completion of the first lesson assignment and before either 50 percent of the program has been offered, or before 50 percent of the program clock-hours or lesson assignments are completed, the student shall be entitled to a pro rata refund of the tuition when the amount paid exceeds the charges owed to the school. In addition to the pro rated tuition charge, the school may retain the registration fee, book and supply fees, and any other legitimate charges owed by the student;

(f) If withdrawal or termination occurs after completion of 50 percent or more of the program has been offered or after completion of 50 percent or more of the program clock-hours or lesson assignments, whichever occurs first, the student shall be obligated for the tuition charged for the entire instructional program and shall not be entitled to any refund.

(2) For cancellation under subsections (1) of this rule, the "date of enrollment" will be determined:

(a) When enrollment occurs in the school setting, the enrollment date shall be the date the enrollment agreement is signed by both the student and the authorized school official, whichever is later;

(b) When enrollment occurs online, the date of enrollment will be the date the school receives:

(A) A copy of the enrollment agreement signed by the student, and the student is granted access to the program, or

(B) Submission of student enrollment information through a secured website. The website must have a registration process that includes, but is not limited to, statements detailing the legal and financial obligations related to enrollment in a school. The student must verify that he/she has read and understands the enrollment agreement. A copy of the student enrollment agreement information that includes "a declaration by the student acknowledging the reading, understanding and acceptance of the enrollment obligations" shall be placed in the student file in lieu of a signed enrollment agreement.

(3) Under subsection (1) of this rule, the term "offered" means the period of time between the beginning date and ending date of the program as identified on the enrollment agreement.

(4) Under subsection (1) of this rule, the portion of tuition cost for which the student shall be charged is determined by dividing the total clock hours into the number of clock hours accrued by the student, or the total number of lessons into the number of lessons completed by the student.

(5) The term "tuition cost" means the charges for instruction including any lab fees. Tuition cost does not include application fees, registration fees, or other identified program fees and costs. The school shall adopt and publish policies regarding the return of resalable books and supplies and/or the prorating of user fees, other than lab fees.

(6) The term "Pro rata refund" means a refund of tuition paid for that portion of the program not completed by the student.

(7) The school shall not charge a withdrawal fee of more than \$25;

(8) The school may adopt and apply refund calculations more favorable to the student than those described under this policy.

(9) When a cancellation, withdrawal, termination, or completion occurs, a calculation of all allowable charges under this rule shall be made. If such calculations evidence that the school received total payments greater than its allowable charges:

(a) Within 40 days after notification of such cancellation, withdrawal, termination, or completion, a written statement showing allowable charges and total payments received shall be delivered to the student by the school, together with a refund equal in amount to monies paid to the school in excess of those allowable charges;

(b) In the event payments to a student account are derived from federal and/or state tuition assistance program(s), including student loan programs, regulations governing refund notification and awarding within respective program(s) shall prevail in lieu of paragraph (a) of this subsection, but only with respect to the covered portions thereof; and

(c) In the event payments to a student account are derived from a sponsoring public agency, private agency, or any source other than the student, the statement of charges and payments received together with an appropriate refund described under section (9)(a) of this rule may be delivered instead to such party(ies) in interest, but only with respect to the covered portions thereof.

(10) In case of disabling illness or accident, death in the immediate family, or other circumstances beyond the control of the student that causes the student to leave school, the school shall arrange a prorated tuition settlement that is reasonable and fair to both parties.

(11) A school shall be considered in default of the enrollment agreement when a course or program is discontinued or canceled or the school closes prior to completion of contracted services. When a school is in default, student tuition may be refunded by the school on a pro rata basis. The pro rata refund shall be allowed only if the Superintendent determines that the school has made provision for students enrolled at the time of default to complete a comparable program at another institution. The provision for program completion shall be at no additional cost to the student in excess of the original contract with the defaulting school. If the school does not make such provision, a refund of all tuition and fees shall be made by the school to the students.

Stat. Auth.: ORS 345.115

Stats. Implemented: ORS 345.115

Hist.: ODE 15-2006, f. 12-11-06, cert. ef. 1-1-07; Renumbered from 581-045-0038 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0039

Cancellations, Tuition and Refund Policies: Exceptions

(1) A school may adopt a refund or cancellation policy different from the policies described under OAR 715-045-0036, 715-045-0037, and 715-045-0038 only if:

(a) The policy is more favorable to the student than what those respective rules require; or

(b) The school enters into contractual arrangements for training services where the costs are paid by a contract with another agency, and no refund liability is created between those students and the school.

(2) The Executive Director of the Higher Education Coordinating Commission may, upon request, establish an alternative refund policy for a school that offers courses or programs with such an organizational structure that application of the refund policies prescribed, if applied, would cause unfair results to either the school or enrollees.

Stat. Auth.: ORS 345.115

Stats. Implemented: ORS 345.115

Hist.: 1EB 31-1986, f. & ef. 7-23-86; EB 11-1990, f. & cert. ef. 2-1-90; EB 13-1996, f. & cert. ef. 7-26-96; ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; ODE 21-2002, f. 9-26-02 cert. ef. 10-1-02; Renumbered from 581-045-0028, ODE 15-2006, f. 12-11-06, cert. ef. 1-1-07; Renumbered from 581-045-0039 by HECC 2-2014, f. & cert. ef. 4-23-14

ADMINISTRATIVE RULES

715-045-0060

Standards Governing Recruitment for Private Career Schools and their Agents

All agents and schools will be subject to the following conditions of this rule:

(1) A school shall provide training to admissions staff that includes:

(a) Knowledge of the Oregon Private Career School laws, and rules; and

(b) Detailed understanding of the school's catalog, admission standards, application fee if charged, enrollment agreement/contract, refund policy, other written school policies, and code of ethical conduct when dealing with prospective students and parent(s) or guardian(s).

(2) As the recruitment of prospective students relates to admissions policies and practices:

(a) The school or agent shall clearly explain to each applicant for enrollment the nature of the course under consideration and what the training can reasonably be expected to do for the student in preparation for or furtherance of a trade or occupation;

(b) The school shall not enroll, and no agent or any person involved in recruitment or admission shall recommend for enrollment, any person without having reason to believe that the person is likely to succeed in and benefit from the proposed training or course of instruction;

(c) Where a school or agent enrolls a person who does not meet regular basic admission qualifications of the school, the school must have a written record of the reasons why the enrollee was permitted to enroll, and be prepared to justify its action in accepting the enrollment;

(d) No school or agent may accept an enrollment from a person of compulsory school age, nor one attending a school of elementary or secondary level, until the agent has written assurance from the enrollee's parent, guardian, or principal of the elementary or secondary school attended, that pursuit of the course would not be detrimental to enrollee's regular school work; and

(e) The school must produce, upon demand of the Higher Education Coordinating Commission, documents attesting to completion of subsection (1)(a) and (b) of this rule and, when applicable, subsection (1)(c) and (d) of this rule.

(3) As recruitment of prospective students relates to enrollment agreements or contracts:

(a) The enrollment agreement or contract must clearly outline obligations of both school and student, and a copy of the enrollment agreement or contract must be furnished the student by the agent before payment is made;

(b) The school or agent must inform each applicant of the nature of the obligation entered into and the responsibilities and rights of the student under the enrollment agreement or contract before the student signs the document. Evidence of compliance with this will be the student's signature on file at the school verifying receipt of a copy of the contract as well as other documents required in OAR 715-045-0018;

(c) The total tuition for any specific course must be the same for all persons enrolling at a specific time, except that a group-training contract showing lower individual rates may be negotiated;

(d) Tuition changes in courses shall be effective on specific dates and applicable to all who enroll thereafter; and

(e) All charges and costs incidental to training must be revealed by the school or agent to the prospective student before any enrollment agreement or contract is signed.

(4) As recruitment of prospective students relates to advertising and promotional literature: No bonus or other incentive may be given a prospective student for the purpose of enticing the student to sign an enrollment agreement other than that which is offered to all students in a special promotional effort. This rule does not prohibit a school from establishing a bona fide program with clearly identified criteria.

(5) As recruitment of prospective students relates to the school's responsibility for its agents:

(a) The school is responsible for ensuring that the agent has been provided training and is knowledgeable about the school's:

(A) Beginning, history, and owners;

(B) Program of studies;

(C) Refund policy;

(D) Admission and assessment requirements;

(E) Graduation requirements;

(F) Rules and regulations;

(G) Financial policies and procedures;

(H) Governance by Oregon private career school law and rules;

(I) Relationship to applicable consumer protection laws; and

(J) Code of ethical conduct when dealing with prospective students and parent(s) or guardian(s).

(b) The school is responsible for all advertising or promotional literature used by its agents;

(c) The school or agent must provide the student a receipt for all money collected and a copy of the enrollment agreement;

(d) No person who has any responsibility for the recruitment of students shall use the title of counselor, advisor, or any term of similar import, as determined by the Superintendent. Persons responsible for student recruiting may use the titles of admissions representative, career consultant, or other similar titles. The use of such titles shall be allowed so long as neither the school nor any such titled person represents, either directly or by implication, that they are acting on behalf of the prospective student rather than on behalf of the school;

(e) No school or agent may discredit other schools or agents in any manner that may influence a student to leave another school or discourage a student from signing an enrollment agreement with another school; and

(f) All schools and their agents shall comply with all standards set forth in OAR 715-045-0033 and 581-045-0034 concerning advertising and promotional material.

Stat. Auth.: ORS 345.040 & 345.325

Stats. Implemented: ORS 345.040

Hist.: 1EB 257, f. 1-3-77, ef. 7-1-77; 1EB 30-1986, f. & ef. 7-23-86; EB 11-1990, f. & cert. ef. 2-1-90; EB 13-1996, f. & cert. ef. 7-26-96; ODE 23-2000(Temp), f. 7-27-00, cert. ef. 7-27-00 thru 1-22-01; ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; ODE 21-2002, f. 9-26-02 cert. ef. 10-1-02; ODE 15-2006, f. 12-11-06, cert. ef. 1-1-07; Renumbered from 581-045-0060 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0061

Private Career School Agents

(1) An agent shall be a person who has attained the age of 18 years, is of good moral character and is otherwise competent and qualified to safeguard and protect the interests of the public.

(2) No person shall act in the state as an agent for a private career school unless the Superintendent has received the agent's registration.

(3) Agents shall be considered registered only when the school notifies the Department in writing of the name, address, date of employment, and geographic territory for each agent.

(4) For licensing purposes, registered agents shall be considered employees of the school.

(5) No agent shall begin recruiting students until completing school-provided training in the areas identified in OAR 715-045-0060(5)(a).

(6) The school shall be responsible for developing identifying credentials and passport pictures for each of its agents. The credentials shall remain the property of the school. The identifying credentials shall include:

(a) The full name and address of the agent;

(b) The full name and address of the career school to be represented; and

(c) A passport-type picture affixed to the identifying credentials.

(7) The school shall immediately notify the Executive Director of the Higher Education Coordinating Commission of the termination of employment of an agent and demand return of the agent's credentials.

(8) The school may be fined for failure to keep its agent files current and accurate.

(9) Agents, when representing more than one school, shall disclose to each employing institution that they are employed by more than one school.

(10) Agents, when representing a school, shall:

(a) Report first to the administrative offices of any high school or college before conducting any student interviews or presentations;

(b) Make no statements which are false, misleading or fraudulent;

(c) Respond with all facts about the school the prospective student may wish to know prior to the making of an enrollment decision;

(d) Use only advertising that complies with OAR 715-045-0033 and 715-045-0034;

(e) Provide a copy of the school's catalog/brochure to high school administrators or counselors prior to making any presentation at a high school;

(f) Disclose information on tuition and other instructional costs upon request by prospective students;

(g) Explain to the student payment obligations before the student signs the enrollment agreement, and explain the school's refund policy;

(h) Make clear the school's academic policies and code of conduct;

(i) Accurately describe the school's facilities and living accommodations, and explain living costs;

(j) Give a report on current job prospects;

(k) Make available for review samples of the school's distance learning lessons prior to the signing of the enrollment agreement;

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(l) Explain the school's placement assistance, and provide placement statistics;

(m) Explain the school's admissions criteria;

(n) Provide a copy of the enrollment agreement and fully explain all terms and conditions;

(o) Suggest that the prospective student visit the school to talk with teachers, guidance counselors, employment counselors and students; and

(p) Wear identifying credentials at all times when involved in recruitment activities outside of the school.

(11) Agents shall not:

(a) Make false, inaccurate or misleading statements concerning any degree, certificate or diploma offered by the school;

(b) State that credits from the school are transferable unless such claims are supported by documentation in the school's files and provided to and on file with the commission. The agent shall, at the time of representation, identify each school or type of school and program which accepts such credits. The agent shall clearly and conspicuously disclose all limitations on such transferability; for example, it is not possible to transfer credits from a certificate program to a degree program;

(c) Recommend a prospective student for acceptance if the agent does not have reason to believe the student has a chance to succeed;

(d) Distribute distance learning lessons if to do so limits the student's right to cancel the enrollment within five business days of signing and receive a full refund of all monies paid to the school;

(e) Collect any fee other than the application fee prior to the student's official admittance; or

(f) Represent that any commodity or service is free when, in fact, such commodity or service is regularly included as part of a course for which tuition or any other fee is paid.

(12) The school shall monitor its agent's activities and sales and marketing practices and immediately investigate and resolve complaints about their activities. The school shall be accountable for the adherence of its agents to ORS Chapter 345 and OAR chapter 581, division 45.

Stat. Auth.: ORS 345.325 & 345.040

Stats. Implemented: ORS 345.040

Hist.: 1EB 119, f. & ef. 7-19-68; 1EB 131, f. 5-19-72, ef. 6-1-72; 1EB 25-1978, f. 6-30-78, ef. 7-1-78; 1EB 30-1986, f. & ef. 7-23-86; EB 11-1990, f. & cert. ef. 2-1-90; EB 13-1996, f. & cert. ef. 7-26-96; Renumbered from 581-045-0050, ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; ODE 15-2006, f. 12-11-06, cert. ef. 1-1-07; Renumbered from 581-045-0061 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0062

Application for Private Career School License Renewal

(1) Each school shall annually renew its license. At least 60 calendar days prior to the anniversary date of its license, the school must file with the Higher Education Coordinating Commission a completed application for license renewal, including:

(a) Current financial reports as required by OAR 715-045-0032;

(b) Financial report certification form signed by the school's owner or chief administrative officer;

(c) A current and accurate enrollment agreement or contract;

(d) A copy of the catalog that will be in effect for the instructional year that commences during the reporting period for which the license is being renewed. The catalog submission must include an indication of changes that have been made to the structure or wording of the catalog contents;

(e) A copy of any student handbook, addendums, or supplements to the school catalog, and any additional policies and requirements provided to the student that will be in effect for the instructional year that commences during the reporting period for which the license is being renewed. Submission of these materials must include an indication of changes that have been made to the structure or wording of these materials as previously approved by the Department;

(f) Copies of any advertising materials used to recruit new students;

(g) Affidavit of ownership form, signed by all owners holding more than 10% ownership in the school, or by the chief corporate officer (other than the campus president) for publicly held companies;

(h) Affidavit of non-delinquency for student refunds, signed by the school owner or chief administrative officer, as described by OAR 715-045-0032(1)(f);

(i) Student enrollment, completion, and placement information as described in subsection (3) of this rule;

(j) Roster of all instructional staff utilized during the reporting period with dates of service and gross earnings paid;

(k) Information regarding changes to the instructional design as described in subsection (4) of this rule;

(l) License renewal fee and any outstanding penalties, late fees, or other charges owing to the commission.

(2) If a school has been licensed for three years or more and there are no changes in the school's structure, the commission's executive director may allow the school to submit an abbreviated renewal application that confirms the school's compliance with applicable Oregon Revised Statutes and Oregon Administrative Rules. Such abbreviated renewal application shall include the required renewal fee.

(3) The school must provide the following information on the forms provided by the commission for the reporting period:

(a) Names and enrollment information for all students continuing from the prior enrollment period;

(b) Names and enrollment information for all students who enrolled in the program during the reporting period;

(c) Names and enrollment information for all students who left the program without completing it during the reporting period;

(d) Names and enrollment information for all students who transferred between programs during the reporting period;

(e) Names and enrollment information for all students who were graduated from the program during the reporting period; and

(f) Names of those who graduated and were placed or are working in directly related occupations during the reporting period, along with employer information.

(4) If any changes have occurred in the instructional design for any course or program during the previous reporting period or changes are anticipated during the new reporting period, these changes will be submitted to the commission for review and approval.

(5) If the applicant school accepts enrollment of minors, or employs agents who have contact with persons under the age of 18 on behalf of the applicant school, the provisions of OAR 715-045-0003 will apply to any subject individuals the school currently employs or proposes to hire.

(6) An application for renewal of license shall be considered late if not postmarked (or date stamped if hand delivered to the commission) before or on the due date. The executive director, as allowed under ORS 345.995 and OAR 715-045-0190, may impose a late fee for each calendar day the renewal application is late. Such fees, where applicable, shall be included with the renewal application.

(7) The commission may invoke license suspension as defined in OAR 581-045-0001 and begin license revocation procedures when:

(a) A school fails to submit the application for license renewal by the due date as described in subsection (1) of this rule;

(b) The application does not include accurate or adequate, or complete materials necessary for license renewal; or

(c) The school is on probation and not making satisfactory progress to comply with all provisions of the program improvement plan.

(8) License renewal may be denied when a renewal application is incomplete or received by the commission less than 30 days before the license expiration date. Pursuant to ORS 183.484, denial of license renewal on these grounds is an order in other than a contested case. Appeal of the decision to deny may be made by written request to the Circuit Court within 60 days of the issuance of the denial order.

(9) The executive director may conditionally approve a license renewal providing a school agrees to a program improvement plan acceptable to the executive director. Conditional license approval shall be subject to the provisions of ORS 345.030(8). The conditional license issued by the commission shall include the period and dates of effectiveness of the license.

Stat. Auth.: ORS 345.030

Stats. Implemented: ORS 345.030

Hist.: EB 13-1996, f. & cert. ef. 7-26-96; Renumbered from 581-045-0004 by ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; ODE 21-2002, f. 9-26-02 cert. ef. 10-1-02; ODE 15-2006, f. 12-11-06, cert. ef. 1-1-07; ODE 3-2010, f. & cert. ef. 2-8-10; ODE 16-2010, f. 11-15-10, cert. ef. 1-1-11; Renumbered from 581-045-0062 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0063

Factors of Financial Responsibility

(1) To retain its license a school must demonstrate to the Higher Education Coordinating Commission that it is financially responsible under the requirements established in this rule.

(2) The commission considers a school to be financially responsible only if it:

(a) Is able to provide the services described in its official publications and statements;

(b) Is able to provide the administrative resources necessary to comply with the requirements of this subpart;

(c) Is able to meet all of its financial obligations, including, but not limited to:

(A) Refunds that it is required to make; and

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(B) Repayments to the U.S. Department of Education for liabilities and debts incurred in programs administered by the U.S. Department of Education.

(d) Demonstrates at the end of its latest fiscal year, a ratio of current assets to current liabilities of at least 1:1;

(e) Had, for its latest fiscal year, a positive net worth. For the purposes of this section, a positive net worth occurs when the school's assets exceed its liabilities;

(f) Has not had operating losses over both of its two latest fiscal years. In applying this standard, the commission's executive director may consider the effect of unusual events such as natural disasters;

(g) Has not had, for its latest fiscal year, an operating deficit exceeding 10 percent of the institution's net worth. For purposes of this section, an operating deficit occurs when operating expenses exceed revenues from current business activities; and

(h) Has not had, as part of the documents prepared by its independent accountant on its audited and certified financial statements for the institution's most recently completed fiscal year, a statement from the accountant acknowledging substantial doubt about the institution's ability to continue as a going concern.

(3) A school that is determined by the executive director not to be financially responsible may be considered "at-risk," and will be required to follow the procedures cited in OAR 715-045-0024.

(4) The executive director may waive or modify all or part of the requirements in subsections (1) through (3) of this rule for schools offering prelicense programs or courses.

Stat. Auth.: ORS 345.325(8) & 345.030

Stats. Implemented: ORS 345.325

Hist.: EB 13-1996, f. & cert. ef. 7-26-96; Renumbered from 581-045-0017, ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; Renumbered from 581-045-0063 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0064

Student Completion and Placement

(1) Schools shall submit true and correct data annually to the Higher Education Coordinating Commission which identifies completion and placement rates for each approved program. These rates shall be computed by individual programs and substantiated by worksheets and records.

(2) Any school failing to maintain completion and placement rates for each approved program of at least 50 percent may be placed on probation for up to one full year or such time as evidence submitted indicates that a 50 percent level of completion and placement is being achieved.

(3) The commission's executive director may withdraw approval of any program that fails to maintain completion and placement rates of at least 50 percent for two consecutive reporting periods. Unusual cause or circumstance will be considered by the commission and exceptions may be granted.

(4) The executive director may require the name, address, and telephone number of any or all graduates and employers accounted for in subsection (1) of this rule for verification and reporting purposes.

(5) The executive director, upon written request from a school, may waive or modify all or part of the requirements of the annual submission of student placement data.

Stat. Auth.: ORS 345.080

Stats. Implemented: ORS 345.080

Hist.: ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; ODE 15-2006, f. 12-11-06, cert. ef. 1-1-07; Renumbered from 581-045-0064 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0065

Inspection and Periodic Review

(1) A school shall provide the Higher Education Coordinating Commission access to all information, records, physical facilities, school employees, and other parties (including advisory groups, administrators, students and graduates) as may be necessary to verify compliance with Oregon Revised Statutes, ORS 345.010 to 345.450, or standards of OAR 715-045-0001 through 715-045-0210.

(2) A school shall permit the commission's executive director to conduct an investigation or on-site review of the school with or without notice. When requested, the school must provide the executive director with true and accurate information including but not limited to records and documents.

(3) A school located in Oregon may be inspected on an annual basis or as the executive director determines necessary.

(4) A school may be reviewed to determine whether the school has and is adhering to policies and procedures in such areas as its programs, services and staff conduct.

(5) Whenever an inspection or other investigation reveals lack of compliance with Oregon Revised Statutes, ORS 345.010 to 345.450 or

standards of OAR 715-045-0001 through 715-045-0210, the executive director may officially notify the school by certified mail that the school has been placed on probation and send the school a report of deficiencies. When deemed appropriate the executive director may initiate immediate license suspension or revocation proceedings and schools will be provided due process through the provisions allowed in subsection (5)(c) of this rule. If the executive director elects to place the school on probation, the school shall have 20 calendar days after date of notification to report on actions that have been taken to correct these deficiencies:

(a) The school's response shall indicate corrective action taken and/or a program improvement plan for correcting any remaining deficiencies;

(b) If violations cited are not corrected, or if a program improvement plan submitted to correct the violations is not acceptable to the executive director, the executive director shall send notice to revoke or suspend the school's license;

(c) The school may request a hearing within 21 calendar days of receipt of the commission's notice to revoke or suspend the school's license; and

(d) A school whose license has been placed on suspension shall not be permitted to engage in any advertising, recruitment or student enrollment activities, or begin the instruction of any new students during the period of suspension.

Stat. Auth.: ORS 345.080

Stats. Implemented: ORS 345.080

Hist.: ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; ODE 17-2003, f. 12-30-03, cert. ef. 1-1-04; Renumbered from 581-045-0065 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0066

At-Risk School

(1) The Higher Education Coordinating Commission may determine a school is "at risk" if a pattern or history of one or more of the conditions cited in the definition for "at risk" exist.

(2) The school owner and/or director shall be required to meet with the commission's executive director to discuss the conditions.

(3) A school determined to be "at risk" at any time, will be required to provide:

(a) A school improvement plan acceptable to the executive director within 30 days after meeting with commission staff;

(b) A letter of credit if appropriate; and

(c) A monthly report for up to 12 months. During that time the school shall demonstrate improvement or the executive director shall proceed with further action of probation, suspension, or license revocation as deemed necessary.

Stat. Auth.: ORS 345.120

Stats. Implemented: ORS 345.120 & SB 326.051

Hist.: EB 13-1996, f. & cert. ef. 7-26-96; Renumbered from 581-045-0024 by ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; ODE 21-2002, f. 9-26-02 cert. ef. 10-1-02; Renumbered from 581-045-0066 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0067

School Closure

(1) In the event a school closes, the school shall file a plan with the Higher Education Coordinating Commission designed to protect the contractual rights of its students and graduates, including the right to complete the course of instruction in which they were enrolled. The school shall return its license to the commission immediately by certified mail upon cessation of instruction.

(2) A school that is closing, either voluntarily or involuntarily, shall:

(a) Inform the commission of this action by certified mail at least 30 calendar days prior to the anticipated cessation of instruction and other normal school business practices. Such notice shall detail the school's closure plan including:

(A) Teach-out arrangements (if made with another school);

(B) The name, address, and telephone number of the person, who will be responsible for closing arrangements;

(C) The name, address, telephone number, and the name of the course of instruction for every student who will not complete their course of instruction; and

(D) The amount of class time left for each student to complete the course with the amount of refund, if any, for which each student is eligible;

(b) Provide written notice to all registered and enrolled students of the school's closure plan at least 30 calendar days prior to closure;

(c) Furnish the commission with copies of the written notice being mailed to all enrolled students explaining the procedures they are to follow to secure refunds or to continue their education;

(d) File procedures for disbursement of refunds with the commission and set a date no later than 30 calendar days from the last day of instruction

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to issue refund checks in the full amount for which students are entitled; and

(e) Within four calendar days of its closing transfer permanent student transcripts and roster of all students enrolled at the time of closure to the commission. All transcripts of students not enrolled at the time of closure are due to the commission within 90 calendar days after closure.

(3) If students are receiving instruction prior to the school's closing, the school shall file a plan, approved by the commission's executive director, with the commission to ensure that the school's students will continue to receive training of the same quality and content as that for which they contracted.

(4) If the executive director, in any situation in which students are receiving instruction prior to a school's closing, determines that the school has not fulfilled its contractual obligations or that a student has reasonable and justifiable objections to the proposed transfer resulting from the closing, the school shall refund all tuition, fees, and other charges as related to OAR 715-045-0026(6).

(5) If the school to be closed offers a combination of distance learning and resident training, the school shall refund the entire cost of both the distance learning and resident portion paid.

(6) Any school owner, including a corporation and/or any of its officers, involved in the decision to close a school in violation of this section will not be granted a license to operate any other private career school in Oregon.

(7) When a school closes or ceases operation, for any reason, its license is automatically revoked effective the day following the date of closure or cessation of operations.

Stat. Auth.: ORS 345.115 & SB 326.051
Stats. Implemented: ORS 345.115

Hist.: EB 13-1996, f. & cert. ef. 7-26-96; Renumbered from 581-045-0031 by ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; ODE 21-2002, f. 9-26-02 cert. ef. 10-1-02; Renumbered from 581-045-0067 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0068

Reporting Obligations

(1) Schools must notify the Higher Education Coordinating Commission within 10 days of receipt of a notice from any source that involves

(a) Action against the school; or

(b) Action against owners, directors, administrators, agents, supervisors, and instructors subject to registration, licensure, or approval pursuant to ORS 345.010 to 345.450, including but not limited to disciplinary, licensure, legal, or conviction of any crime and that might affect the person's ability to fulfill the assigned responsibilities.

(2) Upon request of the commission's executive director, the school must provide the commission with truthful and accurate information regarding the disciplinary action, licensure action, legal action, or conviction of any crime referenced in OAR 715-045-0068(1)(b).

(3) Schools must provide the commission with a copy of any notice of warning, if such notice indicates the school is in immediate jeopardy of losing recognition from that agency, or any notice of suspension or revocation received from any national, regional or state accrediting and/or approval agency within 10 days of receipt of such notice. The school shall at the same time inform the commission in writing of actions being taken to correct the deficiencies cited.

(4) In the event of a school name change, the school shall submit to the commission legal documents from the Secretary of State's office that validates the name change.

Stat. Auth.: ORS 345.080

Stats. Implemented: ORS 345.080

ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; ODE 17-2003, f. 12-30-03, cert. ef. 1-1-04; Renumbered from 581-045-0068 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0190

Civil Penalties

(1) Amendments to OAR 715-045-0001 through 715-045-0210 must be implemented by the schools within 90 days after the effective date of the amendments. Failure to implement rule changes within 90 days shall subject a school to penalties under ORS 345.995 and this rule.

(2) Except as provided in subsection (5) of this rule, any licensee under the provisions of ORS chapter 345 that violates the provisions of, or the rules pertaining to, ORS Chapter 345, is subject to a penalty under 345.992 or 345.995. Any person who violates 345.030 by operating a career school in this state without obtaining a license under 345.010 to 345.450 is subject to penalty under 345.992. Penalties imposed under this section shall not exceed the amounts in the following schedule:

(a) First violation — \$300;

(b) Second violation — \$400;

(c) Third violation — \$500; and

(d) Each additional violation — \$500.

(3) Penalties listed in subsection (2) of this rule may be assessed for each violation of statutes or rules for which a school is charged in writing by the Executive Director of the Higher Education Coordinating Commission. In the event a school is cited for violation of a specific statute or rule on the first occasion, the "first violation" penalty amount will be assessed. Subsequent or repetitive violations of the same statute or rule will cause second, third, and additional penalty amounts to be assessed respectively.

(4) Each commission of an act in violation of a regulation shall constitute a separate violation. The imposition of penalties under OAR 715-045-0001 through 715-045-0210 shall be in addition to, and does not preclude the imposition of, any other penalties for the same act or conduct pursuant to any other provision of law.

(5) Penalties of \$25 per day, up to a maximum of \$500, may be imposed for each calendar day after a license renewal is due under OAR 715-045-0062 or after payment to the Tuition Protection Fund is due under 715-045-0029.

(6) Failure to pay penalties within 30 days of the service of a final order imposing penalties, unless stayed pending appeal by subsequent order of the commission or a court of competent jurisdiction, may result in revocation of license to operate a school.

Stat. Auth.: ORS 345.992 & 345.995

Stats. Implemented: ORS 345.995

Hist.: EB 13-1996, f. & cert. ef. 7-26-96; ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; ODE 21-2002, f. 9-26-02 cert. ef. 10-1-02; ODE 7-2009, f. & cert. ef. 6-29-09; Renumbered from 581-045-0190 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0200

Barbering, Hair Design, Esthetics, and Nail Technology

In addition to OAR 715-045-0001 through 715-045-0190, schools of barbering, hair design, esthetics, and nail technology shall comply with this rule and 715-045-0210.

(1) Minimum hourly training requirements:

(a) For hair design, 1,450 hours;

(b) For barbering, 1,100 hours;

(c) For esthetics, 250 hours;

(d) For nail technology, 350 hours; and

(e) In addition to the programs listed above, students are required to successfully complete the following requirements once:

(A) Safety and sanitation, 150 hours; and

(B) Career development, 100 hours.

(2) Individual progress records must be regularly maintained for the purpose of monitoring each student's progress through the instructional program and verifying actual hours of instruction in each certifiable classification. Once a student completes the state minimum and the school program requirements, the school shall administer a written and practical exam approved by the Higher Education Coordinating Commission prior to the student taking the State Board exam for licensure. The time required to take the practical exam shall be included as part of the contracted program hours included in the tuition cost.

(3) The commission, with the assistance of a curriculum committee, will develop minimum standards for each certificated program or any combination of programs.

(4) No student shall perform any task in a clinic lab without first having achieved verifiable minimum competence. The following hours are recommended as a guideline for classroom and laboratory instruction that students should experience prior to any assignment in the clinic lab:

(a) Hair design, 160 hours;

(b) Esthetics, 40 hours;

(c) Nail technology, 40 hours; and

(d) Barbering, 100 hours.

(5) The instructional program shall determine the type of assignments students will receive in the clinic lab. Clinic lab assignments should, as nearly as possible, reflect the emphasis of the student's current and cumulative theory and laboratory experiences. Schools shall establish a minimum and maximum number of clinic activities for each type of task required in the clinic lab. These minimums/maximums should show a comparable distribution of activities reflective of industry practice. Only when students have completed the minimum in all areas can they be assigned to clinic activities in excess of the maximums.

(6) As an alternative to subsection (1) of this rule, a competency-based training program that is self-paced may be approved by the commission when the school has developed written requirements which it administers for graduation including:

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(a) Clearly defined student performance objectives that measure levels of performance at each level of instruction for each skill/task and knowledge required for students to successfully pass the appropriate practitioner certificate examination and successfully and safely perform on members of the public all services allowed in the certificate classifications;

(b) Individual progress records maintained for the purpose of monitoring each student's progress through the instructional program and recording/verifying actual hours of instruction and performance achievement by each student;

(c) A curriculum design, which the commission's executive director determines to be comparable to the Board adopted model curriculum, showing a logical progression of academic and practical training experiences leading to the levels of student performance required for graduation and certification;

(d) The identification of specific levels of competence to be achieved by each student prior to any clinic lab experience that will ensure students have achieved sufficient skill and knowledge to successfully and safely perform assigned tasks on members of the general public;

(e) A diagnosis of each student's beginning level of competency and a prescriptive instructional program for specific competency completion with projected timelines resulting in an estimated program completion date; a copy to be given to the student on commencement of the program and on file in the student's personal file. Revisions to the prescriptive program must be based on recorded performance evaluations and as a result of school/student negotiation. Copies of revisions must be given to the student and on file in the student's academic file;

(f) Assurances that the instructional program will determine the type of assignments that students receive for the clinic lab; that, as nearly as possible, the clinic lab assignments reflect the emphasis of the student's current and cumulative theory and laboratory experiences;

(g) School catalogs and/or student enrollment agreements, that show the average time for students to complete the requirements for the various certificate programs during the previous reporting period;

(h) An annual report at the time of relicensing to the commission showing the actual total hours of instruction received by each student who has completed or left the school during the previous reporting period;

(i) Assurances that no student's competency-based prescriptive training program will be significantly altered or regulated in any way, once the student and the school administration have signed a competency-based agreement; and

(j) When the school informs a student that he/she is competent, the student may elect to leave the school with a diploma at that time or stay in school until he/she has been trained for an amount of time equal to the training hours listed in subsection (1) of this rule, and no additional tuition may be charged. The student shall notify the school of his/her decision within two weeks of notice of competency.

(7) With the exception of the teacher training program in subsection (24) of this rule, a school shall not conduct both fixed-hour and student competency-based training programs in the same school facility concurrently unless the school is in transition from one training program to another. The commission may set a time limit in which the transition must be completed.

(8) No school shall enroll a student wishing to transfer hours from a school of barbering, hair design, esthetics, and nail technology in Oregon or out-of-state without first receiving an official transcript properly signed and/or sealed directly from the previous school(s). A school may admit a student on a temporary basis without receiving an official transcript. In no event should a student be considered a graduate until an official transcript from a prior school(s) is in the graduating school's student file. Schools shall evaluate and grant appropriate credit for any education and training students received at state regulated postsecondary schools.

(9) Schools shall validate only their own hours of instruction provided a student but not any hours provided by other schools.

(10) Upon receipt and evaluation of official transcripts from schools previously attended:

(a) Schools shall give full credit for hours earned within the last ten years; and

(b) Schools may grant credit for hours earned prior to the last ten years, if approved by the Superintendent.

(11) No school shall deny a student a record of hours earned. A record of hours does not infer or include the official transcript.

(12) The school shall have as a minimum the following staff present at all times:

- (a) 1–15 students present — one approved teacher;
- (b) 16–30 students present — two approved teachers; and

(c) One additional approved teacher for each additional 20 students or part thereof. Teachers must be certified in all areas they teach and supervise. When only one teacher is present at the school, clinic lab operations, and classroom instruction shall not occur simultaneously. The lone teacher shall conduct and supervise one or the other but not both concurrently. Teachers who supervise the clinic lab and/or approve student practical performance must be certified in all areas they supervise or approve;

(d) Exceptions to the student to teacher ratios in paragraphs (a)–(c) of this subsection may be granted for theory/lecture classes only. All hands-on practical lab and clinic lab classes are required to maintain specified staffing ratios.

(13) The minimum teaching staff, as set forth in these rules, shall not perform administrative or financial aid or any other non-instructional duties during the time that the clinic lab and classroom instruction are taking place concurrently.

(14) A teacher or student teacher shall not perform any services in the school during school hours except for teaching purposes.

(15) Schools may use resource persons who are not approved teachers for enrichment of instruction.

(a) Maximum time limits for resource persons are:

- (A) Hair design, 340 hours;
- (B) Esthetics, 100 hours;
- (C) Nail technology, 100 hours; and
- (D) Barbering, 270 hours.

(b) Instruction by resource persons, if provided outside the school premises, must be supervised by a certified teacher.

(16) All services performed by students shall take place under the supervision and direction of a certified teacher.

(17) Premises shall be used during school hours only for instructing students and teacher trainees in barbering, hair design, esthetics, or nail technology.

(18) The school shall provide a minimum of 2,800 square feet of total floor space to be allocated as follows; one work station for each of the first twenty students; one additional work station for every five students in excess of twenty; and, where hair design is taught, one shampoo bowl for every five work stations. The executive director must approve any exception to this requirement. Classroom and clinic space are in compliance with OAR 715-045-0022. Schools must comply with ORS 345.240 relative to accessibility of programs for persons with handicapping conditions.

(19) The executive director may approve a facility of less than 2,800 square feet of floor space for schools if the school presents a written plan as to how the number of students will be served in the space provided. The plan must include how the school meets the entire model curriculum standards.

(20) The school shall be separated from adjoining rooms used for another business or for domestic purposes, by means of walls or substantial partitions extending from floor to ceiling; all doors leading to the school from the aforesaid adjoining rooms must be kept closed. Access to the school shall be provided by means of an outside or separate entrance, or from a public passageway in a public building.

(21) Currently, certified practitioners of barbering, hair design, esthetics, or nail technology may be approved by the commission to teach subjects or programs directly relating to their certified classification(s) if they:

(a) Have graduated from high school as evidenced by a photocopy of a transcript indicating graduation, diploma or its foreign equivalent. As an alternative, the teacher may show evidence of obtaining a General Education Development (GED) certificate. The Superintendent may grant a waiver upon written request from the school;

(b) Are at least 18 years of age as evidenced by a photocopy of a birth certificate, driver's license, or baptismal certificate;

(c) Have completed the Standard Course of Study as set forth in subsection 24(b) of this rule unless they meet the requirements as set forth in paragraphs (d) through (f) of this subsection;

(d) Hold all Oregon licenses, certificates, and ratings legally required for employment in the field in which they teach. The teacher requirements found in OAR 715-045-0012, apply, if the applicants:

(A) Have at least one year of work experience as a certified practitioner in the subject in which they instruct, following certification or licensure. The work experience and the training for certification or licensure must equal a minimum of two years; or

(B) Have completed an approved teacher training program, and

(e) Provide evidence to the satisfaction of the executive director that the requirements of this section have been met; and

(f) Submit the \$50.00 registration fee.

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(22) Each school shall include the names of all actively employed (full-time or part-time) approved teachers on its annual license renewal application.

(23) Continuing education of teachers shall be required to maintain approval:

(a) A teacher may maintain registration status by completing 30 clock hours of continuing education approved by the commission within every 36-month period following that teacher's first date of common teacher registration (including any period of time from the actual date of registration until the first date of common teacher registration); and by completing 30 clock hours of approved continuing education within every 36-month period thereafter, even if the teacher is not teaching for all or a portion of each three-year period. The common teacher registration dates are from August 1 until July 31. Only 10 of the 30 clock hours may be from an authorized manufacturer or distributor show;

(b) The commission shall, in conjunction with the Private Career Schools State Advisory Committee, approve courses for which continuing education credit will be allowed;

(c) Proof of completion of the requirements of paragraph (a) of this subsection, and the \$25.00 renewal of registration fee, must be submitted to the Superintendent prior to each teacher's next date of registration; and

(d) An individual failing to comply with the requirements of paragraph (a) of this subsection shall not be approved for registration renewal or for a new registration until such requirements have been met.

(24) A licensed school of barbering, hair design, esthetics, or nail technology may offer a teacher training program if it complies with the following:

(a) Courses of teacher training for instruction in barbering, hair design, esthetics, and nail technology may be offered only in a school of hair design licensed under the provisions of ORS Chapter 345 or Mt. Hood Community College. Courses of study must be submitted to the Superintendent for approval;

(b) The Standard Course of Study shall require 1,000 hours of instruction that shall include the following:

- (A) Preparation and use of lesson plans,
- (B) Use of audiovisual and other instructional aids,
- (C) Development and administration of tests and evaluation of test results,
- (D) Evaluation and recording of student progress, and recording of attendance,
- (E) Observation of practical demonstrations,
- (F) Assisting with practical demonstrations,
- (G) Setting up and performance of practical demonstrations, and
- (H) Practice teaching.

(c) The executive director shall approve teacher-training programs of 200 hours for:

(A) Teachers whose certification has lapsed more than three years, and

(B) Teachers from other states whose licensing requirements are less than the minimum requirements for Oregon.

(d) The school shall:

(A) Maintain daily records of the teacher trainee's attendance, and the subject matter covered; and

(B) Conduct and record the results of periodic evaluations of each teacher trainee.

(e) The school may evaluate and give up to 500 hours credit for professional teaching experience or any academic training received in a community college or institution of higher education when that academic training contributes to achievement of the total approved Standard Course of Study. The executive director may grant a waiver to the 500 hour limitation if sufficient evidence is submitted;

(f) A school shall not have more than three approved teacher trainees at one time. The school shall designate who shall have the principal supervisory responsibility for the student in the teacher-training program. Each trainee, when in the clinic lab, must be under direct supervision of an approved teacher with a minimum of two years teaching experience;

(g) Teacher trainees shall evaluate students only under the direct supervision of a certified teacher; and

(h) Teacher training students must be registered with the commission prior to commencement of their training.

Stat. Auth.: ORS 345.400

Stats. Implemented: ORS 345.400

Hist.: EB 13-1996, f. & cert. ef. 7-26-96; ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; ODE 21-2002, f. 9-26-02 cert. ef. 10-1-02; ODE 17-2003, f. 12-30-03, cert. ef. 1-1-04; ODE 15-2006, f. 12-11-06, cert. ef. 1-1-07; ODE 32-2012(Temp), f. 11-7-12, cert. ef. 11-9-12 thru 5-7-13; Administrative correction, 5-22-13; Renumbered from 581-045-0200 by HECC 2-2014, f. & cert. ef. 4-23-14

715-045-0210

Safety and Sanitation Compliances and Inspections for Schools of Hair Design, Barbering, Esthetics and Nail Technology Only

(1) Students, teachers and school owners shall observe and be subject to all state, county and municipal laws and regulations pertaining to public health. Compliance with state and municipal fire regulations is required.

(2) Sanitation and safety rules set forth in OAR chapter 817 shall be available in the school.

(3) The current sanitation inspection report required by this section shall be conspicuously displayed in the school.

(4) Sanitation and safety inspections of schools regulated by this rule shall be conducted periodically by agents of the Oregon Health Licensing Agency. Such inspections shall be for the purpose of determining whether schools are in compliance with the standards set forth in OAR chapter 817, divisions 5, 10, and 60 as they relate to the schools.

(5) A school is considered to be open and subject to inspection when the school is serving the public.

(6) The inspecting agent shall submit to the Higher Education Coordinating Commission a written report of sanitation and safety conditions observed in each school inspected. Any violation of standards existing in a school at the conclusion of an inspection shall be specifically noted in the inspection report.

(7) Failure of a school to correct a condition of violation within the time allotted for compliance as determined by the commission's executive director shall be subject to penalties as set forth in OAR 715-045-0190.

Stat. Auth.: ORS 345.440 & 345.450

Stats. Implemented: ORS 345.440

Hist.: ODE 15-2006, f. 12-11-06, cert. ef. 1-1-07; Renumbered from 581-045-0210 by HECC 2-2014, f. & cert. ef. 4-23-14

Oregon Business Development Department Chapter 123

Rule Caption: This new division of rules relates to the Regional Infrastructure Fund.

Adm. Order No.: OBDD 7-2014

Filed with Sec. of State: 4-30-2014

Certified to be Effective: 5-1-14

Notice Publication Date: 4-1-2014

Rules Adopted: 123-061-0010, 123-061-0020, 123-061-0030, 123-061-0035, 123-061-0040

Subject: The 2013 legislature passed SB 5533 creating the Regional Infrastructure Fund. These rules provide for the projects that shall be eligible for the fund during the current biennium resulting from HB 5201 passed during the 2014 legislative session as well as the development of contracts.

Rules Coordinator: Mindee Sublette—(503) 986-0036

123-061-0010

Purpose

As provided in ORS 285B.551, § 2-4, ch.786 OL 2013, the Oregon Business Development Department shall administer the Regional Infrastructure Fund to provide grants and/or loans for infrastructure projects including long range planning, research and design.

Stat. Auth.: ORS 285A.075, ORS 285B.55, §2-4, ch.786 OL 2013

Stats. Implemented: ORS 285B.551, §2-4, ch.786 OL 2013

Hist.: OBDD 7-2014, f. 4-30-14, cert. ef. 5-1-14

123-061-0020

Definitions

(1) "Department" means the Oregon Business Development Department.

(2) "Fund" means the Regional Infrastructure Fund.

(3) "Grant" means an award to a municipality of monies that can be used for eligible project costs. Grant funds are not required to be repaid when contract conditions are met.

(4) "Local government" means a city, county, authority or entity organized under state statute or city or county charter, and includes any council of governments.

(5) "Region" means an economic development district in Oregon, created by the Economic Development Administration of the United States Department of Commerce, for which a regional solutions center has been established.

Stat. Auth.: ORS 285A.075, ORS 285B.551, §2-4, ch.786 OL 2013

Stats. Implemented: ORS 285B.551, §2-4, ch.786 OL 2013

Hist.: OBDD 7-2014, f. 4-30-14, cert. ef. 5-1-14

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123-061-0030

Projects

For the 2013–2015 biennium, projects shall be those approved within the legislatively adopted budget report that accompanies 2014 Legislative session House Bill 5201, or projects subsequently and additionally approved by action of the legislative Emergency Board.

Stat. Auth.: ORS 285B.551, 2014 Legislative Session HB 5201
Stats. Implemented: ORS 285B.551, 2014 Legislative Session HB 5201
Hist.: OBDD 7-2014, f. 4-30-14, cert. ef. 5-1-14

123-061-0035

Contracts

(1) The Department shall determine grants and/or loans awarded from the Fund.

(2) Upon approval of an award from the Fund, the department will enter into a binding contact with the local government.

(3) Disbursal of funds will not exceed one disbursal per month.

(4) The contract for a grant and/or loan shall be in a form provided by the department and shall include but be not limited to:

(a) A provision that disbursements from the fund will be according to the terms of the contract;

(b) The eligible use of funds;

(c) The performance standards expected of the local government;

(d) The repayment obligation of the local government for failure to perform the specified project activity.

Stat. Auth.: ORS 285A.075, ORS 285B.551, §2-4, ch.786 OL 2013
Stats. Implemented: ORS 285B.551, §2-4, ch.786 OL 2013
Hist.: OBDD 7-2014, f. 4-30-14, cert. ef. 5-1-14

123-061-0040

Waiver of Non-Statutory Requirements

The Director or the Director's designee may waive non-statutory requirements of this division of administrative rules, if demonstrated that such a waiver serves to further the goals and objectives of ORS 285B.551, §2-4, ch. 786 OL 2013 and House Bill 5201 from the 2014 Legislative session.

Stat. Auth.: ORS 285A.075, ORS 285B.551, §2-4, ch.786 OL 2013
Stats. Implemented: ORS 285B.551, §2-4, ch.786 OL 2013
Hist.: OBDD 7-2014, f. 4-30-14, cert. ef. 5-1-14

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Rule Caption: This new division of rules relates to the Industrial Site Readiness Assessment Program.

Adm. Order No.: OBDD 8-2014

Filed with Sec. of State: 4-30-2014

Certified to be Effective: 5-1-14

Notice Publication Date:

Rules Adopted: 123-098-0010, 123-098-0020, 123-098-0030, 123-098-0040, 123-098-0050, 123-098-0060, 123-098-0070

Subject: In 2013 the legislature passed SB 253 which created the Industrial Site Readiness Assessment Program to evaluate regional industrial lands inventories. This new division of rules establishes the standards and criteria for the approval of grants related to the program.

Rules Coordinator: Mindee Sublette—(503) 986-0036

123-098-0010

Purpose

This division of administrative rules establishes standards and criteria for the approval of grants related to the Industrial Site Readiness Assessment Program ("Program") to evaluate regional industrial land inventories.

Stat Auth: ORS 285A.075, 285B.635-285B.642
Stats. Implemented: ORS 285B.635-285B.642
Hist.: OBDD 8-2014, f. 4-30-14, cert. ef. 5-1-14

123-098-0020

Definitions

ORS 285B.636 and OAR 123-001 (Procedural Rules) contain definitions used in this division of administrative rules. In addition, unless the context requires otherwise:

(1) "Private owner," as used in ORS 285B.626(5)(b), means one or more persons, businesses or nongovernmental organizations that hold clear and lawful title to RSIS property, even if not owning it outright, and subject to the department's acceptance, it may mean a private developer with total and direct legal authority for the improvement and disposition of the property from the actual private owner.

(2) "Public entity" as used in ORS 285B.626(5)(b), means a government or agency of a:

(a) Local service district under ORS 174.116(2) that has a general and abiding interest in the re/development of land within its territory for industrial use and employment, such as a port, airport or county service district; or

(b) City, county or federally recognized Indian Tribe in Oregon, but excluding organizations under ORS chapter 190.

(3) "Public owner," as used in ORS 285B.626(5)(a), means any Tribe, local government or local service district in Oregon that owns all of the Regionally Significant Industrial Site (RSIS).

(4) "Development agreement" means an agreement between the private owner and the public entity, defining the project(s), requirements, and responsibilities to develop the project to "market ready".

(5) "Due diligence assessment" means an assessment of the actions, costs and time frames involved in bringing regionally significant industrial sites to market-ready status.

(6) "RSIA" means a Regionally Significant Industrial Area designated as such by:

(a) The Economic Recovery Review Council under ORS 197.723, as described in or proposed for OAR 966; or

(b) The Metro Council for regulation under Title 4 of Metro's Urban Growth Management Functional Plan, Metro Code Chapter 3.07.

(7) "Regionally Significant Industrial Site" (RSIS) means a site as defined under ORS 285B.626(6), that has been certified per OAR 123-097-0500, and for which all or portions of the property belong to the sponsor as a public owner or to one or more private owners, with whom the sponsor has entered into agreement.

(8) "Regional Solutions Team" means interagency teams established by the Governor for defined regions within the state comprised of representative from each of the Department of Environmental Quality (DEQ), the Department of Land Conservation and Development (DLCD), the Department of Transportation (ODOT), the Department of Housing and Community Services (OHCS), and the Business Development Department (OBDD). The teams are led by a Regional Coordinator who represents the Governor as a catalyst for action in each region.

(9) "Regional industrial land inventory" means an inventory of regionally significant industrial sites in a region that identifies development-related constraints and opportunities to develop the regionally significant industrial sites and that rates the sites based on market readiness.

(10) "Willing Property Owner" means a public or private property owner that is committed to bringing a RSIS to market-readiness and pursuing development of the site for industrial use.

(11) "Market-ready" means that a RSIS has been issued all appropriate and necessary development permits.

Stat Auth: ORS 285A.075, 285B.626, 285B.635 — 285B.642
Stats. Implemented: ORS 285B.636
Hist.: OBDD 8-2014, f. 4-30-14, cert. ef. 5-1-14

123-098-0030

Eligible Economic Development Districts

"Economic development district" means one of the following:

(1) The Affiliated Tribes of Northwest Indians Economic Development Corporation, serving tribal members of the Burns-Paiute Tribe, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, the Confederated Tribes of Grand Ronde, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, the Coquille Indian Tribe, the Cow Creek Band of Umpqua Tribe of Indians and the Klamath Tribes.

(2) The Cascades West Economic Development District, serving Benton, Lane, Lincoln and Linn

(3) The Columbia-Pacific Economic Development District, serving Clatsop, Columbia and Tillamook Counties and western Washington County.

(4) The CCD Business Development Corporation, serving Coos, Curry and Douglas Counties.

(5) The Greater Eastern Oregon Development Corporation, serving Gilliam, Grant, Morrow, Umatilla, Wheeler, Harney and Malheur Counties.

(6) The Central Oregon Intergovernmental Council, serving Crook, Deschutes and Jefferson Counties.

(7) The Mid-Columbia Economic Development District, serving Hood River, Wasco and Sherman Counties.

(8) The Mid-Willamette Valley Council of Governments, serving Marion, Polk and Yamhill Counties.

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(9) The South Central Oregon Economic Development District, serving Lake and Klamath Counties.

(10) The Northeast Oregon Economic Development District serving Baker, Union and Wallowa Counties.

(11) Southern Oregon Regional Economic Development, Inc., serving Jackson and Josephine Counties.

(12) Greater Portland, Inc., Portland-Vancouver Economic Development District, serving Multnomah, Clackamas and Washington Counties.

Stat Auth: ORS 285A.075, 285B.635-285B.642
Stats. Implemented: ORS 285B.635-285B.642
Hist.: OBDD 8-2014, f. 4-30-14, cert. ef. 5-1-14

123-098-0040

Site Assessment and Development Plan Grants

(1) As funds are available, the Department will provide grants on a competitive basis to: Public owners of RSIS or public entities that have entered into development agreements or other agreements with private owners with respect to RSIS, to perform due diligence assessments, define development-related constraints and create detailed development plans to move the site(s) toward a state of market-readiness.

(2) Regionally significant industrial sites (RSIS) include;

(a) Sites identified within designated Regional Significant Industrial Areas (RSIA); or

(b) Sites considered and designated by the Department from nominations by Public Entity. Nominations may be submitted at any time, considered in order received, within the following criteria and requirements:

(A) Contains site or sites, including brownfields and "Decision Ready" sites, that are suitable for the location of new industrial uses or the expansion of existing industrial uses and can provide significant additional employment in the region;

(B) Has site characteristics that give the area significant competitive advantages that are difficult or impossible to replicate in the region;

(C) Has superior access to transportation and freight infrastructure, including but not limited to rail, port, airport, multimodal freight or transportation facilities and other major transportation facilities or routes;

(D) Public Entity has entered into Development Agreement with the property owner (public or private);

(E) Property is available for sale or lease, and listed on Oregon's site selection service;

(F) Specifically identified in the Regional Solutions Team project list or priorities; and

(G) The nomination request will be considered by Department staff and Regional Solutions Team, who will complete a staff report and respond to Public Entity with written decision within 45 days of receipt of the nomination.

(3) Grant awards will be based on the following factors:

(a) Availability of appropriated funds;

(b) Total program not to exceed 80 percent of annual allocation;

(c) Public Entity grant not to exceed the lesser of \$100,000 per site or amount established in annual program guidelines;

(d) Assessments and development plans that contribute towards "Certified Industrial Site" designation;

(e) Receipt of complete application form provided by Department that includes at a minimum: Public Entity applicant information, copy of property listing, map of proposed RSIS, sponsor agreements, scope of work and budget estimate, consultation with Regional Solution Team(s), and contact information; and

(f) Department reserves the right to prioritize sites and assessments proposed in the application to meet fund limitations and State or Regional priorities.

Stat Auth: ORS 285A.075, 285B.635-285B.642
Stats. Implemented: ORS 285B.635-285B.642
Hist.: OBDD 8-2014, f. 4-30-14, cert. ef. 5-1-14

123-098-0050

Regional Inventory/Assessment, and Regional Planning Grants

(1) As funds are available, the Department will provide grants to conduct regional industrial land inventories, assess site development costs, prioritize regionally significant industrial sites, and evaluate market-ready status of industrial sites, to: Economic Development Districts as defined in 123-098-0030 that are committed and have the ability to perform regional industrial land inventories for a specific region and/or prioritize regionally significant industrial sites in a region for due diligence assessment and site preparation costs.

(2) Grant awards will be based on the following factors:

(a) Availability of appropriated funds;

(b) Total not to exceed 20 percent of annual program allocation;

(c) Individual Economic Development District grant not to exceed the lesser of \$50,000 or amount established in annual program guidelines;

(d) Receipt of complete application form provided by Department that includes at a minimum: Public Entity applicant information, list of existing relevant studies, scope of work and budget estimate, participating Public Entities, cooperating agreements, budget and in-kind match, public involvement and support, consultation with Regional Solution Team(s), and contact information; and

(e) Department reserves the right to modify scope and assessments proposed in the application to meet fund limitations and State or Regional priorities.

(3) Matching fund requirement to be set by the Department in annual application guidelines.

Stat Auth: ORS 285A.075, 285B.635-285B.642
Stats. Implemented: ORS 285B.635-285B.642
Hist.: OBDD 8-2014, f. 4-30-14, cert. ef. 5-1-14

123-098-0060

Uncommitted Annual Program Allocation

Uncommitted funds from annual allocations will be added to the following annual allocation and made available in procedures defined within these rules.

Stat Auth: ORS 285A.075, 285B.635-285B.642
Stats. Implemented: ORS 285B.635-285B.642
Hist.: OBDD 8-2014, f. 4-30-14, cert. ef. 5-1-14

123-098-0070

Reporting

(1) Copies of final reports to be submitted to the Department within 30 days of receipt by Public Entity; and

(2) Annual progress report from Public Entity of all activities conducted or completed by program funding, and current budget to be submitted to Department within 60 days following the end of the Fiscal Year.

Stat Auth: ORS 285A.075, 285B.635-285B.642
Stats. Implemented: ORS 285B.635-285B.642
Hist.: OBDD 8-2014, f. 4-30-14, cert. ef. 5-1-14

Rule Caption: This new division of rules relates to the Industrial Site Readiness Program.

Adm. Order No.: OBDD 9-2014

Filed with Sec. of State: 4-30-2014

Certified to be Effective: 5-1-14

Notice Publication Date: 4-1-2014

Rules Adopted: 123-097-0100, 123-097-0200, 123-097-0500, 123-097-1000, 123-097-1500, 123-097-2000, 123-097-2200, 123-097-2500, 123-097-2600, 123-097-3000, 123-097-3500, 123-097-3600, 123-097-3700, 123-097-4000, 123-097-4500, 123-097-4800

Subject: In 2013 the legislature passed SB 246 creating the Industrial Site Readiness Program. This program provides loans, forgivable loans and tax reimbursements to public entities for specific purposes for industrial land certification by the department as a regionally significant industrial site.

This new division of rules establishes the procedures and standards for the certification and use of regionally significant industrial sites as well as the loan agreements and tax reimbursement arrangements.

Rules Coordinator: Mindee Sublette—(503) 986-0036

123-097-0100

Purpose

This division of administrative rules establishes procedures and standards for the certification and use of regionally significant industrial sites, which are the basis of tax reimbursement arrangements and (potentially forgivable) loan agreements with local entities under the Industrial Site Readiness Program ("Program") and ORS 285B.625 to 285B.632 (2013).

Stat Auth: ORS 285A.075, 285B.626(1) & (8), 285B.627(10) & 285B.630(7)
Stats. Implemented: ORS 285B.625 - 285B.632
Hist.: OBDD 9-2014, f. 4-30-14, cert. ef. 5-1-14

123-097-0200

Definitions

ORS 285B.626 and OAR 123-001 (Procedural Rules) contain definitions used in this division of administrative rules. In addition, unless the context requires otherwise:

(1) "Business" means any individual, association of individuals, joint venture, partnership, limited liability company or corporation operating and

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authorized to conduct business in this state and does not include any governmental agency or public, municipal or nonprofit corporation.

(2) "Certified Industrial Land" means a site currently certified by the department under another program pursuant to ORS 284.565 and 285A.200(3)(b).

(3) "RSIS" means a certified 'Regionally Significant Industrial Site,' as defined under ORS 285B.626(6), that has been certified per OAR 123-097-0500, and for which all or portions of the property belong to the sponsor as a public owner or to one or more private owners, with whom the sponsor has entered into agreement.

(4) "Employee" means a person employed by a business that is an 'eligible employer,' as defined under ORS 285B.626(2) and described in OAR 123-097-2500, to perform work generally at the location of the RSIS, and for whom the business is her/his employer for purposes of withholdings under ORS 316.162 to 316.221, regardless of the person's residency in this state.

(5) "Incremental Revenue" means the estimated incremental income tax revenues generated under ORS 285B.630 by an eligible employer through the payment of taxable income to its applicable employees.

(6) "Loan Agreement" means the binding contract between the sponsor and the department, establishing the terms, conditions and repayment of moneys that the sponsor borrows to undertake a Project, which may or may not be partially forgivable with Incremental Revenue.

(7) "Metro" means the metropolitan service district (for the Portland region) under ORS chapter 268.

(8) "Private owner," as used in ORS 285B.626(5)(b), means one or more persons, businesses or nongovernmental organizations that hold clear and lawful title to RSIS property, even if not owning it outright, and subject to the department's acceptance, it may mean a private developer with total and direct legal authority for the improvement and disposition of the property from the actual private owner.

(9) "Project" means the plans, investment and undertakings of the sponsor to develop land and otherwise ready a RSIS for actual industrial use in the form of eligible site preparation costs described in OAR 123-097-2000.

(10) "Public entity," as used in ORS 285B.626(5)(b), means a government or agency of a:

(a) Local service district under ORS 174.116(2) that has a general and abiding interest in the re/development of land within its territory for industrial use and employment, such as a port, airport or county service district; or

(b) City, county or federally recognized Indian Tribe in Oregon, but excluding organizations under ORS chapter 190.

(11) "Public owner," as used in ORS 285B.626(5)(a), means any Tribe, local government or local service district in Oregon that owns all of the RSIS.

(12) "RSIA" means a Regionally Significant Industrial Areas designated as such by:

(a) The Economic Recovery Review Council under ORS 197.723, as described in or proposed for OAR 966; or

(b) The Metro Council for regulation under Title 4 of Metro's Urban Growth Management Functional Plan, Metro Code Chapter 3.07.

(13) "Sponsor" means a 'project sponsor,' as defined under ORS 285B.626(5) for a particular RSIS, although the same public entity/owner may sponsor multiple sites.

(14) "Taxable income" means remuneration paid by a business to its employees that is or normally would be used in calculating amounts withheld under ORS 316.162 to 316.221 for purposes of the employees' Oregon personal income taxes.

(15) "Tax year," as used in ORS 285B.626, 285B.627 and 285B.630, means the calendar year, over which an eligible employer pays taxable income to applicable employees preceding calculation of Incremental Revenue.

(16) "TRA" means the Tax Reimbursement Arrangement (TRA) taking the form of a binding contract between the department and the sponsor, pursuant to which the sponsor may receive Incremental Revenue relative to Project costs and pursuant to the procedures herein.

Stat Auth: ORS 285A.075, 285B.627(10) & 285B.630(7)
Stats. Implemented: ORS 285B.625 - 285B.632
Hist.: OBDD 9-2014, f. 4-30-14, cert. ef. 5-1-14

123-097-0500

Regionally Significant Industrial Site Certification

In receiving an application for qualification in OAR 123-097-1000, the department must find under ORS 285B.627(2) based on evidence pro-

vided by the sponsor that a discrete area (which may include brownfields or Certified Industrial Land) is a RSIS:

(1) Contiguous land comprising all or part of a RSIA and entirely inside the RSIA is automatically so certified.

(2) A proposed, RSIS not within a designated RSIA must be:

(a) Planned and expressively zoned — and otherwise suitable — for industrial uses (Note: an eligible employer could engage in traded services or other activities that would be "commercial" in a land-use or other sense, given the definition of "traded sector" and the reality of what industrial zoning often permits);

(b) Contiguous acreage subject to section (3) of this rule, which may comprise one or more tax lots or sites, at which complementary or integrated development can occur;

(c) Vacant or have enough undeveloped land, so that existing industrial operations have at least the potential to expand by 25 percent or more, for example, in terms of facility square footage or productive capacity, and to significantly increase employment;

(d) Unique in one or more ways that are not generally replicable in the surrounding region, and that make it significantly attractive for industrial uses, such as size, configuration, amenities or intrinsic features; and

(e) Able to support exceptional transportation and shipping service through direct access or very efficient linkages to rail, port, airport, interstate freeway, multimodal freight, transshipment or other transportation infrastructure, which may depend on public improvements as part of the Project. If the proposed site has two or more distinct transportation advantages, then one or more may count for purposes of subsection (d) of this section.

(3) The department may establish further guidelines that apply to certifying RSIS sites with which would vary by rural and metropolitan location, in that:

(a) Project activities can be carried out to substantially and directly benefit the land in question;

(b) The ensuing improvements in site readiness will then be able to support additional employment (above the current or previous level) that would be significant within the defined region; and

(c) Similar objectives.

Stat Auth: ORS 285A.075 & 285B.627(2)(a) & (10)
Stats. Implemented: ORS 285B.625, 285B.626 & 285B.627
Hist.: OBDD 9-2014, f. 4-30-14, cert. ef. 5-1-14

123-097-1000

Project Sponsor Application

In seeking qualification under ORS 285B.627(3) and (4), a would-be sponsor must submit materials to the department, according to a format prescribed by the department, that:

(1) Fully identify the Certified RSIS including but not limited to mapping, property description and tax lots, evidence for OAR 123-097-0500, and that it is inside the sponsor's jurisdiction, territory or urban growth boundary;

(2) Verify the current ownership and title to the land, as well as all associated encumbrances, easements, liens, or the like, including but not limited to addressing their potential to interfere with the implementation or effectiveness of the Project;

(3) Include executed copy of the formal development or other agreement with any private party, who owns all or portions of the property comprising the RSIS or rights critical to its re/development, stipulating among other things that:

(a) The sponsor will acquire such property or rights at the outset of the Project; or

(b)(A) The sponsor has complete authority to carry out the proposed Project on and at such property; and

(B) That then, either the property will be transferred to the sponsor, or it will be made reasonably available for purchase or lease by an eligible employer, in which case:

(i) The agreement shall provide for the sponsor's control over disposition of the property; and

(ii) The parties shall consider if public investments in site preparation could affect the property's market value, and as appropriate, that the sponsor would share in the proceeds from any such windfall gain in value;

(4) Generally delineate the sponsor's development plans, estimated budget that make up the proposed Project (to be refined, further specified or possibly modified with any resulting Loan Agreement or TRA), as well as how the sponsor intends to prepare the RSIS for industrial uses; and

(5) Address other related matters required by the department's instructions for making application.

Stat Auth: ORS 285A.075 & 285B.627(3), (4) & (10)
Stats. Implemented: ORS 285B.625, 285B.626 & 285B.627
Hist.: OBDD 9-2014, f. 4-30-14, cert. ef. 5-1-14

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123-097-1500

Application Process

(1) For purposes of applications received in OAR 123-097-1000, the department will consider them in the order received, except that it may give priority to compelling and urgent opportunities that advance the public purposes of the Program, or it may delay final processing due to extenuating circumstances or complexities.

(2) In undertaking technical review of the application, the department shall:

(a) Consult with the Governor's Regional Solutions Team and other state agency staff as appropriate.

(b) Seek to resolve deficiencies or questions in writing with the sponsor to ensure a complete application, denying it if deficiencies remain after 60 days.

(3) Criteria affecting sponsor qualification are:

(a) Site certification standards in OAR 123-097-0500(2) as applicable;

(b) Stipulations in OAR 123-097-1000;

(c) The relevance of proposed Project activities and the reasonableness of their estimated costs;

(d) Feasibility of carrying out the Project and the absence of legal and other impediments to doing so; and

(e) Likelihood that the Project will substantially advance the readiness of the RSIS for re/development and actual use by an eligible employer.

(4) Within 30 days of determining the application to be complete, the department will draft a staff report and recommendation. If favorable, a memorandum of the director to the sponsor will finalize the qualification.

(5) If denied, the department will provide a letter to the applicant detailing reasons the submission was incomplete or did not satisfy criteria. The applicant may resubmit at any time as described in this division of administrative rules.

(6) With formal concurrence of the sponsor the department may condition or restrict proposed Project elements or activities to conform to OAR 123-097-2000.

(7) For any formal response timely received before June 30, 2023, the department will respond to the qualified sponsor's request to enter into TRA described in OAR 123-097-3000 or a Loan Agreement described in OAR 123-097-3500 to 123-097-3700.

(8) The same Project costs or activity may not be contained in both TRA and Loan Agreement.

Stat Auth: ORS 285A.075 & 285B.627(3), (4) & (10)
Stats. Implemented: ORS 285B.625, 285B.626 & 285B.627
Hist.: OBDD 9-2014, f. 4-30-14, cert. ef. 5-1-14

123-097-2000

Eligible Project Costs

Project costs for loan forgiveness/tax reimbursement under the Program:

(1) Project costs must be incurred and site preparations implemented in:

(a) Compliance with applicable state and federal laws, regulations and legal requirements, such as State prevailing wage rates, public procurement strictures, and municipal audit and budgeting procedures, as well as local and regional development codes and standards; and

(b) Accordance with applicable and current state and federally approved plans, for example, a brownfields remediation plan.

(2) Costs to undertake the following activities are eligible in preparing a RSIS, in terms of direct management, technical oversight or verification, contractor fees, dedicated equipment, labor, materials and so forth, except as excluded in section (3) of this rule:

(a) Assembly and consolidation of parcels comprising the RSIS, so that it can be effectively transacted and used by eligible employers, including surveying, real estate, title, lot adjustment, legal, processing and similar costs external to the sponsor, as well as the sponsor's acquisition or conveyance of parcels, easements, rights of way, or the like, for which the agreement with any private owner (such as an option to buy) is submitted according to OAR 123-097-1000(3).

(b) Making the ground suitable for new construction or reconstruction, subject to subsection (d) of this section, including but not limited to the demolition of existing structures, clearing brush, disposal of materials, geotechnical testing, pilings, drainage, drilling, blasting, fill, leveling or grading.

(c) Extending, increasing or physically providing utility services or surface transportation access to the RSIS, subject to subsection (d) of this

section, through improvements that will remain in public ownership or as part of RSIS property, including infrastructure for:

(A) Electricity, natural gas or telecommunications that is located on or near and directly serves only the Certified RSIS.

(B) Water, sanitary sewer or storm sewer that directly serves the RSIS.

(C) Transportation in the form of new/upgraded roadways or railway sidings, or improved traffic flow, safety or system capacity in the immediate vicinity by installing or augmenting intersections, lanes, signals, crossings, curbs, storm drainage, or associated amenities for pedestrians, bicyclists or transit.

(D) Which only the RSIS's proper share of costs, including but not limited to hook-up fees and SDCs, applies to Program reimbursement or loan forgiveness, insofar as improvements described in paragraph (B) or (C) also benefit a discrete number of other properties in the immediate vicinity, as indicated in qualified Project plans, and only if the costs can be objectively apportioned among all properties.

(d) Eliminating the barrier to re/development posed by the need (including but not limited to requirements under state or federal law) to remediate, remove, protect, preserve or mitigate natural resources, cultural resources or environmental concerns or hazards at the RSIS, such as:

(A) Archaeological excavation and appropriate treatment or transfer of remains or artifacts to prevent unlawful disturbance;

(B) Remedial or removal actions to resolve brownfields issues or a hazardous substance under ORS 465.200; or

(C) Acquiring or securing control of off-site property or wetlands mitigation work at such property or on-site.

(e) Planning, engineering and administration required to directly make application for a local, state or federal permits that:

(A) The sponsor needs before undertaking activities described in this section, and for which technical information is otherwise available to have reasonable confidence of obtaining the permit; or

(B) An eligible employer needs before commencing re/development, re/construction or industrial use.

(f) Interest and associated expenses paid by the sponsor or accrued:

(A) On money borrowed consistent with a TRA in accordance with paragraph (3)(h)(B) of this rule; or

(B) Under a Loan Agreement as circumscribed in OAR 123-097-3700.

(3) Expenditures and costs not expressly allowed in section (2) of this rule are ineligible, including but not limited to:

(a) Purchase of vehicles or equipment not directly related to the Project;

(b) Operation or maintenance of infrastructure and facilities;

(c) Federal or state penalties or fines related to permit or other violations;

(d) Post-project monitoring, sampling and analytical services;

(e) Any remedial efforts in relation to superfund sites on the National Priorities List, if one or more of the following is liable under 42 USC 9607, specifically with respect to the RSIS: the sponsor, private owner, eligible employer, any other party to the TRA or Loan Agreement, or any business under common control of one of the foregoing;

(f) Off-site construction, public improvement or system development, even if necessary to generally increase system-wide capacity related to the RSIS;

(g) Administration and management by the sponsor or private owners;

(h) Repayment and expenses arising from debt, except in the case of:

(A) Refinancing temporary financial assistance through the department or authority related specifically to preparation of the Certified RSIS;

(B) Principal, interest, closing costs and customary fees arising from borrowing to pay Project costs described in section (2) of this rule through any financing source, as allowed by the TRA and department, which may disallow interest charges deemed unreasonable or usurious; or

(C) Loan forgiveness conforming to OAR 123-097-3700;

(i) Development, construction or other facility investments by an eligible employer;

(j) Activity to improve, upgrade, repair or remediate structures existing on the RSIS, other than for utility service; or

(k) Reports, studies, planning, assessments, samplings, investigations, site characterizations, delineations, engineering, architectural fees, financial evaluations, legal reviews or the like, even if necessary to define a proposed activity described in section (2) of this rule, unless in applying for qualification, the sponsor demonstrates that:

(A) Any such future pre-Project analytical/design work is not better funded separately through other sources of public financing;

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(B) It will critically and directly lead to the proposed activity; and

(C) There is otherwise sufficient analytical/design work available to be confident in the proposed activity's feasibility, scope and general costs.

(4) In qualifying the sponsor in OAR 123-097-1500, the department may allow as part of the Project certain costs that the sponsor has already incurred since October 7, 2013, or 18 months before its submission of a complete application, whichever is more recent, but only for purposes of a TRA and for Project activities described in section (2).

Stat Auth: ORS 285A.075 & 285B.627(7) & (10)
Stats. Implemented: ORS 285B.625, 285B.626 & 285B.627
Hist.: OBDD 9-2014, f. 4-30-14, cert. ef. 5-1-14

123-097-2200

Sponsor Responsibilities

In carrying out the Project, to maintain the eligibility of costs described in OAR 123-097-2000:

(1) The sponsor shall:

(a) Maintain accounts and records for all activities and expenditures associated with the Project and the Loan Agreement or TRA, giving the department and its representative's reasonable access to such records, in addition to invoicing the department for costs incurred in completing Project activities as described in OAR 123-097-4500.

(b) Ensure that service providers retained for their professional expertise are certified, licensed, or registered, as appropriate or necessary in the State of Oregon for their specialty.

(c) Follow standard construction practices, such as requiring bonding, applicable insurance, inspections, use of as-built drawings, and so forth on the Project.

(d) Devise plans as necessary for the ongoing operation, maintenance and upgrade of infrastructure and remediation work that will preserve their benefits over their normally useful life.

(e) Guarantee that the RSIS will remain zoned for industrial use for not less than 20 years from when the Loan Agreement or TRA is executed.

(f) Actively participate with eligible employers in timely submitting annual reports as required in OAR 123-097-2600.

(2) For purposes of requisite signage posted at the RSIS and visible to the generally public, which the department may furnish, as well as all plans, bids, advertisement and other documents for the Project:

(a) The sponsor shall see that they prominently bear the statement, "Project supported through the Oregon Industrial Site Readiness Program Fund, administered by the State of Oregon Business Development Department."

(b) In the event that a Loan Agreement is in effect funded with state lottery proceeds used to capitalize the Oregon Industrial Site Readiness Program Fund under ORS 285B.632, the sponsor shall also comply with ORS 280.518 requiring public display of information on lottery funding, including that the statement in subsection (a) of this section also says, "... and funded by Oregon State Lottery proceeds."

(3) Responsibilities contained in this rule may affect the sponsor's receipt of Program loan award, loan forgiveness or tax reimbursements whether or not confirmed in the TRA or Loan Agreement, which may specify additional responsibilities.

Stat Auth: ORS 285A.075 & 285B.627(7) & (10)
Stats. Implemented: ORS 285B.625 & 285B.627
Hist.: OBDD 9-2014, f. 4-30-14, cert. ef. 5-1-14

123-097-2500

Eligible Employer Contracts

(1) The availability of Incremental Revenue to benefit a sponsor (by reimbursing Project costs under a TRA or by forgiving part of amounts borrowed) hinges on one or more businesses with new/additional employment at the RSIS. Such a business must be an eligible employer under ORS 285B.626(2), who meets applicable requirements in this division of administrative rules.

(2) An eligible employer must conduct traded-sector business operations that are:

(a) Located at the RSIS;

(b) New or expanded since entering into the contract in section (3) of this rule; and

(c) Not relocated from another part of this state, except as addressed in the contract and shown through annual reporting that the operations would otherwise have located outside this state, but for the Project, and net employment of the business in this state increased at least initially.

(3) The sponsor qualified per OAR 123-097-1500 must execute a contract with the eligible employer in form and substance as prescribed by the department, including but not limited to:

(a) Establishing the business's existing operations, average employment and number of full-time employees, if any, at the RSIS and statewide;

(b) The business's and sponsor's joint obligation to annually submit reports under ORS 285B.630(1) in accordance with OAR 123-097-2600(1); and

(c) The requirements in OAR 123-097-2600(2).

(4) ORS 285B.625 to 285B.632 does not grant the sponsor any power to compel an eligible employer to enter into such a contract. Therefore, sponsors shall consider and plan for appropriate means to ensure that the business's use of the RSIS is effectively contingent on its respective cooperation.

(5) The sponsor shall furnish a signed copy of the contract to the department within 30 days of its execution or when submitting the request for a Loan Agreement or TRA, whichever happens later.

Stat Auth: ORS 285A.075 & 285B.627(10)
Stats. Implemented: ORS 285B.625, 285B.626, 285B.627 & 285B.630
Hist.: OBDD 9-2014, f. 4-30-14, cert. ef. 5-1-14

123-097-2600

Eligible Employee Criterion & Annual Reporting

Pursuant to the contract in OAR 123-097-2500:

(1)(a) An eligible employer and sponsor must annually complete a form available from the department and send it to the department after January 1 but on or before April 1 after every tax year:

(A) That ended after execution of requisite contract;

(B) During which new employees of the business worked at the RSIS and received taxable income for their work; and

(C) That begins (January 1) more than four full tax years after the date of the director's memorandum in OAR 123-097-0150, so that for example, if final sponsor qualification is on June 4, 2014, then the initial tax year would be 2019, and an annual report, potentially due not later than April 1, 2020.

(b) With respect to the just concluded tax year, the completed form shall provide:

(A) Both new and overall average employment and numbers of full-time employees of the business at the RSIS;

(B) Total compensation and taxable income for average employment and of full-time employees, both new and overall;

(C) The State business identification number (BIN) of the eligible employer for potential corroboration of employment and income through confidential Oregon Employment Department data; and

(D) Other information prescribed in the form by the department or the Department of Administrative Services.

(c) In the event the eligible employer had existing employment at the RSIS, Incremental Revenue shall relate to the taxable income attributable to the net increase in average employment, so that if existing jobs/positions were eliminated, total new taxable income would equal that net increase multiplied by the average taxable income per full-time equivalent (FTE) of all newly created jobs/positions.

(2) In order for the business to be eligible and its income data to be used in that reporting cycle for estimating Incremental Revenue, the form will indicate that for the preceding tax year:

(a) A number of new full-time employees at the RSIS were residents of this state, and all of those employees received average annual compensation equal to or greater than 150 percent of wage (see subsection (5)(g) of this rule); and

(b) The business also satisfied the following performance measures under ORS 285B.627(10), respective to all workers at the RSIS regardless of residency, which the sponsor shall include in the contract according to the terminology in this rule, at minimum will include:

(A) Average number FTEs;

(B) Average employment changes from previous report;

(C) Average annual compensation for overall employment;

(D) Average annual compensation for new employment.

(3) In addition to subsection (2)(b) of this rule, the eligible employer's operations must pertain only to the RSIS, and they must be unrelated to employment or pay, except that the sponsor may set conditions for the minimum:

(a) Hourly wage paid to all or a portion of new employees as a percentage above the concurrent Oregon minimum wage; or

(b) Density of site employment relative to acres.

(4) For purposes of this rule, eligible employee criterion within a RSIS and annually reported data (unless the context dictates otherwise) the criterion defined as follows:

(a) 'Average employment' refers to the number of full-time equivalents (FTEs) derived by dividing hours worked over the course of a year

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among all applicable employees by 1,820 hours, which would also be used to annualize full-time salaried positions created part way through the tax year.

(b) 'Compensation' under ORS 285B.626(1) means all remuneration to employees in the form of taxable income, such as wages & salary, over-time pay, shift differential, profit-sharing, bonuses or paid vacation, and associated fringe or financial benefits (whether taxable or not), including life insurance, medical coverage or retirement plans, but excluded are workplace amenities and payroll taxes or costs similarly mandated to be paid directly by the employer under federal, state or local law.

(c) 'Full-time employees' are persons, whose job or position is year-round, and who received reimbursement or paid time (such as sick leave) for more than 32 hours per week on average.

(d) 'Hours worked' include all hours that an employee worked, and not holiday, vacation, sick leave or any other paid time where no work was performed.

(e) 'New' or 'newly' means either the net increase in the eligible employer's average employment over the level in the contract, or all jobs and positions created for full-time employees since execution of the contract between the sponsor and eligible employer.

(f) 'Overall' comprises both existing and new employees/employment.

(g) 'Wage' under ORS 285B.626(8) means the average annual covered payroll of all employees for all industries in the state or in the county containing the RSIS, whichever is less, as most recently published by the Oregon Employment Department when an annual report is submitted.

Stat Auth: ORS 285A.075, 285B.626(1) & (8), 285B.627(10) & 285B.630(7)
Stats. Implemented: ORS 285B.625 - 285B.632
Hist.: OBDD 9-2014, f. 4-30-14, cert. ef. 5-1-14

123-097-3000

Tax Reimbursement Arrangements

For purposes of a TRA under ORS 285B.627(5)(a):

(1) Upon formal request of a sponsor qualified in accordance with 123-097-1500, the department may finalize a contract with the sponsor to reimburse it for Project costs under terms and conditions consistent with this division of administrative rules.

(2) The TRA shall remain in effect indefinitely, until the sponsor's total Project costs that are expected to ever be realized have been reimbursed or other events cause termination as provided in the contract.

(3) In its request for the TRA the sponsor must specify what other funds, if any, will be used and are needed to complete preparation of the RSIS, including but not limited to Project activities.

(4) The sponsor must demonstrate that it is willing and able to enter into a contract with the department, and that it has or can obtain the administrative capacity to undertake and complete the Project.

(5) Unfinished elements of the Project must be ready to begin, and the sponsor must commit in writing that if awarded the TRA activity will proceed.

(6) The department shall consider the reasonableness of the sponsor's plans and estimated costs to prepare the RSIS, such that notwithstanding Project costs or activities allowed at qualification, the department may impose conditions or limitations on activities or reimbursable amounts. The total amount subject to reimbursement may not exceed final Project costs established in the contract, as the parties may mutually agree to amend or revise.

(7) The department shall reimburse Incremental Revenue received for that RSIS only after entering into a binding contract (the TRA) in form and substance as provided by the department, which shall stipulate that:

(a) Any and all reimbursements will be done in accordance with terms of the contract;

(b) The liability of the department under the contract is subject to temporary postponement or deferral at the discretion of the department in order to best comply with the cap under ORS 285B.627(8);

(c) Reimbursements may be made only pursuant to authorization of the TRA by the sponsor's governing body through resolution adopted in accordance with the sponsor's requirements for public notice;

(d) Reimbursement may commence in the fiscal year only after the initial tax year described in OAR 123-097-2600(1)(a);

(e) Any resulting reimbursement depends on information reported with an eligible employer in conformance with OAR 123-097-2600; and

(f) Amounts reimbursed must be satisfactorily invoiced and documented according to OAR 123-097-4500 and are limited to the total for all outstanding Project costs incurred by the sponsor.

Stat Auth: ORS 285A.075 & 285B.627(10)
Stats. Implemented: ORS 285B.625 & 285B.627
Hist.: OBDD 9-2014, f. 4-30-14, cert. ef. 5-1-14

123-097-3500

Loan Awards for Site Preparation

For purposes of a Loan Agreement under ORS 285B.627(5)(b):

(1) A sponsor qualified in accordance with 123-097-1500 may submit a request in the form and with documentation as prescribed by the department, in response to which the department may enter into a contract to loan money from the Oregon Industrial Site Readiness Program Fund ("Fund") under terms and conditions consistent with this division of administrative rules.

(2) The contract may:

(a) Include amounts in addition to Project costs to otherwise prepare the RSIS for industrial uses; and

(b) Provide for partial forgiveness of Project costs under the loan according to OAR 123-097-3700, that shall not unduly affect the department's underwriting assessment in this rule.

(3) The entire loan amount may not exceed the total of final Project costs and any additional amount documented in the sponsor's loan request to prepare the RSIS, as determined by the department. The department will also base the maximum loan amount on financial and credit analysis of the sponsor and the sponsor's ability to repay, the availability of moneys in the Fund, prudent funds management, and the annual cap under ORS 285B.627(8).

(4) In its request for the loan the sponsor must specify what other funds, if any, will be used and are needed to complete preparation of the RSIS, including but not limited to Project activities. If the sponsor identifies any state funds (whether grant or loan) as a source to repay the loan (principal or interest), the contract may not provide for loan forgiveness.

(5) Site preparation must be ready to begin, and the sponsor must commit in writing that if awarded the loan, such work will proceed.

(6) The department shall consider the reasonableness of the sponsor's plans and estimated costs to prepare the RSIS, including but not limited to qualified Project costs, such that notwithstanding costs or activities allowed at qualification, the department may impose conditions or limitations on activities or loan amounts or may decline funding for what it determines is not functionally feasible or cannot be adequately secured.

(7) The sponsor must demonstrate that it is willing and able to enter into a contract with the department, and that it has or can obtain the administrative capacity to undertake and complete the Project and other site preparation activities to be funded out of loan proceeds.

(8) The department must find that the loan is secured by the pledge of utility revenues or other revenues, collateral, or payments from owners of specially benefited properties, and that such pledge is sufficient, when considered with other collateral or assets, to ensure repayment, and the sponsor has certified to the department that there will be adequate funds available to repay loan principal and interest.

(9) The loan shall, be a full faith and credit obligation payable from any taxes that the sponsor may levy within the limitations of Article XI, Sections 11 and 11b, of the Oregon Constitution and all legally available funds of the sponsor. This does not preclude that additional pledges of revenue or other collateral may be required as security, including but not limited to specific revenues of the sponsor, revenues arising from site improvements or special assessment revenues.

(10) If repayment of the loan substantially depends on a pledge of (property) tax increment revenues from an urban renewal agency to the borrowing sponsor, the department's financial analysis will extend to the projected revenues' viability and the financial and legal adequacy of the proposed pledge of revenue.

(11) The loan does not require match, although a Sponsor may be responsible for closing costs associated with the loan including but not limited to document preparation, review of documentation for legal sufficiency, title, escrow, and recording or filing fees.

(12) The department shall set the interest rate for the loan recipient (sponsor) at the time of awarding the loan based on subsidy need, credit risk and other appropriate considerations.

(13) Interest accrual, repayment terms, disbursement schedules and other necessary conditions shall be set by the department and stated in the contract. The maximum term of a loan shall not exceed 20 years from the date of loan closing.

(14) The department has discretion to vary loan terms and conditions from those enumerated in this rule as long as doing so serves to further the goals and objectives of the Program.

Stat Auth: ORS 285A.075 & 285B.627(10)
Stats. Implemented: ORS 285B.625 & 285B.627
Hist.: OBDD 9-2014, f. 4-30-14, cert. ef. 5-1-14

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123-097-3600

Contract & Disbursement of Loan Award Funds

(1) The department shall disburse loan moneys from the Oregon Industrial Site Readiness Program Fund ("Fund") only after entering into a binding contract with the sponsor in the form of a Loan Agreement according to OAR 123-097-3500.

(2) The contract shall be in form and substance as provided by the department and shall stipulate that:

(a) Any and all disbursements from the Fund will be done in accordance with terms of the contract;

(b) The liability of the Department under the contract to disburse loan money is:

(A) Contingent upon the availability of moneys in the Fund; and

(B) Subject to temporary postponement or deferral at the discretion of the department in order to best comply with the cap under ORS 285B.627(8);

(c) The department is granted a lien on, or a security interest in, the collateral as determined by the department to be necessary to secure repayment of disbursed loan amounts;

(d) Loan forgiveness (if provided) is circumscribed as described in OAR 123-097-3700; and

(e) Any other such necessary or appropriate function is met to make loan disbursements as required by the department.

(3) Before any disbursement:

(a) If a portion of other funds needed to complete preparation of the RSIS, as specified in OAR 123-097-3500(4), is not available or committed at the time the award is made, the award shall be conditional on securing the other needed funds or a binding commitment for such funds.

(b) The Loan Agreement must be authorized by an ordinance, order or resolution adopted by the sponsor's governing body in accordance with the sponsor's requirements for public notice and authorizing debt.

Stat Auth: ORS 285A.075 & ORS 285B.627(10)

Stats. Implemented: ORS 285B.625 & 285B.627

Hist.: OBDD 9-2014, f. 4-30-14, cert. ef. 5-1-14

123-097-3700

Forgiving Portion of Loans

If a Loan Agreement provides for forgiveness:

(1) With each fiscal year, the department shall apply a credit against outstanding (unamortized) loan principal based on the Incremental Revenue received for that RSIS, up to but not exceeding 50 percent of Project costs that the sponsor has incurred prior to the fiscal year.

(2) Any Incremental Revenue that accumulates may be applied later as further Project costs are incurred during or after that fiscal year, until the date that the term of the loan is completed.

(3) The department shall separately track interest paid or accrued on the loan, so that it does not base more than 20 percent of the amount forgiven each fiscal year on such amounts, until more than 20 percent can be used for lack of other Project costs, while still ensuring that such interest overall does not represent more than 20 percent of total loan forgiveness.

(4) Loan forgiveness is prohibited:

(a) If seven years after the date of the director's memorandum in OAR 123-097-1500, the sponsor has not executed a contract with an eligible employers according to 123-097-2500; or

(b) Going forward, once any repayment of the loan (principal or interest) is actually made with any state funds (whether grant or loan) other than loan forgiveness by this rule.

(5) In addition, any loan forgiveness:

(a) May commence in a fiscal year only after the initial tax year described in OAR 123-097-2600(1)(a).

(b) Depends on information reported with an eligible employer in conformance with OAR 123-097-2600.

(c) Must be based on Project costs satisfactorily invoiced and documented according to OAR 123-097-4500.

(d) Does not count against the annual cap under ORS 285B.627(8) (rather, the earlier disbursement will have counted).

Stat Auth: ORS 285A.075 & ORS 285B.627(10)

Stats. Implemented: ORS 285B.625 & 285B.627

Hist.: OBDD 9-2014, f. 4-30-14, cert. ef. 5-1-14

123-097-4000

Generating Incremental Revenue & Reimbursements

Independently for each eligible employer, under ORS 285B.630:

(1) The department shall process only those annual reports received after the initial tax year described in OAR 123-097-2600(1)(a).

(2) The information compiled by the department and provided to the Department of Administrative Services:

(a) Shall depend on the reporting business's current and continuing eligibility based on OAR 123-097-2500 and 123-097-2600; and

(b) May be subject to scrutiny and corroboration as appropriate and practicable, including but not limited to special communication with the business, documentation furnished through the sponsor, or employment data through relevant state agencies.

(3) Pursuant to actions of the Department of Administrative Services and Department of Revenue and the department's actual receipt of 50 percent of Incremental Revenue under ORS 285B.630(2) to (6), the department will use it primarily:

(a) For loan forgiveness in OAR 123-097-3700; or

(b) To issue sponsor reimbursements under an executed TRA for amounts of Incremental Revenue that:

(A) Are received, up to but not exceeding 100 percent of Projects costs that the sponsor has incurred.

(B) Have accumulated, as further Project costs are incurred during or after that fiscal year, until all such costs are reimbursed.

Stat Auth: ORS 285A.075, 285B.627(10) & 285B.630(7)

Stats. Implemented: ORS 285B.625 - 285B.632

Hist.: OBDD 9-2014, f. 4-30-14, cert. ef. 5-1-14

123-097-4500

Sponsor's Invoicing of Costs

For purposes of loan forgiveness or tax reimbursement, pursuant to a Loan Agreement or TRA:

(1) Not more than once a fiscal quarter, the sponsor shall file an invoice with the department for expenditures and accruals that clearly distinguishes current and previously identified costs, and is ordered according to distinct Project activities in OAR 123-097-2000(2).

(2) The invoice shall:

(a) Be accompanied by associated receipts, bills and other documents that the sponsor or department deem necessary to verify Project costs, and that are not redundant of previously supplied evidence;

(b) Account for costs only after the completion of significant milestones with the Project activity if not completion of the entire activity;

(c) Indicate the most recent status of each Project activity;

(d) Not include any cost that is not part of the Project under the Loan Agreement or TRA, regardless if funded with the loan or incurred for other efforts to prepare the RSIS; and

(e) Not track interest under the Loan Agreement for purposes of forgiveness.

(3) If applicable for OAR 123-097-2000(2)(c)(D), the sponsor shall maintain with its invoices a thorough accounting of how certain Projects costs are apportioned to the RSIS.

Stat Auth: ORS 285A.075 & 285B.627(7) & (10)

Stats. Implemented: ORS 285B.627 & 285B.632

Hist.: OBDD 9-2014, f. 4-30-14, cert. ef. 5-1-14

123-097-4800

Program Funds

With respect to the Oregon Industrial Site Readiness Program Fund established under ORS 285B.632, as administered by the department:

(1) Moneys credited to it, in addition to the 50 percent of Incremental Revenue received under ORS 285B.630, include but are not limited to:

(a) Amounts specially appropriated by the Legislative Assembly or transferred by the department, such as to capitalize the making of loans.

(b) Interest earned on outstanding balances.

(c) Repayments of principle pursuant to Loan Agreements, interest on that principle or amounts recovered in the event of default.

(d) The Incremental Revenue retained:

(A) In excess of total Project costs or of what may be otherwise reimbursed pursuant to a TRA.

(B) As forgiven and credited to loan principle, or in excess of what may be forgiven, pursuant to a Loan Agreement.

(e) Funding received from the federal government, other state agencies, local governments, or any other source, including but not limited to grants or gifts.

(2) The department may establish accounts within it for the payment of costs, reserves, operational expenses, revolving loan funds, and so forth, consistent with this division of administrative rules and ORS 285B.625 to 285B.632.

(3) The department may directly or indirectly grant, expend or pay out moneys to:

(a) Reimburse sponsors pursuant to TRAs;

(b) Make disbursements pursuant to Loan Agreements;

(c) Finance associated administrative costs of the department; or

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(d) Pay other expenses necessary and appropriate to implement ORS 285B.625 to 285B.632.

(4) Expenditures in any fiscal year as described in subsections (3)(a) and (b) of this rule must be less than or equal to the cap in ORS 285B.627(8).

Stat Auth: ORS 285A.075, 285B.627(10) & 285B.630(7)
Stats. Implemented: ORS 285B.625 - 285B.632
Hist.: OBDD 9-2014, f. 4-30-14, cert. ef. 5-1-14

Oregon Facilities Authority Chapter 172

Rule Caption: Amendment of OAR 172-005-0020(3) addressing Consideration of Application by the Authority.

Adm. Order No.: OFA 1-2014

Filed with Sec. of State: 5-14-2014

Certified to be Effective: 5-14-14

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 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

Rule Caption: Adoption of OAR 172-005-0045 addressing Post-Issuance Compliance

Adm. Order No.: OFA 2-2014

Filed with Sec. of State: 5-14-2014

Certified to be Effective: 5-14-14

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. OAR 172-005-0045 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

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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

Oregon Health Authority,
Addictions and Mental Health Division:
Addiction Services
Chapter 415

Rule Caption: Permanent Amendments to OAR 415-065: Health Professionals' Services Program

Adm. Order No.: ADS 2-2014

Filed with Sec. of State: 4-24-2014

Certified to be Effective: 4-24-14

Notice Publication Date: 4-1-2014

Rules Adopted: 415-065-0070, 415-065-0075, 415-065-0080

Rules Amended: 415-065-0005, 415-065-0010, 415-065-0030, 415-065-0035, 415-065-0040, 415-065-0045, 415-065-0050, 415-065-0055, 415-065-0060

Rules Repealed: 415-065-0015, 415-065-0025, 415-065-0065

Subject: These rules establish a consolidated, statewide health professionals' services program for licensees of participating health licensing boards, as required by ORS 676.190, who are unable to practice with professional skill and safety due to substance use disorders, mental disorders, or both types of disorders. The program shall enroll licensees in the program, monitor enrolled licensees for compliance with monitoring agreements, report non-compliance to a licensee's board, and perform other duties as required by ORS 676.190 to 676.200.

Rules Coordinator: Nola Russell—(503) 945-7652

415-065-0005

Purpose, Intent and Scope

(1) These rules establish a consolidated, statewide health professionals' services program for licensees of participating health licensing boards, as required by ORS 676.190, who are unable to practice with professional skill and safety due to substance use disorders, mental disorders, or both types of disorders. The program shall enroll licensees in the program, monitor enrolled licensees for compliance with monitoring agreements, report non-compliance to a licensee's board, and perform other duties as required by 676.190 to 676.200.

(2) The program may be operated by the Division or by a private contractor.

Stat. Auth.: ORS 413.042 & ORS 676.190
Stats. Implemented: ORS 676.185 - 676.200
Hist.: ADS 3-2010, f. & cert. ef. 7-1-10; ADS 2-2014, f. 4-24-14

415-065-0010

Definitions

(1) "Assessment" or "Evaluation" means the process an independent third-party evaluator uses to diagnose the licensee and to recommend treatment options for the licensee.

(2) "Authority" means the Oregon Health Authority.

(3) "Board" means a health professional board as defined in ORS 676.160 or the Health Licensing Office for a board, council or program listed in 676.606.

(4) "Business Day" means Monday through Friday, 8:00 a.m. to 5:00 p.m. Pacific Time, except legal holidays as defined in ORS 187.010 or 187.020.

(5) "Comply Continuously" means to have been:

(a) Enrolled in the program for at least two uninterrupted years without any reports of substantial noncompliance that a board deems were significant violations of the monitoring agreement; and

(b) Deemed by the program if self-referred, or by the licensee's board if board referred, to have otherwise successfully complied with all terms of the monitoring agreement.

(6) "Course of Employment" means all circumstances which may occur in the performance of a licensee's job, whether or not the licensee is self-employed.

(7) "Diagnosis" means the principal mental or substance use diagnosis listed in the DSM. The diagnosis is determined through the assessment and any examinations, tests, or consultations suggested by the assessment, and is the medically appropriate reason for services.

(8) "Direct Supervisor" means the individual who is responsible for:

(a) Supervising a licensee enrolled in the impaired health professional program;

(b) Monitoring the licensee's compliance with the requirements of the program; and

(c) Periodically reporting to the program on the licensee's compliance with the requirements of the program.

(9) "Division" means the Oregon Health Authority, Addictions and Mental Health Division.

(10) "DSM" means the Diagnostic and Statistical Manual of Mental Disorders-5, published by the American Psychiatric Association on May 18, 2013.

(11) "Independent Third-Party Evaluator" means an individual who is approved by a licensee's board to evaluate, diagnose, and offer treatment options for substance use disorders, mental disorders, or co-occurring disorders.

(12) "Licensee" means a health professional who is licensed or certified by or registered with a board and the professional is receiving services in the program under these rules.

(13) "Mental Disorder" means a clinically significant behavioral or psychological syndrome or pattern that occurs in an individual and that is associated with present distress or disability or with a significantly increased risk of suffering death, pain, disability, or an important loss of freedom that is identified in the DSM. "Mental Disorder" includes gambling disorders.

(14) "Monitoring Agreement" means an individualized agreement, including amendments, between a licensee and the program that meets the requirements of OAR 415-065-XXXX and is the same as the term diversion agreement as that is used in ORS 676.190.

(15) "Positive Toxicology Test" for the purposes of ORS 676.185(5)(d) means that a test result meets or exceeds the cutoff concentrations listed in 49 CFR § 40.87 as in effect on [insert effective date of rules] for the substances listed in that federal regulation.

(16) "Program" means the Health Professionals' Services Program established by the Division to monitor enrolled licensees of participating health profession licensing boards who have been diagnosed with a substance use or a mental disorder, for compliance with his or her monitoring agreement. If the program is operated by a contractor "program" may refer to the contractor, or the Division and the contractor, depending on the context.

(17) "Provisional Enrollment" means temporary enrollment, pending verification that a self-referred licensee meets all program eligibility criteria.

(18) "Random Drug or Alcohol Testing" for the purposes of ORS 676.190(5)(g) means enrolled licensees are selected for drug or alcohol testing in accordance with 49 CFR § 199.105(c)(5) and 49 CFR § 199.105(c)(7) as in effect on [insert effective date of rules].

(19) "Self-Referred Licensee" means a licensee who seeks to participate in the program without a referral from the board.

(20) "Substance Use Disorder" means a disorder related to the taking of a drug of abuse including alcohol, to the side effects of a medication, and to a toxin exposure. Disorders include substance dependence and substance abuse, and substance-induced disorders, including substance intoxication, withdrawal, delirium, and dementia, as well as substance induced psychotic disorder, mood disorder and other disorders, as defined in DSM criteria.

(21) "Substantial Non-Compliance" means but is not limited to the following when they occur after a licensee entered into a monitoring agreement.

(a) Criminal behavior;

(b) Conduct that causes injury, death or harm to the public, or a patient, including sexual impropriety with a patient;

(c) Impairment in a health care setting in the course of employment;

(d) A positive toxicology test result as determined by federal regulations pertaining to drug testing;

(e) Violation of a restriction on a licensee's practice imposed by the program or the licensee's health profession licensing board

(f) Civil commitment for mental illness;

(g) Failure to participate in the program after entering into a monitoring agreement under ORS 676.190;

(h) Failure to enroll in the program after being referred to the program;

(i) Violation of a provision of a licensee's monitoring agreement that gives rise to concerns about the licensee's ability or willingness to participate in the program; or

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(j) Violation of a Board's rules establishing additional requirements for licensees referred to the program in accordance with ORS 676.200(1)(c).

(22) "Successful Completion" means that for the period of service deemed necessary by the program or by the licensee's board by rule, the licensee has complied with the licensee's monitoring agreement to the satisfaction of the program, and has met the terms of the fee agreement between the program and the licensee.

(23) "Toxicology Testing" means urine testing or alternative chemical monitoring including but not limited to blood, saliva, hair or breath.

(24) "Treatment" means the planned, specific, individualized health and behavioral-health procedures, activities, services and supports that a treatment provider uses to remediate symptoms of a substance use disorder, mental disorder or both types of disorders.

(25) "Workplace Monitor" includes but is not limited to a direct supervisor and any other individual who has signed a workplace monitoring agreement with the program that requires the individual to observe and report to the program a licensee's:

(a) Compliance with his or her monitoring agreement; or

(b) Any other concerns regarding the licensee's participation in the program.

Stat. Auth.: ORS 413.042 & 676.190

Stats. Implemented: ORS 676.185 - 676.200

Hist.: ADS 3-2010, f. & cert. ef. 7-1-10; ADS 3-2011, f. & cert. ef. 8-16-11; ADS 2-2012, f. & cert. ef. 2-9-12; ADS 3-2012, f. 6-27-12, cert. ef. 7-1-12; ADS 2-2014, f. 4-24-14

415-065-0030

Administration Fee

(1) Each board that participates in the program shall pay the Division a fee for participating in the program.

(2) The Division shall calculate the total fee based on all the program costs, including but not limited to, Division personnel costs and ancillary expenses, funds paid to a contractor for operating the program, if any and the costs of an auditor.

Stat. Auth.: ORS 413.042 & 676.190

Stats. Implemented: ORS 676.185 - 676.200

Hist.: ADS 3-2010, f. & cert. ef. 7-1-10; ADS 2-2012, f. & cert. ef. 2-9-12; ADS 3-2012, f. 6-27-12, cert. ef. 7-1-12; ADS 2-2014, f. 4-24-14

415-065-0035

Board Referrals

(1) A board that refers a licensee to the program must make the referral in writing. The referral must include:

(a) A copy of a report from an independent third-party evaluator who diagnosed the licensee with a substance use disorder, a mental disorder or both types of disorder, stating the diagnosis and the applicable diagnostic code from the DSM;

(b) The recommended treatment plan;

(c) A statement that the board has investigated the licensee's professional practice and has determined whether the licensee's professional practice, while impaired, presents or has presented a danger to the public;

(d) A description of any restrictions imposed by the board or recommended by the board on the licensee's professional practice;

(e) A statement that the licensee has agreed to report any arrest for or conviction of a misdemeanor or felony crime to the board within three business days after the licensee is arrested or convicted; and

(f) A written statement from the licensee agreeing to enter the program and agreeing to abide by all terms and conditions established by the program.

(2) A board-referred licensee is enrolled in the program effective on the date the program receives the licensee's signed consents and the signed monitoring agreement including payment of fees as required by ORS 676.190.

Stat. Auth.: ORS 413.042 & 676.190

Stats. Implemented: ORS 676.185 - 676.200

Hist.: ADS 3-2010, f. & cert. ef. 7-1-10; ADS 2-2012, f. & cert. ef. 2-9-12; ADS 3-2012, f. 6-27-12, cert. ef. 7-1-12; ADS 2-2014, f. 4-24-14

415-065-0040

Self-Referrals

(1) A licensee may only self-refer to the program if the licensee's board has adopted a rule permitting self-referrals.

(2) Provisional Enrollment. To be provisionally enrolled in the program, a self-referred licensee must:

(a) Sign a written consent allowing disclosure and exchange of information between the program or the program's contractor, as applicable, the licensee's employer, independent third-party evaluators, and treatment providers;

(b) Sign a written consent allowing disclosure and exchange of information between the program or the programs' contractor, as applicable, the board, the licensee's employer, independent third-party evaluators and treatment providers in the event the program determines the licensee to be in substantial noncompliance with his or her provisional monitoring agreement.;

(c) Sign a written statement that the licensee has agreed to report any arrest for or conviction of a misdemeanor or felony crime to the program within three business days after the licensee is arrested or convicted;

(d) Attest that the licensee is not, to the best of the licensee's knowledge, under investigation by his or her board; and

(e) Agree to and sign a monitoring agreement.

(3) Enrollment: To move from provisional enrollment to enrollment in the program, a self-referred the licensee must:

(a) Obtain at the licensee's own expense and provide to the program, an independent third-party evaluator's written evaluation containing a DSM diagnosis and diagnostic code, treatment recommendations, and practice restrictions, if any;

(b) Agree to cooperate with the program's investigation to determine whether the licensee's practice while impaired presents or has presented a danger to the public; and

(c) Enter into an amended monitoring agreement to reflect the treatment recommendations of the independent third-party evaluator and the program's practice investigation.

(4) Once the program provisionally enrolls a self-referred licensee in the program failure to complete enrollment constitutes substantial non-compliance and must be reported to the board.

(5) The program may not report a self-referred licensee's enrollment in or successful completion of the program to the licensee's board.

Stat. Auth.: ORS 413.042 & 676.190

Stats. Implemented: ORS 676.185 - 676.200

Hist.: ADS 3-2010, f. & cert. ef. 7-1-10; ADS 2-2012, f. & cert. ef. 2-9-12; ADS 3-2012, f. 6-27-12, cert. ef. 7-1-12; ADS 2-2014, f. 4-24-14

415-065-0045

Licensee Responsibilities

(1) Board-referred licensees must:

(a) Comply continuously with his or her monitoring agreement, including any amendments to the agreement required by the licensee's board or the program, for at least two years or longer, as specified by the board by rule or order; and

(b) Be responsible for the cost of evaluations, toxicology testing and treatment.

(2) Self-referred licensees must:

(a) Provide to the program a copy of a report of the licensee's criminal history periodically, at the program's discretion;

(b) Comply continuously with his or her monitoring agreement, including any amendments to the agreement required by the program, for at least two years or longer, as specified by the board by rule or order; and

(c) Be responsible for the cost of evaluations, toxicology testing and treatment.

Stat. Auth.: ORS 413.042 & 676.190

Stats. Implemented: ORS 676.185 - 676.200

Hist.: ADS 3-2010, f. & cert. ef. 7-1-10; ADS 2-2012, f. & cert. ef. 2-9-12; ADS 2-2014, f. 4-24-14

415-065-0050

Unique Identification Number

(1) The program shall assign a unique licensee identification number to each licensee enrolled in the program:

(a) If the program is operated by a contractor, the contractor and the Division shall use the same number and shall include the number in any communications or data exchanges involving the licensee;

(b) Once a unique identification is used the program may not use it again for any other licensee enrolled in the program and it shall be retired when the licensee is no longer enrolled in the program; and

(c) If a licensee reenrolls in the the program the program must use the same unique identification number that was previously assigned to the licensee.

(2) The program may not use all or a portion of a licensee's social security number as the unique identification number.

Stat. Auth.: ORS 413.042 & 676.190

Stats. Implemented: ORS 676.185 - 676.200

Hist.: ADS 3-2010, f. & cert. ef. 7-1-10; ADS 2-2012, f. & cert. ef. 2-9-12; ADS 3-2012, f. 6-27-12, cert. ef. 7-1-12; ADS 2-2014, f. 4-24-14

ADMINISTRATIVE RULES

415-065-0055

Program Requirements

(1) The program shall:
(a) Inform all licensees about the program services, requirements, benefits, risks, and confidentiality limitations and ensure that the licensee has signed a consent for services. The consent for services must explain to the licensee:

(A) What information the program will give to the board and under what circumstances; and

(B) That the board may take action to suspend, restrict, modify, or revoke the licensee's license or end the licensee's participation in the program based on information from the program.

(b) Develop an individualized, written monitoring agreement for each licensee consistent with the recommended treatment plan submitted with the board's referral or for a self-referred licensee, consistent with the independent third party's evaluation and enter into that agreement with the licensee;

(c) For a self-referred licensee, within 15 business days of the licensee signing the provisional enrollment agreement, conduct and complete an investigation to determine whether the licensee's practice while impaired presents or has presented a danger to the public.

(d) Amend monitoring agreements as necessary to respond to changes in the licensee's situation, with the goal of protecting the public, except that the program may not amend the treatment plan established by the independent third-party evaluation unless authorized by the appropriate board;

(e) Provide the licensee and his or her workplace monitor, when one exists, a copy of the licensee's monitoring agreement, including any amendments;

(f) Assess the licensee's compliance with his or her monitoring agreement;

(g) Assess the ability of the licensee's direct supervisor, if the licensee has a direct supervisor, to supervise the licensee, including an assessment of any documentation of the direct supervisor's completion of specialized training on how to supervise a licensee in the program;

(h) Report a licensee's substantial noncompliance to that licensee's board within one business day after the program learns of any substantial noncompliance, in accordance with OAR 415-065-0060; and

(i) At least weekly, submit to participating boards:

(A) A list of licensees who were referred to the program by the board and who are enrolled in the program; and

(B) A list of licensees who were referred to the program by the board and who successfully completed the program; and

(j) Seek a court order authorizing the program or the contractor, as applicable, to release identifying information to a licensee's board — including a report of substantial noncompliance as is described in OAR 415-065-0060 — if a self-referred licensee enrolled in the program, or a provisionally enrolled licensee with a qualifying diagnosis, revokes his or her consent to report substantial noncompliance to the licensee's board.

(A) The program shall file documents with the court seeking a court order as soon as possible but no later than three business days from the date it was notified that the licensee revoked consent to report substantial noncompliance.

(B) The program shall comply with 42 USC § 290dd-2(b)(2); 42 CFR Part 2; the Health Insurance Portability and Accountability Act (HIPAA), Public Law 104-191, 45 CFR Parts 160, 162 and 164 and ORS 179.505, 192.553–192.581 in seeking such a court order.

(C) The program shall disclose to the licensee's board, within one (1) business day, any information the court authorizes it to disclose.

(2) The program may exchange information with a licensee's board in the absence of substantial noncompliance, if permitted by the licensee's consent to disclose information.

Stat. Auth.: ORS 413.042 & 676.190

Stats. Implemented: ORS 676.185 - 676.200

Hist.: ADS 3-2010, f. & cert. ef. 7-1-10; ADS 1-2011(Temp), f. & cert. ef. 2-11-11 thru 8-5-11; ADS 3-2011, f. & cert. ef. 8-16-11; ADS 2-2012, f. & cert. ef. 2-9-122; ADS 3-2012, f. 6-27-12, cert. ef. 7-1-12; ADS 7-2013(Temp), f. & cert. ef. 11-8-13 thru 5-7-14; ADS 2-2014, f. 4-24-14

415-065-0060

Reports of Substantial Noncompliance

Unless otherwise prohibited by law, a report of substantial noncompliance to a licensee's board must include:

(1) A description of the noncompliance;

(2) A copy of the report from the independent third-party evaluator who diagnosed the licensee stating the licensee's diagnosis

(3) A copy of the licensee's monitoring agreement; and

(4) The licensee's practice or employment status.

Stat. Auth.: ORS 413.042 & 676.190

Stats. Implemented: ORS 676.185 - 676.200

Hist.: ADS 3-2010, f. & cert. ef. 7-1-10; ADS 2-2012, f. & cert. ef. 2-9-122; ADS 3-2012, f. 6-27-12, cert. ef. 7-1-12; ADS 2-2014, f. 4-24-14

415-065-0070

Monitoring Agreements

Each monitoring agreement developed by the program and entered into by a licensee must require the licensee to:

(1) Participate in the program for at least two years or longer, as specified by board rule or order;

(2) Participate in the recommended treatment plan;

(3) Comply with any practice restrictions required by the board or if the licensee is a self-referred licensee, any practice restrictions recommended by the third-party evaluator;

(4) Comply with any applicable workplace monitoring requirements;

(5) Abstain from all mind-altering or intoxicating substances or potentially addictive drugs, unless the drug is:

(a) Prescribed for a documented medical condition by a person authorized by law to prescribe the drug to the licensee; and

(b) Approved by the program if the licensee's board has granted the program that authority;

(6) Report to the program the licensee's:

(a) Use of mind-altering or intoxicating substances or potentially addictive drugs within 24 hours of the licensee's use of the substances or drugs;

(b) Arrest for or conviction of a misdemeanor or felony crime within three business days of the arrest or conviction; and

(c) Application for licensure in another state, change in employment, change in practice setting, or change in residence;

(7) Submit to random toxicology testing in accordance with an individualized schedule, unless the licensee is diagnosed with solely a mental disorder and the licensee's board does not otherwise require the licensee to submit to random drug or alcohol testing;

(8) Comply with other toxicology testing in accordance with OAR 415-065-0075;

(9) Submit periodic reports to the program regarding the licensee's compliance with the monitoring agreement at a frequency determined by program;

(10) Comply with any other requirement established by the licensee's board in accordance with ORS 676.200(1)(c);

(11) Comply with any amendments to the monitoring agreement deemed necessary by the licensee's board or the program because of a change in the licensee's situation; and

(12) Pay any required fees.

Stat. Auth.: ORS 413.042 & 676.190

Stats. Implemented: ORS 676.185 - 676.200

Hist.: ADS 2-2014, f. 4-24-14

415-065-0075

Toxicology Testing

(1) Unless a licensee is diagnosed solely with a mental disorder and an independent third-party evaluator has not recommended toxicology testing, the program must ensure that a licensee receives:

(a) A baseline toxicology test within fifteen business days of the date the licensee is enrolled in the program; and

(b) A final toxicology test before the licensee is deemed to successfully complete the program;

(2) The program may require a licensee to submit to a non-random toxicology test.

(3) Urinalysis specimens.

(a) The program must ensure that urine specimens are collected in a way that preserves the integrity of the specimen and unless otherwise provided by the licensee's board by rule, that the person collecting the sample is able to directly observe the urine leaving the licensee's body and enter the collection cup.

(b) If the program suspects that the licensee has used alcohol or other drugs in violation of the licensee's monitoring agreement or suspects that the licensee has attempted to provide a false or dilute urine sample, the program may require a licensee to provide a directly observed urine specimen under the procedures described in 49 CFR § 40.67(g) through (k), in effect on 4-24-14, including having an individual the same gender as the licensee:

(A) Ask the licensee to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist, and lower clothing and underpants to demonstrate, by turning around, that the licensee does not have a prosthetic device to dispense urine; and

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(B) Watch the urine go from the licensee's body into the specimen collection container.

(4) Toxicology testing must be done by a laboratory:

(a) Certified by the Substance Abuse and Mental Health Services Administration and accredited through the College of American Pathologists Forensic Drug Testing Accreditation Program; and

(b) That performs testing in compliance with OAR 333-024-0305 through 333-024-0350.

Stat. Auth.: ORS 413.042 & 676.190
Stats. Implemented: ORS 676.185 - 676.200
Hist.: ADS 2-2014, f. 4-24-14

415-065-0080

Confidentiality

The program may not use or disclose any information that individually identifies a licensee except in accordance with 42 CFR § Part 2 and any other applicable federal or state laws

Stat. Auth.: ORS 413.042 & 676.190
Stats. Implemented: ORS 676.185 - 676.200
Hist.: ADS 2-2014, f. 4-24-14

Oregon Health Authority, Addictions and Mental Health Division: Mental Health Services Chapter 309

Rule Caption: Permanent Amendments to OAR 309-114, Regarding Informed Consent and Significant Procedures

Adm. Order No.: MHS 9-2014

Filed with Sec. of State: 4-24-2014

Certified to be Effective: 4-24-14

Notice Publication Date: 4-1-2014

Rules Amended: 309-114-0000, 309-114-0010, 309-114-0020

Subject: These rules prescribe standards and procedures to be observed by personnel of state institutions operated by the Division in obtaining informed consent to significant procedures, from patients of such state institutions. The purpose of these rules is to assure that the rights of patients are protected with respect to significant procedures.

Rules Coordinator: Nola Russell—(503) 945-7652

309-114-0000

Purpose

Purpose. These rules prescribe standards and procedures to be observed by personnel of state institutions operated by Division in obtaining informed consent to significant procedures, as defined by these rules, from patients of such state institutions. These rules do not apply to routine medical procedures. Administration of significant procedures without informed consent is permitted as described in OAR 309-114-0010(1)(b). The purpose of these rules is to assure that the rights of patients are protected with respect to significant procedures.

Stat. Auth.: ORS 179.040
Stats. Implemented: ORS 179.321, 426.070 & 426.385
Hist.: MHD 3-1983, f. 2-24-83, ef. 3-26-83; MHS 14-2007(Temp), f. 11-30-07, cert. ef. 12-1-07 thru 5-29-08; MHS 2-2008(Temp), f. & cert. ef. 4-7-08 thru 10-4-08; MHS 6-2008, f. & cert. ef. 7-25-08; MHS 12-2010, f. & cert. ef. 9-9-10; MHS 12-2013(Temp), f. & cert. ef. 10-29-13 thru 4-27-14; MHS 9-2014, f. & cert. ef. 4-24-14

309-114-0010

General Policy on Obtaining Informed Consent to Treatment and Training

(1)(a) Basic Rule. Patients, or parents or guardians of minors, or guardians on behalf of legally incapacitated patients, may refuse any significant procedure and may withdraw at any time consent previously given to a significant procedure. Any refusal or withdrawal or withholding of consent shall be documented in the patient's record.

(b) Personnel of a state institution shall not administer a significant procedure to a patient unless written informed consent is obtained from or on behalf of the patient in the manner prescribed in these rules, except as follows:

(A) Administration of significant procedures to legally incapacitated patients as provided in section (6) of this rule;

(B) Administration of significant procedures without informed consent in emergencies under OAR 309-114-0015;

(C) Involuntary administration of significant procedures with good cause to persons committed to the Division under OAR 309-114-0020; or

(D) Involuntary administration of significant procedures pursuant to a valid court order.

(2) Capacity of the patient: In order to consent to, or refuse, withhold, or withdraw consent to significant procedures, the patient must have the capacity to make a decision concerning acceptance or rejection of a significant procedure, as follows:

(a) Unless adjudicated legally incapacitated for all purposes or for the specific purpose of making treatment decisions, a patient shall be presumed competent to consent to, or refuse, withhold, or withdraw consent to significant procedures. A person committed to the Division may be deemed unable to consent to or refuse, withhold, or withdraw consent to a significant procedure only if the person currently demonstrates an inability to reasonably comprehend and weigh the risks and benefits of the proposed procedure, alternative procedures, or no treatment at all including, but not limited to, all applicable factors listed in (3)(a) of this rule. The patient's current inability to provide informed consent is to be documented in the patient's record and supported by the patient's statements or behavior; and may be evidenced in the treating physician's or psychiatric nurse practitioner's informed consent form, the evaluation form by the independent examining physician and forms approving or disapproving the procedure by the superintendent or chief medical officer;

(b) A person committed to the Division shall not be deemed unable to consent to or refuse, withhold, or withdraw consent to a significant procedure merely by reason of one or more of the following facts:

(A) The person has been involuntarily committed to the Division;

(B) The person has been diagnosed as mentally ill;

(C) The person has disagreed or now disagrees with the treating physician's or psychiatric nurse practitioner's diagnosis; or

(D) The person has disagreed or now disagrees with the treating physician's or psychiatric nurse practitioner's recommendation regarding treatment.

(c) If a court has determined that a patient is legally incapacitated, then consent shall be sought from the legal guardian.

(3) Procedures for Obtaining Informed Consent and Information to be Given: The person from whom informed consent to a significant procedure is sought shall be given information, orally and in writing, the substance of which is to be found on the treating physician's or psychiatric nurse practitioner's informed consent form. In the case of medication, there shall be attached a preprinted information sheet on the risks and benefits of the medication listed on the treating physician's or psychiatric nurse practitioner's form. All written materials under this rule will be provided in English. However, if the institution has reason to believe a patient has limited English language proficiency or the patient requests it, then the institution will make reasonable accommodations to provide the patient with meaningful access to the information, such as providing the patient with copies of the materials in the patient's native language if the materials are readily available in that language or providing the opportunity to have an interpreter orally translate written materials into the patient's native language. Specific information about significant procedures of a similar class will not be provided to or discussed with the patient.

(a) The information shall describe:

(A) The nature and seriousness of the patient's mental illness or condition;

(B) The purpose of the significant procedures listed on the treating physician's or psychiatric nurse practitioner's form, the intended outcome and the risks and benefits of the procedures;

(C) Any alternatives, particularly alternatives offering less material risks to the proposed significant procedure that are reasonably available and reasonably comparable in effectiveness;

(D) If the proposed significant procedure is medication, facility medical staff shall give the name, dosage range, and frequency of administration of the medication listed on the treating physician's or psychiatric nurse practitioner's form, and shall explain the material risks of the medication at that dosage range.

(E) The side effects of the intended medication or electro-convulsive therapy;

(F) The predicted medical, psychiatric, social, or legal consequences of not accepting the significant procedure or any comparable procedure, including any potential risk the patient represents to the health and safety of the patient, or others, which may include, but is not limited to, a consideration of the patient's history of violence and its relationship to mental health treatment if he or she does not receive the significant procedure;

(G) That consent may be refused, withheld or withdrawn at any time; and

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(H) Any additional information concerning the proposed significant procedure requested by the patient.

(b) A medication educator shall assist by providing information to the patient that explains the proposed significant procedure, as described in subsection (3)(a) of this rule;

(c) The treating physician or psychiatric nurse practitioner intending to administer a significant procedure shall document in the patient's chart that the information required in subsection (3)(a) of this rule was explained and that the patient, parent or guardian of a minor or guardian of a legally incapacitated patient explicitly consented, refused, withheld or withdrew consent. The treating physician or psychiatric nurse practitioner may document this by completing the informed consent form and make it part of the patient's record.

(4) When discussing the significant procedure with the treating physician or psychiatric nurse practitioner and the medication educator, the patient may request additional information about the significant procedure pursuant to OAR 309-114-0010(3)(a)(H) and present additional information relevant to making his or her decision.

(5) Voluntary Consent: Consent to a proposed significant procedure must be given voluntarily, free of any duress or coercion. Subject to the provisions of OAR 309-114-0020, the decision to refuse, withhold or withdraw consent previously given shall not result in the denial of any other benefit, privilege, or service solely on the basis of refusing, withholding or withdrawing consent. A voluntary patient may be discharged from the institution if offered procedures are refused.

(6) Obtaining Consent with Respect to Legally Incapacitated Patients: A state institution may not administer a significant procedure to a legally incapacitated patient without the consent of the guardian, or, in the case of a minor, the parent or guardian, except in the case of an emergency under OAR 309-114-0015, where the institution has good cause to involuntarily administer a significant procedure under 309-114-0020, or pursuant to a valid court order. In order to prove good cause, the institution must prove 309-114-0020(1)(a) and (1)(d) in reference to the guardian and 309-114-0020(1)(b) and (1)(c) in reference to the patient.

(7) Reports of Progress: A patient, the parents or guardian of a minor patient, or the guardian of a legally incapacitated patient shall, upon request, be informed of the progress of the patient during administration of the significant procedure.

(8) These rules will be effective as of December 1, 2007 on all new orders for administration of significant procedures without informed consent. This includes new orders written after expiration of the previous order. This rule will be effective for existing, unexpired orders as of January 1, 2008, on a phased-in schedule that will accommodate as many new hearings as is practicable to schedule each week.

Stat. Auth.: ORS 179.040

Stats. Implemented: ORS 179.321, 426.070 & 426.385

Hist.: MHD 3-1983, f. 2-24-83, ef. 3-26-83; MHD 3-1988, f. 4-12-88, (and corrected 5-17-88), cert. ef. 6-1-88; MHS 14-2007(Temp), f. 11-30-07, cert. ef. 12-1-07 thru 5-29-08; MHS 2-2008(Temp), f. & cert. ef. 4-7-08 thru 10-4-08; MHS 6-2008, f. & cert. ef. 7-25-08; MHS 1-2009(Temp), f. & cert. ef. 1-23-09 thru 7-22-09; MHS 3-2009, f. & cert. ef. 6-26-09; MHS 12-2010, f. & cert. ef. 9-9-10; MHS 12-2013(Temp), f. & cert. ef. 10-29-13 thru 4-27-14; MHS 9-2014, f. & cert. ef. 4-24-14

309-114-0020

Involuntary Administration of Significant Procedures to Persons Committed to the Division with Good Cause

(1) Good cause: Good cause exists to administer a significant procedure to a person committed to the Division without informed consent if in the opinion of the treating physician or psychiatric nurse practitioner after consultation with the treatment team, the following factors are satisfied:

(a) Pursuant to OAR 309-114-0010(2), the person is deemed unable to consent to, refuse, withhold or withdraw consent to the significant procedure. This determination must be documented on the treating physician's or psychiatric nurse practitioner's informed consent form and the independent examining physician's evaluation form. It must include the specific questions asked and answers given regarding the patient's ability to weigh the risks and benefits of the proposed treatment, alternative treatment and no treatment including, but not limited to all relevant factors listed in 309-114-0010(3)(a).

(b) The proposed significant procedure will likely restore or prevent deterioration of the person's mental or physical health, alleviate extreme suffering or save or extend the person's life. This factor is established conclusively for purposes of a hearing under OAR 309-114-0025 by introducing into evidence the treating physician's or psychiatric nurse practitioner's informed consent form and the independent examining physician's evaluation form, unless this factor is affirmatively raised as an issue by the patient or his or her representative at the hearing.

(c) The proposed significant procedure is the most appropriate treatment for the person's condition according to current clinical practice and other less intrusive procedures have been considered and all criteria and information set forth in OAR 309-114-0010(3)(a) were considered. This factor is established conclusively for purposes of a hearing under 309-114-0025 by introducing into evidence the treating physician's or psychiatric nurse practitioner's informed consent form and the independent examining physician's evaluation form, unless this factor is affirmatively raised as an issue by the patient or his or her representative at the hearing.

(d) The institution made a conscientious effort to obtain informed consent from the patient. This factor is established conclusively for purposes of a hearing under OAR 309-114-0025 by introducing into evidence the treating physician's or psychiatric nurse practitioner's informed consent form and the medication educator's form or progress note, unless this factor is affirmatively raised as an issue by the patient or his or her representative at the hearing. If the institution has reason to believe a patient has limited English language proficiency or the patient requests it, the institution will make reasonable accommodations to provide the patient with meaningful access to the informed consent process, such as providing the patient with the opportunity to have an interpreter orally translate written materials into the patient's native language and provide translation during the treating physician's or psychiatric nurse practitioner's attempts to obtain informed consent and the medication educator's attempt to provide information about the significant procedure. A "conscientious effort" to obtain informed consent means the following:

(A) The patient's treating physician or psychiatric nurse practitioner made at least two good faith attempts to obtain informed consent by attempting to explain the procedure to the patient and documenting those efforts in the patient's record; and

(B) The medication educator made at least one good faith attempt to provide the information required in OAR 309-114-0010(3)(a) and explain and discuss the proposed procedure with the patient.

(e) Because of the preliminary nature of their commitment, the following additional findings must be made for patients under ORS 161.370 jurisdiction in order to show good cause under this rule:

(A) Medication is not requested for the sole purpose of restoring trial competency; and

(B) The patient is being medicated because of the patient's dangerousness or to treat the patient's grave disability.

(2) Independent Review: Prior to granting approval for the administration of a significant procedure for good cause to a person committed to the Division, the superintendent or chief medical officer of a state institution for the mentally ill shall obtain consultation and approval from an independent examining physician, or if a patient refuses to be examined, the superintendent or chief medical officer shall document that an independent examining physician made at least two good faith attempts to examine the patient. The superintendent or chief medical officer shall maintain a list of independent examining physicians and shall seek consultation and approval from independent examining physicians selected on a rotating basis from the list. The independent examining physician shall not be an employee of the Division, shall be a board-eligible psychiatrist, shall have been subjected to review by the medical staff executive committee as to qualifications to make such an examination, shall have been provided with a copy of administration rules OAR 309-114-0000 through 309-114-0030 and shall have participated in a training program regarding these rules, their meaning and application.

(3) The superintendent or chief medical officer shall provide to a patient to whom a significant procedure is proposed to be administered written advance notice of the intent to seek consultation and approval of an independent examining physician for the purpose of administering the procedure without the patient's consent.

(4) The physician selected to conduct the independent consultation shall:

(a) Review the person's medical chart including the records of efforts made to obtain the person's informed consent and

(A) Personally examine the person at least one time; or

(B) If the patient refuses to be examined, the physician shall make two good faith attempts to examine the patient. If the patient refuses to be examined during these two good faith attempts, the independent consultation and approval requirement outlined in subsection (4)(a)(A) and (4)(b) of this rule shall be deemed to be fulfilled.

(b) Discuss the matter with the person to determine the extent of the need for the procedure and the nature of the person's refusal, withholding or withdrawal or inability to consent to the significant procedure. This determination as well as the supporting evidence in the form of the spec-

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ic questions asked and answers given regarding the patient's ability to weigh the risks and benefits of the proposed treatment, alternative treatment and no treatment must be documented in the patient's record;

(c) Consider additional information, if any, presented prior to or at the time of examination or interview as may be requested by the person or anyone on behalf of the person; and

(d) Make a determination whether the factors required under these rules exist for the particular person or that one or more factors are not present and complete a report of his or her findings which provides their approval or disapproval of the proposed significant procedure. The written report must be provided to:

(A) The superintendent or chief medical officer; and

(B) The person to whom a significant procedure is proposed to be administered with a copy being made part of the person's record.

(5) Superintendent's Determination:

(a) The superintendent or chief medical officer shall approve or disapprove of the administration of the significant procedure to a person committed to the Division based on good cause provided that if the examining physician or psychiatric nurse practitioner found that one or more of the factors required by section (1) of this rule were not present or otherwise disapproved of the procedure; the superintendent or chief medical officer shall not approve the significant procedure and it shall not be performed;

(b) Approval of the significant procedure shall be only for as long as no substantial increase in risk is encountered in administering the significant procedure or significant procedure of a similar class during the term of a person's commitment, but in no case longer than 180 days. Disapproval shall be only for as long as no substantial change occurs in the person's condition during the term of commitment, but in no case longer than 180 days;

(c) Written notice of the superintendent's or chief medical officer's determination shall be provided to the patient and made part of the individual's record. This notice must be delivered to the patient and fully explained by facility medical staff. This notice must include a clear statement of the decision to treat without informed consent, specific basis for the decision, what evidence was relied on to make the decision and include a clear notice of the opportunity to ask for a contested case hearing with an administrative law judge if the patient disagrees with the decision. Attached must be a form with a simple procedure to request a hearing. The patient indicating in writing or verbally to any staff member a desire to challenge the institution's decision will be sufficient to request a contested case hearing pursuant to OAR 309 114 0025. The patient shall have 48 hours to request a contested case hearing after receiving this notice. If the patient does not request a hearing within the 48 hour period or the patient subsequently withdraws his initial hearing request and is not already receiving the significant procedure, the institution may involuntarily administer the significant procedure. A patient retains the right to request an initial hearing on the decision to administer a significant procedure without informed consent at any time.

(d) If the patient withdraws his or her initial request for hearing or refuses to attend the initial hearing without good cause, the administrative law judge will issue a dismissal order pursuant to OAR 137-003-0672(3). A dismissal order will allow the institution to immediately administer the significant procedure without informed consent as if the patient had never requested a hearing. If a dismissal order is issued, the patient may request a second hearing. If the patient withdraws his second request for hearing or refuses to attend the second hearing without good cause, the hearing will occur as scheduled with the institution presenting a prima facie case pursuant to ORS 183.417(4) and the administrative law judge will issue a proposed order by default. The institution will then issue a final order by default.

(e) Records of all reports by independent examining physicians of the determinations of the superintendent or chief medical officer under this rule shall be maintained by the superintendent or chief medical officer in a separate file and shall be summarized each year. Such summaries shall show:

(A) Each type of proposed significant procedure for which consultation with an independent examining physician was sought;

(B) The number of times consultation was sought from a particular independent examining physician for each type of proposed significant procedure;

(C) The number of times each independent examining physician approved and disapproved each type of proposed significant procedure; and

(D) The number of times the superintendent or chief medical officer approved and disapproved each type of proposed significant procedure.

(f) The summaries referred to in subsection (5)(e) of this rule shall be public records and shall be made available to the public during reasonable business hours in accordance with ORS Chapter 192.

(6) When treatment is being administered without informed consent, the ward physician or psychiatric nurse practitioner will write a progress note addressing any changes in patient's capacity to give informed consent every 60 days.

(7) At any time that a patient's condition changes so that there appears to his or her treating physician or psychiatric nurse practitioner to be a substantial improvement in the patient's capacity to consent to or refuse treatment, a formal re assessment of the patient's capacity to consent shall occur as described in OAR 309-114-0010 and 309-114-0020. No order to administer treatment without informed consent in non-emergency situations shall be valid for longer than 180 days or the duration of the commitment, whichever is shorter, without re establishing the need for the order by following the procedures described in 309-114-0010 and 309-114-0020.

(8) When an individual is transferred to a state institution from a community hospital or another state institution where he or she was already being treated with a significant procedure without informed consent, the receiving institution must apply OAR 309-114-0000 through 309-114-0030 no later than 7 days after the date of admission to the new institution. A state institution can honor an existing order for involuntary administration of a significant procedure without informed consent if procedures such as those outlined in 309-114-0010 through 309-114-0030 have already been applied and all necessary documentation is in the patient's file.

Stat. Auth.: ORS 179.040

Stats. Implemented: ORS 179.321, 426.070 & 426.385

Hist.: MHD 3-1983, f. 2-24-83, ef. 3-26-83; MHD 3-1988, f. 4-12-88, (and corrected 5-17-880, cert. ef. 6-1-88; MHS 14-2007(Temp), f. 11-30-07, cert. ef. 12-1-07 thru 5-29-08; MHS 2-2008(Temp), f. & cert. ef. 4-7-08 thru 10-4-08; MHS 6-2008, f. & cert. ef. 7-25-08; MHS 1-2009(Temp), f. & cert. ef. 1-23-09 thru 7-22-09; MHS 3-2009, f. & cert. ef. 6-26-09; MHS 6-2010(Temp), f. & cert. ef. 3-24-10 thru 9-20-10; MHS 12-2010, f. & cert. ef. 9-9-10; MHS 13-2010(Temp), f. & cert. ef. 11-19-10 thru 5-18-11; MHS 4-2011, f. & cert. ef. 5-19-11; MHS 12-2013(Temp), f. & cert. ef. 10-29-13 thru 4-27-14; MHS 9-2014, f. & cert. ef. 4-24-14

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Oregon Health Authority, Division of Medical Assistance Programs Chapter 410

Rule Caption: Reorganize Rule Text for Clarity and Amend Rule Ensuring Consistency with Division Reimbursement Methodology
Adm. Order No.: DMAP 26-2014

Filed with Sec. of State: 4-29-2014

Certified to be Effective: 5-8-14

Notice Publication Date: 4-1-2014

Rules Amended: 410-140-0020, 410-140-0040, 410-140-0050, 410-140-0120, 410-140-0140, 410-140-0160, 410-140-0200, 410-140-0260, 410-140-0280, 410-140-0300, 410-140-0400

Rules Repealed: 410-140-0060, 410-140-0110, 410-140-0180, 410-140-0210, 410-140-0220, 410-140-0240, 410-140-0320, 410-140-0380

Subject: The Visual Services program administrative rules govern Division of Medical Assistance Programs' (Division) payments for vision services provided to Oregon Health Plan clients. The Division amends rules for clarity, accuracy, and readability including updating relevant references and removing duplicated language and corrects language related to reimbursement for determination of a refractive state.

Rules Coordinator: Sandy Cafourek — (503) 945-6430

410-140-0020

Service Delivery

(1) The Division of Medical Assistance Programs (Division) enrolls the following as providers of vision services:

(a) A person licensed by the relevant state licensing authority to practice optometry (e.g., doctors of optometry — optometrists, optometric physicians);

(b) A licensed ophthalmologist (e.g., physician). See also Oregon Administrative Rule (OAR) 410 Division 130 governing medical-surgical services, including radiology;

(c) Optician as defined in ORS 683.510-683.530. The Division contracts with SWEEP Optical Laboratories for eyeglass materials (i.e., frames, lenses, specialty frames, and miscellaneous items), excluding contact lenses. See OAR 410-140-0260 Purchase of Ophthalmic Materials for restrictions.

(2) Division clients are enrolled for covered health services to be delivered through one of the following means:

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(a) Prepaid Health Plan (PHP) or Coordinated Care Organization (CCO). See OAR 410-120-0250 Prepaid Health Plan or Coordinated Care Organization:

(A) Most Oregon Health Plan (OHP) clients have prepaid health services contracted for by the Oregon Health Authority (Authority) through enrollment in a PHP or a CCO;

(B) Payment for all vision services (including routine vision exams, fittings, repairs, therapies and materials) provided to PHP and CCO members by ophthalmologists, optometrists and opticians is a matter between the provider and the PHP or CCO:

(i) Providers shall comply with PHP and CCO policies, including prior authorization requirements, for reimbursement. Providers shall inform PHPs and CCOs of the last date of service when inquiring on service limitations. Failure to follow PHP and CCO rules may result in the denial of payment; and

(ii) If the provider has been denied payment for failure to follow the rules established by the PHP or CCO, neither the Division, the PHP or CCO, nor the PHP or CCO member are responsible for payment; and

(iii) If the PHP or CCO utilizes the Division's visual materials contractor or another visual materials contractor for visual materials and supplies, all issues shall be resolved between the PHP or CCO and the contractor;

(b) Fee-for-service (FFS):

(A) FFS clients are not enrolled in a PHP or CCO and can receive vision services from any Division-enrolled provider that accepts FFS clients subject to limitations and restrictions in the visual services program rules; and

(B) All claims shall be billed directly to the Division.

(3) The provider shall verify whether a PHP, CCO or the Division is responsible for reimbursement. Refer to Oregon Administrative Rule (OAR) 410-120-1140 Verification of Eligibility.

(4) If a client receives services under sections (2)(b) of this rule:

(a) The Division may require a prior authorization for certain covered services or items before the service can be provided and before payment is made. See OAR 410-140-0040 Prior Authorization for more information; and

(b) Providers needing materials and supplies shall order those directly from SWEEP Optical, except when the Oregon Health Plan client has primary Medicare coverage. See OARs 410-140-0080, 410-140-0260 and 410-140-0400.

(5) Most Oregon Health Plan (OHP) clients are responsible for paying a co-payment for some services. See OAR 410-120-1230, Client Co-payment, and Table 120-1230-1 for specific details including client and service exemptions.

Stat. Auth.: ORS 413.042 & 414.065

Stats. Implemented: ORS 414.025, 414.065, 414.631 & 414.651

Hist.: AFS 75-1989, f. & cert. ef. 12-15-89; HR 15-1992, f. & cert. ef. 6-1-92, Renumbered from 461-018-0160; HR 37-1992, f. & cert. ef. 12-18-92; HR 15-1994, f. & cert. ef. 3-1-94; HR 38-1994, f. 12-30-94, cert. ef. 1-1-95; HR 1-1996, f. 1-12-96, cert. ef. 1-15-96; OMAP 20-1999, f. & cert. ef. 4-1-99; DMAP 26-2014, f. 4-29-14, cert. ef. 5-8-14

410-140-0040

Prior Authorization

(1) Prior Authorization (PA) is defined in Oregon Administrative Rule (OAR) 410-120-0000 Acronyms and Definitions. Providers must obtain a PA from the:

(a) Enrolled member's Prepaid Health Plan (PHP) or Coordinated Care Organization (CCO) (See OAR 410-140-0020 and refer to 410-120-0250, PHP or CCOs.); and

(b) Division of Medical Assistance Programs (Division) for clients who receive services on a fee-for-services basis and are not enrolled with a PHP or CCO.

(2) A PA does not guarantee eligibility or reimbursement. It is the responsibility of the provider to verify the client's eligibility on the date of service and whether a PHP, CCO or the Division is responsible for reimbursement. Refer to OAR 410-120-1140 Verification of Eligibility.

(3) A PA is not required for clients with both Medicare and Division coverage when the service or item is covered by Medicare.

(4) It is the provider's responsibility to determine if a PA is required and to comply with all PA requirements outlined in these Visual Services administrative rules. See also OAR 410-120-1320 Authorization of Payment.

(5) It is the provider's responsibility to ensure:

(a) PA requests are completed and submitted correctly. The Division does not accept PA requests via the phone. Refer to the Visual Services Supplemental Information Guide found on this Division website at <http://www.dhs.state.or.us/policy/healthplan/guides/vision/main.html>;

(b) PA requests include:

(A) A statement of medical appropriateness showing the need for the item or service and why other options are inappropriate;

(B) Diopter information and appropriate International Classification of Diseases, 9th revision, Clinical Modification (ICD-9-CM) diagnosis codes;

(C) All relevant documentation that is needed for Division staff to make a determination for authorization of payment, including clinical data or evidence, medical history, any plan of treatment, or progress notes;

(c) The service is adequately documented. (See OAR 410-120-1360 Requirements for Financial, Clinical and Other Records.) Providers must maintain documentation in the provider's files to adequately determine the type, medical appropriateness, or quantity of services provided;

(d) The services or items provided are consistent with the information submitted when authorization was requested;

(e) The services billed are consistent with those services provided; and

(f) The services are provided within the timeframe specified on the authorization of payment document.

(6) It is the providers' responsibility to comply with the Division's PA requirements or other policies necessary for reimbursement before providing services to any OHP client who is not enrolled in a PHP. Services or items denied due to provider error (e.g., required documentation not submitted, prior authorization not obtained, etc.), cannot be billed to the client. (See OAR 410-120-1280.)

(7) Vision services requiring PA include:

(a) Contact lenses for adults (age 21 and older) and excludes a primary keratoconus diagnosis, which is exempt from the PA requirement. See OAR 410-140-0160 Contact Lens Services for service and supply coverage and limitations;

(b) Vision therapy greater than six sessions. Six sessions are allowed per calendar year without PA. See also 410-140-0280 Vision Therapy Services; and

(c) Specific vision materials (See OAR 410-140-0260 Purchase of Ophthalmic Materials for more information.);

(A) Frames not included in the Division's contract with contractor, SWEEP Optical;

(B) Deluxe frames; and

(C) Specialty lenses or lenses considered as "not otherwise classified" by Health Care Common Procedure Coding System (HCPCS);

(d) An unlisted ophthalmological service or procedure, or "By Report" (BR) procedures.

(8) The Division sends Notice of all approved PA requests for vision materials to DMAP's contractor, SWEEP Optical; who forwards a copy of the PA approval and confirmation number to the requesting provider. (See OAR 410-140-0260 Purchase of Ophthalmic Materials.)

(9) Table 140-0040-1. [Table not included. See ED. NOTE.]

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

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.025 & 414.065

Hist.: AFS 9-1978, f. & ef. 2-1-78; AFS 2-1979, f. 2-6-79, ef. 3-1-79; AFS 2-1982(Temp), f. 1-20-82, ef. 2-1-82; AFS 45-1982, f. 4-29-82 & AFS 52-1982, f. 5-28-82, ef. 5-1-82 for providers located in the geographical areas covered by the AFS branch offices located in North Salem, South Salem, Dallas, Woodburn, McMinnville, Lebanon, Albany and Corvallis, ef. 6-30-82 for remaining AFS branch offices; AFS 55-1983, f. 11-15-83, ef. 12-1-83; AFS 6-1984(Temp), f. 2-28-84, ef. 3-1-84; AFS 24-1984(Temp), f. & ef. 5-29-84; AFS 31-1984(Temp), f. 7-26-84, ef. 8-1-84; AFS 5-1985, f. & ef. 1-25-85; AFS 22-1987, f. 5-29-87, ef. 7-1-87; AFS 75-1989, f. & cert. ef. 12-15-89, Renumbered from 461-018-0010; HR 15-1992, f. & cert. ef. 6-1-92, Renumbered from 461-018-0170; HR 1-1996, f. 1-12-96, cert. ef. 1-15-96; OMAP 20-1999, f. & cert. ef. 4-1-99; OMAP 24-2000, f. 9-28-00, cert. ef. 10-1-00; DMAP 21-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 26-2014, f. 4-29-14, cert. ef. 5-8-14

410-140-0050

Eligibility and Benefit Coverage

(1) It is the provider's responsibility to verify that a person is an Oregon Health Plan (OHP) client with appropriate benefits prior to providing services in order to ensure reimbursement of services rendered. The provider assumes full financial risk in serving a person not confirmed by the Division as eligible on the date of service. Refer to OAR 410-120-1140 Verification of Eligibility. It is the responsibility of the provider to verify a client's eligibility and:

(a) That the individual receiving vision services is eligible on the date of service for the service provided;

(b) Whether an OHP client receives services on a fee-for-service (open card) basis or is enrolled with a Prepaid Health Plan (PHP) or Coordinated Care Organization (CCO). (See OAR 410-140-0020 Service Delivery.);

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(c) That the service is covered under the client's OHP Benefit Package; and

(d) Whether the service is covered by a third party resource (TPR), (See OAR 410-120-1280 Billing.)

(2) Division OHP vision benefit packages include:

(a) Non-pregnant adults (age 21 and older):

(A) Visual services and materials to diagnose and correct disorders of refraction and accommodation are not covered, except when the client has a covered medical diagnosis or following cataract surgery or a corneal lens transplant as described in OAR 410-140-0140;

(B) Orthoptic and/or pleoptic training (vision therapy) is not covered; and

(C) Other visual services are covered with limitations as described in this rule.

(b) Pregnant adult women (age 21 and older):

(A) Orthoptic and/or pleoptic training (vision therapy) is not covered; and

(B) Other visual services are covered with limitations as described in these rules;

(c) Children (birth through age 20): Visual services are covered as described in this rule and without limitation when documentation in the clinical record justifies the medical need;

(3) It is the provider's responsibility to maintain accurate and complete client records, and includes documenting the quantity of services provided, as outlined in OAR 410-120-1360 Requirements for Financial, Clinical and Other Records:

(4) The provider has a responsibility to inform an OHP client when a:

(a) Vision service or materials are not covered under the client's benefit package;

(b) Service limitation has been met and the benefit is no longer covered; and

(c) Service limitation has been met and is no longer covered for an established client, even if the provider receives incomplete information through verification systems included in OAR 410-120-1140. Incorrect information does not absolve the provider's responsibility, as client records maintained by the Provider in section (3) should be complete and correct.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.025 & 414.065

Hist.: OMAP 20-1999, f. & cert. ef. 4-1-99; OMAP 11-2002, f. & cert. ef. 4-1-02; DMAP 21-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 43-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 26-2014, f. 4-29-14, cert. ef. 5-8-14

410-140-0120

ICD-9-CM Diagnosis, CPT/HCPCs Procedure Codes, and Modifiers

(1) The Division of Medical Assistance Program (Division) requires an International Classification of Diseases, 9th revision, Clinical Modification (ICD-9-CM) diagnosis code on all claims. Refer to OAR 410-120-1280 Billing for diagnosis code requirements.

(2) Providers are responsible to provide the client's diagnosis to ancillary service providers (e.g. SWEEP Optical Laboratories) when prescribing services, equipment, and supplies.

(3) The Division requires providers to use the standardized code sets required by the Health Insurance Portability and Accountability Act (HIPAA) and adopted by the Centers for Medicare and Medicaid Services (CMS). Providers are required to accurately code claims using the combination of Health Care Common Procedure Coding System (HCPCS) and Current Procedural Terminology (CPT) codes in effect for the date the service(s) was provided:

(a) Providers shall comply with published guidelines. Providers may not bill CPT or HCPCS procedure codes for separate procedures when a single CPT or HCPCS code includes all services provided.

(b) Intermediate and comprehensive ophthalmological services as described under the ophthalmology section of the CPT codebook shall be billed using codes included under this section and not those included under the Evaluation and Management section.

(c) When there is no appropriate descriptive procedure code to bill the Division, the provider shall use the code for "unlisted services." See OAR 410-140-0040 Prior Authorization.

(4) The Division recognizes HIPAA compliant modifiers.

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

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.025 & 414.065

Hist.: AFS 75-1989, f. & cert. ef. 12-15-89; HR 15-1992, f. & cert. ef. 6-1-92, Renumbered from 461-018-0210; HR 37-1992, f. & cert. ef. 12-18-92; HR 1-1996, f. 1-12-96, cert. ef. 1-15-96; HR 15-1996(Temp), f. & cert. ef. 7-1-96; HR 26-1996, f. 11-29-96, cert. ef. 12-1-96; OMAP 20-1999, f. & cert. ef. 4-1-99; OMAP 24-2000, f. 9-28-00, cert. ef. 10-1-00; OMAP 44-2001, f. 9-24-01 cert. ef. 10-1-01; OMAP 11-2002, f. & cert. ef. 4-1-02; OMAP 11-2002, f. & cert. ef. 4-1-02; DMAP 26-2014, f. 4-29-14, cert. ef. 5-8-14

410-140-0140

Vision Services Coverage and Limitations

(1) Providers shall use the following rules in conjunction with the Visual Services program rules (OAR 410 division 140) to determine service coverage and limitations for Oregon Health Plan (OHP) clients according to their benefit packages: General Rules (OAR chapter 410, division 120), OHP administrative rules (410-141-0480, 410-141-0500, and 410-141-0520), the Health Evidence Review Commission's (HERC) Prioritized List of Health Services (List) (See 410-141-0520 Prioritized List of Health Services.), including referenced guideline notes (The date of service determines the appropriate version of the General Rules and HERC List to determine coverage.), and the Oregon Health Authority (Authority) general rules related to provider enrollment and claiming (943-120-0300 through 0380).

(2) The Division covers ocular prosthesis (e.g., artificial eye) and related services. See OAR 410-122-0640 Eye Protheses for service coverage and limitations.

(3) The Division covers reasonable services for diagnosing conditions, including the initial diagnosis of a condition that is below the funding line on the HERC List. Once a diagnosis is established for a service, treatment or item that falls below the funding line, the Division does not cover any other service related to the diagnosis.

(4) Coverage for eligible adults (age 21 and older):

(a) Diagnostic evaluations and medical examinations are not limited if documentation in the physician's or optometrist's clinical record justifies the medical need;

(b) Ophthalmological intermediate and comprehensive exam services are not limited for medical diagnosis;

(c) Vision therapy is not covered; and

(d) Visual services for the purpose of prescribing glasses/contact lenses, fitting fees, or glasses or contact lenses for:

(A) Pregnant adult women are covered, and a complete examination and determination of refractive state is limited to once every 24 months;

(B) Non-pregnant adults are not covered, except when the client:

(i) Has a medical diagnoses of aphakia, pseudoaphakia, congenital aphakia, keratoconus; or

(ii) Lacks the natural lenses of the eye due to surgical removal (e.g. cataract extraction) or congenital absence; or

(iii) Has had a keratoplasty surgical procedure (e.g. corneal transplant) with limitations described in OAR 410-140-0160 Contact Lens Services and Supplies; and

(iv) Is limited to one complete examination and determination of refractive state once every 24 months.

(5) OHP Plus Children (birth through age 20):

(a) All ophthalmological examinations and vision services, including routine vision exams, fittings, repairs and materials are covered when documentation in the clinical record justifies the medical need;

(b) Orthoptic and/or pleoptic training or "vision therapy" is:

(A) Covered when therapy treatment pairs with a covered diagnosis on the HERC List;

(B) Limited to six sessions per calendar year without prior authorization (PA):

(i) The initial evaluation is included in the six therapy sessions;

(ii) Additional therapy sessions require PA (OAR 410-140-0040); and

(C) Shall be provided in compliance with Division provider guidance outlined in OAR 410-140-0280 Vision Therapy.

(6) Refraction determination is not limited following a diagnosed medical condition (e.g. multiple sclerosis).

(7) Refer to Table 140-0140-1 for provider restrictions and service limitations for specific ophthalmological services and items.

(8) Table 140-0140-1. [Table not included. See ED. NOTE.]

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

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

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.025 & 414.065

Hist.: AFS 6-1984(Temp), f. 2-28-84, ef. 3-1-84; AFS 24-1984(Temp), f. & ef. 5-29-84; AFS 31-1984(Temp), f. 7-26-84, ef. 8-1-84; AFS 5-1985, f. & ef. 1-25-85; AFS 22-1987, f. 5-29-87, ef. 7-1-87; AFS 75-1989, f. & cert. ef. 12-15-89, Renumbered from 461-018-0012; HR 15-1992, f. & cert. ef. 6-1-92, Renumbered from 461-018-0220; HR 37-1992, f. & cert. ef. 12-18-92; HR 1-1996, f. 1-12-96, cert. ef. 1-15-96; HR 15-1996(Temp), f. & cert. ef. 7-1-96; HR 26-1996, f. 11-29-96, cert. ef. 12-1-96; OMAP 20-1999, f. & cert. ef. 4-1-99; OMAP 24-2000, f. 9-28-00, cert. ef. 10-1-00; DMAP 20-2009, f. 6-12-09, cert. ef. 7-1-09; DMAP 44-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 26-2014, f. 4-29-14, cert. ef. 5-8-14

410-140-0160

Contact Lens Services and Supplies

(1) General information regarding the Division of Medical Assistance Programs' (Division) contact lens services and supplies coverage for clients who receive services on a fee-for-services basis:

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(a) The prescription of optical and physical characteristics of and fitting of contact lens, with medical supervision of adaptation, is only covered when provided by an optometrist or other qualified physician. Fittings by an independent technician in the optometrist's office are not covered; and

(b) Contact lenses shall be billed to the Division at the provider's acquisition cost. Acquisition cost is defined as the actual dollar amount paid by the provider to purchase the item directly from the manufacturer (or supplier) plus any shipping and postage for the item. Payment for contact lenses is the lesser of the Division fee schedule or acquisition cost.

(2) Coverage for eligible adults (age 21 or older) as defined in Oregon Administrative Rule (OAR) 410-140-0050:

(a) Prior Authorization (PA) is required for contact lenses for adults, except for a primary Keratoconus diagnosis. See OAR 410-140-0040, Prior Authorization, for information on requesting prior authorization;

(b) Contact lenses for adults are covered only when one of the following conditions exists:

(A) Refractive error which is 9 diopters or greater in any meridian;

(B) Keratoconus;

(C) Anisometropia when the difference in power between two eyes is 3 diopters or greater;

(D) Irregular astigmatism;

(E) Aphakia; or

(F) Post keratoplasty (e.g., corneal transplant), when medically necessary and within one year of procedure.

(c) Prescription and fitting of contact lenses is limited to once every 24 months. Replacement of contact lenses is limited to a total of two contacts every 12 months (or the equivalent in disposable lenses) and does not require PA;

(d) Corneoscleral lenses are not covered.

(3) Coverage for Children (birth through age 20):

(a) Contact lenses for children are covered and are not limited when it is documented in the clinical record that glasses cannot be worn for medical reasons, including, but not limited to:

(A) Refractive error which is 9 diopters or greater in any meridian;

(B) Keratoconus;

(C) Anisometropia when the difference in power between two eyes is 3 diopters or greater;

(D) Irregular astigmatism; or

(E) Aphakia;

(b) Replacement of contact lenses is covered when documented as medically appropriate in the clinical record and does not require PA;

(c) Corneoscleral lenses are not covered.

(4) Contact lenses for treatment of disease or trauma (e.g., corneal bandage lens) are inclusive of the fitting. Refer to Table 140-0160-1 for Division guidance for provider billing. Follow up visits to determine eye health status may be separately reimbursed when the trauma or disease is clearly documented in the client record.

(5) An extra or spare pair of contacts is not covered.

(6) Table 140-0160-1. [Table not included. See ED. NOTE.]

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

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.025 & 414.065

Hist.: AFS 75-1989, f. & cert. ef. 12-15-89; HR 15-1992, f. & cert. ef. 6-1-92, Renumbered from 461-018-0230; HR 37-1992, f. & cert. ef. 12-18-92; HR 5-1995, f. & cert. ef. 3-1-95; HR 1-1996, f. 1-12-96, cert. ef. 1-15-96; OMAP 20-1999, f. & cert. ef. 4-1-99; OMAP 24-2000, f. 9-28-00, cert. ef. 10-1-00; OMAP 11-2002, f. & cert. ef. 4-1-02; OMAP 65-2004, f. 9-13-04, cert. ef. 10-1-04; DMAP 21-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 20-2009, f. 6-12-09, cert. ef. 7-1-09; DMAP 44-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 26-2014, f. 4-29-14, cert. ef. 5-8-14

410-140-0200

Dispensing, Fitting and Repair of Glasses

(1) The Division of Medical Assistance Programs (Division) covers the fitting of glasses and the refitting and repair of glasses only when glasses and replacement parts are purchased from:

(a) The Division's contractor, see Oregon Administrative Rule (OAR) 410-140-0260 Purchase of Ophthalmic Materials; or

(b) Any visual materials supplier only when the client has primary Medicare coverage and the glasses were a Medicare-covered benefit. See OAR 410-140-0080 Medicare/Medicaid Assistance Program Claims.

(2) Fitting of glasses for:

(a) Eligible adults (age 21 years and older) is limited to once every 24 months, except when dispensing glasses within 120 days of cataract surgery;

(b) Eligible children (birth through age 20) is not limited when documented in the patient's record as medically necessary.

(3) Periodic adjustment of frames (including tightening of screws) is included in the dispensing fee and is not separately reimbursed.

(4) The Division accepts either the date of order or date of dispensing as the date of service on claims. Glasses must be dispensed prior to billing the Division, except under the two following conditions:

(a) Death of the client prior to dispensing; or

(b) Client failure to pick up ordered glasses. Documentation in the client's record must show that serious efforts were made by the provider to contact the client.

(5) Providers must keep a copy of the delivery invoice (included with all parts orders) in the client's records or document the delivery invoice number in the client's records for all repair and refitting claims.

(6) Fitting of spectacle mounted low vision aids, single element systems, telescopic or other compound lens systems are not covered.

(7) All frames have a limited warranty. Check specific frame styles for time limits. All defective frames must be returned to the contractor.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.025 & 414.065

Hist.: AFS 75-1989, f. & cert. ef. 12-15-89; HR 15-1992, f. & cert. ef. 6-1-92, Renumbered from 461-018-0250; HR 37-1992, f. & cert. ef. 12-18-92; HR 1-1996, f. 1-12-96, cert. ef. 1-15-96; HR 15-1996(Temp), f. & cert. ef. 7-1-96; HR 26-1996, f. 11-29-96, cert. ef. 12-1-96; OMAP 11-2002, f. & cert. ef. 4-1-02; OMAP 56-2002, f. & cert. ef. 10-1-02; OMAP 60-2003, f. 9-5-03, cert. ef. 10-1-03; DMAP 44-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 26-2014, f. 4-29-14, cert. ef. 5-8-14

410-140-0260

Purchase of Glasses

(1) The Division of Medical Assistance Programs (Division) contracts with SWEEP Optical Laboratories (also referred to herein as contractor) to buy vision materials (e.g., frames, lenses and miscellaneous items), excluding contact lenses. (See OAR 410-140-0160 Contact Lens Services and Supplies.) Rates for materials are negotiated by the Oregon Department of Administrative Services. All frames, lenses and miscellaneous items are to be provided:

(a) Only by contractor, unless the client has primary Medicare coverage; or

(b) By any visual materials supplier when the client has primary Medicare coverage for a Medicare-covered item. See Oregon Administrative Rule (OAR) 410-140-0080 Medicare/Medicaid Assistance Program Claims; and

(c) It is the provider's responsibility to verify the client's eligibility prior to ordering vision materials. See OAR 410-140-0050 Eligibility and Benefit Coverage and refer to 410-120-1140 Verification of Eligibility.

(2) Buying-up, defined in OAR 410-120-0000 Acronyms and Definitions, is prohibited. See 410-120-1350 Buying Up.

(3) The Division covers glasses for:

(a) Eligible adults (age 21 and older) once every 24 months (see OAR 410-140-0050).

(b) Clients once within 120 days following cataract surgery. When ordering glasses from contractor, the date of surgery is required on the order form.

(c) Eligible children (birth through age 20) without limitation when it is documented in the physician's or optometrist's clinical record as medically appropriate.

(4) Division non-covered ophthalmic materials include, but are not limited to, the following:

(a) Glasses with a prescription that is equal to or less than +/-25 diopters in both eyes are not covered;

(b) Two pair of glasses in lieu of bifocals or trifocals in a single frame;

(c) Hand-held, low vision aids;

(d) Non-spectacle mounted aids;

(e) Single lens spectacle mounted low vision aids;

(f) Telescopic and other compound lens systems, including distance vision telescopic, near vision telescopes and compound microscopic lens systems;

(g) Extra or spare pairs of glasses;

(h) Anti-reflective lens coating;

(i) U-V lens;

(j) Progressive and blended lenses;

(k) Bifocals and trifocals segments over 28mm including executive;

(l) Aniseikonic lenses;

(m) Sunglasses; and

(n) Frame styles outside of the contract between the Division and contractor based on client preference and are not medically necessary.

(5) Costs for the following are included in reimbursement for the lens and are not separately reimbursed by the Division:

(a) Scratch coating;

(b) Prism;

(c) Special base curve; and

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(d) Tracings.

(6) Materials that require Prior Authorization (PA) are included in OAR 410-140-0040 Prior Authorization.

(7) If a frame cannot be located in the contractor's catalog at www.sweepoptical.com that meets the medical needs of the client:

(a) Providers should contact contractor for assistance with locating a frame to meet the client's need; and

(b) Frames not included in the contract between the Division and contractor may be purchased through contractor with prior authorization.

(8) Contractor is not responsible if the Division determines the documentation in the client's record does not allow for the service as directed by the limitations indicated in the administrative rules.

(9) The following services do not require PA, are subject to strict limitations and require the physician or optometrist to submit appropriate documentation to contractor:

(a) Replacement parts (e.g., frame fronts, cable temple arm) for non-contracted frame styles are limited to frames purchased with prior authorization approval. See section (7) of this rule;

(b) Tints and Photochromic lenses: Limited to clients with documented albinism and pupillary defects. Documentation provided to contractor shall include the most appropriate International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM) code selected by a physician or optometrist;

(c) Other medically necessary items for a contract frame (i.e., cable temples, head-strap frame), when a client has a medical condition that requires the use of a specialty temple, nose pieces, head strap frame;

(d) Nonprescription glasses: Limited to clients that do not require any correction in one eye and where there is blindness in one eye. The purpose of this exception is to offer maximum protection for the remaining functional eye;

(e) High Index Lenses:

(A) Power is +/- 10 or greater in any meridian in either eye; or

(B) Prism diopters are 10 or more diopters in either lens;

(f) Polycarbonate lenses are limited to the following populations:

(A) Eligible children (birth through age 20);

(B) Clients with developmental disabilities; and

(C) Clients who are blind in one eye and need protection for the other eye, regardless of whether a vision correction is required.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 279A.140, 414.025 & 414.065

Hist.: AFS 55-1983, f. 11-15-83, ef. 12-1-83; AFS 75-1989, f. & cert. ef. 12-15-89, Renumbered from 461-018-0011; HR 15-1992, f. & cert. ef. 6-1-92, Renumbered from 461-018-0280; HR 37-1992, f. & cert. ef. 12-18-92; HR 1-1996, f. 1-12-96, cert. ef. 1-15-96; HR 15-1996(Temp), f. & cert. ef. 7-1-96; HR 26-1996, f. 11-29-96, cert. ef. 12-1-96; OMAP 20-1999, f. & cert. ef. 4-1-99; OMAP 24-2000, f. 9-28-00, cert. ef. 10-1-00; OMAP 11-2002, f. & cert. ef. 4-1-02; OMAP 56-2002, f. & cert. ef. 10-1-02; DMAP 21-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 44-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 33-2011, f. 12-5-11, cert. ef. 12-6-11; DMAP 26-2014, f. 4-29-14, cert. ef. 5-8-14

410-140-0280

Vision Therapy Services

(1) The Division of Medical Assistance Programs (Division) covers orthoptic and/or pleoptic training or "vision therapy" as outlined in Oregon Administrative Rule 410-140-0140 Vision Services Coverage and Limitations.

(2) Providers shall develop a therapy treatment plan and regimen that will be taught to the client, family, foster parents and caregiver during the therapy treatments. No extra treatments will be authorized for teaching.

(3) Therapy that can be provided by the client, family, foster parents, and caregiver is not a reimbursable service.

(4) All vision therapy services including the initial evaluation shall be billed to the Division solely with the Current Procedural Terminology (CPT) code for orthoptic and/or pleoptic training.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.025 & 414.065

Hist.: AFS 75-1989, f. & cert. ef. 12-15-89; HR 15-1992, f. & cert. ef. 6-1-92, Renumbered from 461-018-0290; HR 1-1996, f. 1-12-96, cert. ef. 1-15-96; OMAP 20-1999, f. & cert. ef. 4-1-99; OMAP 24-2000, f. 9-28-00, cert. ef. 10-1-00; OMAP 56-2002, f. & cert. ef. 10-1-02; DMAP 26-2014, f. 4-29-14, cert. ef. 5-8-14

410-140-0300

Post-operative Care

(1) The Division of Medical Assistance Programs (Division) reimburses all covered surgical procedures as global packages (Refer to Oregon Administrative Rule (OAR) 410-130-0480 Surgical Guidelines, except when the surgeon codes the surgical procedure with a modifier indicating surgical procedure only, excluding post-operative care.

(2) Post-operative care provided outside the global package is:

(a) Reimbursable to optometrists when furnished within their scope of practice;

(b) Billed with:

(A) The surgical current procedural terminology (CPT) code billed by the surgeon;

(B) The appropriate modifier noting post-operative care only; and

(C) The first post-operative date of service; and

(c) Reimbursed a percentage of the global reimbursement.

(3) Post-operative care includes all related follow-up visits and examinations provided within:

(a) 90 days following the date of major surgery, or

(b) 10 days following the date of minor surgery; and

(c) Claims for evaluation and management services and ophthalmological examinations billed within the follow-up period will be denied.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.025 & 414.065

Hist.: HR 15-1992, f. & cert. ef. 6-1-92; DMAP 26-2014, f. 4-29-14, cert. ef. 5-8-14

410-140-0400

Contractor Services/Provider Ordering

(1) The Division of Medical Assistance Programs (Division) contracts with SWEEP Optical Laboratories (also referred to herein as contractor) to provide vision materials and supplies. Providers needing materials and supplies must order those directly from the contractor, except when the Oregon Health Plan client has primary Medicare coverage. See OAR 410-140-0080.

(2) Providers are responsible for:

(a) Verifying client eligibility prior to submitting an order to the contractor. Refer to OAR 410-120-1140 Verification of Eligibility;

(b) Obtaining prior authorization (PA) from the Division for items requiring PA prior to placing a vision materials order. (See OAR 410-140-0040 Prior Authorization.);

(c) Complying with the contractor's order submission requirements, as outlined in the Visual Services Supplemental Information Guide found on this Division website: <http://www.dhs.state.or.us/policy/healthplan/guides/vision/main.html>;

(d) Submitting prescription/order to the contractor upon notification of PA approval from the contractor; and

(e) Paying SWEEP Optical for any services provided by SWEEP Optical to a client who is not eligible for items. SWEEP Optical is prohibited by contract to sell materials and supplies for non-eligible clients at the State Contracted Price.

(3) The contractor's responsibilities:

(a) Forward Division prior authorization approval to the provider;

(b) Order specifications:

(A) The contractor shall provide the order as specified by the ordering provider;

(B) The contractor shall be responsible for all shipping and handling charges for shipments to the provider via United States mail or United Parcel Service for all returned orders that are not to the specifications of the order or that are damaged in shipping;

(C) The contractor may not accept initial orders via telephone. The contractor shall accept telephone calls or faxed messages regarding orders that are not made to specifications;

(D) When the contractor is notified of an item to be returned due to the item not being made to specifications in the original order, the contractor shall begin remaking the product as soon as they are notified, whether or not they have received the item being returned. (The ordering provider shall return the original product to the contractor with a written explanation of the problem and indicate the date they notified the contractor to remake the order.);

(c) Original order delivery:

(A) Delivery Date: The contractor shall deliver the original order of materials and supplies to the ordering provider within seven business days of the date the order is received;

(B) Delay: In the event of a delay in manufacturing or delivery, the contractor shall:

(i) Notify the ordering provider within two business days of receipt of the order;

(ii) Include a description of the order, the reason for delay and the revised time of completion and delivery; and

(C) Special Orders: Delivery of special order frames and lenses may exceed the required delivery time. In this event, the contractor shall provide the ordering provider with notice of the anticipated delay, give the ordering provider a projected delivery date, and document the actual delivery time for future reference.

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(4) Provider Error: Neither the contractor nor the Division shall be responsible for costs, expenses or for any required rework due to errors by any provider.

(5) The contractor may use the date of order as the date of service (DOS) but may not bill the Division until the order has been completed and shipped.

(6) The contractor shall bill the Division using Health Care Common Procedure Coding System (HCPC) Codes listed in the contract agreement. Payment will be at contracted rates.

(7) The contractor shall include eyeglass cases with every frame. Cases may not be included in orders for only lenses, temples or frame fronts.

(8) Frame Displays: Frames for display purposes may be purchased from the contractor for the same price as frames for glasses negotiated by the Oregon Department of Administrative Services:

(a) A case may not be provided with display frames; and

(b) Quantity, style, size and color of frames should be specified in the order for display frames.

(9) Contractors will have unisex frame styles available and will allow clients to choose any frame regardless of category listed (i.e., women may choose "Girls" frames).

(10) Regardless of verification received via phone or electronic sources, the contractor may not fill orders for clients who do not have coverage or have met their vision benefit. See OAR 410-140-0140 Vision Services Coverage and Limitations. When glasses are ordered and the client has met their vision benefit for the time period:

(a) The Division will reimburse the provider for the exam only if the client is not an established client of the provider and the client is currently a fee-for-service (ffs) client with vision benefits. See OAR 410-140-0050 Eligibility and Benefit Coverage;

(b) The provider needs to contact the client's Prepaid Health Plan (PHP) or Coordinated Care Organization (CCO) if the client is enrolled with a PHP or CCO that contracts with SWEEP Optical. The contractor applies vision limitations included in rule, regardless of changes to a client's enrollment status. It is the provider's responsibility to contact the client's PHP or CCO and give them the last date of service. The current PHP or CCO will then determine if they want to allow for an additional supply of glasses. If the client is an established client, regardless of incomplete information through phone or electronic verification systems or SWEEP Optical, it is the provider's responsibility to inform the PHP/CCO of the last date of service.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 414.025 & 414.065

Hist.: AFS 75-1989, f. & cert. ef. 12-15-89; HR 37-1992, f. & cert. ef. 12-18-92, Renumbered from 461-018-0300; HR 15-1994, f. & cert. ef. 3-1-94; HR 5-1995, f. & cert. ef. 3-1-95; HR 1-1996, f. 1-12-96, cert. ef. 1-15-96; OMAP 44-2001, f. 9-24-01 cert. ef. 10-1-01; OMAP 61-2005, f. 11-29-05, cert. ef. 12-1-05; DMAP 21-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 33-2011, f. 12-5-11, cert. ef. 12-6-11; DMAP 26-2014, f. 4-29-14, cert. ef. 5-8-14

Rule Caption: Amending Prior Authorization Guide - May 23, July 25, Sept. 26, 2013, & Jan. 30, Mar. 27, 2014 DUR/P&T Action
Adm. Order No.: DMAP 27-2014(Temp)

Filed with Sec. of State: 5-2-2014

Certified to be Effective: 5-2-14 thru 6-30-14

Notice Publication Date:

Rules Amended: 410-121-0040

Subject: The Pharmaceutical Services Program administrative rules (Division 121) govern Division payments for services provided to certain clients. The Division needs to amend rules as follows:
410-121-0040:

Hydroxyprogesterone Caproate (Makena®) — new criteria.

Analgesics, Non-Steroidal Anti-Inflammatory Drugs — updated criteria.

Antiemetics — updated criteria.

Anti-Parkinsons Agents — updated criteria.

Cysteamine Delayed Release — new criteria.

Fentanyl Transmucosal, Buccal, and Sprays — updated criteria.

Hepatitis C Oral Protease Inhibitors/Triple Therapy — updated criteria.

Incretin Enhancers — updated criteria.

Incretin Mimetics — updated criteria.

LABA/ICS Inhalers — updated criteria.

Mipomersen and Lomitapide — new criteria.

Naltrexone Extended Release Inj (Vivitrol®) — new criteria.

Omega-3 fatty acids — new criteria.

Oral MS Drugs — updated criteria.

Oral Direct Factor Xa Inhibitor — updated criteria.

Oral Direct Thrombin Inhibitor — updated criteria.

Repository Corticotropin Injection (Acthar Gel®) — new criteria.

Roflumilast — updated criteria.

Sofosbuvir (Sovaldi®).

Saproterin — updated criteria.

Skeletal Muscle Relaxants - updated criteria.

Rules Coordinator: Sandy Cafourek—(503) 945-6430

410-121-0040

Prior Authorization Required for Drugs and Products

(1) Prescribing practitioners are responsible for obtaining prior authorization (PA) for the drugs and categories of drugs requiring PA in this rule, using the procedures required in OAR 410-121-0060.

(2) All drugs and categories of drugs, including but not limited to those drugs and categories of drugs that require PA as described in this rule, are subject to the following requirements for coverage:

(a) Each drug must be prescribed for conditions funded by Oregon Health Plan (OHP) in a manner consistent with the Oregon Health Services Commission's Prioritized List of Health Services (OAR 410141-0480 through 410-141-0520). If the medication is for a non-covered diagnosis, the medication shall not be covered unless there is a co-morbid condition for which coverage would be extended. The use of the medication must meet corresponding treatment guidelines, be included within the client's benefit package of covered services, and not otherwise excluded or limited;

(b) Each drug must also meet other criteria applicable to the drug or category of drug in these pharmacy provider rules, including PA requirements imposed in this rule.

(3) The Oregon Health Authority (Authority) may require PA for individual drugs and categories of drugs to ensure that the drugs prescribed are indicated for conditions funded by OHP and consistent with the Prioritized List of Health Services and its corresponding treatment guidelines (see OAR 410-141-0480). The drugs and categories of drugs that the Authority requires PA for this purpose are found in the OHP Fee-For-Service Pharmacy PA Criteria Guide (PA Criteria Guide) dated May 1, 2014, incorporated in rule by reference and found on our Web page at: <http://www.dhs.state.or.us/policy/healthplan/guides/pharmacy/clinical.html>

(4) The Authority may require PA for individual drugs and categories of drugs to ensure medically appropriate use or to address potential client safety risk associated with the particular drug or category of drug, as recommended by the Pharmacy & Therapeutics Committee (P&T) and adopted by the Authority in this rule (see OAR 410-121-0100 for a description of the DUR program). The drugs and categories of drugs for which the Authority requires PA for this purpose are found in the Pharmacy PA Criteria Guide.

(5) New drugs shall be evaluated when added to the weekly upload of the First DataBank drug file:

(a) If the new drug is in a class where current PA criteria apply, all associated PA criteria shall be required at the time of the drug file load;

(b) If the new drug is indicated for a condition below the funding line on the Prioritized List of Health Services, PA shall be required to ensure that the drug is prescribed for a condition funded by OHP;

(c) PA criteria for all new drugs shall be reviewed by the DUR/P&T Committee.

(6) PA is required for brand name drugs that have two or more generically equivalent products available and that are NOT determined Narrow Therapeutic Index drugs by the Oregon DUR/P&T Committee:

(a) Immunosuppressant drugs used in connection with an organ transplant must be evaluated for narrow therapeutic index within 180 days after United States patent expiration;

(b) Manufacturers of immunosuppressant drugs used in connection with an organ transplant must notify the department of patent expiration within 30 days of patent expiration for (5)(a) to apply;

(c) Criteria for approval are:

(A) If criteria established in subsection (3) or (4) of this rule applies, follow that criteria;

(B) If (6)(A) does not apply, the prescribing practitioner must document that the use of the generically equivalent drug is medically contraindicated, and provide evidence that either the drug has been used and has failed or that its use is contraindicated based on evidence-based peer reviewed literature that is appropriate to the client's medical condition.

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(b) The PDL (as defined in 410-121-0000 (cc) consists of prescription drugs that the Division, in consultation with the Drug Use Review (DUR) / Pharmacy & Therapeutics Committee (P&T), has determined represent the most effective drug(s) available at the best possible price;

(c) The PDL shall include drugs that are Medicaid reimbursable and the Food and Drug Administration (FDA) has determined to be safe and effective.

(3) PMPDP PDL Selection Process:

(a) The Division shall utilize the recommendations made by the P&T, that result from an evidence-based evaluation process, as the basis for selecting the most effective drug(s);

(b) The Division shall determine the drugs selected in (3)(a) that are available for the best possible price and shall consider any input from the P&T about other FDA-approved drug(s) in the same class that are available for a lesser relative price. The Division shall determine relative price using the methodology described in subsection (4);

(c) The Division shall evaluate selected drug(s) for the drug classes periodically:

(A) Evaluation shall occur more frequently at the discretion of the Division if new safety information or the release of new drugs in a class or other information which makes an evaluation advisable;

(B) New drugs in classes already evaluated for the PDL shall be non-preferred until the new drug has been reviewed by the P&T;

(C) The Division shall make all changes or revisions to the PDL, using the rulemaking process and shall publish the changes on the Division's Pharmaceutical Services provider rules Web page.

(4) Relative cost and best possible price determination:

(a) The Division shall determine the relative cost of all drugs in each selected class that are Medicaid reimbursable and that the FDA has determined to be safe and effective;

(b) The Division may also consider dosing issues, patterns of use and compliance issues. The Division shall weigh these factors with any advice provided by the P&T in reaching a final decision;

(5) Pharmacy providers shall dispense prescriptions in the generic form, unless:

(a) The practitioner requests otherwise, subject to the regulations outlined in OAR 410-121-0155;

(b) The brand name medication is listed as preferred on the PDL.

(6) The exception process for obtaining non-preferred physical health drugs that are not on the PDL drugs shall be as follows:

(a) If the prescribing practitioner, in their professional judgment, wishes to prescribe a physical health drug not on the PDL, they may request an exception, subject to the requirements of OAR 410-121-0040;

(b) The prescribing practitioner must request an exception for physical health drugs not listed in the PDL subject to the requirements of OAR 410-121-0060;

(c) Exceptions shall be granted in instances:

(A) Where the prescriber in their professional judgment determines the non-preferred drug is medically appropriate after consulting with the Division or the Oregon Pharmacy Help Desk; or

(B) Where the prescriber requests an exception subject to the requirement of (6)(b) and fails to receive a report of PA status within 24 hours, subject to OAR 410-121-0060.

(7) Table 121-0030-1, PMPDP PDL dated May 1, 2014 is incorporated in rule by reference and is found on our Web page at www.orpd.org.

Stat. Auth.: ORS 409.025, 409.040, 409.110, 414.065, 413.042 & 414.325

Stats. Implemented: ORS 414.065

Hist.: OMAP 25-2002, f. 6-14-02 cert. ef. 7-1-02; OMAP 31-2002, f. & cert. ef. 8-1-02; OMAP 36-2002, f. 8-30-02, cert. ef. 9-1-02; OMAP 29-2003, f. 3-31-03 cert. ef. 4-1-03; OMAP 35-2003, f. & cert. ef. 5-1-03; OMAP 47-2003, f. & cert. ef. 7-1-03; OMAP 57-2003, f. 9-5-03, cert. ef. 10-1-03; OMAP 70-2003(Temp), f. 9-15-03, cert. ef. 10-1-03 thru 3-15-04; OMAP 82-2003, f. 10-31-03, cert. ef. 11-1-03; OMAP 9-2004, f. 2-27-04, cert. ef. 3-1-04; OMAP 29-2004, f. 4-23-04 cert. ef. 5-1-04; OMAP 34-2004, f. 5-26-04 cert. ef. 6-1-04; OMAP 45-2004, f. 7-22-04 cert. ef. 8-1-04; OMAP 81-2004, f. 10-29-04 cert. ef. 11-1-04; OMAP 89-2004, f. 11-24-04 cert. ef. 12-1-04; OMAP 19-2005, f. 3-21-05, cert. ef. 4-1-05; OMAP 32-2005, f. 6-21-05, cert. ef. 7-1-05; OMAP 58-2005, f. 10-27-05, cert. ef. 11-1-05; OMAP 16-2006, f. 6-12-06, cert. ef. 7-1-06; OMAP 32-2006, f. 8-31-06, cert. ef. 9-1-06; OMAP 48-2006, f. 12-28-06, cert. ef. 1-1-07; DMAP 4-2007, f. 6-14-07, cert. ef. 7-1-07; DMAP 16-2008, f. 6-13-08, cert. ef. 7-1-08; DMAP 36-2008, f. 12-11-08, cert. ef. 1-1-09; DMAP 39-2009, f. 12-15-09, cert. ef. 1-1-10; DMAP 17-2010, f. 6-15-10, cert. ef. 7-1-10; DMAP 40-2010, f. 12-28-10, cert. ef. 1-1-11; DMAP 2-2011(Temp), f. & cert. ef. 3-1-11 thru 8-20-11; DMAP 19-2011, f. 7-15-11, cert. ef. 7-17-11; DMAP 44-2011, f. 12-21-11, cert. ef. 1-1-12; DMAP 12-2012(Temp), f. & cert. ef. 3-16-12 thru 9-11-12; DMAP 18-2012, f. 3-30-12, cert. ef. 4-9-12; DMAP 26-2012, f. & cert. ef. 5-14-12; DMAP 29-2012, f. & cert. ef. 6-21-12; DMAP 33-2012(Temp), f. 7-18-12, cert. ef. 7-23-12 thru 1-18-13; DMAP 40-2012(Temp), f. & cert. ef. 8-20-12 thru 1-18-13; DMAP 44-2012(Temp), f. & cert. ef. 9-26-12 thru 1-18-13; DMAP 61-2012, f. 12-27-12, cert. ef. 1-1-13; DMAP 6-2013(Temp), f. & cert. ef. 2-21-13 thru 8-19-13; DMAP 23-2013(Temp), f. 4-30-13, cert. ef. 5-1-13 thru 8-19-13; Administrative correction, 7-18-13; DMAP 43-2013, f. & cert. ef. 8-16-13; DMAP 76-2013(Temp), f. 12-31-13, cert. ef. 1-1-14 thru 6-30-14; DMAP 1-2014(Temp), f. & cert. ef. 1-10-14 thru 7-9-14; DMAP 15-2014, f. & cert. ef. 3-21-14 thru 9-17-14; DMAP 28-2014(Temp), f. & cert. ef. 5-2-14 thru 6-30-14

Oregon Health Authority, Public Employees' Benefit Board Chapter 101

Rule Caption: Local government participation implementation, as required by the passage of HB 2279 (2013).

Adm. Order No.: PEBB 1-2014

Filed with Sec. of State: 5-1-2014

Certified to be Effective: 5-1-14

Notice Publication Date: 4-1-2014

Rules Adopted: 101-070-0001, 101-070-0005

Rules Repealed: 101-070-0001(T), 101-070-0005(T)

Subject: The Oregon Health Authority, Public Employees' Benefit Board (PEBB), is adopting Oregon Administrative Rules in Chapter 101, Division 70, relative to local government participation in PEBB health plans.

Rules Coordinator: Cherie Taylor—(503) 378-6296

101-070-0001

Definitions

"Local Government" has the meaning given to it in House Bill 2279 (2013).

Stat. Auth.: ORS 243.061-302, 659A.060-069, 743.600-602 & 743.707

Stats. Implemented: ORS 243.061-302 & OL 2007 Ch. 99

Hist.: PEBB 3-2013(Temp), f. & cert. ef. 12-17-13 thru 6-15-14; PEBB 1-2014, f. & cert. ef. 5-1-14

101-070-0005

Participation Requirements

(1) Notice of Intent to Participate

(a) Local Governments choosing voluntarily to participate in PEBB must complete and submit to PEBB a written Notice of Intent to Participate. The following notification timeline applies if the Local Government employs:

(A) 50 or fewer participating, eligible employees — 90 days prior to the PEBB Open Enrollment start date (usually October 1), or;

(B) More than 50 participating, eligible employees but fewer than 500 participating, eligible employees — 120 days prior to the PEBB Open Enrollment start date, or;

(C) More than 500 participating, eligible employees — 180 days prior to the PEBB Open Enrollment start date.

(b) Local Governments employing more than 500 participating, eligible employees that submit a Notice of Intent to Participate may allow individual employee groups entry into PEBB plans upon expiration of collective bargaining agreements that govern employee health and welfare benefits for the individual employee groups.

(2) Financial Participation

(a) Local Governments must provide PEBB with the most recent two years of medical premium- equivalent rates for self-insured groups and the most recent two years of medical premium rates for fully insured groups either before submitting a Notice of Intent to Participate or accompanied with the Notice of Intent to Participate. Demographic data and logistical data may be requested as well.

(A) If an actuarial plan comparison completed by PEBB's Consultant demonstrates these rates are less than 10% over PEBB's costs during the same two year period, the Local Government may enter participation at current PEBB rates.

(B) If an actuarial plan comparison demonstrates these rates are equal to or over 10% of PEBB's costs during the same two year period, PEBB may add a rate surcharge for up to three years.

(i) Upon entry into PEBB participation, Local Governments with more than 500 self-insured employees must either:

(I) Deposit a sufficient monetary reserve by February 1 of the first plan year to finance the stabilization account of the PEBB revolving fund to the PEBB risk-adjusted level as determined by the PEBB Consultant ; or

(II) Agree to pay an additional surcharge to premiums to establish a reserve fund for the Local Government over a period of time as determined by PEBB's Consultant.

(ii) When a Local Government with more than 500 self-insured employees terminates participation in PEBB, it may take its initial contribution paid into the stabilization account of the PEBB revolving fund as determined by PEBB's Consultant.

(iii) When a Local Government provides a cash incentive to a member for opting-out of health coverage and the value of the incentive is 50%

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or more than the PEBB premium rate for an employee-only tier, PEBB may assess a surcharge to the Local Government.

(iv) Monthly Remittance. For the purpose of subsections (6) through (11), the terms below have the following meanings:

(I) "ACH credit" means a payment initiated by a participating Local Government that is cleared through the Automated Clearing House (ACH) network for deposit to the PEBB treasury account;

(II) "ACH debit" means a payment initiated by PEBB and cleared through the ACH network to debit a participating Local Government's financial account and credit the PEBB treasury account;

(III) "Local Government Payment" means the monthly Local Government Payment to PEBB that includes the contributions of both Local Government as the employer, and its employees as required to pay the monthly premiums in full for selected PEBB benefit plans;

(IV) "Local Government Payment Invoice" means a monthly itemized statement provided by PEBB that includes the enrollment elections of the employees and dependents of a Local Government and the PEBB premium rate associated with the benefit coverage enrollment month.

(V) "Pay-As-Billed" means billing a Local Government based upon its monthly enrollment file in the PEBB.benefits system.

(VI) "Overpayment" means the amount of a Local Government's monthly payment to PEBB that exceeds the amount due.

(VII) "Underpayment" means a payment submitted by a Local Government that is less than the invoiced amount.

(VIII) "Electronic Funds Transfer" refers to a payment through ACH credit or ACH debit.

(IX) "Cover Oregon" refers to the Oregon Health Insurance Exchange public corporation.

(X) "Due date" means the third business day into the current month of coverage.

(v) Local Governments will receive a monthly invoice from PEBB by the first business day of the month of coverage that details the payments due for that month of coverage.

(vi) Local Governments are required to submit payment to PEBB through Electronic Funds Transfer no later than the due date.

(vii) PEBB reserves the right to issue surcharges or take other appropriate measures to Local Governments that submit monthly payments after the due date.

(viii) Local Governments must select an electronic funds transfer method by submitting an Electronic Funds Transfer authorization form to PEBB 45 days prior to participation in a PEBB plan year.

(ix) Local Governments seeking a refund of an overpayment must notify PEBB within 45 calendar days from the date the overpayment occurred;

(I) PEBB will request a refund from a carrier in accordance with the law. The carrier will refund the premium to PEBB back to the date of the termination or the date allowed by law for recoupment.

(II) PEBB will generally reimburse a Local Government overpayment by making an adjustment to the next monthly invoice.

(3) General Participation Requirements

(a) Local Governments who choose to participate in PEBB must comply with PEBB eligibility, enrollment, and continuation of insurance rules as defined in OAR Division 101-10, 101-015 and 101-030, regardless of whether the Local Government is administering a Section 125 Cafeteria Plan.

(b) Local Governments must agree to and sign an inter-governmental agreement with PEBB along with the Notice of Intent to Participate that includes provisions of their participation in PEBB, including, but not limited to, the following participation requirements. Local Governments must:

(A) Retain full authority to define employee-employer premium cost share arrangements compliant with Affordable Care Act (ACA) regulations.

(B) Participate in all benefit coverage types approved and provided by PEBB. All PEBB plans must be available to all benefit eligible employees.

(C) Use the PEBB tiered-rate structure for all benefit coverage types.

(D) Participate in all PEBB health and wellness and programs offered by PEBB.

(E) Comply with the PEBB benefit plan-year cycle, Open Enrollment period, and plan renewal timeline.

(F) Submit all premium payments to PEBB on a monthly basis. Premium submission to PEBB is completed through Electronic Funds Transfer, no later than the due date as indicated by PEBB.

(G) Not transfer to any PEBB plan any deductibles or annual out-of-pocket maximums met with a prior carrier.

(H) Agree that PEBB.benefits is the authority for managing and reporting all billing, eligibility and enrollment information communicated to the insurance plan carriers by PEBB and Local Governments will update employment changes in PEBB.benefits as they occur.

(c) Local governments may allow currently enrolled Early Retirees to participate in PEBB retiree plans only if the retirees participated in the Local Government's retiree medical plan for at least two years prior to January 1, 2014. The PEBB Retiree Rules as defined in OAR Division 101-50-0005 et. seq. apply to all Early Retirees.

(d) Local Governments may request transfer of term life insurance coverage through the Local Government group life policy to the PEBB term life insurance policy. PEBB will transfer the life insurance amount in force on the last day the prior group coverage was in effect if requested and documented by the Local Government rounded to the nearest multiple of \$10,000. Premium rates for the coverage will be at the current PEBB life insurance rate tier structure.

(e) Local Governments that elect to participate in benefit plans provided by PEBB may elect to terminate participation in PEBB, subject to the following rules:

(I) Termination of participation will be allowed on a one-time basis only; however, Local Governments electing to terminate PEBB plan coverage and electing to participate in Cover Oregon, can elect to return to participate in plans provided by the PEBB. Upon returning to PEBB, a Local Government must again satisfy all Notice of Intent to Participate and other participation requirements.

(II) PEBB may terminate participation of a Local Government within three months of entering PEBB if the Local Government fails to perform any action required by Oregon Revised Statutes (ORS) 243.105 to 243.285 and 292.051 or by PEBB rule.

(f) Local Governments may purchase employee benefits not offered by PEBB or Cover Oregon.

Stat. Auth: ORS 243.061-302, 659A.060-069, 743.600-602 & 743.707

Stats. Implemented: ORS 243.061-302 & OL 2007 Ch. 99

Hist.: PEBB 3-2013(Temp), f. & cert. ef. 12-17-13 thru 6-15-14; PEBB 1-2014, f. & cert. ef. 5-1-14

Oregon Health Authority, Public Health Division Chapter 333

Rule Caption: Implement the Centers for Disease Control and Prevention's screening service requirement into WISEWOMAN's program rules.

Adm. Order No.: PH 12-2014(Temp)

Filed with Sec. of State: 4-18-2014

Certified to be Effective: 4-18-14 thru 10-15-14

Notice Publication Date:

Rules Amended: 333-010-0205, 333-010-0215, 333-010-0220, 333-010-0225, 333-010-0235, 333-010-0245, 333-010-0250, 333-010-0260, 333-010-0265, 333-010-0270, 333-010-0275, 333-010-0280, 333-010-0285, 333-010-0290

Subject: The Oregon Health Authority, Public Health Division is temporarily amending rules in chapter 333, division 10 pertaining to the WISEWOMAN program and its compliance with the Centers for Disease Control and Prevention (CDC). The values that determine the threshold for abnormal or disease diagnosis are determined by the CDC and must be changed to reflect national guidelines. The revised rule will direct the reader to the WISEWOMAN Program Manual. The Program Manual communicates guidelines regarding program requirements and expectations to WISEWOMAN providers with a medical service agreement. When guidance from the CDC requires that changes are made to the manual, participating providers receive written notice. The WISEWOMAN program's funder has also expanded the scope of covered services. The funder reserves the right to change the covered and excluded services on an annual basis. The program is provided guidance with a tight turnaround time for implementation. The revised rule will direct the reader to the WISEWOMAN Program Manual.

Rules Coordinator: Alayna Nest—(971) 673-1291

ADMINISTRATIVE RULES

333-010-0205

Definitions

(1) "Agency number" means the administrative number assigned to the service provider by the Center for Prevention and Health Promotion (Center) for identification as a BCCP/WW provider.

(2) "Ancillary provider" means an individual or entity that has met the eligibility requirements for enrollment in the WW Program, has executed a medical services agreement with the Center, has been assigned a BCCP/WW Program agency number, and performs services beyond the scope of an enrolling provider, such as laboratory, imaging, or surgical services.

(3) "Approved medical services agreement" means the completed WW Program agreement, submitted to and approved by the Center for Prevention and Health Promotion.

(4) "Authority" means the Oregon Health Authority.

(5) "BCCP" means the Oregon Breast and Cervical Cancer Program.

(6) "Care coordination" or "case management" means that a client is provided with services, results, follow-up recommendations, and active tracking of progress towards follow-up recommendations.

(7) "Center" means the Center for Prevention and Health Promotion, within the Oregon Health Authority, Public Health Division.

(8) "CLIA" means the federal Clinical Laboratory Improvement Amendments of 1988 (P.L. 100-578, 42 U.S.C. 201 and 263a)

(9) "Client" means a woman 40 to 64 years of age who is enrolled in and receives screening or services from the WW Program.

(10) "Enrolling provider" means an individual or entity that has met the eligibility requirements for enrollment in the WW Program, has executed a medical services agreement with the Center, has been assigned a BCCP/WW Program agency number, and provides screening, services, or care coordination for WW Program clients.

(11) "FPL" means the federal poverty level guidelines established each year by the United States Department of Health and Human Services, used to determine eligibility for the WW Program and other federally funded programs.

(12) "HIPAA" means the Health Insurance Portability and Accountability Act.

(13) "Site number" means the administrative number assigned to the family planning service provider by the Center for identification of the geographic location of each WW provider.

(14) "Underinsured" means that a client's insurance does not pay for heart disease, stroke and diabetes screenings or services, such as cholesterol, triglyceride, A1C, and glucose testing and consultations.

(15) "WISEWOMAN Program" or "WW Program" means the program that provides statewide heart disease, stroke and diabetes screening and services to eligible clients, that is administered by the Center.

(16) "WW Program provider network" means the combination of all contracted WW Program providers, including enrolling and ancillary providers.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14

333-010-0215

Client Enrollment

(1) A person is determined eligible for the WW Program after submitting a completed and signed BCCP/WW Program enrollment form.

(2) Eligibility is effective for one year.

(3) A person who enrolled in the WW Program but who is later found to be ineligible shall be notified by the Center or her enrolling provider in writing of such disenrollment and may be responsible for the payment of services received from her provider.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14

333-010-0220

Provider Enrollment

(1) An individual or organization that wishes to be an enrolling provider or an ancillary provider with the WW Program shall apply to the Center on a form prescribed by the Center.

(2) In order to be eligible for enrollment, an individual or organization shall:

(a) Have a valid Oregon business license if such a license is a requirement of the state, federal, county or city government to operate a business or to provide services; and

(b) Meet applicable licensing or regulatory requirements set forth by federal and state statutes, regulations, and rules to be enrolled and to bill as a health care provider.

(3) A laboratory or any other entity that does laboratory tests must provide evidence that it is CLIA certified in order to be a provider or an ancillary provider.

(4) An individual or organization that is currently subject to sanctions by the Authority or the federal government is not eligible for enrollment.

(5) Upon receipt of an application the Center shall verify the information and determine if the individual or organization is eligible to be an enrolling or ancillary provider.

(6) If the Center approves an application, an individual or organization shall:

(a) Sign a medical services agreement that requires the provider to comply with these rules; and

(b) Be issued a BCCP/WW Program agency number.

(7) An enrolling or ancillary provider may not offer services to a client prior to receiving information from a Center WW Program representative about administering the WW Program.

(8) An enrolling provider or ancillary provider shall notify the Center in writing within 30 days of the change if it changes its address, business affiliation, licensure, ownership, certification, billing agents, registered name, or Federal Tax Identification Number (TIN). Changes in business affiliation, ownership, registered name, and TIN may require the submission of a new application. Payments made to an enrolling provider or an ancillary provider who has not furnished such notification may be recovered by the Center.

(9) An enrolling provider or an ancillary provider shall notify the Center in writing of a bankruptcy proceedings within 15 days.

(10) An individual or organization outside the state of Oregon may be eligible for enrollment if the individual or organization:

(a) Is appropriately licensed or certified in its state; and

(b) Is located in a state contiguous to Oregon, and is within 75 miles of the Oregon border.

(11) An enrolling provider or an ancillary provider may terminate enrollment at any time by sending a written termination notice to the Center, via certified mail, return receipt requested. The notice shall specify the agency number to be terminated and the effective date of termination. Termination of a provider enrollment does not terminate any obligations of the provider for services provided to a client prior to the effective date of the termination.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14

333-010-0225

Standards of Care for WISEWOMAN Program Screening and Services

An enrolling provider shall:

(1) Inform each client, verbally and with supplementary written materials in a language the client understands, without bias or coercion, that the client's decision to participate in the WW Program screening and services is voluntary;

(2) Inform clients of the scope of services available through the program;

(3) Obtain informed consent from each client receiving WW screening and services;

(4) Provide services within the scope by the WW Program without cost to eligible clients;

(5) Offer clients with abnormal or ALERT values additional medical support. The WW Program Manual, March 2014, incorporated by reference, includes a complete list of abnormal and ALERT values and medical support services approved for reimbursement.

(6) Provide information to clients in need of additional medical services beyond the scope of the WW Program provider network with information about available local resources;

(7) Provide all services to eligible clients without regard to marital status, race, parity, disability, or sexual orientation;

(8) Take a health history for all clients, including health risk facts and personal and family medical history as it pertains to heart disease, stroke and diabetes screening;

(9) Provide follow-up recommendations for each client;

(10) Provide care coordination to ensure that appropriate follow-up screening, diagnostic testing and care is provided, including:

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(a) An explanation of the results of the screening and laboratory tests; and

(b) The opportunity for questions concerning procedures, methods and results.

(11) Submit enrollment and eligibility information immediately or within five calendar days from the date of enrollment to the Center;

(12) Submit all client data to the WW Program, including required information about client history and screening results;

(13) Provide services to each client in a manner that respects the privacy and dignity of the individual;

(14) Inform clients that services and medical records will be kept confidential and that records cannot be released without written client consent, except as required by law, or otherwise permitted by HIPAA;

(15) Provide all services, support and other assistance in a manner that is responsive to the beliefs, interpersonal styles, attitudes, language, and behaviors of the clients receiving services, and in a manner that has the greatest likelihood of ensuring a client's maximum participation in the program;

(16) Notify clients of the availability of interpretation services in accordance with the Civil Rights Act of 1964, and make interpretation services available to all clients needing or requesting such assistance at no cost to the client;

(a) A provider shall ensure that all persons providing interpretation services adhere to confidentiality guidelines;

(b) A provider must assure the competency of language assistance provided to clients by interpreters and bilingual staff. Family and friends should not be used to provide interpretation services, unless requested by the client;

(17) Make available easily understood client related materials and post signage in the languages of groups commonly encountered in the service area;

(18) Ensure that all print, electronic, and audiovisual materials are appropriate according to the client's language and literacy level, including accommodating a client's request for alternate formats; and

(19) Use only CLIA certified laboratories for all tests, whether done at the clinic site or by an outside clinic.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14

333-010-0235

Covered Services

The WW Program Manual, March 2014, incorporated by reference, includes a complete list of covered services.

[Publications: Publications referenced are available from the Oregon WW Program].

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14

333-010-0245

Claims and Billing

(1) Only an enrolling or ancillary provider providing WW Program covered services pursuant to a fully executed medical services agreement, and who has been assigned an agency number may submit claims for payment to the Center for providing WW Program covered services.

(2) An enrolling or ancillary provider shall, as applicable:

(a) Submit claim information in the manner specified by the WW Program;

(b) Include a primary diagnosis code on all claims;

(c) Code all claims with the most current and appropriate International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM) diagnosis codes and the most appropriate Current Procedural Terminology (CPT) codes as noted in the WW Program Manual;

(d) Submit to the Center all claims for services within 12 months of the date of service;

(e) Submit a billing error edit correction, or refund the amount of the overpayment, on any claim where a provider identifies an overpayment made by the Center;

(f) Make all reasonable efforts to ensure that the WW Program is the payor of last resort with the exception of clinics or offices operated by the Indian Health Service (IHS) or individual American Indian tribes. For the purposes of this rule "reasonable efforts" include:

(A) Determining the existence of insurance coverage or other resource by asking the client; and

(B) Except in the case of the underinsured, billing any known insurer in compliance with that insurer's billing and authorization requirements.

(g) Submit to the Center a billing error edit correction if it receives a third party payment and refund to the Center the amount received from the other source within 30 days of the date the payment is received.

(3) The Center may not pay a claim older than 12 months, except as provided for in section (4) of this rule. An enrolling or ancillary provider that has a claim rejected because of an error must resolve the error within 12 months of the date of service.

(4) If the Center makes an error that makes it impossible for an enrolling or ancillary provider to bill within 12 months of the date of service, the enrolling or ancillary provider shall notify the Center of the alleged error and submit the claim to the Center. The Center shall confirm that it made an error prior to payment being made.

(5) The Center may not pay a claim that includes a primary diagnosis code that is not in the WW Program Manual.

(6) An enrolling or ancillary provider with the WW Program may not seek payment from a client, or from a financially responsible relative or representative of that client for any services covered by the WW Program.

(7) An enrolling or ancillary provider may bill a client for services that are not covered by the WW Program. However, the provider must inform the client in advance of receiving the specific service that it is not covered, the estimated cost of the service, and that the client or client's representative is financially responsible for payment for the specific service. Providers must document in writing that the client was provided this information and the client knowingly and voluntarily agreed to be responsible for payment. The client or client's representative must sign the documentation.

(8) Except for services performed by a CLIA certified laboratory outside of the clinic, all billings by an enrolling provider must be for services provided within the provider's licensure or certification.

(9) A provider who has been suspended or terminated from participation in a federal or state medical program, such as Medicare or Medicaid, or whose license to practice has been suspended or revoked by a state licensing board, may not submit claims for payment, either personally or through claims submitted by any billing provider or other provider, for any services or supplies provided under the WW Program, except those services provided prior to the date of suspension or termination.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14

333-010-0250

Payment

(1) The Center shall only pay claims submitted by an enrolling or ancillary provider for a client.

(2) The Center shall reimburse an enrolling or ancillary provider an amount up to the Medicare reimbursement rate for the Portland metropolitan area for WW Program approved CPT codes, on a fee-for-service basis.

(3) A federally qualified health center or rural health center shall not be paid at their Prospective Payment System (PPS) rate, but will be paid at the reimbursement rate described in section (2) of this rule.

(4) The Center payments for WW Program provider services, unless in error, constitute payment in full.

(5) The Center may not make payment on claims that have been assigned, sold, or otherwise transferred, or on which a provider of billing services receives a percentage of the amount billed or payment authorized, including claims that have been transferred to a collection agency or individual who advances money to a provider for accounts receivable.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14

333-010-0260

Recovery of Overpayments to Providers Resulting from Review or Audit

(1) If the Center determines that an overpayment has been made to an enrolling or ancillary provider, the Center shall seek to recover the amount of overpayment. The Center may use a statistically valid random sampling, with sufficient sample size allowing a confidence interval of 95 percent to determine if an overpayment has been made.

(2) The amount of the review or audit overpayment to be recovered:

(a) Will be the entire amount determined by the Center;

(b) Is not limited to amounts determined by criminal or civil proceedings; and

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(c) Will include interest to be charged at allowable state rates.

(3) The Center shall provide an enrolling provider in writing, by registered or certified mail or in person, notice of an overpayment and a request for repayment of the overpayment, along with documentation to support the amount owed.

(4) An enrolling or ancillary provider shall pay the overpayment amount within 30 calendar days from the date the Center mails the notice of overpayment. A request for a hearing does not change the date the repayment of the overpayment is due.

(5) The Center may extend the 30-day repayment period or accept an offer of repayment terms. Any change in reimbursement period or terms must be documented in writing by the Center.

(6) If the provider disagrees with the Center's determination or the amount of overpayment the provider may:

(a) Appeal the decision by requesting a contested case hearing; or

(b) Request a 100 percent audit of all billings submitted to the Center for heart disease, stroke, and diabetes screenings and services provided during the period in question.

(7) A written request for hearing must be submitted to the Center by the provider within 30 calendar days of the date of the decision affecting the provider. The request must specify the areas of disagreement. Failure to request a hearing or administrative review in a timely manner constitutes acceptance by the provider of the amount of the overpayment.

(8) If a 100 percent audit is requested:

(a) An enrolling or ancillary provider is responsible for arranging and paying for the audit; and

(b) The audit must be conducted by a certified public accountant that is knowledgeable about the Oregon Administrative Rules covering the payments in question, and must be conducted within 120 calendar days of the request to use such an audit in lieu of the Center's random sample.

(9) If the provider refuses to reimburse the overpayment or does not adhere to an agreed upon payment schedule, the Center may:

(a) Recoup future provider payments up to the amount of the overpayment; or

(b) Pursue civil action to recover the overpayment.

(10) The Center may, at any time, change the amount of the overpayment upon receipt of additional information from an enrolling provider. If the Center changes an overpayment amount it will provide written notice to the enrolling provider. Any monies paid to the Center that exceed an overpayment will be refunded to the provider.

(11) The Center may pursue civil action to recover any amounts due and payable to the WW Program.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14

333-010-0265

Client Data Submission

(1) In addition to submitting the claim information required in OAR 333-010-0225, in order to receive payment an enrolling provider shall submit client data to the Center. The data shall be used by the WW Program to monitor the delivery of services and clinical outcomes of the program.

(2) An enrolling provider shall submit client data to the Center, in a manner specified by the Center, on the Enrollment Form, Assessment Form and the Screening Form, included in the WW Program Manual within 90 days from the date of enrollment. In the event that a client requires additional diagnostic procedures and the information is not available within 90 days from the date of enrollment, the data shall be submitted to the Center immediately once it is received by the provider.

(3) An ancillary provider shall report data to an enrolling provider and is not required to provide data to the Center directly.

(4) An enrolling provider may update or correct client data not related to payment of the claim at any time after the date of service.

(5) If an enrolling provider or the Center terminates the medical services agreement, data are still required to be submitted for each client that was provided services while the agreement was in effect.

[Publications referenced are available from the agency]

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14

333-010-0270

Requirements for Financial, Clinical and Other Records

(1) An enrolling provider shall:

(a) Develop and maintain adequate financial and clinical records and other documentation that supports the services for which payment has been requested;

(b) Ensure that all medical records document the service provided, primary diagnosis code for the services, the date on which the service was provided, and the individual who provided the services;

(c) Ensure that patient account and financial records include documentation of charges, identify other payment resources pursued, indicate the date and amount of all debit or credit billing actions, and support the appropriateness of the amount billed and paid in accurate and sufficient detail to substantiate the data reported;

(d) Ensure that clinical records sufficiently document that the client's services were primarily for heart disease, stroke and diabetes;

(e) Ensure that each time a service is provided to a client, the client's record is signed or initialed by the individual who provided the service or otherwise clearly indicates who provided the service;

(f) Ensure that the information contained in the record reflects that the standard of care for heart disease, stroke and diabetes screening and services were met;

(g) Have policies and procedures to ensure the confidentiality of medical records and that address the circumstances under which information may be released in accordance with federal and state law; and

(h) Retain client enrollment forms, clinical, financial and other records described in this rule for at least four years from the date of last activity.

(2) The Center, the Authority, the Oregon Department of Justice Medicaid Fraud Unit, the Oregon Secretary of State, or their authorized representatives (requestor) may request, in writing, any records related to an enrolling or ancillary provider's participation in the WW Program, including client medical records. An enrolling or ancillary provider shall furnish requested records, without charge, immediately or within the time frame specified in the written request. Copies of the documents may be furnished unless the originals are requested. At the requestor's discretion, representatives of the requestor may review and copy the original documentation in the provider's place of business. Upon the written request of the provider, the requestor may, at its sole discretion, modify or extend the time for provision of such records for good cause shown.

(3) Failure to comply with requests for documents within the specified time frames means that the records subject to the request may be deemed by the Authority not to exist for purposes of verifying appropriateness of payment, medical appropriateness, the quality of care, and the access to care in an audit or overpayment determination, and accordingly subjects the provider to possible denial or recovery of payments made by the Authority, or to sanctions.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14

333-010-0275

Compliance with Federal and State Statutes

(1) Submission of a claim for medical services or supplies provided to a client shall be deemed a representation by the enrolling or ancillary provider to the Center of the provider's compliance with the applicable sections of the following federal and state statutes:

(a) 45 CFR Part 84 which implements Title V, Section 504 of the Rehabilitation Act of 1973;

(b) Title II and Title III of the Americans with Disabilities Act of 1991;

(c) Title VI of the Civil Rights Act of 1964; and

(d) 42 CFR Part 493 Laboratory Requirements and ORS chapter 438 (Clinical Laboratories).

(2) Enrolling and ancillary providers are required to comply with HIPAA regarding the confidentiality of client records.

(3) A provider that performs even one laboratory test, including waived tests on "materials derived from the human body for the purpose of providing information for the diagnosis, prevention or treatment of any disease or impairment of, or the assessment of the health of human beings" is considered a laboratory under CLIA and therefore CLIA certification may be required.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14

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333-010-0280

Provider Sanctions

(1) The Center may sanction an enrolling provider if the provider:
(a) Is convicted of a felony or misdemeanor related to a crime or violation of Title XVIII, XIX, or XX of the Social Security Act or related state laws (or entered a plea of nolo contendere);

(b) Is convicted of fraud related to any federal, state, or locally financed health care program;

(c) Is convicted of interference with the investigation of health care fraud;

(d) Is convicted of unlawfully manufacturing, distributing, prescribing, or dispensing a controlled substance;

(e) Fails to comply with the state and federal statutory requirements set forth in OAR 333-010-0275;

(f) By actions of any state licensing authority for reasons relating to the provider's professional competence, professional conduct, or financial integrity:

(A) Has a health care license suspended or revoked, or has otherwise lost such license; or

(B) Surrenders a health care license during a pending formal disciplinary proceeding;

(g) Is suspended or excluded from participation in a federal or state health care program for reasons related to professional competence, professional performance, or other reason;

(h) Engages in improper billing practices, including:

(A) Billing for excessive charges or visits;

(B) Submitting a false claim for payment;

(C) Altering a claim in such a way as to result in a payment for a service that has already been paid; or

(D) Making a claim upon which payment has been made by another source unless the amount paid is clearly entered on the claim form;

(i) Fails to furnish services as required by law or contract with the Center, if the failure has adversely affected (or has a substantial likelihood of adversely affecting) the client;

(j) Fails to supply requested information on subcontractors and suppliers of goods or services;

(k) Fails to supply requested payment information;

(l) Fails to grant access to facilities or provide records upon request of the Center or a designated requestor;

(m) Receives payments for services provided to persons who were not eligible;

(n) Establishes multiple claims using procedure codes that overstate or misrepresent the level, amount or type of health care provided;

(o) Fails to develop, maintain, and retain, in accordance with relevant rules and standards adequate clinical or other records that document the medical appropriateness, nature, and extent of the health care provided;

(p) Fails to develop, maintain, and retain, in accordance with relevant rules and standards, adequate financial records that document charges incurred by a client and payments received from any source;

(q) Fails to follow generally accepted accounting principles or accounting standards or cost principles required by federal or state laws, rules, or regulation;

(r) Submits claims for services provided that were contrary to generally accepted standards of medical practice;

(s) Submits claims for services that exceed that requested or agreed to by the client or the responsible relative or guardian or requested by another medical practitioner;

(t) Breaches the terms of the medical services agreement;

(u) Fails to correct deficiencies in operations after receiving written notice of the deficiencies from the Center;

(v) Fails to submit a billing error edit correction within 30 days of receipt of the third party payment or to refund the appropriate amount within this time frame;

(w) Provides or bills for services provided by ineligible or unsupervised staff;

(x) Submits claims for payment, either personally or through claims submitted by any billing provider or other provider, for any services or supplies provided under the WW Program for services provided after being suspended or terminated from participation in a federal or state medical program, such as Medicare or Medicaid, or after his or her license to practice has been suspended or revoked by a state licensing board;

(y) Fails to notify the Center of a change of TIN within 30 days; or

(z) Fails to respond to a request for records under OAR 333-010-0270.

(2) Sanctions may include:

(a) Termination from participation in the WW Program;

(b) Suspension from participation in the WW Program for a specified length of time, or until specified conditions for reinstatement are met and approved by the Center;

(c) Withholding payments to an enrolling or ancillary provider;

(d) A requirement to attend provider education sessions at the expense of the sanctioned enrolling or ancillary provider;

(e) A requirement that payment for certain services are made only after the Center has reviewed documentation supporting the services;

(f) The recovery of investigative and legal costs;

(g) Reduction of any amount otherwise due the enrolling or ancillary provider; and the reduction may be up to three times the amount a provider sought to collect from a client;

(h) Any other sanction reasonably designed to remedy or compel future compliances with federal, state or Center regulations.

(3) An enrolling or ancillary provider who has been the subject of repeat sanctions regarding improper billing practices may be liable to the Center for up to triple the amount of the established overpayment received as a result of such violation.

(4) When an enrolling or ancillary provider fails to meet one or more of the requirements identified in this rule the Center, at its sole discretion, may immediately suspend the provider's BCCP/WW Program assigned billing number to prevent public harm or inappropriate expenditure of public funds.

(a) An enrolling or ancillary provider subject to immediate suspension is entitled to a contested case hearing as outlined in OAR 333-010-0290 to determine whether the provider's BCCP/WW Program assigned number will be revoked.

(b) The notice requirements described in section (5) of this rule does not preclude immediate suspension at the Center's sole discretion to prevent public harm or inappropriate expenditure of public funds. Suspension may be invoked immediately while the notice and contested case hearing rights are exercised.

(5) If the Center decides to sanction an enrolling or ancillary provider, the Center shall notify the provider by certified mail or personal delivery service of the intent to sanction. The notice of immediate or proposed sanction will identify:

(a) The factual basis used to determine the alleged deficiencies;

(b) Explanation of actions expected of the provider;

(c) Explanation of subsequent actions the Center intends to take;

(d) The provider's right to dispute the Center's allegations, and submit evidence to support the provider's position; and

(e) The provider's right to appeal the Center's proposed actions pursuant to OAR 333-010-0285 through 333-010-0290.

(6) If the Center makes a final decision to sanction an enrolling or ancillary provider, the Center shall notify the provider in writing at least 15 days before the effective date of action, except in the case of immediate suspension to avoid public harm or inappropriate expenditure of funds.

(7) An enrolling or ancillary provider must appeal an immediate or proposed sanction separately from any appeal of audit findings and overpayments.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042, 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14

333-010-0285

Provider Appeals (Level 1) — Claims Reconsideration

An enrolling or ancillary provider disputing a claim or sanction decision by the Center may request reconsideration. The provider must submit the request for reconsideration in writing to the Center. The request must include the reason for the dispute, and any information pertinent to the outcome of the dispute. The Center will complete an additional review and respond back to the provider in writing. If the provider is not satisfied with the review, the provider may request a contested case hearing.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042 & 431.250

Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14

333-010-0290

Provider Appeals (Level 2) — Contested Case Hearing

An enrolling or ancillary provider may request a contested case hearing within 30 calendar days of the date of a decision affecting the provider. Contested case hearings will be held in accordance with ORS chapter 183 and the Attorney General's model rules, OAR 137-003-0501 through 137-003-0700.

Stat. Auth.: ORS 413.042

ADMINISTRATIVE RULES

Stats. Implemented: ORS 413.042 & 431.250
Hist.: PH 1-2009, f. & cert. ef. 2-13-09; PH 12-2014(Temp), f. & cert. ef. 4-18-14 thru 10-15-14

Rule Caption: Correct and clarify the Breast and Cervical Cancer Program's policy on reimbursement rate to providers.

Adm. Order No.: PH 13-2014(Temp)

Filed with Sec. of State: 4-22-2014

Certified to be Effective: 4-22-14 thru 10-19-14

Notice Publication Date:

Rules Amended: 333-010-0105, 333-010-0155

Subject: The Oregon Health Authority, Public Health Division is temporarily amending rules in chapter 333, division 10 pertaining to the Breast and Cervical Cancer Program's (BCCP) reimbursement policy. These rules need to be amended promptly so that BCCP can accurately communicate its reimbursement policy to its provider network. The temporary rules are also needed because, effective May 1, 2014, the program will be aligning its reimbursement with Medicaid rates, in order to integrate BCCP with the larger goals of Oregon's Health System Transformation. As currently drafted, OAR 333-010-0155(3) implies that the BCCP must match the Medicare reimbursement rate for its federally qualified health center (FQHC) and rural health center providers. Per guidance from BCCP's funder, the CDC, the amount paid by BCCP "may not exceed maximum Medicare rates in the State." In short, Medicare rates serves as a cap. The BCCP is proposing this temporary rule change to correct this error and align with OAR 333-010-0155(2), which accurately states "The BCCP reimbursement amount will be up to the Medicare reimbursement rate for the Portland metropolitan area for BCCP approved CPT codes, on a fee-for-service basis." Lastly, OAR 333-010-0105 needs to be amended to reflect the Oregon Health Authority, Public Health Division's re-organization in 2012 that resulted in the Office of Family Health (OFH) being renamed as the Center for Prevention and Health Promotion (Center).

Rules Coordinator: Alayna Nest—(971) 673-1291

333-010-0105

Definitions

(1) "Ancillary provider" means a provider that performs services beyond the scope of an enrolling provider. Ancillary providers may include laboratories, imaging centers, surgeons and surgical facilities, and hospitals.

(2) "Agency number" means the administrative number assigned to the service provider by the Center for Prevention and Health Promotion (Center) for identification as a BCCP provider.

(3) "Approved medical services agreement" means the completed Breast and Cervical Cancer Program agreement, submitted to and approved by the Center for Prevention and Health Promotion.

(4) "Authority" means the Oregon Health Authority.

(5) "BCCP" means the Oregon Breast and Cervical Cancer Program.

(6) "BCCP Provider Network" means the combination of all contracted BCCP providers, including enrolling and ancillary providers.

(7) "BCCP" means the Breast and Cervical Cancer Treatment Program. ORS 414.534, 414.536.

(8) "Breast and Cervical Cancer Program" means the program that provides statewide breast and cervical cancer screening and diagnostic services to eligible clients, that is administered by the Center for Prevention and Health Promotion within the Oregon Health Authority.

(9) "Care coordination or case management" means that a client is provided with services, results, follow-up recommendations, and active tracking of progress towards follow-up recommendations.

(10) "Center" means the Center for Prevention and Health Promotion, the office within the Oregon Health Authority that administers the Breast and Cervical Cancer Program.

(11) "CLIA" means the federal Clinical Laboratory Improvement Amendments of 1988, establishes quality standards for all laboratory testing to ensure the accuracy, reliability and timeliness of patient test results, and allows for certification of clinical laboratories operating in accordance with these federal amendments.

(12) "Client" means a person of any age or gender who is enrolled in and receives screening or diagnostic services from the Breast and Cervical Cancer Program.

(13) "Enrolling provider" means a provider that enrolls a client into the Breast and Cervical Cancer Program, provides care coordination for the BCCP client and timely data submission to the BCCP.

(14) "FPL" means the federal poverty level guidelines established each year by the Department of Health and Human Services, used to determine eligibility for BCCP and other federally funded programs.

(15) "HIPAA" means the Health Insurance Portability and Accountability Act.

(16) "Service provider" or "provider" means a licensed health care provider operating within a scope of practice, who is authorized by the Center to bill for breast and cervical cancer screening and diagnostic services for eligible BCCP clients.

(17) "Site number" means the administrative number assigned to the family planning service provider by the Center for identification of the geographic location of each BCCP provider.

(18) "Underinsured" means that insurance does not pay for preventive health exams that provide breast or cervical screening or diagnostic services, such as a mammogram or Pap smear, or that the deductible is \$500 or more.

Stat. Auth.: ORS 413.042

Stats. Implemented: 413.042

Hist.: PH 9-2008, f. & cert. ef. 6-16-08; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11; PH 1-2012, f. & cert. ef. 1-17-12; PH 13-2014(Temp), f. & cert. ef. 4-22-14 thru 10-19-14

333-010-0155

Payment

(1) The Center will make payment only to providers that have a medical services agreement with the BCCP and are billing for an eligible client.

(2) The BCCP reimbursement amount will be up to the Medicare reimbursement rate for the Portland metropolitan area for BCCP approved CPT codes, on a fee-for-service basis.

(3) Federally qualified health centers or rural health centers are not paid at their Prospective Payment System (PPS) rate; they will receive up to the Medicare reimbursement rate for BCCP approved CPT codes, on a fee-for-service basis.

(4) Center payments for BCCP provider services, unless in error, constitute payment in full.

(5) The Center will not make payment on claims that have been assigned, sold, or otherwise transferred, or on which a provider of billing services receives a percentage of the amount billed or payment authorized. This includes, but is not limited to, transfer to a collection agency or individual who advances money to a provider for accounts receivable.

Stat. Auth.: ORS 413.042

Stats. Implemented: ORS 413.042

Hist.: PH 9-2008, f. & cert. ef. 6-16-08; PH 13-2014(Temp), f. & cert. ef. 4-22-14 thru 10-19-14

Rule Caption: Certification of backflow assembly testers, cross connection specialists, and water system operators.

Adm. Order No.: PH 14-2014

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Rules Repealed: 333-061-0205, 333-061-0290

Subject: The Oregon Health Authority (Authority), Public Health Division is permanently adopting, amending and repealing Oregon Administrative Rules in chapter 333, division 61 relating to the certification of backflow assembly testers, cross connection specialists, and water system operators.

The permanent rule adoption and amendments have been identified as a means to improve public health protection by improving accountability amongst water system operators. Rule amendments also streamline the certification process for backflow assembly testers, cross connection specialists, and water system operators. The

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rule repeal has been identified as a means to improve rule clarity by removing redundant or unnecessary regulatory language.

The rule provisions will reduce the frequency at which water system operators must renew their certification, require individual water system operators to submit accurate documents to the Authority, and protect public health by requiring water system operators to notify the Authority when threats to the public health are observed. Rule amendments will also generally improve rule clarity and remove redundant regulatory language.

Rules Coordinator: Alayna Nest—(971) 673-1291

333-061-0020

Definitions

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

(1) “Act” means the Oregon Drinking Water Quality Act of 1981 (ORS 448.115-448.990 as amended).

(2) “Action Level” means the concentration of lead or copper in water which determines, in some cases, the treatment requirements that a water system is required to complete.

(3) “Administrator” means the Director of the Oregon Health Authority or his/her designee.

(4) “Analytical Run” means the process during which a set of analytical drinking water samples along with an appropriate number of blanks, matrix spikes, or quality control samples are analyzed according to National Environmental Laboratory Accreditation Conference (NELAC) requirements to determine the presence, absence, or concentration of a specific target analyte or analytes. An analytical run is complete when the instrument performing the sample analysis generates a report of the sample analysis.

(5) “Approval” or “Approved” means approved in writing.

(6) “Approved Air Gap (AG)” means a physical separation between the free-flowing discharge end of a potable water supply pipeline and an open or non-pressurized receiving vessel. An “Approved Air Gap” shall be at least twice the diameter of the supply pipe measured vertically above the overflow rim of the vessel and in no case less than 1 inch (2.54 cm), and in accord with Oregon Plumbing Specialty Code.

(7) “Approved Backflow Prevention Assembly” means a Reduced Pressure Principle Backflow Prevention Assembly, Reduced Pressure Principle-Detector Backflow Prevention Assembly, Double Check Valve Backflow Prevention Assembly, Double Check-Detector Backflow Prevention Assembly, Pressure Vacuum Breaker Backsiphonage Prevention Assembly, or Spill-Resistant Pressure Vacuum Breaker Backsiphonage Prevention Assembly, of a make, model, orientation, and size approved by the Authority. Assemblies listed in the currently approved backflow prevention assemblies list developed by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research, or other testing laboratories using equivalent testing methods, are considered approved by the Authority.

(8) “Aquifer” means a water saturated and permeable geological formation, group of formations, or part of a formation that is capable of transmitting water in sufficient quantity to supply wells or springs.

(9) “Aquifer Parameter” means a characteristic of an aquifer, such as thickness, porosity or hydraulic conductivity.

(10) “Aquifer Test” means pumping a well in a manner that will provide information regarding the hydraulic characteristics of the aquifer.

(11) “Area of public health concern” means an area of the state with a confirmed presence of groundwater contaminants likely to cause adverse human health effects.

(12) “Atmospheric Vacuum Breaker (AVB)” means a non-testable device consisting of an air inlet valve or float check, a check seat and an air inlet port(s). This device is designed to protect against a non-health hazard or a health hazard under a backsiphonage condition only. Product and material approval is under the Oregon Plumbing Specialty Code.

(13) “Authority” means the Oregon Health Authority.

(14) “Auxiliary Water Supply” means any supply of water used to augment the supply obtained from the public water system, which serves the premises in question.

(15) “Average Groundwater Velocity” means the average velocity at which groundwater moves through the aquifer as a function of hydraulic gradient, hydraulic conductivity and porosity.

(16) “AWWA” means the American Water Works Association.

(17) “Backflow” means the flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any sources other than its intended source, and is caused by backsiphonage or backpressure.

(18) “Backflow Preventer” means a device, assembly or method to prevent backflow into the potable water system.

(19) “Backflow Prevention Assembly” means a backflow prevention assembly such as a Pressure Vacuum Breaker Backsiphonage Prevention Assembly, Spill-Resistant Pressure Vacuum Breaker Backsiphonage Prevention Assembly, Double Check Valve Backflow Prevention Assembly, Double Check-Detector Backflow Prevention Assembly, Reduced Pressure Principle Backflow Prevention Assembly, or Reduced Pressure Principle-Detector Backflow Prevention Assembly and the attached shutoff valves on the inlet and outlet ends of the assembly, assembled as a complete unit.

(20) “Backpressure” means an elevation of pressure downstream of the distribution system that would cause, or tend to cause, water to flow opposite of its intended direction.

(21) “Backsiphonage” means a drop in distribution system pressure below atmospheric pressure (partial vacuum), that would cause, or tend to cause, water to flow opposite of its intended direction.

(22) “Bank Filtration” means a water treatment process that uses a horizontal or vertical well to recover surface water that has naturally infiltrated into groundwater through a river bed or bank(s). Infiltration is typically enhanced by the hydraulic gradient imposed by a nearby pumping water supply.

(23) “Best Available Technology” or “BAT” means the best technology, treatment techniques, or other means which the EPA finds, after examination for efficacy under field conditions and not solely under laboratory conditions, are available (taking cost into consideration).

(24) “Bore-Sighted Drain to Daylight” means an unrestricted straight-line opening in an enclosure that vents to grade, and is sized and constructed to adequately drain the full flow discharge from a reduced pressure principle backflow prevention assembly thus preventing any potential for submersion of the assembly.

(25) “Bottled Water” means potable water from a source approved by the Authority for domestic use which is placed in small, easily transportable containers.

(26) “Calculated Fixed Radius” means a technique to delineate a wellhead protection area, based on the determination of the volume of the aquifer needed to supply groundwater to a well over a given length of time.

(27) “CFR” means the Code of Federal Regulations. Specifically, it refers to those sections of the code which deal with the National Primary and Secondary Drinking Water Regulations.

(28) “Check Valve” means a valve, which allows flow in only one direction.

(29) “Coagulation” means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into floc.

(30) “Coliform-Positive” means the presence of coliform bacteria in a water sample.

(31) “Combined distribution system” means the interconnected distribution system consisting of the distribution systems of wholesale water systems and of the purchasing water systems that receive finished water.

(32) “Community Water System” means a public water system that has 15 or more service connections used by year-round residents, or that regularly serves 25 or more year-round residents.

(33) “Compliance Cycle” means the nine-year calendar year cycle during which public water systems must monitor. Each compliance cycle consists of three three-year compliance periods. The first calendar year cycle begins January 1, 1993 and ends December 31, 2001.

(34) “Compliance Period” means a three-year calendar year period within a compliance cycle. Each compliance cycle has three three-year compliance periods. Within the first compliance cycle, the first compliance period runs from January 1, 1993 to December 31, 1995; the second from January 1, 1996 to December 31, 1998; and the third from January 1, 1999 to December 31, 2001.

(35) “Comprehensive performance evaluation (CPE)” means a thorough review and analysis of a treatment plant’s performance-based capabilities and associated administrative, operation and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant’s ability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. The CPE must consist of at least the following components: Assessment of plant performance; evaluations of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of a CPE report.

(36) “Conceptual Model” means a three-dimensional representation of the groundwater system, including the location and extent of the hydro-

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geologic units, areas of recharge and discharge, hydrogeologic boundaries and hydraulic gradient.

(37) "Confined Well" means a well completed in a confined aquifer. More specifically, it is a well which produces water from a formation that is overlain by an impermeable material of extensive area. This well shall be constructed according to OAR chapter 690, division 200 "Well Construction and Maintenance" standards.

(38) "Confluent Growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter, or a portion thereof, in which bacterial colonies are not discrete.

(39) "Constructed Conveyance" means any human-made conduit such as ditches, culverts, waterways, flumes, mine drains, canals or any human-altered natural water bodies or waterways as determined by the Authority.

(40) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water that creates a health hazard.

(41) "Contingency Plan" means a document setting out an organized, planned and coordinated course of action to be followed in the event of a loss of capacity to supply water to the distribution system or in case of a fire, explosion or release of hazardous waste which could threaten human health or the environment.

(42) "Continuing Education Unit (CEU)" means a nationally recognized unit of measurement for assigning credits for education or training that provides the participant with advanced or post high school learning. One CEU is awarded for every 10 classroom hours of lecture or the equivalent of participation in an organized education experience, conducted under responsible sponsorship, capable direction and qualified instruction as determined by the Authority or its designee.

(43) "Conventional Filtration Treatment Plant" means a water treatment plant using conventional or direct filtration to treat surface water or groundwater under the direct influence of surface water.

(44) "Corrosion Inhibitor" means a substance capable of reducing the corrosivity of water toward metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials.

(45) "Cross Connection" means any actual or potential unprotected connection or structural arrangement between the public or user's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substances other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel, or change-over devices, and other temporary or permanent devices through which, or because of which, backflow can occur are considered to be cross connections.

(46) "CT" means the product of the residual disinfectant concentration "C" (measured in mg/l) and disinfectant contact time(s), "T" (measured in minutes).

(47) "Degree of Hazard" means either pollution (non-health hazard) or contamination (health hazard) and is determined by an evaluation of hazardous conditions within a system.

(48) "Delineation" means the determination of the extent, orientation and boundaries of a wellhead protection area using factors such as geology, aquifer characteristics, well pumping rates and time of travel.

(49) "Demonstration Study" means a series of tests performed to prove an overall effective removal or inactivation rate of a pathogenic organism through a treatment or disinfection process.

(50) "Direct Responsible Charge (DRC)" means an individual designated by the owner or authorized agent to make decisions regarding the daily operational activities of a public water system, water treatment facility or distribution system, that will directly impact the quality or quantity of drinking water.

(51) "Discharge" means the volume rate of loss of groundwater from the aquifer through wells, springs or to surface water.

(52) "Disinfectant Contact Time" means the time in minutes that it takes for water to move from the point of disinfectant application or the previous point of disinfection residual measurement to a point before or at the point where residual disinfectant concentration is measured.

(53) "Disinfectant Residual Maintenance" means a process where public water systems add chlorine (or other chemical oxidant) for the purpose of maintaining a disinfectant residual in the distribution system, when the source(s) is not at risk of microbial contamination.

(54) "Disinfection" means a process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

(55) "Disinfection profile" means a summary of *Giardia lamblia* inactivation through the treatment plant.

(56) "Distribution System" means that portion of the water system in which water is stored or conveyed from the water treatment plant or other supply point to the premises of a consumer.

(57) "Domestic" means provided for human consumption.

(58) "Domestic or other non-distribution system plumbing problem" means a coliform contamination problem in a public water system with more than one service connection that is limited to the specific service connection from which the coliform-positive sample was taken.

(59) "Dose Equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).

(60) "Double Check-Detector Backflow Prevention Assembly (DCDA)" means a specially designed assembly composed of a line size approved double check valve assembly assembled with a bypass containing a specific water meter and an approved double check valve assembly. The meter shall register accurately for only very low rates of flow up to three gallons per minute and shall show a registration for all rates of flow. This assembly is designed to protect against a non-health hazard.

(61) "Double Check Valve Backflow Prevention Assembly (DC)" means an assembly of two independently acting approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. This assembly is designed to protect against a non-health hazard.

(62) "Drawdown" means the difference, measured vertically, between the static water level in the well and the water level during pumping.

(63) "Drinking Water Protection" means implementing strategies within a drinking water protection area to minimize the potential impact of contaminant sources on the quality of water being used as a drinking water source by a Public Water System.

(64) "Drinking Water Protection Area (DWPA)" means the source area supplying drinking water to a Public Water System. For a surface water-supplied drinking water source the DWPA is all or a specifically determined part of a lake's, reservoir's or stream's watershed that has been certified by the Department of Environmental Quality. For a groundwater-supplied drinking water source the DWPA is the area on the surface that directly overlies that part of the aquifer that supplies groundwater to a well, well field or spring that has been certified by the Authority.

(65) "Drinking Water Protection Plan" means a plan, certified by the Department of Environmental Quality according to OAR 340-040-0160 to 340-040-0180, which identifies the actions to be taken at the local level to protect a specifically defined and certified drinking water protection area. The plan is developed by the local Responsible Management Authority or team and includes a written description of each element, public participation efforts, and an implementation schedule.

(66) "Dual sample set" means a set of two samples collected at the same time and same location, with one sample analyzed for TTHM and the other for HAA5. Dual sample sets are collected for the purposes of conducting an Initial Distribution System Evaluation (IDSE) as prescribed in 333-061-0036(4)(b) of these rules, and for determining compliance with the maximum contaminant levels for TTHM and HAA5 listed in OAR 333-061-0030(2)(b).

(67) "Effective Corrosion Inhibitor Residual" means a concentration sufficient to form a passivating film on the interior walls of a pipe.

(68) "Effective Porosity" means the ratio of the volume of interconnected voids (openings) in a geological formation to the overall volume of the material.

(69) "Element" means one of seven objectives considered by the U.S. EPA as the minimum required components in any state wellhead protection program: specification of duties, delineation of the wellhead protection area, inventory of potential contaminant sources, specification of management approaches, development of contingency plans, addressing new (future) wells, and ensuring public participation.

(70) "Emergency" means a condition resulting from an unusual calamity such as a flood, storm, earthquake, drought, civil disorder, volcanic eruption, an accidental spill of hazardous material, or other occurrence which disrupts water service at a public water system or endangers the quality of water produced by a public water system.

(71) "Emergency Response Plan" means a written document establishing contacts, operating procedures, and actions taken for a public water system to minimize the impact or potential impact of a natural disaster, accident, or intentional act which disrupts or damages, or potentially disrupts or potentially damages the public water system or drinking water supply, and returns the public water system to normal operating condition.

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(72) "Enhanced coagulation" means the addition of sufficient coagulant for improved removal of disinfection byproduct precursors by conventional filtration treatment.

(73) "Enhanced softening" means the improved removal of disinfection byproduct precursors by precipitative softening.

(74) "EPA" means the United States Environmental Protection Agency.

(75) "Filter profile" means a graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from start-up to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.

(76) "Filtration" means a process for removing particulate matter from water through porous media.

(a) "Bag filtration" means a pressure-driven separation process that removes particulate matter using engineered media. It is typically constructed of a non-rigid, fabric filtration media housed in a pressure vessel in which the direction of flow is from the inside of the bag to the outside.

(b) "Cartridge filtration" means a pressure-driven separation process that removes particulate matter using engineered media. It is typically constructed of rigid or semi-rigid, self-supporting filter elements housed in a pressure vessel in which flow is from the outside of the cartridge to the inside.

(c) "Conventional Filtration Treatment" means a series of processes including coagulation (requiring the use of a primary coagulant and rapid mix), flocculation, sedimentation, and filtration resulting in substantial particulate removal.

(d) "Direct Filtration Treatment" means a series of processes including coagulation (requiring the use of a primary coagulant and rapid mix) and filtration but excluding sedimentation resulting in substantial particulate removal.

(e) "Diatomaceous Earth Filtration" means a process resulting in substantial particulate removal in which:

(A) A precoat cake of diatomaceous earth filter media is deposited on a support membrane (septum); and

(B) While the water is filtered by passing through the cake on the septum, additional filter media, known as body feed, is continuously added to the feed water, in order to maintain the permeability of the filter cake.

(f) "Membrane filtration" means a pressure or vacuum driven separation process in which particulate matter larger than one micrometer is rejected by engineered media, primarily through a size-exclusion mechanism, and which has a measurable removal efficiency of a target organism that can be verified through the application of a direct integrity test. This definition includes the common membrane technologies of microfiltration, ultrafiltration, nanofiltration, and reverse osmosis.

(g) "Slow Sand Filtration" means a process involving passage of raw water through a bed of sand at low velocity (generally less than 235 gallons per square foot per day) resulting in substantial particulate removal by both physical and biological mechanisms.

(77) "Filtration Endorsement" means a special certification that may be added to an operator's water treatment level 2 certification, and is related to the operator's experience with and knowledge of the operation of conventional and direct filtration treatment.

(78) "Finished water" means water that is introduced into the distribution system of a public water system and intended for distribution and consumption without further treatment, except as necessary to maintain water quality in the distribution system such as booster disinfection or the addition of corrosion control chemicals.

(79) "First Customer" means the initial service connection or tap on a public water supply after any treatment processes.

(80) "First Draw Sample" means a one-liter sample of tap water that has been standing in plumbing pipes at least six hours and is collected without flushing the tap.

(81) "Flocculation" means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means.

(82) "Flowing stream" means a course of running water flowing in a definite channel.

(83) "Future Groundwater Sources" means wells or springs that may be required by the public water system in the future to meet the needs of the system.

(84) "GAC 10" means granular activated carbon filter beds with an empty-bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days, except that the reactivation

frequency for GAC10 used as a best available technology for compliance with OAR 333-061-0030(2)(b) shall be 120 days.

(85) "GAC 20" means granular activated carbon filter beds with an empty-bed contact time of 20 minutes based on average daily flow and a carbon reactivation frequency of every 240 days.

(86) "Gross Alpha Particle Activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

(87) "Gross Beta Particle Activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

(88) "Groundwater" means any water, except capillary moisture, beneath the land surface or beneath the bed of any stream, lake, reservoir or other body of surface water within the boundaries of this state, whatever may be the geologic formation or structure in which such water stands, flows, percolates or otherwise moves.

(89) "Groundwater System" means any public water system that uses groundwater, including purchasing water systems that receive finished groundwater, but excluding public water systems that combine all of their groundwater with surface water or groundwater under the direct influence of surface water prior to treatment.

(90) "Groundwater under the direct influence of surface water (GWUDI)" means any water beneath the surface of the ground with significant occurrence of insects or other macro-organisms, algae or large-diameter pathogens such as *Giardia lamblia* or *Cryptosporidium*, or significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions.

(91) "Haloacetic acids (five) (HAA5)" mean the sum of the concentrations in milligrams per liter of the haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid and dibromoacetic acid), rounded to two significant figures after addition.

(92) "Hauled Water" means water for human consumption transported from a Public Water System in a manner approved by the Authority.

(93) "Health Hazard (Contamination)" means an impairment of the quality of the water that could create an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, waste, or other substances.

(94) "Human Consumption" means water used for drinking, personal hygiene bathing, showering, cooking, dishwashing, and maintaining oral hygiene.

(95) "Hydraulic Conductivity" means the capacity of the medium, for example, soil, aquifer, or any hydrogeological unit of interest, to transmit water.

(96) "Hydraulic Connection" refers to a well, spring or other groundwater collection system in which it has been determined that part of the water supplied by the collection system is derived, either naturally or induced, from a surface water source.

(97) "Hydraulic Gradient" means the slope of the water table or potentiometric surface, calculated by dividing the change in hydraulic head between two points by the horizontal distance between the points in the direction of groundwater flow.

(98) "Hydraulic Head" means the energy possessed by the water mass at a given point, related to the height above the datum plane that water resides in a well drilled to that point. In a groundwater system, the hydraulic head is composed of elevation head and pressure head.

(99) "Hydrogeologic Boundary" means physical features that bound and control direction of groundwater flow in a groundwater system. Boundaries may be in the form of a constant head, for example, streams, or represent barriers to flow, for example, groundwater divides and impermeable geologic barriers.

(100) "Hydrogeologic Mapping" means characterizing hydrogeologic features (for example, hydrogeologic units, hydrogeologic boundaries, etc.) within an area and determining their location, areal extent and relationship to one another.

(101) "Hydrogeologic Unit" means a geologic formation, group of formations, or part of a formation that has consistent and definable hydraulic properties.

(102) "Impermeable Material" means a material that limits the passage of water.

(103) "Impounding Reservoir" means an uncovered body of water formed behind a dam across a river or stream, and in which water is stored.

(104) "Infiltration Gallery" means a system of perforated pipes laid along the banks or under the bed of a stream or lake installed for the purpose of collecting water from the formation beneath the stream or lake.

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(105) "Initial Compliance Period" means the 1993-95 three-year compliance period for systems with 150 or more service connections and the 1996-98 three-year compliance period for systems having fewer than 150 service connections for the contaminants prescribed in OAR 333-061-0036(2)(a), 333-061-0036(3)(a) and (3)(b).

(106) "Interfering Wells" means wells that, because of their proximity and pumping characteristics, and as a result of the aquifer's hydraulic properties, produce drawdown cones that overlap during simultaneous pumping. The result is a lowering of the pumping level in each well below what it would be if that well were pumping by itself.

(107) "Inventory of Potential Contaminant Sources" means the reconnaissance level location of land use activities within the Drinking Water Protection Area that as a category have been associated with groundwater or surface water contamination in Oregon and elsewhere in the United States.

(108) "Lake/reservoir" means a natural or man-made basin or hollow on the Earth's surface in which water collects or is stored that may or may not have a current or single direction of flow.

(109) "Lead Free" means:

(a) Not containing more than 0.2 percent lead when used with respect to solders and flux; and

(b) Not more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures.

(110) "Lead Service Line" means a service line made of lead, which connects the water main to the building inlet and any pigtail, gooseneck or other fitting, which is connected to such lead line.

(111) "Legionella" means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.

(112) "Local Administrative Authority" means the individual official, board, department or agency established and authorized by a state, county or city to administer and enforce the provisions of the Oregon State Plumbing Specialty Code adopted under OAR 918-750-0110.

(113) "Locational running annual average (LRAA)" means the arithmetic average of analytical results for samples taken at a specific monitoring location during the previous four calendar quarters.

(114) "Major Additions or Modifications" means changes of considerable extent or complexity including, but not limited to, projects involving water sources, treatment facilities, facilities for continuous disinfection, finished water storage, pumping facilities, transmission mains, and distribution mains, except main replacements of the same length and diameter.

(115) "Man-made Beta Particle and Photon Emitters" means all radionuclides emitting beta particles or photons listed in Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure, NBS Handbook 69, except the daughter products of Thorium-232, Uranium-235 and Uranium-238.

(116) "Master Plan" means an overall plan, which shows the projected development of a distribution system and alternatives for source development.

(117) "Maximum Contaminant Level (MCL)" means the maximum allowable level of a contaminant in water delivered to the user's of a public water system, except in the case of turbidity where the maximum allowable level is measured at the point of entry to the distribution system.

(118) "Maximum Residual Disinfectant Level (MRDL)" means a level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects.

(119) "Multi-purpose Piping System" means a piping system within residential dwellings intended to serve both domestic and fire protection needs. This type of system is considered part of a potable water system.

(120) "New Groundwater Sources" means additional or modified wells or springs owned by the Public Water System.

(121) "Non-Health Hazard (Pollution)" means an impairment of the quality of the water to a degree that does not create a hazard to the public health, but does adversely affect the aesthetic qualities of such water for potable use.

(122) "Non-Transient Non-Community Water System (NTNC)" means a public water system that is not a Community Water System and that regularly serves at least 25 of the same persons over six months per year.

(123) "Open Interval" means in a cased well, the sum of the length(s) of the screened or perforated zone(s) and in an uncased (open-hole) well, the sum of the thickness(es) of the water-bearing zones or, if undeterminable, 10 percent of the length of the open hole.

(124) "Operating Experience" means knowledge gained through the direct performance of duties, tasks, and responsibilities at a drinking water system or in a related field.

(125) "Operational Decision Making" means the act of making decisions about alternatives in the performance of a water treatment plant or distribution system relating to water quality or water quantity that may affect public health.

(126) "Operator" means a person responsible for the operation of a water treatment plant or distribution system.

(127) "Optimal Corrosion Control Treatment" means the corrosion control treatment that minimizes the lead and copper concentrations at users' taps while insuring that the treatment does not cause the water system to violate any national primary drinking water regulations.

(128) "Pathogenic" means a specific agent (bacterium, virus or parasite) causing or capable of causing disease.

(129) "Peak Daily Demand" means the maximum rate of water use, expressed in gallons per day, over the 24-hour period of heaviest consumption.

(130) "Permit" means official permission granted by the Authority for a public water system which exceeds maximum contaminant levels to delay, because of economic or other compelling factors, the installation of water treatment facilities which are necessary to produce water which does not exceed maximum contaminant levels.

(131) "Person" means any individual, corporation, association, firm, partnership, municipal, state or federal agency, or joint stock company and includes any receiver, special master, trustee, assignee, or other similar representative thereof.

(132) "Picocurie (pCi)" means that quantity of radioactive material producing 2.22 nuclear transformations per minute.

(133) "Pilot Study" means the construction and operation of a scaled down treatment system during a given period of time to determine the feasibility a full-scale treatment facility.

(134) "Plant intake" means the works or structures at the head of a conduit through which water is diverted from a source, such as a river or lake, into a treatment plant.

(135) "Plug Flow" means movement of water in a pipe such that particles pass through the pipe and are discharged in the same sequence in which they entered.

(136) "Point of Delivery (POD)" means the point of connection between a public water system and the user's water system. Beyond the point of delivery, the Oregon Plumbing Specialty Code applies. See "Service Connection."

(137) "Point of Disinfectant Application" is the point where the disinfectant is applied and water downstream of that point is not subject to recontamination by surface water runoff.

(138) "Point-of-Entry Treatment Device" is a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

(139) "Point-of-Use Treatment Device" is a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.

(140) "Pollutant" means a substance that creates an impairment of the quality of the water to a degree which does not create a hazard to the public health, but which does adversely affect the aesthetic qualities of the water.

(141) "Porous Media Assumption" means the assumption that groundwater moves in the aquifer as if the aquifer were granular in character, that is, moves directly down-gradient, and the velocity of the groundwater can be described by Darcy's Law.

(142) "Post High School Education" means that education acquired through programs such as short schools, bona fide correspondence courses, trade schools, colleges, universities, formalized workshops or seminars that are acceptable to the Authority and for which college or continuing education credit is issued by the training sponsor.

(143) "Potable Water" See Safe Drinking Water.

(144) "Potential Contaminant Source Inventory" means the determination of the location within the wellhead protection area of activities known to use or produce materials that can contaminate groundwater.

(145) "Potential Cross Connection" means a cross connection that would most likely occur, but may not be taking place at the time of an inspection.

(146) "Potentiometric Surface" means a surface that denotes the variation of hydraulic head in the given aquifer across an area.

(147) "Premises" means real estate and the structures on it.

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(148) "Premises Isolation" means the practice of protecting the public water supply from contamination or pollution by installing backflow prevention assemblies at, or near, the point of delivery where the water supply enters the premises. Premises isolation does not guarantee protection to persons on the premises.

(149) "Presedimentation" means a preliminary treatment process used to remove gravel, sand and other particulate material from the source water through settling before the water enters the primary clarification and filtration processes in a treatment plant.

(150) "Pressure Vacuum Breaker Backsiphonage Prevention Assembly (PVB)" means an assembly consisting of an independently operating, internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. This assembly is to be equipped with properly located resilient seated test cocks and tightly closing resilient seated shutoff valves attached at each end of the assembly. This assembly is designed to protect against a non-health hazard or a health hazard under backsiphonage conditions only.

(151) "Provisional Delineation" means approximating the wellhead protection area for a well by using the wellhead protection area from another well in the same hydrogeologic setting or by using generalized values for the aquifer characteristics to generate an approximate wellhead protection area for the well. Used only for the purpose of evaluating potential siting of new or future groundwater sources. Not an acceptable way to formally delineate a wellhead protection area.

(152) "Public Health Hazard" means a condition, device or practice which is conducive to the introduction of waterborne disease organisms, or harmful chemical, physical, or radioactive substances into a public water system, and which presents an unreasonable risk to health.

(153) "Public Water System" means a system for the provision to the public of piped water for human consumption, if such system has more than three service connections, or supplies water to a public or commercial establishment that operates a total of at least 60 days per year, and that is used by 10 or more individuals per day. Public water system also means a system for the provision to the public of water through constructed conveyances other than pipes to at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days of the year. A public water system is either a "Community Water System," a "Transient Non-Community Water System," a "Non-Transient Non-Community Water System" or a "State Regulated Water System."

(154) "Purchasing Water System" means a public water system which obtains its water in whole or in part from one or more public water systems. Delivery may be through a direct connection or through the distribution system of one or more purchasing water systems.

(155) "Recharge" means the process by which water is added to a zone of saturation, usually by downward infiltration from the surface.

(156) "Recharge Area" means a land area in which water percolates to the zone of saturation through infiltration from the surface.

(157) "Recovery" means the rise in water level in a well from the pumping level towards the original static water level after pumping has been discontinued.

(158) "Reduced Pressure Principle Backflow Prevention Assembly (RP)" means an assembly containing two independently acting approved check valves, together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located resilient seated test cocks and tightly closing resilient seated shutoff valves at each end of the assembly. This assembly is designed to protect against a non-health hazard or a health hazard.

(159) "Reduced Pressure Principle-Detector Backflow Prevention Assembly (RPDA)" means a specifically designed assembly composed of a line size approved reduced pressure principle backflow prevention assembly with a bypass containing a specific water meter and an approved reduced pressure principle backflow prevention assembly. The meter shall register accurately for only very low rates of flow up to three gallons per minute and shall show a registration for all rates of flow. This assembly is designed to protect against a non-health hazard or a health hazard.

(160) "Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem (mrem)" is 1/1000 of a rem.

(161) "Repeat Compliance Period" means any subsequent compliance period after the initial compliance period.

(162) "Residual disinfectant concentration" means the concentration of disinfectant measured in mg/l in a representative sample of water.

(163) "Responsible Management Authority" means the Public Water System whose water supply is being protected and any government entity

having management, rule or ordinance-making authority to implement wellhead protection management strategies within the wellhead protection area. The Responsible Management Authority is responsible for implementation of the Wellhead Protection Plan and includes cities, counties, special districts, Indian tribes, state/federal entities as well as public water systems.

(164) "Safe Drinking Water" means water which has sufficiently low concentrations of microbiological, inorganic chemical, organic chemical, radiological or physical substances so that individuals drinking such water at normal levels of consumption, will not be exposed to disease organisms or other substances which may produce harmful physiological effects.

(165) "Sanitary Survey (Water System Survey)" means an on-site review of the water source(s), facilities, equipment, operation, maintenance and monitoring compliance of a public water system to evaluate the adequacy of the water system, its sources and operations in the distribution of safe drinking water. The sanitary survey also identifies sources of contamination by using the results of source water assessments where available.

(166) "Secondary Contaminant" means those contaminants, which, at the levels generally found in drinking water, do not present an unreasonable risk to health, but do:

(a) Have adverse effects on the taste, odor and color of water;

(b) Produce undesirable staining of plumbing fixtures; or

(c) Interfere with treatment processes applied by water suppliers.

(167) "Secondary Maximum Contaminant Level (SMCL)" means the level of a secondary contaminant which when exceeded may adversely affect the aesthetic quality of the drinking water which thereby may deter public acceptance of drinking water provided by public water systems or may interfere with water treatment methods.

(168) "Sedimentation" means a process for removal of solids before filtration by gravity or separation.

(169) "Seller's Designee" means the person assigned by the seller to complete the necessary paperwork and submit the lab results to the Authority and can be the seller's attorney, real estate agent or broker, the person conducting the tests or a private party.

(170) "Sensitivity" means the intrinsic characteristics of a drinking water source such as depth to the aquifer for groundwater or highly erodible soils in a watershed that increase the potential for contamination to take place if a contaminant source is present.

(171) "Service Connection" means the piping connection by means of which water is conveyed from a distribution main of a public water system to a user's premises. For a community water system, the portion of the service connection that conveys water from the distribution main to the user's property line, or to the service meter, where provided, is under the jurisdiction of the water supplier.

(172) "Significant Deficiency" means a defect in design, operation, or maintenance, or a malfunction of the source(s), treatment, storage, or distribution system that has been determined to cause or have the potential for causing the introduction of contamination into the water delivered to consumers.

(173) "Single Connection System" means a public water system serving only one installation, such as a restaurant, campground or place of employment.

(174) "Single Family Structure" means a building constructed as a single-family residence that is currently used as either a residence or a place of business.

(175) "Small Water System," for the purposes of OAR 333-061-0210 through 0272, means a community or non-transient non-community water system serving 150 service connections or less using only groundwater or purchasing finished water from another public water system.

(176) "Source Water Assessment" means the information compiled by the Authority and the Department of Environmental Quality (DEQ), consisting of the delineation, inventory and susceptibility analyses of the drinking water source, which enable public water systems to develop and implement drinking water protection plans.

(177) "Specific Ultraviolet Absorption (SUVA) at 254 nanometers" means an indicator of the humic content of water as a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of 254 nanometers (UV254) by its concentration of dissolved organic carbon (DOC) (in milligrams per liter).

(178) "Spill Resistant Pressure Vacuum Breaker Backsiphonage Prevention Assembly (SVB)" means an assembly containing an independently operating, internally loaded check valve and independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly is to be equipped with a properly located resilient seated test cock, a properly located bleed/vent valve, and tightly closing resilient seated shutoff valves attached at each end of the assembly. This assembly is

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designed to protect against a non-health hazard or a health hazard under a backsiphonage condition only.

(179) "Spring" means a naturally occurring discharge of flowing water at the ground surface, or into surface water where the flow of water is the result of gravity or artesian pressure. Springs can be derived from groundwater or they can be surface water influenced.

(180) "Stand-alone Fire Suppression System" means a piping system within a premises intended to only serve as a fire protection system separated from the potable water system.

(181) "State Regulated Water System" means a public water system, which serves 4 to 14 service connections or serves 10 to 24 people. Monitoring requirements for these systems are the same as those for Transient Non-Community water systems.

(182) "Static Water Level" means the vertical distance from ground surface to the water level in the well when the well is at rest, that is, the well has not been pumped recently and the water level is stable. This is the natural level of water in the well.

(183) "Submeter" means a water meter by which a property owner (or association of property owners) meters individual water use after the water passes through a master meter. For the purposes of OAR 333-061-0010, submetering does not constitute applying a direct charge for water or directly selling water to a person.

(184) "Surface Water" means all water, which is open to the atmosphere and subject to surface runoff.

(185) "Susceptibility" means the potential, as a result of the combination of land use activities and source water sensitivity that contamination of the drinking water source may occur.

(186) "Team" means the local Wellhead Protection team, which includes representatives from the Responsible Management Authorities and various interests and stakeholders potentially affected by the Wellhead Protection Plan.

(187) "Thermal Expansion" means the pressure increase due to a rise in water temperature that occurs in water piping systems when such systems become "closed" by the installation of a backflow prevention assembly or other means, and will not allow for expansion beyond that point of installation.

(188) "These Rules" means the Oregon Administrative Rules encompassed by OAR 333-061-0005 through 333-061-0335.

(189) "Time-of-Travel (TOT)" means the amount of time it takes groundwater to flow to a given well. TOT is the criterion that effectively determines the radius in the calculated fixed radius method and the up-gradient distance to be used for the analytical and numerical models during delineation of the wellhead protection area.

(190) "Too Numerous to Count (TNTC)" means that the total number of bacterial colonies exceeds 200 on a 47 mm diameter membrane filter used for coliform bacteria detection.

(191) "Total Organic Carbon (TOC)" means total organic carbon in milligrams per liter measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures.

(192) "Total Trihalomethanes (TTHM)" means the sum of the concentrations in milligrams per liter of the trihalomethane compounds bromodichloromethane, dibromochloromethane, tribromomethane (bromoform) and trichloromethane (chloroform), rounded to two significant figures after addition.

(193) "Transient Non-Community Water System (TNC)" means a public water system that serves a transient population of 25 or more persons.

(194) "Turbidity" means a measure of the cloudiness of water caused by suspended particles. The units of measure for turbidity are nephelometric turbidity units (NTU).

(195) "Two-stage lime softening" means a process in which a chemical addition and hardness precipitation occur in each of two distinct unit clarification processes in series prior to filtration.

(196) "Unconfined Well" means a well completed in an unconfined aquifer, and more specifically, a well which produces water from a formation that is not overlying by impermeable material. This well shall be constructed according to OAR chapter 690, division 200 "Well Construction and Maintenance" standards.

(197) "Uncovered finished water storage facility" means a tank, reservoir, or other facility used to store water that will undergo no further treatment to reduce microbial pathogens except residual disinfection and is directly open to the atmosphere.

(198) "University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research (USC FCCCHR)" is an

agency that conducts laboratory and field tests to evaluate and grant "Certificates of Approval" to backflow prevention assemblies meeting approved standards.

(199) "Vadose Zone" means the zone between the ground surface and the water table where the available open spaces between soil and sediment particles, in rock fractures, etc., are most filled with air.

(200) "Variance" means official permission granted by the Authority for public water systems to exceed maximum contaminant levels because the quality of the raw water is such that the best available treatment techniques are not capable of treating the water so that it complies with maximum contaminant levels, and there is no unreasonable risk to health.

(201) "Vault" means an approved enclosure above or below ground to house a backflow prevention assembly that complies with the local administrative authority having jurisdiction.

(202) "Virus" means a virus of fecal origin, which is infectious to humans by waterborne transmission.

(203) "Waiver" means official permission from the Authority for a public water system to deviate from the construction standards set forth in these rules.

(204) "Water-bearing Zone" means that part or parts of the aquifer encountered during drilling that yield(s) water to a well.

(205) "Waterborne disease outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system which is deficient in treatment, as determined by the Authority.

(206) "Water Source" means any lake, stream, spring, groundwater supply, impoundment or other source of water from which water is obtained for a public water system. In some cases, a public water system can be the source of supply for one or more other public water systems.

(207) "Water Supplier" means a person, group of persons, municipality, district, corporation or other entity, which owns or operates a public potable water system.

(208) "Water System" means a system for the provision of piped water for human consumption.

(209) "Water System Operations Manual" means a written document describing the actions and procedures necessary to operate and maintain the entire water system.

(210) "Water Table" means the upper surface of an unconfined aquifer, the surface of which is at atmospheric pressure and fluctuates seasonally. It is defined by the levels at which water stands in wells that penetrate the aquifer.

(211) "Water Treatment" means a process of altering water quality by physical or chemical means and may include domestic, industrial or commercial applications.

(212) "Water Treatment Plant" means that portion of a water system that in some way alters the physical, chemical, or bacteriological quality of the water being treated.

(213) "Well" means an artificial opening or artificially altered natural opening, however made, by which ground water is sought or through which ground water flows under natural pressure or is artificially withdrawn or injected, provided that this definition shall not include a natural spring, or wells drilled for the purpose of exploration or production of oil or gas.

(214) "Wellfield" means two or more drinking water wells, belonging to the same water system that are within 2,500 feet, or as determined by the Authority, and produce from the same and no other aquifer.

(215) "Wellhead Protection." See Drinking Water Protection.

(216) "Wellhead Protection Area (WHPA)." See Drinking Water Protection Area.

(217) "Wellhead Protection Plan." See Drinking Water Protection Plan.

(218) "Wholesale system" means a public water system that treats source water as necessary to produce finished water and then delivers some or all of that finished water to another public water system. Delivery may be through a direct connection or through the distribution system of one or more purchasing water systems.

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

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 431.110, 431.150, 448.131, 448.150, 448.273, 448.279

Hist.: HD 106, f. & ef. 2-6-76; HD 4-1980, f. & ef. 3-21-80; HD 10-1981, f. & ef. 6-30-81; HD 17-1981(Temp), f. & ef. 8-28-81; HD 4-1982, f. & ef. 2-26-82; Renumbered from 333-042-0205, HD 2-1983, f. & ef. 2-23-83; HD 21-1983, f. 10-20-83, ef. 11-1-83; HD 11-1985, f. & ef. 7-2-85; HD 30-1985, f. & ef. 12-4-85; HD 3-1987, f. & ef. 2-17-87; HD 3-1988(Temp), f. & cert. ef. 2-12-88; HD 17-1988, f. & cert. ef. 7-27-88; HD 9-1989, f. & cert. ef. 11-13-89; HD 26-1990, f. 12-26-90, cert. ef. 12-29-90; HD 7-1992, f. & cert. ef. 6-9-92; HD 12-1992, f. & cert. ef. 12-7-92; HD 3-1994, f. & cert. ef. 1-14-94; HD 1-1996, f. 1-2-96, cert. ef. 1-5-96; HD 14-1997, f. & cert. ef. 10-31-97; OHD 4-1999, f. 7-14-99, cert. ef. 7-15-99; OHD 3-2000, f. 3-8-00, cert. ef. 3-15-00; OHD 7-2000, f. 7-11-00, cert. ef. 7-15-00; OHD 23-2001, f. & cert. ef. 10-31-01; OHD 17-2002, f. & cert. ef. 10-25-02; PH 16-2004(Temp), f. & cert. ef. 4-9-04 thru 10-5-04; PH 20-2004, f. & cert. ef. 6-18-04; PH 33-2004, f. & cert.

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ef. 10-21-04; PH 34-2004, f. & cert. ef. 11-2-04; PH 2-2006, f. & cert. ef. 1-31-06; PH 4-2009, f. & cert. ef. 5-18-09; PH 7-2010, f. & cert. ef. 4-19-10; PH 5-2011(Temp), f. & cert. ef. 7-1-11 thru 12-27-11; PH 11-2011, f. & cert. ef. 10-27-11; PH 13-2012, f. & cert. ef. 9-10-12; PH 14-2014, f. & cert. ef. 5-8-14

333-061-0065

Operation and Maintenance

(1) Public water systems shall be operated and maintained in a manner that assures continuous production and delivery of potable water by:

(a) Operating all phases and components of the system effectively in the manner for which they were designed;

(b) Assuring that all leaks are promptly repaired and, broken or malfunctioning equipment is promptly repaired or replaced;

(c) Making readily available and in good condition the proper equipment, tools and parts to make repairs to the system. When possible, notice shall be given to the water users of impending repairs that will affect the quality of the water or the continuity of the water service. All repairs must meet the construction standards of these rules and comply with disinfection requirements of OAR 333-061-0050 prior to reestablishing use of the repaired portion of the system;

(d) Implementing actions to assure safe drinking water during emergencies. Water suppliers seeking a state certified wellhead protection program for their water system shall comply with the contingency planning requirements as prescribed in OAR 333-061-0057(4).

(2) Personnel:

(a) Personnel responsible for maintenance and operation of public water systems shall be competent, knowledgeable of all the functions of that particular facility and shall have the training and experience necessary to assure continuous delivery of water which does not exceed the maximum contaminant levels;

(b) Certification as prescribed by OAR 333-061-0210 through 333-061-0272 is required for personnel in direct responsible charge of operations for all community and non-transient non-community water systems.

(c) Personnel responsible for operating water treatment plants at transient non-community water systems using water sources classified as surface water or groundwater under the direct influence of surface water must attend the Authority's "Essentials of Surface Water Treatment" training course or an equivalent training.

(3) The identity of ownership of a water system shall be filed with the Authority. Notification of changes in ownership shall be filed immediately with the Authority upon completion of the transaction.

(4) All public water systems must maintain a current water system operations manual.

(a) The water system operations manual shall be completed according to the requirements of the capacity assessment or sanitary survey and shall be reviewed and updated at least every five years. If a public water system applying for funds from the Safe Drinking Water Revolving Loan Fund Program is required to develop a water system operations manual as a part of a capacity assessment, then the water system operations manual is required to be completed before final payout of the loan.

(b) As evidence of completion, public water systems shall submit a statement to the Authority certifying that the water system operations manual has been completed according to the requirements in this rule, and that staff have been instructed in the use of the water system operations manual.

(c) The water system operations manual shall include, but is not limited to, the following elements if they are applicable:

- (A) Source operation and maintenance;
- (B) Water treatment operation and maintenance;
- (C) Reservoir operation and maintenance;
- (D) Distribution system operation and maintenance; and
- (E) Written protocols for on-site operators describing the operational decisions the operator is allowed to make under OAR 333-061-0225.

(d) Water system staff shall be instructed and trained in the use of the water system operations manual.

(5) Documents and records: The following documents and records shall be retained by the water supplier at community water systems and shall be available when the system is inspected or upon request by the Authority:

(a) Complete and current as-built plans and specifications of the entire system and such other documents as are necessary for the maintenance and operation of the system;

(b) Current operating manuals covering the general operation of each phase of the water system;

(c) A current master plan and revisions thereof;

(d) Data showing production capabilities of each water source and system component;

(e) Current records of the number, type and location of service connections;

(f) Current records of raw water quality, both chemical and microbiological;

(g) Current records of all chemicals and dosage rates used in the treatment of water;

(h) Reports on maintenance work performed on water treatment and delivery facilities;

(i) Records relating to the sampling and analysis undertaken to assure compliance with the maximum contaminant levels;

(j) Record of residual disinfectant measurements, where applicable;

(k) Records of cross connection control and backflow prevention device testing, where applicable;

(l) Records of customer complaints pertaining to water quality and follow-up action undertaken;

(m) Fluoridation records, where applicable;

(n) Other records as may be required by these rules.

(6) Water Treatment Operations:

(a) Chlorinators and other equipment used to apply chemicals at a public water system shall be operated and maintained in accordance with the manufacturers' specifications and recommendations for efficient operation and safety.

(b) When chlorine is used as the disinfectant, the procedures shall be as follows:

(A) Chlorine shall be applied in proportion to the flow;

(B) For reasons other than the treatment of surface water sources or groundwater sources under the direct influence of surface water, the rate of application shall be sufficient to result in a free chlorine residual of at least 0.2 mg/l after a 30-minute contact time and throughout the distribution system;

(c) When ammonia is added to the water with the chlorine to form a chloramine as the disinfectant, for reasons other than the treatment of surface water sources or groundwater sources under the direct influences of surface water, the rate of application shall result in a combined chlorine residual of at least 2.0 mg/l after a three-hour contact time;

(d) When corrosion control chemicals are applied to achieve compliance with the action levels for lead and copper, the point of application shall be after all other treatment processes, unless determined otherwise by the Authority.

(e) At water systems where cartridge filters are used, the filters must be changed according to the manufacturer's recommended pressure differential.

(7) When an emergency arises within a water system which affects the quality of water produced by the system, the water supplier shall notify the Authority immediately.

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 431.110, 431.150, 448.131, 448.150, 448.273 & 448.279

Hist.: HD 106, f. & ef. 2-6-76; HD 17-1981(Temp), f. & ef. 8-28-81; HD 4-1982, f. & ef. 2-26-82; Renumbered from 333-042-0225, HD 2-1983, f. & ef. 2-23-83; HD 20-1983, f. 10-20-83, ef. 11-1-83; HD 1-1988, f. & cert. ef. 1-6-88; HD 9-1989, f. & cert. ef. 11-13-89; HD 26-1990, f. 12-26-90, cert. ef. 12-29-90; HD 7-1992, f. & cert. ef. 6-9-92; HD 1-1996, f. 1-2-96, cert. ef. 1-5-96; OHD 17-2002, f. & cert. ef. 10-25-02; PH 16-2004(Temp), f. & cert. ef. 4-9-04 thru 10-5-04; PH 20-2004, f. & cert. ef. 6-18-04; PH 4-2009, f. & cert. ef. 5-18-09; PH 7-2010, f. & cert. ef. 4-19-10; PH 3-2013, f. & cert. ef. 1-25-13; PH 14-2014, f. & cert. ef. 5-8-14

333-061-0072

Backflow Assembly Tester Certification

(1) In order to be certified as a backflow assembly tester, individuals must successfully complete all the requirements of this rule for testing backflow prevention assemblies. Only the following individuals may perform the field-testing on backflow prevention assemblies required by these rules:

(a) Individuals certified by the Authority to test backflow prevention assemblies; and

(b) Journeyman plumbers defined as those who hold a certificate of competency issued under ORS chapter 693 or apprentice plumbers, as defined under ORS 693.010.

(2) Journeyman plumbers or apprentice plumbers who test backflow prevention assemblies shall satisfactorily complete an Authority approved backflow assembly tester training course, according to rules adopted by the Director of Consumer and Business Services.

(3) Individuals certified as a backflow assembly tester must comply with ORS 448.279(2).

(4) All backflow assembly tester training courses must be approved by the Authority and taken at an Authority approved training facility.

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(5) Satisfactory completion of an approved backflow assembly tester training course means:

- (a) Completing the course;
- (b) Scoring at least 70 percent on the written examination; and
- (c) Scoring at least 90 percent on the physical-performance examination.

(6) In order to apply for initial backflow assembly tester certification, individuals must submit:

(a) A completed initial application with all required documentation as specified on the initial application form and in this rule, including but not limited to:

(A) Proof of high school graduation, GED, associate's degree, bachelor's degree, master's degree, or PhD; and

(B) Proof of satisfactory completion, as described in section (5) of this rule, of a backflow assembly tester initial training course within the 12 months prior to the Authority receiving the completed application; and

(b) The initial certification fee as specified in section (9) of this rule.

(7) Backflow assembly tester certification expires on December 31 every two years based upon the first letter in the last name of the individual. Certification for individuals with names beginning in the letters A–K expire in even numbered years, and certification for individuals with names beginning in the letters L–Z expire in odd-numbered years. Certification renewal fees may be prorated if individuals are required to renew their certification prior to the end of the most recent two-year certification period.

(a) Backflow assembly testers may only perform tests if they possess current, valid certification.

(b) In order to apply to renew backflow assembly tester certification, individuals must submit:

(A) A completed renewal application with all required documentation as specified on the renewal application form and in this rule, including but not limited to:

(i) Proof of satisfactory completion, as described in section (5) of this rule, of either a backflow assembly tester renewal course or a backflow tester initial training course within the two year period prior to the expiration date of the certification; and

(ii) Yearly test gauge accuracy verification or calibration reports performed in the same month every year, as determined by the backflow assembly tester; and

(B) The certification renewal fee, as specified in section (9) of this rule.

(c) The Authority may grant certification renewal without a reinstatement fee until January 31 in the year following the expiration date of the certification. A reinstatement fee as prescribed by section (9) of this rule is required in addition to the renewal fee for all renewal applications received after the grace period ending on January 31 following the expiration date of the certification.

(d) Backflow assembly testers that fail to renew their certification for one year following the expiration date of their certification must meet the requirements established for applicants as prescribed by sections (6) or (8) of this rule as applicable.

(8) In order to apply for backflow assembly tester certification based on reciprocity, individuals must submit:

(a) A completed reciprocity application form with all required documentation as specified on the application form and in these rules, including but not limited to:

(A) Proof of current certification from a state or entity having substantially equivalent certification training and testing standards to those set forth in these rules, as determined by the Authority;

(B) Proof of satisfactory completion, as described in section (5) of this rule, of a backflow assembly tester initial training course or a backflow tester renewal course within the 12 months prior to the Authority receiving the completed application;

(C) Proof of high school graduation, GED, associate's degree, bachelor's degree, master's degree, or PhD; and

(D) Yearly test gauge accuracy verification or calibration reports performed in the same month every year, as determined by the backflow assembly tester; and

(b) The reciprocity review and initial certification fees as specified in section (9) of this rule.

(9) Fees related to backflow assembly tester certification.

(a) Payments shall be made to the Oregon Health Authority, Public Health Division.

(b) The Authority will not refund any fees once it has initiated processing an application.

(c) Fees are:

(A) Initial Certification (2-years) \$70;

(B) Certification Renewal (2-years) \$70;

(C) Reciprocity Review \$35;

(D) Reinstatement \$50; and

(E) Combination Certification Renewal (2-years) \$110.

(d) Initial certification fees may be prorated to the nearest year for the remainder of the 2-year certification period.

(e) The Combination Certification Renewal fee applies when applicants simultaneously renew their backflow assembly tester and cross connection specialist certifications.

(10) Enforcement related to Backflow Assembly Tester certification

(a) The Authority may deny an initial application for certification, an application for renewal of certification, an application for certification based on reciprocity, or revoke a certification if the Authority determines the applicant/backflow assembly tester:

(A) Provided false information to the Authority;

(B) Did not possess certification issued by another state or entity because it was revoked;

(C) Permitted another person to use their certificate number;

(D) Failed to properly perform backflow prevention assembly testing;

(E) Falsified a backflow assembly test report;

(F) Failed to comply with ORS 448.279(2);

(G) Failed to comply with these rules or other applicable federal, state or local laws or regulations; or

(H) Performed backflow assembly tests with a gauge that was not calibrated for accuracy within the 12-month period prior to testing the assembly.

(b) Applicants or backflow assembly testers who have been denied initial, renewal, or reciprocity certification or whose certifications have been revoked have the right to appeal according to the provisions of chapter 183, Oregon Revised Statutes.

(c) Applicants or backflow assembly testers who have been denied initial, renewal, or reciprocity certification or whose certifications have been revoked, may not reapply for certification for one year from the date of denial or revocation of certification.

(d) Applicants or backflow assembly testers may petition the Authority prior to one year from the date of denial or revocation and may be allowed to reapply at an earlier date, at the discretion of the Authority.

(e) Backflow assembly tester test reports shall be made available to the Authority upon request.

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 448.279, 448.280, 448.285, 448.290

Hist.: HD 1-1994, f. & cert. ef. 1-7-94; HD 1-1996, f. 1-2-96, cert. ef. 1-5-96; HD 14-1997, f. & cert. ef. 10-31-97; OHD 4-1999, f. 7-14-99, cert. ef. 7-15-99; PH 34-2004, f. & cert. ef. 11-2-04; PH 2-2006, f. & cert. ef. 1-31-06; PH 2-2008, f. & cert. ef. 2-15-08; PH 7-2010, f. & cert. ef. 4-19-10; PH 3-2013, f. & cert. ef. 1-25-13; PH 14-2014, f. & cert. ef. 5-8-14

333-061-0073

Cross Connection Specialist Certification

(1) In order to be certified as a cross connection specialist, individuals must successfully complete all the applicable requirements of this rule. Only individuals certified by the Authority may administer cross connection control programs.

(2) Individuals certified as a cross connection specialist must comply with ORS 448.279(2).

(3) All training courses must be taken at an Authority approved training facility or be an Oregon Environmental Services Advisory Council approved course.

(4) Satisfactory completion of an approved cross connection specialist training course means:

(a) Completing the course; and

(b) Scoring at least 70 percent on the written examination.

(5) In order to apply for initial cross connection specialist certification, individuals must submit:

(a) A completed initial application with all required documentation as specified on the initial application form and in this rule, including but not limited to:

(A) Proof of high school graduation, GED, associate's degree, bachelor's degree, master's degree, or PhD; and

(B) Proof of satisfactory completion, as described in section (4) of this rule, of a cross connection specialist initial training course within the 12 months prior to the Authority receiving the completed application;

(C) Proof of one-year of experience working with public water systems as defined in OAR 333-061-0020 or plumbing as defined in ORS 447.010; and

(b) The initial certification fee as specified in section (8) of this rule.

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(6) Cross connection specialist certification expires on December 31 every two years based upon the first letter in the last name of the individual. Certification for individuals with names beginning in the letters A–K expires in even numbered years, and certification for individuals with names beginning in the letters L–Z expires in odd numbered years. Certification renewal fees may be prorated if individuals are required to renew their certification prior to the end of the most recent two-year certification period.

(a) In order to apply to renew cross connection specialist certification, individuals must submit:

(A) A completed renewal application with all required documentation as specified on the application form and in this rule, including but not limited to, proof of satisfactory completion of a total of at least 0.6 continuing education units from cross connection-related training courses or meetings taken within the two year period immediately prior to the date of the Authority receiving the completed application. Training courses and meetings must be attended at an Authority approved training facility or be approved by the Oregon Environmental Services Advisory Council; and

(B) The certification renewal fee, as specified in section (8) of this rule.

(b) The Authority may grant certification renewal without a reinstatement fee until January 31 in the year following the expiration date of the certification. A reinstatement fee as prescribed by section (8) of this rule is required in addition to the renewal fee for all renewal applications received after the grace period ending on January 31 following the expiration date of the certification.

(c) Cross connection specialists that fail to renew their certification for one year following the expiration date of their certification must meet the requirements established for applicants as prescribed by sections (5) or (7) of this rule.

(7) In order to apply for cross connection specialist certification based on reciprocity, individuals must submit:

(a) A completed reciprocity application form with all required documentation as specified on the application form and in this rule, including but not limited to:

(A) Proof of current certification from a state or entity having substantially equivalent certification training and testing standards to those set forth in these rules, as determined by the Authority;

(B) Proof of satisfactory completion, as described in section (4) of this rule, of a cross connection specialist initial training course or cross connection specialist renewal course within the 12 months prior to the Authority receiving the completed application;

(C) Proof of high school graduation, GED, associate's degree, bachelor's degree, master's degree, or PhD; and

(b) The reciprocity application fee as specified in section (8) of this rule.

(8) Fees related to Cross Connection Specialist certification.

(a) Payments shall be made to the Oregon Health Authority, Public Health Division.

(b) The Authority will not refund any fees once it has initiated processing an application.

(c) Fees are:

(A) Initial Certification (2-years) \$70;

(B) Certification Renewal (2-years) \$70;

(C) Reciprocity Review \$35;

(D) Reinstatement \$50; and

(E) Combination Certification Renewal (2-years) \$110.

(d) Initial certification fees may be prorated to the nearest year for the remainder of the 2-year certification period.

(e) The Combination Certification Renewal fee applies when applicants simultaneously renew their backflow assembly tester and cross connection specialist certifications.

(9) Enforcement related to cross connection specialist certification.

(a) The Authority may deny an initial application for certification, an application for renewal of certification, an application for certification based on reciprocity, or revoke a certification if the Authority determines the applicant/cross connection specialist:

(A) Provided false information to the Authority;

(B) Did not possess certification issued by another state or entity because it was revoked;

(C) Permitted another person to use their certificate number;

(D) Falsified a survey/inspection/Annual Summary Report;

(E) Failed to comply with ORS 448.279(2); or

(F) Failed to comply with these rules or other applicable federal, state or local laws or regulations.

(b) Applicants or cross connection specialists who have been denied initial, renewal, or reciprocity certification or who have had their certification revoked have the right to appeal according to the provisions of chapter 183, Oregon Revised Statutes.

(c) Applicants or cross connection specialists who have been denied initial, renewal, or reciprocity certification or who have had their certification revoked may not reapply for certification for one year from the date of denial or revocation of certification.

(d) Applicants or cross connection specialists may petition the Authority prior to one year from the date of denial or revocation and may be allowed to reapply at an earlier date, at the discretion of the Authority.

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 431.110, 431.150, 448.131, 448.150, 448.268, 448.273, 448.278, & 448.279

Hist.: OHD 4-1999, f. & cert. ef. 7-14-99, cert. ef. 7-15-99; PH 34-2004, f. & cert. ef. 11-2-04; PH 7-2010, f. & cert. ef. 4-19-10; PH 3-2013, f. & cert. ef. 1-25-13; PH 14-2014, f. & cert. ef. 5-8-14

333-061-0090

Penalties

(1) Violation of these rules shall be punishable as set forth in ORS 448.990 which stipulates that violation of any section of these rules is a Class A misdemeanor.

(2) Pursuant to ORS 448.280, 448.285 and 448.290, any person who violates these rules shall be subject to a civil penalty. Each and every violation is a separate and distinct offense, and each day's violation is a separate and distinct violation.

(3) The civil penalty for the following violations shall not exceed \$1,000 per day for each violation:

(a) Failure to obtain approval of plans prior to the construction of water system facilities;

(b) Failure to construct water system facilities in compliance with approved plans;

(c) Failure to take immediate action to correct maximum contaminant level violations;

(d) Failure to comply with sampling and analytical requirements;

(e) Failure to comply with reporting and public notification requirements;

(f) Failure to meet the conditions of a compliance schedule developed under a variance or permit;

(g) Failure to comply with cross connection control requirements;

(h) Failure to comply with the operation and maintenance requirements;

(i) Failure to comply with an order issued by the Authority; and

(j) Failure to utilize an operator in direct responsible charge of a water system.

(4) Civil penalties shall be based on the population served by public water systems and shall be in accordance with Table 51 below: [Table not included. See ED. NOTE.]

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

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 431.120, 431.150, 448.150, 448.280, 448.285 & 448.290

Hist.: HD 106, f. & cert. ef. 2-6-76; HD 17-1981(Temp), f. & cert. ef. 8-28-81; HD 4-1982, f. & cert. ef. 2-26-82; Renumbered from 333-042-0245, HD 2-1983, f. & cert. ef. 2-23-83; HD 3-1987, f. & cert. ef. 2-17-87; HD 9-1989, f. & cert. ef. 11-13-89; HD 26-1990, f. 12-26-90, cert. ef. 12-29-90; OHD 4-1999, f. 7-14-99, cert. ef. 7-15-99; OHD 3-2000, f. 3-8-00, cert. ef. 3-15-00; OHD 17-2002, f. & cert. ef. 10-25-02; PH 16-2004(Temp), f. & cert. ef. 4-9-04 thru 10-5-04; PH 20-2004, f. & cert. ef. 6-18-04; PH 33-2004, f. & cert. ef. 10-21-04; PH 2-2006, f. & cert. ef. 1-31-06; PH 4-2009, f. & cert. ef. 5-18-09; PH 7-2010, f. & cert. ef. 4-19-10; PH 3-2013, f. & cert. ef. 1-25-13; PH 14-2014, f. & cert. ef. 5-8-14

333-061-0210

Scope

OAR 333-061-0210 through 333-061-0272 apply to community and non-transient non-community public water systems, water suppliers responsible for these types of water systems, and the operators of water treatment plants and distribution systems at community and non-transient non-community public water systems.

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 448.450, 448.455, 448.460, 448.465 & 448.994

Hist.: HD 2-1988(Temp), f. & cert. ef. 2-10-88; HD 18-1988, f. & cert. ef. 7-27-88; OHD 7-2002, f. & cert. ef. 5-2-02; PH 16-2004(Temp), f. & cert. ef. 4-9-04 thru 10-5-04; PH 20-2004, f. & cert. ef. 6-18-04; PH 33-2004, f. & cert. ef. 10-21-04; PH 14-2014, f. & cert. ef. 5-8-14

333-061-0220

Classification of Water Treatment Plants and Water Distribution Systems

Water treatment plants and distribution systems at community and non-transient non-community public water systems are classified based on the size and complexity of the water system facility. Classification of a

ADMINISTRATIVE RULES

water system or water system facility determines the level of certification required for operators in direct responsible charge of a water system or water system facility as prescribed by OAR 333-061-0225.

(1) Small water system classification applies when a water system serves 150 service connections or less and:

- (a) Uses only groundwater as its source; or
- (b) Purchases finished water from another public water system.

(2) Water distribution classification applies when a water system is not classified as small in accordance with section (1) of this rule, and is based on the population served by the water system as follows:

Classification: — Population Served:
Water Distribution 1 — 1 to 1,500.
Water Distribution 2 — 1,501 to 15,000.
Water Distribution 3 — 15,001 to 50,000.
Water Distribution 4 — 50,001 or more.

(3) Water treatment classification applies to water treatment plants when:

(a) A water system is not classified as small in accordance with section (1) of this rule; and

(b) Treatment is provided for contaminants identified in OAR 333-061-0030(1) through (5) and (7) by that water treatment plant.

(c) Water treatment classification is based on a point system that reflects the complexity of water treatment present. Points are assigned as follows:

Item — Points.
Treatment system size: (population served or flow whichever is greater).
Population served — 1/10,000 (max 30).
Average daily flow — 1/1 mgd (max 30).
Treatment system water source:
Groundwater: — 3.
Surface Water or Groundwater Under the Influence of Surface Water — 5.
Chemical Treatment/Addition Process:
Fluoridation — 5.
Disinfection:
Ultraviolet (UV) — 2.
UV with Chlorine Residual — 5.
Ammonia/Chloramination — 3.
Chlorine — 5.
Mixed Oxidants — 7.
Ozonation (on-site generation) — 10.
Residual Maintenance — 0.
pH adjustment:
Slaked-Quicklime (Calcium Oxide) — 5.
Hydrated Lime (Calcium Hydroxide) — 4.
All others — 1.
(hydrochloric acid, sodium hydroxide, sulfuric acid, sodium carbonate).
Coagulation & Flocculation processes:
Chemical addition — 1-5.
(1 point for each type of chemical coagulant or polymer added, maximum 5 points).
Rapid mix units:
Mechanical mixers — 3.
Injection mixers — 2.
In-line blender mixers — 2.
Flocculation units:
Hydraulic flocculators — 2.
Mechanical flocculators — 3.
Clarification and Sedimentation Processes:
Adsorption Clarifier — 10.
Horizontal-flow (rectangular basins) — 5.
Horizontal-flow (round basins) — 7.
Up-flow solid contact sedimentation — 15.
Inclined-plate sedimentation — 10.
Tube sedimentation — 10.
Dissolved air flotation — 10.
Filtration Processes:
Single/mono media filtration — 3.
Dual or mixed media filtration — 5.
Membrane Filtration/Microscreens — 5.
Direct — 5.
Diatomaceous earth — 12.
Slow sand filtration — 5.
Cartridge/bag filters — 5.
Pressure or greensand filtration — 10.
Stability or Corrosion Control:
Slaked-Quicklime (calcium oxide) — 10.
Hydrated Lime (calcium hydroxide) — 8.
Caustic soda (sodium hydroxide) — 6.
Orthophosphate — 5.
Soda ash (sodium carbonate) — 4.
Aeration: Packed tower, Diffusers — 3.
Calcite — 2.
Others: sodium bicarbonate, silicates — 4.
Other Treatment Processes:
Aeration — 3.
Packed tower aeration — 5.
Ion exchange/softening — 5.
Lime-soda ash softening — 20.
Copper sulfate treatment — 5.
Powdered activated carbon — 5.
Potassium permanganate — 5.
Special Processes (reverse osmosis, activated alumina, other) — 15.
Sequestering (polyphosphates) — 3.

Residuals Disposal:
Discharge to lagoons — 5.
Discharge to lagoons and then raw water source — 8.
Discharge to raw water — 10.
Disposal to sanitary sewer — 3.
Mechanical dewatering — 5.
On-site disposal — 5.
Land application — 5.
Solids composting — 5.
Facility characteristics Instrumentation:
The use of SCADA or similar instrumentation systems to provide data with no process control — 1.
The use of SCADA or similar instrumentation systems to provide data with partial process control — 3.
The use of SCADA or similar instrumentation systems to provide data with complete process control — 5.
Clear well size less than average day design flow — 5.
Classification of Water Treatment Plants.
Classification — Points:
Water Treatment 1 — 1 to 30.
Water Treatment 2 — 31 to 55.
Water Treatment 3 — 56 to 75.
Water Treatment 4 — 76 or more.

(4) Filtration endorsement is an additional classification that applies when a water treatment plant is classified as Water Treatment 2 and uses conventional or direct filtration treatment to treat surface water or groundwater under the influence of surface water. Filtration endorsement certification, as prescribed by OAR 333-061-0235, is required for operators designated in direct responsible charge of a water treatment plant receiving the filtration endorsement classification, except for those operators already certified at Water Treatment Level 3 or higher.

Stat. Auth.: ORS 448.131
Stats. Implemented: ORS 448.450, 448.455, 448.460, 448.465 & 448.994
Hist.: HD 2-1988(Temp), f. & cert. ef. 2-10-88; HD 18-1988, f. & cert. ef. 7-27-88; HD 11-1989(Temp), f. & cert. ef. 12-29-89; HD 19-1990, f. 6-28-90, cert. ef. 7-2-90; HD 14-1997, f. & cert. ef. 10-31-97; OHD 7-2002, f. & cert. ef. 5-2-02; PH 16-2004(Temp), f. & cert. ef. 4-9-04 thru 10-5-04; PH 20-2004, f. & cert. ef. 6-18-04; PH 33-2004, f. & cert. ef. 10-21-04; PH 2-2006, f. & cert. ef. 1-31-06; PH 4-2009, f. & cert. ef. 5-18-09; PH 3-2013, f. & cert. ef. 1-25-13; PH 14-2014, f. & cert. ef. 5-8-14

333-061-0225 General Requirements Applying to Water Suppliers and Water Systems

(1) Water suppliers responsible for community and non-transient non-community water systems must at all times employ, contract with, or otherwise utilize an operator to be in direct responsible charge of every distribution system and water treatment plant. An operator designated in direct responsible charge of a distribution system or water treatment plant must be available during those periods of time when decisions relating to treatment processes, water quality, and water quantity that may affect public health are made.

(a) The operator(s) described in this section must be certified as prescribed by OAR 333-061-0228 or 333-061-0235 through 0265, at a level equal to or greater than the classification of the distribution system or water treatment plant as prescribed by 333-061-0220, for which they are responsible.

(b) A water supplier subject to this rule must report to the Authority, the name(s) of the operator(s) that has been designated to be in direct responsible charge of the distribution system and water treatment plant as applicable, and must notify the Authority within 30 days of any change of operator.

(2) A water supplier may employ, contract with, or utilize other operators in addition to those required by section (1) of this rule. For operators certified at less than the Authority-required level(s) for distribution or treatment, the water supplier must establish a written protocol for each of the other operators that:

(a) Describes the operational decisions the operator is allowed to make;

(b) Requires the operator to notify the operator in direct responsible charge when they make decisions related to process control, water quality or water quantity that may affect public health;

(c) Describes the specific conditions under which the operator must consult with the operator in direct responsible charge, and when and how consultation is to be made;

(d) Takes into account the certification level of the operator; their knowledge, skills, and abilities, and the range of expected operating conditions of the water system; and

(e) Is signed and dated by the operator in direct responsible charge and the operator to which the protocol applies, and is available for inspection by the Authority.

Stat. Auth.: ORS 448.131
Stats. Implemented: ORS 448.450, 448.455, 448.460, 448.465 & 448.994

ADMINISTRATIVE RULES

Hist.: HD 2-1988(Temp), f. & cert. ef. 2-10-88; HD 18-1988, f. & cert. ef. 7-27-88; HD 11-1989(Temp), f. & cert. ef. 12-29-89; HD 19-1990, f. 6-28-90, cert. ef. 7-2-90; HD 1-1996, f. 1-2-96, cert. ef. 1-5-96; HD 14-1997, f. & cert. ef. 10-31-97; OHD 16-2001(Temp), f. 7-31-01, cert. ef. 8-1-01 thru 1-28-02; Administrative correction 3-14-02; OHD 7-2002, f. & cert. ef. 5-2-02; PH 16-2004(Temp), f. & cert. ef. 4-9-04 thru 10-5-04; PH 20-2004, f. & cert. ef. 6-18-04; PH 33-2004, f. & cert. ef. 10-21-04; PH 4-2009, f. & cert. ef. 5-18-09; PH 3-2013, f. & cert. ef. 1-25-13; PH 14-2014, f. & cert. ef. 5-8-14

333-061-0228

Certification Requirements For Small Water System Operators

(1) In order to apply for certification as the operator of a water system classified as small as prescribed by OAR 333-061-0220(1), individuals must:

(a) Have graduated from high school or completed an approved GED program; and

(A) Complete an Authority approved training for small water system operations and water treatment processes; or

(B) Pass an Authority approved written examination relating to small water system operations and water treatment; and

(b) Submit a certificate demonstrating the completion of the required training or examination specified in paragraphs (1)(a)(A) or (B) of this rule.

(2) Certification at the small water system level expires on July 31 three years after the training or examination as specified in paragraphs (1)(a)(A) or (B) was completed.

(3) Individuals certified as prescribed by OAR 333-061-0235 through 333-061-0265 at levels 1 through 4 for water distribution or water treatment are qualified to be designated in direct responsible charge of a water system classified as small as prescribed by 333-061-0220(1).

(4) Small water system certification as prescribed by this rule is exempt from fees.

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 448.450, 448.455, 448.460, 448.465 & 448.994

Hist.: OHD 7-2002, f. & cert. ef. 5-2-02; PH 16-2004(Temp), f. & cert. ef. 4-9-04 thru 10-5-04; PH 20-2004, f. & cert. ef. 6-18-04; PH 33-2004, f. & cert. ef. 10-21-04; PH 7-2010, f. & cert. ef. 4-19-10; PH 3-2013, f. & cert. ef. 1-25-13; PH 14-2014, f. & cert. ef. 5-8-14

333-061-0230

Contracting For Services

(1) Water suppliers responsible for community and non-transient non-community water systems may establish contracts with an individual certified operator, another water supplier, or an organization with certified operators available for contract to obtain operational services at a public water system.

(2) Operators contracted to be in direct responsible charge of a water system, distribution system or a water treatment plant, as prescribed by OAR 333-061-0225 must be certified at or greater than the level of the classification of the water system or facility for which they will be responsible.

(3) Written contracts for operators designated in direct responsible charge of a water system must:

(a) Require the operator to be available on call 24 hours every day and able to respond on-site, to the water system, upon request; and

(b) Specify that the operator will take corrective action when the results of analyses or measurements indicate maximum contaminant levels have been exceeded or minimum treatment levels are not maintained.

(4) Water suppliers must submit to the Authority, a copy of any contract established for certified operators serving at a water system for which the water supplier is responsible.

(a) Contracts must be signed by the operator and the water supplier, or an authorized representative of the water supplier, before the operator may provide any services to the water supplier.

(b) Contracts must be submitted to the Authority within 30 days of the contract being signed by all parties.

(5) Contracts are only valid for individuals that possess current certification.

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 448.450, 448.455, 448.460, 448.465 & 448.994

Hist.: HD 2-1988(Temp), f. & cert. ef. 2-10-88; HD 18-1988, f. & cert. ef. 7-27-88; HD 19-1990, f. 6-28-90, cert. ef. 7-2-90; HD 14-1997, f. & cert. ef. 10-31-97; OHD 7-2002, f. & cert. ef. 5-2-02; PH 16-2004(Temp), f. & cert. ef. 4-9-04 thru 10-5-04; PH 20-2004, f. & cert. ef. 6-18-04; PH 33-2004, f. & cert. ef. 10-21-04; PH 2-2006, f. & cert. ef. 1-31-06; PH 7-2010, f. & cert. ef. 4-19-10; PH 14-2014, f. & cert. ef. 5-8-14

333-061-0232

General Requirements Applying to Water System Operators

Operators serving at water systems and water system facilities as specified in OAR 333-061-0210 are responsible for ensuring the safe operation of the water system facilities for which they are responsible, and the production of safe drinking water at that water system. All operators serving at water treatment plants and distribution systems must:

(1) Comply with any Authority order or investigation;

(2) Ensure every application, record, or other document filed with or reported to the Authority by the operator is true and accurate; and

(3) Immediately notify the Authority when a violation of these rules is observed that may result in a public health hazard.

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 448.450, 448.455 & 448.994

Hist.: PH 14-2014, f. & cert. ef. 5-8-14

333-061-0235

Operator Certification Requirements, Levels 1-4

Operator certification, as specified in this rule, applies to each of the levels of water system facility classification specified in OAR 333-061-0220(2) through (4), and does not apply to small water system classification as specified in 333-061-0220(1).

(1) In order to receive certification as specified in this rule, applicants must:

(a) Provide proof of, including the date of graduation or completion, a high school diploma, GED, associate's degree, bachelor's degree, master's degree, or PhD; and

(b) Successfully complete an examination for the level and type of certification sought by the applicant.

(2) Minimum qualifications for water treatment (WT) or water distribution (WD) operator certification are identified in Table 52. Experience or a combination of experience and education is required depending on the certification and level sought.

(a) Operating experience must have been gained through direct, "hands-on" operation of water system facilities and includes, but is not limited to, decisions related to water quality or quantity that may affect public health. Knowledge gained from the performance of duties as an official, inspector, manager, engineer, or director of public works, and that does not include the actual operation or supervision of water system facilities, does not qualify an individual for certification as prescribed by these rules.

(A) For water distribution certification, experience in one of the following fields may be accepted, not to exceed one-half of the total experience required: wastewater collection; water treatment; cross connection control; and industrial or commercial process water treatment.

(B) For water treatment certification, experience in one of the following fields may be accepted, not to exceed one-half of the total experience required: wastewater treatment; wastewater treatment laboratory; water distribution; and industrial or commercial process water treatment.

(C) One year of experience is equivalent to 12 months of full-time employment with one hundred percent of the individual's time dedicated to activities directly related to the certification for which they are applying.

(D) Operating experience earned at a water treatment plant or distribution system is considered qualifying experience for certification up to one classification level higher than that of the water system facility where the experience was earned.

(b) The Authority may, at its discretion, permit the substitution of post high school education for experience. Acceptable fields of study include, but are not limited to: allied sciences, chemistry, engineering, industrial or commercial water processing, wastewater collection, wastewater treatment plant operations, wastewater laboratory analysis, water distribution, and water treatment plant operations.

(A) Substituted education may not exceed one-half of the experience required for the certification and level sought.

(B) Any degree or accumulation of college credit hours must be from an educational institution accredited through an agency recognized by the U.S. Department of Education to be acceptable.

(C) The following are considered equivalent to 12 months of post high school education:

(i) One year of college education;

(ii) Thirty semester hours of college education;

(iii) Forty-five quarter hours of college education; or

(iv) Forty-five continuing education units (CEU).

(D) College credits and post high school education from other sources may be combined to total 45 CEU.

(3) Individuals may request credit for on-the-job training as either experience or education, but not both.

(4) Individuals seeking certification at water distribution and water treatment levels 3 and 4 must possess experience in operational decision making as defined in OAR 333-061-0020(125). Any work experience as specified in subsection (2)(a) of this rule qualifies as operational decision making experience if it meets the criteria specified in 333-061-0020(125).

(5) To qualify for filtration endorsement certification, as prescribed by OAR 333-061-0220(4), individuals must:

(a) Possess WT Level 2 certification;

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(b) Have one year of operational decision making experience at a water treatment plant utilizing conventional or direct filtration treatment; and

(c) Successfully pass a filtration endorsement examination.

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 448.450, 448.455, 448.460, 448.465 & 448.994

Hist.: HD 2-1988(Temp), f. & cert. ef. 2-10-88; HD 18-1988, f. & cert. ef. 7-27-88; HD 19-1990, f. 6-28-90, cert. ef. 7-2-90; HD 1-1996, f. 1-2-96, cert. ef. 1-5-96; HD 14-1997, f. & cert. ef. 10-31-97; OHD 7-2002, f. & cert. ef. 5-2-02; PH 16-2004(Temp), f. & cert. ef. 4-9-04 thru 10-5-04; PH 20-2004, f. & cert. ef. 6-18-04; PH 33-2004, f. & cert. ef. 10-21-04; PH 2-2006, f. & cert. ef. 1-31-06; PH 7-2010, f. & cert. ef. 4-19-10; PH 3-2013, f. & cert. ef. 1-25-13; PH 14-2014, f. & cert. ef. 5-8-14

333-061-0245

Applications For Certification Levels 1-4

(1) An applicant for certification must submit documentation with any application demonstrating that their qualifying experience and education meets the minimum requirements as specified in OAR 333-061-0235.

(2) To obtain initial certification or certification at a higher level by examination, individuals must:

(a) Submit complete, original, signed copies of their application for the examination, and affidavit of experience;

(b) Meet the minimum qualifications for the certification sought as prescribed by OAR 333-061-0235;

(c) Pay the applicable examination fee as prescribed by OAR 333-061-0265 for the certification sought and examination applied for; and

(d) Successfully pass the examination for the certification sought.

(3) To obtain certification by reciprocity, individuals must:

(a) Possess current, valid certification in another state or province which has a recognized certification program substantially equivalent to the requirements set forth in these rules;

(b) Submit a complete, original, signed reciprocity application and an affidavit of experience;

(c) Pay the applicable reciprocity application fee as prescribed by OAR 333-061-0265 for each certificate desired; and

(d) Pay the exam fee as prescribed by OAR 333-061-0265, for any examination as prescribed by OAR 333-061-0250, if required by the Authority.

(4) All applications for exams must be accompanied by the appropriate fee(s) and documentation, and must be submitted to the Authority 60 days prior to the desired examination date.

(5) Operating experience earned at a water treatment plant or distribution system is considered qualifying experience for examinations up to one classification level higher than that of the water system where the applicant gained their experience.

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 448.450, 448.455, 448.460, 448.465 & 448.994

Hist.: HD 2-1988(Temp), f. & cert. ef. 2-10-88; HD 18-1988, f. & cert. ef. 7-27-88; HD 11-1989(Temp), f. & cert. ef. 12-29-89; HD 19-1990, f. 6-28-90, cert. ef. 7-2-90; HD 1-1996, f. 1-2-96, cert. ef. 1-5-96; HD 14-1997, f. & cert. ef. 10-31-97; OHD 7-2002, f. & cert. ef. 5-2-02; OHD 17-2002, f. & cert. ef. 10-25-02; PH 16-2004(Temp), f. & cert. ef. 4-9-04 thru 10-5-04; PH 20-2004, f. & cert. ef. 6-18-04; PH 33-2004, f. & cert. ef. 10-21-04; PH 2-2006, f. & cert. ef. 1-31-06; PH 2-2008, f. & cert. ef. 2-15-08; PH 7-2010, f. & cert. ef. 4-19-10; PH 3-2013, f. & cert. ef. 1-25-13; PH 14-2014, f. & cert. ef. 5-8-14

333-061-0250

Examinations for Certification, Levels 1-4

(1) Examinations will be provided at locations and at times designated by the Authority or its designee.

(2) Applicants must obtain a minimum score of 70 percent in order to pass the examination.

(3) Individuals may not take the same examination more than twice in a 12 month period unless they can demonstrate, to the satisfaction of the Authority, that they have completed specific education related to the examination since taking the second examination.

(4) The Authority or its designee will score all examinations and notify applicants of the results. Examinations will not be returned to the applicant.

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 448.450, 448.455, 448.460, 448.465 & 448.994

Hist.: HD 2-1988(Temp), f. & cert. ef. 2-10-88; HD 18-1988, f. & cert. ef. 7-27-88; HD 19-1990, f. 6-28-90, cert. ef. 7-2-90; HD 14-1997, f. & cert. ef. 10-31-97; OHD 7-2002, f. & cert. ef. 5-2-02; PH 4-2003, f. & cert. ef. 3-28-03; PH 16-2004(Temp), f. & cert. ef. 4-9-04 thru 10-5-04; PH 20-2004, f. & cert. ef. 6-18-04; PH 33-2004, f. & cert. ef. 10-21-04; PH 2-2006, f. & cert. ef. 1-31-06; PH 2-2008, f. & cert. ef. 2-15-08; PH 3-2013, f. & cert. ef. 1-25-13; PH 14-2014, f. & cert. ef. 5-8-14

333-061-0260

Certificate Renewal Levels 1-4

Certification Renewal, Levels 1-4

(1) Certification expires December 31 every two years based upon the first letter in the last name of the individual. Certification for individuals with names beginning in the letters A-K expires in even numbered years, and certification for individuals with names beginning in the letters L-Z expires in odd numbered years. Certification renewal fees may be prorated if an individual's current certification expires one year prior to the beginning of the next two-year certification period.

(2) Operators must earn two continuing education units (CEU) every two years in areas of relevant subject matter as described below.

(a) CEU for specialized operator training will be accepted from the following categories at the discretion of the Authority.

(A) Technical capacity: water treatment facilities construction and performance, source construction and protection, capacity, storage, pumping and distribution facility construction and protection, water distribution integrity/leakage and water quality issues related to public/user health.

(B) Managerial capacity: water system operation, planning, system governance, development and implementation of system policies, professional support, record keeping, drinking water and related regulations to insure protection of public health, communication and involvement with water users.

(C) Financial capacity: adequacy of revenues to meet expenses, revenue sources, affordability of user charges, rate setting process, budgeting, production and utilization of a capital improvement plan, periodic financial audits, bond ratings, debt and borrowing.

(b) Two college credits in the fields of engineering, chemistry, water/wastewater technology, or allied sciences satisfy continuing education requirements.

(c) CEU from other states having standards equal to or greater than these rules may be accepted by the Authority.

(d) Maintaining CEU records is the responsibility of the operator.

(e) CEU credit will be awarded for the same course or training only once every two year period.

(3) An operator who fails to renew their certification as prescribed by section (1) of this rule by the expiration date cannot be in direct responsible charge of a water system.

(4) The Authority may grant certification renewal without a reinstatement fee until January 31 in the year following the expiration date of the certification. A reinstatement fee as prescribed by OAR 333-061-0265 is required in addition to any renewal fees for all renewal applications received after the grace period ending on January 31 immediately following the expiration date of the certification.

(5) Any certified operator who fails to renew their certification for one year following the expiration date of the certification must meet the requirements established for initial applicants for certification as specified in OAR 333-061-0245.

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 448.450, 448.455, 448.460, 448.465 & 448.994

Hist.: HD 2-1988(Temp), f. & cert. ef. 2-10-88; HD 18-1988, f. & cert. ef. 7-27-88; HD 19-1990, f. 6-28-90, cert. ef. 7-2-90; HD 14-1997, f. & cert. ef. 10-31-97; OHD 7-2002, f. & cert. ef. 5-2-02; PH 4-2003, f. & cert. ef. 3-28-03; PH 16-2004(Temp), f. & cert. ef. 4-9-04 thru 10-5-04; PH 20-2004, f. & cert. ef. 6-18-04; PH 33-2004, f. & cert. ef. 10-21-04; PH 2-2006, f. & cert. ef. 1-31-06; PH 2-2008, f. & cert. ef. 2-15-08; PH 14-2014, f. & cert. ef. 5-8-14

333-061-0265

Fees

(1) All fees must be paid to the Oregon Health Authority or its designee.

(2) Application fees are not refundable unless:

(a) The Authority has taken no action on a certification application; or
(b) The Authority determines the wrong application has been filed.

(3) Applicants for certification by exam must submit the exam fee and application fee, along with an original signed and complete application. Examination fees may be refunded if:

(a) The application is denied, or

(b) The applicant notifies the Authority no less than one week in advance of the exam that the applicant is unable to sit for the exam.

(4) Applications will be accepted for processing only when accompanied by the appropriate fees as indicated in the fee schedule below:

(a) Certification Renewal — \$80.

(b) Combination Certification—each additional — \$40.

(c) Exam Fee — \$35.

(d) Electronic Exam Fee — \$70.

(e) Application Fee:

(A) Level 1 Distribution or Treatment — \$50.

(B) Level 2 Distribution or Treatment — \$70.

(C) Level 3 Distribution or Treatment — \$90.

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- (D) Level 4 Distribution or Treatment — \$110.
- (E) Filtration Endorsement — \$50.
- (f) Reciprocity Review (each certification) — \$100.
- (g) Reinstatement — \$50 + Certificate Renewal Fee.
- (h) Document Replacement Fee — \$25.

(5) Filtration endorsement certification is an extension of an operator's water treatment certification, and no additional annual fee is required to maintain the endorsement.

(6) A document replacement fee must be paid at the time of request for a replacement document.

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 448.450, 448.455, 448.460, 448.465 & 448.994

Hist.: HD 2-1988(Temp), f. & cert. ef. 2-10-88; HD 18-1988, f. & cert. ef. 7-27-88; HD 11-1989(Temp), f. & cert. ef. 12-29-89; HD 19-1990, f. 6-28-90, cert. ef. 7-2-90; OHD 3-2000, f. 3-8-00, cert. ef. 3-15-00; OHD 7-2002, f. & cert. ef. 5-2-02; PH 16-2004(Temp), f. & cert. ef. 4-9-04 thru 10-5-04; PH 20-2004, f. & cert. ef. 6-18-04; PH 33-2004, f. & cert. ef. 10-21-04; PH 2-2006, f. & cert. ef. 1-31-06; PH 2-2008, f. & cert. ef. 2-15-08; PH 7-2010, f. & cert. ef. 4-19-10; PH 14-2014, f. & cert. ef. 5-8-14

333-061-0270

Refusal, Suspension, or Revocation of Certification

(1) The Authority may deny an individual's initial or renewal application for operator certification, or suspend or revoke an operator's certification if the applicant or operator:

(a) Obtained the certificate by fraud, deceit, or misrepresentation;

(b) Has been grossly negligent, incompetent or has demonstrated misconduct in the performance of the duties of an operator or supervisor of a distribution system or water treatment plant in Oregon or any other state, province or country;

(c) Has violated or failed to comply with any Authority rule or order;

(d) Fails to comply with any Authority investigation; or

(e) Knowingly makes any false statement or misrepresentation in any application, record, or other document filed with the Authority.

(2) An individual whose application or certification is proposed to be denied, suspended, or revoked has the right to a hearing pursuant to ORS chapter 183.

(3) No person whose certificate has been revoked under this rule is eligible to apply for certification for one year from the effective date of the final order of revocation. Any such person who applies for certification must meet all the requirements established for initial applicants.

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 431.110, 431.150, 448.450, 448.455, 448.460, 448.465 & 448.994
Hist.: HD 2-1988(Temp), f. & cert. ef. 2-10-88; HD 18-1988, f. & cert. ef. 7-27-88; HD 11-1989(Temp), f. & cert. ef. 12-29-89; HD 19-1990, f. 6-28-90, cert. ef. 7-2-90; OHD 7-2002, f. & cert. ef. 5-2-02; PH 16-2004(Temp), f. & cert. ef. 4-9-04 thru 10-5-04; PH 20-2004, f. & cert. ef. 6-18-04; PH 33-2004, f. & cert. ef. 10-21-04; PH 2-2006, f. & cert. ef. 1-31-06; PH 4-2009, f. & cert. ef. 5-18-09; PH 14-2014, f. & cert. ef. 5-8-14

333-061-0272

Suspension of Certification

(1) The Authority may immediately suspend an operator's certification for violation of any portion of OAR 333-061-0005 to 333-061-0270 if the Authority finds that such violation(s) constitute a serious danger to the public health or safety. The Authority shall set forth specific reasons for such findings.

(2) An operator has 90 days from the date of notice to the operator to request a hearing. The hearing shall be held as soon as practicable if a request for hearing is received by the Authority.

Stat. Auth.: ORS 448.131

Stats. Implemented: ORS 431.110, 431.150, 448.450, 448.455 & 448.994

Hist.: OHD 7-2002, f. & cert. ef. 5-2-02; PH 16-2004(Temp), f. & cert. ef. 4-9-04 thru 10-5-04; PH 20-2004, f. & cert. ef. 6-18-04; PH 6-2010(Temp), f. & cert. ef. 3-16-10 thru 9-10-10; PH 18-2010, f. & cert. ef. 8-12-10; PH 14-2014, f. & cert. ef. 5-8-14

Oregon Health Insurance Exchange Chapter 945

Rule Caption: Contested case hearings, definitions, and minor corrections

Adm. Order No.: OHIE 3-2014

Filed with Sec. of State: 5-12-2014

Certified to be Effective: 5-12-14

Notice Publication Date: 3-1-2014

Rules Adopted: 945-040-0180

Rules Amended: 945-040-0010, 945-040-0040, 945-040-0060, 945-040-0090, 945-040-0100, 945-040-0110, 945-040-0140

Subject: Adopts permanent rule to authorize use of lay representation in contested case hearings. Adds definitions. Makes various minor modifications.

Rules Coordinator: Gregory Jolivet—(503) 373-9406

945-040-0010

Definitions

(1) Advance payments of the premium tax credit means payment of the federal health insurance premium tax credit on an advance basis to an eligible individual enrolled in a QHP through the Exchange.

(2) American Indian, for purposes of eligibility for tax credits and cost sharing benefits, means an enrolled member of a federally recognized tribe.

(3) Appellant means an applicant or enrollee who has submitted an appeal request.

(4) Applicant means (a) An individual who is seeking eligibility for him or herself through an application submitted to the Exchange or transmitted to the Exchange by an agency administering insurance affordability programs for enrollment in a QHP, Medicaid, and/or CHIP, and (b) an employer or employee seeking eligibility for enrollment in a QHP through SHOP.

(5) Authorized representative means an individual or organization designated in writing by the applicant (individual or employee) to act on his or her behalf in applying for an eligibility determination or redetermination, and in carrying out other ongoing communications with the Exchange pursuant to 45 CFR §155.227.

(6) Benefit year means a calendar year for which a health plan provides coverage for health benefits.

(7) Catastrophic plan means a health plan described in §1302(e) of the Affordable Care Act.

(8) CHIP or Children's Health Insurance Program means the portion of the Oregon Health Plan established by Title XXI of the Social Security Act and administered by the Oregon Health Authority.

(9) Complete application means an application received by the Exchange that has the necessary information to determine eligibility and complete the enrollment process through the Exchange, in accordance with 45 CFR 155.315 and 155.310.

(10) Cost sharing means any expenditure required by or on behalf of an enrollee with respect to essential health benefits. This includes deductibles, coinsurance, copayments, or similar charges, but excludes premiums, balance billing amounts for non-network providers, and spending for non-covered services.

(11) Cost sharing reductions means reductions in cost sharing for an eligible individual enrolled in a silver level QHP in the Exchange or for an individual who is an eligible American Indian enrolled in a QHP through the Exchange.

(12) Date of request, for Medicaid eligibility, means the date that the initial request for benefits is made.

(13) Department of Health and Human Services or HHS means the United States Department of Health and Human Services.

(14) Eligible employee has the meaning given in the Oregon Insurance Code.

(15) Employee has the meaning given in section 2791 of the Public Health Services Act.

(16) Employer has the meaning given to the term in section 2791 of the PHS Act except that such term includes employers with one or more employees.

(17) Enrollee means a qualified individual or a qualified employee enrolled in a QHP.

(18) Exchange means the Oregon Health Insurance Exchange doing business as Cover Oregon.

(19) Essential health benefits consists of the following general categories and the items and services covered within the categories:

(a) Ambulatory patient services;

(b) Emergency services;

(c) Hospitalization;

(d) Maternity and newborn care;

(e) Mental health and substance use disorder services and devices;

(f) Prescription drugs;

(g) Rehabilitative and habilitative services and devices;

(h) Laboratory services;

(i) Preventive and wellness services and chronic disease management;

and

(j) Pediatric services, including oral and vision care.

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(20) Federal poverty level (or FPL) means the most recently published Federal poverty level as of the first day of the annual open enrollment period for coverage in a QHP through the Exchange.

(21) Full-time employee:

(a) For plan years beginning prior to January 1, 2016, a full-time employee means an employee that works at least 17.5 hours and not more than 40 hours per week and is otherwise determined to be a full-time employee by a small employer provided that the same number of hours for fulltime employment applies to all employees.

(b) For plan years beginning on or after January 1, 2016, full-time employee has the meaning given in section 4980H of the Internal Revenue Code.

(22) Grandfathered health plan has the meaning given in 45 CFR §147.140.

(23) Household has the meaning given in 42 CFR §435.603.

(24) Household income has the meaning given in 26 CFR §1.36B and 42 CFR §435.603.

(25) Individual market means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

(26) Insurance affordability programs means advance payments of the federal health insurance premium tax credit, cost sharing reductions, and MAGI-based Medicaid and CHIP.

(27) Lawfully present has the meaning given in 45 CFR §152.2.

(28) MAGI-based Medicaid and CHIP means Medicaid and CHIP programs for which eligibility is based on modified adjusted gross income, and not primarily on age or disability.

(29) Medicaid means medical assistance programs established by Title XIX of the Social Security Act and administered in Oregon by the Oregon Health Authority.

(30) Minimum contribution requirement in the case of a medical plan means a small employer must contribute at least 50 percent of the employee-only premium. If a small employer elects to offer more than one medical plan to employees through SHOP, the minimum contribution requirement will be determined based on a reference plan selected by the employer. In the case of a dental plan, the employer must contribute at least \$20 per enrolling employee.

(31) Minimum essential coverage has the meaning given in section 5000(A)(f) of the Internal Revenue Code.

(32) Minimum participation requirement, in the case of a medical plan means that at least 75 percent of the employees offered SHOP medical coverage must enroll. In the case of a dental plan, at least 50 percent of the employees offered SHOP dental coverage must enroll.

(33) Modified adjusted gross income (or MAGI) means adjusted gross income adjusted by any amount excluded from gross income under IRS Code §911, any interest accrued, and social security benefits not included in gross income.

(34) OHA means Oregon Health Authority.

(35) Plan year means a consecutive 12-month period during which a health plan provides coverage for health benefits. A plan year may be a calendar year or otherwise.

(36) Primary applicant means the individual named on the application who is responsible for providing information necessary to determine eligibility and calculate benefits and who will receive all information from the Exchange related to the application.

(37) Qualified employer means an employer who meets the requirements to participate in the Small Business Health Options Program.

(38) Qualified health plan (or QHP) means a health plan that is certified by the Exchange as eligible to be sold and purchased through the Exchange.

(39) Resident means an individual who lives in Oregon with or without a fixed address, or intends to live in Oregon, including an individual who enters Oregon with a job commitment or looking for work. There is no minimum amount of time an individual must live in Oregon to be a resident. An individual continues to be a resident of Oregon during a temporary period of absence if he or she intends to return when the purpose of the absence is completed. An individual is not a resident if the individual is in Oregon solely for a vacation or other leisure activity.

(40) Silver-level qualified health plan means a QHP that provides a level of coverage that is designed to on average provide benefits that are actuarially equivalent to 70 percent of the full actuarial benefits provided under the plan.

(41) Small employer has the meaning given in the Oregon Insurance Code.

(42) Tax filer has the meaning given in 45 CFR §155.300.

(43) United States nationals are persons who owe permanent allegiance to the United States and may enter and work in the United States without restriction. This includes persons born in American Samoa or Swain's Island after December 24, 1952, and residents of the Northern Mariana Islands who did not elect to become United States citizens.

(44) Valid appeal request means an appeal request or amended appeal request from an applicant or an authorized representative made in accordance with OAR 945-040-0100(1) and that is received by the Exchange within 90 days of the date of the eligibility notice in the manner prescribed in 945-010-0100(5).

Stat. Auth.: ORS 741.002

Stats. Implemented: ORS 741.500

Hist.: OHIE 6-2013, f. & cert. ef. 9-30-13; OHIE 3-2014, f. & cert. ef. 5-12-14

945-040-0040

Eligibility for Insurance Affordability Programs

(1) Advance Payments of the Premium Tax Credit. In order to qualify for advance payments of the premium tax credit, a tax filer must:

(a) Be expected to have household income greater than or equal to 100 percent, but not more than 400 percent of the Federal Poverty Level (FPL) for the benefit year; and one or more applicants for whom the tax filer expects to claim a personal exemption deduction on his or her tax return for the benefit year including the tax filer and his or her spouse must:

(A) Be eligible for enrollment in a qualified health plan; and

(B) Not be eligible for minimum essential coverage, with the exception of coverage in the individual market; and

(b) Attest that he or she:

(A) Will file an income tax return for the benefit year;

(B) If married, will file a joint tax return for the benefit year;

(C) Will not be claimed as a tax dependent by another tax filer for the benefit year; and

(D) Will claim a personal exemption deduction on his or her tax return for the applicants identified as members of his or her family including the tax filer and his or her spouse.

(2) An individual is treated as eligible for employer-sponsored minimum essential coverage only if:

(a) The employee's share of the annual premium for self-only coverage does not exceed 9.5 percent of the taxpayer's household income for the taxable year and the insurer's share of the total allowed costs of benefits provided under the plan is at least 60 percent of those costs; or

(b) The individual actually enrolls in the coverage, including coverage that does not provide minimum value and exceeds 9.5 percent of the taxpayer's household income for the taxable year.

(3) A qualified individual must enroll through the Exchange in a qualified health plan that is not a catastrophic plan to receive advance payments of the premium tax credit.

(4) A qualified individual may accept less than the full amount of advance payments of the premium tax credit for which he or she is determined eligible.

(5) A qualified individual who receives advance payments of the premium tax credit and does not file an income tax return and reconcile payments of the tax credit as required by the federal government may not be eligible for advance payments of the premium tax credit for the next benefit year.

(6) Cost Sharing Reductions. In order to qualify for cost sharing reductions, an individual must:

(a) Be eligible for enrollment in a qualified health plan;

(b) Be eligible for advance payments of the premium tax credit;

(c) Be expected to have household income that does not exceed 250 percent of FPL; and

(d) Be enrolled in a silver-level qualified health plan, except as provided in 945-040-0050 for members of federally recognized Indian tribes.

(7) The Exchange must use the following eligibility categories for cost sharing reductions:

(a) Individuals expected to have household income less than or equal to 150 percent of FPL. Individuals in this category will be eligible for cost sharing reductions such that the silver plan covers between 93 and 95 percent of the average expected medical expenses for essential health benefits.

(b) Individuals expected to have household income greater than 150 percent of FPL and less than or equal to 200 percent of FPL. Individuals in this category will be eligible for cost sharing reductions such that the silver plan covers between 86 and 88 percent of the average expected medical expenses for essential health benefits

(c) Individuals expected to have household income greater than 200 percent of FPL and less than or equal to 250 percent of FPL. Individuals in this category will be eligible for cost sharing reductions such that the silver

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plan covers between 72 and 74 percent of the average expected medical expenses for essential health benefits.

(8) MAGI-based Medicaid and CHIP Programs. The Exchange must determine eligibility for MAGI-based Medicaid and CHIP programs in accordance with OAR 410-200.

Stat. Auth.: ORS 741.002

Stats. Implemented: ORS 741.500

Hist.: OHIE 6-2013, f. & cert. ef. 9-30-13; OHIE 3-2014, f. & cert. ef. 5-12-14

945-040-0060

Application Process

(1) An individual, authorized representative, or someone acting on behalf of an individual, must complete the application prescribed by the Exchange in order for the Exchange to determine eligibility for:

- (a) Enrollment in a qualified health plan;
- (b) Advance payments of the premium tax credit;
- (c) Cost sharing reductions; and
- (d) MAGI-based Medicaid and CHIP.

(2) An applicant who has a Social Security number must provide such number to the Exchange.

(3) An individual who is not seeking coverage for himself or herself is not required to provide a Social Security number, except that he or she must provide the Social Security number of the tax filer who is not an applicant only if the applicant attests that the tax filer has a Social Security number and filed a tax return for the year for which tax data would be used for verification of household income.

(4) An applicant, authorized representative or other individual acting on behalf of the applicant may file an application:

- (a) Via the Exchange Internet Web site;
- (b) By telephone through a call center;
- (c) By mail, including emails and faxes; or
- (d) In person.

(5) An applicant for individual market coverage may request an eligibility determination:

- (a) Only for enrollment in a qualified health plan; or
- (b) Both for enrollment in a qualified health plan, and insurance affordability programs.

(6) An applicant for individual market coverage may not apply for less than all of the insurance affordability programs.

(7) If an applicant for individual market coverage does not specify his or her preference to limit the eligibility determination to enrollment in a qualified health plan, the Exchange must determine the applicants' eligibility for insurance affordability programs.

(8) The Exchange must provide written notice to an applicant of any eligibility determination made in accordance with this section, including information on the applicant's right to appeal the determination and instructions regarding how to file an appeal.

(9) If the Exchange receives an incomplete application, the application will be suspended until further information is received.

(a) The Exchange will notify the applicant in a timely manner of the information that is missing, what information must be submitted to complete the application and by what date the information should be submitted.

(b) Upon receipt of a complete application, the Exchange will determine the applicant's eligibility within 45 days.

(c) If the applicant is Medicaid eligible and provides the requested information to complete the application within 45 days of the original date of request, that original date of request will be used to determine when coverage or benefits begin.

Stat. Auth.: ORS 741.002

Stats. Implemented: ORS 741.500

Hist.: OHIE 6-2013, f. & cert. ef. 9-30-13; OHIE 3-2014, f. & cert. ef. 5-12-14

945-040-0090

Compliance with Code of Federal Regulations

(1) These rules incorporate by reference 45 CFR §155.305, §155.310, §155.315, §155.320, §155.330, §155.350, §155.710, §155.715, and Subpart F.

(2) To the extent these rules do not address an applicable provision in the federal rules or are inconsistent with the federal rules, the applicable federal rule governs.

Stat. Auth.: ORS 741.002

Stats. Implemented: ORS 741.500

Hist.: OHIE 6-2013, f. & cert. ef. 9-30-13; OHIE 3-2014, f. & cert. ef. 5-12-14

945-040-0100

Appeals of Exchange Eligibility Determinations

(1) An applicant or enrollee, or an authorized representative of an applicant or enrollee has the right to appeal a decision by the Exchange concerning:

(a) An initial determination of eligibility or redetermination of eligibility for:

(A) Enrollment in a qualified health plan, including enrollment in a qualified health plan that is a catastrophic plan;

(B) Advance payments of the premium tax credit, including the amount of advance payments of the premium tax credit;

(C) Cost-sharing reductions, including the level of cost-sharing reductions; and

(D) MAGI-based Medicaid and CHIP.

(b) Failure of the Exchange to issue the eligibility notice within 45 days of date of complete application.

(2) An individual or enrollee who wishes to appeal a decision regarding an exemption from the individual mandate must follow the instructions provided with the eligibility determination notice supplied by the US Department of Health and Human Services.

(3) An employer who wishes to appeal a determination that the employer does not provide minimum essential coverage through an employer-sponsored plan or that the coverage is not affordable coverage with respect to an employee must follow the instructions provided with the eligibility determination notice supplied by the US Department of Health and Human Services.

(4) To appeal an eligibility determination or the timeliness of such a decision an applicant or enrollee must submit an appeal request to the Exchange within 90 days of the date on the eligibility determination notice.

(5) The Exchange must accept appeal requests submitted to it:

(a) By telephone. Exchange or OHA staff will assist the applicant or enrollee over the telephone to complete Form CO-P-00012, incorporated by reference;

(b) By mail, using form CO-P-00012 that can be printed from the Exchange's website, if postmarked within the timeframe specified in section 4 of this rule;

(c) By fax; using form CO-P-00012 that can be printed from the Exchange's website; or

(d) Via the Internet on the Exchange's website or to the Exchange using electronic mail (email) to appeals@coveroregon.com and attaching form CO-P-00012.

(6) An appeal will not be denied for failure to complete form CO-P-00012.

(7) Upon receipt of a valid appeal request, the Exchange must:

(a) Send timely acknowledgement of the receipt of a valid appeal request to the appellant including:

(A) Information on the appellant's eligibility pending appeal; and

(B) An explanation that any advance payments of the premium tax credit paid on behalf of the tax filer pending appeal are subject to reconciliation under 26 CFR 1.36B-4; and

(b) Coordinate with OHA, if applicable, to review the appeal request and determine which entity will take the lead to process the appeal.

(8) Upon receipt of an appeal request that is not valid, the Exchange must promptly and without undue delay inform the applicant or enrollee in writing:

(a) That the appeal request has not been accepted;

(b) About the nature of the defect in the appeal request; and

(c) That within 21 days of such notice, the applicant or enrollee may cure the defect and resubmit the appeal request.

(9) An appellant has the right to an expedited appeal when the time otherwise allowed for an appeal could jeopardize the individual's life, health or ability to attain, maintain, or regain maximum function. The Exchange shall review the request to determine eligibility for an expedited appeal and approve or deny the request for an expedited appeal.

(10) If a request for an expedited appeal is denied, the Exchange shall:

(a) Use the standard appeal time frame; and

(b) Inform the appellant of the denial promptly and without undue delay, either orally or through electronic means. If oral notification is provided, the Exchange must follow up with written notice within the time-frame established by the secretary of HHS.

(11) Written notice of denial of a request for an expedited appeal must include:

(a) The reason for the denial;

(b) An explanation that the appeal request will be transferred to the standard process; and

ADMINISTRATIVE RULES

(c) An explanation of the appellant's rights under the standard process.

Stat. Auth.: ORS 741.002
Stats. Implemented: ORS 741.500
Hist.: OHIE 6-2013, f. & cert. ef. 9-30-13; OHIE 3-2014, f. & cert. ef. 5-12-14

945-040-0110

Eligibility Pending Appeal

(1) Continued Eligibility. After receipt of a valid appeal request that concerns a redetermination of eligibility, the Exchange shall continue the appellant's eligibility for enrollment in a QHP, advance payments of the premium tax credit, and cost-sharing reductions, as applicable, in accordance with the level of eligibility immediately before the redetermination being appealed unless the appellant chooses not to continue eligibility.

(2) Continued Benefits

(a) After receipt of a valid appeal request that concerns a redetermination of eligibility, an appellant shall elect whether to maintain benefits, as applicable, in accordance with the level of eligibility immediately before the redetermination being applied.

(A) Benefits, for the purpose of this section, include enrollment in a Qualified Health Plan, advance payments of the premium tax credit, and cost-sharing reductions, as applicable.

(B) An appellant who meets the eligibility criteria in OAR 945-040-0040 may reduce the amount of tax credit previously selected.

(b) If the appellant elects to continue benefits during the appeal process, and the redetermination does not produce a new eligibility level, then the previous level of eligibility shall remain in effect.

(c) If the appellant elects to continue benefits during the appeal process and the redetermination produces a different level of benefits from the original determination, such benefits shall be retroactive, at the choice of the appellant, to the date on the eligibility determination notice.

(d) If the appellant elects to discontinue benefits during the appeal process and the redetermination produces a different level of benefits from the original determination, such benefits shall be retroactive, at the choice of the appellant, to the date on the eligibility determination notice.

(e) If the appellant elects to discontinue benefits during the appeal process and the original determination is maintained, the appellant's ability to enroll in QHP, will be limited by CFR 155.410, 155.420 and other applicable federal provisions.

(3) The Exchange shall determine an appellant's eligibility for continuing benefits in MAGI-based Medicaid and CHIP programs in accordance with OAR 410-200-0145.

Stat. Auth.: ORS 741.002
Stats. Implemented: ORS 741.500
Hist.: OHIE 6-2013, f. & cert. ef. 9-30-13; OHIE 3-2014, f. & cert. ef. 5-12-14

945-040-0140

Dismissals

(1) The Exchange shall dismiss an appeal if the appellant:

(a) Withdraws the appeal request in writing or on the record, including at the hearing;

(b) Fails to appear at a scheduled hearing without good cause;

(c) Fails to submit a valid appeal request;

(d) Fails to provide required information requested by an Exchange appeals representative;

(e) Dies while the appeal is pending; or

(f) No longer has a valid appealable issue in dispute.

(2) If an appeal is dismissed under this rule the Exchange shall provide a timely dismissal order to the appellant, including

(a) The reason for dismissal

(b) An explanation of the dismissal's effect on the appellant's eligibility; and

(c) An explanation of how the appellant may show good cause why the dismissal should be vacated in accordance with section (3) of this rule.

(3) The Exchange may vacate a dismissal and proceed with the appeal if the appellant makes a written request received by the Exchange with 30 days of the date of the notice of dismissal showing good cause why the dismissal should be vacated.

(4) If a request to vacate a dismissal is denied, the Exchange must provide timely written notice to the appellant of the denial.

(5) For purposes of this rule, "good cause" has the meaning given in OAR 137-003-0501(7).

Stat. Auth.: ORS 741.002
Stats. Implemented: ORS 741.500
Hist.: OHIE 6-2013, f. & cert. ef. 9-30-13; OHIE 3-2014, f. & cert. ef. 5-12-14

945-040-0180

Lay Representation in Contested Case Hearings

(1) Subject to the approval of the Attorney General, an officer or employee of the Oregon Health Insurance Exchange (Exchange) is authorized to appear on behalf of the Exchange in the following types of contested case hearings conducted by the Office of Administrative Hearings:

(a) Appeals by individual applicants or enrollees, or an authorized representative of an individual applicant or enrollee, of a decision by the Exchange concerning an initial determination of eligibility or redetermination of eligibility for:

(A) Enrollment in a qualified health plan, including enrollment in a qualified health plan that is a catastrophic plan;

(B) Advance payments of the premium tax credit, including the amount of advance payments of the premium tax credit;

(C) Cost sharing reductions, including the level of cost-sharing reductions;

(D) MAGI-based Medicaid and CHIP program eligibility relevant to appeals described in subsection (a)(A)-(C); and coordination with the Oregon Health Authority concerning appeals of MAGI-based Medicaid and CHIP eligibility decisions; or

(b) Appeals by individual applicants and enrollees, or an authorized representative of an individual applicant or enrollee, alleging failure of the Exchange to act on an application within 45 days of the filing date.

(2) The Exchange representative may not make legal argument on behalf of the Exchange.

(3) "Legal argument" includes arguments on

(a) The jurisdiction of the Exchange to hear the contested case;

(b) The constitutionality of a statute or rule or the application of a constitutional requirement to the Exchange; and

(c) The application of court precedent to the facts of the particular contested case proceeding.

(4) "Legal argument" does not include presentation of motions, evidence, examination and cross-examination of witnesses, or representation 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 Exchange 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.

(5) If the administrative law judge determines that statements or objections made by the Exchange 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 Exchange to consult with 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.

(6) For purposes of this rule, "applicant" has the meaning in OAR 945-040-0010(4)(a), and "enrollee" has the meaning in 945-040-0010(15) for qualified individuals.

Stat. Auth.: ORS 741.002
Stats. Implemented: ORS 741.002 & 183.452
Hist.: OHIE 7-2013(Temp), f. & cert. ef. 11-18-13 thru 5-17-14; OHIE 8-2013(Temp), f. & cert. ef. 12-23-13 thru 5-17-14; OHIE 3-2014, f. & cert. ef. 5-12-14

Oregon Housing and Community Services Department

Chapter 813

Rule Caption: Increases the single and multi-family award limits required for State Housing Council approval.

Adm. Order No.: OHCS 24-2014(Temp)

Filed with Sec. of State: 4-17-2014

Certified to be Effective: 4-17-14 thru 10-14-14

Notice Publication Date:

Rules Amended: 813-001-0007

Subject: The amendments will increase the single family and multi-family award limits that require approval by the State Housing Council

Rules Coordinator: Sandy McDonnell—(503) 986-2012

ADMINISTRATIVE RULES

813-001-0007

Procedural Rules for State Housing Council Review and Determination with Respect to Certain Housing Loan, Grant and Other Funding Award Proposals by the Director

(1) The Director or the Director's Department designees shall submit proposed loan, grant or other funding award proposals arising under ORS 456.515 to 456.725 programs to the State Housing Council for review and approval if the proposal is for:

(a) A proposed single-family loan on property with a purchase price which, when reduced by costs of purchase other than the Department loan, is equal to or greater than seventy-five percent of the applicable area program purchase price limit or \$190,000, whichever is greater; or

(b) A housing grant or other housing funding award with respect to a multifamily housing project equal to or greater than \$200,000 per funding source with an aggregate minimum threshold per project of \$400,000.

(2) The Council shall review each loan, grant or other funding award proposal submitted by the Director under this section and approve or disapprove the loan, grant or other funding award proposal. An approval by the Council of any loan, grant or other funding award may be partial or in full and may contain any conditions that the Council may prescribe.

(3) Formal Council review of loan, grant or other funding award proposals under this section shall be conducted in a public meeting, whether in person or by telephone or other electronic means. The Council may go into executive session, as appropriate, in the course of its review. A Council public meeting notice, when required by ORS 192.640, shall include notice of the loan, grant or other funding award proposal review, the names of the applicants, and the subject of the loan, grant or funding award proposal. The Council also shall provide notice of any loan, grant or other funding award proposal review to the loan, grant or other funding award applicant not less than five days before the review hearing.

(4) The public may contact the Department for available information with respect to prospective Council review of loan, grant or other funding award proposals by telephoning (503) 986-2000 or addressing written correspondence to: Oregon Housing and Community Services Department, 725 Summer Street NE, Suite B, Salem OR 97301.

(5) Procedural rules addressing other programs administered by the Department are included, where applicable, in other divisions of this chapter. Additional procedural rules with respect to the review and approval of housing grants, loans and other funding awards also may be included, where applicable, in other divisions of the chapter.

Stat. Auth.: ORS 90.630, 90.771 - 90.775, 90.800 - 90.840, 183, 315.271, 317.097, 446.525 - 446.543, 456.515 - 456.725, 458.210 - 458.365, 458.405 - 458.460, 458.505 - 458.740, 566.310 - 566.350 & 757.612 - 757.617

Stats. Implemented: ORS 90.630, 90.771 - 90.775, 90.800 - 90.840, 183, 315.271, 317.097, 446.525 - 446.543, 456.515 - 456.725, 458.210 - 458.365, 458.405 - 458.460, 458.505 - 458.740, 566.310 - 566.350 & 757.612 - 757.617

Hist.: OHCS 2-2005(Temp), f. & cert. ef. 8-4-05 thru 1-31-06; OHCS 2-2006, f. & cert. ef. 1-31-06; OHCS 8-2013(Temp), f. & cert. ef. 6-21-13 thru 12-18-13; OHCS 19-2013, f. & cert. ef. 12-18-13; OHCS 24-2014(Temp), f. & cert. ef. 4-17-14 thru 10-14-14

Rule Caption: Increases award limits required for State Housing Council approval and removes manual date.

Adm. Order No.: OHCS 25-2014(Temp)

Filed with Sec. of State: 4-17-2014

Certified to be Effective: 4-17-14 thru 10-14-14

Notice Publication Date:

Rules Amended: 813-005-0005, 813-005-0020

Subject: The rules are amended to increase the single family and multi-family award limits requiring approval by the State Housing Council. OAR 813-005-0020 specifies that the General Policy and Guideline Manual, as amended from time to time, is adopted by reference and will be applicable to the administration and operation of department programs.

Rules Coordinator: Sandy McDonnell—(503) 986-2012

813-005-0005

Definitions

(1) Terms used in OAR chapter 813 have the meanings given them in the Act, in this section, otherwise in OAR chapter 813 or in other applicable law, unless the context indicates to the contrary. Such terms need not be capitalized. Undefined terms are intended to be read consistently with their normal usage unless the context indicates otherwise.

(2) Pursuant to ORS 456.555(5)(b) the Housing and Community Services Department by administrative rule, must identify and distinguish between housing programs and community services programs. Any program administered by the department (as principal and not agent) that is not

listed in this subsection, does not principally involve the financing, regulation, maintenance or support of housing or home ownership or otherwise defined in statute or in this chapter as a housing program is a "community service program." Accordingly, the following programs administered by the department are housing programs:

- (a) Multi-Unit Housing Program (OAR 813-010);
- (b) Rental Housing Program (OAR 813-012);
- (c) Oregon Rural Rehabilitation Program (OAR 813-015);
- (d) Single-Family Mortgage Program (OAR 813-020);
- (e) Elderly Housing Program (OAR 813-030);
- (f) Pass-Through Revenue Bond Financing Program (OAR 813-035);
- (g) Pre-Development Program (OAR 813-038);
- (h) Farmworker Housing Development Account (OAR 813-039);
- (i) Seed Money Advance Program (OAR 813-040);
- (j) Farmworker Housing Tax Credit Program (OAR 813-041);
- (k) Housing Development Program (OAR 813-042);
- (l) Housing Loan Guarantee Program (OAR 813-043);
- (m) Homeownership Assistance Program (OAR 813-044);
- (n) Housing Development Account Program (813-045);
- (o) Emergency Housing Program (OAR 813-046);
- (p) Housing Revitalization Program (OAR 813-048);
- (q) Disabled Housing Program (OAR 813-060);
- (r) Home Improvement Loan Program (OAR 813-070);
- (s) Mortgage Credit Certificate Program (OAR 813-080);
- (t) Low-Income Housing Tax Credit Program (OAR 813-090);
- (u) Oregon Affordable Housing Tax Credit Program (OAR 813-110);
- (v) Home Investment Partnerships Program (OAR 813-120);
- (w) HELP Program (OAR 813-130);
- (x) Incentive Fund Program (OAR 813-140);
- (y) Subsidized Development Visitability Program (OAR 813-310);
- (z) General Guarantee Program (OAR 813-350); and

(aa) Other activities of the department involving the financing, regulation, maintenance or support of housing or home ownership or that otherwise are defined in statute or in this chapter as a housing program.

(3) Pursuant to ORS 456.555, the Housing and Community Services Department is to establish from time to time, by administrative rule, the threshold property purchase price at which a single-family home ownership loan on property must be submitted by the department to the State Housing Council for approval or disapproval as well as the threshold value for a housing grant or other housing funding award for multifamily housing. Presently, the threshold property purchase price for single-family home ownership that obligates the department to obtain State Housing Council review and approval of a proposed single-family loan is that purchase price which, when reduced by costs of purchase other than the department loan, is equal to or greater than seventy-five percent of the applicable area program purchase price limit or \$190,000, whichever is greater. The threshold value of a housing grant or other housing funding award with respect to a multifamily housing development (project) that obligates the department to obtain State Housing Council review and approval is \$200,000 per funding source with an aggregate threshold per project of \$400,000.

(4) "Acquisition loan" means a loan for the purpose of financing the purchase of an existing Project.

(5) "Act" means ORS 456.515 through 456.725 and, given the context, also may include 458.005 through 458.740, 90.800 through 90.840, and 91.886.

(6) "Approved lender" means any person authorized to engage in the business of making loans of the general character of program loans, who meets the qualifications for an approved lender set forth in the applicable program rules and who contracts with the department to make program loans.

(7) "Approved servicer" means any person authorized to engage in the business of servicing loans of the general character of program loans, who meets the qualifications for an approved servicer set forth in the applicable program rules and who contracts with the department to service program loans.

(8) "Bond" means any bond, note or other evidence of indebtedness issued to obtain funds to provide financing for a program of the department as provided in the Act or as further defined by statute.

(9) "Borrower" means an eligible borrower who has received a program loan.

(10) "Break-even occupancy" means the point in time when a project's monthly rental income meets its monthly operating expenses and debt service.

ADMINISTRATIVE RULES

(11) "Commitment" means the written conditional obligation of the department to make, purchase, service or sell a program loan or other funding award.

(12) "Community service programs" are defined in subsection (2) of this section.

(13) "Contingency escrow account" means an account generally not to exceed 3% of the initial principal amount of the program loan, established by the sponsor in the form of a savings account, time certificate of deposit, or irrevocable letter of credit assigned to the department.

(14) "Cooperative" is a consumer housing entity formed according to the provisions of ORS Chapter 62, as amended.

(15) "Department" means the Housing and Community Services Department of the state of Oregon established pursuant to ORS 456.555 originally enacted by enrolled House Bill 3377, chapter 739, Oregon Laws 1991.

(16) "Director" means the chief administrative officer of the Housing and Community Services Department established pursuant to ORS 456.555(2).

(17) "Elderly household" means a household residing in the state of Oregon whose head is over the age of 58 or 55, as applicable.

(18) "Eligible borrower" means a person who satisfies the criteria to receive a program loan as set forth in the applicable program rules, statutes or department orders.

(19) "Escrow payments" means the monthly payments made by the sponsor or borrower and placed in an escrow reserve account for the payment of property taxes, insurance premiums and reserve for replacements and other identified costs as required by the department in accordance with the program loan.

(20) "Funding documents" means any and all documents required by the department to document a housing grant or other funding award or reservation commitment including, but not limited to loan agreements, regulatory agreements, operating agreements, reservation letters, guarantees or otherwise.

(21) "Housing Council" or "State Housing Council" means that seven-member body established by ORS 456.

(22) "Housing programs" are defined in subsection (2) of this section.

(23) "Lending department" means a commercial bank, savings and loan association, savings bank, mortgage banker Federal Housing Administration, Farmers Home Administration or other department that provides permanent or construction mortgage loans.

(24) "Loan agreement" means a written agreement, typically executed at loan closing, between the department and a sponsor establishing the terms of any department loan.

(25) "Loan closing" means the disbursement by the department of the program loan proceeds after execution and recording of the loan documents.

(26) "Loan documents" means the written agreements by and between the sponsor and the department or in favor of the department, typically executed at loan closing, and generally including, but not necessarily limited to the promissory note, the loan agreement, the trust deed and the regulatory agreement.

(27) "Mobile home park" means a project consisting of individual lots and mobile homes located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, and which complies with all ordinances, plans and codes in the area.

(28) "NOFA" means a notice of funding availability.

(29) "Operating agreement and declaration of restrictive covenants and equitable servitudes" or "operating agreement" means a written agreement typically executed at loan closing between the department and the sponsor of a project under the department's pass-through revenue bond program and regulating the use of revenues and operation of the project, particularly with respect to tenant income and unit rent compliance by the sponsor.

(30) "Person" means any natural or legal person.

(31) "Procedural guide" means a manual of written procedures adopted by the department to carry out a program.

(32) "Program" means a statutorily authorized plan or order of business conducted by the department.

(33) "Program loan" means a loan made pursuant to a program of the department.

(34) "Program requirements" means the requirements with respect to any department funding program including but not limited to as contained in or arising from applicable administrative rules, solicitation documents, funding documents, department directives, federal, state and local statutes, codes, regulations or determinations and other applicable law.

(35) "Qualified insurer" means the Federal Housing Administration, the Veterans' Administration, or any other person who is authorized to insure or guarantee payment of loans and who is approved by the department.

(36) "Regulatory agreement and declaration of restrictive covenants and equitable servitudes" or "regulatory agreement" means a written agreement typically executed at loan closing between the department and a sponsor regulating the use of revenues and operation of the project for which a department loan is issued, particularly pertinent with respect to compliance by the sponsor with maintaining the status of any involved bond issue.

(37) "Rent-up reserve account" means an account set up by the sponsor and under the control of the department to assure sufficient funds to pay operating expenses and debt service of the project before break-even occupancy.

(38) "Replacement cost reserve account" means an account established to aid in payment for extraordinary maintenance or repair of a project or for replacement of capital items of a project as allowed by the department.

(39) "Seed money advance" means an advance given to a qualified housing sponsor to pay preconstruction costs.

(40) "Single-family residence" means a housing unit intended and used for occupancy by one household and the property on which it is located. This shall be real property located in the state of Oregon. A single-family residence may include a single-family residence, condominium unit, a dwelling in a planned unit development (PUD), or a mobile or manufactured home which has a minimum of 400 square feet of living space and a minimum width in excess of 102 inches and is of a kind customarily used at a fixed location.

(41) "Solicitation" means a process by which the department invites applications for a housing grant or other funding award with respect to a project.

(42) "Solicitation documents" means those documents that, inter alia, set forth the terms and conditions of a solicitation.

(43) "Sponsor" means any person meeting the legal, financial, credit and other qualifications to be the borrower on a department loan and to own and operate a project as set forth in the applicable program rules, statutes and department orders.

(44) "Targeted area" means an area in the state designated by the department in compliance with the requirements of Section 143(j) of the Internal Revenue Code of 1986, as amended, and approved by the United States Departments of Treasury and Housing and Urban Development.

(45) "Trustee" means the state treasurer or, with the approval of the department, a private financial institution in Oregon acting pursuant to an indenture of trust or other appropriate instrument.

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

Stat. Auth.: ORS 90.630, 90.771 - 90.775, 90.800 - 90.840, 183, 315.271, 317.097, 446.525 - 446.543, 456.515 - 456.725, 458.210 - 458.365, 458.405 - 458.460, 458.505 - 458.740, 566.310 - 566.350 & 757.612 - 757.617

Stats. Implemented: ORS 456.515 - 456.720

Hist.: 1HD 7-1984, f. & ef. 9-4-84; HSG 1-1987(Temp), f. & ef. 2-5-87; HSG 5-1987, f. & ef. 3-10-87; Renumbered from 813-001-0006; HSG 3-1989(Temp), f. & cert. ef. 6-8-89; HSG 5-1989, f. & cert. ef. 11-3-89; HSG 2-1991(Temp), f. & cert. ef. 8-7-91; HSG 8-1991, f. & cert. ef. 12-23-91; OHCS 1-2005(Temp), f. & cert. ef. 8-4-05 thru 1-31-06; OHCS 3-2006, f. & cert. ef. 1-31-06; OHCS 14-2013(Temp), f. & cert. ef. 6-21-13 thru 12-18-13; OHCS 18-2013, f. & cert. ef. 12-18-13; OHCS 25-2014(Temp), f. & cert. ef. 4-17-14 thru 10-14-14

813-005-0020

General Policy and Guideline Manual

The General Policy and Guideline Manual, as amended from time to time, is incorporated into this Division by reference and has application, inter alia, to the solicitation, review, reservation, award and documentation of housing grants and other funding awards with respect to affordable multifamily housing projects as well as to the operation and compliance of such projects with applicable habitability, affordability and other requirements irrespective of the program source of funding.

Stat. Auth.: ORS 91.886, 317.097 & 456.555

Stats. Implemented: ORS 90.800 - 90.840, 91.886, 317.097, 456.515 - 456.725 & 458.005 - 458.740

Hist.: OHCS 14-2013(Temp), f. & cert. ef. 6-21-13 thru 12-18-13; OHCS 18-2013, f. & cert. ef. 12-18-13; OHCS 25-2014(Temp), f. & cert. ef. 4-17-14 thru 10-14-14

Oregon Liquor Control Commission Chapter 845

Rule Caption: Creates distinct licensing qualification and operating standards for outdoor areas not abutting a licensed premises.

Adm. Order No.: OLCC 4-2014

Filed with Sec. of State: 5-2-2014

ADMINISTRATIVE RULES

Certified to be Effective: 6-1-14

Notice Publication Date: 2-1-2014

Rules Adopted: 845-005-0329, 845-006-0309

Rules Amended: 845-005-0331

Subject: Adopted new rule OAR 845-005-0329 sets forth the licensing qualification standards that apply to outdoor areas that do not abut a licensed building (i.e., “food cart” type locations) and is designed to operate in conjunction with adopted new rule OAR 845-006-0309, which sets forth the operating requirements that apply to these locations.

The amendments to existing rule OAR 845-005-0331 clarify that the licensing qualification standards articulated in this rule only apply to outdoor areas that do abut a licensed building (i.e., patios and sidewalk cafes), which effectively distinguishes these areas from the exclusively outdoor areas addressed in newly adopted OAR 845-005-0329 and OAR 845-006-0309.

Rules Coordinator: Annabelle Henry — (503) 872-5004

845-005-0329

Licensing Outdoor Areas Not Abutting a Licensed Building

(1) This rule applies to an outdoor area that does not abut applicant’s or licensee’s licensed building. This rule establishes the licensing qualifications for such an outdoor area. This rule does not apply to Temporary Sales Licenses issued under ORS 471.190; Special Events Brewery-Public House licenses issued under 471.200; Special Event Winery licenses issued under 471.223; Special Events Grower licenses issued under 471.227; Special Events Distillery licenses issued under 471.230; Small-Scale Private Catering licenses issued under OAR 845-005-0405; and Temporary Use of An Annual License licenses issued under 845-005-0410.

(2) The Commission shall refuse to license an outdoor area, and may cancel the license for an outdoor area, for any of the following reasons:

(a) The outdoor area is controlled by a public entity and the public entity provides the Commission with written proof that the sale, service or consumption of alcohol in the outdoor area is not an authorized use under the applicable rules and regulations governing the public entity;

(b) The outdoor area is privately owned and the applicant or licensee fails to provide the Commission with written proof of legal access to the outdoor area;

(c) The outdoor area is privately owned and the applicant or licensee fails to provide the Commission with written proof that the property owner expressly allows the sale, service and consumption of alcohol in the outdoor area;

(d) The outdoor area fails to qualify for a Number III or Number V minor posting;

(e) The applicant or licensee fails to define the boundaries of the outdoor area;

(f) The applicant or licensee fails to identify and obtain Commission approval of a designated area for alcohol consumption within the outdoor area; or

(g) The applicant or licensee fails to demonstrate there is or will be adequate supervision of the outdoor area so as to prevent violations of the liquor laws.

Stat. Auth.: ORS 471.471.040, 471.730(1) & (5)

Stats. Implemented: ORS 471.030(1), 471.313(1), & 471.315(1)(d)

Hist.: OLCC 4-2014, f. 5-2-14, cert. ef. 6-2-14

845-005-0331

Licensing Outdoor Areas Abutting a Licensed Building

(1) This rule applies to an outdoor area that does abut applicant’s or licensee’s licensed building. This rule establishes the licensing qualifications for such an outdoor area. This rule does not apply to Temporary Sales Licenses issued under ORS 471.190; Special Events Brewery-Public House licenses issued under 471.200; Special Event Winery licenses issued under 471.223; Special Events Grower licenses issued under 471.227; Special Events Distillery licenses issued under 471.230; Small-Scale Private Catering licenses issued under OAR 845-005-0405; and Temporary Use of An Annual License licenses issued under 845-005-0410.

(2) The Commission shall refuse to license an outdoor area, and may cancel the license for an outdoor area, for any of the following reasons unless the applicant or licensee shows good cause that outweighs the refusal or cancellation basis:

(a) The outdoor area is controlled by a public entity and the public entity provides the Commission with written proof that the sale, service or consumption of alcohol in the outdoor area is not an authorized use under the applicable rules and regulations governing the public entity;

(b) The outdoor area is privately owned and the applicant or licensee fails to provide the Commission with written proof of legal access to the outdoor area;

(c) The outdoor area is privately owned and the applicant or licensee fails to provide the Commission with written proof that the property owner expressly allows the sale, service and consumption of alcohol in the outdoor area;

(d) The outdoor area does not abut the applicant’s proposed licensed building or the licensee’s existing licensed building;

(e) The applicant or licensee fails to define the boundaries of the outdoor area;

(f) The applicant or licensee fails to demonstrate there is or will be adequate supervision of the outdoor area so as to prevent violations of the liquor laws; or

(g) The applicant or licensee will allow amplified entertainment in the outdoor area between 12:00 a.m. and 7:00 a.m.

Stat. Auth.: ORS 471.471.040 & 471.730(1) & (5)

Stats. Implemented: ORS 471.001, 471.030(1), 471.159, 471.313(1) & 471.315(1)(d)

Hist.: OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01; OLCC 2-2011, f. 2-23-11, cert. ef. 3-1-11; OLCC 4-2014, f. 5-2-14, cert. ef. 6-2-14

845-006-0309

Requirements for Outdoor Areas Not Abutting a Licensed Building

(1) This rule applies to an outdoor area that does not abut applicant’s or licensee’s licensed building. This rule establishes the licensing qualifications for such an outdoor area. This rule does not apply to Temporary Sales Licenses issued under ORS 471.190; Special Events Brewery-Public House licenses issued under 471.200; Special Event Winery licenses issued under 471.223; Special Events Grower licenses issued under 471.227; Special Events Distillery licenses issued under 471.230; Small-Scale Private Catering licenses issued under OAR 845-005-0405; and Temporary Use of An Annual License licenses issued under 845-005-0410.

(2) One patron shall not possess more than two open containers of alcohol at the same time in the outdoor area, and the amount of alcohol in each container shall not exceed 16 ounces of malt beverages, 6 ounces of wine, 16 ounces of cider or 2 ounces of distilled spirits except under the following circumstances:

(a) Two or more patrons may possess one open standard 750 ml bottle of wine in the outdoor area; or

(b) Three or more patrons may possess one standard 64 oz pitcher of malt beverages in the outdoor area.

(c) Violation of this section is a Category V violation.

(3) The outdoor area must meet the requirements for a Number III or a Number V minor posting. Violation of this section is a Category III violation.

(4) The sale of alcoholic beverages for off-premises consumption is not allowed except under the following circumstances:

(a) The container or bottle is capable of holding 22 ounces or more of malt beverages or cider; or

(b) The container or bottle is capable of holding 750 milliliters or more of wine.

(c) Violation of this section is a Category V violation.

(5) Amplified entertainment is not allowed in the outdoor area from 10:00 p.m. to 7:00 a.m. on the succeeding calendar day. Violation of this section is a Category III Violation.

(6) The sale, service and consumption of alcoholic beverages in the outdoor area is not allowed from 10:00 p.m. to 7:00 a.m. on the succeeding calendar day. Violation of this section is a Category III Violation.

(7) The licensee must maintain and adequately control the defined boundaries of the outdoor area and the approved, designated alcohol consumption area. Violation of this section is a Category V violation.

Stat. Auth.: ORS 471.471.040, 471.730(1) & (5)

Stats. Implemented: ORS 471.030(1) & 471.315(1)(d)

Hist.: OLCC 4-2014, f. 5-2-14, cert. ef. 6-2-14

Rule Caption: Expands training options and eliminates training redundancies for the employees of Off-Premises Sales licensees.

Adm. Order No.: OLCC 5-2014

Filed with Sec. of State: 5-2-2014

Certified to be Effective: 6-1-14

Notice Publication Date: 1-1-2014

Rules Amended: 845-009-0130

Subject: This rule describes training requirements for the employees of Off-Premises Sales licensees. The adopted amendments restructure the rule to improve its clarity and expand the training options that satisfy this training requirement. The adopted amend-

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ments also eliminate training redundancies for employees required to hold a service permit to dispense alcoholic beverages into securely covered containers provided by the consumer (i.e., growlers) and those employees who elect to obtain a service permit for other reasons. The adopted amendments do not extend the training requirement described in this rule to any other license holder whose employees sell alcohol for off-premises consumption as originally contemplated in the Commission's January 2014 Notice of Proposed Rulemaking Hearing.

Rules Coordinator: Annabelle Henry—(503) 872-5004

845-009-0130

Training Requirements for Employees of Off-Premises Sales Licensees

(1) Purpose. The Commission is charged with regulating the sale of alcoholic beverages in a manner that protects the safety and welfare of citizens and ensures that alcoholic beverages are used legally. One way the Commission accomplishes this goal is to require that each employee of an Off-Premises Sales licensee receive training about liquor laws and the consequences of violating those laws. This training requirement is described below.

(2) Training Requirement. Before allowing an employee to sell alcoholic beverages for off-premises consumption, the Off-Premises Sales licensee must do one of the following:

(a) If the employee will sell alcohol in factory-sealed containers for off-premises consumption, but will not dispense alcohol into securely covered containers provided by the consumer for off-premises consumption, the licensee must:

(A) Provide the employee with training that satisfies the requirements of the Commission-approved training option described in subsection (3)(a) of this rule;

(B) Provide the employee with training that satisfies the requirements of the licensee-provided training option described in subsection (3)(b) of this rule; or

(C) Verify that the employee has satisfied the requirements of the service permit training option described in subsection (3)(c) of this rule.

(b) If the employee will sell alcohol in factory-sealed containers for off-premises consumption and may also dispense alcohol into securely covered containers provided by the consumer for off-premises consumption, the licensee must:

(A) Verify that the employee has a valid service permit; or

(B) Verify that the employee has submitted a valid indorsed service permit application. (See OAR 845-009-0010 and 845-009-0015 to determine indorsed application eligibility and requirements.)

(c) If the employee will only dispense alcohol into securely covered containers provided by the consumer for off-premises consumption, the licensee must:

(A) Verify that the employee has a valid service permit; or

(B) Verify that the employee has submitted a valid indorsed service permit application. (See OAR 845-009-0010 and 845-009-0015 to determine indorsed application eligibility and requirements.)

(3) Training Options. The selected training option must meet the following requirements:

(a) Commission-Approved Training Option. The licensee must verify that the employee has satisfactorily completed a Commission-approved alcohol server education course at the licensee's or employee's expense, or, upon request, the Commission will provide the licensee with complementary training materials that satisfy the training requirement (e.g., a printed training brochure or a training video) and the licensee must ensure that the employee reads or views these materials.

(b) Licensee-Provided Training Option. In lieu of the Commission-approved training option, the licensee may develop and present its own training program. At minimum, the program must clearly communicate the information contained in the Commission-approved training option materials, which include: Why it is important to avoid selling alcohol to minors and visibly intoxicated persons; How to recognize minors and visibly intoxicated persons; How to check identification; and How to refuse to sell alcohol to minors or visibly intoxicated persons.

(c) Service Permit Training Option. In lieu of the Commission-approved training option and the licensee-provided training option, the licensee may verify that the employee has a valid service permit. (An indorsed application does not satisfy the requirements of this training option.)

(4) Training Records. For each training option, the licensee must retain the following training records and make these records immediately available for inspection upon request by a Commission employee:

(a) Commission-Approved Training Option. If the licensee selected the Commission-approved training option, the licensee must retain a written record of the date and type of training that the employee completed for the duration of his or her employment.

(b) Licensee-Provided Training Option. If the licensee selected the licensee-provided training option, the licensee must retain a written record of the date and type of training that the employee completed for the duration of his or her employment.

(c) Service Permit Training Option. If the licensee selected the service permit training option, the licensee must retain a copy of the employee's valid service permit or a written record of the information printed on that card for the duration of his or her employment.

(d) Employee List. If the original records described in subsections (4)(a), (4)(b) or (4)(c) of this rule are not maintained on the licensed premises, the licensee must maintain a current list of employees on the licensed premises and this list must include the following information: The name of each employee who sells alcoholic beverages for off-premises consumption; The training option selected for each employee; The date the training option was completed; and the date the employee began selling alcoholic beverages.

(5) Violation of this rule is a Category IV violation.

Statutory Authority: ORS 471, 471.030, 471.040, 471.730(1) & (5)

Stats. Implemented: ORS 471.730(1) & (5)

Hist.: OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01; OLCC 5-2014, f. 5-2-14, cert. ef. 6-1-14

Oregon State Marine Board Chapter 250

Rule Caption: Establish procedures for use of the Salvaged Vessel Subaccount to remove derelict and abandoned vessels.

Adm. Order No.: OSMB 9-2014

Filed with Sec. of State: 5-12-2014

Certified to be Effective: 6-1-14

Notice Publication Date: 3-1-2014

Rules Adopted: 250-026-0005, 250-026-0010, 250-026-0015, 250-026-0020, 250-026-0025, 250-026-0030, 250-026-0035, 250-026-0040, 250-026-0045, 250-026-0050, 250-026-0055

Subject: The new rules set the procedures for enforcement agencies to apply for reimbursement for the removal of abandoned and derelict vessels from the Oregon State Marine Board's Salvaged Vessel Account. The rules further establish procedures for distributing funds from the Salvaged Vessel Account to public bodies to run vessel turn-in programs to disposal of vessels at risk of abandonment on the waters of the state.

Rules Coordinator: June LeTarte—(503) 378-2617

250-026-0005

Purpose of Rules

(1) The Oregon State Marine Board (Board) will establish and maintain a Salvaged Vessel Subaccount. Funds from this account will reimburse enforcement agencies for expenses related to the removal of abandoned and derelict vessels.

(2) The Board will provide vessel turn-in program grants to assist in the disposal of vessels at risk of abandonment on the waters of this state.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.948

Hist.: OSMB 9-2014, f. 5-12-14, cert. ef. 6-1-14

250-026-0010

Responsibility for Removal of Abandoned or Derelict Vessels

(1) The enforcement agency that has jurisdictional responsibility for the submerged or submersible land or water on which an abandoned vessel or a derelict vessel is located will take responsibility for its removal and disposal.

(2) The Board may enter into cooperative agreements to directly procure vessel salvage and removal services from contractors.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.948

Hist.: OSMB 9-2014, f. 5-12-14, cert. ef. 6-1-14

250-026-0015

Identification of Owners

(1) The enforcement agency must contact the Board to verify the ownership record of an abandoned or derelict vessel.

(2) If the vessel is a boat, an enforcement agency must provide the Board with:

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- (a) A description of the boat;
 - (b) The registration numbers and decal information affixed to the bow of the boat, if present;
 - (c) The documentation number if the boat is a documented vessel; and
 - (d) A hull identification number (HIN).
- (3) If the vessel is a floating home, boathouse or other floating structure that is normally secured to a pier or pilings the enforcement agency must provide the identifying license plate number.
- (4) The Board will attempt to verify ownership through registration documentation.
- (5) The Board will search the Law Enforcement Database System (LEDS) to determine if the vessel has been reported stolen.
- Stat. Auth.: ORS 830.110
Stats. Implemented: ORS 830.948
Hist. : OSMB 9-2014, f. 5-12-14, cert. ef. 6-1-14

250-026-0020

Notification of Vessel Seizure

- (1) Enforcement agencies that intend to seize an abandoned or derelict vessel under the authority of ORS 830.911 must provide the Board with a copy of the "pre-seizure notice" on the same date it's sent to the owner.
 - (2) Enforcement agencies that immediately seize an abandoned or derelict vessel that presents a hazard to navigation or an imminent threat to public health or safety under the authority of ORS 830.923 must provide the Board with a copy of the "post-seizure notice" within seven days of the seizure.
 - (3) The Board may request additional information from the enforcement agency, i.e., location coordinates, photographs of the vessel, incident or other law enforcement reports.
- Stat. Auth.: ORS 830.110
Stats. Implemented: ORS 830.948
Hist. : OSMB 9-2014, f. 5-12-14, cert. ef. 6-1-14

250-026-0025

Availability of Funds

- (1) Enforcement agencies are encouraged to verify the availability of funds in the Salvaged Vessel Subaccount prior to incurring salvage, towing, storage and disposal expenses.
 - (2) The Board will retain up to 20 percent of the Salvaged Vessel Subaccount until the beginning of the third quarter of the final year of each biennium; at which time, the funds could be disbursed.
- Stat. Auth.: ORS 830.110
Stats. Implemented: ORS 830.948
Hist. : OSMB 9-2014, f. 5-12-14, cert. ef. 6-1-14

250-026-0030

Expense Documentation

- (1) The Board requires receipt of expense documentation from enforcement agencies prior to the release of funds from the Salvaged Vessel Subaccount:
 - (a) Pre-seizure: a written estimate of the salvage, towing, storage and disposal costs. This estimate must itemize expenses and include a description of how the salvage, towing, storage and disposal will be accomplished.
 - (b) Post-seizure: itemized expenses incurred by the enforcement agency by reason of the seizure, and the amount of those costs that have accrued as of the date of the post-seizure notice. The enforcement agency must also submit a complete estimate of remaining storage and disposal costs, and a description of how the storage and disposal will be accomplished.
 - (2) Expense documentation must be in writing and submitted by email or fax within ten days of seizure action.
 - (3) The Board will review documentation of incurred expenses and cost estimates to confirm eligibility and to ensure match requirements are met.
 - (4) The Board will prepare an Intergovernmental Project Agreement for signature by the parties prior to the reimbursement of eligible expenses.
- Stat. Auth.: ORS 830.110
Stats. Implemented: ORS 830.948
Hist. : OSMB 9-2014, f. 5-12-14, cert. ef. 6-1-14

250-026-0035

Vessels Eligible for Reimbursement

- (1) Enforcement agencies are eligible for reimbursement from the Salvaged Vessel Subaccount for:
 - (a) Abandoned or derelict vessels that are seized under ORS 830.908 to 830.944 and are on the waters of this state; and
 - (b) Vessels surrendered by owners as part of a Board approved vessel turn-in program.

- (2) Enforcement agencies may be eligible for reimbursement from the Salvaged Vessel Subaccount for vessels surrendered by owners independent of a Board approved vessel turn-in program.
 - (3) Enforcement agencies are not eligible for reimbursement from the Salvaged Vessel Subaccount for:
 - (a) Vessels that are abandoned on public or private land;
 - (b) Vessels which have been reported stolen; and
 - (c) Boats which are 200 gross tons or more.
- Stat. Auth.: ORS 830.110
Stats. Implemented: ORS 830.948
Hist. : OSMB 9-2014, f. 5-12-14, cert. ef. 6-1-14

250-026-0040

Match Requirements

- (1) An enforcement agency must contribute a minimum of 10 percent of the total cost of salvage, towing, storage and disposal of an abandoned vessel or a derelict vessel that is or has been registered with the Board or is in the determination of the Board a recreational vessel.
 - (2) An enforcement agency must contribute a minimum of 25 percent of the total cost of salvage, towing, storage and disposal of an abandoned vessel or a derelict vessel that has never been registered with the Board and is or was a commercial vessel.
 - (3) Match may be cash or "in-kind" materials or services, i.e., use of enforcement agency equipment for towing and salvage, property for storage, enforcement agency staff time for investigation, identification of owners, contact with owners, preparation of pre and post seizure notices, hearings, and correspondence and coordination with the Board and other agencies.
 - (4) Matching funds may be provided by the enforcement agency or as part of a cooperative project with another enforcement agency.
- Stat. Auth.: ORS 830.110
Stats. Implemented: ORS 830.948
Hist. : OSMB 9-2014, f. 5-12-14, cert. ef. 6-1-14

250-026-0045

Eligible Expenses and Match

- (1) An enforcement agency is eligible to receive reimbursements for expenses directly related to the salvage, towing, storage and disposal of an abandoned or derelict vessel. These expenses include but are not limited to:
 - (a) Salvaging a sunken vessel;
 - (b) Towing a vessel;
 - (c) Storing a vessel for no more time than is required by ORS 830.908-944;
 - (d) Dismantling a vessel;
 - (e) Disposing of the vessel waste.
 - (2) The following types of expenses are not eligible for reimbursement and cannot be used for the matching funds requirements:
 - (a) Indirect costs such as overhead and administration not specifically related to vessel removal and disposal;
 - (b) Expenses related to tort claims or compensatory damages filed by third parties for lost or damaged personal or real property;
 - (c) Expenses for damages incurred to property belonging to an enforcement agency;
 - (d) Expenses for new equipment or machinery purchased by an enforcement agency to complete a removal or cleanup.
- Stat. Auth.: ORS 830.110
Stats. Implemented: ORS 830.948
Hist. : OSMB 9-2014, f. 5-12-14, cert. ef. 6-1-14

250-026-0050

Use of Contractors

- Enforcement agencies must follow all applicable local and state laws, ordinances, and rules with respect to contracting for services.
- Stat. Auth.: ORS 830.110
Stats. Implemented: ORS 830.948
Hist. : OSMB 9-2014, f. 5-12-14, cert. ef. 6-1-14

250-026-0055

Vessel Turn-in Program Grants

- (1) Grants are available to public agencies to sponsor a vessel turn-in program. These programs will allow owners to surrender vessels at risk of becoming abandoned or derelict before the vessels damage the environment or become a hazard to navigation.
- (2) Recreational vessels, acknowledged by the Board, in danger of becoming abandoned or derelict are eligible for removal through a vessel turn-in grant. The owner of the vessel must:
 - (a) Surrender the vessel by signing a release of interest on the certificate of title;
 - (b) Provide the title to the public agency; or

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(c) If the title is lost, sign an alternative release of interest document as approved by the Board.

(3) Any public agency may submit a proposal to the Board for a vessel turn-in grant to be funded in part from the Salvaged Vessel Subaccount. Proposals must be submitted in writing by mail, email, or fax.

(4) The proposal for a vessel turn-in program grant must include a description of:

(a) How the turn-in program will be advertised or how boats will be identified for surrender;

(b) The dates and times for any turn-in events;

(c) The location of any turn-in events;

(d) The criteria used by the public agency to determine if a vessel was in danger of being an abandoned vessel or a derelict vessel and was likely to cause damage to the environment or become a hazard to navigation;

(e) A description of how surrendered boats will be removed and disposed of;

(f) An estimate of the number of boats that will be surrendered;

(g) An itemized list of expenses associated with the turn-in program;

(h) The total amount of funds requested; and

(i) Any cash or in-kind match to be provided by the public agency.

(5) The Board will review the proposed vessel turn-in program. Grant decisions will be based upon criteria outlined in 250-026-0055(4)(a)-(i), as well as, funds available in the Salvaged Vessel Subaccount. The Board will provide its decision in writing.

(6) If the Board approves the vessel turn-in program grant, the Board will prepare an Intergovernmental Project Agreement for signature by the parties prior to the grant award.

Stat. Auth.: ORS 830.110

Stats. Implemented: ORS 830.948

Hist.: OSMB 9-2014, f. 5-12-14, cert. ef. 6-1-14

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Oregon University System, Eastern Oregon University Chapter 579

Rule Caption: Amend Special Student and Course Fees

Adm. Order No.: EOU 1-2014

Filed with Sec. of State: 5-8-2014

Certified to be Effective: 5-8-14

Notice Publication Date: 4-1-2014

Rules Amended: 579-020-0006

Subject: Amend fees charged to students for special uses of facilities, services or supplies at Eastern Oregon University

Rules Coordinator: Teresa Carson-Mastrude—(541) 962-3773

579-020-0006

Special Student Fees

Eastern Oregon University is adopting by reference Special Student Fees for the 2014–2015 school year.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: EOSC 3, f. & ef. 6-23-76; EOSC 8, f. & ef. 6-16-77; EOSC 6-1978, f. & ef. 10-2-78; EOSC 1-1979, f. & ef. 6-27-79; EOSC 1-1981, f. & ef. 1-12-81; EOSC 3-1981, f. & ef. 7-1-81; EOSC 2-1983, f. & ef. 12-16-83; EOSC 2-1984, f. & ef. 10-25-84; EOSC 1-1986, f. & ef. 2-13-86; EOSC 2-1988, f. & cert. ef. 10-28-88; EOSC 2-1989, f. & cert. ef. 7-31-89; EOSC 2-1990, f. & cert. ef. 10-9-90; EOSC 3-1991, f. & cert. ef. 9-20-91; EOSC 5-1990, f. & cert. ef. 12-20-91 (and corrected 1-2-92); EOSC 1-1992, f. & cert. ef. 5-13-92; EOSC 2-1992, f. & cert. ef. 8-24-92; EOSC 4-1993, f. & cert. ef. 8-2-93; EOSC 4-1994, f. & cert. ef. 7-25-94; EOSC 1-1996, f. & cert. ef. 8-15-96; EOU 1-2001, f. & cert. ef. 9-28-01; EOU 1-2003, f. & cert. ef. 7-31-03; EOU 1-2005, f. & cert. ef. 5-16-05; EOU 1-2006, f. & cert. ef. 4-14-06; EOU 1-2007, f. & cert. ef. 5-14-07; EOU 4-2007(Temp), f. & cert. ef. 8-15-07 thru 1-15-08; Administrative Correction 1-24-08; EOU 1-2008, f. & cert. ef. 3-14-08; EOU 5-2008, f. & cert. ef. 8-15-08; EOU 1-2009, f. & cert. ef. 3-12-09; EOU 2-2009, f. & cert. ef. 8-14-09; EOU 3-2009, f. & cert. ef. 12-15-09; EOU 1-2010, f. & cert. ef. 5-13-10; EOU 2-2010, f. & cert. ef. 7-15-10; EOU 1-2011, f. & cert. ef. 6-6-11; EOU 3-2011, f. & cert. ef. 8-5-11; EOU 4-2011(Temp), f. & cert. ef. 11-14-11 thru 5-6-12; EOU 5-2011(Temp), f. & cert. ef. 12-1-11 thru 5-6-12; EOU 1-2012, f. & cert. ef. 4-23-12; EOU 4-2012(Temp), f. & cert. ef. 6-22-12 thru 12-15-12; EOU 6-2012, f. & cert. ef. 10-15-12; EOU 2-2013, f. & cert. ef. 5-28-13; EOU 1-2014, f. & cert. ef. 5-8-14

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Oregon University System, Southern Oregon University Chapter 573

Rule Caption: Special Fees

Adm. Order No.: SOU 1-2014

Filed with Sec. of State: 5-12-2014

Certified to be Effective: 5-12-14

Notice Publication Date: 4-1-2014

Rules Amended: 573-040-0005

Subject: The proposed rule amendments eliminate fees that are no longer necessary and establish, increase, or decrease fees to more accurately reflect the actual costs of instruction for certain courses and special services not otherwise funded through the institution's operating budget.

Rules Coordinator: Treasa Sprague—(541) 552-6319

573-040-0005

Special Fees

The Special Fees for certain courses and general services approved by Southern Oregon University are hereby adopted by reference.

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

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070 & OAR 580-040-0010

Hist.: SOSC 4, f. & ef. 9-2-76; SOSC 10, f. & ef. 5-9-77; SOSC 6-1978, f. & ef. 6-2-77; SOSC 8-1978, f. & ef. 12-15-78; SOSC 2-1979, f. & ef. 6-20-79; SOSC 4-1980, f. & ef. 5-20-80; SOSC 4-1980, f. & ef. 5-20-80; SOSC 2-1981, f. & ef. 6-2-81; SOSC 3-1982, f. & ef. 7-1-82; SOSC 4-1983, f. & ef. 5-26-83; SOSC 1-1984, f. & ef. 6-20-84; SOSC 4-1985, f. & ef. 6-3-85; SOSC 9-1985, f. & ef. 12-17-85; SOSC 2-1986, f. & ef. 5-30-86; SOSC 1-1987, f. & ef. 6-5-87; SOSC 4-1987, f. & ef. 9-4-87; SOSC 1-1988, f. & cert. ef. 5-19-88; SOSC 2-1988(Temp), f. & cert. ef. 9-2-88; SOSC 4-1988, f. & cert. ef. 11-23-88; SOSC 3-1989, f. & cert. ef. 6-1-89; SOSC 3-1990, f. & cert. ef. 5-31-90; SOSC 3-1991, f. & cert. ef. 5-30-91; SOSC 1-1992, f. & cert. ef. 6-3-92; SOSC 3-1993, f. & cert. ef. 5-21-93; SOSC 2-1994, f. & cert. ef. 6-10-94; SOSC 1-1995, f. & cert. ef. 6-7-95; SOSC 1-1996, f. & cert. ef. 6-5-96; SOU 1-1997, f. & cert. ef. 5-20-97; SOU 1-1998, f. & cert. ef. 4-23-98; SOU 2-1999, f. & cert. ef. 5-7-99; SOU 1-2000, f. & cert. ef. 4-10-00; SOU 1-2001, f. & cert. ef. 4-4-01; SOU 1-2002, f. & cert. ef. 4-11-02; SOU 1-2003, f. & cert. ef. 4-16-03; SOU 1-2004, f. & cert. ef. 4-5-04; SOU 1-2005, f. & cert. ef. 4-11-05; SOU 1-2006, f. & cert. ef. 3-31-06; SOU 1-2007, f. & cert. ef. 4-25-07; SOU 4-2008, f. 4-9-08, cert. ef. 4-15-08; SOU 1-2009, f. 6-4-09, cert. ef. 6-15-09; SOU 4-2010, f. & cert. ef. 7-12-10; SOU 1-2011, f. & cert. ef. 6-13-11; SOU 1-2012, f. & cert. ef. 5-10-12; SOU 1-2013, f. & cert. ef. 5-7-13; SOU 1-2014, f. & cert. ef. 5-12-14

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Veterinary Medical Examining Board Chapter 875

Rule Caption: Deletes obsolete criteria for on-the-job eligibility for the Veterinary Technician National Exam.

Adm. Order No.: VMEB 5-2014

Filed with Sec. of State: 4-22-2014

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Rules Amended: 875-030-0025

Subject: Deletes obsolete criteria for on-the-job eligibility for the Veterinary Technician National Exam to align with qualifications required by the American Association of Veterinary State Boards.

Rules Coordinator: Lori V. Makinen—(971) 673-0224

875-030-0025

Application for Certified Veterinary Technicians

(1) Applications for certification shall include:

(a) An application form available from the Board office completed by the applicant;

(b) The application fee of \$35 payable to the Board;

(c) An official transcript or verification of standing and impending graduation from school.

(d) Completion of the Oregon Jurisprudence Exam and Regional Disease Test;

(e) The VTNE score report if the examination was taken in another state; and

(f) Letters of good standing from any other state the applicant is or has been licensed in as a veterinary or animal health technician.

(2) All applications for the VTNE must be made directly to the American Association of Veterinary State Boards (AAVSB, www.aavsb.org). The application fee for certification if the VTNE was taken in another state is \$35 payable to the Board.

Stat. Auth.: ORS 686.210

Stats. Implemented: ORS 686.225 & 686.350 - 686.370

Hist.: VE 5, f. & ef. 8-3-76; VME 3-1983, f. & ef. 1-21-83; VME 2-1989, f. 8-29-89, cert. ef. 10-1-89; VME 1-1991, f. & cert. ef. 1-24-91; VME 3-1991, f. & cert. ef. 12-9-91; VME 3-1992, f. & cert. ef. 10-9-92; Renumbered from 875-010-0025; VMEB 1-2006, f. & cert. ef. 2-8-06; VMEB 2-2006, f. & cert. ef. 5-11-06; VMEB 3-2009, f. & cert. ef. 10-15-09; VMEB 2-2011, f. & cert. ef. 3-2-11; VMEB 1-2013, f. & cert. ef. 10-4-13; VMEB 2-2013, f. & cert. ef. 10-29-13; VMEB 5-2014, f. & cert. ef. 4-22-14

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101-070-0001(T)	5-1-2014	Repeal	6-1-2014	115-025-0075	3-14-2014	Amend(T)	4-1-2014
101-070-0005	12-17-2013	Adopt(T)	2-1-2014	123-006-0035	12-30-2013	Amend(T)	2-1-2014
101-070-0005	5-1-2014	Adopt	6-1-2014	123-006-0035	3-3-2014	Amend	4-1-2014
101-070-0005(T)	5-1-2014	Repeal	6-1-2014	123-015-0100	4-1-2014	Adopt	5-1-2014
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104-020-0010	1-1-2014	Amend	2-1-2014	123-015-0300	4-1-2014	Adopt	5-1-2014
104-020-0020	1-1-2014	Amend	2-1-2014	123-015-0400	4-1-2014	Adopt	5-1-2014
104-020-0030	1-1-2014	Amend	2-1-2014	123-015-0500	4-1-2014	Adopt	5-1-2014
104-020-0040	1-1-2014	Amend	2-1-2014	123-024-0011	3-3-2014	Amend	4-1-2014
105-010-0018	1-1-2014	Adopt(T)	2-1-2014	123-024-0031	3-3-2014	Amend	4-1-2014
111-010-0015	11-19-2013	Amend(T)	1-1-2014	123-025-0025	3-3-2014	Amend	4-1-2014
111-010-0015	12-27-2013	Amend	2-1-2014	123-043-0010	1-1-2014	Amend	2-1-2014
111-010-0015	12-27-2013	Amend(T)	2-1-2014	123-043-0015	1-1-2014	Amend	2-1-2014
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111-020-0001	12-27-2013	Amend	2-1-2014	123-043-0055	1-1-2014	Amend	2-1-2014
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111-020-0005	12-27-2013	Amend	2-1-2014	123-043-0102	1-1-2014	Amend	2-1-2014
111-020-0005(T)	12-27-2013	Repeal	2-1-2014	123-043-0115	1-1-2014	Amend	2-1-2014
111-020-0010	12-27-2013	Adopt	2-1-2014	123-051-0100	1-1-2014	Adopt	2-1-2014
111-020-0010(T)	12-27-2013	Repeal	2-1-2014	123-051-0200	1-1-2014	Adopt	2-1-2014
111-030-0050	12-27-2013	Amend	2-1-2014	123-051-0300	1-1-2014	Adopt	2-1-2014
111-030-0050(T)	12-27-2013	Repeal	2-1-2014	123-051-0400	1-1-2014	Adopt	2-1-2014
111-040-0001	12-27-2013	Amend(T)	2-1-2014	123-051-0500	1-1-2014	Adopt	2-1-2014
111-040-0001	3-7-2014	Amend	4-1-2014	123-051-0600	1-1-2014	Adopt	2-1-2014
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111-040-0005	12-27-2013	Amend(T)	2-1-2014	123-051-0800	1-1-2014	Adopt	2-1-2014
111-040-0005	3-7-2014	Amend	4-1-2014	123-051-0900	1-1-2014	Adopt	2-1-2014
111-040-0005(T)	3-7-2014	Repeal	4-1-2014	123-051-1000	1-1-2014	Adopt	2-1-2014
111-040-0010	12-27-2013	Amend(T)	2-1-2014	123-051-1100	1-1-2014	Adopt	2-1-2014
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111-040-0025	3-7-2014	Amend	4-1-2014	123-052-0090	4-1-2014	Adopt(T)	5-1-2014
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111-040-0030	12-27-2013	Amend(T)	2-1-2014	123-052-0110	4-1-2014	Adopt(T)	5-1-2014
111-040-0030	3-7-2014	Amend	4-1-2014	123-052-0120	4-1-2014	Adopt(T)	5-1-2014
111-040-0030(T)	3-7-2014	Repeal	4-1-2014	123-052-0130	4-1-2014	Adopt(T)	5-1-2014
111-040-0040	12-27-2013	Amend(T)	2-1-2014	123-052-0140	4-1-2014	Adopt(T)	5-1-2014
111-040-0040	3-7-2014	Amend	4-1-2014	123-052-0150	4-1-2014	Adopt(T)	5-1-2014
111-040-0040(T)	3-7-2014	Repeal	4-1-2014	123-061-0010	5-1-2014	Adopt	6-1-2014
111-040-0050	12-27-2013	Amend(T)	2-1-2014	123-061-0020	5-1-2014	Adopt	6-1-2014
111-040-0050	3-7-2014	Amend	4-1-2014	123-061-0030	5-1-2014	Adopt	6-1-2014
111-040-0050(T)	3-7-2014	Repeal	4-1-2014	123-061-0035	5-1-2014	Adopt	6-1-2014
115-025-0005	3-14-2014	Amend(T)	4-1-2014	123-061-0040	5-1-2014	Adopt	6-1-2014
115-025-0010	3-14-2014	Amend(T)	4-1-2014	123-095-0000	12-1-2013	Amend	1-1-2014
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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
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123-097-0200	5-1-2014	Adopt	6-1-2014	125-246-0130	1-1-2014	Amend	2-1-2014
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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	137-055-1100	4-1-2014	Amend	5-1-2014
123-630-0050(T)	4-1-2014	Repeal	5-1-2014	137-055-2170	1-13-2014	Amend(T)	2-1-2014
123-630-0060	4-1-2014	Amend	5-1-2014	137-055-3300	4-1-2014	Amend	5-1-2014
123-630-0060(T)	4-1-2014	Repeal	5-1-2014	137-055-3360	4-1-2014	Amend	5-1-2014
123-630-0070	4-1-2014	Amend	5-1-2014	137-055-3420	1-13-2014	Amend(T)	2-1-2014
123-630-0070(T)	4-1-2014	Repeal	5-1-2014	137-055-3435	4-1-2014	Amend	5-1-2014
123-630-0080	4-1-2014	Amend	5-1-2014	137-055-3660	4-1-2014	Amend	5-1-2014
123-630-0080(T)	4-1-2014	Repeal	5-1-2014	137-055-5510	4-1-2014	Amend	5-1-2014
123-630-0090	4-1-2014	Amend	5-1-2014	137-055-6120	4-1-2014	Amend	5-1-2014
123-630-0090(T)	4-1-2014	Repeal	5-1-2014	137-055-7180	4-1-2014	Amend	5-1-2014
123-630-0100	4-1-2014	Amend	5-1-2014	137-084-0500	4-1-2014	Amend	5-1-2014
123-630-0100(T)	4-1-2014	Repeal	5-1-2014	137-110-0001	1-31-2014	Repeal	3-1-2014
123-630-0110	4-1-2014	Adopt	5-1-2014	137-110-0005	1-31-2014	Repeal	3-1-2014
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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
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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
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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
141-040-0020	2-1-2014	Amend	2-1-2014	150-305.655	1-1-2014	Repeal	2-1-2014
141-040-0214	2-1-2014	Amend	2-1-2014	150-305.810	12-26-2013	Amend	2-1-2014
141-045-0010	2-1-2014	Amend	2-1-2014	150-306.135	1-1-2014	Amend	2-1-2014
141-045-0031	2-1-2014	Amend	2-1-2014	150-308.010	1-1-2014	Amend	2-1-2014
141-045-0041	2-1-2014	Amend	2-1-2014	150-308A.724	1-1-2014	Repeal	2-1-2014
141-045-0061	2-1-2014	Amend	2-1-2014	150-309.100(3)-(B)	1-1-2014	Amend	2-1-2014
141-045-0100	2-1-2014	Amend	2-1-2014	150-309.110(1)-(A)	1-1-2014	Amend	2-1-2014
141-089-0640	1-1-2014	Amend	1-1-2014	150-311.223(4)	1-1-2014	Amend	2-1-2014
141-089-0645	1-1-2014	Amend	1-1-2014	150-311.674	1-1-2014	Repeal	2-1-2014
141-089-0820	1-1-2014	Amend	1-1-2014	150-311.689	1-1-2014	Repeal	2-1-2014
141-089-0825	1-1-2014	Amend	1-1-2014	150-314.280(3)	1-1-2014	Amend	2-1-2014
141-089-0830	1-1-2014	Amend	1-1-2014	150-314.380(2)-(B)	1-1-2014	Amend	2-1-2014
141-089-0835	1-1-2014	Amend	1-1-2014	150-314.385(4)	12-26-2013	Amend	2-1-2014

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150-314.415(7)	12-26-2013	Amend	2-1-2014	165-010-0005	1-2-2014	Amend	2-1-2014
150-314.775	1-1-2014	Amend	2-1-2014	165-010-0080	1-2-2014	Repeal	2-1-2014
150-314.778	1-1-2014	Amend	2-1-2014	165-012-0005	1-2-2014	Amend	2-1-2014
150-314.HB2071(B)	12-26-2013	Renumber	2-1-2014	165-012-0240	1-2-2014	Amend	2-1-2014
150-315.068	1-1-2014	Amend	2-1-2014	165-013-0010	1-2-2014	Amend	2-1-2014
150-315.204-(A)	1-1-2014	Amend	2-1-2014	165-014-0005	1-2-2014	Amend	2-1-2014
150-315.304(9)	1-1-2014	Amend	2-1-2014	165-014-0030	1-7-2014	Amend	2-1-2014
150-315.514	12-26-2013	Amend	2-1-2014	165-016-0000	3-11-2014	Adopt	4-1-2014
150-316.014	12-26-2013	Am. & Ren.	2-1-2014	165-016-0040	3-11-2014	Repeal	4-1-2014
150-316.102	1-1-2014	Amend	2-1-2014	165-016-0045	3-11-2014	Repeal	4-1-2014
150-316.127(10)	1-1-2014	Amend	2-1-2014	165-016-0050	3-11-2014	Repeal	4-1-2014
150-316.368	1-1-2014	Amend	2-1-2014	165-016-0055	3-11-2014	Repeal	4-1-2014
150-316.680(1)(c)-(A)	1-1-2014	Repeal	2-1-2014	165-016-0060	3-11-2014	Repeal	4-1-2014
150-316.680(1)(c)-(B)	1-1-2014	Repeal	2-1-2014	165-016-0070	3-11-2014	Repeal	4-1-2014
150-316.693	1-1-2014	Adopt	2-1-2014	165-016-0080	3-11-2014	Repeal	4-1-2014
150-316.789	1-1-2014	Repeal	2-1-2014	165-016-0100	3-11-2014	Repeal	4-1-2014
150-316.791	1-1-2014	Repeal	2-1-2014	165-016-0105	3-11-2014	Repeal	4-1-2014
150-316.792	1-1-2014	Adopt	2-1-2014	165-016-2014	2-13-2014	Adopt(T)	3-1-2014
150-317.010(4)	1-1-2014	Amend	2-1-2014	165-020-0025	1-2-2014	Repeal	2-1-2014
150-317.067	1-1-2014	Amend	2-1-2014	166-005-0010	2-25-2014	Amend	4-1-2014
150-457.440(9)	1-1-2014	Amend	2-1-2014	166-150-0005	2-25-2014	Amend	4-1-2014
160-010-0700	1-1-2014	Adopt	2-1-2014	166-150-0035	2-25-2014	Amend	4-1-2014
160-010-0700	1-3-2014	Adopt	2-1-2014	166-150-0040	2-25-2014	Amend	4-1-2014
160-010-0701	1-1-2014	Adopt	2-1-2014	166-150-0095	2-25-2014	Amend	4-1-2014
160-010-0701	1-3-2014	Adopt	2-1-2014	166-150-0135	2-25-2014	Amend	4-1-2014
160-010-0710	1-1-2014	Adopt	2-1-2014	166-150-0210	2-25-2014	Amend	4-1-2014
160-010-0710	1-3-2014	Adopt	2-1-2014	167-001-0007	3-1-2014	Amend	4-1-2014
160-010-0720	1-1-2014	Adopt	2-1-2014	167-001-0020	3-1-2014	Amend	4-1-2014
160-010-0720	1-3-2014	Adopt	2-1-2014	167-001-0030	3-1-2014	Amend	4-1-2014
160-100-0000	3-6-2014	Amend	4-1-2014	167-001-0040	3-1-2014	Repeal	4-1-2014
161-006-0155	1-1-2014	Amend(T)	2-1-2014	167-001-0050	3-1-2014	Repeal	4-1-2014
161-006-0155	4-22-2014	Amend	6-1-2014	167-001-0060	3-1-2014	Repeal	4-1-2014
161-006-0160	1-1-2014	Amend(T)	2-1-2014	167-001-0065	3-1-2014	Repeal	4-1-2014
161-006-0160	4-22-2014	Amend	6-1-2014	167-001-0070	3-1-2014	Repeal	4-1-2014
161-025-0060	1-1-2014	Amend(T)	2-1-2014	167-001-0081	3-1-2014	Amend	4-1-2014
161-025-0060	4-22-2014	Amend	6-1-2014	167-001-0085	3-1-2014	Repeal	4-1-2014
161-570-0025	1-1-2014	Amend(T)	2-1-2014	167-001-0300	3-1-2014	Amend	4-1-2014
161-570-0025	4-22-2014	Amend	6-1-2014	167-001-0360	3-1-2014	Amend	4-1-2014
161-570-0030	1-1-2014	Amend(T)	2-1-2014	167-001-0600	3-1-2014	Amend	4-1-2014
161-570-0030	4-22-2014	Amend	6-1-2014	167-001-0620	3-1-2014	Amend	4-1-2014
162-010-0000	2-13-2014	Amend	3-1-2014	167-001-0625	3-1-2014	Repeal	4-1-2014
162-010-0010	2-13-2014	Amend	3-1-2014	167-001-0635	3-1-2014	Amend	4-1-2014
162-010-0020	2-13-2014	Amend	3-1-2014	170-063-0000	1-15-2014	Amend(T)	2-1-2014
162-010-0030	2-13-2014	Amend	3-1-2014	170-063-0000	4-11-2014	Amend	5-1-2014
162-010-0050	2-13-2014	Amend	3-1-2014	172-005-0020	5-14-2014	Amend	6-1-2014
162-010-0115	2-13-2014	Amend	3-1-2014	172-005-0045	5-14-2014	Adopt	6-1-2014
162-010-0120	2-13-2014	Amend	3-1-2014	173-006-0005	12-19-2013	Amend	2-1-2014
162-010-0130	2-13-2014	Amend	3-1-2014	173-008-0005	12-19-2013	Amend	2-1-2014
162-010-0140	2-13-2014	Amend	3-1-2014	177-075-0040	12-1-2013	Amend	1-1-2014
162-010-0160	2-13-2014	Repeal	3-1-2014	177-075-0040(T)	12-1-2013	Repeal	1-1-2014
162-010-0170	2-13-2014	Repeal	3-1-2014	177-094-0100	4-6-2014	Adopt	5-1-2014
162-010-0190	2-13-2014	Amend	3-1-2014	177-099-0095	1-1-2014	Amend	2-1-2014
162-010-0200	2-13-2014	Amend	3-1-2014	177-099-0100	4-1-2014	Amend	5-1-2014
162-010-0230	2-13-2014	Amend	3-1-2014	213-003-0001	2-3-2014	Amend	3-1-2014
162-010-0260	2-13-2014	Amend	3-1-2014	213-008-0002	2-3-2014	Amend	3-1-2014

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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
250-015-0020	1-15-2014	Repeal	2-1-2014	255-075-0079	2-14-2014	Amend(T)	3-1-2014
250-015-0021	1-15-2014	Repeal	2-1-2014	255-075-0079(T)	2-24-2014	Suspend	4-1-2014
250-015-0022	1-15-2014	Amend	2-1-2014	255-080-0008	3-27-2014	Amend(T)	5-1-2014
250-015-0023	1-15-2014	Repeal	2-1-2014	255-080-0011	3-27-2014	Amend(T)	5-1-2014
250-015-0024	1-15-2014	Repeal	2-1-2014	259-008-0005	1-2-2014	Amend	2-1-2014
250-015-0025	1-15-2014	Repeal	2-1-2014	259-008-0005	1-29-2014	Amend	3-1-2014
250-015-0026	1-15-2014	Amend	2-1-2014	259-008-0010	1-2-2014	Amend	2-1-2014
250-015-0027	1-15-2014	Repeal	2-1-2014	259-008-0020	1-2-2014	Amend	2-1-2014
250-015-0028	1-15-2014	Repeal	2-1-2014	259-008-0020	1-29-2014	Amend	3-1-2014
250-015-0029	1-15-2014	Repeal	2-1-2014	259-008-0025	1-2-2014	Amend	2-1-2014
250-015-0031	1-15-2014	Repeal	2-1-2014	259-008-0025	1-2-2014	Amend	2-1-2014
250-015-0032	1-15-2014	Repeal	2-1-2014	259-008-0025	4-10-2014	Amend	5-1-2014
250-015-0033	1-15-2014	Repeal	2-1-2014	259-008-0060	1-2-2014	Amend	2-1-2014
250-015-0035	1-15-2014	Adopt	2-1-2014	259-008-0067	1-29-2014	Amend	3-1-2014
250-016-0080	1-15-2014	Amend	2-1-2014	259-008-0069	1-2-2014	Amend	2-1-2014
250-016-0090	1-15-2014	Adopt	2-1-2014	259-008-0070	1-2-2014	Amend	2-1-2014
250-019-0010	1-15-2014	Repeal	2-1-2014	259-008-0070	1-28-2014	Amend	3-1-2014
250-019-0020	1-15-2014	Repeal	2-1-2014	259-008-0070	2-27-2014	Amend(T)	4-1-2014
250-019-0030	1-15-2014	Repeal	2-1-2014	259-008-0075	1-2-2014	Amend	2-1-2014
250-019-0040	1-15-2014	Repeal	2-1-2014	259-008-0080	1-2-2014	Amend	2-1-2014

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259-008-0090	1-2-2014	Amend	2-1-2014	291-109-0125	12-13-2013	Suspend	1-1-2014
259-008-0090	1-29-2014	Amend	3-1-2014	291-109-0125	1-17-2014	Suspend	3-1-2014
259-008-0100	1-2-2014	Amend	2-1-2014	291-109-0125	3-3-2014	Repeal	4-1-2014
259-009-0005	2-6-2014	Amend	3-1-2014	291-109-0125(T)	3-3-2014	Repeal	4-1-2014
259-009-0005	4-3-2014	Amend	5-1-2014	291-109-0180	12-13-2013	Amend(T)	1-1-2014
259-009-0062	2-6-2014	Amend	3-1-2014	291-109-0180	1-17-2014	Amend(T)	3-1-2014
259-009-0062	4-3-2014	Amend	5-1-2014	291-109-0180	3-3-2014	Amend	4-1-2014
259-009-0070	1-28-2014	Amend	3-1-2014	291-109-0180(T)	3-3-2014	Repeal	4-1-2014
259-013-0000	1-2-2014	Amend	2-1-2014	291-109-0200	12-13-2013	Adopt(T)	1-1-2014
259-013-0220	1-2-2014	Amend	2-1-2014	291-109-0200	1-17-2014	Adopt(T)	3-1-2014
259-013-0230	1-2-2014	Amend	2-1-2014	291-109-0200	3-3-2014	Adopt	4-1-2014
259-060-0300	1-2-2014	Amend	2-1-2014	291-109-0200(T)	3-3-2014	Repeal	4-1-2014
259-060-0300	1-28-2014	Amend	3-1-2014	291-209-0010	5-13-2014	Adopt(T)	6-1-2014
259-060-0300	3-6-2014	Amend(T)	4-1-2014	291-209-0020	5-13-2014	Adopt(T)	6-1-2014
259-061-0040	5-5-2014	Amend	6-1-2014	291-209-0030	5-13-2014	Adopt(T)	6-1-2014
259-061-0300	5-5-2014	Adopt	6-1-2014	291-209-0040	5-13-2014	Adopt(T)	6-1-2014
274-015-0010	1-1-2014	Amend	2-1-2014	291-209-0050	5-13-2014	Adopt(T)	6-1-2014
274-015-0010(T)	1-1-2014	Repeal	2-1-2014	291-209-0060	5-13-2014	Adopt(T)	6-1-2014
291-014-0100	12-13-2013	Amend	1-1-2014	291-209-0070	5-13-2014	Adopt(T)	6-1-2014
291-014-0100	1-14-2014	Amend	2-1-2014	309-011-0070	1-28-2014	Repeal	3-1-2014
291-014-0110	12-13-2013	Amend	1-1-2014	309-011-0075	1-28-2014	Repeal	3-1-2014
291-014-0110	1-14-2014	Amend	2-1-2014	309-011-0080	1-28-2014	Repeal	3-1-2014
291-014-0120	12-13-2013	Amend	1-1-2014	309-011-0085	1-28-2014	Repeal	3-1-2014
291-014-0120	1-14-2014	Amend	2-1-2014	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	309-012-0150	12-20-2013	Amend(T)	2-1-2014
291-041-0018(T)	3-4-2014	Repeal	4-1-2014	309-012-0180	12-20-2013	Amend(T)	2-1-2014
291-041-0020	12-13-2013	Amend(T)	1-1-2014	309-012-0190	12-20-2013	Amend(T)	2-1-2014
291-041-0020	1-17-2014	Amend(T)	3-1-2014	309-012-0230	12-20-2013	Adopt(T)	2-1-2014
291-041-0020	3-4-2014	Amend	4-1-2014	309-018-0100	2-3-2014	Adopt	3-1-2014
291-041-0020(T)	3-4-2014	Repeal	4-1-2014	309-018-0100(T)	2-3-2014	Repeal	3-1-2014
291-055-0019	4-22-2014	Amend	6-1-2014	309-018-0105	2-3-2014	Adopt	3-1-2014
291-073-0100	3-3-2014	Adopt	4-1-2014	309-018-0105(T)	2-3-2014	Repeal	3-1-2014
291-073-0110	3-3-2014	Adopt	4-1-2014	309-018-0110	2-3-2014	Adopt	3-1-2014
291-077-0035	12-1-2013	Amend	1-1-2014	309-018-0110(T)	2-3-2014	Repeal	3-1-2014
291-077-0035	1-14-2014	Amend	2-1-2014	309-018-0115	2-3-2014	Adopt	3-1-2014
291-097-0231	12-13-2013	Adopt(T)	1-1-2014	309-018-0115(T)	2-3-2014	Repeal	3-1-2014
291-097-0231	1-17-2014	Adopt(T)	3-1-2014	309-018-0120	2-3-2014	Adopt	3-1-2014
291-097-0231	5-5-2014	Adopt	6-1-2014	309-018-0120(T)	2-3-2014	Repeal	3-1-2014
291-097-0231(T)	5-5-2014	Repeal	6-1-2014	309-018-0125	2-3-2014	Adopt	3-1-2014
291-104-0111	2-12-2014	Amend(T)	3-1-2014	309-018-0125(T)	2-3-2014	Repeal	3-1-2014
291-104-0111	5-1-2014	Amend	6-1-2014	309-018-0130	2-3-2014	Adopt	3-1-2014
291-104-0111(T)	5-1-2014	Repeal	6-1-2014	309-018-0130(T)	2-3-2014	Repeal	3-1-2014
291-104-0116	2-12-2014	Amend(T)	3-1-2014	309-018-0135	2-3-2014	Adopt	3-1-2014
291-104-0116	5-1-2014	Amend	6-1-2014	309-018-0135(T)	2-3-2014	Repeal	3-1-2014
291-104-0116(T)	5-1-2014	Repeal	6-1-2014	309-018-0140	2-3-2014	Adopt	3-1-2014
291-104-0125	2-12-2014	Amend(T)	3-1-2014	309-018-0140(T)	2-3-2014	Repeal	3-1-2014
291-104-0125	5-1-2014	Amend	6-1-2014	309-018-0145	2-3-2014	Adopt	3-1-2014
291-104-0125(T)	5-1-2014	Repeal	6-1-2014	309-018-0145(T)	2-3-2014	Repeal	3-1-2014
291-104-0135	2-12-2014	Amend(T)	3-1-2014	309-018-0150	2-3-2014	Adopt	3-1-2014
291-104-0135	5-1-2014	Amend	6-1-2014	309-018-0150(T)	2-3-2014	Repeal	3-1-2014
291-104-0135(T)	5-1-2014	Repeal	6-1-2014	309-018-0155	2-3-2014	Adopt	3-1-2014
291-104-0140	2-12-2014	Amend(T)	3-1-2014	309-018-0155(T)	2-3-2014	Repeal	3-1-2014
291-104-0140	5-1-2014	Amend	6-1-2014	309-018-0160	2-3-2014	Adopt	3-1-2014

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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	330-070-0014	1-1-2014	Amend	2-1-2014
309-022-0205	2-3-2014	Adopt	3-1-2014	330-070-0019	1-1-2014	Repeal	2-1-2014
309-022-0205(T)	2-3-2014	Repeal	3-1-2014	330-070-0020	1-1-2014	Amend	2-1-2014
309-022-0210	2-3-2014	Adopt	3-1-2014	330-070-0021	1-1-2014	Amend	2-1-2014
309-022-0210(T)	2-3-2014	Repeal	3-1-2014	330-070-0022	1-1-2014	Amend	2-1-2014
309-022-0215	2-3-2014	Adopt	3-1-2014	330-070-0025	1-1-2014	Amend	2-1-2014
309-022-0215(T)	2-3-2014	Repeal	3-1-2014	330-070-0026	1-1-2014	Amend	2-1-2014
309-022-0220	2-3-2014	Adopt	3-1-2014	330-070-0029	1-1-2014	Amend	2-1-2014
309-022-0220(T)	2-3-2014	Repeal	3-1-2014	330-070-0064	1-1-2014	Amend	2-1-2014
309-022-0225	2-3-2014	Adopt	3-1-2014	330-070-0073	1-1-2014	Amend	2-1-2014
309-022-0225(T)	2-3-2014	Repeal	3-1-2014	330-070-0073	5-15-2014	Amend(T)	6-1-2014
309-022-0230	2-3-2014	Adopt	3-1-2014	330-090-0133	4-1-2014	Amend	5-1-2014
309-022-0230(T)	2-3-2014	Repeal	3-1-2014	330-092-0005	1-1-2014	Amend	2-1-2014
309-032-1500	2-3-2014	Repeal	3-1-2014	330-092-0010	1-1-2014	Amend	2-1-2014
309-032-1505	2-3-2014	Repeal	3-1-2014	330-092-0015	1-1-2014	Amend	2-1-2014
309-032-1510	2-3-2014	Repeal	3-1-2014	330-092-0020	1-1-2014	Amend	2-1-2014
309-032-1515	2-3-2014	Repeal	3-1-2014	330-092-0025	1-1-2014	Amend	2-1-2014
309-032-1520	2-3-2014	Repeal	3-1-2014	330-092-0030	1-1-2014	Amend	2-1-2014
309-032-1525	2-3-2014	Repeal	3-1-2014	330-092-0035	1-1-2014	Amend	2-1-2014
309-032-1530	2-3-2014	Repeal	3-1-2014	330-092-0040	1-1-2014	Amend	2-1-2014
309-032-1535	2-3-2014	Repeal	3-1-2014	330-092-0045	1-1-2014	Amend	2-1-2014
309-032-1540	2-3-2014	Repeal	3-1-2014	330-092-0050	1-1-2014	Amend	2-1-2014
309-032-1545	2-3-2014	Repeal	3-1-2014	330-092-0055	1-1-2014	Amend	2-1-2014
309-032-1550	2-3-2014	Repeal	3-1-2014	330-092-0060	1-1-2014	Repeal	2-1-2014
309-032-1555	2-3-2014	Repeal	3-1-2014	330-092-0065	1-1-2014	Repeal	2-1-2014
309-032-1560	2-3-2014	Repeal	3-1-2014	330-092-0070	1-1-2014	Amend	2-1-2014
309-032-1565	2-3-2014	Repeal	3-1-2014	330-110-0010	12-12-2013	Amend	1-1-2014
309-034-0400	2-3-2014	Repeal	3-1-2014	330-110-0012	3-7-2014	Adopt	4-1-2014
309-034-0410	2-3-2014	Repeal	3-1-2014	330-110-0040	12-12-2013	Amend	1-1-2014
309-034-0420	2-3-2014	Repeal	3-1-2014	330-110-0040(T)	12-12-2013	Repeal	1-1-2014
309-034-0430	2-3-2014	Repeal	3-1-2014	330-110-0060	12-12-2013	Adopt	1-1-2014
309-034-0440	2-3-2014	Repeal	3-1-2014	330-135-0010	12-23-2013	Amend	2-1-2014
309-034-0450	2-3-2014	Repeal	3-1-2014	330-135-0015	12-23-2013	Amend	2-1-2014
309-034-0460	2-3-2014	Repeal	3-1-2014	330-135-0018	12-23-2013	Amend	2-1-2014
309-034-0470	2-3-2014	Repeal	3-1-2014	330-135-0020	12-23-2013	Amend	2-1-2014
309-034-0480	2-3-2014	Repeal	3-1-2014	330-135-0025	12-23-2013	Amend	2-1-2014
309-034-0490	2-3-2014	Repeal	3-1-2014	330-135-0030	12-23-2013	Amend	2-1-2014
309-034-0500	2-3-2014	Repeal	3-1-2014	330-135-0035	12-23-2013	Amend	2-1-2014
309-039-0500	12-20-2013	Amend(T)	2-1-2014	330-135-0040	12-23-2013	Amend	2-1-2014
309-039-0510	12-20-2013	Amend(T)	2-1-2014	330-135-0045	12-23-2013	Amend	2-1-2014
309-039-0520	12-20-2013	Amend(T)	2-1-2014	330-135-0047	12-23-2013	Repeal	2-1-2014
309-039-0530	12-20-2013	Amend(T)	2-1-2014	330-135-0048	12-23-2013	Am. & Ren.	2-1-2014
309-039-0540	12-20-2013	Amend(T)	2-1-2014	330-135-0050	12-23-2013	Amend	2-1-2014
309-039-0570	12-20-2013	Amend(T)	2-1-2014	330-135-0055	12-23-2013	Amend	2-1-2014
309-041-1190	4-1-2014	Repeal	5-1-2014	330-135-0060	12-23-2013	Adopt	2-1-2014
309-041-1200	4-1-2014	Repeal	5-1-2014	330-160-0015	2-10-2014	Amend	3-1-2014
309-041-1210	4-1-2014	Repeal	5-1-2014	330-160-0020	2-10-2014	Amend	3-1-2014
309-041-1220	4-1-2014	Repeal	5-1-2014	330-160-0025	2-10-2014	Amend	3-1-2014
309-041-1230	4-1-2014	Repeal	5-1-2014	330-160-0030	2-10-2014	Amend	3-1-2014
309-041-1240	4-1-2014	Repeal	5-1-2014	330-160-0035	2-10-2014	Adopt	3-1-2014
309-041-1250	4-1-2014	Repeal	5-1-2014	330-160-0037	2-10-2014	Adopt	3-1-2014
309-100-0000	1-28-2014	Repeal	3-1-2014	330-160-0038	2-10-2014	Adopt	3-1-2014
309-114-0000	4-24-2014	Amend	6-1-2014	330-160-0040	2-10-2014	Amend	3-1-2014

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330-160-0060	2-10-2014	Adopt	3-1-2014	333-008-0020	1-13-2014	Amend	2-1-2014
330-160-0070	2-10-2014	Adopt	3-1-2014	333-008-0020	1-15-2014	Amend(T)	2-1-2014
330-170-0010	1-1-2014	Amend	2-1-2014	333-008-0020(T)	1-13-2014	Repeal	2-1-2014
330-170-0020	1-1-2014	Amend	2-1-2014	333-008-0025	1-15-2014	Amend(T)	2-1-2014
330-170-0030	1-1-2014	Amend	2-1-2014	333-008-0045	1-13-2014	Amend	2-1-2014
330-170-0040	1-1-2014	Amend	2-1-2014	333-008-0045	1-15-2014	Amend(T)	2-1-2014
330-170-0050	1-1-2014	Amend	2-1-2014	333-008-0050	1-15-2014	Amend(T)	2-1-2014
330-170-0060	1-1-2014	Amend	2-1-2014	333-008-0120	1-15-2014	Amend(T)	2-1-2014
331-010-0060	4-3-2014	Adopt(T)	5-1-2014	333-008-1000	1-15-2014	Adopt(T)	2-1-2014
331-010-0070	4-3-2014	Adopt(T)	5-1-2014	333-008-1010	1-15-2014	Adopt(T)	2-1-2014
331-440-0000	2-1-2014	Amend	2-1-2014	333-008-1020	1-15-2014	Adopt(T)	2-1-2014
331-710-0050	1-1-2014	Amend	2-1-2014	333-008-1030	1-15-2014	Adopt(T)	2-1-2014
331-710-0060	1-1-2014	Amend	2-1-2014	333-008-1040	1-15-2014	Adopt(T)	2-1-2014
331-710-0070	1-1-2014	Amend	2-1-2014	333-008-1050	1-15-2014	Adopt(T)	2-1-2014
331-710-0080	1-1-2014	Amend	2-1-2014	333-008-1060	1-15-2014	Adopt(T)	2-1-2014
331-710-0090	1-1-2014	Amend	2-1-2014	333-008-1070	1-15-2014	Adopt(T)	2-1-2014
331-710-0100	1-1-2014	Amend	2-1-2014	333-008-1080	1-15-2014	Adopt(T)	2-1-2014
331-710-0110	1-1-2014	Amend	2-1-2014	333-008-1090	1-15-2014	Adopt(T)	2-1-2014
331-720-0010	1-1-2014	Amend	2-1-2014	333-008-1100	1-15-2014	Adopt(T)	2-1-2014
331-720-0015	1-1-2014	Amend	2-1-2014	333-008-1110	1-15-2014	Adopt(T)	2-1-2014
331-720-0020	1-1-2014	Amend	2-1-2014	333-008-1120	1-15-2014	Adopt(T)	2-1-2014
331-810-0055	1-17-2014	Amend(T)	3-1-2014	333-008-1130	1-15-2014	Adopt(T)	2-1-2014
331-900-0010	1-1-2014	Amend	2-1-2014	333-008-1140	1-15-2014	Adopt(T)	2-1-2014
331-900-0015	1-1-2014	Amend	2-1-2014	333-008-1150	1-15-2014	Adopt(T)	2-1-2014
331-900-0020	1-1-2014	Amend	2-1-2014	333-008-1160	1-15-2014	Adopt(T)	2-1-2014
331-900-0040	1-1-2014	Amend	2-1-2014	333-008-1170	1-15-2014	Adopt(T)	2-1-2014
331-900-0050	1-1-2014	Amend	2-1-2014	333-008-1180	1-15-2014	Adopt(T)	2-1-2014
331-900-0077	1-1-2014	Adopt	2-1-2014	333-008-1190	1-15-2014	Adopt(T)	2-1-2014
331-900-0085	1-1-2014	Amend	2-1-2014	333-008-1190	2-21-2014	Adopt(T)	4-1-2014
331-900-0090	1-1-2014	Amend	2-1-2014	333-008-1190(T)	2-21-2014	Suspend	4-1-2014
331-900-0095	1-1-2014	Amend	2-1-2014	333-008-1200	1-15-2014	Adopt(T)	2-1-2014
331-900-0097	1-1-2014	Amend	2-1-2014	333-008-1210	1-15-2014	Adopt(T)	2-1-2014
331-900-0098	1-1-2014	Amend	2-1-2014	333-008-1220	1-15-2014	Adopt(T)	2-1-2014
331-900-0099	1-1-2014	Amend	2-1-2014	333-008-1225	4-1-2014	Adopt(T)	5-1-2014
331-900-0115	1-1-2014	Amend	2-1-2014	333-008-1230	1-15-2014	Adopt(T)	2-1-2014
331-905-0020	1-1-2014	Amend	2-1-2014	333-008-1240	1-15-2014	Adopt(T)	2-1-2014
331-905-0030	1-1-2014	Amend	2-1-2014	333-008-1240(T)	4-1-2014	Suspend	5-1-2014
331-905-0052	1-1-2014	Amend	2-1-2014	333-008-1245	4-1-2014	Adopt(T)	5-1-2014
331-905-0058	1-1-2014	Amend	2-1-2014	333-008-1250	1-15-2014	Adopt(T)	2-1-2014
331-905-0095	1-1-2014	Amend	2-1-2014	333-008-1260	1-15-2014	Adopt(T)	2-1-2014
331-910-0005	1-1-2014	Amend	2-1-2014	333-008-1270	1-15-2014	Adopt(T)	2-1-2014
331-910-0010	1-1-2014	Amend	2-1-2014	333-008-1270(T)	4-1-2014	Suspend	5-1-2014
331-910-0055	1-1-2014	Amend	2-1-2014	333-008-1275	4-1-2014	Adopt(T)	5-1-2014
331-910-0060	1-1-2014	Amend	2-1-2014	333-008-1280	1-15-2014	Adopt(T)	2-1-2014
331-915-0020	1-1-2014	Amend	2-1-2014	333-008-1290	1-15-2014	Adopt(T)	2-1-2014
331-915-0055	1-1-2014	Amend	2-1-2014	333-008-1400	4-1-2014	Adopt(T)	5-1-2014
331-915-0060	1-1-2014	Amend	2-1-2014	333-010-0105	4-22-2014	Amend(T)	6-1-2014
331-915-0065	1-1-2014	Amend	2-1-2014	333-010-0155	4-22-2014	Amend(T)	6-1-2014
331-915-0070	1-1-2014	Amend	2-1-2014	333-010-0205	4-18-2014	Amend(T)	6-1-2014
331-925-0050	1-1-2014	Amend	2-1-2014	333-010-0215	4-18-2014	Amend(T)	6-1-2014
331-940-0000	1-1-2014	Amend	2-1-2014	333-010-0220	4-18-2014	Amend(T)	6-1-2014
331-950-0040	1-1-2014	Amend	2-1-2014	333-010-0225	4-18-2014	Amend(T)	6-1-2014
332-020-0010	1-1-2014	Amend	2-1-2014	333-010-0235	4-18-2014	Amend(T)	6-1-2014
332-020-0015	1-1-2014	Amend	2-1-2014	333-010-0245	4-18-2014	Amend(T)	6-1-2014
333-008-0010	1-13-2014	Amend	2-1-2014	333-010-0250	4-18-2014	Amend(T)	6-1-2014

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333-010-0265	4-18-2014	Amend(T)	6-1-2014	333-019-0031	1-1-2014	Amend	2-1-2014
333-010-0270	4-18-2014	Amend(T)	6-1-2014	333-019-0046	1-1-2014	Repeal	2-1-2014
333-010-0275	4-18-2014	Amend(T)	6-1-2014	333-019-0052	1-1-2014	Adopt	2-1-2014
333-010-0280	4-18-2014	Amend(T)	6-1-2014	333-024-0205	5-1-2014	Amend	5-1-2014
333-010-0285	4-18-2014	Amend(T)	6-1-2014	333-024-0210	5-1-2014	Amend	5-1-2014
333-010-0290	4-18-2014	Amend(T)	6-1-2014	333-024-0215	5-1-2014	Amend	5-1-2014
333-011-0006	1-1-2014	Repeal	2-1-2014	333-024-0220	5-1-2014	Amend	5-1-2014
333-011-0011	1-1-2014	Repeal	2-1-2014	333-024-0225	5-1-2014	Amend	5-1-2014
333-011-0016	1-1-2014	Repeal	2-1-2014	333-024-0230	5-1-2014	Amend	5-1-2014
333-011-0021	1-1-2014	Repeal	2-1-2014	333-024-0231	5-1-2014	Amend	5-1-2014
333-011-0043	1-1-2014	Repeal	2-1-2014	333-024-0232	5-1-2014	Amend	5-1-2014
333-011-0047	1-1-2014	Am. & Ren.	2-1-2014	333-024-0235	5-1-2014	Amend	5-1-2014
333-011-0048	1-1-2014	Repeal	2-1-2014	333-024-0240	1-30-2014	Amend	3-1-2014
333-011-0061	1-1-2014	Repeal	2-1-2014	333-024-0240	5-1-2014	Amend	5-1-2014
333-011-0067	1-1-2014	Repeal	2-1-2014	333-024-0241	1-30-2014	Repeal	3-1-2014
333-011-0072	1-1-2014	Repeal	2-1-2014	333-028-0200	1-1-2014	Adopt	2-1-2014
333-011-0073	1-1-2014	Repeal	2-1-2014	333-028-0210	1-1-2014	Adopt	2-1-2014
333-011-0076	1-1-2014	Am. & Ren.	2-1-2014	333-028-0220	1-1-2014	Adopt	2-1-2014
333-011-0096	1-1-2014	Repeal	2-1-2014	333-028-0230	1-1-2014	Adopt	2-1-2014
333-011-0101	1-1-2014	Am. & Ren.	2-1-2014	333-028-0240	1-1-2014	Adopt	2-1-2014
333-011-0106	1-1-2014	Am. & Ren.	2-1-2014	333-028-0250	1-1-2014	Adopt	2-1-2014
333-011-0110	1-1-2014	Am. & Ren.	2-1-2014	333-028-0260	4-1-2014	Adopt	5-1-2014
333-011-0116	1-1-2014	Repeal	2-1-2014	333-028-0270	4-1-2014	Adopt	5-1-2014
333-011-0155	1-1-2014	Repeal	2-1-2014	333-028-0280	4-1-2014	Adopt	5-1-2014
333-011-0200	1-1-2014	Am. & Ren.	2-1-2014	333-050-0010	3-1-2014	Amend	3-1-2014
333-011-0205	1-1-2014	Adopt	2-1-2014	333-050-0020	3-1-2014	Amend	3-1-2014
333-011-0210	1-1-2014	Adopt	2-1-2014	333-050-0040	3-1-2014	Amend	3-1-2014
333-011-0215	1-1-2014	Adopt	2-1-2014	333-050-0050	3-1-2014	Amend	3-1-2014
333-011-0220	1-1-2014	Adopt	2-1-2014	333-050-0060	3-1-2014	Amend	3-1-2014
333-011-0225	1-1-2014	Adopt	2-1-2014	333-050-0070	3-1-2014	Amend	3-1-2014
333-011-0230	1-1-2014	Adopt	2-1-2014	333-050-0080	3-1-2014	Amend	3-1-2014
333-011-0235	1-1-2014	Adopt	2-1-2014	333-050-0100	3-1-2014	Amend	3-1-2014
333-011-0240	1-1-2014	Adopt	2-1-2014	333-050-0110	3-1-2014	Amend	3-1-2014
333-011-0245	1-1-2014	Adopt	2-1-2014	333-050-0120	3-1-2014	Amend	3-1-2014
333-011-0250	1-1-2014	Adopt	2-1-2014	333-050-0130	3-1-2014	Amend	3-1-2014
333-011-0255	1-1-2014	Adopt	2-1-2014	333-050-0140	3-1-2014	Amend	3-1-2014
333-011-0260	1-1-2014	Adopt	2-1-2014	333-052-0040	1-30-2014	Amend	3-1-2014
333-011-0265	1-1-2014	Adopt	2-1-2014	333-052-0043	1-30-2014	Amend	3-1-2014
333-011-0270	1-1-2014	Adopt	2-1-2014	333-052-0044	1-30-2014	Amend	3-1-2014
333-011-0280	1-1-2014	Adopt	2-1-2014	333-052-0120	1-30-2014	Amend	3-1-2014
333-011-0285	1-1-2014	Adopt	2-1-2014	333-053-0000	1-30-2014	Adopt	3-1-2014
333-011-0300	1-1-2014	Adopt	2-1-2014	333-054-0052	1-30-2014	Adopt	3-1-2014
333-011-0305	1-1-2014	Adopt	2-1-2014	333-055-0100	11-19-2013	Adopt	1-1-2014
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333-011-0320	1-1-2014	Adopt	2-1-2014	333-055-0105	11-19-2013	Adopt	1-1-2014
333-011-0325	1-1-2014	Adopt	2-1-2014	333-055-0105(T)	11-19-2013	Repeal	1-1-2014
333-011-0330	1-1-2014	Adopt	2-1-2014	333-055-0110	11-19-2013	Adopt	1-1-2014
333-017-0000	1-1-2014	Amend	2-1-2014	333-055-0110(T)	11-19-2013	Repeal	1-1-2014
333-018-0005	1-1-2014	Amend	2-1-2014	333-055-0115	11-19-2013	Adopt	1-1-2014
333-018-0010	1-1-2014	Amend	2-1-2014	333-056-0020	1-1-2014	Amend	2-1-2014
333-018-0015	1-1-2014	Amend	2-1-2014	333-056-0030	1-1-2014	Amend	2-1-2014
333-018-0018	1-1-2014	Amend	2-1-2014	333-056-0040	1-1-2014	Amend	2-1-2014
333-018-0020	1-1-2014	Amend	2-1-2014	333-056-0045	1-1-2014	Adopt	2-1-2014
333-018-0035	1-1-2014	Amend	2-1-2014	333-056-0050	1-1-2014	Amend	2-1-2014
333-019-0010	1-1-2014	Amend	2-1-2014	333-061-0020	5-8-2014	Amend	6-1-2014

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333-061-0065	5-8-2014	Amend	6-1-2014	334-010-0050	1-1-2014	Amend	1-1-2014
333-061-0072	5-8-2014	Amend	6-1-2014	334-020-0005	1-1-2014	Amend	1-1-2014
333-061-0073	5-8-2014	Amend	6-1-2014	334-040-0010	1-1-2014	Amend	1-1-2014
333-061-0090	5-8-2014	Amend	6-1-2014	335-005-0026	5-19-2014	Adopt(T)	6-1-2014
333-061-0205	5-8-2014	Repeal	6-1-2014	335-060-0007	3-7-2014	Amend	4-1-2014
333-061-0210	5-8-2014	Amend	6-1-2014	340-011-0005	1-6-2014	Amend	2-1-2014
333-061-0220	5-8-2014	Amend	6-1-2014	340-011-0010	1-6-2014	Amend	2-1-2014
333-061-0225	5-8-2014	Amend	6-1-2014	340-011-0024	1-6-2014	Amend	2-1-2014
333-061-0228	5-8-2014	Amend	6-1-2014	340-011-0029	1-6-2014	Amend	2-1-2014
333-061-0230	5-8-2014	Amend	6-1-2014	340-011-0046	1-6-2014	Amend	2-1-2014
333-061-0232	5-8-2014	Adopt	6-1-2014	340-011-0053	1-6-2014	Amend	2-1-2014
333-061-0235	5-8-2014	Amend	6-1-2014	340-011-0061	1-6-2014	Amend	2-1-2014
333-061-0245	5-8-2014	Amend	6-1-2014	340-011-0310	1-6-2014	Amend	2-1-2014
333-061-0250	5-8-2014	Amend	6-1-2014	340-011-0330	1-6-2014	Amend	2-1-2014
333-061-0260	5-8-2014	Amend	6-1-2014	340-011-0340	1-6-2014	Amend	2-1-2014
333-061-0265	5-8-2014	Amend	6-1-2014	340-011-0360	1-6-2014	Amend	2-1-2014
333-061-0270	5-8-2014	Amend	6-1-2014	340-011-0370	1-6-2014	Amend	2-1-2014
333-061-0272	5-8-2014	Amend	6-1-2014	340-011-0380	1-6-2014	Amend	2-1-2014
333-061-0290	5-8-2014	Repeal	6-1-2014	340-011-0390	1-6-2014	Amend	2-1-2014
333-076-0670	1-1-2014	Amend(T)	2-1-2014	340-011-0500	1-6-2014	Amend	2-1-2014
333-081-0000	2-1-2014	Adopt	3-1-2014	340-011-0510	1-6-2014	Amend	2-1-2014
333-081-0005	2-1-2014	Adopt	3-1-2014	340-011-0515	1-6-2014	Amend	2-1-2014
333-081-0010	2-1-2014	Adopt	3-1-2014	340-011-0520	1-6-2014	Amend	2-1-2014
333-081-0015	2-1-2014	Adopt	3-1-2014	340-011-0525	1-6-2014	Amend	2-1-2014
333-081-0020	2-1-2014	Adopt	3-1-2014	340-011-0530	1-6-2014	Amend	2-1-2014
333-081-0025	2-1-2014	Adopt	3-1-2014	340-011-0535	1-6-2014	Amend	2-1-2014
333-081-0030	2-1-2014	Adopt	3-1-2014	340-011-0540	1-6-2014	Amend	2-1-2014
333-081-0035	2-1-2014	Adopt	3-1-2014	340-011-0545	1-6-2014	Amend	2-1-2014
333-081-0040	2-1-2014	Adopt	3-1-2014	340-011-0550	1-6-2014	Amend	2-1-2014
333-081-0045	2-1-2014	Adopt	3-1-2014	340-011-0555	1-6-2014	Amend	2-1-2014
333-081-0050	2-1-2014	Adopt	3-1-2014	340-011-0565	1-6-2014	Amend	2-1-2014
333-081-0055	2-1-2014	Adopt	3-1-2014	340-011-0570	1-6-2014	Amend	2-1-2014
333-081-0060	2-1-2014	Adopt	3-1-2014	340-011-0573	1-6-2014	Amend	2-1-2014
333-081-0065	2-1-2014	Adopt	3-1-2014	340-011-0575	1-6-2014	Amend	2-1-2014
333-081-0070	2-1-2014	Adopt	3-1-2014	340-011-0580	1-6-2014	Amend	2-1-2014
333-081-0075	2-1-2014	Adopt	3-1-2014	340-011-0585	1-6-2014	Amend	2-1-2014
333-081-0080	2-1-2014	Adopt	3-1-2014	340-011-0605	1-6-2014	Repeal	2-1-2014
333-081-0085	2-1-2014	Adopt	3-1-2014	340-012-0026	1-6-2014	Amend	2-1-2014
333-081-0090	2-1-2014	Adopt	3-1-2014	340-012-0027	1-6-2014	Repeal	2-1-2014
333-106-0735	1-1-2014	Adopt	2-1-2014	340-012-0028	1-6-2014	Amend	2-1-2014
333-116-0660	1-1-2014	Amend	2-1-2014	340-012-0030	1-6-2014	Amend	2-1-2014
333-116-0680	1-1-2014	Amend	2-1-2014	340-012-0038	1-6-2014	Amend	2-1-2014
333-116-0683	1-1-2014	Amend	2-1-2014	340-012-0041	1-6-2014	Amend	2-1-2014
333-116-0687	1-1-2014	Amend	2-1-2014	340-012-0045	1-6-2014	Amend	2-1-2014
333-116-0690	1-1-2014	Amend	2-1-2014	340-012-0053	1-6-2014	Amend	2-1-2014
333-116-0700	1-1-2014	Amend	2-1-2014	340-012-0054	1-6-2014	Amend	2-1-2014
333-116-0715	1-1-2014	Amend	2-1-2014	340-012-0055	1-6-2014	Amend	2-1-2014
333-118-0040	1-1-2014	Amend	2-1-2014	340-012-0060	1-6-2014	Amend	2-1-2014
333-119-0010	1-1-2014	Amend	2-1-2014	340-012-0065	1-6-2014	Amend	2-1-2014
333-119-0090	1-1-2014	Amend	2-1-2014	340-012-0066	1-6-2014	Amend	2-1-2014
333-119-0110	1-1-2014	Amend	2-1-2014	340-012-0067	1-6-2014	Amend	2-1-2014
333-520-0060	1-1-2014	Amend(T)	2-1-2014	340-012-0068	1-6-2014	Amend	2-1-2014
334-010-0005	1-1-2014	Amend	1-1-2014	340-012-0071	1-6-2014	Amend	2-1-2014
334-010-0006	1-1-2014	Adopt	1-1-2014	340-012-0072	1-6-2014	Amend	2-1-2014
334-010-0010	1-1-2014	Amend	1-1-2014	340-012-0073	1-6-2014	Amend	2-1-2014
334-010-0033	1-1-2014	Amend	1-1-2014	340-012-0074	1-6-2014	Amend	2-1-2014

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340-012-0081	1-6-2014	Amend	2-1-2014	340-071-0445	1-2-2014	Amend	2-1-2014
340-012-0082	1-6-2014	Amend	2-1-2014	340-071-0520	1-2-2014	Amend	2-1-2014
340-012-0083	1-6-2014	Amend	2-1-2014	340-071-0600	1-2-2014	Amend	2-1-2014
340-012-0097	1-6-2014	Amend	2-1-2014	340-071-0650	1-2-2014	Amend	2-1-2014
340-012-0130	1-6-2014	Amend	2-1-2014	340-200-0040	12-19-2013	Amend	2-1-2014
340-012-0135	1-6-2014	Amend	2-1-2014	340-200-0040	1-6-2014	Amend	2-1-2014
340-012-0140	1-6-2014	Amend	2-1-2014	340-200-0040	3-31-2014	Amend	5-1-2014
340-012-0145	1-6-2014	Amend	2-1-2014	340-200-0040	3-31-2014	Amend	5-1-2014
340-012-0150	1-6-2014	Amend	2-1-2014	340-200-0040	3-31-2014	Amend	5-1-2014
340-012-0155	1-6-2014	Amend	2-1-2014	340-253-0040	1-1-2014	Amend(T)	2-1-2014
340-012-0160	1-6-2014	Amend	2-1-2014	340-253-0060	1-1-2014	Amend(T)	2-1-2014
340-012-0162	1-6-2014	Amend	2-1-2014	340-253-0100	1-1-2014	Amend(T)	2-1-2014
340-012-0165	1-6-2014	Amend	2-1-2014	340-253-0250	1-1-2014	Amend(T)	2-1-2014
340-012-0170	1-6-2014	Amend	2-1-2014	340-253-0310	1-1-2014	Amend(T)	2-1-2014
340-018-0030	1-2-2014	Amend	2-1-2014	340-253-0320	1-1-2014	Amend(T)	2-1-2014
340-040-0020	12-23-2013	Amend	2-1-2014	340-253-0340	1-1-2014	Amend(T)	2-1-2014
340-040-0080	12-23-2013	Amend	2-1-2014	340-253-0400	1-1-2014	Amend(T)	2-1-2014
340-041-0009	12-23-2013	Amend	2-1-2014	340-253-0500	1-1-2014	Amend(T)	2-1-2014
340-041-0033	4-18-2014	Amend	2-1-2014	340-253-0600	1-1-2014	Amend(T)	2-1-2014
340-054-0010	2-3-2014	Amend	3-1-2014	340-253-0630	1-1-2014	Amend(T)	2-1-2014
340-054-0011	2-3-2014	Amend	3-1-2014	340-253-0650	1-1-2014	Amend(T)	2-1-2014
340-054-0071	2-3-2014	Adopt	3-1-2014	340-253-3000	1-1-2014	Amend(T)	2-1-2014
340-054-0072	2-3-2014	Adopt	3-1-2014	340-253-3010	1-1-2014	Amend(T)	2-1-2014
340-071-0100	1-2-2014	Amend	2-1-2014	340-253-3020	1-1-2014	Amend(T)	2-1-2014
340-071-0115	1-2-2014	Amend	2-1-2014	340-257-0010	12-19-2013	Amend	2-1-2014
340-071-0120	1-2-2014	Amend	2-1-2014	340-257-0020	12-19-2013	Amend	2-1-2014
340-071-0130	1-2-2014	Amend	2-1-2014	340-257-0030	12-19-2013	Amend	2-1-2014
340-071-0131	1-2-2014	Repeal	2-1-2014	340-257-0050	12-19-2013	Amend	2-1-2014
340-071-0135	1-2-2014	Amend	2-1-2014	340-257-0070	12-19-2013	Amend	2-1-2014
340-071-0140	1-2-2014	Amend	2-1-2014	340-257-0080	12-19-2013	Amend	2-1-2014
340-071-0150	1-2-2014	Amend	2-1-2014	340-257-0090	12-19-2013	Amend	2-1-2014
340-071-0155	1-2-2014	Amend	2-1-2014	340-257-0100	12-19-2013	Amend	2-1-2014
340-071-0160	1-2-2014	Amend	2-1-2014	340-257-0110	12-19-2013	Amend	2-1-2014
340-071-0162	1-2-2014	Amend	2-1-2014	340-257-0120	12-19-2013	Amend	2-1-2014
340-071-0165	1-2-2014	Amend	2-1-2014	340-259-0010	3-31-2014	Amend	5-1-2014
340-071-0170	1-2-2014	Amend	2-1-2014	407-025-0010	2-14-2014	Adopt	3-1-2014
340-071-0205	1-2-2014	Amend	2-1-2014	407-025-0050	2-14-2014	Adopt	3-1-2014
340-071-0215	1-2-2014	Amend	2-1-2014	409-022-0050	2-24-2014	Amend	4-1-2014
340-071-0220	1-2-2014	Amend	2-1-2014	409-023-0000	1-1-2014	Am. & Ren.	2-1-2014
340-071-0260	1-2-2014	Amend	2-1-2014	409-023-0005	1-1-2014	Am. & Ren.	2-1-2014
340-071-0265	1-2-2014	Amend	2-1-2014	409-023-0010	1-1-2014	Am. & Ren.	2-1-2014
340-071-0270	1-2-2014	Repeal	2-1-2014	409-023-0012	1-1-2014	Am. & Ren.	2-1-2014
340-071-0275	1-2-2014	Amend	2-1-2014	409-023-0013	1-1-2014	Am. & Ren.	2-1-2014
340-071-0290	1-2-2014	Amend	2-1-2014	409-023-0015	1-1-2014	Am. & Ren.	2-1-2014
340-071-0295	1-2-2014	Amend	2-1-2014	409-023-0020	1-1-2014	Am. & Ren.	2-1-2014
340-071-0302	1-2-2014	Amend	2-1-2014	409-023-0025	1-1-2014	Am. & Ren.	2-1-2014
340-071-0325	1-2-2014	Amend	2-1-2014	409-023-0030	1-1-2014	Am. & Ren.	2-1-2014
340-071-0335	1-2-2014	Amend	2-1-2014	409-023-0035	1-1-2014	Am. & Ren.	2-1-2014
340-071-0340	1-2-2014	Amend	2-1-2014	409-045-0105	1-1-2014	Adopt(T)	2-1-2014
340-071-0345	1-2-2014	Amend	2-1-2014	409-045-0110	1-1-2014	Adopt(T)	2-1-2014
340-071-0360	1-2-2014	Amend	2-1-2014	409-045-0115	1-1-2014	Adopt(T)	2-1-2014
340-071-0400	1-2-2014	Amend	2-1-2014	409-045-0120	1-1-2014	Adopt(T)	2-1-2014
340-071-0415	1-2-2014	Amend	2-1-2014	409-045-0125	1-1-2014	Adopt(T)	2-1-2014
340-071-0420	1-2-2014	Amend	2-1-2014	409-045-0130	1-1-2014	Adopt(T)	2-1-2014
340-071-0425	1-2-2014	Amend	2-1-2014	409-045-0135	1-1-2014	Adopt(T)	2-1-2014

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409-110-0005	2-24-2014	Repeal	4-1-2014	410-121-0030(T)	1-10-2014	Suspend	2-1-2014
409-110-0010	2-24-2014	Repeal	4-1-2014	410-121-0040	1-1-2014	Amend(T)	2-1-2014
409-110-0015	2-24-2014	Repeal	4-1-2014	410-121-0040	3-21-2014	Amend(T)	5-1-2014
409-110-0020	2-24-2014	Repeal	4-1-2014	410-121-0040	5-2-2014	Amend(T)	6-1-2014
410-050-0100	4-1-2014	Repeal	5-1-2014	410-121-0111	1-28-2014	Amend	3-1-2014
410-050-0110	4-1-2014	Repeal	5-1-2014	410-121-4005	11-19-2013	Amend	1-1-2014
410-050-0120	4-1-2014	Repeal	5-1-2014	410-121-4010	11-19-2013	Amend	1-1-2014
410-050-0130	4-1-2014	Repeal	5-1-2014	410-121-4020	11-19-2013	Amend	1-1-2014
410-050-0140	4-1-2014	Repeal	5-1-2014	410-122-0055	1-1-2014	Suspend	2-1-2014
410-050-0150	4-1-2014	Repeal	5-1-2014	410-122-0055	4-4-2014	Repeal	5-1-2014
410-050-0160	4-1-2014	Repeal	5-1-2014	410-122-0186	2-1-2014	Amend(T)	2-1-2014
410-050-0170	4-1-2014	Repeal	5-1-2014	410-123-1060	1-1-2014	Amend(T)	2-1-2014
410-050-0180	4-1-2014	Repeal	5-1-2014	410-123-1200	1-1-2014	Amend(T)	2-1-2014
410-050-0190	4-1-2014	Repeal	5-1-2014	410-123-1200	4-1-2014	Amend(T)	5-1-2014
410-050-0200	4-1-2014	Repeal	5-1-2014	410-123-1200(T)	4-1-2014	Suspend	5-1-2014
410-050-0210	4-1-2014	Repeal	5-1-2014	410-123-1260	12-23-2013	Amend	1-1-2014
410-050-0220	4-1-2014	Repeal	5-1-2014	410-123-1260	1-1-2014	Amend(T)	2-1-2014
410-050-0230	4-1-2014	Repeal	5-1-2014	410-123-1260	2-28-2014	Amend(T)	4-1-2014
410-050-0240	4-1-2014	Repeal	5-1-2014	410-123-1260	4-1-2014	Amend(T)	5-1-2014
410-050-0250	4-1-2014	Repeal	5-1-2014	410-123-1260(T)	4-1-2014	Suspend	5-1-2014
410-050-0870	3-25-2014	Amend	5-1-2014	410-123-1540	1-1-2014	Amend(T)	2-1-2014
410-050-0870(T)	3-25-2014	Repeal	5-1-2014	410-123-1670	1-1-2014	Suspend	2-1-2014
410-120-0000	12-27-2013	Amend	2-1-2014	410-123-1670	4-4-2014	Repeal	5-1-2014
410-120-0000(T)	12-27-2013	Repeal	2-1-2014	410-125-0020	1-1-2014	Amend(T)	2-1-2014
410-120-0003	1-1-2014	Adopt	2-1-2014	410-125-0020	4-4-2014	Amend	5-1-2014
410-120-0006	2-1-2014	Amend(T)	3-1-2014	410-125-0020(T)	4-4-2014	Repeal	5-1-2014
410-120-0006	3-31-2014	Amend	5-1-2014	410-125-0047	1-1-2014	Suspend	2-1-2014
410-120-0006(T)	2-1-2014	Suspend	3-1-2014	410-125-0047	4-4-2014	Repeal	5-1-2014
410-120-0006(T)	3-31-2014	Repeal	5-1-2014	410-125-0080	1-1-2014	Amend(T)	2-1-2014
410-120-0030	12-3-2013	Amend	1-1-2014	410-125-0080	4-4-2014	Amend	5-1-2014
410-120-0030	1-1-2014	Amend(T)	2-1-2014	410-125-0080(T)	4-4-2014	Repeal	5-1-2014
410-120-0030	4-4-2014	Amend	5-1-2014	410-125-0085	1-1-2014	Amend(T)	2-1-2014
410-120-0030(T)	4-4-2014	Repeal	5-1-2014	410-125-0085	4-4-2014	Amend	5-1-2014
410-120-0045	12-27-2013	Amend	2-1-2014	410-125-0085(T)	4-4-2014	Repeal	5-1-2014
410-120-0045(T)	12-27-2013	Repeal	2-1-2014	410-127-0050	1-1-2014	Suspend	2-1-2014
410-120-1160	12-27-2013	Amend	2-1-2014	410-127-0055	4-4-2014	Repeal	5-1-2014
410-120-1160(T)	12-27-2013	Repeal	2-1-2014	410-129-0020	4-2-2014	Amend	5-1-2014
410-120-1200	12-27-2013	Amend	2-1-2014	410-129-0065	4-2-2014	Amend	5-1-2014
410-120-1200(T)	12-27-2013	Repeal	2-1-2014	410-129-0070	4-2-2014	Amend	5-1-2014
410-120-1210	12-27-2013	Amend	2-1-2014	410-129-0195	1-1-2014	Suspend	2-1-2014
410-120-1210	1-1-2014	Amend(T)	2-1-2014	410-129-0195	4-4-2014	Repeal	5-1-2014
410-120-1210	4-4-2014	Amend	5-1-2014	410-130-0015	1-1-2014	Adopt	2-1-2014
410-120-1210(T)	12-27-2013	Repeal	2-1-2014	410-130-0163	1-1-2014	Suspend	2-1-2014
410-120-1210(T)	4-4-2014	Repeal	5-1-2014	410-130-0163	4-4-2014	Repeal	5-1-2014
410-120-1230	1-1-2014	Amend(T)	2-1-2014	410-130-0240	1-1-2014	Amend(T)	2-1-2014
410-120-1230	4-4-2014	Amend	5-1-2014	410-130-0240	4-4-2014	Amend	5-1-2014
410-120-1230(T)	4-4-2014	Repeal	5-1-2014	410-130-0240(T)	4-4-2014	Repeal	5-1-2014
410-120-1340	12-30-2013	Amend(T)	2-1-2014	410-130-0255	3-13-2014	Amend	4-1-2014
410-120-1340	4-4-2014	Amend	5-1-2014	410-131-0120	1-1-2014	Amend(T)	2-1-2014
410-120-1340(T)	4-4-2014	Repeal	5-1-2014	410-131-0120	4-4-2014	Amend	5-1-2014
410-120-1855	12-27-2013	Amend	2-1-2014	410-131-0120(T)	4-4-2014	Repeal	5-1-2014
410-120-1855(T)	12-27-2013	Repeal	2-1-2014	410-132-0055	1-1-2014	Suspend	2-1-2014
410-121-0030	1-1-2014	Amend(T)	2-1-2014	410-132-0055	4-4-2014	Repeal	5-1-2014
410-121-0030	1-10-2014	Amend(T)	2-1-2014	410-136-3000	1-1-2014	Amend(T)	2-1-2014
410-121-0030	3-21-2014	Amend(T)	5-1-2014	410-136-3020	1-1-2014	Amend(T)	2-1-2014

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410-136-3140	1-1-2014	Amend(T)	2-1-2014	410-148-0090	1-1-2014	Suspend	2-1-2014
410-136-3220	1-1-2014	Amend(T)	2-1-2014	410-148-0090	4-4-2014	Repeal	5-1-2014
410-136-3240	1-1-2014	Amend(T)	2-1-2014	410-180-0300	12-3-2013	Adopt	1-1-2014
410-136-3260	3-11-2014	Amend	4-1-2014	410-180-0300(T)	12-3-2013	Repeal	1-1-2014
410-136-3260(T)	3-11-2014	Repeal	4-1-2014	410-180-0305	12-3-2013	Adopt	1-1-2014
410-138-0000	1-1-2014	Amend(T)	2-1-2014	410-180-0305(T)	12-3-2013	Repeal	1-1-2014
410-138-0000	4-4-2014	Amend	5-1-2014	410-180-0310	12-3-2013	Adopt	1-1-2014
410-138-0007	1-1-2014	Amend(T)	2-1-2014	410-180-0310(T)	12-3-2013	Repeal	1-1-2014
410-138-0007	4-4-2014	Amend	5-1-2014	410-180-0312	12-3-2013	Adopt	1-1-2014
410-138-0007(T)	4-4-2014	Repeal	5-1-2014	410-180-0315	12-3-2013	Adopt	1-1-2014
410-138-0009	1-1-2014	Amend(T)	2-1-2014	410-180-0315(T)	12-3-2013	Repeal	1-1-2014
410-138-0009	4-4-2014	Amend	5-1-2014	410-180-0320	12-3-2013	Adopt	1-1-2014
410-138-0009(T)	4-4-2014	Repeal	5-1-2014	410-180-0320(T)	12-3-2013	Repeal	1-1-2014
410-140-0020	5-8-2014	Amend	6-1-2014	410-180-0325	1-15-2014	Adopt	2-1-2014
410-140-0040	5-8-2014	Amend	6-1-2014	410-180-0325(T)	1-15-2014	Repeal	2-1-2014
410-140-0050	5-8-2014	Amend	6-1-2014	410-180-0326	1-15-2014	Adopt	2-1-2014
410-140-0060	5-8-2014	Repeal	6-1-2014	410-180-0327	12-3-2013	Adopt	1-1-2014
410-140-0110	5-8-2014	Repeal	6-1-2014	410-180-0327(T)	12-3-2013	Repeal	1-1-2014
410-140-0120	5-8-2014	Amend	6-1-2014	410-180-0340	12-3-2013	Adopt	1-1-2014
410-140-0140	5-8-2014	Amend	6-1-2014	410-180-0340(T)	12-3-2013	Repeal	1-1-2014
410-140-0160	5-8-2014	Amend	6-1-2014	410-180-0345	12-3-2013	Adopt	1-1-2014
410-140-0180	5-8-2014	Repeal	6-1-2014	410-180-0345(T)	12-3-2013	Repeal	1-1-2014
410-140-0200	5-8-2014	Amend	6-1-2014	410-180-0350	12-3-2013	Adopt	1-1-2014
410-140-0210	5-8-2014	Repeal	6-1-2014	410-180-0350(T)	12-3-2013	Repeal	1-1-2014
410-140-0220	5-8-2014	Repeal	6-1-2014	410-180-0355	12-3-2013	Adopt	1-1-2014
410-140-0240	5-8-2014	Repeal	6-1-2014	410-180-0355(T)	12-3-2013	Repeal	1-1-2014
410-140-0260	5-8-2014	Amend	6-1-2014	410-180-0360	12-3-2013	Adopt	1-1-2014
410-140-0280	5-8-2014	Amend	6-1-2014	410-180-0370	12-3-2013	Adopt	1-1-2014
410-140-0300	5-8-2014	Amend	6-1-2014	410-180-0370(T)	12-3-2013	Repeal	1-1-2014
410-140-0320	5-8-2014	Repeal	6-1-2014	410-180-0375	12-3-2013	Adopt	1-1-2014
410-140-0380	5-8-2014	Repeal	6-1-2014	410-180-0375(T)	12-3-2013	Repeal	1-1-2014
410-140-0400	5-8-2014	Amend	6-1-2014	410-180-0380	12-3-2013	Adopt	1-1-2014
410-141-0065	1-31-2014	Adopt	3-1-2014	410-180-0380(T)	12-3-2013	Repeal	1-1-2014
410-141-0080	2-1-2014	Amend(T)	3-1-2014	410-200-0010	1-15-2014	Adopt(T)	2-1-2014
410-141-0520	1-31-2014	Amend	3-1-2014	410-200-0010	3-28-2014	Adopt	5-1-2014
410-141-0520	4-1-2014	Amend(T)	5-1-2014	410-200-0010(T)	1-15-2014	Suspend	2-1-2014
410-141-0860	1-1-2014	Amend(T)	2-1-2014	410-200-0010(T)	3-28-2014	Repeal	5-1-2014
410-141-0860	4-4-2014	Amend	5-1-2014	410-200-0015	1-15-2014	Adopt(T)	2-1-2014
410-141-0860(T)	4-4-2014	Repeal	5-1-2014	410-200-0015	3-28-2014	Adopt	5-1-2014
410-141-3060	11-29-2013	Amend	1-1-2014	410-200-0015(T)	1-15-2014	Suspend	2-1-2014
410-141-3065	1-31-2014	Adopt	3-1-2014	410-200-0015(T)	3-28-2014	Repeal	5-1-2014
410-141-3070	4-1-2014	Amend(T)	5-1-2014	410-200-0100	1-15-2014	Adopt(T)	2-1-2014
410-141-3080	11-29-2013	Amend	1-1-2014	410-200-0100	3-28-2014	Adopt	5-1-2014
410-141-3080	2-1-2014	Amend(T)	3-1-2014	410-200-0100(T)	1-15-2014	Suspend	2-1-2014
410-141-3220	11-29-2013	Amend	1-1-2014	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

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410-200-0111(T)	1-15-2014	Suspend	2-1-2014	410-200-0225(T)	1-15-2014	Suspend	2-1-2014
410-200-0111(T)	3-28-2014	Repeal	5-1-2014	410-200-0225(T)	3-28-2014	Repeal	5-1-2014
410-200-0115	1-15-2014	Adopt(T)	2-1-2014	410-200-0230	1-15-2014	Adopt(T)	2-1-2014
410-200-0115	3-28-2014	Adopt	5-1-2014	410-200-0230	3-28-2014	Adopt	5-1-2014
410-200-0115(T)	1-15-2014	Suspend	2-1-2014	410-200-0230(T)	1-15-2014	Suspend	2-1-2014
410-200-0115(T)	3-28-2014	Repeal	5-1-2014	410-200-0230(T)	3-28-2014	Repeal	5-1-2014
410-200-0120	1-15-2014	Adopt(T)	2-1-2014	410-200-0235	1-15-2014	Adopt(T)	2-1-2014
410-200-0120	3-28-2014	Adopt	5-1-2014	410-200-0235	3-28-2014	Adopt	5-1-2014
410-200-0120(T)	1-15-2014	Suspend	2-1-2014	410-200-0235(T)	1-15-2014	Suspend	2-1-2014
410-200-0120(T)	3-28-2014	Repeal	5-1-2014	410-200-0235(T)	3-28-2014	Repeal	5-1-2014
410-200-0125	1-15-2014	Adopt(T)	2-1-2014	410-200-0240	1-15-2014	Adopt(T)	2-1-2014
410-200-0125	3-28-2014	Adopt	5-1-2014	410-200-0240	3-28-2014	Adopt	5-1-2014
410-200-0125(T)	1-15-2014	Suspend	2-1-2014	410-200-0240(T)	1-15-2014	Suspend	2-1-2014
410-200-0125(T)	3-28-2014	Repeal	5-1-2014	410-200-0240(T)	3-28-2014	Repeal	5-1-2014
410-200-0130	1-15-2014	Adopt(T)	2-1-2014	410-200-0305	1-15-2014	Adopt(T)	2-1-2014
410-200-0130	3-28-2014	Adopt	5-1-2014	410-200-0305	3-28-2014	Adopt	5-1-2014
410-200-0130(T)	1-15-2014	Suspend	2-1-2014	410-200-0305(T)	1-15-2014	Suspend	2-1-2014
410-200-0130(T)	3-28-2014	Repeal	5-1-2014	410-200-0305(T)	3-28-2014	Repeal	5-1-2014
410-200-0135	1-15-2014	Adopt(T)	2-1-2014	410-200-0310	1-15-2014	Adopt(T)	2-1-2014
410-200-0135	3-28-2014	Adopt	5-1-2014	410-200-0310	3-28-2014	Adopt	5-1-2014
410-200-0135(T)	1-15-2014	Suspend	2-1-2014	410-200-0310(T)	1-15-2014	Suspend	2-1-2014
410-200-0135(T)	3-28-2014	Repeal	5-1-2014	410-200-0310(T)	3-28-2014	Repeal	5-1-2014
410-200-0140	1-15-2014	Adopt(T)	2-1-2014	410-200-0315	1-15-2014	Adopt(T)	2-1-2014
410-200-0140	3-28-2014	Adopt	5-1-2014	410-200-0315	3-28-2014	Adopt	5-1-2014
410-200-0140(T)	1-15-2014	Suspend	2-1-2014	410-200-0315	4-14-2014	Amend(T)	5-1-2014
410-200-0140(T)	3-28-2014	Repeal	5-1-2014	410-200-0315(T)	1-15-2014	Suspend	2-1-2014
410-200-0145	1-15-2014	Adopt(T)	2-1-2014	410-200-0315(T)	3-28-2014	Repeal	5-1-2014
410-200-0145	3-28-2014	Adopt	5-1-2014	410-200-0400	1-15-2014	Adopt(T)	2-1-2014
410-200-0145(T)	1-15-2014	Suspend	2-1-2014	410-200-0400	3-28-2014	Adopt	5-1-2014
410-200-0145(T)	3-28-2014	Repeal	5-1-2014	410-200-0400(T)	1-15-2014	Suspend	2-1-2014
410-200-0146	1-15-2014	Adopt(T)	2-1-2014	410-200-0400(T)	3-28-2014	Repeal	5-1-2014
410-200-0146	3-28-2014	Adopt	5-1-2014	410-200-0405	1-15-2014	Adopt(T)	2-1-2014
410-200-0146(T)	1-15-2014	Suspend	2-1-2014	410-200-0405	3-28-2014	Adopt	5-1-2014
410-200-0146(T)	3-28-2014	Repeal	5-1-2014	410-200-0405(T)	1-15-2014	Suspend	2-1-2014
410-200-0200	1-15-2014	Adopt(T)	2-1-2014	410-200-0405(T)	3-28-2014	Repeal	5-1-2014
410-200-0200	3-28-2014	Adopt	5-1-2014	410-200-0406(T)	1-15-2014	Suspend	2-1-2014
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

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410-200-0435(T)	3-28-2014	Repeal	5-1-2014	411-030-0020	4-21-2014	Amend(T)	6-1-2014
410-200-0440	1-15-2014	Adopt(T)	2-1-2014	411-030-0040	4-21-2014	Amend(T)	6-1-2014
410-200-0440	3-28-2014	Adopt	5-1-2014	411-030-0070	12-15-2013	Amend	1-1-2014
410-200-0440(T)	1-15-2014	Suspend	2-1-2014	411-030-0070	5-1-2014	Amend	6-1-2014
410-200-0440(T)	3-28-2014	Repeal	5-1-2014	411-030-0070(T)	12-15-2013	Repeal	1-1-2014
410-200-0500	1-15-2014	Adopt(T)	2-1-2014	411-030-0100	12-15-2013	Amend	1-1-2014
410-200-0500	3-28-2014	Adopt	5-1-2014	411-030-0100(T)	12-15-2013	Repeal	1-1-2014
410-200-0500(T)	1-15-2014	Suspend	2-1-2014	411-031-0020	12-15-2013	Amend	1-1-2014
410-200-0500(T)	3-28-2014	Repeal	5-1-2014	411-031-0020(T)	12-15-2013	Repeal	1-1-2014
410-200-0505	1-15-2014	Adopt(T)	2-1-2014	411-031-0040	12-15-2013	Amend	1-1-2014
410-200-0505	3-28-2014	Adopt	5-1-2014	411-031-0040(T)	12-15-2013	Repeal	1-1-2014
410-200-0505(T)	1-15-2014	Suspend	2-1-2014	411-031-0050	12-15-2013	Amend	1-1-2014
410-200-0505(T)	3-28-2014	Repeal	5-1-2014	411-034-0000	12-15-2013	Amend	1-1-2014
410-200-0510	1-15-2014	Adopt(T)	2-1-2014	411-034-0000(T)	12-15-2013	Repeal	1-1-2014
410-200-0510	3-28-2014	Adopt	5-1-2014	411-034-0010	12-15-2013	Amend	1-1-2014
410-200-0510(T)	1-15-2014	Suspend	2-1-2014	411-034-0010	4-21-2014	Amend(T)	6-1-2014
410-200-0510(T)	3-28-2014	Repeal	5-1-2014	411-034-0010	5-1-2014	Amend(T)	6-1-2014
410-200-0515(T)	1-15-2014	Suspend	2-1-2014	411-034-0010(T)	12-15-2013	Repeal	1-1-2014
410-200-0515(T)	3-28-2014	Repeal	5-1-2014	411-034-0010(T)	5-1-2014	Suspend	6-1-2014
411-001-0100	1-1-2014	Amend	2-1-2014	411-034-0020	12-15-2013	Amend	1-1-2014
411-001-0110	1-1-2014	Amend	2-1-2014	411-034-0020(T)	12-15-2013	Repeal	1-1-2014
411-001-0118	1-1-2014	Amend	2-1-2014	411-034-0030	12-15-2013	Amend	1-1-2014
411-001-0120	1-1-2014	Amend	2-1-2014	411-034-0030	4-21-2014	Amend(T)	6-1-2014
411-001-0120	5-9-2014	Amend(T)	6-1-2014	411-034-0030(T)	12-15-2013	Repeal	1-1-2014
411-001-0510	12-15-2013	Amend	1-1-2014	411-034-0035	12-15-2013	Amend	1-1-2014
411-001-0510(T)	12-15-2013	Repeal	1-1-2014	411-034-0035(T)	12-15-2013	Repeal	1-1-2014
411-015-0005	12-15-2013	Amend	1-1-2014	411-034-0040	12-15-2013	Amend	1-1-2014
411-015-0005	4-21-2014	Amend(T)	6-1-2014	411-034-0040(T)	12-15-2013	Repeal	1-1-2014
411-015-0005(T)	12-15-2013	Repeal	1-1-2014	411-034-0050	12-15-2013	Amend	1-1-2014
411-015-0006	4-21-2014	Amend(T)	6-1-2014	411-034-0050(T)	12-15-2013	Repeal	1-1-2014
411-015-0008	12-15-2013	Amend	1-1-2014	411-034-0055	12-15-2013	Amend	1-1-2014
411-015-0008(T)	12-15-2013	Repeal	1-1-2014	411-034-0055(T)	12-15-2013	Repeal	1-1-2014
411-015-0015	12-15-2013	Amend	1-1-2014	411-034-0070	12-15-2013	Amend	1-1-2014
411-015-0015	4-21-2014	Amend(T)	6-1-2014	411-034-0070(T)	12-15-2013	Repeal	1-1-2014
411-015-0015(T)	12-15-2013	Repeal	1-1-2014	411-034-0090	12-15-2013	Amend	1-1-2014
411-015-0100	12-15-2013	Amend	1-1-2014	411-034-0090(T)	12-15-2013	Repeal	1-1-2014
411-015-0100	4-21-2014	Amend(T)	6-1-2014	411-040-0000	12-15-2013	Amend	1-1-2014
411-015-0100(T)	12-15-2013	Repeal	1-1-2014	411-040-0000(T)	12-15-2013	Repeal	1-1-2014
411-027-0005	3-20-2014	Amend(T)	5-1-2014	411-045-0010	12-15-2013	Amend	1-1-2014
411-027-0020	3-20-2014	Amend(T)	5-1-2014	411-045-0010(T)	12-15-2013	Repeal	1-1-2014
411-027-0025	3-20-2014	Amend(T)	5-1-2014	411-045-0050	12-15-2013	Amend	1-1-2014
411-028-0000	12-15-2013	Adopt	1-1-2014	411-045-0050(T)	12-15-2013	Repeal	1-1-2014
411-028-0000(T)	12-15-2013	Repeal	1-1-2014	411-048-0150	12-15-2013	Amend	1-1-2014
411-028-0010	12-15-2013	Adopt	1-1-2014	411-048-0150(T)	12-15-2013	Repeal	1-1-2014
411-028-0010	4-21-2014	Amend(T)	6-1-2014	411-048-0160	12-15-2013	Amend	1-1-2014
411-028-0010(T)	12-15-2013	Repeal	1-1-2014	411-048-0160	5-1-2014	Amend(T)	6-1-2014
411-028-0020	12-15-2013	Adopt	1-1-2014	411-048-0160(T)	12-15-2013	Repeal	1-1-2014
411-028-0020	4-21-2014	Amend(T)	6-1-2014	411-048-0170	12-15-2013	Amend	1-1-2014
411-028-0020(T)	12-15-2013	Repeal	1-1-2014	411-048-0170	5-1-2014	Amend(T)	6-1-2014
411-028-0030	12-15-2013	Adopt	1-1-2014	411-048-0170(T)	12-15-2013	Repeal	1-1-2014
411-028-0030	4-21-2014	Amend(T)	6-1-2014	411-050-0602	4-1-2014	Amend	5-1-2014
411-028-0030(T)	12-15-2013	Repeal	1-1-2014	411-050-0610	4-1-2014	Amend	5-1-2014
411-028-0040	12-15-2013	Adopt	1-1-2014	411-050-0625	4-1-2014	Amend	5-1-2014
411-028-0040(T)	12-15-2013	Repeal	1-1-2014	411-050-0630	4-1-2014	Amend	5-1-2014
411-028-0050	12-15-2013	Adopt	1-1-2014	411-050-0640	4-1-2014	Amend	5-1-2014
411-028-0050(T)	12-15-2013	Repeal	1-1-2014	411-050-0640(T)	4-1-2014	Repeal	5-1-2014

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411-050-0642	4-1-2014	Amend	5-1-2014	411-085-0025	4-1-2014	Amend	5-1-2014
411-050-0645	4-1-2014	Amend	5-1-2014	411-085-0025(T)	4-1-2014	Repeal	5-1-2014
411-050-0650	4-1-2014	Amend	5-1-2014	411-085-0210	4-1-2014	Amend	5-1-2014
411-050-0660	4-1-2014	Amend	5-1-2014	411-085-0210(T)	4-1-2014	Repeal	5-1-2014
411-050-0685	4-1-2014	Amend	5-1-2014	411-086-0100	3-31-2014	Amend	5-1-2014
411-065-0000	12-15-2013	Amend	1-1-2014	411-086-0100(T)	3-31-2014	Repeal	5-1-2014
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

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411-345-0190	12-28-2013	Amend	2-1-2014	413-010-0000	1-1-2014	Amend	2-1-2014
411-345-0200	12-28-2013	Amend	2-1-2014	413-010-0010	1-1-2014	Amend	2-1-2014
411-345-0230	12-28-2013	Amend	2-1-2014	413-010-0030	1-1-2014	Amend	2-1-2014
411-345-0240	12-28-2013	Amend	2-1-2014	413-010-0035	1-1-2014	Amend	2-1-2014
411-345-0250	12-28-2013	Amend	2-1-2014	413-010-0045	1-1-2014	Amend	2-1-2014
411-345-0260	12-28-2013	Amend	2-1-2014	413-010-0055	1-1-2014	Amend	2-1-2014
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	413-010-0320	1-1-2014	Amend	2-1-2014
411-346-0170	12-28-2013	Amend	2-1-2014	413-010-0330	1-1-2014	Amend	2-1-2014
411-346-0180	12-28-2013	Amend	2-1-2014	413-010-0340	1-1-2014	Amend	2-1-2014
411-346-0180(T)	12-28-2013	Repeal	2-1-2014	413-040-0370	4-1-2014	Repeal	5-1-2014
411-346-0190	12-28-2013	Amend	2-1-2014	413-040-0380	4-1-2014	Repeal	5-1-2014
411-346-0200	12-28-2013	Amend	2-1-2014	413-040-0390	4-1-2014	Repeal	5-1-2014
411-346-0210	12-28-2013	Amend	2-1-2014	413-070-0800	1-1-2014	Amend	2-1-2014
411-346-0220	12-28-2013	Amend	2-1-2014	413-070-0810	1-1-2014	Amend	2-1-2014
411-346-0230	12-28-2013	Amend	2-1-2014	413-070-0830	1-1-2014	Amend	2-1-2014
411-350-0010	12-28-2013	Amend	2-1-2014	413-070-0840	1-1-2014	Amend	2-1-2014
411-350-0020	12-28-2013	Amend	2-1-2014	413-070-0855	1-1-2014	Amend	2-1-2014
411-350-0020(T)	12-28-2013	Repeal	2-1-2014	413-070-0860	1-1-2014	Amend	2-1-2014
411-350-0030	12-28-2013	Amend	2-1-2014	413-070-0870	1-1-2014	Amend	2-1-2014
411-350-0030(T)	12-28-2013	Repeal	2-1-2014	413-070-0880	1-1-2014	Amend	2-1-2014
411-350-0040	12-28-2013	Amend	2-1-2014	413-070-0900	2-1-2014	Amend	3-1-2014
411-350-0040(T)	12-28-2013	Repeal	2-1-2014	413-070-0905	2-1-2014	Amend	3-1-2014
411-350-0050	12-28-2013	Amend	2-1-2014	413-070-0909	2-1-2014	Amend	3-1-2014
411-350-0050(T)	12-28-2013	Repeal	2-1-2014	413-070-0917	2-1-2014	Amend	3-1-2014
411-350-0080	12-28-2013	Amend	2-1-2014	413-070-0919	2-1-2014	Amend	3-1-2014
411-350-0100	12-28-2013	Amend	2-1-2014	413-070-0925	2-1-2014	Amend	3-1-2014
411-350-0110	12-28-2013	Amend	2-1-2014	413-070-0934	2-1-2014	Amend	3-1-2014
411-350-0115	12-28-2013	Amend	2-1-2014	413-070-0939	2-1-2014	Amend	3-1-2014
411-350-0118	12-28-2013	Amend	2-1-2014	413-070-0949	2-1-2014	Amend	3-1-2014
411-350-0120	12-28-2013	Amend	2-1-2014	413-070-0959	2-1-2014	Amend	3-1-2014
411-355-0000	12-28-2013	Amend	2-1-2014	413-070-0964	2-1-2014	Amend	3-1-2014
411-355-0010	12-28-2013	Amend	2-1-2014	413-070-0969	2-1-2014	Amend	3-1-2014
411-355-0010(T)	12-28-2013	Repeal	2-1-2014	413-070-0974	2-1-2014	Amend	3-1-2014
411-355-0020	12-28-2013	Amend	2-1-2014	413-100-0400	1-1-2014	Amend(T)	2-1-2014
411-355-0020(T)	12-28-2013	Repeal	2-1-2014	413-100-0410	1-1-2014	Amend(T)	2-1-2014
411-355-0030	12-28-2013	Amend	2-1-2014	413-100-0420	1-1-2014	Amend(T)	2-1-2014
411-355-0030(T)	12-28-2013	Repeal	2-1-2014	413-100-0430	1-1-2014	Amend(T)	2-1-2014
411-355-0040	12-28-2013	Amend	2-1-2014	413-100-0435	1-1-2014	Adopt(T)	2-1-2014
411-355-0040(T)	12-28-2013	Repeal	2-1-2014	413-100-0440	1-1-2014	Suspend	2-1-2014
411-355-0050	12-28-2013	Amend	2-1-2014	413-100-0445	1-1-2014	Amend(T)	2-1-2014
411-355-0060	12-28-2013	Amend	2-1-2014	413-100-0450	1-1-2014	Suspend	2-1-2014
411-355-0070	12-28-2013	Amend	2-1-2014	413-100-0455	1-1-2014	Amend(T)	2-1-2014
411-355-0080	12-28-2013	Amend	2-1-2014	413-100-0457	2-4-2014	Adopt(T)	3-1-2014
411-355-0090	12-28-2013	Amend	2-1-2014	413-100-0460	1-1-2014	Amend(T)	2-1-2014
411-355-0100	12-28-2013	Amend	2-1-2014	413-100-0470	1-1-2014	Suspend	2-1-2014
411-355-0110	12-28-2013	Amend	2-1-2014	413-100-0480	1-1-2014	Suspend	2-1-2014

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413-100-0500	1-1-2014	Suspend	2-1-2014	413-310-0030	4-1-2014	Repeal	5-1-2014
413-100-0510	1-1-2014	Suspend	2-1-2014	413-310-0040	4-1-2014	Repeal	5-1-2014
413-100-0520	1-1-2014	Suspend	2-1-2014	413-310-0050	4-1-2014	Repeal	5-1-2014
413-100-0530	1-1-2014	Amend(T)	2-1-2014	413-310-0060	4-1-2014	Repeal	5-1-2014
413-100-0540	1-1-2014	Suspend	2-1-2014	413-310-0070	4-1-2014	Repeal	5-1-2014
413-100-0550	1-1-2014	Suspend	2-1-2014	413-310-0080	4-1-2014	Repeal	5-1-2014
413-100-0560	1-1-2014	Suspend	2-1-2014	413-310-0090	4-1-2014	Repeal	5-1-2014
413-100-0580	12-31-2013	ReNUMBER	2-1-2014	413-310-0095	4-1-2014	Repeal	5-1-2014
413-100-0590	12-31-2013	ReNUMBER	2-1-2014	413-310-0100	4-1-2014	Repeal	5-1-2014
413-100-0600	1-1-2014	Suspend	2-1-2014	413-310-0110	4-1-2014	Repeal	5-1-2014
413-100-0610	1-1-2014	Suspend	2-1-2014	413-310-0120	4-1-2014	Repeal	5-1-2014
413-120-0900	5-1-2014	Amend	6-1-2014	413-310-0130	4-1-2014	Repeal	5-1-2014
413-120-0905	5-1-2014	Amend	6-1-2014	413-330-0000	1-1-2014	Suspend	2-1-2014
413-120-0910	5-1-2014	Amend	6-1-2014	413-330-0000	4-1-2014	Repeal	5-1-2014
413-120-0920	5-1-2014	Amend	6-1-2014	413-330-0010	1-1-2014	Suspend	2-1-2014
413-120-0925	5-1-2014	Amend	6-1-2014	413-330-0010	4-1-2014	Repeal	5-1-2014
413-120-0930	5-1-2014	Amend	6-1-2014	413-330-0020	1-1-2014	Suspend	2-1-2014
413-120-0940	5-1-2014	Amend	6-1-2014	413-330-0020	4-1-2014	Repeal	5-1-2014
413-120-0945	5-1-2014	Amend	6-1-2014	413-330-0030	1-1-2014	Suspend	2-1-2014
413-120-0950	5-1-2014	Amend	6-1-2014	413-330-0030	4-1-2014	Repeal	5-1-2014
413-120-0960	5-1-2014	Amend	6-1-2014	413-330-0040	1-1-2014	Suspend	2-1-2014
413-120-0970	5-1-2014	Amend	6-1-2014	413-330-0040	4-1-2014	Repeal	5-1-2014
413-130-0000	2-1-2014	Amend	3-1-2014	413-330-0050	1-1-2014	Suspend	2-1-2014
413-130-0010	2-1-2014	Amend	3-1-2014	413-330-0050	4-1-2014	Repeal	5-1-2014
413-130-0015	2-1-2014	Amend	3-1-2014	413-330-0060	1-1-2014	Suspend	2-1-2014
413-130-0020	2-1-2014	Amend	3-1-2014	413-330-0060	4-1-2014	Repeal	5-1-2014
413-130-0040	2-1-2014	Amend	3-1-2014	413-330-0080	1-1-2014	Suspend	2-1-2014
413-130-0050	2-1-2014	Amend	3-1-2014	413-330-0080	4-1-2014	Repeal	5-1-2014
413-130-0055	2-1-2014	Amend	3-1-2014	413-330-0085	4-1-2014	Repeal	5-1-2014
413-130-0070	2-1-2014	Amend	3-1-2014	413-330-0087	4-1-2014	Repeal	5-1-2014
413-130-0075	2-1-2014	Amend	3-1-2014	413-330-0090	4-1-2014	Repeal	5-1-2014
413-130-0077	2-1-2014	Amend	3-1-2014	413-330-0095	4-1-2014	Repeal	5-1-2014
413-130-0080	2-1-2014	Amend	3-1-2014	413-330-0097	4-1-2014	Repeal	5-1-2014
413-130-0110	2-1-2014	Amend	3-1-2014	413-330-0098	4-1-2014	Repeal	5-1-2014
413-130-0125	2-1-2014	Amend	3-1-2014	413-330-0100	4-1-2014	Repeal	5-1-2014
413-130-0130	2-1-2014	Amend	3-1-2014	413-330-0200	4-1-2014	Repeal	5-1-2014
413-140-0000	1-1-2014	Amend	2-1-2014	413-330-0210	4-1-2014	Repeal	5-1-2014
413-140-0010	1-1-2014	Amend	2-1-2014	413-330-0220	4-1-2014	Repeal	5-1-2014
413-140-0026	1-1-2014	Amend	2-1-2014	413-330-0230	4-1-2014	Repeal	5-1-2014
413-140-0030	1-1-2014	Amend	2-1-2014	413-330-0240	4-1-2014	Repeal	5-1-2014
413-140-0031	1-1-2014	Adopt	2-1-2014	413-330-0250	4-1-2014	Repeal	5-1-2014
413-140-0032	1-1-2014	Adopt	2-1-2014	413-330-0260	4-1-2014	Repeal	5-1-2014
413-140-0033	1-1-2014	Adopt	2-1-2014	413-330-0270	4-1-2014	Repeal	5-1-2014
413-140-0035	1-1-2014	Amend	2-1-2014	413-330-0280	4-1-2014	Repeal	5-1-2014
413-140-0040	1-1-2014	Amend	2-1-2014	413-330-0290	4-1-2014	Repeal	5-1-2014
413-140-0045	1-1-2014	Repeal	2-1-2014	413-330-0300	4-1-2014	Repeal	5-1-2014
413-140-0047	1-1-2014	Adopt	2-1-2014	413-330-0310	4-1-2014	Repeal	5-1-2014
413-140-0055	1-1-2014	Repeal	2-1-2014	413-330-0320	4-1-2014	Repeal	5-1-2014
413-140-0065	1-1-2014	Amend	2-1-2014	413-330-0330	4-1-2014	Repeal	5-1-2014
413-140-0080	1-1-2014	Repeal	2-1-2014	413-330-0340	4-1-2014	Repeal	5-1-2014
413-140-0110	1-1-2014	Amend	2-1-2014	413-330-0350	4-1-2014	Repeal	5-1-2014
413-140-0120	1-1-2014	Repeal	2-1-2014	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

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413-330-0540	4-1-2014	Repeal	5-1-2014	416-530-0110	1-15-2014	Amend	2-1-2014
413-330-0600	4-1-2014	Repeal	5-1-2014	416-530-0125	1-15-2014	Amend	2-1-2014
413-330-0610	4-1-2014	Repeal	5-1-2014	416-530-0130	1-15-2014	Amend	2-1-2014
413-330-0700	4-1-2014	Repeal	5-1-2014	416-530-0140	1-15-2014	Amend	2-1-2014
413-330-0800	4-1-2014	Repeal	5-1-2014	416-530-0150	1-15-2014	Amend	2-1-2014
413-330-0810	4-1-2014	Repeal	5-1-2014	416-530-0160	1-15-2014	Amend	2-1-2014
413-330-0820	4-1-2014	Repeal	5-1-2014	416-530-0170	1-15-2014	Amend	2-1-2014
413-330-0830	4-1-2014	Repeal	5-1-2014	416-530-0200	1-15-2014	Amend	2-1-2014
414-002-0005	1-15-2014	Adopt	2-1-2014	436-001-0030	3-28-2014	Amend	4-1-2014
414-002-0010	1-15-2014	Adopt	2-1-2014	436-009-0001	4-1-2014	Amend	4-1-2014
414-800-0005	1-15-2014	Adopt(T)	2-1-2014	436-009-0002	4-1-2014	Repeal	4-1-2014
414-800-0010	1-15-2014	Adopt(T)	2-1-2014	436-009-0003	4-1-2014	Repeal	4-1-2014
414-800-0015	1-15-2014	Adopt(T)	2-1-2014	436-009-0004	4-1-2014	Amend	4-1-2014
414-800-0020	1-15-2014	Adopt(T)	2-1-2014	436-009-0005	4-1-2014	Amend	4-1-2014
414-800-0025	1-15-2014	Adopt(T)	2-1-2014	436-009-0006	4-1-2014	Repeal	4-1-2014
414-800-0030	1-15-2014	Adopt(T)	2-1-2014	436-009-0008	4-1-2014	Amend	4-1-2014
414-800-0105	1-15-2014	Adopt(T)	2-1-2014	436-009-0010	4-1-2014	Amend	4-1-2014
414-800-0110	1-15-2014	Adopt(T)	2-1-2014	436-009-0010	4-15-2014	Amend(T)	5-1-2014
414-800-0115	1-15-2014	Adopt(T)	2-1-2014	436-009-0015	4-1-2014	Repeal	4-1-2014
414-800-0120	1-15-2014	Adopt(T)	2-1-2014	436-009-0018	4-1-2014	Amend	4-1-2014
414-800-0125	1-15-2014	Adopt(T)	2-1-2014	436-009-0020	4-1-2014	Amend	4-1-2014
414-800-0130	1-15-2014	Adopt(T)	2-1-2014	436-009-0020	4-15-2014	Amend(T)	5-1-2014
414-900-0005	1-15-2014	Adopt	2-1-2014	436-009-0023	4-1-2014	Adopt	4-1-2014
414-900-0010	1-15-2014	Adopt	2-1-2014	436-009-0025	4-1-2014	Amend	4-1-2014
414-900-0015	1-15-2014	Adopt	2-1-2014	436-009-0030	4-1-2014	Amend	4-1-2014
414-900-0020	1-15-2014	Adopt	2-1-2014	436-009-0035	4-1-2014	Amend	4-1-2014
415-012-0000	1-28-2014	Amend(T)	3-1-2014	436-009-0040	4-1-2014	Amend	4-1-2014
415-012-0057	12-20-2013	Adopt(T)	2-1-2014	436-009-0050	4-1-2014	Repeal	4-1-2014
415-012-0058	12-20-2013	Adopt(T)	2-1-2014	436-009-0060	4-1-2014	Amend	4-1-2014
415-065-0005	4-24-2014	Amend	6-1-2014	436-009-0070	4-1-2014	Repeal	4-1-2014
415-065-0010	4-24-2014	Amend	6-1-2014	436-009-0080	4-1-2014	Amend	4-1-2014
415-065-0015	4-24-2014	Repeal	6-1-2014	436-009-0090	4-1-2014	Amend	4-1-2014
415-065-0025	4-24-2014	Repeal	6-1-2014	436-009-0095	4-1-2014	Repeal	4-1-2014
415-065-0030	4-24-2014	Amend	6-1-2014	436-009-0110	4-1-2014	Amend	4-1-2014
415-065-0035	4-24-2014	Amend	6-1-2014	436-009-0114	4-1-2014	Repeal	4-1-2014
415-065-0040	4-24-2014	Amend	6-1-2014	436-009-0115	4-1-2014	Repeal	4-1-2014
415-065-0045	4-24-2014	Amend	6-1-2014	436-009-0120	4-1-2014	Repeal	4-1-2014
415-065-0050	4-24-2014	Amend	6-1-2014	436-009-0125	4-1-2014	Repeal	4-1-2014
415-065-0055	4-24-2014	Amend	6-1-2014	436-009-0130	4-1-2014	Repeal	4-1-2014
415-065-0060	4-24-2014	Amend	6-1-2014	436-009-0135	4-1-2014	Repeal	4-1-2014
415-065-0065	4-24-2014	Repeal	6-1-2014	436-009-0140	4-1-2014	Repeal	4-1-2014
415-065-0070	4-24-2014	Amend	6-1-2014	436-009-0145	4-1-2014	Repeal	4-1-2014
415-065-0075	4-24-2014	Amend	6-1-2014	436-009-0155	4-1-2014	Repeal	4-1-2014
415-065-0080	4-24-2014	Adopt	6-1-2014	436-009-0160	4-1-2014	Repeal	4-1-2014
416-530-0000	1-15-2014	Amend	2-1-2014	436-009-0165	4-1-2014	Repeal	4-1-2014
416-530-0010	1-15-2014	Amend	2-1-2014	436-009-0170	4-1-2014	Repeal	4-1-2014
416-530-0020	1-15-2014	Amend	2-1-2014	436-009-0175	4-1-2014	Repeal	4-1-2014
416-530-0030	1-15-2014	Amend	2-1-2014	436-009-0177	4-1-2014	Repeal	4-1-2014
416-530-0035	1-15-2014	Amend	2-1-2014	436-009-0180	4-1-2014	Repeal	4-1-2014
416-530-0040	1-15-2014	Amend	2-1-2014	436-009-0185	4-1-2014	Repeal	4-1-2014
416-530-0050	1-15-2014	Amend	2-1-2014	436-009-0200	4-1-2014	Repeal	4-1-2014
416-530-0060	1-15-2014	Amend	2-1-2014	436-009-0205	4-1-2014	Repeal	4-1-2014
416-530-0070	1-15-2014	Amend	2-1-2014	436-009-0206	4-1-2014	Repeal	4-1-2014
416-530-0080	1-15-2014	Amend	2-1-2014	436-009-0207	4-1-2014	Repeal	4-1-2014
416-530-0090	1-15-2014	Amend	2-1-2014	436-009-0210	4-1-2014	Repeal	4-1-2014

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436-009-0220	4-1-2014	Repeal	4-1-2014	442-001-0120	1-2-2014	Repeal	2-1-2014
436-009-0225	4-1-2014	Repeal	4-1-2014	442-001-0130	1-2-2014	Repeal	2-1-2014
436-009-0230	4-1-2014	Repeal	4-1-2014	442-001-0140	1-2-2014	Repeal	2-1-2014
436-009-0235	4-1-2014	Repeal	4-1-2014	442-001-0150	1-2-2014	Repeal	2-1-2014
436-009-0240	4-1-2014	Repeal	4-1-2014	442-001-0160	1-2-2014	Repeal	2-1-2014
436-009-0245	4-1-2014	Repeal	4-1-2014	442-005-0000	2-1-2014	Repeal	3-1-2014
436-009-0255	4-1-2014	Repeal	4-1-2014	442-005-0010	2-1-2014	Repeal	3-1-2014
436-009-0260	4-1-2014	Repeal	4-1-2014	442-005-0020	2-1-2014	Repeal	3-1-2014
436-009-0265	4-1-2014	Repeal	4-1-2014	442-005-0030	2-1-2014	Repeal	3-1-2014
436-009-0270	4-1-2014	Repeal	4-1-2014	442-005-0040	2-1-2014	Repeal	3-1-2014
436-009-0275	4-1-2014	Repeal	4-1-2014	442-005-0050	2-1-2014	Repeal	3-1-2014
436-009-0285	4-1-2014	Repeal	4-1-2014	442-005-0060	2-1-2014	Repeal	3-1-2014
436-009-0290	4-1-2014	Repeal	4-1-2014	442-005-0070	2-1-2014	Repeal	3-1-2014
436-009-0998	4-1-2014	Amend	4-1-2014	442-005-0080	2-1-2014	Repeal	3-1-2014
436-010-0005	4-1-2014	Amend	4-1-2014	442-005-0090	2-1-2014	Repeal	3-1-2014
436-010-0230	4-1-2014	Amend	4-1-2014	442-005-0100	2-1-2014	Repeal	3-1-2014
436-010-0240	4-1-2014	Amend	4-1-2014	442-005-0110	2-1-2014	Repeal	3-1-2014
436-010-0270	4-1-2014	Amend	4-1-2014	442-005-0120	2-1-2014	Repeal	3-1-2014
436-010-0280	4-1-2014	Amend	4-1-2014	442-005-0130	2-1-2014	Repeal	3-1-2014
436-010-0290	4-1-2014	Amend	4-1-2014	442-005-0140	2-1-2014	Repeal	3-1-2014
436-010-0330	4-1-2014	Amend	4-1-2014	442-005-0150	2-1-2014	Repeal	3-1-2014
436-160-0410	7-1-2014	Amend	3-1-2014	442-005-0160	2-1-2014	Repeal	3-1-2014
437-002-0005	12-12-2013	Amend	1-1-2014	442-005-0170	2-1-2014	Repeal	3-1-2014
437-002-0080	12-12-2013	Amend	1-1-2014	442-005-0180	2-1-2014	Repeal	3-1-2014
437-002-0140	12-12-2013	Amend	1-1-2014	442-005-0190	2-1-2014	Repeal	3-1-2014
437-002-0240	5-14-2014	Amend	6-1-2014	442-005-0200	2-1-2014	Repeal	3-1-2014
437-002-0312	12-12-2013	Amend	1-1-2014	442-005-0210	2-1-2014	Repeal	3-1-2014
437-003-0001	12-12-2013	Amend	1-1-2014	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
441-730-0025	1-1-2014	Amend(T)	2-1-2014	442-006-0020	1-2-2014	Repeal	2-1-2014
441-730-0030	1-1-2014	Amend(T)	2-1-2014	442-006-0030	1-2-2014	Repeal	2-1-2014
441-910-0096	4-8-2014	Adopt	5-1-2014	442-006-0040	1-2-2014	Repeal	2-1-2014
442-001-0000	1-2-2014	Repeal	2-1-2014	442-010-0010	2-1-2014	Repeal	3-1-2014
442-001-0005	1-2-2014	Repeal	2-1-2014	442-010-0020	2-1-2014	Repeal	3-1-2014
442-001-0050	1-2-2014	Repeal	2-1-2014	442-010-0030	2-1-2014	Repeal	3-1-2014
442-001-0060	1-2-2014	Repeal	2-1-2014	442-010-0040	2-1-2014	Repeal	3-1-2014
442-001-0070	1-2-2014	Repeal	2-1-2014	442-010-0050	2-1-2014	Repeal	3-1-2014
442-001-0080	1-2-2014	Repeal	2-1-2014	442-010-0055	2-1-2014	Repeal	3-1-2014
442-001-0090	1-2-2014	Repeal	2-1-2014	442-010-0060	2-1-2014	Repeal	3-1-2014
442-001-0100	1-2-2014	Repeal	2-1-2014	442-010-0070	2-1-2014	Repeal	3-1-2014

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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
443-003-0105	1-1-2014	Adopt(T)	2-1-2014	461-115-0430(T)	1-1-2014	Repeal	2-1-2014
443-003-0110	1-1-2014	Adopt(T)	2-1-2014	461-115-0530	1-1-2014	Repeal	2-1-2014
443-003-0115	1-1-2014	Adopt(T)	2-1-2014	461-115-0705	1-1-2014	Repeal	2-1-2014
443-003-0120	1-1-2014	Adopt(T)	2-1-2014	461-120-0030	1-1-2014	Amend	2-1-2014
443-003-0125	1-1-2014	Adopt(T)	2-1-2014	461-120-0030(T)	1-1-2014	Repeal	2-1-2014
459-001-0005	3-31-2014	Amend	5-1-2014	461-120-0050	1-1-2014	Amend	2-1-2014
459-001-0030	1-31-2014	Amend	3-1-2014	461-120-0050(T)	1-1-2014	Repeal	2-1-2014
459-005-0220	3-31-2014	Amend	5-1-2014	461-120-0125	1-1-2014	Amend	2-1-2014
459-005-0510	3-31-2014	Adopt	5-1-2014	461-120-0125(T)	1-1-2014	Repeal	2-1-2014
459-005-0520	3-31-2014	Adopt	5-1-2014	461-120-0210	1-1-2014	Amend	2-1-2014
459-005-0525	1-31-2014	Amend	3-1-2014	461-120-0210(T)	1-1-2014	Repeal	2-1-2014

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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
461-135-0950	4-1-2014	Amend	5-1-2014	461-145-0365	1-1-2014	Amend	2-1-2014
461-135-0950(T)	1-1-2014	Repeal	2-1-2014	461-145-0365(T)	1-1-2014	Repeal	2-1-2014
461-135-1060	1-1-2014	Repeal	2-1-2014	461-145-0380	1-1-2014	Amend	2-1-2014
461-135-1070	1-1-2014	Amend	2-1-2014	461-145-0380(T)	1-1-2014	Repeal	2-1-2014
461-135-1070(T)	1-1-2014	Repeal	2-1-2014	461-145-0410	1-1-2014	Amend	2-1-2014
461-135-1100	1-1-2014	Repeal	2-1-2014	461-145-0410(T)	1-1-2014	Repeal	2-1-2014
461-135-1101	1-1-2014	Repeal	2-1-2014	461-145-0420	1-1-2014	Amend	2-1-2014
461-135-1102	1-1-2014	Repeal	2-1-2014	461-145-0420(T)	1-1-2014	Repeal	2-1-2014
461-135-1120	1-1-2014	Repeal	2-1-2014	461-145-0430	1-1-2014	Amend	2-1-2014
461-135-1125	1-1-2014	Repeal	2-1-2014	461-145-0430(T)	1-1-2014	Repeal	2-1-2014
461-135-1149	1-1-2014	Repeal	2-1-2014	461-145-0433	1-1-2014	Amend	2-1-2014

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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	461-160-0580	1-1-2014	Amend	2-1-2014
461-145-0910(T)	1-1-2014	Repeal	2-1-2014	461-160-0620	1-1-2014	Amend	2-1-2014
461-145-0920	1-1-2014	Amend	2-1-2014	461-160-0620	2-1-2014	Amend	3-1-2014
461-145-0920(T)	1-1-2014	Repeal	2-1-2014	461-160-0630	1-1-2014	Amend	2-1-2014
461-145-0930	1-1-2014	Amend	2-1-2014	461-160-0630(T)	1-1-2014	Repeal	2-1-2014
461-145-0930(T)	1-1-2014	Repeal	2-1-2014	461-160-0700	1-1-2014	Repeal	2-1-2014
461-150-0020	1-1-2014	Amend	2-1-2014	461-160-0780	1-1-2014	Amend	2-1-2014
461-150-0020(T)	1-1-2014	Repeal	2-1-2014	461-165-0030	1-1-2014	Amend	2-1-2014
461-150-0055	1-1-2014	Repeal	2-1-2014	461-165-0030(T)	1-1-2014	Repeal	2-1-2014
461-150-0060	1-1-2014	Amend	2-1-2014	461-165-0070	1-1-2014	Amend	2-1-2014
461-150-0060(T)	1-1-2014	Repeal	2-1-2014	461-165-0120	1-1-2014	Amend	2-1-2014
461-150-0070	1-1-2014	Amend	2-1-2014	461-165-0120(T)	1-1-2014	Repeal	2-1-2014
461-150-0070(T)	1-1-2014	Repeal	2-1-2014	461-165-0180	3-1-2014	Amend(T)	3-1-2014
461-150-0080	1-1-2014	Amend	2-1-2014	461-165-0180	4-1-2014	Amend(T)	5-1-2014
461-150-0080(T)	1-1-2014	Repeal	2-1-2014	461-165-0180(T)	4-1-2014	Suspend	5-1-2014
461-150-0090	1-1-2014	Amend	2-1-2014	461-170-0011	1-1-2014	Amend	2-1-2014
461-150-0090(T)	1-1-2014	Repeal	2-1-2014	461-170-0011(T)	1-1-2014	Repeal	2-1-2014
461-155-0030	1-1-2014	Amend	2-1-2014	461-170-0130	1-1-2014	Amend	2-1-2014
461-155-0030(T)	1-1-2014	Repeal	2-1-2014	461-170-0130(T)	1-1-2014	Repeal	2-1-2014
461-155-0150	3-31-2014	Amend	5-1-2014	461-170-0200	1-1-2014	Amend	2-1-2014
461-155-0180	1-1-2014	Amend	2-1-2014	461-170-0200(T)	1-1-2014	Repeal	2-1-2014
461-155-0180	2-1-2014	Amend	3-1-2014	461-175-0200	1-1-2014	Amend	2-1-2014
461-155-0180(T)	1-1-2014	Repeal	2-1-2014	461-175-0200(T)	1-1-2014	Repeal	2-1-2014
461-155-0225	1-1-2014	Amend	2-1-2014	461-175-0203(T)	1-1-2014	Repeal	2-1-2014
461-155-0225(T)	1-1-2014	Repeal	2-1-2014	461-175-0206	1-1-2014	Amend	2-1-2014
461-155-0235	1-1-2014	Repeal	2-1-2014	461-175-0210	1-1-2014	Amend	2-1-2014
461-155-0250	1-1-2014	Amend	2-1-2014	461-175-0210(T)	1-1-2014	Repeal	2-1-2014
461-155-0270	1-1-2014	Amend	2-1-2014	461-175-0230	4-1-2014	Amend	5-1-2014

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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	471-030-0083	2-23-2014	Adopt	2-1-2014
461-180-0085(T)	1-1-2014	Repeal	2-1-2014	471-030-0083	2-23-2014	Adopt	2-1-2014
461-180-0090	1-1-2014	Amend	2-1-2014	471-030-0210	2-23-2014	Amend	2-1-2014
461-180-0090(T)	1-1-2014	Repeal	2-1-2014	471-030-0210	2-23-2014	Amend	2-1-2014
461-180-0097(T)	1-1-2014	Repeal	2-1-2014	471-031-0151	2-23-2014	Amend	2-1-2014
461-180-0100	1-1-2014	Amend	2-1-2014	471-031-0151	2-23-2014	Amend	2-1-2014
461-180-0100(T)	1-1-2014	Repeal	2-1-2014	471-040-0020	2-23-2014	Amend	2-1-2014
461-180-0105	1-1-2014	Amend	2-1-2014	471-040-0020	2-23-2014	Amend	2-1-2014
461-180-0105(T)	1-1-2014	Repeal	2-1-2014	573-040-0005	5-12-2014	Amend	6-1-2014
461-180-0120	1-1-2014	Amend	2-1-2014	574-050-0005	1-28-2014	Amend	3-1-2014
461-180-0120(T)	1-1-2014	Repeal	2-1-2014	576-005-0005	2-11-2014	Amend(T)	3-1-2014
461-180-0140	1-1-2014	Amend	2-1-2014	576-005-0010	2-11-2014	Amend(T)	3-1-2014
461-180-0140(T)	1-1-2014	Repeal	2-1-2014	576-005-0020	2-11-2014	Amend(T)	3-1-2014
461-185-0050	1-1-2014	Amend	2-1-2014	576-005-0025	2-11-2014	Amend(T)	3-1-2014
461-190-0211	3-5-2014	Amend(T)	4-1-2014	576-005-0032	2-11-2014	Amend(T)	3-1-2014
461-195-0301	1-1-2014	Amend	2-1-2014	576-005-0041	2-11-2014	Amend(T)	3-1-2014
461-195-0310	1-1-2014	Amend	2-1-2014	576-010-0000	12-18-2013	Amend	2-1-2014
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461-195-0501(T)	4-1-2014	Repeal	5-1-2014	576-015-0043	3-6-2014	Amend(T)	4-1-2014
461-195-0521	4-1-2014	Amend	5-1-2014	576-015-0043	4-16-2014	Amend(T)	5-1-2014
461-195-0521(T)	4-1-2014	Repeal	5-1-2014	576-015-0045	3-6-2014	Amend(T)	4-1-2014
461-195-0541	4-1-2014	Amend	5-1-2014	576-015-0050	3-6-2014	Amend(T)	4-1-2014
461-195-0541(T)	4-1-2014	Repeal	5-1-2014	576-015-0050	4-16-2014	Amend(T)	5-1-2014
461-195-0551	1-1-2014	Amend	2-1-2014	576-015-0052	3-6-2014	Adopt(T)	4-1-2014
461-195-0561	4-1-2014	Amend	5-1-2014	576-015-0056	3-6-2014	Amend(T)	4-1-2014
461-195-0561(T)	4-1-2014	Repeal	5-1-2014	576-015-0060	3-6-2014	Amend(T)	4-1-2014
462-120-0060	2-13-2014	Amend	3-1-2014	576-020-0010	4-16-2014	Amend(T)	5-1-2014
462-200-0635	2-13-2014	Adopt	3-1-2014	579-020-0006	5-8-2014	Amend	6-1-2014
471-020-0010	2-28-2014	Amend	4-1-2014	579-040-0005	12-6-2013	Amend	1-1-2014
471-020-0010(T)	2-28-2014	Repeal	4-1-2014	579-040-0007	12-6-2013	Amend	1-1-2014
471-020-0035	2-28-2014	Amend	4-1-2014	579-040-0010	12-6-2013	Amend	1-1-2014
471-020-0035(T)	2-28-2014	Repeal	4-1-2014	579-040-0013	12-6-2013	Amend	1-1-2014
471-030-0036	2-23-2014	Amend	2-1-2014	579-040-0015	12-6-2013	Amend	1-1-2014
471-030-0036	2-23-2014	Amend	2-1-2014	579-040-0020	12-6-2013	Repeal	1-1-2014
471-030-0040	2-23-2014	Amend	2-1-2014	579-040-0030	12-6-2013	Amend	1-1-2014
471-030-0040	2-23-2014	Amend	2-1-2014	579-040-0035	12-6-2013	Amend	1-1-2014
471-030-0040(T)	2-23-2014	Repeal	2-1-2014	579-040-0045	12-6-2013	Amend	1-1-2014
471-030-0040(T)	2-23-2014	Repeal	2-1-2014	579-070-0010	12-6-2013	Amend	1-1-2014
471-030-0045	2-23-2014	Amend	2-1-2014	579-070-0030	12-6-2013	Amend	1-1-2014
471-030-0045	2-23-2014	Amend	2-1-2014	579-070-0035	12-6-2013	Amend	1-1-2014
471-030-0045(T)	2-23-2014	Repeal	2-1-2014	579-070-0041	12-6-2013	Amend	1-1-2014
471-030-0045(T)	2-23-2014	Repeal	2-1-2014	579-070-0042	12-6-2013	Amend	1-1-2014
471-030-0052	2-23-2014	Amend	2-1-2014	579-070-0045	12-6-2013	Amend	1-1-2014
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581-015-2000	12-18-2013	Amend	2-1-2014	581-018-0260	12-18-2013	Adopt	2-1-2014
581-015-2245	12-18-2013	Amend	2-1-2014	581-018-0265	12-18-2013	Adopt	2-1-2014
581-015-2540	12-18-2013	Amend	2-1-2014	581-018-0270	12-18-2013	Adopt	2-1-2014
581-015-2550	12-18-2013	Amend	2-1-2014	581-018-0275	12-18-2013	Adopt	2-1-2014
581-015-2555	12-18-2013	Amend	2-1-2014	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
581-017-0344	2-19-2014	Adopt(T)	4-1-2014	581-018-0503	2-19-2014	Adopt(T)	4-1-2014
581-017-0347	2-19-2014	Adopt(T)	4-1-2014	581-018-0506	2-19-2014	Adopt(T)	4-1-2014
581-017-0350	2-19-2014	Adopt(T)	4-1-2014	581-018-0509	2-19-2014	Adopt(T)	4-1-2014
581-017-0353	2-19-2014	Adopt(T)	4-1-2014	581-018-0512	2-19-2014	Adopt(T)	4-1-2014
581-017-0356	2-19-2014	Adopt(T)	4-1-2014	581-018-0515	2-19-2014	Adopt(T)	4-1-2014
581-017-0359	2-19-2014	Adopt(T)	4-1-2014	581-018-0520	3-28-2014	Adopt(T)	5-1-2014
581-017-0362	2-19-2014	Adopt(T)	4-1-2014	581-018-0523	3-28-2014	Adopt(T)	5-1-2014
581-018-0005	12-18-2013	Adopt	2-1-2014	581-018-0526	3-28-2014	Adopt(T)	5-1-2014
581-018-0010	12-18-2013	Adopt	2-1-2014	581-018-0529	3-28-2014	Adopt(T)	5-1-2014
581-018-0020	12-18-2013	Adopt	2-1-2014	581-018-0532	3-28-2014	Adopt(T)	5-1-2014
581-018-0100	12-18-2013	Adopt	2-1-2014	581-018-0535	3-28-2014	Adopt(T)	5-1-2014
581-018-0105	12-18-2013	Adopt	2-1-2014	581-018-0540	2-19-2014	Adopt(T)	4-1-2014
581-018-0110	12-18-2013	Adopt	2-1-2014	581-018-0540	3-4-2014	Adopt(T)	4-1-2014
581-018-0115	12-18-2013	Adopt	2-1-2014	581-018-0543	2-19-2014	Adopt(T)	4-1-2014
581-018-0120	12-18-2013	Adopt	2-1-2014	581-018-0543	3-4-2014	Adopt(T)	4-1-2014
581-018-0125	12-18-2013	Adopt	2-1-2014	581-018-0546	2-19-2014	Adopt(T)	4-1-2014
581-018-0200	12-18-2013	Adopt	2-1-2014	581-018-0546	3-4-2014	Adopt(T)	4-1-2014
581-018-0205	12-18-2013	Adopt	2-1-2014	581-018-0549	2-19-2014	Adopt(T)	4-1-2014
581-018-0210	12-18-2013	Adopt	2-1-2014	581-018-0549	3-4-2014	Adopt(T)	4-1-2014
581-018-0215	12-18-2013	Adopt	2-1-2014	581-018-0552	2-19-2014	Adopt(T)	4-1-2014
581-018-0220	12-18-2013	Adopt	2-1-2014	581-018-0552	3-4-2014	Adopt(T)	4-1-2014
581-018-0225	12-18-2013	Adopt	2-1-2014	581-018-0553	2-19-2014	Adopt(T)	4-1-2014
581-018-0250	12-18-2013	Adopt	2-1-2014	581-018-0553	3-4-2014	Adopt(T)	4-1-2014

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581-018-0556	3-4-2014	Adopt(T)	4-1-2014	581-045-0006	4-23-2014	Am. & Ren.	6-1-2014
581-018-0575	3-28-2014	Adopt(T)	5-1-2014	581-045-0007	4-23-2014	Am. & Ren.	6-1-2014
581-018-0578	3-28-2014	Adopt(T)	5-1-2014	581-045-0008	4-23-2014	Am. & Ren.	6-1-2014
581-018-0581	3-28-2014	Adopt(T)	5-1-2014	581-045-0009	4-23-2014	Am. & Ren.	6-1-2014
581-018-0584	3-28-2014	Adopt(T)	5-1-2014	581-045-0012	4-23-2014	Am. & Ren.	6-1-2014
581-018-0587	3-28-2014	Adopt(T)	5-1-2014	581-045-0013	4-23-2014	Am. & Ren.	6-1-2014
581-018-0590	3-28-2014	Adopt(T)	5-1-2014	581-045-0014	4-23-2014	Am. & Ren.	6-1-2014
581-020-0301	2-19-2014	Am. & Ren.	4-1-2014	581-045-0018	4-23-2014	Am. & Ren.	6-1-2014
581-020-0311	2-19-2014	Am. & Ren.	4-1-2014	581-045-0019	4-23-2014	Am. & Ren.	6-1-2014
581-020-0321	2-19-2014	Am. & Ren.	4-1-2014	581-045-0022	4-23-2014	Am. & Ren.	6-1-2014
581-020-0331	2-19-2014	Am. & Ren.	4-1-2014	581-045-0023	4-23-2014	Am. & Ren.	6-1-2014
581-020-0334	2-19-2014	Am. & Ren.	4-1-2014	581-045-0029	4-23-2014	Am. & Ren.	6-1-2014
581-020-0336	2-19-2014	Am. & Ren.	4-1-2014	581-045-0032	4-23-2014	Am. & Ren.	6-1-2014
581-020-0338	2-19-2014	Am. & Ren.	4-1-2014	581-045-0033	4-23-2014	Am. & Ren.	6-1-2014
581-020-0341	2-19-2014	Repeal	4-1-2014	581-045-0034	4-23-2014	Am. & Ren.	6-1-2014
581-020-0342	2-19-2014	Am. & Ren.	4-1-2014	581-045-0036	4-23-2014	Am. & Ren.	6-1-2014
581-020-0343	2-19-2014	Am. & Ren.	4-1-2014	581-045-0037	4-23-2014	Am. & Ren.	6-1-2014
581-020-0345	2-19-2014	Repeal	4-1-2014	581-045-0038	4-23-2014	Am. & Ren.	6-1-2014
581-020-0359	12-18-2013	Amend	2-1-2014	581-045-0039	4-23-2014	Am. & Ren.	6-1-2014
581-020-0359	2-19-2014	Am. & Ren.	4-1-2014	581-045-0060	4-23-2014	Am. & Ren.	6-1-2014
581-020-0361	2-19-2014	Am. & Ren.	4-1-2014	581-045-0061	4-23-2014	Am. & Ren.	6-1-2014
581-020-0380	2-19-2014	Am. & Ren.	4-1-2014	581-045-0062	4-23-2014	Am. & Ren.	6-1-2014
581-020-0385	2-19-2014	Am. & Ren.	4-1-2014	581-045-0063	4-23-2014	Am. & Ren.	6-1-2014
581-020-0390	2-19-2014	Am. & Ren.	4-1-2014	581-045-0064	4-23-2014	Am. & Ren.	6-1-2014
581-020-0395	2-19-2014	Am. & Ren.	4-1-2014	581-045-0065	4-23-2014	Am. & Ren.	6-1-2014
581-021-0031	3-12-2014	Adopt(T)	4-1-2014	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
581-021-0553	2-19-2014	Amend	4-1-2014	581-045-0200	4-23-2014	Am. & Ren.	6-1-2014
581-021-0553	3-4-2014	Amend	4-1-2014	581-045-0210	4-23-2014	Am. & Ren.	6-1-2014
581-021-0556	2-19-2014	Amend	4-1-2014	581-045-0586	2-19-2014	Amend	4-1-2014
581-021-0556	3-4-2014	Amend	4-1-2014	581-054-0007	2-19-2014	Repeal	4-1-2014
581-021-0559	2-19-2014	Amend	4-1-2014	584-018-0125	3-15-2014	Amend	4-1-2014
581-021-0559	3-4-2014	Amend	4-1-2014	584-020-0040	3-15-2014	Amend	4-1-2014
581-021-0563	2-19-2014	Amend	4-1-2014	584-023-0005	3-15-2014	Amend(T)	4-1-2014
581-021-0563	3-4-2014	Amend	4-1-2014	584-023-0030	3-15-2014	Adopt(T)	4-1-2014
581-021-0566	2-19-2014	Amend	4-1-2014	584-036-0070	3-15-2014	Amend	4-1-2014
581-021-0566	3-4-2014	Amend	4-1-2014	584-050-0030	3-15-2014	Amend	4-1-2014
581-021-0568	2-19-2014	Adopt	4-1-2014	584-050-0060	3-15-2014	Amend	4-1-2014
581-021-0568	3-4-2014	Amend	4-1-2014	584-050-0066	3-15-2014	Amend	4-1-2014
581-021-0569	2-19-2014	Adopt	4-1-2014	584-060-0012	3-15-2014	Amend	4-1-2014
581-021-0569	3-4-2014	Amend	4-1-2014	584-060-0013	3-15-2014	Amend	4-1-2014
581-021-0570	2-19-2014	Adopt	4-1-2014	584-060-0014	3-15-2014	Amend	4-1-2014
581-021-0570	3-4-2014	Amend	4-1-2014	584-060-0051	3-15-2014	Amend	4-1-2014
581-022-0606	12-18-2013	Amend	2-1-2014	584-060-0052	3-15-2014	Amend	4-1-2014
581-023-0015	12-18-2013	Amend	2-1-2014	584-060-0200	3-15-2014	Amend	4-1-2014
581-023-0102	7-1-2014	Adopt	4-1-2014	584-060-0525	3-15-2014	Adopt(T)	4-1-2014
581-026-0005	2-19-2014	Adopt	4-1-2014	584-060-0530	3-15-2014	Adopt(T)	4-1-2014
581-026-0055	2-19-2014	Adopt	4-1-2014	584-066-0015	3-15-2014	Adopt	4-1-2014
581-026-0060	2-19-2014	Adopt	4-1-2014	584-066-0020	4-8-2014	Adopt(T)	5-1-2014
581-026-0110	2-19-2014	Adopt	4-1-2014	584-070-0012	3-15-2014	Amend(T)	4-1-2014
581-026-0125	2-19-2014	Adopt	4-1-2014	584-070-0211	3-15-2014	Amend	4-1-2014
581-026-0130	2-19-2014	Adopt	4-1-2014	584-070-0271	3-15-2014	Amend	4-1-2014
581-045-0001	4-23-2014	Am. & Ren.	6-1-2014	584-080-0008	3-15-2014	Amend(T)	4-1-2014

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584-080-0022	3-15-2014	Amend	4-1-2014	629-165-0210	1-1-2014	Adopt	1-1-2014
584-100-0061	3-15-2014	Amend(T)	4-1-2014	632-035-0005	4-2-2014	Amend	5-1-2014
584-100-0066	3-15-2014	Amend(T)	4-1-2014	632-035-0010	4-2-2014	Amend	5-1-2014
584-100-0071	3-15-2014	Amend(T)	4-1-2014	632-035-0015	4-2-2014	Amend	5-1-2014
589-002-0120	12-16-2013	Amend(T)	2-1-2014	632-035-0016	4-2-2014	Amend	5-1-2014
589-002-0120	3-20-2014	Amend	5-1-2014	632-035-0017	4-2-2014	Amend	5-1-2014
589-006-0050	3-14-2014	Amend(T)	4-1-2014	632-035-0020	4-2-2014	Amend	5-1-2014
589-006-0100	3-14-2014	Amend(T)	4-1-2014	632-035-0025	4-2-2014	Amend	5-1-2014
589-006-0150	3-14-2014	Amend(T)	4-1-2014	632-035-0030	4-2-2014	Amend	5-1-2014
589-006-0200	3-14-2014	Amend(T)	4-1-2014	632-035-0035	4-2-2014	Amend	5-1-2014
589-006-0300	3-14-2014	Amend(T)	4-1-2014	632-035-0040	4-2-2014	Amend	5-1-2014
589-006-0350	3-14-2014	Amend(T)	4-1-2014	632-035-0045	4-2-2014	Amend	5-1-2014
589-006-0400	3-14-2014	Amend(T)	4-1-2014	632-035-0050	4-2-2014	Amend	5-1-2014
589-007-0400	3-14-2014	Amend(T)	4-1-2014	632-035-0055	4-2-2014	Amend	5-1-2014
589-007-0500	3-14-2014	Amend(T)	4-1-2014	632-035-0060	4-2-2014	Amend	5-1-2014
589-008-0100	4-24-2014	Amend(T)	6-1-2014	632-037-0005	4-2-2014	Amend	5-1-2014
603-052-0075	4-29-2014	Amend	6-1-2014	632-037-0010	4-2-2014	Amend	5-1-2014
603-052-0120	4-29-2014	Amend	6-1-2014	632-037-0015	4-2-2014	Amend	5-1-2014
603-052-0126	2-14-2014	Amend	3-1-2014	632-037-0020	4-2-2014	Amend	5-1-2014
603-052-0127	2-14-2014	Amend	3-1-2014	632-037-0025	4-2-2014	Amend	5-1-2014
603-052-0129	2-14-2014	Amend	3-1-2014	632-037-0030	4-2-2014	Amend	5-1-2014
603-052-0150	2-14-2014	Amend	3-1-2014	632-037-0035	4-2-2014	Amend	5-1-2014
603-052-0825	4-29-2014	Amend	6-1-2014	632-037-0040	4-2-2014	Amend	5-1-2014
603-052-1025	2-20-2014	Amend	4-1-2014	632-037-0045	4-2-2014	Amend	5-1-2014
603-052-1200	2-20-2014	Amend	4-1-2014	632-037-0050	4-2-2014	Amend	5-1-2014
603-052-1205	5-1-2014	Amend	6-1-2014	632-037-0055	4-2-2014	Amend	5-1-2014
603-052-1211	2-20-2014	Amend	4-1-2014	632-037-0060	4-2-2014	Amend	5-1-2014
603-052-1221	2-14-2014	Amend	3-1-2014	632-037-0075	4-2-2014	Amend	5-1-2014
603-052-1230	4-29-2014	Amend	6-1-2014	632-037-0077	4-2-2014	Amend	5-1-2014
603-052-1241	1-15-2014	Adopt	2-1-2014	632-037-0080	4-2-2014	Amend	5-1-2014
603-052-1245	4-29-2014	Amend	6-1-2014	632-037-0085	4-2-2014	Amend	5-1-2014
603-052-1250	4-29-2014	Amend	6-1-2014	632-037-0095	4-2-2014	Amend	5-1-2014
603-052-1320	2-14-2014	Amend	3-1-2014	632-037-0100	4-2-2014	Amend	5-1-2014
603-054-0016	5-1-2014	Amend	6-1-2014	632-037-0105	4-2-2014	Amend	5-1-2014
603-054-0017	5-1-2014	Amend	6-1-2014	632-037-0110	4-2-2014	Amend	5-1-2014
603-054-0018	5-1-2014	Amend	6-1-2014	632-037-0115	4-2-2014	Amend	5-1-2014
603-054-0024	5-1-2014	Amend	6-1-2014	632-037-0117	4-2-2014	Repeal	5-1-2014
603-054-0030	5-1-2014	Amend	6-1-2014	632-037-0118	4-2-2014	Amend	5-1-2014
603-100-0010	2-24-2014	Amend	4-1-2014	632-037-0120	4-2-2014	Amend	5-1-2014
629-060-0000	1-1-2014	Am. & Ren.	1-1-2014	632-037-0125	4-2-2014	Amend	5-1-2014
629-060-0005	1-1-2014	Am. & Ren.	1-1-2014	632-037-0130	4-2-2014	Amend	5-1-2014
629-061-0000	1-1-2014	Am. & Ren.	1-1-2014	632-037-0135	4-2-2014	Amend	5-1-2014
629-061-0005	1-1-2014	Am. & Ren.	1-1-2014	632-037-0140	4-2-2014	Amend	5-1-2014
629-061-0015	1-1-2014	Am. & Ren.	1-1-2014	632-037-0145	4-2-2014	Amend	5-1-2014
629-061-0020	1-1-2014	Am. & Ren.	1-1-2014	632-037-0150	4-2-2014	Amend	5-1-2014
629-061-0025	1-1-2014	Repeal	1-1-2014	632-037-0155	4-2-2014	Amend	5-1-2014
629-061-0035	1-1-2014	Am. & Ren.	1-1-2014	635-003-0003	5-8-2014	Amend(T)	6-1-2014
629-061-0040	1-1-2014	Repeal	1-1-2014	635-004-0215	1-1-2014	Amend	2-1-2014
629-061-0045	1-1-2014	Repeal	1-1-2014	635-004-0275	12-9-2013	Amend(T)	1-1-2014
629-061-0050	1-1-2014	Repeal	1-1-2014	635-004-0275	1-1-2014	Amend	2-1-2014
629-061-0060	1-1-2014	Am. & Ren.	1-1-2014	635-004-0275	4-23-2014	Amend(T)	6-1-2014
629-061-0065	1-1-2014	Am. & Ren.	1-1-2014	635-004-0275(T)	12-9-2013	Suspend	1-1-2014
629-061-0075	1-1-2014	Repeal	1-1-2014	635-004-0275(T)	4-23-2014	Suspend	6-1-2014
629-165-0005	1-1-2014	Adopt	1-1-2014	635-004-0320	1-1-2014	Amend	2-1-2014
629-165-0010	1-1-2014	Adopt	1-1-2014	635-004-0350	1-1-2014	Amend	2-1-2014

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635-004-0505	1-1-2014	Amend(T)	1-1-2014	635-023-0140	2-10-2014	Adopt	3-1-2014
635-004-0585	5-1-2014	Amend	6-1-2014	635-023-0140(T)	2-10-2014	Repeal	3-1-2014
635-005-0465	12-1-2013	Amend(T)	1-1-2014	635-039-0080	1-1-2014	Amend	2-1-2014
635-005-0705	12-9-2013	Amend(T)	1-1-2014	635-039-0080	5-1-2014	Amend	6-1-2014
635-006-0210	1-1-2014	Amend	2-1-2014	635-039-0085	5-1-2014	Amend	6-1-2014
635-006-0213	1-1-2014	Amend	2-1-2014	635-039-0090	1-1-2014	Amend	2-1-2014
635-006-0232	1-13-2014	Amend	2-1-2014	635-041-0045	3-12-2014	Amend(T)	4-1-2014
635-011-0100	12-10-2013	Amend(T)	1-1-2014	635-041-0045	5-6-2014	Amend(T)	6-1-2014
635-011-0100	1-1-2014	Amend	2-1-2014	635-041-0045(T)	5-6-2014	Suspend	6-1-2014
635-011-0104	12-1-2013	Amend(T)	1-1-2014	635-041-0061	2-1-2014	Amend(T)	3-1-2014
635-011-0104	12-9-2013	Amend	1-1-2014	635-041-0061	3-1-2014	Amend(T)	4-1-2014
635-011-0104(T)	12-9-2013	Repeal	1-1-2014	635-041-0061	3-12-2014	Amend(T)	4-1-2014
635-013-0003	5-8-2014	Amend(T)	6-1-2014	635-041-0061(T)	3-1-2014	Suspend	4-1-2014
635-013-0004	1-1-2014	Amend	2-1-2014	635-041-0061(T)	3-12-2014	Suspend	4-1-2014
635-014-0080	1-1-2014	Amend	2-1-2014	635-041-0065	2-1-2014	Amend(T)	3-1-2014
635-014-0090	1-1-2014	Amend	2-1-2014	635-041-0065	2-26-2014	Amend(T)	4-1-2014
635-016-0080	1-1-2014	Amend	2-1-2014	635-041-0065	3-1-2014	Amend(T)	4-1-2014
635-016-0090	1-1-2014	Amend	2-1-2014	635-041-0065	3-12-2014	Amend(T)	4-1-2014
635-017-0080	1-1-2014	Amend	2-1-2014	635-041-0065	5-6-2014	Amend(T)	6-1-2014
635-017-0090	1-1-2014	Amend	2-1-2014	635-041-0065(T)	2-26-2014	Suspend	4-1-2014
635-017-0095	1-1-2014	Amend	2-1-2014	635-041-0065(T)	3-1-2014	Suspend	4-1-2014
635-018-0080	1-1-2014	Amend	2-1-2014	635-041-0065(T)	3-12-2014	Suspend	4-1-2014
635-018-0090	1-1-2014	Amend	2-1-2014	635-041-0065(T)	5-6-2014	Suspend	6-1-2014
635-018-0090	4-15-2014	Amend(T)	4-1-2014	635-042-0022	4-1-2014	Amend(T)	5-1-2014
635-019-0080	1-1-2014	Amend	2-1-2014	635-042-0022	5-7-2014	Amend(T)	6-1-2014
635-019-0090	1-1-2014	Amend	2-1-2014	635-042-0022	5-20-2014	Amend(T)	6-1-2014
635-019-0090	5-17-2014	Amend(T)	6-1-2014	635-042-0022(T)	5-7-2014	Suspend	6-1-2014
635-021-0080	1-1-2014	Amend	2-1-2014	635-042-0022(T)	5-20-2014	Suspend	6-1-2014
635-021-0090	1-1-2014	Amend	2-1-2014	635-042-0130	2-10-2014	Amend(T)	3-1-2014
635-023-0080	1-1-2014	Amend	2-1-2014	635-042-0145	2-10-2014	Amend(T)	3-1-2014
635-023-0090	1-1-2014	Amend	2-1-2014	635-042-0145	3-10-2014	Amend(T)	4-1-2014
635-023-0090	3-1-2014	Amend(T)	3-1-2014	635-042-0145	3-17-2014	Amend(T)	4-1-2014
635-023-0095	1-1-2014	Amend	2-1-2014	635-042-0145	4-22-2014	Amend(T)	6-1-2014
635-023-0095	1-1-2014	Amend(T)	1-1-2014	635-042-0145	4-24-2014	Amend(T)	6-1-2014
635-023-0095	2-1-2014	Amend(T)	3-1-2014	635-042-0145	5-8-2014	Amend(T)	6-1-2014
635-023-0095	2-24-2014	Amend(T)	4-1-2014	635-042-0145	5-20-2014	Amend(T)	6-1-2014
635-023-0095	5-1-2014	Amend(T)	5-1-2014	635-042-0145(T)	3-10-2014	Suspend	4-1-2014
635-023-0095(T)	1-1-2014	Suspend	1-1-2014	635-042-0145(T)	3-17-2014	Suspend	4-1-2014
635-023-0095(T)	2-1-2014	Suspend	3-1-2014	635-042-0145(T)	4-22-2014	Suspend	6-1-2014
635-023-0095(T)	2-24-2014	Suspend	4-1-2014	635-042-0145(T)	4-24-2014	Suspend	6-1-2014
635-023-0095(T)	5-1-2014	Suspend	5-1-2014	635-042-0145(T)	5-8-2014	Suspend	6-1-2014
635-023-0125	1-1-2014	Amend	2-1-2014	635-042-0145(T)	5-20-2014	Suspend	6-1-2014
635-023-0125	3-1-2014	Amend(T)	3-1-2014	635-042-0160	2-10-2014	Amend(T)	3-1-2014
635-023-0125	4-4-2014	Amend(T)	5-1-2014	635-042-0160	4-24-2014	Amend(T)	6-1-2014
635-023-0125	4-19-2014	Amend(T)	6-1-2014	635-042-0160	5-8-2014	Amend(T)	6-1-2014
635-023-0125	5-9-2014	Amend(T)	6-1-2014	635-042-0160(T)	4-24-2014	Suspend	6-1-2014
635-023-0125	5-15-2014	Amend(T)	6-1-2014	635-042-0160(T)	5-8-2014	Suspend	6-1-2014
635-023-0125(T)	4-4-2014	Suspend	5-1-2014	635-042-0170	2-10-2014	Amend(T)	3-1-2014
635-023-0125(T)	4-19-2014	Suspend	6-1-2014	635-042-0170	4-24-2014	Amend(T)	6-1-2014
635-023-0125(T)	5-9-2014	Suspend	6-1-2014	635-042-0170	5-8-2014	Amend(T)	6-1-2014
635-023-0125(T)	5-15-2014	Suspend	6-1-2014	635-042-0170(T)	4-24-2014	Suspend	6-1-2014
635-023-0128	1-1-2014	Amend	2-1-2014	635-042-0170(T)	5-8-2014	Suspend	6-1-2014
635-023-0130	1-1-2014	Amend	2-1-2014	635-042-0180	2-10-2014	Amend(T)	3-1-2014
635-023-0134	1-1-2014	Amend	2-1-2014	635-055-0002	3-11-2014	Amend	4-1-2014
635-023-0134	4-26-2014	Amend(T)	6-1-2014	635-055-0030	3-11-2014	Amend	4-1-2014

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635-055-0037	3-11-2014	Amend	4-1-2014	660-033-0140	1-1-2014	Amend	2-1-2014
635-056-0000	3-11-2014	Amend	4-1-2014	661-010-0000	2-26-2014	Amend	4-1-2014
635-056-0002	3-11-2014	Adopt	4-1-2014	661-010-0021	1-1-2014	Amend	2-1-2014
635-056-0050	3-11-2014	Amend	4-1-2014	661-010-0025	1-1-2014	Amend	2-1-2014
635-056-0060	3-11-2014	Amend	4-1-2014	661-010-0030	1-1-2014	Amend	2-1-2014
635-056-0060	4-16-2014	Amend(T)	5-1-2014	661-010-0050	1-1-2014	Amend	2-1-2014
635-056-0075	4-1-2014	Amend(T)	5-1-2014	661-010-0067	1-1-2014	Amend	2-1-2014
635-056-0130	3-11-2014	Amend	4-1-2014	661-010-0071	1-1-2014	Amend	2-1-2014
635-056-0140	3-11-2014	Amend	4-1-2014	661-010-0073	1-1-2014	Amend	2-1-2014
635-056-0150	3-11-2014	Amend	4-1-2014	661-010-0075	1-1-2014	Amend	2-1-2014
635-065-0001	12-20-2013	Amend	2-1-2014	690-022-0020	4-1-2014	Adopt(T)	5-1-2014
635-065-0011	12-20-2013	Amend	2-1-2014	690-022-0025	4-1-2014	Adopt(T)	5-1-2014
635-065-0015	12-20-2013	Amend	2-1-2014	690-022-0030	4-1-2014	Adopt(T)	5-1-2014
635-065-0090	12-20-2013	Amend	2-1-2014	710-001-0000	2-11-2014	Adopt	3-1-2014
635-065-0401	12-20-2013	Amend	2-1-2014	710-001-0005	2-11-2014	Adopt	3-1-2014
635-065-0501	12-20-2013	Amend	2-1-2014	710-005-0005	2-11-2014	Adopt	3-1-2014
635-065-0705	12-20-2013	Amend	2-1-2014	715-001-0020	2-19-2014	Adopt(T)	4-1-2014
635-065-0740	12-20-2013	Amend	2-1-2014	715-001-0025	2-19-2014	Adopt(T)	4-1-2014
635-065-0760	12-20-2013	Amend	2-1-2014	731-012-0030	4-23-2014	Amend	6-1-2014
635-065-0765	12-20-2013	Amend	2-1-2014	731-035-0010	12-20-2013	Amend	2-1-2014
635-065-0772	3-13-2014	Amend(T)	4-1-2014	731-035-0020	12-20-2013	Amend	2-1-2014
635-066-0000	12-20-2013	Amend	2-1-2014	731-035-0050	12-20-2013	Amend	2-1-2014
635-066-0010	12-20-2013	Amend	2-1-2014	731-035-0060	12-20-2013	Amend	2-1-2014
635-067-0000	12-20-2013	Amend	2-1-2014	731-035-0080	12-20-2013	Amend	2-1-2014
635-067-0041	12-20-2013	Amend	2-1-2014	731-147-0010	1-1-2014	Amend	2-1-2014
635-068-0000	2-27-2014	Amend	4-1-2014	731-147-0040	1-1-2014	Amend	2-1-2014
635-069-0000	1-22-2014	Amend	3-1-2014	731-149-0010	1-1-2014	Amend	2-1-2014
635-070-0000	3-11-2014	Amend	4-1-2014	734-020-0010	2-21-2014	Amend	4-1-2014
635-070-0020	2-12-2014	Amend(T)	3-1-2014	734-026-0010	11-25-2013	Amend	1-1-2014
635-070-0020	3-11-2014	Amend	4-1-2014	734-026-0020	11-25-2013	Amend	1-1-2014
635-070-0020(T)	2-12-2014	Suspend	3-1-2014	734-026-0030	11-25-2013	Amend	1-1-2014
635-071-0000	3-11-2014	Amend	4-1-2014	734-051-8010	1-1-2014	Adopt(T)	2-1-2014
635-072-0000	12-20-2013	Amend	2-1-2014	734-051-8015	1-1-2014	Adopt(T)	2-1-2014
635-073-0000	1-22-2014	Amend	3-1-2014	734-051-8020	1-1-2014	Adopt(T)	2-1-2014
635-110-0000	1-14-2014	Amend	2-1-2014	734-051-8025	1-1-2014	Adopt(T)	2-1-2014
635-110-0010	1-14-2014	Amend	2-1-2014	734-051-8030	1-1-2014	Adopt(T)	2-1-2014
635-110-0010(T)	1-14-2014	Repeal	2-1-2014	734-055-0017	11-25-2013	Repeal	1-1-2014
635-110-0020	1-14-2014	Amend	2-1-2014	735-010-0250	12-20-2013	Adopt	2-1-2014
635-110-0030	1-14-2014	Amend	2-1-2014	735-018-0010	12-20-2013	Amend	2-1-2014
642-010-0010	7-1-2014	Amend	5-1-2014	735-018-0010	3-25-2014	Amend	5-1-2014
646-010-0020	5-5-2014	Amend	6-1-2014	735-018-0020	3-25-2014	Amend	5-1-2014
646-030-0020	5-5-2014	Amend	6-1-2014	735-018-0050	3-25-2014	Amend	5-1-2014
646-040-0000	5-5-2014	Amend	6-1-2014	735-018-0070	3-25-2014	Amend	5-1-2014
647-010-0010	5-5-2014	Amend	6-1-2014	735-018-0080	3-25-2014	Amend	5-1-2014
655-015-0020	5-6-2014	Amend	6-1-2014	735-018-0130	12-20-2013	Adopt	2-1-2014
656-030-0020	1-24-2014	Amend	3-1-2014	735-028-0000	4-1-2014	Amend(T)	5-1-2014
656-030-0040	1-24-2014	Amend	3-1-2014	735-028-0005	4-1-2014	Adopt(T)	5-1-2014
656-040-0010	1-24-2014	Amend	3-1-2014	735-028-0040	4-1-2014	Amend(T)	5-1-2014
660-006-0025	1-1-2014	Amend	2-1-2014	735-050-0120	11-25-2013	Amend	1-1-2014
660-006-0026	1-1-2014	Amend	2-1-2014	735-050-0120(T)	11-25-2013	Repeal	1-1-2014
660-006-0055	1-1-2014	Amend	2-1-2014	735-062-0007	1-1-2014	Amend	2-1-2014
660-018-0020	1-1-2014	Amend	2-1-2014	735-062-0010	1-1-2014	Amend	2-1-2014
660-018-0040	1-1-2014	Amend	2-1-2014	735-062-0385	1-1-2014	Amend	2-1-2014
660-033-0030	1-1-2014	Amend	2-1-2014	735-064-0070	1-1-2014	Amend	2-1-2014
660-033-0120	1-1-2014	Amend	2-1-2014	735-070-0082	1-1-2014	Adopt	2-1-2014

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735-070-0085(T)	11-25-2013	Repeal	1-1-2014	808-001-0020	4-1-2014	Amend(T)	5-1-2014
735-070-0185	1-1-2014	Amend	2-1-2014	808-002-0240	2-1-2014	Amend	3-1-2014
735-070-0190	1-1-2014	Amend	2-1-2014	808-002-0330	4-1-2014	Amend(T)	5-1-2014
735-072-0035	1-1-2014	Amend	2-1-2014	808-003-0035	3-1-2014	Amend	4-1-2014
735-150-0045	1-1-2014	Amend	2-1-2014	808-003-0040	3-1-2014	Amend	4-1-2014
735-150-0105	1-1-2014	Amend	2-1-2014	808-003-0040	3-1-2014	Amend(T)	4-1-2014
735-152-0037	1-1-2014	Amend	2-1-2014	808-003-0045	3-1-2014	Amend	4-1-2014
736-010-0040	3-6-2014	Amend	4-1-2014	808-003-0045	3-1-2014	Amend(T)	4-1-2014
737-015-0010	3-1-2014	Amend	3-1-2014	808-003-0060	3-1-2014	Amend	4-1-2014
737-015-0020	3-1-2014	Amend	3-1-2014	808-003-0065	3-1-2014	Amend(T)	4-1-2014
737-015-0030	3-1-2014	Amend	3-1-2014	811-015-0005	11-27-2013	Amend	1-1-2014
737-015-0035	3-1-2014	Adopt	3-1-2014	811-035-0015	1-29-2014	Amend	3-1-2014
737-015-0070	3-1-2014	Amend	3-1-2014	812-002-0120	1-1-2014	Amend	2-1-2014
737-015-0074	3-1-2014	Adopt	3-1-2014	812-002-0640	4-30-2014	Amend	6-1-2014
737-015-0076	3-1-2014	Adopt	3-1-2014	812-003-0100	4-30-2014	Amend	6-1-2014
737-015-0085	3-1-2014	Adopt	3-1-2014	812-003-0130	1-1-2014	Repeal	2-1-2014
737-015-0090	3-1-2014	Amend	3-1-2014	812-003-0131	1-1-2014	Amend	2-1-2014
737-015-0100	3-1-2014	Amend	3-1-2014	812-003-0140	1-1-2014	Repeal	2-1-2014
737-015-0105	3-1-2014	Adopt	3-1-2014	812-003-0141	1-1-2014	Repeal	2-1-2014
737-015-0110	3-1-2014	Amend	3-1-2014	812-003-0142	5-5-2014	Adopt(T)	6-1-2014
737-015-0120	3-1-2014	Adopt	3-1-2014	812-003-0150	1-1-2014	Repeal	2-1-2014
737-015-0130	3-1-2014	Adopt	3-1-2014	812-003-0152	1-1-2014	Amend	2-1-2014
737-025-0010	2-26-2014	Amend	4-1-2014	812-003-0153	1-1-2014	Amend	2-1-2014
740-100-0010	4-23-2014	Amend	6-1-2014	812-003-0160	4-30-2014	Amend	6-1-2014
740-100-0065	4-23-2014	Amend	6-1-2014	812-003-0170	1-1-2014	Repeal	2-1-2014
740-100-0070	4-23-2014	Amend	6-1-2014	812-003-0171	1-1-2014	Amend	2-1-2014
740-100-0080	4-23-2014	Amend	6-1-2014	812-003-0175	1-1-2014	Amend	2-1-2014
740-100-0085	4-23-2014	Amend	6-1-2014	812-003-0180	1-1-2014	Amend	2-1-2014
740-100-0090	4-23-2014	Amend	6-1-2014	812-003-0190	4-30-2014	Amend	6-1-2014
740-110-0010	4-23-2014	Amend	6-1-2014	812-003-0220	1-1-2014	Repeal	2-1-2014
740-200-0010	1-1-2014	Amend	2-1-2014	812-003-0221	1-1-2014	Amend	2-1-2014
740-200-0020	1-1-2014	Amend	2-1-2014	812-003-0240	1-1-2014	Amend	2-1-2014
740-200-0040	1-1-2014	Amend	2-1-2014	812-003-0250	1-1-2014	Amend	2-1-2014
741-040-0040	12-20-2013	Amend	2-1-2014	812-003-0260	1-1-2014	Amend	2-1-2014
800-010-0020	2-1-2014	Amend	3-1-2014	812-003-0260	4-30-2014	Amend	6-1-2014
800-010-0025	2-1-2014	Amend	3-1-2014	812-003-0260	5-5-2014	Amend(T)	6-1-2014
800-010-0040	2-1-2014	Amend	3-1-2014	812-003-0290	1-1-2014	Amend	2-1-2014
800-010-0041	2-1-2014	Amend	3-1-2014	812-003-0310	1-1-2014	Amend	2-1-2014
800-010-0050	2-1-2014	Amend	3-1-2014	812-003-0320	1-1-2014	Amend	2-1-2014
800-015-0015	2-1-2014	Amend	3-1-2014	812-003-0340	5-5-2014	Amend(T)	6-1-2014
800-020-0025	2-1-2014	Amend	3-1-2014	812-003-0350	5-5-2014	Amend(T)	6-1-2014
800-020-0065	2-1-2014	Amend	3-1-2014	812-003-0360	5-5-2014	Amend(T)	6-1-2014
800-025-0020	2-1-2014	Amend	3-1-2014	812-003-0370	5-5-2014	Amend(T)	6-1-2014
800-025-0040	2-1-2014	Amend	3-1-2014	812-003-0380	5-5-2014	Amend(T)	6-1-2014
800-025-0060	2-1-2014	Amend	3-1-2014	812-003-0390	1-1-2014	Amend	2-1-2014
801-001-0035	3-1-2014	Amend	3-1-2014	812-003-0390	4-30-2014	Amend	6-1-2014
801-010-0050	3-1-2014	Amend	3-1-2014	812-003-0400	1-1-2014	Amend	2-1-2014
801-010-0085	3-1-2014	Amend	3-1-2014	812-003-0430	1-1-2014	Amend	2-1-2014
804-003-0000	12-12-2013	Amend	1-1-2014	812-003-0440	1-1-2014	Amend	2-1-2014
804-022-0005	12-12-2013	Amend	1-1-2014	812-005-0200	4-30-2014	Amend	6-1-2014
804-022-0010	12-12-2013	Amend	1-1-2014	812-005-0210	4-30-2014	Amend	6-1-2014
804-025-0010	12-12-2013	Amend	1-1-2014	812-005-0250	4-30-2014	Amend	6-1-2014
806-010-0035	1-1-2014	Amend	2-1-2014	812-006-0200	5-5-2014	Amend(T)	6-1-2014
806-010-0045	1-1-2014	Amend	2-1-2014	812-006-0205	5-5-2014	Adopt(T)	6-1-2014
806-010-0105	4-24-2014	Amend	6-1-2014	812-008-0030	1-1-2014	Amend	2-1-2014

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812-012-0110	1-1-2014	Amend	2-1-2014	812-032-0110	4-30-2014	Amend	6-1-2014
812-020-0071	4-30-2014	Amend	6-1-2014	812-032-0120	1-1-2014	Adopt	2-1-2014
812-021-0005	1-1-2014	Amend	2-1-2014	812-032-0120	4-30-2014	Amend	6-1-2014
812-021-0021	1-1-2014	Amend	2-1-2014	812-032-0123	1-1-2014	Adopt	2-1-2014
812-021-0045	1-1-2014	Amend	2-1-2014	812-032-0123	4-30-2014	Amend	6-1-2014
812-021-0047	1-1-2014	Amend	2-1-2014	812-032-0130	1-1-2014	Adopt	2-1-2014
812-022-0000	4-30-2014	Amend	6-1-2014	812-032-0130	4-30-2014	Amend	6-1-2014
812-022-0005	4-30-2014	Amend	6-1-2014	812-032-0135	1-1-2014	Adopt	2-1-2014
812-022-0010	2-6-2014	Amend	3-1-2014	812-032-0135	4-30-2014	Amend	6-1-2014
812-022-0010	3-26-2014	Amend(T)	5-1-2014	812-032-0140	1-1-2014	Adopt	2-1-2014
812-022-0010(T)	2-6-2014	Repeal	3-1-2014	812-032-0140	4-30-2014	Amend	6-1-2014
812-022-0011	4-30-2014	Amend	6-1-2014	812-032-0150	1-1-2014	Adopt	2-1-2014
812-022-0015	11-26-2013	Amend(T)	1-1-2014	812-032-0150	4-30-2014	Amend	6-1-2014
812-022-0015	2-6-2014	Amend	3-1-2014	813-001-0007	12-18-2013	Amend	2-1-2014
812-022-0015(T)	2-6-2014	Repeal	3-1-2014	813-001-0007	12-18-2013	Amend	2-1-2014
812-022-0016	4-30-2014	Amend	6-1-2014	813-001-0007	4-17-2014	Amend(T)	6-1-2014
812-022-0018	4-30-2014	Amend	6-1-2014	813-001-0007(T)	12-18-2013	Amend	2-1-2014
812-022-0021	11-26-2013	Amend(T)	1-1-2014	813-001-0007(T)	12-18-2013	Repeal	2-1-2014
812-022-0021	2-6-2014	Amend	3-1-2014	813-005-0001	12-18-2013	Amend	2-1-2014
812-022-0021	3-26-2014	Amend(T)	5-1-2014	813-005-0001(T)	12-18-2013	Repeal	2-1-2014
812-022-0021(T)	2-6-2014	Repeal	3-1-2014	813-005-0005	12-18-2013	Amend	2-1-2014
812-022-0022	3-26-2014	Adopt(T)	5-1-2014	813-005-0005	4-17-2014	Amend(T)	6-1-2014
812-022-0025	12-12-2013	Amend(T)	1-1-2014	813-005-0005(T)	12-18-2013	Repeal	2-1-2014
812-022-0025	2-6-2014	Amend	3-1-2014	813-005-0016	12-18-2013	Amend	2-1-2014
812-022-0025(T)	2-6-2014	Repeal	3-1-2014	813-005-0016(T)	12-18-2013	Repeal	2-1-2014
812-022-0026	12-12-2013	Amend(T)	1-1-2014	813-005-0020	12-18-2013	Adopt	2-1-2014
812-022-0026	2-6-2014	Amend	3-1-2014	813-005-0020	4-17-2014	Amend(T)	6-1-2014
812-022-0026(T)	2-6-2014	Repeal	3-1-2014	813-005-0020(T)	12-18-2013	Repeal	2-1-2014
812-022-0027	12-12-2013	Amend(T)	1-1-2014	813-005-0030	12-18-2013	Adopt	2-1-2014
812-022-0027	2-6-2014	Amend	3-1-2014	813-005-0030(T)	12-18-2013	Repeal	2-1-2014
812-022-0027(T)	2-6-2014	Repeal	3-1-2014	813-005-0040	12-18-2013	Adopt	2-1-2014
812-022-0028	2-6-2014	Amend	3-1-2014	813-005-0040(T)	12-18-2013	Repeal	2-1-2014
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

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813-046-0011(T)	2-10-2014	Suspend	3-1-2014	813-051-0090	1-27-2014	Amend(T)	3-1-2014
813-046-0021	1-27-2014	Amend(T)	3-1-2014	813-051-0090(T)	2-10-2014	Suspend	3-1-2014
813-046-0021(T)	2-10-2014	Suspend	3-1-2014	813-051-0100	1-27-2014	Suspend	3-1-2014
813-046-0030	1-27-2014	Renumber	3-1-2014	813-051-0100(T)	2-10-2014	Suspend	3-1-2014
813-046-0040	1-27-2014	Amend(T)	3-1-2014	813-055-0001	12-18-2013	Amend	2-1-2014
813-046-0040(T)	2-10-2014	Suspend	3-1-2014	813-055-0001(T)	12-18-2013	Repeal	2-1-2014
813-046-0045	1-27-2014	Amend(T)	3-1-2014	813-055-0010	12-18-2013	Amend	2-1-2014
813-046-0045(T)	2-10-2014	Suspend	3-1-2014	813-055-0010(T)	12-18-2013	Repeal	2-1-2014
813-046-0050	1-27-2014	Amend(T)	3-1-2014	813-055-0020	12-18-2013	Amend	2-1-2014
813-046-0050(T)	2-10-2014	Suspend	3-1-2014	813-055-0020(T)	12-18-2013	Repeal	2-1-2014
813-046-0061	1-27-2014	Amend(T)	3-1-2014	813-055-0040	12-18-2013	Amend	2-1-2014
813-046-0061(T)	2-10-2014	Suspend	3-1-2014	813-055-0040(T)	12-18-2013	Repeal	2-1-2014
813-046-0065	1-27-2014	Amend(T)	3-1-2014	813-055-0050	12-18-2013	Amend	2-1-2014
813-046-0065(T)	2-10-2014	Suspend	3-1-2014	813-055-0050(T)	12-18-2013	Repeal	2-1-2014
813-046-0070	1-27-2014	Amend(T)	3-1-2014	813-055-0060	12-18-2013	Repeal	2-1-2014
813-046-0070(T)	2-10-2014	Suspend	3-1-2014	813-055-0065	12-18-2013	Adopt	2-1-2014
813-046-0081	1-27-2014	Amend(T)	3-1-2014	813-055-0065(T)	12-18-2013	Repeal	2-1-2014
813-046-0081(T)	2-10-2014	Suspend	3-1-2014	813-055-0075	12-18-2013	Amend	2-1-2014
813-046-0100	1-27-2014	Suspend	3-1-2014	813-055-0075(T)	12-18-2013	Repeal	2-1-2014
813-046-0100(T)	2-10-2014	Suspend	3-1-2014	813-055-0085	12-18-2013	Amend	2-1-2014
813-049-0001	1-27-2014	Amend(T)	3-1-2014	813-055-0085(T)	12-18-2013	Repeal	2-1-2014
813-049-0001(T)	2-10-2014	Suspend	3-1-2014	813-055-0095	12-18-2013	Adopt	2-1-2014
813-049-0005	1-27-2014	Amend(T)	3-1-2014	813-055-0095(T)	12-18-2013	Repeal	2-1-2014
813-049-0005(T)	2-10-2014	Suspend	3-1-2014	813-055-0100	12-18-2013	Repeal	2-1-2014
813-049-0007	1-27-2014	Adopt(T)	3-1-2014	813-055-0105	12-18-2013	Amend	2-1-2014
813-049-0007(T)	2-10-2014	Suspend	3-1-2014	813-055-0105(T)	12-18-2013	Repeal	2-1-2014
813-049-0010	1-27-2014	Amend(T)	3-1-2014	813-055-0110	12-18-2013	Repeal	2-1-2014
813-049-0010(T)	2-10-2014	Suspend	3-1-2014	813-055-0115	12-18-2013	Amend	2-1-2014
813-049-0020	1-27-2014	Amend(T)	3-1-2014	813-055-0115(T)	12-18-2013	Repeal	2-1-2014
813-049-0020(T)	2-10-2014	Suspend	3-1-2014	813-110-0005	12-18-2013	Amend	2-1-2014
813-049-0035	1-27-2014	Adopt(T)	3-1-2014	813-110-0005(T)	12-18-2013	Repeal	2-1-2014
813-049-0035(T)	2-10-2014	Suspend	3-1-2014	813-110-0010	12-18-2013	Amend	2-1-2014
813-049-0040	1-27-2014	Adopt(T)	3-1-2014	813-110-0010(T)	12-18-2013	Repeal	2-1-2014
813-049-0040(T)	2-10-2014	Suspend	3-1-2014	813-110-0012	12-18-2013	Repeal	2-1-2014
813-049-0050	1-27-2014	Adopt(T)	3-1-2014	813-110-0013	12-18-2013	Amend	2-1-2014
813-049-0050(T)	2-10-2014	Suspend	3-1-2014	813-110-0013(T)	12-18-2013	Repeal	2-1-2014
813-049-0060	1-27-2014	Adopt(T)	3-1-2014	813-110-0015	12-18-2013	Amend	2-1-2014
813-049-0060(T)	2-10-2014	Suspend	3-1-2014	813-110-0015(T)	12-18-2013	Repeal	2-1-2014
813-051-0000	1-27-2014	Amend(T)	3-1-2014	813-110-0020	12-18-2013	Amend	2-1-2014
813-051-0000(T)	2-10-2014	Suspend	3-1-2014	813-110-0020(T)	12-18-2013	Repeal	2-1-2014
813-051-0010	1-27-2014	Amend(T)	3-1-2014	813-110-0021	12-18-2013	Amend	2-1-2014
813-051-0010(T)	2-10-2014	Suspend	3-1-2014	813-110-0021(T)	12-18-2013	Repeal	2-1-2014
813-051-0020	1-27-2014	Amend(T)	3-1-2014	813-110-0022	12-18-2013	Amend	2-1-2014
813-051-0020(T)	2-10-2014	Suspend	3-1-2014	813-110-0022(T)	12-18-2013	Repeal	2-1-2014
813-051-0030	1-27-2014	Amend(T)	3-1-2014	813-110-0023	12-18-2013	Repeal	2-1-2014
813-051-0030(T)	2-10-2014	Suspend	3-1-2014	813-110-0025	12-18-2013	Amend	2-1-2014
813-051-0040	1-27-2014	Amend(T)	3-1-2014	813-110-0025(T)	12-18-2013	Repeal	2-1-2014
813-051-0040(T)	2-10-2014	Suspend	3-1-2014	813-110-0026	12-18-2013	Adopt	2-1-2014
813-051-0050	1-27-2014	Amend(T)	3-1-2014	813-110-0026(T)	12-18-2013	Repeal	2-1-2014
813-051-0050(T)	2-10-2014	Suspend	3-1-2014	813-110-0027	12-18-2013	Adopt	2-1-2014
813-051-0060	1-27-2014	Amend(T)	3-1-2014	813-110-0027(T)	12-18-2013	Repeal	2-1-2014
813-051-0060(T)	2-10-2014	Suspend	3-1-2014	813-110-0030	12-18-2013	Amend	2-1-2014
813-051-0070	1-27-2014	Amend(T)	3-1-2014	813-110-0030(T)	12-18-2013	Repeal	2-1-2014
813-051-0070(T)	2-10-2014	Suspend	3-1-2014	813-110-0032	12-18-2013	Adopt	2-1-2014
813-051-0080	1-27-2014	Amend(T)	3-1-2014	813-110-0032(T)	12-18-2013	Repeal	2-1-2014

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813-110-0034	12-18-2013	Adopt	2-1-2014	813-145-0060(T)	2-10-2014	Suspend	3-1-2014
813-110-0034(T)	12-18-2013	Repeal	2-1-2014	813-145-0070	1-27-2014	Amend(T)	3-1-2014
813-110-0035	12-18-2013	Amend	2-1-2014	813-145-0070(T)	2-10-2014	Suspend	3-1-2014
813-110-0035(T)	12-18-2013	Repeal	2-1-2014	813-145-0080	1-27-2014	Amend(T)	3-1-2014
813-110-0037	12-18-2013	Adopt	2-1-2014	813-145-0080(T)	2-10-2014	Suspend	3-1-2014
813-110-0037(T)	12-18-2013	Repeal	2-1-2014	813-145-0090	1-27-2014	Suspend	3-1-2014
813-110-0040	12-18-2013	Amend	2-1-2014	813-145-0090(T)	2-10-2014	Suspend	3-1-2014
813-110-0040(T)	12-18-2013	Repeal	2-1-2014	813-200-0001	1-27-2014	Amend(T)	3-1-2014
813-110-0045	12-18-2013	Adopt	2-1-2014	813-200-0001(T)	2-10-2014	Suspend	3-1-2014
813-110-0045(T)	12-18-2013	Repeal	2-1-2014	813-200-0005	1-27-2014	Amend(T)	3-1-2014
813-110-0050	12-18-2013	Repeal	2-1-2014	813-200-0005(T)	2-10-2014	Suspend	3-1-2014
813-130-0000	12-18-2013	Amend	2-1-2014	813-200-0007	1-27-2014	Adopt(T)	3-1-2014
813-130-0000(T)	12-18-2013	Repeal	2-1-2014	813-200-0007(T)	2-10-2014	Suspend	3-1-2014
813-130-0010	12-18-2013	Amend	2-1-2014	813-200-0010	1-27-2014	Amend(T)	3-1-2014
813-130-0010(T)	12-18-2013	Repeal	2-1-2014	813-200-0010(T)	2-10-2014	Suspend	3-1-2014
813-130-0020	12-18-2013	Amend	2-1-2014	813-200-0017	1-27-2014	Adopt(T)	3-1-2014
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
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813-202-0060(T)	2-10-2014	Suspend	3-1-2014	813-210-0050(T)	2-10-2014	Suspend	3-1-2014
813-202-0070	1-27-2014	Adopt(T)	3-1-2014	813-210-0052	1-27-2014	Amend(T)	3-1-2014
813-202-0070(T)	2-10-2014	Suspend	3-1-2014	813-210-0052(T)	2-10-2014	Suspend	3-1-2014
813-205-0000	12-18-2013	Amend	2-1-2014	813-210-0055	1-27-2014	Suspend	3-1-2014
813-205-0000(T)	12-18-2013	Repeal	2-1-2014	813-210-0055(T)	2-10-2014	Suspend	3-1-2014
813-205-0010	12-18-2013	Repeal	2-1-2014	813-210-0056	1-27-2014	Adopt(T)	3-1-2014
813-205-0020	12-18-2013	Amend	2-1-2014	813-210-0056(T)	2-10-2014	Suspend	3-1-2014
813-205-0020(T)	12-18-2013	Repeal	2-1-2014	813-210-0060	1-27-2014	Amend(T)	3-1-2014
813-205-0030	12-18-2013	Amend	2-1-2014	813-210-0060(T)	2-10-2014	Suspend	3-1-2014
813-205-0030(T)	12-18-2013	Repeal	2-1-2014	813-210-0065	1-27-2014	Suspend	3-1-2014
813-205-0040	12-18-2013	Amend	2-1-2014	813-210-0065(T)	2-10-2014	Suspend	3-1-2014
813-205-0040(T)	12-18-2013	Repeal	2-1-2014	813-210-0075	1-27-2014	Adopt(T)	3-1-2014
813-205-0050	12-18-2013	Amend	2-1-2014	813-210-0075(T)	2-10-2014	Suspend	3-1-2014
813-205-0050(T)	12-18-2013	Repeal	2-1-2014	813-210-0085	1-27-2014	Adopt(T)	3-1-2014
813-205-0051	12-18-2013	Amend	2-1-2014	813-210-0085(T)	2-10-2014	Suspend	3-1-2014
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	Renumber	3-1-2014	813-240-0030	1-27-2014	Renumber	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	Renumber	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

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813-240-0090	1-27-2014	Suspend	3-1-2014	817-030-0080	3-1-2014	Amend	4-1-2014
813-240-0090(T)	2-10-2014	Suspend	3-1-2014	817-035-0010	3-1-2014	Amend	4-1-2014
813-250-0000	1-27-2014	Amend(T)	3-1-2014	817-035-0048	3-1-2014	Amend	4-1-2014
813-250-0000(T)	2-10-2014	Suspend	3-1-2014	817-035-0050	3-1-2014	Amend	4-1-2014
813-250-0005	1-27-2014	Adopt(T)	3-1-2014	817-035-0052	3-1-2014	Amend	4-1-2014
813-250-0005(T)	2-10-2014	Suspend	3-1-2014	817-035-0068	3-1-2014	Amend	4-1-2014
813-250-0015	1-27-2014	Adopt(T)	3-1-2014	817-035-0070	3-1-2014	Amend	4-1-2014
813-250-0015(T)	2-10-2014	Suspend	3-1-2014	817-035-0090	3-1-2014	Amend	4-1-2014
813-250-0020	1-27-2014	Amend(T)	3-1-2014	817-035-0093	3-1-2014	Adopt	4-1-2014
813-250-0020(T)	2-10-2014	Suspend	3-1-2014	817-035-0095	3-1-2014	Adopt	4-1-2014
813-250-0030	1-27-2014	Amend(T)	3-1-2014	817-035-0110	3-1-2014	Amend	4-1-2014
813-250-0030(T)	2-10-2014	Suspend	3-1-2014	817-060-0010	3-1-2014	Amend	4-1-2014
813-250-0040	1-27-2014	Amend(T)	3-1-2014	817-060-0020	3-1-2014	Amend	4-1-2014
813-250-0040(T)	2-10-2014	Suspend	3-1-2014	817-060-0030	3-1-2014	Amend	4-1-2014
813-250-0055	1-27-2014	Adopt(T)	3-1-2014	817-060-0050	3-1-2014	Amend	4-1-2014
813-250-0055(T)	2-10-2014	Suspend	3-1-2014	817-080-0005	3-1-2014	Repeal	4-1-2014
813-250-0060	1-27-2014	Adopt(T)	3-1-2014	817-090-0025	3-1-2014	Amend	4-1-2014
813-250-0060(T)	2-10-2014	Suspend	3-1-2014	817-090-0045	3-1-2014	Amend	4-1-2014
813-250-0070	1-27-2014	Adopt(T)	3-1-2014	817-090-0050	3-1-2014	Amend	4-1-2014
813-250-0070(T)	2-10-2014	Suspend	3-1-2014	817-090-0055	3-1-2014	Amend	4-1-2014
813-300-0010	12-18-2013	Amend(T)	2-1-2014	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

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820-010-0305(T)	12-5-2013	Suspend	1-1-2014	836-053-0000	1-1-2014	Amend	2-1-2014
820-010-0305(T)	12-5-2013	Suspend	1-1-2014	836-053-0001	1-1-2014	Amend	2-1-2014
820-010-0305(T)	2-26-2014	Repeal	4-1-2014	836-053-0002	1-1-2014	Adopt	2-1-2014
820-010-0420	2-14-2014	Amend(T)	3-1-2014	836-053-0003	1-1-2014	Amend	2-1-2014
820-010-0442	12-5-2013	Amend(T)	1-1-2014	836-053-0005	1-1-2014	Amend	2-1-2014
820-010-0442	2-26-2014	Amend	4-1-2014	836-053-0007	1-1-2014	Amend	2-1-2014
820-010-0442(T)	12-5-2013	Suspend	1-1-2014	836-053-0008	1-1-2014	Adopt	2-1-2014
820-010-0442(T)	12-5-2013	Suspend	1-1-2014	836-053-0009	1-1-2014	Adopt	2-1-2014
820-010-0442(T)	2-26-2014	Repeal	4-1-2014	836-053-0021	1-1-2014	Amend	2-1-2014
820-010-0620	12-5-2013	Amend(T)	1-1-2014	836-053-0030	1-1-2014	Amend	2-1-2014
820-010-0620	2-26-2014	Amend	4-1-2014	836-053-0040	1-1-2014	Repeal	2-1-2014
820-010-0620(T)	12-5-2013	Suspend	1-1-2014	836-053-0050	1-1-2014	Amend	2-1-2014
820-010-0620(T)	12-5-2013	Suspend	1-1-2014	836-053-0060	1-1-2014	Repeal	2-1-2014
820-010-0620(T)	2-26-2014	Repeal	4-1-2014	836-053-0063	1-1-2014	Adopt	2-1-2014
820-010-0621	12-5-2013	Amend(T)	1-1-2014	836-053-0065	1-1-2014	Amend	2-1-2014
820-010-0621	2-26-2014	Amend	4-1-2014	836-053-0066	4-11-2014	Adopt(T)	5-1-2014
820-010-0621(T)	12-5-2013	Suspend	1-1-2014	836-053-0070	1-1-2014	Amend	2-1-2014
820-010-0621(T)	12-5-2013	Suspend	1-1-2014	836-053-0081	1-1-2014	Repeal	2-1-2014
820-010-0621(T)	2-26-2014	Repeal	4-1-2014	836-053-0210	1-1-2014	Repeal	2-1-2014
833-020-0051	1-8-2014	Amend	2-1-2014	836-053-0211	1-1-2014	Adopt	2-1-2014
833-040-0021	1-8-2014	Amend	2-1-2014	836-053-0220	1-1-2014	Repeal	2-1-2014
833-060-0012	1-8-2014	Amend	2-1-2014	836-053-0221	1-1-2014	Adopt	2-1-2014
836-007-0001	12-31-2013	Adopt(T)	2-1-2014	836-053-0250	1-1-2014	Repeal	2-1-2014
836-010-0011	1-1-2014	Amend	2-1-2014	836-053-0410	1-1-2014	Amend	2-1-2014
836-010-0013	4-24-2014	Adopt(T)	6-1-2014	836-053-0415	1-1-2014	Amend	2-1-2014
836-010-0051	1-1-2014	Adopt	2-1-2014	836-053-0430	1-1-2014	Repeal	2-1-2014
836-011-0000	2-14-2014	Amend	3-1-2014	836-053-0431	1-1-2014	Adopt	2-1-2014
836-011-0050	2-14-2014	Adopt	3-1-2014	836-053-0431	2-4-2014	Amend(T)	3-1-2014
836-020-0770	1-1-2014	Amend	2-1-2014	836-053-0431	4-2-2014	Amend(T)	5-1-2014
836-020-0775	1-1-2014	Amend	2-1-2014	836-053-0431	4-16-2014	Amend(T)	6-1-2014
836-020-0780	1-1-2014	Amend	2-1-2014	836-053-0440	1-1-2014	Repeal	2-1-2014
836-020-0785	1-1-2014	Amend	2-1-2014	836-053-0460	1-1-2014	Repeal	2-1-2014
836-020-0806	1-1-2014	Amend	2-1-2014	836-053-0465	1-1-2014	Amend	2-1-2014
836-027-0005	1-1-2014	Amend	2-1-2014	836-053-0465	4-11-2014	Amend(T)	5-1-2014
836-027-0005	1-8-2014	Amend	2-1-2014	836-053-0471	1-1-2014	Repeal	2-1-2014
836-027-0010	1-1-2014	Amend	2-1-2014	836-053-0472	1-1-2014	Adopt	2-1-2014
836-027-0010	1-8-2014	Amend	2-1-2014	836-053-0473	1-1-2014	Adopt	2-1-2014
836-027-0030	1-1-2014	Amend	2-1-2014	836-053-0475	1-1-2014	Amend	2-1-2014
836-027-0030	1-8-2014	Amend	2-1-2014	836-053-0510	1-1-2014	Amend	2-1-2014
836-027-0035	1-1-2014	Amend	2-1-2014	836-053-0700	1-1-2014	Repeal	2-1-2014
836-027-0035	1-8-2014	Amend	2-1-2014	836-053-0710	1-1-2014	Repeal	2-1-2014
836-027-0045	1-1-2014	Amend	2-1-2014	836-053-0750	1-1-2014	Repeal	2-1-2014
836-027-0045	1-8-2014	Amend	2-1-2014	836-053-0760	1-1-2014	Repeal	2-1-2014
836-027-0050	1-1-2014	Amend	2-1-2014	836-053-0780	1-1-2014	Repeal	2-1-2014
836-027-0050	1-8-2014	Amend	2-1-2014	836-053-0785	1-1-2014	Repeal	2-1-2014
836-027-0100	1-1-2014	Amend	2-1-2014	836-053-0790	1-1-2014	Repeal	2-1-2014
836-027-0100	1-8-2014	Amend	2-1-2014	836-053-0800	1-1-2014	Repeal	2-1-2014
836-027-0125	1-1-2014	Adopt	2-1-2014	836-053-0825	1-1-2014	Amend	2-1-2014
836-027-0125	1-8-2014	Adopt	2-1-2014	836-053-0830	1-1-2014	Amend	2-1-2014
836-027-0140	1-1-2014	Adopt	2-1-2014	836-053-0835	1-1-2014	Adopt	2-1-2014
836-027-0140	1-8-2014	Adopt	2-1-2014	836-053-0851	1-1-2014	Amend	2-1-2014
836-052-0142	12-5-2013	Amend(T)	1-1-2014	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
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836-053-1035	1-1-2014	Amend	2-1-2014	836-100-0100	1-1-2014	Amend	2-1-2014
836-053-1040	1-1-2014	Repeal	2-1-2014	836-100-0105	1-1-2014	Amend	2-1-2014
836-053-1070	1-1-2014	Amend	2-1-2014	836-100-0110	1-1-2014	Amend	2-1-2014
836-053-1080	1-1-2014	Amend	2-1-2014	836-100-0115	1-1-2014	Amend	2-1-2014
836-053-1100	1-1-2014	Amend	2-1-2014	836-200-0400	1-2-2014	Adopt(T)	2-1-2014
836-053-1110	1-1-2014	Amend	2-1-2014	836-200-0405	1-2-2014	Adopt(T)	2-1-2014
836-053-1130	1-1-2014	Amend	2-1-2014	836-200-0410	1-2-2014	Adopt(T)	2-1-2014
836-053-1140	1-1-2014	Amend	2-1-2014	836-200-0415	1-2-2014	Adopt(T)	2-1-2014
836-053-1170	1-1-2014	Amend	2-1-2014	836-200-0420	1-2-2014	Adopt(T)	2-1-2014
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

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839-006-0345	12-30-2013	Adopt	2-1-2014	839-021-0325	1-1-2014	Amend	2-1-2014
839-006-0450	12-16-2013	Amend(T)	1-1-2014	839-021-0330	1-1-2014	Amend	2-1-2014
839-006-0450	2-19-2014	Amend(T)	4-1-2014	839-021-0335	1-1-2014	Amend	2-1-2014
839-006-0450(T)	2-19-2014	Suspend	4-1-2014	839-021-0340	1-1-2014	Amend	2-1-2014
839-009-0210	12-31-2013	Amend	2-1-2014	839-021-0345	1-1-2014	Amend	2-1-2014
839-009-0230	12-31-2013	Amend	2-1-2014	839-021-0350	1-1-2014	Amend	2-1-2014
839-009-0240	12-31-2013	Amend	2-1-2014	839-021-0355	1-1-2014	Amend	2-1-2014
839-009-0250	12-31-2013	Amend	2-1-2014	839-021-0360	1-1-2014	Amend	2-1-2014
839-009-0270	12-31-2013	Amend	2-1-2014	839-021-0365	1-1-2014	Amend	2-1-2014
839-009-0280	12-31-2013	Amend	2-1-2014	839-021-0370	1-1-2014	Amend	2-1-2014
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	839-050-0000	4-15-2014	Amend	5-1-2014
839-021-0104	1-1-2014	Amend	2-1-2014	839-050-0010	4-15-2014	Amend	5-1-2014
839-021-0175	1-1-2014	Amend	2-1-2014	839-050-0020	4-15-2014	Amend	5-1-2014
839-021-0220	1-1-2014	Amend	2-1-2014	839-050-0030	4-15-2014	Amend	5-1-2014
839-021-0221	1-1-2014	Amend	2-1-2014	839-050-0040	4-15-2014	Amend	5-1-2014
839-021-0246	1-1-2014	Amend	2-1-2014	839-050-0050	4-15-2014	Amend	5-1-2014
839-021-0248	1-1-2014	Amend	2-1-2014	839-050-0060	4-15-2014	Amend	5-1-2014
839-021-0255	1-1-2014	Amend	2-1-2014	839-050-0070	4-15-2014	Amend	5-1-2014
839-021-0265	1-1-2014	Amend	2-1-2014	839-050-0080	4-15-2014	Amend	5-1-2014
839-021-0280	1-1-2014	Amend	2-1-2014	839-050-0090	4-15-2014	Amend	5-1-2014
839-021-0290	1-1-2014	Amend	2-1-2014	839-050-0100	4-15-2014	Amend	5-1-2014
839-021-0292	1-1-2014	Amend	2-1-2014	839-050-0110	4-15-2014	Amend	5-1-2014
839-021-0294	1-1-2014	Amend	2-1-2014	839-050-0120	4-15-2014	Amend	5-1-2014
839-021-0297	1-1-2014	Amend	2-1-2014	839-050-0130	4-15-2014	Amend	5-1-2014
839-021-0315	1-1-2014	Amend	2-1-2014	839-050-0140	4-15-2014	Amend	5-1-2014
839-021-0320	1-1-2014	Amend	2-1-2014	839-050-0150	4-15-2014	Amend	5-1-2014

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839-050-0160	4-15-2014	Amend	5-1-2014	847-050-0026	1-14-2014	Repeal	2-1-2014
839-050-0170	4-15-2014	Amend	5-1-2014	847-050-0043	4-9-2014	Amend	5-1-2014
839-050-0180	4-15-2014	Amend	5-1-2014	847-070-0019	1-14-2014	Amend	2-1-2014
839-050-0190	4-15-2014	Amend	5-1-2014	847-070-0036	1-14-2014	Repeal	2-1-2014
839-050-0200	4-15-2014	Amend	5-1-2014	847-070-0037	1-14-2014	Amend	2-1-2014
839-050-0210	4-15-2014	Amend	5-1-2014	847-070-0045	4-9-2014	Amend	5-1-2014
839-050-0220	4-15-2014	Amend	5-1-2014	847-080-0002	1-14-2014	Amend	2-1-2014
839-050-0230	4-15-2014	Amend	5-1-2014	847-080-0021	4-9-2014	Amend	5-1-2014
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

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851-062-0130	1-1-2014	Amend	1-1-2014	859-200-0105	3-5-2014	Adopt	4-1-2014
851-070-0005	4-1-2014	Amend	4-1-2014	859-200-0110	3-5-2014	Adopt	4-1-2014
851-070-0040	4-1-2014	Amend	4-1-2014	859-200-0115	3-5-2014	Adopt	4-1-2014
851-070-0080	4-1-2014	Amend	4-1-2014	859-200-0120	3-5-2014	Adopt	4-1-2014
851-070-0090	4-1-2014	Amend	4-1-2014	859-200-0125	3-5-2014	Adopt	4-1-2014
851-070-0100	4-1-2014	Amend	4-1-2014	859-200-0130	3-5-2014	Adopt	4-1-2014
852-010-0080	1-3-2014	Amend	2-1-2014	859-200-0135	3-5-2014	Adopt	4-1-2014
852-050-0005	1-3-2014	Amend	2-1-2014	859-200-0140	3-5-2014	Adopt	4-1-2014
852-050-0016	1-3-2014	Amend	2-1-2014	859-200-0145	3-5-2014	Adopt	4-1-2014
855-007-0080	1-24-2014	Amend	3-1-2014	859-200-0150	3-5-2014	Adopt	4-1-2014
855-011-0020	1-24-2014	Amend	3-1-2014	859-200-0200	3-5-2014	Adopt	4-1-2014
855-019-0130	4-25-2014	Amend(T)	6-1-2014	859-200-0205	3-5-2014	Adopt	4-1-2014
855-019-0150	2-28-2014	Amend(T)	4-1-2014	859-200-0210	3-5-2014	Adopt	4-1-2014
855-019-0205	1-24-2014	Amend	3-1-2014	859-200-0215	3-5-2014	Adopt	4-1-2014
855-019-0270	1-24-2014	Amend	3-1-2014	859-200-0220	3-5-2014	Adopt	4-1-2014
855-019-0280	1-24-2014	Amend	3-1-2014	859-200-0225	3-5-2014	Adopt	4-1-2014
855-041-1001	1-24-2014	Adopt	3-1-2014	859-200-0230	3-5-2014	Adopt	4-1-2014
855-041-1030	1-24-2014	Amend	3-1-2014	859-200-0235	3-5-2014	Adopt	4-1-2014
855-041-1105	1-24-2014	Amend	3-1-2014	859-200-0300	3-5-2014	Adopt	4-1-2014
855-041-2300	1-24-2014	Adopt	3-1-2014	859-200-0305	3-5-2014	Adopt	4-1-2014
855-041-2300(T)	1-24-2014	Repeal	3-1-2014	859-200-0310	3-5-2014	Adopt	4-1-2014
855-041-2310	1-24-2014	Adopt	3-1-2014	860-001-0310	1-9-2014	Amend	2-1-2014
855-041-2310(T)	1-24-2014	Repeal	3-1-2014	860-023-0055	1-22-2014	Amend	3-1-2014
855-041-2320	1-24-2014	Adopt	3-1-2014	860-032-0012	1-22-2014	Amend	3-1-2014
855-041-2320(T)	1-24-2014	Repeal	3-1-2014	860-033-0001	12-20-2013	Amend	2-1-2014
855-041-2330	1-24-2014	Adopt	3-1-2014	860-033-0001(T)	12-20-2013	Repeal	2-1-2014
855-041-2330(T)	1-24-2014	Repeal	3-1-2014	860-033-0005	12-20-2013	Amend	2-1-2014
855-041-4200	1-3-2014	Amend	2-1-2014	860-033-0005(T)	12-20-2013	Repeal	2-1-2014
855-080-0021	12-20-2013	Amend(T)	2-1-2014	860-033-0006	12-20-2013	Amend	2-1-2014
855-080-0021	2-28-2014	Amend(T)	4-1-2014	860-033-0006(T)	12-20-2013	Repeal	2-1-2014
855-080-0021	4-15-2014	Amend(T)	5-1-2014	860-033-0007	12-20-2013	Amend	2-1-2014
855-110-0005	1-3-2014	Amend	2-1-2014	860-033-0007(T)	12-20-2013	Repeal	2-1-2014
855-110-0007	1-3-2014	Amend	2-1-2014	860-033-0010	12-20-2013	Amend	2-1-2014
856-010-0003	1-23-2014	Amend	3-1-2014	860-033-0010(T)	12-20-2013	Repeal	2-1-2014
856-010-0006	1-23-2014	Adopt	3-1-2014	860-033-0030	12-20-2013	Amend	2-1-2014
858-010-0036	3-24-2014	Amend	5-1-2014	860-033-0030(T)	12-20-2013	Repeal	2-1-2014
859-200-0005	3-5-2014	Adopt	4-1-2014	860-033-0035	12-20-2013	Amend	2-1-2014
859-200-0010	3-5-2014	Adopt	4-1-2014	860-033-0035(T)	12-20-2013	Repeal	2-1-2014
859-200-0015	3-5-2014	Adopt	4-1-2014	860-033-0040	12-20-2013	Amend	2-1-2014
859-200-0020	3-5-2014	Adopt	4-1-2014	860-033-0040(T)	12-20-2013	Repeal	2-1-2014
859-200-0025	3-5-2014	Adopt	4-1-2014	860-033-0045	12-20-2013	Amend	2-1-2014
859-200-0030	3-5-2014	Adopt	4-1-2014	860-033-0045(T)	12-20-2013	Repeal	2-1-2014
859-200-0035	3-5-2014	Adopt	4-1-2014	860-033-0046	12-20-2013	Amend	2-1-2014
859-200-0040	3-5-2014	Adopt	4-1-2014	860-033-0046(T)	12-20-2013	Repeal	2-1-2014
859-200-0045	3-5-2014	Adopt	4-1-2014	860-033-0050	12-20-2013	Amend	2-1-2014
859-200-0050	3-5-2014	Adopt	4-1-2014	860-033-0050(T)	12-20-2013	Repeal	2-1-2014
859-200-0055	3-5-2014	Adopt	4-1-2014	860-033-0055	12-20-2013	Repeal	2-1-2014
859-200-0060	3-5-2014	Adopt	4-1-2014	860-033-0100	12-20-2013	Amend	2-1-2014
859-200-0065	3-5-2014	Adopt	4-1-2014	860-033-0100(T)	12-20-2013	Repeal	2-1-2014
859-200-0070	3-5-2014	Adopt	4-1-2014	860-033-0110	12-20-2013	Adopt	2-1-2014
859-200-0075	3-5-2014	Adopt	4-1-2014	860-033-0110(T)	12-20-2013	Repeal	2-1-2014
859-200-0080	3-5-2014	Adopt	4-1-2014	860-033-0530	12-20-2013	Amend	2-1-2014
859-200-0085	3-5-2014	Adopt	4-1-2014	860-033-0530(T)	12-20-2013	Repeal	2-1-2014
859-200-0090	3-5-2014	Adopt	4-1-2014	860-033-0535	12-20-2013	Amend	2-1-2014
859-200-0095	3-5-2014	Adopt	4-1-2014	860-033-0535(T)	12-20-2013	Repeal	2-1-2014

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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	918-098-1500	4-1-2014	Amend	5-1-2014
863-014-0066	4-28-2014	Amend	5-1-2014	918-098-1525	4-1-2014	Adopt	5-1-2014
863-014-0095	4-28-2014	Amend	5-1-2014	918-098-1550	4-1-2014	Amend	5-1-2014
863-014-0100	4-28-2014	Amend	5-1-2014	918-098-1560	4-1-2014	Repeal	5-1-2014
863-015-0003	4-28-2014	Amend	5-1-2014	918-282-0450	2-12-2014	Adopt(T)	3-1-2014
863-015-0081	4-28-2014	Adopt	5-1-2014	918-282-0455	2-12-2014	Adopt(T)	3-1-2014
863-020-0000	4-28-2014	Amend	5-1-2014	918-282-0455	2-21-2014	Adopt(T)	4-1-2014
863-020-0010	4-28-2014	Amend	5-1-2014	918-282-0455(T)	2-21-2014	Suspend	4-1-2014
863-020-0015	4-28-2014	Amend	5-1-2014	918-282-0460	2-12-2014	Adopt(T)	3-1-2014
863-020-0030	4-28-2014	Amend	5-1-2014	943-014-0050	2-18-2014	Repeal	3-1-2014
863-020-0030	4-28-2014	Amend	5-1-2014	943-014-0400	2-18-2014	Adopt	3-1-2014
863-020-0040	4-28-2014	Amend	5-1-2014	943-014-0410	2-18-2014	Adopt	3-1-2014
863-020-0055	4-28-2014	Amend	5-1-2014	943-014-0415	2-18-2014	Adopt	3-1-2014
863-020-0060	4-28-2014	Amend	5-1-2014	943-014-0420	2-18-2014	Adopt	3-1-2014
863-024-0003	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
863-024-0015	4-28-2014	Amend	5-1-2014	943-014-0440	2-18-2014	Adopt	3-1-2014
863-024-0045	4-28-2014	Amend	5-1-2014	943-014-0445	2-18-2014	Adopt	3-1-2014
863-024-0050	4-28-2014	Amend	5-1-2014	943-014-0450	2-18-2014	Adopt	3-1-2014
863-024-0062	4-28-2014	Amend	5-1-2014	943-014-0455	2-18-2014	Adopt	3-1-2014
863-024-0063	4-28-2014	Amend	5-1-2014	943-014-0460	2-18-2014	Adopt	3-1-2014
863-024-0065	4-28-2014	Amend	5-1-2014	943-014-0465	2-18-2014	Adopt	3-1-2014
863-024-0066	4-28-2014	Amend	5-1-2014	943-070-0000	3-10-2014	Adopt	4-1-2014
863-024-0095	4-28-2014	Amend	5-1-2014	943-070-0010	3-10-2014	Adopt	4-1-2014
863-024-0100	4-28-2014	Amend	5-1-2014	943-070-0020	3-10-2014	Adopt	4-1-2014

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943-070-0040	3-10-2014	Adopt	4-1-2014	945-040-0180(T)	12-23-2013	Suspend	2-1-2014
943-070-0050	3-10-2014	Adopt	4-1-2014	952-001-0003	3-7-2014	Adopt	4-1-2014
943-070-0060	3-10-2014	Adopt	4-1-2014	952-001-0003(T)	3-7-2014	Repeal	4-1-2014
943-070-0070	3-10-2014	Adopt	4-1-2014	952-001-0010	3-7-2014	Amend	4-1-2014
945-030-0030	4-15-2014	Amend	5-1-2014	952-001-0020	3-7-2014	Amend	4-1-2014
945-030-0045	1-16-2014	Adopt	3-1-2014	952-001-0030	3-7-2014	Amend	4-1-2014
945-040-0010	5-12-2014	Amend	6-1-2014	952-001-0040	3-7-2014	Amend	4-1-2014
945-040-0040	5-12-2014	Amend	6-1-2014	952-001-0050	3-7-2014	Amend	4-1-2014
945-040-0060	5-12-2014	Amend	6-1-2014	952-001-0060	3-7-2014	Amend	4-1-2014
945-040-0090	5-12-2014	Amend	6-1-2014	952-001-0070	3-7-2014	Amend	4-1-2014
945-040-0100	5-12-2014	Amend	6-1-2014	952-001-0080	3-7-2014	Amend	4-1-2014
945-040-0110	5-12-2014	Amend	6-1-2014	952-001-0090	3-7-2014	Amend	4-1-2014
945-040-0140	5-12-2014	Amend	6-1-2014	952-001-0100	3-7-2014	Amend	4-1-2014
945-040-0180	11-18-2013	Adopt(T)	1-1-2014	972-010-0020	5-7-2014	Amend	6-1-2014
945-040-0180	12-23-2013	Adopt(T)	2-1-2014	972-030-0040	5-7-2014	Amend	6-1-2014